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

May 4, 2005  
7:00-10:45 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** – Vice-Chairman Schoeffel 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), Erica Williams (Senior Planner), Brenda Chase (Senior Planner), and Bobbi Ogan (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1: Minutes of the regular Planning Commission Meeting of April 20, 2005.**

**ACTION: Motion made (Denton) and seconded (Weinberg) to approve the Minutes of the regular Planning Commission Meeting of April 20, 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.

**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

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**D. PUBLIC HEARINGS**

**ITEM 2: Variance V05-04 to allow the construction of a new two-story single-family dwelling over an attached garage that will measure 31 feet, instead of the maximum required height of 24 feet and without the required step backs on the 2<sup>nd</sup> and 3<sup>rd</sup> levels. The subject site is located in the Residential Single Family (RSF 7) zone and is addressed as 33921 Granada Drive.**

Applicant

Owner/: David Bunevith  
Location: 33921 Granada Drive

Request: A Variance to allow the construction of a new 3,705 square foot single-family dwelling with two levels over an attached 1,364 square foot garage measuring 31 feet in height, instead of the maximum required height of 24 feet. The Variance includes a request to allow the construction of the dwelling without the required step backs on the second and third floor levels.

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 construction of a new single-family residence not in conjunction with two or more such units.

Recommendation: That the Planning Commission adopt the attached draft Resolution denying Variance V05-04.

**Erica Williams** (Senior Planner) reviewed the staff report.

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

**Robert Theel** (Dana Point) disagreed with staff's interpretation of the side-to-side slope percentage. He stated that each of staff's alternative designs would have a roof higher in elevation than their proposed project. He added that they had received a soils report from 1964 showing this site was a gully that was filled in. He stated that the two (2) foot stepback is for a planter to allow privacy for the neighbor. He stated that the hardships to support a Variance would be:

1. Unusual topographic features include steep slopes on three (3) sides of the site and where the site appears to be flat, it is a natural gully with steep side-to-side slopes;
2. Solve the drainage problems and pay for the drainage facilities;
3. Removal and recompaction of the earth in the gully;

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4. Neighboring homes would be taller than proposed home; and
5. If the Seville alternative was selected, a portion of the public road would have to be built.

He added that the building had been designed low to protect the views of the neighbors.

**Adam Griffith** (San Clemente) stated that he supports the project as the Variance would allow the home to be similar in size and height of the neighboring homes.

**Bill Hart** (Dana Point) stated that the owners just want what everyone else has and that he would support the Variance.

**Betty Hinchman** (Dana Point) asked the Planning Commission to allow a Variance for this property because of not only the condition of the lot, but its location on the street. She stated that the Bunevith's had been considerate of the neighbors' views when designing their project.

**Jack Hamilton** (Dana Point) stated that he was opposed to the Variance because it did not meet the findings necessary in the Code. He felt that the other homes would be impact by the proposed project.

**Ted Brandt** (Dana Point) stated that it was impossible to extend Seville Place and that it would be difficult to develop the back of the lot. He added that he supports the Variance and felt that the proposed project would benefit the area.

**Tim McMahon** (Dana Point) stated that he supports the proposed project and felt that it would enhance the neighborhood.

**David Bunevith** (Dana Point) stated that he had voluntarily put up flag poles to show the neighbors what they could expect from his proposed project. He added that he could build something to Code but that it would block his neighbors' views. He asked for approval of the Variance.

**Robert Theel** stated that the homes in the rear of the property would not be impacted by the proposed project.

**Larry Liles** (Dana Point) stated that he no longer opposes the project.

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

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**Commissioner Denton** felt that there were other options to build a home without the need for a Variance. He stated that the owner had done a great job in communicating with the neighbors. He added that he was concerned with the lack of setbacks and the need for a double Variance. He stated that he was opposed to granting the Variance.

**Commissioner Weinberg** stated that he was concerned with the lack of setbacks and added that he could not support the Variance.

**Commissioner Powers** felt that the proposed home fit in with the neighborhood architecturally and that the sideyard setbacks would be greater than what the Code requires with the proposed design. He stated that setbacks are to give articulation and that he was not concerned with those because of the deck on the third floor. He added that he liked the floor plan with the garage underneath. He stated that he would support the project as presented.

**Vice-Chairman Schoeffel** felt that the findings couldn't be made for the Variance. He stated that there was no hardship and no other special privileges had been granted to surrounding properties that this property owner could not have.

**Chairwoman O'Connor** stated that the property had a unique topography and that the measurement could not be applied to this lot. She felt that there would be a hardship on the owner to extend Seville Place and that the neighbors did not want the street extended. She stated that a Variance would still be required to add dirt to the lot and that with a detached garage, that the garage would be higher than the home and not viable. She added that there was not hardship to support the lack of setbacks, but that she would support a height Variance.

**Commissioner Denton** stated that cost was not a hardship and that there were other options available to build. He added that neighbor desires was not a valid reason not to have the required setbacks. He stated that he would support staff's recommendation of denial.

**Commissioner Powers** stated that fourteen people had spoken positively on the proposed project and that the community input was important. He felt that the proposed project would be the best design for the lot.

**Commissioner Weinberg** stated that there was no hardship and that he would support staff's recommendation.

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**ACTION:** Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 05-05-04-19 denying Variance V05-04. Motion carried 3-2. (AYES: Denton, Schoeffel, Weinberg NOES: O'Connor, Powers ABSENT: None ABSTAIN: None)

Chairwoman O'Connor recessed the meeting at 8:33 p.m.

Chairwoman O'Connor reconvened the meeting at 8:47 p.m.

**E. PUBLIC MEETINGS**

**ITEM 3:** Review and consideration of proposed Parks, Recreation, and Open Space Master Plan and Appendix.

Recommendation: That the Planning Commission review and recommend for approval the proposed Parks, Recreation, and Open Space Master Plan and Appendix.

**Brenda Chase** (Senior Planner) reviewed the staff report. She introduced Bob Meeting from RJM Design Group as the City's consultant.

**Bob Meeting** (RJM Design Group) provided a PowerPoint presentation.

**Linda Brame** (Dana Point) stated that Sea Terrace Park should remain a passive park and that they were opposed to anything that would require lights at night. She added that golf would only enhance the hotel and that an amphitheater would echo in that area. She felt that the City should repair what facilities they already have.

**Terry Walsh** (Dana Point) stated that in the survey that was taken that if the population of gated communities was taken, then any amenities that they might have should also be included. He felt that this plan should be comprehensive and include the Town Center. He added that Sea Terrace Park should be kept a passive park.

**Evie Love** (San Juan Capistrano) stated that more space was needed for the growing Senior Center. She asked for the County property to be used for parking for the Community Center.

**Richard Dietmeier** (Dana Point) felt that the Master Plan should not contain any features that the City does not want to see implemented, funded, or constructed. He stated that parking was a safety concern at the Community Center and that it

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needed to be addressed. He added that amenities should not be proposed on property that the City does not own. He recommended a continuance of this item for 30 days.

**Vanna Murphy** (San Juan Capistrano – Director of Senior Center) stated that they were running out of room for the seniors and their activities. She added that a new senior center was needed, whether it was an expansion or a new building to accommodate their program.

**Hal Griswold** (Dana Point) stated that minority sports such as horseshoes have not been represented in the survey. He added that horseshoe courts do not exist in Dana Point. He stated that the courts would only require a minimal amount of space and money and asked for these to be included.

**Layton Rawlins** (Dana Point) stated that a fifty foot walkway for public access was needed from Barbados to Sea Crest Park. He felt that a horseshoe element should be included in the Master Plan. He added that the City should not sell the Via Canon property because it could still be used for park purposes.

**Dick Runge** (Dana Point) felt that the water district property has not been addressed properly in the Master Plan.

**Alicia Erlinger** (Dana Point) stated that the Dana Point Theater Company would like to be able to hold performances all year round and that they needed the facilities to accommodate their needs. She asked that the R.H. Dana fields and auditorium be revitalized. She felt that the theater company was a benefit to the City and businesses.

**Pat Fairbanks** (Dana Point) stated that there was a need for more parking at the Community Center. She added that Sea Terrace Park was a concern and that it needed to be completed.

**Richard Gardner** (Capistrano Beach) stated that regional facilities work much better and suggested that the City work with adjacent Cities to create an aquatic facility. He added that restrooms at Pines Park were important. He felt that there was a breakdown of biking trails in the City and that there should be a survey of the vacant lots to identify opportunities for the City to add more parks.

**Kyle Butterwick** (Director) stated that the Parks Master Plan was a planning document and that the recommendations that are identified for specific parcels are only guidelines and not actual projects that were to be completed.

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**Commissioner Denton** stated that he agreed with the passive nature of Sea Terrace Park and that there should no be any water features or putting greens. He felt that the park should be given some historical significance such as a statue or historical walk. He added that a park should be considered in the Town Center and that the parking and access for the Community Center needed to be improved.

**Brad Fowler** (Director of Public Works and Engineering) stated that there was a construction project underway to improve access to the Community Center through the County yard.

**Commissioner Denton** stated that lawn bowling was a wonderful feature that should be included as well as a historical/veteran contingent at one of the parks. He added that a better design for wedding facilities should be addressed because it was a cash flow opportunity for the City. He felt that music in the park on Sundays should be continued.

**Vice-Chairman Schoeffel** stated that a third volume should be included with the Master Plan and the appendices which would include the comments received at the meeting tonight along with the staff responses to each.

**Commissioner Powers** stated that before he could forward this document to the City Council, that he would like his comments to be addressed. He felt that completion of Sea Terrace Park should be a priority and that he agreed that trails were needed. He added that the City should help improve the County facilities and make them better for our community. He felt that the City should recognize the visitors' needs with amenities that would make their visit more enjoyable. He stated that the property in Capistrano Beach near the sound wall and Calle Paloma should be included as a park.

**Commissioner Weinberg** agreed that there was a need for a third document incorporating the comments and responses. He felt that vacant lots made nice micro-parks like Shipwreck Park and that an inventory of gated communities was needed.

**Chairwoman O'Connor** agreed with the comments that were made regarding the Senior Center. She stated that she was in favor of a new library and felt that it should be a high priority of the City. She added that parking at the Community Center should be increased and felt that cultural events should be more than just summer events. She stated that the park in Town Center should be included in the Master Plan.

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**ACTION:** Motion made (Powers) and seconded (Schoeffel) to continue this item to the regular Planning Commission meeting of June 1, 2005 to allow staff time to incorporate the comments received by the public. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

**F. OLD BUSINESS**

There was no Old Business.

**G. NEW BUSINESS**

**ITEM 4: Commission discussion regarding time limits for public testimony.**

**Todd Litfin** (Assistant City Attorney) stated that it would be a policy directive of the Commission and what you think is appropriate. He added that legally that as long as you give everyone a fair and equal opportunity to speak that would be fine. He stated that it was okay to give an applicant more time because you are not being content biased, you would be giving that to any applicant and that if that was the direction you wanted to go that would be fine.

**Chairwoman O'Connor** stated that she was looking for some guidance on this to make sure that everyone feels that they are receiving a fair hearing. She added that if it is up to the discretion of what she thinks is reasonable, she just wanted to make that official so that in the future there won't be applicants stating that they weren't given enough time. She stated that she also wanted to get a sense from the Commissioners on what they think is adequate time.

**Commissioner Denton** felt that the applicant should be given more time to speak and that three (3) minutes was a good guideline for the rest of the public. He added that if someone was making some really good points they should be allowed to continue. He felt that for the Public Comment portion of the meeting that the three (3) minute time limit should be strictly adhered to.

**Vice-Chairman Schoeffel** felt that the length of time allowed for the applicant should be reasonably proportional to the size and scope of their application. He stated that what was important is that the Chairperson has considerable latitude in allowing testimony to continue as well as the ability to cut testimony off when it becomes unhelpful, irrelevant, or slanderous.



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**H. STAFF REPORTS**

**Kyle Butterwick** (Director) reminded the Planning Commission of the upcoming joint meeting with the City Council regarding the Town Center on May 25, 2005 at the Marriott Laguna Cliffs Hotel.

**Brenda Chase** (Senior Planner) stated that the purpose of the joint meeting was to allow Roma to share with you the public input that has been collected from the first two workshops and then presenting the recommendation for the plan itself. She added that the idea for that night is to hear from the Planning Commission and the City Council as to the direction that staff is going in and hopefully based on that direction, following up with a draft plan sometime later in the summer. She stated that the joint meeting will be an important one.

**I. COMMISSIONER COMMENTS**

**Commissioner Powers** asked for the discussion of televising the Planning Commission meetings to be put on the Commission's agenda.

**J. ADJOURNMENT**

**Chairwoman O'Connor** announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, May 18, 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 10:45 p.m.**

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April O'Connor, Chairwoman  
Planning Commission