

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

June 26, 2017
5:30 P.M. – 8:50 P.M.

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

CALL TO ORDER

Chairman Nelson called the Special Meeting of the Dana Point Planning Commission to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE

Vice-Chairman McKhann 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: Jennifer Farrell (Deputy City Attorney), Matt Schneider (Planning Manager), Kurth Nelson (Principal Planner), Belinda Deines (Senior Planner), Danny Giometti (Associate Planner) and Shayna Sharke (Senior Administrative Assistant)

A: CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code 54956.9 (d1), (1 case)

ADJOURN SPECIAL CLOSED SESSION MEETING UNTIL 6:00P.M.

Chairman Nelson called the Regular Meeting of the Dana Point Planning Commission to order at 6:03 p.m.

Jennifer Farrell (Deputy City Attorney) stated that there are no reports from Closed Session.

B: APPROVAL OF MINUTES

ITEM 1: Minutes of the Regular Planning Commission Meeting of June 24, 2017.

ACTION: Motion made (McKhann) and seconded (Dohner) to approve the Minutes of the Regular Planning Commission Meeting of June 24, 2017. Motion carried 5-0-0.

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

C. PUBLIC COMMENTS

Chairman Nelson opened the Public Comments at 6:06 p.m.

Richard Gardner (Dana Point) stated that he had suggestions for the processes regarding condominium conversions. He stated that depending on if condominiums are sold individually or as one unit, the City could look into the collection of impact fees and also monitor the urban runoff.

Chairman Nelson closed the Public Comments at 6:09 p.m.

D. CONSENT CALENDAR

There were no items on the Consent Calendar.

E. PUBLIC HEARING

ITEM 2: Site Development Permits SDP16-0001 and SDP16-0002 to allow the construction of two detached dwelling units on each of two contiguous sites in the Residential Duplex (RD-14) Zoning District at 34466 and 34468 Via Verde

Applicant: Haitham A. Hafeez

Location: 34466 and 34468 Via Verde (APN 691-401-10, 11)

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Site Development Permits SDP16-0001 and SDP16-0002.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically 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 Permits 16-0001 and 16-0002 to allow the demolition of an existing single-family residence and the construction of two

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detached dwelling units on each of two contiguous sites in the Residential Duplex (RD-14) Zoning District.

Belinda Deines (Senior Planner) presented and answered questions of the Planning Commission.

Chairman Nelson opened the Public Comments at 6:21 p.m.

Carl Iverson (Capistrano Beach) spoke in opposition of the project. He stated that the project was done well from an architectural standpoint, but added that the density and lack of yards is worrisome. He stated that a three bedroom plan would work better for the neighborhood.

Joffrey Long (Capistrano Beach) spoke in opposition of the project. He stated that there is no need for something this large in the neighborhood as it is out of sync with the area. He voiced concerns for a potential illegal Air BNB situation resulting from the size of the project.

Julie Aros (Capistrano Beach) spoke in opposition of the project. She stated that the parking impact would be too great on the neighborhood and worried of setting a precedent. She added that this project may serve the developer, but does not enhance or compliment the community.

Rich Heine (Capistrano Beach) spoke in opposition of the project. He stated that he is worried that the property will become a sober living home.

Chairman Nelson reminded the audience that group home regulation or speculation is not in the prevue of the Planning Commission and will not be considered in making a decision on the project.

Toni Nelson (Capistrano Beach) spoke in opposition of the project. She cited Dana Point Municipal Code 9.05.13, and stated that the project does not compliment or enhance surrounding properties as it is too dense and has an unattractive street presence. She added that the project plans show a limited landscape, is not suitable for families, and requires the destruction of trees. Additionally, she stated that there is usually no parking on Via Verde at night and there are no street lights.

George Meadow (Capistrano Beach Property Owner) stated that he was concerned with the condition of the driveways during rain events. He stated that his property has a sump pump and added that the density of this project will be unbearable.

Richard Gardner (Capistrano Beach) stated that the pavers proposed are pervious and beneficial for a rain situation, but other properties have sump pumps as well and runoff could be an issue for properties below. He stated that a bio-swale should be installed at

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the lowest part. He also voiced concern regarding the number of bathrooms and common utilities.

Rose Sparks (Capistrano Beach) spoke in opposition of the project and agrees with what her neighbors had already stated. She added that she conducted a survey of the number of duplexes between Via California and Camino Capistrano and counted 23 parking spaces on each side of the street. She stated that parking, appearance and density are a concern.

James Bailey (Capistrano Beach) spoke in opposition of the project. He stated that his landlord requires a low number of residents when selecting tenants for his property. He added that he is concerned with parking and stated that project should be smaller.

Michael Lahern (Capistrano Beach Property Owner) spoke in opposition of the project. He stated that the project density is high and high density contributes to crime. He added that most homes on Via Verde are single-family homes and a large project does not benefit the community, only the developer. He stated that he is also speaking on behalf of his long-time tenant.

Chairman Nelson closed the Public Comments at 6:43 p.m.

Jennifer Farrell (City Attorney) reiterated that sober living homes, group homes, or any potential resident for the project cannot come into consideration.

Commissioner Dohner expressed his understanding for the concerns of the residents that spoke. He stated that the original plan before the Planning Commission was a larger scope with limited parking. He added that they have to weigh the rights of the property owner against the concerns of the neighbors and are legally required to follow the zoning adopted by the City. He stated that he is in support of the project as it meets the requirements.

Vice-Chairman McKhann stated that although it is obvious that the neighborhood is not in favor of the project, the plans have been thoughtfully redesigned with more variety and interest. He stated that the project meets the codes and he is in support. Vice-Chairman McKhann requested that a Condition of Approval be added requiring the applicant to provide a copy of the recorded easement addressing cross-lot drainage and shared utilities prior to issuance of a building permit.

Commissioner Opel stated that she was not on the Planning Commission when the project was originally presented, but had reviewed all of the information. She stated that the applicant had voluntarily reduced the square footage and created additional on-site parking. She added that the project is compatible with the scale of the neighborhood and takes advantage of the depth of the lot.

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Commissioner Murphy stated that she was against the project when it was originally presented and is not assuaged nor persuaded at this time. She stated that looking at the criteria, the suitability had been shown and passes the test.

Chairman Nelson stated that he was against the action when the Commission originally requested the project applicant update and come back to the Planning Commission for hearing, but stated that he was wrong as the updated project is an improvement. He added that the project meets development standards, and the shared driveway reduced the need for street parking. He stated that the developer responded will to concerns.

ACTION: Motion made (McKhann) with the addition of a Condition of Approval to submit a recorded easement regarding cross lot drainage and seconded (Nelson) approving Resolution 17-06-12-11 approving Coastal Development Permit CDP16-0021 to demolish an existing single-family dwelling and construct a new single-family dwelling located within the Residential Single Family (RSF-4) zone located at 421 Monarch Bay Drive. Motion carried 5-0-0.

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

F. OLD BUSINESS

There was no Old Business.

G. NEW BUSINESS

ITEM 3: Report on Citywide Parking: Parking Supply and Management Options for Dana Point

Applicant: City of Dana Point

Location: Citywide

Recommendation: That the Planning Commission review the Citywide Parking Report, provide a recommendation to City Council in support of proposed action items, and receive and file the report.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15306) (Class 6 –

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Information Collection) in that the project consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

Request: To review the Citywide Parking Report, receive the staff presentation, obtain public comment, and provide feedback and recommendations for City Council consideration.

Belinda Deines (Senior Planner) provided a brief history of the parking workshop and introduced Dr. Wilson who gave a presentation and answered questions of the Planning Commission.

Chairman Nelson opened the Public Comments at 7:16 p.m.

Jim Carli (Dana Point) expressed his concerns regarding permit parking on west side of Blue Lantern. He stated that from his house to Pacific Coast Highway a permit is required. He stated that the people on Chula Vista are not good neighbors when it comes to parking. He added that many neighbors don't have driveways, but have 3 or 4 cars and the last person home at night has nowhere to park and nowhere for visitors. He stated that if you don't live in permit section, you don't get a permit, so there are no spaces available for guests of neighbors. He added that permit parking does not create parking, it limits parking.

Richard Gardner (Dana Point) suggested a committee to address big picture and long term aspects of parking including electric vehicles and new technology with cell phones and services such as Uber. He stated that artificial intelligence could be easier and less expensive and could shift into greater popularity by 2020.

Carol Kelly (Dana Point) stated that many people she knows read the report, but she thinks that it was complicated. She stated that she does not support a committee. She added that the trolley system should be utilized more and shuttle employees from vacant lots to their place of employment.

Brett Johnson (Dana Point) stated that the parking plan should consider future technologies as the demographic is started to shift to a younger group. He stated that the parking in the Lantern District could self-correct as it grows with commercial development. He added that green space could be used for City owned property with parking below. Additionally, he stated that the view of transportation will change drastically in 3-5 years as the older demographic begins to take advantage of new technology and methods.

Robert Your (Dana Point) stated that parking on Blue Lantern has changed in the past year and a half. He stated that there are 7 to 8 properties between Mr. Carli's residence and Pacific Coast Highway where the front door faces Chula Vista. The residents at those properties do not have access to Blue Lantern from the back of their property, so they do not park on Blue Lantern despite the issuance of parking permits and the spaces are not able to

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be utilized because of the permit restriction.

Chairman Nelson closed the Public Comments at 7:28 p.m.

Chairman Nelson expressed disappointment that more residents did not attend the meeting to hear the report from Dr. Wilson.

Commissioner Opel asked if timed parking is restricted because of Measure H.

Matt Schneider (Planning Manager) stated that timed parking would be separate from land use regulations, but must be consistent with the Coastal Act which states that preferential parking is not allowed.

Commissioner Dohner made a motion to forward the parking report to the City Council with the recommendation that implementation focus on Lantern District as a top priority.

Chairman Nelson suggested that if the Traffic Subcommittee is currently evaluating parking that they continue to do so without forming a new committee. However, if they are not, he would support a new committee.

Commissioner Murphy stated that she takes all of the statements heard to heart adding that they must be inclusive when forming a committee. She suggested that they expand the number of committee members proposed by Dr. Wilson.

Commissioner Dohner suggested inviting experts and participants to speak rather than expanding the committee itself.

Commissioner Murphy stated that it is productive to have more people when an issue is multi-faceted because people have different strength and knowledge.

ACTION: Motion made (Nelson) motion to approve and forward the report to the City Council with the suggestion to prioritize in the order of Lantern District, Doheny Village, and Citywide, and determine whether the current Traffic Subcommittee reviews parking and if not, create a new committee as suggested by Dr. Wilson with a broader range of stakeholders and seconded (Dohner). Motion carried 5-0-0.

ITEM 4: Preliminary Review PA16-0120 for the development of two legal lots with five detached multiple family dwelling units that require entitlements including a tentative tract map, site development permit, and multiple variance requests located at 25022 and 25032 Selva Road

Applicant: LG Selva

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Location: 25022 and 25032 Selva Road (APN 682-123-38, 39)

Recommendation: That the Planning Commission assesses the building site design and provide feedback to the applicant focusing on potential issues which may be raised during consideration of a formal submittal for the project.

Environmental: Not applicable at this time.

Request: Preliminary Review for the development of two legal lots with five detached multiple family dwelling units that require entitlements including a tentative tract map, site development permit, and multiple variance requests located at 25022 and 25032 Selva Road.

Danny Giometti (Associate Planner) presented and answered questions of the Planning Commission. He introduced Niles Tanakatsubo (Applicant).

Niles Tanakatsubo (Applicant) provided a presentation and answered questions of the Planning Commission.

Chairman Nelson stated that variances are not looked upon favorably and is concerned with the height variances. He added that the design is attractive, but the height looks large and suggested that the applicant make sure the justification for a variance is solid. He also suggested that the applicant review the plans from Item #2 of the agenda and conduct outreach to the neighbors.

Vice-Chairman McKhann stated that the site is challenging and he likes the design. He added that he would like more description of what the patio looks at before he could make a decision. He added that he does not have a preference as to what street is determined the front, but suggested keeping any structure on the Selva side under 24 feet and reduce the variance.

Commissioner Dohner stated that he is concerned regarding the shared driveway and maneuverability for the residents. He stated that a shared wall would not reduce pride of ownership. He added that the number of variances requested and the concerns of the neighborhood would be taken into consideration.

H. STAFF REPORTS

Matt Schneider (Manager) stated that the Planning Commissioners would now receive the Public Hearing Notices for upcoming projects as soon as they are ready for publishing.

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I. COMMISSIONER COMMENTS

Commissioner Dohner thanked staff for sending the Public Hearing Notices and reacting quickly to their request.

Chairman Nelson stated that he rode the trolley and noted that the Silver Lantern stop is not reflected correctly on the map.

Vice-Chairman McKhann thanked staff. He added that the vote for Item #2 was difficult, but was proud of the decision that the Commission came to. He stated that he wished the public had another perspective to know what the Planning Commission can and cannot consider when voting.

Commissioner Murphy stated that she has been riding the trolley frequently and she loves the music that they play.

J. ADJOURNMENT

Chairman Nelson adjourned the meeting at 8:50 p.m. and announced that the *next* Regular Meeting of the Planning Commission will be held on Monday, July 10, 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