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

February 4, 2004
7:07-8:25 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 – Bobbi Ogan 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

Staff Present: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), Kurth Nelson (Planning Consultant), Albert Armijo (Planning Consultant), Brenda Chase (Associate Planner), Eugenia Garcia (Senior Planner), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of January 21, 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 January 21, 2004. Motion carried 4-0-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg **NOES:** None **ABSENT:** Powers **ABSTAIN:** None)

Commissioner Powers arrived at 7:09 p.m.

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 2: Coastal Development Permit CDP03-22 allowing a remodel not exceeding ten percent (10%) of the value of the structure of an existing two (2) story residence non-conforming as to the Floodplain (FP-3) requirements. (FF# 0610-70/CDP03-22/Beach, Road, 35087)
[KN]

Applicant: C.J. Light Associates
Owner: Laurel Underwood-Wiley
Location: 35087 Beach Road

Request: A Coastal Development Permit allowing a remodel not exceeding ten percent (10%) of the value of the structure of an existing two (2) story residence non-conforming as to the Floodplain (FP-3) requirements.

Environmental: The proposed project qualifies as a Class 1 (Section 15301) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project includes interior and/or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP03-22.

Kurth Nelson (Planning Consultant) reviewed the staff report.

Chairman Schoeffel opened the Public Hearing.

Chris Miller (Capistrano Beach) stated that he could not understand how an appraisal could be made on a home that had been gutted out. He felt that a numbers game had been played and that it was encouraging a band-aid effect to an older structure.

Alex Villalpando (Tustin – Architect) stated that they were trying to bring the home back to its original form so it could be habitable.

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Chairman Schoeffel closed the Public Hearing.

Vice-Chairman Denton stated that he would support the project.

Commissioner Weinberg stated that he would support the project.

Commissioner Powers stated that he would support the project.

ACTION: Motion made (O'Connor) and seconded (Weinberg) to adopt Resolution 04-02-04-04 approving Coastal Development Permit CDP03-22. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ITEM 3: Conditional Use Permit CUP03-25 to add packaged liquor retail sales to an existing market. (FF# 0610-55/CUP03-25/La Plaza, 34065) [AA]

Applicant: Victor Miranda Espinoza
Owner: Lee Tacy Thatcher
Location: 34065 La Plaza

Request: Approval of a Conditional Use Permit to allow the addition of packaged retail beer and wine sales to an existing market.

Environmental: This project is Categorically Exempt (Class 1 – Section 15301 – Existing Facilities) from provisions of the California Environmental Quality Act (CEQA) because it involves a minor interior alteration of an existing structure.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Conditional Use Permit CUP03-25.

Albert Armijo (Planning Consultant) reviewed the staff report.

There being no requests to speak on this item, Chairman Schoeffel opened and closed the Public Hearing.

Commissioner Powers felt that the City should not allow the store owner to be able to sell a product that everyone around him is selling. He stated that he would accept the two (2) additional conditions as proposed by Staff. He added that he would support the proposal.

Vice-Chairman Denton stated that he would support the proposal.

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Commissioner O'Connor stated that she would support the proposal.

Commissioner Weinberg felt that the store owner should not be limited to selling only six-packs or cases of alcohol when everyone else around him is selling quarts and single cans.

Commissioner O'Connor stated that she agreed with Commissioner Weinberg that if other stores were selling single bottles, that this store should not be limited.

Chairman Schoeffel stated that he would support the additional conditions since the Sheriff's Department felt that they were necessary.

ACTION: **Motion made (Powers) and seconded (Denton) to adopt Resolution 04-02-04-05 as amended approving Conditional Use Permit CUP03-25. Motion carried 4-0-1. (AYES: Denton, O'Connor, Powers, Schoeffel NOES: None ABSENT: None ABSTAIN: Weinberg)**

ITEM 4: **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 (66) 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, 35015)
[KN]

Applicant: Paul Douglas
Owner: Christopher Underwood
Location: 35015 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

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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.

This item will be re-noticed for the regular Planning Commission meeting of February 18, 2004.

ITEM 5: ZTA03-03/LCPA03-03 Discussion of Height Regulations. (FF# 0610-15/ZTA03-03/LCPA03-03/Citywide) [BC]

Applicant/

Owner: City of Dana Point

Location: Citywide

Request: To discuss amending the City's Zoning Code to modify height regulations.

Environmental: A Negative Declaration was prepared for the Zone Text Amendment and Local Coastal Program Amendment for the Commission's review. Based on the Initial Study prepared for this project, it was determined that there would be no significant environmental impacts associated with the project.

Recommendation: That the Planning Commission discuss options for amending the regulations for measuring residential building height and re-notice the public hearing for a later date.

Brenda Chase (Associate Planner) reviewed the staff report.

Chairman Schoeffel opened the Public Hearing.

Robert Theel (Dana Point) applauded the effort of staff for the neighborhood study. He suggested that the ideas be tested on a volunteer group of local architects to test the proposals.

There was a consensus of the Planning Commission to table this item.

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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) announced Genia Garcia's new career opportunity. He stated that she had made a valuable contribution to the City and the Community Development Department during a challenging period. He stated that she was going to be missed by the Staff and wished her luck and success in her new position.

He reported that the City Council had supported the Planning Commission's decision on the new single family home on Blue Lantern, but that they did allow the stepback Variance.

He stated that next week the appeal of the new home near Pines Park would be heard by the City Council.

He stated that after a series of conference calls with various parties, that the Coastal Commission Staff will be in a position to assemble the action on the part of the State Coastal Commission. He added that they have set a tentative date of April to return to the Coastal Commission for the final approval and ratification of the suggested modifications and the proper findings. He stated that after final approval by the Commission, the package would be brought back to the Planning Commission and City Council to be ratified at the local level.

Genia Garcia stated that it has been a pleasure working with everyone here at the City. She added that she was looking forward to her new challenge, but that she has enjoyed her time in Dana Point.

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I. COMMISSIONER COMMENTS

Commissioner Powers stated that he was disappointed to see Genia leave because they have had many discussions about the plans for the City and that he was hoping to have Genia help guide the City through it.

Commissioner Weinberg congratulated Genia on her new position. He stated that his new mission was to bring the Farmers Market back to La Plaza to help bring foot traffic back to downtown.

Commissioner O'Connor stated that she would miss Genia and thanked her for her help in making the transition onto the Planning Commission. She added that it was great to see a woman advance her career.

Vice-Chairman Denton congratulated Genia. He stated that he would miss her energy and leadership that she had brought to the City.

Chairman Schoeffel stated that he appreciated the experience that Genia brought to the City. He wished her the best and added that her service was appreciated.

J. ADJOURNMENT

Chairman Schoeffel announced that the *next* regular meeting of the Planning Commission will be held on Wednesday, February 18, 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 8:25 p.m.

J. Scott Schoeffel, Chairman
Planning Commission