

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

September 8, 2014.
6:04 p.m. – 9:54 p.m.

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

CALL TO ORDER – Chairwoman Claus called the Regular Meeting of the Dana Point Planning Commission to order at 6:04 p.m.

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

ROLL CALL

Commissioners Present: Chairwoman Claus, Commissioner Denton, Commissioner Newkirk, Vice-Chairwoman O'Connor, and Commissioner Whittaker

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

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of August 11, 2014.**

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

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

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

September 8, 2014
6:04- 9:54 p.m.

PAGE 2

Commissioner Whittaker recused herself from items #2 and #3 stating that she lived within the 500' radius and left the meeting at 6:07 p.m.

D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit CDP14-0018 for the installation of barrier gates at Salt Creek Beach Parking Lot at Strands Beach within the Community Facilities (CF) District at 34111 Selva Road

Applicant/Owner: County of Orange, Parks Department
Location: 34111 Selva Road

Request: A Coastal Development Permit application for the installation of automated entrance & exit barrier gates at the Salt Creek Beach Parking Lot at Strands Beach. The gates will replace the original, existing manually-operated entrance barrier gate and an exit, tire spike strip.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorical Exempt per Section 15311 (b) (Class 11 – Accessory Structures).

Recommendation: That the Planning Commission adopt Draft Resolution 14-09-08-29 approving Coastal Development Permit CDP14-0018.

Erica Demkowicz (Senior Planner) presented the staff report.

Chairwoman Claus opened the Public Hearing.

Roy “Ryan” Divil (Dana Point) spoke about the entry and exit gates. He felt that the exit gate is not necessary and encouraged the Planning Commission to consider additional options for public safety.

Susan Brodeur (Costa Mesa – Orange County Parks Representative) responded to concerns about the gate being in a permanently open position, and stated that she is available to answer any further questions.

Terry Goeler (Dana Point) stated that he was opposed to gates and is against any restrictions. He stated for the record that former councilmember Ruby Netzley worked very hard to procure the street for the City in the best interest of the community.

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

September 8, 2014
6:04- 9:54 p.m.

PAGE 3

Mark (and Gladys) Miller (Dana Point) stated that he is a resident of Niguel Beach Terrace and expressed noise issues with the tire spike strips. He asked to consider what will happen to Selva street parking.

Pamela O'Rourke (Dana Point) expressed that she is a resident of Niguel Beach Terrace and stated that the gates are open all day and that the applicant should leave the lot as is.

Carol Cadora (Dana Point) stated that there are too many gates in Dana Point. She encouraged the Commission to leave the gates open for everyone.

Chris Kinner (Dana Point) spoke of the placement of tire spike strips.

Chairwoman Claus closed the Public Hearing.

Susan Brodeur (Costa Mesa – Orange County Parks Representative) clarified use of parking lot after midnight and addressed concerns about the rusted barrier gates, hours of operation, removal of the spike strips, safety, and height of gates.

Vice-Chairwoman O'Connor stated that she is glad that the tire strips will be removed. She stated that it is not unusual to have a gate system in the lot, and seeing that there is pedestrian access, she is in favor with the fact that it's the County's property and they don't want vehicles parked.

Commissioner Denton remarked that the existing gates have been functioning without issues. He stated that he is not in favor if the proposal because he is not clear on what problem is being solved.

Commissioner Newkirk stated that he was not opposed to the hours of the gates and the height is low. He felt that they should add a condition of approval that if the gate malfunctions, it should stay open until fixed.

Chairwoman Claus stated that the proposal has been vetted and would be comfortable to approve.

Jennifer Farrell (Deputy City Attorney) clarified that the motion will include the added condition that if the gate malfunctions, the gate must remain open until repaired.

ACTION: Motion made (Newkirk) and seconded (O'Connor) to adopt Resolution 14-09-08-29 approving Coastal Development Permit CDP14-0018 to

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

September 8, 2014
6:04- 9:54 p.m.

PAGE 4

allow the installation of barrier gates to the existing Salt Creek Beach parking lot at Strands Beach in the Community Facilities (CF) District at 34111 Selva Road, with added condition of approval as described by Deputy City Attorney. Motion carried 3-1-1-0. (AYES: Claus, Newkirk, O'Connor NOES: Denton ABSENT/RECUSE: Whittaker ABSTAIN: None)

ITEM 3: Coastal Development Permit CDP14-0017 for the installation of pay stations at Salt Creek Beach Parking Lot at Strands Beach within the Community Facilities (CF) District at 34111 Selva Road

Applicant/Owner: County of Orange, Parks Department
Location: 34111 Selva Road

Request: A Coastal Development Permit for the installation of pay stations. The application includes the installation of a total of eight (8) individual pay stations that will be situated within the landscape areas of the existing parking lot.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorical Exempt per Section 15311 (b) (Class 11 – Accessory Structures).

Recommendation: That the Planning Commission adopt Draft Resolution 14-09-08-xx approving Coastal Development Permit CDP14-0017.

Erica Demkowicz (Senior Planner) presented the staff report.

Chairwoman Claus opened the Public Hearing.

Joanie McKnight (Dana Point - Niguel Beach Terrace Association) spoke on behalf of HOA residents who opposed the installation of pay stations.

Alan Wickstrom (Dana Point) stated that he is not clear why pay stations are necessary and felt that parking spaces should remain free. He asked the Planning Commission to deny the application.

Trevor Baird (Laguna Niguel) stated that the lot is one of the last free lots for surfing in Dana Point and that it should be left as is.

Roy "Ryan" Dival (Dana Point) stated that the Strands is the pearl of Dana Point and the free parking allows locals to sneak away to enjoy the beach.

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

September 8, 2014
6:04- 9:54 p.m.

PAGE 5

Terry Goeler (Dana Point) stated that the proposal is one more restriction on residents.

Mark (and Gladys) Miller (Dana Point) expressed concerns about parking on Selva Road, stating that the county parking lot is used as overflow for additional functions e.g. graduation, Tall Ships etc. He asked what is going to happen to Selva Road.

Pamela O'Rourke (Dana Point) stated that there are no gates at Niguel Beach Terrace community and expressed opposition on the project because beachgoers will park at Niguel Beach Terrace which will impact residents.

Tom Brabeck (Dana Point) stated that he is vehemently opposed to a fee.

Daniel Heredia (Corona) stated that he is a former resident and visitor of Dana Point, adding that The Strands Beach and Salt Creek Beach parking lots have never been a problem.

Susan Brodeur (Costa Mesa – O.C. Parks Representative) addressed concerns noting that the County's application was to create parking consistently with other beach parking facilities noting that the parking stall maximum would be 3-4 hours. She stated that the City would enforce the parking on the lot.

Shar Alikhani (Dana Point) spoke about instituting a more global solution to parking issues which would keep parking free to citizens of Dana Point.

Scott Nichols (Dana Point) spoke about the categorical exemption, noting that the environmental issues have not been addressed.

Bernadette Kinner (Dana Point) spoke about the Veteran's Memorial Park, noting that it is not in line with charging a fee to visitors.

Chairwoman Claus closed the Public Hearing.

Susan Brodeur (Costa Mesa – O. C. Parks Representative) stated that vandalism and vehicular parking turnover was a concern and that the intent was to add a sense of security.

Vice-Chairwoman O'Connor stated that it would be a hardship to pay for parking to visit the beach all day. She stated that she opposed paid station parking.

CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING MINUTES

September 8, 2014
6:04- 9:54 p.m.

PAGE 6

Commissioner Newkirk stated that the beach is an area where people go to enjoy and part of what we are as a community. He stated that charging for parking gives the wrong message and that he is against paid parking.

Commissioner Denton stated that he agrees with his fellow Commissioners, noting the burden of Sheriff's department of having to provide parking enforcement. He added that he would like to see the lot stay open after hearing from nearby residents that their condos would be a free parking lot. He does not see the problem they're solving. He stated that there are plenty of empty spaces and cannot support paid parking at the beach.

Chairwoman Claus stated that the proposal is poorly planned out and presented.

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution 14-09-08-30 denying Coastal Development Permit CDP14-0017 to allow the installation of pay stations to the existing Salt Creek Beach parking lot at Strands Beach in the Community Facilities (CF) District at 34111 Selva Road. Motion carried 4-0-1. (AYES: Claus, Denton, Newkirk, O'Connor NOES: None ABSENT/RECUSE: Whittaker ABSTAIN: None)

Commissioner Whittaker rejoined the meeting at 7:15 p.m.

Chairwoman Claus recused herself at 7:15 p.m. from hearing agenda Item #4 stating that she lived within the 500' radius, she turned the meeting over to Vice-Chairwoman O'Connor.

ITEM 4: 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)

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

September 8, 2014
6:04- 9:54 p.m.

PAGE 7

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 (APN 682-321-08)

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.

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.

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.

Ursula Luna-Reynosa (Director of Community Development) provided a background summary of the project.

Peggy Tabbas (Newport Beach – Applicant) gave a Power Point presentation noting that they were not going to the original design. She responded to questions from the previous workshop and recapped what was presented with reference to Phase 1 and Phase 2. She noted that they have made embellishments to the alley, showed detail of Phase 1’s courtyard and provided more opportunity for outdoor seating with shops restaurants and water features. She described dedicated loading areas separate from parking stall for residential move-in and back of house service. Phase 3 includes another public court-yard, added parking stalls in the alley, dedicated loading areas separate from parking

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

September 8, 2014
6:04- 9:54 p.m.

PAGE 8

stalls, improvements to architecture and elevations, added awnings, shutters, enhanced wall treatment and landscape and a paseo entrance from the street. Phase 3, changes have been made to the architectural theme (treatment), colors have changed and have incorporated wall art and they redesigned the garage to provide more underground parking. This is a work in progress will be back in two weeks with more renderings. Also, they feel they have justified their reason to apply for a 4 story variance.

Vice-Chairwoman O'Connor reconvened public testimony.

Sandie Iverson (Capistrano Beach –DPRRD) stated that the proposal is an improvement. She added that CEQA needs to be adequately served – traffic and noise are two studies that should be studied.

Carl Iverson (Capistrano Beach) noted that variances are an issue stating that the applicant has satisfied none of them and they cannot be justified. He spoke about parking meters and finds no reason to move forward. He quoted a friend who said, “the City deserves excellence.”

Debra Lewis (Dana Point) stated that she is concerned with the tower elements impacting her view. She spoke about story pole issues and referred to her letter of submittal today. She added that trust is an issue and requested that the applicant leave the stakes in place throughout the approval process.

Bernadette Kinner (Dana Point) stated that she lives next to Starbucks and that trash removal is a huge concern. She also spoke about a recent fire on a two story retail business, questioned infrastructure and noted that the project may have more demand on resources.

Craig Sink (Dana Point) stated that he agrees with speakers from Dana Point Residents for Responsible Development (DPRRD) noting that the issues are variances and parking.

Daniel (Chuck) Rathbone (Dana Point) stated that he was concerned about the process noting the time and effort that the people spent on developing the Town Center Plan guidelines.

Roy “Ryan” Divel (Dana Point) thanked the applicant for coming back and addressing concerns. He stated that there is too much in too little of space and it stands out like a sore thumb. He also was concerned about the number of homes and the development time.

CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING MINUTES

September 8, 2014
6:04- 9:54 p.m.

PAGE 9

Shar Alikhani (Dana Point) stated that the project attracts people who want to party, other places have tried this but then years later it became a party place, and this would set a precedence.

Karla Farjo (Dana Point) stated that she moved to Dana Point because of the town's vibrancy to raise a family. She noted that after seeing the proposed development, there is nothing that brings value to the City. It is concerning because it looks like every other City (e.g., Irvine and Costa Mesa).

Trent Hofferber (Dana Point) stated that he was concerned that the 110 residential units are being built in a small space.

There being no other speakers, **Vice-Chairwoman O'Connor** clarified that the Public Hearing will be left open to allow public comment to continue at the next scheduled meeting.

ACTION: Motion made (Denton) and seconded (Whittaker) to continue the Public Hearing to the regular Planning Commission meeting on September 22, 2014 at this location. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None RECUSE: Claus ABSTAIN: None)

Vice-Chairwoman O'Connor declared a ten minute recess at 8:30 p.m. and reconvened the meeting at 8:43 p.m. **Chairwoman Claus** rejoined the meeting and resumed her role as Chair.

E. NEW BUSINESS

ITEM 5: Planning Commission Study Session: Coastal Development Permit CDP14-0012 Site Development Permit SDP14-0014 and Variance V14-0003 for a project that would allow the demolition of an existing office/bank building and the construction of a new mixed-use building to comprise retail and/or restaurant space totaling 9,810 square feet, 39 residential (for rent) apartment units totaling 35,370 square feet and three levels of subterranean parking, in conjunction with the merger of two lots into one, on land located within the City's Lantern District (Town Center Plan Area) at 34175 Pacific Coast Highway.

Applicant: George Ray (GTR Property Development)

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

September 8, 2014
6:04- 9:54 p.m.

PAGE 10

Owner: M & A Gabae, LP
Location: 34175 and 34177 Pacific Coast Highway (two lots)
Assessor Parcel Numbers (APNs) 682-322-09 and 682-322-10

Request: That the Planning Commission conduct a study session of the proposed project (Coastal Development Permit CDP14-0012, Site Development Permit SDP14-0014 and Variance V14-0003) at 34175 Pacific Coast Highway and provide feedback to City staff and the project applicant.

Recommendation: That the Planning Commission conduct a study session to review the subject project and provide feedback to both City staff and the project applicant.

Ursula Luna-Reynosa (Director of Community Development) introduced the project and applicant proposal.

George Ray (Development Consultant) gave a brief background about the Charles Company and stated the public could visit his website to see information on the company and photos. He addressed the project's height, the variance requirement, technical issues of staking and the intent to keep Union Bank in the location.

Michael Bon (Architect – Long Beach) gave a Power Point presentation on the project.

Ursula Luna-Reynosa (Director of Community Development) commented on the language on the Town Center plan with reference to additional height. She added the staking requirements policy and gave a brief summary on the August 21, 2014, workshop session.

Commissioner Whittaker asked about parking requirements. Ursula Luna-Reynosa (Director) clarified that the 118 parking spaces meets the parking code.

George Ray (Development Consultant) responded about parking and truck load deliveries.

Michael Bon (Architect – Long Beach) responded to Commissioner Denton's questions about colors, he also noted that the street trees will provide a buffer.

Matthew Whister (Project Architect - Long Beach) responded to questions about square footage.

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

September 8, 2014
6:04- 9:54 p.m.

PAGE 11

Ursula Luna-Reynosa (Director of Community Development) encouraged people to submit their request to speak forms to provide comments and suggestions.

Steve Cary (Dana Point) provided documentation addressed to Mr. Kyle Butterwick (formerly, Director of Community Development) dated in June of 2006 concerning first floor plans and second story residences.

Shar Alikhani (Dana Point) described the project as the younger brother of the previous project noting that it is extremely dense.

Carl Iverson (Capistrano Beach) complimented the applicant on their sensitivity to design and articulation, stating he felt that they satisfied current parking requirements and pointed out that there is no living use on the first floor in the guidelines.

Roy "Ryan" Divel (Dana Point) commended the resident-friendly design with first floor retail according to the Town Center Plan to make downtown a central point.

Harold Kaufmann (Dana Point) stated that the curb cut variance is a concern.

Ursula Luna-Reynosa (Director) summarized the codes and asked for dialogue and comments to provide feedback to the applicants.

Commissioner Newkirk thanked the applicant for the presentation, appreciates they are not adding another floor; noted that the curb cut can be looked at in moving forward; if providing spaces could be a little more definitive in parking; and noted the fact that they came up with a project following the code.

Vice-Chairwoman O'Connor noted that the curb cut is moving away from a pedestrian friendly Town Center; regarding the blue coloring (New England exterior), do not feel compelled to stay with that blue theme. She noted that no matter what we do in Town Center, it will increase in density. Many people do not like that change. Practical projects are finding out that our original ideas for Town Center plan regarding four stories may not be viable for a building project. As a City, we all want a pedestrian friendly place.

Commissioner Denton noted the proper amount of parking as being very important. Regarding the curb cut; there is a need to learn about the issue with pulling in and out of Pacific Coast Highway. He finds no problem with 2 feet in the extra floor. He would like to see truck loading and delivery services studied. He stated that it is a great step in the right direction.

CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING MINUTES

September 8, 2014
6:04- 9:54 p.m.

PAGE 12

Commissioner Whittaker spoke about variances, and encouraged designing a project that does not need four stories. Concerning the curb cut, she stated that it may be close to the existing restaurant driveway. She noted that San Juan Avenue would be better access for the development.

Chairwoman Claus stated that she agrees with her fellow Commissioners. She commended the audience for their comments and for their participation.

F. STAFF REPORTS

There were no Staff Reports.

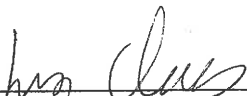
G. COMMISSIONER COMMENTS

There were no Commissioner Comments.

H. ADJOURNMENT

Chairwoman Claus announced that the next meeting of the Planning Commission will be held on Monday, September 22, 2014, beginning at 6:00 p.m. (or as soon thereafter) in the Dana Point Community Center in the gym located at 34052 Del Obispo, Dana Point, California.

The meeting adjourned at 9:54 p.m.



Liz Claus, Chairwoman
Planning Commission