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

August 3, 2005
7:00-7:53 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 – Commissioner Powers 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), John Tilton (City Architect/Planning Manager), Kurth Nelson (Project Planner), Brenda Chase (Senior Planner), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

There were no Minutes for approval.

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 1: Coastal Development Permit CDP05-16 to allow for the replacement of an existing public restroom and the construction of a new 364 square foot public restroom at the west end of Dana Point Harbor Drive located in the Dana Point Harbor Planned Community at 24234 Dana Point Harbor Drive.

Applicant/

Owner: County of Orange

Location: 24234 Dana Point Harbor Drive

Request: A Coastal Development Permit to allow for the replacement of an existing public restroom and the construction of a new 364 square foot public restroom at the west end of Dana Point Harbor Drive in the Dana Point Harbor Planned Community.

Environmental: This project is categorically exempt (Class 3 – Section 15303 – New Construction) from the provisions of the California Environmental Quality Act (CEQA) in that the project entails the demolition of an existing restroom and the construction of a new, small restroom facility.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP05-16.

Kurth Nelson (Project Planner) reviewed the staff report.

Chairwoman O'Connor opened the Public Hearing.

Doug Giltner (County of Orange) stated that this project was proposed to alleviate the need for beach goers to use other facilities' restrooms. He added that there were other restrooms in the area that visitors will be able to access during the construction of the new restrooms.

Chairwoman O'Connor closed the Public Hearing.

Commissioner Weinberg stated if there was any way the County could move the restroom trailers so that they could still be used during the construction of the permanent facilities it would be appreciated by the public.

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ACTION: Motion made (Denton) and seconded (Schoeffel) to adopt Resolution 05-08-03-37 approving Coastal Development Permit CDP05-16. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ITEM 2: Coastal Development Permit CDP05-12 to allow the demolition of an existing single-family residence and construction of a new single-family residence on a property located within the Coastal Overlay District at 33831 Niguel Shores.

Applicant: Renato Trotta
Owner: Stephan Unger
Location: 33831 Niguel Shores

Request: Request for a Coastal Development Permit to allow the demolition of an existing single-family residence and construction of a new single-family residence.

Environmental: This project is categorically exempt (Class 3 - Section 15303 – New Construction) from provisions set forth in 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 such dwelling units.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP05-12.

Brenda Chase (Senior Planner) reviewed the staff report.

Chairwoman O'Connor opened the Public Hearing.

Rento Trotta (Architect – Newport Beach) stated that he was available for any questions.

Chairwoman O'Connor closed the Public Hearing.

ACTION: Motion made (Powers) and seconded (Denton) to adopt Resolution 05-08-03-38 approving Coastal Development Permit CDP05-12. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

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ITEM 3: A Variance V05-05 to allow for additional square footage and a pitched roof element to an existing single-family residence that would exceed the regulations for building height and encroach into the front yard setback at 33935 Malaga.

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

Request: A Variance to allow for additional square footage and a pitched roof element to an existing single-family residence that would exceed the regulations for building height and encroachment into the front yard setback.

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) stated that when the home was built, the water heater was installed on a fixed platform with the washer and dryer installed in the same area which does not allow for the clearance needed for parking in the garage. She added that the roof was designed to be strategically located for the point loads that come down into the existing foundation.

Doug Baker (Owner – Dana Point) stated that what they were requesting was an addition to the upstairs unit and re-structuring the garage because it was poorly designed. He added that with the three (3) additional feet he would be able to park larger vehicles in the garage. He stated that he was willing to redesign the project to bring the front of the property down to 26 feet, but that the rear of the property drops five (5) feet which makes it difficult to have a 3:12 pitch roof. He added that a flat roof design was not acceptable because of the continued maintenance that it would require. He stated that they were trying to improve their property to match the quality of the homes around them.

Eddie Housley (Dana Point) stated that she was opposed to the height of the proposed project.

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Paula Zoss (Dana Point) stated that she was opposed to the project because the project will block her view.

Chairwoman O'Connor closed the Public Hearing.

Vice-Chairman Schoeffel felt that there weren't any hardship findings made. He stated that he would support staff's recommendation of denial.

Commissioner Powers stated that the findings for a Variance have not been made and that he would support staff's recommendation.

Commissioner Denton stated that he couldn't support the hardship for the Variance.

Commissioner Weinberg stated that there was no hardship and that he would support staff's recommendation. He added that he hoped that the property owner could find a way to improve the property.

Chairwoman O'Connor felt that there were other options available to improve the property and stated that she would support staff's recommendation. She asked if the applicant would want to continue the hearing.

Kyle Butterwick (Director) stated that the applicant could ask for a continuance to allow him time to redesign the project that would eliminate the need for a Variance or reduce the magnitude of the Variance.

Doug Baker (Property Owner) agreed to the continuance with a nod of his head.

Kyle Butterwick (Director) stated that staff would recommend that if the project comes back with a revision to the Variance, that the staking of the property should be revised to reflect the revised proposal. He added that if the Variance were eliminated, that there would be no need for a discretionary review or approval by the Planning Commission for this project.

ACTION: **Motion made (Schoeffel) and seconded (Denton) to continue this item to the regular Planning Commission meeting of September 7, 2005. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)**

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E. PUBLIC MEETINGS

There are 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 there was no appeal received for the project on Caribbean Drive, but that he suspected that an appeal may be initiated by the Coastal Commission.

He stated that the City's Fractional Ordinance was scheduled for a hearing before the Coastal Commission, but after City staff had received the negative staff report that a continuance was requested.

He stated that the Town Center Subcommittee would be meeting on Tuesday, August 9th at 1:00 p.m. He added that Roma Design Group would be present.

He stated that the City will receive a copy of the screen check draft EIR on the Harbor Revitalization Plan next week.

He stated that the City Council was anxious to initiate an update of the City's Housing Element and that the Planning Center had submitted a proposal to accomplish this task.

Todd Litfin (Assistant City Attorney) reported that the Court had ruled on all of the lawsuits filed by Patrick Evans and that they had ruled in the City's favor.

I. COMMISSIONER COMMENTS

There were no Commissioner Comments.

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J. ADJOURNMENT

Chairwoman O'Connor announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, August 17, 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 7:53 p.m.

April O'Connor, Chairwoman
Planning Commission