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

July 16, 2003
7:04-9:19 p.m.

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

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

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

ROLL CALL

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

Commissioners Absent: Commissioner Greg Powers

Staff Present: Eugenia Garcia (Acting Director), Todd Litfin (Assistant City Attorney), Albert Armijo (Planning Consultant), Kurth Nelson (Planning Consultant), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of July 2, 2003.** (FF# 0120-10/PC Minutes/PC Secretary Binder) [BO]

ACTION: **Motion made (Denton) and seconded (O'Connor) to approve the Minutes of the regular Planning Commission Meeting of July 2, 2003 as revised. Motion carried 4-0-1.** (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: Powers ABSTAIN: None)

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no Consent Calendar items.

D. PUBLIC HEARINGS

ITEM 2: A proposal to construct a 415 square-foot addition to an existing 2,280 square foot (with garage) single-family residence for property located at 23642 Tampico Bay. (Continued from the regular Planning Commission meeting of July 2, 2003) (FF# 0610-70/CDP03-05/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.

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 approve the proposal to construct a 415 square foot addition to an existing dwelling with a second story setback of 5 feet, by adopting the attached draft Resolution approving Coastal Development Permit CDP03-05.

Albert Armijo (Planning Consultant) reviewed the staff report.

Chairman Schoeffel opened the Public Hearing.

Stan Andrade (Laguna Niguel – Architect) stated that they agreed with all of the conditions of the Resolution.

Chairman Schoeffel closed the Public Hearing.

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution 03-07-16-32 approving Coastal Development Permit CDP03-05. Motion carried 4-0-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: Powers ABSTAIN: None)

ITEM 3: Site Development Permit SDP03-23M and Variance V03-07 to allow construction of a new 2,925 square foot single-family residence, with two decks and a loggia and with Variances related to structural height, front yard structural setback, and rear yard structural setback for property located at 34111 Street of the Blue Lantern. (FF# 0600-30/SDP03-23M/V03-07/Blue Lantern, 34111) [AA]

Applicant: John P. McCloskey, Architect
Owner: James DeCarli
Location: 34111 Street of the Blue Lantern

Environmental: The proposed project qualifies as a Categorical Exemption (Class 3 – Section 15303 – New Construction) from provisions of the California Environmental Quality Act because it consists of construction of one single-family structure.

Recommendation: That the Planning Commission continue the hearing for Site Development Permit SDP03-23M and Variance V03-07 to the August 6, 2003 Planning Commission meeting.

There was a consensus of the Planning Commission to continue this item to the August 6, 2003 Planning Commission meeting.

ITEM 4: Coastal Development Permit CDP03-07 and Variance V03-14 to allow for the demolition of a 2,500 square foot residence, and the construction of a new 4,798 square foot residence with a 1,160 square foot basement, with Variance requests to encroach into the required front yard setback and to allow a reduction in the required 20-foot driveway length. (FF# 0610-70/CDP03-07/V03-14/Monarch Bay Drive, 57) [KN]

Applicant: Chris Abel, Christian Abel – Architects, A.I.A.
Owner: Doug and Cassie De Young
Location: 57 Monarch Bay Drive

Request: A Coastal Development Permit to allow for the demolition of a 2,500 square foot residence, and the construction of a new 4,798 square foot residence with a 1,160 square foot basement, with variance requests to encroach into the required front yard setback and to allow a reduction in the required 20-foot driveway length.

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 entails the demolition of an existing single-family residence and the construction of a new single-family residence to replace the existing residence.

Recommendation: That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP03-07 and Variance V03-14.

Commissioner O'Connor recused herself from the meeting due to a potential conflict. She left the Chambers at 7:12 p.m.

Kurth Nelson (Planning Consultant) reviewed the staff report.

Chairman Schoeffel opened the Public Hearing.

Robert Aplin (Dana Point) stated that he lives directly across the street and that five of the rooms in his home have ocean views. He added that he would be most impacted by the proposed development.

Chairman Schoeffel closed the Public Hearing.

Vice-Chairman Denton stated that he couldn't make the findings to support a Variance based on a hardship, but that he would like to hear the comments of the other Commissioners.

Chairman Schoeffel re-opened the Public Hearing.

Chris Abel (Laguna Niguel – Architect) stated that he had designed the house with two-two car garages to help resolve the off-street parking requirement of the association.

Cassie DeYoung (Laguna Niguel) felt that the only objection to their project was the loss of view. She stated that they are allowed to go as high as fifteen feet and their proposal was for only fourteen feet, nine inches. She added that they had pushed the home away from the bluff top edge and that was the reason for the need of a Variance for the front yard setback. She felt that the proposed home would be architecturally pleasing and compatible with the community.

Robert Aplin (Dana Point) stated that the HOA has not given their approval of the Variance request for this project. He added that he objected to the granting of a Variance.

Doug DeYoung (Laguna Niguel) felt that the Variance that they were asking for was not unreasonable when compared to what had been approved for neighboring properties. He stated that they had received favorable comments from the architectural committee regarding the design of their home.

Kevin Trigg (Geofirm - San Clemente) stated that he was available to answer any questions on the stability of the bluff or the proposed construction.

Chairman Schoeffel closed the Public Hearing.

Vice-Chairman Denton felt that the architect had done everything to stay under the fifteen foot height limit required for that community by the HOA. He stated that moving the home away from the bluff was the right thing to do and that he would support the project as proposed.

Commissioner Weinberg stated that he was concerned about the bluff setbacks due to past landslides. He felt that the home would be a nice addition to the neighborhood and that he could support the project.

ACTION: Motion made (Denton) and seconded (Weinberg) to adopt Resolution 03-07-16-33 approving Coastal Development Permit CDP03-07 and Variance V03-14 as revised. Motion carried 3-0-1-1. (AYES: Denton, Schoeffel, Weinberg NOES: None ABSENT: Powers ABSTAIN: O'Connor)

Commissioner O'Connor returned to the Chambers at 7:58 p.m.

ITEM 5: 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

Request: A Coastal Development Permit to allow the construction of a new approximate 9,638 square foot, single-family residence on a 34,630 square foot bluff-top lot with a Site Development Permit to allow a garage and two (2) story configuration and retaining walls over 12 feet in height and Variances to exceed the maximum height limit by 13 feet, 7 inches, and for the requires for development adjacent to coastal bluffs.

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 deny Coastal Development Permit CDP94-01(l), Site Development Permit SDP03-09, and Variance V03-10.

Kurth Nelson (Planning Consultant) reviewed the staff report.

Chairman Schoeffel opened the Public Hearing.

Paul Douglas (Dana Point) stated that the plans were currently being revised to eliminate the pool and spa from the rear yard as well as the retaining wall has been reduced. He felt that this was not a bluff top lot, but a canyon lot and that it was a unique piece of property. He added that he didn't understand what the impact to Pines Park would be because they had retained the view from the park. He stated that they were proposing a garage and non-habitable structures at the lower level to help create livable space above.

Earl Wessell (Capistrano Beach) stated that he was offended by the delaying tactics of the developer of this project. He added that he was sure that the developer was aware of the City's height limitations when he purchased the property. He felt that the proposal to increase the height of the home by thirteen feet was not warranted and would set a bad precedent if approved.

William Johnson (Capistrano Beach) stated that the project as proposed would cause a relocation of major public facilities in order to properly preserve the maintenance accessibility and he felt that it could not be done through a traditional easement process. He added that the size of the proposed home was incompatible with the neighborhood. He felt that the project would have a negative impact on Pines Park. He asked for the Planning Commission to deny the project.

John Cederquist (Capistrano Beach) felt that there shouldn't be any development on this lot and that he was concerned with the utility easement on the property.

Howard Seymour (Capistrano Beach) asked for the Commission to not continue this item any longer. He felt that the proposed home was unreasonable for the community and asked for the Commission to deny the project.

Larry Rolapp (Capistrano Beach) stated that he was concerned with the magnitude of the proposed development. He added that the height Variance would have a negative impact on view corridors as well as Pines Park. He objected to the entire development plan.

E.H. Simmons (Capistrano Beach) felt that there would be problems in the future with the utility easement. He stated that the property was a canyon and not a bluff top lot.

Norm Nowell (Capistrano Beach) felt that the proposal would affect Pines Park and that the home would be too big for the lot. He stated that precedent would be set if the Variance were granted. He asked the Commission to deny the request and asked for no more continuances.

Chairman Schoeffel closed the Public Hearing.

Vice-Chairman Denton stated that he would like to allow the property owner time to meet with the neighbors to discuss their concerns.

Chairman Schoeffel felt that a meeting with the neighborhood was long overdue.

ACTION: Motion made (O'Connor) and seconded (Denton) to continue this item to the regular Planning Commission meeting of September 3, 2003. Motion carried 4-0-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: Powers 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

Genia Garcia (Acting Director) reported that a new Community Development Director had been appointed. She stated that his name was Kyle Butterwick and that he was the current Director of Community Development in Laguna Beach. She added that he has been with Laguna Beach for the past twenty years and that he would begin working for Dana Point in August.

I. COMMISSIONER COMMENTS

Commissioner O'Connor stated that it was important for the residents of our community to abide by the laws and not shoot off fireworks into dry brush. She added that the fire in Monarch Bay on the 4th of July had burned 2-1/2 acres.

Vice-Chairman Denton suggested that when staff works with their applicants to provide them a form which would outline the steps of how the Planning Commission hearing is run and what they need to do if they wish to speak on their item during the hearing.

Commissioner Weinberg stated that the Zoning Code needed to be amended to allow applicant's with sloping lots the ability to develop their property without the need for a Variance. He also asked for story poles to be required on each project that would show the proposed development.

J. ADJOURNMENT

Chairman Schoeffel announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, August 6, 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 adjourned at 9:19 p.m.

/s/ J. Scott Schoeffel

J. Scott Schoeffel, Chairman
Planning Commission