

**CITY OF DANA POINT
PLANNING COMMISSION
AGENDA REPORT**

DATE: SEPTEMBER 8, 2014

TO: DANA POINT PLANNING COMMISSION

FROM: URSULA LUNA-REYNOSA, COMMUNITY DEVELOPMENT DIRECTOR
SAIMA QURESHY, AICP, SENIOR PLANNER

SUBJECT: TENTATIVE TRACT MAP TTM 17751, COASTAL DEVELOPMENT PERMIT CDP14-0008, SITE DEVELOPMENT PERMIT SDP14-0006, CONDITIONAL USE PERMIT CUP14-0005, 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. (Continued from the regular Planning Commission meeting of July 14, 2014 and August 11, 2014)

RECOMMENDATION: That the Planning Commission conduct a study session to review the applicant's proposed changes to the design of the project, provide feedback to the applicant and continue the public hearing to the Planning Commission's regularly scheduled meeting of September 22, 2014.

APPLICANT/ OWNER: Majestic Housing & Development LLC/ Peggy Tabbas

REQUEST: Approval of Tentative Tract Map TTM 17751, Coastal Development Permit CDP14-0008, Site Development Permit SDP14-0006, Conditional Use Permit CUP14-0005 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.

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 (APN 682-321-08).

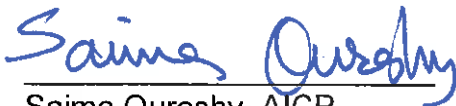
NOTICE: The public hearing for this agenda item is continued from the noticed public hearing of August 11, 2014. No new noticing was provided.


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). CEQA guidelines - Section 15332 “In-fill Development Projects” provides that projects that are in-fill development projects on lots that are 5 acres or less, are surrounded by urban uses, and do not have significant effects relating to Land Uses, Biological Resources, Traffic, Noise, Air Quality or Water Quality and can be adequately served by all required utilities and public resources are Categorically Exempt from the provisions of CEQA. The proposed project meets the necessary conditions to qualify for this exemption.

BACKGROUND / DISCUSSION: The Planning Commission has conducted two previous hearings to review this project, the second as a study session. At the first meeting of July 14, 2014, the Commission considered the proposed mixed-use project. After presentations from City staff and the applicant and hearing testimony from public speakers, the Commission continued the hearing to August 11, 2014, to give the applicant a chance to revise their design in light of the public comments and Commission’s directions.

At the August 11, 2014 Planning Commission study session, the applicant presented the concepts of their revised project, the commission reviewed the project at the hearing, took in public testimony and continued the hearing to September 8, 2014.

Since the applicant has not submitted revised detailed project plans for staff’s review at this time, Staff is recommending that the Commission receive the presentation from the applicant, provide comments and direction to the applicant as appropriate and continue the hearing to the meeting of September 22, 2014.


Saima Qureshy, AICP
Senior Planner


Ursula Luna-Reynosa
Director of Community Development

ATTACHMENTS:

1. Public Correspondence

SAIMA QURESHY

From: DENISE JACOBO
Sent: Tuesday, September 02, 2014 7:43 AM
To: SAIMA QURESHY
Cc: JOHN TILTON
Subject: FW: Major Project Review Process

To be included in the public record/project file.

Have a Wonderful Day,

Denise Jacobo

Administrative/Planning Secretary • Community Development

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33282 Golden Lantern • Dana Point CA 92629

Office Hours: M-TH. 7:30AM-5:30PM and FR 7:30AM-4:30PM

From: DOUG CHOTKEVYS
Sent: Wednesday, August 27, 2014 9:29 AM
To: Dana Point Residents for Responsible Development
Cc: BILL BROUGH; STEVEN WEINBERG; CARLOS OLVERA; LISA BARTLETT; SCOTT SCHOEFFEL; DENISE JACOBO; URSULA LUNA-REYNOSA; BRAD FOWLER; MIKE KILLEBREW; KATHY WARD; Patrick Munoz
Subject: Re: Major Project Review Process

Thank you for your input, opinions, insights and suggestions. I have copied Kathy Ward so that your issues are included in the public record as well as circulated to the Planning Commissioners for their review and consideration. I will be reviewing the staff material that will be presented to the Planning Commission as well as City Council. I have also included our City Attorney, Patrick Munoz, so that he can provide the appropriate level of review with regard to the legal aspects.

Thanks again for your input and have a nice Labor Day!

Sincerely,

Doug Chotkevys
City Manager
City of Dana Point

Sent from my iPhone

On Aug 27, 2014, at 9:06 AM, "Dana Point Residents for Responsible Development"
<DPRRD@cox.net> wrote:

Dear Doug,

The Majestic Project has started off on the wrong foot. There has been some positive progress but vital issues still need to be negotiated and resolved before final approval should be sought.

The Planning Commission and City Council are part time jobs that rely on competent, professional staff to do a thorough job of analyzing submissions of developers on major projects. The staff report should represent the interests of the total community (residents, visitors, and businesses).

To move the Majestic Project forward, the staff report should examine all the outstanding issues in the project. Each issue should be developed to highlight alternative solutions. The city staff should then justify its recommended course of action. The following issues, many of which were not addressed by the City Staff, need to be covered:

- 1. Fourth story variance versus Town Center Plan (3) - adds 40 condos**
- 2. Height Variances – to serve small roof decks in a corner of each building the roof towers for stair wells and elevators reach up to 56 feet above ground level; parapets and decorative walls on roof require variances to the Town Center Plan (TCP); reference levels for height are based on PCH elevations for lots on Del Prado adding 4 to 5 feet to height; projection of equipment screening requested over the 42” limit**
- 3. No Loading Zones**
- 4. Floor Area Ratio variance required – Phase 2 & 3 exceed 2.5 limit in Town Center Plan zoning code**
- 5. Parking – Community Development reduced the requirements on the developer without analysis or justification – 12 spaces on Lantern streets credited to developer, 23 guest spaces required by zoning eliminated, 10 parking space requirements eliminated because bicycle spaces were provided**
- 6. Set Back requirements for floors over 30 feet – all three phases violate the requirement to be set back 10 feet from lower floors on street fronts**
- 7. Ratio of Condos to Retail and Restaurant – Town Center Plan emphasized “pedestrian friendly”, “small town village atmosphere” with about 1/3 retail and restaurant and 2/3 office and residential (237 residences in entire Town Center estimated) – Majestic Project jams 111 condos on to 2.2 acres of the 75 acre Town Center – 12% of building area is retail & restaurant and 88% condos**
- 8. Long Term Parking Solution – Town Center Plan says to “create additional public parking which would include one and preferably two facilities prior to beginning roadway construction” – the City has failed to take action to positively identify any long term parking, yet is**

ready to sell in lieu parking to developers at 25% of estimated cost – this forces overflow parking into the neighborhoods

9. Traffic Impact – Community Development has not analyzed the effect on traffic of the project to identify issues and solutions – narrower streets, congested access to parking garages, no loading zones, stop signs and elimination of Violet Lantern left turn intersection

10. Give Away of Alley – Community Development proposed to give the developer the alley right of way to build 2 stories of condos over it and 2 layers of parking under the alley with no compensation to Dana Point such as providing extra public parking

11. Town Center Plan requires story poling for all encroachments over 40 feet

City Staff should be negotiating with Majestic Development to move the proposed project to meet the needs of Dana Point. The Planning Commission and public meeting should be held only when the full staff report (approved by the City Manager) and the finalized proposal from Majestic are available. These must be published to the Commissioners and the public for at least one week prior to a meeting where approval is being sought.

This project could shape the character of the Town Center/Lantern District for the next 50 years. The City Manager should lead the way to success by defining a process to review major development projects such as Majestic and the Doheny Hotel. This process must identify all issues early and then negotiate for Dana Point with the developer to minimize or eliminate variances and then gain approval for the major project. The Planning Commission or City Council can provide wise judgments on final approvals if the City Staff does a thorough professional job. This will lead to rapid approval with community support for worthy projects.

Sincerely,

Buck Hill

Dana Point Residents for Responsible Development

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<Major Project Process.pdf>

<Majestic Data 7_14_2014 Revised.xlsx>

SAIMA QURESHY

From: Don Kanning <don.kanning@yahoo.com>
Sent: Thursday, July 24, 2014 9:30 AM
To: SAIMA QURESHY
Cc: DENISE JACOBO
Subject: Re: 33282 Golden Lantern

Dear Saima:

Thank you for forwarding the staff report for this project to me. I am a resident of Dana Point and have been since 1979.

I have been pleased with the Dana Point city government generally and specifically its attention to maintaining the smallish coastal town environment while moving ahead with renewals and upgrades.

This 3 phase project is definitely is a renewal and an upgrade to the existing lots that it is proposed to be built on. I can understand the concern for the variance of allowing additional building height above the code in a view oriented city. Is it possible to get elevations for the 3 phases? I am also concerned about the parking variance. This project as a singular development probably will not terribly affect the Lantern District adversely from a traffic and parking stand point if indeed the city does commit to use the in lieu fees to obtain the additional 63 parking spaces near by. The worry is that one similar development after another comes in with the same type of needs and then sooner or later you end up with an extremely packed in crowded area with the associated congested traffic and parking issues. Isn't maintaining the small Coastal Village atmosphere a prime Dana Point desired goal?

By allowing the parking variance are we not setting a precedent for future developers to call upon?

Thank you and staff for all your diligent work.

From: SAIMA QURESHY <SQUIRESHY@DanaPoint.org>
To: "don.kanning@yahoo.com" <don.kanning@yahoo.com>
Cc: DENISE JACOBO <DJACOBO@DanaPoint.org>
Sent: Monday, July 21, 2014 11:33 AM
Subject: RE: 33282 Golden Lantern

Mr. Kanning – Please see the attached staff report with detailed analysis on Parking for this project.

Thank you.
Sincerely,

Saima Qureshy, AICP
Senior Planner
City of Dana Point, CA

From: Don Kanning [<mailto:don.kanning@yahoo.com>]
Sent: Monday, July 14, 2014 8:23 PM
To: DENISE JACOBO
Subject: 33282 Golden Lantern

Dear Denise:

Re: Mixed-use Proposal for this address of 28,000 sq. ft. of retail space and 111 residences. 111 residences of lets say 1000 sq.ft. each. We now have 138,000 sq. ft. of developed space. What exactly is the Dana Point code per sq.ft of retail and residential space parking requirement ? I am a little confused about the specifics outlined in the Dana Point Times article regarding the variance for 55 parking spaces. Is this a variance to eliminate 55 parking spaces of a substantially much larger overall requirement or a variance for total of 55 parking spaces required for the project?