

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

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August 12, 2013  
6:00 – 6:49 p.m.

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

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

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

**ROLL CALL**

**Commissioners Present:** Vice-Chairwoman Liz Claus, Commissioner Denton, Chairman Gary Newkirk, Commissioner April O'Connor, and Commissioner Susan Whittaker

**Staff Present:** Ursula Luna-Reynosa (Director), John Tilton (City Architect/Planning Manager), Brad Fowler (Director of Public Works), Jennifer Farrell (Assistant City Attorney), Erica Demkowicz (Senior Planner), and Denise Jacobo (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1: Minutes of the regular Planning Commission Meeting of July 22, 2013.**

**Vice-Chairwoman Claus** requested that her statement, Page 1, First Paragraph, under Discussion and/or Disclosure, First Line, delete “ran into” and rephrase it.

**ACTION: Motion made (Denton) and seconded (Claus) to approve the Minutes of the regular Planning Commission Meeting of July 22, 2013, as amended. Motion carried 4-0-1. (AYES: Claus, Denton, Newkirk, Whittaker NOES: None ABSENT: None ABSTAIN: O'Connor)**

**B. PUBLIC COMMENTS**

There were no Public Comments.

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**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

**D. PUBLIC HEARINGS**

**ITEM 2: Coastal Development Permit CDP13-0007 and Variance V13-0002 to allow for a remodel and addition to the existing single-family dwelling at 20 Monarch Bay in the Residential Single-Family (RSF 4) Zoning District. The proposed addition to the existing dwelling will consist of approximately 246 square feet. The existing non-conforming garage, which encroaches into the front setback, will be demolished and rebuilt with an addition of approximately 59.6 square feet. Additional square footage will be added below the new garage in a subterranean level.**

Applicant: William Behun  
Property Owner: Bob Kennedy/Goode Company  
Location: 20 Monarch Bay

Request: A Coastal Development Permit and Variance to allow for a remodel and addition to the existing single-family dwelling. The proposed addition to the existing dwelling will consist of approximately 246 square feet. The existing non-conforming garage, which encroaches into the front setback, will be demolished and rebuilt with an addition of approximately 59.6 square feet.

Environmental: The proposed project qualifies per Class 1 Section 15301(e)(1) Categorical Exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project will result in additions to existing structures that will not result in an increase of more than 2,500 square feet. Additionally, the project is not located in an environmentally sensitive area.

Recommendation: That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP13-0007 and Variance V13-0002.

**Erica Demkowicz** (Senior Planner) provided the reading of the Staff Report to the Commission. She indicated that one letter of correspondence was received for the record in support of the project.

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**Chairman Newkirk opened the Public Hearing.**

**William Behun** (Architect - San Diego) spoke relative to the expansion of the existing garage with subterranean level below. He added that the garage expansion will fit within the existing eave-line of the single family dwelling.

**Chairman Newkirk closed the Public Hearing.**

**Commissioner Whittaker** noted that if a non-conforming use is removed, it should be made to conform to the current Code. She stated that the fifteen foot parking area creates crowding towards the street. She stated that she would consider limiting the parking in the driveway to help with the fact that the garage encroaches into the setback.

**Commissioner Denton** noted that the look and feel will not change on the existing dwelling. He stated that he had no issue given that many of the properties in Monarch Bay have variances for setbacks, and the one additional foot of encroachment would not make an impact. He stated that he would be in favor of allowing the variance.

**Commissioner O'Connor** stated that this property is not located in the "mall" which pertains to a different set of setback rules. She felt that this proposal is different and that Staff has provided an explanation for granting the variance. She stated that she would be in favor because it is going to be an improvement.

**Vice-Chairwoman Claus** stated that she is not a fan of variances. She stated that there are a number of variances issued by County and they were not consistent. She noted that she would be supportive of the project.

**Chairman Newkirk** stated that he is not a fan of variances. He felt that each property is reviewed on a case-by-case basis, and in light of the proposed improvements, it is a workable solution to providing parking on the site. He stated that he is in support of the project.

**Commissioner O'Connor** added that variances should be on a case-by-case basis, and the City needs to be consistent with respect to this subdivision.

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**ACTION:** Motion made (O'Connor) and seconded (Denton) to adopt Resolution No. 13-08-12-19 approving Coastal Development Permit CDP13-0007 and Variance V13-0002 to allow for a remodel and addition to the existing single-family dwelling at 20 Monarch Bay in the residential single-family (RSF-4) zoning. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

**E. NEW BUSINESS**

There were no New Business items.

**F. STAFF REPORTS**

**Ursula Luna-Reynosa** (Director of Community Development) noted that the City will be preparing "action minutes" for future meetings. She clarified that taped recordings will be archived for five years for public record and is available to citizens, Planning Commissioners, and Council members.

**Commissioner O'Connor** expressed concern about doing "action minutes". She wanted the record to reflect that she was opposed to the change.

**Jennifer Farrell** (Deputy City Attorney) noted that, if any legal challenges developed, the minutes are only used as a quick resource. If necessary, the audio tape could be transcribed from start to finish.

**Chairman Newkirk** stated that he would like to have public access to the audio available on-line. He stated that with everyone's busy schedules, it would seem doubtful that the Council members would have time to listen to each audio recording.

**Vice-Chairwoman Claus** stated that she agrees with her fellow Commissioner's and agrees that the minutes often tell the story that resulted in a certain motion. She felt that the "action minutes" would not reflect this.

**Ursula Luna-Reynosa** (Director of Community Development) stated that she would bring back several options to consider.

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**Jennifer Farrell** (Deputy City Attorney) responded to Commissioner Whittaker's inquiry and clarified that just the "action minutes" were the legal requirement.

**G. COMMISSIONER COMMENTS**

**Vice-Chairwoman Claus** complimented Staff on the presentation and making something very complicated very easy for the Planning Commission.

**H. ADJOURNMENT**

**Chairman Newkirk** announced that the *next* meeting of the Planning Commission will be held on Monday, September 9, 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 6:49 p.m.

  
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Gary Newkirk, Chairman  
Planning Commission

THESE PROCEEDINGS WERE RECORDED AND A COPY OF THE TAPE IS ON FILE WITH THE CITY OF DANA POINT PLANNING DIVISION.