

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

October 6, 2014
6:06 p.m. – 11:11 p.m.

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

CALL TO ORDER – Chairwoman Claus called the Meeting of the Dana Point Planning Commission to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE – Denise Jacobo (Planning Secretary) led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Chairwoman Liz Claus, Commissioner Norman Denton, Commissioner Gary Newkirk, Vice-Chairwoman April O'Connor, and Commissioner Susan Whittaker

Staff Present: Ursula Luna-Reynosa (Director), John Tilton (City Architect/Planning Manager), Christy Teague (Economic Development Manager), Brad Fowler (Director of Public Works and Engineering Services), Rob Bower (Deputy City Attorney), Saima Qureshy (Senior Planner), Kurth Nelson (Senior Planner), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of September 8, 2014.** (Continued from September 22, 2014).

Vice-Chairwoman O'Connor and **Commissioner Whittaker** pointed out several corrected changes.

ACTION: **Motion made (Denton) and seconded (O'Connor) to approve the Minutes of the regular Planning Commission Meeting of September 8, 2014, as modified. Motion carried 5-0.** (AYES: Denton, Newkirk, O'Connor, Whittaker **NOES:** None **ABSENT:** None **ABSTAIN:** None)

ITEM 2: **Minutes of the regular Planning Commission Meeting of September 22, 2014.**

Commissioner Whittaker and **Vice-Chairwoman O'Connor** pointed out several corrected changes.

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ACTION: Motion made (Denton) and seconded (Newkirk) to approve the Minutes of the regular Planning Commission Meeting of September 22, 2014, as modified. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. NEW BUSINESS

ITEM 3: Planning Commission Study Session for new development of a mixed-use (residential/commercial) that will include 168 residential condominium units, approximately 2,471 square feet of commercial space, and approximately 0.5 acres of visitor-serving parkland dedication at 34202 Del Obispo Street.

Applicant/Owner: Project Dimensions Inc./AG/A&M Doheny, LLC
Location: 34202 Del Obispo Street

Recommendation: That the Planning Commission conduct a study session, receive and file the presentation from the applicant and provide feedback to the applicant on any aspect of the project that will aid in future deliberation of the project

Ursula Luna-Reynosa (Director of Community Development) provided an overview of the meeting procedure and introduced the applicants to give their presentation.

Brad Hall (Applicant) provided a PowerPoint presentation.

Chairwoman Claus opened the Public Speaker session.

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Jody Payne (DP) stated that she was in favor of the project noting that it is a great start to the gateway of Dana Point.

Chairwoman Claus closed the **Public Speaker session** and brought the discussion back to the dais.

Commissioner Newkirk stated that City staff and the applicant are to be commended for working together, study session for its intent, from commercial to visitor serving.

Vice-Chairwoman O'Connor stated that she likes the coastal Mediterranean and cottage design. She stated that she loved the idea of the living wall, art in public places, noting it is nice to see space, and is happy to see public access from Del Obispo instead of Pacific Coast Highway.

Commissioner Denton noted all the positive comments tonight. He stated that there is no request for a variance which is music to people ears. He suggested trying to implement recycled water.

Commissioner Whittaker stated that she agreed with her fellow commissioners. She stated that she appreciates that the applicant is embracing an attractive public entrance to Dana Point.

Chairwoman Claus stated that she has waited about 10 years for this godsend for the City.

E. PUBLIC HEARINGS

ITEM 4: Conditional Use Permit CUP14-0007 and Site Development Permit SDP14-0024 for the construction of a graded pad on an existing undeveloped dirt and gravel lot that will be utilized for the storage of boats and RV's.

Applicant/

Contact Person: David Youngblood, Director of Engineering, South Coast Water District/ Joseph E. Dietz, Tetra Tech

Location: APN# 668-404-05

Request: A Conditional Use Permit and Site Development Permit for the construction of a graded pad for the storage of boats and RV's. Said storage will

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be located on a lot referred to as "Lot A" within South Coast Water District's property off of Stonehill Drive.

Environmental: Pursuant to the provisions of the California Environmental Quality Act (CEQA), an Environmental Impact Report (SCH#2001011081) was prepared and certified for the San Juan Creek Property Project in November 2002, which included the subject site (APN# 668-404-05). An Addendum to the certified EIR for the San Juan Creek Property project was prepared in August 2014 to determine whether the modified project (described above) would result in new or substantially more severe environmental impacts. The Addendum to the Certified EIR concluded that the modified project changes to the original project would not result in any new significant impacts, nor would they increase the severity of previously identified impacts.

Recommendation: That the Planning Commission adopt the draft resolution approving Conditional Use Permit CUP14-0007 and Site Development Permit SDP14-0024.

John Tilton (City Architect/Planning Manager) gave the staff presentation. He stated that the applicant is present this evening to answer any questions.

Chairwoman Claus Opened the Public Hearing.

Wayne Rayfield (South Coast Water District - 20 year Dana Point resident) stated that he serves on the Board of Director's on the SCWD. The Director of Engineering is also present this evening to answer any questions of the Planning Commission. He stated that the application is the first step in a multiple step process to accommodate boat owners from the Harbor.

Jon Conk (Project Dimension - Laguna Beach) introduced himself as the project manager for the Harbor on behalf of Brad Gross, thanked the Board and the Commission for providing storage for boat users.

Chairwoman Claus Closed the Public Hearing.

Vice-Chairwoman O'Connor stated that she was concerned about the Planning Commission having no jurisdiction for Lot B and seeing that there are no amenities. She suggested adding a condition that this use is contingent upon amenities being offered on Lot B.

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Commissioner Whittaker stated that in conjunction with redevelopment for the Harbor, she suggested taking out the RV portion and solely provide the boat storage.

Commissioner Newkirk stated that SCWD needs to come up with a more permanent solution for trash (on Lot B). He noted that the Commission can revisit the issue if Lot B was not approved. He recommended moving forward.

Commissioner Denton stated that the lot is not an ideal spot for an RV however we have started the ball rolling for the Harbor and we have to provide a place for the boats to be stored. He added that for the moment, he would fully support to get the project under way to coordinate with the Harbor.

John Tilton (City Architect/Planning Manager) noted that the applicant will provide temporary mobile or other water and sewage dumping facilities until a permanent facility is approved.

ACTION: Motion made (Denton) and seconded (Newkirk) to adopt Resolution 14-10-06-34 approving Conditional Use Permit CUP14-0007 and Site Development Permit SDP14-0024 for the construction of a graded pad on an existing undeveloped dirt and gravel lot that will be utilized for the temporary storage of boats and RV's with the added condition that the applicant will provide temporary water, trash/recycling receptacles and sewer dumping facilities until Lot B is developed with permanent facilities. In the event Lot B is not developed, the applicant will provide permanent facilities for Lot A or the CUP will be revoked. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None RECUSE: None ABSTAIN: None)

Chairwoman Claus declared a ten minutes recess of the meeting at 7:50 p.m. and resumed the meeting with all Commissioners present at 8:00 p.m.

Chairwoman Claus recused herself from Item #5 stating that she lived within the 500' radius of Item #5 and left the meeting at 8:00 p.m. **Vice-Chairwoman O'Connor** acted in her place.

ITEM 5: 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 demolition of current structures on subject properties and construction of a new three phased mixed use project featuring 32,500 square feet of retail space

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on the ground floors and 109 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.
(Continued from the regular Planning Commission meeting of July 14, 2014, August 11, 2014, September 8, 2014, and September 22, 2014)

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 featuring 32,500 square feet of ground floor retail spaces, and 109 residential condominiums. Parking needs for the project will be met by providing 287 spaces below grade on two subterranean levels, 11 new on-street spaces, 4 new spaces along the alley, and by paying parking in-lieu fees for 26 spaces.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), staff finds the project is Categorically Exempt per Section 15332 (Class 32 – In-fill 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 adopt the draft resolution approving Tentative Tract Map TTM 17751, Coastal Development Permit CDP14-0008, Site Development Permit SDP14-0006, Conditional Use Permit CUP14-0005, and Variance V14-0004.

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Ursula Luna-Reynosa (Director of Community Development) introduced **Saima Qureshy** (Senior Planner) to start the Staff report.

Saima Qureshy (Senior Planner) outlined the procedure for the staff presentation and introduced the applicants to give their presentation.

Peggy Tabas (Applicant – Newport Beach) provided a Power Point presentation.

Saima Qureshy (Senior Planner) continued the staff presentation and answered questions for the Commission.

Vice-Chairwoman O'Connor continued the opened Public Hearing.

Buck Hill (Capistrano Beach) spoke in opposition stating that the project does not create a retail environment.

Chuck Rathbone (Dana Point) spoke in opposition and was concerned about parking congestion and density. He encouraged denial of the variance.

Sue Osborne (Laguna Beach) spoke in opposition stating that she owns a business in Dana Point.

Debra Lewis (Dana Point) asked the Commission to deny the project. She noted variance requirements and was concerned about the applicant asking for a fourth story.

Trent Hofferber (Dana Point) asked the Commission to not allow the fourth story, and noted that public use spaces are not clear if it is closed at night. He added that he is opposed to reverse angle parking.

Drew Reynolds (Dana Point) spoke about past meetings and the considerable time his wife spent researching the request. He noted why waste everybody's time.

Peter Macdonald (Dana Point) spoke in opposition because of the variance request.

Terry Walsh (Dana Point) spoke in opposition because of the four story height. He noted that the applicant stated that the plan was not contemplated, however he was on the committee and sat through 38 meeting to contemplate the plan.

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Carl Iverson (Capistrano Beach) spoke in opposition because of the variance request. He asked to scale the project back and pointed out that the elevator tower does not need to go up 18 feet.

Kirsten Reynolds (Dana Point) spoke in opposition and stated that as a Dana Point subcommittee member, the intent of the Town Center Plan policies and standards never intended this type of project.

Nancy Jenkins (Dana Point) stated that she was concerned that the court yards would be closed. She noted that the Town Center Plan's intent was to have a pedestrian friendly area.

Susan Hinman (Dana Point) stated that she was opposed to the variance because the issue is parking.

Jody Payne (Dana Point) stated that she wished for a project that complies with the Town Center Specific Plan noting that this is not the Town Center we want, specifically four stories.

Betty Hill (Capistrano Beach) stated that the Town Center committee wanted a 35 foot height, but allowed 40-feet. She noted that staff favors the developer.

Keith Johannes (Dana Point) stated his opposition because of parking and the Town Center Plan is being ignored. This is a precedent setting development.

Richard Curtis (Dana Point) stated that the parking survey was done before the two-way street flow.

Vice-Chairwoman O'Connor closed the Public Hearing.

Ursula Luna-Reynosa (Director of Community Development) addressed the comments regarding staff's recommendation.

Commissioner Newkirk spoke about the project's importance to the future, long term. He noted that the request for entitlements boils down to basic economic principle (wants and needs) and does not see a hardship. Allowing the fourth floor would grant special privileges, and opens a lot of potential problems downstream. He stated that the project is not the right configuration right now and he is not in support.

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Vice-Chairwoman O'Connor spoke about wanting a vibrant Town Center and is glad to know that there was no height variance being requested. The Town Plan's three-story limitation may not work when it is practically applied to projects in the real world. We are seeing other single-lot projects needing a four-story variance. At some point we might need to re-visit that portion of the Town Center Plan regarding stories, similar to when there was a Residential Height Task Force to fix the height issue. She stated that she was satisfied with the Nelson Nygaard study regarding adequate parking and in lieu parking fees was a policy mandated by the City Council. She added that she was in favor of the project noting that there were only three stories on Del Prado and Pacific Coast Highway.

Commissioner Denton described some positive attributes of the project and opined that it is difficult to conclude that there is a parking problem with so many vacancies in Town Center. He acknowledged the opportunity presented with the project in terms of the significant investment. He struggled with the four-story portion of the project along the Lantern Streets. He urged the Commission to provide direction to the Applicant to revise the plans to eliminate the four-story portion on the Lantern Streets.

Commissioner Whittaker stated that she liked the project and is not bothered with the commercial to residential area ratio. She stated, concerning the variance for the fourth story, she understands the hardship to be the horizontal circulation. To do three levels, three stories without retail and only have residential on the side streets gets into problems. Concerning the parking variance, understands the City's shared parking plan is familiar with this type of incentive for commercial development and is comfortable with it.

ACTION: Motion made (O'Connor) and seconded (Whittaker) to adopt draft Resolution 14-10-06-xx approving 1) Tentative Tract Map TTM 17751, 2) Coastal Development Permit CDP14-0008, 3) Site Development Permit SDP14-0006, 4) Conditional Use Permit CUP14-0005, and 5) Variance V14-0004 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) in the City's Town Center Plan area. The motion failed with a 2-2-1 tied vote. (AYES: O'Connor, Whittaker NOES: Denton, Newkirk RECUSE/ABSENT: Claus ABSTAIN: None)

F. PUBLIC MEETINGS

There are no Public Meetings.

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G. OLD BUSINESS

There is no Old Business

H. STAFF REPORTS

There were no Staff Reports.

I. COMMISSIONER COMMENTS

Commissioner Newkirk thanked City staff for the meeting. He stated that he attended the Battle of the Paddle event at Salt Creek Beach. He offered condolences to all the grieving families of several local teens who were killed in a fiery crash when they were on their way home after spending an evening at Knott's Berry Farm amusement park.

Commissioner Denton thanked staff for their hard work, tedious review of the project and noted that the applicant is close to getting it done right.

Vice-Chairwoman O'Connor thanked staff and the audience for their participation in the meeting tonight.

J. ADJOURNMENT

Vice-Chairwoman O'Connor announced that the next meeting of the Planning Commission will be held on Monday, October 13, 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 11:11 p.m.

/s/ April O'Connor

April O'Connor, Vice-Chairwoman
Planning Commission