

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

July 25, 2016
6:01 – 7:05 p.m.

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

CALL TO ORDER

Chairman Nelson called the Regular Meeting of the Dana Point Planning Commission to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE

Sean Nicholas (Senior Planner) led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Ursula Luna-Reynosa (Director of Community Development), Alisha Patterson (Deputy City Attorney), Matt Schneider (Planning Manager), Sean Nicholas (Senior Planner), Evan Langan (Associate Planner), and Shayna Sharke (Senior Administrative Assistant)

ITEM 1: Recognition of Former Chairwoman, Commissioner April O'Connor

Ursula Luna-Reynosa (Director of Community Development) presented Commissioner O'Connor with a plaque and thanked her for her service as Chairwoman between April 2015 and June 2016.

Chairman Nelson thanked Commissioner O'Connor for her leadership.

A. APPROVAL OF MINUTES

ITEM 2: Minutes of the regular Planning Commission Meeting of June 27, 2016

ACTION: Motion made (Murphy) and seconded (O'Connor) to approve the Minutes of the Regular Planning Commission Meeting of June 27, 2016. Motion carried 5-0-0.

AYES: Dohner, McKhann, Murphy, O'Connor, Nelson
NOES: None

ITEM #1

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ABSENT: None
ABSTAIN: None

B. PUBLIC COMMENTS

There were no requests to speak.

C. CONSENT CALENDAR

There are no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 3: **Site Development Permit SDP16-0021 to allow construction of a new, three-story, single-family dwelling with an attached two-vehicle garage on presently vacant land in a hillside condition at 33863 Calle La Primavera**

Applicant: TWG Properties, Inc.

Location: 33863 Calle La Primavera (APN 682-141-57)

Recommendation: That the Planning Commission adopt the attached resolution approving Site Development Permit SDP16-0021.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt per Section 15303 (Class 3 – New Construction of Conversion of Small Structures) in that the Project proposes construction on one new single-family dwelling.

Request: Approval of a Site Development Permit to allow construction of a new, three-story, 3,335 square-foot single-family dwelling with attached 406 square-foot two-vehicle garage, on presently vacant land in a hillside condition.

Evan Langan (Associate Planner) presented and answered questions of the Planning Commission.

Chairman Nelson opened the Public Hearing at 6:16 p.m.

Bob DiGeuccio (Resident) stated that he had concerns regarding the setback, hillside stability, and drainage.

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Chairman Nelson closed the Public Hearing at 6:18 p.m.

Evan Langan (Associate Planner) replied to Mr. DiGeuccio stating that the plans show a 25 foot rear yard setback. He added that drainage would flow towards the sewer drain.

Commissioner O'Connor asked what measures are taken to protect the hillside.

Evan Langan (Associate Planner) replied that the geotechnical report supports caissons and added that not much impact is made to the gulley. He added that the only new landscaping would be added to the top of the hillside.

Commissioner Dohner added that grading permits include draining calculations and the permit process is there to protect the subject property and surrounding properties.

Commissioner O'Connor noted that the property is on a difficult lot, but the plan is very effective in utilizing the lot. She stated that she likes the visual relief that the step backs provide. She added that the project complies with the code and is consistent with the neighborhood, therefore she is in favor of the project.

Commissioner Murphy agreed with Commissioner O'Connor and spoke in favor of the project. She added that the appearance of the building is not boxy or overwhelming.

Vice-Chairman McKhann agreed with the other Commissioners. He stated that this is a challenging lot and the home is beautiful.

Commissioner Dohner stated that he is in favor of the project.

Chairman Nelson agreed with the other Commissioners. He added that the last of the lots to be developed are usually the most challenging, but the applicant did a good job.

ACTION: Motion made (McKhann) and seconded (Dohner to adopt Resolution No. 16-07-25-25 approving Site Development Permit SDP16-0021 to allow construction of a new, three-story, single-family dwelling with attached, two-vehicle garage on vacant land located within the Residential Single-Family (RSF-7) Zoning District at 33863 Calle la Primavera. Motion carried 5-0-0.

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

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ITEM 4: Zone Text Amendment ZTA16-0001, and Local Coastal Program Amendment LCPA16-0001; to amend the Headlands Development and Conservation Plan (HDCP), to address public access over specified access ways in the residential portion of the Headland Development and Conservation Plan and the use of three retractable gates

Applicant: City of Dana Point

Location: The project site includes the two public access points within the Strand Vista Park, which is directly west of the Salt Creek Public Parking lot, and the public access that is adjacent to the Strand Club House and includes Assessor Parcel Numbers 672-641-44 and 672-651-24. The project areas are referred to as the Central Strand (Upper and Lower) and Mid-Strand Public Beach Access.

Recommendation: That the Planning Commission approve the attached draft resolution recommending City Council approval and adoption of the Zone Text Amendment and Local Coastal Program Amendment.

Environmental: The proposed amendments to the Headlands Development and Conservation Plan is recommended to be determined exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 151061(b)(3), the general rule exemption, states:

Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

As explained further in Attachment 1, no significant environmental impacts would occur as a result of the proposed amendments.

Request: Recommend approval of a Zone Text Amendment (ZTA)16-0001, Local Coastal Program Amendment (LCPA)16-0001 to amend the City's Headlands Development and Conservation Plan – Section 4 and corresponding Land Use Element Policy 5.31, to address public access during Coastal Development Permit approved operational hours and the potential use of three retractable gates.

Sean Nicholas (Senior Planner) presented and answered questions of the Planning Commission.

Ursula Luna-Reynosa (Director of Community Development) clarified that the potential action before the Planning Commission tonight is to recommend that the City Council approve a Zone Text Amendment to change local law to allow for the eventual

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submission of a Coastal Development Permit (CDP) to permit gates in the areas specified. She added that the CDP for the gates would be presented to the Planning Commission for approval.

Chairman Nelson opened the Public Hearing at 6:39 p.m.

Isabella Rooney (Resident) spoke in support of the recommendation. She added that she is in favor of public access, but 24 hour access to the neighborhood is dangerous. She stated that a squatter was seen in a neighboring home.

Michael Hammond (Resident) thanked the Planning Commission for considering this recommendation. He spoke in support and added that gates would lessen the burden on police resources to enforce the access times.

Mr. Renzuli (Resident) spoke in favor of the recommendation to City Council. He stated that this is a high profile, high income area and the residents want security. He added that he witnessed police arresting 4 people in the area on his way to the meeting.

Eli Shapira (Property Owner) stated that while he is a proponent of public access, he is concerned with the existing path through the neighborhood. He stated that the path was not built for nighttime use as it is not well lit and currently poses a safety issue. Additionally, he stated that the beach is not open at night per Orange County Code and he is concerned with the maintenance of the beach when it is used in off hours.

Pretti Mathur (Resident and Property Owner) spoke in favor of the amendment. She stated that the beach is not supposed to be open 24 hours a day and the gates should correspond with the appropriate hours of operation, 5:00 a.m. to 10:00 p.m.. She added that the gates would reduce liability for the City and the night time access through the Central Strand is unsafe.

Kevin Darnall (Home Owner's Association) stated that the stairways are not lit. He referenced a letter that he sent on July 21, 2016 and asked that the Planning Commission. He noted that there have been continuous instances of vandalism and two individuals were caught entering a construction site after hours. Mr. Darnall stated that a log is kept for after-hours entry which reports 5-15 individuals entering after hours, a problem which would be mitigated by gates.

Chairman Nelson closed the Public Hearing at 6:52 p.m.

Commissioner Murphy spoke of the history of the tidelands and the regulations that were placed upon them to protect the use of all visitors. She added that in specific situations, such as this, compromises must be made.

Commissioner Dohner stated that the City takes the concerns of residents into

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consideration. He added that it is not unreasonable to enforce the hours of the beach and is in favor of the recommendation to City Council.

Commissioner O'Connor noted that part of the job of the Planning Commission is to balance public benefit with private good and stated that this proposal is a good balance. She added that the gates are a great way to protect citizens, property, and public safety.

Vice-Chairman McKhann agreed with his fellow Commissioners and stated that he is in favor of the recommendation to City Council.

Chairman Nelson stated that he is in support of the recommendation to City Council.

ACTION: Motion made (O'Connor) and seconded (Dohner) to adopt Resolution No. 16-07-25-26 approving ZTA16-0001 and LCPA16-0001 to amend the Headlands Development and Conservation Plan Section 4.0 and Land Use Policy 5.31 to address public access over specified access ways in the residential portion of the Headlands. Motion carried 5-0-0.

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

E. OLD BUSINESS

There was no Old Business.

F. NEW

There was no New Business.

G. STAFF REPORTS

Ursula Luna-Reynosa congratulated Chairman Nelson on his appointment as 2nd Vice President of Community Development for the California League of Cities. She added that the August 8, 2016 Planning Commission Meeting has been cancelled and the next Regular Meeting of the Planning Commission will be held on August 22, 2016.

H. COMMISSIONER COMMENTS

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Commissioner Dohner stated that he thought the Lantern District Car Show was great.

Chairman Nelson stated that he loves Dana Point.

Vice-Chairman McKhann stated that he also enjoys being a resident of Dana Point.

Commissioner O'Connor stated that the Independence Day fireworks were beautiful.

Commissioner Murphy stated that she loves riding the trolleys and had a good time at the Lantern District Car Show.

I. ADJOURNMENT

Chairman Nelson adjourned the meeting at 7:05 p.m. and announced that the *next* Regular Meeting of the Planning Commission would be held on Monday, August 22 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.