

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

May 2, 2011
6:01 – 6:29 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.

ROLL CALL

Commissioners Present: Commissioner Liz Claus, Vice-Chairman Norman Denton, Commissioner Gary Newkirk, Chairwoman April O'Connor, and Commissioner Tarquin Preziosi

Staff Present: John Tilton (City Architect/Planning Manager), Kurth Nelson (Senior Planner), Jennifer Farrell (Assistant City Attorney), and Denise Jacobo (Planning Secretary)

PLEDGE OF ALLEGIANCE – Commissioner Newkirk led the Pledge of Allegiance.

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of April 18, 2011.

ACTION: Motion made (Claus) and seconded (Newkirk) to approve the Minutes of the regular Planning Commission Meeting of April 18, 2011. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: None 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: Antenna Use Permit AUP06-04 (Major) for the co-location of new commercial wireless antennas on an existing stealth, freestanding, monopine wireless communications facility and accompanying equipment structure with a Variance V06-07 to increase the height of the 50 foot monopine by eight (8) feet ten (10) inches. *(Continued from the regular Planning Commission meeting of April 18, 2011.)*

Applicant: Royal Street Communications
Owner: Faith Lutheran Church of Capistrano Beach
Location(s): 34381 Calle Portola (APN 123-392-01)

Request: A request to allow the co-location of new commercial wireless antennas on an existing stealth, freestanding, monopine wireless communications facility and accompanying equipment structure with a Variance to increase the height of the 50 foot monopine by eight (8) feet ten (10) inches.

Environmental: This project is categorically exempt (Class 1 - Section 15301 – Existing Facilities) from the provisions of the California Environmental Quality Act (CEQA) because the project involves the minor alteration of an existing public facility involving negligible expansion of an existing investor-owned utility used to provide a public utility service.

Recommendation: That the Planning Commission adopt Resolution 11-05-02-xx approving Antenna Use Permit AUP06-04 (Major) and Variance V06-07.

John Tilton (City Architect/Planning Manager) stated that the item was continued to allow the applicant time to place construction stakes at the top of the existing facility to identify the elevation of the antenna.

Kurth Nelson (Senior Planner) reviewed the staff report.

Chairwoman O'Connor opened the Public Hearing.

Jane Collier Norine (Applicant Representative – Irvine) stated that they will comply with the conditions set forth by Staff and made herself available to answer any questions. In response to Chairwoman O'Connor's concern with "Monopines" (aesthetics), Ms. Norine indicated that the original wireless

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communication facility already had two existing carriers, and MetroPCS proposed to co-locate services on the existing pine tree tower to serve as a main base and to achieve adequate signal coverage for various device demands.

Chairwoman O'Connor closed the Public Hearing.

Commissioner Newkirk stated that the elements of the "monopine" in its surrounding area (trees, vegetation, freeway sound wall) is spatially distributed for cell signal strength. He stated that he would be in favor of supporting the request because its design and height blends in aesthetically with its environment.

Commissioner Claus stated she was not particularly in favor of height variances but, had noted that the location does blend in. She expressed that she "truly" is not a fan of "monopines" because they do not look aesthetically pleasing. She added that aside from tonight's vote, she suggested discontinuing "monopine" facility permits for cellular services in the City.

Vice-Chairman Denton stated that he is in agreement with his fellow Commissioners, and was pleased that they were not adding another "monopine". He indicated that because of the surrounding area, the project would blend in. He stated that he is in support of the application because the facility is easily hidden in the eucalyptus trees.

Commissioner Preziosi stated that he visited the site and noted that the appearance of the additional height, as staked out, appears well screened. He expressed concern that if the eucalyptus trees were to come down it would expose the "excessively" tall "monopine." He asked if a sunset provision is tied to the permit. He stated that he was in agreement with his fellow Commissioners and preferred extending the height of the monopine rather than adding a second tree.

Responding to Commissioner Preziosi, Mr. Tilton confirmed that the Commission could specify a two year study requirement to analyze whether there are other available technologies to redesign antenna use facilities as referenced in Condition #13. In this case, the monopine blends in with the living trees which help disguise the aesthetics. It is possible that if the eucalyptus trees were removed, the City has the ability to revisit the project.

Jennifer Farrell (Assistant City Attorney) confirmed that Condition #13 includes the language and that the resolution would not need to be modified.

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Chairwoman O'Connor stated that she visited the site and indicated that the tree height blended in with the eucalyptus. She stated that she was glad about seeing one monopine, versus two. She stated that she was in favor with the fact that there was a lack of opposition, and the height variance carried valid concerns for technological hardship.

ACTION: Motion made (Claus) and seconded (Denton) to adopt Resolution No. 11-05-02-07 approving Antenna Use Permit AUP06-04 (Major) for the co-location of new commercial wireless antennas on an existing stealth, freestanding, monopine wireless communications facility and accompanying equipment structure and Variance V06-07 increasing the height of the 50 foot monopine by eight (8) feet ten (10) inches located at 34381 Calle Portola. Motion carried 5-0.
(AYES: Claus, Denton, Newkirk, O'Connor, Preziosi NOES: None
ABSENT: None ABSTAIN: None)

E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

There is no New Business.

G. STAFF REPORTS

John Tilton (City Architect/Planning Manager) gave an update on the Harbor Plan, and stated that the City will be bringing forward the final action document to the City Council for review and approval.

Jennifer Farrell (Assistant City Attorney) gave a status update on the City's litigation filed against California Coastal Commission for acting out of their jurisdiction regarding issues of access at the Headlands; the Court issued in favor of the City last Thursday. She stated that along those lines, the Surfrider Foundation filed a lawsuit against the City claiming that the City did not have enough factual support for a nuisance ordinance regardless of the Coastal Commission's jurisdiction. After intensive briefing, the City is awaiting the Court to issue a decision.

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H. COMMISSIONER COMMENTS

Vice-Chairman Denton stated that he enjoyed the bike race over the weekend; it was an excellent event.

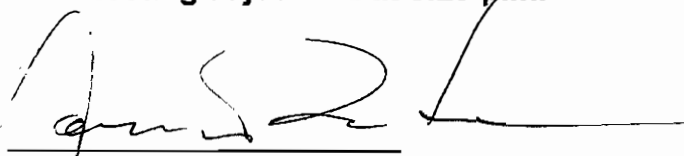
Commissioner Claus announced that in this weeks issue of "The Log Newspaper" (California's Boating & Fishing News) depicts a front page article about the California Coastal Commission finally approving the Harbor. She stated that the bike race was a spectacular event. She gave compliments to City Staff for putting the event together and doing an amazing job.

Commissioner Newkirk stated that he missed the bike race but his son participated in the kids race and had fun. He added that once it gets on the radar of the cycling community it will grow making the bike race an even greater spectator sport in the community.

I. ADJOURNMENT

Chairwoman O'Connor announced that the *next regular* meeting of the Planning Commission will be held on Monday, May 16, 2011, beginning at 6:00 p.m. (or as soon thereafter) in the Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

The meeting adjourned at 6:29 p.m.



April O'Connor, Chairwoman
Planning Commission