

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

January 13, 2014
6:00 – 7:06 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 – Vice-Chairwoman Claus 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), Evan Langan (Associate Planner), Alisha Patterson (Deputy City Attorney), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of December 9, 2013.

Commissioner Denton noted a minor correction; that he led the Pledge of Allegiance, not Vice-Chairwoman Claus.

ACTION: Motion made (Denton) and seconded (O'Connor) to approve the Minutes of the regular Planning Commission Meeting of December 9, 2013 with the noted correction. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

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 CDP12-0019 and Site Development Permit SDP12-0027 to allow the demolition of an existing single-family dwelling and the construction of a new, two-story, 3,504 square foot single-family dwelling with attached, 446 square foot garage at 35411 Beach Road.

Applicant: Mark Singer Architects
Property Owners: Maria and Matt Swanson
Location: 35411 Beach Road

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Coastal Development Permit CDP12-0019 and Site Development Permit SDP12-0027.

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

Request: Approval of Coastal and Site Development Permits 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 Floodplain and Coastal Overlay Districts.

Evan Langan (Associate Planner) summarized the staff report and answered questions from the Planning Commission.

Chairman Newkirk opened the Public Hearing.

Mark Singer (Applicant – Laguna Beach) in responding to Commissioner O'Connor's inquiry, described the proposed design of a louvered screen above the garage door and clarified that the louver would be set back (from the property-line) and that only the upper floor would come forward, allowing light to filter into the upper space. In response to Commissioner Whittaker's inquiry about the building's design and proposed materials, he stated that they have

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selected to use concrete material because its density would reduce the amount of sound that would be heard indoors.

Chairman Newkirk closed the Public Hearing.

Commissioner Whittaker spoke of her concerns with approving projects that are adjacent to sound generators and inquired how these concerns would be addressed with the subject project. The applicant provided testimony responsive to these expressed concerns and Commissioner Whittaker indicated that her concerns had been taken into consideration and that she would accordingly support the project.

Commissioner Denton stated that he is in support of the project and happy to see that there are no proposed variances or issues related to parking.

Commissioner O'Connor stated that she feels the project meets all City ordinances and accordingly is in favor of the project.

Vice-Chairwoman Claus spoke about the difficulties inherent to developing properties on Beach Road and noted that the architect's familiarity with the neighborhood's environment helped in addressing concerns. She stated that she would be in support of the project.

Chairman Newkirk stated that he is in agreement with his fellow Commissioners (and would support the project).

ACTION: Motion made (O'Connor) and seconded (Claus) to adopt Resolution No. 14-01-13-01 approving Coastal Development Permit CDP12-0019 and Site Development Permit SDP12-0027 to allow the demolition of an existing single-family dwelling and the construction of a new, two-story, 3,504 square foot single-family dwelling with attached, 446 square foot garage at 35411 Beach Road. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

ITEM 3: Coastal Development Permit CDP13-0013 to allow the demolition of an existing single-family dwelling and, the construction of a new, single-story, 5,190 square foot single-family dwelling with attached, 580 square foot garage, and Minor Site Development Permit SDP13-0022(M) for proposed construction of a retaining wall exceeding 30 inches in height at 32591 Caribbean Drive.

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Applicant: Stan Schrofer and Associates (Architect)
Property Owners: Mr. and Mrs. Lawrence O'Neill
Location:

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Coastal Development Permit CDP13-0013 and Minor Site Development Permit SDP13-0022(M).

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).

Request: Approval of a Coastal Development Permit and Minor Site Development Permit to allow the demolition of an existing residential dwelling, and the construction of a new residential dwelling, as well as a new site retaining wall, on land located within the City's Coastal Overlay District but outside the Appeals Jurisdiction of the California Coastal Commission.

Evan Langan (Associate Planner) summarized the staff report and answered questions from the Planning Commission.

Commissioner Whittaker expressed concern about the purpose of the wall and further would like to see what it would look like and what materials would be used. She asked the applicant for clarification about the wall.

Chairman Newkirk opened the Public Hearing.

Stan Schrofer (Applicant – San Clemente) pointed out that they are proposing a new wall along the side property-line that would be 10 feet high, but that the wall is located behind the residence and would be hidden from view. He indicated that he worked with the adjacent neighbor that expressed concern about potential impacts to his existing views and that this neighbor is aware of the proposed wall. He stated that he understood that the reason he filed for the (Minor Site Development Permit) request was to allow the construction of the new retaining wall. He added that the Homeowners Association (HOA) and the aforementioned neighbor were both in favor of the project. In describing the proposed freestanding wall in the property's front-yard he noted that the descending slope of the street would cause the wall to vary in size, with most of the structure buried below street level.

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Chairman Newkirk closed the Public Hearing.

Commissioner O'Connor stated that she had similar concerns as Commissioner Whittaker regarding the design, materials and location of the proposed wall, that she doesn't see the front-yard wall as necessary for security. She acknowledged that the HOA has approved the structures and that there has been no opposing correspondence received by the City; however, she stated that she does not support granting a Site Development Permit for the higher, front wall and that she wanted to hear the thoughts of her fellow Commissioners.

Ursula Luna-Reynosa (Director of Community Development) clarified that if the applicant was not proposing to exceed the wall heights prescribed by Code, the Site Development Permit would not be required.

John Tilton (City Architect/Planning Manager) indicated that he's familiar with the (Monarch Bay Terrace) community and that it is not unprecedented to have high walls within front yards.

Vice-Chairwoman Claus stated her feeling that the Monarch Bay Terrace HOA vets projects well and that its members have historically been vocal in expressing opinions on other projects that have come before the Commission. She expressed comfort that the HOA had already approved the project, and that the applicant had worked with neighbors to alleviate concerns. She stated that she finds the proposed architecture of the dwelling to be very interesting and that she would be comfortable in voting to approve the project.

Commissioner Whittaker expressed concern in approving a project (specifically the proposed walls) without knowing what they will look like. She inquired as to the height of the proposed home in relationship to adjacent dwellings.

John Tilton (City Architect/Planning Manager) recommended continuing the SDP so that the applicant could provide additional information as to proposed materials to be used in the construction of the new walls.

Commissioner Denton asked to hear a response (from the applicant) to Commissioner Whittaker's concerns (regarding wall design and materials).

Chairman Newkirk reopened the Public Hearing.

Stan Schrofer (Applicant – San Clemente) provided details about materials to be used in the wall's construction, and stated it was his intention to avoid a "fortress-

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like” appearance. He noted that the community (in voting for approval) felt the proposed design was attractive, but he nonetheless would be comfortable in continuing the hearing to provide time to prepare renderings and additional information about proposed walls. He asked the Commission to separate the walls (the Minor Site Development Permit) from the broader approval, continuing only that aspect of the project’s scope-of-work to a future hearing date.

Kathy O’Neill (Property Owner – Fresno) noted that if the gate or walls were of concern, that she would support obtaining or creating additional information or renderings, and bringing the matter back for review by the Commission.

Chairman Newkirk closed the Public Hearing.

Alisha Patterson (Deputy City Attorney) responded to an inquiry by Commissioner O’Connor about potentially bifurcating the two proposals being reviewed by the Commission.

Commissioner Whittaker explained that the issue (to her) is in seeing what the front wall looks like, noting that she doesn’t have concerns about the overall site plan. She accordingly supports continuing review of only the walls to a future hearing and approving the Coastal Development Permit for the new dwelling.

Commissioner Denton commented that he is “okay” with bringing the walls back for another review.

Chairman Newkirk echoed the opinion that the Monarch Bay Community is very thorough in reviewing projects. For a better understanding of the proposed walls, that Commission should bifurcate the requests and bring back only the SDP(M).

ACTION: **Motion made (O’Connor) and seconded (Denton) to adopt Resolution No. 14-01-13-02 approving Coastal Development Permit CDP13-0013 to allow the demolition of an existing single-family dwelling and, the construction of a new, single-story, 5,190 square foot single-family dwelling with attached, 580 square foot garage at 32591 Caribbean Drive, and to continue Minor Site Development Permit SDP13-0022(M) to the next regular meeting of January 27, 2014. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O’Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)**

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Commissioner O'Connor cited a conflict of interest due to close proximity of the project to her Homeowners Association, recused herself from the following item and, at 6:37 PM, left the Council Chambers for the remainder of the meeting.

ITEM 4: Antenna Use Permit AUP13-0001 to allow the placement of new commercial wireless telecommunication antennas within an existing cupola, as well as accessory equipment inside a new enclosure located within an existing commercial structure at 24941 Dana Point Harbor Drive.

Applicant: Alexis Hadley
(Smartlink LLC [Consultant] on behalf of AT&T Mobility)
Property Owner: Mitchell Land and Improvement
Location: 24941 Dana Point Harbor Drive

Recommendation: That the Planning Commission adopt attached, Draft Resolution 14-01-13-xx, approving Antenna Use Permit AUP13-0001.

Environmental: The subject project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Sections 15301 (a) (Class 1 – Existing Facilities). A Categorical Exemption has been prepared and will be duly filed per the requirements of the statute.

Request: Antenna Use Permit AUP13-0001 to allow the addition of nine, new commercial wireless telecommunication antennas (including two Global Positioning System [GPS] Antennas) within a single cupola, as well as accessory equipment elsewhere within an existing commercial structure.

Evan Langan (Associate Planner) summarized the staff report and answered questions from the Planning Commission.

Chairman Newkirk opened the Public Hearing.

Shannon Nichols (Applicant - Smartlink LLC on behalf of AT&T) stated that she was available to answer any questions. In response to a concern by Commissioner Whittaker about the possibility of additional landscaping to help screen proposed accessory equipment, she stated that if there is room, they would add an extra tree.

Chairman Newkirk closed the Public Hearing.

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Commissioner Whittaker stated that she is in support of the project and, while she has concerns about the “tall blank façade” of the proposed accessory equipment enclosure, provision of an additional tree would go a long way to softening that appearance and further suggested a condition of approval be included requiring a tree that is “similar to the tree that is already planted to provide screening.”

Commissioner Denton stated that he is in support of the project.

Vice-Chairwoman Claus stated that placing all antennas within an existing cupola is very inventive and a wonderful solution (to any design or location concerns). She stated that she is in support of the proposal.

Chairman Newkirk stated that he echoes his fellow Commissioners comments.

ACTION: Motion made (Whittaker) and seconded (Claus) to adopt Resolution No. 14-01-13-03 approving Antenna Use Permit AUP13-0001 to allow the placement of new commercial wireless telecommunication antennas within an existing cupola, as well as accessory equipment inside an existing commercial structure at 24941 Dana Point Harbor Drive, with new condition 16; that the applicant provide one additional tree of similar size and type to provide softening/screening of the equipment enclosure’s appearance. Motion carried 4-0-1. (AYES: Claus, Denton, Newkirk, Whittaker NOES: None ABSENT: O’Connor (Recused) ABSTAIN: None)

E. NEW BUSINESS

There were no New Business items.

F. STAFF REPORTS

There were no Staff Reports.

G. COMMISSIONER COMMENTS

Vice-Chairwoman Claus spoke about the recent slide (above Pacific Coast Highway in the vicinity of the Beach Road Community) and its resulting,

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temporary road closure. The event reminded her that about a year ago, the Planning Commission invited the owners of properties - particularly those with older houses - to hear a presentation on avoiding potential slides. She stated that she would like the City to have another such presentation.

Commissioner Denton wished everybody a happy new year and that he looks forward to reviewing more projects.

Chairman Newkirk also wished everybody a happy new year and stated that he agreed with Vice-Chairwoman Claus that it would be nice to hear from staff what caused the aforementioned slide.

H. ADJOURNMENT

Chairman Newkirk announced that the *next* meeting of the Planning Commission will be held on Monday, January 27, 2014, 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 7:06 p.m.

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.