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

August 20, 2003  
7:01-10:05 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** – Chairman Schoeffel led the Pledge of Allegiance.

**ROLL CALL**

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

Commissioners Absent: Commissioner Greg Powers and Commissioner Steven Weinberg

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

**A. APPROVAL OF MINUTES**

**ITEM 1:** Minutes of the regular Planning Commission Meeting of August 6, 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 August 6, 2003. Motion carried 3-0-2. (AYES: Denton, O'Connor, Schoeffel NOES: None ABSENT: Powers, Weinberg 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 request for a Coastal Development Permit CDP99-50(I) and Site Development Permit SDP99-49(I) to allow the construction of a new two (2) story, 6,023 square foot single-family residence with an attached 845 square foot, three (3) car garage and a 387 square foot detached bedroom on a vacant beach front lot located within the FP-3 Flood Overlay Zone. A Variance V03-18 is also requested to allow more than two chimneys to exceed the maximum height limit and to allow one chimney to exceed the maximum three (3) foot horizontal dimension when exceeding the height limit. (FF# 0610-70/CDP99-50(I)/SDP99-49(I)/V03-18/Beach Road, 35077) [KN]**

Applicant: The Arthur Valdes Co., Inc.  
Owner: Michael Guirbino  
Location: 35077 Beach Road

Request: Approval of a Coastal Development Permit and Site Development Permit to allow the construction of a new two (2) story, 6,023 square foot single-family residence with an attached 845 square foot, three (3) car garage and a 387 square foot detached bedroom on a vacant beach front lot located within the FP-3 Flood Overlay Zone, and Variances to allow more than two chimneys to exceed the maximum height limit and to allow one chimney to exceed the maximum three (3) foot horizontal dimension when exceeding the height limit.

Environmental: This project is categorically exempt (Class 3 – Section 15303 – New Construction) from the provisions of the California Environmental Quality Act (CEQA) because it consists of the construction of a new residential unit.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP99-50(I), Site Development Permit SDP99-49(I), and Variance V03-18.

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

**There being no requests to speak, Chairman Schoeffel opened and closed the public hearing.**

**ACTION:** Motion made (Denton) and seconded (O'Connor) to adopt Resolution 03-08-20-35 approving Coastal Development Permit CDP99-50(I), Site Development Permit SDP99-49(I), and Variance V03-18. Motion carried 3-0-2. (AYES: Denton, O'Connor, Schoeffel NOES: None ABSENT: Powers, Weinberg ABSTAIN: None)

**ITEM 3:** A Coastal Development Permit CDP03-02 and Site Development Permit SDP03-03 to allow for the construction of a new 1,588 square foot office building on a vacant parcel in the Town Center with accompanying proposed improvements including parking and landscaped areas. (FF# 0610-70/CDP03-02/SDP03-03/Pacific Coast Highway, 34211) [KN]

Applicant: Lynn Muir, Muir Architects, A.I.A.

Owner: Michelle K. Pardes

Location: 34211 Pacific Coast Highway

Request: A Coastal Development Permit and Site Development Permit to allow for the construction of a new 1,588 square foot office building on a vacant parcel in the Town Center with accompanying proposed improvements including parking and landscaped areas.

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 an office building not exceeding 10,000 square feet.

Recommendation: That the Planning Commission deny Coastal Development Permit CDP03-02 and Site Development Permit SDP03-03.

**There was a consensus of the Planning Commission to continue this item to the next regular Planning Commission meeting of September 3, 2003.**

**ITEM 4:** A proposal to construct a new single-family residence with 2,053 square feet of living space on two stories, a 253 square foot covered porch/deck, and a ground story with 192 square feet of non-habitable space and a 701 square foot garage on a 4,000 square foot lot. A Variance is requested to permit a structural height of 31 feet, 10 inches (5 feet, 10 inches in excess of City standard) and to allow an exterior stairway that extends 3 feet, 6 inches into the side setback (1 foot in excess of City standard) for property located at 33821 Malaga Drive. (FF# 0600-30/SDP03-32M/V03-12/Malaga, 33821) [AA]

Applicant: David Lilyquist, Architect

Owner: Jon and Katy Conner

Location: 33821 Malaga

Request: Approval of a Site Development Permit to permit a new single-family residence with 2,053 square feet of living space on two stories, a 253 square foot covered porch/deck, and a ground story with 192 square feet of non-habitable space and a 701 square foot garage on a 4,000 square foot lot and a Variance to permit a structural height of thirty-one feet, 10 inches (5 feet, 10 inches in excess of the height limit) and to allow an exterior stairway that extends 3 feet, 6 inches into the side setback (1 foot in excess of City standard).

Environmental: This project is Categorically Exempt (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: That the Planning Commission adopt the attached Resolution approving Minor Site development Permit SDP03-32M and Variance V03-12.

**Albert Armijo** (Planning Consultant) reviewed the staff report.

**Chairman Schoeffel opened the public hearing.**

**Harry Hickok** (Dana Point) stated that he was concerned about a precedence being set for variances being given out too easily. He felt that the proposed home would be comparable to the other homes.

**Roger Budris** (Dana Point) stated that he was opposed to the variance for height. He added that the proposed home would block his view and asked for the variance to be reduced by one foot.

**Chairman Schoeffel closed the public hearing.**

**Vice-Chairman Denton** stated that the property was very steep and that it met the setbacks. He added that he had no problem with the variance needed for the staircase. He felt that the house would fit in with the neighborhood and that approval would not create a special circumstance.

**Commissioner O'Connor** stated that the height requested would be no different from the rest of the homes in the area and that she supported the project.

**Chairman Schoeffel** stated that the findings could be made to support the variance request.

**ACTION:** Motion made (O'Connor) and seconded (Schoeffel) to adopt Resolution 03-08-20-36 approving Minor Site Development Permit SDP03-32M and Variance V03-12. Motion carried 3-0-2. (AYES:

Denton, O'Connor, Schoeffel **NOES:** None **ABSENT:** Powers,  
Weinberg **ABSTAIN:** None)

**ITEM 5:** **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 August 6, 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.

**Albert Armijo** (Planning Consultant) reviewed the staff report.

**Chairman Schoeffel opened the public hearing.**

**Jim DeCarli** (Redondo Beach - Applicant) stated that he did not feel that the proposed home would be too large for the site. He added that he was trying to

build a straight-forward, simple home on a lot that has unique weather conditions. He stated that the basement would be one-third of the building envelope. He added that they had delayed this hearing several times to try and work with the neighbors and resolve their issues. He felt that the proposed home would be an asset to the community and the street.

**Jack Hamilton** (Dana Point) stated that he would support the project if the variances weren't so excessive. He added that the proposed height variance would negatively impact the surrounding neighbors. He was concerned about potential damage to his property as a result of the excavation that would be needed.

**Lee Bugnar** (Dana Point) felt that Mr. DeCarli had made an extraordinary effort to work with the neighbors and that the people who were opposing the project were concerned about their views. He stated that he supported the project.

**Michael Campbell** (Dana Point) stated that he was opposed to a height variance of 40% in excess of City standard. He added that he had reviewed the proposed plans and felt that the home was too large for the lot and should be reduced in size. He felt that step-back variances should not be granted. He asked the Commission to uphold the City's zoning requirements to help preserve the value of homes.

**Ted Toch** (Dana Point) stated that he opposed the requested variances for the following reasons:

1. The proposed building plan is out of proportion to the size of the lot.
2. The variances requested would result in the over-sized home restricting the ventilation of his home.
3. The home would unjustifiably restrict his view of the coastline.
4. That the benchmark homes used for justification were built over twenty-five years ago or they were homes where their variances did not affect the properties around them.

He felt that the project as requested would be built at the expense of the neighbors.

**Cathy Bognar** (Dana Point) stated that she supports the project. She added that her father had tried to work with the neighbors and accommodate them. She felt that in order for the home to be water-proofed from the elements that it would need to be flush without the required stepback design.

**Norm Jackes** (Dana Point) felt that the house would be too large for the lot. He stated that he did not support the project and felt that the variances requested were for convenience.

**John McCloskey** (Irvine – Architect) felt that he had designed the home to be consistent with the topography and compatible with the community. He stated that a soils report was prepared for development criteria and that the report supports the construction of the dwelling with the recommendations that the first floor elevation closely match the existing finished grades of the adjacent residences. He added that the report indicated that lowering their elevation and increasing the cuts would reduce the slope stability factor of safety of the adjacent residences. He stated that based on that information they need a higher elevation to maintain slope stability for surrounding homes. He asked the Commission to consider the other homes in the area that have the same design. He stated that if they were permitted to go forward with the proposed project, that many of the existing residences would remain taller. He added that he re-designed the project to address the concerns of the neighbors.

**Michael Gauthier** (Dana Point) stated that he was in support of the project and felt that it was not unreasonable.

**Newton Edwards** (Dana Point) stated that after reviewing the plans for the home that he was opposed to the project.

**JoAnn Christman** (Dana Point) stated that she was concerned with special privilege and that she was opposed to the project.

**Chairman Schoeffel closed the public hearing.**

**Commissioner O'Connor** felt that the height variance was excessive and that the levels of the home need to be stepped back.

**Vice-Chairman Denton** stated that he agreed with staff's recommendation of denial. He felt that the variance was too large of a percentage and that the home would need the step-backs. He added that he could not support the variance for the height and the step-back.

**Chairman Schoeffel** stated that a variance is an extraordinary remedy and not something to be considered lightly. He felt that the project was too large for the zoning of the area.

**ACTION:** **Motion made (Denton) and seconded (O'Connor) to adopt Resolution 03-08-20-37 denying without prejudice Site Development Permit SDP03-23M and Variance V03-07. Motion carried 3-0-2.** (AYES: Denton, O'Connor, Schoeffel **NOES:** None **ABSENT:** Powers, Weinberg **ABSTAIN:** None)

**ITEM 6: One year extension of Tentative Tract Map TTM16197 to subdivide a 2-acre site into 8 numbered lots and 1 lettered lot to accommodate development of 8 new single-family homes on a vacant site in the Capistrano Beach area. (FF# 0600-10/TTM16197/Pioneer Builders) [AA]**

Applicant/

Owner: Pioneer Builders, Inc./Monaco Homes

Location: On the northern side of Camino Capistrano, between Paseo Pinzon and Calle Anejo

Request: A one year extension of a Tentative Tract Map to subdivide a 2-acre site into 8 numbered lots and 1 lettered lot for the development of 8 new residential units and related site improvements on a vacant site on Camino Capistrano.

Environmental: Pursuant to the provisions of the California Environmental Quality Act (CEQA), this project is categorically exempt (Class 32 – Section 15332 – In-fill Development) from the provisions of the CEQA because it occurs within the City limits on a site less than five acres in size that is substantially surrounded by urban development and the project will not result in any significant effects.

Recommendation: That the Planning Commission adopt the attached Resolution approving a one year extension of Tentative Tract Map 16197 for development of 8 new residential units on a 2-acre site.

**Albert Armijo** (Planning Consultant) reviewed the staff report.

**Chairman Schoeffel opened the public hearing.**

**Elaine Zax** (Capistrano Beach) felt that the walls were too tall and that the building pads were three to four feet above their pads when they were told that the pads would not exceed two feet.

**Barbara Drummond** (Capistrano Beach) stated that there was no other development on Camino Capistrano with the same walls and elevations and that they have ruined the character of Camino Capistrano. She felt that the guard gate should be removed. She stated that in granting a one-year extension that the Commission should require that the project elevation be reduced to the elevation of the adjacent communities. She suggested that future projects with compatibility issues should be required to provide a scale model of the project and the adjacent neighborhoods.

**Warner Tappan** (Capistrano Beach) stated that before a one-year extension is approved, that an EIR needs to be created. He added that the project was not exempt from CEQA even though it is only two acres. He stated that Pioneer

Builders has been required by the San Diego Regional Water Quality Board to restore the wetlands that they had destroyed.

**Terry Hirschag** (San Clemente – Builder) stated that delays had kept the project from being completed within the two year time limit. He added that they look forward to completion of the project. He felt that the homes would be an attribute to the neighborhood when completed.

**Chairman Schoeffel closed the public hearing.**

**Chairman Schoeffel** stated that he was in favor of approving an extension of the tract map.

**ACTION:** Motion made (Schoeffel) and seconded (Denton) to adopt Resolution 03-08-20-38 approving a one year extension of Tentative Tract Map TTM 16197. Motion carried 3-0-2. (AYES: Denton, O'Connor, Schoeffel NOES: None ABSENT: Powers, Weinberg ABSTAIN: None)

**ITEM 7:** Proposal to merge six lots into a single parcel at 25802 Victoria Boulevard (APN 668-341-11, -13, -14, -15, -16 and -40); Tentative Parcel Map TPM96-191. (FF# 0600-20/TPM96-191/Victoria Boulevard, 25802) [BC]

Applicant: Wit Muller  
Owner: Barbara Conrad  
Location: 25802 Victoria Boulevard

Request: Approval of a Tentative Parcel Map to merge six lots into one parcel.

Environmental: This project is a Section 15031 (Class 1 – Existing Facilities) Categorical Exemption from the provisions set forth in the California Environmental Quality Act (CEQA), in that it involves the merger of six parcels and would not result in an expansion of the existing use beyond that existing at the time of the lead agency's determination.

Recommendation: That the Planning commission adopt the attached draft Resolution approving Tentative Parcel Map TPM96-191.

**Brenda 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 03-08-20-39 approving Tentative Parcel Map TPM96-191. Motion carried 3-0-2. (AYES: Denton, O'Connor, Schoeffel NOES: None ABSENT: Powers, Weinberg ABSTAIN: None)

**E. PUBLIC MEETINGS**

There were no Public Meetings.

**F. OLD BUSINESS**

There was no Old Business.

**G. NEW BUSINESS**

**ITEM 8:** Sea Terrace Park Overview [BC]

**H. STAFF REPORTS**

There were no Staff Reports.

**I. COMMISSIONER COMMENTS**

**Commissioner Denton** stated that he was excited to see an amphitheater included in the park plan. He added that he would like to see the Sunday concerts held there.

**J. ADJOURNMENT**

**Chairman Schoeffel** announced that the *next regular* meeting of the Planning Commission will be held on Wednesday, September 3, 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 10:05 p.m.**

*/s/ J. Scott Schoeffel*

J. Scott Schoeffel, Chairman  
Planning Commission