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

April 20, 2005
7:05-9:07 p.m.

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

CALL TO ORDER – Chairman Denton called the meeting to order.

PLEDGE OF ALLEGIANCE – Bobbi Ogan (Planning Secretary) led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), John Tilton (City Architect/Planning Manager), Robert Kain (Permit Coordinator), Deborah Drasler (Project Planner), Kurth Nelson (Project Planner), and Bobbi Ogan (Planning Secretary)

ITEM 1: Reorganization of the Planning Commission and presentation to outgoing Chairman Norman Denton III.

- a) Nominations and vote for Chairman to serve until the first meeting of March, 2006.
- Chairman Denton nominated April O'Connor to serve as Chairwoman; no other nominations were received

ACTION: Motion made (Denton) to elect April O'Connor to serve as Chairwoman of the Planning Commission. Motion carried 5-0.
(AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg **NOES:** None **ABSENT:** None **ABSTAIN:** None)

- b) Nominations and vote for Vice-Chairman to serve until the first meeting of March, 2006.
- Commissioner Weinberg nominated Scott Schoeffel to serve as Vice-Chairman; no other nominations were received

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

April 20, 2005
7:05-9:07 p.m.

PAGE 2

ACTION: Motion made (Weinberg) to elect Scott Schoeffel to serve as Vice-Chairman of the Planning Commission. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

c) Presentation to outgoing Chairman Norman Denton III.

Kyle Butterwick (Director) presented an engraved plaque to Commissioner Denton and thanked him for his outstanding service and contribution to the City of Dana Point as Chairman of the Planning Commission. He also presented Commissioner Denton and Vice-Chairman Schoeffel with their certificates of appointment. He introduced the new Planning Commission alternates; Lisa Bartlett and Liz Anderson Fitzgerald.

A. APPROVAL OF MINUTES

ITEM 2: Minutes of the regular Planning Commission Meeting of April 6, 2004.

ACTION: Motion made (Powers) and seconded (Weinberg) to approve the Minutes of the regular Planning Commission Meeting of April 6, 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.

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

April 20, 2005
7:05-9:07 p.m.

PAGE 3

D. PUBLIC HEARINGS

ITEM 3: Coastal Development Permit CDP05-07 to allow an addition to an existing single-family residence on a property located within the Coastal Overlay District at 33821 Shackleton Isle.

Applicant

Owner/: Barry Venison

Location: 33821 Shackleton Isle

Request: Request for a Coastal Development Permit CDP05-07 to allow an addition to an existing, single-family residence.

Environmental: This project is Categorically Exempt, Section 15301 (Class 1 – Existing Facilities) from provisions set forth in the California Environmental Quality Act (CEQA), in that it involves construction of an addition to an existing single-family residence of less than 10,000 square feet where the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP05-07.

Robert Kain (Permit Coordinator) 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 (Powers) and seconded (Denton) to adopt Resolution 05-04-20-17 approving Coastal Development Permit CDP05-07. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

Chairwoman O'Connor recused herself from this item based on Government Code Section 84308 at 7:23 p.m.

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

April 20, 2005
7:05-9:07 p.m.

PAGE 4

ITEM 4: (1) Amended Site Development Permit SDP91-07M(III) for a reduction in the number of dwelling units and, (2) Tentative Tract Map TTM 16769 amending a portion of previously approved Final Map 14589 for Hotel Residential South in the Monarch Beach Resort Specific Plan Area.

Applicant: Michael Donohue
Owner: Makallon Resorts I, LLC
Location: Northwest corner of Niguel Road and Stonehill Drive

Request: Approval of an amendment to Site Development Permit SDP91-07M(III) and a new Tentative Tract Map TTM 16769 amending a portion of Final Map 14589.

Environmental: A Mitigated Negative Declaration (SCH No. 91121010) was prepared in accordance with Section 15070 of the California Environmental Quality Act (CEQA) for the Monarch Beach Resort Specific Plan as adopted by City Council Resolution No. 92-02-25-02.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Site Development Permit SDP91-07M(III) and Tentative Tract Map TTM 16769.

Commissioner Powers recused himself from this item based on Government Code Section 84308 at 7:28 p.m.

Deborah Drasler (Planning Consultant) reviewed the staff report.

Vice-Chairman Schoeffel opened the Public Hearing.

Michael Gagnet (Applicant – Dana Point) stated that the project had been previously approved for 43 units. He felt that by changing the building type and spreading the homes out that they have created more of an open space feel with upwards to an acre of additional open space. He added that with this new design there will be increased public access along the western portion of the property.

Jim Seitz (Dana Point) stated that as of September 17, 2004, that the City's Housing Element was out of compliance and felt that the Planning Commission should not be approving or disapproving anything until this matter has been adjudicated in court on May 10, 2005.

Vice-Chairman Schoeffel closed the Public Hearing.

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

April 20, 2005
7:05-9:07 p.m.

PAGE 5

Commissioner Weinberg stated that he liked the project with less density and more open space. He added that he would support the project.

Commissioner Denton stated that it was not often that a developer downsizes the density and pad elevations. He added that he would support the project.

ACTION: Motion made (Weinberg) and seconded (Denton) to adopt Resolution 05-04-20-18 approving Site Development Permit SDP91-07M(III) and Tentative Tract Map TTM 16769. Motion carried 3-0-2. (AYES: Denton, Schoeffel, Weinberg NOES: None ABSENT: O'Connor, Powers ABSTAIN: None)

Chairwoman O'Connor and Commissioner Powers rejoined the meeting at 7:38 p.m.

ITEM 5: A Variance V04-03 to allow a new 2,955 square foot, two-story single-family dwelling with an attached 412 square foot garage measuring 34 feet in height, instead of the maximum allowable height of 26 feet and a Minor Site Development Permit SDP05-21M for retaining walls as high as 12 feet on a 4,507 square foot lot in the Residential Single Family (RSF 22) zoning district.

Applicant/

Owners: David Tabatabaeepour

Location: 25205 Manzanita

Request: A Variance to allow a new 2,955 square foot, two-story single-family dwelling with an attached 412 square foot garage measuring 34 feet in height, instead of the maximum allowable height of 26 feet and a Minor Site Development Permit for retaining walls as high as 12 feet on a 4,507 square foot lot in the Residential Single Family (RSF 22) Zoning District.

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 single-family residence and associated retaining walls.

Recommendation: That the Planning Commission adopt the attached draft Resolution denying Variance V04-03 and Site Development Permit SDP05-21M.

Kurth Nelson (Project Planner) reviewed the staff report.

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

April 20, 2005
7:05-9:07 p.m.

PAGE 6

John Tilton (City Architect/Planning Manager) stated that one of the first designs he had seen for this project would have needed a Variance for building height for as much as 14 or 15 feet. He added that the applicant has been extremely cooperative and that there have been a number of meetings with staff in trying to figure out ways they could develop this project without a Variance. He stated that the applicant has made significant changes to the design but was not able to continue to further change this design to remove the need for a Variance. He added that it was staff's position that the house and the property could be designed without a need for a Variance.

Chairwoman O'Connor opened the Public Hearing.

David Tabatabaepour (Applicant – Anaheim Hills) stated that the eight (8) foot height Variance that he is seeking is for only 16% of the structure. He added that a detached garage as suggested by staff would substantially reduce the size of the home and felt that it would be an extreme measure to have to take. He stated that without the Variance he would have a one-story garage and two flights of steps down the hill and then a living space that would be dwarfed by the surrounding properties.

Ric Hufford (Dana Point) felt that the home should be designed within the height limits.

Tom Harrold (Dana Point) stated that he was concerned that his view would be blocked by the garage. He added that slope stability was also a concern.

Hadi Tabatabaepour (Anaheim Hills) stated that he supports the project. He added that the neighbors had been benefiting from a vacant lot. He stated that the lot had a 50% slope and felt that they had compromised the square footage of the home from 3,500 square feet down to 2,900 square feet.

Garry Prendiville (Dana Point) felt that the smaller lots have already been given the benefit of smaller setbacks and felt that the home would be overwhelming for the size of the lot. He stated that for this reason, that the lot should be developed without a height Variance.

John Broding (Dana Point) stated that he didn't want precedent to be set by approving this height Variance.

Sally Archer (Dana Point) stated that she was against the granting of height Variances.

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

April 20, 2005
7:05-9:07 p.m.

PAGE 7

Nancy Carlson (Dana Point) stated that she would lose her view if the Variance was granted.

Stephen Carlson (Dana Point) stated that he was concerned about losing his view.

Dario Cortopassi (Dana Point) asked the Planning Commission to deny the Variance request.

Linda Cortopassi (Dana Point) felt that the height of the home should be within the Code.

George Behnam (Architect – Placentia) stated that if the garage was on Manzanita that the retaining wall would have to be 30 feet in height on three (3) sides of the home.

Bruce Baker (Dana Point) stated that if the Variance was approved that he would like the following considerations to help make the construction more bearable:

1. Installation of a tight screen mesh on the existing fence to cut down the blowing of dust and debris.
2. Timely notification being the drilling of the pylons.
3. Construction hours limited to be compatible with the neighborhood.

He stated that if these requirements were addressed and if it is consistent with other decisions made by the Commission in the past that he would not be opposed to the development of the project.

David Tabatabaeepour felt that the views of the neighbors were going to be obstructed regardless of what type of home was built on the lot.

Chairwoman O'Connor closed the Public Hearing.

Vice-Chairman Schoeffel felt that all of these properties suffer from the same slope issues and that there was no hardship on this property that was so unique that it could not be developed. He stated that this applicant is not being deprived of any special privileges being enjoyed by other properties that are subject to the same land use regulations and that based on these two (2) findings that he would support staff's recommendation.

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

April 20, 2005
7:05-9:07 p.m.

PAGE 8

Commissioner Powers felt that this property had unique geographical issues that cause challenges for development. He stated that he would support the granting of a Variance.

Commissioner Denton felt that the house would not be in character with the rest of the neighborhood and that separating the garage from the home would not cure a view blockage. He stated that this is a steep lot and that a Variance was a possible solution.

Chairwoman O'Connor felt that there was no hardship and that she would support staff's recommendation to deny the Variance.

Commissioner Weinberg stated that he would support staff's recommendation and felt that there was a way to build the home without the need for a Variance.

Vice-Chairman Schoeffel stated that the testimony from the public indicated that they would be happy with something that was built to Code. He added that the Commission could not approve a Variance without the proper findings being made.

John Tilton (City Architect/Planning Manager) reported that the applicant asked for a continuance on the item.

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to continue this item to the regular Planning Commission meeting of May 18, 2005. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, 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.

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

April 20, 2005
7:05-9:07 p.m.

PAGE 9

H. STAFF REPORTS

Kyle Butterwick (Director) reported that at last week's Coastal Commission hearing on the Headlands that after spirited debate the Commissioners voted 8-4 to reject the appeal and sustain the decision of the City Council. He stated that the City has issued a first phase clear and grub permit to the Headlands which allows them to proceed with some clearing of vegetation and demolition work.

He reminded the Commission of the upcoming April 27, 2005 joint meeting with the City Council and the May 25, 2005 joint meeting on the Town Center.

I. COMMISSIONER COMMENTS

Commissioner Powers congratulated the new Planning Commissioner alternates. He felt that it was exciting to read the Town Center summary of comments from people who took the time to write substantial comments. He stated that the comments were all generally positive and constructive. He asked if the Commission could agendaize a discussion on televising the Planning Commission meetings in the future. He felt that by televising the meetings that it would provide the residents additional access without having to attend the meetings.

Vice-Chairman Schoeffel congratulated April O'Connor on her election to Chairwoman.

Commissioner Weinberg congratulated Norman Denton and Scott Schoeffel on their re-appointments to the Commission.

Commissioner Denton thanked everyone for their nice comments. He felt that the upcoming year was going to be a challenge.

Chairwoman O'Connor congratulated Scott Schoeffel and Norman Denton on their re-appointments. She thanked the Commission for electing her to Chairwoman.

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

April 20, 2005
7:05-9:07 p.m.

PAGE 10

J. ADJOURNMENT

Chairwoman O'Connor announced that the *next special* meeting of the Planning Commission will be held on Wednesday, April 27, 2005, beginning at 5:00 p.m. (or as soon thereafter) at the Community Center located at 34052 Del Obispo, Dana Point, California.

The meeting adjourned at 9:07 p.m.

April O'Connor, Chairwoman
Planning Commission