

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

July 10, 2017
6:05 P.M. – 8:55 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 6:05 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Dohner 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), Matthew Kunk (Senior Civil Engineer), Sean Nicholas (Senior Planner), Johnathan Ciampa (Senior Planner), and Shayna Sharke (Senior Administrative Assistant)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the Regular Planning Commission Meeting of June 26, 2017

Commissioner Opel stated that the public comments for Item #3 did not accurately reflect the concerns of the residents on Blue Lantern and asked that their comments be confirmed by staff through the recording.

ACTION: Motion made (Murphy) pending staff's review of the recording to confirm public comments made regarding the Parking Report and Blue Lantern, and seconded (Dohner) to approve the Minutes of the Regular Planning Commission Meeting of June 26, 2017. Motion carried 5-0-0.

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

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B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARING

ITEM 2: Coastal Development Permit CDP17-0008/Site Development Permit SDP17-0013/Minor Conditional Use Permit CUP17-0005(M) for a new 57 room hotel, 4,000 square foot restaurant space with outdoor dining, 40-bed hostel, visitor center, retaining walls greater than 30 inches in height visible from the public right-of-way, and tandem parking for employees/valet, Wave Resort (Headlands Commercial Site) located at 34075 Pacific Coast Highway within the Coastal Zone

Applicant: Headlands Investments, LLC (Owner)/Stoutenborough Inc. (Applicant/Architect)

Location: 34075 Pacific Coast Highway (APNs: 672-592-13, 672-592-14, and 672-592-15)

Recommendation: That the Planning Commission adopt the attached draft resolution approving Coastal Development Permit CDP17-0008/Site Development Permit SDP17-0013/Minor Conditional Use Permit CUP17-0005(M) (Action Document 1).

Environmental: This project is exempt from further California Environmental Quality Act (CEQA) review consistent with State Code Section 15162 and Categorical Exemption Class 32 - Section 15332 – Infill Development since the project was contemplated in the Master EIR and subsequent Addendum for the Headland's Development and Conservation Plan (HDCP). Additionally, the project is Categorically Exempt as the site is less than five acres; is consistent with applicable Zoning Requirements, Headlands Development and Conservation Plan, and General Plan.

Request: A request for a new 57 room hotel, 4,000 square foot restaurant space with outdoor dining, 40-bed hostel, visitor center, retaining walls greater than 30 inches in height visible from the public right-of-way, and tandem parking for

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employees/valet at 34075 Pacific Coast Highway (Headlands Commercial Site) within the coastal zone.

Sean Nicholas (Senior Planner) presented. He and **Matthew Kunk** (Senior Civil Engineer) answered questions of the Planning Commission, then introduced the architect, **Todd Stoutenborough**.

Todd Stoutenborough (Architect) gave a Power Point presentation to the Planning Commission and described additional details of the project. He answered questions of the Planning Commission.

Chairman Nelson asked how parking allocation and tandem parking spaces would be managed.

Todd Stoutenborough provided detail regarding parking management plans that would be enforced by the operator.

Ursula Luna-Reynosa (Director) added that the parking standards are met even without tandem parking spaces.

Commissioner Dohner asked how the various operators would be managed and held accountable to the City.

Ursula Luna-Reynosa replied that the ownership would be responsible for managing all operators within their project.

Vice-Chairman McKhann asked for clarification on the plans showing “at street level”.

Todd Stoutenborough provided additional detail and explanation.

Commissioner Murphy stated that there aren’t any children show in the renderings and asked if children were allowed at the hotel. She also asked about parking capacity when the hotel is full and other events are occurring.

Todd Stoutenborough replied that their parking plan was analyzed to make it friendly and plentiful and is currently 35% over parked.

Vice-Chairman McKhann asked if there was flexibility to have more space for rooms in the hostel.

Todd Stoutenborough replied that the different operators have different plans and ideas about how to build out the space.

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Commissioner Dohner asked if the plans submitted should be considered a conceptual design and stated that since some details aren't currently available, the Planning Commission could move forward and add conditions.

Todd Stoutenborough replied that some details will depend on the operators.

Ursula Luna-Reynosa suggested that the Planning Commission evaluate the project based on how the project complies with standards and applicable regulations. She added that once the operator for the restaurant and hostel spaces have been identified, plans for the tenant improvements will be submitted to the Building Division.

Chairman Nelson opened the Public Comments at 7:51 p.m.

John Crofik (Dana Point) stated that he is a resident of the Regatta Home Owner's Association. He stated that his concerns include noise, lighting, and air pollution. He stated that since the restaurant operator is unknown the clientele is unknown and added that The Point restaurant and the other restaurants at that site have had ongoing issues that haven't been resolved by the City or the police. He stated that the wood burning stove emits smoke that blows directly into his neighborhood and he hopes stricter standards are put in place.

Denise Erkeneff (Dana Point / Surfrider Foundation) stated that there will be three hotels developed within a block and a half of this area. She added that she is curious to know how the block configuration at Blue Lantern and Santa Clara was approved within the regulations of the Coastal Act and the California Coastal Commission. She stated that the block redirects traffic, impedes coastal access, and creates access issues for emergency response agencies.

Judith Hummer (Dana Point) voiced her concerns regarding parking issues near the Ritz Carlton hotel. She stated that the delivery trucks are very loud and make noise outside of the allowed times. She added that the music and guests are also very noisy at late hours of the night. Additionally, she added that she has stayed at youth hostels and rented cars to drive to them and utilize their parking.

Fred James (Dana Point) stated that he is concerned with traffic and flow in the area with all of the proposed hotels. He added that the big picture should be considered not just considering how they meet the requirements one at a time.

Gary Hansen (Dana Point) stated that he is a Strand resident and is in favor of the project. He stated that he sees no impairment and no reason to worry about parking. He added that he is glad to see commence in the City and is hoping that the restaurant is a Mastro's Steakhouse.

Chairman Nelson closed the Public Comments at 8:03 p.m.

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Chairman Nelson asked if this site has the right to hold events like weddings.

Ursula Luna-Reynosa replied that the use is allowed. A Conditional Use Permit (CUP) would be associated with the alcohol sale at the restaurant, and noise associated with live music and is something that would come before the Planning Commission for review and approval. She clarified that The Point CUP is inherited from previous operators and is vested with the land from operator to operator.

Commissioner Dohner stated that the presentation was excellent and well thought out.

Commissioner Opel stated that many of her questions were answered, adding that staff and the applicant did a great job with the details.

Vice-Chairman McKhann stated that the project is phenomenal and takes advantage of the site and views. He suggested condition number 96 be revised to require the pedestrian access remain open during construction and wait on the public improvements until just prior to the Certificate of Occupancy.

Commissioner Murphy stated that the project is a nice entryway to the City and encourages people see the area.

Chairman Nelson stated that the project is a well thought out plan. He added that he is concerned about the parking management plan and the allocation of 6 public spaces required by the Headlands Coastal Development Plan (HCDP). He added that there is no way to measure that parking spaces are being used by the public. He also requested that a condition be added to ensure that the 40 bed requirement in the hostel is being met since that detail is not included in the plans before them.

Sean Nicholas stated that the 40 bed requirement is included in the HCDP as condition #10.

Chairman Neslon stated that the Planning Commissioners are evaluating the Coastal Development Permit attached to the HCDP and the details are not provided, so a parameter is needed.

Sean Nicholas stated that #116 in the draft resolution states that the applicant must provide proof that amenities meet the California Coastal Commission standards before the Certificate of Occupancy is issued.

Chairman Nelson stated that laundry and kitchen facilities should be included in the hostel plan. He added that the rules are not set for the six public parking spaces and is concerned if those spaces are full and the public is turned away.

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Ursula Luna-Reynosa suggested that six spaces be dedicated for public use to coincide with the hours of operation of the trails.

ACTION: Motion made (McKhann) subject to the addition of conditions of approval (2): to assign 6 parking spaces for public use during hours of trail operation; vet hostel details, including presence of natural light, kitchen, and laundry facility, between Director of Community Development and hostel operator; amend Condition 96 to state that pedestrian access remain open during construction and the public improvements will not be required until Certificate of Occupancy; and seconded (Opel) approving Resolution 17-07-10-13 approving Coastal Development Permit CDP17-0008, Site Development Permit SDP17-0013, and Minor Conditional Use Permit CUP17-0005(M) for the development of a 35,000 square foot hotel, restaurant, visitor center, and hostel development located at 34075 Pacific Coast Highway. Motion carried 5-0-0.

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

ITEM 3: Coastal Development Permit CDP16-0013, Variance V16-0001, and Minor Site Development Permit SDP17-0017(M) to demolish a single-family residence and construct a new 4,505 square foot single-family residence with a reduced rear yard setback that is consistent with the existing house and increased retaining wall heights in the front yard setback for a property within the Residential Single-Family 4 (RSF-4) Zone located at 118 Monarch Bay Drive

Applicant: Dan and Tess Maas, Property Owners

Location: 118 Monarch Bay Drive (APN 670-121-34)

Recommendation: That the Planning Commission adopt the attached resolution approving Coastal Development Permit CDP16-0013, Variance V16-0001, and Minor Site Development Permit SDP17-0017(Action Document 1).

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorical Exempt per Section 15303(a) (Class 3 – New Construction) in that the project involves the construction of one SFD in a residential zone.

Request: A request to demolish a single-family dwelling (SFD) and construct a new SFD with a reduced rear yard setback that is consistent with the approved setback

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for the existing house. The project also includes an attached partially subterranean garage, pool, and retaining walls that exceed 42 inches in the front yard setback.

John Ciampa (Senior Planner) presented and answered questions of the Planning Commission.

Chairman Nelson opened the Public Comments at 8:33 p.m.

Stan Andrade (Architect) thanked John Ciampa and stated that the basement square footage shown on the plans is a typo. He added that he is available to answer questions of the Planning Commission.

Chairman Nelson closed the Public Comments at 8:33 p.m.

Chairman Nelson stated that the project is well designed and has no concern with the variance request as it already exists in the present construction.

ACTION: Motion made (Nelson) and seconded (Dohner) approving Resolution 17-07-10-14 approving Coastal Development Permit CDP16-0013, Variance V16-0001, and Site Development Permit SDP17-0017 to construct a new single-family dwelling that maintains the reduced rear yard setback for the structure and to allow for increased retaining wall heights in the front yard setback within the Residential Single-Family 4 (RSF-4) Zone located at 118 Monarch Bay Drive. Motion carried 5-0-0.

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

ITEM 4: Conditional Use Permit CUP17-0006 a request to replace a non-conforming administrative office use (real estate office) with an alternative non-conforming administrative office use (bank) to relocate the existing Union Bank (currently located at the corner of Pacific Coast Highway and Golden Lantern), to the first floor of an existing multi-tenant commercial building at 24532 Del Prado Avenue in Town Center

Applicant: Muller Lighthouse, LLC (Owner)

Location: 24532 Del Prado Avenue (APN: 682-191-03)

Recommendation: That the Planning Commission adopt the attached resolution approving Conditional Use Permit CUP17-0006 (Action Document 1).

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Environmental: This project is Categorically Exempt from the provisions set forth in the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 – Existing Facilities).

Request: A request to replace a non-conforming administrative office use (real estate office) with an alternative non-conforming administrative office use (bank) to relocate the existing Union Bank (currently located at the corner of Pacific Coast Highway and Golden Lantern), to the first floor of an existing multi-tenant commercial building at 24532 Del Prado Avenue in Town Center.

Sean Nicholas (Senior Planner) presented and answered questions of the Planning Commission.

Vice-Chairman McKhann stated that he is not in favor of the wording in Condition of Approval #19 and requested it be changed to less demanding language.

Ursula Luna-Reynosa stated that the condition was added because of the potential to use the alternating hours of operation between a restaurant space and the bank to increase public parking in the Town Center during the Union Bank off hours. She added that changing the language to “Negotiate in good faith,” would be acceptable.

Chairman Nelson opened the Public Comments at 8:50 p.m.

Stan Andrade (Architect) stated that he noted Condition #19 as well, but was willing to go along with it. He stated that the new language and definition is helpful for everyone. He thanked Sean Nicholas and stated that he is available to answer questions of the Planning Commission.

Chairman Nelson opened the Public Comments at 8:52 p.m.

Commissioner Dohner stated that the shared parking should specify that the hours of operation where the parking is shared is during the retail hours of operation, not ATM hours.

Ursula Luna-Reynosa concurred and indicated that was staff’s intent.

Vice-Chairman McKhann stated that he is in support of the project with the revised Condition of Approval.

Commissioner Dohner stated that he is in support of the project.

Commissioner Murphy stated that she is in support of the project.

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Chairman Nelson spoke in support of the project and stated that it creates more building along the pedestrian sidewalk and keeps the bank open in town.

ACTION: Motion made (Nelson) with an amendment to Condition 19 to read that the shared parking would be negotiated in good faith, and seconded (Dohner) approving Resolution 17-07-10-15 approving Conditional Use Permit CUP17-0006 to replace a non-conforming use with an alternative non-conforming use at 24532 Del Prado Avenue. 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 (Director) stated that the reorganization of the Planning Commission will occur at the next meeting, July 24, 2017. She added that Economic Development will present their microsite.

H. COMMISSIONER COMMENTS

Commissioner Dohner stated that the Concert in the Park on Sunday was great and well attended.

Commissioner Murphy stated that the fireworks show on the 4th of July was great.

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I. ADJOURNMENT

Chairman Nelson adjourned the meeting at 6:29 p.m. and announced that the *next* Regular Meeting of the Planning Commission will be held on Monday, June 26, 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.

Eric A. Nelson, Chairman
Planning Commission