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

September 3, 2003
7:00-8:56 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 – 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.

Chairman Schoeffel opened the Public Hearing.

Gary Kamm (Dana Point) stated that he was opposed to the granting of a request for a variance for this project. He felt that it was a sensitive site, difficult to navigate and would create traffic problems if developed.

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 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.

Kurth Nelson (Planning Consultant) reviewed the staff report.

Paul Douglas (Dana Point) stated that this was a tough site with a lot of issues. He agreed to survey the sewer lines on the property to ensure their stability and replace any weak points. He added that there were only a minimum amount of improvements planned for over the easements. He stated that they had lowered the garage as much as was allowed and that the fill was to accommodate ingress and egress out of the garage. He added that they had wanted to provide as much off-street parking as possible which was the reason for the size of the garage. He stated that he had met with the neighbors and that it was clear to him that they were opposed to anything being developed on the property. He didn't feel that the proposed home would be a visual impact because he has moved the house back further to provide a clear view of the ocean from every angle at the park.

John Cedarquist (Capistrano Beach) spoke about the petition that was submitted to staff.

Cheri Johnson (Capistrano Beach) felt that the proposed home would not be compatible and that an Environmental Impact Study should be completed for the project. She was concerned about the stability of the bluff and asked for the Commission to deny any requested variances.

William Johnson (Capistrano Beach) felt that the project was too large and would be incompatible with the surrounding neighborhood. He asked the Planning Commission to uphold staff's recommendation of denial.

Pam Tappan (Capistrano Beach) felt that the project should not be exempt from CEQA because of the potential environmental impacts that the storm drains on the property will pose to the ocean. She also felt that an EIR was needed regarding the effects the proposed home would have on the bluff.

Barbara Drummond (Capistrano Beach) stated that she supported staff's recommendation for denial of the project. She felt that the retaining walls were totally out of character with anything else in the Capistrano Beach area.

Larry Rolapp (Capistrano Beach) felt that the proposed home would be too large for the site. He asked the Commission to protect the resident's quality of life and to deny any variances. He stated that a smaller two-story home would be compatible with the neighborhood.

Ted Simmons (Capistrano Beach) spoke about the manhole covers located on the property which he had taken pictures of and had provided for the Commission's review. He felt that the site was problematic and turned back over to the parks department.

Joseph Janczyn (Capistrano Beach) stated that he was concerned about the amount of variances being requested for the proposed project and felt that their approval would set precedent in the area. He asked why the design of the home had to be vertical when the lot would accommodate a single-story home.

Chairman Schoeffel closed the Public Hearing.

Commissioner Powers stated that he understood the concerns of the residents. He added that in regard to the issue of mansionization that he was not considering the garage as habitable space which would reduce the size of the home to about 5,000 square feet.

Commissioner Denton stated that he agreed with staff that a variance would be needed on this property regardless of the size of home built. He felt that the builder was close to an agreement with staff, but before he could support the

project that he would need to see the changes made on the plans. He added that at this time he would support denying the project without prejudice. He felt that it was important to reduce the impact to the sewer lines by reducing the amount of fill needed for the project.

Commissioner O'Connor felt that there were too many unknown issues with the project and that she could not support it as proposed.

Commissioner Weinberg stated that he concurred with the other Commissioners. He added that he would like to know what is under the property and felt that story poles were needed to show the surrounding residents the actual height of the proposed home.

Chairman Schoeffel stated that it was a difficult site but that he could not support the project as proposed.

Commissioner Powers stated that he would support continuing the hearing rather than denying the project.

Commissioner O'Connor stated that she was opposed to another continuance.

Vice-Chairman Denton felt that it made sense to continue the hearing.

ACTION: Motion made (Powers) and seconded (Weinberg) to continue the item to the regular Planning Commission meeting of November 5, 2003. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg 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

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 it 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.

/s/ J. Scott Schoeffel

J. Scott Schoeffel, Chairman
Planning Commission