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

August 6, 2003  
7:03-7:40 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** – Vice-Chairman Denton 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), and Bobbi Ogan (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1:** Minutes of the regular Planning Commission Meeting of July 16, 2003. (FF# 0120-10/PC Minutes/PC Secretary Binder) [BO]

**ACTION:** Motion made (Weinberg) and seconded (Denton) to approve the Minutes of the regular Planning Commission Meeting of July 16, 2003. Motion carried 4-0-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: Powers)

**B. PUBLIC COMMENTS**

There were no Public Comments.

**C. CONSENT CALENDAR**

There were no Consent Calendar items.

**D. PUBLIC HEARINGS**

**ITEM 2:** A Variance V03-16 is requested for an as-built encroachment into the required width and vertical clearance area of an existing two (2) car garage with a stairway leading to a second story addition that has recently been constructed. (FF# 0610-50/V03-16/Calle Real, 27105)  
[KL]

Applicant: Robert Theel  
Owner: Mr. and Mrs. William Thompson  
Location: 27105 Calle Real

Request: A Variance for an as built encroachment into the required width and vertical clearance area of an existing two (2) car garage with a stairway leading to a second story addition that has recently been constructed.

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 involves a minor alteration to an existing structure.

Recommendation: That the Planning Commission adopt the attached Resolution approving Variance V03-16.

**Eugenia Garcia** (Acting Director) reviewed the Staff report.

**Chairman Schoeffel opened the Public Hearing.**

**Bill Thompson** (Capistrano Beach) stated that they were about a month away from the completion of the remodel to his home and he asked for approval of the Variance.

**Robert Theel** (Dana Point) stated that the remodel was modest and that they were not maximizing the volume of the lot. He added that during construction of the second story, it was realized that the stairway did not meet the head height requirements of the building code. He stated that they had tried to shave part of the beam, but it was not feasible. He added that even with the encroachment needed that the garage could still park two (2) cars. He felt that all of the necessary findings had been met for approval.

**Scott Diederich** (Capistrano Beach) stated that as long as the stairs were kept internal that he could support the Variance.

**Chairman Schoeffel closed the Public Hearing.**

**Commissioner O'Connor** stated that since there was no exterior impact that she could support the Variance.

**Vice-Chairman Denton** stated that he could support the Variance.

**Commissioner Powers** stated that he could support the Variance.

**Chairman Schoeffel** felt that the findings had been made and that he could support the Variance.

**ACTION:** Motion made (O'Connor) and seconded (Powers) to adopt Resolution 03-08-06-34 approving Variance V03-16. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None 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. (Continued from the regular Planning Commission meeting of July 16, 2003) (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

Request: A proposal to construct a new single-family residence with a habitable area of 2,932 square feet that includes a terrace and two decks occupying 438 square feet, and a basement containing a two-car garage, mechanical and conditioned space and a storage room occupying a total 1,715 square feet, on a steeply sloping 3,887 square foot lot, with variances to permit a 36.4-foot structural height (a dimension 10.4 feet in excess of the City standard), to permit a front yard setback of 15 feet (a distance 1 foot less than the City standard for shallow lots), a rear yard structural setback of 10 feet (a distance 6 feet less than the City standard for shallow lots), and a reduced stepped back distance and extension (3 feet for the second story over approximately 40% of the width of the structure and 6 feet for the third story over approximately 40% of the width of the second story of the structure) for each floor above the first floor of the structure from the floor below.

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

Recommendation: Staff recommends the Planning Commission adopt the attached draft Resolution denying Site Development Permit SDP03-23M and Variance V03-07. The size and mass of the proposed residential structure are

excessive for the proposed project site, particularly in light of the four variances requested, in spite of dimensional and topographical constraints of the site.

**Eugenia Garcia** (Acting Director) stated that Staff had received correspondence from the owner requesting a continuance to the August 20, 2003 meeting because he was still working on some of the last minute details of the home.

**Chairman Schoeffel opened the Public Hearing.**

**George Baker** (Newport Beach) stated that he supports the proposed project.

**JoAnn Christman** (Dana Point) stated that she objects to the approval of the project as proposed.

**There was a consensus of the Planning Commission to continue this item to the next regularly scheduled Planning Commission meeting of August 20, 2003.**

**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**

**Eugenia Garcia** (Acting Director) stated that Planning Staff would be presenting the Sea Terrace Park concept plan at the August 20, 2003 Planning Commission meeting.

**I. COMMISSIONER COMMENTS**

**Commissioner Powers** felt that it would make sense for Staff to create some sort of document that would provide guidelines on the City's position regarding view impacts. He stated that it could be a form letter that is provided to people when they comment about how their views will be impacted by a proposed project.

**Commissioner Weinberg** stated that he would not be present at the next meeting. He thanked Genia for her hard work and support that she has provided to the Commission and the City as the Acting Director.

**J. ADJOURNMENT**

**Chairman Schoeffel** announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, August 20, 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 7:40 p.m.**

*/s/ J. Scott Schoeffel*

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J. Scott Schoeffel, Chairman  
Planning Commission