

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

February 22, 2016
6:03 – 8:11 p.m.

City Hall Offices
Council Chamber (#210)
33282 Golden Lantern
Dana Point, CA 92629

CALL TO ORDER

Chairwoman O'Connor called the Regular Meeting of the Dana Point Planning Commission to order at 6:08 p.m.

PLEDGE OF ALLEGIANCE

Brad Fowler (Director of Public Works) led the Pledge of Allegiance.

ROLL CALL

Planning Commission Members Present: Chairwoman O'Connor, Vice-Chairman Eric Nelson, Commissioner Scott McKhann and Commissioner Danni Murphy

Staff Present: Ursula Luna-Reynosa (Director of Community Development), Brad Fowler (Director of Public Works), Jennifer Farrell (Deputy City Attorney), John Tilton (City Architect / Planning Manager), Evan Langan (Associate Planner), and Shayna Sharke (Senior Administrative Assistant)

A: APPROVAL OF MINUTES

ITEM 1: Minutes of the Regular Planning Commission Meeting of February 8, 2016

ACTION: Motion made (McKhann) and seconded (Nelson) to approve the Minutes of the Regular Planning Commission Meeting of February 8, 2016. Motion carried 4-0-0. (AYES: McKhann, Murphy, Nelson, and O'Connor NOES: None ABSENT: None ABSTAIN: None)

B. PUBLIC COMMENTS

There were no requests to speak.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

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D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit CDP15-0013 to allow the demolition of an existing single-family dwelling and the construction of a new single-family dwelling on land located within a Residential Single-Family (RSF-4/PRD-3) Zoning District at 22512 Seaward Isle

Applicant: Imran and Shannon Salim

Location: 23512 Seaward Isle (APN 672-061-25)

Recommendation: That the Planning Commission continue the item to a date certain of March 28, 2016.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15303 (Class 3 – New Construction or Conversion of Small Structures) in that the project proposes the construction of one single-family dwelling.

Request: Continuance of a Coastal Development Permit to allow the demolition of an existing single-family dwelling and the construction of a new 6,197 square-foot, single-family dwelling with an attached 838 square-foot garage on land located within the City's Coastal Overlay District (the California Coastal Zone) and the Appeals Jurisdiction of the California Coastal Commission to a date certain of March 28, 2016.

There were no requests to speak on this item.

ACTION: Motion made (Murphy) and seconded (McKhann) to continue Coastal Development Permit CDP15-0013 to allow the demolition of an existing single-family dwelling and the construction of a new single-family dwelling on land located within a Residential Single-Family (RSF-4/PRD-3) Zoning District at 22512 Seaward Isle to a date certain of March 28, 2016. Motion carried 4-0-0. (AYES: McKhann, Murphy, O'Connor, and Nelson NOES: None ABSENT: None ABSTAIN: None)

ITEM 3: Antenna Use Permit AUP15-0002 to allow the installation of Commercial Wireless Telecommunication Antennas (cellular antennas) to the exterior of an existing cupola at the St. Regis Resort at 1 Monarch Beach Resort

Applicant: Monroe MBR, LLC

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Location: 1 Monarch Beach Resort (APN 672-621-01)

Recommendation: That the Planning Commission adopt the attached resolution approving Antenna Use Permit AUP15-0002.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15301 (Class 1 – Existing Facilities).

Request: Approval of an Antenna Use Permit to allow the installation of 16 "Commercial Wireless Telecommunication Antennas" (cellular antennas) to the exterior of an existing cupola at located at the St. Regis Resort.

Evan Langan (Associate Planner) provided a staff report and responded to questions of the Commission.

There was one (1) request to speak on this item.

Chairwoman O'Connor opened the Public Hearing at 6:12 p.m.

Rachael Davidson (Applicant) stated that the e-911 system utilizing the antenna will benefit all cell users. She added that she is available to answer any questions.

Chairwoman O'Connor closed the Public Hearing at 6:13 p.m.

Vice-Chairman Nelson stated that he is in full support and the location is stealth.

Commissioner McKhann spoke in support.

Chairwoman O'Connor spoke in support and stated that the appearance of antennas have come a long way.

ACTION: Motion made (Nelson) and seconded (Murphy) to adopt Resolution No. 16-02-22-04 to approve Antenna Use Permit AUP15-0002 to allow the installation of Commercial Wireless Telecommunication Antennas (cellular antennas) to the exterior of an existing cupola at the St. Regis Resort at 1 Monarch Beach Resort. Motion carried 4-0-0.

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AYES: McKhann, Murphy, O'Connor, and Nelson

NOES: None

ABSENT: None

ABSTAIN: None

- ITEM 4:** **Vesting Tentative Parcel Map VTMP15-0002, Coastal Development Permit CDP14-0012, Variance V14-0003, Site Development Permit SDP14-0014 and Sign Program Permit SPP16-0001 to allow the demolition of an existing commercial structure and the construction of a new, three-story mixed-use structure on land located within the City's Lantern District/Town Center at 34175 Pacific Coast Highway (PCH). A Vesting Tentative Parcel Map is requested to merge two lots and to allow individual ownership of the project's commercial component. A Variance is requested to allow for property ingress and egress to be taken from PCH. A Sign Program Permit is requested to allow the creation of a Sign Program for the property.**

Applicant: M & A Gabae, LP

Location: 34680 Pacific Coast Highway (APN)

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving VTPM15-0002, CDP14-0012, V14-0003, SDP14-0014 and SPP16-0001.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), staff finds the project is Categorical Exempt per Section 15332 (Class 32 – In-fill Development Projects). Section 15332 (In-fill Development Projects) of the CEQA Guidelines provides that projects that are in-fill development projects be located on lots that are five acres or less, be surrounded by urban uses, 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. The proposed project meets the necessary conditions to qualify for this exemption.

Evan Langan (Associate Planner) provided a staff report and responded to questions of the Commission.

There were five (5) request to speak on this item.

Chairwoman O'Connor opened the Public Hearing at 6:58 p.m.

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George Ray (Property Developer and Dana Point Resident) thanked staff and introduced Studio-111.

Michael Bohn (Studio-111) presented a fly-thru video simulation of the project. Mr. Bohn added that the project would provide open space for residents, private entrances and patios for residents and a strong restaurant presence with ground floor dining with an active sidewalk. He stated that the metal coils are planned to be made from stainless steel or aluminum and they would be powder coated.

Buck Hill (Dana Point) stated that this is a good, attractive project that would be a good addition to the town. He questioned the number of parking spaces necessary to accommodate the commercial space. He stated that he is concerned about vacation rentals. He requested that Evan Langan specify how the eight criteria for the variance were satisfied. Additionally, he commented that the public did not have sufficient time to review the project information prior to the Public Hearing.

Bob Theel (Dana Point) spoke in favor of the project, but stated that it is fatally flawed. He added that the cost of parking renders the project economically unfeasible. Additionally, he spoke against the 2015 Town Center Initiative.

Richard Price (Architectural Guild of South Orange County) stated that the aesthetics are nice, but the Guild is concerned with the mass of the project. He spoke against the four encroachments, including the shoring of the garage portion against the road, setbacks, and property line. He added that the palm trees pictured in the renderings will not work. Additionally, he stated that he is concerned with parking, stating that the parking is half of the industry standard.

Harold Kaufman (Dana Point) stated that he is in favor of the project, however spoke against the Variance request. He stated that a unique hardship is not created to the subject property and therefore the Variance findings are not accurate and it should not be allowed. He added that removing the curb cut is a safer option and that turning right from Pacific Coast Hwy is not safe.

Chairwoman O'Connor closed the Public Hearing at 7:16 p.m.

Chairwoman O'Connor asked staff to address Buck Hill's concerns regarding vacation rentals.

Jennifer Farrell (Deputy City Attorney) replied that vacation rentals can be banned through the property's CR&Rs, but the City cannot require them to do so. Vacation Rentals would be subject to follow the City's Vacation Rental Ordinance currently in place.

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Chairwoman O'Connor requested that staff further clarify the encroachment of the parking structure under the sidewalk.

Evan Langan (Associate Planner) referenced the presentation on the screen. Part of the parking structure would encroach into the right-of-way under Golden Lantern. Many locations and options were discussed to fit the whole of the parking structure and this was the most feasible option. He stated that this will require an Encroachment Permit through the Public Works Department. He added that one lane of Golden Lantern will be shut down during the construction, but would not interrupt traffic once complete as the encroachment is all subterranean. This encroachment option would also avoid moving infrastructure.

Chairwoman O'Connor asked about the public utilities shown on the slide of the presentation.

Evan Langan replied that there are a number of utilities, but referred to Brad Fowler (Director of Public Works) to respond.

Brad Fowler stated that there are dry utilities, mainly electrical, located in the specified area.

Chairwoman O'Connor asked if the specific utilities were the reasoning behind the types of landscaping proposed.

Brad Fowler confirmed that the landscaping proposed was chosen, in-part, due to shallow utilities.

Chairwoman O'Connor referenced Mr. Price's comments regarding the planters on the Golden Lantern side and asked if the location would change due to the bus stop location.

John Tilton (City Architect / Planning Manager) replied that the location of the bus stop is still undetermined, but OCTA would not allow any hindrances to the bus stop, so adjustments may need to be made depending on the final location of bus stop.

Chairwoman O'Connor added that visibility may also play a factor.

Brad Folwer stated that the palms would allow for visibility, as there are many stops with shelters, but the trees may shift depending on final bus stop location in coordination with OCTA. The City worked with a landscape architect to develop the current plan as proposed, but there are other options for planters.

Chairwoman O'Connor asked what would happen to the number of parking spaces if

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the proposed encroachment was not approved.

Brad Fowler replied that if the encroachment is not done, it would be problematic as the space is not square. Other options were explored, but this slight encroachment would help the site.

Evan Langan added that twenty-two parking spaces would be taken away.

John Tilton added that this type of encroachment is very common in more urban areas.

Brad Fowler stated that there is a plan in place to allow for pedestrian and bicycle traffic during construction. He added that staff has quite a bit of experience with shoring in the City, especially in the Headlands.

Chairwoman O'Connor asked about the residential parking access.

Evan Langan replied that a rolling gate will be installed to separate the commercial parking stalls from residential.

Commissioner McKhann spoke of the corrosiveness of the salt air and emphasized the importance of taking that into account when choosing materials. He then asked when the final map needs to be recorded and that a trigger should be in place as a condition.

Brad Fowler replied that typically it would be done prior to the Certificate of Occupancy.

Commissioner McKhann recommended adding Condition 89 to state that prior to obtaining a Certificate of Occupancy the final map needs to be recorded. He also recommended the wording in Condition No. 36 to read "preceding" rather than "following". He stated he also did not see a Condition requiring the payment of Development Impact Fees and recommended that one be added.

Brad Fowler replied that the Code requires the payment of Development Impact Fees before building permits can be issued.

Evan Langan replied that Condition No. 64 addresses Development Impact Fees, the Lantern District Impact Fee.

John Tilton added that the Building Department will not issue a permit prior to recordation because they will not allow construction over property lines.

Commissioner McKhann stated that Condition No. 24 seems arbitrary in its wording

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because the trigger for closing the access is what the next door neighbor is doing. He wished to give the developer a more defined and certain timeline. He spoke in support of the project and it's consistency with the Town Center Plan. He added that he believes the Variance request is justified.

Vice-Chairman Nelson requested to hear from the applicant about access. He added that he agrees with Commissioner McKhann and thinks that the project meets every intent of the Town Center Plan and has made a challenging site an asset to the City. He is in full support of the project. He said that looking at the topography map, the encroachment appears to be in the easement.

Chairwoman O'Connor asked staff to explain the reasoning behind the timeline of waiting for the building of neighboring lot.

Evan Langan stated that the Town Center Plan's ultimate goal is to see a pedestrian environment with continuous store frontage with interesting architecture and opportunity for discovery. When the next property is developed, the pattern would begin for continuous frontage.

Chairwoman O'Connor stated that she agrees with Commissioner McKhann to give a more defined timeline for the applicant and the temporary use of the driveway and asked staff the feasibility of doing so.

John Tilton stated that "but no sooner than..." could be added to the Condition.

Ursula Luna-Reynosa invited the applicant to speak regarding this Condition, but stated that discussions were held with the Applicant about these details.

Jennifer Farrell added that Condition of Approval No. 25 states that the Applicant and the City need to enter a Maintenance and Removal Agreement where those fine details could be defined as they are negotiated by the City and the Developer.

Chairwoman O'Connor re-opened the Public Hearing at 7:40 p.m.

George Ray agreed with Ursula Luna-Reynosa, but would favor a timeline of a five year minimum after the building permit is pulled or upon development of the neighboring property.

Commissioner McKhann asked if five years seems appropriate.

George Ray agreed that a five year minimum from pulling a building permit is agreeable.

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Ursula Luna-Reynosa asked for clarification of the purpose of the five year minimum for use of the driveway.

Commissioner McKhann stated that if the neighboring property submits an application tomorrow, the Applicant will still have five years use of the driveway.

George Ray stated that he understands that if the City's street widening project occurs within the five year timeframe, the use of the driveway will be terminated.

Michael Bohn addressed the concern of Richard Price and the size of the building. Bohn stated that the FAR is 1.89 and the allowance is 2.5, but scaled down to create variety in the building.

Chairwoman O'Connor re-closed the Public Hearing at 7:43 p.m.

Chairwoman O'Connor emphasized the importance of accessibility of parking for Town Center. She stated that the reasonable housing provided by this project is much needed. She spoke in favor of the project and agreed with the necessity of the Variance and encroachments.

Commissioner Murphy spoke in favor of the project. She added that she is proud of her eclectic City. We don't need to stick to the same dynamics when moving into the future. She asked how wide the sidewalks are on Pacific Coast Hwy and Golden Lantern around this site.

Brad Fowler replied that, at minimum, the width of the sidewalks is 12 feet on Pacific Coast Hwy and 8 feet on Golden Lantern.

Commissioner Murphy asked about the certification of the Parking Plan by the California Coastal Commission (CCC).

Ursula Luna-Reynosa confirmed that the CCC has not considered the Local Coastal Plan Amendment, but this project complies with the Code today.

Jennifer Farrell further clarified that the parking standards being considered by the CCC are more lenient than the parking standards in place today. As long as the applicant takes certain steps and the vesting map is approved a change in the parking plan would not have an effect on this project.

Commissioner Murphy asked about the possibility of vacation rentals in the residences and the concerns of many.

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Jennifer Farrell reiterated that the CC&Rs of the property can address or ban vacation rentals, but the City cannot require them to do so. If they choose to allow vacation rentals they will be subject to the same vacation rental ordinance and requirements currently in place.

Commissioner Murphy asked about the capacity of parking on San Juan Avenue.

Ursula Luna-Reynosa answered that the parking on San Juan Avenue is public parking. Tools are available to manage parking. She added that there are currently 2,000 unused parking spaces in the Town Center although not all in the public domain. The Parking Plan brought before the Planning Commission and the City Council allows for a "park once district".

Commissioner Murphy agreed with her fellow Commissioners that this location is well suited for this project and with any big project there is compromise and this is an excellent compromise.

Commissioner McKhann asked about future commercial development and wanted to verify that it can be approved at the Director level without coming back to the Planning Commission.

Jennifer Farrell stated that it will depend on the intended use and we cannot guarantee that it will not need to be presented to the Planning Commission without specific information.

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ACTION: Motion made (McKhann) with the recommendation as noted and read into the record by Jennifer Farrell (City Attorney), that (a) the incorrect Variance numbers listed in the Resolution be edited to V14-0003; (b) Condition of Approval No. 24, as read by Evan Langan (Associate Planner), be revised to include additional language stating that the removal of the driveway located on Pacific Coast Hwy to be triggered by either the issuance of a Certificate of Occupancy associated with an approved Coastal Development Permit ("CDP") for the neighboring property, or the beginning of the City's Pacific Coast Hwy street widening project, which ever occurs first; however, in no event shall the driveway removal be triggered by the issuance of a Certificate of Occupancy associated with an approved CDP for the neighboring property within 5 years of the date that the Applicant receives a Building Permit; (c) revise the first bullet point of Condition of Approval No. 36 to read *"A statement that prohibits amendment of the document without review and approval by the City Attorney, the Director of Public Works and Community Development, and the City Engineer at any time prior to or following recordation of the Final Parcel Map"* (d) edit the reference to "the Majestic Project" to the "PCH & Golden Lantern Project"; and seconded (Murphy) to adopt Resolution No. 16-02-22-05, approving Vesting Tentative Parcel Map VTPM15-0002, Coastal Development Permit CDP14-0012, Variance V14-0003, Site Development Permit SDP14-0014 and Sign Program Permit SPP16-0001, to allow the demolition of an existing commercial structure and the construction of a new, three-story mixed-use structure on land located within the City's Lantern District/Town Center at 34175 Pacific Coast Highway (PCH). Motion carried 4-0-0.

E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

There was no New Business.

G. STAFF REPORTS

There was no Staff Report.

H. COMMISSIONER COMMENTS

Vice-Chairman stated that he is looking forward to the Planning Commissioner Academy.

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Commissioner McKhann stated that he is proud to approve the project before them this evening and commended staff for conforming to the Town Center Plan on a challenging site. He hopes that the project can begin as soon as possible.

Commissioner Murphy stated that it isn't always easy to bring all ideas from many sides together, but the staff did well.

Chairwoman O'Connor hopes the project is economically feasible and moves forward. She also thanked staff.

Ursula Luna-Reynosa added that Studio-111 was a great firm to work with.

I. ADJOURNMENT

Chairwoman O'Connor adjourned the meeting at 8:11 p.m. and announced that the *next* Regular Meeting of the Planning Commission would be held on Monday, March 14, 2016, beginning at 6:00 p.m. (or as soon thereafter) in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

The meeting adjourned at 8:11 p.m.



**April O'Connor, Chairwoman
Planning Commission**

ERIC NELSON