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

August 16, 2006
7:00-10:31 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 – Commissioner O'Connor led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Norman Denton, Commissioner Liz Anderson-Fitzgerald, Commissioner April O'Connor, and Chairman J. Scott Schoeffel

Commissioner Absent: Vice-Chairman Steven Weinberg

Staff Present: Kyle Butterwick (Director), John Tilton (City Architect/Planning Manager), Todd Litfin (Assistant City Attorney), Brenda Chase (Senior Planner), Kurth Nelson (Project Planner), Erica Williams (Senior Planner), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of August 2, 2006.**

ACTION: **Motion made (Denton) and seconded (Fitzgerald) to approve the Minutes of the regular Planning Commission Meeting of August 2, 2006. Motion carried 4-0-1. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel NOES: None ABSENT: Weinberg 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: Coastal Development Permit CDP05-19 and Site Development Permit SDP05-57 to allow an addition to an existing two-story duplex that is nonconforming to the requirements of Floodplain (FP-3) Overlay District at 35119 Beach Road.****Applicant/****Owner:** Chris Miller**Location:** 35119 Beach Road**Request:** A Coastal and Site Development Permit to allow the addition of 288 square feet to an existing two-story duplex that is nonconforming to the requirements of Floodplain (FP-3) Overlay District.**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 an addition to an existing structure not resulting in an increase of 50 percent of the floor area prior to the addition, or 2,500 square feet whichever is less.**Recommendation:** That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP05-19 and Site Development Permit SDP05-57.

Brenda Chase (Senior Planner) reviewed the staff report.

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

ACTION: **Motion made (Denton) and seconded (O'Connor) to adopt Resolution 06-08-16-30 approving Coastal Development Permit CDP05-19 and Site Development Permit SDP05-57. Motion carried 4-0-1. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel NOES: None ABSENT: Weinberg ABSTAIN: None)**

ITEM 3: Coastal and Site Development Permits (CDP06-12/SDP06-41M) for an expansion of an existing deck in the Coastal Overlay District at 6 Breakers Isle.

Applicant: Janette Mestre
Owner: Carolyn Groves
Location: 6 Breakers Isle

Request: A Coastal and Site Development Permits for an expansion of an existing deck in the Planned Residential Development 3 (PRD 3)/Residential Single Family 4 (RSF 4) Zoning District.

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 expansion of an accessory deck.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP06-12 and Minor Site Development Permit SDP06-41M.

Brenda Chase (Senior Planner) reviewed the staff report.

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

ACTION: Motion made (Fitzgerald) and seconded (O'Connor) to adopt Resolution 06-08-16-31 approving Coastal Development Permit CDP05-19 and Site Development Permit SDP05-57. Motion carried 4-0-1. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel NOES: None ABSENT: Weinberg ABSTAIN: None)

ITEM 4: Coastal Development Permit CDP05-05 and Minor Site Development Permit SDP05-15M to allow additions to an existing nonconforming single-family dwelling on a coastal bluff lot and a Variance V06-05 to make roofline modifications that are lower than the existing dwelling's height but exceed the maximum building height standards to the Residential Single Family 3 (RSF 3) Zoning District at 35031 Camino Capistrano.

Applicant/
Owner: Rick and Julie Borgens
Location: 35031 Camino Capistrano

Request: A Coastal Development Permit and Minor Site Development Permit to allow additions to an existing nonconforming single-family dwelling on a coastal bluff lot and a Variance V06-05 to make roofline modifications that are lower than the existing dwelling's height but exceed the maximum building height standards for the Residential Single Family 3 (RSF 3) Zoning District.

Environmental: The proposed project qualifies as a Class 1 and 3 (Sections 15301 and 15303) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project entails the addition of less than 50 percent of an existing dwelling and also include the construction of two small accessory garages.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP05-05, Minor Site Development Permit SDP05-15M and Variance V06-05.

Kurth Nelson (Project Planner) reviewed the staff report.

Chairman Schoeffel opened the Public Hearing.

Rick and Julie Borgens (Owners - Capistrano Beach) stated that they were available to answer any questions.

Lawrence Read (Capistrano Beach) stated that there has been no obvious erosion of the gully over the years that he has lived next door to the proposed project. He added that he supports the project as proposed and felt that the project was well thought out and tasteful. He stated that it will be a credit to the neighborhood.

Chairman Schoeffel closed the Public Hearing.

Commissioner Denton felt that the proposed project will be a great addition to the neighborhood.

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution 06-08-16-32 approving Coastal Development Permit CDP05-19 and Site Development Permit SDP05-57. Motion carried 4-0-1. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel NOES: None ABSENT: Weinberg ABSTAIN: None)

ITEM 5: Coastal Development Permit CDP05-20 to allow the demolition of an existing single-family dwelling and the construction of a new single-family dwelling on a coastal bluff lot and Minor Site Development Permit SDP05-58M to allow building height to be measured atop of not more than 30" of fill in the Residential Single Family 7 (RSF 7) Zoning District at 24332 Santa Clara Avenue.

Applicant: S. Glenn Eichler, Architect
Owner: Susan Morrison
Location: 24332 Santa Clara Avenue

Request: A Coastal Development Permit to allow the demolition of an existing single-family dwelling and the construction of a new single-family dwelling on a coastal bluff lot and a Minor Site Development Permit to allow

building height to be measured atop of not more than 30" of fill in the Residential Single Family 7 (RSF 7) Zoning District.

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 replacing the existing residence.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP05-20 and Minor Site Development Permit SDP05-58M.

There was a consensus of the Planning Commission to continue this item to the regular Planning Commission meeting of September 20, 2006.

ITEM 6: Proposed General Plan Amendment GPA04-01, Zone Change ZC04-01, Tentative Tract Map TTM16730 and Site Development Permit SDP06-25 to change the General Plan and Zoning designations for 35200 Del Rey from Community facilities (CF) to Single Family Residential (RSF 7) along with a request to subdivide the existing 1.77 acre site into ten (10) single-family residential lots. The site is currently zoned both Community Facilities (CF) and Residential Single Family (RSF 7) and is located at the terminus of Del Rey, a private street, within Capistrano beach and addressed as 35200 and 35322 Del Rey.

Applicant/

Owner: Roger Hart, RDH Group Development

Location: Terminus of Del Rey

Request: Approval of a Mitigated Negative Declaration, General Plan Amendment, Zone Change, Tentative Tract Map 16730 and Site Development Permit to change the General Plan and Zoning designations for 35200 Del Rey from Community Facilities (CF) to Residential Single Family (RSF 7) and to permit the subdivision of the site to allow for the creation of ten (10) single-family residential lots. A Mitigated Negative Declaration has been prepared to address any potential environmental impacts associated with the project.

Environmental: A Mitigated Negative Declaration (SCH#2006061083) has been prepared in compliance with the requirements of CEQA, to consider potential significant effects on the environment anticipated as a result of the project. The potential impact categories include: aesthetics, air quality, geology and soils, hazards, hydrology and water quality, land use and planning, noise, public services, transportation/traffic and utilities. The report analyzes these impacts and identifies mitigation measures to reduce the potential impacts. The public review period for the Mitigated Negative Declaration ended on July 18, 2006.

Recommendation: That the Planning Commission adopt Mitigated Negative Declaration (SCH#2006061083) and approve General Plan Amendment GPA04-01, Zone Change ZC04-01, Tentative Tract Map TTM16730, and Site Development Permit SDP06-25 based upon the conditions specified in the attached Resolution.

Erica Williams (Senior Planner) reviewed the staff report.

Chairman Schoeffel opened the Public Hearing.

John Haushalter (Trabuco Canyon – Property Owner’s Legal Counsel) provided a PowerPoint presentation that summarized their proposal including the following:

- They would agree to resurface Del Rey in its entirety.
- They were willing to remove and replace the failing retaining wall along the west side of Del Rey.
- They were willing to do one of two things; 1) maintain the easement area of Del Rey for the indefinite future, or 2) maintain the entirety of Del Rey so long as it is reasonably limited in time. They felt that three (3) years would be reasonable.
- Agreed to place the existing utility lines underground with the hard construction costs being paid by either the City or the residents.
- Willing to require rain gutters on the back of all of the homes.

Chairman Schoeffel recessed the meeting at 8:38 p.m. and reconvened the meeting at 8:55 p.m.

Guy Pizzarello (San Clemente – Property Owner’s Consultant) stated that they had met with the residents several times and felt that they had addressed several concerns they had. He added that they had reduced the amount of homes proposed from twelve (12) to ten (10) to help alleviate concerns and preserve views.

Anthony Petrotta (Capistrano Beach) felt that the new development would enhance the street but was concerned about the project being completed. He stated that the nursing home owns the street but that they could not get them to do any repairs. He asked the Planning Commission to not approve the re-zone until more details could be determined and in placed writing.

Glen Tilly (Capistrano Beach) stated that he was in support of a well planned development for the property but that he was concerned about the proposed retaining walls and drainage. He felt that only surface drainage had been addressed.

Stella Liang (Capistrano Beach) stated that she supports a well planned development but felt that the home on Lot 2 would be too close to her home.

Joseph Martino (San Clemente) stated that he would like to see some development of the property. He added that he was in support of the proposal.

Clare Petrotta (Capistrano Beach) stated that she was in favor of development of the property. She added that she and other residents would feel more comfortable with the details of the project in writing with assurances that everything would be completed as promised.

Judy Stubblefield (Capistrano Beach) stated that she was concerned with additional traffic on the street, the condition of the street, maintenance, and drainage.

Suzanne Harrison (Capistrano Beach) stated that she was concerned with traffic and added that she would like the power lines removed and the utilities placed underground.

John Haushalter (San Juan Capistrano – Property Owner’s Legal Counsel) felt that the French drain system and the V-ditch that is proposed for the development would be more than adequate for capturing any water.

Chairman Schoeffel closed the Public Hearing.

Commissioner O’Connor stated that she supports the proposal. She felt that the new homes would be beneficial for the neighborhood and that she would agree to the applicant’s offer of maintaining the street for three (3) years.

Commissioner Denton felt that it was a good project and that the street needs to be maintained. He stated that he would agree to the developer maintaining the street from the beginning of construction of the first home and added that no gates should be allowed.

Commissioner Fitzgerald felt that the project was well designed. She stated that the developer should not be the only one paying for the repair and maintenance of the street. She asked if OCFA was comfortable with the turnaround radius within the proposed development.

Brett Petroff (Deputy Fire Marshall - OCFA) *replied yes, with the conditions that have been placed on the project.*

Chairman Schoeffel encouraged the existing homeowners to create an association for future joint maintenance and repair of Del Rey. He felt that the proposed irrigation drainage would be adequate as planned. He stated that the proposed use would be a compliment and an enhancement to the area.

Chairman Schoeffel re-opened the Public Hearing.

Bob Pate (Capistrano Beach) felt that the additional traffic on Del Rey had not been addressed.

Richard Bayston (Capistrano Beach) felt that the statements made regarding the traffic on Del Rey had been understated.

Clare Petrotta she stated that she was concerned about the statement made regarding affordable housing and asked for clarification.

Glenn Tilly (Capistrano Beach) asked if the demolition of the church could happen immediately.

Chairman Schoeffel closed the Public Hearing.

ACTION: Motion made (Schoeffel) and seconded (O'Connor) to adopt a Resolution approving a Mitigated Negative Declaration for General Plan Amendment GPA04-01, Zone Change ZC04-01, Tentative Tract Map TTM16730 and Site Development Permit SDP06-25 with amendments. Motion carried 4-0-1. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel NOES: None ABSENT: Weinberg ABSTAIN: None)

ACTION: Motion made (Schoeffel) and seconded (Fitzgerald) to adopt a Resolution approving General Plan Amendment GPA04-01, Zone Change ZC04-01, Tentative Tract Map TTM16730 and Site Development Permit SDP06-25 with amendments. Motion carried 4-0-1. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel NOES: None ABSENT: Weinberg ABSTAIN: None)

Chairman Schoeffel asked for the Resolutions to return to the Planning Commission on the Consent Calendar for review at the next regular meeting of September 6, 2006.

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

Kyle Butterwick (Director) reported that the County Harbor Department would be holding an open house next Thursday at the Youth and Group Facility at 5:00 p.m. for the public to review the revisions to the Harbor Plan. He stated that the Harbor Plan was tentatively scheduled for a public hearing before the City Council on September 13, 2006.

He stated that there were two (2) Town Hall meetings scheduled for Wednesday, September 6, 2006 at the Community Center for review of the Town Center Plan. He added that the first meeting will be held from 2:00 to 4:00 p.m. and the second meeting from 5:00 to 7:00 p.m. with the Planning Commission meeting directly after the last meeting to review the updated Housing Element and Inclusionary Housing Program.

He stated that staff has tentatively scheduled the first public hearing for the Town Center Plan before the Planning Commission on September 20, 2006.

I. COMMISSIONER COMMENTS

Commissioner O'Connor stated that she would be absent from the September 20, 2006 Planning Commission meeting. She wished Vice-Chairman Weinberg a quick recovery.

Commissioner Denton stated that he would be absent from the September 20, 2006 Planning Commission meeting.

Commissioner Fitzgerald stated that she would be absent from the October 4, 2006 Planning Commission meeting.

Kyle Butterwick (Director) *replied that it would be important to have the entire Planning Commission available to review the Town Center Plan and that staff would try and identify an alternative meeting date for a special meeting.*

J. ADJOURNMENT

Chairman Schoeffel announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, September 6, 2006, beginning at 7:00 p.m. (or as soon thereafter) in the Dana Point Community Center located at 34052 Del Obispo, Dana Point, California.

The meeting adjourned at 10:31 p.m.

/s/ J. Scott Schoeffel

J. Scott Schoeffel, Chairman
Planning Commission