

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

June 6, 2011
6:03 . 6:54 p.m.

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

CALL TO ORDER . Chairwoman O'Connor called the meeting to order.

PLEDGE OF ALLEGIANCE – Jennifer Farrell (Assistant City Attorney) led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Liz Claus, Vice-Chairman Norman Denton, Commissioner Gary Newkirk, Chairwoman April O'Connor, and Commissioner Tarquin Preziosi

Staff Present: John Tilton (City Architect/Planning Manager), Erica Demkowicz (Senior Planner), Jennifer Farrell (Assistant City Attorney), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of May 16, 2011.**

ACTION: **Motion made (Denton) and seconded (Claus) to approve the Minutes of the regular Planning Commission Meeting of May 16, 2011. Motion carried 4-0-1. (AYES: Claus, Denton, Newkirk, Preziosi NOES: None ABSENT: None ABSTAIN: O'Connor)**

B. PUBLIC COMMENTS

There were no Public Comments.

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C. CONSENT CALENDAR

ITEM 2: One-year time extension of Coastal Development Permit CDP08-0008 and Variance V08-0003 to allow the demolition of an existing single-family dwelling, and the construction of a new, two-story, single-family dwelling within the required development setback from the edge of a coastal bluff, as well as the construction of retaining walls in excess of 30 inches in height, on land located within the City's Coastal Overlay District (the CA Coastal Zone), the Appeals Jurisdiction of the CA Coastal Commission and the Residential Single-Family 3 (RSF-3) Zoning District at 35141 Camino Capistrano.

Applicant: Robert Theel (Robert Theel Company)
Owner: Daniel Rodriguez and Debra Libert
Location: 35141 Camino Capistrano

Request: Grant a second (and final) one-year extension of discretionary permits originally approved June 24, 2008, granting entitlement to construct a new single-family dwelling on vacant land at 35141 Camino Capistrano.

Recommendation: That the Planning Commission approve a one-year time extension of Coastal Development Permit CDP08-0008 and Variance V08-0003.

ITEM 3: One-year time extension of Coastal Development Permit CDP07-13, Minor Site Development SDP07-18(M) and Minor Conditional Use Permit CUP07-11(M) to allow the construction of a new, two-story, single-family dwelling to include a detached second unit, as well as the construction of retaining walls in excess of 30 inches in height, on vacant land located within the City's Coastal Overlay District (the CA Coastal Zone) but not within the Appeals Jurisdiction of the CA Coastal Commission, at 34152 Chula Vista Avenue.

Applicant/
Owner: John E. Sullivan
Location: 34152 Chula Vista Avenue

Request: Grant a second (and final) one-year extension of discretionary permits originally approved April 22, 2008, granting entitlement to construct a new single-family dwelling on vacant land at 34152 Chula Vista Avenue.

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Recommendation: That the Planning Commission approve a one-year time extension of Coastal Development Permit CDP07-13, Minor Site Development Permit SDP07-18(M) and Minor Conditional Use Permit CUP07-11(M).

ACTION: Motion made (Claus) and seconded (Denton) to approve the Consent Calendar. Motion carried 5-0. (AYES: Claus, Denton, O'Connor, Newkirk, Preziosi NOES: None ABSENT: None ABSTAIN: None)

D. PUBLIC HEARINGS

ITEM 4: A Coastal Development Permit CDP11-0002 for a 1,009 square foot addition and remodel to the existing 4,016 square foot single-family dwelling in the Planned Residential Development 3 (PRD 3)/Residential Single Family 4 (RSF 4) Zoning District at 17 Breakers Isle.

Applicant: Kirk Saunders
Owner: Paul Columbus
Location: 17 Breakers Isle

Request: Coastal Development Permit CDP11-0002 for an addition of 1,009 square feet to the existing single-family dwelling, in the Planned Residential Development 3 (PRD 3)/Residential Single Family 4 (RSF 4) Zoning District.

Environmental: The proposed project qualifies as a Class 3 [Section 15301 (a) (e)] pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves a remodel and addition to an existing single family dwelling; additions to the dwelling will not result in an increase of more than 2,500 square feet.

Recommendation: That the Planning Commission adopt the attached draft resolution approving Coastal Development Permit CDP11-0002.

Erica Demkowicz (Senior Planner) reviewed the staff report.

Chairwoman O'Connor opened the Public Hearing.

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Kirk Saunders (Applicant - Laguna Beach) described the proposed addition and renovation; and stated that the project complies with Niguel Shores Community Association regulations. He noted that to reduce any adverse impacts to neighbors he worked with the Architectural Review Committee to modify the lower deck and drop a handrail to prevent interference with the neighbors view. He added that the plans were slightly modified to meet the City's regulations by raising the lower floor level to stay under the 35 foot height limit. He noted that the site was staked during the Niguel Shores approval process. He stated that he would be happy to answer any questions.

Sue McKeehan and Burt McKeehan (Monarch Beach) stated that they were concerned with the project because the plans were confusing with the way the proposed deck was going to affect them. They added that the proposed landscaping extended along the northern property line; and the position of the railing on the stairway leading to the lower level was obstructing their view. They asked the Planning Commission to delay the applicants request as currently proposed to explore other alternatives.

In response to Chairwoman O'Connor's inquiry Mr. McKeehan stated that he was able to express his concerns with the architectural review committee but was confused by a letter he received by the Committee; he read portions of the letter into the record.

Tom Vegh (San Juan Capistrano) stated that he attended the Niguel Shores Community meeting in 2010 and the residents were in opposition of the proposed addition. He felt that there was inadequate City notification of this project and he had little time to react to the proposal. He pointed out that the plans approved by Niguel Shores were inconsistent with the plans submitted to the City. He recommended that the Planning Commission delay the Public Hearing to provide more time to understand and resolve any conflicting information.

Chairwoman O'Connor closed the Public Hearing.

In response to Chairwoman O'Connor's inquiry about the due process in mailing out the notices, Mr. Tilton confirmed that the record reflects that the project was legally noticed in the newspaper and mailed to resident owners and occupants per City requirements.

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Jennifer Farrell (Assistant City Attorney) noted a clarification about discussions pertaining to negatively impacting coastal views and stated that Dana Point does not have a private view protection ordinance. She advised the Planning Commission that unfortunately there is no jurisdiction to consider or deny a project to protect someone else's view.

Commissioner Newkirk noted that the Niguel Shores neighborhood is situated above a great stretch of beach but as homes age they are brought up to date. He felt that the proposed development shows diligence in complying with the Zoning Code. He stated that he would support the Plan.

John Tilton (City Architect/Planning Manager) suggested reopening the public hearing to allow the Applicant to clear up any misunderstandings with the property's survey grade elevations and plans.

Chairwoman O'Connor re-opened the Public Hearing.

Kirk Saunders (Applicant - Laguna Beach) indicated that the deck at the lower level is measured at 65.38 and wraps around the elevated portion of the deck. Therefore changing the neighbors view by 1-1/2 inches to meet the code requirement for the step height. He also addressed comments made by others and explained that he alleviated impacts to the surrounding neighbors again to meet within the City code requirements.

Sue McKeehan (Monarch Beach) stated that she was still concerned that she will lose part of her ocean view because of the raised deck and asked for consideration of that.

Chairwoman O'Connor closed the Public Hearing.

Commissioner Claus stated that the addition is consistent with the Code. She noted the comments and changes made by Niguel Shores. She stated that she is comfortable with the project because the applicants have met all of their requirements.

Vice-Chairman Denton stated that based on the questions and comments heard he felt that the view concerns should have been addressed by Niguel Shores rules. He hoped that there would be good neighbor cooperation that works well to mitigate any unhappiness among neighbors. He stated that he would support

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the project because he felt that the remodel adds to the neighborhood in a positive way.

Commissioner Preziosi stated that the Applicant had complied with the Code requirements and felt that the application should be granted.

Chairwoman O'Connor stated that the due process has been taken care of and noted that the HOA has recommended approval with written letters of approval. She felt that without a view ordinance in place the project is compatible with the neighborhood. She stated that she is in favor to approve the project.

ACTION: Motion made (Claus) and seconded (Preziosi) to adopt Resolution No. 11-06-10-09 approving Coastal Development Permit CDP11-0002 to allow a 1,009 addition and remodel to the existing 4,016 square foot single-family dwelling in the Planned Residential Development 3 (PRD 3)/Residential Single Family 4 (RSF 4) Zoning District located at 17 Breakers Isle. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: None ABSTAIN: None)

E. NEW BUSINESS

There was no New Business.

F. STAFF REPORTS

There were no Staff Reports.

G. COMMISSIONER COMMENTS

Vice-Chairman Denton noted that 67 years ago today %D-Day+ occurred, signifying the beginning of the liberation of France marking an important day in the history of the world. He added that what took place (June 6, 1944) makes today a %positive day+.

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Chairwoman O'Connor agreed with Vice-Chairman Denton's sentiments and thanked our veterans, servicemen and women fighting abroad, defending our rights and our great Country.

Commissioner Claus thanked Vice-Chairman Denton for the reminder of today's importance.

H. ADJOURNMENT

Chairwoman O'Connor announced that the *next regular* meeting of the Planning Commission will be held on Monday, June 20, 2011, beginning at 6:00 p.m. (or as soon thereafter) in the Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

The meeting adjourned at 6:54 p.m.

/s/ April O'Connor

April O'Connor, Chairwoman
Planning Commission