
**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION AGENDA**

December 3, 2003
7:59 – 11:09 p.m.

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

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

PLEDGE OF ALLEGIANCE – Bobbi Ogan led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), Brenda Chase (Associate Planner), Albert Armijo (Planning Consultant), Kurth Nelson (Planning Consultant), Eugenia Garcia (Senior Planner), Matthew Sinacori (Deputy City Engineer), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of November 19, 2003. (FF# 0120-10/PC Minutes/PC Secretary Binder)
[BO]

ACTION: Motion made (O'Connor) and seconded (Denton) to approve the Minutes of the regular Planning Commission Meeting of November 19, 2003 as amended on page 12. 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.

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C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: Adopt Sign Design Guidelines and amend the Sign Code. (FF# 0610-15/ZTA03-02/LCPA03-02/Citywide) [BC]

Applicant/

Owner: City of Dana Point

Location: Citywide

Request: To adopt the Sign Design Guidelines and amend the City's Sign Code.

Environmental: A Negative Declaration was prepared for the Zone Text Amendment and Local Coastal Program Amendment for the Commission's review. Based on the Initial Study prepared for this project, it was determined that there would be no significant environmental impacts associated with the project.

Recommendation: That the Planning Commission recommend that the City Council approve the attached draft Resolution for a Negative Declaration and the attached draft resolution for the Sign Design Guidelines and amendments to the Dana Point Sign Code.

There were no requests to speak on this item.

ACTION: Motion made (Denton) and seconded (Powers) to recommend that the City Council approve a Zone Text Amendment and Local Coastal Program Amendment revising the City of Dana Point Sign Code and adopt the Sign Guidelines. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to reconsider the previous motion. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

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ACTION: Motion made (Schoeffel) and seconded (Powers) to adopt Resolution 03-12-03-58 adopting a Negative Declaration for Zone Text Amendment ZTA03-02 and Local Coastal Program Amendment LCPA03-02 to amend the existing Sign Code and Sign Guidelines. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ACTION: Motion made (Schoeffel) and seconded (Denton) to adopt Resolution 03-12-03-59 recommending the City Council approve a Zone Text Amendment and Local Coastal Program Amendment revising the City of Dana Point Sign Code and adopting Sign Guidelines. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ITEM 3: A Site Development Permit to allow construction of a duplex on a 6,800 square foot vacant lot and to allow retaining walls in excess of 30 inches in height. A Variance to permit a structural height in excess of the City standard for a structure with roof pitch of 4:12, to permit reduced front yard and side yard structural setbacks, and to permit exterior stairways extending into the side setbacks. Continued from the regular Planning Commission meeting of November 19, 2003 (FF# 0600-30/SDP03-34M/CUP03-11/V03-15/Via Canon, 26252) [AA]

Applicant/

Owner: Fara Marz Shahbazian

Location: 26252 Via Canon

Environmental: This 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 construction of a duplex of fewer than four dwelling units.

Recommendation: That the Planning Commission continue the hearing to the regular Planning Commission meeting of December 17, 2003.

There was a consensus of the Planning Commission to continue this item to the next regular Planning Commission meeting of December 17, 2003.

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ITEM 4: **A proposal to allow construction of an addition to an existing single-family residence, to allow expansion of a non-conforming structure, and to allow a structural height in excess of City standards for property located at 33781 Olinda.** (FF# 0600-30/SDP03-50M/V03-20/Olinda, 33781) [AA]

Applicant/

Owner: Paul Anderson

Location: 33781 Olinda

Request: Approval of a Site Development Permit to allow construction of an addition to an existing 1,272 square foot single-family residence (with garage) on a 3,075 square foot lot and to allow expansion of a non-conforming (32 feet, 3 inches) existing structural height. The addition would include 272 square feet to the first floor, 501 square feet to the second floor, and two new decks occupying a total of 213 square feet. A Variance is requested to permit a structural height of 34 feet (6 feet in excess of the City standard and 1 foot, 9 inches taller than the existing structural height).

Environmental: This project is Categorically Exempt (Class 3 – Section 15303 – New Construction or Conversion of Small Structures) from provisions of the California Environmental Quality Act (CEQA) because it consists of an addition to an existing single-family structure of more than 50% of the existing floor area and is not made in conjunction with construction of three or more units.

Recommendation: That the Planning Commission approve a Site Development Permit to allow construction of an addition to an existing single-family residence and to allow expansion of a non-conforming existing structural height, and a Variance to permit a structural height in excess of the City standard and 1 foot, 9 inches taller than the existing structural height.

There was one (1) request to speak on this item.

ACTION: **Motion made (O'Connor) and seconded (Denton) to adopt Resolution 03-12-03-60 approving Minor Site Development Permit SDP03-50M and Variance V03-20. Motion carried 5-0.** (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

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ITEM 5: **A Coastal and Site Development Permit to allow the construction of a new 1,200 square foot modular building with associated parking and landscape improvements within the Flood Plain 2 Overlay District and a Minor Conditional Use Permit to allow eight (8) foot high fencing and vehicular access gates in the required setbacks with Variances allowing the drive aisle and back-up distance behind a 90° parking space to be less than the required 24-feet.**
(FF# 0610-70/CDP03-14/SDP03-45/V03-22/CUP03-18M) [KN]

Applicant: Charlie Huff, C.A. Huff & Associates
Owner: South Coast Water District
Location: 25826 Domingo Avenue; APN: 668-341-37

Request: A Coastal and Site Development Permit to allow the construction of a new 1,200 square foot modular building with associated parking and landscape improvements within the Flood Plain 2 Overlay District. A Minor Conditional Use Permit to allow eight (8) foot high fencing and vehicular access gates in the required setbacks, and Variances allowing the drive aisle and back-up distance behind a 90° parking space to be less than 24-feet are also requested.

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 commercial/office building not exceeding 10,000 square feet.

Recommendation: That the Planning Commission approve Coastal Development Permit CDP03-14, Minor Conditional Use Permit CUP03-18M, Site Development Permit SDP03-45, and Variance V03-22.

There was one (1) request to speak on this item.

ACTION: **Motion made (Denton) and seconded (Weinberg) to adopt Resolution 03-12-03-61 approving Coastal Development Permit CDP03-14, Minor Conditional Use Permit CUP03-18M, Site Development Permit SDP03-45, and Variance V03-22. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)**

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ITEM 6: **A Coastal Development Permit CDP94-01(I) to allow the construction of a new approximate 7,835 square foot, single-family residence on a 34,630 square foot bluff-top lot with a Site Development Permit SDP03-09 to allow a garage and two (2) story configuration and retaining walls as high as six (6) and one-half (1/2) feet in height and Variance V03-10 to exceed the maximum height limit by eleven (11) feet three (3) inches, and for the requirements for development adjacent to coastal bluffs.** *(Continued from the regular Planning Commission meeting of November 19, 2003) (FF# 0610-70/CDP94-01(I)/SDP03-09/V03-10/Camino Capistrano, 35009) [KN]*

Applicant/

Owner: Collin Cooper (Pioneer Builders)

Location: 35009 Camino Capistrano

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 the construction of two or more of such dwelling units.

Request: A Coastal Development Permit to allow the construction of a new approximate 7,835 square foot, single-family residence on a 34,630 square foot bluff-top lot with a Site Development Permit to allow a garage and two (2) story configuration and retaining walls as high as 6.5 feet in height and Variances to exceed the maximum height limit by eleven (11) feet three (3) inches, and for the requirements for development adjacent to coastal bluffs.

Recommendation: That the Planning Commission approve Coastal Development Permit CDP94-01(I), Site Development Permit SDP03-09 and Variance V03-10.

There were twelve (12) requests to speak on this item.

ACTION: **Motion made (O'Connor) and seconded (Schoeffel) to adopt Resolution 03-12-03-61 approving Coastal Development Permit CDP03-14, Minor Conditional Use Permit CUP03-18M, Site Development Permit SDP03-45, and Variance V03-22. 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 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 the City had received an appeal of the Planning Commission decision on the DeCarli project and that the appeal was filed by a group of people who reside in the vicinity of that project.

I. COMMISSIONER COMMENTS

Commissioner Powers felt that it was a good decision for Commissioner O'Connor and Vice-Chairman Denton to raise the concerns that they did regarding the public safety and health on the last project (CDP94-01(I)/SDP03-09/V03-10).

Commissioner O'Connor thanked Commissioner Powers for his comments and added that she does not like to make a decision on something that she is not comfortable with.

Vice-Chairman Denton felt that in researching the project that it will actually help the neighborhood and will help to address the problems that they are experiencing.

Commissioner Weinberg stated that the issue of this house has brought this community together. He felt that if they could use their organizational skills to work on their issues of the sewer and the storm drain that they will be successful.

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Chairman Schoeffel stated that the Planning Commission was not an elected body, but an appointed body with a different charge, a limited jurisdiction, and a very specific duty to follow the City's planning and zoning law. He added that he was very happy with the competence with such little time on the job that the three new Commissioners have given this important duty.

J. ADJOURNMENT

Chairman Schoeffel stated that the *next* regular meeting of the Planning Commission would be held on Wednesday, December 17, 2003, 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 11:09 p.m.