

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

February 10, 2014
6:05 – 7:45 p.m.

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

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

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

ROLL CALL

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

Commissioner(s) Absent: Commissioner Denton

Staff Present: Ursula Luna-Reynosa (Director), John Tilton (City Architect/Planning Manager), Jennifer Farrell (Deputy City Attorney), Christy Teague (Economic Development Manager), Brad Fowler (Director of Public Works and Engineering), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of January 27, 2014.**

ACTION: **Motion made (O'Connor) and seconded (Whittaker) to approve the Minutes of the regular Planning Commission Meeting of January 27, 2014. Motion carried 4-0-1. (AYES: Claus, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Denton 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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D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit CDP14-0001 to merge the site's four (4) parcels into a single parcel with a corresponding lot line adjustment at 34277 Pacific Coast Highway in the Coastal Couplet Commercial (C-CPC) and Coastal Visitor Commercial zones of the Dana Point Specific Plan Area.

Applicant: Tom Le/Design UA
Property Owner: McDonald's USA, LLC
Location: 34277 Pacific Coast Highway

Recommendation: That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP14-0001.

Environmental: Pursuant to the California Environmental Quality Act (CEQA) per Class 5 Section 15305 (a) of the CEQA Guidelines in that the project will result in minor alterations to land use limitations.

Request: A Coastal Development Permit to merge the site's four (4) underlying parcels into a single parcel with a lot line adjustment.

John Tilton (City Architect/Planning Manager) gave the staff presentation.

There being no requests to speak on this item, Chairman Newkirk opened and closed the Public Hearing.

Commissioner O'Connor spoke in favor of merging the lots.

Vice-Chairwoman Claus expressed agreement and was appreciative that the property owner is consolidating the lot.

ACTION: Motion made (O'Connor) and seconded (Claus) to adopt Resolution No. 14-02-10-07 approving Coastal Development Permit CDP14-0001 to merge the site's four (4) parcels into a single parcel with a corresponding lot line adjustment at 34277 Pacific Coast Highway in the Coastal Couplet Commercial (C-CPC) and Coastal Visitor Commercial (C-VC) zones of the Dana Point Specific Plan Area. Motion carried 4-0-1. (AYES: Claus, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Denton ABSTAIN: None)

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ITEM 3: Tentative Parcel Map TPM2013-172 and Conditional Use Permit CUP13-0013 to convert a multiple family development consisting of three detached single-family dwellings on one lot to condominiums at 33682 Chula Vista Avenue.

Applicant: Jay Crawford, Architect
Property Owners: Joe Philip and Jay Crawford
Location: 33682 Chula Vista Avenue

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Tentative Parcel Map TPM2013-172 and Conditional Use Permit CUP13-0013 (Action Document 1).

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15301 (Class 1 – Existing Facilities) in that project involves the division of a multiple family residences into a common interest ownership subdivision where no physical changes are occurring that are otherwise exempt.

Request: Approval of a Tentative Parcel Map and Conditional Use Permit to allow the conversion of a multiple family development consisting of three detached single-family dwellings on one lot to condominiums.

John Tilton (City Architect/Planning Manager) presented the staff report.

Chairman Newkirk opened the Public Hearing.

Herb Hueg (Dana Point) stated that he opposed the granting of this permit, expressing concern about protecting the zoning. He indicated that there is lack of street parking in the area because of City-issued permit parking.

Donald Shultz (Dana Point) spoke in opposition to the granting of this permit due to lack of street parking and overcrowding issues.

Stewart Sandeman (Dana Point) spoke in opposition to the granting of this permit, citing concerns about parking by permits issued by the City which affects overnight street parking. He also noted that it is difficult to attend Public Works Traffic Improvement Subcommittee meetings since they are scheduled at 3:00 p.m.

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Marsha Johnson (Dana Point) spoke in opposition to the granting of this permit citing City-issued parking permits causing multiple cars parked on the street impacting the neighborhood. She stated that the development would make parking conditions worse.

Chairman Newkirk closed the Public Hearing.

Brad Fowler (Director of Public Works and Engineering) responded to concerns about the City-implemented parking permit program. He stated that parking concerns can be addressed through the Public Works Traffic Subcommittee.

Ursula Luna-Reynosa (Director of Community Development) explained that the entitlements for this project have been granted previously.

Commissioner O'Connor spoke in favor of the project, because the proposed use is consistent with the parking requirements. She clarified that the Public Works Traffic Subcommittee is the proper venue to discuss parking permit issues.

Vice-Chairwoman Claus spoke in favor of the project stating that Chula Vista is a nice street and the development of three condos is a good one.

Chairman Newkirk expressed agreement with other Commissioner's and appreciated the residents' concerns. He noted that this project should not add to the parking issue and that Public Works staff could address any on-street parking concerns.

ACTION: Motion made (Whittaker) and seconded (Claus) to adopt Resolution No. 14-02-10-08 approving Tentative Parcel Map TPM2013-172 and Conditional Use Permit CUP13-0013 to convert a multiple family development consisting of three detached single-family dwellings on one lot to condominiums at 33682 Chula Vista Avenue. Motion carried 4-0-1. (AYES: Claus, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Denton ABSTAIN: None)

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- ITEM 4:** Receive and file the presentation on the Environmental Impact Report (EIR) for the Doheny Hotel Project (CDP09-0011, VAR9-0003, CUP09-0009 & SDP09-0032). *(Continued from the regular Planning Commission meeting of December 9, 2013.)*

Recommendation: In order to assist in the future deliberations of the project, the Planning Commission is asked to receive and file the presentation and ask questions or request clarification on any aspect of the Environmental Impact Report (EIR) for the project.

Ursula Luna-Reynosa (Director of Community Development) provided a background summary on the evening's study session for the EIR which was prepared to analyze the environmental impacts due to this project. She added that no action will be taken and that this hearing would continue to the April 14, 2014 meeting at which time the Planning Commission will be able to consider an action to be taken. She further provided a brief overview of the project and introduced the consultants present, Kunzman Associates and UltraSystems Environmental, to present the EIR analysis.

Meenaxi R. Panakkal, consultant with UltraSystems Environmental, gave an overview regarding impacts to aesthetics, land use, height and setbacks. Ms. Panakkal answered questions from the Planning Commission.

The Planning Commission asked for information about the loading zone, the tsunami zone, delivery loading times, landscaping, City requirement for trees, pedestrian access, the standard for minimum walkway width, setback and patio encroachments, a two story hotel, mitigation requirements of all the alternatives, modified Option B, shared parking, traffic and right turn lane and to address cyclists navigating around loading zones.

John Tilton (City Architect/Planning Manager) responded to Commissioners' questions.

Brad Fowler (Director of Public Works and Engineering) responded to concerns regarding the loading zone and right turn lane.

Chairman Newkirk opened the Public Hearing.

Eric Medor (Rancho Santa Margarita) representative of Marriott Laguna Cliffs, in opposition, cited a letter of correspondence from Jim Samuels, General Manager and read its contents into the record.

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John Murphy (Dana Point) spoke in opposition to granting any variance above 35 feet in height. He indicated several signs posted at Village Road (which sits higher) that the area is in a tsunami zone and there is a serious liquefaction issue which needs to be studied.

Carl Iverson (Capistrano Beach) stated that he distributed a copy of his letter to the Commissioners regarding variances. He stated that the City must adhere to the requirements as listed or the application must be denied. He requested that the Planning Commission look at the five findings for granting a variance.

Alan Barbee (Dana Point) stated that he was prepared to comment about voting on the project tonight, and agreed with Commissioner O'Connor's comment about how difficult it is to ask questions about an item without seeing it.

Herb Hueg (Dana Point) stated that he lives on Blue Lantern. He explained, that since 1929, the rules governed by the community was to maintain buildings below two-stories. He stated that the height variance affects valuation, all have followed the rules and that the developer should follow the same rules which results in a community that people want to live in.

Susan L. Johnson (Dana Point), representative of Marlborough Seaside Villas, expressed consideration on the lack of public transportation in Orange County and asked how the employees will get to their jobs. She stated that she supports the other speakers' issues.

Steven Sachse (Dana Point) stated that the aesthetics, height, bulk and land use are not acceptable. He encouraged the developer to come back with a project less than 35 feet.

Susan Hinman (Dana Point) stated that it is essential when considering the development that the project be compatible with the Dana Point Specific Plan. She stated that with the additional rooms, extra water would be required and that the water is presently imported. She noted concern that the variance would set a precedent, suggested a three-story alternative as appropriate and stated it should be more welcoming.

Cheryl Yocum (Dana Point) stated that a rooftop party area is disconcerting. She questioned when the developer is required to provide a revised Plan B so that an analysis can be reviewed and asked about their cut-off date. She stated that it is unrealistic that the right turn lane does not impact cyclists.

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Chairman Newkirk closed the Public Hearing.

Discussion ensued on the length of time it would take, per CEQA, to review the final EIR. Ms. Luna-Reynosa noted it would be 10 days before prior to any action being taken. The public is invited to review plans at a public hearing after staff analyzes the submittal against the code and when the project is publically noticed.

Discussion ensued on the number of deliveries and Ms. Luna-Reynosa indicated that the analysis would be compared with the other hotels.

ACTION: Motion made (Whittaker) and seconded (Claus) to continue this item to the regular Planning Commission meeting of April 14, 2014 (the Public Hearing will remain open). Motion carried 4-0-1. (AYES: Claus, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Denton ABSTAIN: None)

E. OLD BUSINESS

There were no Old Business items.

F. NEW BUSINESS

There were no New Business items.

G. STAFF REPORTS

There were no Staff Reports.

H. COMMISSIONER COMMENTS

Vice-Chairwoman Claus commented that the Commission misses the presence of Commissioner Denton while he is away in Russia, and hopes that he is able to watch his favorite team compete in the winter Olympics.

Commissioner O'Connor wished everyone a happy Valentine's Day.

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I. ADJOURNMENT

Chairman Newkirk announced that the *next* meeting of the Planning Commission will be held on Monday, February 24, 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.

The meeting adjourned at 7:43 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.