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

November 13, 2007  
6:59-8:04 p.m.

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

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**CALL TO ORDER** –Chairwoman Fitzgerald called the meeting to order.

**PLEDGE OF ALLEGIANCE** – John Tilton led the Pledge of Allegiance.

**ROLL CALL**

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

**Staff Present:** Kyle Butterwick (Director), John Tilton (City Architect/Planning Manager), Todd Litfin (Assistant City Attorney), Erica Demkowicz (Senior Planner), Kurth Nelson (Project Planner), Matthew Schneider (Associate Planner), and Denise Jacobo (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1:** **Minutes of the regular Planning Commission Meeting of October 23, 2007.**

**ACTION:** **Motion made (Denton) and seconded (Schoeffel) to approve the Minutes of the regular Planning Commission Meeting of October 23, 2007. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: )**

**B. PUBLIC COMMENTS**

**Pam Tappan** (Capistrano Beach) announced that effective November 16, 2007, Mr. Paul Douglas' Contractor's License will be revoked. She stated that he has one last appeal, his license will remain active during the process and he will still be able to represent the Doheny House. She requested that the Planning Commission protect the City and the residents during this process. She submitted a judicial public record to the Assistant City Attorney.

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**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

**D. OLD BUSINESS**

**ITEM 2: Coastal Development Permit (CDP06-10) to allow the construction of a 5,456 square foot, two story single-family dwelling and a 1,070 square foot detached garage with a 1,196 square foot second dwelling unit with a bluff edge setback of 25 feet and a Minor Site Development Permit (SDP07-12(M) and Variance (V07-06) to allow building height to be measured from atop as much as 5.75 feet of fill as opposed to 2.5 feet of fill located at 24692 El Camino Capistrano (This item was continued from the meeting of October 9, 2007).**

Applicant/ Dominy + Associates Architects  
Owner: Tom and Maria Vegh  
Location: 24692 El Camino Capistrano; (APN 682-203-05)

Request: A Coastal Development Permit to allow the construction of a two story single-family dwelling and a detached garage/second dwelling unit with a bluff edge setback of 25 feet and a Minor Site Development Permit to measure structure height from no more than 2.5 feet of fill and a Variance to measure structure height from atop as much as 5.75 feet of fill as opposed to 2.5 feet of fill.

Recommendation: No action required. Application withdrawn.

**Todd Litfin** (Assistant City Attorney) stated for the record that since the applicant has withdrawn his application, there is no City approval for the permits that they had applied for.

**E. PUBLIC HEARINGS**

**ITEM 3: A request for Historical Resource Designation and participation in the Mills Act Program at 33905 El Encanto.**

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Applicant/

Owner: Tomas A. Prietto

Location: 33905 El Encanto (APN 682-091-22)

Request: To designate a single-family residence located at 33905 El Encanto as a historical structure, place the residence on the Dana Point Historic Resource Register and recommend the City enter into an agreement with the property owner for participation in the Mills Act Program.

Environmental: This project is categorically exempt (Class 31 - Section 15331 – Historical Resource Restoration/Rehabilitation) from the provisions of the California Environmental Quality Act (CEQA) because it consists of preservation of an existing historical single-family residence.

Recommendation: That the Planning Commission adopt a Resolution designating the single-family residence located at 33905 El Encanto as a locally significant historical structure and recommend that the City Council enter into an agreement with the property owner for participation in the Mills Act Program.

**Erica Demkowicz** (Senior Planner) presented the staff report.

**There being no requests to speak on this item, Chairwoman Fitzgerald opened and closed the Public Hearing.**

**Commissioner Conway** stated that he was in favor of the project. He added that it's a beautiful area which also has two or three homes of the same era.

**Vice-Chairman Denton** concurred with Commissioner Conway's comment that it is a beautiful home. He added that it represents an excellent example of a Woodruff home design.

**ACTION:** **Motion made (Denton) and seconded (Schoeffel) to adopt Resolution No. 07-11-13-34 designating an existing single-family residence as a Historic Resource and placing that structure on the Dana Point Historic Resource Register (HRA07-05) and recommend the City Council enter into an agreement for the Mills Act Program for 33905 El Encanto. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)**

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**ITEM 4:      Conditional Use Permit CUP07-02 for the conversion of a new duplex to condominiums and the corresponding Tentative Parcel Map TPM 2006-208 for the subdivision request in the Residential Duplex 14 (RD 14) Zoning District at 26471 Via Sacramento.**

Applicant/     Dr. Rajesh Kadakia  
Owner:       Green Family Limited Parntership  
Location:     26471 Via Sacramento, APN: 691-391-30

Request:      A Tentative Parcel Map and Conditional Use Permit to allow the conversion of a duplex to condominiums in the Residential Duplex 14 (RD 14) Zoning District.

Environmental: The proposed project qualifies as a Class 1 (Section 15301) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves division of existing multiple family residences into common-interest ownership where no physical changes occur which are not otherwise exempt.

Recommendation: That the Planning Commission adopt the attached draft resolution approving Tentative Parcel Map TPM 2006-208 and Conditional Use Permit CUP07-02.

**Kurth Nelson** (Project Planner) presented the staff report.

**Chairwoman Fitzgerald opened the Public Hearing.**

**Rajesh J. Kadakia** (Dana Point) stated that this being his first attempt to construct in the area he learned about condominium conversions during the application process. He added that the Planning staff was very helpful in guiding him which is why he is here today.

**Chairwoman Fitzgerald closed the Public Hearing.**

**Commissioner Schoeffel** stated that the applicant did a good job and he is supportive of this project.

**ACTION:**      Motion made (Schoeffel) and seconded (Brough) to adopt Resolution No. 07-11-13-35 approving Conditional Use Permit CUP07-02 and Tentative Parcel Map TPM 2006-208 for the conversion of a duplex to condominiums in the Residential Duplex 14 (RD 14) zoning district at 26471 Via Sacramento. Motion carried 5-0. (AYES: Brough, Conway,

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Denton, Fitzgerald, Schoeffel **NOES:** None **ABSENT:** None **ABSTAIN:** None)

**ITEM 5: Coastal Development Permit CDP07-11 and Site Development Permit SDP07-56 to allow the demolition of an existing single-family dwelling and construction of a new two (2) story, 2,826 square foot single-family residence in the Residential Beach Road 12 (RBR 12) Zoning and Floodplain Overlay Districts at 35755 Beach Road.**

Applicant/ Derek Wolf, McClean Design  
Owner: John & Beverly Alberti  
Location: 35755 Beach Road; (APN 691-331-10)

Request: Approval of a Coastal and Site Development Permits to allow the demolition of an existing single-family dwelling and construction of a new two (2) story, 2,826 square foot single-family residence in the Residential Beach Road 12 (RBR 12) Zoning and Floodplain Overlay Districts.

Environmental: This project is categorically exempt (Class 3 - Section 15303 - New Construction) from the provisions of the California Environmental Quality Act (CEQA) because the project involves the construction of a new single family 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 CDP07-11 and Site Development Permit SDP07-56.

**Matthew Schneider** (Associate Planner) presented the staff report. He asked the Commission to note a revision to the draft resolution which was distributed this evening regarding the Condition of Approval #13. He stated that this condition requires a deed restriction for the property owner to remove any ocean protective devices that are unearthed during the construction process or natural erosion cycle. He added that Conditions #39 and #40 have been revised to reflect the proper permit number.

**Chairwoman Fitzgerald opened the Public Hearing.**

**John Alberti** (San Clemente - Owner) stated that he and his wife currently live in San Clemente and they plan to move into this house once it is constructed. He

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stated that City staff has answered all his questions respectfully and he is happy to have the opportunity to build this house with air conditioning.

**Commissioner Brough** asked for a clarification of the revised Condition of Approval #13 and questioned who will be determining compliance.

**Matthew Schneider** (Associate Planner) clarified that if the ocean protection device was unearthed during their construction or natural erosion, the applicant's Coastal Engineer would need to submit a report to the City and document whether it can be done safely without impacting the adjacent properties. He added that it will need to be reviewed by the City's consulting engineer and they will reach a conclusion together which would ultimately be the City's decision as to what would be the most viable option.

**Chairwoman Fitzgerald closed the Public Hearing.**

**Commissioner Brough** stated that this was an excellent project and felt that it was an exciting endeavor.

**Commissioner Schoeffel** concurred with Commissioner Brough's comments and supports it.

**ACTION:** Motion made (Schoeffel) and seconded (Brough) to adopt Resolution No. 07-11-13-36 approving Coastal Development Permit CDP07-11, and Site Development Permit SDP07-56 to allow the demolition of an existing single-family dwelling and construction of a new two (2) story, 2,826 square foot single-family residence in the Residential Beach Road 12 (RBR 12) zoning and floodplain overlay districts at 35755 Beach Road subject to the addition of revised Conditions of Approval #13, #39, and #40. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

**F. STAFF REPORTS**

**Kyle Butterwick** (Director) updated the Commissioners on several issues:

- City Council supported a 2-way traffic circulation in Town Center and has allocated funds to obtain professional financial advisory services to analyze critical funding strategies for the improvements.

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- City Council appropriated \$80K to contract a consulting firm to prepare a Comprehensive Parking Analysis (Study) for Town Center. He added that a significant part of the study is to have a public process to assist reaching the final recommendations and priorities.
- The City Council voted 5-0 to support the Planning Commission's recommendation on the Chula Vista property owner's request concerning a recordation requirement.
- He announced that the next City Council Meeting scheduled for December 4, 2007; typically the time that the Council leadership (Mayor, Mayor-Pro-Tem) changes are evaluated and discussed.
- He reported that a supplemental text to the Dana Point Harbor Plan was officially filed to the Coastal Commission last week. He added that they now have ten days to review the Plan in terms of its adequacy relative to their submittal requirements. He stated that the County is moving diligently with their planning for the Marina Master Plan and will be releasing a notice of preparation to prepare a subsequent (thorough environmental analysis of the Marina design) EIR for the Marina Master Plan, to be formalized and released to the public beginning in early December.
- Staff has met with the Coastal Commission and it is anticipated that a Town Center hearing may be held some time in February.
- Our Town Center website notes the formation of a voluntary business registration program in Dana Point. Businesses are encouraged to voluntarily come to the City to register their businesses.
- Staff has been working on a comprehensive code update program to keep the municipal code up to date. A compiled list for recommendations will be placed on the Planning Commission agenda for the next scheduled meeting. The Commissioners are encouraged to contact John Tilton with any suggested recommendations to the Code.

**John Tilton** (City Architect/Planning Manager) noted with respect to the Town Center improvement project; he had been advised that for every dollar that the public puts in, there is a return of approximately five times in private improvements in that same area in a five-year time span.

**G. COMMISSIONER COMMENTS**

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**Commissioner Schoeffel** responded to Mr. Tilton's estimates being far too low, and with that leverage he endorsed the tripling of the public improvements.

**Vice-Chair Denton** wished everyone a great Thanksgiving and hopes everybody enjoys the special football games coming up.

**Commissioner Brough** commemorated this past Veteran's Day honoring those members who served and are serving now.

**Commissioner Conway** reminded everyone about the 30<sup>th</sup> Annual Dana Point Turkey Trot, he encouraged everyone to attend the Turkey Trot festivities and wished everyone a happy Thanksgiving.

**Alternate Commissioner Dec** wished everyone a happy Thanksgiving.

**Chairwoman Fitzgerald** reported that she had attended the reception for the new Harbor Director that was held at the Ocean Institute on October 24, 2007. She wished everyone a happy Thanksgiving.

**H. ADJOURNMENT**

**Chairwoman Fitzgerald** announced that the *next regular* meeting of the Planning Commission would be held on Tuesday, November 27, 2007, 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 8:04 p.m.**

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Liz Anderson Fitzgerald, Chairwoman  
Planning Commission