

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

July 14, 2014
6:00 – 11:08 p.m.

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

CALL TO ORDER – Chairwoman Claus called the meeting to order.

PLEDGE OF ALLEGIANCE – Vice-Chairwoman O'Connor led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Ursula Luna-Reynosa (Director), John Tilton (City Architect/Planning Manager), Saima Qureshy (Senior Planner), Evan Langan (Associate Planner), Brad Fowler (Director of Public Works & Engineering Services), Jennifer Farrell (Deputy City Attorney), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of June 23, 2014.**

ACTION: **Motion made (Whittaker) and seconded (Newkirk) to approve the Minutes of the regular Planning Commission Meeting of June 23, 2014. 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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D. PUBLIC HEARINGS

ITEM 2: Site Development Permit SDP14-0012 to allow the construction of a new, 3,266 square-foot single-family dwelling and a detached, 246 square foot accessory structure, located within a hillside condition on vacant land at 34082 Blue Lantern.

Applicant/ Owner: Mike Helton
Location: 34082 Blue Lantern

Request: Approval of a Site Development Permit to allow the construction of a new single-family dwelling and accessory structure within a hillside condition on vacant land.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), staff finds the project is Categorical Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures) in that the project proposes the construction of one single-family dwelling.

Recommendation: That the Planning Commission adopt the Draft Resolution approving Site Development Permit SDP14-0012.

Evan Langan (Associate Planner) presented the Staff Report.

Chairwoman Claus opened the Public Hearing.

Susan Senescu (Dana Point) stated that she lives nearby, sees no issues with the project because it is a modest looking improvement to the neighborhood with minimal impact and has a well-managed slope. She stated that she is in favor of the project.

Navid Filsoof (Dana Point) asked staff to elaborate on the height of the chimney.

Evan Langan (Associate Planner) replied that the 31 feet, 4 inches is the maximum height to the top of the roof and that chimneys are allowed to project above maximum height by three feet.

Chairwoman Claus closed the Public Hearing.

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Commissioner Denton stated that Blue Lantern is a special and attractive street and he would like to see the project go forward.

Commissioner Whittaker stated that she agrees with Commissioner Denton's comment, and will be voting in favor of the project.

Commissioner Newkirk stated that he is in agreement with his fellow Commissioners' comments and feel the project is the culmination of a lot of hard work. He noted that this is a great example of what works when a community works together, and is also in support of the project.

Vice-Chairwoman O'Connor stated that she is in agreement with her fellow Commissioners, adding that the home is compatible with the surrounding neighborhood. She added that she would be in favor of the project.

Chairwoman Claus stated that the project is an excellent solution to a difficult problem and agrees with her fellow Commissioners.

ACTION: Motion made (Denton) and seconded (Newkirk) to adopt Resolution No. 14-07-14-27 approving Site Development Permit SDP14-0012 to allow the construction of a new, 3,266 square-foot single-family dwelling and a detached, 246 square foot accessory structure, located within a hillside condition on vacant land at 34082 Blue Lantern. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

Chairwoman Claus stated that she lives within the 500 foot radius of the project and recused herself from the following item and left the meeting at 6:20 p.m. Vice-Chairwoman O'Connor assumed Chairmanship for the remaining portion of the meeting.

ITEM 3: Tentative Tract Map TTM 17751, Coastal Development Permit CDP14-0008, Site Development Permit CDP14-0006, Conditional Use Permit CDP14-0005, and Variance V14-0004 to allow the demolition of current structures on subject properties and construction of a new three phased mixed use project featuring 30,000 square feet of retail space on the ground floors and 111 residential condominiums on three levels above, with two levels of subterranean parking, on seven non-contiguous lots at 34135 PCH, 24471 Del Prado, 34129 PCH (Phase 1); 34137 PCH, 24501 Del Prado (Phase 2); and 34155 PCH, 24591 Del Prado (Phase 3) located in the City's Town Center Plan area.

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Applicant/Owner: Majestic Housing & Development LLC/ Peggy Tabbas
Location: Phase 1: 34135 PCH (APN 682-232-06), 24471 Del Prado (APN 682-232-07), 34129 PCH (APN 682-232-11); Phase 2: 34137 PCH (APN 682-321-01), 24501 Del Prado (682-321-14); Phase 3: 34155 PCH (APN 682-321-07), 24591 Del Prado

Request: Approval of Tentative Tract Map TTM 17751, Coastal Development Permit 14-0008, Site Development Permit CDP14-0006, Conditional Use Permit CDP14-0005 and Variance V14-0004 for the properties located at 34135 PCH, 24471 Del Prado, 34129 PCH (Phase 1); 34137 PCH, 24501 Del Prado (Phase 2); and 34155 PCH, 24591 Del Prado (Phase 3) to allow the demolition of current structures on-site and construction of a new mixed use project on seven non-contiguous lots featuring 30,000 square feet of ground floor retail spaces, and 111 residential condominiums. Parking for the project is proposed below grade on two subterranean levels.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), staff finds the project is Categorically Exempt per Section 15332 (Class 32 – In-fill Development Projects) California Code of Regulations.

Recommendation: That the Planning Commission adopt the draft resolution approving Tentative Tract Map TTM 17751, Coastal Development Permit Chairwoman Claus Opened the Public Hearing.14-0008, Site Development Permit Chairwoman Claus Opened the Public Hearing.14-0006, Conditional Use Permit Chairwoman Claus Opened the Public Hearing.14-0005, and Variance V14-0004.

Saima Qureshy (Senior Planner) presented the Staff Report and recommended that a Condition of Approval to provide internal corridors or other passage ways to connect commercial spaces to trash pickup locations be added to the Resolution.

Vice-Chairwoman O'Connor recessed the meeting at 6:45 p.m. to allow the audio technician to restore the screen presentation. The meeting resumed at 6:54 p.m.

Saima Qureshy (Senior Planner) continued the Staff Report presentation.

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Commissioners asked staff to provide additional information about the following:

- Height of the clearance above the alleyway
- The height variance needed for the project above the alley.
- Parking in-lieu fees, tandem parking arrangement, employee parking, on-street parking and guest spaces.
- Any conditions of approval to prevent vacation rentals and/or timeshares.
- CEQA analysis for the project.
- Number of stories of the proposed project.
- Architectural design of the project including elevations and building materials.

Brad Fowler (Director of Public Works and Engineering Services) answered questions about the public right-of-way, utilities, deliveries, and trash pickup for the project.

Vice-Chairwoman O'Connor opened the Public Hearing.

Peggy Tabas (Applicant – Newport Beach) introduced the development team members Mike Heinrich (Architect), Fabio Escobar (RBF, Civil Engineer), and Gene Muir (GMU, Soils Engineer). She stated that their team is available for any questions or comments.

Mike Heinrich (Architect - Lakewood, CA) presented the project and described the architectural design of the proposal.

Peggy Tabas (Applicant Newport Beach) summarized their request for four stories, height, and parking. She also identified the benefit to the community and specified phases of the project schedule.

Commissioners asked for more information about the following:

- Developers other successful mixed-use projects.
- Residents' complaints about noise and food smell when in a mixed use setting.
- Trash truck staging areas and pick-up locations.
- Zero lot line.
- Four story high structures.
- Outdoor seating areas and benches.

Peggy Tabas (Applicant – Newport Beach) responded that they have successful mixed-use projects in Woodland Hills and downtown San Diego; they mitigate noise and smell conflicts by installing exhaust from the kitchen to the top of the roof, and build concrete walls to minimize noise and smells from restaurants. She

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also stated they need four stories to support the subterranean parking of two levels below grade. She referred to the Town Center Plan which depicts a picture of a four story structure.

Vice-Chairwoman O'Connor recessed the meeting at 8:30 p.m.

Vice-Chairwoman O'Connor reconvened the meeting at 8:45 p.m.

Lynn Muir (Dana Point) commented that he is been a resident of the City for the last 60 years. He stated that he thought that the plan looks spectacular but noted his concern going above the three story limit.

Rocco Tamburello (Dana Point) commented that Dana Point is not a dense City and was opposed to building three to four stories high buildings.

Joe Ames (Dana Point) commented that he was not "wild" about the design. He noted that he had lived a floor above a restaurant and was not pleased with having residences above commercial.

Lori Rosskopf (Dana Point) expressed her excitement with revitalization and hoped the project was approved.

Dr. James Rau (Dana Point) commented that he moved to Dana Point in 1986, and he was against the height Variance.

Bob Theel (Dana Point) commented that he has attended many Town Center subcommittee meetings noting that the PCH and Del Prado focus is pedestrian friendly. He noted that four stories use is creative along with three stories facing PCH and Del Prado.

Steve Casy (Dana Point) stated that he was concerned about lack of parking, four story buildings and vacation rentals.

Bill McCormack (Dana Point) stated that he was in support of a pedestrian friendly town tying PCH and Del Prado development. He noted that owner occupied versus rentals would create pride of ownership.

Terry Walsh (Dana Point) commented that he served on the Town Center subcommittee and likes the idea of moving forward with a good plan but stated

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his concerns about four story high structures, height of the project, and lack of community outreach.

Debbie Heartt (Dana Point) felt that there was inadequate notification of this project. She asked the PC to think about the community charm and stated her opposition to parking and four stories.

Lynn Taylor (Dana Point) stated that he was in favor of the project noting that it will be a wonderful asset.

Keith Johannes (Dana Point) stated his concern with height, four stories, and density of the project noting that it sets a negative precedence. He suggested a code change instead of a Variance.

Carol Finizza (Dana Point) stated her support and that she is in favor to have DP recognized as a destination rather than a highway to a neighboring City.

Betty Hill (Capistrano Beach) stated her concern about the mass scale of the project that is inconsistent with the character of the neighborhood or the intent of the Town Center Plan.

Lester Hill (Dana Point) stated his concern about density, and noted that the developer does not deserve credit for on-street parking for stripping the street.

Barbara Merriman (Dana Point) stated her concerns regarding notices, story poles, requested variances, height of the project, tandem spaces, four stories, views and removal of fuel tanks.

Russell McKissick (Dana Point) stated his concern about parking, traffic, and four stories. He encouraged disapproval of the project and revising the project to create a better plan.

Will Nighswonger (Dana Point) stated his opposition to the project and asked to address full neighborhood context, density and volume.

Kirsten Reynolds (Dana Point) stated that she submitted her email stating details of her concerns. She urged the Commission to uphold the Town Center Plan as approved by members of the Subcommittee, Planning Commission, City

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Council and Coastal Commission as the document of record for all development in the Town Center Lantern District.

Harold Kaufman (Dana Point) stated that it's a good project with the exception of the height variance for a portion to go to 42 feet and roof decks. He stated that there should be no vacation rentals in the project.

Robert Washington (Dana Point) stated that the Town Center has been the same for 25 years and that he supports the proposal including the variances.

Debra Lewis (Dana Point) stated that the proposed project runs contrary to the Town Center Plan and opposes the application.

Carol Reimer (Dana Point) stated that, as a 20 year resident, she was tired of the dilapidated condition of the City and supported the project.

Sandie Iverson (Capistrano Beach) stated that the project would be great for Orange or Anaheim, but it does not say anything about a coastal town and was opposed to the project.

Carl Iverson (Capistrano Beach) referred to the state of California legality of granting variances and checking all the requirements. He stated that everything is self-induced. He suggested that the applicant come back with a fresh design and that the staking could be done better.

Susan Strong (Mission Viejo) stated that she sees traffic pass right through town and hopes to see the project approved because it would help businesses thrive.

Victor Cao (Irvine) spoke in favor of the project and about the economic benefits from the project, housing availability, demographics and housing affordability.

Richard Gardner (Dana Point) stated that a couple of issues were not addressed in detail e.g., water, sewer, and fourth floor water pressure. He questioned sidewalks, setbacks and cantilever patios.

Ray Magaña (Dana Point) stated that the City spent a lot of time on the Town Center plan and the developer quoted language from the master plan. He opposed the Variance and stated that the density and parking would be a problem.

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Herb Hueg (Dana Point) stated that he was against the Variance because the development would negatively impact his view and property value.

Yvonne English (Dana Point) spoke about the trees that were listed in the proposal, as well as the type of landscape. She stated that, as a member of the town center subcommittee, consideration should be given to public places to sit and suggested public art where there is blank wall space.

Susan Hinman (Dana Point) stated that her concerns are about the parking, density and height and would welcome responsible development.

Tom Ligaori (Dana Point) stated that he was in favor of Town Center, but was opposed to the project as presented. He added that his concerns were of parking, noise, and stories. He stated that the City should consider what residents want and deny variances.

Edwin Cruikshank (Dana Point) stated that the proposal was not a unifying project because of the insufficient phases, trash pick-up, and traffic mess.

Cindy Fleming (Dana Point) stated that if the project is approved it will set a precedent because parking is a concern. She asked that the heights be reduced.

Vice-Chairwoman O'Connor closed the Public Hearing.

Ursula Luna-Reynosa (Director) in response to questions, addressed public hearing notices, the project staking and stated that staff has complied with all the noticing requirements.

Commissioner Denton spoke about the charms of being able to see friends with outdoor restaurant seating. He stated that he is not a fan of rooftop decks and would want "no vacation rental" approach. He stated that the tandem parking is horrendous, and he is not thrilled about the 4 stories because it would fill up the parking requirements. He asked Staff to work with the developer to come back with changes and continue this item to have a compromise.

Commissioner Whittaker requested Staff to give a study session to show the densities against each other, and she would like to see more amenity features for pedestrians. She stated her concern about parking (in-lieu) and reverse angle parking. She asked about the roof decks and referred to plants limited to 42

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inches above roof's finished surface. She stated that she cannot make the findings for the variances. She asked the developer to commit to working with the City.

Commissioner Newkirk stated that there is no question that the Town Center has to get going however, the variance cannot be granted. He suggested looking at the Town Center Plan to change the code rather than granting a variance. He stated that he would vote to continue the item.

Vice-Chairwoman O'Connor stated that based on the hardships listed, they need the encroachment for Phase 2. She agreed with her fellow Commissioners about more public amenities. She noted tandem parking was only for 6 units and would agree with Commissioner Whittaker about the reverse parking. She suggested they should continue the item.

Commissioner Denton pointed out how the 4th floor makes parking tougher. He added that there are lots of elements that he liked, materials color schemes and that the project looked good but that he would like to propose to carry on this meeting to the next meeting.

Commissioner Newkirk stated that he is open to continue to a date certain but beyond the next meeting due to a conflict in his schedule.

Commissioner Whittaker stated that she had an issue with the continuance because there are no specific directions to the applicant. She asked if the applicant is willing to change their plan.

Jennifer Farrell (Deputy City Attorney) recommended the Commission give feedback to the applicant.

Vice-Chairwoman O'Connor re-opened the Public Hearing.

Peggy Tabbas (Applicant – Newport Beach) stated that she is open to continue the item and noted that the "vacation rental" topic would be in the City's control. She added that the team has listened to the testimony and will work with staff, to bring the item back on August 11, 2014.

Commissioner Denton stated that he would like to have a scoping meeting and proposed a motion to continue the item to a date certain on August 11, 2014, leaving the Public Hearing open.

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Vice-Chairwoman O'Connor left the Public Hearing open.

ACTION: Motion made (Denton) and seconded (Whittaker) to continue to the Regular Planning Commission Meeting of August 11, 2014 . Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Claus ABSTAIN: None)

E. NEW BUSINESS

There were no New Business items.

F. STAFF REPORTS

There were no Staff Reports.

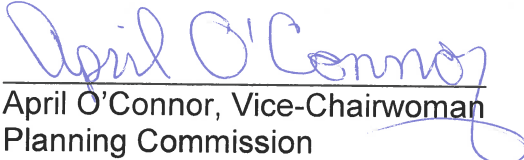
G. COMMISSIONER COMMENTS

There were no Commissioner comments.

H. ADJOURNMENT

Vice-Chairwoman O'Connor announced that the *next* meeting of the Planning Commission will be held on Monday, July 28, 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 11:08 p.m.


April O'Connor, Vice-Chairwoman
Planning Commission