

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION AGENDA**

April 10, 2017
6:04 P.M. – 7:51 P.M.

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

CALL TO ORDER

Chairman Nelson called the Regular Meeting of the Dana Point Planning Commission to order at 6:04 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Mary Opel led the Pledge of Allegiance.

ROLL CALL

Planning Commission Members Present: Chairman Eric Nelson, Vice-Chairman Scott McKhann, Commissioner Mary Opel, Commissioner Danni Murphy, Commissioner Roy Dohner

Staff Present: Ursula Luna-Reynosa (Director), Jennifer Farrell (Deputy City Attorney), Matt Schneider (Planning Manager), Belinda Deines (Senior Planner), John Ciampa (Senior Planner), and Shayna Sharke (Senior Administrative Assistant)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the Regular Planning Commission Meeting of March 27, 2017.

ACTION: Motion made (Murphy) and seconded (Dohner) to approve the Minutes of the Regular Planning Commission Meeting of March 27, 2017. Motion carried 4-0-1.

AYES: Dohner, McKhann, Murphy, Nelson,
NOES: None
ABSENT: None
ABSTAIN: Opel

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

ITEM #1

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There were no items on the Consent Calendar.

D. PUBLIC HEARING

ITEM 2: Site Development Permit SDP16-0041 to allow the construction of a duplex with detached dwelling units, waive the requirement for one shared guest stall for the two units, and to allow the measurement of both building heights from atop a maximum of 30-inches of fill in the Residential Duplex (RD-14) Zoning District at 26392 Via Canon

Applicant: Jay Skjerren

Location: 26392 Via Canon (APN 123-173-13)

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Site Development Permit SDP16-0041.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorical Exempt per Section 15303 (b) (Class 3 – New Construction or Conversion of Small Structures) in that the application proposes the construction of less than six dwelling units.

Request: Approval of Site Development Permit 16-0041 to allow the construction of a duplex with detached dwelling units, waiver the requirement for one shared guest stall for the two units, and to allow the measurement of both buildings heights from atop a maximum of 30-inches of fill in the Residential Duplex (RD-14) Zoning District.

Johnathan Ciampa (Senior Planner) provided a staff report and answered questions of the Planning Commission.

There were no Public Comments.

Commissioner Dohner stated that he is in support of the project. He added that the project has a high quality design and appreciates the parking for visitors.

Commissioner Opel stated that the drainage and fill approach is helpful.

Commissioner Murphy spoke in support, stating that the design is beautiful and fits the neighborhood.

Vice-Chairman McKhann spoke in support of the project, stating that he appreciates the effort in design.

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Chairman Nelson asked if the use of the garage for parking can be enforced.

Ursula Luna-Reynosa (Director) replied that code cases are opened on a complaint driven basis and that garage parking is difficult to enforce. She added that further direction can be provided by City Council.

Chairman Nelson asked if the mandatory use of the garages as parking can be added as a condition of approval.

Jennifer Farrell (Deputy City Attorney) stated that the use could be added by the property owner as a provision in their lease to a tenant.

ACTION: Motion made (Nelson) with an additional Condition of Approval that the owner shall require the tenants to utilize the garage for the parking of vehicles (two per unit), and seconded (McKhann) approving Resolution 17-04-10-08 approving Site Development Permit SDP16-0041 to allow the construction of a new duplex with detached dwelling units, waive the required guest stall for the two units, and to allow the measurement of both structures heights from atop a maximum of 30 inches of fill at 26392 Via Canon. Motion carried 5-0-0.

AYES: Dohner, McKhann Murphy, Opel, Nelson
NOES: None
ABSENT: None
ABSTAIN: None

ITEM 3: Appeal of the Community Development Director's determination that "Recreational Vehicle Storage Use" is a prohibited use within the Community Commercial/Vehicular District (CC/V) Zone and "Major Automotive Repair Use" is a prohibited use within the Transportation Corridor District (TC) Zone. Therefore, the proposed uses at 25802 and 25831 Victoria Boulevard are not allowed in accordance with the City's Municipal Code

Applicant: Pickering Properties, Property Owner

Location: 25802 & 25831 Victoria Boulevard (APN 121-254-43; 668-341-45)

Recommendation: That the Planning Commission take action to uphold the Community Development Director's determination by adopting the attached Draft Resolution, provided as Action Document 1.

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Chairman Nelson and Commissioner Dohner both stated that they individually met with the applicant onsite per their invitation.

Belinda Deines (Senior Planner) provided a staff report and answered questions of the Planning Commission.

Chairman Nelson opened the Public Hearing at 6:57 p.m.

Todd Skendarian (Applicant) stated that the issue before the Planning Commission is the interpretation made by the Director to allow boat storage, but not recreational vehicle (RV) storage on the property. He stated that the code does not state that the storage use must be marine related. He added that boats and RVs are a similar use, but RV storage is less intensive and is a need within the City and is consistent with the City's ordinance to restrict RV parking on public streets. He addressed the encroachment of Building B, stating that the use dates back through multiple property owners and is compatible with the use of the area. He added that they are open to negotiation based on the outcome of the Planning Commission's decision tonight.

Tim Pickering (Property Owner) stated that Google maps shows that the property was built out to allow the Santa Fe Railroad to spur onto the property to transport lumber and provided the Planning Commissioners with a document showing the image. He stated that the railroad has contacted them to license the property. Additionally, he stated that RV storage is less intensive than boats, as boats need to be lifted with a forklift and be covered with canvas which is not as secure as locking a door on an RV. He stated that the South Coast Water District storage does not have much space for RVs and is not available for public use.

Richard Gardner (Dana Point) stated that he has gone to the City Council to propose an at-grade crossing at the site. He added that the owners are "harboring the good life" and serving the community, which should be encouraged.

Joshua Kua (Business Patron) spoke in favor of the appeal. He stated that he currently stores his RV on the property. He stated that he has called seven different storage facilities to move his RV and they are all full, as the RV industry is growing and many use their RVs locally. He added that the service being provided is great and promotes family and community.

Joe Russell (Business Patron) spoke in support of the appeal. He stated that a facility in Irvine has recently closed, which has displaced 2,000 motorhomes and the storage market is saturated. He added that he is not able to park on the street or his driveway and it is difficult to find alternative storage. He stated that the Pickerings provide a great service.

Chairman Nelson closed the Public Hearing at 7:20 p.m.

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Vice-Chairman McKhann stated that while he fundamentally respects the work being done and service provided on the property, he has to follow the letter of the law. He added that he does not see how they can approve the encroachment issue and sees that there is a distinction between boat and RV storage. He stated that boat storage is encouraged and if there is too much RV storage there may not be enough boat storage for harbor patrons. He added that he would love to see a compromise.

Commissioner Dohner stated that he echoes Vice-Chairman McKhann's statement. He added that he sees the need for these uses. He stated that location of the property and it's proximity to the railroad does not allow for valued retail use, but does make sense as an industrial and storage area. He added that he would also like to explore a compromise.

Commissioner Murphy agreed and understood the appellants arguments, but stated that she understands that they need to uphold the law.

Commissioner Opel stated that she agrees with her fellow Commissioners and also would like to see a compromise made.

Ursula Luna-Reynosa (Director) stated that while the arguments made can become emotional, they must detach from emotion and consider this item as a land use decision. She stated that if a use is allowed within a zone, that same use must be allowed within that zone throughout the City. She added that the California Coastal Commission had a lot to do with the decision to allow boat storage in that zone. Additionally, the transportation corridor allows establishments involving bus, boat or rail and encroachments into the zone are not allowed.

Commissioner Dohner asked if the encroaching structures into the transportation zone are removed would any other uses be permitted.

Ursula Luna-Reynosa (Director) replied that the uses allowed include local and regional passenger, bus, boat, or rail. She stated that the building cannot be built upon the property line based on the building code.

Commissioner Dohner confirmed that the encroachment would have to be extinguished and permits would be filed for the correct use.

Ursula Luna-Reynosa (Director) stated that permits cannot be issued for a use not allowed in the zone.

Jennifer Farrell (Deputy City Attorney) clarified that boat storage is allowed by right, but boat repair requires a Conditional Use Permit.

Commissioner Dohner asked if a timeframe can be approved for the allowed uses.

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Ursula Luna-Reynosa (Director) replied that there is an active code case open on the property which addresses such issues and the Director's determination is what is before the Planning Commission tonight.

Chairman Nelson stated that they are determining a land use provision. He added that if RVs are determined to be a marine use, a shopping center in a CC-V zone could be converted to boat/RV storage. Additionally, he stated that there is clear encroachment into the TC Zone, which can be remedied. He stated that he agrees with the Director's determination that RVs are not a marine use.

ACTION: Motion made (McKhann) and seconded (Dohner) approving Resolution No. 17-04-10-08 upholding the Community Development Director's determination that "Recreational Vehicle Storage Use is a prohibited use within the Community Commercial/Vehicular District (CC/V) Zone and "Major Automotive Repair Use" is a prohibited use within the Transportation Corridor District (TC) Zone. Therefore, the proposed uses at 25802 and 25831 Victoria Boulevard are not allowed in accordance with the City's Municipal Code. Motion carried 5-0-0.

AYES: Dohner, McKhann, Murphy, Opel, Nelson
NOES: None
ABSENT: None
ABSTAIN: None

E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

There was no New Business.

G. STAFF REPORTS

Ursula Luna-Reynosa announced that a joint study session with the City Council and Planning Commission is currently being planned for a parking workshop.

H. COMMISSIONER COMMENTS

Commissioner Dohner welcomed Commissioner Opel to the Planning Commission. He also thanked Chairman Nelson for his presentation to the Niguel Shores Community.

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Chairman Nelson welcomed Commissioner Opel to the Planning Commission.

Vice-Chairman McKhann welcomed Commissioner Opel. He also thanked staff for diving deep into the details of the projects before the Planning Commission.

Commissioner Murphy welcomed Commissioner Opel and thanked staff.

Ursula Luna-Reynosa (Director) thanked the Commissioners for their comments and announced that the April 24, 2017 Planning Commission Meeting is cancelled.

I. ADJOURNMENT

Chairman Nelson adjourned the meeting at 7:51 p.m. and announced that the *next* Regular Meeting of the Planning Commission will be held on Monday, May 8, 2017, 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.