

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

June 10, 2013
6:00 – 6:55 p.m.

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

CALL TO ORDER – Chairman Newkirk called the meeting to order.

PLEDGE OF ALLEGIANCE – Senior Planner, Kurth Nelson led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Denton, Chairman Gary Newkirk, Commissioner April O'Connor, and Commissioner Susan Whittaker

Commissioner(s) Absent: Vice-Chairwoman Liz Claus

Staff Present: Ursula Luna-Reynosa (Director), John Tilton (City Architect/Planning Manager), Alisha Patterson (Deputy City Attorney), Kurth Nelson (Senior Planner), Evan Langan (Associate Planner), Jason Geldert (Senior Civil Engineer), Brad Fowler (Director of Public Works), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of May 13, 2013.

ACTION: Motion made (Denton) and seconded (O'Connor) to approve the Minutes of the regular Planning Commission Meeting of May 13, 2013. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Claus ABSTAIN: None)

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

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D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit CDP12-0012 to install new subsurface drainage lines and an associated sump pump connected to an existing subsurface drainage system, new landscaping, and a 42-inch high fence within a coastal bluff edge setback at 24642 El Camino Capistrano.

Applicant: Peter & Associates, Inc.
Property Owner: Said Cohen
Location: 24642 El Camino Capistrano

Request: Approval of a Coastal Development Permit to install new subsurface drainage lines and an associated sump pump connected to an existing subsurface drainage system, new landscaping, and a 42-inch high fence within a coastal bluff edge setback.

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) since the project involves the installation of small new structures and small new equipment.

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Coastal Development Permit CDP12-0012.

Kurth Nelson (Senior Planner) presented the staff report. He stated that subsequent to the staff report, a letter of correspondence from the adjoining neighbor was received after preparation of the agenda, and copies have been routed to the Planning Commissioners at the dais this evening. He noted that the applicant is present this evening to answer any questions.

Commissioner Whittaker recalled some knowledge of the home's remodel with an irrigated lawn at the rear of the property, she inquired if it was consistent with the bluff setback requirements.

Kurth Nelson (Senior Planner) replied that the permits for the remodel did not include improvements between the bluff edge and 50 feet from the edge so, those were installed without City approval.

Commissioner O'Connor asked how high the proposed berm would be.

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Kurth Nelson (Senior Planner) noted that it would be reviewed once submitted through the plan check process and could be approximately 12 inch berm, consistent with the Coastal Overlay District.

There being no requests to speak on this item, Chairman Newkirk opened and closed the Public Hearing.

Commissioner Denton stated that the fact that the applicant is installing drought tolerant plants, a sump pump with lines going out to the street, and a berm, are all steps in the right direction. He stated that he is in support of the project.

Commissioner O'Connor stated that she had another question for staff about the letter of correspondence received before the meeting, and inquired about the status of the neighbor's concerns.

Kurth Nelson (Senior Planner) confirmed that Public Works staff participated in several meetings with the neighbors. He introduced Brad Fowler to respond to any questions that took place at the meeting.

Brad Fowler (Director of Public Works) addressed Commissioner O'Connor's inquiry about the neighbor's concerns, originally from 2010, when the rains may have led to erosion. He noted that the bluff belongs to the City and staff has tried to work to a mutual agreement in rectifying the situation. He also clarified that both of the property owners hired their own geotechnical consultants, and City staff has worked with its own consultant as well. He stated that neighbors hope that this project would solve the problem. He reiterated that this project is an appropriate response for all the parties' concerns.

Commissioner O'Connor stated that all her questions were answered, was satisfied with the geological studies, and would be in favor of the project.

Commissioner Whittaker stated that she was in favor of the project.

Chairman Newkirk spoke of bluff top erosion stating that the best way to deal with those inevitabilities is proactive intervention. He added that all the parties working together are a good model to work towards helping prevent catastrophic failures. He stated that he is in agreement with his fellow Commissioners, and applauds the applicant, the neighbor, and the City for their diligent work.

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ACTION: Motion made (Denton) and seconded (Whittaker) to adopt Resolution No. 13-06-10-10 approving Coastal Development Permit CDP12-0012 to install new subsurface drainage lines and an associated sump pump connected to an existing subsurface drainage system, new landscaping, and a 42-inch high fence within a coastal bluff edge setback at 24642 El Camino Capistrano. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Claus ABSTAIN: None)

ITEM 3: Minor Conditional Use Permit CUP13-0001(M) and Administrative Modification of Standards AMS13-0002 to allow the provision of a single tandem parking space as well as an alteration to the interior dimensions of a proposed three-vehicle garage, in conjunction with the addition of 832 square feet to an existing residential duplex located at 26507 Via Sacramento.

Applicant/Owner: Dan Percival
Location: 26507 Via Sacramento

Request: To allow the provision of a single tandem parking space, as well as an alteration in the interior dimensions of a proposed, three-vehicle garage, in conjunction with the addition of 832 square feet and a general remodel of an existing residential duplex.

Environmental: The proposed project is found not to have a significant effect on the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (e) (Class 1 – Existing Facilities).

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Minor Conditional Use Permit CUP13-0001(M) and Administrative Modification of Standards AMS13-0002.

Evan Langan (Associate Planner) presented the staff report.

There being no requests to speak on this item, Chairman Newkirk opened and closed the Public Hearing.

Commissioner Denton felt that this would be an improvement overall to the look of the property. He stated that he would support the project.

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Commissioner O'Connor stated that it is consistent and compatible with the surrounding neighborhood. She stated that she would support the project.

Commissioner Whittaker stated that it's a nice design and the tandem parking is a good solution for the narrow width of the lot.

Chairman Newkirk stated that he agrees with the other comments, and that the upgrades benefit everybody.

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution No. 13-06-10-11 approving Conditional Use Permit CUP13-0001(M) and Administrative Modification of Standards AMS13-0002 to allow the provision of a single tandem parking space and an alteration to the interior dimensions of a proposed three-vehicle garage, in conjunction with the addition of 832 square feet to an existing residential duplex located at 26507 Via Sacramento. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Claus ABSTAIN: None)

ITEM 4: Coastal Development Permit CDP13-0005 to allow additions to an existing single-family dwelling to comprise 322 square feet to the first floor, 575 square feet to the second floor, a new, 341 square foot deck and a 210 square foot expansion of an existing garage at 415 Monarch Bay Drive

Applicant/Owner: Eric Boranian
Location: 415 Monarch Bay Drive

Request: Approval of a Coastal Development Permit to allow additions in excess of 10 percent of existing square footage on land located within the City's Coastal Overlay District (the California Coastal Zone) and the Appeals Jurisdiction of the California Coastal Commission.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), staff finds the project is Categorically Exempt per Section 15301 (e) (Class 1 – Existing Facilities).

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Coastal Development Permit CDP13-0005.

Evan Langan (Associate Planner) presented the staff report.

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Commissioner Whittaker inquired about noise standards for a single family dwelling if located within the 65-70 Community Noise Equivalent Level (CNEL) and, if building materials had been accordingly checked.

John Tilton (City Architect/Planning Manager) replied that once the project goes through the plan check process the Building Department reviews building materials required to meet the City's noise ordinance.

Commissioner O'Connor expressed concern regarding grandfathered variances and asked how variances can be extended and allowed to expand.

John Tilton (City Architect/Planning Manager) clarified that when most variances are approved they are project specific and that any subsequent modification or expansion would typically require them to come back for another variance. With older variances from the County, these variances were granted as a modification to the development standards for the lot, are not project specific, and run with the land.

Commissioner Whittaker asked if a condition could be added to require an acoustical report.

Evan Langan (Associate Planner) replied, yes.

There being no requests to speak on this item, Chairman Newkirk opened and closed the Public Hearing.

Commissioner O'Connor stated that she does not believe that the home has gone through a variance process, and they should not continue what is not allowed. She also had reservations about fencing-in properties and would not be in favor of the project.

Commissioner Denton stated that the variance that was granted in 1966, based on the shape of the lot, and is a classic case as to why variances (or "adjustments" as the County called them) were given to these individual properties. He felt that the variance goes with the property. He noted that the correspondence from the homeowners association shows approval of the project. He stated that he would support the project.

Commissioner Whittaker stated that the proposal, with the setback that was established for the lot is consistent with the setbacks. She expressed her concern with the noise from Pacific Coast Highway, into a habitable area (bedroom). Without knowledge as to where the CNEL line is for the noise

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standard on Pacific Coast Highway in relationship to this building, she suggested adding a Condition for acoustical study to be prepared, so that the correct building materials can be proposed for the project.

Commissioner Denton stated that he would support the addition to the Motion.

Commissioner O'Connor also pointed to a common area that the homeowners association is responsible for and that everyone in Monarch Bay can use. She noted that it is one of the reasons she has an issue with the variance. She added that although the County gave the initial variance, she did not believe that the Applicant should continue encroaching into the setback without going through the City's variance process.

Chairman Newkirk stated that he agrees with Commissioner Denton's comments, believes that this proposal is consistent, and that the greenbelt (open space) area will remain as it was. He spoke about noise, and felt that it was a good suggestion to add the condition, and that he could support the project.

Commissioner O'Connor asked about the grandfathered variance.

Alisha Patterson (Assistant City Attorney) replied that the variance was drafted to run with the land, and the City cannot take that entitlement away.

ACTION: Motion made (Whittaker) and seconded (Denton) to adopt Resolution No. 13-06-10-12 approving Coastal Development Permit CDP13-0005 to allow additions to an existing single-family dwelling to comprise 322 square feet to the first floor, 575 square feet to the second floor, a new, 341 square foot deck and a 210 square foot expansion of an existing garage at 415 Monarch Bay Drive, and the addition of Condition B(10)(f). Motion carried 3-1-1. (AYES: Denton, Newkirk, Whittaker NOES: O'Connor ABSENT: Claus ABSTAIN: None)

E. NEW BUSINESS

There was no New Business.

F. STAFF REPORTS

John Tilton (City Architect/Planning Manager) reported a record setting increase in activity at the Planning counter during the month of May.

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Ursula Luna-Reynosa (Director of Community Development) stated that the Planning Staff will be working toward punctual submittal of the Planning Commission packets.

G. COMMISSIONER COMMENTS

Commissioner O'Connor commented about her remodel projects and stated that she had a good experience at the City counter.

Commissioner Denton stated that the Dana Point Boat Show held this past weekend was a resounding success and saw a good turnout.

Chairman Newkirk stated his interest in finding out if anybody would be visiting the Planning Department to make some fixes to their property on Beach Road after the large swell last week.

H. ADJOURNMENT

Chairman Newkirk announced that the *next* meeting of the Planning Commission will be held on Monday, June 24, 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 6:55 p.m.


Gary Newkirk, Chairman
Planning Commission