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

March 17, 2004
7:00-8:37 p.m.

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

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

PLEDGE OF ALLEGIANCE – Commissioner Schoeffel led the Pledge of Allegiance.

ROLL CALL

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

Commissioner Absent: Chairman Norman Denton

Staff Present: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), Sonia Pierce (Planning Consultant), Brenda Chase (Associate Planner), Kurth Nelson (Planning Consultant), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of March 3, 2004. (FF# 0120-10/PC Minutes/PC Secretary Binder) [BO]

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to approve the Minutes of the regular Planning Commission Meeting of March 3, 2004. Motion carried 4-0-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: Denton ABSTAIN: None)

B. PUBLIC COMMENTS

There were no Public Comments.

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C. CONSENT CALENDAR

ITEM 2: Administrative Coastal Development Permit CDP04-01A to allow for the construction of a new 3,704 square foot, one-story, single family residence with 787 square feet of attached garage space.
(FF# 0610-80/CDP04-01A/Sea Island Drive, 32705) [SP]

Applicant/

Owner: Dale Stinchfield

Location: 32705 Sea Island Drive

Request: An Administrative Coastal Development Permit to allow the demolition of an existing 2,798 square foot single-family residence and attached 787 square foot garage, and the construction of a new 3,704 square foot single-family residence with an attached 787 square foot garage.

Environmental: This project qualifies as a Class 3 (Section 15303) Categorical Exemption from the provisions set forth in the California Environmental Quality Act (CEQA), in that it involves construction of a single-family residence.

Recommendation: That the Planning Commission affirm the Director of Community Development's approval of Administrative Coastal Development Permit CDP04-01A.

Kyle Butterwick (Director) provided a brief summary of the report. He suggested that the proposed application be continued to the April 7, 2004 meeting to allow staff time to revise the conditions of approval. He stated that the Commission does have the ability to call for a public hearing on this application if deemed appropriate. He stated that staff supported this application coming back to the Commission as a noticed public hearing to allow people to provide testimony if there is interest to do so.

Todd Litfin (Assistant City Attorney) stated that the Commission had two (2) options; continuance of the administrative permit or have it come back as a public hearing. He added that if a public hearing was chosen, there would need to be a motion from the Commission with one-third of the Commissioners voting in approval.

Commissioner Schoeffel stated that he would support continuing the item to the next meeting.

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Commissioner Weinberg stated that he would like the item to return as a public hearing item.

Commissioner Powers stated that a continuance would make sense.

Vice-Chairwoman O'Connor stated that she would support a noticed public hearing.

Dale Stinchfield (Laguna Niguel – Applicant) stated that they did receive approval from the homeowners association on their proposed plans and they were issued a permit from the City. He added that they made some minor modifications to the plans and again received the necessary approvals. He didn't understand why the City was delaying their project.

ACTION: Motion made (Weinberg) and seconded (Schoeffel) to direct Staff to bring this item back to the next regular Planning Commission meeting of April 7, 2004 as a noticed Public Hearing Item. Motion carried 4-0-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: Denton ABSTAIN: None)

D. PUBLIC HEARINGS

ITEM 3: A proposal to construct a new single-family residence with two stories of living space and a ground story with non-habitable space and garage. A Variance is requested to permit a structural height of 30 feet (6 feet in excess of City standard) and to allow a roof deck access way to be constructed an additional 8-feet above the structure (14-feet above the City standard). A Site Development Permit is required for 6-foot high retaining walls to be located along the perimeter of the property located at 33821 Robles Drive.
(FF# 0600-30/SDP04-02M/V04-01/Robles Drive, 33821) [BC]

Applicant: Rob Patterson, Architect
Owner: David Miller, Pacific Contractors
Location: 33821 Robles Drive

Request: Approval of a Variance and Site Development Permit to permit a new single-family residence with 2,971 square feet of living space on two stories, and a ground story with 253 square feet of non-habitable space and a 1,082 square foot garage on a 3,483 square foot lot. A Variance is required to permit a structural height of thirty feet (6 feet in excess of the height limit) and a roof deck

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access way which would be 8-feet above the structure (14-feet above the City standard).

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

Recommendation: That the Planning Commission adopt the attached Resolution to:

- 1) Authorize construction of a new single-family residence with 2,971 square feet of living space on two stories, and a ground story with 253 square feet of non-habitable space and a 1,082 square foot garage, with a Variance allowing a structural height of 30 feet (6 feet in excess of City standard); and
- 2) Authorize the construction of retaining walls not to exceed 6-feet in height along the perimeter of the property; and
- 3) Deny the request to construct roof deck access way that would extend an additional 8-feet above the proposed structure, but allow for a 36-inch glass guardrail for the roof deck.

Brenda Chase (Associate Planner) reviewed the staff report.

Vice-Chairwoman O'Connor opened the Public Hearing.

Rob Patterson (Newport Beach – Architect) stated that he has worked with staff to try to resolve their concerns about meeting the requirements of the zoning ordinance. He felt that they had accomplished that with exception of the roof and that was why they were asking for a Variance. He added that he was available to answer any questions the Commission had.

Bill Carney (Dana Point) stated that he supports the project and felt that it was what the City needed. He added that the project had a great design. He stated that he had received a height variance for his own property on Robles and asked the Commission to approve this project.

Bill Agee (Capistrano Beach) stated that he was concerned about the City's policy on variances. He added that there has been a tendency to build bigger homes on smaller lots.

Michael Isaacs (Dana Point) stated that his properties look down upon this property. He added that he objected to the home being built higher than the

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Code allows. He stated that by allowing the variance that it would affect noise, privacy and sunlight on the surrounding properties.

Judy Fremer (Dana Point) stated that she opposed the variance and referred the Commissioners to the correspondence that she had submitted. She added that she and thirteen fellow homeowners had signed the letter that opposed this variance. She felt that the home would be too large for the site and that the findings for a variance could not be made. She asked the Commission to deny the project.

Josee McCullagh (La Crescenta) stated that she opposes the variance because of the view obstruction.

Jeff Hlifka (Dana Point) stated that he had built his home to code and felt that those requirements should be maintained.

David Miller (Glendora – Property Owner) stated that the proposed home would not obstruct anyone's views and felt that the home was the same size as everyone else's. He asked the Commission for approval of his project at thirty feet in height with removal of the doghouse.

Vice-Chairwoman O'Connor closed the Public Hearing.

Vice-Chairwoman O'Connor stated that she was opposed to the doghouse access way and felt that there were other ways to design the roof access. She added that she liked the step-back feature of the home design and would support the request for the retaining walls because they are located in the back of the property.

Commissioner Schoeffel stated that the findings could be made to support the Variance. He added that the applicant was not asking for anything that the neighbors didn't already have. He felt that the request was reasonable and that with the added step-back feature the City will get a much better structure. He stated that he would support the request without the doghouse.

Commissioner Powers stated that outdoor living space was important, but that he would not support the doghouse. He felt that the request was not unreasonable.

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 04-03-17-10 approving Minor Site Development Permit SDP04-02M and Variance V04-01. Motion carried 4-0-1. (AYES:

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O'Connor, Powers, Schoeffel, Weinberg **NOES:** None **ABSENT:** Denton **ABSTAIN:** None)

ITEM 4: **An amendment to Minor Site Development Permit SDP03-09M to allow architectural changes to the Via Sacramento and Via Gomez facades and the inclusion of a doghouse access way to the roof deck on a previously approved duplex.**
 (FF# 0600-30/SDP03-09M(I)/Via Sacramento, 26471) [KN]

Applicant: Shiv Talwar
Owner: Greens Family Limited Partnership, Rajesh Kadakia
Location: 26471 Via Sacramento

Request: An amendment to allow architectural changes to the Via Sacramento and Via Gomez facades and the inclusion of a doghouse access way to the roof deck on a previously approved duplex.

Environmental: The proposed project qualifies as a Class 3 Categorically Exemption (Section 15303) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project consists of the construction of a duplex totaling no more than six (6) units.

Recommendation: That the Planning Commission adopt the attached Resolution approving Minor Site Development Permit SDP03-09M(I).

Kurth Nelson (Planning Consultant) reviewed the staff report.

There being no requests to speak on this item, Vice-Chairwoman O'Connor opened and closed the Public Hearing.

ACTION: **Motion made (Schoeffel) and seconded (Powers) to adopt Resolution 04-03-17-11 approving Minor Site Development Permit SDP03-09M(I). Motion carried 4-0-1.** (**AYES:** O'Connor, Powers, Schoeffel, Weinberg **NOES:** None **ABSENT:** Denton **ABSTAIN:** None)

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- ITEM 5:** **Coastal Development Permit CDP03-20, and Site Development Permit SDP03-62 to allow for a lot line adjustment, the demolition of an existing single-family residence and the construction of a new two (2) story 3,959 square foot single-family residence with an attached 978 square foot, four (4) car garage within the Floodplain FP-3 Overlay District.**
(FF# 0610-70/CDP03-20/SDP03-62/Beach Road, 35195) [KN]

Applicant: Mike Hayden, Master Remodelers
Owner: Lonnie Laster
Location: 35195 Beach Road

Request: Approval of a Coastal Development Permit and Site Development Permit to allow for a lot line adjustment, the demolition of an existing single-family residence and the construction of a new two (2) story, 3,959 square foot single-family residence with an attached 978 square foot, four (4) car 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 it consists of the construction of a new residential unit.

Recommendation: That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP03-20 and Site Development Permit SDP03-62.

Kurth Nelson (Planning Consultant) reviewed the staff report.

Vice-Chairwoman O'Connor opened the Public Hearing.

Mike Hayden (Dana Point) stated that he was available to answer any questions.

Vice-Chairwoman O'Connor closed the Public Hearing.

ACTION: **Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 04-03-17-12 approving Coastal Development Permit CDP03-20 and Site Development Permit SDP03-62. Motion carried 4-0-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: Denton ABSTAIN: None)**

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ITEM 6: Coastal Development Permit CDP03-09 to allow the construction of a 14,900 square foot, two-story, single-family residence, including a 3,980 square foot basement and a 662 square foot attached garage and related hardscape and landscape improvements with Site Development Permit SDP03-48M to permit retaining walls up to 7'-5" and Variance V04-05 to allow a retaining wall deck to extend greater than four (4) feet beyond the top of an existing slope.
(FF# 0610-70/CDP03-09/SDP03-48M/V04-05/Monarch Cove, 6) [KN]

Applicant: Frank McNamara, Corcoran & Corcoran, Inc.
Owner: Thomas Tracy
Location: 6 Monarch Cove

Request: A Coastal Development Permit to allow the construction of a 14,900 square foot, two-story, single-family residence, which includes a 3,980 square foot basement and a 662 square foot attached garage and related hardscape and landscape improvements. A Site Development Permit and Variance are requested to permit retaining walls up to 7'-5", and to allow a retaining wall deck to extend greater than four (4) feet beyond the top of an existing slope respectively.

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 consists of the construction of a new residential unit.

Recommendation: That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP03-09, Site Development Permit SDP03-48M, and Variance V04-05.

Kurth Nelson (Planning Consultant) reviewed the staff report.

Vice-Chairwoman O'Connor opened the Public Hearing.

Mike Hayden (Dana Point – Chairman of the Architectural Committee for Monarch Cove) stated that the applicant was maintaining the view corridor as requested by the architectural committee. He added that with regard to the retaining walls, that the tram that goes from the beach club to the hotel creates a privacy issue. He stated that the retaining walls would provide a buffer to allow the tram to pass by more discretely.

Robert Theel (Dana Point) stated that he supports the project because the architect had designed a project that has minimum impact and that meets all zoning regulations.

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Thomas Tracy (Santa Ana – Property Owner) stated that he was available for any questions.

Frank McNamara (Newport Beach – Architect) stated that this home was an important addition to the City. He stated that he was available for any questions.

Vice-Chairwoman O'Connor closed the Public Hearing.

Commissioner Schoeffel stated that this project would be a fine addition to the City.

Commissioner Weinberg stated that this was an impressive structure and that he would support the project.

Commissioner Powers stated that he would support the project.

Vice-Chairwoman O'Connor stated that she was impressed with the proposed home.

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 04-03-17-13 approving Coastal Development Permit CDP03-09, Minor Site Development Permit SDP03-48M, and Variance V04-05. Motion carried 4-0-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: Denton 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.

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H. STAFF REPORTS

Kyle Butterwick (Director) reminded the Commissioners of the joint meeting with the City Council that has been scheduled for Wednesday, March 24, 2004 at the Marriott Hotel to begin with dinner at 5:00 p.m.

I. COMMISSIONER COMMENTS

Commissioner Powers reported that his wife gave birth to their new son this morning. He stated that they had named him Christopher and that he weighed in at 9 pounds, 3 ounces.

Commissioner Schoeffel wished the Powers' family the best.

Commissioner Weinberg stated that Vice-Chairwoman O'Connor had done a great job chairing the meeting. He congratulated Commissioner Powers on his family's newest addition.

Vice-Chairwoman O'Connor congratulated Commissioner Powers on the birth of his son.

J. ADJOURNMENT

Vice-Chairwoman O'Connor announced that the *next* meeting of the Planning Commission would be held on Wednesday, March 24, 2004, beginning at 5:00 p.m. (or as soon thereafter) at the Marriott Laguna Cliffs Hotel located at 25135 Park Lantern, Dana Point, California for the purposes of a joint meeting with the City Council.

The meeting adjourned at 8:37 p.m.

April O'Connor, Vice-Chairwoman
Planning Commission