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

April 19, 2006
7:04-10:08 p.m.

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

CALL TO ORDER – Chairwoman O'Connor called the meeting to order.

PLEDGE OF ALLEGIANCE – John Ramirez (Assistant City Attorney) led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Norman Denton, Commissioner Liz Anderson-Fitzgerald, Chairwoman April O'Connor, Vice-Chairman J. Scott Schoeffel, and Commissioner Steven Weinberg

Staff Present: Kyle Butterwick (Director), John Ramirez (Assistant City Attorney), John Tilton (City Architect/Planning Manager), Brenda Chase (Senior Planner), Kurth Nelson (Project Planer), and Bobbi Ogan (Planning Secretary)

ITEM 1: Reorganization of the Planning Commission and presentation to outgoing Chairwoman April O'Connor.

- a) Nominations and vote for Chairman to serve until the first meeting of April, 2007.
 - Commissioner Denton nominated Scott Schoeffel to serve as Chairman; no other nominations were received

ACTION: Motion made (Denton) and seconded (Fitzgerald) to elect Scott Schoeffel to serve as Chairman of the Planning Commission. Motion carried 4-0-1. (AYES: Denton, O'Connor, Powers, Weinberg NOES: None ABSENT: None ABSTAIN: Schoeffel)

- b) Nominations and vote for Vice-Chairman to serve until the first meeting of April, 2007.
 - Chairman Schoeffel nominated Liz Fitzgerald to serve as Chairwoman; and
 - Commissioner Denton nominated Steven Weinberg to serve as Chairman with a second from Commissioner O'Connor

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

April 19, 2006
7:04-10:08 p.m.

PAGE 2

ACTION: Motion made (Denton) and seconded (O'Connor) to elect Steven Weinberg to serve as Vice-Chairman of the Planning Commission. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: Schoeffel)

c) Presentation to outgoing Chairwoman April O'Connor.

Kyle Butterwick (Director) presented an engraved gavel and flowers to Commissioner O'Connor and thanked her for her tutelage and outstanding guidance over the past year.

A. APPROVAL OF MINUTES

ITEM 2: Minutes of the regular Planning Commission Meeting of April 5, 2006.

ACTION: Motion made (Denton) and seconded (O'Connor) to approve the Minutes of the regular Planning Commission Meeting of April 5, 2006. Motion carried 4-0-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: Fitzgerald)

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 3: Amendment to Master Temporary Site Development Permit SDP04-33(II) to allow the sale of arts and crafts at the existing Farmers Market.

Applicant: Steve Crossen
Owner: City of Dana Point
Location: Dana Point Plaza Parking Lot

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

April 19, 2006
7:04-10:08 p.m.

PAGE 3

Request: Approval of an amendment to Master Temporary Site Development Permit to allow the sale of arts and crafts on the second Saturday of each month.

Environmental: This project is Categorically Exempt (Class 4 – Section 15304 – Minor Alterations) from the provisions of the California Environmental Quality Act (CEQA) because it consists of a minor temporary use of land having no permanent effects on the environment.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Site Development Permit SDP04-33(II) for the proposed project.

Brenda Chase (Senior Planner) reviewed the staff report.

There being no requests to speak on this item, Chairman Schoeffel opened and closed the Public Hearing.

ACTION: Motion made (O'Connor) and seconded (Weinberg) to adopt Resolution 06-04-19-11 approving Site Development Permit SDP04-33(II). Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ITEM 4: Tentative Parcel Map TPM2005-284 and Conditional Use Permit CUP05-15 to allow the conversion of an existing duplex to condominiums with a request to allow the optional duplex parking arrangement for lots with less than 50 feet of frontage for a property located in the Residential Duplex (RD 14) Zoning District at 34606 Camino Capistrano.

Applicant/

Owner: Brett Crowder

Location: 34606 Camino Capistrano

Request: A Tentative Parcel Map and Conditional Use Permit to convert an existing duplex to condominiums with a request to allow the optional duplex parking arrangement for lots with less than 50 feet of frontage for a property located in the Residential Duplex (RD 14) Zoning District.

Environmental: The proposed project qualifies as a Class 3 and 4 (Section 15303 and 15304) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project consists of an addition to an existing structure of no more than 10,000 square feet and is in an area where all

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

April 19, 2006
7:04-10:08 p.m.

PAGE 4

public services and facilities are in place to allow for the maximum development permissible in the General Plan and the division of existing multiple family residences into common-interest ownership.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Tentative Parcel Map TPM2005-284 and Conditional Use Permit CUP05-15.

Kurth Nelson (Project Planner) reviewed the staff report.

There being no requests to speak on this item, Chairman Schoeffel opened and closed the Public Hearing.

ACTION: **Motion made (Weinberg) and seconded (Denton) to adopt Resolution 06-04-19-12 approving Tentative Parcel Map TPM2005-284 and Conditional Use Permit CUP05-15. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)**

ITEM 5: **Tentative Parcel Map TPM2005-236, Minor Site Development Permit SDP05-61M and Minor Conditional Use Permit CUP06-12M to allow the construction of a new two-story, 5,135 square foot duplex and two, attached two-car garages totaling 1,081 square feet for condominium purposes with Minor Site and Conditional Use Permits to allow retaining walls as high as 4.5 feet and total wall heights exceeding ten (10) feet for a property located in the Residential Duplex (RD 14) Zoning District at 26391 Via Canon.**

Applicant: Robert Theel, Robert Theel Company
Owner: Timothy McMahon
Location: 26391 Via Canon

Request: A Site Development Permit to construct a new two-story, 5,135 square foot duplex and two, attached two-car garages totaling 1,081 square feet with a corresponding request to approve a Tentative Parcel Map to allow the new duplex to be developed as condominiums. Minor Site and Conditional Use Permits are also requested for new retaining walls as high as 4.5 feet and total wall heights exceeding ten (10) feet for a property located in the Residential Duplex (RD 14) Zoning District.

Environmental: The proposed project qualifies as a Class 3 and 4 (Section 15303 and 15304) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project consists of the construction of

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

April 19, 2006
7:04-10:08 p.m.

PAGE 5

a duplex and the subdivision of four (4) or fewer parcels to create condominiums consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Tentative Parcel Map TPM2005-236, Minor Site Development Permit SDP05-61M, and Minor Conditional Use Permit CUP06-12M.

Kurth Nelson (Project Planner) reviewed the staff report.

Kyle Butterwick (Director) stated that in response to the applicant's request for the City to issue the grading and building permits before final action is taken on the tract map by the City Council, he would propose the following amendment to Page 9, Item #B of the Resolution, "...unless otherwise approved by the Director of Community Development and Director of Public Works, prior to issuance of a grading plan and building permit..." He stated that this language would allow City staff and the applicant an opportunity to take a closer look at this particular request and if the City can provide some accommodation, we will endeavor to do that.

Chairman Schoeffel opened the Public Hearing.

Bob Theel (Dana Point – Applicant) stated that they had designed the project to provide for minimum areas of conflict between the homeowners. He added that they each have their own entry, two-car garage, landscaping areas and guest parking. He stated that recording the final map takes anywhere from 6-8 months and that was the reason for their request.

Carol McMahon (Dana Point – Property Owner) stated that it was her hope that they would be able to enhance everyone's property with this project. She asked that their request be approved to allow them to move forward.

Daryl Lucarelli (Capistrano Beach) stated that he supports the proposed project.

Chairman Schoeffel closed the Public Hearing.

Commissioner Denton felt that the project would be a wonderful addition to the City and that he would support the proposal.

Commissioner O'Connor felt that the project would be an asset to the neighborhood. She stated that she agreed with the amendment to the Resolution as proposed by the Director.

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

April 19, 2006
7:04-10:08 p.m.

PAGE 6

Vice-Chairman Weinberg felt that the project would be a great addition.

Commissioner Fitzgerald stated that she liked the project and would want the applicant to receive a sign off from Caltrans before the grading permit was issued.

Chairman Schoeffel stated that he would like to see the City do everything they can to speed this project along.

ACTION: Motion made (Weinberg) and seconded (Denton) to adopt Resolution 06-04-19-13 approving Tentative Parcel Map TPM2005-236, Minor Site Development permit SDP05-61M, and Minor Conditional Use Permit CUP06-12M with amendment. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

Chairman Schoeffel recessed the meeting at 8:29 p.m. and reconvened at 8:48 p.m.

E. PUBLIC MEETINGS

ITEM 6: A proposal to replace an existing Sign Program at property located at 24582 Del Prado; Sign Program Permit SPP92-03(II).

Applicant: Randall Boone Sign Lighting
Owners: Eric Friedrichsen, Del Prado, LP
Location: 24582 Del Prado

Request: Approval of a Sign Program for The Meridian located at 24582 Del Prado.

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 approving Sign Program Permit SPP92-03(II) to replace the existing signage program for The Meridian development located at the 24582 Del Prado.

Brenda Chase (Senior Planner) reviewed the staff report.

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

April 19, 2006
7:04-10:08 p.m.

PAGE 7

Chairman Schoeffel opened the Public Hearing.

Eric Friedrichsen (Carlsbad – Property Owner) stated that his goal was to have more control of the tenants and the signage. He added that the street trees create a severe challenge for visibility of the businesses. He stated that they were trying to create a more consistent look.

Dana Boone (San Clemente – Applicant) stated that the lighted signs would not provide any glare into the residences above. She added that when they had created the Sign Program that they had taken everything into consideration.

Chairman Schoeffel closed the Public Hearing.

Commissioner Denton felt that signage on the brick walls would be attractive. He stated that he would like the signs to be lighted longer than 10:00 p.m. He added that the property would be upgraded if it had a coordinated Sign Program.

Vice-Chairman Weinberg felt that the tenants should be able to choose how long their signs were lit. He stated that he liked the look of the projecting signs.

Commissioner O'Connor stated that she was opposed to the proposed increase in the number of signs and felt that they should stay with what the Sign Code allows. She felt that in order to achieve maximum impact with limited signage they need to use better fonts and contrasting colors. She added that she had no problem with the projecting signs, but that the illumination should be turned off at 10:00 p.m. because it is a mixed-use building.

Commissioner Fitzgerald stated that she liked the idea of signage on the brick walls. She agreed with the illuminated signs being turned off at 10:00 p.m. She added that a one-size fits all does not work for this building because of the unusual architecture and that she could make exceptions.

Chairman Schoeffel stated that he was in agreement with Commissioner Fitzgerald. He felt that the Sign Program that has been proposed provides the owner more consistent and effective signage. He added that he would support the proposal with the amendments that staff had proposed.

ACTION: **Motion made (Weinberg) and seconded (Denton) to approve Sign Program Permit SPP92-03(II) with the illumination of the signs being turned off at 11:00 p.m. Motion failed 2-0-3. (AYES: Denton, Weinberg**
NOES: Fitzgerald, O'Connor, Schoeffel **ABSENT:** None **ABSTAIN:** None)

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

April 19, 2006
7:04-10:08 p.m.

PAGE 8

ACTION: Motion made (Fitzgerald) and seconded (Schoeffel) to approve Sign Program Permit SPP92-03(II) with the illumination of the signs being turned off at 10:00 p.m. Motion failed 2-0-3. (AYES: Fitzgerald, Schoeffel NOES: Denton, O'Connor, Weinberg ABSENT: None ABSTAIN: None)

ACTION: Motion made (Denton) and seconded (Fitzgerald) to adopt Resolution 06-04-19-14 approving Sign Program Permit SPP92-03(II) with the illumination of the signs being turned off at 10:30 p.m. Motion carried 4-0-1. (AYES: Denton, Fitzgerald, Schoeffel, Weinberg NOES: O'Connor ABSENT: None ABSTAIN: None)

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 joint meeting with the City Council for the Housing Summit is scheduled for May 10, 2006 at 6:00 p.m.

John Tilton (City Architect/Planning Manager) reported that the County had submitted a draft of the Harbor plan and that the document was currently under review by staff. He stated that they had planned to hold at least one open house public workshop to provide the public an opportunity to comment on the plan prior to the public hearings.

He stated that the new building height regulations would be taking effect within the next couple of weeks. He added that any project in the Coastal Zone would not be able to apply the new height regulations until the Coastal Commission has certified the amendment to the City's Local Coastal Program.

He stated that staff was moving forward with the plan to remodel the Council Chambers. He added that the plan was for construction to begin in early June with completion before Labor Day. He stated that during construction all public meetings would be held at the Community Center.

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

April 19, 2006
7:04-10:08 p.m.

PAGE 9

I. COMMISSIONER COMMENTS

Vice-Chairman Weinberg stated that the Town Center Subcommittee would be meeting on April 27th to discuss traffic flow in the Town Center.

Commissioner Denton thanked Commissioner O'Connor for her service as Chairwoman over the past year.

Commissioner O'Connor stated that she had enjoyed being Chairwoman and congratulated Chairman Schoeffel and Vice-Chairman Weinberg on their appointments.

Commissioner Fitzgerald commented on the recent article in the Dana Point News that spoke about pulling a permit. She stated that the writer had made some comments that were worth addressing such as there was uncomfortable seating and nothing to read. She felt that something that simple might make the task a little less onerous.

Chairman Schoeffel commented on the Easter events that took place at Sea Canyon Park. He stated that after the City held event on Saturday, the park was left in an immaculate condition. He added that on Sunday there were less people using the park but the park was left in bad condition. He stated he could not believe the contrast between the intensity of use and the aftermath.

J. ADJOURNMENT

Chairman Schoeffel announced that the *next regular* meeting of the Planning Commission will be held on Wednesday, May 3, 2006, 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 10:08 p.m.

J. Scott Schoeffel, Chairman
Planning Commission