

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

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July 18, 2011  
6:01 – 7:00 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 meeting to order.

**PLEDGE OF ALLEGIANCE** – Kurth Nelson (Senior Planner) led the Pledge of Allegiance.

**ROLL CALL**

**Commissioners Present:** Commissioner Liz Claus, Vice-Chairman Norman Denton, Chairwoman April O'Connor, and Commissioner Tarquin Preziosi

**Commissioners Absent:** Commissioner Gary Newkirk

**Staff Present:** John Tilton (City Architect/Planning Manager), Kurth Nelson (Senior Planner), Jennifer Farrell (Assistant City Attorney), and Denise Jacobo (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1:** **Minutes of the regular Planning Commission Meeting of June 20, 2011.**

**ACTION:** **Motion made (Denton) and seconded (Claus) to approve the Minutes of the regular Planning Commission Meeting of June 20, 2011. Motion carried 4-0-1. (AYES: Claus, Denton, O'Connor, Preziosi NOES: None ABSENT: Newkirk, 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 CDP11-0004 and Minor Site Development Permit SDP11-0008(M) to allow an approximate 3,000 square foot addition to and major remodel of an existing 3,846 square foot, two-story, single-family dwelling that is non-conforming to development within the coastal bluff edge setback with associated landscape and site improvements.**

Applicant: Robert Theel Company  
Owner(s): Jeffrey Stoddard  
Location: 41 Monarch Bay Drive

Request: A request to allow an approximate 3,000 square foot addition to and major remodel of an existing 3,846 square foot, two-story, single-family dwelling that is non-conforming to development within the coastal bluff edge setback with associated landscape and site improvements.

Environmental: This project is categorically exempt (Class 1 - Section 15301 – Existing Facilities) from the provisions of the California Environmental Quality Act (CEQA) because the project involves additions to an existing structure not resulting in an increase of more than 10,000 square feet in an area where all public services and facilities are available to allow for maximum development permitted by the General Plan and the area in which the project is located is not environmentally sensitive.

Recommendation: That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP11-0004 and Minor Site Development Permit SDP11-0008(M).

**Kurth Nelson** (Senior Planner) presented the staff report and noted that staff received late correspondence which was distributed this evening and submitted to the file. Mr. Nelson also noted a modification of Condition No. 27 to have the word “public” inserted and read as follows: “the landscaping will not obstruct public views along the coast.”.

**Chairwoman O'Connor** indicated that one of the two letters received on Item #2 had addressed a variance application, Chairwoman O'Connor clarified that there is no request for a variance.

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**Chairwoman O'Connor opened the Public Hearing.**

**Robert Theel** (Applicant – Dana Point) stated that the homeowners were not able to attend the public hearing but that they wanted to convey their appreciation to City staff for the timely and thorough review of the project. He added that the homeowners intention upon the completion to the construction is to make this their new home. He felt that the architect, landscape architect, and civil engineer had done everything to complete the project and to comply with all of the City's requirements. He added that the building is within all the required setbacks and the height of the building is less that maximum allowed. He urged the Commissioners to approve the use because it complies with all applicable guidelines and requirements. He stated that he would be happy to answer any questions.

In response to a question about setbacks, Mr. Theel clarified that all the relevant issues concerning the bluff edge setbacks and any deviation from the setbacks were approved by the City's third party geotechnical consultant with the requirement to have a 25 foot setback, 15 feet deviation from the 40 foot setback, which would be within the approved setbacks

**Chairwoman O'Connor closed the Public Hearing.**

**Commissioner Claus** stated that she supported the application based on the geotechnical approval, but remained concerned regarding the lack of a more substantial setback. She noted: "man is a very interesting creature and we are capable of doing tremendous things but nature can top man any time it wants to". She hoped that the applicant would not regret the lack of setback in the future. She stated that the expansion would be an improvement, fits in with the neighborhood, and that it would be a spectacular house once it is complete.

**Vice-Chairman Denton** stated that he was pleased to see that the sump pump drainage was directed to the street front. He noted that he would like to see the setback truly reflect the twenty-five feet, and felt that the City should monitor the construction carefully to ensure that there is no additional encroachment. He also preferred that the stair columns should be moved back to bring it up to snuff with the way we approach bluff tops and setbacks currently within the City. He added that he would support the project as conditioned.

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**Commissioner Preziosi** stated that his main concern was the encroachment to the setback, up to five feet on the existing structure, as well as the placement of the staircase. He was concerned about the concept to increase the load on the structure with the addition of several thousand square feet, yet he felt that he would depend on the geotechnical experts when determining bluff edge setbacks. He added that he is in favor of improving the project but his concerns about bluff stability on the site still exist.

**Chairwoman O'Connor** stated that she is reliant on the structural aspect of the geotechnical study, and would not like to see any further encroachment in the future. She stated that all of her concerns were addressed and she would be in favor of the project with the modification to Condition #27.

**ACTION:** Motion made (Denton) and seconded (Claus) to adopt the draft Resolution (No. 11-07-18-12) approving Coastal Development Permit CDP11-0004 and Minor Site Development Permit SDP11-0008(M) to allow an approximate 3,000 square foot addition to and major remodel of an existing 3,846 square foot, two-story, single-family dwelling that is non-conforming to development within the coastal bluff edge setback with associated landscape and site improvements located at 41 Monarch Bay Drive. Commissioner Denton amended the motion to include the correction to Condition No. 27 (to insert the word “public” to the last sentence). Motion carried 4-0-1. (AYES: Claus, Denton, O'Connor, Preziosi NOES: None ABSENT: Newkirk ABSTAIN: None)

**E. NEW BUSINESS**

There was no New Business.

**F. STAFF REPORTS**

**John Tilton** (City Architect/Planning Manager) reported that the next scheduled City Council meeting agenda will include consideration of the final action by the City in adopting the new regulations for the Harbor Revitalization Plan. He also added that the agreement with ROMA Design Group would be extended toward completion of the Doheny Village Plan.

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Mr. Tilton reported that the Doheny Hotel, Environmental Impact Review Scoping meeting held on June 28<sup>th</sup> had a good turnout.

Mr. Tilton noted that the City Council would not be having any meetings in the month of August. The Commission should discuss whether or not they want to also cancel any meetings in August.

**Chairwoman O'Connor** asked the Commissioners to discuss their desire to meet for the next meeting. Commissioner Preziosi stated that he does have a conflict on August 15<sup>th</sup>. The Commissioners unanimously agreed that the meeting of August 15<sup>th</sup> could be cancelled.

**G. COMMISSIONER COMMENTS**

**Commissioner Claus** pointed out that last week, the City Summer Concert had set a new attendance record featuring the Parrotheads at Lantern Bay Park. She stated that she has been attending the concerts for years and felt that the event was awesome and much appreciated. She also gave kudos to Mr. Nelson on his presentation, she recognized the challenges of the project and stated that Mr. Nelson made it possible to approve the item.

**Vice-Chairman Denton** followed up on Mr. Tilton's comment and stated that he attended the Doheny Hotel scoping meeting. He noted that The Village Homeowner Association distributed a report which summed up the point of view among those who attended the Scoping meeting. He specified that the City and the Commissioners should be receiving a copy of the report. He encouraged everyone to get a chance to attend the summer concert series and thanked City staff for all of their hard work on the event.

**Commissioner Preziosi** congratulated the City for their June 30<sup>th</sup> victory at the Fourth District Court of Appeal cited as South Orange County Wastewater Authority (SOCWA) versus the City of Dana Point. He summarized the case points on California Environmental Quality Act matters between SOCWA and the City's land use for the Makar site. Additionally he read the following reference: *"SOCWA wants to use the act to defend the proposed project (the future residences) from a purportedly adverse existing environment (smells from the*

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*sewage treatment plant). In actuality, of course, SOCWA wants to protect itself from nuisance complaints by potential neighbors based on bad smells from the plant, while sticking Makar with the bill.” He made a copy of the court’s document available for the Commissioners.*

**H. ADJOURNMENT**

**Chairwoman O'Connor** announced that the *next regular* meeting of the Planning Commission will be held on Monday, August 1, 2011, beginning at 6:00 p.m. (or as soon thereafter) in the Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

**The meeting adjourned at 7:00 p.m.**

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April O'Connor, Chairwoman  
Planning Commission