

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

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August 24, 2015  
6:00 – 8:51 p.m.

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

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**CALL TO ORDER**

Chairwoman O'Connor called the Regular Meeting of the Dana Point Planning Commission to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

Vice-Chairman Eric Nelson led the Pledge of Allegiance.

**ROLL CALL**

Planning Commission Members Present: Chairwoman April O'Connor, Vice-Chairman Eric Nelson, Commissioner Liz Claus, Commissioner Scott McKhann, and Commissioner Danni Murphy

Staff Present: Ursula Luna-Reynosa (Community Development Director), Brad Fowler (Public Works Director), John Tilton (City Architect/Planning Manager), Erica Demkowicz (Senior Planner), Evan Langan (Associate Planner), Alisha Patterson (Deputy City Attorney), and Shayna Sharke (Administrative Secretary).

**A: APPROVAL OF MINUTES**

**ITEM 1: Minutes of the regular Planning Commission Meeting of July 27, 2015.**

**ACTION: Motion made (Murphy) and seconded (Claus) to approve the Minutes of the Regular Planning Commission Meeting of June 27, 2015. Motion carried 5-0-0. (AYES: Claus, McKhann, Murphy, Nelson, and O'Connor NOES: None ABSENT: None ABSTAIN: None)**

**B. PUBLIC COMMENTS**

Chairwoman O'Connor opened the Public Hearing at 6:04 p.m.

Linda Trimm, Dana Point, spoke regarding the status of her neighbor's construction project.

John Tilton (City Architect) replied that he would investigate the issues, as previously promised, but no violations have been found to date.

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Ursula Luna-Reynosa (Community Development Director) stated that she would also ensure that the matter is investigated further.

**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

**D. PUBLIC HEARINGS**

**ITEM 2: Coastal Development Permit CDP15-0011 to allow the construction of a new single-family dwelling on a vacant lot containing a coastal bluff at 24682 El Camino Capistrano**

Applicant            DP Harbor Properties, LLC

Location:            24682 El Camino Capistrano (APN 682-203-05)

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Coastal Development Permit CDP15-0011.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures) in that the application proposes the construction of one, new single-family dwelling.

Request: Approval of a Coastal Development Permit (CDP) to allow construction of a new, 7,503 square foot single-family dwelling with an attached, 834 square foot garage on a vacant coastal bluff lot located within the City's Coastal Overlay District (the California Coastal Zone) and the appeals jurisdiction of the California Coastal Commission.

Evan Langan (Associate Planner) provided a staff report and responded to questions of the Commission.

**Chairwoman O'Connor opened the Public Hearing at 6:30 p.m.**

Sherman Stacey, Attorney for the Property Owner, requested that the lateral access easement be removed.

Bob Theel, Resident, stated that he was present to represent G&H Holdings, the owner of the home on the east side of the subject property. He spoke of concern regarding the height of the wall on the east side property line.

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Sherman Stacey spoke in agreement and confirmed that the wall will not be above six (6) feet above the neighbor's grade.

John Tilton (City Architect) stated that a condition of approval would be added to reflect that the wall height would not exceed six (6) feet above the neighbor's grade.

**Chairwoman O'Connor closed the Public Hearing at 6:34 p.m.**

Vice-Chairman Nelson spoke in favor of the project and expressed his appreciation for modern architecture. Additionally, he cautioned the developer to stay within the plan scope.

Commissioner Murphy spoke in support of the approval of the project spoke in agreement to the added condition of approval regarding the wall height.

Commissioner McKhann spoke in support of the approval of the project and expressed his favor of the architecture. He added that he is in support of the removal of the easement.

Commissioner Claus spoke in favor of the project, but added that she is concerned about the potential El Nino season.

Chairwoman O'Connor spoke in support of the approval of the project.

**ACTION: Motion made (O'Connor) and seconded (McKhann), with recommendation that a condition is added to prevent the easterly wall from exceeding six (6) feet in height from the neighbor's grade, to adopt Resolution No. 15-08-24-21, approving Coastal Development Permit (CDP) CDP15-0011 to allow construction of a new, 7,503 square foot single-family dwelling with an attached, 834 square foot garage on a vacant coastal bluff lot located within the City's Coastal Overlay District (the California Coastal Zone) and the appeals jurisdiction of the California Coastal Commission. Motion carried 5-0-0. (AYES: Claus, McKhann, Murphy, Nelson, and O'Connor NOES: None ABSENT: None ABSTAIN: None)**

**ITEM 3: Tentative Parcel Map TPM14-0001 and Site Development Permit SDP14-0010 for the subdivision of one vacant lot into two lots, in conjunction with the construction of two, detached residential duplexes on each of the new lots at 26371 Via Canon**

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Applicant        Adam Tancredi

Location:        26371 Via Canon (APN 123-141-28)

Recommendation: That the Planning Commission adopt the attached resolution approving Tentative Parcel Map TPM14-0001 and Site Development Permit SDP14-0010.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Sections 15303 (b) (Class 3 – New Construction or Conversion of Small Structures) and 15315 (Class 15 - Minor Land Divisions).

Request: Approval of a Tentative Parcel Map and Site Development Permit to allow the subdivision of one lot into two lots, in conjunction with the construction of two, new, detached residential duplexes on each of the new lots, two of which would include roof decks.

Evan Langan (Associate Planner) provided a staff report and responded to questions of the Commission.

There were no requests to speak on this item.

Commissioner McKhann proposed to move Conditions 33, 36, 37 and 40 to follow condition 26 under Sub-Category C in the Conditions of Approval. He also proposed to strike Condition 39 as the regulations are repeated in Condition 45. He consulted Brad Fowler (Director of Public Works) on the possibility of these changes.

Brad Fowler (Director of Public Works) confirmed that the edits could be made.

Commissioner Claus expressed spoke in support of the project, but has reservations regarding rearranging the conditions.

Commissioner McKhann replied that rearranging the conditions would enhance the clarity for the applicant and staff. He also spoke in support of the project.

Vice-Chairman Nelson spoke in support of the project. He also stated that he is not opposed to the proposed changes to the Conditions of Approval.

Chairwoman O'Connor stated that she finds it interesting to watch the neighborhood go through the various renovations. She appreciates that this project meets the standards and is in support of approval.

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**ACTION:** Motion made (McKhann), with recommendation that the Resolution Condition order is arranged so Condition 33, 36, 37 and 40 follow Condition 26 in Sub-Category C and strike Condition 39, and seconded (Nelson) to adopt Resolution No. 15-08-24-22, approving Tentative Parcel Map and Site Development Permit to allow the subdivision of one lot into two lots, in conjunction with the construction of two, new, detached residential duplexes on each of the new lots, two of which would include roof decks. Motion carried 5-0-0. (AYES: Claus, McKhann, Murphy, Nelson, and O'Connor NOES: None ABSENT: None ABSTAIN: None)

**ITEM 4:** General Plan Consistency Analysis GPC15-0001 and Coastal Development Permit CDP15-0017 for the vacation of portions of Del Prado and Ruby Lantern Street in the vicinity of APN#'S 682-233-02, 682-233-03 AND 682-231-01

Applicant            City of Dana Point

Location:            The portions to be vacated are located in the vicinity of Assessor Parcel Numbers 682-233-02, 682-233-03 AND 682-231-01.

Recommendation: That the Planning Commission adopt the attached Draft Resolution (Attachment 1) finding that the vacation of portions of Del Prado and of Ruby Lantern Street are consistent with the Dana Point General Plan; and 2) finding that the vacation is consistent with the City's Local Coastal Program.

Environmental: The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15305, Class 5 – Minor Alterations in Land Use Limitations in that the project involves the vacation of portions of two existing City streets that will not result in any significant changes in land use or density.

Request: Request for a General Plan Consistency determination, GPC15-0001 and Coastal Development Permit CDP15-000 for the City's vacation of portions of Del Prado and of Ruby Lantern Street.

Erica Demkowicz (Senior Planner) provided a staff report and responded to questions of the Commission.

**Chairwoman O'Connor opened the Public Hearing at 7:44 p.m.**

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Keith Johannes, Resident, spoke in opposition of the General Plan Consistency determination. He asked that staff provide a list of the pros and cons of vacating the property.

**Chairwoman O'Connor opened the Public Hearing at 7:46 p.m.**

Vice-Chairman Nelson asked for clarification from Alisha Patterson, Deputy Attorney.

Alisha Patterson, Deputy Attorney, replied that their motion would determine if the vacation is consistent with the General Plan. The motion does not show favor or support of the property vacation.

Commissioner McKhann stated that he finds the vacation consistent with the General Plan, but personally is not in favor. He stated that he is concerned with the height restrictions in the area and added that visibility and landscaping should be considered.

Commissioner Claus stated that she finds the property vacation consistent with the General Plan.

Commissioner Murphy asked if the City will have any control over the property if it is vacated.

Director Luna-Reynosa replied that the property owners shall comply with zoning code, the General Plan, and easement agreement. She added that the commissioner's comments and concerns will be passed to the council members.

Chairwoman O'Connor stated that the property proposed to be vacated is a crucial element to the Town Center Plan. She added that she doesn't want it to appear over developed, but to have a pedestrian friendly aesthetic.

**ACTION: Motion made (Nelson) with the recommendation that the City Council uphold the Commission's determination of consistency with the General Plan and also recognize the Planning Commissioner's concerns, and seconded (McKhann) to adopt Resolution No. 15-08-24-23, General Plan Consistency determination GPC15-0001 and Coastal Development Permit CDP15-0017 for the City's vacation of portions of Del Prado and of Ruby Lantern Street. Motion carried 5-0-0. (AYES: Claus, McKhann, Murphy, Nelson, and O'Connor NOES: None ABSENT: None ABSTAIN: None)**

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**E. OLD BUSINESS**

There was no Old Business.

**F. NEW BUSINESS**

There was no New Business.

**G. STAFF REPORTS**

City Architect John Tilton led a Height Workshop.

**H. COMMISSIONER COMMENTS**

Commissioner Murphy appreciates staff time and presentations.

Vice-Chairman Nelson also appreciated the Building Height Workshop presentation and stated that he attended the Doheny Village Plan Open House.

Commissioner McKhann appreciates the responsiveness of staff.

Commissioner Claus reminded attendees that the last Concert in the Park of the season will be held on Sunday, August 30th.

Chairwoman O'Connor stated that she also went to the Doheny Village Plan Open House and added that the Emergency Expo was a great success.

**I. ADJOURNMENT**

Chairwoman O'Connor adjourned the meeting at 8:51 p.m. and announced that the *next* Regular Meeting of the Planning Commission would be held on Monday, September 14, 2015, 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.

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**The meeting adjourned at 8:51 p.m.**

  
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April O'Connor, Chairwoman  
Planning Commission

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