

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

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July 22, 2008  
7:00 – 7:22p.m.

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

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**CALL TO ORDER** – Chairman Denton called the meeting to order.

**PLEDGE OF ALLEGIANCE** – Commissioner Conway 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), Jennifer Farrell (Assistant City Attorney), Matthew Schneider (Associate Planner), and Denise Jacobo (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1:** Minutes of the regular Planning Commission Meeting of July 8, 2008.

**ACTION:** Motion made (Conway) and seconded (Brough) to approve the Minutes of the regular Planning Commission Meeting of July 8, 2008.  
Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel  
NOES: None ABSENT: None ABSTAIN: None)

**B. PUBLIC COMMENTS**

**Bruce Heyman** (San Juan Capistrano – Dana Point Boaters Association) stated his concerns about the parking at Dana Point Harbor. He felt that the City should consider the partial demolition of a block wall to install an entry gate which allows valet service from one end of the Harbor to park vehicles into the trailer/tow parking area to be a material change to the Land Use Plan because the trailer vehicle spaces are for trailer/tow vehicles.

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**C. CONSENT CALENDAR**

**ITEM 2: One-year time extension of Coastal Development Permit CDP04-17 for a new 4,864 square foot single-family residence, with a deviation from the minimum coastal bluff edge setback located within the Coastal Overlay District at 34645 Camino Capistrano.**

Applicant/

Owner: Cliff & Cheryl Terry

Location: 34645 Camino Capistrano (APN 123-081-02)

Request: Allow a second one-year time extension of discretionary permits originally approved in July 20, 2005, which granted entitlements to allow the construction of a new single-family residence, with a deviation from the minimum coastal bluff edge setback on a vacant coastal bluff top lot.

Recommendation: That the Planning Commission approve a one-year time extension for Coastal Development Permit CDP04-17, subject to all of the conditions contained in Resolution No. 05-07-20-35 (Supporting Document 2).

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

**There being no requests to speak, Chairman Denton opened and closed the public hearing.**

**ACTION: Motion made (Brough) and seconded (Conway) to approve the one-year extension for Coastal Development Permit CDP04-17. Motion carried 5-0.** (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel **NOES:** None **ABSENT:** None **ABSTAIN:** None)

**D. PUBLIC HEARINGS**

**ITEM 3: A request to amend Coastal Development Permit CDP07-12 and Minor Site Development Permit SDP07-16M to allow an addition to an existing single-family dwelling. The subject site is located in the Coastal Overlay Zone and Residential Single-Family (RSF 4) Zone at 24691 El Camino Capistrano.**

Applicant: Andrade Architects

Owner: Fred Neuman

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Location: 24691 El Camino Capistrano (APN 682-202-11)

Environmental: The proposed project qualifies as a Class 1 (Section 15301) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves an addition to an existing structure not resulting in an increase of 50 percent of the floor area prior to the addition, or 2,500 square feet, whichever is less.

Request: To amend Coastal Development Permit CDP07-12 and Minor Site Development Permit SDP07-16(M).

Recommendation: That the Planning Commission accepts the agenda report regarding the status of the action noted above.

**Kyle Butterwick** (Director) informed the Planning Commissioner's that a neighbor was originally concerned with the proposed modification and has recently come to terms with his neighbor. In this case, the Code provides for an administrative approval process in lieu of conducting a Public Hearing. Therefore, with a resolution on this matter, no action is required by the Planning Commission.

**ITEM 4: Major Antenna Use Permit AUP08-001 to allow for the installation of a wireless antenna facility at 33522 Niguel Road.**

Applicant: Royal Street Communications  
Owner: KB-Danapoint LLC  
Location: 33522 Niguel Road (APN 672-041-54)

Environmental: The proposed project qualifies as a Class 1 Exemption (Section 15301) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves the minor alteration of an existing structure.

Request: A Major Antenna Use Permit to allow for the installation of a wireless telecommunication facility comprised of (3) fully-screened panel antennas, 1 GPS antenna, and 3 accessory equipment cabinets.

Recommendation: That the Planning Commission adopt the attached Resolution approving Antenna Use Permit AUP08-0001(Major).

**Matthew Schneider** (Associate Planner) reviewed the Staff report.

**Commissioner Fitzgerald** asked for clarification on the current owner of the property.

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**Matthew Schneider** (Associate Planner) stated that any change of ownership of the land described in this application would certainly be updated.

**Commissioner Fitzgerald** asked if the agreement would be sufficient with the new property owner and not require their approval.

**Matthew Schneider** (Associate Planner) responded that any lease agreement would run with the land. He also indicated that the applicant's agent was in the audience to provide their input.

**Chairman Denton opened the public hearing.**

**Michelle Felton** (Newport Beach – Representative for Applicant) stated that she is present on behalf Royal Street Communications also known as Metro PCS. She expressed that she would follow up on the signed lease with the current owner of the property.

**Chairman Denton closed the public hearing.**

**Commissioner Fitzgerald** asked the Commission if they were comfortable in supporting the proposed plan knowing that the property owner has changed.

**John Tilton** (Planning Manager) clarified that prior to the issuance of any building permits, the City would verify the actual ownership to ensure that the owners of the building are aware of the proposed project. He stated that a licensed contractor completing the permit would be required to submit a statement from the owner authorizing them to act on their behalf.

**ACTION:** **Motion made (Conway) and seconded (Schoeffel) to adopt Resolution No. 08-07-22-17 approving Major Antenna Use Permit AUP08-0001(M) to allow for cellular antennas and associated support equipment to be installed at 33522 Niguel Road. 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 project updates:

- The City has recently received the environmental impact report for the proposed application to demolish the Doheny House. The first cut of the document is for internal staff review and the availability of the draft document may be released in mid-August for a 45-day public review/comment period. A decision for a Public Hearing before the Planning Commission may be scheduled in late September.
- The land use entitlements and the LCP pursued by Makar on the former mobile home site on Del Obispo are being revisited. He recalled a completed draft Negative Declaration that was circulated for a 30-day review period. After reviewing responses, a revised negative declaration is being prepared. The newly revised document will be circulated for a 30-day review by November/December.

**G. COMMISSIONER COMMENTS**

**Commissioner Conway** announced that he will be heading back to be the head barbequer at the Dana Hills High School baseball event this evening.

**H. ADJOURNMENT**

**Chairman Denton** adjourned the meeting to the *next regular* meeting of the Planning Commission held on Tuesday, August 12, 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 7:22 p.m.**

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Norman Denton, Chairman  
Planning Commission