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**CITY OF DANA POINT  
PLANNING COMMISSION  
REGULAR MEETING ACTION AGENDA**

September 3, 2003  
7:00 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** – Kyle Butterwick (Director) 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: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), Eugenia Garcia (Senior Planner), Kurth Nelson (Planning Consultant), and Bobbi Ogan (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1:** Minutes of the regular Planning Commission Meeting of August 20, 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 20, 2003. Motion carried 3-0-2. (AYES: Denton, O'Connor, Schoeffel NOES: None ABSENT: None ABSTAIN: Powers, Weinberg)

**B. PUBLIC COMMENTS**

**Pam Tappan** (Capistrano Beach) stated that Calle Anejo residents as well as this Commission have been dealing with Pioneer Builders regarding the Castillo Del Mar project for two and one-half years and still do not have a final resolution. She added that they have been before the Planning Commission or the Council fifteen times and that during that time, Pioneer Builders has had eighteen violations and or citations issued against them by the City of Dana Point,

Department of Fish and Game, the Army Corps of Engineers, the Regional Water Board, CalOSHA, just for this one project. She felt that the law abiding citizens of Dana Point should not have to be subjected to harassment by any builder and no citizen should ever have to fear for their own safety as she has just trying to protect her quality of life. She questioned the credibility of Mr. Douglas and asked for the City of Dana Point to let Pioneer Builders and Paul Douglas know that they will be required to follow all of the City codes and that their conduct will no longer be tolerated.

### C. CONSENT CALENDAR

**ITEM 2:** General Plan Consistency Finding (GPC03-02); County of Orange, request for conveying a storm drain easement. (FF# 0630-05/GPC03-02/Capistrano Beach Park, 123-060-14) [BC]

Applicant/

Owner: County of Orange, Public Facilities and Resources Department

Recommendation: That the Planning Commission adopt the attached draft Resolution finding that the County of Orange request for easement conveyance for a storm drain located at Capistrano Beach Park is consistent with the City's General Plan.

**ACTION:** Motion made (Denton) and seconded (Powers) to approve the Consent Calendar. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

### D. PUBLIC HEARINGS

**ITEM 3:** A Site Development Permit (SDP03-34M) to construct a duplex on a 6,800 square foot vacant lot and to allow retaining walls in excess of 30 inches in height. A Conditional Use Permit (CUP03-11) to allow tandem parking for one of the duplex units. A Variance (V03-15) to permit a 37 foot structural height 11 feet in excess of the City standard for a structure with roof pitch of 4:12, to permit a front yard garage structural setback of 3 feet, 8 inches, rather than the zoning standard of 20 feet, and to permit exterior stairways extending 4 feet into the easterly side setback and 3 feet into the westerly side setback, rather than the maximum standard of 2 feet, 6 inches. (FF# 0600-30/SDP03-34M/CUP03-11/V03-15/Via Canon, 26252) [AA]

Applicant/

Owner: Fara Marz Shahbazian

Location: 26252 Via Canon

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 construction of a duplex of fewer than four dwelling units.

Recommendation: That the Planning Commission continue the hearing for Site Development Permit SDP03-34M, Conditional Use Permit CUP03-11 and Variance V03-15 to the September 17, 2003 Planning Commission meeting.

There was one (1) request to speak on this item.

**There was a consensus of the Planning Commission to continue this item to the next regular Planning Commission meeting of September 17, 2003.**

**ITEM 4: 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 continue this item to the regular Planning Commission meeting of September 17, 2003.

There were no requests to speak on this item.

**There was a consensus of the Planning Commission to continue this item to the next regular Planning Commission meeting of September 17, 2003.**

**ITEM 5:** **A Coastal Development Permit CDP94-01(I) to allow the construction of a new approximate 7,835 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 9 feet in height and Variance V03-10 to exceed the maximum height limit by 12 feet four (4) inches, and for the requirements for development adjacent to coastal bluffs.** *(Continued from the regular Planning Commission meeting of July 16, 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 7,835 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 9 feet in height and Variances to exceed the maximum height limit by 12 feet, 4 inches, and for the requirements 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(I), Site Development Permit SDP03-09, and Variance V03-10.

There were nine (9) requests to speak on this item.

**There was a consensus of the Planning Commission to continue this item to the regular Planning Commission meeting of November 5, 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**

There were no Staff Reports.

**I. COMMISSIONER COMMENTS**

**Commissioner Weinberg** spoke about the bike path along San Juan Creek. He stated that the retaining wall that was built was not keeping the water off of the path and riders were forced to cross Pacific Coast Highway to reach the beach.

**Commissioner Powers** felt that staff had done a great job on presenting the project on Camino Capistrano. He stated that he was disappointed and offended by the personal attack on Mr. Douglas and felt that is was not positive.

**J. ADJOURNMENT**

**Chairman Schoeffel** announced that the *next regular* meeting of the Planning Commission will be held on Wednesday, September 17, 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 8:56 p.m.**