

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

February 13, 2012
6:00 – 6:45 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 – Evan Langan (Associate Planner) led the Pledge of Allegiance.

ROLL CALL

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

Commissioner(s) Absent: Commissioner Liz Claus

Staff Present: Kyle Butterwick (Director), John Tilton (City Architect/Planning Manager), Jennifer Farrell (Assistant City Attorney), Evan Langan (Associate Planner), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of January 23, 2012.

ACTION: Motion made (Preziosi) and seconded (Newkirk) to approve the Minutes of the regular Planning Commission Meeting of January 23, 2012.
Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: Claus 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 CDP11-0017 to allow the demolition of an existing, 2,412 square foot, single-family dwelling and the construction of a new, two-story, 3,384 square foot, single-family dwelling located at 33851 Mercator Isle.

Applicant: Kenneth Brown
Owner: Bruce Watannabe
Location: 33851 Mercator Isle

Request: Approval of a Coastal Development Permit to allow the demolition of a single-family dwelling and the construction of a new single-family dwelling on land located in the City's Coastal Overlay District (the California Coastal Zone) and the Appeals Jurisdiction of the California Coastal Commission.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), staff finds the project is Categorical Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures).

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Coastal Development Permit CDP11-0017.

Evan Langan (Associate Planner) presented the staff report.

John Tilton (City Architect/Planning Manager) briefly described the plan details to clarify the discretionary approval process and reviews by City Staff and final detail approvals by the Homeowners Association that occur prior to beginning construction and applying for permits.

Chairwoman O'Connor opened the Public Hearing.

Fred Helmrich (Dana Point) submitted a photo image taken from his patio and facing the adjacent proposed property. He stated that his main concern was with the stability of the slope. He further referred to a letter to the Niguel Shores Community Association expressing their unresolved concerns. He asked the City to ensure that the project will be adequately safe from potential problems.

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Nader Sadoughi (Dana Point) stated his concerns with the slope stability and with the placement of the windows specifically invading the privacy of his personal bedroom.

Jon Robinson (Applicant Representative - Yorba Linda) addressed concerns and clarified that the windows meet the homeowners associations' requirements by placing frosted glass windows as designed in the plans. He further noted that the window (described by Mr. Sadoughi) pertains to an existing window, and will remain as-is as agreed through the Architectural Committee which will be verified before building. He also clarified that the slope will be stabilized without caissons, and that the applicant's soils engineer and the City's structural engineers would ensure that everything is built to code.

Chairwoman O'Connor closed the Public Hearing.

Vice-Chairman Denton noted the concerns and differences between the City's expectations defining a tear down and rebuilding a new home versus how the Niguel Shores Association reviews a remodel project. He felt that since the home was built in 1971, the project would be a nice upgrade for the neighborhood and could not find any reason to deny the project request.

Commissioner Preziosi asked the applicant to describe which window concerned the neighbor's privacy.

Chairwoman O'Connor reopened the Public Hearing.

Jon Robinson (Applicant Representative - Yorba Linda) responded to the question and noted (referring to plans) which windows would have frost shading as required by the architectural committee.

Commissioner Newkirk asked if the pre-existing windows would be left with clear glass.

Jon Robinson (Applicant Representative - Yorba Linda) replied yes, and that their location would be identical and allowed to have clear glass.

Chairwoman O'Connor closed the Public Hearing.

Commissioner Newkirk noted redevelopment versus rebuilding issue as semantics and a nonstarter to consider. He noted that the slope issue is a frequent topic and he felt confident with the City's review process. He likewise

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addressed that, as long as window compliance is met through the homeowners association, he felt that the Planning Commission did not have the discretion to decide on locations.

Chairwoman O'Connor agreed with Commissioner Newkirk and also acknowledged the differences with the homeowners association and City requirements. She noted that the lot stability would be regulated based on licensed structural experts. She stated that she was fully sympathetic to the privacy issue and noted that the window, depending on frequency of use would not be a great imposition. She stated that she would be in favor of the project.

ACTION: Motion made (Newkirk) and seconded (Denton) to adopt the draft Resolution (No. 12-02-13-03) approving Coastal Development Permit CDP11-0017 to allow the demolition of an existing, 2,412 square foot, single-family dwelling and the construction of a new, two-story, 3,384 square foot, single-family dwelling at 33851 Mercator Isle. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: Claus ABSTAIN: None)

E. NEW BUSINESS

There was no New Business.

F. STAFF REPORTS

John Tilton (City Architect/Planning Manager) summarized a brief article related to the U.S. Post Office on Del Prado in Dana Point might be re-located to South Coast Water District land off Stonehill Drive, the proposal is being negotiated.

G. COMMISSIONER COMMENTS

Kyle Butterwick (Director) responded to various questions from the Planning Commissioners.

Commissioner Newkirk briefly stated that the Dana Point Youth Baseball is back in swing and the fields are better than he has ever seen. He added that he was glad to see the fields filled with kids with big dreams and having lots of fun. Everyone should stop by and see them.

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H. ADJOURNMENT

Chairwoman O'Connor announced that the *next regular* meeting of the Planning Commission will be held on Monday, February 27, 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 6:45 p.m.

April O'Connor, Chairwoman
Planning Commission