

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

December 11, 2007
7:00 – 7:45 p.m.

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

CALL TO ORDER –Chairwoman Fitzgerald called the meeting to order.

PLEDGE OF ALLEGIANCE – Vice-Chairman Denton led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Ed Conway, Vice-Chairman Norman Denton, Chairwoman Liz Anderson Fitzgerald, Commissioner J. Scott Schoeffel, and Alternate Michael Dec

Commissioner Absent: Commissioner Michelle Brough (seat on Commission taken by Alternate Dec for this meeting).

Staff Present: Kyle Butterwick (Director), John Tilton (City Architect/Planning Manager), Todd Litfin (Assistant City Attorney), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of November 27, 2007.**

ACTION: **Motion made (Conway) and seconded (Denton) to approve the Minutes of the regular Planning Commission Meeting of November 27, 2007. Motion carried 5-0. (AYES: Conway, Dec, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)**

B. PUBLIC COMMENTS

Richard Dietmeier (South Coast Water District) voiced concern about an L.A. Times article that noted water conservation in the City of Los Angeles was not producing the desired results. While water usage was down 1%; the Mayor wants a decrease of 10% that will be met using the water cop approach (i.e.;

writing ticket citations). They could even cease issuing will-serve permits for new construction and, if it worsens, they will not serve renovations. He reported that the conservation programs here are effectively achieving results with usage down 15% over the last two years. He reported that the District dedicated a new ground water facility, and they are working on additional reclaimed water. He urged the Commission to carry the message, not only to the citizens but to City staff and the building industry, to take water conservation seriously in order to avoid more draconian measures.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: One-year extension of Coastal Development Permit CDP01-20 and Site Development Permit SDP01-64 for the construction of a new single-family dwelling located at 25172 Via Elevado.

Applicant/

Owner: Clayton Robert Behling

Location: 25172 Via Elevado (APN#682-151-38)

Request: Allow a fourth one-year time extension of discretionary permits originally approved in November 2001, which granted entitlements to construct a new dwelling on the lot identified above.

Recommendation: That the Planning Commission approve a one-year time extension for Coastal Development Permit CDP01-20 and Site Development Permit SDP01-64, subject to all of the conditions contained in Resolution No. 02-02-12-02 (Attachment 2).

John Tilton (City Architect/Planning Manager) gave an overview of the request.

Chairwoman Fitzgerald opened the Public Hearing.

Robert Behling (Owner - Dana Point) stated that the extension requested is to start building the home that had approved plans and permits. He stated that they will complete grading and a retaining wall that currently ties permits for the two homes together.

Wit Muller (Dana Point - Applicant's Contractor) acknowledged the fourth extension being a concern. He stated that the homeowner built the first home and temporary certificate of occupancy was issued because a grading permit tied

both homes together. He added that permits were issued for two lots although the homes were not built simultaneously.

In response to Chairwoman Fitzgerald's concern about the certificate of occupancy not being issued unless the owner built the retaining wall, Mr. Muller clarified that a single permit was issued for the grading of lots 24 and 25. A temporary certificate of occupancy was issued for lot 24 only. The remaining question is whether or not building will be allowed on lot 25.

Chairwoman Fitzgerald closed the Public Hearing.

Todd Litfin (Assistant City Attorney) clarified that the grading permit was issued for both homes on one permit; since grading was completed on one parcel they could not final the certificate of occupancy.

Vice-Chairman Denton stated the owner should move forward with the extension, it is in the best interest of the owner and the City to work it out, and he would support the extension.

Chairwoman Fitzgerald stated that she still had some concerns, but based upon what she heard, agreed to support the extension for one more year.

Alternate Commissioner Dec stated that he was in favor of the extension but was concerned with the yellow caution tape being used as a barrier. He advised the applicant to install a sign to protect the public and secure the location.

Kyle Butterwick (Director) clarified that the building and safety inspection staff will insure that a barrier is in place.

ACTION: Motion made (Denton) and seconded (Dec) to approve a one-year extension for Coastal Development Permit CDP01-20 and Site Development Permit SDP01-64 for the construction of a new single-family dwelling located at 25172 Via Elevado. Motion carried 5-0. (AYES: Conway, Dec, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

ITEM 3: Coastal Development Permit CDP07-18 and Site Development SDP07-40(M) for an addition to an existing non-conforming single family residence located within the Floodplain Overlay District in the Coastal Zone at 35591 Beach Road.

Applicant/

Owner: Drew Liddle/France Bass

Location: 35591 Beach Road (APN 691-161-24)

Request: Request for a Coastal Development Permit (CDP 07-18) and a Site Development Permit (SDP 07-40(m)) to allow a 249 square foot addition and interior remodel for an existing non-conforming single family residence located within the Floodplain Overlay District in the Coastal Zone, consistent with the limited exception of a one time, ten percent square footage improvement on the inland side of the structure.

Environmental: The proposed project is found not to have a significant effect on the environment and is therefore exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15303, Class 3 – New Construction or Conversion of Small Structures. The proposed project is an addition and remodel of an existing single family residence located in a residential zone, in an urbanized area. The project is consistent with the exceptions listed in Section 15300.2 of CEQA.

Recommendation: That the Planning Commission approve Coastal Development Permit CDP07-18 and Site Development Permit SDP07-40(m).

John Tilton (City Architect/Planning Manager) presented the staff report.

There being no requests to speak on this item, Chairwoman Fitzgerald opened and closed the Public Hearing.

Commissioner Schoeffel favored the proposal for its elegant improvement.

ACTION: **Motion made (Schoeffel) and seconded (Denton) to adopt Resolution No. 07-12-11-38 approving Coastal Development Permit CDP07-18 and Site Development SDP07-40(M) to allow an addition to an existing non-conforming single family residence located within the Floodplain Overlay District in the Coastal Zone at 35591 Beach Road. Motion carried 5-0. (AYES: Conway, Dec, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)**

E. NEW BUSINESS

There was no New Business.

F. STAFF REPORTS

Kyle Butterwick (Director) announced that at the recent City Council meeting, the Council appointed the new Mayor, Joel Bishop; and reconfirmed Mayor Pro Tem, Lisa Bartlett. Mr. Butterwick summarized the City Council's accomplishments of the past year and identified key objectives for 2008 pertinent to Community Development.

- The Town Center Plan is tentatively scheduled for a Coastal Commission hearing in February 2008.
- The Town Center parking management plan is currently being prepared by a consultant.
- A consultant is also preparing a study of financing opportunities for Town Center public improvements.
- Completion of Sea Terrace Park, currently at the grading stage, is to be completed by February and the Park's improvements are expected to be completed by the summer.
- Televising the Planning Commission meetings to live broadcast is anticipated in 2008.
- City staff is working with State officials on the Housing Element in order to achieve certification. Modifications will be brought to the Planning Commission and then to Council in the spring to complete that process.
- The County's efforts are continuing on the Harbor Revitalization plan with environmental documents for the Marina being prepared.
- The City's website is being renovated to achieve substantial improvement. It will be more comprehensive, more informative and faster, with user friendly features and is expected to be completed by April.

Mr. Butterwick stated that the City has met with several developers who are eager to begin several spectacular projects in Town Center. He noted that one of the projects, at the corner of Pacific Coast Highway and Green Lantern, has been filed with the City. He added that the item will be brought to the Planning Commission in February/March for Coastal and Site Development Permits.

He stated that the developers of the Dana Point Inn Hotel are also anxious to proceed with the Planning process in anticipation of the approval of the Town Center plan by the Coastal Commission.

Todd Litfin (Assistant City Attorney) briefly commented on high profile Brown Act cases in the news lately, specifically the school district. He cautioned everyone to be sure they comply with the Brown Act. He stated that he was available to answer any questions.

G. COMMISSIONER COMMENTS

Commissioner Schoeffel noted that over the years, there has been a decline in the number of Christmas tree lots; he saw it as both a significant and positive sign for the future. He stated that he looks forward to great times next year.

Chairwoman Fitzgerald stated that she and Vice-Chair Denton had attended the Harbor FEIR workshop on Saturday, December 8, 2007, concerning environmental issues. She stated that it was excellently presented by Mr. Gross, Harbor Director. She added that there had been speculation as to whether the Marina Plan would then come before the City's Planning Commission for input.

In response to Chairwoman Fitzgerald's inquiry, Mr. Butterwick stated that he would reply to the Commission via email as soon as he receives clarification from the County.

H. ADJOURNMENT

Chairwoman Fitzgerald announced that the *next regular* meeting of the Planning Commission would be held on Tuesday, January 8, 2008, beginning at 7:00 p.m. (or as soon thereafter) in the Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

Liz Anderson Fitzgerald, Chairwoman
Planning Commission

The meeting adjourned at 7:45 p.m.