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

July 6, 2005
7:04-11:26 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 – Todd Litfin led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), John Tilton (City Architect/Planning Manager), Kurth Nelson (Project Planner), Brenda Chase (Senior Planner), Erica Williams (Senior Planner), Robert Kain (Permit Coordinator), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of June 15, 2005.

ACTION: Motion made (Weinberg) and seconded (Powers) to approve the Minutes of the regular Planning Commission Meeting of June 15, 2005. Motion carried 4-0-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: Denton)

B. PUBLIC COMMENTS

There were no Public Comments.

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C. CONSENT CALENDAR

ITEM 2: General Plan Consistency Finding (GPC05-01); City of Dana Point, Capo Beach Storm Drain Easement.

Applicant: City of Dana Point, Public Works Department

Recommendation: That the Planning Commission adopt the attached draft Resolution finding that the acquisition of an easement for the Capistrano Beach Storm Drain is consistent with the City's General Plan.

ITEM 3: A request for Historical Resource Designation; 24440 Santa Clara.

Applicant: Lynn Muir
Owner: Steven Cary
Location: 24440 Santa Clara

Request: To designate a single-family residence located at 24440 Santa Clara as a historical structure and place the residence on the Dana Point Historic Resource Register.

Environmental: This project is categorically exempt (Class 31 – Section 15331 – Historical Resource Restoration/Rehabilitation) from the provisions of the California Environmental Quality Act (CEQA) because it consists of preservation of an existing historical single-family residence.

Recommendation: That the Planning Commission adopt the attached draft Resolution designating the single-family residence located at 24440 Santa Clara as a locally significant historical structure.

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

Commissioner Weinberg recused himself from the following item at 7:07 p.m.

D. PUBLIC HEARINGS

ITEM 4: (Continued from the regular Planning Commission meeting of June 15, 2005) Coastal Development Permit CDP03-21 and Mitigated Negative Declaration for the development of a portion of a 14.66 acre vacant lot at 32354 Caribbean Drive, with a 19,448 square foot, two-

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story, single-family residence that includes 5,864 square feet of basement area; a two-story 3,742 square foot, detached theatre/bowling alley; a 400 square foot detached observatory and; a detached, 820 square foot caretaker's residence with Site Development Permit SDP03-60M to allow retaining walls as high as 21 feet to stabilize the slope adjacent to Caribbean Drive and to create vehicular access, building pads, and outdoor living areas for property located in the Residential Single Family (RSF-2) and Open Space (OS) Zones.

Applicant: Fleetwood Joiner, Fleetwood Joiner and Associates, Inc.
Owners: Lapar Partnership; Lawrence and Pary Simpson
Location: 32354 Caribbean Drive

Request: A Mitigated Negative Declaration, Coastal Development Permit, and Site Development Permit for the development of a portion of a 14.66 acre vacant lot with a 19,448 square foot, two-story, single-family residence that includes 5,864 square feet of basement area; a two-story 3,742 square foot, detached theatre/bowling alley; a 400 square foot detached observatory and; a detached, 820 square foot caretaker's residence with retaining walls as high as 21 feet to stabilize the slope adjacent to Caribbean Drive and to create vehicular access, building pads, and outdoor living areas for property located in the Residential Single Family 2 (RSF 2) and Open Space (OS) Zones.

Environmental: A Mitigated Negative Declaration (MND) has been prepared for the project in accordance with Section 15070 of the California Environmental Quality Act (CEQA) for the Commission's review and adoption. The MND was circulated to the State Clearinghouse for 30 days on February 7, 2005. A notice of intent to adopt negative declaration was posted with the County Clerk and on the site on the same day, and published in the newspaper on February 6, 2005. The review period ended March 8, 2005. Two comment letters were received in response to the circulation of the MND and are attached as Supporting Documents for the Commission's consideration.

Recommendation: That the Planning Commission take the following actions:

- 1) Adopt the attached Resolution adopting a Negative Declaration for the project; and
- 2) That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP03-21 and Site Development Permit SDP03-60M.

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There were sixteen (16) requests to speak on this item.

ACTION: **Motion made (Schoeffel) and seconded (Denton) to adopt Resolution 05-07-06-28 approving a Mitigated Negative Declaration and corresponding Mitigation Monitoring Program for Coastal Development Permit CDP03-21 and Site Development Permit SDP03-60M. Motion carried 4-0-1. (AYES: Denton, O'Connor, Powers, Schoeffel NOES: None ABSENT: Weinberg ABSTAIN: None)**

ACTION: **Motion made (Schoeffel) and seconded (Denton) to adopt Resolution 05-07-06-29 approving Coastal Development Permit CDP03-21 and Site Development Permit SDP03-60M. Motion carried 4-0-1. (AYES: Denton, O'Connor, Powers, Schoeffel NOES: None ABSENT: Weinberg ABSTAIN: None)**

Commissioner Weinberg returned to the meeting at 9:25 p.m.

ITEM 5: **Coastal Development Permit CDP04-15 and Site Development Permit SDP04-52 to allow the demolition of an existing single-family residence and tennis court on two (2) adjoining lots with a corresponding lot line adjustment to allow the construction of a new two (2) story, 5,257 square foot single-family residence with 441 square feet of attached garage space and a 731 square foot detached office and garage located in both the Residential Beach Road (RBR 12) Zoning and Floodplain Overlay (FP-3) Districts at 35475 and 35481 Beach Road.**

Applicant: Mark Warren
Owners: Steve and Diane Muller
Location: 35475 and 35481 Beach Road

Request: A Coastal and Site Development Permit to allow the demolition of an existing single-family residence and tennis court on two (2) adjoining lots with a corresponding lot line adjustment to allow the construction of a new two (2) story, 5,257 square foot single-family residence with 441 square feet of attached garage space and a 731 square foot detached office and garage within the Floodplain FP-3 Overlay District.

Environmental: This project is categorically exempt (Class 3 – section 15303 – New Construction) from the provisions of the California Environmental Quality Act (CEQA) because the project involves the construction of a new, single-family residence not in conjunction with the construction of two or more such dwelling units.

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Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP04-15 and Site Development Permit SDP04-52.

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

ACTION: Motion made (Schoeffel) and seconded (Powers) to adopt Resolution 05-07-06-30 approving Coastal Development Permit CDP04-15 and Site Development Permit SDP04-52. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ITEM 6: Coastal Development Permit CDP05-08 and Site Development Permit SDP05-31 to allow for the demolition of an existing single-family residence and the construction of a new two (2) story, single-family residence within the RBR 18 Zoning District and the Floodplain FP-3 Overlay District at 35291 Beach Road.

Applicant: Stan Schrofer, Stan Schrofer & Associates
Owner: Ray Taccolini
Location: 35291 Beach Road

Request: Approval of a Coastal Development Permit and Site Development Permit to allow for the demolition of an existing single-family residence and the construction of a new two (2) story, 3,605 square foot single-family residence with an attached 544 square foot, two (2) car garage within the RBR18 Zoning District and the Floodplain FP-3 Overlay District.

Environmental: This project is categorically exempt (Class 3 – Section 15303 – New Construction) from the provisions of the California Environmental Quality Act (CEQA) because 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 adopt the attached draft Resolution approving Coastal Development Permit CDP05-08 and Site Development Permit SDP05-31.

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

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ACTION: Motion made (Schoeffel) and seconded (Powers) to adopt Resolution 05-07-06-31 approving Coastal Development Permit CDP05-08 and Site Development Permit SDP05-31. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ITEM 7: Coastal Development Permit CDP05-10 to allow an addition and remodel to an existing single-family residential dwelling that would result in an increase of more than ten percent (10%) of the internal floor area of the dwelling. The subject site is located in the Residential Single Family (RSF 7) Zone and is addressed as 23691 Sidney Bay.

Applicant: Dominic Pak
Owner: Ray J. Ayala
Location: 23691 Sidney Bay

Request: A Coastal Development Permit to allow the addition and remodel of a total of 1,610 square feet to the first and second floor; 700 square feet will be added to the first floor to create a new bedroom, bathroom, laundry area, entry and kitchen; 910 square feet will be added to the second floor to establish a new bedroom, bathroom and game room. The proposed addition will consist of approximately 70% of the existing internal floor area, which exceeds the 10% exemption, thus requiring a Coastal Development Permit.

Environmental: The proposed project qualifies as Class 1 (Section 15301) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves an addition to an existing structure not resulting in an increase of 50 percent of the floor area prior to the addition, or 2,500 square feet whichever is less.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP05-10.

There were three (3) requests to speak on this item.

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 05-07-06-32 approving Coastal Development Permit CDP05-10. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

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ITEM 8: A Coastal Development Permit CDP05-13 and Site Development Permit SDP05-38M to allow an addition to an existing non-conforming single-family residence and retaining walls over 30-inches in height on a property located within the Coastal Overlay District at 325 Monarch Bay Drive.

Applicant/

Owner: Kip Arnette

Location: 325 Monarch Bay Drive

Request: Request for a Coastal Development (CDP05-13) and a Site Development Permit (SDP05-38M) to allow a 197 square foot addition to an existing, non-conforming single-family residence and retaining walls in excess of 30-inches.

Environmental: This project is Categorically Exempt (Class 1 – Section 15301 – Existing Facilities) from the provisions of the California Environmental Quality Act (CEQA) because it consists of an addition to an existing structure that will not result in an increase of more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP05-13 and Site Development Permit SDP05-38M.

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

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 05-07-06-33 approving Coastal Development Permit CDP05-13 and Site Development Permit SDP05-38M. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ITEM 9: Coastal Development Permit CDP05-01 and a Variance V05-01 to allow for the demolition of an existing detached garage and the construction of a new 3-car garage with a 1,200 square foot second dwelling unit. A Variance is also requested to allow less than the required 20-foot driveway. The subject property is located in the Residential Single Family (RSF 4) Zone and the Coastal Overlay District appeals area at 24711 El Camino Capistrano.

Applicant: Robert Nichols

Owner: Rosemary Brown

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Location: 24711 El Camino Capistrano

Request: Coastal Development Permit to allow for the demolition of an existing detached garage and the construction of a new 3-car garage with a 1,200 square foot second dwelling unit in conjunction with a Variance to allow less than the required 20-foot driveway.

Environmental: The project is categorically exempt, Section 15303 (Class 3 – New Construction or Conversion of Small Structures) in that the project is a construction of a second dwelling unit garage and Section 15305 (Class 5 – Minor Alteration in Land Use Limitations) in that the project requires a Variance to the rear yard setback requirement pursuant to the applicable provisions of the California Environmental Quality Act (CEQA).

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP05-01 and Variance V05-01.

There were four (4) requests to speak on this item.

ACTION: Motion made (Weinberg) and seconded (Denton) to adopt Resolution 05-07-06-34 approving Coastal Development Permit CDP05-01 and Variance V05-01 with amendment. Motion carried 4-0-1. (AYES: Denton, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: O'Connor)

E. PUBLIC MEETINGS

There were no Public Meetings.

F. OLD BUSINESS

ITEM 10: Commission discussion regarding televising Planning Commission meetings. (Continued from the regular Planning Commission meeting of June 1, 2005)

Commissioner Denton stated that only the meetings on the Town Center should be televised and felt that there was no benefit for televising the regular Planning Commission meetings. He added that the Public Comment portion of the meeting will become more popular and felt that the meetings would become political if they were televised.

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Vice-Chairman Schoeffel felt that televising the Planning Commission meetings would give the public access to the process and would be a good outlet for public education on how their government works. He stated that he has had many people express to him that they would like to see the meetings televised.

Commissioner Powers stated that to allow transparency in government, people have been asking, and the Town Center were his reasons for televising the meetings.

Chairwoman O'Connor felt that only the important issues should be televised, not every Planning Commission meeting. She stated that she wanted to keep the Planning Commission non-political.

Commissioner Weinberg stated that the City can't just televise the Planning Commission once in a while, that every meeting should be televised because it is hard to know what will be educational to the populace-at-large.

ACTION: **Motion made (O'Connor) and seconded (Denton) to recommend that the City Council only televise the Planning Commission meetings that address only city-wide issues. Motion failed 2-3. (AYES: Denton, O'Connor NOES: Powers, Schoeffel, Weinberg ABSENT: None ABSTAIN: None)**

ACTION: **Motion made (Schoeffel) and seconded (Weinberg) to recommend that the City Council televise all regular and special Planning Commission meetings. Motion carried 3-2. (AYES: Powers, Schoeffel, Weinberg NOES: Denton, O'Connor ABSENT: None ABSTAIN: None)**

G. NEW BUSINESS

There was no New Business.

H. STAFF REPORTS

There were no Staff Reports.

I. COMMISSIONER COMMENTS

There were no Commissioner Comments.

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J. ADJOURNMENT

Chairwoman O'Connor announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, July 20, 2005, 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 11:26 p.m.