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

July 2, 2003  
7:00-9:20 p.m.

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

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**CALL TO ORDER** – Chairman Schoeffel called the meeting to order.

**PLEDGE OF ALLEGIANCE** – Commissioner Powers led the Pledge of Allegiance.

**ROLL CALL**

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

Staff Present: Eugenia Garcia (Acting Director), Todd Litfin (Assistant City Attorney), Kimiko Lizardi (Planning Consultant), Brenda Chase (Associate Planner), Albert Armijo (Planning Consultant), and Bobbi Ogan (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1:** Minutes of the regular Planning Commission Meeting of June 18, 2003. (FF# 0120-10/PC Minutes/PC Secretary Binder) [BO]

**ACTION:** Motion made (Weinberg) and seconded (Powers) to approve the Minutes of the regular Planning Commission Meeting of June 18, 2003. Motion carried 4-0-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: Denton)

**B. PUBLIC COMMENTS**

There were no Public Comments.

**C. CONSENT CALENDAR**

There were no Consent Calendar items.

**D. PUBLIC HEARINGS**

**ITEM 2:** Coastal Development Permit CDP03-04 and Variance V03-09 to allow for the construction of a two-story addition featuring a 548 square foot garage, a 426 square foot first story addition which includes converting the existing garage into a new guest room, bathroom and laundry room and a new 574 square foot second story bedroom and bathroom addition. A Variance is also requested to allow the new second story addition to encroach five (5) feet into the required ten (10) foot setback and to allow the garage to encroach three (3) feet into the five (5) foot required garage setback. *(Continued from the regular Planning Commission meeting of June 18, 2003)*  
(FF# 0610-70/CDP03-04/V03-09/Breakers Isle, 10) [KL]

Applicant: Donna Olsen (Blair Ballard Architects)  
Owner: Ben and Julie Crenshaw  
Location: 10 Breakers Isle

Request: A Coastal Development Permit to allow for a two (2) story addition with a 548 square foot garage, 426 square feet of additional first story habitable area which includes converting the existing garage into a new guest room, bathroom and laundry room, and a 574 square foot second story bedroom and bathroom addition in conjunction with a Variance to allow the second story addition to encroach five (5) feet into the required ten (10) foot front setback and to allow the garage to encroach three (3) feet into the five (5) foot required garage setback.

Environmental: The proposed project qualifies as a Class 1 (Section 15301) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project is a minor alteration to an existing structure of less than 10,000 square feet where all public services and facilities are available to allow for maximum development permissible in the General Plan.

Recommendation: That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP03-04 and Variance V03-09.

**Kimiko Lizardi** (Planning Consultant) reviewed the Staff report.

**Chairman Schoeffel opened the Public Hearing.**

**Donna Olsen** (Architect – Laguna Beach) stated that in response to the Commissioner's comments from the last meeting that they pulled the garage out rather than pushing the upper floor back. She emphasized that this was a unique community situation where it is a private community within a private community consisting of a single street and that there were only twenty homes in this area.

**Chairman Schoeffel closed the Public Hearing.**

**Commissioner O'Connor** felt that the architect had addressed the Commission's concerns about offsetting the second story from the garage and that she could support the project since the HOA does allow for a reduced front setback.

**Commissioner Weinberg** felt that the house as revised would fit with better with the other homes on the street.

**Vice-Chairman Denton** stated that he would support the project.

**Commissioner Powers** stated that he was appreciative of the articulation effort that was made. He added that he was disappointed that the garage was brought out closer to the property line as opposed to making the second story narrower.

**ACTION:** **Motion made (Denton) and seconded (Weinberg) to adopt Resolution 03-07-02-28 approving Coastal Development Permit CDP03-04 and Variance V03-09. Motion carried 4-1.** (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: Powers ABSENT: None ABSTAIN: None)

**ITEM 3:** **Mixed Use Development Standards.**  
(FF# 0610-15/ZTA02-03/ZC03-01/Camino De Estrella) [BC]

Location: Camino De Estrella between Calle Hermosa and Vista Del Mar

Request: To change the Commercial/Residential (C/R) zoning district along Camino De Estrella to Professional/Residential (P/R) and to modify the development standards within the P/R zoning district.

Environmental: A Negative Declaration was prepared for the Zone Text Amendment and Zone Change for the Commission's review. Based on the Initial Study prepared for this project, it was determined that there would be no significant environmental impacts associated with the project.

Recommendation: That the Planning Commission recommend that the City Council approve the attached draft Resolution for a Negative Declaration and the attached draft Resolution for a Zone Change and Zoning Code amendment to modify the development standards in the Professional/Residential zoning district.

**Brenda Chase** (Associate Planner) reviewed the Staff report.

**Chairman Schoeffel opened the Public Hearing.**

**Charles Simpson** (Capistrano Beach) asked about future re-zoning of other areas. He stated that he was concerned about parking in the area once the properties were developed.

**Donald Sweet** (Capistrano Beach) stated that after talking with residents and business owners in the area to be re-zoned, he found that most people had a problem with turning Calle Hermosa into professional uses. He felt that there were significant issues with traffic and parking and that there was no need to increase the foot traffic in that area. He wanted to keep the small community atmosphere and asked for the text that allows for conditional use permit changes on those properties already designated P/R to be deleted.

**Terry Schwarz** (Capistrano Beach) stated that he was concerned with traffic, parking and the narrow streets. He was also concerned about more congestion.

**Dr. David Sales** (Capistrano Beach) stated that he was concerned about future restaurant and retail businesses with high foot traffic on such a small street. He added that he was also concerned with the ability to obtain a conditional use because it is such a unique area.

**Robert Bagni** (Capistrano Beach) felt that there would be an impact on property values. He stated that he did not want any schools to be allowed in the zone. He supported keeping the buildings to two-stories.

**Dr. Francine Simpson** (Capistrano Beach) stated that she was concerned with parking on a street that was only 30-feet wide. She added that if there are cars parked on both sides of the street, it was not possible for cars to pass both ways.

**Chairman Schoeffel closed the Public Hearing.**

**Commissioner Weinberg** stated that he was concerned with schools being a permitted use in the area.

**Commissioner Powers** felt that the proposed amendment was more restrictive than what currently exists there now. He stated that he was concerned with schools being a permitted use.

**Vice-Chairman Denton** stated that he was concerned with schools being permitted and felt that they require a public hearing. He felt that retail and restaurant uses would create more traffic congestion and that this area would not be good for those types of uses.

**Commissioner O'Connor** stated that if more restaurant uses were allowed that there would be spill-over parking into the surrounding neighborhood.

**Chairman Schoeffel** felt that schools should be permitted through a conditional use permit only. He stated that the proposed change was better than what is currently in place.

**ACTION:** Motion made (Powers) and seconded (Schoeffel) to adopt Resolution 03-07-02-29 recommending that the City Council approve a Negative Declaration for ZTA02-03 and Zone Change ZC03-01. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: Powers ABSENT: None ABSTAIN: None)

**ACTION:** Motion made (Denton) and seconded (Powers) to adopt Resolution 03-07-02-30 recommending that the City Council approve Zone Text Amendment ZTA02-03 and Zone Change ZC03-01 to designate the mixed use along Camino de Estrella as Professional/Residential and modify the Development Standards. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

**ITEM 4:** A proposal to construct a two-story 3,207 square-foot single-family residence with two garages on a 9,590 square foot vacant lot, with variances to permit a 35-foot structural height, a dimension of 7-feet in excess of the City standard and to permit a rear yard structural setback of 18 feet, a distance 7-feet less than the City standard, for property located at 33951 Valencia Place.  
(FF# 0600-30/SDP03-13M/V03-02/Valencia Place, 33951) [AA]

Applicant/

Owner: Darin Klein

Location: 33951 Valencia Place

Request: Approval of a Site Development Permit to permit a 3,207 square foot new single-family residence with two garages and an 886 square foot deck on a steeply sloping lot, and Variances to permit a structural height of 35 feet, 7 feet in excess of the height limit for a structure with a 6/12 roof pitch.

Environmental: This project is categorically exempt (Class 3 - Section 15303 – New Construction or Conversion of Small Structures) from provisions of the California Environmental Quality Act (CEQA) because it consists of one single-family structure.

Recommendation: That the Planning Commission authorize construction of a two-story 3,207 square foot single-family residence on a steeply sloping lot, including Variances to allow an overall structural height of 35 feet, a dimension of 7 feet above the height limit, and to allow a rear yard structural setback of 18 feet, a dimension of 7 feet less than the City standard, by adopting the attached

draft Resolution approving Site Development Permit SDP03-13M and Variance V03-02.

**Albert Armijo** (Planning Consultant) reviewed the Staff report.

**Chairman Schoeffel opened the Public Hearing.**

**Darin Klein** (Dana Point) felt that without the requested architectural feature that the design would be sub-standard. He stated that his project would compliment the street scene and the charm of the Lantern Village.

**Geoff Sumich** (Architect – San Juan Capistrano) felt that the property owner was penalized with a uniquely sloping and skewed lot. He stated that the majority of the home would only project 17 feet above street level. He felt that they had taken a sensitive approach when designing the home. He added that if the tower element was removed, that the house would be dwarfed and it would create a “house in a hole effect”. He felt that the home would be a quality addition to the neighborhood.

**Bill Lane** (Dana Point) stated that the tower element directly affects his view equity and that he would expect compensation if his view equity was taken down by the variance for the tower.

**Jerry Klein** (Dana Point) stated that the lot was penalized as it is sloping front to rear and is skewed. He added that they were asking for a slight variance on this hillside lot and that the hardship was clearly defined.

**Tim Quinn** (Dana Point) felt that when people develop that they should not be allowed to affect anyone else. He stated that the tower element was a nicety, not a necessity. He asked for consideration to be given to surrounding homeowners.

**Gary Newkirk** (Dana Point) felt that the applicant was aware of the lot's problems when he purchased it. He stated that the tower was a convenience and that the home could be designed within the 28-foot height limit. He asked the Commission to deny the applicant's request.

**Steve Moore** (Dana Point) agreed that the lot was developmentally challenged, but felt that the tower height should be reduced to stay within the three feet allowable without a variance.

**Chairman Schoeffel closed the Public Hearing.**

**Commissioner O'Connor** stated that other homes in the area had been granted similar height variances and that this house is lower than its adjacent neighbors. She added that the tower may not be necessary; it is still lower than the adjacent

homes. She stated that she would support the project because of the hardship that the slope presents.

**Vice-Chairman Denton** stated that it was a difficult lot to develop and that his only concern was the tower element. He added that the tower element was an architectural element and not a necessary part of the house. He felt that it could be lowered and still add an architectural element to the house. He stated that he would not support the tower.

**Commissioner Powers** stated that the applicant had a hardship based on the sloping lot. He felt that architectural elements added value and charm to a community. He added that he would support the project as proposed.

**Commissioner Weinberg** felt that if the house were built without the tower, that you would not see it from the street. He stated that he would support the project as proposed.

**ACTION:** Motion made (O'Connor) and seconded (Weinberg) to adopt Resolution 03-07-02-31 approving Site Development Permit SDP03-13M and Variance V03-02. Motion carried 4-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: Denton ABSENT: None ABSTAIN: None)

**ITEM 5:** A proposal to construct a 415 square-foot addition to an existing 2,280 square foot (with garage) single-family residence with a request for a Variance to allow a reduced front setback for the second story addition for property located at 23642 Tampico Bay. (FF# 0610-70/CDP03-05/V03-08/Tampico Bay, 23642) [AA]

Applicant: Stan Andrade, Architect  
Owner: Suzanne Enis  
Location: 23642 Tampico Bay

Request: The applicant requests approval of a Coastal Development Permit to allow construction of a 415 square foot addition to an existing single-family residence and a Variance to allow construction of the second-story portion of the addition with a setback of 3 feet, 2 inches from the first story, rather than the normally required 5 feet.

Environmental: This project is categorically exempt (Class 1 – Section 15301 – Minor Addition to Existing Structure) from provisions of the California Environmental Quality Act (CEQA) because it consists of a minor addition to an existing residential structure that will not result in an increase of more than 50 percent of the existing structure before construction of the addition.

Recommendation: That the Planning Commission deny approval of the construction of a 415 square foot addition to an existing dwelling with a second story setback of 3 feet, 2 inches from the first story, rather than the required 5 feet, by adopting the attached draft Resolution denying Coastal Development Permit CDP03-05 and Variance V03-08.

**Albert Armijo** (Planning Consultant) reviewed the Staff report.

**Chairman Schoeffel opened the Public Hearing.**

**Stan Andrade** (Architect – Laguna Niguel) felt that the project as proposed should not be an issue. He stated that the owner would like to create a master bedroom with a fire place.

**Susanne Enis** (Dana Point) stated that she just wanted to add a bedroom and a bathroom. She added that there would be no windows facing her neighbors and that she would like to be able to have two sinks in the new bathroom which is the reason for the intrusion into the setback.

**Chairman Schoeffel closed the Public Hearing.**

**Vice-Chairman Denton** stated that variances should not be a privilege and would have to deny the variance for two-feet.

**Commissioner Powers** stated that after visiting the site, that he found that a majority of the homes do not encroach into the setback. He added that he would have to concur with Staff's recommendation for denial.

**Commissioner O'Connor** stated that if the project were approved that she would be concerned with setting precedent.

**Commissioner Weinberg** stated that he supports Staff's recommendation for denial.

**Chairman Schoeffel** stated that he could not support the variance request.

**ACTION:** Motion made (Schoeffel) and seconded (Powers) to continue this item to the next regular Planning Commission meeting of July 16, 2003. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

**ITEM 6:** A Coastal Development Permit CDP94-01(I) to allow the construction of new approximate 9,638 square foot, single-family residence on a 34,630 square foot bluff-top lot with a Site Development Permit SDP03-09 to allow a garage and two (2) story configuration and retaining walls over 12 feet in height and Variance V03-10 to exceed the maximum height limit by 13 feet seven (7) inches, and for the requirements for development adjacent to coastal bluffs. (Continued from the regular Planning Commission meeting of June 18, 2003)  
(FF# 0610-70/CDP94-01(I)/SDP03-09/V03-10/Camino Capistrano, 35009)  
[KN]

Applicant: Paul Douglas  
Owner: Collin Cooper (Pioneer Builders)  
Location: 35009 Camino Capistrano

Environmental: The proposed project qualifies as a Class 3 (Section 15303) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves the construction of a new single family residence not in conjunction with the construction of two or more of such dwelling units.

Recommendation: That the Planning Commission continue the hearing for Coastal Development Permit CDP94-01(I), Site Development Permit SDP03-09 and Variance V03-10 to the July 16, 2003, Planning Commission meeting.

**ACTION:** Motion made (Schoeffel) and seconded (O'Connor) to continue this item to the next regular Planning Commission meeting of July 16, 2003. 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**

**Todd Litfin** (Assistant City Attorney) asked the Commissioners to not be afraid to ask him questions during the hearings, because that is what he was there for.

**I. COMMISSIONER COMMENTS**

**Commissioner Powers** stated that he couldn't wait for the issue of sloped lots to be settled.

He stated that with the City trying to slow down traffic and trying to create diversity in the streets, he felt that the City would be faced with the scenario that someone would want to build within the pop-out envelope. He asked what provisions were there in the Code to prevent people in the future from doing that.

**Commissioner Weinberg** felt that a licensed surveyor should erect the story poles for applicants to ensure that they are correct.

He reported that he was on Coronado Island last weekend and that he saw a City sign that he would like Dana Point to use as well. He stated that the message that was on the sign was "Hear the boom, we take the box". He added that on Coronado they confiscate radios and if the cars are too loud, they confiscate the cars.

**Chairman Schoeffel** stated that when he was a practicing real estate development lawyer in Newport Beach that he spent the better part of five years drafting restrictive covenants. He added that when someone got a view that they liked that they would go to the person who accessed the view for them and negotiate a restrictive covenant protecting their view from any impacts. He stated that it would be nice if residents would get a more sensible notion of what the Commission could or could not do and that if they wanted to protect their view, what they could or could not do to protect it.

**J. ADJOURNMENT**

**Chairman Schoeffel** announced that the *next regular* meeting of the Planning Commission will be held on Wednesday, July 16, 2003, 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 was adjourned at 9:20 p.m.**

*/s/ J. Scott Schoeffel*

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J. Scott Schoeffel, Chairman  
Planning Commission