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

February 2, 2005
7:00-8:10 p.m.

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

CALL TO ORDER – Chairman Denton called the meeting to order.

PLEDGE OF ALLEGIANCE – Commissioner Schoeffel led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Chairman Norman Denton, Vice-Chairwoman April O'Connor, Commissioner Greg Powers, Commissioner J. Scott Schoeffel, and Commissioner Steven Weinberg

Staff Present: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), John Tilton (City Architect/Planning Manager), Erica Williams (Senior Planner), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of January 19, 2005.

ACTION: Motion made (O'Connor) and seconded (Powers) to approve the Minutes of the regular Planning Commission Meeting of January 19, 2005. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS**ITEM 2: Amendment to a Master Temporary Site Development Permit (SDP04-33(I)) to modify the hours of the Farmers Market.**

Applicant: Steve Crossen
Owner: City of Dana Point
Location: Dana Point Plaza Parking Lot

Request: Approval of an amendment to Master Temporary Site Development Permit to modify the hours of the Farmers Market.

Environmental: This project is categorically exempt (Class 4 – Section 15304 – Minor Alterations) from the provisions of the California Environmental Quality Act (CEQA) because it consists of a minor temporary use of land having no permanent effects on the environment.

Recommendation: That the Planning Commission adopt the attached Resolution approving Site Development Permit SDP04-33(I) for the proposed project.

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

Chairman Denton opened the Public Hearing.

Steve Crossen (Applicant – Riverside) stated that the market vendors and shoppers had agreed to the change in hours.

Chairman Denton closed the Public Hearing.

Commissioner Powers stated that the market was a great addition to our Town Center and felt that the change in hours would allow for more public participation.

ACTION: Motion made (Powers) and seconded (O'Connor) to adopt Resolution 05-02-02-06 approving Site Development Permit SDP04-33(I). Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ITEM 3: An amendment to previously approved Variance V02-14 for a new single-family residence that exceeds the City's height regulations for flat roof structures at 33771 Robles Drive.

Applicant/

Owner: Benjamin P. Varkel
Location: 33771 Robles Drive

Recommendation: That the Planning Commission table this item to give the applicant more time to work with staff on design alternatives that would avoid the need for a Variance amendment. The project will be noticed if a Variance amendment is required.

There was a consensus of the Planning Commission to table this item.

ITEM 4: Coastal Development Permit CDP04-24 and Site Development Permit SDP04-63 to allow an addition to an existing single-family residence and extend an existing deck at the rear of the property located within the Coastal Overlay District at 9 Breakers Isle.

Applicant: Tony Pirruccello
Owner: Pual Brazeau
Location: 9 Breakers Isle

Request: Approval of a Coastal Development Permit (CDP04-24) and Site Development Permit (SDP04-63) for additions to an existing single-family residence and approval to extend an existing deck.

Environmental: This project is categorically exempt (Class 1e – Section 15301 – Existing Facilities) from the provisions of the California Environmental Quality Act (CEQA) because it consists of a minor alteration to an existing structure.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP04-24 and Site Development Permit SDP04-63.

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

There being no requests to speak, Chairman Denton opened and closed the Public Hearing.

Vice-Chairwoman O'Connor stated that because the project required no Variances, was under the height limit, and complied with the setback requirements that she would support the project.

Commissioner Powers stated that he would support the project.

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 05-02-02-07 approving Coastal Development Permit CDP04-24 and Site Development Permit SDP04-63. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ITEM 5: Tentative Parcel Map TPM2004-235 and Site Development Permit SDP04-67 to subdivide an existing 27,320 square foot lot into four (4) separate parcels and construct one single-family dwelling on each of the four lots. The subject site is located in the Residential Single Family (RSF 7) zone and is addressed as 35422 Via de Daum.

Applicant: Todd Schooler & Associates, Inc.

Owner: De Daum, LLC

Location: 35422 Via de Daum

Request: Approval of Tentative Parcel Map TPM2004-235 for a four (4) lot subdivision and Site Development Permit SDP04-67 to permit the construction of four (4) new single-family, detached dwellings.

Environmental: This project is categorically exempt (Class 32 – Section 15332 – In-Fill Development) from the provisions of the California Environmental Quality Act (CEQA) because it occurs within the City limits on a site less than five (5) acres in size that is substantially surrounded by urban development and the project will not result in any significant effects.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Tentative Parcel Map TPM2004-235 and Site Development Permit SDP04-67.

Erica Williams (Senior Planner) reviewed the staff report.

Chairman Denton opened the Public Hearing.

Todd Schooler (Applicant – Newport Beach) stated that he had designed the project so that two (2) of the homes have garages that face the street, one (1) you drive through a breezeway to the garage, and one (1) has a detached garage. He added that he had done this so there were fewer garages visible from the street. He added that he plans to save as many of the existing trees as possible.

Norman Scheel (Capistrano Beach) stated that he lives directly behind the proposed project. He asked if a treated block wall could be considered instead of a wood fence along the property line. He felt that a block wall would enhance the project as well as offer the existing residents a buffer. He stated that he would like as many mature trees saved as possible.

Todd Schooler *replied that typically the owners of the new homes and the existing residents would meet to discuss what type of fencing they would like to have built.*

Mark Williams (Capistrano Beach) stated that there was only one way in and out of their neighborhood and that he was concerned about the ramifications of the construction on the residents' ability to get in and out of their homes.

John Tilton *replied that the City could not impose any restrictions on how long this project may take to construct. He stated that there are requirements that the roadway be kept usable during the construction of the project.*

Christine Lee (Capistrano Beach) stated that she had concerns over the hours of construction and the height of the new homes.

Todd Schooler *replied that a surveyor is required to certify the height of the homes so there should not be a problem with the homes being built over the height limit. He stated that they will try to do their best to not impact the neighborhood as much as they can and if there were problems for the neighbors to please call.*

Chairman Denton closed the Public Hearing.

Commissioner Schoeffel stated that this appears to be a well-thought out and carefully planned subdivision. He felt that it would be a good addition to the neighborhood and that he would support the project.

Commissioner Weinberg felt that it was a superb project and that it should fit nicely into the neighborhood. He stated that he would support the project.

Vice-Chairwoman O'Connor stated that she appreciated the applicant for not squeezing five (5) homes onto the lot even though the Zoning Code would allow it. She added that she liked what was proposed with the garages and felt it would look nice from the street. She stated that she would support the project.

Commissioner Powers stated that he would support the project.

Chairman Denton felt that this was an excellent project and well-thought out.

Kyle Butterwick (Director) stated that any perimeter fencing should be approved by the Director of Community Development to ensure that the neighbors were in agreement with the materials to be used.

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 05-02-02-08 approving Tentative Parcel Map TPM2004-235 and Site Development Permit SDP04-67 with an additional Condition included which requires any perimeter fencing be approved by the Director of Community Development. Motion carried 5-0. (AYES:

Denton, O'Connor, Powers, Schoeffel, Weinberg **NOES:** None
ABSENT: None **ABSTAIN:** None)

E. PUBLIC MEETINGS

There were no Public Meetings.

F. OLD BUSINESS

There was no Old Business.

G. NEW BUSINESS

There was no New Business.

H. STAFF REPORTS

Kyle Butterwick (Director) reported that the City Council had upheld the Planning Commission's decision on the Diedrichs appeal. He stated that the City had recently issued a demolition permit to allow for the removal of some of the interior structures and that construction fencing had been placed around a portion of the site.

He reported that Surfrider Foundation had appealed the Planning Commission's approval of the Headlands project. He stated that the basis of that appeal is one that concerns the question of balancing between preservation of ESHA and other public amenities on the property. He stated that the hearing was scheduled for February 9, 2005.

He stated that at the last City Council meeting that the Council had agreed to form a new sub-committee on building heights and that two (2) Planning Commissioners would be asked to volunteer to serve on the committee. He added that Council had also created a Town Center Specific Plan sub-committee and that in the coming weeks; staff would receive more direction and clarification on the committees.

He stated that the City had just finished a major recruitment for two (2) new positions in Community Development. He stated that a new Assistant Planner and a Permit Technician would be starting with the City within the next 30 days. He added that both positions would be full-time City employees as opposed to contract positions.

He stated that the City was finalizing the process and timeframe for the Council's review and selection of Planning Commission members. He added that the

application would be made available on the City's website or from the City Clerk's office. He added that the closing date for accepting applications was March 7th and that a City Council special meeting would be scheduled to conduct the interviews.

John Tilton (City Architect/Planning Manager) stated that the next series of public workshops would be held on Thursday, March 3rd at the Community Center with the first workshop being held from 4:00-6:00 p.m. for the business owners, and the second workshop being held from 7:00-9:00 p.m. for the residents.

I. **COMMISSIONER COMMENTS**

Commissioner Powers stated that he was happy to see the hours changed for the Farmers Market. He added that he would like to see the market be allowed to have some music or some other attractions offered during the summer months.

Chairman Denton stated that he was pleased that the City Council had upheld the Planning Commission's position as to the reasons that were made on the Diedrich coffee shop.

Commissioner Weinberg stated that he would like to start planning another joint meeting with the City Council with more interaction. He felt that the last joint meeting was informative for both the Commission and the City Council.

J. **ADJOURNMENT**

Chairman Denton announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, February 16, 2005, beginning at 7:00 p.m. (or as soon thereafter) in the Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

The meeting adjourned at 8:10 p.m.

/s/ Norman Denton

Norman Denton, Chairman
Planning Commission