

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

October 3, 2011
6:00 – 7:00 p.m.

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

CALL TO ORDER – Chairwoman O'Connor called the meeting to order.

PLEDGE OF ALLEGIANCE – Jennifer Farrell (Deputy City Attorney) led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Kyle Butterwick (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 September 19, 2011.

ACTION: Motion made (Preziosi) and seconded (Newkirk) to approve the Minutes of the regular Planning Commission Meeting of September 19, 2011. Motion carried 4-0-1. (AYES: Claus, Denton, Newkirk, Preziosi NOES: None ABSENT: None ABSTAIN: O'Connor)

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: One-year time extension of Coastal Development Permit CDP08-0004, Variance V08-0002 and Minor Site Development Permit SDP08-0013(M) to allow the demolition of an existing, single-family residence; and the construction of a new, two-story, single-family residence at 35011 Camino Capistrano Drive.

Applicant: Robert Theel (Robert Theel Company)
Owner: The Steven C. and Wendy A. Kalb Family Trust
Location: 35011 Camino Capistrano

Request: Grant a second (and final) one-year extension of discretionary permits originally approved October 14, 2008, granting entitlement to demolish an existing, single-family dwelling and to construct a new single-family dwelling in its stead.

Recommendation: That the Planning Commission approve a (final) one-year time extension of Coastal Development Permit CDP08-0004, Variance V08-0002 and Minor Site Development SDP08-0013(M).

Kyle Butterwick (Director) gave a brief report and reviewed an additional recommended Condition of Approval that would effectively allow the City to reserve final judgment until detailed information (grading, updated geotechnical report, etc.) on the condition of the property is received. He explained that, if the applicant proposes a modification to the design that is significant, it would constitute an amendment to the application, and they would be required to return to the Planning Commission for an additional public hearing; but, if a proposed change was modest, the City would proceed with an administrative decision. He stated that staff recommends the Planning Commission accept the recommendation that a 12-month extension of time be granted but to add the additional Condition of Approval.

Chairwoman O'Connor opened the Public Hearing.

Robert Theel (Applicant Representative – Dana Point) stated that the owners are looking at the next twelve months to complete everything to go forward with the construction. He described an existing condition with a V-ditch at the rear of the property which caused erosion/slippage. He stated that the edge condition would be managed by the Civil Engineer to take care of the drainage condition by collecting drainage through underground pipes that would be directed to the street which would improve the existing condition. He spoke with the owner

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about the City's recommended additional condition of approval, and the owner said that it would be fine with him with the expectation that the City reviews the final plan check, noting a present retaining wall designed along the edge to be looked at in a more intense manner based upon the existing condition. He stated that the plan submittal timeframe of 6-8 months would be reasonable, but he had not discussed it with the owner.

Chairwoman O'Connor closed the Public Hearing.

Commissioner Preziosi cited the recommended additional condition of approval, and suggested adding language stating that the plan submittal should be done within six months.

Vice-Chairman Denton stated that he would support the amendment to the action.

Commissioner Claus stated that she would also be comfortable with six months rather than eight months.

Commissioner Newkirk stated that he agreed because it would give the City time to do their due diligence in case there is a situation that is worse than it seems. He noted that the proposed building appear to be right up to the edge of the existing slide, which seems undercut and there appears to be a fair amount of work to be done.

Chairwoman O'Connor stated that she agrees with her fellow commissioners.

Commissioner Preziosi asked Deputy City Attorney to craft an amended motion.

Jennifer Farrell (Deputy City Attorney) stated that the motion could be to approve the resolution that is in the Planning Commission packet with the additional condition of approval: *That one year extension of time is approved with the added condition that, within six months of the date of the approval of this extension, the applicant shall submit grading, drainage, and construction plans, topographic survey and geotechnical report updates, and include investigation of any recent changes in the coastal bluff conditions. Any significant changes, as determined by the Director of Community Development, to the approved design that occurs as a result of the changes in topography or geology of the site shall require an amendment to the original approval to be reviewed and approved by the Planning Commission*".

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Chairwoman O'Connor noted that the Applicant is expressing an interest to speak again.

Chairwoman O'Connor re-opened the Public Hearing.

Robert Theel (Applicant Representative – Dana Point) stated that he liked the added language. He suggested that the grading and drainage site plans submittal be separate from the building construction plans because they take longer to gather all the details. He stated that the main issue is the grading and drainage submittal.

Mr. Butterwick replied that Mr. Theel's suggestion sounds reasonable because the construction plans are dependent on the decision as to whether or not the plans conform to the original approval. He recommended changing the language to postpone the filing of the construction plans for the home sixty days after that date (at the eight month interval).

Mr. Theel nodded in agreement, yes.

Chairwoman O'Connor closed the Public Hearing.

Jennifer Farrell (Deputy City Attorney) noted the consensus of the Commission was to change the motion and come up with new language.

The Planning Commissioners acknowledged acceptance of the new language and asked the Deputy City Attorney to reread the Condition of Approval.

Jennifer Farrell (Deputy City Attorney) reread the amended motion: "The one year extension of time as approved with the added condition that, within six months of the date of approval of this extension, the applicant shall submit grading and drainage plans, topographic survey and geotechnical report updates, and include investigation of any recent changes in the coastal bluff conditions. In addition building and construction plans shall be filed within eight months of the date of the approval of this extension. Any significant changes, as determined by the Director of Community Development, to the approved design that occurs as a result of the changes in topography or geology of the site shall require an amendment to the original approval to be reviewed and approved by the Planning Commission."

The Planning Commissioners came to a consensus to accept the amended motion.

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Commissioner Preziosi asked the Deputy City Attorney if there were any changes in the topography or geology and the original approved plans were not feasible due to safety, what would happen to the original conditions of approval approved in 2008.

Jennifer Farrell (Deputy City Attorney) replied that it is her understanding that the applicant would have to go back and amend the original plans and start the approval process from the beginning.

Kyle Butterwick (Director) agreed that, if the circumstances dictate a change in the design and requires a formal amendment to the application, they would be required to bring it back to the Planning Commission as a modification of the current application. A full staff report would provide an opportunity for staff and the Planning Commission to revisit the original conditions of approval.

Jennifer Farrell (Deputy City Attorney) referred to the existing approved resolution in the report and explained that typically an extension to a project is approved on the Consent Calendar, but this one recommended an additional condition of approval.

ACTION: Motion made (Claus) and seconded (Denton) approving a one year extension of time to Coastal Development Permit CDP08-0004, Variance V08-0002 and Minor Site Development Permit SDP08-0013(M) to allow demolition of an existing, single-family residence; and the construction of a new, two-story, single-family residence at 35011 Camino Capistrano, with the additional Condition of Approval that was read by the Deputy City Attorney into the record. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: None ABSTAIN: None)

ITEM 3: Antenna Use Permit AUP11-0002 and Conditional Use Permit CUP11-0004 to allow the placement of nine, new wireless telecommunication antennas, as well as accessory equipment, within an existing cupola atop a building located in the Town Center at 34052 La Plaza.

Applicant: Michelle Felton
(Core Development Services on behalf of Verizon Wireless)
Owner: Bettye Trowbridge Vaughn Revocable Trust
Location: 34052 La Plaza

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Request: Antenna Use Permit AUP11-0002 and Conditional Use Permit CUP11-0004 to allow the addition of nine, new wireless telecommunication antennas, as well as accessory equipment, within an existing cupola atop a building located in the Town Center.

Environmental: The subject project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Sections 15301 (a) (Class 1 – Existing Facilities). A Categorical Exemption has been prepared and will be duly filed per the requirements of the statute.

Recommendation: That the Planning Commission adopt the attached, Draft Resolution 11-10-03-19 approving Antenna Use Permit AUP11-0002 and Conditional Use Permit CUP11-0004.

Evan Langan (Associate Planner) reviewed the staff report. He addressed several conditions in the resolution which would need to be omitted due to outdated requirements. He stated that the omitted conditions are #12, #13, and #17 at the request of the applicant.

John Tilton (City Architect/Planning Manager) clarified a concern about the design of the cupola and cited Condition #18 that requires the applicant to finely tune and provide exact details of the cupola to complement the existing building.

Chairwoman O'Connor opened the Public Hearing.

Michelle Felten (Core Development Services, Representing Verizon Wireless - Brea) provided the following in response to the questions raised by the commission. She stated that the design of the cupola is different in addition to the fact that some of them have antennas on the outside, but would do everything to make it look as symmetrical as possible. She stated that the owner's representative was present at the site-walk with the project architect and have discussed the plans. She added that the plans have also been issued along with a photo simulation to the owner. She stated that if there were any further questions she would be happy to answer them.

Chairwoman O'Connor closed the Public Hearing.

Commissioner Newkirk stated that he would like to move the project forward.

Commissioner Claus stated that she is comfortable with the project and would be supportive of the application.

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Vice-Chairman Denton stated that he felt the same about the project and would be prepared to make a motion if there were no further comments.

ACTION: Motion made (Denton) and seconded (Newkirk) to adopt the Resolution No. 11-10-03-19 approving Antenna Use Permit AUP11-0002 and Conditional Use Permit CUP11-0004 to allow the placement of nine, new wireless telecommunication antennas, as well as accessory equipment, within an existing cupola atop a building located in the Town Center at 34052 La Plaza, removing Conditions #12, #13, and #17. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: None ABSTAIN: None)

E. NEW BUSINESS

There was no New Business.

F. STAFF REPORTS

Kyle Butterwick (Director) gave a reminder on the California Coastal Commission meeting, October 6th in Huntington Beach, on the Dana Point Harbor Implementation Plan.

He reported that City staff has set a date for the first Public Workshop on the Doheny Village planning effort process, scheduled to be held on Saturday, November 5th at the Calvary Chapel between 9:00 a.m. – 1:00 p.m. Notification and press releases will be sent out.

Jennifer Farrell (Deputy City Attorney) reported an update on the City's medical marijuana cases.

G. COMMISSIONER COMMENTS

Vice-Chairman Denton reported that the stand-up paddle festival came to Doheny State Beach on Saturday. He stated that he attended the Annual Dana Point Historical Society Home Tour and noted that it was a successful event which included an Antique Hot Rod Car Show connected to the event.

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Commissioner Newkirk suggested that future items on the Planning Commission Agenda that are coming back from previous public hearings, to include original presentation materials to review past project status. He also spoke about the premiere “Battle of the Paddle” board competition.

H. ADJOURNMENT

Chairman O’Connor announced that the *next regular* meeting of the Planning Commission will be held on Monday, October 17, 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.

April O’Connor, Chairwoman
Planning Commission