

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

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September 23, 2008  
7:00 – 8:05 p.m.

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

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

**ROLL CALL**

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

Staff Present: John Tilton (City Architect/Planning Manager), Jennifer Farrell (Assistant City Attorney), and Denise Jacobo (Planning Secretary)

**CLOSED SESSION**

Chairman Denton indicated that there was a need for a Closed Session as follows:

- A. Conference with legal counsel – anticipated litigation, significant exposure to litigation, pursuant to Government Code § 54956.9 (b)(1) and (b)(3)(c), (1 case)

**RECESS OF PLANNING COMMISSION MEETING**

Chairman Denton recessed the meeting into a Closed Session at 7:01 p.m. pursuant to Government Code § 54956 et seq.

**RECONVENE PLANNING COMMISSION MEETING**

Chairman Denton reconvened the meeting at 7:10 p.m. All Planning Commissioners were present.

**PLEDGE OF ALLEGIANCE** – Commissioner Fitzgerald led the Pledge of Allegiance.

**A. APPROVAL OF MINUTES**

**ITEM 1: Minutes of the regular Planning Commission Meeting of August 26, 2008.**

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

---

September 23, 2008  
7:00 – 8:05 p.m.

PAGE 2

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**ACTION:** Motion made (Fitzgerald) and seconded (Brough) to approve the Minutes of the regular Planning Commission Meeting of August 26, 2008. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

**CLOSED SESSION ANNOUNCEMENT**

**Jennifer Farrell** (Assistant City Attorney) indicated that prior to hearing Public Comments there was a need for Chairman Denton to announce if there was any action taken during the Closed Session.

**Chairman Denton** affirmed that there was no action taken.

**B. PUBLIC COMMENTS**

There were no Public Comments.

**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

**D. PUBLIC HEARINGS**

**ITEM 2:** Amendment (SDP03-52M1) to a previously approved Site Development Permit (SDP03-52M) and Variance (V03-23) for the new single-family dwelling at 34111 Street of the Blue Lantern.

Applicant      Robert Theel Company  
Owner:        James F. DeCarli  
Location:     34111 Street of the Blue Lantern (APN 682-245-12)

Request:      A request to make interior alterations to previously approved plans for a new single-family dwelling that would add approximately 500 square feet to the area of a ground level garage and approximately 50 square feet to the area of a second level master bedroom closet.

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

---

September 23, 2008  
7:00 – 8:05 p.m.

PAGE 3

Environmental: Class 1a, 3a exemption (Section 15303) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves minor interior amendments to a new single-family residence.

Recommendation: That the Commission reviews the request and holds a public hearing to consider whether to approve or deny the amendment to the previously approved project plans.

**John Tilton** (City Architect/Planning Manager) presented the staff report.

**Chairman Denton opened the public hearing.**

**Robert Theel** (Applicant - Dana Point) stated that he was available to represent the owners, Jim and Barbara DeCarli.

**James DeCarli** (Owner - Dana Point) addressed the Commission, provided his written statement dated September 23, 2008 and read its contents for the record.

**Robert Theel** (Applicant - Dana Point) provided a brief history of the property, the proposed project and to clarify the space that currently exists. He stated the construction plans were in substantial conformance with the previously approved plans. He described the area at the lower garage level, misunderstandings as to how construction takes place and the reasons this amendment is being requested. He stated that the owners are going through their fifth year trying to wrap up their retirement home they want to build. He requested that the Commission adopt the approving resolution.

**Jack Hamilton** (Dana Point) submitted handouts to the Commission and documented its five year history and background. He indicated opposition to the project stating that if the proposed project gets approved, the findings supporting the variance would no longer be valid. He asked the Commission to take the time to read his comment letter submitted in the record.

**Robyn Hamilton** (Dana Point) stated that she was opposed to the project stating that modifications were not consistent with the home as approved.

**Robert Theel** (Applicant - Dana Point) clarified that the project presented in 2003 was subsequently approved by the City Council. He indicated that while there are two resolutions, one in favor of the project and the second one to deny the amendment, he contended the Planning Commission will not be able to make sufficient evidence that would support the resolution to deny the request.

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

---

September 23, 2008  
7:00 – 8:05 p.m.

PAGE 4

**Chairman Denton closed the public hearing.**

**Vice-Chairwoman Brough** acknowledged that she was not present at the previous hearings, and rather than rehashing the situation, she clarified that the item presented is to decide on whether or not the proposed change complies with the provision spirit and intent of the approval action. She questioned condition #43 of the original approval and considered the changes were relatively minor. She expressed concern about the unfortunate relations among neighbors. She felt that the changes do not conflict with the spirit or intent, provision or approval action in the past.

**Commissioner Conway** acknowledged that he did not have the history of the controversy and litigation. He stated that he did visit the site and observed the project nearing completion and no impact to the neighborhood.

**Commissioner Schoeffel** asked for clarification on non-habitable space of the garage and wanted to find out if the addition impacts the neighbors.

**Commissioner Fitzgerald** stated that she does not object to obtaining the additional storage space but, she is concerned about the next step if there is an appeal.

**Chairman Denton** supported the amendment. He also stated that the project did not impact the neighbor by having additional parking space in the garage.

**ACTION:** **Motion made (Brough) and seconded (Conway) to adopt Resolution No. 08-09-23-24 approving an amendment (SDP03-52M1) to a previously approved Site Development Permit (SDP03-52M) for the new single-family dwelling at 34111 Street of the Blue Lantern. Motion carried 5-0.**  
(AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None  
ABSENT: None ABSTAIN: None)

**E. NEW BUSINESS**

There were no New Business items.

**F. STAFF REPORTS**

There were no Staff Reports.

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

---

September 23, 2008  
7:00 – 8:05 p.m.

---

PAGE 5

**G. COMMISSIONER COMMENTS**

There were no Commissioner Comments.

**H. ADJOURNMENT**

**Chairman Denton** adjourned the meeting to the *next regular* meeting of the Planning Commission held on Tuesday, October 14, 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 8:05 p.m.**

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Norman Denton, Chairman  
Planning Commission