

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

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March 28, 2016  
6:05 – 7:57 p.m.

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

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**CALL TO ORDER**

Vice-Chairman Eric Nelson called the Regular Meeting of the Dana Point Planning Commission to order at 6:05 p.m.

**PLEDGE OF ALLEGIANCE**

John Tilton (City Architect / Planning Manager) led the Pledge of Allegiance.

**ROLL CALL**

Planning Commission Members Present: Vice-Chairman Eric Nelson, Commissioner Scott McKhann and Commissioner Danni Murphy

Planning Commission Members Absent: Chairwoman O'Connor

Staff Present: Jennifer Farrell (Deputy City Attorney), John Tilton (City Architect / Planning Manager), Kurth Nelson (Senior Planner), Brandy Boka (Associate Engineer), Liane Schuller (Planner) and Shayna Sharke (Senior Administrative Assistant)

**A: APPROVAL OF MINUTES**

**ITEM 1: Minutes of the regular Planning Commission Meeting of February 22, 2016**

**ACTION: Motion made (Murphy) and seconded (McKhann) to approve the Minutes of the Regular Planning Commission Meeting of February 22, 2016. Motion carried 3-0-1. (AYES: McKhann, Murphy, and Nelson NOES: None ABSENT: O'Connor ABSTAIN: None)**

**B. PUBLIC COMMENTS**

There were no requests to speak.

**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

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**D. PUBLIC HEARINGS**

**ITEM 2: Coastal Development Permit CDP15-0013 to allow the demolition of an existing single-family dwelling and the construction of a new single-family dwelling on land located within a Residential Single-Family (RSF-4/PRD-3) Zoning District at 22512 Seaward Isle**

Applicant: Imran and Shannon Salim

Location: 23512 Seaward Isle (APN 672-061-25)

Recommendation: That the Planning Commission adopt the attached resolution approving Coastal Development Permit CDP15-0013.

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 Coastal Development Permit to allow the demolition of an existing single-family dwelling and the construction of a new 6,097 square-foot, single-family dwelling with an attached 838 square-foot 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.

There was one request to speak on this item.

**Vice-Chairman Nelson** opened the Public Hearing at 6:16 p.m.

**Marshall Innes** (Architect) stated that he is available to answer questions.

**Vice-Chairman Nelson** closed the Public Hearing at 6:18 p.m.

**Commissioner Murphy** spoke in favor of the project and added that she is glad to see the approval of the Home Owner's Association.

**Commissioner McKhann** spoke in favor of the project and added that he appreciates that the project complies with City Codes.

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**Vice-Chairman Nelson** agreed with the other Planning Commissioners and also appreciates the compliance with City Codes.

**ACTION:** Motion made (McKhann) and seconded (Murphy) approve Resolution No. 16-03-28-06 Coastal Development Permit CDP15-0013 to allow the demolition of an existing single-family dwelling and the construction of a new single-family dwelling on land located within a Residential Single-Family (RSF-4/PRD-3) Zoning District at 22512 Seaward Isle. Motion carried 3-0-1. (AYES: McKhann, Murphy, and Nelson NOES: None ABSENT: O'Connor ABSTAIN: None)

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

**ITEM 3:** Minor Conditional Use Permit CUP15-0018(M) to provide a single uncovered tandem parking space and Minor Site Development Permit SDP15-0044(M) to construct additions and alterations to a non-conforming residential duplex located at 26301 Via California

Applicant: Blake Stephens, AIA

Location: 26301 Via California (APN 682-133-25)

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Minor Conditional Use Permit CUP15-0018(M) and Site Development Permit SDP15-0044(M).

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).

Request: To allow a single uncovered tandem parking space for an existing two-story residential duplex. The project includes the demolition of an existing two-car garage, the construction of a new three-car garage, and living area additions of 249 square feet (study and laundry room) to a residential duplex structure that is non-conforming to current development standards (height and parking).

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

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the Commission.

There was one request to speak on this item.

**Vice-Chairman Nelson** opened the Public Hearing at 6:34 p.m.

**Blake Stephens** (Architect) stated that the owners will be moving into the bottom unit of this property and they wish to beautify and upgrade the property as well as bring the parking into compliance.

**Vice-Chairman Nelson** closed the Public Hearing at 6:35 p.m.

**Vice-Chairman Nelson** spoke in support of the project and stated that while they would be granting a deviation, a problem that exists today is being remedied.

**Commissioner McKhann** spoke in support of the project and added that he appreciates the architectural detailing.

**Commissioner Murphy** agreed with Commissioner McKhann and Vice-Chairman Nelson.

**ACTION:** Motion made (Nelson) and seconded (Murphy) to adopt Resolution No. 16-03-28-07 to approve Minor Conditional Use Permit CUP15-0018(M) to provide a single uncovered tandem parking space and Minor Site Development Permit SDP15-0044(M) to construct additions and alterations to a non-conforming residential duplex located at 26301 Via California. Motion carried 3-0-1.

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

**ITEM 4:** Coastal Development Permit CDP15-0008, Variance V15-0002, and Site Development Permit SDP15-0020

Applicant: SCB Consultants/Craig and Maureen Smith

Location: Vacant parcel between 35241 and 35251 Camino Capistrano (APN 691-182-21)

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Recommendation: That the Planning Commission adopt the attached draft resolution approving Coastal Development Permit CDP15-0008, Variance V15-0002, and Site Development Permit SDP15-0020 (Action Document 1).

Environmental: This project is categorically exempt (Class 3 - Section 15303 – New Construction) from the provisions of the California Environmental Quality Act (CEQA) since the project involves the construction of a single-family residence in a residential zone.

Request: A request to construct a new two-story, single-family dwelling with attached garage with associated exterior improvements with a variance to locate improvements on a portion of a coastal bluff face and within the coastal bluff edge setback with associated requests to allow the design of the dwelling in accordance with provisions for residential structures on hillside lots, increased height allowance for retaining walls in required front and side yards and a roof deck on a coastal bluff lot.

Kurth Nelson (Planner) provided a staff report and responded to questions of the Commission.

Brandy Boka (Associate Engineer) described the process of the Geotechnical Consultant review and their assessment of the site.

There were two requests to speak on this item.

**Vice-Chairman Nelson** opened the Public Hearing at 7:23 p.m.

**Rob Lynch** (Dana Point) spoke on behalf of residents in the condominium complex across the street from the project site. He stated that the built structure would block the views of at least two of the condominiums and may affect their property values. He added that this site is the only public place to see the ocean on the block.

**Terry Hirchaq** (Applicant) stated that the drainage of the driveway will flow into the sump pump and be diverted to the street drainage. He added that they have complied with a neighbors request to cut back some of the roof due to their concern of view obstruction.

**Vice-Chairman Nelson** closed the Public Hearing at 7:25 p.m.

**Commissioner McKhann** stated that he is impressed with the architecture and the way the applicant worked with the topography. He added that he appreciates the applicant working with the neighbor. He spoke in support of the project and said that geotechnical investigations are very thorough.

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**Commissioner Murphy** stated that she understands the issues inherent with a coastal bluff property, but the owner must be given the opportunity to do something with their property. She added that she is in support of the project.

**Vice-Chairman Nelson** stated that while he respects the concern with the views presented by Mr. Lynch, and the decision is a tough call to make, the views are not protected. He spoke in support of the project and added that the applicant did a great job addressing the topography.

**ACTION:** Motion made (Murphy) and seconded (McKhann) to adopt Resolution No. 16-03-28-08 to approve Coastal Development Permit CDP15-0008 and Variance V15-0002 to construct a new two-story single-family dwelling with an attached garage and associated improvements on a coastal bluff face and within the required bluff edge setback with Site Development Permit SDP15-0020 to design the dwelling in accordance with provisions for structures on hillside lots, for side and front yard retaining wall heights, and for a roof deck on a vacant lot identified by Assessor's Parcel Number 691-182-21. Motion carried 3-0-1.

**AYES:** McKhann, Murphy, and Nelson

**NOES:** None

**ABSENT:** O'Connor

**ABSTAIN:** None

**ITEM 5:** Coastal Development Permit CDP15-0026 and Minor Site Development Permit SDP16-0012 (M)

Applicant: C.J. Light Associates / Betty Farago

Location: 39 Monarch Bay Drive (APN 670-141-33)

Recommendation: That the Planning Commission adopt the attached draft resolution approving Coastal Development Permit CDP15-0026 and Minor Site Development Permit SDP16-0012(M).

Environmental: This project is categorically exempt (Class 3 - Section 15303 – New Construction) from the provisions of the California Environmental Quality Act (CEQA) since the project involves the construction of a single-family residence in a residential zone.

Request: A request to demolish an existing single-family dwelling (SFD) and detached garage and develop a new two-story, SFD with attached garage space and associated exterior improvements including retaining walls which are

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accompanied with a request for increased height allowance thereof in required front and side yards on a coastal bluff lot.

Kurth Nelson (Planner) provided a staff report and responded to questions of the Commission.

There were no requests to speak on this item.

**ACTION:** Motion made (Murphy) and seconded (McKhann) to adopt Resolution No. 16-03-28-09 to approve Coastal Development Permit CDP15-0026 to demolish an existing single-family dwelling and detached garage and construct a new two-story, single-family dwelling with an attached garage and associated exterior improvements on a coastal bluff lot and Minor Site Development Permit SDP16-0012(M) to allow increased height for retaining walls located at 39 Monarch Bay. Motion carried 3-0-1.

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

**E. OLD BUSINESS**

There was no Old Business.

**F. NEW BUSINESS**

There was no New Business.

**G. STAFF REPORTS**

There were no Staff Reports.

**H. COMMISSIONER COMMENTS**

**Commissioner McKhann** stated that he appreciates the work staff does.

**Commissioner Murphy** stated that she appreciates the outreach staff performs with the community and neighborhoods surrounding potential projects.

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**Vice-Chairman Nelson** stated that he appreciates the staff response time. He added that he enjoyed his time at the Planning Commission Academy and it was very informative.

**I. ADJOURNMENT**

Vice-Chairman Nelson adjourned the meeting at 7:57 p.m. and announced that the *next* Regular Meeting of the Planning Commission would be held on Monday, April 11, 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.

**The meeting adjourned at 7:57 p.m.**

  
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Eric Nelson, Vice-Chairman  
Planning Commission