

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

October 27, 2014
6:05 p.m. – 10:55 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 6:05 p.m.

PLEDGE OF ALLEGIANCE – Jennifer Farrell (Deputy City Attorney) led the Pledge of Allegiance.

ROLL CALL

Planning Commission Members Present: Chairwoman - Liz Claus, Vice Chairwoman - April O'Connor, Norman Denton, Gary Newkirk and Susan Whittaker

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

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of October 6, 2014.

ACTION: Motion made (O'Connor) and seconded (Denton) to approve the Minutes of the regular Planning Commission Meeting of October 6, 2014, as modified. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

ITEM 2: Minutes of the regular Planning Commission Meeting of October 13, 2014.

ACTION: Motion made (Denton) and seconded (O'Connor) to approve the Minutes of the regular Planning Commission Meeting of October 13, 2014. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

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B. PUBLIC COMMENTS

Keith Johannes (Dana Point) spoke about the need to update the historical buildings inventory.

Buck Hill (Dana Point Residents for Responsible Development - Dana Point) spoke regarding the planning process and felt that Planning staff let the public down in their analysis (regarding the Majestic project). He asked that drawings be available to the public early on so that the public can understand everything.

Donna Abersman (Dana Point) spoke about the north entrance to Dana Point Lantern District particularly the triangular piece of property at Blue Lantern through Ruby Lantern and consideration of making it a “welcoming center.”

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. NEW BUSINESS

ITEM 3: Preliminary Review (PA14-0152) of Variances and a Site Development Permit for a new, three-story, 3,372 square-foot single-family dwelling with a roof deck and an attached, 456 square-foot, two-vehicle garage on vacant land located at 34156 Crystal Lantern.

Applicant/Property

Owner: Sunmoon Suhaimi
Location: 34156 Crystal Lantern

Request: Preliminary review for a request to permit Variances for: building height, floor area ratio (FAR), upper story setback and driveway depth and grade, in conjunction with a Site Development Permit for a new single family dwelling on a residentially zoned, vacant lot.

Environmental: Not applicable at this time.

Recommendation: That the Planning Commission assesses the building site design and provide feedback to the applicant focusing on potential issues which may be raised during consideration of a formal submittal for the project.

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Ursula Luna-Reynosa (Director) provided a summary of the Preliminary Review process and cited the municipal code requirement to request input/direction prior to the submittal of an application.

Danny Giometti (Assistant Planner) provided the staff summary.

Jacob Liawatidewi (Applicant Representative – Diamond Bar) gave a PowerPoint presentation.

The Planning Commissioners provided general comments and feedback to the applicant that included concerns with the driveway slope (too steep); consider a condition to have no parking on the driveway; address safety from the driveway slope (dangerous egress); include better compliance with the step backs and set-backs required; recommend that the structure needs more articulation, less FAR; include topography data on plans; and look at the ravine and drainage solutions for the site.

Chairwoman Claus stated that there was one (1) public request to comment on this item.

Carl Iverson (Capistrano Beach) commented that he believes only the height variance is justifiable due to lot, slope and terrain.

Seeing no other public requests to comment, Chairwoman Claus asked the Commission for any final comments.

Commissioner Denton stated that he would like to see something built. He was concerned with the lack of setbacks. It needs a different driveway approach. It requires understanding of a flood circumstance; debris, blockage and clearance should be identified. Perhaps add a balcony or deck on each level instead of a roof deck.

Vice-Chairwoman O'Connor noted that the property is a difficult lot. She suggested adding visual interest to the front façade and upper level setback. Also would like more reasoning behind variances.

Commissioner Newkirk stated that it needs architectural relief with step-backs. He spoke about long term consequences of the extremely steep driveway – for safety.

Chairwoman Claus stated that there is still work to be done but feels that it is worthwhile for the applicant to pursue the project.

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Chairwoman Claus recused herself from Item #4 stating that she lived within the 500' radius of Item #4 and left the meeting at 7:10 p.m. **Vice-Chairwoman O'Connor** acted in her place.

E. STUDY SESSION

ITEM 4: **A Planning Commission Study Session for new development that would include the demolition of the existing, but currently vacant 24-room Dana Marina Motel building and the construction of a new mixed-use building with retail and/or restaurant space totaling 11,800 square feet, 30 residential units totaling 25,510 square feet and two levels of subterranean parking within the City's Lantern District (Town Center Plan area) at 34111 Pacific Coast Highway.**

Applicant/Owner: Steven Chen, TAG Design Works/CETT Investment Co.

Location: 34111 Pacific Coast Highway

Recommendation: That the Planning Commission conduct a study session, receive and file the presentation from the applicant and provide feedback to the applicant on any aspect of the project that will assist in future deliberations of the project.

Erica Demkowicz (Senior Planner) gave a brief report.

Steven Chen (Applicant Representative) gave a presentation and responded to questions.

Brad Fowler (Director of Public Works and Engineering Services) discussed the Town Center plan, pedestrian access along Del Prado, and the desire to limit driveways off Del Prado.

The Planning Commission provided general comments and feedback to the applicant that included a desire to see the building design enhanced with more varied architectural elements and high quality materials/exterior treatments; showed concern about the high number of small, one bedroom units; did not want to see vacation rentals; expressed concern about how trash pick-up and deliveries are taken from PCH; wanted more information validating need for high tower elements (stair/elevator); and to look at other options for valet parking program, as it is presented, does not work.

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Vice-Chairwoman O'Connor stated that there were three (3) public requests to comment on this item:

Keith Johannes (Dana Point) stated that the property is on the California Historic Resource Inventory System and the community needs to be aware about its closure due to code violations. California preservation would encourage adaptive re-use of building versus demolition. Local government is not certified. Setting a precedent for neglect prior to demolition of historic buildings.

Carl Iverson (Capistrano Beach) stated that the project needs paseos from Del Prado to Pacific Coast Highway. He noted concern regarding the parking and one-bedroom units invite transiency. He stated that the architecture is nice but needs more quality.

Steve Cary (Dana Point) stated that he likes the look of the building but questions the scale and mix of the number of bedrooms.

Seeing no further public comments, **Vice-Chairwoman O'Connor** ended the study session.

Vice-Chairwoman O'Connor recessed the Planning Commission meeting at 8:10 p.m. and reconvened the meeting at 8:25 p.m. with all members present.

Vice-Chairwoman O'Connor handed over the chairmanship of the meeting to Chairwoman Claus who has returned to the meeting.

F. PUBLIC HEARINGS

ITEM 5: Coastal Development Permit CDP13-0010 to construct a mixed-use residential/commercial development including 168 condominium units, 2,471 square feet of commercial uses, and approximately 0.5 acres of public parkland and Site Development Permit SDP13-0015 to allow development in the Floodplain Overlay District (FP-2), an increase in maximum stories, walls over the height limit in required side yards, and tandem parking for 28 residential units with Vesting Tentative Tract Map VTTM 17146 to allow for the individual sale of the dwelling units and the proposed commercial area located at 34202 Del Obispo Street.

Applicant/Owner: Project Dimensions Inc./AG/A&M Doheny, LLC
Location: 34202 Del Obispo Street

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Request: Approval of Coastal Development Permit to develop two vacant parcels with a residential/commercial mixed-use project including 168 residential units, 2,471 square feet of commercial space and 0.5 acres of public parkland. Site Development Permits are requested to allow development within the Floodplain Overlay District (FP-2), an increase in maximum stories, walls over the height limit in required side yards, and for tandem parking for 28 residential units. A Vesting Tentative Tract Map is requested to allow for the individual sale of the dwelling units as well as the proposed commercial area.

Environmental: Pursuant to the provisions of the California Environmental Quality Act (CEQA), an Environmental Impact Report (SCH# 2014011030) was prepared for the proposed project.

Recommendation: That the Planning Commission (1) Adopt a resolution certifying the Environmental Impact Report (SCH# 2014011030) for the 34202 Del Obispo Street Project and adopting the "Facts and Findings Related to the Environmental Impact Report for the 34202 Del Obispo Street Project", (Action Document 1); (2) Adopt the attached Draft Resolution approving Vesting Tentative Tract Map VTTM 17146, Coastal Development Permit CDP13-0010, and Site Development Permit SDP13-0015 and adopting the Mitigation Monitoring and Reporting Program (Chapter 7 of the Draft Environmental Impact Report) (Action Document 2).

Kurth Nelson (Senior Planner) gave the staff report and noted several revisions to the recommended Conditions of Approval adding a new condition in Section B (as provided in memo to Planning Commission).

Steve Sandland (Applicant) gave a presentation and responded to questions from the Planning Commission.

Chairwoman Claus opened the Public Hearing.

Fred Williams (Dana Point) stated that he liked the project and that it looked nice for visitors to enjoy.

Mary Jeffries (Dana Point) spoke about concerns with the SOCWA sewage spills, also noted that the project is unattractive and blocks views. She felt that the lot should have a 2 ½ acre park.

Betty Hill (Dana Point – Dana Point Residents for Responsible Development) spoke in support noting that the proposed project meets the zoning laws. She

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asked if vacation rentals would be allowed, should the City have final approval, will a condition be constructed?

Betty Burnett (General Manager, South Orange County Water Authority (SOCWA)) pointed out that the SOCWA facility borders the proposed lot, their trucks drive by an adjacent wall and she was concerned about the location of the swimming pool next to the wall and asked for consideration on maintaining the 15' setback. She also added that the storm water pump station should require a condition that there needs to be an agreement for jointly use.

Jody Payne (Dana Point) spoke in favor of the project but noted a concern about the height of the green wall in front of retail noting that it could be lowered to prevent transients from potentially using the back side of the wall.

Commissioner Whittaker asked SOCWA about how often their trucks drive by.

Betty Burnett (SOCWA) responded that their doors for trucks are open 30-45 minutes, usually in the morning during solids transfer, but not daily.

Commissioner Denton asked for more testimony about raw sewage incidents.

Betty Burnett (SOCWA) replied that she was only aware of one flood condition that occurred, noting that the sewer system in the (former) trailer park was terrible and that SOCWA tried to help.

Steve Sandland (Applicant) clarified that, in respect to SOCWA, he worked closely with Tom Rosales (the general manager before Betty Burnett) and jointly created a memorandum of understanding that was incorporated with staff recommendations and conditions. He responded to the location of the pool and pointed to a pool building, shown in the renderings, noting that it was taken into consideration so that it is not against the SOCWA facility. He stated that the height of the 7' wall in front of the commercial came from discussions with the City, Parks, Public Works and Building departments.

Commissioner Denton asked about street lighting.

Steve Sandland (Applicant) replied that they will do whatever the City wants to ensure the safety of all of the residents.

Chairwoman Claus closed the Public Hearing.

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Vice-Chairwoman O'Connor stated that she was happy to see that there will be affordable housing units to help low income professionals. She stated concerns regarding signs for commercial and with tandem parking garages.

Commissioner Newkirk asked to ensure in the CC&R's that the HOA can monitor parking enforcement. He noted that the low income housing needs to be in perpetuity, and the front wall needs to be addressed. He stated that the architecture fits and is valued.

Commissioner Whittaker stated that it is a nicely planned project. She noted support with Condition #52(m) and Condition #83. She asked about alternative sound attenuation for units over retail, alternative sound attenuation to the 7' wall and some visibility. She noted that unassigned garage spaces could be opened up to commercial uses.

Commissioner Denton thanked City staff for doing a great job on working with the developer. He felt confident that the project will move forward. He commented on the importance of affordable housing and sees \$400K units as an investment.

ACTION: Motion made (Denton) and seconded (Claus) to adopt Resolution No. 14-10-27-35 certifying the Final Environmental Impact Report (EIR SCH# 2014011030) for a Vesting Tentative Tract Map VTTM (17146), Coastal Development Permit (CDP13-0010), and Site Development Permit (SDP13-0015); Adopting Findings of Fact. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

ACTION: Motion made (Denton) and seconded (O'Connor) to adopt Resolution No. 14-10-27-36 approving Coastal Development Permit CDP13-0010 to construct a Mixed-Use Residential/Commercial Development including 168 condominium units, 2,471 square feet of commercial uses, and approximately 0.5 acres of public parkland and Site Development Permit SDP13-0015 to allow development in the Floodplain Overlay District (FP-2), an increase in maximum stories, walls over the height limit in required side yards, and tandem parking for 28 residential units with Vesting Tentative Tract Map VTTM 17146 to allow for the individual sale of the dwelling units and the proposed commercial area located at 34202 Del Obispo Street; adopting the Mitigation Monitoring and Reporting Program, as modified. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

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G. STAFF REPORTS

Ursula Luna-Reynosa (Director) reported that there is a possibility that the Planning Commission meeting of November 24th may be cancelled.

H. COMMISSIONER COMMENTS

Commissioner Newkirk spoke about a recent trip to a mixed use development where retailers shared a common theme; the closer their location to its town center, parking was limited. He added that those businesses were failing; he stated the importance of getting a parking survey.

Christy Teague (Economic Development Manager) announced that the Dana Point IlluminOcean showcase festival will begin on November 26, 2014 through January 4, 2015.

I. ADJOURNMENT

Chairwoman Claus announced that the *next* meeting of the Planning Commission will be held on Monday, November 10, 2014, beginning at 6:00 p.m. (or as soon thereafter) in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

The meeting adjourned at 10:55 p.m.

/s/ Liz Claus

Liz Claus, Chairwoman
Planning Commission