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

February 18, 2004
7:01-8:14 p.m.

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

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

PLEDGE OF ALLEGIANCE – Commissioner O'Connor led the Pledge of Allegiance.

ROLL CALL

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

Commissioner Absent: Commissioner Greg Powers

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

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of February 4, 2004. (FF# 0120-10/PC Minutes/PC Secretary Binder) [BO]

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

B. PUBLIC COMMENTS

There were no Public Comments.

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

February 18, 2004
7:01-8:14 p.m.

PAGE 2

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: Site Development Permit SDP91-05(III) a request to amend a previously approved project entry design for the Pointe Monarch residential development currently under construction. To allow revisions to the height of the gates and pilasters from seven feet two inches (7'-2") to a range between eight (8) feet and 16 feet, also design and material revisions to the entry gates and fountain.
(FF# 0600-30/SDP91-05(III)/Pointe Monarch) [SP]

Applicant: Capital Pacific Holdings, Inc.
Owner: Capital Pacific Holdings, Inc.
Location: East of the intersection of Pacific Coast Highway and Via Subida

Request: A request to amend a previously approved project entry design for the Pointe Monarch residential development currently under construction. The request is to allow a revision in the height of the entry gates and pilasters from seven feet, two inches (7'-2") to a range between eight (8) feet and 16 feet, also design and material revisions to the entry gate and fountain.

Environmental: This construction is determined to be a Categorically Exempt, Class 11 construction, pursuant to section 15311 of the California Environmental Quality Act (CEQA) in that it involves minor construction, or replacement of minor structures.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Site Development Permit SDP91-05(III).

Sonia Pierce (Planning Consultant) reviewed the staff report.

Chairman Schoeffel opened the Public Hearing.

Allean Munsell (Dana Point) stated that she had spoken to a guard at Monarch Cove and that she was told the higher the gate, the slower it is to open and to close. She felt that the additional height to the gate and fences were cosmetic and that there was no reason for it. She added that she was strongly against approving the project.

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

February 18, 2004
7:01-8:14 p.m.

PAGE 3

Chairman Schoeffel closed the Public Hearing.

Commissioner Weinberg stated that he didn't understand why the developer would want to block his own view by raising the height of the gates.

Vice-Chairman Denton felt that the gates would be out of balance with the original plans and that the additional height would be cosmetic, not functional.

Commissioner O'Connor stated that she did not have a problem with the additional height and that she would support the proposal.

Chairman Schoeffel stated that he would support the proposal.

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution 04-02-18-06 approving Site Development Permit SDP91-05(III). Motion carried 4-0-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: Powers ABSTAIN: None)

ITEM 3: A Coastal Development Permit CDP03-06 to allow the demolition of an existing residence, and the construction of a new two-story, 3,273 square foot residence with a 462 square foot detached garage with a Minor Site Development Permit SDP04-07M to allow retaining walls over six (6) feet in height. Variances V03-13 are requested to exceed the maximum height limit by two (2) feet, two (2) inches, and for the requirements for development adjacent to coastal bluffs. (FF# 0610-70/CDP03-06/V03-13/SDP04-07M/Camino Capistrano, 35051) [KN]

Applicant: Paul Douglas
Owner: Christopher Underwood
Location: 35051 Camino Capistrano

Request: A Coastal Development Permit to allow the demolition of an existing residence, and the construction of a new two-story, 3,273 square foot residence with a 462 square foot detached garage with a Minor Site Development Permit to allow retaining walls over six (6) feet in height and Variances to exceed the maximum height limit by two (2) feet, two (2) inches, and for the requirements for development adjacent to coastal bluffs.

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

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

February 18, 2004
7:01-8:14 p.m.

PAGE 4

residence not in conjunction with the construction of two or more of such dwelling units.

Recommendation: That the Planning Commission deny Coastal Development Permit CDP03-06, Variance V03-13, and Minor Site Development Permit SDP04-07M.

Kurth Nelson (Planning Consultant) reviewed the staff report.

Gail Cosulich (Zeiser Kling) provided a review of how a bluff edge is determined.

Chairman Schoeffel opened the Public Hearing.

Paul Douglas (Dana Point) stated that the real issue was the true placement of where the bluff edge is and that they disagreed with the City's geologist. He felt that there was not a step-like feature on the property, but a gradual slope. He stated that their design would put the home sixty-feet from where their geologist considers the bluff edge.

Kevin Trigg (Geofirm) stated that the issue of slope stability was being overlooked. He felt that there would be ample setback from the bluff edge if the project were approved as proposed.

Lawrence Read (Capistrano Beach) felt that the building plan was not suitable for the site. He stated that he did not agree with the request for a height variance and asked for denial of the project.

Carlos Smith (Capistrano Beach) stated that he was concerned with bluff stability and erosion. He felt that the structure should not be allowed to encroach into the top-of-bluff area and that they had plenty of room to build without going beyond the existing residence. He asked the Planning Commission to deny the project.

Earl Wessell (Capistrano Beach) stated that he wanted the Zoning Code to be upheld. He added that he was concerned with bluff stability.

Norm Nowell (Capistrano Beach) stated that he wanted the codes upheld. He added that there was no hardship to support the requested Variances and he asked the Planning Commission to deny the project.

Larry Rolapp (Capistrano Beach) stated that he wanted the bluffs protected and that he supported staff's recommendation for denial of the project.

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

February 18, 2004
7:01-8:14 p.m.

PAGE 5

Chairman Schoeffel closed the Public Hearing.

Commissioner O'Connor felt that the findings could not be made to support the proposed project and that the retaining walls would be too high. She stated that she would support staff's recommendation for denial.

Commissioner Weinberg stated that he agreed with the consultants' top-of-bluff determination and would support staff's recommendation for denial of the project.

Vice-Chairman Denton felt that the house could be redesigned. He suggested that the Commission follow the consultants' lead and deny the project.

Commissioner Weinberg suggested a continuance of the project to allow the applicant to work further with staff.

There was a consensus of the Planning Commission to continue this item to the regular Planning Commission meeting of April 21, 2004.

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) reminded the Planning Commission of the upcoming joint workshop meeting on March 24, 2004 with the City Council to discuss issues with the City's consultant relating to the General Plan Program.

He stated that the Town Center Specific Plan consultant selection has been delayed. He added that the City Council felt it necessary to do additional

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

February 18, 2004
7:01-8:14 p.m.

PAGE 6

outreach and to solicit one or more additional proposals and that he expects to be able to report back to Council in 6-8 weeks.

He reported that the City Council had continued the public hearing on the appeal of the Planning Commission's determination for the new home next to Pines Park to their regular meeting of March 10, 2004.

I. COMMISSIONER COMMENTS

Commissioner O'Connor felt that tax payer money has been well-spent on refurbishing the baseball fields at Del Obispo Park.

J. ADJOURNMENT

Chairman Schoeffel announced that the *next* regular meeting of the Planning Commission would be held on Wednesday, March 3, 2004, 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 8:14 p.m.

Chairman, Planning Commission