
**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION AGENDA**

December 17, 2003
7:02-9:33 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 – Director Butterwick 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), Kurth Nelson (Planning Consultant), Brenda Chase (Associate Planner), Albert Armijo (Planning Consultant), Eugenia Garcia (Senior Planner), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of December 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 December 3, 2003. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg **NOES:** None **ABSENT:** None **ABSTAIN:** None)

B. PUBLIC COMMENTS

There were no Public Comments.

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION AGENDA**

December 17, 2003
7:02-9:33 p.m.

PAGE 2

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: A Conditional Use Permit CUP03-22 to allow a tattoo establishment and piercing studio with a retail component including the sale of artwork and customer designed clothing in an existing 1,625 square foot lease space in a multi-tenant building. (FF# 0610-55/CUP03-22/Doheny Park Road, 34252) [KN]

Applicant: Robert Patison
Owner: Leo Chade
Location: 34252 Doheny Park Road

Request: A Conditional Use Permit to establish a tattoo establishment and piercing studio with a retail component including the sale of artwork and custom designed clothing in an existing 1,625 square foot lease space in a multi-tenant building.

Environmental: The proposed project qualifies as a Class 1 (Section 15301) Categorical Exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves an existing facility that will include minor interior alterations.

Recommendation: That the Planning Commission adopt the attached Resolution approving Conditional Use Permit CUP03-22.

There was one (1) request to speak on this item.

ACTION: Motion made (Powers) and seconded (Weinberg) to deny Conditional Use Permit CUP03-22. Motion failed 2-3. (AYES: Powers, Weinberg NOES: Denton, O'Connor, Schoeffel ABSENT: None ABSTAIN: None)

ACTION: Motion made (Denton) and seconded (O'Connor) to adopt Resolution 03-12-17-63 approving Conditional Use Permit CUP03-22 with the deletion of Condition Number 19. Motion carried 3-2. (AYES: Denton,

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION AGENDA**

December 17, 2003
7:02-9:33 p.m.

PAGE 3

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

- ITEM 3:** **A request for a Coastal Development Permit and Site Development Permit to allow the demolition of an existing dwelling and construction of a new single-family residence located within the FP-3 Flood Overlay Zone; Coastal Development Permit CDP03-10/Site Development Permit SDP03-38.** (FF# 0610-70/CDP03-10/SDP03-38/Beach Road, 35611) [BC]

Applicant: Syed A. Raza
Owner: Krithna Srivastav
Location: 35611 Beach Road

Request: Approval of a Coastal Development Permit and Site Development Permit for the demolition of an existing dwelling and construction of a new single-family residence within the FP-3 Flood Overlay Zone.

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 draft Resolution approving Coastal Development Permit CDP03-10 and Site Development Permit SDP03-38.

There was one (1) request to speak on this item.

- ACTION:** **Motion made (Powers) and seconded (Denton) to adopt Resolution 03-12-17-64 approving Coastal Development Permit CDP03-10 and Site Development Permit SDP03-38. Motion carried 5-0.** (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg **NOES:** None **ABSENT:** None **ABSTAIN:** None)

- ITEM 4:** **Minor Site Development Permit SDP03-61M and Variance V03-21 to allow a remodel to an existing single-family residence consisting of the addition of a new entry and conversion of an existing carport to a garage and a Variance to allow a reduced front structural setback on property located at 26761 Calle Maria.** (FF# 0600-30/SDP03-61M/V03-31/Calle Maria, 26761) [AA]

Applicant/

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION AGENDA**

December 17, 2003
7:02-9:33 p.m.

PAGE 4

Owner: Anthony and Muriel Godfrey
Location: 26761 Calle Maria

Environmental: This project is Categorically Exempt, Section 16303 (Class 1 – Existing Facilities), from provisions set forth in the California Environmental Quality Act (CEQA) in that it involves construction of an addition to an existing single-family residence of less than 10,000 square feet where the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Minor Site Development Permit SDP03-61M and Variance V03-21 for construction of an addition to a existing single-family residence and a Variance for a reduced front structural setback.

There were two (2) requests to speak on this item.

ACTION: Motion made (Powers) and seconded (Denton) to adopt Resolution 03-12-17-65 approving Minor Site Development Permit SDP03-61M and Variance V03-21. Motion carried 4-1. (AYES: Denton, Powers, Schoeffel, Weinberg NOES: O'Connor ABSENT: None ABSTAIN: None)

ITEM 5: A Minor Site Development Permit to allow construction of a duplex on a 6,800 square foot vacant lot and to allow retaining walls in excess of 30 inches in height. A Variance to permit a structural height in excess of the City standards, to permit reduced front and side yard structural setbacks, and to permit exterior stairways extending into a side structural setback. *Continued from the regular Planning Commission meeting of November 19, 2003 (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, and a Variance to permit a 45 foot, 3 inch structural height, a front yard structural

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION AGENDA**

December 17, 2003
7:02-9:33 p.m.

PAGE 5

setback of 3 feet, a westerly side yard setback of 3 inches, and an exterior stairway extending 4 feet 7 inches into the easterly side setback.

Environmental: This 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 construction of a duplex of fewer than four dwelling units.

Recommendation: That the Planning Commission adopt a Resolution approving Minor Site Development Permit SDP03-34M and Variance V03-15.

There was one (1) request to speak on this item.

ACTION: Motion made (O'Connor) and seconded (Weinberg) to adopt Resolution 03-12-17-66 approving Minor Site Development Permit SDP03-34M and Variance V03-15 subject to the condition that there be strict compliance with all design elements of the plans as proposed. Motion carried 4-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: Denton ABSENT: None ABSTAIN: None)

ITEM 6: Coastal Development Permit CDP01-31 and Site Development Permit SDP03-57, to allow for the reconstruction of a failed multiple-family structure with a new 30 unit multiple-family structure and associated repairs and improvements including stabilization of the site, drainage system, retaining walls, and repair of the Salt Creek Regional Bicycle Trail. (FF# 0610-70/CDP01-31/SDP03-57/Crown Valley Parkway, 32468) [KN]

Applicant: Santiago de Rio, Lyon Management Companies
Owner: Lyon Management Companies
Location: 32468 Crown Valley Parkway

Request: A Coastal Development Permit and Site Development Permit the reconstruction of a failed multiple-family structure with a new 30 unit multiple-family structure and associated repairs and improvements including stabilization of the site, drainage system, and retaining walls.

Environmental: A Negative Declaration has been prepared in accordance with Section 15070 of the California Environmental Quality Act (CEQA) for the project for the Commission's review and adoption. The Negative Declaration was circulated on November 14, 2003 to the County Clerk and the State Clearinghouse

CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION AGENDA

December 17, 2003
7:02-9:33 p.m.

PAGE 6

for 30 days. The review period ended December 14, 2003. Comments received after distribution of this report will be attached as an appendix to the Negative Declaration for the Commission's consideration.

Recommendation: That the Planning Commission take the following actions:

1. Adopt the attached Resolution adopting a Negative Declaration; and
2. Adopt the attached Resolution approving Coastal Development Permit CDP01-31 and Site Development Permit SDP03-57.

There was a consensus of the Planning Commission to continue this item to the regular Planning Commission meeting of January 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) distributed copies of letters and reported that there had been two appeals received on recent Planning Commission determinations. He stated that the first appeal was received on the DeCarli project on Blue Lantern and that the appeal will be considered by the City Council at their second meeting in January. He added that a second appeal was received that concerns the Planning Commission's approval of the home on Camino Capistrano and that appeal will be considered by the City Council during the month of February.

He stated that the City Council had reached a settlement agreement at their last meeting with Pioneer Builders. He added that they had re-instated the approval

CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION AGENDA

December 17, 2003
7:02-9:33 p.m.

PAGE 7

of the request for the tentative tract map extension and that the property owners have one (1) year to record the map. He stated that the City has issued permits for Pioneer Builders to resume some aspects of the building construction that were part of the points of the agreement itself.

Todd Litfin clarified that the City had entered into a stipulated judgment which basically acted as the settlement agreement and what the Council did was approve that and that judgment re-instated the permits.

Kyle Butterwick stated that the Town Center Specific Plan interviews with the top three (3) candidates were scheduled for Thursday and Friday of this week and that he would keep the Planning Commission informed on the progress. He added that Staff was anticipating being able to make a recommendation to the City Council in January.

He added that the Planning Commissioner's Institute was coming up in late March in Monterey and recommended that the Planning Commissioners make arrangements to attend.

I. COMMISSIONER COMMENTS

Commissioner Powers wished everyone a happy holiday and Merry Christmas.

Commissioner Weinberg wished everyone a happy holiday season.

Vice-Chairman Denton wished everyone a great holiday season. He stated that in the seven (7) years he has served on the Commission where there have been so many appeals on Planning Commission decisions.

Commissioner O'Connor stated that she was concerned that a pattern may be occurring with residents appealing to the City Council when they do not like a Planning Commission decision and then, when they do not like the Council's decision, they file a lawsuit. She added that to prevent this pattern from being established, she wanted to encourage the Council to uphold Staff's recommendations and the Planning Commission's decisions. She felt that the settlement agreement was a good example of this and hoped that the Council would agree with the Commission's decisions even when they may not be politically advantageous.

CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION AGENDA

December 17, 2003
7:02-9:33 p.m.

PAGE 8

Chairman Schoeffel observed that the residents in the community have a sense of entitlement and that it lends to very strident points of views to the point of misrepresenting what occurs at the Planning Commission meetings. He felt that this Commission has done a very good and thoughtful job of carrying out their duties within the rules that are prescribed for their conduct. He stated that the number of appeals had nothing to do with the Commission's decisions. He felt that they had more to do with the residents' own intense personal and neighborhood interest in specific projects than they do with whether the process is working well or not working well.

J. ADJOURNMENT

Chairman Schoeffel announced that the January 7, 2004 meeting of the Planning Commission will not be held due to holiday vacation schedules. The *next* regular meeting of the Planning Commission would be held on Wednesday, **January 21, 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 9:33 p.m.

CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION AGENDA

December 17, 2003
7:02-9:33 p.m.

PAGE 9

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