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

August 4, 2004  
7:01-8:18 p.m.

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

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

**PLEDGE OF ALLEGIANCE** – Bobbi Ogan led the Pledge of Allegiance.

**Chairman Denton asked for a moment of silence for Bob Goedhart who passed away this past week.**

**ROLL CALL**

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

**Commissioner Absent:** Commissioner J. Scott Schoeffel

**Staff Present:** John Tilton (City Architect), Todd Litfin (Assistant City Attorney), Kurth Nelson (Planning Consultant), Brenda Chase (Senior Planner), and Bobbi Ogan (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1: Minutes of the regular Planning Commission Meeting of July 21, 2004.**

**ACTION: Motion made (O'Connor) and seconded (Weinberg) to approve the Minutes of the regular Planning Commission Meeting of July 21, 2004. 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: A request for a Minor Site Development Permit for additions to an existing single-family dwelling that is nonconforming with respect to building height and a Variance for a new driveway that exceeds the maximum allowed driveway slope at 34102 Blue Lantern.**

Applicant: Esther Bitonte  
Owners: Creative Environments  
Location: 34102 Blue Lantern

Request: A Minor Site Development Permit for additions to an existing single-family dwelling that is nonconforming with respect to building height and a Variance for a new driveway that exceeds the maximum allowed driveway slope.

Environmental: This project is categorically exempt [Class 1(e) and 5(a) – (Sections 15301 & 15305) – Existing Facilities and Variances] from provisions of the California Environmental quality Act (CEQA) because it consists of an addition to an existing structure that will not result in an increase of more than 50 percent of the floor area of the structure before the addition and minor variances not resulting in the creation of a new parcel.

Recommendation: That the Planning Commission adopt the draft Resolution conditionally approving Minor Site Development Permit SDP04-09M and Variance V04-04.

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

**Chairman Denton opened the Public Hearing.**

**Robert Bitonte** (Dana Point – Owner) stated that the project was designed and proposed with the spirit of the community in mind. He added that the project could not be done without the requested Variance because of the driveway slope. He stated that he had met with his adjacent neighbors to discuss his proposal. He felt that the proposed design would diminish the monolithic appearance of the structure and also increase off-street parking.

**Norm Jackes** (Dana Point) stated that the remodel will improve the parking for the owner and his neighbors and that the improvements would reduce the visual mass of the home.

**Chairman Denton closed the Public Hearing.**

**Vice-Chairwoman O'Connor** stated that she liked the stepbacks of the design for the visual relief. She added that she was concerned about the steepness of the driveway, but that she would support the project.

**Commissioner Powers** stated that the articulation of the remodel was important and felt that the stepbacks would offset the mass. He added that he would support the project.

**Commissioner Weinberg** stated that he would support the project.

**Chairman Denton** stated that he would support the project and felt that the new landscaping would improve the property.

**ACTION:** Motion made (O'Connor) and seconded (Weinberg) to adopt Resolution 04-08-04-33 approving Minor Site Development Permit SDP04-09M and Variance V04-04. Motion carried 4-0-1. (AYES: Denton, O'Connor, Powers, Weinberg NOES: None ABSENT: Schoeffel ABSTAIN: None)

**ITEM 3:** Tentative Parcel Map TPM2004-138 and Conditional Use Permit CUP04-05 to expand and convert an existing 3,902 square foot, two (2) story, duplex into condominiums. Minor Site Development Permit SDP04-44M is also required to expand the existing, nonconforming structure and Variance V04-12 is required for additions of 1,935 square feet of habitable area and 1,307 square feet of garage area due to the height and the number of stories in the structure.

Applicant: Lynn Muir  
Owner: Marcia K. Ellis  
Location: 34586 Camino Capistrano

Request: A Tentative Parcel Map and a Conditional Use Permit to allow the conversion of an existing duplex to condominiums with a Minor Site Development Permit to allow the expansion of an existing 3,902 square foot, two (2) story, nonconforming duplex and Variances to permit the expansion of the third story nonconforming to both height and number of stories.

Environmental: The proposed project qualifies as a Class 1 Categorical Exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA Section 15301) in that the project consists of an addition to an existing structure of no more than 10,000 square feet and is in an area where all public services and facilities are in place to allow for the maximum development permissible in the General Plan and the division of existing multiple family residences into common-interest ownership.

Recommendation: That the Planning Commission adopt the draft Resolution approving Tentative Parcel Map TPM2004-138, Conditional Use Permit CUP04-05, Minor Site Development Permit SDP04-44M, and Variance V04-12.

**Kurth Nelson** (Planning Consultant) reviewed the staff report.

**Chairman Denton opened the Public Hearing.**

**Lynn Muir** (Dana Point – Architect) stated that he was available to answer any questions of the Commission.

**Alan Woodson** (Mission Viejo) spoke on behalf of Bernard Strandstra who lives at 34581 Via Catalina. He stated that he opposed the project because he will lose his ocean view and the value of his home will be greatly diminished. He asked the Planning Commission to deny the project.

**Fred Pardes** (Dana Point – Applicant’s Attorney) stated that even with the proposed addition that the rear setback would be fifty (50) feet and that the roof top of the addition would be lower than the roofline of the existing building. He stated that the home was not going to be expanded in width and that the off-street parking would be increased to nine (9) spaces. He asked the Planning Commission to approve the proposal.

**Lynn Muir** (Dana Point) added that they were maintaining the seven and one-half (7 ½) foot sideyard setback.

**Chairman Denton closed the Public Hearing.**

**Commissioner Powers** stated that he was a proponent of duplex conversions to owned properties. He added that he liked the fact that the roof heights were remaining the lower than the adjacent properties. He stated that he was concerned with the massing of the building.

**Vice-Chairwoman O’Connor** stated that she would support the proposed addition because it would be lower than the existing height, below allowable lot coverage, and that private views could not be protected.

**Commissioner Weinberg** stated that the proposed project will create a better looking building and more parking will be created. He added that he would support the project.

**Chairman Denton** stated that he would support the project because the increased parking would be a benefit, that the condo ownership would be a positive for the City, and that the building footprint was not being maximized.

**ACTION:** Motion made (O’Connor) and seconded (Weinberg) to adopt Resolution 04-08-04-34 approving Tentative Parcel Map TPM2004-138, Conditional Use Permit CUP04-05, Minor Site Development Permit SDP04-44M, and Variance V04-12. Motion carried 3-1-1. (AYES: Denton, O’Connor, Weinberg NOES: Powers ABSENT: Schoeffel ABSTAIN: None)

**E. PUBLIC MEETINGS****ITEM 4: A proposal to modify an existing Sign Program at property located at 24901 Harbor Drive; Sign Program Permit SPP98-01(I).**

Applicant: Signs & Services Company  
Owner: John Collins, Collins Holdings  
Location: 24901 Harbor Drive

Request: Approval of an amendment to a previously approved Sign Program to modify signage at the new Zushi Japanese Cuisine restaurant, located in the Pavilion Center located at the northwest corner of Golden Lantern and Harbor Drive.

Environmental: This project is categorically exempt (Class 1 – Section 15301 – Existing Facilities) from the provisions of the California Environmental Quality Act (CEQA) because it consists of a minor alteration of an existing structure involving no expansion of the existing use.

Recommendation: That the Planning Commission adopt the draft Resolution approving the amendment to Sign Program Permit SPP98-01(I).

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

**David Turac** (Laguna Beach) stated that they had removed three (3) signs from the building and that the new signs meet the standards of the Sign Code. He felt that the new signs wouldn't detract from the area.

**Commissioner Weinberg** stated that he wanted the center to be successful and that he would support the amendment to the Sign Program.

**Vice-Chairwoman O'Connor** stated that she would support the new signage.

**Chairman Denton** stated that he hoped for the business to be successful.

**ACTION:** Motion made (Weinberg) and seconded (Powers) to adopt Resolution 04-08-04-35 approving the amendment to Sign Program Permit SPP98-01(I). Motion carried 4-0-1. (AYES: Denton, O'Connor, Powers, Weinberg NOES: None ABSENT: Schoeffel ABSTAIN: None)

**F. OLD BUSINESS**

There was no Old Business.

**G. NEW BUSINESS**

There was no New Business.

**H. STAFF REPORTS**

**John Tilton** (City Architect) reported that the DeCarli project would be returning to the City Council at the meeting of August 25, 2004 in order to strengthen the findings for the Variance. He stated that Staff expected that the suggested modifications for the Headlands would be approved by the Coastal Commission next Wednesday which would allow for a September Planning Commission hearing.

**I. COMMISSIONER COMMENTS**

**Commissioner Powers** stated that he had attended the last City Council meeting when the Timeshare Ordinance had its second reading. He added that there was a group of people that attended that had no understanding of what the Planning Commission had discussed.

**Vice-Chairwoman O'Connor** stated that she was going to miss Bob Goedhart, that he always had a smile on his face. She added that she wished she had gotten to know him better.

**Commissioner Weinberg** reported that the Farmer's Market went well, that there was a great crowd and that the vendors he spoke to were surprised with the turn out of people. He stated that he was going to miss Bob Goedhart as well and that the Planning Commission meetings won't be the same without him sitting in the back row.

**Chairman Denton** stated that he will miss Bob Goedhart's smiling face.

**J. ADJOURNMENT**

**Chairman Denton** announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, August 18, 2004, 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 8:18 p.m.**

*/s/ Norman Denton*

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Norman Denton, Chairman  
Planning Commission