

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

August 12, 2008
7:00 – 8:25 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 Schoeffel led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Kyle Butterwick (Director of Community Development), John Tilton (City Architect/Planning Manager), Todd Litfin (Assistant City Attorney), Erica Demkowicz (Senior Planner), Evan Langan (Associate Planner), Kurth Nelson (Senior Planner), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of July 22, 2008.

ACTION: Motion made (Conway) and seconded (Fitzgerald) to approve the Minutes of the regular Planning Commission Meeting of July 22, 2008. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

B. PUBLIC COMMENTS

There were no Public Comments.

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C. CONSENT CALENDAR

ITEM 2: One-year time extension of Coastal Development Permit CDP04-21, Historical Resource Application HRA04-02 and Site Development Permit SDP04-61 to allow for an addition to an existing historical structure located in the Residential Multi-Family (RMF 22) Zoning District and Coastal Overlay District at 24440 Santa Clara.

Applicant: Lynn Muir
Owner: Steven Cary
Location: 24440 Santa Clara (APN 682-234-12)

Request: Allow a second one-year time extension of discretionary permits originally approved in July 2005, which granted entitlements to allow for the addition to an existing historical structure located in the Coastal Overlay District.

Recommendation: That the Planning Commission approve a one-year time extension for Coastal Development Permit CDP04-21, Historical Resource Application HRA04-02 and Site Development Permit SDP04-61, subject to all of the conditions contained in Resolution No. 05-07-20-36 and Resolution No. 05-07-06-27 (Supporting Documents 2 and 3).

John Tilton (City Architect/Planning Manager) provided a summary of the request for extension of time.

ACTION: Motion made (Schoeffel) and seconded (Brough) to approve the request for a one-year extension for Coastal Development Permit CDP04-21, Historical Resource Application HRA04-02, and Site Development Permit SDP04-61. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

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D. PUBLIC HEARINGS

ITEM 3: Tentative Parcel Map TPM2005-183 and Minor Site Development Permit SDP06-57(M) to subdivide an existing 24,597 square foot lot into three (3) separate parcels. Two (2) new dwellings will be constructed on two of the newly-created parcels, while the original, existing legal non-conforming dwelling will remain and be remodeled to fit the third parcel. The subject site is located in the Residential Single Family (RSF 7) zone and is addressed as 26992 Del Gado Road.

Applicant: Pacific Cornerstone Development
Owner: Farrell & Andrea L. Roberson
Location: 26992 Del Gado Road (A.P.N. #691-322-04)

Request: Approval of a three (3) lot subdivision for Tentative Parcel Map TPM2005-183 and a Minor Site Development Permit SDP06-57(M) to permit the construction of two (2) new single family detached dwellings on two of the newly-created lots, while the existing legal non-conforming dwelling will remain and be remodeled to fit the third parcel.

Environmental: This project is categorically exempt (Class 15 - Section 15315 – Minor Land Divisions) from the provisions of the California Environmental Quality Act (CEQA) because it will result in the division of property in an urbanized area zoned for residential use which will result in fewer than 4 parcels, it is consistent with the General Plan and zoning, no variances or exceptions are required, all services to the parcel to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent

Recommendation: That the Planning Commission adopt the attached Draft Resolution No. 08-08-12-18 approving Tentative Parcel Map TPM2005-183 and Minor Site Development Permit SDP06-57(M).

Erica Demkowicz (Senior Planner) presented the staff report.

Commissioner Fitzgerald requested clarification on the required parking based on habitable space with bedrooms, dens, and family rooms.

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Erica Demkowicz (Senior Planner) clarified that the parking required for five or less bedrooms is a 2-car garage and anything over five bedrooms requires a 3-car garage.

Chairman Denton opened the Public Hearing.

Larry Leis (Capistrano Beach) adjoining neighbor; stated that he would like to explore the possibility of converting the street from public to private at some time in the future. He asked that all the public improvements such as sidewalk, pavement section, and perhaps drainage meet City standards.

Chairman Denton closed the Public Hearing.

Vice-Chairwoman Brough requested clarification about the concerns expressed in correspondence they received about street drainage.

Erica Demkowicz (Senior Planner) responded that the recommended Conditions of Approval from Planning and Public Works Staff requires an upgrade of the storm and gutter to improve drainage. She also responded to questions about the private street easement; and cited a project on Del Rey as a current example of a recent project on a private street. At this point, the City is not anticipating that it would be a public street. At some point, a consensus of the neighborhood would be needed to decide on dedicating that portion to the City.

Kyle Butterwick (Director) also addressed the requirements for dedicating a street for public purpose, i.e. right of way that is normally done in conjunction with a Street Master Plan to City improvements. He stated that this particular neighborhood lacks a master plan for the conversion of the private street to public ownership. He noted that there is a process for converting the street from a private to public street.

Chairman Denton asked if the curb and sewer drainage have a common storm drain that runs in the middle of the street.

Erica Demkowicz (Senior Planner) responded that a link will be added to the systems that currently exist. She also stated that they did receive Will Serve letters from utility companies providing service to the area.

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Commissioner Conway stated that he visited the site and expressed that it was a unique neighborhood with privacy. He felt that the development will be an asset to the neighborhood.

ACTION: Motion made (Brough) and seconded (Fitzgerald) to adopt Resolution No. 08-08-12-18 approving Tentative Parcel Map TPM2005-183 to allow a 3-lot subdivision on a 24,597 square foot parcel and Minor Site Development Permit SDP06-57(M) for the development of two new single-family residences on two of the lots and a remodel of the existing residence on the third lot at 26992 Del Gado Road. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

ITEM 4: Coastal Development Permit CDP08-0005 and Minor Site Development Permit SDP08-0030(M) to allow the demolition of an existing, single-family residence; and the construction of a new, two-story, single-family residence at 34567 Camino Capistrano.

Applicant: Marshall Ininns (MIDG Architects)
Property Owner: Rick and Patti Thompson
Location: 34567 Camino Capistrano (APN 123-381-06)

Request: Request for Coastal Development Permit CDP08-0005 to allow the demolition of an existing, single-family residence; and the construction of a new, two-story, 4,331 square foot single-family residence with attached, 445 square foot, two-car and 233 square foot, single-car garages; as well as for Minor Site Development Permit SDP08-0030(M) to allow the measurement of residential building height from the top of not more than 30 inches of fill at 34567 Camino Capistrano. Per adopted City Zoning Maps, the subject property is zoned as Residential Single-Family 3 (RSF-3), located within the Coastal Overlay District as well as the Appeal Jurisdiction of the California Coastal Commission.

Environmental: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Community Development Department has analyzed the subject project, and finds the project Categorically Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures).

Recommendation: Adopt Planning Commission Resolution No. 08-08-12-19, approving Coastal Development Permit CDP08-0005 and SDP08-0030(M) for the referenced scope of work.

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Evan Langan (Associate Planner) presented the staff report.

Chairman Denton acknowledged receiving two letters late this evening to be included for the record.

Chairman Denton opened the Public Hearing.

Marshall Innis (Applicant – Laguna Beach) addressed a couple of concerns regarding the height of the proposed development above what exists today.

Katherine Sgambellone (Capistrano Beach) submitted copies of letters on behalf of her neighbor opposing the project.

Kevin Nelson (Capistrano Beach) stated that he lives five houses from the site, and supported the project as an improvement to the site as well as an enhancement for the entire neighborhood.

Les Gillies (Capistrano Beach) adjoining neighbor, is concerned with the removal of a tree in relationship to the property line, the close visual proximity of the home and loss of privacy from his living room window. He distributed photographs to indicate the adverse impacts. He also is concerned with the ongoing construction on the property causing dust and dirt to drift onto his property. He asked for consideration on limiting the disruptive construction impacts in the neighborhood.

Evan Langan (Associate Planner) clarified the standard conditions of approval that limit the hours and days of construction, limitations of dust drifting, and excessive noise. He suggested to notify the City if the neighbor noted any violations.

Michael Sgambellone (Capistrano Beach) submitted copies of his letter opposing the project and asked to include it in the record.

Chairman Denton closed the Public Hearing.

Commissioner Schoeffel addressed concerns that had been raised during the public testimony. He clarified that the tree removal would be a private neighbor boundary dispute. He noted the City's many standard Conditions of Approval and encouraged anyone to contact the Director of Community Development for enforcement. He responded to the testimonies with respect to views and

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acknowledged the Staff Report findings on the development to be in conformance with the applicable Zoning to the property. He added that the City does not have an ordinance to protect private views, and as a result the Planning Commission has no jurisdiction, authority, or power to protect them.

Commissioner Fitzgerald felt that Commissioner Schoeffel's statement expressed her views and supported the project.

Vice Chairwoman Brough was satisfied with the issues discussed by Commissioner Schoeffel and supported the project.

Commissioner Conway confirmed that Commissioner Schoeffel adequately addressed the issues in detail.

ACTION: Motion made (Schoeffel) and seconded (Brough) to adopt Resolution No. 08-08-12-19 approving Coastal Development Permit CDP08-0005 and Minor Site Development Permit SDP08-0030(M) to allow the demolition of an existing single-family residence; and the construction of a new, two-story, single-family residence in the Residential Single-Family 3 Zoning District at 34567 Camino Capistrano Drive. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

ITEM 5: Coastal Development Permit CDP08-0011 to allow the construction of a two-story, single-family dwelling and a detached garage and second dwelling unit with a bluff edge setback deviation to 25 feet and a Minor Site Development Permit SDP08-0032(M) to (1) allow building height to be measured from atop a maximum of 30 inches of fill, (2) retaining walls over 30 inches in height, and (3) overall wall heights exceeding six (6) feet in the required side and rear yards located at 24692 El Camino Capistrano.

Applicant: James Glover
Owner: Tom and Maria Vegh
Location: 24692 El Camino Capistrano; (APN 682-203-05)

Request: Approval of a Coastal Development Permit to allow the construction of a 5,664 square foot, two-story, single-family dwelling and a 1,174 square foot detached garage and 1,198 square foot second dwelling unit with a bluff edge setback deviation to 25 feet and a Minor Site Development Permit to (1) allow building height to be measured from atop a maximum of 30 inches of fill, (2)

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retaining walls over 30 inches in height, and (3) overall wall heights exceeding six (6) feet in the required side/rear yard located at 24692 El Camino Capistrano.

Environmental: This 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 construction of a new single-family residence not in conjunction with the construction of two or more of such dwelling units and associated accessory structures.

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving Coastal Development Permit CDP08-0011 and Minor Site Development Permit SDP08-0032(M).

Kurth Nelson (Senior Planner) presented the staff report and addressed concerns from the written correspondence received.

Commissioner Fitzgerald recalled this project from a previous hearing and questioned the issue with the second unit. She asked to address if there was a requirement for that second unit to be built prior to the primary residence receiving its certificate of occupancy.

Todd Litfin (Assistant City Attorney) clarified the issue was raised before, and his interpretation under the law was that there is no requirement that the primary residence should be built first, and that they can be built at the same time.

Chairman Denton opened the Public Hearing.

James Glover (San Clemente - Applicant) presented several architecture and design details to show the project complements the neighborhood. He stated that he was available to answer any questions.

Charles Krolkowski (Irvine) represented Melvin Hoeffliger and Sally Gipple, owners to the east of the proposed project. He stated that he submitted a letter to Staff and the Planning Commission outlining the concerns and comments they had about the project. He felt that most of them had been dealt with, but their main concern was the water toppling over a wall in case of a storm.

Paul Konapelsky (Dana Point) stated that he lives directly across the street from the proposed project. He stated that he was pleased with the plans and the proposal. He added his appreciation on the outcome, stating that it's a warmer presentation to the neighborhood.

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Chairman Denton closed the Public Hearing.

Commissioner Conway commended the applicant on the number of positive changes especially the front elevation and reducing pool area. He felt this is a much better project than the previous design.

Vice Chairwoman Brough agreed with Commissioner Conway. She felt that the owner's intent to work with the neighborhood was welcoming, and was glad that they made some changes.

Chairman Denton also complimented the applicant on the design and bringing the neighborhood together in support of the project.

Commissioner Fitzgerald stated that it was a beautiful project. She was pleased with the changes to the structure itself. She was in support of the project and welcomed the owners to the neighborhood.

Commissioner Schoeffel stated that, on occasion, some horrific meetings can also be termed as robust community forums, giving the community and neighbors a chance to come out with what appears to be a positive result. He certainly felt that the Commissioners view it as such. He stated that, quite often, more good comes from bad and added that it's a very nice house.

ACTION: Motion made (Fitzgerald) and seconded (Brough) to adopt Resolution No. 08-08-12-20 approving Coastal Development Permit CDP08-0011 to allow the construction of a two-story, single-family dwelling unit with a bluff edge setback deviation to 25 feet and a Minor Site Development Permit SDP08-0032(M) to allow (1) building height to be measured from atop a maximum of 30 inches of fill, (2) retaining walls over 30 inches in height, and (3) overall wall heights exceeding six (6) feet in the required side and rear yards located at 24692 EL Camino Capistrano. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

E. NEW BUSINESS

There were no New Business items.

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F. STAFF REPORTS

Kyle Butterwick (Director of Community Development) gave two (2) project updates:

- The City will be starting a series of public outreach meetings for the Town Center public improvements. Dates are not set at this time, and he encourages the public to attend.
- At their August 19th meeting, the City Council will be considering a Business Improvement District in collaboration with City hotels.

G. COMMISSIONER COMMENTS

Commissioner Fitzgerald recounted her visit to Santa Barbara and summarized a televised segment of the Planning Commission meeting which depicted an impressive source of knowledge about its parking management plan for hotel structures.

H. ADJOURNMENT

Chairman Denton adjourned the meeting to the *next regular* meeting of the Planning Commission held on Tuesday, August 26, 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 8:25 p.m.

Norman Denton, Chairman
Planning Commission