

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

June 11, 2012
6:00 – 8:22 p.m.

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

CALL TO ORDER – Chairman Denton called the meeting to order.

PLEDGE OF ALLEGIANCE – Kyle Butterwick (Director) led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Kyle Butterwick (Director), John Tilton (City Architect/Planning Manager), Erica Demkowicz (Senior Planner), Evan Langan (Associate Planner), Mark Sutton (Building Official), Jennifer Farrell (Deputy City Attorney), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of May 14, 2012.

ACTION: Motion made (Newkirk) and seconded (Claus) to approve the Minutes of the regular Planning Commission Meeting of May 14, 2012. Motion carried 4-0-1. (AYES: Claus, Newkirk, O'Connor, Preziosi NOES: None ABSENT: None ABSTAIN: Denton)

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

Commissioner Claus announced that, due to a conflict of interest, she would recuse herself from Item 2. She left the meeting at 6:03 p.m.

ITEM 2: Coastal Development Permit CDP12-0014 to allow the replacement of twelve (12) directional signs with new signs, and installation of three (3) new signs along parkways and medians of Dana Point Harbor Drive, Island Way and Dana Drive at the Dana Point Harbor. The proposed project is located within the boundaries of the Dana Point Harbor Revitalization Plan, the Coastal Overlay District, and within the Appeals Jurisdiction of the California Coastal Commission.

Applicant/

Property Owner: County of Orange-OC Dana Point Harbor

Location: Parkway and Medians along Dana Point Harbor Drive, Island Way, and Dana Drive at the Dana Point Harbor

Request: Approval of Coastal Development Permit CDP12-0014 to allow the replacement of directional signs at the Harbor with new signs.

Environmental: The applicant, County of Orange – OC Dana Point Harbor, analyzed the proposed project and found it to be Categorically Exempt pursuant to Sections 15302 Class 2, and 15311, Class 11 of California Environmental Quality Act (CEQA). A Notice of Exemption was filed pursuant to CEQA with the County Clerk by the applicant. The staff concurs with the applicant's evaluation and conclusion with respect to CEQA requirements.

Recommendation: That the Planning Commission adopt the attached draft resolution approving Coastal Development Permit CDP12-0014.

John Tilton (City Architect/Planning Manager) presented the staff report.

Chairman Denton opened the Public Hearing.

Brad Gross (Dana Point Harbor Director - Dana Point) addressed questions about the landscaping, sign materials, color design, and the landscape maintenance; and ensured the Commission that vegetation growth would be maintained to keep the signage visible at all times. He encouraged anyone to contact him if the landscaping appeared overgrown in any way.

Chairman Denton closed the Public Hearing.

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Commissioner Preziosi questioned the language on the signage “Owned and Operated by County”, stating that he did not feel the sign needed to state “Owned and Operated by”; he indicated that it would be his only reservation.

***Kyle Butterwick** (Director) clarified that the phrase could be beneficial because the Harbor does own and maintains the signage which would direct/refer the public to the County rather than the City.*

Commissioner O'Connor stated that she would like to see language that the landscaping needs to be maintained so that the signage wording is visible at all times. She stated that she would make a motion that would include the landscaping addition.

Commissioner Preziosi added that he would support the additional language proposed by Commissioner O'Connor referring to the maintenance of landscape in and amongst the signs.

Vice-Chairman Newkirk stated that the signs are a great upgrade for the Harbor. He noted the signs necessity to have “Owned and Operated by” wording and suggested a gray shade rather than bright white lettering. He stated that he liked the signage and supports the project.

Chairman Denton stated that over the years, people think that the City owns the Harbor and are surprised to find out that it is a County operation. He noted that any concerns about the Harbor need to be addressed by the County of Orange rather than the City of Dana Point.

Chairman Denton re-opened the Public Hearing.

Brad Gross (Dana Point Harbor Director - Dana Point) addressed a question about the “welcome” sign seen from the water side, and clarified that it is a one-sided sign which has natural landscaping obscuring the backside. He also stated that he could accommodate Vice-Chairman Newkirk’s suggestion of a different color and to reduce the lettering font size down for “owned and operated...”.

Chairman Denton closed the Public Hearing.

ACTION: Motion made (O'Connor) and seconded (Newkirk) to adopt Resolution 12-06-11-11 approving Coastal Development Permit CDP12-0014 to allow the replacement of existing directional signs located along Dana Point Harbor Drive, Island Way, and Dana Drive,

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with new signs with the added condition that landscaping will be maintained to keep the wording visible. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: None ABSTAIN: Claus (Recused))

Commissioner Claus rejoined the meeting at 6:22 p.m.

ITEM 3: Amendment to previously approved conditions of approval of Coastal Development Permit CDP11-0007, Variance V11-0001 and Minor Site Development Permit SDP11-0017(M) to allow the demolition of an existing single-family dwelling and the construction of a new, two-story, single-family dwelling on land located in the Coastal Zone at 35141 Camino Capistrano.

Applicant: Robert Theel (Robert Theel Company)
Property Owner: Daniel Rodriguez and Debra Liebert
Location: 35141 Camino Capistrano (APN 691-172-03)

Request: To amend the approval of Coastal Development Permit CDP11-0007, V11-0001 and SDP11-0017(M) to allow the demolition of an existing residential dwelling, the construction of a new, two-story, single-family dwelling as well as a retaining wall proposed in excess of 30 inches in height.

Environmental: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Community Development Department has analyzed the subject project. Staff finds the project is Categorically Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures).

Recommendation: That the Planning Commission adopt the attached Draft Resolution, as revised with added conditions of approval, approving Coastal Development Permit CDP11-0007, Variance V11-0001 and Minor Site Development Permit SDP11-0017(M).

Evan Langan (Associate Planner) presented the staff report.

Chairman Denton opened the Public Hearing.

Robert Theel (Applicant – Dana Point) stated that the owners would like to move forward with the construction of their house, the two additional conditions of approval meet with their approval and they would appreciate seeing the resolution approved.

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Chairman Denton closed the Public Hearing.

Commissioner Preziosi stated that he liked that the Coastal Commission recommended removal of the structure at the land owner's expense. He recommended that staff take a look and consider a binding type of condition which should run with the land with future bluff top projects.

Vice-Chairman Newkirk stated that he agreed with Commissioner Preziosi with reference to addressing the bluff in unique properties and making it a binding agreement in the instance should anything happen. He stated that with clarifications from Mr. Butterwick and the Assistant City Attorney, he would move forward with it.

Chairman Denton also suggested that staff should take a look at the wording for future bluff top properties and see if it applies.

Commissioner Claus stated that she agrees with her fellow Planning Commissioners, and noted that saying this property is unique is an understatement.

Commissioner O'Connor stated that she was prepared to make a motion.

ACTION: Motion made (O'Connor) and seconded (Claus) to adopt Resolution 12-06-11-12 amending the approval of Coastal Development Permit CDP11-0007, Variance V11-0001 and Minor Site Development Permit SDP11-0017(M) to allow the demolition of an existing, single-family dwelling, the construction of a new, two-story, single-family dwelling on a coastal bluff located at 35141 Camino Capistrano. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: None ABSTAIN: None)

ITEM 4: Coastal Development Permit CDP12-0010 and Site Development Permit SDP12-0012 to allow the construction of a new shade structure to the existing site along with new landscaping and screening at 25832 Victoria Boulevard in the Community Commercial/Vehicular (CC/V) District.

Applicant: Steven Peter/Peter & Associates, Inc.
Property Owner: Bob Kennedy/Goode Company
Location: 25832 Victoria Boulevard; APN: 668-341-10

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Request: A Coastal Development Permit and Site Development Permit to allow the construction of a new shade structure (approximately 2,195 total square feet in floor area) to the existing site. The proposed shade structure will cover the existing large crane parking area and be partially enclosed on two sides. The project will also include new landscaping and screening on both Victoria and Domingo frontages.

Environmental: The proposed project qualifies as a per Class 3 Section 15303 (c) and (e) Categorical Exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project will result in the construction of a new structure not exceeding 2,500 square feet in floor area. Additionally, the project is not located in an environmentally sensitive area.

Recommendation: That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP12-0010 and Site Development Permit SDP12-0012.

Erica Demkowicz (Senior Planner) presented the staff report.

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

Chairman Denton stated that the project is a nice addition to Doheny Village, and would make a positive addition to the area.

Commissioner O'Connor stated that she was glad to see the site beautified and she liked the landscaping.

Commissioner Claus stated that she concurs and commended the owner noting that it is a good project.

Vice-Chairman Newkirk stated that he was also glad to see site landscaping.

ACTION: Motion made (Newkirk) and seconded (Preziosi) to adopt Resolution 12-06-11-13 approving Coastal Development Permit CDP12-0010 and Site Development Permit SDP12-0012 to allow the construction of a new shade structure to the existing site along with new landscaping and screening at 25832 Victoria Boulevard in the Community Commercial/Vehicular (CC/V) District. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: None ABSTAIN: None

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ITEM 5: Coastal Development Permit CDP12-0001 to allow the construction of a new, 2,350 square foot, single-story, single-family dwelling and detached garage on vacant land located at 32461 Seven Seas Drive.

Applicant: Stannard Conway Architects PLLC (Brad Conway)
Property Owner: Bill and Wendy Moffly
Location: 32461 Seven Seas Drive (APN 670-080-12)

Request: Approval of a Coastal Development Permit to allow the construction of a single-family dwelling and detached garage on vacant land located within the City's Coastal Overlay District but outside of 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 CDP12-0001 for the proposed scope-of-work.

Evan Langan (Associate Planner) presented the staff report.

Chairman Denton opened the Public Hearing.

Matthew Stannard (Architect and Applicant – Seattle, WA) provided a brief PowerPoint presentation and provided examples of other pre-fab homes that have been constructed.

Mark Sutton (City Building Official) in response to questions, commented on construction of modular, pre-fab homes and how they meet all 2010 California Building Code requirements; he also remarked on the inspection process for the construction and differences between a pre-fab/modular home and a regular home built from the ground up.

Bill Reece (Dana Point) stated his concern with modular homes and the style and character of other homes in the neighborhood (Monarch Bay Terrace). He indicated that the pre-fab home is not compatible and property values would decrease.

Chris Walsh (Dana Point) stated that the modular home process is totally different; and he likes the uniqueness of Monarch Bay Terrace with homes built

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from the ground up. He noted that the Homeowners Association does not want to allow a modular home, and they also do not want a lawsuit.

Nicholas Zibyock (Dana Point) stated his feelings about the neighborhood, and his opposition of the project.

Kenneth P. Braun (Dana Point) stated that the modular home would be wrong for the neighborhood, and it does not belong in an area where “class” exists like Monarch Bay Terrace.

Terrence D. Schuhrke (Dana Point) acknowledged changes made to the plan, but felt that the home is not compatible.

Mary Rose Daniels (Dana Point) stated that the home would have a negative impact on the neighborhood, would set a bad precedent and is concerned about property values in Dana Point.

Lois Smith (Dana Point) commented on the quality of any work done on an existing house, and the use of high quality materials under construction as indicated in the CC&R’s.

Wally Nusslock (Dana Point) indicated that Stillwater previously made a modular homes presentation for residents and all the owners were opposed. He also noted that Stillwater has only built five modular homes.

Aaron Jacobs (Dana Point) stated that the homes in the area are all good quality. He was concerned about the appearance. It does not match the prestige of the area.

Sherrie Scalzo (Dana Point) stated that she made a lot of upgrades to her home, loves her neighborhood, and would be disappointed if a modular home were to be built.

Crystal Kochendorfer (Dana Point) asked the Planning Commission to deny the house and stated that it would not be compatible with the neighborhood. She asked for the City to review the house based on aesthetics, culture and personality of the neighborhood.

Renée Henkel (Dana Point) echoed all the other sentiments of the other speakers. She stated that she was concerned about the roof. The home is unattractive and sets a bad precedent.

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Jock A. Patterson (Dana Point) said it would lower property values (at least 5-10%); he's concerned that the City Inspectors would not be able to see the interior walls for inspection. He stated that Monarch Bay Terrace is an area of beautiful homes and the project should be stopped.

Matthew Stannard (Architect and Applicant – Seattle, WA) provided closing remarks about the home design using high quality of materials, noting that no one will be able to tell that it is a pre-fab home. He felt that the home was compatible to the neighborhood and gave reasons for that.

Chairman Denton closed the Public Hearing.

Commissioner O'Connor indicated that there are questions about compatibility. She stated that she reviewed Stillwater's website noting photos and renderings and found that the proposed design seems more suitable in a rural neighborhood, and that none of the pre-fab homes were built in a homeowner's association environment. She stated that the design is not a custom built home in a custom designed subdivision, and felt that the home was not compatible. She noted that the architectural style, whether it was prefab or stick and mortar was not compatible with the neighborhood. She indicated her opposition to findings #1, and #7 in the City staff resolution.

Commissioner Claus disagreed about the potential loss of property values with the construction of a pre-fab home; not factoring that the lot is vacant and not improved. She spoke of Beverly Hills and how the property values did not depreciate when vacant lots were developed. She felt that the Monarch Bay Terrace neighborhood is spectacular and would survive this design. The modular home industry has grown in years and the desire for smaller homes has increased. She acknowledged the efforts made by the property owner.

Vice-Chairman Newkirk acknowledged that Monarch Bay Terrace is a great community. He spoke about the mix of housing types in Dana Point, in the neighborhood, and the specifics about the project. He stated that its method of construction, as the City Attorney said, is beyond the Planning Commission purview to decide on those terms. He echoed Commissioner Claus's comments and remarked how the construction of pre-fab homes is so much better than older manufacturing methods and you could end up with a good quality product than you're used to having. He pointed out the design and architectural styles are not all the same, everybody likes different things. He added that the Planning Commission is not a design review board, and from what has been heard from the testimony, the applicant has made every effort to achieve a high quality design.

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He stated that change is never easy, and a change in the neighborhood is not necessarily a negative.

Commissioner Preziosi remarked about the residents' dissatisfaction with their homeowner's association ruling, or lack thereof. He stated that it's not the job of this body to act like an HOA and cannot enforce homeowners' association rules. He noted the constant theme heard with the fact that it is a modular home, it is cheap, and has no place in the community. As Vice-Chairman Newkirk said, we are not a design review board. He explained that it is not exactly like every other home that is in the neighborhood, which consists of many varied designs. Any attempt by this body to reject this property on the grounds that it is not aesthetically pleasing could be seen as a thinly veiled attempt just to prohibit a modular home, he did not hear anyone speak to the aesthetics aside from the fact that it is a modular home.

Chairman Denton spoke about how citizens did not like the look of the proposed house, and he felt that the design is not compatible with the neighborhood. He added that if the applicant returned with an attractive design, then it might fit better. He stated that he is opposed based upon lack of compatibility and not because it is a modular home.

ACTION: Motion made (Claus) and seconded (Preziosi) to adopt Resolution 12-06-11-14 approving Coastal Development Permit CDP12-0001 to allow the construction of a new, 2,350 square foot, single-story, single-family dwelling and detached garage on vacant land located at 32461 Seven Seas Drive. Motion carried 3-2. (AYES: Claus, Newkirk, Preziosi NOES: Denton, O'Connor ABSENT: None ABSTAIN: None)

E. NEW BUSINESS

There was no New Business.

F. STAFF REPORTS

There were no Staff Reports.

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G. COMMISSIONER COMMENTS

Commissioner O'Connor announced that the City is seeking candidates for the 2012-2013 Dana Point Youth Board, she encouraged high school aged children to send in an application before June 29, 2012.

H. ADJOURNMENT

Chairman Denton announced that the *next* meeting of the Planning Commission will be held on Monday, June 25, 2012, 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 8:22 p.m.

Norman Denton, Chairman
Planning Commission