

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

December 9, 2013
6:00 – 9:45 p.m.

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

CALL TO ORDER – Chairman Newkirk called the meeting to order.

PLEDGE OF ALLEGIANCE – Commissioner Denton led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Ursula Luna-Reynosa (Director), John Tilton (City Architect/Planning Manager), Mark Sutton (Building Official), Brad Fowler (Director of Public Works), Matt Sinacori (City Engineer), Matt Kunk (Senior Civil Engineer), Patrick Munoz (City Attorney), Jennifer Farrell (Assistant City Attorney), Erica Demkowicz (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 November 18, 2013.

ACTION: Motion made (Denton) and seconded (Claus) to approve the Minutes of the regular Planning Commission Meeting of November 18, 2013. 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.

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Chairman Newkirk announced that items were going to be taken out of order this evening. (Rearranged to hear Item #3 before Item #2.)

D. PUBLIC HEARINGS

ITEM 3: Coastal Development Permit CDP09-0004, to construct a three story, mixed-use structure with ground floor retail and restaurant space located below two residential stories containing 18 dwelling units, and three levels of enclosed parking within the structure envelope with Vesting Tentative Tract Map VTTM 17317 to allow for the sale of the dwelling units as condominiums, and Site Development Permit SDP09-0008 to allow mechanical equipment chimneys to exceed the height limit at 24622 Del Prado.

Applicant/

Property Owner: Mam Socal, Inc./Advent Dana Point, LLC

Location: 24622 Del Prado

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Vesting Tentative Tract Map VTTM 17317, Coastal Development Permit CDP09-0004, and Site Development Permit SDP09-0008.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15332 (Class 32) – In-fill Development Projects)

Request: Approval of Coastal Development Permit to develop a vacant parcel with a three story, mixed-use structure featuring retail and restaurant space located below two residential stories with 18 dwelling units, and three levels of enclosed parking within the structure envelope. A Vesting Tentative Tract Map is requested to allow for the sale of the dwelling units as condominiums, and a Site Development Permit is requested to allow mechanical equipment chimneys to exceed the height limit.

Kurth Nelson (Senior Planner) summarized the staff report, referring to the information contained therein with an additional condition that should be added to the Resolution, gave a PowerPoint presentation, and answered questions from the Planning Commission. He announced that Mr. Chen (Applicant) was present today to answer any questions.

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Chairman Newkirk opened the Public Hearing.

John Chen (Applicant) stated that they have owned the property since 2006, and were early supporters of the Town Center Plan. He added that although the economy has affected earlier plans, at present they have the financial stability to start construction on the project. He stated that their team is available for any questions or comments.

Joan Finn-Hanson (Dana Point) expressed concern about stability of site during excavation and impacts to adjacent properties.

Harold Kaufman (Dana Point) stated that he is excited about this project and feels that it fits into Town Center Plan.

Carl Iverson (Dana Point) stated that the project is well-designed, but was concerned about massing on the Del Prado side. He expressed concern about the ceiling height, would like to see a reduction, and commented about impacting upper level residents with smoking issues from the patrons at Purple Feet. He added that overall, the project is good for the neighborhood.

Reni Vidovich (Dana Point) stated that he is a representative for Spindrifter Homeowners Association. He voiced concern about increased traffic off of the alleyway.

Richard Gardner (Capistrano Beach) encouraged the Planning Commission to look and study the parking in Town Center more carefully.

John Chen (Applicant) responded that they are looking forward to addressing any issues.

Chairman Newkirk closed the Public Hearing.

Commissioner Denton stated that feels that the project meets the goals and objective of Town Center and that he supports the project.

Vice-Chairwoman Claus stated that she agrees with Commissioner Denton and was excited to see the proposal noting that it is a good project

Commissioner Whittaker also commented that she is excited about the project. She commented about the parking and the provision of it on-site – both

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commercial and residential uses. She added that it is a good project, good design for mechanical equipment and she supports the project.

Commissioner O'Connor stated that she agreed with her fellow commissioners noting that she liked the project architecture and how it provides a communal atmosphere in Town Center and is in favor of the project.

Chairman Newkirk spoke in support of the project noting that it is a great kick-off to Town Center and a launch to revitalization.

ACTION: Motion made (Denton) and seconded (Claus) to adopt Resolution No. 13-12-09-28 approving Coastal Development Permit CDP09-0004, to construct a three story, mixed-use structure with ground floor retail and restaurant space located below two residential stories containing 18 dwelling units, and three levels of enclosed parking within the structure envelope with Vesting Tentative Tract Map VTTM 17317 to allow for the sale of the dwelling units as condominiums, and Site Development Permit SDP09-0008 to allow mechanical equipment chimneys to exceed the height limit at 24622 Del Prado. Including the added Condition for the VTTM 17317, CDP09-0004, and SDP09-0008 East Elevation: the applicant/owner shall soften the appearance of the east elevation within the first 40 feet of the structure as measured from the front property line. The method for softening the blank wall on the east elevation shall be submitted for review and approval by the Director of Community Development. Methods to soften the appearance of the area of the east elevation within 40 feet of the front property line may include but not be limited to vertical landscape elements, murals, paintings illustrating faux building elements, and/or signage. Any solution involving signage shall be included as part of the required Sign Program for development. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

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Commissioner Denton cited a potential conflict of interest as a result of an obscure FPPC rule and unbeknownst until recently, his Homeowners Association owns some common property that is within close proximity of the project (Item 2), recused himself from the remainder of the proceedings related to this item and left the meeting at 7:00 p.m.

ITEM 2: Coastal Development Permit CDP09-0011, Variance 09-0003, Conditional Use Permit CUP09-0009 and Site Development Permit SDP 09-0032 to allow for the demolition of the existing structures and the construction of a new 248,850 square foot hotel with 258 rooms that exceeds the maximum building height limit and deviates from some of the required building setbacks and to allow for an alternative to the off-street parking regulations through implementation of a shared parking program in conjunction with the proposed hotel.

Applicant/

Property Owner: Michael Draz/Beverly Hills Hospitality Group

Location: 25325 Dana Point Harbor Drive, 34297 and 34293 Pacific Coast Highway

Recommendation: That the Planning Commission hold a public hearing and continue the public hearing to the meeting of February 10, 2014.

Environmental: An Environmental Impact Report (EIR) has been prepared in accordance with Section 15081 of the California Environmental Quality Act (CEQA) for the project for the Commission's review. The EIR was circulated on July 24, 2013 to the County Clerk, general public and the State Clearinghouse for 45 days. The review period ended on September 6, 2013.

Erica Demkowicz (Senior Planner) provided a follow up to the study session that was held mid-November and gave a PowerPoint presentation. City Consultants, augmented by Rogier Goedecke and Robert Kunzman, provided supplemental information.

Coralee Newman (Applicant's Representative) made a presentation about the proposed project.

Rob Keeler (Architect for Applicant) made a presentation about an Option "B" and its modifications; maintenance of room count for applicant and the possibility to reduce massing along Pacific Coast Highway frontage.

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Robert Theel (Applicant's Representative - Dana Point) addressed several comments raised at the study session and described potential development at the Rib Joint, Denny's, and Taco Bell in the future.

Commissioner O'Connor asked for clarification regarding the lift system for parking of vehicles and also expressed concern about the loading zone and deliveries on-site with modified Option B.

Vice-Chairwoman Claus asked about peak use periods and number of employees and operational characteristics for restaurant(s) as part of the hotel.

Commissioner Whittaker commented about parking on-site and asked questions about loading and use of Pacific Coast Highway. Can this be eliminated altogether and loading done on-site? She inquired about the Pacific Coast Highway elevation and commented about its lack of articulation. She asked about visitors exiting from Doheny State Beach and how it will interact with U-turn and suggested a matrix would be helpful which would analyze all alternatives with development standards highlighted so Planning Commission can understand the differences.

Chairman Newkirk questioned the shared parking plan as off-site parking is 1.5 miles away. How realistic it is to put a policy in place to limit conference and guest room use?

Commissioner O'Connor had concerns about the intensity of use on the corner during peak periods.

Chairman Newkirk opened the Public Hearing.

Earl Gilday (Dana Point) stated that the height and variance are the two main issues for this project, he noted that deliveries and parking should be a concern.

Susan Hindman (Dana Point) spoke about intent of C-CPC District within the Dana Point Specific Plan. She expressed concern about variance and granting of special privilege. She stated that the proposed structure is not compatible with the surroundings. She also feels that the traffic impact analysis should analyze farther out-beyond 2025 (should be 20 years). She suggested no special privileges.

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Paul Konapelsky (Dana Point) spoke in support of the project noting that he has represented developers for many years and has seen a decline in their ability to build for many years. He felt that a developer who wants to develop the site is a real asset to the City and noted that the proposed motel will improve that corner of Dana Point.

Steven Sachse (Dana Point) stated that he likes the idea of a hotel there but the height is too tall. He stated that his major concern is parking and feels that the subject was not adequately addressed. He felt that the problem is too large a hotel on too small a site.

Craig Sink (Dana Point) stated that the main issue is the variance and the findings that are required. This project is at gateway to the City and it should stick to the general zoning plan that is in place.

Michelle Pellissier (Capistrano Beach) stated that the proposed changes look nice but the project is too big. She felt that hotel deliveries along Pacific Coast Highway are a nuisance and does not like the park to be used to accommodate deliveries on-site. She stated that the developer needs to work on another option.

John Hazelrigg (Dana Point) expressed concern about possible failure of completing the project. She was opposed to the height variance.

Jim Johnson (Dana Point) expressed concern about the parking study because 30 spaces for the employees does not seem to be enough. He expressed concern about right turn lane and proposed loading zone on Pacific Coast Highway.

Allen Barbee (Dana Point) stated that he was concerned about the noise from the proposed rooftop bar area and its affect to quality of life. He opposed the variance.

Philip Krajewski (Dana Point) expressed concern about height variance that could significantly change the face of the City.

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Raymond Payne (Dana Point) questioned if the mechanical equipment on the top of the building is an additional 10 feet. He asked why it was not addressed by staff and the applicant. He stated that there are impacts to views at Sea View Park. He stated that he was concerned about the building height, architectural design and loading on Pacific Coast Highway.

Robert Buas (Dana Point) commented about the design of the proposed project. He was concerned about safety in relation to U-turn movements and questioned how many accidents are going to result from making this change. He stated that the hotel will have major impacts and asked what the structure would look like at grade on Pacific Coast Highway.

Chris Mitchell (Laguna Beach) stated that he is the owner of the building at Crystal Lantern. He noted that the project is too large for the site and would take the ocean view away from his building.

Carl Iverson (Capistrano Beach) stated that the main issue is the height variance.

Luis Contreras (Dana Point) stated that there would be view impacts to his property. He was concerned about the nighttime lights and noise on the view top roof. He asked how the project traffic could be improved. He stated that he hopes the Planning Commission will stick to the findings for the variance.

Wayne Via (Dana Point) spoke about sticking to the Code requirements and questioned how the rules apply to all. He was concerned about beach goers parking at the hotel all day.

Harold Kaufman (Dana Point) stated that he was the first Planning Commission Chairman of Dana Point and spoke of the importance of the corner to the City and the approval of a variance. He spoke about the modified versions of Option B and noted that the articulation could be addressed.

Jill Richardson (Dana Point) stated that she would like to see a tree on the corner to be saved as part of the project. She expressed concern about the hotel and its impact to water quality in the ocean.

Michele Stewart (Dana Point) stated that she was concerned about the size of the project and would like to maintain a small town feel.

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Linda Traylor (Dana Point) spoke in opposition to the building height and stated that she was concerned about the sewer treatment plant and if there was adequate capacity.

Chairman Newkirk stated that the Public Hearing will remain open and continued to a date certain.

ACTION: Motion made (O'Connor) and seconded (Claus) to continue the item to the regular Planning Commission meeting February 10, 2014.
Motion carried 4-0-1. (AYES: Claus, Newkirk, O'Connor, Whittaker
NOES: None ABSENT: Denton ABSTAIN: None)

E. NEW BUSINESS

There were no New Business items.

F. STAFF REPORTS

There were no Staff Reports.

G. COMMISSIONER COMMENTS

There were no Commissioner Comments.

H. ADJOURNMENT

Chairman Newkirk announced that the December 23, 2013 meeting of the Planning Commission has been cancelled due to the Christmas Holiday. The *next regular* meeting of the Planning Commission will be held on Monday, January 13, 2014, 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.

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The meeting adjourned at 9:45 p.m.

Gary Newkirk, Chairman
Planning Commission

THESE PROCEEDINGS WERE RECORDED AND A COPY OF THE TAPE IS ON FILE
WITH THE CITY OF DANA POINT PLANNING DIVISION.