

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

November 25, 2008
7:00 – 7:56 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 – Commissioner Schoeffel led the Pledge of Allegiance.

ROLL CALL

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

Commissioner(s) Absent: Commissioner Ed Conway (seat on Commission taken by Alternate Dec for this meeting).

Staff Present: Kyle Butterwick (Director of Community Development), Todd Litfin (Assistant City Attorney), Saima Qureshy (Senior Planner), Evan Langan (Associate Planner), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of October 28, 2008.

ACTION: Motion made (Brough) and seconded (Fitzgerald) to approve the Minutes of the regular Planning Commission Meeting of October 28, 2008. Motion carried 5-0. (AYES: Brough, Dec, Denton, Fitzgerald, 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.

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D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit CDP08-0014 and Minor Site Development Permit SDP08-0035(M) to allow the demolition of an existing single-family residence, and the construction of a new, single-story, single-family residence; as well as the construction of retaining walls in excess of 30 inches in height at 32091 Sea Island Drive.

Applicant/ Stan Schrofer (Stan Schrofer & Associates)
Owner: Hussain Umar
Location: 32091 Sea Island Drive (APN 670-172-06)

Request: Request for Coastal Development Permit CDP08-0014 and Minor Site Development Permit SDP08-0035(M) to allow the demolition of an existing, single-family residence, and the construction of a new, single-story, single-family residence; as well as the construction of new retaining walls in excess of 30 inches in height at 32091 Sea Island Drive.

Environmental: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Community Development Department has analyzed the subject project. Staff finds the project is Categorically Exempt pursuant to Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures).

Recommendation: That the Planning Commission adopt the attached Draft Resolution 08-11-25-28, approving Coastal Development Permit CDP08-0014 and SDP08-0035(M) for the referenced scope of work.

Evan Langan (Associate Planner) presented the staff report.

Chairman Denton opened the Public Hearing.

Stan Schrofer (Applicant – San Clemente) stated that he has covered all the requirements with City staff. He stated that the house does not consist of four bedrooms and the owners consider it as their two bedroom retirement home.

Kyle Butterwick (Director) asked the applicant to clarify several issues from the written correspondence received which refers to the building footprint and issues associated with the tentative tract maps and the CC&R's.

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Stan Schrofer (Applicant – San Clemente) clarified that the HOA, in 1971, revised the CC&R's to eliminate the special set back standards. He reminded the Commission that the HOA Board reviewed and approved the project.

Charles Gassett (Dana Point) presented each of the Commissioners with a copy of his letter and addressed his concerns and noted that the house is too large for the neighborhood.

Chairman Denton closed the Public Hearing.

Commissioner Schoeffel stated that the public testimony and the staff report indicate that things have changed over the years. He reaffirmed that the application complies with the applicable City Land Use regulations and the CC&R's. He stated that things do change over time and property owners are entitled to build upon their property in compliance with the applicable regulations which is why he recommends approval of the project.

Commissioner Fitzgerald stated that she was in agreement with the project and was prepared to make the motion.

ACTION: **Motion made (Fitzgerald) and seconded (Dec) to adopt Resolution No. 08-11-25-28 approving Coastal Development Permit CDP08-0014 and Minor Site Development Permit SDP08-0035(M) to allow the demolition of an existing single-family residence, and the construction of a new, single-story, single-family residence; as well as the construction of retaining walls in excess of 30 inches in height at 32091 Sea Island Drive. Motion carried 5-0. (AYES: Brough, Dec, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)**

ITEM 3: **The Public Art component for the Headlands Development and Conservation Plan.**

Applicant/

Owner: Headlands Reserve LLC/Kevin Darnall

Location: Proposed location for the public art component is along the 1,400 foot long public walkway, overlooks and adjoining low height garden walls located in the Strand Vista Park within the Headlands Development.

Request: Approval of the public art component for the Headlands Development and Conservation Plan.

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Environmental: An Environmental Impact Report (SCH No. 2001071015) was certified for the entire development project. As a result, the public art component for the project does not require a separate environmental review.

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving the proposed public art component for compliance with the conditions of approval of previously approved Master Coastal Development Permit for the Headlands Development and Conservation Plan.

Saima Qureshy (Senior Planner) presented the staff report.

Chairman Denton opened the Public Hearing.

Kevin Darnall (Applicant – Del Mar) stated that the public art would make a great enhancement to the public space at the Headlands Development.

Kirk Trujillo (T.B. Penick and Sons, Inc. – Escondido) presented the architectural concrete paving system and described the design details to complement the surface area. He stated that he was available to answer any questions.

Chairman Denton closed the Public Hearing.

Alternate Michael Dec stated that the design layout looked great.

Vice Chairwoman Brough stated that she would support the project and noted that the quality of the surface material is impressive.

Chairman Denton stated that this is a classic example of an enhancement to commercial development adding value to the City, and to the souls for the beauty that it brings. He added that he would support the project and felt that the art in public places is a wonderful addition to the City.

Commissioner Schoeffel stated that he would support the project and commented that the art looks terrific.

ACTION: **Motion made (Brough) and seconded (Denton) to adopt Resolution No. 08-11-25-29 approving the public art component for the Headlands Development and Conservation Plan. Motion carried 5-0. (AYES: Brough, Dec, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)**

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E. NEW BUSINESS

ITEM 4: General Plan consistency analysis GPC08-0002, for the vacation of an alley, located along the rear/southerly property line of 25826 Las Vegas Avenue.

Applicant/

Owner: Penna Development LLC

Location: The subject alley is generally located to the north of Highway 101, west of Doheny Park Road, along the southerly property line of 25826 Las Vegas Avenue.

Request: Request for a General Plan Consistency determination, GPC08-0002 for City's vacation of an alley generally located along the southerly property line of 25826 Las Vegas Avenue.

Environmental: The proposed project is found not to have a significant effect on the environment and is therefore exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15312, Class 12 – Surplus Government Property Sale. The project involves vacation of surplus property.

Recommendation: That the Planning Commission adopt the attached Draft Resolution (Attachment 1) finding that the vacation of an alley located along the southerly property line of 25826 Las Vegas Avenue is consistent with the Dana Point General Plan.

Saima Qureshy (Senior Planner) presented the staff report.

There being no requests to speak on this item, Chairman Denton opened and closed the Public Hearing.

ACTION: Motion made (Fitzgerald) and seconded (Denton) to adopt Resolution No. 08-11-25-30 finding the proposed vacation of the alley generally located along the southerly property line of 25826 Las Vegas Avenue is consistent with the Dana Point General Plan (GPC08-0002). Motion carried 5-0. (AYES: Brough, Dec, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

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F. PRESENTATIONS

ITEM 5: Presentation to Council Member Elect J. Scott Schoeffel.

- a) Presentation to Council Member Elect J. Scott Schoeffel.

Chairman Denton thanked Council Member Elect J. Scott Schoeffel for his service on the Planning Commission and presented him with a City plaque.

G. STAFF REPORTS

Kyle Butterwick (Director of Community Development) recognized Commissioner Schoeffel's outstanding contribution to the City, on behalf of the Planning staff. He also acknowledged Commissioner Schoeffel's long term leadership and he is looking forward to his role on the City Council.

H. COMMISSIONER COMMENTS

Alternate Commissioner Dec congratulated all newly elected officials. He commended Commissioner Schoeffel and stated that he will miss his leadership role.

Vice-Chairwoman Brough stated that she has learned a lot from Commissioner Schoeffel, and will miss how he handles many issues.

Chairman Denton stated that "after serving approximately twelve years together on the Planning Commission," he will miss Commissioner Schoeffel greatly. He also wished everyone a Happy Thanksgiving season.

Commissioner Fitzgerald stated that it has been a delightful experience serving on the Planning Commission with Commissioner Schoeffel. She further gave her condolences to Chairman Denton on the recent loss of his mother.

Commissioner Schoeffel thanked everyone for their kind remarks. He also offered condolences on Chairman Denton's loss.

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I. ADJOURNMENT

Chairman Denton adjourned the meeting to the *next regular* meeting of the Planning Commission held on Tuesday, December 9, 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 7:56 p.m.

Norman Denton, Chairman
Planning Commission