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

April 5, 2006
7:05-10:55 p.m.

City Hall Offices
Council Chamber (#210)
33282 Golden Lantern
Dana Point, CA 92629

CALL TO ORDER – Chairwoman O'Connor called the meeting to order.

PLEDGE OF ALLEGIANCE – Bobbi Ogan led the Pledge of Allegiance.

ROLL CALL

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

Commissioner Absent: Commissioner Liz Anderson Fitzgerald

Staff Present: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), John Tilton (City Architect/Planning Manager), Brenda Chase (Senior Planner), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of March 15, 2006.

ACTION: Motion made (Weinberg) and seconded (Schoeffel) to approve the Minutes of the regular Planning Commission Meeting of March 15, 2006. Motion carried 2-0-1-2. (AYES: Schoeffel, Weinberg NOES: None ABSENT: Fitzgerald ABSTAIN: Denton, O'Connor)

B. PUBLIC COMMENTS

There were no Public Comments.

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

April 5, 2006
7:05-10:55 p.m.

PAGE 2

C. CONSENT CALENDAR

ITEM 2: One-year extension of Coastal Development Permit CDP01-31 and Site Development Permit SDP03-57 to allow the reconstruction of a multiple-family structure destroyed by natural causes with a new 30 unit multiple-family structure and associated repairs and improvements located at 32468 Crown Valley Parkway.

Applicant/

Owner: Lyon Management Companies

Location: 32468 Crown Valley Parkway

Request: Allow a second extension for a one-year time extension of discretionary permits originally approved in January of 2004, and granted entitlements to reconstruct a 30-unit multiple-family structure destroyed by natural causes and associated repairs and improvements.

Recommendation: That the Planning Commission approve a one-year time extension for Coastal Development Permit CDP01-31 and Site Development Permit SDP03-57, subject to all of the conditions contained in Resolution No. 04-01-21-02.

ACTION: Motion made (Schoeffel) and seconded (Denton) to approve the Consent Calendar. Motion carried 4-0-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: Fitzgerald ABSTAIN: None)

D. PUBLIC HEARINGS

ITEM 3: A Tentative Parcel Map TPM2005-298 and Conditional Use Permit CUP06-06 to allow the conversion of an existing duplex to condominiums and the corresponding request to subdivide the airspace for condominium purposes.

Applicant: Van Dyke Design

Owner: Walua Road Partners

Location: 34381 Via San Juan

Request: A Tentative Parcel Map and a Conditional Use Permit to allow the conversion of an existing duplex to condominiums and the corresponding request to subdivide the airspace for condominium purposes.

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

April 5, 2006
7:05-10:55 p.m.

PAGE 3

Environmental: The proposed project qualifies as Class 3 and Class 15 Categorical Exemptions (Section 15303 and 15315) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project consists of the conversion of a duplex to a condominium and the subdivision of four (4) or fewer parcels to create condominiums consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Tentative Parcel Map TPM2005-298 and Conditional Use Permit CUP06-06.

Brenda Chase (Senior Planner) reviewed the staff report.

There being no requests to speak, Chairwoman O'Connor opened and closed the Public Hearing.

ACTION: Motion made (Weinberg) and seconded (Schoeffel) to adopt Resolution 06-04-05-09 approving Tentative Parcel Map TPM2005-298 and Conditional Use Permit CUP06-06 Motion carried 4-0-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: Fitzgerald ABSTAIN: None)

ITEM 4: Variance V05-08 to allow a new single-family residence to exceed the maximum allowable height by 5-feet; a Coastal Development Permit CDP05-25 for development in the Coastal Zone, and a Minor Site Development Permit SDP05-65M for retaining walls up to 6 feet in the Residential Single-Family (RSF 7) Zoning District at 34142 Chula Vista.

Applicant: Lynn J. Muir
Owner: Usha Gopal
Location: 34142 Chula Vista

Request: A Variance to allow a new 4,485 square foot, 3-level single-family dwelling and attached 442 square foot garage, together measuring 31 feet in height, instead of the maximum allowable height of 26 feet, a Coastal Development Permit for development in the Coastal Zone, and a Minor Site Development Permit for retaining walls as high as 6-feet, on a 6,004 square foot lot in the Residential Single Family (RSF 7) Zoning District.

Environmental: The proposed project qualifies as a Class 3 (Section 15303) pursuant to the applicable provisions of the California Environmental Quality Act

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

April 5, 2006
7:05-10:55 p.m.

PAGE 4

(CEQA) in that the project involves the construction of a single-family residence and associated retaining walls.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Variance V05-08, Coastal Development Permit CDP05-25, and Site Development Permit SDP05-65M.

Brenda Chase (Senior Planner) reviewed the staff report.

Chairwoman O'Connor opened the Public Hearing.

David Swerdlin (San Juan Capistrano – Owner Representative) stated that the proposed home meets all of the City codes with the exception of the height Variance. He added that the height Variance was driven by the 33% slope of the lot. He stated that to design this home without any Variances would have a much greater impact on the neighborhood views. He added that the owner had tried to keep the views of the neighbors in mind while designing the new home. He stated that they agreed with all of the conditions with the exception of Condition Number 62. He added that they agreed that the landscaping should be no higher than the roofline, but not with the deed restriction limiting building improvement.

Scott Howell (Dana Point) provided a PowerPoint presentation. He stated that the proposed home would be twice the size of the other homes on the street and that the floor area ratio would be two times larger than the other homes. He added that the proposed home would destroy the historical element of the neighborhood. He requested a visual impact study be performed. He felt that a deed restriction for future improvements should run with the land. He suggested that the garage be built subterranean with access taken off of Blue Lantern.

Clarence Owen (Dana Point) stated that he had owned his property on Chula Vista for thirty years before building and that he did not have this kind of trouble when he came to the Planning Commission for his Variance. He added that he didn't agree with the condition for a deed restriction. He stated that he was in support of the project.

Chairwoman recessed the meeting at 8:28 p.m. and reconvened at 8:40 p.m.

Lynn Muir (Dana Point – Architect) stated that the public needs to look at the studies of the different designs that he had done based on no Variance but they would devastate the views.

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

April 5, 2006
7:05-10:55 p.m.

PAGE 5

Patty Leavitt (Dana Point) stated that she was opposed to the request for a Variance. She felt that Chula Vista is a destination that would be lost for the joggers and walkers of the area.

Tom Parry (Dana Point) stated that he was opposed to the Variance request. He felt that the new development would take away from the character of the street.

Sue Senescu (Dana Point) felt that the view from Chula Vista was important to retain and that she was opposed to the project. She stated that the garage should be subterranean with access off of Blue Lantern.

Stephen Coontz (Laguna Beach – Property Owner Counsel) felt that Condition Number 62 was not appropriate and that the laws should apply equally to all properties.

Michelle Hoover (Dana Point) stated that she was opposed to the Variance request and felt that Chula Vista was a scenic roadway. She added that she was not opposed to the project because of the loss of view, but about what the community would be losing when the Variance was granted.

Tim Hardy (Dana Point) stated that the proposed home should be built lower to allow for the view.

Gus Lazzari (Dana Point) stated that he was opposed to the proposal. He added that if the new home was kept at the previous roofline, that there wouldn't be a problem.

Karen Howell (Dana Point) stated that she was opposed to the project. She felt that there were other alternatives to building this home that would still preserve the community's coastal view.

Kathleen Kanter (Dana Point) stated that she was opposed to the project as proposed. She asked the Planning Commission to deny the proposed project and direct the proponent to modify his proposal to address the community concerns.

Sheila Vaughn (Dana Point) felt that the character of the street would be changed by the new development. She stated that she was strongly opposed to the project.

Richard Folmer (Dana Point) stated that he was opposed to the project.

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

April 5, 2006
7:05-10:55 p.m.

PAGE 6

Jack Hamilton (Dana Point) stated that the project complies with the code changes that were recently approved by the City Council. He added that because the project does comply with the code developed by the Residential Building Height Task Force that he would have to support the project.

Walden Tucker (Dana Point) stated that he was opposed to the project because of the loss of view.

Dr. Pravin Shah (Dana Point) stated that he was opposed to the project.

Dr. Prithri Dhani (Dana Point) felt that the opposition to this project was based on personal view protection. He stated that he supports the Variance request.

Bob Bellis (Dana Point) stated that he was opposed to the Variance request because of the loss of view that would occur.

Darryl Adams (Orange Park) stated that he was a state licensed civil engineer and that for no cost he would design a subterranean garage if it would preserve the view from Chula Vista for the neighborhood.

Bill Nikkel (Dana Point) stated that he would support the project if the garage was moved to Blue Lantern. He felt that view from Chula Vista should be permanently protected.

Cathey Avis (Dana Point) stated that she was opposed to losing the view.

David Swerdlin (San Juan Capistrano – Owner Representative) stated that the steepness of the slope makes it difficult to develop the property. He added that they were asking for a five (5) foot Variance and that this type of Variance had been granted to others under similar situations. He stated that the City's traffic engineer had said that the garage off of Blue Lantern would be dangerous because of the curve and steepness of Blue Lantern.

Chairwoman O'Connor closed the Public Hearing.

Chairwoman O'Connor recessed the meeting at 9:35 p.m. and reconvened the meeting at 9:46 p.m.

Commissioner Denton agreed that the landscaping of the home should be kept at a minimum and that he would support the application.

Commissioner Weinberg stated that he would support the project.

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

April 5, 2006
7:05-10:55 p.m.

PAGE 7

Chairwoman O'Connor felt that the Variance findings could be made and that she was in favor of keeping Condition Number 62 as written.

Vice-Chairman Schoeffel stated that the findings can be made to support the Variance. He felt that recordation was not necessary because the condition of approval which has the dimensional restrictions in it is as a practical matter is easy for the City to enforce if there is a violation. He added that if the Commissioners wanted future purchasers to have notice of the specific entitlement affecting this property then he would suggest modifying the proposed deed restriction to simply say that the property is subject to the Variance and Coastal Development Permit passed on this date.

Chairwoman O'Connor recessed the meeting at 10:46 p.m. and reconvened at 10:48 p.m.

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 06-04-05-10 approving Variance V05-08, Coastal Development Permit CDP05-25, Minor Site Development Permit SDP05-65M amending the language of Condition Number 62. 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.

G. NEW BUSINESS

There was no New Business.

H. STAFF REPORTS

Kyle Butterwick (Director) stated that staff was attempting to schedule a joint meeting with the Planning Commission and City Council for a Housing Summit Workshop. He added that April 26th and May 10th were identified as tentative

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

April 5, 2006
7:05-10:55 p.m.

PAGE 8

dates and that he would like for the Planning Commission to let him know which date would fit their schedules.

I. COMMISSIONER COMMENTS

Commissioner Weinberg reported that the next Town Center Subcommittee meeting was scheduled for Monday where they would be attempting to wrap up the loose ends. He stated that later in the month they would be meeting again to re-visit the traffic patterns.

Commissioner Denton felt that the stop lights for the streets connecting Pacific Coast Highway and Del Prado were too long when there was no traffic. He asked if it could be reported to Public Works.

J. ADJOURNMENT

Chairwoman O'Connor announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, April 19, 2006, 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 10:55 p.m.

Chairman
Planning Commission