

## KATHY WARD

---

**From:** LISA BARTLETT  
**Sent:** Tuesday, September 16, 2014 2:45 PM  
**To:** KATHY WARD; JACKIE LITTLER  
**Subject:** FW: Doheny Hotel

**Lisa A. Bartlett, Mayor**

City of Dana Point  
[lbartlett@danapoint.org](mailto:lbartlett@danapoint.org)  
Phone (949) 248-3513  
Fax (949) 248-9052  
Cell (949) 903-8717

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**From:** Blake Davis <Blake.Davis@hudsonhousing.com>  
**Sent:** Tuesday, September 16, 2014 12:12 PM  
**To:** SCOTT SCHOEFFEL; CARLOS OLVERA; LISA BARTLETT; BILL BROUGH; STEVEN WEINBERG  
**Subject:** Doheny Hotel

Mayor and Council members:

I am a resident of Dana Point. I won't be able to attend the meeting tonight but wanted to pass along my comments. I feel strongly that some type of improvement needs to be made to the intersection of PCH and DP Harbor Drive. It is an eyesore and an embarrassment in its current state. However, whether it's a hotel, retail, apartments or something else, it must be done in good taste and in keeping with the city's character. I believe the city's current maximum building height limit should be enforced. If the hotel can be designed to meet current standards, I think it should be approved.

Thank you,  
Blake Davis

Blake Davis  
34082 Malaga Dr.  
Dana Pt., CA 92629

Agenda Item No. 24  
9/16/14

## KATHY WARD

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**From:** LISA BARTLETT  
**Sent:** Tuesday, September 16, 2014 2:45 PM  
**To:** JACKIE LITTLER; KATHY WARD  
**Subject:** FW: Doheny Hotel is a NO Brainer....

**Lisa A. Bartlett, Mayor**

City of Dana Point  
[lbartlett@danapoint.org](mailto:lbartlett@danapoint.org)  
Phone (949) 248-3513  
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**From:** Quirk, Thomas F <QuirkT@AETNA.com>  
**Sent:** Tuesday, September 16, 2014 1:55 PM  
**To:** LISA BARTLETT  
**Cc:** URSULA LUNA-REYNOSA  
**Subject:** Doheny Hotel is a NO Brainer....

Dear Mayor Bartlett-

I am disappointed that I will be unable to attend the important meeting tonight related to the Doheny Hotel project- I have a business function that I must attend. I am writing this letter since I cannot speak in person tonight.

As a resident of Capo Beach, I am a frequent patron of Dana Point businesses- ranging all the way from an expensive dinner at Eno Steak to drinking ice cold beers at Turk's. As such, I wanted to share a quick story about last Thursday night. My fiancé and I had dinner at Stillwater and on the way home we made a stop at the Rib Joint to listen to some live music. After about an hour I went outside to use the restroom and I heard screaming from across the street. To my dismay, two homeless women were having a loud altercation in front of the Jack-in-the-Box. One woman pushed the other and knocked over her shopping cart full of belongings which tipped over into the drive through lane. It put a serious damper on what was a really nice Thursday night with my wife-to-be. Is this how we want Dana Point to be represented?

The sorry state of the south entrance to our lovely city is reason enough to back the Doheny Hotel project. Since we live in Capo Beach we drive by that area daily- a blight on our town and often times the first thing visitors see when they arrive. Shameful.

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It's an obvious fact that a high-end hotel will beautify that area of town and make good use of .75 acres of parkland which now serve as a homeless shelter. In addition, it will provide for another much-needed upscale restaurant/bar in Dana Point and an actual promenade for visitors to Doheny.

I lived in CDM for several years prior and during the decision making phase for the beautification of PCH- I listened to many of the same complaints that I hear coming from those ill-informed or frightened residents who are opposed to ANY change. Traffic, noise, departure from tradition, etc. Look at CDM now. Or Newport Beach, Laguna, Huntington....all have continued to evolve and create new spaces and business development for residents to be proud of- and for visitors to come back to.

I urge you not to be swayed by a loud minority of residents who are driven by fear of change, a blind allegiance to 'building codes', and a blatant distrust of 'outsider invasion'. While their intentions may be in the right place, their opposition to this project is NOT in the best interest of Dana Point's long term development and prosperity.

The Doheny Hotel will provide for a multitude of benefits including: tax revenues, an additional high end hotel and restaurant, increased business development and foot traffic, and finally helping to keep people OFF that shuttle headed to Laguna Beach.

As someone in their late thirties who moved to Dana Point within the last five years (and who plans to be here another 40) I strongly urge you to block out the cacophony of negativity that is coming from a small group of folks who may not see the forest through the trees.

Dana Point has yet to reach its full potential and with the help of the Doheny Hotel, Town Center, and Harbor revitalization we will be positioned as one of the crown jewels of OC Coast destinations. Thank you for your time....and BE BOLD!

Regards-

Tom Quirk and Ashley Clements  
Capo Beach

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**Tom Quirk** | Sales Vice President | Aetna Public Sector: AZ-CA-NV-UT | Office: 714.972.3339 | Cell: 714.392.7057  
| Fax: 860-754-2595 | [QuirkT@Aetna.com](mailto:QuirkT@Aetna.com) | CA License # 0C48707

**aetna**<sup>™</sup>

This e-mail may contain confidential or privileged information. If you think you have received this e-mail in error, please advise the sender by reply e-mail and then delete this e-mail immediately. Thank you. Aetna

## KATHY WARD

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**From:** Michael Draz <michaeldraz@drazinvestments.com>  
**Sent:** Tuesday, September 16, 2014 2:29 PM  
**To:** KATHY WARD  
**Cc:** ERICA DEMKOWICZ; JOHN TILTON; URSULA LUNA-REYNOSA; 'Robert Theel'; cora@govsol.com; 'Simon Injev'  
**Subject:** FW: Doheny Hotel up for Approval

Dear Kathy,

I hope you're having a good day.

Please see email below distributed by the opposition of the Doheny Hotel. They are misrepresenting the facts about the scope of the development by continuing to give out false information.

The team of the Doheny Hotel believes that it is imperative for all the City Council members to be aware of these activities. Please forward this email to all Council members for them to read prior to tonight's hearing.

I thank you in advance for your cooperation.

Warm Regards,

**Michael Draz**

Beverly Hills Hospitality Group, LLC  
Draz Investments Group, LLC  
CEO/Director of Development  
(310) 666-6619  
[michaeldraz@drazinvestments.com](mailto:michaeldraz@drazinvestments.com)



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**From:** Robert Theel [mailto:rtheel@cox.net]  
**Sent:** Tuesday, September 16, 2014 12:11 PM  
**To:** 'Michael Draz'; 'Simon Injev'; 'Cora Newman'; 'Josh Canter'  
**Subject:** FW: Doheny Hotel up for Approval

Agenda Item No. 24  
9/16/14

FYIU and stay the course

Robert Theel Company

24641 El Camino Capistrano

Dana Point, CA 92629

T: 949.388.0516 F: 949.248.8879

M: 949.463.2305 e: [rtheel@cox.net](mailto:rtheel@cox.net)

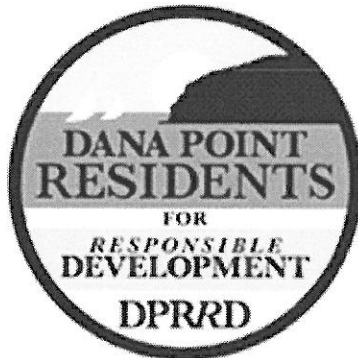
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**From:** patti short [<mailto:plshort@yahoo.com>]

**Sent:** Tuesday, September 16, 2014 12:03 PM

**To:** Bob Theel

**Subject:** Fw: Doheny Hotel up for Approval



**URGENT CITY COUNCIL MEETING**

**TUESDAY, SEPTEMBER 16, 6:00 PM**

**DANA POINT COMMUNITY CENTER**

**34052 Del Obispo**

**THE CITY COUNCIL COULD APPROVE**

## THE DOHENY HOTEL PROJECT

Please come and show your opposition to this project. The Doheny Hotel developer is requiring multiple variances, over 30 feet above the allowable height and the use of Lantern Bay Park land, including the construction of a 24 foot tall retaining wall.

**PLEASE COME !!!**

The Pro-Developer lobby will be out in force urging the City Council to approve this project.

**For Details visit this site:**

**<http://www.savedanapoint.com/platformbiography>**



URGENT CITY  
COUNCIL MEETL...

**KATHY WARD**

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**From:** DENISE JACOBO  
**Sent:** Tuesday, September 16, 2014 2:21 PM  
**To:** KATHY WARD  
**Subject:** FW: Granting of variances  
**Attachments:** Carl Iverson.vcf; Variance ordinance.pdf

Kathy,

Me again, I removed the junk email to allow access to the attachment(s) from Mr. Iverson.

Denise

---

**From:** Carl Iverson [mailto:ciarchitect@cox.net]  
**Sent:** Tuesday, September 16, 2014 12:24 PM  
**To:** DENISE JACOBO  
**Subject:** Granting of variances

Denise:

Could you please pass this on to the city Council members before tonight's meeting ?

Carl Iverson

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City Council members:

I ask that you review the attached California Government Code that establishes the "Authority for Variances".

It clearly indicates that there are four conditions that must be satisfied to allow for the granting of a variance.

Please consider this in your decision making process at tonight's Council meeting.

Sincerely

Carl Iverson  
resident

Agenda Item No. 29

9/16/14

#### Authority for Variances

Variances are discretionary entitlements that permit a property to depart from ordinarily applicable development standards. California Government Code section 65906 establishes the statutory authority for the granting of variances:

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location of surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

The courts acknowledge the need or desirability for variances under a scheme of land use regulation because within a given zone, there will be individual tracts or lots within tracts having a peculiar shape, unusual topography or other similar unique features that prevent the property from being put to productive use if all detailed development standards are strictly applied. The general purpose of a variance is to put the owner of the atypical property on a par with other property owners whose lots conform to the overall pattern envisioned by the zoning ordinance. A variance is not intended to place the applicant in a better position than that enjoyed by his or her neighbors. Once granted, a variance (like a conditional use permit) runs with the land. That is, any improvement allowed to be constructed pursuant to the variance enjoys a legal nonconforming status in perpetuity.

#### Standards for Variances

The standards for granting a variance contained in Government Code section 65906 are restated in substance in the City of Dana Point Municipal Code section 9.67.040. Before a variance may be granted, each of the following findings must be made:

(1) There are special circumstances applicable to the property involved, including size, shape, topography, location or surroundings which cause the strict application of the zoning ordinance to deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

(2) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same vicinity and zone.

(3) The granting of the variance will not be detrimental to the public health, safety, convenience and welfare or injurious to property or improvements in the vicinity in which the property is located.

(4) The granting of such a variance will not be contrary to the objectives of the zoning ordinance or the general plan.

(5) Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent



with the limitations upon other properties in the vicinity and zone in which such property is situated.

If, based upon the facts presented at the hearing on a variance application, any of the required findings cannot be made, the application must be denied. That is, all of the required findings must be made in order to support the granting of a variance.

The factor of "special" or "unique" circumstances relates to disparities between properties, not treatment of the subject property's characteristics in the abstract. Indeed, the standards for variances contemplate that at best only a small fraction of any zone can qualify for a variance. In short, variances are an exception rather than a rule. The "plight" of the applicant must be due to peculiar physical circumstances and conditions, and such circumstances and conditions must be special or unique in contrast with those of other property owners in the same zoning district.

The factor of "unnecessary hardship" also requires a demonstration of uniqueness as to the difficulties asserted for the subject property. Difficulties or hardships shared by all would not be a sufficient justification. Again, the hardship must relate to physical characteristics and conditions of the property which distinguish it from other properties in the zoning district. Financial hardship -- for example, development would be more expensive without a variance -- does not constitute the requisite hardship. Furthermore, self-induced hardship affords no ground for the grant of a variance.

The factor of "no special privilege" intends to permit properties to be brought up to parity with other properties in the zoning district. However, the granting of a variance cannot confer special privileges over and above those enjoyed by other properties. In a nutshell, when there is no affirmative showing that the property subject to a variance application differs substantially and in relevant aspects from other properties in the zone, a variance granted could amount to a special privilege.

The fact that another property has been granted a variance similar to one subsequently sought by another property owner does not justify the granting of a later variance for a different property. Each application must be considered on a case-by-case basis in light of its individual circumstances and merit. On the other hand, the granting of previous similar variances may be relevant in assessing the privileges already enjoyed by other properties.

Certain criteria or standards applied by local agencies in justifying a variance have been held improper by the courts. For example, findings that the proposed development has attractive architectural features, would be a benefit to the community, would serve community needs, is highly desirable, would be unprofitable or less profitable absent a variance, would incorporate superior building standards, or would otherwise have practical difficulties are all legally irrelevant.

#### Findings for Variances

Decisions on a variance application must be supported by findings of fact in support of the action, whether a variance is granted or denied. The necessary findings cannot be implied. Rather, findings must be clearly articulated and based on evidence in the administrative record of the proceedings, such as staff reports, testimony, photographs, and documents. Findings are not sufficient if they merely recite the very language of the standards set forth in the local ordinance or state statute. The requirement for findings is designed to expose a decision-making body's "mode of analysis," and that responsibility is not discharged by simply parroting required findings in a conclusory fashion. Findings should incorporate statements of fact that bridge the gap between the evidence presented and the decision rendered. In this way, persons reviewing the decision will have an informed understanding of the reasons why the action was taken.

## KATHY WARD

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**From:** colleen.galaviz@cox.net  
**Sent:** Tuesday, September 16, 2014 2:15 PM  
**To:** KATHY WARD  
**Cc:** colleen.galaviz@cox.net  
**Subject:** City Council vote tonight

These comments are addressed to the Dana Point City Council members:

My name is Colleen Galaviz and I am a 40+ year resident of Dana Point.

I am urging the Council to vote NO on the proposed hotel at the entrance to the Dana Point Harbor. As residents, we all know how fabulous this city is and has always been. We are lucky to live in such a naturally beautiful location and it would be nice to keep it that way. No variance, no hotel, nothing except perhaps a park or some other lovely place to mark the entrance to the harbor and the city.

PLEASE VOTE NO.

Agenda Item No. 24  
9/16/14

33371 Sea Bright Drive  
Dana Point, Ca 92629  
September 16, 2014

City of Dana Point  
City council Members  
33282 Golden Lantern  
Dana Point, Ca 92629

Dear Council Members,

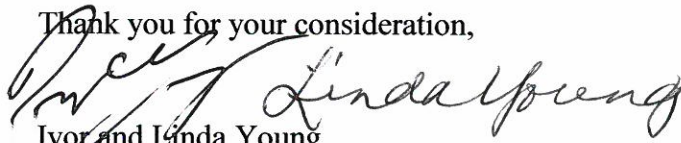
Attached please find a copy of the letter we sent to the Dana Point Planning Committee noting many of the reasons we believe that the Doheny Hotel is too big to occupy the corner of Pacific Coast Highway and Dana Point Harbor Drive. We hope you will take time to read it before voting on the appeal.

Since I delivered that letter, the commission very wisely rejected the planned hotel, and we thank them for standing strong against what must have been tempting financial gain. However, the developer has now appealed that decision directly to you, and we must act again to protect Dana Point.

The May 8, 2014 edition of the Dana Point News, which came out after we wrote the first letter, contained renderings of the proposed hotel, which we believe contradict each other to make the project look more appealing. I call your attention to those renderings, which are also attached to this letter. The photo on page one indicates the hotel is virtually on the corner of PCH and Dana Point Harbor Drive, while the photo on page nine, the view from the back, shows a lovely park-like setting on that corner, with the building set back from the corner. We think we know which is closer to the truth.

Please do not let this developer take parkland from Dana Point and make a mockery of our height limits, especially not in such a prominent place. Please do not add hundreds more cars and delivery trucks every day to a corner that already has an excruciatingly long signal cycle, with traffic backing up in all directions on weekends and holidays. We have enough luxury hotels in Dana Point now. How about building a reasonably-sized hotel that average families can afford to stay in? Something along the lines of the one that is being removed for this project.

Thank you for your consideration,



Ivor and Linda Young  
32 year residents of Dana Point

Agenda Item No. 29

9/16/14

Mr. And Mrs. Ivor and Linda Young  
33371 Sea Bright Drive  
Dana Point, CA 92629

City of Dana Point  
Planning Committee Members  
33282 Golden Lantern  
Dana Point, CA 92629

Dear Commissioners:

As 32-year residents of Dana Point, we would like to add our voices to the overwhelming public opposition to the proposed Doheny Hotel in Dana Point. Our concerns have been expressed by many others, but we will reiterate them.

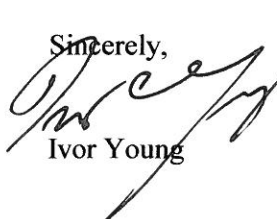
The planned hotel is much too large for the location. Other large hotels in town, such as the Marriott, the St. Regis, and the Ritz Carlton, were thoughtfully built off the road a bit, so the impact of their size doesn't bombard the senses and dwarf everything else in the vicinity. We do not wish to face a four- or five-story wall every time we travel down Del Obispo to enjoy the harbor, or return to the city from the south. We understand that the city can issue a variance to the height restriction in the case of hardship, but hardship doesn't exist in this case. The property was purchased with knowledge of the city's rules and regulations, and a building complying with those rules and regulations should be built there.

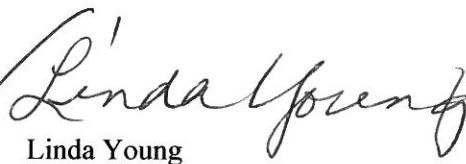
Speaking of the property involved, turning over more than three-quarters of an acre of the neighboring parkland to the developer is unconscionable. We cannot understand how City Attorney Munoz arrived at the opinion that it would be okay, since it would be used as a driveway for the hotel. If the parkland were being used to create a driveway into the park, we might be able to agree with the city attorney, but to give property dedicated for a Dana Point park to Beverly Hills Hospitality so they can lower the height of their building to a height still well over the city's limits makes no sense at all and should not be considered.

Traffic, of course, is another concern. We do not want to contend with the traffic such a complex will draw into and pour out onto the Pacific Coast Highway intersection. Already the wait time at that signal is excruciatingly long, and on nice weekend days, traffic already backs up onto the off ramp of the freeway. What in the world will it be like to add the clientele and work force of a 258-room hotel with conference- and ballrooms to the mix?

We understand the city's desire to add to the tax base and accommodate additional tourists, but this hotel in this location is not the way to proceed. Without very significant revisions to the height and size of this plan, complying with Dana Point restrictions and excluding Dana Point parkland, we urge the commission to deny the proposal on Monday night.

Sincerely,

  
Ivor Young

  
Linda Young

# Developer of rejected Dana Point hotel files appeal to council

BY LINDSEY RUTA  
STAFF WRITER

The developer behind a proposed 250-room hotel in Dana Point has appealed the Planning Commission's rejection of the project to the City Council.

After reviewing the appeal letter from Beverly Hills Hospitality Group to ensure it complies with the code for an appeal, city staff and City Attorney Patrick Muñoz determined it was valid, City Manager Doug Chotkevys said Tuesday.

City staff will work with Mayor Lisa Bartlett to put the item on a City Council agenda, Chotkevys said.

The developer and its public relations firm, Government Solutions Inc.,

have made contributions to Bartlett's campaign for Orange County supervisor and Councilman Bill Brough's campaign for state Assembly. The amounts were \$1,650 and \$1,150, respectively.

Bartlett's campaign manager, Jeff Corless, said she has returned the money donated to her.

Muñoz said campaign contributions do not affect an elected official's eligibility to vote on a project.

The appeal is the latest step in a process that has spanned more than four years. After a public hearing lasting three meetings, the Planning Commission voted 4-0 on April 14 to reject the proposed Doheny

Hotel out of concerns about its size and potential effect on traffic.

The hotel would reach five stories in some places and be well above the city's 35-foot height restriction. It also would turn part of the adjacent Lantern Bay Park into a front driveway for the hotel. It would require variances - exceptions to city codes granted when there is a demonstrated hardship - for its size and setback.

Residents and commissioners suggested the hotel traffic and delivery trucks at the corner of Pacific Coast Highway and Dana Point Harbor Drive would be dangerous to bicyclists



COURTESY OF BEVERLY HILLS HOSPITALITY GROUP  
This rendering shows the proposed look of the Doheny Hotel, which Beverly Hills Hospitality Group wants to build at Pacific Coast Highway and Dana Point Harbor Drive.

SEE HOTEL • PAGE 9

*Shure, May 8, 2011*  
*D. 1*

# HOTEL

FROM PAGE 1

and pedestrians and further clog the already busy intersection.

Michael Draz, chief executive of Beverly Hills Hospitality Group, said studies by the city and an independent contractor show the proposal actually would improve traffic in the area.

He also said he doesn't believe the hotel is being compared fairly with established resorts in Dana Point. Planning Commission Chairman Gary Newkirk said at the April 14 meeting that the nearby Laguna Cliffs Marriott Resort & Spa, which was granted variances, has only 24 rooms per acre while the Doheny Hotel would have 111 rooms per acre.

But Draz noted the Laguna Cliffs Marriott is attached to parkland and that his project is designed as an urban hotel. The Doheny Hotel would be better compared with hotels in Newport Beach or Beverly Hills, he said.

Draz initially thought the hardest part of the project



COURTESY OF BEVERLY HILLS HOSPITALITY GROUP

**The proposed 250-room Doheny Hotel in Dana Point would reach five stories in some places and be well above the city's 35-foot height restriction.**

## Doheny Hotel proposal

**250** guest rooms

**2.26** acres (0.76 acre would be taken from Lantern Bay Park)

**60.5** feet at the tallest point

**375** parking spaces

Source: Beverly Hills Hospitality Group

Draz said. He said he has met many residents who want the hotel built, and getting them to speak up will be a focus.

Planning commissioners said they would like to see a hotel at the site, and suggested they would be open to the project if it were

smaller.

However, Draz has said a smaller hotel could not meet the standards for a four-star rating and would not add up financially.

**CONTACT THE WRITER:**

949-492-5686 or

lruta@ocregister.com

## KATHY WARD

---

**From:** LISA BARTLETT  
**Sent:** Tuesday, September 16, 2014 10:35 AM  
**To:** JACKIE LITTLER; KATHY WARD  
**Subject:** Fwd: Doheny Hotel

Sent from my iPhone

Begin forwarded message:

**From:** KEN YOSHINO <[kyoshinodpt@gmail.com](mailto:kyoshinodpt@gmail.com)>  
**Date:** September 16, 2014 at 10:23:02 AM PDT  
**To:** <[lbartlett@danapoint.org](mailto:lbartlett@danapoint.org)>, <[bbrough@danapoint.org](mailto:bbrough@danapoint.org)>, <[sschoeffel@danapoint.org](mailto:sschoeffel@danapoint.org)>, <[sweinberg@danapoint.org](mailto:sweinberg@danapoint.org)>, <[colvera@danapoint.org](mailto:colvera@danapoint.org)>  
**Subject:** Doheny Hotel

My wife and I are long time residents of Dana Point. We live here because of the lifestyle that gives us a quality of life. I work outside of Dana Point in a highly developed area. I come back to Dana Point to find some sanity in life. The quality of life far outshines the business dollars.

I would expect that as elected officials you would follow the unanimous vote of the Planning Commission of a no vote on the present hotel and any future requests for variances.

I am a business owner and I do know the need to expand and build. I know the need for increased tax dollars. The Doheny Hotel is not the answer. The numerous problems identified by the Dana Point Planning Commission is public record. The irresponsible designs and the only for profit are not what Dana Point will use to grow and will not provide for improving the quality of life of the Dana Point Resident. This is why we have a Planning Commission to ensure that the laws and regulations are followed by taking into account the impact on our lives.

Dr. Ken and Adrienne Yoshino  
Dana Point Residents

Agenda Item No. 24  
9/16/14

## KATHY WARD

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**From:** SCOTT SCHOEFFEL  
**Sent:** Tuesday, September 16, 2014 6:14 AM  
**To:** KATHY WARD  
**Cc:** DOUG CHOTKEVYS  
**Subject:** FW: DOHENY PROJECT APPEAL

Hello Kathy,

For the record. Thanks.

Sincerely,

J. Scott Schoeffel  
Council Member  
City of Dana Point  
sschoeffel@danapoint.org

---

**From:** jane kleiser <janiek77@hotmail.com>  
**Sent:** Monday, September 8, 2014 10:55 AM  
**To:** LISA BARTLETT; STEVEN WEINBERG; BILL BROUGH; CARLOS OLVERA; SCOTT SCHOEFFEL  
**Subject:** DOHENY PROJECT APPEAL

September 8, 2014

Dear Council Members:

Re: Appeal of Coastal Development Permit CDP09-0011, Variance V09-0003, Conditional Use Permit CUP09-0009, and Site Development Permit SDP09-0032  
Hearing Date: 9/16/2014  
Hearing Time: 6PM

We have been Dana Point residents for the past six years. We are writing to express our opposition to the subject proposal as initially submitted and consequently unanimously rejected by the Planning Commission. We are also opposed to the proposed modifications to that proposal as presented to us at a previously held community workshop. These modifications only slightly mitigate the original proposal and the revised proposal remains unacceptable based upon the following concerns.

Although rooms per acre have been reduced, the density of the project remains high.

The granting of an easement for use of public park land for ostensible public parking only accessible through the main entrance of the hotel (private property) is unrealistic and appears to be a gimmick. The hotel 24 foot wide entrance will, at best, accommodate 3 car widths. This area will have a queue for valet parking (hotel checkins, restaurants, and conventions). It will also serve as access for delivery trucks, trash pick ups, taxi/ limos going to their staging areas and public parking which could be intimidating to the public



not familiar with the area because it appears that the public parking is on hotel property. Common sense would indicate that a project of this magnitude needs more than one entrance.

Safety issues.

The majority of traffic exiting the hotel premises will most likely exit and cut across traffic lanes to make a U-turn at Dana Point Harbor Drive/Sate Park entrance in order to gain access to the freeways. Vehicles entering Dana Point Harbor Drive from both directions of PCH as well as from Del Obispo Street will further exacerbate this traffic congestion in front of the hotel. Bicyclists will also be at peril.

Water Shortage.

We are not opposed to additional construction which benefits the community; however, in light of current water shortage conditions, it would appear irresponsible to approve projects which require variances to existing zoning requirements.

Conditions .

Project approval requires approximately 100 conditions to be met. While the majority of these conditions would be fulfilled at the project's completion, several will require on going monitoring, e.g. only a certain percentage of deliveries can be made on PCH. It would appear to be an additional burden on city personnel to oversee this compliance. What sanctions will be imposed for non compliance, how is compliance to be determined et cetera. Will there be a public record of compliance/complaint logs?

In summary, given the fact that this proposal is a high density non-conforming project from inception, it is difficult to comprehend why city personnel have expended so much time and effort on its behalf. Then to have the applicant submit an appeal of an unanimously denied application by the City Planning Commission directly to City Council appears underhanded and political. Any material changes to the original application should go through channels and be presented firsthand to the Planning Commission. At the very least, any council member who has received donations from the applicant/developer should recuse himself/herself from any impending vote.

Sincerely,

Kenneth S. Fraser  
Jane L. Kleiser  
34092 Cambridge Rd.  
Dana Point, Ca. 92629

**KATHY WARD**

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**From:** LISA BARTLETT  
**Sent:** Monday, September 15, 2014 4:07 PM  
**To:** JACKIE LITTLER; KATHY WARD  
**Subject:** Fwd: No on the hotel

Sent from my iPhone

Begin forwarded message:

**From:** Diane Hearne <phearne4@cox.net>  
**Date:** September 15, 2014 at 3:31:08 PM PDT  
**To:** <lbartlett@danapoint.org>, <sschoeffel@danapoint.org>, <colvera@danapoint.org>, <bbrough@danapoint.org>, <sweinberg@danapoint.org>  
**Subject:** No on the hotel

September 15, 2014

I strongly request that you deny the proposal for the hotel on tomorrow night's agenda.

The group did not go through the Planning Commission first. We do not need more traffic or hotels in Dana Point. In the middle of a drought this proposal is unconscionable. It looks like I may have to start another petition in Niguel Shores as I've done for the Majestic proposal.

Sincerely,

Diane Hearne  
Dana Point

Agenda Item No. 24

9/16/14

## KATHY WARD

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**From:** SCOTT SCHOEFFEL  
**Sent:** Monday, September 15, 2014 3:23 PM  
**To:** KATHY WARD  
**Cc:** DOUG CHOTKEVYS  
**Subject:** FW: Opposition to ALL Non-compliant Projects

**Importance:** High

Hello Kathy,

For the record. Thanks.

Sincerely,

J. Scott Schoeffel  
Council Member  
City of Dana Point  
sschoeffel@danapoint.org

---

**From:** Gail Benda <GailBenda@cox.net>  
**Sent:** Monday, September 15, 2014 12:43 PM  
**To:** LISA BARTLETT; BILL BROUGH; SCOTT SCHOEFFEL; STEVEN WEINBERG; CARLOS OLVERA  
**Subject:** Opposition to ALL Non-compliant Projects

Dear Councilmembers of Dana Point:

We encourage you to vote "NO" on both of the projects that will be on your agendas in the coming days and weeks: the hotel on PCH below Lantern Bay Park and the four-story mixed-use development in the Town Center area. Both of these projects are requesting extreme density and height variance approvals—which would allow the beginning of the end of the beauty of Dana Point!

The Beverly Hills Hospitality Group has absolutely no vested interest in our fine city! Their only incentive in making this appeal to the City Council is to help line their pocketbooks! PLEASE do the right thing for Dana Point and deny their appeal tomorrow evening!!!

The Majestic Project would make our new Town Center look like we're trying to become a big city with high-rise development. Also, with the new two-way traffic on that section of PCH, the added traffic congestion would make driving through our city a nightmare! And there isn't going to be enough parking for this new development, and that would make matters even worse! Please understand that the majority of Dana Point residents do NOT want these problems for our home town!

Managed growth and progress for Dana Point is something we all desire. However, these two projects would be completely out of character for Dana Point, so you must vote "NO" on both of them!!!

Thank you.

Gail Benda and Marvin Sherrill

25101 Sea Vista Drive

Dana Point, CA 92629

**KATHY WARD**

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**From:** KATHY WARD  
**Sent:** Monday, September 15, 2014 2:32 PM  
**To:** 'DPRRD@cox.net'  
**Subject:** FW: Doheny Hotel Proposal  
**Attachments:** Doheny Hotel issue to be on theRecord.pdf; ATT00001.htm; Target Suit.pdf; ATT00002.htm

Hi Betty –

Thank you for your email. Your attachments will be provided to the Council prior to their meeting tomorrow. See you then!

**Kathy M. Ward, MMC**  
**City Clerk**  
City of Dana Point  
33282 Golden Lantern, Suite 203  
Dana Point, CA 92629  
Phone: 949/248-3505  
Fax: 949/248-9920

Begin forwarded message:

**From:** "Dana Point Residents for Responsible Development" <DPRRD@cox.net>  
**To:** "DOUG CHOTKEVYS" <DChotkevys@DanaPoint.org>  
**Subject:** **Doheny Hotel Proposal**

Dear Doug,

Attached please find a letter I would like placed in the public record of the Doheny Hotel Project and forwarded to the council members for their consideration. Please let me know if you are unable to open the document and its attachments. I will submit a hard copy at the Council meeting Tuesday night.

Thanks,

Betty

<<...>>

<<...>>

Agenda Item No. 24  
9/16/14

To Mr. Doug Chotkevys and City Council Members:

September 15, 2014

Please advise the City Council that the following issues need to be addressed at the Tuesday, September 16, City Council meeting. Please have this document placed in the public record and forwarded to the council members for their consideration. I apologize for its length but these are timely issues of concern to residents.

#### REGARDING THE FUNDING FOR DEL PRADO IMPROVEMENTS:

At the City Council Meeting when \$7.7 million was allocated for Del Prado improvements, the debate on this budget item was curtailed and apparently the question was called illegally without the required number of votes, according to Roberts Rules of Order. Also, this significant item was not included on the agenda so the public was not given proper notice and was unable to offer comments.

Therefore, I hereby request on behalf of Dana Point residents, that the allocation in the budget for Del Prado improvements be properly placed as an agenda item at a future city council meeting. Residents feel that the Council needs to rectify their erroneous action before they can award contracts for Del Prado improvements. It would be irresponsible and possibly illegal for the City Council to award them without proper debate and authorization.

#### REGARDING THE DOHENY HOTEL APPEAL:

##### GENERAL ISSUES

- Residents feel the density, size and height of this hotel on such a small lot are unsuitable for the location and result in ugly hotel elevations, particularly along the important PCH corridor, where the view would be unsightly rows of windows, blank walls and delivery vehicles and cause an unavoidable negative impact on the appearance of Dana Point and views from neighboring properties.
- It should also be noted that while residents would support a suitable hotel on the site, there was considerable opposition at Planning Commission meetings regarding the Doheny Hotel project.
- The Final EIR dated July 2013 stated that “the project is not consistent with the goals of the DPSP, since the project appears incompatible in scale, mass and form

with adjacent structures and development pattern of the neighborhood.” (page 3.1-28) It further states regarding Option B that “...land use impacts would remain significant and unavoidable.” (page 291)

- The impact on traffic, deliveries, noise, glare and bicycle safety at this busiest intersection in Dana Point has not been adequately addressed.
- The exit of vehicles from the hotel with a U-turn on Harbor Drive close to PCH would hinder the ability of people to enter Doheny State Beach and the Harbor.
- It is unclear how delivery trucks would access the hotel’s PCH delivery area if coming from the 5 Fwy, which could result in dangerous u-turns on PCH or at other Dana Point intersections.
- Dana Point has a surfeit of 4 star hotels, some encountering financial difficulty in the past and ownership changes. To justify the requested variances, has the developer provided any occupancy projections or any financial data to determine whether this hotel would be successful and a benefit to Dana Point? Residents believe that this hotel would undermine the city’s high quality, “4 star” reputation.

## DESIGN ISSUES

- If the developer is considering changes from the plan he submitted to the Planning Commission, it would be appropriate for the plan to be resubmitted to the Planning Commission rather than the City Council for consideration.
- The Dana Point zoning code for the Doheny Hotel with the flat roof designated is 35 feet.
- The Doheny Hotel contains six stories not five as indicated. First floor 52,595 sq. ft.; mezzanine floor 24,648 sq. ft.; second (third) floor 42,520 sq. ft.; third (fourth) floor 39,550 sq. ft.; fourth (fifth) floor 25,953 sq. ft. ; fifth (sixth) floor 25,050 sq. ft. Total square footage 210,316 sq. ft.
- The height of the hotel is 68.5 feet, 37.5 feet over the allowed limit thereby requiring variances; variances are also being requested for zero rear and side setbacks which will adversely affect adjacent properties.

- The hotel's 258 rooms in 1.75 acres is an unacceptable density of 172 rooms per acre.
- The maximum FAR in the Dana Point zoning code is 1.75; although this FAR apparently does not explicitly apply to this project, the hotel greatly exceeds this limit at 2.75 (210,316 sq. feet of building space in 1.5 acres). The Planning Department has not taken the time to get the Dana Point zoning code approved for this area. Approving this project with this FAR would set a dangerous precedent for other projects in this area.
- The entrance way would require a 24.5 foot high retaining wall to maintain the entranceway's 17 foot elevation. The contour lines indicate that the far side of the entrance way has an elevation of approximately 41 feet. This will create an unsightly wall that would be seen when entering the Harbor area, rather than the natural hillside of the park.
- The parking levels are so densely packed, with lifts, tandem parking and parking in the aisles, it will make the retrieval of cars extremely difficult. This is the result of the unacceptable density of the hotel.

#### LANTERN BAY PARK LAND

- The Hotel plans to use .76 acres of Lantern Bay Park land as an entrance to the hotel. The use of Lantern Bay Park land in exchange for 50 public parking spaces is a gimmick. They are primarily valet, impossible to monitor and will probably be used by hotel patrons. The grant is a huge benefit to the developer, increasing the size of his property by 43% from 1.5 acres to 2.25 acres. (Plans indicate that all the public parking spaces will be valet.)
- The lack of onsite parking for employees numbering at least 75 to 100 people for a 4 star hotel of this size offsets any possible parking benefit to the public.
- Residents, therefore, hereby request that Lantern Bay Park land be excluded for use in the Doheny Hotel project. Although the city has no plans to use this land currently, it is a valuable, prime location along Harbor Drive and has the potential for future use for public good such as for a skateboard area, a visitor center, restrooms an attractive fountain or garden, a trolley stop....



- Attached is a copy of the Grant Deed for Lantern Bay Park in which Orange County transfers ownership of the park to Dana Point. Item 6 NO TRANSFERS states “Grantee [ Dana Point] shall not sell, convey, assign, or transfer its rights in the Property except to another public entity to be used for open space park purposes.” There could also be deed restrictions from the transfer of the property from original owner to Orange County which would stipulate that the ownership of the property would revert to them should the land not remain a public park.
- It would be hard to understand how the project could be approved prior to the granting of the use of the park’s land, since the hotel’s entrance is an integral part of the hotel’s design. Any approval of the project, therefore , should be conditioned on the land grant being legal and after it has been approved at a future city council meeting.

#### LEGAL ISSUES

- The variances requested do not meet the necessary legal requirements and would be unlawful. Any economic or visual benefits to the city as suggested by the developer for his project are not valid justifications for a variance. Approving these variances would be irresponsible and would promote litigation costly to the city.
- Developer has stated that he desires to sell the project to a 4 star hotel chain, which require the large number of rooms and hotel facilities. An increase in profit is the developer’s motivation in asking for variances.
- The legality of using Lantern Bay Park land for this project is discussed above.
- Attached please find a copy of a Los Angeles Times article about litigation against the city of Hollywood for granting unlawful variances to Target. Residents hereby request that the city council avoid granting illegal or even questionable variances or take an action regarding the park land that could result in costly litigation.
- The developer contributed to the election campaign of one council member and attempted to do so with a second. This gives the appearance of trying to influence the vote on this project. Residents hereby request that, to avoid the appearance of impropriety, any council member who has received such funds voluntarily recuse himself from voting on this project.

- It is hoped that the Beverly Hills Hospitality Group, the developer, as a good faith gesture but not as a requirement for approval will pay any fees owed the city to date and before it might again file for bankruptcy owing the city substantial funds.

Thank you,

Betty Hill, Dana Point Resident

Member of Dana Point Residents for Responsible Development (DPRRD)

# LATEXTRA

THURSDAY, AUGUST 21, 2014 :: LATIMES.COM/LANOW

## Target ordered to stop building in Hollywood

A judge sides with two community groups that objected to the new shopping center.

BY DAVID ZAHNISER

A judge has called for retail giant Target Corp. to stop work on a partly built shopping center in Hollywood, handing a stinging setback to a project championed by Los Angeles Mayor Eric Garcetti.

Superior Court Judge Richard L. Fruin Jr. sided with two community groups that said in separate lawsuits that the City Council should not have allowed Target to build a 74-foot-tall structure in a location where such projects cannot exceed 35 feet.

In a related order issued last week, the court said the council must invalidate permits for the project and halt "all construction activities."

Rob Wilcox, spokesman for City Atty. Mike Feuer, said city lawyers are still trying to determine "what further work, if any, can be done" at the Target site.

But attorney Robert P. Silverstein, who represents one of the two plaintiffs, said the construction at Sunset Boulevard and Western Avenue should have been halted a week ago. He is now seeking to have the city held in contempt of court for failing to issue a stop-work order.

"The judgment is clear," said Silverstein, who repre-

sents the La Mirada Avenue Neighborhood Assn., one of the two groups that sued. "All construction must cease."

In Hollywood, where the size and scale of new development is frequently a hot-button issue, critics of the Target project have warned that it would lead other developers to seek similar exemptions from the city's height rules.

Target's lawyers, in turn, said in court documents that they pursued a larger project specifically at the request of Garcetti — then a councilman representing [See Target, AA5]



GINA FERAZZI Los Angeles Times

**A TARGET SHOPPING CENTER** is under construction at Sunset Boulevard and Western Avenue. Opponents say retailer should not be allowed to build a 74-foot-tall structure in an area with a 35-foot height limit.

## Target ordered to halt construction

[Target, from AA1] Hollywood — who wanted more stores, restaurants and a pedestrian-friendly plaza.

Last week, Target asked the 2nd District Court of Appeal to ensure that work may proceed at the shopping center, which already has a foundation, walls and a roof. If the company's request is denied, dozens of construction workers at the job site will suffer, the company said in its filing.

"Millions of dollars in investment will be stopped," wrote Target's lawyer, Richard Schulman. "And any delays will postpone, or worse, the hiring of a couple hundred people and millions of dollars in sales tax revenue for the city."

The legal skirmish comes less than a year after the city was dealt a legal defeat on another Hollywood planning matter. In December, a judge struck down the city's new Hollywood Community Plan, which sought to allow taller buildings near transit routes. Officials are now attempting to comply with that judge's order.

Silverstein said La Mirada wants Target to tear down its project and build a store that stays within the 35-foot height limit required by the city's Vermont/

Western Station Neighborhood Area Plan, a package of zoning rules for part of Hollywood.

Target, said Silverstein, proceeded at its own risk after receiving ample warnings about a legal challenge.

"Nobody that I represent ever opposed a Target store," Silverstein said. "What they opposed was blowing the lid off the height and the parking and the other structural requirements that are supposed to ... guide development for the future of Hollywood."

Wilcox, the city attorney's spokesman, described La Mirada's effort to have the city found in contempt of court as "utterly without merit."

Meanwhile, Target said it has already asked city officials to rewrite portions of the Vermont/Western zoning plan that were at issue in the judge's decision. Once that law is amended, the ruling against Target will be "moot," Target's attorney said in a court filing.

The City Council first approved the Target shopping center in 2010, drawing a lawsuit from critics who said the project lacked an environmental impact report. Weeks later, Target withdrew its application and agreed to prepare a more ex-

tensive environmental review.

The project was approved again in 2012. La Mirada and a second group, Citizens Coalition Los Angeles, responded with new lawsuits objecting to the council's decision to spare Target from having to comply with rules dealing with building height, parking spaces, window size and other design concepts.

In their decision, lawmakers said Target would have faced an "unnecessary hardship" had it been forced to comply with the zoning plan. They also found "exceptional circumstances" required that Target receive some exceptions to city rules.

In his ruling, Fruin said Target could have complied with the city's height rules had it constructed an underground parking garage — a move that would have added at least \$5 million to the project's cost. Fruin also pointed to a 2012 letter sent by Target's attorney, saying the retailer originally considered a design that would have mostly complied with the city's zoning requirements.

In that letter, Target lawyer Bill Delvac said the company changed plans in response to Garcetti and "key community stakeholders"

who wanted the development to be more pedestrian friendly and "conform to good planning principles." In response, the company proposed a three-story shopping center with Target on the third floor and other shops and restaurants on the ground floor.

Garcetti spokeswoman Marie Lloyd had no comment on the judge's ruling, saying the mayor wants the shopping center site to be "revitalized with a mix of retail, restaurants and pedestrian-friendly features, including larger retail that creates jobs."

In his order, Fruin said the desire to create a "lively shopping area" is not enough reason to exempt Target from the height limits.

Doug Haines, who belongs to the La Mirada group that sued, said Garcetti helped design the project that drew community opposition.

Target's representatives "were told by Garcetti and his staff that they want height and density on Sunset Boulevard," Haines said. "So they came up with this Frankenstein building that everyone hates."

david.zahniser@latimes.com

## KATHY WARD

---

**From:** LISA BARTLETT  
**Sent:** Monday, September 15, 2014 9:29 AM  
**To:** KATHY WARD; JACKIE LITTLER  
**Subject:** FW: no on hotel proposal

**Lisa A. Bartlett, Mayor**

City of Dana Point  
[lbartlett@danapoint.org](mailto:lbartlett@danapoint.org)  
Phone (949) 248-3513  
Fax (949) 248-9052  
Cell (949) 903-8717

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**From:** Judy Smith <jlsmith3@cox.net>  
**Sent:** Monday, September 15, 2014 6:39 AM  
**To:** LISA BARTLETT; [bbrough@danapoint.org](mailto:bbrough@danapoint.org); [colvera@danapoint.org](mailto:colvera@danapoint.org)  
**Subject:** FW: no on hotel proposal

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**From:** Judy Smith [<mailto:jlsmith3@cox.net>]  
**Sent:** Monday, September 15, 2014 6:29 AM  
**To:** 'lbartlette@danapoint.org'; 'bbrought@danapoint.org'; 'sschoeffel@danapoint.org'; 'sweinberg@danapoint.org'; 'colvera@danapoint.org'  
**Subject:** no on hotel proposal

Dear councilmen, Thank you for your service. I sat in the planning commission meeting where the developer's proposal was rejected due to a lot of community feedback. The community does not want you to give developers exceptions to the height rules. How can you deal with a developer who is filing for bankruptcy and wants to build a huge hotel. Please vote no on all proposals for this will set a bad precedent. The parks are ours, not the hotels. It is an absolute disgrace that giving them land for their parking lot from our parks could even be considered. Please listen to the community not hotels, developers, and the chamber of commerce. I will be watching how you vote. Judy L. Smith a Dana Point Resident since 1967.

Agenda Item No. 24

9/16/14

## KATHY WARD

---

**From:** LISA BARTLETT  
**Sent:** Monday, September 15, 2014 9:29 AM  
**To:** KATHY WARD; JACKIE LITTLER  
**Subject:** FW: NO VARIANCES ON ANY NEW DEVELOPMENT IN DANA POINT

**Lisa A. Bartlett, Mayor**

City of Dana Point  
[lbartlett@danapoint.org](mailto:lbartlett@danapoint.org)  
Phone (949) 248-3513  
Fax (949) 248-9052  
Cell (949) 903-8717

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**From:** Rick Morgan <morgalini@cox.net>  
**Sent:** Monday, September 15, 2014 12:21 AM  
**To:** LISA BARTLETT; BILL BROUGH; CARLOS OLVERA; STEVEN WEINBERG; SCOTT SCHOEFFEL  
**Cc:** letters@danapointtimes.com  
**Subject:** NO VARIANCES ON ANY NEW DEVELOPMENT IN DANA POINT

Dear Dana Point Council Members,

I would like to go on record as stating that I am vehemently against any variances, specifically with regard to building height, allowed on any new development in Dana Point.

Visitors and residents alike are greeted at the south end of town by a lovely, Spanish-style archway. And then. . . what? A hotel, oversized and garish, with what kind of architecture?

Regardless of whether it's the proposed Doheny Hotel, the proposed Majestic condo pile in Town Center or, more recently, the newest consideration proposed for the corner of Golden Lantern and PCH, if even *one* of them is granted a height variance (as the ad states in the most recent issue of the Dana Point Times), all bets will be off and we'll end up with a city that we no longer recognize. Every developer who comes into town will see the precedent set and expect like considerations. Should any of these go through, I dread to think what would end up at the former mobile home park on the other side of the entrance to Dana Point.

To put it bluntly, it stinks.

I find it difficult to believe that any of you are even *considering* voting for these requests. I know that three of you are vacating your council seats come November, but I beg you not to leave us a legacy of more monstrous,

non-conforming hotels and condos. To allow the Majestic Project as proposed would be like dumping the St. Regis Hotel right in the middle of Town Center, only without the open land around it.

So many of us moved to Dana Point--my wife and I came here 27 years ago--for the small town atmosphere, and every few years it seems we have to battle yet another wave of development by greedy property owners who will never live here. All they care about is lining their pockets with more and more money. It sickens me.

Make no mistake. I'm not anti-development. On the contrary, I recognize that this city has to grow, *but it must be done responsibly*. We have laws and ordinances for a reason and the Planning Commission correctly and unanimously rejected the Doheny Hotel's proposed 5 stories for multiple very good reasons.

We were able to work out a reasonable plan for the Headlands. Why not something that's attractive at this entrance to town? Has anyone thought of a visitor's center, either there or at the old Busk/Villa Hotel lot? Something that has some cohesion and continuity that works with the archway?

Do the right thing, Council Members: Reject these projects, starting with the Doheny Hotel, unless the property owners are willing to conform to *our* laws! Have some integrity. You work for *us*--*not them*!

Sincerely,

Rick Morgan  
34001 Pequito Drive  
Dana Point

**Rick Morgan**

c: 949.439.1862

<http://www.linkedin.com/pub/rick-morgan/2/636/182>

<http://www.krop.com/rickmorgan54/>

Start each day as if it's on Purpose.

Sláinte!