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

August 28, 2007
7:03-8:40 p.m.

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

CALL TO ORDER – Chairwoman Fitzgerald called the meeting to order.

PLEDGE OF ALLEGIANCE – Alternate Commissioner Dec led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Michelle Brough, Commissioner Ed Conway, Vice-Chairman Norman Denton, Chairwoman Liz Anderson Fitzgerald, Commissioner J. Scott Schoeffel, and Alternate Michael Dec

Staff Present: Kyle Butterwick (Director), John Tilton (City Architect/Planning Manager), Todd Litfin (Assistant City Attorney), Erica Demkowicz (Senior Planner), Saima Qureshy (Senior Planner), Matthew Schneider (Assistant Planner), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: There were no Minutes for approval.

B. PUBLIC COMMENTS

There were no requests to speak.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

Chairwoman Fitzgerald announced that item 6 will be moved up in the agenda and placed before Item 2.

ITEM 6: A REQUEST TO AMEND PLANNING COMMISSION RESOLUTION NO. 06-04-05-10 APPROVING VARIANCE V05-08, COASTAL DEVELOPMENT PERMIT CDP05-25 & MINOR SITE DEVELOPMENT PERMIT SDP05-65M AT 34142 CHULA VISTA.

Applicant/ Raj Idnani
Owner: Usha Gopal
Location: 34142 Chula Vista; APN: 682-245-14

Request: To amend Planning Commission Resolution No. 06-04-05-10 with the deletion of Condition of Approval No. 62 from the resolution.

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 single-family residence and associated retaining walls.

Recommendation: That the Planning Commission withdraw the amendment at the applicant's request.

ACTION: Motion made (Schoeffel) and seconded (Brough) to withdraw the amendment at the applicants request. Motion carried 5-0 . (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

ITEM 2: COASTAL DEVELOPMENT PERMIT (CDP07-07), CONDITIONAL USE PERMIT (CUP07-06(M)) AND SITE DEVELOPMENT PERMIT (SDP07-10) TO ALLOW THE CONVERSION OF 4,281 SQUARE FEET OF EXISTING COVERED PARKING AREA INTO MEETING ROOMS AND A VALET PARKING PROGRAM AT THE DOUBLETREE GUEST SUITES, LOCATED WITHIN THE COASTAL OVERLAY DISTRICT AT 34402 PACIFIC COAST HIGHWAY.

Applicant/
Owner: Doubletree Guest Suites/ Bob Theel
Location: Doubletree Guest Suites, 34402 Pacific Coast Highway (APN 668-282-03)

Request: Request for a Coastal Development Permit (CDP07-07), Conditional Use Permit (CUP07-06(m)) and Site Development Permit (SDP07-10) to allow the conversion of 4,281 square feet of existing covered parking area into meeting rooms at the Doubletree Guest Suites and an on-site valet parking arrangement. The proposed project will not change the building footprint, building height or lot coverage.

Environmental: The proposed project is found not to have a significant effect on the environment and is therefore exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15303, Class 3 – New construction or conversion of small structures. The proposed project involves conversion of existing covered parking area into meeting rooms. The lot coverage, building footprint and height will not change due to the proposed conversion. The project is also consistent with the exceptions listed in Section 15300.2 of CEQA.

Recommendation: That the Planning Commission adopt the attached Draft Resolution (Attachment 1) approving Coastal Development Permit CDP07-07, Conditional Use Permit CUP07-06(m) and Site Development Permit SDP07-10.

Saima Qureshy (Senior Planner) presented the staff report.

Chairwoman Fitzgerald opened the Public Hearing.

Robert Theel (Dana Point – Applicant) presented members of the Group affiliated with the Doubletree Hotel: Denise Pflum, Manager; Lisa Kong, Gensler Architects from Los Angeles; and Debra Feldman, Representative of the Owner for the existing hotel, and a representative from the valet company. He stated all were available to answer any questions the Commission might have.

Debra Feldman (Bethesda, MD – Representative of the Owner) stated that the Hotel's valet parking arrangement allows an increase in occupancy and more tax for the City.

Robert Theel (Dana Point – Applicant) stated that there are times when occupancy rates drop. He stated that during low occupancy period, the hotel is able to sell meeting facility with hotel rooms and that helps to bring in more people at the hotel.

He stated that there are functions and local events where meeting attendees, such as the Chamber of Commerce, will not be staying at the hotel, and he has the condition of approval to obtain a special event permit to show the location of off-site parking and shuttle arrangements to bring the attendees to the hotel. He reported that the applicant will provide quarterly parking impact reports to identify

any parking deficiencies on-site and any impacts on the adjacent streets. He stated that the City is correct to address the worst-case scenario.

Chairwoman Fitzgerald closed the Public Hearing.

ACTION: Motion made (Schoeffel) and seconded (Denton) to adopt Resolution 07-08-28-22 approving Coastal Development Permit (CDP 07-07) Conditional Use Permit CUP07-06(m) and Site Development Permit SDP07-10. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

ITEM 3: COASTAL DEVELOPMENT PERMIT (CDP07-15) TO DEMOLISH AN EXISTING SINGLE FAMILY DWELLING AND CONTRUCT A NEW SINGLE FAMILY DWELLING LOCATED IN THE COASTAL OVERLAY ZONE, PLANNED RESIDENTIAL DEVELOPMENT 3 (PRD 3) AND RESIDENTIAL SINGLE-FAMILY 7 (RSF 7) ZONE AT 23791 SALVADOR BAY.

Applicant/ David York
Owner: Jeffery Smith & Kevin Plumb
Location: 23791 Salvador Bay; APN: 672-131-43; Appeals jurisdiction of Coastal Commission

Request: A proposal to demolish an existing 1,404 square foot, single story, single family dwelling and construct a new 2,255 square foot single story, single family dwelling with 680 square foot basement and 472 square foot garage. The project is consistent with all applicable development standards and has received approval from the Niguel Shores Community Association.

Environmental: The proposed project qualifies as a Class 3 exemption (Section 15303 - New Construction or Conversion of Small Structures) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves the construction of one single family residence.

Recommendation: That the Planning Commission adopt the attached draft resolution (Attachment 1) approving Coastal Development Permit CDP07-15.

Matthew Schneider (Associate Planner) presented the staff report.

Chairwoman Fitzgerald opened the Public Hearing.

David York (San Clemente – Architect) stated that the owners would like to upgrade the house to a nicer Cape Cod design with architectural character. He stated that the project was started in February, and submitted to the Niguel

Shores Homeowners Association on March 1, 2007. The association hired an independent architect to review the view concerns and filed a report in favor of the project, which is on file with the HOA. He stated that the HOA was concerned with the basement and requested a soils report, which is also on file with the HOA. He added that the City did condition the approval to provide grading plans and additional soils review.

John C. Hall (Dana Point) presented a poster to request denial of the project. This will be the first basement in the area. He stated that if the precedent is set, the City can expect more applications. He reported that the soils report contains only site observations, no boring samples taken, and the water investigation was done via telephone with the Water District. He stated that the report says, "Geotechnically feasible if detailed recommendations are followed: the drainage should be frequently monitored for uncontrolled water to assure it is removed otherwise differential settlement and structural distress can occur." He questioned whether or not nonresident owners would do this.

Warren Forrest (Dana Point) presented a poster to illustrate his opposition of the view blockage, and also the basement project. He asked the Commissioners to preserve the view and vote against the basement.

Barbara B. Howard (Monarch Beach) stated that she attempted to construct a small safe, but was never able to use it for storage because in a short time water was deep. She questioned what could happen to a basement in a home at the end of her street.

John Bottjer (Dana Point) stated that his major opposition was due to the view blockage. He reported that from the notes taken at the HOA architectural meeting, the lowering of the roof was requested by the committee, and apparently done. He added that the blockages remain and approval was granted based on the recommendation of a hired architect who failed to visit the neighboring homes to view the blockages. He stated that the basement portion of the home was not properly examined by the committee and will not be adequately monitored by renters. He stated that he is appealing the decision to the Niguel Shores Board of Directors based on the reasons supplied in the letter submitted to the City as a matter of public record. He asked the Commission to reject this project based on the reasons he and the other homeowners provided tonight.

Matthew Schneider (Associate Planner) stated that the project has been reviewed by the Engineering staff and they have attached 20 conditions of approval, as well as requiring a grading permit to ensure that slope stability is maintained and the integrity of properties adjacent to the project will not be damaged.

Chairwoman Fitzgerald closed the Public Hearing.

Vice Chairman Denton asked Planning Staff if there were any borings drilled at the site to take core samples below the grade the slab is sitting on.

Matthew Schneider (Associate Planner) stated that the soils report will be reviewed by the Engineering staff in the grading permit process.

David York (San Clemente) reported that the preliminary soils report will be submitted to the City for review. He stated that before the project is finished, geotechnical people will look at the site prior to granting a building permit. He stated that the boring sample has not been done yet and will be done as the project moves forward, and being in the preliminary design review portion of the project, some of this information will be available in the next step of this project.

Chairwoman Fitzgerald reopened the Public Hearing.

John C. Hall (Dana Point) showed the Commission a report prepared for the HOA community in May 2003. He reported that two street borings were performed to 6.5 feet: one boring came up with water; one boring came up wet; both came up with sandy soil; and appeared unstable.

John Tilton (City Architect/Planning Manager) stated that unless a site is literally on the ocean front bluff or on a steep undeveloped hillside where geological conditions apply, typically a full and complete geotechnical investigation is not required until after discretionary approval is complete. He stated that a full geotechnical report would be required at that time, and probably involve borings, something the geologist on record would recommend. He felt that at this juncture, the applicant would not go through the expense until they have assurance the entitlement is in place. He stated that it is also not uncommon for Coastal zones to have sandy soil, and a lot of underwater streams.

Kyle Butterwick (Director) stated both the applicant and the City's Geologist would be interested in any previous studies or something more current that might help in their analysis. He asked that Mr. Hall submit the study to the CD Department and if there is any other information that the neighborhood has received, to provide them to the City.

Chairwoman Fitzgerald closed the Public Hearing.

ACTION: Motion made (Fitzgerald) and seconded (Schoeffel) to adopt Resolution 07-08-28-23 approving Coastal Development Permit CDP07-15. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

ITEM 4: COASTAL DEVELOPMENT PERMIT (CDP06-23), SITE DEVELOPMENT PERMIT (SDP06-81[M]) AND AN ADMINISTRATIVE MODIFICATION OF STANDARDS (AMS06-09) TO ALLOW AN ADDITION AND REMODEL TO AN EXISTING LEGAL, NON-CONFORMING, SINGLE FAMILY RESIDENTIAL DWELLING THAT WOULD RESULT IN AN INCREASE OF MORE THAN TEN PERCENT (10%) OF THE INTERNAL FLOOR AREA IN CONJUNCTION WITH THE CONSTRUCTION OF RETAINING WALLS MEASURING APPROXIMATELY SIX (6) FEET IN HEIGHT IN THE RESIDENTIAL SINGLE FAMILY (RSF 4) ZONE AT 12 MONARCH BAY DRIVE.

Applicant/ George Falcone
Owner: Kathy and Dee Balle
Location: 12 Monarch Bay Drive; APN: 670-131-46

Request: The proposed project involves the addition of 1,013 square feet of enclosed habitable space and 249 square feet of garage space to an existing legal, nonconforming single-family residence. Located within the Coastal Overlay Zone and constituting an addition of more than 10% of the internal floor area of the existing residence, the proposal is subject to a Coastal Development Permit. A Site Development Permit is also required to allow the construction of retaining walls measuring approximately six (6) feet in height. An Administrative Modification of Standards is being requested to continue the addition/remodel with a legal nonconforming rear yard setback.

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 approve Coastal Development Permit CDP06-23, Site Development Permit SDP06-81(M) and Administrative Modification of Standards AMS06-09.

Erica Demkowicz (Senior Planner) presented the staff report.

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

ACTION: Motion made (Schoeffel) and seconded (Brough) to adopt Resolution 07-08-28-24 approving Coastal Development Permit CDP06-23 Site Development Permit SDP06-81(M) and Administrative Modification of Standards AMS06-09. Motion carried 5-0. (AYES: Brough, Conway,

Denton, Fitzgerald, Schoeffel **NOES:** None **ABSENT:** None **ABSTAIN:** None)

ITEM 5: TENTATIVE PARCEL MAP TPM2006-269, CONDITIONAL USE PERMIT CUP07-12 AND SITE DEVELOPMENT PERMIT SDP07-26 TO ALLOW THE CONVERSION OF AN EXISTING DUPLEX TO CONDOMINIUMS AND THE WAIVER OF A REQUIRED FIFTH, GUEST PARKING SPACE.

Applicant/

Owner: Patricia Leigh and Kyle O’Kelly

Location: 34556 Via Espinoza: APN; 691-391-27

Request: Tentative Parcel Map, Conditional Use Permit and Site Development Permit to allow conversion of an existing duplex to condominiums through the subdivision of airspace and the waiver of a required fifth parking space.

Environmental: The proposed project qualifies as Class 3 and Class 15 Categorical Exemptions (Section 15303 and 15315) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project consists of the conversion of a duplex to a condominium and the subdivision of four (4) or fewer parcels to create condominiums consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

Recommendation: That the Planning Commission adopt the attached Resolution (Action Document No. 1) approving Tentative Parcel Map TPM2006-269, Conditional Use Permit CUP07-12, and Site Development Permit SDP07-26.

John Tilton (City Architect/Planning Manager) presented the staff report.

Chairwoman Fitzgerald opened the Public Hearing.

Todd Skenderian (Laguna Niguel – Applicant Representative) stated that he was representing the applicant to improve the property and give it a better, fresher look. He stated that he would answer any questions on the project.

Charles Conaway (Dana Point) questioned whether or not the City was permitting ongoing condo building. He stated that this project encourages others to do the same thing, and he is not sure if this is good or bad. He felt that this is a precedent, and questioned if this is what the City wants. He stated that the room downstairs will be rented.

Kyle Butterwick (Director) stated that condo conversion applications are received on an ongoing basis. He stated that they have to meet the zoning standards and explained that many existing structures do not comply with zoning and general plan standards due to parking and/or setback deficiencies.

Chairwoman Fitzgerald closed the Public Hearing.

Commissioner Schoeffel congratulated John on the high quality of his presentation. He felt that this project represents a nice makeover of an older project, and contemporizing it makes a nice addition to the neighborhood.

Chairwoman Fitzgerald stated that she was not a fan of reduced parking. She felt that after visiting the site agreed with the staff report that there is ample opportunity for guest/visitor parking.

ACTION: Motion made (Schoeffel) and seconded (Denton) to adopt Resolution 07-08-28-25 approving Tentative Parcel Map TPM2006-269, Conditional Use Permit CUP07-12, and Site Development Permit SDP07-26. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None 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

Kyle Butterwick (Director) stated that the UCLA Extension public policy program will start a series of seminars concerning Planning Commissioners. Training consists of four seminars including How to Read and Understand Environmental Impact Reports, Demystifying a Traffic Study, and Parks Open Space Planning Issues. He added that the first of the series is scheduled on Thursday, September 20th at UCLA; a syllabus will be circulated upon request. He asked

that the Planning Commissioners contact him or Denise to make necessary accommodations.

He urged the Planning Commissioners to drive by the Fire Station by Doheny Village to find the infamous Black Sea Bass sculpture making a great impression on the neighborhood.

He reported that a request for proposal has been prepared for the City Council meeting of September 4th, regarding the Parking Management Plan for Town Center.

He announced Denise Jacobo's promotion as the Administrative Secretary in Community Development.

Todd Litfin (Assistant City Attorney) reported that during the State Budget negotiations, the minority party wanted an agreement of the new CEQA legislation. He stated that there would be protections for projects until the State implemented guidelines and the City's entities would follow as far as greenhouse gas emissions.

Vice Chairman Denton asked when the City anticipates a status update of the two-way traffic study on Pacific Coast Highway.

Kyle Butterwick (Director) replied in response to the question that City Council's review of the Parking Management Plan may facilitate further discussion of traffic patterns at this point a date has not been set for the Council to formally review the circulation plan.

Chairwoman Fitzgerald asked about the Zoning Code Amendment status.

Kyle Butterwick (Director) replied in response to the question that there is a list of extensive code changes that will be brought forward at the beginning of next year.

I. COMMISSIONER COMMENTS

There were no Commissioner Comments.

J. ADJOURNMENT

Chairwoman Fitzgerald announced that the *next regular* meeting of the Planning Commission would be held on Tuesday, September 11, 2007, 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 8:40 p.m.

Liz Anderson Fitzgerald, Chairwoman
Planning Commission