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

September 17, 2003
7:00-8:46 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, Commissioner Greg Powers, Chairman J. Scott Schoeffel, and Commissioner Steven Weinberg

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

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of September 3, 2003. (FF# 0120-10/PC Minutes/PC Secretary Binder)
[BO]

ACTION: Motion made (Denton) and seconded (Powers) to approve the Minutes of the regular Planning Commission Meeting of September 3, 2003. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

B. PUBLIC COMMENTS

Robert Theel (Dana Point) stated that the Town Center is discussed in the City's General Plan in the Urban Design Element and that there are a number of policies that are addressed in that element relating to buildings, the design of those buildings, and how they are to work in the Town Center. He added that

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

September 17, 2003
7:00- 8:46 p.m.

PAGE 2

about a year ago he had appealed the Carlos Restaurant project and that the City Council had overturned the Commission's approval based on the arguments that he had raised relating to the Urban Design Element. He stated that tonight the Commission has another project on the agenda that is across the street from the Carlos Restaurant and that he was not speaking for or against the project. He added that the reason he was not going to voice his opinion was because he felt that there has been zero action on the part of the City as it relates to dealing with the Town Center and doing something that is clearly stated in the General Plan and that it was not being addressed and implemented by way of a Specific Plan. He stated that as time goes by, different parcels are going to be developed and they won't be in conformance with the goals and objectives of the Urban Design Element of the General Plan. He felt that opportunities would be lost.

Kyle Butterwick (Director) replied that there has been some delay in the commencement of the Town Center Specific Plan and felt that he was partly to blame for that because there was a conscious decision on the part of the City to postpone that effort until the City had filled the position of Director of Community Development to provide the leadership in that exercise. He stated that now that he was here that one of his primary responsibilities was to go forward on an expedited basis for preparation of that planning document. He added that the City will be moving forward with conducting interviews with the top design firms in December. He stated that as a result of that interview process the City Council would be expected to select the top candidate and to proceed with the preparation of the document. He anticipated that the preparation of the Specific Plan would start by the first part of next year at the very latest.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: A request for a Coastal Development Permit to allow the demolition of an existing single-family residence located within the Coastal Overlay Zone; Coastal Development Permit CDP03-12.
(FF# 0610-70/CDP03-12/Camino Capistrano, 34645) [BC]

Applicant: Stan Schrofer Associates
Owner: David Ohanesian
Location: 34645 Camino Capistrano

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

September 17, 2003
7:00- 8:46 p.m.

PAGE 3

Request: Approval of a Coastal Development Permit for the demolition of an existing single-family residence within the Coastal Overlay Zone.

Environmental: This project is categorically exempt (Class 1 – Section 15301 – Existing Facilities) from the provision of the California Environmental Quality Act (CEQA) because it consists of the demolition of an existing residential unit.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP03-12.

Brenda Chase (Associate Planner) reviewed the staff report.

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

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution 03-09-17-41 approving Coastal Development Permit CDP03-12. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ITEM 3: Coastal Development Permit CDP02-26 and Site Development Permit SDP03-44 to allow the demolition of more than 50 percent of the exterior walls of an existing 3,738 square foot residence nonconforming to the City's height requirements and a detached garage, and the addition of 1,011 square feet to the residence and the addition of two (2) detached garages totaling 854 square feet. The applicant is also requesting a bluff edge setback deviation to allow the existing residence to remain at its present location. (FF# 0610-70/CDP02-26/SDP03-44/Camino Capistrano, 35305) [KN]

Applicant: Marshall Innns, Marchall Innns Design Group Architects
Owner: Stephen Balsamo
Location: 35305 Camino Capistrano

Request: A Coastal and Site Development Permit to allow the demolition of more than 50 percent of the exterior walls of an existing 3,738 square foot residence nonconforming to the City's height requirements and a detached garage, and the addition of 1,011 square feet to the residence and the addition of two (2) detached garages totaling 854 square feet. The applicant is also requesting a bluff edge setback deviation to allow the existing residence to remain at its present location.

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

September 17, 2003
7:00- 8:46 p.m.

PAGE 4

Environmental: The proposed project is Categorically Exempt (Class 1 and Class 3 - Section 15301 & 15303) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves a minor addition to the existing residence and the construction of two (2) new accessory garages and a minor addition to the existing 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 CDP02-26 and Site Development Permit SDP03-44.

Kurth Nelson (Planning Consultant) reviewed the staff report.

Chairman Schoeffel opened the Public Hearing.

Marshall Innins (Laguna Beach – Architect) stated that they were only proposing to add only 268 square feet to the existing footprint. He added that the house is set back from the street and that they were able to reduce the height of the home by cutting back on some of the eaves. He stated that the remodel work on the back of the home was to help open up the view.

Chairman Schoeffel closed the Public Hearing.

Commissioner Powers felt that the project would help maintain the goals of the community by reducing the roofline. He added that he was concerned about the bluff edge, but would defer that issue to staff.

Vice-Chairman Denton stated that he was concerned with deviations on the bluff. He added that he would be happier if the home was brought completely into compliance with Code.

Commissioner O'Connor felt that if the roof had to come down that the applicant should comply with current height restrictions. She stated that she did not have a problem with the deviation and that she was glad that the height of the home would be reduced.

Chairman Schoeffel stated that it was nice to see the house moving in a more conforming direction.

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

September 17, 2003
7:00- 8:46 p.m.

PAGE 5

ACTION: Motion made (Powers) and seconded (O'Connor) to adopt Resolution 03-09-17-42 approving Coastal Development Permit CDP02-26 and Site Development Permit SDP03-44. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ITEM 4: A Coastal Development Permit CDP03-02 and Site Development Permit SDP03-03 to allow for the construction of a new 1,588 square foot office building on a vacant parcel in the Town Center with accompanying proposed improvements including parking and landscaped areas. (Continued from the September 3, 2003 Planning Commission meeting) (FF# 0610-70/CDP03-02/SDP03-03/Pacific Coast Highway, 34211) [KN]

Applicant: Lynn Muir, Muir Architects, A.I.A.
Owner: Michelle K. Pardes
Location: 34211 Pacific Coast Highway

Request: A Coastal Development Permit and Site Development Permit to allow for the construction of a new 1,588 square foot office building on a vacant parcel in the Town Center with accompanying proposed improvements including parking and landscaped areas.

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 an office building not exceeding 10,000 square feet.

Recommendation: That the Planning Commission approve Coastal Development Permit CDP03-02 and Site Development Permit SDP03-03.

Kurth Nelson (Planning Consultant) reviewed the staff report.

Chairman Schoeffel opened the Public Hearing.

Lynn Muir (Dana Point – Architect) stated that this project was unique in that there weren't many commercial pieces of property that does not have access to an alley. He added that the property has no other access other than Pacific Coast Highway. He stated that he had worked with staff to improve the parking lot to make it pedestrian friendly and create a building that is economically viable. He felt that the project would be an asset to the community.

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

September 17, 2003
7:00- 8:46 p.m.

PAGE 6

Fred Pardes (Dana Point – Owner) stated that this was a land-locked property and that the only access could come from Pacific Coast Highway. He added that the design and use would be consistent with the existing neighborhood. He felt that it would be a high quality building.

Chairman Schoeffel closed the Public Hearing.

Commissioner Weinberg stated that pedestrians do not like to walk past office buildings. He didn't feel that this office building was what the Town Center was all about and that he could not support the project.

Commissioner Powers felt that the proposed project was the best thing for the property. He stated that the beautification that is proposed for the parking lot is appreciated and that it was not reasonable to prohibit development.

Commissioner O'Connor stated that she agreed with Commissioner Powers and that without an alley for access to the building that there was no other way to design the building. She was concerned with vehicles that would be too large for the parking spaces and how they could possibly overhang into the pedestrian walkway. She added that she would support the project.

Vice-Chairman Denton felt that the proposed project was the best for the property and that he would support it.

Chairman Schoeffel stated that he agreed with the other Commissioners that this would be the best project for the property and he felt that a Specific Plan would not be able to help this property.

Commissioner Weinberg felt that there should be a way to add a 2nd story to the project and to obtain alley access from the property owners to the north.

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution 03-09-17-43 approving Coastal Development Permit CDP03-02 and Site Development Permit SDP03-03. Motion carried 4-1. (AYES: Denton, O'Connor, Powers, Schoeffel NOES: Weinberg ABSENT: None ABSTAIN: None)

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

September 17, 2003
7:00- 8:46 p.m.

PAGE 7

ITEM 5: **A Site Development Permit is proposed to allow construction to construct a duplex on a 6,800 square foot vacant lot and retaining walls in excess of 30 inches in height. The two residential units would occupy 1,829 and 1,951 square feet. The two residential units would each be one story in height, stacked one on another, and would be placed above two garages. A Conditional Use Permit is required to allow tandem parking for one of the duplex units. A Variance is required to permit a 37 foot structural height, which is 11 feet in excess of the City Standard for a structure with roof pitch of 4:12, to permit a front yard structural setback of 3 feet, 8 inches for the garages, and to permit an exterior stairway extending 4 feet into the easterly side setback, rather than the maximum standard of 2 feet, 6 inches, and an exterior stairway extending 3 feet into the westerly side setback, rather than the maximum standard of 2 feet, 6 inches.** (FF# 0600-30/SDP03-34M/CUP03-11/V03-15/Via Canon, 26252) [AA]

Applicant/

Owner: Fara Marz Shahbazian

Location: 26252 Via Canon

Request: Approval of a Site Development Permit to construct a duplex and retaining walls in excess of 30 inches in height on a 6,800 square foot vacant lot, a Conditional Use Permit to allow tandem parking for one of the duplex units, and a Variance to permit a 37 foot structural height, to permit a front yard structural setback for the garages of 3 feet, 8 inches and exterior stairways extending 4 feet into the easterly side setback and 3 feet into the westerly side setback.

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 a duplex with no more than four units.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Site Development Permit SDP03-34M, Conditional Use Permit CUP03-11, and Variance V03-15.

There was a consensus of the Planning Commission to continue this item to the next regular Planning Commission meeting of October 1, 2003.

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

September 17, 2003
7:00- 8:46 p.m.

PAGE 8

ITEM 6: Hearing on appeal of Acting Community Development Director decision approving a request for Minor Site Development Permit SDP03-39M pursuant to DPMC Section 9.63.030 (A) to add 560 square feet to an existing second story and 27.5 square feet to the existing entry in conjunction with an interior and exterior remodel of an existing residence on property located at 27275 Calle Anejo in the Capistrano Beach area of the City. (FF# 0600-30/SDP03-39M/Calle Anejo, 27275) [AA]

Applicant: Mike Dillon
Owner: Mr. and Mrs. David Drummond
Location: 27275 Calle Anejo

Request: Approval of a request for a Minor Site Development Permit pursuant to DPMC Section 9.63.030 (a) to add 560 square feet to the second story and 27.5 square feet added to the entry of an existing single-family residence, in conjunction with an interior and exterior remodel of the residence.

Environmental: This project is determined to be a Categorically Exempt, Class 1 project, pursuant to section 15301 of the California Environmental Quality Act (CEQA) in that it involves a minor alteration to an existing structure.

Recommendation: That the Planning Commission approve a Minor Site Development Permit to authorize construction of an addition to an existing single-family residence, the entry, in conjunction with an interior and exterior remodel of the residence by adopting the attached draft Resolution approving Minor Site Development Permit SDP03-39M.

Albert Armijo (Planning Consultant) reviewed the staff report.

Chairman Schoeffel opened the Public Hearing.

Paul Douglas (Dana Point) felt that the addition should not be approved because of the sub-standard rear yard setback. He stated that the project would decrease the amount of landscape and increase the Floor Area Ratio of the home. He felt that there could be a serious asbestos problem in these homes.

Barbara Drummond (Capistrano Beach) felt that the appeal of her project had no basis and that the proposed remodel would be an enhancement to the community. She asked for the Commission to approve their Minor Site Development Permit.

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

September 17, 2003
7:00- 8:46 p.m.

PAGE 9

Pam Tappan (Capistrano Beach) stated that she supported the proposed remodel. She felt that the appeal has been a waste of time and asked the Commission to support the project.

Warner Tappan (Capistrano Beach) stated that he supports the approval of the remodel and felt that the appeal had no merit. He added that the project meets with all of the City's requirements.

David Drummond (Capistrano Beach) stated that they have complied with AQMD regulations, they have filed a demolition and renovation permit, and they have had their home tested for asbestos. He asked for the Commission's approval of the project.

Bob Harris (Capistrano Beach) stated that he supports the project and that the Drummond's have been continually improving their home since they had purchased it in 1998.

Chris Koerner (Capistrano Beach) asked for the Commission to support the project and reject the appeal.

Mike Dillon (San Juan Capistrano – Contractor) stated that the addition would not decrease the amount of landscaping and felt that there was no basis for the appeal.

Katie Kipper (Capistrano Beach) stated that her brother had cancer and had to have his leg amputated. She added that her family had remodeled their home seven (7) years ago and that her father recently had her brother tested for asbestos to make sure that it wasn't the reason for his cancer. She felt that the proposed architecture would make their home look like a tract home and will lose the neighborhood feeling.

Chairman Schoeffel closed the Public Hearing.

Commissioner Powers admonished the audience for not showing respect to all of the speakers. He stated that he would support the project.

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

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

Chairman Schoeffel felt that the Drummond's had spoken to the merits of the project and that he would support it.

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

September 17, 2003
7:00- 8:46 p.m.

PAGE 10

ACTION: Motion made (Powers) and seconded (O'Connor) to adopt Resolution 03-09-17-44 approving Minor Site Development Permit SDP03-39M. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None 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.

H. STAFF REPORTS

Kyle Butterwick (Director) reported that he had recently met with representatives from Supervisor Wilson's office and his design team to review the latest concepts for the Dana Point Harbor enhancement program. He stated there is an open house which is one of a series of public meetings/workshops scheduled for Monday, September 22, 2003 at the Youth and Group Facility at 6:30 p.m.

He stated that at next Wednesday's City Council meeting, that Staff would be introducing an urgency ordinance to the City Council which will propose a Conditional Use Permit for all new proposed office uses on the ground floor and a Minor Conditional Use Permit for all other ground floor uses within the Town Center planning area. He added that Staff is continuing to receive applications for development proposals in the Town Center and that without the Specific Plan completed that Staff felt that the City should establish more rigid controls and greater regulation monitoring of the projects until the plan was completed.

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

September 17, 2003
7:00- 8:46 p.m.

PAGE 11

I. COMMISSIONER COMMENTS

Commissioner Powers stated that the Town Center was very important to him and that it was one of the goals he had established when appointed to the Commission. He added that there seems to be a few different issues that have come up consistently for the Commission and those would be how height is measured on slopes and the Town Center. He stated that he would like to see the issue with Pioneer Builders calm down. He added that it would be a challenge but it was wasting staff time and the time of the Commission.

Commissioner O'Connor felt that the animosity in the community was a waste of tax dollars. She stated that she would like to move beyond the pettiness and felt that it degraded the purpose of the Planning Commission.

Commissioner Weinberg stated that when he was reviewing the sites for the projects on the Agenda that he found that they did not have identifying addresses for the properties and that it made it hard to tell if he was looking at the right house.

J. ADJOURNMENT

Chairman Schoeffel announced that the *next regular* meeting of the Planning Commission will be held on Wednesday, October 1, 2003, 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 8:46 p.m.

J. Scott Schoeffel, Chairman
Planning Commission