

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

August 22, 2016
5:31 p.m. – 6:08 p.m.
6:08 p.m. – 6:58 p.m.

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

CALL TO ORDER THE SPECIAL PLANNING COMMISSION MEETING

Chairman Nelson called the Special Meeting of the Dana Point Planning Commission to order at 5:31 p.m.

A: CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d1), (1 case)

ROLL CALL

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

Staff Present: Ursula Luna-Reynosa (Director of Community Development), Jennifer Farrell (Deputy City Attorney), Matt Schneider (Planning Manager), Sean Nicholas (Senior Planner), and Shayna Sharke (Senior Administrative Assistant)

ADJOURN SPECIAL CLOSED SESSION MEETING UNTIL 6:08 P.M.

CALL TO ORDER THE REGULAR PLANNING COMMISSION MEETING

Chairman Nelson called the Special Meeting of the Dana Point Planning Commission to order at 6:08 p.m.

PLEDGE OF ALLEGIANCE

Shayna Sharke (Senior Administrative Assistance) led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Ursula Luna-Reynosa (Director of Community Development), Jennifer Farrell (Deputy City Attorney), Matt Schneider (Planning Manager), Sean Nicholas (Senior Planner), and Shayna Sharke (Senior Administrative Assistant)

ITEM #1

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B: CLOSED SESSION REPORT

Jennifer Farrell (Deputy City Attorney) stated that there is no Closed Session Report.

C: APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of July 25, 2016

ACTION: Motion made (Murphy) and seconded (Dohner) to approve the Minutes of the Regular Planning Commission Meeting of July 25, 2016. Motion carried 5-0-0.

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

D. PUBLIC COMMENTS

There were no requests to speak.

E. CONSENT CALENDAR

There were no items on the Consent Calendar.

F. PUBLIC HEARINGS

There were no Public Hearings.

G. OLD BUSINESS

There is no Old Business.

H. NEW BUSINESS

ITEM 2: Preliminary Review (PA16-0083) by the Planning Commission of a proposed 2,365 square foot detached second dwelling unit including an attached garage, and a new 2,050 square foot accessory structure

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located at 32726 Rachel Circle, within the RSF-7 zoning designation with the PRD-5 overlay.

Applicant: William Glickman

Location: 32726 Rachel Circle (APN 673-331-31)

Recommendation: That the Planning Commission assesses the preliminary site design and provide feedback to the applicant, focusing on potential issues which may be raised during consideration of a formal submittal for the project.

Environmental: Not applicable at this time.

Request: Preliminary review by the Planning Commission to provide feedback regarding the consistency with the surrounding neighborhood and intent of the Dana Point Zoning Code (DPZC) for the potential development of a detached 2,365 square foot second dwelling unit and 2,040 square foot accessory structure.

Matt Schneider (Planning Manager) presented and answered questions of the Planning Commission.

PUBLIC COMMENTS

Bill Glickman (Applicant) stated that he wished to address three main issues. He stated that he began the submittal process about a year and a half ago and worked with John Tilton (former City Architect / Planning Manager) who suggested a subdivision. He stated that his application was rejected by the Planning Department, and application fees were refunded. He continued to state that his plot plan was agreed to by John Tilton and was ready for building permits, then learned that Mr. Tilton was no longer employed by the City and received a rejection letter from Matt Schneider (Planning Manager). He added that he cannot find a connection between what the code states and Matt Schneider's responses.

Chairman Nelson asked Mr. Glickman to explain why the garage is 40 feet deep.

Bill Glickman replied that the garage matches the thickness of the building.

Chairman Nelson stated that the garage resembles a tandem garage.

Bill Glickman stated that the garage was not designed to be a tandem garage, it was designed to make the structure square. He stated that you could park front to back and added that John Tilton's position on the garage was that there was no size limitation. He stated that his second issue to address that the storage area is provided as per code

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within a second dwelling unit. He stated that third issue is in regards to the size of the workshop. He stated that his proposal is less dense than most homes in the neighborhood. He added that the size of the structures would be 45% of the lot if fully built and these proposals have only become an issue with the Planning Department within the past six weeks.

Barbara Wilson (Dana Point) spoke in opposition of the the proposal. She added that the CC&Rs of the neighborhood state that each lot shall be used for private, single-residence, single-family homes and other structures should not be used as living quarters. She stated that the proposed plan does not fit in the neighborhood.

Chairman Nelson clarified that the Planning Commission is not making any decisions on the proposed plan tonight, but is reviewing the current submittal and providing feedback.

Brenda Anderson (Dana Point) spoke in opposition of the proposal. She stated that the proposed plan does not fit in the neighborhood and is not what the developer originally planned.

Commissioner Dohner stated that if looking at the proposed accessory structure as a granny flat, a 1,200 square foot structure would be a reasonable size, but in this case, he is concerned about the size and scale in this community. Downsizing the garage and storage area seems like it would be a cost and space savings for the applicant.

Commissioner O'Connor thanked Mr. Glickman for attending the meeting and providing information for their review. She apologized for the change in staff reviewing the project and the delay in the process. She added that she is concerned with the size of the accessory building as it is not consistent with other lots in the neighborhood. She suggested that staff show similar lots and current uses in future preliminary reviews. She stated the garage size is impractical, but will consider that he is trying to complete the shape of the structure.

Vice-Chairman McKhann stated that he is sympathetic to the applicant's frustration regarding time, delay, expense, and a mixed message. He added that this is a beautiful lot in a beautiful neighborhood and he is sympathetic to property rights. He asked staff if a FAR analysis was completed.

Matt Schneider (Planning Manager) replied that a FAR analysis was not completed or required.

Vice-Chairman McKhann stated that this application has been reviewed by staff as well as Ursula Luna-Reynosa (Director of Community Development). He added that although each component of the proposal could be evaluated individually, but on the whole the plan is excessive.

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Commissioner Murphy agreed with the other Commissioners. She stated that she understands the frustrations of the applicant, but what is proposed is excessive for the neighborhood and the neighborhood's original intent.

Chairman Nelson stated that he has reviewed all of the documents submitted by the applicant and provided by the City. He stated that many of the large lots surrounding the property were not represented on the aerial diagram submitted by the applicant. He added that he is concerned with the intensity of the project and the excessive parking. He stated that the proposed structures don't belong in this neighborhood and if it was before the Planning Commission for approval he would deny the project.

G. STAFF REPORTS

Ursula Luna-Reynosa announced that a Doheny Village Community Meeting has been scheduled for September 14, 2016 from 4:00 p.m. to 6:00 p.m. at Capo Beach Church. She also stated that the September 12, 2016 Planning Commission Meeting has been cancelled and the next Regular Meeting would be held on September 26, 2016.

H. COMMISSIONER COMMENTS

Commissioner Dohner stated that he appreciates the community attending the meeting.

Commissioner O'Connor stated that she greatly enjoyed the Concert in the Park events this year and added that it is a great amenity to the City.

Chairman Nelson stated that he is looking forward to the next Planning Commissioner Academy and having his fellow Commissioners join him and experience the new curriculum.

Vice Chairman Nelson stated that the trolley was a great success this summer.

Commissioner Murphy stated that she utilized the trolley many times over the summer with her out of town guests and appreciated all the stops it offered.

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I. ADJOURNMENT

Chairman Nelson adjourned the meeting at 6:58 p.m. and announced that the *next* Regular Meeting of the Planning Commission would be held on Monday, September 26 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 6:58 p.m.

Eric A. Nelson, Chairman
Planning Commission

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