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

June 21, 2006  
7:01-11:18 p.m.

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

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

**PLEDGE OF ALLEGIANCE** – Todd Litfin led the Pledge of Allegiance.

**ROLL CALL**

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

Staff Present: Kyle Butterwick (Director), John Tilton (City Architect/Planning Manager), Todd Litfin (Assistant City Attorney), Kurth Nelson (Project Planner), Matthew Sinacori (City Engineer), Gabor Pakozdi (Senior Civil Engineer), and Bobbi Ogan (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1: Minutes of the regular Planning Commission Meeting of June 7, 2006.**

**ACTION: Motion made (Fitzgerald) and seconded (O'Connor) to approve the Minutes of the regular Planning Commission Meeting of June 7, 2006. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)**

**B. PUBLIC COMMENTS**

There were no Public Comments.

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**Item 2 was pulled for discussion by Commissioner Denton.**

**C. CONSENT CALENDAR**

**ITEM 2: Local Coastal Program Amendment (LCPA06-03) for Dana Point Harbor.**

Applicant/

Owner: County of Orange – Dana Point Harbor Department

Location: Dana Point Harbor

Recommendation: That the Planning Commission adopt the attached, amended Resolution recommending that the City Council adopt the Dana Point Harbor Revitalization Plan and District Regulations, along with recommended modifications. This amendment to the City's Local Coastal Program, for the entire Dana Point Harbor, will allow the County of Orange – Dana Point Harbor Department to fully implement the improvements proposed as part of the Dana Point Harbor Revitalization Plan and District Regulations.

**Kyle Butterwick** (Director) reviewed the staff report.

**Commissioner Denton** stated that he had concerns about Condition 1 and felt that the language was not strong enough. He added that he felt that the dry stack storage should not be built because it would impact public views. He stated that he was concerned about traffic in and out of the parking area. He added that he wants to ensure that this harbor is kept a small boat harbor.

**Commissioner O'Connor** stated that the trail system was also discussed at the last meeting. She added that she agrees with Commissioner Denton and felt that the Planning Commission could not recommend the dry stack storage because it would impact public views from Doheny State Beach. She stated that instead of the word "reconsider" it should be replaced with "eliminate".

**Commissioner Fitzgerald** agreed that the word "reconsider" was too tame, but that she would like to see the storage buildings smaller and somewhere else.

**Commissioner Denton** stated that the location and size of the dry stack storage was the problem. He added that he was concerned about the public views that would be impacted and felt that a 70-75 foot building would be inappropriate for this harbor.

**Chairman Schoeffel opened the Public Comments.**

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**Holly Veale** (County of Orange) read a letter from Supervisor Tom Wilson into the record.

**Jim Miller** (Dana Point – Coffee Importer) stated that merchants do support this plan. He added that there will be an additional 400+ parking spaces provided in the Harbor with this plan. He felt that view was a perceived value.

**Kevin Hendra** (Foothill Ranch) agreed with the reconsideration of the need for dry stack storage. He stated that he and other small boat owners want to enjoy their boats in the water, not in the dry stack storage.

**Bill Steinriede** (Dana Point) concerned about the loss of public views with the construction of the dry stack storage.

**Nyle Schafhauser** (Dana Point) agreed with the Commissioners on moving the dry stack storage or reduction of the size.

**Dan Clifford** (San Juan Capistrano) felt that the proposed size of the boat barn was hideous and that the County had not explored remote locations. He added that there was no consideration for the storage of the boat trailers. He stated that there had been no exploration of the possibility of enlarging the Harbor.

**Dan Reising** (Capistrano Beach) felt that the Resolution should include stronger language and that the word “reconsider” should be replaced.

**John Chaffetz** (Dana Point) suggested that the Planning Commission table the project until County Staff could come back to the Commission with their revisions to the Plan.

**Ed Ross** (Dana Point) suggested that a recommendation be included which would help open up the northwest view corridors with the replacement of trees of a smaller species. He also asked that an additional condition be included that the County not plant trees that would block their view corridor toward the ocean.

**Bob Mardian** (Dana Point) stated that there were currently 300 parking spaces in front of his business and when the Plan is established there will only be 78 spaces.

**Chairman Schoeffel closed the Public Comments.**

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**Commissioner O'Connor** proposed the following for Condition E-1:

“Allow one (1) dry stack boat storage building and limit the height to forty-feet. Re-evaluate the massing and location of said building due to the potential cause to significant impacts on views from the surrounding communities, the Harbor, and Doheny State Beach users and to reconsider off-site storage.”

She also suggested the following for a new Condition E-4:

“Reconsider the percentage of small boat slips versus large boat slips.”

She stated that she was open to discussion on the Lantern Bay Estates HOA request.

She added that with the proposed changes to the conditions, she would be more comfortable in sending the project on to the City Council.

**Vice-Chairman Weinberg** stated that the massing of the boat storage buildings needs to be reconsidered. He felt that the same boat square footage that is in the Harbor now should remain.

**Chairman Schoeffel** proposed the following language for Condition E-1:

“It is unacceptable to have dry stack boat storage buildings and/or a height massing and location of said buildings which cause significant impacts on views from the surrounding community.”

**Commissioner Denton** stated that the County needs to eliminate the need for a dry stack building in the Harbor and look for alternate methods of storage specifically for a location that will not significantly impact public views.

**Commissioner Fitzgerald** proposed the following for inclusion in Condition E-2:

“...to exceed maximum allowed building heights for all new or remodeled existing structures...”

**Commissioner Denton** stated that the circulation of traffic needs to be addressed. He felt that the proposed parking garage could be increased by another level since there would be no view impact in its proposed location.

**Chairman Schoeffel** stated that the parking management plan should be re-formatted to reduce the impact on the merchants.

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**Commissioner O'Connor** recommended the addition of the following new condition:

E-4 – “Evaluate the 70% large boat slips to the 30% small boat slips.” She stated that the County needs to be consistent with their goal of keeping this a small boat harbor.

**George Caravahlo** (County of Orange) stated that the percentage of boat slips has yet to be determined. He added that the Coastal Commission wants to increase public access to the ocean. He stated that the engineers had considered a number of alternative locations for boat storage, but that an important factor for the facility to work is to have the facility over the water.

**Commissioner Denton** stated that the new Condition E-4 should include the statement that the Harbor be kept to a small boat “in water” harbor.

**Commissioner O'Connor** recommended the addition of the following new condition:

E-5 – “Recommend the pursuit of a trail system from the Harbor to the State Beach.”

**Chairman Schoeffel** recessed the meeting at 9:00 p.m. to allow Staff time to draft revised and new conditions of approval. **Chairman Schoeffel** reconvened the meeting at 9:31 p.m.

**Chairman Schoeffel** read the revised and new conditions of approval as drafted by Staff.

**ACTION:** Motion made (O'Connor) and seconded (Weinberg) to adopt Resolution 06-06-21-22 approving Local Coastal Program Amendment LCPA06-03 as amended. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

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**D. PUBLIC HEARINGS**

**ITEM 3: Mitigated Negative Declaration with a Tentative Tract Map (TTM 16879) for a seven-lot subdivision on a 1.44 acre vacant parcel, a Site Development Permit SDP05-68 for single family dwellings and retaining walls over 30 inches in height on each lot, and a Minor Conditional Use Permit CUP06-12M for site walls in excess of eight feet in height within required yard areas located at the northwest corner of Stonehill and Ocean Hill Drives.**

Applicant/

Owner: Sea Bright Cove at Dana Point, LLC

Location: Northwest corner of Stonehill and Ocean Hill Drives

Request: Adoption of a Mitigated Negative Declaration and approval of a Tentative Tract Map for a seven-lot subdivision on a 1.44 acre vacant parcel, a Site Development Permit for single family dwellings and retaining walls over 30 inches in height on each lot, and a Minor Conditional Use Permit for site walls in excess of eight feet in height within required yard areas.

Environmental: A Mitigated Negative Declaration (MND) has been prepared for the project in accordance with Section 15070 of the California Environmental Quality Act (CEQA) for the Commission's review and adoption. The MND was circulated to the State Clearinghouse for 30 days on May 22, 2006. A notice of intent to adopt a mitigated negative declaration was posted with the County Clerk and on the site, published in the newspaper, and mailed to property owners within 500 feet of the site on May 22, 2006. The review period ends June 20, 2006. As of the date this report was prepared, no comment letters were received.

Recommendation: That the Planning Commission takes the following actions:

1. Adopt the attached Resolution adopting a Mitigated Negative Declaration for the project; and
2. Adopt the attached Resolution approving Tentative Tract Map TTM16879, Site Development Permit SDP05-68, and Minor Conditional Use Permit CUP06-12M.

**Kurth Nelson** (Project Planner) reviewed the Staff report.

**Chairman Schoeffel opened the Public Hearing.**

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**Gregg Stone** (Applicant – Dana Point) stated that the improvements along Ocean Hill and Stonehill will be extensive in their design to preserve the aesthetics of this view corridor. He felt that they had designed a project which would be compatible and consistent with the neighboring homes and would improve the entrance to this neighborhood. He added that the project complies with the City's design and development standards. He stated that they tried to meet with as many neighbors about the project as possible.

**Laura Himmelberg** (Dana Point) felt that the proposed homes would not be compatible with the existing homes in the neighborhood. She was concerned that their water bills would increase because of the new water line that would be put in for this new development. She stated that she was opposed to the new development based on the following: excessive massing, view blockage, character of neighborhood, increased traffic and noise levels, parking issues and loss of privacy for her home. She felt that fewer homes should be considered, or at least single-story, or two-story homes without balconies.

**Richard Parillo** (Dana Point) stated that he was opposed to the project.

**Trent Hofferber** (Landscape Architect - Dana Point) stated that they were proposing to enhance the coastal element of the development with a connection to the conservation zone and improve the quality of the re-construction of part of that zone. He added that they will carry that feeling throughout with the vedura walls and around the corner. He stated that all of the plant material that will be used is drought tolerant and native to California.

**Victoria Vanderkam** (Dana Point) stated that she supports the project. She felt that the project would improve the area, block noise from Stonehill and beautify the entrance to the existing homes. She asked the Planning Commission to approve the project.

**Bill Trudeau** (Dana Point) stated that he was concerned about the street widths of Ocean Hill at Sea Bright, and at Stonehill and felt that the streets should be widened to alleviate some of their traffic problems.

**Gene Jensen** (Dana Point) felt that the existing sewer problems would worsen with the addition of the new development. He stated that he was concerned about traffic safety and felt that seven (7) new homes would be too many for the area.

**Susan Hinman** (Dana Point) stated that she was pleased with the choice of landscape architect for the project. She added that there were existing traffic issues on Sea Bright and felt that the proposed additional seven (7) curb cuts

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with people backing out onto the street would only create more problems. She suggested that the traffic on the street be studied with the possibility of combining driveways. She stated that she was concerned about the amount of dirt proposed to be brought in for the development and felt that there should be conditions placed on the project on how that is accomplished and monitored.

**Don Richman** (Dana Point) stated that the proposed landscape will enhance the area and felt that the builder had taken every consideration when developing his project. He added that he supports the project.

**Helen Roberts** (Dana Point) felt that two-story homes would be out of character with the area. She felt that the corner of Sea Bright was dangerous and that too many homes were being proposed.

**Michael Segal** (Dana Point) felt that a traffic analysis should be done before approval of the project. He was concerned that the project might not be completed due to the housing market slowing down.

**Chairman Schoeffel closed the Public Hearing.**

**Commissioner O'Connor** felt that the homes were suitable for the area and that she would support the project.

**Commissioner Fitzgerald** felt that the conditions proposed for the project would be sufficient. She stated that she did feel there was a need to have a homeowners association as opposed to an Alternative Legal Mechanism (ALM) as proposed by the developer. She felt that the ALM would not provide proper protection for the conservation zone. She added that backing out of the driveways may be dangerous and recommended an analysis of the traffic be completed.

**Matthew Sinacori** (Senior City Engineer) clarified for the Commission that when Engineering reviews any project that they look at it for traffic safety. He stated that Sea Bright is a residential street with driveways where people back out onto the street every day and that this was a standard application on a residential street. He added that on any residential street, a degree of caution needs to be exercised, people driving down the street need to anticipate things that happen on a residential street. He stated that Staff anticipates that the traffic on the street will slow down as a result of this new development.

**Commissioner Denton** felt that the findings could be made to support the project. He stated that a condition should be included about a traffic study being performed because of the development's location.



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**Vice-Chairman Weinberg** stated that he would support the project.

**ACTION:** Motion made (O'Connor) and seconded (Schoeffel) to adopt Resolution 06-06-21-23 approving Mitigated Negative Declaration for Tentative Tract Map TTM16879, Site Development Permit SDP05-68, and Minor Conditional Use Permit CUP06-12M. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

**ACTION:** Motion made (O'Connor) and seconded (Weinberg) to adopt Resolution 06-06-21-24 approving Tentative Tract Map TTM16879, Site Development Permit SDP05-68, and Minor Conditional Use Permit CUP06-12M. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

**E. PUBLIC MEETINGS**

There were no Public Meetings.

**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 appeal of the new home on Chula Vista was scheduled to be heard by the City Council at their first meeting of July.

He stated that the City Council would be considering a request for a General Plan Amendment for the mobile home park property at their meeting on June 28, 2006.

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**I. COMMISSIONER COMMENTS**

There were no Commissioner Comments.

**J. ADJOURNMENT**

**Chairman Schoeffel** announced that the *next special* meeting of the Planning Commission would be held on Wednesday, June 28, 2006, 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 11:18 p.m.**

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J. Scott Schoeffel, Chairman  
Planning Commission