

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

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

April 11, 2016  
6:05 – 8:01 p.m.

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**CALL TO ORDER**

Chairwoman O'Connor called the Regular Meeting of the Dana Point Planning Commission to order at 6:05 p.m.

**PLEDGE OF ALLEGIANCE**

Danny Giometti (Assistant Planner) led the Pledge of Allegiance.

**ROLL CALL**

Planning Commission Members Present: Chairwoman April O'Connor, Vice-Chairman Eric Nelson, Commissioner Scott McKhann, and Commissioner Danni Murphy

Staff Present: Ursula Luna-Reynosa (Director of Community Development), Jennifer Farrell (Deputy City Attorney), John Tilton (City Architect / Planning Manager), Rachel Johnson (Assistant Administrative Analyst), Evan Langan (Associate Planner), Danny Giometti (Assistant Planner) and Shayna Sharke (Senior Administrative Assistant)

**A: APPROVAL OF MINUTES**

**ITEM 1: Minutes of the regular Planning Commission Meeting of March 28, 2016.**

**ACTION:** Motion made (Nelson) and seconded (Murphy) to approve the Minutes of the Regular Planning Commission Meeting of March 28, 2016. Motion carried 3-0-1.

<b>AYES:</b>	McKhann, Murphy, Nelson
<b>NOES:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	O'Connor

**B. PUBLIC COMMENTS**

There were no requests to speak.

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**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

**D. PUBLIC HEARINGS**

**ITEM 2:**     Coastal Development Permit CDP15-0012 to process a Lot Line Adjustment to a shared property line within Beachwood Village Mobile Home Park in order to correct the existing encroachment of multiple mobile home pads across two parcels (668-351-01 & 02) located at 34052 Doheny Park Road

Applicant:     JRN Engineering

Location:     34052 Doheny Park Road (APNs: 668-351-01 & 02)

Recommendation:   That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP15-0012.

Environmental:   Pursuant to the California Environmental Quality Act (CEQA) per Class 5 Section 15305 (a) of the CEQA Guidelines in that the project will result in minor alterations to land use limitations.

Request:   A lot line adjustment to a shared property line within Beachwood Village Mobile Home Park in order to correct the existing encroachment of multiple mobile home pads across two parcels (668-351-01 & 02).

**Danny Giometti** (Assistant Planner) provided a staff report and responded to questions of the Commission.

There were five (5) requests to speak on this item.

**Chairwoman O'Connor** opened the Public Hearing at 6:20 p.m.

**Derek Pattie** (Resident) spoke in opposition of the Lot Line Adjustment and stated that it will greatly reduce his yard, which is the reason that he bought that site.

**John Chris Butcher** (Resident) spoke in opposition. He stated that he purchased his site because of the yard. He added that there is a new manager every 3 to 4 years and his yard should be a prescriptive right.

**Jesus Mata** (Resident) spoke in opposition. He stated that his yard would also

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be effected by the Lot Line Adjustment.

**Sherry Edwards** (Resident) spoke in opposition. She added that many of the residents are concerned and were told that there was no easement. She would like to know if any of the residents will have to move their fences or sheds.

**Derek Pattie** (Resident) stated that he would like to know if the fence will be rebuilt.

**Chairwoman O'Connor** closed the Public Hearing at 6:28 p.m.

**John Tilton** (Planning Manager / City Architect) stated that it is staff's understanding that there would be no physical changes. He asked that the applicant speak.

**Jeff Mays** (Applicant) stated that his firm generally tried to keep the adjustment on the existing fence.

**Commissioner McKhann** requested clarification regarding the fence.

**Jeff Mays** stated that the existing fence will remain according to his understanding.

**Vice-Chairman Nelson** asked for clarification regarding the ownership of the lots.

**Jeff Mays** replied that the residents own the structure in fee and everything else is leased from the property owner.

**Chairwoman O'Connor** reopened the Public Hearing at 6:33 p.m.

**John Chris Butcher** stated that the residents are being harassed since the new owners acquired the mobile home park.

**Chairwoman O'Connor** closed the Public Hearing at 6:34 p.m.

**Jennifer Farrell** (Deputy City Attorney) stated that mobile home laws are complex and recommended a continuance.

**Chairwoman O'Connor** stated that she would like to continue the item.

**Vice-Chairman Nelson** agreed with Chairwoman O'Connor. He asked for clarification on the rights of the mobile home owner and the effect of the Lot Line Adjustment.

**Commissioner Murphy** stated that she is not comfortable making a decision with the

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unanswered questions and would like the residents to have more information.

**Commissioner McKhann** stated that he agrees with his fellow Commissioners. He stated that he applauds the Property Owner for their effort to correct the lot line, but does not wish to cause more problems and added that all the encroachments should be corrected at once. He asked if the owners can be re-noticed.

**Ursula Luna-Reynosa** (Director of Community Development) confirmed that the owners were noticed. She added that this lot line adjustment would have been ministerial, but was brought before the Planning Commission due to the need for a CDP. She stated that it is the Property Owner's intent to allow the coaches to stay where they are. She added that if the item is continued to a date certain, no additional noticing is required, but staff can re-notice the item if that is the pleasure of the Planning Commission.

**Jennifer Farrell** (Deputy City Attorney) stated that the Planning Commission can direct staff to re-notice.

**Chairwoman O'Connor** re-opened the Public Hearing at 6:41 p.m.

**ACTION:** Motion made (O'Connor) and seconded (Nelson) to continue CDP15-0012 to process a Lot Line Adjustment to a shared property line within Beachwood Village Mobile Home Park in order to correct the existing encroachment of multiple mobile home pads across two parcels (668-351-01 & 02) located at 34052 Doheny Park Road to a date certain of May 9, 2016 with direction to staff to re-notice the Public Hearing. Motion carried 4-0-0.

**AYES:** McKhann, Murphy, O'Connor, Nelson  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**ITEM 3:** Coastal Development Permit CDP15-0015 to allow the additions to an existing, two-story single-family dwelling in conjunction with the construction of a new two-vehicle garage, on land located within the City's Coastal Overlay District at 23762 Hobart Bay Drive

Applicant: Robert Shekell

Location: 23762 Hobart Bay Drive (APN 672-131-44)

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Recommendation: That the Planning Commission adopt the attached resolution approving Coastal Development Permit CDP15-0015.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt per Section 15301 (e) (Class 1 – Existing Facilities) in that it proposes a nominal increase in square footage to an existing residential dwelling.

Request: Approval of a Coastal Development Permit to allow the addition of 522 square feet to an existing, two-story single-family dwelling in conjunction with the construction of a new, 546 square foot, two-vehicle garage, on land located within the City's Coastal Overlay District (the California Coastal Zone) and the Appeals Jurisdiction of the California Coastal Commission.

**Evan Langan** (Associate Planner) provided a staff report and responded to questions of the Commission.

There was one (1) request to speak on this item.

**Chairwoman O'Connor** opened the Public Hearing at 6:54 p.m.

**Michael Gass** (Resident) spoke in opposition only if the resident's vehicles were not allowed to park in front of the garage. He stated that he is concerned that the windows will overlook his backyard. He added that he sent a letter to his Home Owners Association (HOA) appealing the garage, but did not attend the association meeting.

**Chairwoman O'Connor** closed the Public Hearing at 6:57 p.m.

**Commissioner Murphy** spoke in support of the project and stated that she likes the architecture. She added that she understands the concerns of the neighbor, but stated that the HOA may have addressed his concerns.

**Commissioner McKhann** spoke in support of the project.

**Chairwoman O'Connor** spoke in support of the project. She stated that she understands the parking concerns of the neighbor, but not much enforcement of that nature can be done since it is compliant with the codes.

**ACTION:** Motion made (Murphy) and seconded (McKhann) to adopt Resolution No. 16-04-11-11 Coastal Development Permit CDP15-0015 to allow the additions to an existing, two-story single-family dwelling in conjunction with the construction of a new two-

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vehicle garage, on land located within the City's Coastal Overlay District at 23762 Hobart Bay Drive. Motion carried 4-0-0.

**AYES:** McKhann, Murphy, O'Connor, Nelson

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**ITEM 4:** Coastal Development Permit CDP15-0016 and Site Development Permit SDP15-0052 to allow the addition of a second-story and deck to an existing, single-story, single-family dwelling on land located within the City's floodplain and Coastal Overlay Districts at 35147 Beach Road

Applicant: Gretchen J. Augustyn

Location: 35147 Beach Road (APN 691-142-07)

Recommendation: That the Planning Commission adopt the attached resolution approving Coastal Development Permit CDP15-0016 and Site Development Permit SDP15-0052.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt per Section 15301 (e) (Class 1 – Existing Facilities) in that it proposes a nominal increase in square footage to an existing residential dwelling.

Request: Approval of a Coastal Development Permit and Site Development Permit to allow the addition of a new, 282 square foot second story and 395 square foot second-story deck to an existing, single-story, single-family dwelling, on land located within the City's Coastal Overlay District (the California Coastal Zone) and the Appeals Jurisdiction of the California Coastal Commission.

**Evan Langan** (Associate Planner) provided a staff report and responded to questions of the Commission.

**Ursula Luna Reynosa** added that structural improvements would not prohibit adding this property to the historic register.

There were no requests to speak on this item.

**Vice-Chairman Nelson** spoke in favor of the project and stated that it was great to see an addition without effecting the historic value of the home.

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**Commissioner Murphy** stated that she agrees with Vice-Chairman Nelson.

**Commissioner McKhann** spoke in favor of the project and noted that this property has withstood ninety years of coastal conditions on minimal standards.

**Chairwoman O'Connor** spoke in favor of the project and stated that it is a lovely home and meets codes and standards.

**ACTION:** Motion made (Nelson) and seconded (Murphy) to adopt Resolution No. 16-04-11-12 to approve Coastal Development Permit CDP15-0016 and Site Development Permit SDP15-0052 to allow the addition of a second-story and deck to an existing, single-story, single-family dwelling on land located within the City's floodplain and Coastal Overlay Districts at 35147 Beach Road. Motion carried 4-0-0.

**AYES:** McKhann, Murphy, O'Connor, Nelson  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**D. PUBLIC MEETINGS**

**ITEM 5:** A request for Historical Resource Designation and participation in the Mills Act Program at 24711 El Camino Capistrano Drive (Historic Resource Application HRA16-0001)

Applicant: Les Paup and Sally Roberts

Location: 24711 El Camino Capistrano Drive (APN 682-202-10)

Recommendation: That the Planning Commission adopt a Resolution designating the residential structure located at 24711 El Camino Capistrano Drive as a locally significant historical structure on the City's Historic Register and recommend to the City Council that the City enter into an agreement with the property owner for participation in the Mills Act Program.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), this project is categorically exempt per Section 15331 (Class 31 - Section 15331 - Historical Resource Restoration/Rehabilitation).

Request: The applicants seek to have a residential structure placed on the Dana Point Historic Resource Register. The applicants also request a

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recommendation to enter into an agreement with the City for participation in the Mills Act Program.

**Chairwoman O'Connor** recused herself due to the proximity of her home to the subject property. She exited Council Chambers at 7:18 p.m.

**John Tilton** (Planning Manager/City Architect) provided a staff report and responded to questions of the Commission.

There was one (1) request to speak on this item.

**Vice-Chairman Nelson** opened the Public Hearing at 7:29 p.m.

**Barbara Force Johannes** (Dana Point Historical Society) spoke in support of the addition of this property to the Historic Registry.

**Vice-Chairman Nelson** closed the Public Hearing at 7:31 p.m.

**Vice-Chairman Nelson** stated that he appreciates the support and value of the historic resource and thanked the Property Owner.

**Commissioner McKhann** agreed with Vice-Chairman Nelson and spoke in support of recommendation to City Council to add to the Historic Registry.

**Commissioner Murphy** stated that the home is a collage of Dana Point history. She thanked the homeowner.

**ACTION:** Motion made (McKhann) and seconded (Nelson) to adopt Resolution No. 16-04-11-13 to approve Historical Resource Designation and participation in the Mills Act Program at 24711 El Camino Capistrano Drive (Historic Resource Application HRA16-0001) and recommend to the City Council that the City enter into an agreement with the property owner for participation in the Mills Act Program. Motion carried 3-0-1.

**AYES:** McKhann, Murphy, Nelson  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** O'Connor

**Chairwoman O'Connor** re-entered Council Chambers at 7:40 p.m.

**ITEM 6:** Annual Housing Element Progress Report



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Recommendation: That the Planning Commission receive and file the Annual Housing Element Report.

**Rachel Johnson** (Assistant Administrative Analyst) provided a staff report and responded to questions of the Commission.

There were no requests to speak on this item.

**Commissioner McKhann** stated that he appreciated the update.

**Chairwoman O'Connor** stated that this is a wonderful program. She added that it is difficult for hardworking people like teachers and firefighters to afford housing in our community and live where they work. She asked where people can go to find more information.

**Ursula Luna-Reynosa** replied that this program is managed through the Economic Development Division and Rachel Johnson is the contact. She added that Kelly Reenders, the City's new Economic Development Manager, starts Monday, April 18<sup>th</sup>. She stated that the developer ultimately manages units.

**ACTION:** Motion made (Murphy) and seconded (McKhann) to receive and file the Annual Housing Element Report. Motion carried 4-0-0.

**AYES:** McKhann, Murphy, O'Connor, Nelson  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**E. OLD BUSINESS**

There was no Old Business.

**F. NEW BUSINESS**

There was no New Business.

**G. STAFF REPORTS**

There were no Staff Reports.

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**H. COMMISSIONER COMMENTS**

**Commissioner McKhann** noticed the landscaping in the median south of Niguel Road looks dry.

**Commissioner Murphy** commented that she enjoys how green Pines Park is right now.

**Commissioner McKhann** added that he has heard of community service projects in the area.

**Chairwoman O'Connor** stated that the Grand Prix Sport and Family Festival will be held on April 30<sup>th</sup> to May 1<sup>st</sup>.

**I. ADJOURNMENT**

Chairwoman O'Connor adjourned the meeting at 8:01 p.m. and announced that the *next* Regular Meeting of the Planning Commission would be held on Monday, April 25, 2016, 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 8:01 p.m.**

  
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April O'Connor, Chairwoman  
Planning Commission