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

June 26, 2007
7:01-8:27 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 – Commissioner Brough led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: John Tilton (City Architect/Planning Manager), Todd Litfin (Assistant City Attorney), Saima Qureshy (Senior Planner), Matthew Schneider (Associate Planner), and Denise Jacobo (Interim-Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of June 12, 2007.**

ACTION: **Motion made (Schoeffel) and seconded (Denton) to approve the Minutes of the regular Planning Commission Meeting of June 12, 2007. Motion carried 5-0. (AYES: Brough, Conway, Fitzgerald, Denton, Schoeffel 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: A MINOR CONDITIONAL USE PERMIT (CUP07-09(m)) TO ALLOW A TANDEM PARKING ARRANGEMENT FOR THE REAR UNIT OF A DETACHED DUPLEX ON A SITE WITH NARROW FRONTAGE AT 26272 VIA CALIFORNIA.**Applicant/Owner: Paul MelbyLocation: 26272 Via California (APN 691-392-02)

Request: Request to allow one car tandem parking space in front of a one car garage for the rear unit of a detached duplex on a lot with narrow frontage. The project also includes an addition of 510 square feet to the rear unit.

Environmental: The proposed project is found not to have a significant effect on the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, Class 1 - Existing Facilities. The proposed project is an addition and remodel of an existing structure, which will not result in an increase of more than 50 percent of the floor area of the structure before the addition or 2,500 square feet. The project is consistent with the exceptions listed in Section 15300.2 of CEQA.

Recommendation: That the Planning Commission adopt the attached Draft Resolution (Attachment 1) approving Conditional Use Permit 07-09(m).

Saima Qureshy (Senior Planner) reviewed the staff report.

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

ACTION: Motion made (Denton) and seconded (Schoeffel) to adopt Resolution 07-06-26-14 approving Conditional Use Permit (CUP07-09(m)). Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

ITEM 3: COASTAL DEVELOPMENT PERMIT CDP07-09 AND MINOR SITE DEVELOPMENT PERMIT SDP07-31M TO ALLOW THE CONSTRUCTION OF AN ACCESS STAIRWAY AND RETAINING WALL TO A VACANT PROPERTY LOCATED IN THE COASTAL OVERLAY DISTRICT AND RESIDENTIAL SINGLE FAMILY (RSF 4) ZONE AT 1 MONARCH COVE DRIVE.

Applicant/

Owner: Michael Rodarte

Location: 1 Monarch Cove Drive; APN: 672-461-20; Coastal Overlay Zone & Appeals jurisdiction of Coastal Commission.

Request: A proposal to construct an access stairway with retaining wall in excess of 30" to access and maintain the elevated pad area of the property. The site is presently vacant.

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 an accessory structure.

Recommendation: That the Planning Commission approve Coastal Development Permit CDP07-09 & Minor Site Development Permit SDP07-31M.

Matthew Schneider (Associate Planner) reviewed the staff report.

Chairwoman Fitzgerald opened the Public Hearing.

Mark Hopkins (Attorney for the Homeowners Association – North Tustin) stated that he was representing the Homeowners Association, and his concern was that the applicant had intentionally chosen not to submit his plans for review to the HOA, as required by the CC&R's. He stated that the applicant's plan has nothing to do with maintaining a steep slope. He added that if the survey proves the applicant owns the property, he still needs to get permission from the Homeowners Association to build the wall. He asked the Planning Commission to modify the Conditions of Approval and attach the Court's judgment.

Commissioner Schoeffel responded that the CC&R's are a private matter and that the court judgment is not in our jurisdiction to intervene.

Chairwoman Fitzgerald closed the Public Hearing.

Chairwoman Fitzgerald stated that she liked the Conditions of Approval because it helps to resolve some issues and it seems reasonable. She added that she would be in approval of the Resolution with this Conditions of Approval that were distributed at the hearing.

Commissioner Conway stated that he would prefer a redesign of the project.

Commissioner Brough stated that the Commissioners role is to make sure that the project does abide by the general plan and zoning code.

Vice-Chairman Denton stated that it is very unfortunate that the Homeowners Association and the applicant are not working together. He felt that the project is an extremely poor design, and that it does not serve the purpose to take tools and equipment onto the slope. He added that he would vote to approve this project, as recommended by staff.

Commissioner Schoeffel stated that because of the added conditions submitted by staff, it would not be a City issue if approved. He added that it was not his role to tell the HOA to approve the project or not. He felt that with the extra Condition of Approval, he can make a motion to approve the resolution.

ACTION: Motion made (Schoeffel) and seconded (Brough) to adopt Resolution 07-06-26-15 approving Coastal Development Permit CDP07-09 and Minor Site Development Permit SDP07-31M with an added condition. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel 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**ITEM 4: Planning Commission Policy Regarding Participation of Alternates.**

Recommendation: That the Planning Commission approve the attached Policy regarding the Participation of Alternates.

There was a consensus of the Planning Commission to adopt the Policy with the new language as suggested by Todd Litfin, Assistant City Attorney.

H. STAFF REPORTS

John Tilton (City Architect/Planning Manager) reported that the City Council will have their first meeting in July, and will take a break until August 21st.

He briefed the Commission about the Headlands. He stated that approximately 20 lots were released for sale and remaining lots are still being graded. He reported that the commercial site on Coast Highway is nearly ready for development. He stated that the preliminary designs for the site are mostly retail commercial with a hostel type hotel on the upper floors. He added that the public improvements and public access trails with stairways are being completed at this time.

I. COMMISSIONER COMMENTS

Chairwoman Fitzgerald asked for the Commissioners to forward an email to Denise if anyone had travel plans. She added that based on travel plans, Planning Staff would be able to adgendize certain items or not adgendize them on certain evenings.

Vice-Chairman Denton wished everyone a great and safe 4th of July and to enjoy the great City of Dana Point Fireworks show.

Commissioner Schoeffel wished everyone a great 4th of July holiday.

J. ADJOURNMENT

Chairwoman Fitzgerald announced that the *next regular* meeting of the Planning Commission would be held on Tuesday, July 10, 2007, 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 8:27 p.m.

Liz Anderson Fitzgerald, Chairwoman
Planning Commission