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

July 2, 2003
7:00-9:20 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 – Commissioner Powers 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: Eugenia Garcia (Acting Director), Todd Litfin (Assistant City Attorney), Kimiko Lizardi (Planning Consultant), Brenda Chase (Associate Planner), Albert Armijo (Planning Consultant), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of June 18, 2003. (FF# 0120-10/PC Minutes/PC Secretary Binder) [BO]

ACTION: Motion made (Weinberg) and seconded (Powers) to approve the Minutes of the regular Planning Commission Meeting of June 18, 2003. Motion carried 4-0-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: Denton)

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no Consent Calendar items.

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D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit CDP03-04 and Variance V03-09 to allow for the construction of a two-story addition featuring a 548 square foot garage, a 426 square foot first story addition which includes converting the existing garage into a new guest room, bathroom and laundry room and a new 574 square foot second story bedroom and bathroom addition. A Variance is also requested to allow the new second story addition to encroach five (5) feet into the required ten (10) foot setback and to allow the garage to encroach three (3) feet into the five (5) foot required garage setback. *(Continued from the regular Planning Commission meeting of June 18, 2003)*
(FF# 0610-70/CDP03-04/V03-09/Breakers Isle, 10) [KL]

Applicant: Donna Olsen (Blair Ballard Architects)
Owner: Ben and Julie Crenshaw
Location: 10 Breakers Isle

Request: A Coastal Development Permit to allow for a two (2) story addition with a 548 square foot garage, 426 square feet of additional first story habitable area which includes converting the existing garage into a new guest room, bathroom and laundry room, and a 574 square foot second story bedroom and bathroom addition in conjunction with a Variance to allow the second story addition to encroach five (5) feet into the required ten (10) foot front setback and to allow the garage to encroach three (3) feet into the five (5) foot required garage 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 is a minor alteration to an existing structure of less than 10,000 square feet where all public services and facilities are available to allow for maximum development permissible in the General Plan.

Recommendation: That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP03-04 and Variance V03-09.

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

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ACTION: Motion made (Denton) and seconded (Weinberg) to adopt Resolution 03-07-02-28 approving Coastal Development Permit CDP03-04 and Variance V03-09. Motion carried 4-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: Powers ABSENT: Denton ABSTAIN: None)

ITEM 3: Mixed Use Development Standards.
(FF# 0610-15/ZTA02-03/ZC03-01/Camino De Estrella) [BC]

Location: Camino De Estrella between Calle Hermosa and Vista Del Mar

Request: To change the Commercial/Residential (C/R) zoning district along Camino De Estrella to Professional/Residential (P/R) and to modify the development standards within the P/R zoning district.

Environmental: A Negative Declaration was prepared for the Zone Text Amendment and Zone Change 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 a Zone Change and Zoning Code amendment to modify the development standards in the Professional/Residential zoning district.

There were six (6) requests to speak on this item.

ACTION: Motion made (Powers) and seconded (Schoeffel) to adopt Resolution 03-07-02-29 recommending that the City Council approve a Negative Declaration for ZTA02-03 and Zone Change ZC03-01. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: Powers ABSENT: None ABSTAIN: None)

ACTION: Motion made (Denton) and seconded (Powers) to adopt Resolution 03-07-02-30 recommending that the City Council approve Zone Text Amendment ZTA02-03 and Zone Change ZC03-01 to designate the mixed use along Camino de Estrella as Professional/Residential and modify the Development Standards. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: Powers ABSENT: None ABSTAIN: None)

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ITEM 4: A proposal to construct a two-story 3,207 square-foot single-family residence with two garages on a 9,590 square foot vacant lot, with variances to permit a 35-foot structural height, a dimension of 7-feet in excess of the City standard and to permit a rear yard structural setback of 18 feet, a distance 7-feet less than the City standard, for property located at 33951 Valencia Place.

(FF# 0600-30/SDP03-13M/V03-02/Valencia Place, 33951) [AA]

Applicant/

Owner: Darin Klein

Location: 33951 Valencia Place

Request: Approval of a Site Development Permit to permit a 3,207 square foot new single-family residence with two garages and an 886 square foot deck on a steeply sloping lot, and Variances to permit a structural height of 35 feet, 7 feet in excess of the height limit for a structure with a 6/12 roof pitch.

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 one single-family structure.

Recommendation: That the Planning Commission authorize construction of a two-story 3,207 square foot single-family residence on a steeply sloping lot, including Variances to allow an overall structural height of 35 feet, a dimension of 7 feet above the height limit, and to allow a rear yard structural setback of 18 feet, a dimension of 7 feet less than the City standard, by adopting the attached draft Resolution approving Site Development Permit SDP03-13M and Variance V03-02.

There were seven (7) requests to speak on this item.

ACTION: Motion made (O'Connor) and seconded (Weinberg) to adopt Resolution 03-07-02-31 approving Site Development Permit SDP03-13M and Variance V03-02. Motion carried 4-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: Denton ABSENT: None ABSTAIN: None)

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ITEM 5: **A proposal to construct a 415 square-foot addition to an existing 2,280 square foot (with garage) single-family residence with a request for a Variance to allow a reduced front setback for the second story addition for property located at 23642 Tampico Bay.**
(FF# 0610-70/CDP03-05/V03-08/Tampico Bay, 23642) [AA]

Applicant: Stan Andrade, Architect
Owner: Suzanne Enis
Location: 23642 Tampico Bay

Request: The applicant requests approval of a Coastal Development Permit to allow construction of a 415 square foot addition to an existing single-family residence and a Variance to allow construction of the second-story portion of the addition with a setback of 3 feet, 2 inches from the first story, rather than the normally required 5 feet.

Environmental: This project is categorically exempt (Class 1 – Section 15301 – Minor Addition to Existing Structure) from provisions of the California Environmental Quality Act (CEQA) because it consists of a minor addition to an existing residential structure that will not result in an increase of more than 50 percent of the existing structure before construction of the addition.

Recommendation: That the Planning Commission deny approval of the construction of a 415 square foot addition to an existing dwelling with a second story setback of 3 feet, 2 inches from the first story, rather than the required 5 feet, by adopting the attached draft Resolution denying Coastal Development Permit CDP03-05 and Variance V03-08.

There were two (2) requests to speak on this item.

ACTION: **Motion made (Schoeffel) and seconded (Powers) to continue this item to the next regular Planning Commission meeting of July 16, 2003. 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 new approximate 9,638 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 over 12 feet in height and Variance V03-10 to exceed the maximum height limit by 13 feet seven (7) inches, and for the requirements for development adjacent to coastal bluffs.** *(Continued from the regular Planning Commission meeting of June 18, 2003)*
(FF# 0610-70/CDP94-01(I)/SDP03-09/V03-10/Camino Capistrano, 35009)
[KN]

Applicant: Paul Douglas
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.

Recommendation: That the Planning Commission continue the hearing for Coastal Development Permit CDP94-01(I), Site Development Permit SDP03-09 and Variance V03-10 to the July 16, 2003, Planning Commission meeting.

ACTION: **Motion made (Schoeffel) and seconded (O'Connor) to continue this item to the next regular Planning Commission meeting of July 16, 2003. 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.

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G. NEW BUSINESS

There was no New Business.

H. STAFF REPORTS

Todd Litfin (Assistant City Attorney) asked the Commissioners to not be afraid to ask him questions during the hearings, because that is what he was there for.

I. COMMISSIONER COMMENTS

Commissioner Powers stated that he couldn't wait for the issue of sloped lots to be settled.

He stated that with the City trying to slow down traffic and trying to create diversity in the streets, he felt that the City would be faced with the scenario that someone would want to build within the pop-out envelope. He asked what provisions were there in the Code to prevent people in the future from doing that.

Commissioner Weinberg felt that a licensed surveyor should erect the story poles for applicants to ensure that they are correct.

He reported that he was on Coronado Island last weekend and that he saw a City sign that he would like Dana Point to use as well. He stated that the message that was on the sign was "Hear the boom, we take the box". He added that on Coronado they confiscate radios and if the cars are too loud, they confiscate the cars.

Chairman Schoeffel stated that when he was a practicing real estate development lawyer in Newport Beach that he spent the better part of five years drafting restrictive covenants. He added that when someone got a view that they liked that they would go to the person who accessed the view for them and negotiate a restrictive covenant protecting their view from any impacts. He stated that it would be nice if residents would get a more sensible notion of what the Commission could or could not do and that if they wanted to protect their view, what they could or could not do to protect it.

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J. ADJOURNMENT

Chairman Schoeffel announced that the *next regular* meeting of the Planning Commission will be held on Wednesday, July 16, 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 was adjourned at 9:20 p.m.