

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

DATE: MAY 31, 2018

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
URSULA LUNA-REYNOSA, DIRECTOR
SEAN NICHOLAS, AICP, SENIOR PLANNER

SUBJECT: REVIEW OF THE VISTA DEL MAR SUBSTANTIAL CONFORMANCE DETERMINATION

RECOMMENDATION: That the Planning Commission review the Vista Del Mar Substantial Conformance determination.

LOCATION: 34175-34177 Pacific Coast Highway

NOTICE: Notices were posted at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, as well as the Dana Point Library on May 25, 2018, posted on the City Website 14 days prior to the Planning Commission meeting, and notices were mailed in accordance with Zoning Code requirements.

BACKGROUND:

On February 22, 2016, the Planning Commission approved multiple entitlements for the approval of a new mixed-use development at the northwest corner of Pacific Coast Highway (PCH) and Golden Lantern. The applicant has prepared and submitted constructions drawings for the purpose of obtaining building permits. Taking concept level drawings (which are utilized for entitlement purposes) to detailed working drawings (which are utilized for building permit purposes) often necessitates tweaks and modifications to the concept level plans. Each approval of a project that goes through a discretionary review process contains a standard condition of approval as follows:

The application is approved as a plan for the location and design of the uses, structures, features, and materials shown on the approved plans. Any demolition beyond that described in the approved plans or any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed

change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plot plan, he/she may approve the amendment without requiring a new public hearing.

The intent of this condition is to allow for such modifications without having to take the project back to Planning Commission for consideration. Modifications of this nature are typically reviewed administratively and the past practice has been to approve such modifications only if the changes are: 1) in compliance with the development standards, 2) result in less intensity than the approved project, and 3) address a community concern in a positive manner that was raised during the public hearing when the project was considered.

The City's most recent Zoning Code update included a provision to allow the Community Development Director to refer "substantial conformance reviews" to the Planning Commission for feedback and provide an opportunity to inform the public. The proposed modifications for this project result in a reduction in approved parking. Due to the keen community interest in parking, particularly in the Lantern District/Town Center area, the Community Development Director elected to refer this substantial conformance review to the Planning Commission.

DISCUSSION:

February 22, 2016 Planning Commission Approval

The Planning Commission approved a three-story, 40-foot tall mixed-use project with three commercial/restaurant spaces totaling 6,900 square feet, 39 residential apartments, and two and a half levels of subterranean parking with a total of 105 parking spaces. This approval resulted in a surplus of five (5) parking spaces as calculated per the parking standards utilizing Section 9.35.080 of the Dana Point Zoning Code (DPZC) without the use of tandem, valet, or a shared parking program. The entitlements for the development was extended on February 22, 2018, to allow time to complete all the necessary Engineering and Building Plans. The applicant reduced the square footage of commercial space during the preparation of construction documents. Since the City's parking requirements are based on use and area, this change results in less parking required per the DPZC.

Reduced Number of Parking Spaces On-site

Table 1 compares the square footage and parking of the project approved by the Planning Commission, and the square footage and parking proposed in the construction documents:

Table 1: Comparison of the Approved Planning Commission Project and Construction Documents

Component	Approved Area/Units	Proposed Area/Units	Approved Parking	Proposed Parking
Commercial/Restaurant	6,900 sq. ft.	5,817 sq. ft.	35	27
Residential	39 units	39 units	65	65
Total Required Parking			100	92
Total Parking Provided			105	97
Surplus			+5	+5

Based on the proposed reduction in commercial/restaurant area, the project is compliant with Zoning Code parking requirements and provides a surplus of 5 spaces which is consistent with the 5 space surplus provided with the original approval. With this change the applicant is able to eliminate the need for the partial third floor of subterranean parking that was included in the original approval.

Parking Space Widths

As plans transition from conceptual drawings to working drawings, or construction documents, the plans are refined to incorporate building code compliance and structural construction methods. As a result of that refinement, a common modification for projects that include subterranean basements/parking is the location of support columns.

The Town Center Plan incorporates flexibility into the development standards for parking garages, to take into account the difficulties that often arise in formalizing the design of subterranean garages. Page 39 of the Town Center states: “Parking Structures: Development Standards detailed in Dana Point Zoning Code shall apply, but may be modified upon approval of the Director of Community Development and City Traffic Engineer.”

The applicant is requesting a modification, consistent with the Town Center section referenced above, for ten (10) parking spaces next to subterranean support columns. Pursuant to the DPZC, eleven (11) feet is the required parking space width next to a column, and nine (9) feet is proposed to be provided. The basis for the increased width of a parking space next to a column is to allow room for parking and access to the car doors without hitting an obstruction or deterring use. A standard parking space is nine (9) feet. The applicant has provided a detail showing how columns will be located towards the front of the car and the rear so when a car is parked in the space the doors can open without hitting the columns. This column placement will not impact access to the car nor deter use of the parking space. The ten (10) reduced width spaces are located in the residential parking area where parking is assigned, and potential tenants will be notified of the space’s size and location during the leasing process. Due to the design and functionality of the proposed modification, the Director of Community

Development and City Traffic Engineer/City Engineer, are able to support the reduced dimension for the ten (10) identified parking spaces.

CONCLUSION:

That the Planning Commission review and provide feedback to staff regarding the reduced number of parking spaces provided on-site, in compliance with the DPZC's parking regulations, and the reduced width of ten (10) parking spaces within the parking structure and designated in the residential parking area for the Vista Del Mar Mixed-Use development.

Sean Nicholas, AICP
Senior Planner

Ursula Luna-Reynosa, Director
Community Development Department

ATTACHMENTS:

Supporting Documents

1. Proposed Design (excerpted)
2. Approved Planning Commission Design (excerpted)