

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

December 10, 2012
6:00 – 7:05 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 Claus led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Liz Claus, Chairman Norman Denton, Vice-Chairman Gary Newkirk, Commissioner Tarquin Preziosi

Commissioner(s) Absent: Commissioner April O'Connor

Staff Present: John Tilton (Acting Director), Erica Demkowicz (Senior Planner), Alisha Patterson (Deputy City Attorney), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of November 26, 2012.

ACTION: Motion made (Newkirk) and seconded (Preziosi) to approve the Minutes of the regular Planning Commission Meeting of November 26, 2012.
Motion carried 4-0-1. (AYES: Claus, Denton, Newkirk, Preziosi NOES: None ABSENT: O'Connor ABSTAIN: None)

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

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D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit CDP12-0020 to allow an existing restaurant (Gemmell's) to convert an existing suite which was previously occupied by a retail store into a lounge/banquet facility. The project is located in the Day Use Commercial Area of the Dana Point Harbor Revitalization Plan, within the Coastal Overlay District, and within appeals jurisdiction of the California Coastal Commission.

Applicant/

Owner: Vintage Marina Partners, L.P./County of Orange-OC Dana Point Harbor

Location: Dana Point Harbor – Day Use Commercial Area/ Planning Area 2

Request: Approval of Coastal Development Permit CDP12-0020 to allow an existing restaurant, Gemmell's, to expand their banquet facility into an adjacent suite which was formerly occupied by a retail store (Sea Styles).

Environmental: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Community Development Department has analyzed the subject project. Staff finds that the project is Categorically Exempt per Section 15301 (e) (Class 1 – Existing Facilities). A Notice of Exemption will be filed for the project

Recommendation: That the Planning Commission adopt the attached draft resolution approving Coastal Development Permit CDP12-0020.

John Tilton (Acting Director) presented the staff report. In response to Chairman Denton's inquiry, he addressed the Harbor's development plan to include a harbor wide parking management plan that will be reviewed in the future. He pointed out that Mr. Brad Gross, Dana Point Harbor Director was present to respond to any questions.

He responded to the Planning Commission's questions about the parking arrangement for the hotel and Gemmell's. He confirmed some of the spaces are being moved behind the hotel and that signage would direct Gemmell's patrons. He clarified that none of the Gemmell's parking is in the gated portion of the lot.

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Chairman Denton opened the Public Comments.

Diana Poulos (Dana Point) addressed the Commission in first stating that she is one of the business owners in the Harbor and was representing seven (7) merchants within the Mariner's Alley. She stated that she feels the use should be allowed noting that the expansion will enhance and should increase business for the Harbor. She asked the Planning Commission to support the project.

Chairman Denton closed the Public Comments.

Commissioner Claus noted that the project before them is the first project presented under the new Harbor Plan. She stated that Ms. Poulos comments gave her the assurance to approve the project, and stated that moving the Catalina Express parking was a good idea. She stated that she would be in support of the project.

Vice-Chairman Newkirk agreed with Commissioner Claus remarks, and also acknowledged Ms. Poulos comment that it may bring people to the area. He stated that he was in support of the project.

Commissioner Preziosi stated that he would support the project; however, had reservations about the enforcement of parking. He noted that, as Mr. Tilton pointed out, it would be a Harbor management issue, but towing of cars would leave a lingering resentment. He further noted that after hearing that the merchants are in support, he would support the project.

Chairman Denton agreed with his fellow Commissioners comments noting upcoming changes in the harbor. He said he believed this is a short term fix for parking and hopes that a final parking plan will be forthcoming to the Commission.

ACTION: **Motion made (Newkirk) and seconded (Denton) to adopt Resolution 12-12-10-28 approving Coastal Development Permit CDP12-0020 to allow an existing restaurant (Gemmell's) to convert an existing suite which was previously occupied by a retail store into a lounge/banquet facility. Motion carried 4-0-1. (AYES: Claus, Denton, Newkirk, Preziosi NOES: None ABSENT: O'Connor ABSTAIN: None**

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E. PUBLIC MEETINGS

ITEM 3: Sign Program Permit SPP12-0001 for OC Beads/Art Gallery located at 24471 Del Prado.

Applicant: Sue Osborne
Owner: Meadows Asset Management
Location: 24471 Del Prado Avenue

Request: Approval of a Sign Program for a single-tenant commercial site with multiple buildings located at 24471 Del Prado Avenue.

Environmental: This project is categorically exempt (Class 1 - Section 15301 – Existing Facilities) from the provisions of the California Environmental Quality Act (CEQA) because it consists of a minor alteration of an existing structure involving no expansion of use beyond existing.

Recommendation: That the Planning Commission adopt the attached draft Resolution to approve Sign Program Permit SPP12-0001 located at 24471 Del Prado (Attachment 1).

Erica Demkowicz (Senior Planner) presented the staff report and responded to questions from the Planning Commission.

John Tilton (Acting Director) responded to Chairman Denton's inquiry and noted a Sign Program, rather than a Variance, allows deviations from the sign standard. He pointed out the importance of the applicant's subtle signs in proportion to its location, ensuring that they do not contribute to excessive visual clutter.

Commissioner Preziosi asked for confirmation concerning if approval of the Sign Permit shall run with the land, and if the next business could alter the appearance of the sign(s).

Alisha Patterson (Assistant City Attorney) clarified that the approval of the Sign Program would run with the land to the extent of the design elements.

John Tilton (Acting Director) assured the Planning Commission about their concern and suggested placing a condition on the approval indicating that if a new business were to acquire the sign program, they could come back to the Planning Commission if there were significant changes.

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Vice-Chairman Newkirk indicated that he would like to see running with the land extinguished if OC Beads relocates. He suggested less signage clutter in Town Center to attract people.

Chairman Denton opened the Public Comment(s).

Sue Osborne (Applicant - Laguna Beach) introduced herself as the owner of OC Beads businesses. She stated that she upgraded the building significantly and referred to her business as an upscale establishment selling high-end gemstones. She noted that the signs design elements were classy, the lettering done tastefully and without clutter. She offered to work with the City on removing the signs if she were to relocate. She asked the Planning Commission to support her project.

Chairman Denton closed the Public Comment(s).

Commissioner Preziosi stated that he is in favor of small businesses being successful; however he stated his concern about the sign program running with the land. He stated that he would be supportive of a modified conditional use stating that it would be terminable upon any change of ownership or any change in use of the property.

Vice-Chairman Newkirk agreed with Commissioner Preziosi on structuring the sign program not run with the land. He stated that with the assurance of Ms. Osborne's design elements, he would be in favor with the condition that Commissioner Preziosi suggested.

Chairman Denton agreed with his fellow Commissioners and would be in support with proposed changes to the conditions of approval.

Commissioner Claus agreed with the project not running with the land. She stated that in addition this item would set a precedent and should be done right. She suggested seeing a tighter sign program and felt that the applicant could reduce her signs from eight, down to five signs.

Commissioner Preziosi suggested a continuation of the hearing until the next regular scheduled meeting to give staff time to craft a condition with the City Attorney.

John Tilton (Acting Director) agreed to bring the item back before the Commission.

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ACTION: Motion made (Denton) and seconded (Claus) to continue the item to January 14, 2013 Planning Commission Meeting for amended conditions of approval for the Sign Program. Motion carried 4-0-1.
(AYES: Claus, Denton, Newkirk, Preziosi NOES: None ABSENT: O'Connor ABSTAIN: None

F. NEW BUSINESS

There was no New Business.

G. STAFF REPORTS

John Tilton (Acting Director) wished everyone a happy and safe holiday.

H. COMMISSIONER COMMENTS

Commissioner Preziosi wished everyone a happy holiday.

Vice-Chairman Newkirk wished everyone a happy and safe holiday.

Chairman Denton thanked the Planning Commissioners for a great year, hard work, and their due diligence for the City.

Commissioner Claus stated that she enjoyed working together as a cohesive team, and she would be looking forward to the future.

Chairman Denton wished happy holidays to City staff. He stated that he looked forward to attending the City's Holiday Luncheon held at the Dana Point Yacht Club in the Harbor.

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I. ADJOURNMENT

Chairman Denton announced that the *next* meeting of the Planning Commission will be held on Monday, January 14, 2013, beginning at 6:00 p.m. (or as soon thereafter) in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

The meeting adjourned at 7:05 p.m.

Norman Denton, Chairman
Planning Commission