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

March 1, 2006  
7:03-9:29 p.m.

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

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**CALL TO ORDER** – Chairwoman O'Connor called the meeting to order.

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

**ROLL CALL**

**Commissioners Present:** Commissioner Norman Denton, Commissioner Liz Anderson Fitzgerald, Chairwoman April O'Connor, Vice-Chairman J. Scott Schoeffel, and Commissioner Steven Weinberg

**Staff Present:** Kyle Butterwick (Director), John Tilton (City Architect/Planning Manager), Todd Litfin (Assistant City Attorney), Brenda Chase (Senior Planner), Kurth Nelson (Project Planner), and Bobbi Ogan (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1: Minutes of the regular Planning Commission Meeting of February 15, 2006.**

**ACTION: Motion made (Denton) and seconded (Weinberg) to approve the Minutes of the regular Planning Commission Meeting of February 15, 2006. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)**

**B. PUBLIC COMMENTS**

**Ray Martinez** (Dana Point) stated that he had questions about the enforcement of the Code that addresses setbacks and drainage that occurs between adjacent lots in his neighborhood. He added that his neighborhood has a history of flooding and that he and his neighbors had submitted a petition stating their concerns about the drainage.

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**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

**D. PUBLIC HEARINGS**

**ITEM 2: (Continued from the regular Planning Commission meeting of February 15, 2006) Review of Public Art for Fire Station No. 29.**

Recommendation: That the Planning Commission continue this item to the next regular Planning Commission meeting of March 15, 2006.

**ACTION: Motion made (Schoeffel) and seconded (Denton) to continue this item to the regular Planning Commission meeting of March 15, 2006. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)**

**ITEM 3: (Continued from the regular Planning Commission meeting of February 1, 2006) Variance V05-08 to allow a new single-family residence to exceed the maximum allowable height by 6-feet, 9-inches; a Minor Site Development Permit SDP05-65M for retaining walls up to 6 feet; and a Coastal Development Permit for development in the Coastal Zone on a 6,004 square foot lot in the Residential Single Family (RSF 7) Zoning District at 34142 Chula Vista.**

Recommendation: No action is required. Due to the changes in the submitted plans, it is necessary to re-notice the Public Hearing for a later date.

**ITEM 4: Coastal Development Permit CDP06-01, Administrative Modification of Standards AMS06-01 and Site Development Permit SDP06-09M to allow an addition and remodel to an existing, single-family dwelling with legal non-conforming side yard setbacks. The subject site is located in the Coastal Overlay Zone and Residential Single Family (RSF 4) zone at 6 Breakers Isle.**

Applicant: Nancy Blamer-Csira  
Owner: Carolyn Groves  
Location: 6 Breakers Isle

Request: A Coastal Development Permit to allow the addition of a total of 791 square feet to the second floor. The proposed addition will consist of approximately 21.2% of the existing internal floor area, which exceeds the 10% exemption, thus

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requiring a Coastal Development Permit. A Site Development Permit is required because the existing structure is nonconforming as to side yard setbacks. An Administrative Modification of Standards is required to allow a minor deviation to the side yard setback along the south side of the subject property.

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 an addition to an existing structure not resulting in an increase of 50 percent of the floor area prior to the addition, or 2,500 square feet whichever is less.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP06-01, Site Development Permit SDP06-09M and Administrative Modification of Standards AMS06-01.

**Brenda Chase** (Senior Planner) reviewed the staff report.

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

**ACTION:** Motion made (Denton) and seconded (Weinberg) to adopt Resolution 06-03-01-03 approving Coastal Development Permit CDP06-01, Administrative Modification of Standards AMS06-01, and Site Development Permit SDP06-09M. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

**ITEM 5:** Variance V06-01 and Minor Site Development Permit SDP04-29M(I) to allow a second story addition to an existing non-conforming, one-story, single-family dwelling to encroach four feet into the required 10-foot exterior (street) side yard setback in the Residential Single family 12 (RSF 12) Zoning District at 34596 Calle Portola.

Applicant/

Owners: Daniel and Diane Roach

Location: 34596 Calle Portola

Request: A Variance and Minor Site Development Permit to allow a 1,732 square foot, second story addition to an existing 1,579 square foot single-family dwelling to encroach four feet into the 10-foot required exterior (street) side yard setback similar to the existing first floor setback on a corner lot in the Residential Single Family 12 (RSF 12) Zoning District.

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Environmental: The proposed project qualifies as a Class 3 (Section 15303) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves the new construction of a second story to an existing single-story structure.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Variance V06-01 and Minor Site Development Permit SDP04-29M(I).

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

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

**Vice-Chairman Schoeffel** stated that this is one of those circumstances that appear to create a physical hardship in development of the property dissimilar to the surrounding properties. He added that failure to grant the Variance may deprive this owner of the privileges that similar properties in the area enjoy.

**Commissioner Denton** stated that he agreed with Vice-Chairman Schoeffel and felt that with Caltrans having taken part of the property creates a hardship for the owners. He added that he would support the Variance request.

**Commissioner Fitzgerald** stated that it would be unfair to first take part of their land for a street and then tell the property owners that they couldn't do anything with their property because of that. She added that she would support the request.

**ACTION:** Motion made (Denton) and seconded (Weinberg) to adopt Resolution 06-03-01-04 approving Variance V06-01 and Minor Site Development Permit SDP04-29M(I). Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

**ITEM 6:** Zone Text and Local Coastal Program Amendment (ZTA06-01/LCPA06-01) to amend Dana Point Municipal Code, Section 9.61.120.

Recommendation: That the Planning Commission adopt a Resolution recommending the City Council approve Zone Text Amendment ZTA06-01 and Local Coastal Program Amendment LCPA06-01 amending Dana Point Municipal Code, Section 9.61.120.

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**Todd Litfin** (Assistant City Attorney) reviewed the proposed changes to the Zoning Code.

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

**Vice-Chairman Schoeffel** felt that the changes clarified the Code, made sense, and was consistent with common law. He stated that he would support the amendment.

**Commissioner Weinberg** stated that he didn't have a problem with the proposed language.

**ACTION:** Motion made (Schoeffel) and seconded (Denton) to adopt Resolution 06-03-01-05 recommending the City Council approve Zone Text Amendment ZTA06-01 and Local Coastal Program Amendment LCPA06-01 amending Dana Point Municipal Code, Section 9.61.120. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

**ITEM 7:** Zone Text and Local Coastal Program Amendment (ZTA06-02/LCPA06-02) to regulations for Residential Building Heights.

Recommendation: That the Planning Commission recommend that the City Council approve the attached draft Resolution for a Negative Declaration and the attached draft Resolution recommending the City Council amend the Dana Point Zoning Code to modify the building height regulations for hillside lots.

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

**Chairwoman O'Connor opened the Public Hearing.**

**Mary Chesterman** (Capistrano Beach) stated that her main concern was with the dog house feature on roof decks and that she was happy to see the amendment in the proposal. She encouraged the Planning Commission to look into expanding the notification of the neighbors for all projects.

**Darryl Adams** (Orange) stated that after reviewing the proposed amendment that he felt that a five-foot height increase in height could be acceptable with the following three (3) refinements:

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1. No portion of the structure is twelve feet above the curb. He stated that the proposed fifteen foot height would have an adverse impact on the flat lot across the street that is restricted to two-stories.
2. That the portion greater than four feet above the top of curb, not exceed 45% of the total lot width. The reasons are to prevent a monolithic streetscape, thus restoring the character, reducing the appearance of bulk and improving the view corridor.
3. Thru lots that have street access at the top and the bottom incorporate the California Building Code's definition for grade as the datum for height determination. This would allow the basement garage without penalizing the habitable portion of the structure.

**Paul Douglas** (Dana Point – Residential Building Height Task Force) stated that the Task Force was not raising the heights of buildings, just recognizing reality. He added that they wanted to allow flexibility in design. He stated that the fifteen feet above curb would allow for good architecture. He added that the amendment to the Code would not end the applications for Variances. He felt that the amendment would clean the Code up and make the Planning Commission's job easier.

**Scott Howell** (Dana Point) made the following recommendations:

1. Twelve feet at the curb level was adequate and to allow fifteen feet would be too much.
2. That a variable for sloping lots would be better than adding five feet to every lot.

He stated that the Planning Commission should take their time on this issue and consider the public testimony before recommending approval to the City Council.

**Bob Theel** (Dana Point) felt that the proposed Code changes had nothing to do compatibility, scale, or aesthetics.

**Chairwoman O'Connor closed the Public Hearing.**

**Chairwoman recessed the meeting at 8:45 p.m. and reconvened the meeting at 8:56 p.m.**

**Commissioner Fitzgerald** felt that the proposed Code changes were well reasoned.

**Commissioner Denton** stated that the proposed changes would allow more flexibility and that he would support the recommendations.

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**Commissioner Weinberg** stated that he would like to require story poles for all projects that come before the Planning Commission. He recommended that a sunset clause be included to force a review of the Code to see if it was working or not.

**Chairwoman O'Connor** stated that she would support the requirement of story poles. She added that she would support the proposed changes with the exception of the amendment to the setback requirement.

**Vice-Chairman Schoeffel** felt that the proposed Code amendment allows more flexibility for the applicant and design professional. He stated that he would not support the story pole requirement for any projects but Variance requests. He felt that a sunset clause was not necessary.

**ACTION:**     Motion made (Schoeffel) and seconded (Denton) to adopt Resolution 06-03-01-06 recommending the City Council approve a Negative Declaration for Zone Text Amendment ZTA06-02 and Local Coastal Program Amendment LCPA06-02 to amend the Residential Building Height Regulations. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

**ACTION:**     Motion made (Schoeffel) and seconded (Denton) to adopt Resolution 06-03-01-07 recommending the City Council approve Zone Text Amendment ZTA06-02 and Local Coastal Program Amendment LCPA06-02 revising the City of Dana Point Zoning Code to amend the Residential Building Height Regulations. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

**E.     PUBLIC MEETINGS**

There were no Public Meetings.

**F.     OLD BUSINESS**

There was no Old Business.

**G.     NEW BUSINESS**

There was no New Business.

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**H. STAFF REPORTS**

**Kyle Butterwick** (Director) reported that the Harbor Revitalization Plan will be delayed 3-4 months before coming to the City for approval. He stated that the County was having difficulty in defining the scope of the LCPA submittal to the City and that they have not come to a consensus on their approach on how they want to proceed.

He stated that staff was expecting a draft of the new Housing Element for the City. He added that there has been some interest in scheduling a Housing Summit Session which would be a joint session with the City Council and the Planning Commission. He stated that this would be an opportunity to introduce the draft Housing Element and have a general assembly of not only the decision makers, but other experts in the housing field and the consultants who prepared the document.

He reported that story poles had been placed on three commercial buildings in the Town Center. He stated that the story poles are 40-feet high which has been recommended by the Subcommittee. He added that the Subcommittee is looking at the poles in context to what type of rooftop accessories above the 40-foot height limit might be considered reasonable.

**I. COMMISSIONER COMMENTS**

There were no Commissioner comments.

**J. ADJOURNMENT**

**Chairwoman O'Connor** announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, March 15, 2006, 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 9:29 p.m.**

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J. Scott Schoeffel, Vice-Chairman  
Planning Commission