

**CITY OF DANA POINT
PLANNING COMMISSION
SPECIAL MEETING MINUTES
REGULAR MEETING MINUTES**

DRAFT

August 11, 2014
5:45 – 6:00 p.m.
6:00 – 8:01 p.m.

Dana Point Community Center
34052 Del Obispo
Dana Point, CA 92629

CALL TO ORDER – Chairwoman Claus called the Special Meeting of the Dana Point Planning Commission to order at 5:45 p.m.

ROLL CALL

Commissioners Present: Chairwoman Claus, Commissioner Denton, Commissioner Newkirk, Vice-Chairwoman O'Connor, and Commissioner Whittaker

A. PUBLIC COMMENTS

There were no Public Comments.

B. RECESS PLANNING COMMISSION MEETING TO A CLOSED SESSION

Chairwoman Claus recessed the Planning Commission meeting to a Closed Session at 5:47 p.m. pursuant to Government Code § 54956.9

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION pursuant to Government Code § 54956.9 (b), (1 case).

C. RECONVENE PLANNING COMMISSION MEETING – CALL TO ORDER

Chairwoman Claus reconvened the Planning Commission meeting at 6:05 p.m. with all members present.

STAFF PRESENT: Ursula Luna-Reynosa (Director of Community Development), John Tilton (City Architect/Planning Manager), Saima Qureshy (Senior Planner), Brad Fowler (Director of Public Works and Engineering Services), Jennifer Farrell (Deputy City Attorney), and Denise Jacobo (Planning Secretary)

CLOSED SESSION ANNOUNCEMENT:

Deputy City Attorney Farrell stated that she had no announcement.

PLEDGE OF ALLEGIANCE – Commissioner Whittaker led the Pledge of Allegiance.

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D. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of July 14, 2014.

ACTION: Motion made (Denton) and seconded (O'Connor) to approve the Minutes of the regular Planning Commission Meeting of July 14, 2014. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

ITEM 2: Minutes of the regular Planning Commission Meeting of July 28, 2014.

ACTION: Motion made (O'Connor) and seconded (Denton) to approve the Minutes of the regular Planning Commission Meeting of July 28, 2014. Motion carried 4-0-1. (AYES: Claus, Denton, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: Newkirk)

E. PUBLIC COMMENTS

There were no Public Comments.

F. CONSENT CALENDAR

ITEM 3: Coastal Development Permit CDP13-0018 for development otherwise referred to as the commercial core project, a parking management plan, a master sign program and approvals in concept for the Dana Point Harbor.

Applicant/Owner: OC Dana Point Harbor/County of Orange

Request: Refer action on amendments to the findings and plans related to CDP13-0018 based on discussions with the California Coastal Commission to the City Council.

Recommendation: That the Planning Commission refer action on proposed amendments to Coastal Development Permit CDP13-0018 to the City Council as prescribed by Dana Point Zoning Code Section 9.69.030(b).

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ACTION: Motion made (Denton) and seconded (Whittaker) to refer action on amendments to Coastal Development Permit CDP13-0018 to the City Council as prescribed by Dana Point Zoning Code Section 9.69.030(b).
Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker
NOES: None ABSENT: None ABSTAIN: None)

Chairwoman Claus stated that she lives within the 500 foot radius of the project and recused herself from the following item and left the meeting at 6:07 p.m. Vice-Chairwoman O'Connor assumed Chairmanship for the remaining portion of the meeting.

G. PUBLIC HEARINGS

ITEM 2: (Continued from the regular Planning Commission meeting of July 14, 2014) Tentative Tract Map TTM 17751, Coastal Development Permit CDP14-0008, Site Development Permit SDP14-0006, Conditional Use Permit CUP14-0005, and Variance V14-0004 to allow the demolition of current structures on subject properties and construction of a new three phased mixed use project featuring 30,000 square feet of retail space on the ground floors and 111 residential condominiums on three levels above, with two levels of subterranean parking, on seven non-contiguous lots at 34135 PCH, 24471 Del Prado, 34129 PCH (Phase 1); 34137 PCH, 24501 Del Prado (Phase 2); and 34155 PCH, 24591 Del Prado (Phase 3) located in the City's Town Center Plan area.

Applicant/Owner: Majestic Housing & Development LLC/ Peggy Tabbas
Location: Phase 1: 34135 PCH (APN 682-232-06), 24471 Del Prado (APN 682-232-07), 34129 PCH (APN 682-232-11); Phase 2: 34137 PCH (APN 682-321-01), 24501 Del Prado (682-321-14); Phase 3: 34155 PCH (APN 682-321-07), 24591 Del Prado (APN 682-321-08)

Request: Approval of Tentative Tract Map TTM 17751, Coastal Development Permit CDP14-0008, Site Development Permit SDP14-0006, Conditional Use Permit CUP14-0005 and Variance V14-0004 for the properties located at 34135 PCH, 24471 Del Prado, 34129 PCH (Phase 1); 34137 PCH, 24501 Del Prado (Phase 2); and 34155 PCH, 24591 Del Prado (Phase 3) to allow the demolition of current structures on-site and construction of a new mixed use project on seven non-contiguous lots.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), staff finds the project is Categorical Exempt per Section 15332 (Class 32 – In-fill

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Development Projects). CEQA guidelines - Section 15332 "In-fill Development Projects" provides that projects that are in-fill development projects on lots that are 5 acres or less, are surrounded by urban uses, and do not have significant effects relating to Land Uses, Biological Resources, Traffic, Noise, Air Quality or Water Quality and can be adequately served by all required utilities and public resources are Categorically Exempt from the provisions of CEQA. The proposed project meets the necessary conditions to qualify for this exemption.

Recommendation: That the Planning Commission continue the project to its' regularly scheduled meeting of September 8, 2014.

Ursula Luna-Reynosa (Director of Community Development) recapped the chronology of past events and gave an updated summary of the proposed project.

Saima Qureshy (Senior Planner) presented the staff report.

Brad Fowler (Director of Public Works and Engineering Services) provided a Power Point presentation on Reverse Angle Parking (RAP) and answered questions from the Planning Commission.

Peggy Tabbas (Applicant) stated that she had presented the project to the Commission previously at the July 14, 2014 meeting. She stated that design is still a work-in-progress and changes have been made in response to public input and Planning Commission comments. She noted that they focused on phase 1 and phase 2 which shows the most dramatic changes. She provided a recap from the August 4th workshop presented by Boris Dramov and Kyle Butterwick, discussed items and introduced new plan features, and highlighted some of the changes. She identified the differences between tonight's proposal and the July 14th presentation. She noted that Phase 1 has incorporated open public spaces, Phase 2 will no longer require a height Variance, and that they have added 37 more on-site parking spaces and reduced the number of in-lieu spaces to 26. She also presented the enhanced architecture and the treatment of blank walls.

Vice-Chairwoman O'Connor continued the Public Comments.

Buck Hill (Capistrano Beach – Dana Point Residents for Responsible Development) stated his concerns about density, parking and loading space/deliveries. He stated his concerns about the density and felt the project was unbalanced with not enough retail space. He was also concerned about the FAR and height of elevator towers.

Bill McCormick (Newport Beach) stated that his questions have been answered.

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Betty Hill (Capistrano Beach – Dana Point Residents for Responsible Development) stated that the 4 story variance is a legal issue, most support Town Center but the City should start in the right direction and follow the requirements of the Town Center plan. She added that the developers are confused, residents are worried, and the planning department details of the plan are not clear. She asked staff and City Council to support Town Center vision/plan and stick with the plan.

Tom Fox (Dana Point – Admiralty Homeowners Association) stated his concerns with on-street parking problems, as they specifically relate to Santa Clara Avenue.

Jack Lanier (Dana Point) felt that the Applicant addressed a few issues but not all of them. He stated that it is a much better plan but he is mainly concerned with massing, 4 stories and little setback. He suggested more setback and public space.

Carl Iverson (Capistrano Beach) complimented the Applicant for their efforts and for listening. He stated that there are still problems with in-lieu parking and it needs to be resolved before granted approval. He requested staff to load the report online as soon as possible to review the issues presented tonight, and clearly define if variances are being requested.

Dana Yarger (Dana Point) complimented the concept on Amber Lantern, the open courtyards, and commended the Applicant on the progress. He suggested that phase 3 design be different.

Trent Hofferber (Dana Point) stated that his questions have been answered.

Terry Walsh (Dana Point) complimented the Applicant for listening and revising the plans. He stated that if the building developer wanted a quality down town they need to get high quality first floor retail. He asked if all setback and step back requirements were complied with. He closed with a comment made earlier to the developer "follow the plans, the ordinances, work with the community and the project will sail through." He requested the story poles be placed for longer than 24 hours, present models, conduct community outreach, and design with higher quality, and follow the plan.

Sandy Iverson (Capistrano Beach – Dana Point Residents for Responsible Development) gave an example of Amber Lantern parking compared to Avenida Del Mar in San Clemente noting that it will be busier. She questioned where

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deliveries and moving vans will go to unload. She thanked the Applicant for coming back with a nicer looking plan and for listening.

Debra Lewis (Dana Point) thanked the Applicant for moving in the right direction but that it is way too early in the process to settle. She stated that she had the same concerns with roof top decks and elevator shafts. She added that the variance would set the precedence and that roof top decks findings as noted in the Town Center Plan, page 32, related to (1) surrounding properties, and (2) ocean views cannot be made and roof decks will violate privacy. She echoed that story poles should be able to be seen.

Donna Berger (Dana Point) stated that despite the fabulous job, public comment, and input, the reality is the stakeholders, thousands of people are not present tonight. She added that there is buzz in the community about 40' high buildings, desired scale, small town atmosphere, blocked views from homes, and architectural style. She stated that the design should not be similar to other beach cities, and needs to be more of Dana Point. She requested nautical, maritime, not California modern design theme.

Lynn Muir (Dana Point) stated that he is a Town Center business owner since 1978, and an architect since the 1960's. He stated that he is in favor of the project and that it should move forward.

Debbie Heartt (Dana Point) stated that she is a 28 year resident on Violet and Amber Lantern and is concerned with the small streets and parking. She stated that she opposes variances, shared parking, and questioned the plan for parking (provided photos).

Anthony Kelly (Dana Point) felt that not enough was being said. He was concerned about height issues, community investment versus the developer, architecture, and against building residences. He added that the need for residential development needs to be addressed, as well as parking spaces, and the need for bike lanes.

Michael Frost (Dana Point – Lantern Village Association) stated that he lives on Amber Lantern and he is in support of the project.

Tom Gates (Dana Point) stated that he lives in the Lantern District on Santa Clara. He stated "we" have the Town Center plan and it is not the time to start granting variances as this should be a showcase project. He added that he is against elevator shafts and garden roof tops with people on roofs blocking views and looking into yards. He asked to follow the law of the Town Center plan, and

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that elected officials should follow what residents and voters want, not what developers want.

There being no one else signed up to speak, Vice-Chairwoman O'Connor clarified that they would keep the record open for further comment at the next scheduled meeting.

Commissioner Newkirk stated that tonight's presentation showed progress, with the design which reflects community desires and economic benefits. He noted the long process to have the Town Center Plan adopted, the development standards and guidelines. He stated the design has shown progress, the courtyards and outdoor patios are very nice and he's encouraged about that part. He added that critical mass is important, not just the number of residences, but that consideration on the number of residences at build-out, should be evaluated. He pointed out that a lot of work needs to be done and that the bigger issue is development standards.

Commissioner Denton stated that he agrees with Commissioner Newkirk's comments, mainly that the developer is going in the right direction with outdoor, open air courtyards and pedestrian-friendly coffee shops, the architecture looks similar to Healdsburg as soft, attractive and upscale. He referred to areas of concern, the loading zone area, the tandem parking for residents, and reverse angle parking. He advised that there needs to be more information about the roof top patios, encouraging action to prevent large umbrellas from impacting views. He indicated that after listening to all the comments he encouraged the developer to continue the item to make the best quality project, Dana Point does not deserve anything less than the top of the market.

Commissioner Whittaker stated that she was impressed with the changes, and complimented the developer, and she liked the open public access, courtyards, dining and the softening of colors. She would like to see onsite loading, trash, deliveries to be addressed. She noted with regards to the CUP to the roof top deck, no amplified music past certain hours. She advised that she would like a massing study especially to adjacent structures; 4 stories does affect massing of the building, and to have enough story poles in place. She added her concern about reverse parking angle.

Vice-Chairwoman O'Connor stated that she agrees with her fellow Commissioners noting the reduced height so that there is no height variance, and seeing that there are only 3 residential units with tandem parking. She stated that she is against reverse angle parking. She advised the applicant to continue to address the issues with loading and unloading.

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ACTION: Motion made (Denton) and seconded (Whittaker) to continue the Public Hearing to the regular Planning Commission meeting on September 8, 2014 at this location. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Claus ABSTAIN: None)

H. NEW BUSINESS

There were no New Business items.

I. STAFF REPORTS

There were no Staff Reports.

J. COMMISSIONER COMMENTS

There were no Commissioner Comments.

K. ADJOURNMENT

Vice-Chairwoman O'Connor announced that the *next* meeting of the Planning Commission will be held on Monday, September 8, 2014, beginning at 6:00 p.m. (or as soon thereafter) in the Dana Point Community Center Gym located at 34052 Del Obispo, Dana Point, California.

The meeting adjourned at 8:01 p.m.

April O'Connor, Vice-Chairwoman
Planning Commission

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