

---

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

July 20, 2005  
7:02-9:16 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** – Director Butterwick led the Pledge of Allegiance.

**ROLL CALL**

Commissioners Present: Commissioner Norman Denton, Chairwoman April O'Connor, Commissioner Greg Powers, Vice-Chairman 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), Brenda Chase (Senior Planner), and Bobbi Ogan (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1:** Minutes of the regular Planning Commission Meeting of July 6, 2005.

**ACTION:** Motion made (Weinberg) and seconded (Powers) to approve the Minutes of the regular Planning Commission Meeting of July 6, 2005. Motion carried 4-0-1. (AYES: Denton, O'Connor, Powers, Weinberg NOES: None ABSENT: Schoeffel 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:** Site Development Permit SDP04-39M to allow the construction of a retaining wall in excess of 30 inches in height along the south and southwest property lines of both residential properties and abutting the links at Monarch Beach Golf Course. The retaining wall will contain landscaping for screening and will measure approximately 20 feet in height at its highest point. The subject properties are located in the Residential Single-Family (RSF 12/PRD 2) Zone and are addressed as 30 and 32 Dauphin.

Applicant: Richard Natland  
Owners: Geri Hulon Trust  
Location: 30 and 32 Dauphin

Request: A Site Development Permit to allow the construction of a retaining wall in excess of 30 inches in height along the south and southwest property lines of two (2) separate parcels, both owned by the applicant. The retaining wall will contain landscaping for screening and will measure approximately 20 feet in height at its highest point.

Environmental: The proposed project is Categorically Exempt under Section 15304 of the California Environmental Quality Act (CEQA) (Class 4 – Minor Alterations to Land).

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Site Development Permit SDP04-39M.

**Erica Williams** (Senior Planner) reviewed the staff report.

**Chairwoman O'Connor opened the Public Hearing.**

**Richard Natland** (Architect – Newport Beach) stated that crib walls don't require shoring of the house and that it was the most simplest and economical way to resolve the problems.

**Geri Hulon** (Property Owner – Laguna Niguel) stated that the slope has continued to move over the last five (5) years. She added that she was concerned about more rain and that she was looking for an inexpensive way to fix the problems.

**Ron Gulet** (Vice-President of the Monarch Beach Association - Dana Point) stated that they believe that the applicant had provided the Planning Commission different plans from what their board had approved. He felt that the homeowner's goal was to extend her backyard and that the problems the homeowner was sighting was only settling of the soil. He asked the Planning Commission to deny the request until their association had a chance to review and approve the project.

**Kit Padgett** (Dana Point) asked the Planning Commission to postpone their decision on the project to allow for the review from an independent geotechnical engineer. She stated that she was concerned about the slope integrity for the rest of the homes.

**Art Padgett** (Dana Point) stated that there was no evidence at his home of slope movement. He felt that the project would have negative impacts on his home. He asked for the Planning Commission to postpone their decision to allow the association to review the project.

**Robert Tressler** (Dana Point) stated that there were inconsistencies in this proposal. He asked the Planning Commission to postpone their decision.

**Bahman Moaddeli** (Dana Point) stated that he lived next door to the property and that he was concerned for his home. He felt that an independent study should be done.

**Jack Hauce** (Dana Point) stated that he was concerned with the scope of the project and the liability for the project.

**Gayle Pace** (Dana Point) stated that he was concerned with the liability and how the wall would affect the other homes.

**Dave Christakes** (Vice-President of Monarch Beach Master Association - Dana Point) stated that to the best of his knowledge that the large wall that is proposed had not been approved by the association. He added that they had only approved a small wall two (2) years ago.

**Chairwoman O'Connor closed the Public Hearing.**

**John Tilton** (City Architect/Planning Manager) agreed that there was some confusion relative to what the homeowners association had approved and whether or not it is what is in fact being presented tonight. He stated that the plans that staff were given and which we based our assumption do show a twenty-foot high wall but the location of the wall is different than what is being presented tonight. He added that he could not say definitively that what was being presented tonight had been approved by the homeowners association.

**Commissioner Denton** stated that this item should be continued until there was better clarification of the project. He felt that there wasn't a need for a twenty-foot wall to resolve the slope issues.

**Commissioner Weinberg** agreed that this item should be continued.

**Commissioner Powers** agreed that this item should be continued.

**Kyle Butterwick** (Director) stated that if the Planning Commission was concerned with the stability of the property and/or if the proposed mitigation for

this property is important in terms of design and consequence then he would recommend that the applicant prepare a more detailed geotechnical evaluation of the property.

**ACTION:** Motion made (Denton) and seconded (Weinberg) to continue this item to the regular Planning Commission meeting of September 21, 2005. Motion carried 4-0-1. (AYES: Denton, O'Connor, Powers, Weinberg NOES: None ABSENT: Schoeffel ABSTAIN: None)

**ITEM 3:** Coastal Development Permit CDP04-17 to allow construction of a 4,864 square foot single-family residence, with bluff edge setback deviation, on a 17,644 square foot site located at 34645 Camino Capistrano in the Capistrano Beach area of the City.

Applicant: Mark Botich  
Owner: Cliff and Cheryl Terry  
Location: 34645 Camino Capistrano

Request: Approval of a Coastal Development Permit to allow construction of a new 4,864 square foot single-family residence, with setback deviation from the coastal bluff edge, on a 17,644 square foot bluff-top lot located at 34645 Camino Capistrano.

Environmental: This project is categorically exempt, Section 15303 (Class 3 – New Construction or Conversion of Small Structures) from provisions set forth in the California Environmental Quality Act (CEQA), in that it involves construction of a new single-family residence not in conjunction with construction of three or more such dwelling units.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP04-17.

**Brenda Chase** (Senior Planner) reviewed the staff report.

**Chairwoman O'Connor opened the Public Hearing.**

**Ann Romano** (Capistrano Beach) stated that she looks forward to the development as an enhancement to the neighborhood. She added that she was concerned about the instability of the property. She stated that the landscaping should be minimized and the City review any planned irrigation that would be installed to ensure that the bluff would not be over-watered.

**Chairwoman O'Connor closed the Public Hearing.**

**Commissioner Denton** felt that development within the forty-foot bluff line would be safer and that he was concerned with allowing the deviation.

**Commissioner Powers** stated that he was concerned about allowing the deviation.

**Commissioner Weinberg** stated that the Planning Commission needed to rely on the geologist and that he would support the project.

**Chairwoman O'Connor** stated that she would support the project.

**Chairwoman O'Connor re-opened the Public Hearing.**

**Mark Botich** (Architect – Newport Beach) stated that they would be using caissons as recommended and a post-tension slab.

**Cliff Terry** (Owner – Dana Point) stated that he had a lot of confidence in the geologist he had retained. He added that he had the most to lose if the project was not stable.

**Carl Schrenk** (Geologist – Dana Point) stated that he had done an exhaustive geotechnical review of this property. He added that with the addition of caissons and the drainage directed to the street, the project will enhance the stability of the property, not decrease it.

**Chairwoman O'Connor closed the Public Hearing.**

**ACTION:** Motion made (Powers) and seconded (Weinberg) to adopt Resolution 05-07-20-35 approving Coastal Development Permit CDP04-17. Motion carried 4-0-1. (AYES: Denton, O'Connor, Powers, Weinberg NOES: None ABSENT: Schoeffel ABSTAIN: None)

**Chairwoman O'Connor recessed the meeting at 8:35 p.m.**

**Chairwoman O'Connor reconvened the meeting at 8:42 p.m.**

**ITEM 4:** Coastal Development Permit CDP04-21 and Site Development Permit SDP04-61 for an addition to an existing historical structure located in the Residential Multi-Family 22 (RMF 22) Zoning District and Coastal Overlay District at 24440 Santa Clara.

Applicant: Lynn Muir  
Owners: Steven and Leslie Cary  
Location: 24440 Santa Clara

Request: For an addition to an existing historical single-family residence located in the Coastal Overlay Zone.

Environmental: The proposed project is categorically exempt under Section 15301 of the California Environmental Quality Act (Class 1 – Existing Facilities).

Recommendation: That the Planning Commission approve the attached draft Resolution approving Coastal Development Permit CDP04-21 and Site Development Permit SDP04-61.

**Brenda Chase** (Senior Planner) reviewed the staff report.

**Chairwoman O'Connor opened the Public Hearing.**

**Lynn Muir** (Architect – Dana Point) stated that the reason for the twelve-foot garage doors was to allow the homeowner to store his motor home in the garage.

**Steve Cary** (Owner – Dana Point) stated that the garage was designed in the back to buffer the noise from the auto repair.

**Chairwoman O'Connor closed the Public Hearing.**

**ACTION:** Motion made (Weinberg) and seconded (Powers) to adopt Resolution 05-07-20-36 approving Coastal Development Permit CDP04-21 and Site Development Permit SDP04-61. Motion carried 4-0-1. (AYES: Denton, O'Connor, Powers, Weinberg NOES: None ABSENT: Schoeffel ABSTAIN: None)

**E. PUBLIC MEETINGS**

There were no Public Meetings.

**F. OLD BUSINESS**

**ITEM 5:** Review and consideration of proposed Parks, Recreation, and Open Space Master Plan and Appendix. (Continued from the regular meeting of June 15, 2005)

Recommendation: That the Planning Commission continue this item to the regular Planning Commission meeting of August 17, 2005.

**ACTION:** Motion made (Denton) and seconded (Weinberg) to continue this item to the regular Planning Commission Meeting. Motion carried 4-0-1. (AYES: Denton, O'Connor, Powers, Weinberg NOES: None ABSENT: Schoeffel ABSTAIN: None)

**G. NEW BUSINESS**

There was no New Business.

**H. STAFF REPORTS**

**Erica Williams** (Senior Planner) provided a summary of the progress on the Headlands project.

**Brenda Chase** (Senior Planner) spoke about the Town Center Subcommittee. She announced that the next meeting was scheduled for August 9<sup>th</sup>.

**Todd Litfin** (Assistant City Attorney) clarified the recent Supreme Court decision on the Kelo case regarding eminent domain.

**I. COMMISSIONER COMMENTS**

**Commissioner Powers** stated that it was good that the City had included as one of the Town Center Guidelines that there would be no redevelopment agency.

**J. ADJOURNMENT**

**Chairwoman O'Connor** announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, August 3, 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 9:16 p.m.**

*/s/ April O'Connor*

---

April O'Connor, Chairwoman  
Planning Commission