

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

October 14, 2008
7:00 – 7:57 p.m.

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

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

PLEDGE OF ALLEGIANCE – Alternate Commissioner Dec led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Vice-Chairwoman Michelle Brough, Commissioner Ed Conway, Chairman Norman Denton, Commissioner J. Scott Schoeffel, and Alternate Commissioner Michael Dec

Commissioner(s) Absent: Commissioner Liz Anderson Fitzgerald (seat on Commission taken by Alternate Dec for this meeting).

Staff Present: Kyle Butterwick (Director of Community Development), John Tilton (City Architect/Planning Manager), Todd Litfin (Assistant City Attorney), Evan Langan (Associate Planner), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: There were no Minutes for approval.

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit CDP08-0004, Variance V08-0002 and Minor Site Development Permit SDP08-0013(M) to allow the demolition

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of an existing single-family residence; and the construction of a new, two-story, single-family residence at 35011 Camino Capistrano.

<u>Applicant/</u>	Robert Theel (Robert Theel Company)
<u>Property Owner:</u>	The Steven C. and Wendy A. Kalb Family Trust
<u>Location:</u>	35011 Camino Capistrano (APN 123-372-01)

Request: Request for Coastal Development CDP08-0004, Variance V08-0002 and Minor Site Development Permit SDP08-0013(M) to allow the demolition of an existing, single-family residence; and the construction of a new, two-story, single-family residence at 35011 Camino Capistrano. A Variance is requested to permit a reduced setback from edge of bluff; a Minor Site Development Permit is requested to allow proposed retaining walls in excess of 30 inches in height, as well as to measure residence height from the top of the maximum of 30 inches of fill.

Environmental: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Community Development Department has analyzed the subject project, and finds the project Categorically Exempt per Sections 15303 (a) (Class 3 – New Construction or Conversion of Small Structures) and 15305 (a) (Class 5 – Minor Alterations in Land Use Limitations).

Recommendation: That the Planning Commission adopt Planning Commission Draft Resolution 08-10-14-25, approving Coastal Development Permit CDP08-0004, Variance V08-0002 and Minor Site Development Permit SDP08-0013(M) for the referenced scope of work.

Evan Langan (Associate Planner) presented the staff report.

Chairman Denton opened the Public Hearing.

Robert Theel (Dana Point - Applicant) stated that bluff top projects undergo substantial scrutiny. He added that the geotechnical report is referenced in staffs' presentation.

Stan Andrade (Architect - Dana Point) thanked staff for their assistance. He offered to assist with any questions from the Commission.

Steve Kalb (Owner - Las Vegas) stated his life-long connection with Capistrano Beach. He acknowledged that the house design would be respectful of the area and sensitive to the neighbors. He felt that the existing Torrey Pine Trees add to the character of the residence and the neighborhood. He stated it was necessary to remove some trees that stand 30 feet above the ridge line of the

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existing house to create positive drainage flow to the street and he indicated that may provide 20 feet of improved views to several residences on the north looking out into the ocean. He stated that the geotechnical soils report supported a setback deviation within 25 feet on the property's south bluff and in an effort to respect the neighbors to the west, he decided to comply with the original 40 foot setback and to create a better overall project, with as few impacts as possible.

Robert Theel (Applicant - Dana Point) stated that Associate Planner Langan did a thorough job justifying the variance. He noted the geotechnical testing as described by property owner Mr. Kalb. He felt the owner is well justified in proposing the project, and stated that it complies with all other setbacks. He requested the Commission approve the project as well as the conditions of approval as they stand.

Chairman Denton closed the Public Hearing.

Commissioner Conway recalled his past involvement on the Capistrano Bay Parks and Recreation District Board of Directors and that he felt Pines Park is the "jewel of all parks." He stated that he visited the site and noted the removal of the trees afforded views to neighbors on the north, and the preservation of the trees on the back of the lot was positive for Pines Park.

Vice-Chairwoman Brough stated that while variances may conflict with applicable guidelines, there are circumstances when variances are necessary to recognize the owner's right to develop his property. She stated she would support the project.

Alternate Commissioner Dec stated that he agreed the variance is necessary to develop the property. He stated the applicant did a great job, and that the design looks "fantastic."

Commissioner Schoeffel spoke in favor of the Commission members' statements. He noted the project is one of the few instances where the property itself presents a significant hardship to the owner. He stated that it is a "great project."

Chairman Denton agreed with Commissioner Schoeffel's comments, he also felt that it is very difficult to provide variances that have to be justified and this is a classic case of a project that needs a variance to be able to proceed. He stated that he was impressed with the accomplishments and consideration given to the neighborhood. He stated two letters of support were received from the neighbors which noted "the owner's effort to keep the trees" is a positive plan.

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ACTION: Motion made (Conway) and seconded (Brough) to adopt Resolution No. 08-10-14-25 approving Coastal Development Permit CDP08-0004, Variance V08-0002 and Minor Site Development Permit SDP08-0013(M) to allow demolition of an existing, single-family residence; and the construction of a new, two-story, single-family residence in the residential single-family 3(RSF-3) zoning district at 35011 Camino Capistrano. Motion carried 5-0. (AYES: Brough, Conway, Dec, Denton, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

E. NEW BUSINESS

There were no New Business items.

F. STAFF REPORTS

Kyle Butterwick (Director of Community Development) gave several updates:

- The City Council has changed their meeting schedules to the second and fourth Monday of every month beginning in January, 2009 and the Planning Commission is expected to adjust their meeting schedule to the first and third Tuesday of each month beginning in January, 2009.
- City Council has taken action to increase the monthly stipend for Council members and Planning Commissioners.
- The Surf Heritage Museum is having a public outreach meeting this evening and they are accepting public comments at the Dana Point Community Center.
- A Public Workshop of the City's Housing Element will be held on Thursday, October 16th at the Dana Point Community Center at 6:00 p.m.
- Tacos will be served at the Meet and Greet Taco Fest in Lantern Village from 5:00-7:00 p.m. on October 20th. Staff and Code Enforcement will be speaking at the event.
- The Doheny House Draft Environmental Impact Report (EIR) has been officially released for a 45-day public review period as of Monday, October 13, 2008.

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- Construction work on the Dana Point Bridge located at Pacific Coast Highway and Del Obispo could result in a formal dedication on December 1st.

Todd Litfin (Assistant City Attorney) provided some ground rules and legal disclosure in discussing both the Housing and Doheny items.

John Tilton (City Architect/Planning Manager) gave an update on the Harbor Revitalization Plan currently undergoing review by California Coastal Commission staff. A hearing date for the item may be set in early 2009, giving the City enough time to have dialog with the California Coastal Commission staff.

G. COMMISSIONER COMMENTS

Commissioner Schoeffel complimented Associate Planner Langan on his presentation of project materials.

Commissioner Conway stated that he also enjoyed Staff's presentation this evening as it was clear, concise, and easy to follow.

H. ADJOURNMENT

Chairman Denton adjourned the meeting to the *next regular* meeting of the Planning Commission held on Tuesday, October 28, 2008, 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 7:57 p.m.

Norman Denton, Chairman
Planning Commission