

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

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May 9, 2016  
6:04 – 8:49 p.m.

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

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**CALL TO ORDER**

Chairwoman O'Connor called the Regular Meeting of the Dana Point Planning Commission to order at 6:04 p.m.

**PLEDGE OF ALLEGIANCE**

Shayna Sharke (Senior Administrative Assistant) 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), Brad Fowler (Director of Public Works), Jennifer Farrell (Deputy City Attorney), John Tilton (City Architect / Planning Manager), Matthew Sinacori (City Engineer), Matthew Kunk (Senior Civil Engineer), Danny Giometti (Assistant Planner) and Shayna Sharke (Senior Administrative Assistant)

**A: APPROVAL OF MINUTES**

**ITEM 1: Minutes of the regular Planning Commission Meeting of April 11, 2016.**

**ACTION:** Motion made (Nelson) and seconded (Murphy) to approve the Minutes of the Regular Planning Commission Meeting of April 11, 2016. Motion carried 4-0-0.

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

**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 approving a Lot Line Adjustment within the Beachwood Park and Village site located at 34052 Doheny Park Road. This agenda item is continued from the meeting of April 11, 2016.

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) the project is categorically exempt 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 in order to update Tract Map No. 1275 to reflect the location of the physical lot boundary and correct the existing encroachment of multiple mobilehome pads straddling two separate parks.

**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 6:12 p.m.

**Larry Edwards** (Resident) submitted a document to the Planning Commission and referred to pages with various diagrams and statements.

**Troy Shadian** (Property Owner) stated that he is available for questions.

**Kyle Jaffe** (Applicant) stated that he is available for questions.

**Jeff Mays** (Property Owner) stated that he is available for questions.

**Susy Forbath** (On behalf of applicant) stated that she is available for questions.

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**Chairwoman O'Connor** closed the Public Hearing at 6:17 p.m.

**Commissioner McKhann** stated that while he appreciates the concern of Mr. Edwards, his statements were not relevant to the item currently before the Planning Commission.

**Commissioner Murphy** referred to the statements made by Mr. Edwards and asked that they be addressed by staff.

**Matt Kunk** (Senior Civil Engineer) replied that the City is aware of the storm drain referred to in the documents provided by Mr. Edwards and the City maintains the easement. There would be no effect from the lot line adjustment before the Planning Commission.

**Vice-Chairman Nelson** stated that the questions from the last Planning Commission Meeting were addressed. He added that this lot line would create no physical change and meets development standards.

**Chairwoman O'Connor** thanked the staff for the additional information provided regarding this lot line adjustment and agreed that the encroachment must be corrected.

**ACTION:** Motion made (Nelson) and seconded (McKhann) to adopt Resolution No. 16-05-09-10 approving Coastal Development Permit CDP15-0012 (Beachwood Mobile Home Park), located at 34052 Doheny Park Road. Motion carried 4-0-0.

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

**ITEM 3:** Variance V15-0006 and Minor Site Development Permit SDP15-0049(M) to allow the development of a two story, single family dwelling and attached garage which exceeds the maximum allowable building height and a roof deck on the home in Residential Single Family 22 (RSF 22) Zoning District.

Applicant: Benito Corona

Location: 34156 Crystal Lantern (APN 682-162-03)

Recommendation: That the Planning Commission adopt the attached Resolution approving Variance V15-0006 and Minor Site Development SDP15-0049.

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Environmental: The proposed project qualifies for a Class 3 Categorical Exemption (Section 15303) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves the construction of a single-family residence with a roof deck.

Request: A request for a Variance to allow the development of a two story, single family dwelling and attached garage which exceeds the maximum allowable building height and a Site Development Permit for a roof deck on the home in Residential Single Family 22 (RSF 22) Zoning District.

**Danny Giometti** (Assistant 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 6:39 p.m.

**Thinh (Jeff) Ho** (Resident) stated that many of his questions were answered by the staff report. He stated that he is worried about the safety of his home as the natural drainage from the subject property drains to his property.

**Chairwoman O'Connor** closed the Public Hearing at 6:42 p.m.

**Commissioner Murphy** stated that the variance requirements have been met.

**Vice Chairman Nelson** thanked Mr. Ho for coming to the meeting. He spoke in support of the variance request stating that the shape of the lot, topography, and drainage had been taken into account.

**Commissioner McKhann** stated that the architect and designer had done a great job with a challenging lot and the findings for a variance are met. He added that it is important to make sure that drainage paths are clear.

**Chairwoman O'Connor** stated that she was on the Planning Commission when the original request for a variance was made and she is happy to see that the suggestions of the Commission were taken into account with the current plan. She added that variances are only granted for properties with a hardship and this meets the conditions.

**ACTION:** Motion made (McKhann) and seconded (Murphy) to adopt Resolution No. 16-05-09-14 Variance V15-0006 and Minor Site Development Permit SDP15-0049(M) to allow the development of a two story, single family dwelling and attached garage which exceeds the maximum allowable building height and a

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roof deck on the home in Residential Single Family 22 (RSF 22) Zoning District.  
Motion carried 4-0-0.

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

**ITEM 4:** Coastal Development Permit CDP16-0002 to allow a partial demolition, remodel and additions to an existing single-family dwelling located within the Residential Single-Family 3 (RSF-3) Zoning District at 34811 Doheny Place.

Applicant: Keith Bongard, KSS Consulting

Location: 34811 Doheny Place (APN 123-233-09)

Recommendation: That the Planning Commission adopt the attached resolution approving Coastal Development Permit CDP16-0002.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15301 (Class 1 – Existing Facilities) in that the project proposes additions to an existing single-family dwelling that will result in an increase of less 50% of the existing floor area.

Request: Approval of a Coastal Development Permit to allow partial demolition of an existing single-family dwelling, including most interior walls, complete demolition of the existing two-car garage, remodel of the remaining structure, living area additions, and construction of an attached three-car garage within the City's Coastal Overlay District (the California Coastal Zone) and the Appeals Jurisdiction of the California Coastal Commission.

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

There were no requests to speak on this item.

**Commissioner Murphy** spoke in support of the project and added that it fits the neighborhood.

**Vice-Chairman Nelson** stated that this is a well-designed remodel.

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**Commissioner McKhann** agreed with the other Commissioners. He added that the lot is spectacular and commended the architecture and design.

**Chairwoman O'Connor** spoke in favor of the project and stated that it will be a great improvement to the street.

**ACTION:** Motion made (McKhann) and seconded (Nelson) to adopt Resolution No. 16-05-09-15 to approve development permit CDP16-0002 to allow the partial demolition, remodel and additions to an existing single-family dwelling located within the Residential Single-Family 3 (RSF-3) zoning district at 34811 Doheny Place. Motion carried 4-0-0.

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

**ITEM 5:** Coastal Development Permit CDP14-0016 for an at-grade, fully signalized, pedestrian crosswalk/intersection in the vicinity of the Surfside Inn at 34680 Coast Highway.

Applicant: County of Orange, Public Works

Location: Capistrano Surfside Inn Pedestrian Overcrossing (Bridge Number 55C-0555) at 34680 Coast Highway in the Capistrano Beach area of the City of Dana Point.

Recommendation: That the Planning Commission approve the attached resolution for a Coastal Development Permit for the County of Orange's proposal to construct an at-grade, fully signalized, pedestrian crosswalk/intersection in the vicinity of the Surfside Inn at 34680 Coast Highway.

Environmental: This project is exempt under both the Statutory Exempts, Sections 15269(c) and 15301, Categorical Exemption (CE) Class 1, Section 15301 from the provisions of the California Environmental Quality Act (CEQA) in that the project entails the addition of a fully signalized, pedestrian crosswalk/intersection. The CE was approved by the Orange County Board of Supervisors on June 5, 2014.

Request: Approval of a Coastal Development Permit for an at-grade, fully signalized, pedestrian crosswalk/intersection in the vicinity of the Surfside Inn at 34680 Coast Highway. This would replace the existing pedestrian bridge that has reached the end of its useful life. The County of Orange Public Works Department plans to demolish the existing bridge span over Coast Highway and has applied to the California Coastal Commission for a Coastal Development Permit to do so.

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The remaining span, over the OCTA/Metrolink tracks, will remain until such time as it is replaced by the County in the future as a separate project.

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

There were two (2) requests to speak on this item.

**Chairwoman O'Connor** opened the Public Hearing at 7:31 p.m.

**David Mann** (Resident) spoke in opposition of the crosswalk. He stated that since the project was already brought before the City Council, he questioned what the Planning Commission was deciding. He stated that more data should be gathered regarding pedestrian impacts and traffic studies as cars speed down Coast Hwy, especially during freeway congestion.

**Regina Hu** (County of Orange) stated that the Surfside Inn had input early on and that the bridge was originally built for them, but is blocking their view and taking their easement.

**Ursula Luna-Reynosa** (Director of Community Development) stated that the Coastal Development Permit (CDP) that is before the Planning Commission did not go before the City Council. She added that the California Coastal Commission would not have issued an emergency permit without a valid safety concern.

**Chairwoman O'Connor** closed the Public Hearing at 7:37 p.m.

**Commissioner McKhann** stated that it seems that the cart was put before the horse since Council had already weighed in on the permit issuance and doesn't want to go against their action. He asked staff if accident data for that section of Coast Highway is available.

**Brad Fowler** (Director of Public Works) stated that data specific to that stretch of highway is not available. He added that traffic volumes can be supported by a single lane. He stated that cars exiting Surfside Inn and pedestrians at the crosswalk will activate the signal.

**Commissioner McKhann** stated that he doesn't understand the urgency of the California Coastal Commission to take down the bridge. He added that he likes the advanced warnings regarding the new signal.

**Vice-Chairman Nelson** stated that he is not swayed by the Council decision and that the crosswalk will be a difficult change. He added that staff was helpful in explaining the

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proposed project and the new condition will be better than the state the bridge is in today, therefore he is in support.

**Commissioner Murphy** stated that Council decision has priority and while traffic conditions are a concern, that is not what is before them at this hearing. She stated that based on the plans, the project is consistent with the General Plan and Local Coastal Program and she is in support.

**Chairwoman O'Connor** asked staff to summarize what Council approved.

**Brad Fowler** (Director of Public Works) replied that City Council approved an Agreement with the County of Orange stating that if the County installed the crosswalk and signal, the City would take over ownership and maintain. He added that the concept of a signalized intersection versus a bridge has been decided by Council, however the design parameters are before the Planning Commission within this CDP.

**Chairwoman O'Connor** called for a recess at 7:51 p.m. at the suggestion of Jennifer Farrell (Deputy City Attorney).

**Chairwoman O'Connor** called the meeting to order at 8:10 p.m.

**Jennifer Farrell** (Deputy City Attorney) stated that she reviewed the CDP and Agreement adopted by the City Council. She stated that the Agreement cannot bind the Planning Commission decision and because of the timing with the permit's emergency status, continuing or referring this item to Council is not an option.

**Commissioner McKhann** asked staff if the Coastal Development Permit complies with the Zoning Code.

**Ursula Luna-Reynosa** (Director of Community Development) replied that staff can make the findings, therefore the CDP complies with the Zoning Code.

**Commission McKhann** stated that he is in support of the project.

**Vice-Chairman Nelson** stated that in looking at what is before them and with staff's explanations he is in support of the project.

**Commissioner Murphy** stated that she is support of the project.

**Chairwoman O'Connor** spoke in opposition of the project. She stated that private property rights are being held over public safety. She added that the bridge is safer and would prefer to see the bridge fixed.



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**ACTION:** Motion made (Nelson) and seconded (Murphy) to adopt Resolution No. 16-05-09-16 to approve Coastal Development Permit CDP14-0016 for an at-grade, fully signalized, pedestrian crosswalk / intersection in the vicinity of the Surfside Inn at 34680 Coast Highway. Motion carried 3-1-0.

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

**ITEM 6:** Coastal Development Permit (CDP15-0022), Site Development Permit (SDP15-0038) and Sign Program Permit (SPP16-0002) to demolish an existing free standing commercial building (previously Dana Party Supplies) and construct a new 5,997 square-foot commercial building (AutoZone) within an existing Doheny Village commercial shopping center, in the community commercial Vehicular Zoning District (cc/v) at 34061 Doheny Park Road.

Applicant: SND L.P. AutoZone

Location: 34061 Doheny Park Road. (APN: 121-254-13)

Recommendation: That the Planning Commission adopt a resolution approving Coastal Development CDP15-0022, Site Development Permit SDP15-0038 and Sign Program Permit SPP16-0002.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15302 (Class 2 – New Replacement or Reconstruction of Existing Structures).

Request: A request to demolish an existing free standing commercial building (previously Dana Party Supplies) and construct a new 5,997 square-foot commercial building within an existing commercial center.

**John Tilton** (City Architect / Planning Manager) 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 8:40 p.m.

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**Rob Hardin** (AutoZone) addressed questions raised regarding the location of a bio-filtration planter in the parking lot, stating that the design was generated by AutoZone to maximize parking. He added that staff was great to work with.

**Commissioner McKhann** suggested reorienting the bio-filtration element.

**Rob Hardin** (AutoZone) replied that it could be considered, but storm water requirements restrain options.

**Chairwoman O'Connor** closed the Public Hearing at 8:44 p.m.

**Chairwoman O'Connor** stated for the record that Condition of Approval number 69 in the staff report should read number 53.

**ACTION:** Motion made (McKhann) with the request that the applicant research additional options for the parking lot layout and bio-filtration planter as well as facade improvements for exterior walls visible from Doheny Park Road, and seconded (Nelson) to adopt Resolution No. 16-05-09-17 to approve Coastal Development Permit (CDP15-0022), Site Development Permit (SDP15-0038) and Sign Program Permit (SPP16-0002) to demolish an existing free standing commercial building (previously Dana Party Supplies) and construct a new 5,997 square-foot commercial building (Autozone) within an existing Doheny Village commercial shopping center, in the Community Commercial Vehicular Zoning District (CC/V) at 34061 Doheny Park Road. Motion carried 4-0-0.

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

**D. OLD BUSINESS**

There was no Old Business.

**E. NEW BUSINESS**

There was no New Business.

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**F. STAFF REPORTS**

Ursula Luna-Reynosa reported that the May 23, 2016 Planning Commission Meeting is cancelled and the next Regular Meeting will be held June 13, 2016. She introduced the newly appointed Planning Commissioner, Roy Dohner, and stated that he will serve on the Commission at the June 13, 2016 meeting when the re-organization will occur.

**G. COMMISSIONER COMMENTS**

**Chairwoman O'Connor** welcomed Commissioner Dohner to the Planning Commission.

**Commissioner Murphy** stated that this meeting was very interesting with a great variety of projects presented.

**Vice-Chairman Nelson** welcomed Commissioner Dohner to the Planning Commission.

**Commissioner McKhann** stated that the Doheny Village Form Based Code Committee Meetings begin on Tuesday, May 10, 2016.

**H. ADJOURNMENT**

Chairwoman O'Connor adjourned the meeting at 8:49 p.m. and announced that the *next* Regular Meeting of the Planning Commission would be held on Monday, June 13, 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 8:49 p.m.**

  
\_\_\_\_\_  
April O'Connor, Chairwoman  
Planning Commission

**ERIC A. NELSON**

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