

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

June 9, 2014
6:00 – 7:25 p.m.

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

CALL TO ORDER – Chairwoman Claus called the meeting to order.

PLEDGE OF ALLEGIANCE – Vice-Chairwoman O'Connor led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Chairwoman Liz Claus, Commissioner Norman Denton, Commissioner Gary Newkirk, Vice-Chairwoman April O'Connor, and Commissioner Susan Whittaker

Staff Present: Ursula Luna-Reynosa (Director), John Tilton (City Architect/Planning Manager), 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 May 12, 2014.

ACTION: Motion made (Whittaker) and seconded (Newkirk) to approve the Minutes of the regular Planning Commission Meeting of May 12, 2014.
Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker
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 CDP14-0011 to permit the demolition of an existing single-family dwelling and the construction of a new, single-story, 8,225 square foot single-family dwelling with an attached, 1,148 square-foot, four-vehicle garage; in conjunction with the construction of a new, detached, 240 square foot accessory structure (“metro bar”) within the rear yard located at 177 Monarch Bay Drive.

Applicant: Phil Edmonson (Architect)
Property Owner: Carl and Janet Nolet
Location: 177 Monarch Bay Drive

Request: Approval of a Coastal Development Permit to allow the construction of a new residential dwelling on land located within the City’s Coastal Overlay District and 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) in that the project proposes the construction of one, new single-family dwelling.

Recommendation: That the Planning Commission adopt Draft Resolution 14-06-09-22 approving Coastal Development Permit CDP14-0011.

Evan Langan (Associate Planner) presented the staff report.

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

Commissioner Whittaker stated that the property was lovely however she was concerned about potential noise, she asked to ensure that the conditions of approval included the noise ordinance.

Ursula Luna-Reynosa (Director of Community Development) replied that all projects would have to comply with the noise ordinance.

Commissioner Denton spoke in favor of the project stating that the remodel meets all the requirements.

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Vice-Chairwoman O'Connor agreed stating that the applicant did a good job designing the project.

Commissioner Newkirk agreed, noting how he values a residence with amenities like a resort.

Chairwoman Claus noted that the project could be a party house and that it should be monitored by the homeowners association.

ACTION: **Motion made (Denton) and seconded (O'Connor) to adopt Resolution No. 14-06-09-22 approving Coastal Development Permit CDP14-0011 to allow the demolition and reconstruction of an existing single-family dwelling, in conjunction with the addition of 2,080 square feet, and construction of a new, detached, 240 square foot accessory structure ("metro bar") within the rear yard, at 177 Monarch Bay Drive. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)**

ITEM 3: **Coastal Development Permit CDP14-0010 and Site Development Permit SDP14-0011 to allow a 120 square foot enclosure and conversion of an existing, first-floor deck into habitable space at a single-family dwelling located on land within the City's Floodplain and Coastal Overlay Districts at 35567 Beach Road.**

Applicant: Jack Garland (Architect)
Property Owner(s): Mr. and Mrs. Bill Matthies
Location: 35567 Beach Road

Request: Approval of Coastal and Site Development Permits to allow the enclosure of an existing deck and conversion of the area into habitable space, at a dwelling located on land within the City's Floodplain and Coastal Overlay Districts.

Environmental: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, staff finds the project is Categorically Exempt per Section 15301 (e) (Class 1 – Existing Facilities).

Recommendation: That the Planning Commission adopt Draft Resolution 14-06-09-23 approving Coastal Development Permit CDP14-0010 and SDP14-0011.

Evan Langan (Associate Planner) presented the staff report.

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

ACTION: Motion made (Denton) and seconded (Newkirk) to adopt Resolution No. 14-06-09-23 approving Coastal Development Permit CDP14-0010 and Site Development Permit SDP14-0011 to allow a 120 square foot enclosure and conversion of an existing, first-floor deck into habitable space at a single-family dwelling located on land within the City's Floodplain and Coastal Overlay Districts at 35567 Beach Road. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

ITEM 4: Antenna Use Permit AUP13-0002 to allow the construction of a new, freestanding Commercial Wireless Telecommunication Antenna Facility to contain 12 cellular antennas and accessory equipment, and which would be designed to appear as a clock tower at 32451 Crown Valley Parkway ("Crown Pacific Center" Office Building).

Applicant: Shannon Nichols (Smartline LLC [Consultant] on behalf of AT&T Mobility) South Coast Associates, Ltd.
Property Owner: South Coast Associates, Ltd.
Location: 32451 Crown Valley Parkway

Request: Antenna Use Permit AUP13-0002 to allow the placement of 12 antennas and accessory equipment within a new facility made to appear as a freestanding clock tower.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15311 (Class 11 – Accessory Structures) in that the project consists of the construction of accessory or appurtenant structures.

Recommendation: That the Planning Commission adopt Draft Resolution 14-06-09-24 approving Antenna Use Permit AUP13-0002.

Evan Langan (Associate Planner) presented the staff report.

Chairwoman Claus Opened the Public Hearing.

Shannon Nichols (Applicant – Los Angeles) described the project, other locations considered, functional reasons to allow three carriers, and clarified the exhibits.

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Commissioner Whittaker referred to the setback of the tower stating that it appears to stick out like a “sore thumb”.

Robert Driessen (Dana Point) stated that he was concerned about his home’s proximity to the antenna because of studies citing risk of serious health effects, including cancer. He also stated that erecting 12 more antennas will impact his property value.

Chairwoman Claus Closed the Public Hearing.

Commissioner Newkirk stated that the applicant did its research to find an appropriate place and this is the workable solution.

Vice-Chairwoman O'Connor stated that she is opposed to the project because it is not compatible with the corner.

Commissioner Whittaker stated that she would like to see other locations considered without blocking views.

Chairwoman Claus stated that the clock tower has transformed the intersection and she described the structure as a nice way to hide telephone equipment.

ACTION: **Motion made (Denton) and seconded (Newkirk) to adopt Resolution No. 14-06-09-24 approving Antenna Use Permit AUP13-0002 to allow the construction of a new, freestanding commercial wireless telecommunication antenna facility to contain 12 cellular antennas and accessory equipment, and which would be designed to appear as a clock tower, at 32451 Crown Valley Parkway (“Crown Pacific Center” Office Building). Motion carried 3-2. (AYES: Claus, Denton, Newkirk NOES: O’Connor, Whittaker ABSENT: None ABSTAIN: None)**

ITEM 5: **Appeal of the Community Development Director’s Determination that Fencing and Trellises, constructed without the benefit of permits at 27282 Calle Anejo, are in violation of the Dana Point Municipal Code.**

Appellant/

Property Owner: Rick and Mary Ann Olson

Location: 27282 Calle Anejo

Recommendation: That the Planning Commission take action to uphold the Community Development Director’s determination by adopting Draft Resolution 14-06-09-25.

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

Chairwoman Claus Opened the Public Hearing.

Mary Ann Olson (Capistrano Beach) stated that she has not received the public hearing notice therefore she asked if the project could be postponed. She wanted to be better prepared to present code section 9.75.060 fence law. She felt that it was inconsistent to be cited for a trellis being a fence.

Commissioner Denton asked staff if they want to continue the public hearing or hear the item tonight.

Ursula Luna-Reynosa (Director of Community Development) stated that staff recommends not to continue the item.

Chairwoman Claus Closed the Public Hearing.

Commissioner Denton stated that he would like to uphold the City's ruling. He stated that the applicant can file to make it legal but the trellises need to be removed.

Vice-Chairwoman O'Connor agreed with Commissioner Denton. She noted that the hedge and trellis are considered a structure, and the remedy is to remove the two violations. She stated that she would support staff's recommendation.

Commissioner Newkirk stated that the core is compliance with the codes and questioned why it has taken two years.

Commissioner Whittaker agreed with her fellow commissioners comments. She stated that the clear alternative is to conform.

ACTION: **Motion made (Denton) and seconded (Whittaker) to adopt Resolution No. 14-06-09-25 upholding the Community Development Director's determination that Fencing and Trellises, constructed without the benefit of permits at 27282 Calle Anejo, are in violation of the Dana Point Municipal Code. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)**

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E. NEW BUSINESS

There were no New Business items.

F. STAFF REPORTS

Ursula Luna-Reynosa (Director of Community Development) proposed to have the Commission consider cancelling the Planning Commission meeting of August 25, 2014 to allow for a short break.

The Planning Commission agreed to cancel the Planning Commission meeting of August 25, 2014.

G. COMMISSIONER COMMENTS

Commissioner Whittaker stated that she is glad to see such great “Movies in the Park” on weekends. She felt that it was a well turned out event and is looking forward to watching upcoming movies.

H. ADJOURNMENT

Chairwoman Claus announced that the *next* meeting of the Planning Commission will be held on Monday, June 23, 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 7:25 p.m.

/s/ Liz Claus

Liz Claus, Chairwoman
Planning Commission