

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

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February 11, 2013  
6:00 – 6:31 p.m.

City Hall Offices  
Council Chamber (#210)  
33282 Golden Lantern  
Dana Point, CA 92629

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**CALL TO ORDER** – Chairman Denton called the meeting to order.

**PLEDGE OF ALLEGIANCE** – Commissioner Preziosi led the Pledge of Allegiance.

**ROLL CALL**

Commissioners Present: Commissioner Liz Claus, Chairman Norman Denton, Vice-Chairman Gary Newkirk, Commissioner April O'Connor, Commissioner Tarquin Preziosi

Staff Present: John Tilton (Acting Director), Christy Teague (Acting Planning Manager/Economic Development Manager), Evan Langan (Associate Planner), Jennifer Farrell (Deputy City Attorney), and Denise Jacobo (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1: Minutes of the regular Planning Commission Meeting of January 14, 2013.**

**ACTION: Motion made (Newkirk) and seconded (Claus) to approve the Minutes of the regular Planning Commission Meeting of January 14, 2013. Motion carried 4-0-1. (AYES: Claus, Newkirk, O'Connor, Preziosi NOES: None ABSENT: None ABSTAIN: Denton)**

**ITEM 2: Minutes of the regular Planning Commission Meeting of January 28, 2013.**

**ACTION: Motion made (Preziosi) and seconded (Newkirk) to approve the Minutes of the regular Planning Commission Meeting of January 28, 2013. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: None ABSTAIN: None)**

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

---

February 11, 2013  
6:00 – 6:31 p.m.

PAGE 2

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**B. PUBLIC COMMENTS**

There were no Public Comments.

**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

**D. OLD BUSINESS**

**ITEM 3: Sign Program Permit SPP12-0001for OC Beads/Art Gallery located at 24471 Del Prado.** *(Continued from the regular Planning Commission meeting of December 10, 2012, and January 14, 2013).*

**Chairman Denton** stated that Staff has pulled Item #3 from the Meeting Agenda.

**John Tilton (Acting Director)** confirmed that due to a potential conflict of interest the Item has been removed from the Meeting Agenda.

**Jennifer Farrell (Deputy City Attorney)** also confirmed that no action would be required.

**E. PUBLIC HEARINGS**

**ITEM 4: Coastal Development Permit CDP12-0022 to allow the demolition of an existing single-family dwelling and the construction of a new, 4,030 square foot, two-story single-family dwelling, including an attached, 456 square foot garage at 23636 Sidney Bay Drive.**

Applicant: Kenneth Brown  
Property Owners: Hermant Patel  
Location: 23636 Sidney Bay Drive

Request: Approval of a Coastal Development Permit to allow the demolition of a single-family dwelling and the construction of a new single-family dwelling on land located in the City's Coastal Overlay District (the California Coastal Zone) and the Appeals Jurisdiction of the California Coastal Commission.

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

---

February 11, 2013  
6:00 – 6:31 p.m.

PAGE 3

---

Environmental: Pursuant to the California Environmental Quality Act (CEQA), staff finds the project is Categorically Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures)

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Coastal Development Permit CDP12-0022.

**Evan Langan** (Associate Planner) presented the staff report.

**Chairman Denton opened the Public Hearing.**

**Jon Robinson (Laguna Beach – Applicant Representative)** responded to questions about windows on the second floor. He stated that the Homeowners Association approval process lasted a long time.

**Phil Immell** (Dana Point) said he is the adjacent property owner. He stated that the issue of privacy was a concern to him because of a five foot setback and the second floor windows would be facing his backyard swimming pool. He added that the addition also could affect his air and lighting.

**Jon Robinson (Laguna Beach – Applicant Representative)** addressed the neighbor's concerns. He stated that the design is well within the rules of Niguel Shores and windows facing the neighbor's pool will be frosted.

**Phil Immell** (Dana Point) stated that he would like the applicant to also consider frosted windows at the rear of the property. He stated that the five-foot set back which is now 12-14 feet back seems bulky and massive.

**Chairman Denton closed the Public Hearing.**

**Commissioner Preziosi** stated that the project complies with all the codes, and no public views would be obstructed, and there are no real issues with the project.

**Vice-Chairman Newkirk** stated that the project meets all the requirements, and the applicant has tried to accommodate neighbors' concerns. He would not object to the project.

**Commissioner Claus** she agreed with her fellow Commissioners, the owners have reached out enough to support the project.

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

---

February 11, 2013  
6:00 – 6:31 p.m.

PAGE 4

**Commissioner O'Connor** stated that she was happy that the applicant did not max out the project, and stayed within 22% of the total lot area, a good compromise by frosting a portion of the windows, and would be in favor of the project.

**Chairman Denton** stated that his comments are along the lines of his fellow Commissioners. He addressed Mr. Immel's points about his privacy and frosted windows. He noted that the project has taken a long time, and the applicant got it right by working with the neighbors.

**ACTION:** Motion made (O'Connor) and seconded (Newkirk) to adopt Resolution 13-02-11-02 approving Coastal Development Permit CDP12-0022 to allow the demolition of an existing single-family dwelling and the construction of a new, 4,030 square foot, two-story single-family dwelling, including an attached, 456 square foot garage at 23636 Sidney Bay Drive. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: None ABSTAIN: None

**F. STAFF REPORTS**

**John Tilton** (Acting Director) reported that Short Term Rentals were discussed at the City Council meeting last week. Another meeting is tentatively scheduled for March 5, 2013. He also reported that the recruitment efforts to fill the Community Development Director position will probably be finalized next month.

**Christy Teague** (Acting Planning Manager/Economic Development Manager) expressed thanks to everyone who participated and shared their views at the City's Housing Workshop.

**G. COMMISSIONER COMMENTS**

**Commissioner O'Connor** wished the best of luck to Mr. Tilton on acquiring the Community Development Director position.

**Commissioner Claus** also wished Mr. Tilton best of luck. She reported that an article published in the Orange County Register about CEQA (California Environmental Quality Act) reform, where Gov. Jerry Brown was considering

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

---

February 11, 2013  
6:00 – 6:31 p.m.

PAGE 5

streamlining regulatory procedures to help projects progress with greater certainty and cut needless delays.

**Chairman Denton** wished Mr. Tilton good luck. He hoped that everyone got a chance to see the story poles at the Dana Point Harbor.

**Vice-Chairman Newkirk** also wished Mr. Tilton best of luck. He announced that the Dana Point Youth Baseball has kicked off with teams organized and practicing on the fields, he encouraged everyone to watch the kids.

**Commissioner Preziosi** asked Mr. Tilton for a status report on a vacant lot adjacent to the Fire Station on Niguel Road.

**John Tilton** (Acting Director) replied, that Makar Corporation still owned the parcel, and they have plans for luxurious duplexes. The subdivision was previously approved, but they are modestly downsizing the numbers of units that were previously approved, the level of changes will specify whether it has to come back to the Planning Commission. He also gave an update on a lot close to the golf course, known as the maintenance yard with previously approved plans to replace it with a permanent facility.

**H. ADJOURNMENT**

**Chairman Denton** announced that the *next* meeting of the Planning Commission will be held on Monday, February 25, 2013, 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 6:31 p.m.**

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Norman Denton, Chairman  
Planning Commission