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

June 15, 2005
7:05-9:20 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 – Bobbi Ogan led the Pledge of Allegiance.

ROLL CALL

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

Commissioner Absent: Commissioner Norman Denton

Staff Present: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), John Tilton (City Architect/Planning Manager), Erica Williams (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 June 1, 2005.**

ACTION: **Motion made (Powers) and seconded (Weinberg) to approve the Minutes of the regular Planning Commission Meeting of May 18, 2005. Motion carried 3-1-1. (AYES: Powers, Schoeffel, Weinberg NOES: None ABSENT: Denton ABSTAIN: O'Connor)**

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 2: Coastal Development Permit CDP05-06 to allow an addition and remodel to an existing single family residential dwelling that would result in an increase of more than ten percent (10%) of the internal floor area of the dwelling. The subject site is located in the Residential Single family (RSF 7) zone and is addressed as 23602 Tampico Bay.

Applicant/

Owners: John and Karen King

Location: 23602 Tampico Bay

Request: A Coastal Development Permit to allow the addition of a total of 499 square feet to the first and second floor; 205 square feet will be added to the first floor to create two new bathrooms and expand the existing kitchen area; 294 square feet will be added to the second floor to expand the existing master suite. An existing carport will also be enclosed; the enclosure will add an additional 191 square feet to the existing garage. The proposed addition will consist of approximately 26% of the existing internal floor area, which exceeds the 10% exemption, thus requiring a Coastal Development Permit.

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 CDP05-06.

Erica Williams (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 (Schoeffel) and seconded (Weinberg) to adopt Resolution 05-06-15-24 approving Coastal Development Permit CDP05-06. Motion carried 4-0-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: Denton ABSTAIN: None)

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ITEM 3: Site Development Permit SDP04-78 requesting approval to: (1) construct a new 5,148 square foot, two-story duplex with attached garage space totaling 967 square feet on a vacant lot, (2) measure the building height from the top of not more than thirty (30) inches of fill as permitted pursuant to Section 9.05.110(a)(3) of the Zoning Code, and (3) to waive the requirement for an additional parking stall pursuant to Section 9.35.080(e)(3) of the Zoning Code at 27015 Camino de Estrella in the Residential Duplex (RD-14) zoning district.

Applicant/

Owner: Jerry E. Reynolds
Location: 27015 Camino de Estrella

Request: A Site Development Permit requesting approval to: (1) construct a new 5,148 square foot, two-story duplex with 967 square feet of attached garage space on a vacant lot, (2) measure the building height from the top of not more than thirty (3) inches of fill as permitted pursuant to Section 9.05.110(a)(3) of the Zoning Code, and (3) to waive the requirement for an additional parking stall pursuant to Section 9.35.080(e)(3) of the Zoning Code.

Environmental: The proposed project qualifies as Class 3 and Class 15 Categorical Exemptions (Section 15303 and 15315) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project consists of the construction of a duplex totaling no more than six (6) units.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Site Development Permit SDP04-78.

Kurth Nelson (Project Planner) reviewed the staff report.

Chairwoman O'Connor opened the Public Hearing.

Charles Oldham (Capistrano Beach) stated that he was concerned with drainage and the landscaping in the front. He felt that the sideyard setbacks were not the same as others in the area.

Jim Wilshire (Capistrano Beach) stated that he was concerned with the height of the building, aesthetics, privacy, and the distance of the building from the back fence. He felt that it was too much house for the lot.

Chairwoman O'Connor closed the Public Hearing.

Vice-Chairman Schoeffel stated that he would support the project.

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Commissioner Weinberg felt that the material used for the fence should be worked out with the neighbors for privacy. He stated that he would support the project.

Commissioner Powers stated that he was concerned with parking, but with a fifty-foot wide lot, that there was no way to design the property to include all of the on-site parking. He added that he would support the project.

ACTION: Motion made (Powers) and seconded (Schoeffel) to adopt Resolution 05-06-15-25 approving Site Development Permit SDP04-78. Motion carried 4-0-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: Denton ABSTAIN: None)

Commissioner Weinberg recused himself from the following item.

ITEM 4: Coastal Development Permit CDP03-21 and Mitigated Negative Declaration for the development of a portion of a 14.66 acre vacant lot at 32354 Caribbean Drive, with a 19,448 square foot, two-story, single-family residence that includes 5,864 square feet of basement area; a two-story 3,742 square foot, detached theatre/bowling alley; a 400 square foot detached observatory and; a detached, 820 square foot caretaker's residence with Site Development Permit SDP03-60M to allow retaining walls as high as 21 feet to stabilize the slope adjacent to Caribbean Drive and to create vehicular access, building pads, and outdoor living areas for property located in the Residential Single Family (RSF-2) and Open Space (OS) Zones.

Applicant: Fleetwood Joiner, Fleetwood Joiner and Associates, Inc.

Owners: Lapar Partnership; Lawrence and Pary Simpson

Location: 32354 Caribbean Drive

Request: A Mitigated Negative Declaration, Coastal Development Permit, and Site Development Permit for the development of a portion of a 14.66 acre vacant lot with a 19,448 square foot, two-story, single-family residence that includes 5,864 square feet of basement area; a two-story 3,742 square foot, detached theatre/bowling alley; a 400 square foot detached observatory and; a detached, 820 square foot caretaker's residence with retaining walls as high as 21 feet to stabilize the slope adjacent to Caribbean Drive and to create vehicular access, building pads, and outdoor living areas for property located in the Residential Single Family 2 (RSF 2) and Open Space (OS) Zones.

Environmental: A Mitigated Negative Declaration (MND) has been prepared for the project in accordance with Section 15070 of the California Environmental

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Quality Act (CEQA) for the Commission's review and adoption. The MND was circulated to the State Clearinghouse for 30 days on February 7, 2005. A notice of intent to adopt negative declaration was posted with the County Clerk and on the site on the same day, and published in the newspaper on June 2, 2005. The review period ended March 8, 2005. Two comment letters were received in response to the circulation of the MND and are attached as Supporting Documents for the Commission's consideration.

Recommendation: That the Planning Commission take the following actions:

- 1) Adopt the attached Resolution adopting a Negative Declaration for the project; and
- 2) That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP03-21 and Site Development Permit SDP03-60M.

Kurth Nelson (Project Planner) reviewed the staff report.

Chairwoman O'Connor opened the Public Hearing.

Salvatore DiMascio (Dana Point) stated that he was concerned about cutting into the slope for the new development and the rupturing of the water tank above his home.

Arnold Applebaum (Dana Point) stated that he had reports from a geologist that states that there are severe drainage problems on the hillside. He felt that the public hearing notice should have been sent to the surrounding homeowners sooner and that something illegal was happening.

Pauline Chilton (Dana Point) asked if the City had a geologic report that had been done in the last few months regarding the conditions on the site. She felt that any report that was older would not be accurate because of the historically bad rains the area had received.

Kenneth Braun (Dana Point) he asked for permanent retaining walls to be constructed whether the home was built or not.

Stuart Hilborn (Dana Point) stated that he was concerned with slope stability and whether the hill could support the weight of the new development. He added that he was also concerned about the lack of caissons or steel piling and the landscaping which would require irrigation year-round.

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Bob Moore (Dana Point) stated that he was concerned about the disruption to the habitat. He added that he would like to see some reasonable development if nothing more than to have the slide area on Caribbean repaired once and for all.

Thomas Murphy (Laguna Niguel) he asked for timely sanctions for the contractor should construction actually ensue and for no construction in the open space areas. He was concerned about the tennis court and the invasion of light and slope integrity.

Alice Thompson (Dana Point – President of Monarch Bay Terrace Homeowners Association) stated that the association would support approval of the project if the k-rails and sandbags were replaced with a suitable retaining wall structure and drainage system by October 1, 2005 as specified in the Resolution. She added that there were concerns about the lack of caissons to anchor the development and that the association requests that the City employ its own geologist and structural engineer to review all aspects of the development when and if it proceeds.

Ira Schaffer (Dana Point) stated that the moisture content in the soil has changed since 2003 and felt that the study had not taken into account the amount of rain that had been received over the last twelve (12) months. He asked for the mitigated negative declaration to not be adopted without further geological studies.

Daniel Bensimon (Dana Point) stated that there are springs on the property that have been undermining the slope. He added that the hill was very moist and that there was water running down the street from it every day. He felt that the slope would not be able to handle the proposed development.

Pauline Sloan (Dana Point) stated that she was concerned about the rocks that fall from the property onto the street. She added that she would like to see an attractive retaining wall and a slope full of flowers.

Salvatore DiMascio (Dana Point) stated that the letter from Monarch Bay Terrace Homeowners Association had not been presented to the members of the homeowners association. He felt that the letter was a misrepresentation and did not represent the position of the 340 property owners.

Alice Thompson (Dana Point – President of the Monarch Bay Property Association) *replied that at the annual meeting this project was discussed and the homeowners present asked the board to take a stand on the project. She stated that the letter that she had submitted to the Commission was from the board of directors.*

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Chairwoman O'Connor recessed the meeting at 8:40 p.m.

Chairwoman O'Connor reconvened the meeting at 8:55 p.m.

Kyle Butterwick (Director) stated that since the applicant's geologist was not present at the meeting to answer the questions that had been raised during the public testimony, that he would recommend that the Commission continue the Public Hearing with the instruction to have the applicant's geologist present at the next meeting.

Chairwoman O'Connor stated that she agreed with the recommendation.

Vice-Chairman Schoeffel stated that he would support the request for a continuance.

Commissioner Powers stated that he wanted this item re-noticed for the continuance.

There was a consensus of the Planning Commission to continue this item to the next regular Planning Commission meeting of July 6, 2005.

E. PUBLIC MEETINGS

There were no Public Meetings.

F. OLD BUSINESS

ITEM 5: Review and consideration of proposed Parks, Recreation, and Open Space Master Plan and Appendix. (Continued from the regular meeting of June 1, 2005)

Recommendation: That the Planning Commission continue this item to the regular Planning Commission meeting of July 20, 2005.

There was a consensus of the Planning Commission to continue this item to the regular Planning Commission meeting of July 20, 2005.

G. NEW BUSINESS

There was no New Business.

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H. STAFF REPORTS

Todd Litfin (Assistant City Attorney) reported that the Preliminary Injunction request made by Surfrider on the Headlands was denied by the courts today.

Kyle Butterwick (Director) stated that a grading permit for the Headlands had been issued. He added that a pre-grade meeting was scheduled for Friday.

He stated that today was the effective date for the closure of the Dana Marina Mobile Home Park. He added that from this date the existing residents have 60 days to vacate the property.

He reported that the City Council had selected the membership for the Town Center Subcommittee and that their first meeting was scheduled for Wednesday, June 29, 2005. He stated that ten (10) members and two (2) alternates were selected.

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, July 6, 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 9:20 p.m.

April O'Connor, Chairwoman
Planning Commission