

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

December 19, 2011
6:02 – 7:40 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 – Commissioner Claus 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: Kyle Butterwick (Director), John Tilton (City Architect/Planning Manager), Kurth Nelson (Senior Planner), Evan Langan (Associate Planner), Jennifer Farrell (Deputy City Attorney), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of December 5, 2011.**

ACTION: **Motion made (Denton) and seconded (Newkirk) to approve the Minutes of the regular Planning Commission Meeting of December 5, 2011. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: None ABSTAIN: None)**

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

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D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit CDP11-0015 to allow a 363 square foot addition to an existing 2,852 square foot single-family dwelling located within the Residential Single-Family Four (RSF-4) zoning district at 14 Monarch Bay Drive.

Chairwoman O'Connor stated that she lives within the 500 foot radius of the project and recused herself from the following item at 6:05 p.m. Vice-Chairman Denton assumed chairmanship of the meeting.

Vice-Chairman Denton stated for the record that there was a technical difficulty with the video equipment and that the staff report will be presented (read) in paper format.

Applicant: Don Anctil (Anctil Architecture)
Property Owner(s): Mike and Sherry Brooks
Location: 14 Monarch Bay Drive

Request: Approval of a Coastal Development Permit to allow additions to an existing single-family dwelling proposed in excess of 10 percent of present square footage.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the subject project is Categorically Exempt per Section 15301 (e) (Class 1 – Existing Facilities), as it comprises an addition to an existing structure not resulting in a greater than 50 percent increase in floor area.

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Coastal Development Permit CDP11-0015.

Evan Langan (Associate Planner) reviewed the Staff Report.

There being no requests to speak on this item, Vice-Chairman Denton opened and closed the Public Hearing.

Commissioner Claus stated that she sees no area of concern and is comfortable with the property improvements.

Commissioner Preziosi stated that he is comfortable with the project.

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ACTION: Motion made (Preziosi) and seconded (Newkirk) to adopt Resolution No. 11-12-19-24 approving Coastal Development Permit CDP11-0015 to allow additions to an existing single-family dwelling located within the Residential Single-Family Four (RSF-4) zoning district at 14 Monarch Bay Drive. Motion carried 4-0-1. (AYES: Claus, Denton, Newkirk, Preziosi NOES: None ABSENT: O'Connor (Recused) ABSTAIN: None)

Chairwoman O'Connor rejoined the meeting at 6:28 p.m.

ITEM 3: Coastal Development Permit CDP11-0006 and Minor Site Development Permit SDP11-0014(M) to demolish an existing single-family dwelling and construct a new three-story, 8,922 square foot single-family dwelling with a 625 square foot attached garage on a coastal bluff lot and associated retaining walls exceeding 30 inches in height located at 23482 Seaward Isle.

Applicant: C. J. Light & Associates, Architect
Property Owner: Martin A. Bergman Trust
Location: 23482 Seaward Isle

Request: A request to demolish an existing single-family dwelling and construct of a new three-story, 8,922 square foot single-family dwelling with a 625 square foot attached garage on a coastal bluff lot and associated retaining walls exceeding 30 inches in height.

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 demolition and construction of one single-family residence in a residentially zoned property.

Recommendation: That the Planning Commission adopt the attached draft resolution approving Coastal Development Permit CDP11-0006 and Minor Site Development Permit SDP11-0014(M) (Action Document 1).

Kurth Nelson (Senior Planner) reviewed the Staff Report.

John Tilton (City Architect/Planning Manager) stated that the applicant provided a handout to point out an important aspect of the project depicting the relationship of the existing home's footprint with the proposed footprint.

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Chairwoman O'Connor opened the Public Hearing.

Judith Hummer (Dana Point) stated her concern with the proposed skylights, load of dirt transported during construction, liability on road repair (if caused), loss of the bluff (should the slope fail during construction), any damage to the adjacent house, any Coastal Commission issues and various rules, its massive size and requested in writing that there would be no obstruction of current views.

Chairwoman O'Connor closed the Public Hearing.

Commissioner Claus stated that she appreciates the neighbors comment about the property, but based on the staff report she felt that the project is as safe as proposed and observed that the footprint of the house is smaller than before.

Commissioner Newkirk stated that he was pleased to see the bluff top setbacks were being adhered to and that the footprint of the existing property was moved back substantially, and happy to see that the project conforms with the setback requirements.

Vice-Chairman Denton stated he agrees with his fellow Commissioners and with the fact that the footprint of the house is moved back honoring the bluff setback. He added that the height of the home has not increased and stated that he could support the project.

Commissioner Preziosi stated that he was gratified that the bluff setback was being adhered to and the landscaping was improved by using native vegetation and removing the old irrigation. He stated that this property is a signature home with tourists walking by and seeing it on the landscape. He recognized the concerns of the neighbor with the amount of light from the skylights.

Chairwoman O'Connor addressed Ms. Hummer's concerns. She felt that the applicant stayed below the buildable lot coverage and the importance of the sump pumps installed for the bluff stability would be suitable under the new requirements. She stated that she would be in favor of the project.

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ACTION: Motion made (Denton) and seconded (Newkirk) to adopt Resolution No. 11-12-19-25 approving Coastal Development Permit CDP11-0006 and Minor Site Development Permit SDP11-0014(M) to demolish an existing single-family dwelling and construct a new three-story, 8,922 square foot single-family dwelling with a 625 square foot attached garage on a coastal bluff lot and associated retaining walls exceeding 30 inches in height located at 23482 Seaward Isle. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: None ABSTAIN: None)

ITEM 4: Antenna Use Permit AUP11-0004 to allow the placement of a new cellular antenna with associated equipment on an existing light pole, located at the intersection of Selva Road and Chula Vista Avenue, within public right of way.

Applicant: NextG Networks of California
Owner: City of Dana Point
Location: An existing light pole at the intersection of Selva Road and Chula Vista Avenue.

Request: Approval of Antenna Use Permit AUP11-0004 to allow the placement and installation of a new cellular antenna and associated equipment on an existing light pole, located at the intersection of Selva Road and Chula Vista Avenue, within the public right of way.

Environmental: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (d) (Class 3 – New Construction or Conversion of Small Structures). A Categorical Exemption has been prepared and will be filed per the requirements of the statute.

Recommendation: That the Planning Commission adopt the attached draft Resolution No. 11-12-19-xx, approving the proposed Antenna Use Permit.

John Tilton (City Architect/Planning Manager) reviewed the Staff Report.

Commissioner Newkirk stated his concern for the record about seeing more of the pole antennas and the long term goal to have underground utilities. He asked if the power lines are moved underground, do the antenna use permits become null and void?

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John Tilton (City Architect/Planning Manager) replied that they could be required to amend the permit because the conditions would change.

Kyle Butterwick (Director) stated that because technology changes on a constant basis, they would be looking at alternatives to find a solution.

Chairwoman O'Connor opened the Public Hearing.

Rafael Nunez (Applicant Representative, La Verne) addressed some of the Planning Commission questions and stated that the State regulations govern the type of attachment to a power pole.

Chairwoman O'Connor closed the Public Hearing.

Kyle Butterwick (Director) suggested the Commission could continue the item to review other alternatives.

Vice-Chairman Denton stated that he would not prefer taller antennas and would like to see smaller types.

Commissioner Claus agreed with Vice-Chairman Denton stating that taller would not be better.

Commissioner Preziosi asked if the antenna can be moved to another part of town or another location other than a power pole.

Chairwoman O'Connor suggested that a continuance would be best to reconsider location and design.

Kyle Butterwick (Director) suggested to continue the project to January 9, 2012 and recommended staking to reflect the revised proposal.

ACTION: Motion made (Claus) and seconded (Denton) to continue this item to the Regular Planning Commission meeting of January 9, 2012 and requesting the antennae be staked. 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.

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F. STAFF REPORTS

Kyle Butterwick (Director) stated that he attended the California Coastal Commission Hearing on the former mobile home property on Pacific Coast Highway and Del Obispo and stated that the Coastal Commission unanimously approved the rezone.

He stated that on the next agenda, Staff will hold a workshop to review California Environmental Quality Act (CEQA) requirements.

G. COMMISSIONER COMMENTS

Commissioner Preziosi wished everyone a Happy Holiday season.

Vice-Chairman Denton wished everyone a Happy Holiday and looks forward to seeing everyone next year.

Commissioner Claus also wished everyone a Happy Holiday and stated that she attended the Boat Parade.

Commissioner Newkirk also wished everyone a Happy Holiday and looks forward to next year.

Chairwoman O'Connor wished the same for all.

H. ADJOURNMENT

Chairman O'Connor announced that the *next regular* meeting of the Planning Commission will be held on Monday, January 9, 2012, 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 7:40 p.m.

April O'Connor, Chairwoman
Planning Commission