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

November 19, 2003  
7:03-12:09 a.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** – City Attorney Patrick Muñoz 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), Patrick Muñoz (City Attorney), Albert Armijo (Planning Consultant), Kurth Nelson (Planning Consultant), Brenda Chase (Associate Planner), Eugenia Garcia (Senior Planner), and Bobbi Ogan (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1:** **Minutes of the regular Planning Commission Meeting of November 5, 2003.** (FF# 0120-10/PC Minutes/PC Secretary Binder) [BO]

**ACTION:** **Motion made (Denton) and seconded (Powers) to approve the Minutes of 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)

**B. PUBLIC COMMENTS**

There were no Public Comments.

**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

**There was a consensus of the Planning Commission to consider the Public Meeting item prior to the Public Hearings.**

**D. PUBLIC MEETINGS**

**ITEM 8: Approval of an amendment to the Public Art Component for the Monarch Beach Resort located at 33103 Niguel Road. (FF# 0600-30/SDP91-07/VTTM 14589 Hotel Village (I)/Tract 14605) [SP]**

Applicant: Makar Properties, LLC

Owner: Makar Properties, LLC

Location: South of Via Subida and east of Pacific Coast Highway, Pointe Monarch, Tract Map 14605

Request: Approval of an amendment to the Public Art Component for the Monarch Beach Resort, specifically located at the adjacent resort residential, Pointe Monarch, formerly known as Hillside Village South.

Environmental: A Mitigated Negative Declaration (SCH No. 91121010) was certified for the entire development project. This program does not require a separate environmental review.

Recommendation: That the Planning Commission adopt the attached Resolution approving the proposed amendment to the public art component of the Monarch Beach Resort.

There were no requests to speak on this item.

**ACTION: Motion made (O'Connor) and seconded (Powers) to adopt Resolution 03-11-19-54 approving the proposed amendment to the public art component of the Monarch Beach Resort. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)**

**E. PUBLIC HEARINGS**

**ITEM 2:** A Site Development Permit to allow construction of a duplex on a 6,800 square foot vacant lot and to allow retaining walls in excess of 30 inches in height. A Variance to permit a structural height in excess of the City standard for a structure with roof pitch of 4:12, to permit reduced front yard and side yard structural setbacks, and to permit exterior stairways extending into the side setbacks. *Continued from the regular Planning Commission meeting of November 5, 2003 (FF# 0600-30/SDP03-34M/CUP03-11/V03-15/Via Canon, 26252) [AA]*

Applicant/

Owner: Fara Marz Shahbazian

Location: 26252 Via Canon

Environmental: This proposed project qualifies as a Class 3 (Section 15303) pursuant of 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 to the regular Planning Commission meeting of December 3, 2003.

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

**Commissioner O'Connor stated that she lived within the 500' radius of the project and recused herself at 7:15 p.m.**

**ITEM 3:** Coastal Development Permit CDP03-08, Site Development Permit SDP03-37M, and Variance V03-17 to allow construction of an addition to an existing single-family residence within the Coastal Overlay District. A Site Development Permit to allow the new construction with retaining walls in excess of 30 inches in height. A Variance to allow a reduced front structural setback on property at 424 Monarch Bay Drive. (FF# 0610-70/CDP03-08/SDP03-37M/V03-17/Monarch Bay, 424) [AA]

Applicant: George Falcone

Owner: Victor and Sandra Norton

Location: 424 Monarch Bay Drive

Environmental: This project is Categorically Exempt, Section 15303 (Class 1 – Existing Facilities) from provisions set forth in the California Environmental Quality Act (CEQA), in that it involves construction of an addition to an existing single-family residence of less than 10,000 square feet where the project is in an

area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive.

Recommendation: That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP03-08, Site Development Permit SDP03-37M, and Variance V03-17 for construction of an addition to an existing single-family residence with retaining walls over 30 inches in height, and a Variance for a reduced front structural setback.

There were no requests to speak on this item.

**ACTION:** Motion made (Powers) and seconded (Denton) to adopt Resolution 03-11-19-55 approving Coastal Development Permit CDP03-08, Site Development Permit SDP03-37M, and Variance V03-17. Motion carried 4-0-1. (AYES: Denton, Powers, Schoeffel, Weinberg NOES: None ABSENT: O'Connor ABSTAIN: None)

Commissioner O'Connor returned to the meeting at 7:24 p.m.

**ITEM 4:** A proposal to construct a new single-family residence with retaining walls taller than 30 inches on a steeply sloping 3,887 square foot lot, with Variance to structural height, rear yard structural setback, projections into the side and rear setback areas, and stepped back distance and extension for each floor above the first floor of the structure from the floor below, for property located at 34111 The Street of the Blue Lantern. (FF# 0600-30/SDP03-52M/V03-23/Blue Lantern, 34111) [AA]

Applicant: Robert Theel Company  
Owner: James F. DeCarli  
Location: 34111 Blue Lantern

Environmental: This project is Categorically Exempt (Class 3 – Section 15303 – New Construction or Conversion of Small Structures) from the provisions of the California Environmental Quality Act (CEQA) because it consists of construction of a single-family residence.

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 520 square feet, and a basement containing a two-car garage, mechanical space, laundry room, workshop, and bathroom occupying 1,089 square feet on a 3,887 square foot lot, and to allow retaining walls in excess of 30 inches in height. Variances are requested to permit a reduced rear setback (10 feet, rather than 16 feet), to permit a structural height of 34.4 feet (8.4 feet in excess of the City standard), to permit exterior stairways extending 4.5 feet into the

side and rear setbacks (rather than 2.5 feet), and to permit a reduced stepped back distance and extension (2 feet for the second story over approximately 40% of the width of the structure and 5 feet for the third story over approximately 40% of the width of the structure) for each floor above the first floor of the structure from the floor below.

Recommendation: That the Planning Commission authorize the proposal to allow construction of a new single-family residence on a 3,887 square foot lot, to allow retaining walls in excess of 30 inches in height, and to allow Variances to permit reduced rear structural setback, structural height in excess of the City standard, exterior stairways extending into the side and rear setbacks, but deny the Variance proposal to allow a reduced stepped back distance and extension for each floor above the first floor of the structure from the floor below.

There were thirteen (13) requests to speak on this item.

**ACTION:** Motion made (Denton) and seconded (O'Connor) to adopt Resolution 03-11-19-56 approving Site Development Permit SDP03-52M and Variance V03-23. Motion carried 4-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: Powers ABSENT: None ABSTAIN: None)

**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 as high as six (6) and one-half (1/2) feet in height and Variance V03-10 to exceed the maximum height limit by 11 feet three (3) inches, and for the requirements for development adjacent to coastal bluffs. (Continued from the regular Planning Commission meeting of November 5, 2003) (FF# 0610-70/CDP94-01(I)/SDP03-09/V03-10/Camino Capistrano, 35009) [KN]

Applicant/

Owner: Collin Cooper (Pioneer Builders)

Location: 35009 Camino Capistrano

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.

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 as high as 6.5 feet in height and Variances to exceed the maximum height limit by eleven (11) feet three (3) inches, and for the requirements for development adjacent to coastal bluffs.

Recommendation: That the Planning Commission approve Coastal Development Permit CDP94-01(I), Site Development Permit SDP03-09 and Variance V03-10.

There were thirteen (13) requests to speak on this item.

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

**ITEM 6: Mitigated Negative Declaration for the development of Dana Point Public Library and renovation of the existing Library.**  
(FF# 0600-30/SDP03-06/Niguel Road and Pacific Coast Highway) [BC]

Applicant/

Owner: City of Dana Point

Location: Northwest corner of Pacific Coast Highway and Niguel Road

Request: To adopt the Mitigated Negative Declaration for the development of the Dana Point Public Library and renovation of the existing Library.

Recommendation: That the Planning Commission approve the draft Resolution to adopt the Mitigated Negative Declaration for the development of the Dana Point Public Library and renovation of the existing Library.

There were no requests to speak on this item.

**ACTION: Motion made (O'Connor) and seconded (Powers) to adopt Resolution 03-11-19-57 adopting a Mitigated Negative Declaration for the development of the Dana Point Public Library and remodel of the existing Library. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)**

**ITEM 7: Adopt Sign Design Guidelines and amend the Sign Code.**  
(FF# 0610-15/ZTA03-02/LCPA03-02/Citywide) [BC]

Applicant/

Owner: City of Dana Point

Location: Citywide

Request: To adopt the Sign Design Guidelines and amend the City's Sign Code.

Environmental: A Negative Declaration was prepared for the Zone Text Amendment and Local Coastal Program Amendment for the Commission's review. Based on the Initial Study prepared for this project, it was determined that there would be no significant environmental impacts associated with the project.

Recommendation: That the Planning Commission recommend that the City Council approve the attached draft Resolution for a Negative Declaration and the attached draft resolution for the Sign Design Guidelines and amendments to the Dana Point Sign Code.

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

**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 O'Connor** thanked the City for repairing the baseball fields at the Community Center on Del Obispo.

**J. ADJOURNMENT**

**Chairman Schoeffel** announced that the *next* **special** meeting of the Planning Commission would be held on Wednesday, December 3, 2003, beginning at 5:30 p.m. (or as soon thereafter) in Suite 206 located at 33282 Golden Lantern, Suite 210, Dana Point, California.

**The meeting adjourned at 12:09 a.m.**