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

March 13, 2007
7:02-9:00 p.m.

Community Center
34052 Del Obispo
Dana Point, CA 92629

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

PLEDGE OF ALLEGIANCE – Kyle Butterwick led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Norman Denton, Commissioner Liz Anderson-Fitzgerald, Commissioner April O'Connor, and Chairman J. Scott Schoeffel

Staff Present: Kyle Butterwick (Director of Community Development), John Tilton (City Architect/Planning Manager), Todd Litfin (Assistant City Attorney), Erica Williams (Senior Planner), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of February 27, 2007.

ACTION: Motion made (Fitzgerald) and seconded (O'Connor) to approve the Minutes of the regular Planning Commission Meeting of February 27, 2007. Motion carried 4-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

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

March 13, 2007
7:02-9:00 p.m.

PAGE 2

D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit (CDP06-22), Variance (V06-08), Minor Site Development Permit (SDP07-08M) and Minor Conditional Use Permit (CUP07-03M) to allow a new two-story, 4,353 square foot, single-family residence with an attached 564 square foot garage on a sloping lot in the Coastal Overlay Zone. The proposed structure will measure approximately 31 feet, which will exceed the maximum allowable height by 5-feet; a Minor Site Development and Minor Conditional Use Permit are required to allow retaining walls along the side property lines that will exceed 30-inches in height (retaining) and will be over 6-feet of height. The subject site is located in the Residential Single-Family (RSF 7) Zoning District at 34148 Chula Vista.

Applicant: Stan Andrade Architects
Owner: Suresh Idnani
Location: 34148 Chula Vista

Request: A Coastal Development Permit, Variance, Minor Site Development Permit and Minor Conditional Use Permit to allow a new 4,353 square foot, two-story single-family dwelling and attached 564 square foot garage, together measuring 31 feet in height, instead of the maximum allowable height of 26 feet, and a Minor Site Development Permit and minor Conditional Use Permit for retaining walls as high as 9 feet 8 inches along the side property lines, for property located in the Residential Single Family (RSF 7) Zoning District.

Environmental: The proposed project qualifies as a Class 3 and Class 5 (Sections 15303 & 15305) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves the construction of one single-family residence not in conjunction with the building of two or more such units and associated retaining walls and that the Variance request will not result in the creation of any new parcel.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP06-22, Variance V06-08, Site Development Permit SDP07-08M and Minor Conditional Use Permit CUP07-03M.

Erica Williams (Senior Planner) reviewed the staff report.

Chairman Schoeffel opened the Public Hearing.

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

March 13, 2007
7:02-9:00 p.m.

PAGE 3

Robert Kanter (Dana Point) stated that he was opposed to the project because it will impact the coastal and horizon views. He felt that the Variance was unnecessary and that there were no exceptional circumstances.

Raj Idnani (Dana Point) stated that the proposed project met the Code and he urged the neighbors to put the issue to rest.

Usha Gopal (Dana Point) stated that she supported the project and asked for the Variance to be approved.

Samir Idnani (Dana Point – Property Owner) provided a PowerPoint showing the property prior to the demolition of the old house.

Stan Andrade (Dana Point – Architect) stated that there was very little option when designing a home on this lot. He added that the ability to use the slope allows the home to not be compressed on the street.

Clarence Owen (Dana Point) stated that he supports the project.

John Sullivan (Dana Point) stated that when designing a home on a slope you would be unable to go too low creates problems with drainage and run-off. He felt that they had tried to keep the view while designing the proposed home and that he supports the project.

Wally Tucker (Dana Point) stated that he opposes the project. He felt that the five-foot Variance would take away a lot of the neighbors' views.

Scott Howell (Dana Point) provided a PowerPoint presentation. He stated that he was opposed to the project and suggested the following:

1. Flat roof design;
2. Landscape height limit;
3. Match previous garage and house;
4. Increase front setback to allow the roof line to be lower.

He added that a slope is not a justification for approval of a Variance.

Patti Leavitt (Dana Point) stated that she was opposed to a Variance because it will affect the neighbors as well as change the feel of the neighborhood.

Michelle Hoover (Dana Point) stated that she was opposed to the proposed development and that she wanted to protect the view.

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

March 13, 2007
7:02-9:00 p.m.

PAGE 4

Pravin Shah (Dana Point) stated that he was opposed to the Variance and felt that the proposed house was too large for the neighborhood.

David Swerdlin (San Juan Capistrano – Property Owner Representative) stated that the public view was created with the two (2) old homes were demolished before the new building entitlements had been granted. He added that today's homes were larger because that is what the market demands. He asked the Planning Commission to approve the project based on the facts.

Sheila Vaughn (Dana Point) stated that she was opposed to the proposed home. She felt that there should be responsible development ahead of their profit.

Chairman Schoeffel closed the Public Hearing.

Commissioner O'Connor felt that there was a hardship with building on this lot and that the home would be compatible with the homes in the neighborhood. She stated that the Commission could not protect a public view over private land.

Commissioner Fitzgerald felt that the owner had a right to build. She stated that she would prefer to see a project without the need for a Variance. She asked if the Commission could approve the project contingent upon the California Coastal Commission's approval the Residential Building Height Standards.

Commissioner Denton stated that he would like to add a condition regarding the landscape height similar to the condition on the property next door. He added that eleven feet at the curb is not going to change if the home were designed smaller. He felt that the findings could be made and that he would support staff's recommendation of approval.

Chairman Schoeffel felt that the findings could be made to support the Variance and the Coastal Development Permit.

ACTION: **Motion made (O'Connor) and seconded (Denton) to adopt Resolution 07-03-13-03 approving Coastal Development Permit CDP06-22, Variance V06-08, Site Development Permit SDP07-08M, and Conditional Use Permit CUP07-03M with a condition included regarding the height of the landscaping in the front and side yards. Motion carried 4-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel NOES: None ABSENT: None ABSTAIN: None)**

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

March 13, 2007
7:02-9:00 p.m.

PAGE 5

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) reported that the City has yet to receive a hearing date before the Coastal Commission for the Town Center Plan. He stated that the City Council had requested staff to research the cost for execution of the street and landscaping for one and two-way designs in the Town Center for the upcoming budget considerations. He added that staff will make a recommendation to the City Council.

He stated that the City had received clear direction from the Coastal Commission staff on the Harbor Plan and that the document would be re-formatted for their consideration.

He reported that the consideration of the Residential Building Heights have been scheduled for a Coastal Commission hearing in April.

Todd Litfin (Assistant City Attorney) reported that the League of California Cities is creating a "Coastal Commission Issues" group to address concerns of coastal cities in California. He stated that at the first meeting there were a number of workshops on how to make the relationship between the cities and the Coastal Commission more agreeable.

I. COMMISSIONER COMMENTS

Commissioner O'Connor stated that the interviews for the Planning Commission openings had been conducted last week. She added that she was hopeful that the City Council wants people with experience.

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

March 13, 2007
7:02-9:00 p.m.

PAGE 6

J. ADJOURNMENT

Chairman Schoeffel announced that the *next regular* meeting of the Planning Commission would be held on Tuesday, March 27, 2007, beginning at 7:00 p.m. (or as soon thereafter) in the Dana Point Community Center located at 34052 Del Obispo, Dana Point, California.

The meeting adjourned at 9:00 p.m.

J. Scott Schoeffel, Chairman
Planning Commission