

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

June 24, 2008
7:00 – 8:13 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 – Commissioner Dec led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Ed Conway, Alternate Commissioner Michael Dec, Chairman Norman Denton, Commissioner Liz Anderson Fitzgerald, and Commissioner J. Scott Schoeffel

Commissioner(s) Absent: Vice-Chairwoman Michelle Brough

Staff Present: Kyle Butterwick (Director of Community Development), John Tilton (City Architect/Planning Manager), Jennifer Farrell (Assistant City Attorney), Kurth Nelson (Senior Planner), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of June 10, 2008.**

ACTION: **Motion made (Fitzgerald) and seconded (Conway) to approve the Minutes of the regular Planning Commission Meeting of June 10, 2008.**
Motion carried 5-0. (AYES: Conway, Dec, Denton, Fitzgerald, Schoeffel
NOES: None ABSENT: None ABSTAIN: None)

B. PUBLIC COMMENTS

There were no Public Comments.

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ITEM 2: One-year time extension of Coastal Development Permit CDP05-07 to allow for an addition and remodel to an existing single-family residence on a property located within the coastal overlay district at 33821 Shackleton Isle

Applicant:

Property Owner: Dr. and Mrs. Richard Steadman

Location: 33821 Shackleton Isle (APN 672-071-13)

Recommendation: That the Planning Commission approve a one-year time extension for Coastal Development Permit CDP05-07, subject to all of the conditions contained in Resolution No. 5-04-20-17 (Attachment 2).

ACTION: Motion made (Schoeffel) and seconded (Dec) to approve the request for a one-year time extension for Coastal Development Permit CDP05-07. Motion carried 5-0. (AYES: Conway, Dec, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

C. PUBLIC HEARINGS

ITEM 3: Coastal Development Permit CDP08-0008 and Variance V08-0003 to demolish an existing two-story single-family dwelling and to construct a new two-story single-family dwelling and associated improvements on a coastal bluff and within the required coastal bluff edge setback and Minor Site Development Permit SDP08-0019(M) for a retaining wall 8.3 feet high in the required side yard setback in the Residential Single Family 3 Zoning District at 35141 Camino Capistrano

Applicant: Paul Douglas

Property Owner: Carl Grewe

Location: 35141 Camino Capistrano (APN 691-172-03)

Request: A Coastal Development Permit to demolish an existing two-story single-family dwelling and to construct a new two-story single-family dwelling and associated improvements with an accompanying Variance to allow construction on a coastal bluff and within the required coastal bluff edge setback and a Minor Site Development Permit for a retaining wall 8.3 feet high in the required side yard setback in the Residential Single Family 3 (RSF 3) Zoning District

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Environmental: The project is categorically exempt (Class 3 – Section 15303 – New Construction) from the provisions of the California Environmental Quality Act (CEQA) because the project involves the demolition of an existing single-family residence and the construction of new single-family residence.

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Coastal Development Permit CDP08-0008, V08-0003 and SDP08-0019(M).

Kurth Nelson (Senior Planner) reviewed the staff report.

Kyle Butterwick (Director) responded to correspondence received from a resident of Dana Point that questioned the character of the representative of this application. He responded that this is not the place to exercise judgment over someone's character as part of this application process. He assured the audience that the City carefully reviews the detailed construction and plans for conformance, and this project has a complete encompassing list of conditions that will address compliance with the approval.

Kurth Nelson (Senior Planner) summarized the City's geotechnical review requirements for a project of the type.

Chairman Denton opened the Public Hearing.

Paul Douglas (Applicant – Dana Point) responded that there is a sump pump at the home and that a new back up system would be installed in the new house. He stated that he asked for the best geologist in the business, civil engineering firm, and architect. He stated that the geology and drainage of the site is topographically challenging which is why the development of the property needs the variance. The architecture is contemporary, and with the 65 conditions of approval, it meets the Dana Point standards. He stated that he would be happy to answer any questions.

Richard Spangler (Capistrano Beach) stated that he moved to Dana Point because of the ocean view from his property. He was concerned about the height of the proposed house and stated that it did not look realistic.

Mike Epeneter (Dana Point) stated that he will lose part of his ocean view. He asked for consideration of that. He added that he does welcome the redevelopment of the property to improve the neighborhood, but objects to the

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current design. He asked that the variance be removed, and build below the ravine.

Pam Tappan (Capistrano Beach) stated that she was here to discuss the applicant's character and integrity. She did ask that tight conditions be put on the project.

Don Hayden (Dana Point) was also concerned about the height of the proposed development which does not look 26 feet. He added that he would support as long as they do not build higher than where the current home is. He stated that he does not want his view destroyed.

Barbara Spangler (Capistrano Beach) stated that she is speaking for everyone on her street in a modest cul-de-sac they are proud of. She suspects that things are not going to go as designed and she would lose part of her view. In speaking for her neighbors, they will lose everything.

Paul Douglas (Applicant – Dana Point) responded to some of the concerns and clarified the building height. He stated that he is not maxing out the envelope. He claimed that the height is only five feet higher than what is there today.

Kyle Butterwick (Director) gave a brief refresher to clarify the City's rules and policies relative to private ocean view protection.

Chairman Denton closed the Public Hearing.

Commissioner Schoeffel stated that he views the application favorably.

Commissioner Fitzgerald stated that the architecture is very nice and the house proposed is an improvement on the neighborhood. She stated that her concerns were on the challenges of the lot, also with the fact that the new owner allowed the home to get into extreme disrepair, and to have not met with the neighbors. She added that she considered that it is a good project.

Commissioner Conway stated that the architecture is great, and that the lot was going to look better than what is there. He wished that the applicant would have met with the neighbors to have a more favorable outcome.

Chairman Denton stated that he has always been concerned with bluff top lot failure. He stated that he was impressed with the geotechnical group over the last year inspecting the property. He suggested that the City pay particular

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attention to the geotechnical aspects of the property because it's unique and a challenge, and ensure that rain water and the drainage is under control.

ACTION: Motion made (Fitzgerald) and seconded (Schoeffel) to adopt Resolution No. 08-06-10-16 approving Coastal Development Permit CDP08-0008, Variance V08-0003, and Minor Site Development Permit SDP08-0019(M). Motion carried 5-0. (AYES: Conway, Dec, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

D. NEW BUSINESS

There were no New Business items.

E. STAFF REPORTS

Kyle Butterwick (Director) reported that the Town Center Plan was adopted by the City Council authorizing submittal of the Ordinance to the California Coastal Commission for final certification. He added that the City Council also approved the public improvement design contract to implement the Town Center Plan.

Lastly, he stated that with the completion of Town Center LCPA, and the push on the Headlands LCPA, he's prepared to focus on the Harbor Plan. He reported that he and John Tilton met with the Coastal Commission staff to discuss the Harbor Plan application. He asked John Tilton to brief the Planning Commission on the highlights of that meeting.

John Tilton (City Architect/Planning Manager) reported on a meeting with Coastal Commission staff he attended. He stated that the Harbor Revitalization Plan application, as approved by the City and the County Board of Supervisors was submitted to the Coastal Commission approximately nine months ago. He stated that they had discussed any potential upcoming issues. He added that the staff received feedback from the Dana Point Harbor boating groups and that County representatives were also present to answer any questions. He concluded that the City is seeking to define issues early, which will enable the City to better resolve any matters that come up as a result of staffs' review.

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F. COMMISSIONER COMMENTS

Commissioner Conway gave his congratulations on Vice-Chairwoman Brough's exciting news.

Alternate Commission Dec wished Vice-Chairwoman Brough all the best.

Chairman Denton agreed to the above, he stated his excitement and wished Vice-Chairwoman Brough well.

Commissioner Fitzgerald reported that she attended the Historical Society Annual Barbeque. She added that the owner's son from El Patio Café gave a great speech at the event. She applauded their commitment to learning and preserving the history of Dana Point.

Commissioner Schoeffel reported that he also attended the Historical Society event and he added that Lucy's son gave an outstanding speech. He also gave his best wishes to the family of Vice-Chairwoman Brough.

G. ADJOURNMENT

Chairman Denton adjourned the meeting to the *next regular* meeting of the Planning Commission held on Tuesday, July 8, 2008, 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 8:13 p.m.

Norman Denton, Chairman
Planning Commission