

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

April 28, 2014
6:00 – 7:01 p.m.

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

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

PLEDGE OF ALLEGIANCE – Commissioner O'Connor led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Denton, Chairman Gary Newkirk, Commissioner April O'Connor, and Commissioner Susan Whittaker

Commissioner Absent: Vice-Chairwoman Liz Claus

Staff Present: Ursula Luna-Reynosa (Director), Kurth Nelson (Senior 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 April 14, 2014.

Commissioner Whittaker commented on page 10 of the minutes, there was a statement made: "... signs on the building seemed *vicarious*," – she would like to clarify that her comments that night were an expression of her opinion that the proposed signage is excessive.

ACTION: Motion made (O'Connor) and seconded (Whittaker) to approve the Minutes as amended for all items with the exception of Item #2 of the regular Planning Commission Meeting of April 14, 2014. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Claus ABSTAIN: None)

ACTION: Motion made (O'Connor) and seconded (Whittaker) to approve the Minutes for Item #2 of the regular Planning Commission Meeting of April 14, 2014. Motion carried 3-0-1-1. (AYES: Newkirk, O'Connor, Whittaker NOES: None ABSENT: Claus ABSTAIN: Denton)

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B. PUBLIC COMMENTS

Irene Fascher (Dana Point) addressed the Commission regarding public safety along the pedestrian walkway adjacent to the Ritz Carlton hotel.

Chairman Newkirk asked Director Luna-Reynosa for comment noting from the previous meeting that safety and lighting was discussed regarding the walkway.

Ursula Luna-Reynosa (Director of Community Development) replied that the commission added some specific conditions of approval which were part of the resolution approved that evening. She confirmed that the security lighting and landscaping concerns were addressed in the Resolution.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit CDP12-0016(I) and Site Development Permit SDP12-0018(I) to amend previous approvals by adding 236 square feet of habitable floor area, extending a second floor patio and modifying the roof of an existing duplex in the Floodplain 3 Overlay District located at 35093 Beach Road.

Applicant: Anders Lasater Architects, Inc.
Owner: M3K 093 Beach Road, LLC
Location: 35093 Beach Road

Request: A request to amend a previous approval adding a total of 236 square feet of habitable floor area, extending the second floor patio, and modifying the roof of an existing duplex in compliance with structure stringline requirements for the site and the Floodplain 3 Overlay District (FP-3) in which the site is located.

Environmental: This project is categorically exempt (Class 1 - Section 15301 – Existing Facilities) from the provisions of the California Environmental Quality Act (CEQA) since the project involves minor additions to an existing duplex not resulting in an increase of more than 50 percent of the floor area of the structure

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before the addition.

Recommendation: That the Planning Commission adopt the attached draft resolution approving Coastal Development Permit CDP12-0016(I) and Site Development Permit SDP12-0018(I).

Kurth Nelson (Senior Planner) presented the staff report.

Chairman Newkirk opened the Public Hearing.

Murad Siam (Owner – Capistrano Beach) stated that he was available to answer any questions.

Chairman Newkirk closed the Public Hearing.

ACTION: Motion made (Denton) and seconded (Whittaker) to adopt Resolution No. 14-04-28-16 approving Coastal Development Permit CDP12-0016(I) and Site Development Permit SDP12-0018(I) to amend previous approvals by adding 236 square feet of habitable floor area, extending a second floor patio and modifying the roof of an existing duplex in the Floodplain 3 Overlay District located at 35093 Beach Road. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Claus ABSTAIN: None)

ITEM 3: Coastal Development Permit CDP14-0002 and Minor Site Development Permit SDP14-0002(M) to develop a new two-story, single-family dwelling including basement and garage space with retaining and site walls as high as six (6) feet and associated landscape improvements on a vacant coastal bluff lot located at 35371 Camino Capistrano.

Applicant: C.J. Light Associates
Owner: Camino Capistrano Home, LLC
Location: 35371 Camino Capistrano

Request: A request to develop a new two-story, single-family dwelling including basement and garage space with retaining and site walls as high as six (6) feet and associated landscape improvements on a vacant coastal bluff lot.

Environmental: This project is categorically exempt (Class 3 - Section 15303 – New Construction) from the provisions of the California Environmental Quality Act

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(CEQA) since the project involves the construction of a single-family residence in a residential zone.

Recommendation: That the Planning Commission adopt the attached draft resolution approving Coastal Development Permit CDP14-0002 and Minor Site Development Permit SDP14-0002(M).

Kurth Nelson (Senior Planner) presented the staff report and answered questions by the Commission.

Chairman Newkirk opened the Public Hearing.

Kay Quigley (Capistrano Beach) submitted a letter on behalf of her neighbor (Joyce and Lonnie Terry) who are opposed to the construction of a two story project and would prefer a single story. She asked about project plans, location of walls, construction timelines and duration of completion, and would like to see the artist's renderings or plans.

Rick Kay (Dana Point) submitted a handout to the Commissioners depicting the bluff edge of the properties adjacent to the project. He stated that he was concerned with where and who defined the bluff edge, weight issues and bluff failure, noting that his adjacent property has a natural ravine which would collect overflow water into his property.

Victor Rogel (Applicant Representative) responded to Commissioner questions regarding pools, drains, side yard walls, and construction timeline on the project.

Chairman Newkirk closed the Public Hearing.

Commissioner Denton stated that bluff failure is a concern, would prefer no pool, but with the engineering analysis presented and reviewed by staff, he can support the project. He noted that the findings for the fence is appropriate.

Commissioner O'Connor stated that she agrees with Commissioner Denton regarding a preference for no pool. She stated that the owner is not asking for a variance or setbacks. She stated that she has faith in the geotechnical survey, noting that the project is consistent with the recommendations in the geotechnical report.

Commissioner Whittaker stated that she also appreciates her fellow Commissioners comments. She stated that the applicant has met the setback

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requirements and the conditions require the applicant to take all the risk of developing the site; the deck, setback, and hardscape elements drain away from the bluff. She noted that she would rather see the wall have clear glass and have the privacy wall removed.

Chairman Newkirk echoed a preference for no swimming pool. He stated that the geotechnical report is done, and he expects that the review at a construction document level will take all factors into consideration.

ACTION: **Motion made (O'Connor) and seconded (Denton) to adopt Resolution No. 14-04-28-17 approving Coastal Development Permit CDP14-0002 and Minor Site Development Permit SDP14-0002(M) to develop a new two-story, single-family dwelling including basement and garage space with retaining and site walls as high as six (6) feet and associated landscape improvements on a vacant coastal bluff lot located at 35371 Camino Capistrano. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Claus ABSTAIN: None)**

E. NEW BUSINESS

There were no New Business items.

F. STAFF REPORTS

Ursula Luna-Reynosa (Director of Community Development) announced that a Coastal Development Permit for the Harbor will be coming before the Commission at the next regularly scheduled meeting on Monday, May 12, 2014. She also announced that an appeal was received for the Doheny Hotel project which was considered at the previous Commission meeting.

Jennifer Farrell (Deputy City Attorney) stated that she would be providing the Commission with recently adopted on FPPC (Federal Political Practices Commission) regulations. She also reminded the Commission that if they have any additional or revisions to conditions of approval, to send them to Staff in advance to be able to flush out all the details and ensure that there is no unwarranted conflict and to have prepared language in the resolution.

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G. COMMISSIONER COMMENTS

There were no Commissioner Comments.

H. ADJOURNMENT

Chairman Newkirk announced that the *next* meeting of the Planning Commission will be held on Monday, May 12, 2014, 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 7:01 p.m.

Gary Newkirk, Chairman
Planning Commission

THESE PROCEEDINGS WERE RECORDED AND A COPY OF THE TAPE IS ON FILE WITH
THE CITY OF DANA POINT PLANNING DIVISION.