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

October 4, 2006  
7:05-8:42 p.m.

Community Center  
34052 Del Obispo  
Dana Point, CA 92629

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**CALL TO ORDER** – Chairman Schoeffel called the meeting to order.

**PLEDGE OF ALLEGIANCE** – Commissioner Denton led the Pledge of Allegiance.

**ROLL CALL**

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

Commissioner Absent: Commissioner Liz Anderson-Fitzgerald

**A. APPROVAL OF MINUTES**

**ITEM 1:** Minutes of the regular Planning Commission Meeting of September 6, 2006.

**ACTION:** Motion made (Denton) and seconded (O'Connor) to approve the Minutes of the regular Planning Commission Meeting of September 6, 2006. Motion carried 3-0-1-1. (AYES: Denton, O'Connor, Schoeffel NOES: None ABSENT: Fitzgerald ABSTAIN: Weinberg)

**ITEM 2:** Minutes of the special Planning Commission Meeting of September 26, 2006.

**ACTION:** Motion made (Denton) and seconded (Weinberg) to approve the Minutes of the special Planning Commission Meeting of September 26, 2006. Motion carried 3-0-1-1. (AYES: Denton, Schoeffel, Weinberg NOES: None ABSENT: Fitzgerald ABSTAIN: O'Connor)

**B. PUBLIC COMMENTS**

There were no Public Comments.

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**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

**D. PUBLIC HEARINGS**

**ITEM 3: Coastal Development Permit CDP05-20 to allow the demolition of an existing single-family dwelling and the construction of a new single-family dwelling on a coastal bluff lot and Minor Site Development Permit SDP05-58M to allow building height to be measured atop of not more than 30" of fill in the Residential Single Family 7 (RSF 7) Zoning District at 24332 Santa Clara Avenue.**

Applicant: S. Glenn Eichler, Architect  
Owner: Susan Morrison  
Location: 24332 Santa Clara Avenue

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 entails the demolition of an existing single-family residence and the construction of a new single-family residence replacing the existing residence.

Recommendation: That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP05-20 and Minor Site Development Permit SDP05-58M.

**Kurth Nelson** (Project Planner) reviewed the staff report.

**Chairman Schoeffel opened the Public Hearing.**

**Timothy McFadden** (Dana Point) felt that there has been a lack of consistency in the way the Planning staff has handled development on Santa Clara. He stated that he did not understand why this project was being allowed to do things that he was not able to do when building his own home. He added that he had the following concerns:

1. Setback line used by the Planning department is not consistent in protecting the coastal bluff;
2. 2'6" fill allowance;
3. Building of home without caissons using his soils report;

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4. Drainage system to protect the coastal bluff and protect neighbors from excessive drainage onto their properties.

**Chairman Schoeffel closed the Public Hearing.**

**Commissioner O'Connor** stated that she would not second guess the Engineering Department or the consultants and that based on their recommendations that she would support the project.

**ACTION:** **Motion made (Weinberg) and seconded (Denton) to adopt Resolution 06-10-04-43 approving Coastal Development Permit CDP05-20 and Minor Site Development Permit SDP05-58M. Motion carried 4-0-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: Fitzgerald ABSTAIN: None)**

**ITEM 4:** **Minor Site Development Permit SDP05-80M to allow the development of three residential dwelling units including one detached single-family dwelling and a duplex on one legal, vacant lot with retaining walls over 30 inches in height and Minor Conditional Use Permit CUP06-24M to allow walls to exceed height maximums in the required front and side yards at property located in the Residential Multiple Family 14 (RMF 14) Zoning District at 33852 Silver Lantern/33851 Malaga Drive.**

**Applicant:** Wayne Penny, Jr., Architect  
**Owner:** Hadi Emadi  
**Location:** 33852 Silver Lantern/33851 Malaga Drive

**Request:** A Minor Site Development Permit to allow the development of three residential dwelling units including one detached single-family dwelling and a duplex on one legal, vacant lot with retaining walls over 30 inches in height and a Minor Conditional Use Permit to allow walls to exceed height maximums in the required front and side yards at a property located in the Residential Multiple Family 14 (RMF 14) Zoning District.

**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 duplex or similar multi-family residential structure totaling no more than six dwelling units.

**Recommendation:** That the Planning Commission adopt the attached draft Resolution approving Minor Site Development Permit SDP05-80M and Minor Conditional Use Permit CUP06-24M.

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**Kurth Nelson** (Project Planner) reviewed the staff report.

**Chairman Schoeffel opened the Public Hearing.**

**Gene Burrus** (Dana Point) stated that he was pleased with the proposed development with garages and parking spaces. He felt that the project would be a nice improvement for the area.

**Glenn Murray** (Dana Point) stated that he was concerned about the wall height and whether it would obstruct the views of his tenants in the duplex next door. He added that the lack of sunlight because of the wall would be bad for his landscaping. He stated that there is a common easement between his property and the project and that he would like that easement taken into account and protected.

**Zev Meyers** (Dana Point) stated that he was concerned about the integrity of their existing wall.

**Chairman Schoeffel closed the Public Hearing.**

**Commissioner Denton** stated that he would like to include a condition with regard to the six (6) inch easement.

**Commissioner O'Connor** stated that she would support the project with the additional condition as proposed by Commissioner Denton.

**ACTION:** **Motion made (Denton) and seconded (Weinberg) to adopt Resolution 06-10-04-44 approving Minor Site Development Permit SDP05-80M and Minor Conditional Use Permit CUP06-24M with inclusion of a new Condition regarding the six (6) inch easement. Motion carried 4-0-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: Fitzgerald ABSTAIN: None)**

**E. PUBLIC MEETINGS**

There were no Public Meetings.

**F. OLD BUSINESS**

There was no Old Business.

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**G. NEW BUSINESS**

There was no New Business.

**H. STAFF REPORTS**

**Kyle Butterwick** (Director) reported that the Town Center Plan was scheduled to be heard by the City Council on October 25, 2006.

He stated that the Housing Program was presented to the City Council last week which consisted of three (3) components; 1. The Housing Element which the Council did endorse and the document will be sent to State HCD for review and certification, 2. The Density Bonus provision was also supported by the Council with the Planning Commission's recommendations and, 3. The Inclusionary Housing Program which was not endorsed.

He added that Residential Building Height LCP has been pending before the California Coastal Commission but the City had recently received notification that they are back-logged. He stated that the issue was scheduled before the Commission next week but Coastal Commission staff was asking for a one (1) year extension of time for the review.

**Todd Litfin** (Assistant City Attorney) reported that Proposition 90 would be on the upcoming November ballot and that in addition to government acquisitions and regulation of private property, that it has the potential to restrict a City's ability to impose regulations on property without incurring potential liability.

**I. COMMISSIONER COMMENTS**

**Commissioner O'Connor** stated while on her trip in Europe, that her mother had fallen in Paris and that they experienced socialized healthcare first hand. She added that we are very lucky to have the healthcare that we do here in the United States.

**Vice-Chairman Weinberg** reported that there will be a City Council Candidate debate shown on the public access channel on October 27, 2006.

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**J.     ADJOURNMENT**

**Chairman Schoeffel** announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, October 18, 2006, beginning at 7:00 p.m. (or as soon thereafter) in the Dana Point Community Center located at 34052 Del Obispo, Dana Point, California.

**The meeting adjourned at 8:42 p.m.**

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J. Scott Schoeffel, Chairman  
Planning Commission