

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

June 13, 2016
6:06 – 8:13 p.m.

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

CALL TO ORDER

Chairwoman O'Connor called the Regular Meeting of the Dana Point Planning Commission to order and welcomed Commissioner Roy Dohner at 6:06 p.m.

PLEDGE OF ALLEGIANCE

Kurth Nelson (Senior Planner) led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Ursula Luna-Reynosa (Director of Community Development), Jennifer Farrell (Deputy City Attorney), Matt Schneider (Planning Manager), Kurth Nelson (Senior Planner), Liane Schuller (Planner), Evan Langan (Associate Planner), Danny Giometti (Assistant Planner) and Shayna Sharke (Senior Administrative Assistant)

A: APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of May 9, 2016.

ACTION: Motion made (Nelson) and seconded (Dohner) to approve the Minutes of the Regular Planning Commission Meeting of May 9, 2016. Motion carried 5-0-0.

AYES: Dohner, McKhann, Murphy, O'Connor, Nelson
NOES: None
ABSENT: None
ABSTAIN: None

B. PUBLIC COMMENTS

There were no requests to speak.

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C. CONSENT CALENDAR

ITEM 2: Review of Administrative Coastal Development Permit CDP16-0011(A) to permit the demolition of an existing single-family residence and the construction of a new single-story, single-family residence.

Applicant: Richard K. Natland, Architect

Location: 32552 Balearic Road (APN: 670-042-07)

Recommendation: That the Planning Commission review and affirm the Director of Community Development's approval of Administrative Coastal Development Permit CDP16-0011(A).

Environmental: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Community Development Department has analyzed the subject project. Staff finds the project is Categorically Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures).

Request: Coastal Development Permit CDP16-0011(A) to permit the demolition of an existing, single-family residence and; the construction of a new, single-story, single-family residence.

ACTION: Motion made (Murphy) and seconded (McKhann) to affirm the Director of Community Development's approval of Administrative Coastal Development Permit CDP16-0011(A). Motion carried 5-0-0.

D. PUBLIC HEARINGS

ITEM 3: This item has been removed at the request of the Applicant.

ITEM 4: Coastal Development Permit CDP15-0020 to allow demolition of an existing single-family dwelling and construction of a new, two-story, single-family dwelling with attached three-vehicle garage on a coastal bluff at 35211 Camino Capistrano

Applicant: Klay Thompson

Location: 35211 Camino Capistrano (APN: 691-172-10)

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Recommendation: That the Planning Commission adopt the attached resolution approving Coastal Development Permit CDP15-0020.

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 it proposes construction of one new single-family dwelling.

Request: Approval of a Coastal Development Permit to allow demolition of an existing single-family dwelling and construction of a new, two-story, 5,191 square foot, single-family dwelling with attached, 874 square foot, three-vehicle garage on a coastal bluff.

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

There were three (3) request to speak on this item.

Chairwoman O'Connor opened the Public Hearing at 6:19 p.m.

Walt Penrose (Resident) stated that he would like to retain a single-story structure within the lot. He added that the homes around the project site were designed to look over the property and the community feels strongly about retaining their view.

Slvaka Misurek (Resident) stated that two years ago a section of a neighboring backyard fell onto Coast Hwy because of work done in an adjacent yard. He stated that a slope study must be done due to the inherent problems of the area.

Liang Dong (Resident) stated that she feels strongly about keeping her ocean view. She does not think that the house will fit the neighborhood and requested that the owner reevaluate the design and compromise with the neighbors.

Chairwoman O'Connor closed the Public Hearing at 6:25 p.m.

Vice-Chairman Nelson asked staff if the setback was established based on a geotechnical analysis.

Evan Langan (Associate Planner) replied that the analysis by the geotechnical analysis determined that a 25 foot setback was appropriate.

Commissioner McKhann asked staff if the geotechnical report provides information regarding a slide.

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Evan Langan replied that a slide was not evaluated in the geotechnical report. The report analyzes the site 50 years prior and 50 years in the future. He added requirements are in place to mitigate the unnatural erosion of the property.

Chairwoman O'Connor asked if the caissons are installed to stabilize the bluff.

Evan Langan confirmed that the caissons are designed to stabilize the bluff.

Commissioner McKhann stated that while he is sympathetic to residents that are losing their view, the City does not have a view protection ordinance. The project meets zoning standards and is not requesting any variances.

Commissioner Dohner stated that he is also sympathetic, but has to follow the rules in place. He added that there are currently one and two-story homes on the street.

Vice-Chairman Nelson agreed with the other Commissioners. He stated that he had received and read the letter submitted from the residents of Paseo Pinzon and encouraged the owner to work with the neighbors.

Commissioner Murphy stated that the home was built before some of the other homes in the neighborhood. She added that the projects follows zoning codes.

Chairwoman O'Connor stated that she has seen many projects increasing a story and the Planning Commission cannot protect public views. She added that some designs can be changed, but there is not much the Commission can do. She stated that the caissons and geotechnical expert analysis are very important.

ACTION: Motion made (McKhann) and seconded (Nelson) to adopt Resolution No. 16-06-13-18 approving Coastal Development Permit CDP15-0020 to allow demolition of an existing single-family dwelling and construction of a new, two-story, single-family dwelling with attached three-vehicle garage on a coastal bluff at 35211 Camino Capistrano. Motion carried 5-0-0.

AYES: Dohner, McKhann, Murphy, O'Connor, Nelson
NOES: None
ABSENT: None
ABSTAIN: None

ITEM 5: Coastal Development Permit CDP16-0004 to allow additions and alterations to an existing single-family dwelling located within a Residential Single Family-7/PRD-3) zoning district at 23631 Tampico Bay

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Applicant: Stan Andrade Architects

Location: 23631 Tampico Bay (APNs: 672-081-23)

Recommendation: That the Planning Commission adopt the attached resolution approving Coastal Development Permit CDP16-0004.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15301 (Class 1 – Existing Facilities) in that the project proposes additions to an existing single-family dwelling that will result in an increase of less 50% of the existing floor area.

Request: Approval of a Coastal Development Permit to allow a 360 square-foot addition to an existing single-family dwelling located within the City's Coastal Overlay District (the California Coastal Zone) and the Appeals Jurisdiction of the California Coastal Commission.

Jennifer Farrell (Deputy City Attorney) requested a brief recess.

Chairwoman O'Connor called a recess at 6:38 p.m.

Chairwoman O'Connor reconvened the meeting at 6:41 p.m.

Jennifer Farrell (Deputy City Attorney) announced that the recess was requested due to a possible conflict of interest due to proximity of the project to the home of a Planning Commissioner, but the determination was made that there was no conflict of interest.

Liane Schuller (Planner) provided a staff report and responded to questions of the Commission.

There was one (1) request to speak on this item.

Chairwoman O'Connor opened the Public Hearing at 6:50 p.m.

Stan Andrade (Architect) thanked the staff. He added that he is available to answer any questions of the Planning Commission.

Chairwoman O'Connor closed the Public Hearing at 6:51 p.m.

Commissioner Murphy stated that she was happy to see the Home Owner's Association approval. She added that the project was aesthetically pleasing.

Vice-Chairman Nelson stated that it is good to see remodeling and redevelopment.

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

Chairwoman O'Connor stated that she is in support of the project.

ACTION: Motion made (Dohner) and seconded (Murphy) to adopt Resolution No. 16-06-13-19 approving Coastal Development Permit CDP16-0004 to allow additions and alterations to an existing single-family dwelling located within the residential single-family 7 (RSF-7)/Planned Residential Development 3 (PRD-3) Zoning District at 23631 Tampico Bay. Motion carried 5-0-0.

AYES: Dohner, McKhann, Murphy, O'Connor, Nelson
NOES: None
ABSENT: None
ABSTAIN: None

ITEM 6: Coastal Development Permit CDP16-0003 and Minor Site Development Permit SDP16-0008(M) to allow the demolition of an existing single-family dwelling and construction of a new single-family dwelling within the Residential Single-Family 4 (RSF-4) zoning district at 31 Monarch Bay Drive

Applicant: Charles d'Arcy & Associates

Location: 31 Monarch Bay Drive (APN: 670-131-17)

Recommendation: That the Planning Commission adopt the attached resolution approving Coastal Development Permit CDP16-0003 and Minor Site Development Permit 16-0008(M).

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

Request: Approval of a Coastal Development Permit and Site Development Permit to allow the demolition of an existing single-family dwelling and the construction of a new 5,926 square-foot, single-family dwelling and attached three-car garage on land located within the City's Coastal Overlay District (the California Coastal Zone) and the Appeals Jurisdiction of the California Coastal Commission.

Liane Schuller (Planner) provided a staff report and responded to questions of the Commission.

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There were no requests to speak on this item.

Vice-Chairman Nelson stated the project is well designed, especially with the topographic challenges. He is in support of the project.

Commissioner Murphy stated that the project design is lovely.

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

Commissioner McKhann stated that the design of the project is beautiful.

ACTION: Motion made (Nelson) and seconded (Dohner) to adopt Resolution No. 16-06-13-20 approving Coastal Development Permit CDP16-0003 and Minor Site Development Permit SDP16-0008(M) to allow the demolition of an existing single-family dwelling and construction of a new single-family dwelling within the Residential Single-Family 4 (RSF-4) Zoning District at 31 Monarch Bay Drive. Motion carried 5-0-0.

AYES: Dohner, McKhann, Murphy, O'Connor, Nelson
NOES: None
ABSENT: None
ABSTAIN: None

ITEM 7: Site Development Permit SDP16-0013 to allow the construction of a new, three-story single-family dwelling on vacant land within the Residential Single-Family (RSF-7) zoning district at 33871 Calle la Primavera

Applicant: David Park, TWG Properties

Location: 33871 Calle La Primavera (APN: 682-141-56)

Recommendation: That the Planning Commission adopt the attached resolution approving Site Development Permit SDP16-0013.

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

Request: Approval of a Site Development Permit to allow the construction of a new, three-story single-family dwelling.

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Liane Schuller (Planner) provided a staff report and responded to questions of the Commission.

There were no requests to speak on this item.

Commissioner Murphy stated that the project made good use of the sloping topography. She added that the house is attractive with great detail and interest. She stated that it fits the space well.

Vice-Chairman Nelson stated that this is a great development on a tricky site.

Commissioner McKhann stated that the project is on a difficult site, but many people will get to enjoy the architecture of the project and he commended the designer.

Commissioner Dohner declined to comment.

Chairwoman O'Connor stated that she was glad for the step-backs between stories which added visual articulation. She added that the designer did a great job on a difficult site and stated that from the street the project appeared to be a two-story structure.

ACTION: Motion made (Murphy) and seconded (Dohner) to adopt Resolution No. 16-06-13-21 approving Site Development Permit SDP16-0013 to allow the construction of a new, three-story single-family dwelling on vacant land located in the Residential Single-Family (RSF-7) Zoning District at 33871 Calle La Primavera. Motion carried 5-0-0.

AYES: Dohner, McKhann, Murphy, O'Connor, Nelson
NOES: None
ABSENT: None
ABSTAIN: None

ITEM 8: Site Development Permits SDP16-0001 and SDP16-0002 to allow the construction of two detached dwelling units on each of two contiguous sites in the Residential Duplex (RD-14) zoning district at 34466 and 34468 Via Verde

Applicant: Haitham A. Hafveez

Location: 34466 and 34468 Via Verde (APN 691-401-10, 11)

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Site Development Permits SDP16-0001 and SDP16-0002.

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Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15303 (b) (Class 3 – New Construction or Conversion of Small Structures) in that the application proposes the construction of less than six dwelling units.

Request: Approval of Site Development Permits 16-0001 and 16-0002 to allow the demolition of an existing single-family residence and the construction of two detached dwelling units on each of two contiguous sites in the Residential Duplex (RD-14) Zoning District.

Liane Schuller (Planner) provided a staff report and responded to questions of the Commission.

There were three (3) requests to speak on this item.

Chairwoman O'Connor opened the Public Hearing at 7:49 p.m.

Guadalupe Llopart (Resident) stated that she is concerned that her view will be obstructed by this project.

Penelope Wetton (Resident) declined to comment.

Rose Sparks (Resident) stated that she is concerned about the parking for this project. She added that there isn't any street parking currently. She added that the lot is for sale.

Haitham Hafveez (Applicant) stated that parking was discussed with staff. He added that the project is compliant with parking standards and it is similar to a neighboring property.

Chairwoman O'Connor closed the Public Hearing at 7:53 p.m.

Commissioner Dohner stated that he is concerned with parking and he does not see the property's parking situation as similar to the neighboring property.

Commissioner McKhann stated that he is sympathetic to the parking issues raised. He added that he does not favor the featureless elevations and would prefer to see more architectural features. He stated that a Condition of Approval should be added requiring the Applicant to submit a recorded copy of an easement prior to obtaining a building permit.

Chairwoman O'Connor stated that the density of the project is too high even though it complies with the code. She stated that the design is problematic.

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Vice-Chairman Nelson stated that this is a difficult situation, but the Planning Commission must act based on the code.

Commissioner Murphy stated that the project is too dense. She added that while she agrees with Vice-Chairman Nelson, she is torn on her decision.

Commissioner McKhann asked the Commission if anyone else agrees with his architecture concerns.

Ursula Luna-Reynosa (Director) replied that the applicant can work with staff on design prior to issuing permits.

Jennifer Farrell (Deputy City Attorney) offered options to facilitate the discussion which included approval of the project with added conditions, deny the project, or continue or table the item in order for staff to further work with the applicant.

Commissioner Dohner stated that he is in favor of tabling the item.

Chairwoman O'Connor stated that the project is not suitable for the site.

Commissioner Murphy stated that she is in favor of tabling the item.

Chairwoman O'Connor agreed with tabling the item with direction to staff to work with the applicant on the architecture and parking.

Commissioner McKhann asked if the density should be addressed.

Ursula Luna-Reynosa (Director) clarified that the term “density” for the project applies to the number of units, not bedroom count, which complies with the code.

ACTION: Motion made (Murphy) and seconded (O'Connor) to table Site Development Permits SDP16-0001 and 16-0002 to allow the construction of two detached dwelling units on each of two contiguous sites in the Residential Duplex (RD-14) Zoning District at 34466 and 34468 Via Verde and directed staff to work with applicant to reevaluate design, parking and number of bedrooms within the project. Motion carried 4-1-0.

AYES: Dohner, McKhann, Murphy, O'Connor
NOES: Nelson
ABSENT: None
ABSTAIN: None

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D. OLD BUSINESS

There was no Old Business.

E. NEW BUSINESS

There was no New Business.

F. STAFF REPORTS

Ursula Luna-Reynosa (Director of Community Development) announced that the reorganization of the Planning Commission will occur at the June 27, 2016 meeting. She also welcomed Matt Schneider to the Community Development Department as the new Planning Manager. Additionally, she requested that the Planning Commissioners report any summer vacation plans to Shayna Sharke (Senior Administrative Assistant).

G. COMMISSIONER COMMENTS

Commissioner Dohner did not have any comments.

Commissioner McKhann stated that he served on the Doheny Village Code Committee with Commissioner Murphy. He said that he was impressed with staff's effort and he is enthusiastic about what is being proposed.

Vice-Chairman Nelson announced that the trolleys are running through Dana Point for the summer months.

Commissioner Murphy added that the trolleys will run every day this summer with many stops.

Chairwoman O'Connor welcomed Matt Schneider and thanked Commissioner Dohner for joining the Planning Commission.

H. ADJOURNMENT

Chairwoman O'Connor adjourned the meeting at 8:13 p.m. and announced that the *next* Regular Meeting of the Planning Commission would be held on Monday, June 27, 2016, 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 8:13 p.m.

April O'Connor, Chairwoman
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