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

October 19, 2005
7:05-8:26 p.m.

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

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

PLEDGE OF ALLEGIANCE – Brenda Chase led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Norman Denton, Chairwoman April O'Connor, Commissioner Greg Powers, Vice-Chairman J. Scott Schoeffel, and Commissioner Steven Weinberg

Staff Present: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), Brenda Chase (Senior Planner), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of October 5, 2005.

ACTION: Motion made (Denton) and seconded (Weinberg) to approve the Minutes of the regular Planning Commission Meeting of October 5, 2005. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

B. PUBLIC COMMENTS

There were no Public Comments.

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

October 19, 2005
7:05-8:26 p.m.

PAGE 2

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: (Continued from the regular Planning Commission meeting of October 5, 2005) A Variance V05-05 to allow for additional square footage and a pitched roof element to an existing duplex residence that would exceed the regulations for building height at 33935 Malaga.

Applicant: Doug Baker/Diane White, Architect
Owner: Sandra Penwell
Location: 33935 Malaga

Request: A Variance to allow for additional square footage and a pitched roof element to an existing duplex residence that would exceed the regulations for building height.

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 the minor alteration of an existing structure.

Recommendation: That the Planning Commission approve the attached draft Resolution denying Variance V05-05.

Brenda Chase (Senior Planner) reviewed the staff report.

Chairwoman O'Connor opened the Public Hearing.

Diane White (Architect – Dove Canyon) provided a PowerPoint presentation. She stated that they had gone through a number of roof designs that would possibly conform to what the Zoning Code is dictating with the height restriction of 3:12 to twenty-six feet and less than 3:12 to twenty-four feet. She felt that the current building design would not allow any improvement to be done without a Variance.

Doug Baker (Owner – Dana Point) stated that they had planned to build on top of the existing roof structure. He was concerned about how rain water ponds on top of his flat roof. He stated that the pitch was needed to allow the water to

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

October 19, 2005
7:05-8:26 p.m.

PAGE 3

drain properly. He added that a Variance was needed for the pitch of the roof only.

Shaun Hurley (Dana Point) stated that he had sold the property to Mr. Baker and felt that it was his job as a realtor to bring these qualified buyers into our neighborhoods. He asked the Planning Commission to approve the request.

Chairwoman O'Connor closed the Public Hearing.

Commissioner Weinberg stated that he has a hard time denying this Variance. He added that the hardship would be that it is hard to obtain insurance for flat roofs. He stated that he would support the Variance.

Commissioner Denton stated that the proposed design would improve the look and feel of the neighborhood. He added that he was concerned that there doesn't seem to be any other way to achieve a slope to the roof without a Variance.

Commissioner Powers stated that the property would be improved with the pitch and roof element as proposed. He added that he would support the project as presented by the owner.

Chairwoman O'Connor stated that the Planning Commission was forced to uphold the Code and that she would support Staff's recommendation of denial.

Vice-Chairman Schoeffel stated that he doesn't see any latitude to deviate from the height restriction in the Zoning Code and that he would support Staff's recommendation of denial.

ACTION: Motion made (Schoeffel) and seconded (Denton) to adopt Resolution 05-10-19-45 denying Variance V05-05. Motion carried 3-2. (AYES: Denton, O'Connor, Schoeffel NOES: Powers, Weinberg ABSENT: None ABSTAIN: None)

ITEM 3: Coastal Development Permit CDP05-14 and Site Development Permit SDP05-62 to allow for the demolition of an existing single-family residence and the construction of a new two (2) story, single-family residence within the RBR12 Zoning District and Floodplain FP-3 Overlay District at 35301 Beach Road.

Recommendation: That the Planning Commission continue this item for an indefinite period of time to allow the applicant to revise the proposed plans.

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

October 19, 2005
7:05-8:26 p.m.

PAGE 4

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to continue this item indefinitely. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ITEM 4: CDP05-19/SDP05-57M (Beach Road, 35119).

Recommendation: That the Planning Commission take no action on this project. The applicant has requested a continuance to allow applicant and staff more time to review the proposed project.

E. PUBLIC MEETINGS

There were no Public Meetings.

F. OLD BUSINESS

There was no Old Business.

G. NEW BUSINESS

There was no New Business.

H. STAFF REPORTS

Kyle Butterwick (Director) reported that at last week's City Council meeting that Makar had requested an initiation of a General Plan Amendment for the Marina Mobile Home Park to allow them to file for a GPA in conjunction with a development project. He stated that the City Council wanted more information from Makar as to their intentions for the property.

He stated that the Draft EIR for the Harbor Revitalization plan was available for public review. He added that according to the County, they will be proceeding with public hearings on the EIR and the lead project in January, with adoption of the EIR and project by the Board of Supervisors in February. He stated that the County would then need to process a Local Coastal Program Amendment through the City which will allow the Planning Commission the opportunity to review the project.

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

October 19, 2005
7:05-8:26 p.m.

PAGE 5

He stated that the City had withdrawn their application for the Fractional Ownership Ordinance from the Coastal Commission due to the negative staff report and recommendation for denial.

He reported that the Town Center Subcommittee would be meeting on Monday, October 24, 2005 at 6:00 p.m. He stated that the Subcommittee would be continuing their discussion on building heights.

Todd Litfin (Assistant City Attorney) reported that in the mobile home park litigation that the plaintiffs did appeal the City's victory in the trial court. He stated that the matter would be scheduled for a hearing before the Appeals Court.

He stated that a preliminary trial court had determined that Diedrich's new use was close enough to the old use and that they would allow them to have the drive-thru. He added that after that ruling on a judgment on the pleadings, the City and Diedrich settled the case.

I. COMMISSIONER COMMENTS

Commissioner Weinberg updated the Commission on the discussions from the past Town Center Subcommittee meetings.

He reported that his daughter and the principal from the school that she teaches at in San Diego had organized a collection for the hurricane victims. He stated that they started on the Monday after the hurricane had hit and by that Friday they had collected enough supplies to fill five (5) semi trucks. He added that a staff member's husband who is a pilot for UPS had helped arrange for UPS to donate a plane that he flew to Houston to drop off the supplies for the Red Cross. He stated that all of the UPS employees involved had donated their time to help get the supplies to Texas.

Vice-Chairman Schoeffel complimented the City for creating the dog "fun zones" in the City parks.

He reported that the hurricane relief concert that was held at Hennessey's last Sunday raised \$5,400. He stated that it was a nice community event.

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

October 19, 2005
7:05-8:26 p.m.

PAGE 6

J. ADJOURNMENT

Chairwoman O'Connor stated that the *next regular* meeting of the Planning Commission would be held on Wednesday, November 2, 2005, 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 8:26 p.m.

April O'Connor, Chairman
Planning Commission