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

June 1, 2005  
7:01-8:45 p.m.

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

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**CALL TO ORDER** – Vice-Chairman Schoeffel called the meeting to order.

**PLEDGE OF ALLEGIANCE** – Commissioner Powers led the Pledge of Allegiance.

**ROLL CALL**

Commissioners Present: Commissioner Greg Powers, Vice-Chairman J. Scott Schoeffel, and Commissioner Steven Weinberg

Commissioners Absent: Commissioner Norman Denton and Chairwoman April O'Connor

Staff Present: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), John Tilton (City Architect/Planning Manager), Erica Williams (Senior Planner), Brenda Chase (Senior Planner), and Bobbi Ogan (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1:** Minutes of the regular Planning Commission Meeting of May 18, 2005.

**ACTION:** Motion made (Weinberg) and seconded (Powers) to approve the Minutes of the regular Planning Commission Meeting of May 18, 2005. Motion carried 3-0-2. (AYES: Powers, Schoeffel, Weinberg NOES: None ABSENT: Denton, O'Connor ABSTAIN: None)

**B. PUBLIC COMMENTS**

There were no Public Comments.

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**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

**D. PUBLIC HEARINGS**

**ITEM 2: Coastal Development Permit CDP04-25 and Site Development Permit SDP04-76 to allow the construction of a new commercial development containing approximately 6,900 square feet of floor area and a parking area with thirteen (13) parking spaces. The subject site is located in the Community Commercial/Vehicular (CC/V) zone and is addressed as 25826 Las Vegas Avenue.**

Applicant: Penna Construction/Cheryl Moe  
Owner: Joe and Helen Penna  
Location: 32942 Pacific Coast Highway

Request: A Coastal Development Permit and Site Development Permit to allow the construction of a 6,900 square foot commercial development that will have a floor area ratio of approximately 65%, instead of the maximum floor area ratio (FAR) of 50%. Thirteen (13) parking spaces will also be provided in conjunction with the proposed development.

Environmental: This project is Categorically Exempt (Class 3 – Section 15303 – New Construction or Conversion of Small Structures) from the provisions of the California Environmental Quality Act (CEQA) because it consists of a new commercial office/storage structure that will not involve the use of significant amounts of hazardous substances with an occupant load of 30 persons or less.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP04-25 and Site Development Permit SDP04-76.

**Erica Williams** (Senior Planner) reviewed the staff report.

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

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**ACTION:** Motion made (Weinberg) and seconded (Powers) to adopt Resolution 05-06-01-22 approving Coastal Development Permit CDP04-25 and Site Development Permit SDP04-76. Motion carried 3-0-2. (AYES: Powers, Schoeffel, Weinberg NOES: None ABSENT: Denton, O'Connor ABSTAIN: None)

**ITEM 3:** Amendment to Site Development Permit SDP99-61(II) to allow an entry gate at the Bal Harbour Community.

Applicant: Mark Bradshaw  
Owner: Bal Harbour Community Association  
Location: Terminus of Capistrano by the Sea

Request: Amendment of Site Development Permit SDP99-61(II) to allow an entry gate at the Bal Harbour Community.

Environmental: A Final Environmental Impact Report was prepared in compliance with the requirements of CEQA, to consider potential significant effects on the environment anticipated as a result of the project. The City Council certified the Final EIR and adopted a mitigation monitoring program to reduce the potential impacts. No further environmental documentation is required.

Recommendation: That the Planning Commission adopt the attached draft Resolution denying the proposed amendment to Site Development Permit SDP99-61(II) to allow an entry gate at the Bal Harbour Community.

**Brenda Chase** (Senior Planner) reviewed the staff report.

**Vice-Chairman Schoeffel opened the Public Hearing.**

**Claire Giles** (Dana Point – Bal Harbour HOA Representative) provided a PowerPoint presentation. She felt that the gate was needed for the community to help deter crime and cost containment for the HOA. She stated that the pedestrian paths would remain open to the public.

**Al Clerc** (Dana Point) stated that he had noticed on numerous occasions that there were illegal cars parking on the cul-de-sac streets and on a couple of occasions people were dumping liquids into the storm drain. He supported the proposal for a gate.

**Daniel Kulick** (Dana Point) stated that he was concerned about people trespassing and burglaries. He felt that the gate was needed for the safety of the

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community. He added that the homeowners had every right to have a gate since they were responsible for the streets.

**Ray Totam** (Dana Point) stated that there was limited parking on the street for the residents. He felt that the gates were needed to reduce the amount of traffic on their streets and lower the street maintenance costs.

**Liz Kohnke** (Dana Point) stated that her car had been broken into. She has observed people parked on the street watching the homes. She felt that the public access would not be prohibited with the gate. She added that since the homeowners were responsible for the streets that they should be able to provide some safety in their neighborhood with a gate.

**John Murphy** (Dana Point) stated that he was not in support of the gates and felt that they would impede the traffic entering the community.

**Karen Kulick** (Dana Point) felt that the gates would not create more congestion in the area. She stated that the gates would still allow the public to access the walking paths. She asked the Planning Commission to approve their request.

**Tom McFarland** (Dana Point) felt that the crime in the neighborhood was caused by the employees of the Fountains at Sea Bluffs. He stated that the gate would be a natural deterrent.

**Keith Duckworth** (Dana Point) provided pictures for the Commission to review. He stated that the gates would slow the traffic down and help keep the Fountains' residents on the sidewalks and out of the middle of the street.

**Greg Sadler** (Dana Point) stated that he had witnessed people speeding through their development. He didn't feel that the gates would impede traffic in the area because their entrance was several hundred feet from the stop sign.

**Mark Bradshaw** (Dana Point) stated that the gate would not restrict pedestrian traffic.

**Steve Oettinger** (Dana Point) stated that the cost to maintain the streets was significant. He felt that if the streets were private streets, then the homeowners should be able to monitor the ingress and egress of their community.

**Vice-Chairman Schoeffel closed the Public Hearing.**

**Commissioner Powers** stated that he generally opposes gates, but since the Commission was dealing with private streets he felt that they should be allowed.

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He added that the Planning Commission should not be making the determination on this proposal.

**Commissioner Weinberg** felt that the Planning Commission should not overrule the City Council. He stated that he would support staff's recommendation of denial.

**Vice-Chairman Schoeffel** felt that the Planning Commission lacked the authority to make a determination on this request. He stated that he would support staff's recommendation.

**ACTION:** Motion made (Weinberg) and seconded (Schoeffel) to adopt Resolution 05-06-01-23 denying Site Development Permit SDP99-61(II). Motion carried 2-0-1-2. (AYES: Schoeffel, Weinberg  
NOES: None ABSENT: Denton, O'Connor ABSTAIN: Powers)

**E. PUBLIC MEETINGS**

There were no Public Meetings.

**F. OLD BUSINESS**

**ITEM 4:** Review and consideration of proposed Parks, Recreation, and Open Space Master Plan and Appendix. (Continued from the regular meeting of May 4, 2005)

Recommendation: That the Planning Commission continue this item to the next regular Planning Commission meeting of June 15, 2005.

**There was a consensus of the Planning Commission to continue this item to the next regular Planning Commission meeting of June 15, 2005.**

**G. NEW BUSINESS**

**ITEM 5:** Commission discussion regarding televising Planning Commission meetings.

**Vice-Chairman Schoeffel** stated that he would like to continue this discussion to another meeting when all Commissioners could be present.

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**Commissioner Powers** stated that he had a conversation with Jim Leach who is the Vice-President of Governmental Affairs for Cox Communications and he was told that there would be no technical issues or a problem finding a time slot for the Commission meetings to be televised.

**There was a consensus of the Planning Commission to continue this item to the next regular Planning Commission meeting of July 6, 2005.**

**H. STAFF REPORTS**

**Kyle Butterwick** (Director) stated that the City Council would be reviewing and considering the proposed ten (10) design principles for the Town Center plan which would be a guiding factor and will help establish the broad parameters for the subcommittee. He added that the City Council had not yet selected the subcommittee members.

**John Tilton** (City Architect/Planning Manager) report that there has been one meeting of the Residential Height Task Force and that their next meeting was scheduled for June 9<sup>th</sup>.

**I. COMMISSIONER COMMENTS**

**Commissioner Weinberg** stated that the joint meeting was enlightening and educational. He added that he would like to have more of these meetings in the future.

**Commissioner Powers** stated that he didn't understand why the Planning Commission was asked review the entry gates for Bal Harbour. He felt that their request should have been directed to the City Council. He stated that it was great to see the number of people who came out for the Town Center and he hoped that the City would be able to maintain the level of interest and positive thinking of the residents.

**Vice-Chairman Schoeffel** stated that he had learned a lot from the joint meeting and felt that it was an informative session.

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**J.     ADJOURNMENT**

**Vice-Chairman Schoeffel** announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, June 15, 2005, 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 8:45 p.m.**

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April O'Connor, Chairwoman  
Planning Commission