



## THE CITY OF LAGUNA NIGUEL

### MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION

DECEMBER 12, 2023

#### CALL TO ORDER

By Chair Green at 7:00 p.m.

#### ROLL CALL

**Voting Members Present:** Chair Roger Green  
Vice Chair Sally Savage-Lebhart  
Commissioner Karen Ferlauto  
Commissioner Kathleen Hayes  
Commissioner Pedram Vahid

**Voting Members Absent:** None

**Advisory Members Present:** None

**Staff Present:** Deputy Director John Morgan  
Assistant City Attorney Isra Shah  
Planning Manager Katie Crockett  
Permit Technician Mikayla Layral  
Contract Planner Stephanie Tomaino  
Management Analyst Hannah Tamaddon

#### PLEDGE OF ALLEGIANCE

Led by Commissioner Ferlauto

#### APPROVAL OF MINUTES – November 14, 2023

Chair Green requested that the draft Minutes of the November 14, 2023, Planning Commission meeting be amended to reflect the following changes:

Page 4, Paragraph 5 – Corrections.

He understood that staff was trying to get it right and anticipate what that HCD will agree with the revisions and believed staff has done a thorough job.

It was moved as amended by Vice Chair Savage-Lebhart and seconded by Commissioner Vahid to approve the Minutes of the November 14, 2023, Planning Commission meeting. The motion carried 5-0.

**AYES:** Green, Savage-Lebhart, Ferlauto, Hayes, Vahid  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

## **PUBLIC COMMUNICATIONS**

There were no Public Communications.

## **NOTICED PUBLIC HEARING ITEMS**

- 1. Site Development Permit Amendment SP 88-13A08 and Use Permit UP2 2-08 (28201 Crown Valley Parkway - Chick-fil-A @ Center at Rancho Niguel) - PUBLIC HEARING** - A request for modifications to an existing Chick-fil-A drive-thru restaurant located at 28201 Crown Valley Parkway, within The Center at Rancho Niguel. The proposed alterations notably include the addition of a second drive-thru ordering lane, a minor building expansion, replacement of an existing nonconforming trellis with a solid roof canopy structure, addition of a new canopy structure over the menu boards, and landscaping modifications. The site is generally located southwest of the Greenfield Drive and Crown Valley Parkway intersection.

The project also includes a request for relief from two zoning standards to allow: 1) an increase in the center's existing parking deficit by ten spaces and update to the center's approved Precise Mix-of-Uses (parking model) based on a parking observation study; and 2) a voluntary demolition of a nonconforming trellis structure currently located within the perimeter setback area and addition of a canopy structure built to the limits of the pre-existing nonconformity.

**Recommended Action:** That the Planning Commission open the public hearing, take public testimony, close the public hearing, and then adopt Resolution No. 23-13 (Attachment A), approving Site Development Permit Amendment to SP88-13A08 and Use Permit UP22-08 (28201 Crown Valley Parkway - Chick-fil-A @ Center at Rancho Niguel).

Contract Planner Tomaino provided a PowerPoint presentation summarizing the proposed Site Development Permit Amendment and Use Permit.

Commissioner Hayes inquired about potential objections to the project from other tenants in the Center. Contract Planner Tomaino answered that there were no objections received, and no public comments were submitted concerning the project.

Commissioner Vahid asked about the Parking/Circulation Management Plan and the potential impact of removing six parking spaces. Contract Planner Tomaino provided clarifying remarks regarding both the scope of the parking observation study that was

performed and the proposed project condition of approval requiring a Parking/Circulation Management Plan in the event that parking and/or circulation problems arise. Deputy Director Morgan added that even during peak parking demand times, the parking observation study indicates that 30% of parking spaces were unoccupied in the Center. He noted that the removal of six spaces would have a negligible impact on overall parking conditions. However, there may be instances where it may get a little congested parking wise directly in front of Chick-fil-A, but there was ample parking throughout the shopping center for customers to park and walk to the restaurant, should they choose. He also mentioned that historically, the drive-thru was popular, being near an elementary school, toll road, and freeway, and the project aimed to design a drive-thru to better support this demand and enhance its efficiency. Contract Planner Tomaino concluded that parking enforcement would only be warranted if the observed parking demand exceeded 95% of parking occupancy limits.

Chair Green clarified with Contract Planner Tomaino the findings of the parking observation study, which identified that the peak parking occupancy was on a Wednesday at 12:30 PM with 69%, and that the peak weekend occupancy was 60%. A total of 315 spaces were occupied of the 456 provided.

Chair Green opened the Public Hearing at 7:22 p.m.

Bob Montgomery, representative of Buie Stoddard Group (shopping center owner), emphasized the necessity of the project to alleviate parking lot congestion. He added that Chick-fil-A has worked very hard to create a plan that would reduce the congestion in the parking lot and help surrounding tenants. He stated that the Buie Stoddard Group were confident that this would be a vast improvement to the current situation and benefit the Center.

Terry Womack, Go2Permitting, representing Chick-fil-A, reiterated the key points highlighted in staff's presentation regarding their intent of upgrading the site.

Chair Green commended the efforts by Buie Stoddard Group and Chick-fil-A to resolve this issue and proposing the project. He asked if the project would remain open during construction. Matt Ersick, Project Manager for Joseph C. Truxaw and Associates, Inc., who is working on project design for Chick-fil-A, answered that the project would require temporary closure and estimated 3-4 months.

Chair Green closed the Public Hearing at 7:29 p.m.

Vice Chair Savage-Lebhart echoed Chair Green's comments and expressed her appreciation for their solution-oriented approach. She noted that this was a great step forward.

Commissioner Hayes added that she thought it was a great plan.

Commissioner Vahid noted that this was a great improvement for the drive-thru lanes. He asked if there would be any changes to the existing center signs. Contract Planner Tomaino answered that no changes were proposed as a part of this project application.

It was moved by Commissioner Ferlauto and seconded by Vice Chair Savage-Lebhart to adopt Resolution No. 23-13, approving Site Development Permit Amendment to SP88-13A08 and Use Permit UP22-08 (28201 Crown Valley Parkway - Chick-fil-A @ Center at Rancho Niguel).

The motion carried 5-0.

**AYES:** Green, Savage-Lebhart, Ferlauto, Hayes, Vahid  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

2. **Use Permit UP23-12 (28202 Cabot Road, Suite 101 and 105 – Allergy & Asthma Associates of Southern California) - PUBLIC HEARING** - A request to establish and operate a medical office (Allergy & Asthma Associates of Southern California) within combined suites 101 and 105 (6,961 square feet) in Crown Cabot Financial Center. The project site is generally located south of Crown Valley Parkway and Cabot Road intersection within the “Mixed Use” (MU) District of the Gateway Specific Plan.

**Recommended Action:** That the Planning Commission open the public hearing, take public testimony, close the public hearing, and then adopt Resolution No. 23-14 (Attachment A), approving Use Permit UP 23-12 (28202 Cabot Road, Suite 101 and 105 – Allergy & Asthma Associates of Southern California) subject to conditions.

Permit Technician Layral provided a PowerPoint presentation summarizing the proposed Use Permit.

Chair Green clarified with Permit Technician Layral that the code allowed for a 25% parking deficit for this property. With the proposed project, it would increase to 19% but still below the 25% parking deficit allowance.

Chair Green opened and closed the Public Hearing at 7:40 p.m.

It was moved by Vice Chair Savage-Lebhart and seconded by Commissioner Ferlauto to adopt Resolution No. 23-14, approving Use Permit UP 23-12 (28202 Cabot Road, Suite 101 and 105 – Allergy & Asthma Associates of Southern California) subject to conditions.

The motion carried 5-0.

**AYES:** Green, Savage-Lebhart, Ferlauto, Hayes, Vahid  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

## **OTHER BUSINESS**

None

## **REPORTS AND COMMENTS**

### **1. Planning Commission**

None

### **2. Community Development Director and Staff**

Deputy Director Morgan thanked Commissioner Vahid for his dedicated service over the last two years. He acknowledged Commissioner Vahid's commitment to prioritizing the community's well-being, even in the face of difficult decisions and expressed staff's appreciation for the positive impact Commissioner Vahid has had on Laguna Niguel.

Commissioner Vahid thanked Deputy Director Morgan for his kind words. He expressed his honor and pleasure in serving on the Planning Commission, emphasizing his commitment to the City's best interests. Commissioner Vahid mentioned looking forward to attending future Planning Commission meetings as a resident. He thanked everyone for the opportunity to serve and expressed his pleasure in working with staff and fellow commissioners.

Chair Green also extended thanks to Commissioner Vahid for his service.

Deputy Director Morgan concluded by noting that this would be the last Planning Commission meeting for 2023 and wished everyone a happy holiday and new year.

## **ADJOURN**

The meeting was adjourned at 7:47 p.m.

## **ATTEST:**

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**John Morgan**  
**Deputy Community Development Director**

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**Roger Green**  
**Planning Commission Chair**