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

October 23, 2007
7:00-7:56 p.m.

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

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

PLEDGE OF ALLEGIANCE – Vice-Chairman Denton led the Pledge of Allegiance.

ROLL CALL

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

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

Staff Present: Kyle Butterwick (Director), John Tilton (City Architect/Planning Manager), Todd Litfin (Assistant City Attorney), Kurth Nelson (Project Planner), Matt Sinacori (City Engineer), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of October 9, 2007.**

ACTION: **Motion made (Denton) and seconded (Brough) to approve the Minutes of the regular Planning Commission Meeting of October 9, 2007. Motion carried 4-0-1. (AYES: Brough, Dec, Denton, Schoeffel NOES: None ABSENT: None ABSTAIN: Fitzgerald)**

B. PUBLIC COMMENTS

There were no Public Comments.

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C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit (CDP07-01) for an erosion control project consisting of the installation of subsurface drains under the subject properties for the purpose of directing groundwater to a drain vault on a coastal bluff and then to a catch basin at the base of the coastal bluff into the City's stormdrain system.

Applicant/ Walter Crampton, Terra Costa Consulting Group
Owner: Dean C. Clark, Trust, Kerstin Kopp, Frank G. & Luella Rubino, Trust, Elaine Mathes, Trust, Edward Workman
Location: 35431, 35441, 35451, 35455, and 35461 Camino Capistrano; (APN's: 691-182-08, -17, -16, -18, and 11) – RSF 3 Zoning District.

Request: Approval of a Coastal Development Permit in the Residential Single Family 3 (RSF 3) Zoning District to construct an erosion control project consisting of the installation of several subsurface drains (hydroaugers) to collect and dispose of groundwater under the subject properties to a drain vault on the coastal bluff and then divert the groundwater to another catch basin at the base of the coastal bluff and into the City's storm drain system.

Environmental: This project is categorically exempt (Class 2 and 3 - Section 15302 and 15303 - New Construction) from the provisions of the California Environmental Quality Act (CEQA) because the project involves replacement and reconstruction of existing drainage facilities involving negligible expansion of capacity and includes the construction of new small facilities/structures related to the disposal of subsurface drainage water.

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Coastal Development Permit CDP07-01.

Kurth Nelson (Project Planner) presented the staff report.

In response to Vice-Chairman Denton's inquiry regarding how hydroaugers gather water, Mr. Nelson (Project Planner) elaborated that the aim is to capture water from the siltstone bedrock formation where the water percolates down and

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exits down the bluff. He stated that the goal is to drill the hole to or beyond that so the water would seep into the hole and divert to the new drainage vault.

In response to Chairwoman Fitzgerald's inquiry regarding the easement and maintenance agreement, Mr. Sinacori (City Engineer) stated that Condition #24 language, added by Public Works and the City Attorney to protect the City's interest, highlights any liabilities and allows the owners to build the project and use the City-owned easement. He also clarified that this will be a recorded document and the recordation will be executed by all 5 property owners, along with the City. He stated that the details are still being worked out. He added that this will be vested against the deed of the house and in perpetuity this agreement will stay in place even if the owner(s) sell their property.

Chairwoman Fitzgerald opened the public hearing.

E. G. Kopp (Capistrano Beach) stated that he is one of the 5 owners who worked on the project for almost 7 years. He stated that the project was instigated because the City pipe going down the bluff got a hole in it and caved in causing the water to roll over their talus, which was breaking loose. He stated that an Engineering firm came up with the scheme illustrated this evening mainly to collect the water flow from their properties. He stated that the property owners approached the City and they agreed to work together to develop the proposed resolution.

Chairwoman Fitzgerald closed the public hearing.

Commissioner Brough favored the proposal and commended the applicants and property owners for working with City staff on coming up with a solution.

ACTION: **Motion made (Brough) and seconded (Schoeffel) to adopt Resolution No. 07-10-23-32 approving Coastal Development Permit (CDP07-01) for an erosion control project consisting of the installation of subsurface drains under the subject properties for the purpose of directing groundwater to a drain vault on a coastal bluff and then to a catch basin at the base of the coastal bluff and into the City's stormdrain system. Motion carried 5-0. (AYES: Brough, Dec, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)**

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ITEM 3: Variance V04-14 to allow portions of a duplex addition to encroach into the minimum 20-foot front yard setback, and Site Development Permit SDP05-70 to allow additions to an existing three story residential structure in a hillside condition in the Residential Multiple Family 14 (RMF 14) zoning district.

Applicant/ Kirk Nelson, Design Intervention, Inc.
Owner: Bob Seth and Dino Melrose
Location: 33912 Amber Lantern, APN: 682-091-37

Request: A Variance to allow portions of a duplex addition to encroach into the minimum 20-foot front yard setback, and Site Development Permit to allow additions to an existing three story residential structure in a hillside condition.

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 additions to an existing structure not resulting in an increase of more than 10,000 square feet and is in an area where all public services and facilities are in place to allow for the maximum development permitted by the General Plan and facilities the site is not located in a environmentally sensitive area.

Recommendation: That the Planning Commission adopt the attached draft resolution approving Variance V04-14 and Site Development Permit SDP05-70.

John Tilton (City Architect/Planning Manager) gave an overview of the project, originally scheduled for a hearing on June 12, 2007, but never heard because the project was continued at the request of the applicant. He added that there was consternation amongst the neighbors about the design of the project. He stated that the applicant worked with his neighbors and City staff to address the neighbors' concerns. He stated that there are significant changes to the design, and the neighbors appear satisfied with those changes.

Kurth Nelson (Project Planner) gave a slide presentation.

In response to Commissioner Brough's inquiry regarding lot coverage restrictions for RMF14 zoning, Mr. Nelson (Project Planner) elaborated that the restriction is a maximum of 60%, and this project is proposed at 38%.

Chairwoman Fitzgerald opened the public hearing.

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Kirk Nelson (Project Architect – Laguna Beach) described the revisions necessary to have the look of a single family residence rather than a duplex, although the fact that it is a duplex cannot be changed. He stated that it was originally constructed with a subterranean garage as a three story and the configuration is being maintained. He added that in trying to get parking in compliance with a fourth stall, there is no more room on the lot, which is why there's a need for this variance. He thanked City staff for their assistance with the request, noted the recommendations and was available for questions.

Chairwoman Fitzgerald closed the public hearing.

Commissioner Schoeffel stated that he passes this site almost daily, experiences difficulty negotiating his car around the hairpin turn, and the parking on the street is lamentable much of the time because it creates blind situations. He added that this happens to be one of the strangest lots seen in the entire neighborhood and is not without its fundamental challenges in terms of building appropriate lot coverage structures, aesthetically pleasing structures and structures that are functional for that particular neighborhood. He stated that as much as he opposes variances, he agreed with the findings proposed in the staff resolution. He commended the design team and Kurth Nelson, Project Planner, for the excellent presentation and staff report featuring outstanding summarization and salient points, as well as excellent graphs and color overlays to help the Commissioners and public understand the project details.

Commissioner Dec concurred with Commissioner Schoeffel's statements regarding the project.

Chairwoman Fitzgerald stated she was not a fan of variances but, in 1975 the County approved this building and the opportunity to fix things that may not have been done right is being offered now. She added that the fact that the applicant, neighbors, and City worked together to solve some problems, such as the height and parking, is very commendable which has made her supportive of this resolution.

ACTION: **Motion made (Denton) and seconded (Dec) to adopt Resolution No. 07-10-23-33 approving Variance V04-14 to allow portions of a duplex addition to encroach into the minimum 20-foot front yard setback, and Site Development Permit SDP05-70 to allow additions to an existing three story residential structure in a hillside condition in the RMF14 zoned district at 33912 Amber Lantern. Motion carried 5-0.**
(AYES: Brough, Dec, Denton, Fitzgerald, Schoeffel NOES: None
ABSENT: None ABSTAIN: None)

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E. STAFF REPORTS

Kyle Butterwick (Director) expressed his gratitude to the staff and the applicant for reaching a very good solution to the final design on item number 3.

He encouraged the Commissioners to attend a reception hosted by the Harbor to meet the new Harbor Director at the Ocean Institute at 7:00 p.m., on Wednesday, October 24, 2007.

He reported two items to be presented to the City Council. He noted that several proposals were received to retain a Parking Management consultant to produce a comprehensive parking plan for the Town Center. He anticipates that the Planning Commission will be part of the review process for the Parking Management Plan. He anticipates seeking City Council authorization to proceed with a detailed analysis of funding strategies for the public improvements and infrastructure in Town Center.

At Chairwoman Fitzgerald's request, Kyle updated the Commission on the Harbor Plan.

F. COMMISSIONER COMMENTS

Commissioner Schoeffel expressed that his heart goes out to all the victims of the latest statewide fire crisis. He gave kudos to all who are risking their lives to help put out the fires.

Commissioner Brough seconded Commissioner Schoeffel's comment.

Chairwoman Fitzgerald also addressed the fires and discussed making land use decisions from a Planning Commissioner perspective. She felt that the televised news reports serve as a reminder that, when dealing with residential development, the emphasis is on the single most expensive investment in applicants lives - their homes. She stated that her thoughts and prayers go to them.

She gave a heart-felt thanks to Vice-Chairman Denton for conducting the last two meetings during her absence.

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G. ADJOURNMENT

Chairwoman Fitzgerald announced that the *next regular* meeting of the Planning Commission would be held on Tuesday, November 13, 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 7:56 p.m.

Liz Anderson Fitzgerald, Chairwoman
Planning Commission