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

September 21, 2005
7:05-9:37 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 – Vice-Chairman Schoeffel led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Chairwoman April O’Connor, Commissioner Greg Powers, and Vice-Chairman J. Scott Schoeffel

Commissioners Absent: Commissioner Norman Denton and Commissioner Steven Weinberg

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

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of September 7, 2005.**

ACTION: **Motion made (Powers) and seconded (Schoeffel) to approve the Minutes of the regular Planning Commission Meeting of September 7, 2005. Motion carried 2-0-1-2. (AYES: Powers, Schoeffel NOES: None ABSENT: Denton, Weinberg ABSTAIN: O’Connor)**

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: (Continued from the regular Planning Commission meeting of July 20, 2005) Site Development Permit SDP04-39M to allow the construction of a retaining wall in excess of 30 inches in height along the south and southwest property lines of both residential properties and abutting the links at Monarch Beach Golf Course. The retaining wall will contain landscaping for screening and will measure approximately 20 feet in height at its highest point. The subject properties are located in the Residential Single-Family (RSF 12/PRD 2) Zone and are addressed as 30 and 32 Dauphin.

Applicant: Richard Natland
Owners: Geri Hulon Trust
Location: 30 and 32 Dauphin

Request: A Site Development Permit to allow the construction of a retaining wall in excess of 30 inches in height along the south and southwest property lines of two (2) separate parcels, both owned by the applicant. The retaining wall will contain landscaping for screening and will measure approximately 20 feet in height at its highest point.

Environmental: The proposed project is Categorically Exempt under Section 15304 of the California Environmental Quality Act (CEQA) (Class 4 – Minor Alterations to Land).

Recommendation: That the Planning Commission continue this item for an indefinite period of time to allow the applicant sufficient time to address all concerns related to the proposed development.

There was a consensus of the Planning Commission to continue this item indefinitely.

ITEM 3: Coastal Development Permit CDP05-17 to allow an addition to an existing single-family residence on a property located within the Coastal Overlay District at 33675 Magellan Isle.

Applicant: Tony Pirruccello

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Owner: Paul Brazeau
Location: 33675 Magellan Isle

Request: Request for a Coastal Development Permit (CDP05-17) to allow an addition to an existing, single-family residence.

Environmental: This project is Categorically Exempt, Section 15301 (Class 1 – Existing Facilities), from provisions set forth in the California Environmental Quality Act (CEQA), in that it involves construction of an addition to an existing single-family residence of less than 10,000 square feet where the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP05-17.

Brenda Chase (Senior Planner) reviewed the staff report.

There being no requests to speak on this item, Chairwoman O'Connor opened and closed the Public Hearing.

ACTION: Motion made (Schoeffel) and seconded (Powers) to adopt Resolution 05-09-21-43 approving Coastal Development Permit CDP05-17. Motion carried 3-0-2. (AYES: O'Connor, Powers, Schoeffel NOES: None ABSENT: Denton, Weinberg ABSTAIN: None)

ITEM 4: Major Antenna Use Permit AUP04-01, Exceptional Case Approval ECA04-01, and Variance V04-15 for law enforcement and fire services to install five, new, non-stealth 800 MHz whip antennas to be grouped together on an existing nearly 66-foot high SONGS siren, one 4-foot diameter microwave dish on top of an existing water tank and a 467 square foot equipment and emergency generator building with an emergency diesel tank on a Community Facilities (CF) zoned parcel surrounded by the Waterford Point community.

Applicant: Orange County Sheriff-Coroner Department
Owner: South Coast Water District
Location: APN: 682-351-91

Request: A Major Antenna Use Permit, Exceptional Case Approval (ECA), and Variance allowing the installation of five, new, non-stealth, 800 MHz whip antennas to be grouped together on an existing nearly 66-foot high SONGS

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siren, one 4-foot diameter microwave dish on top of an existing water tank and a 467 square foot equipment and emergency generator building with an emergency diesel tank on a Community Facilities (CF) zoned parcel surrounded by the Waterford Pointe community. The antennas are proposed as part of the County-wide Coordination Communication System (CCCS).

Environmental: The proposed project qualifies as a Class 3 (Section 15303) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves installation of small equipment and facilities in small structures.

Recommendation: That the Planning Commission adopt the attached draft resolution recommending that the City Council approve the design and location of the 800 MHz antennas and associated improvements requested as part of Major Antenna Use Permit AUP04-01, Exceptional Case Approval ECA04-01, and Variance V04-15.

Kurth Nelson (Associate Planner) reviewed the staff report.

Todd Litfin (Assistant City Attorney) stated that this type of project was covered by Federal Law and that the Telecommunications Act of 1996 sets out very specific requirements for these types of applications. He added that the Planning Commission did have the authority to apply generally applicable land use requirements. He stated that the Commission could not deny the application based on alleged health affects from the radiation if it meets FCC requirements or if it has the impact of severely hindering or prohibiting coverage as far as the communications.

Chairwoman O'Connor opened the Public Hearing.

Mark Billings (Lieutenant - OCSCD) stated that the dispatch center is located at Loma Ridge on Santiago Canyon Road. He added that radio is the primary resource in means of communication for dispatching and handling emergency calls. He stated that they handle about 17,000 calls for service per year and that about 16% of those calls are impacted by poor radio reception. He added that there are specific areas in Dana Point where they experience problems with radio reception 40% of the time.

Dave Pierce (Division Chief – OCFA) stated that the 800 MHz system allows all emergency services units to communicate including those units from outside the state.

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James Huderberg (OCSCD) stated that the 800 MHz system is a partnership between the County of Orange, all thirty-four (34) cities in the County and the Fire Authority. He added that this system provide critical radio communications to over 100 city, county, law, fire, public works, lifeguard, and paramedic agencies. He stated that there were over 16,000 radios on this system. He added that there was no option for multiple sites and that they had to find one site that would provide the most coverage. He stated that this site provdes a line of sight that is needed for good communication and that this site would help improve the radio coverage by 90% in the problem coverage areas. He added that of the twenty-five existing antenna sites, that they have never received any complaints from the residents. He stated that the generator would only be run during a power outage and during scheduled testing. He added that the testing would be done every other week for one-half hour during the middle of the day to limit the disturbance to the surrounding residents.

Raymond Grimes (Engineering Manager – OCSCD) stated that he was available to answer any questions.

Helen Gavin (Dana Point) asked for the Planning Commission to deny the Major AUP because she felt that this type of project should not be located in any residential areas. She stated that there were 42 homes located within 300' of the antennas and felt that other sites should be considered.

Lee Tennant (Dana Point) felt that the 800 MHz system was inadequate and would be obsolete in a few years. She stated that it was her experience that people would not want to purchase a home near microwave antennas because of the noise from the generator and that their property values would decline. She felt that there were other sites that should be considered.

Ralph Bochicchio (Dana Point) felt that this site was chosen based on finances and convenience. He stated that the tower should be located in a commercial area instead of a residential one.

Abe Gurvin (Dana Point) stated that he was disappointed that the FCC would not allow the Commission to deny the permit based on health issues.

Chairwoman O'Connor recessed the meeting at 8:20 p.m.

Chairwoman O'Connor reconvened the meeting at 8:31 p.m.

David Graham (Dana Point) stated that their quality of life would be impacted. He added that the Fire Department was against siting antennas on fire stations

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because of the potential health risks to their fire fighters. He felt that this was an unfair burden to put on the community.

Mary Lou Rodearmel (Dana Point) stated that there were serious health concerns with radiation. She added that views would be impacted by the antennas and suggested that the antennas be placed at City Hall or the tennis courts as other possible sites.

Esteban Torres (Dana Point) felt that there was a poor job done in the site selection. He stated that there was no evidence shown that this was the optimal site for this project. He added that if the system was at full capacity that the coverage problems would continue.

Garo Babikian (Dana Point) stated that he was disappointed and discouraged that this antenna could be in their neighborhood. He felt that the antennas would be unhealthy for his family.

Chuck Johansen (Dana Point) stated that the homeowners association board opposes this project in their community. He asked the Planning Commission to deny this project and direct the Sheriff's department to find other sites that would not negatively impact any residential area of Dana Point. He felt that a commercial area or other public property that would protect all of the Dana Point citizens from any consequences of microwave installations would be a better location.

Susan Markey (OCSCD) stated that coverage testing had been conducted and that \$700,000 had been budgeted for the construction of this project. She added that budget was not a restriction that they were looking for a site that would resolve 90% of the coverage issues in an area that would have minimal impact on the residents. She stated that radio coverage was a concern and that it was putting emergency personnel and residents at risk.

Chairwoman O'Connor closed the Public Hearing.

Vice-Chairman Schoeffel stated that the Planning Commission could not deny a project based on health concerns if it complied with the regulations. He added that the project could also not be denied if it would result in taking away the only option that the applicant has for providing the coverage. He stated that there was no evidence shown that there were other sites that had been considered. He added that he was not convinced that the findings could be made to support the Variance requests.

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Commissioners Powers stated that he would support the height Variance but he would like to see the antennas be designed more stealthy. He added that there were no options on the number of antennas because of the way the system is designed.

Chairwoman O'Connor stated that she was not convinced that there was enough evidence to show that this would be the optimal site. She asked if the Commission should continue the hearing so the other representative from the Sheriff's department could attend and testify.

Kyle Butterwick (Director) recommended that the Planning Commission forward their recommendations to the City Council since the Council will be making the final determination on the status of this project.

ACTION: Motion made (Powers) recommending that the City Council approve Major Antenna Use Permit AUP04-01, Exceptional Case Approval ECA04-01, and Variance V04-15. The Motion died for lack of second.

ACTION: Motion made (Schoeffel) and seconded (O'Connor) to adopt Resolution 05-09-21-44 recommending that the City Council deny Major Antenna Use Permit AUP04-01, Exceptional Case Approval ECA04-01, and Variance V04-15 on the basis that the Planning Commission failed to find that there was an adequate showing that alternative sites had been considered and rejected for lack of coverage. Motion carried 2-1-2-0. (AYES: O'Connor, Schoeffel NOES: Powers ABSENT: Denton, Weinberg 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.

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H. STAFF REPORTS

Kyle Butterwick (Director) reported that the draft EIR for the Harbor Revitalization would be distributed in early October. He stated that the City Council last week had awarded a contract to The Planning Center to update the City's Housing Element. He added that staff had held a Town Center Focus meeting with the town center merchants and property owners last week. He added that there was another focus meeting scheduled for Tuesday, September 27th at 8:00 a.m. and that the subcommittee was scheduled to meet at 6:00 p.m. that same day to conclude the discussion of building heights.

John Tilton (City Architect/Planning Manager) reported that the Residential Building Height Task Force was continuing to meet and that he hoped to bring forward their recommendation to the Planning Commission by Thanksgiving.

I. COMMISSIONER COMMENTS

There were no Commissioner Comments.

J. ADJOURNMENT

Chairwoman O'Connor announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, October 5, 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 9:37 p.m.

April O'Connor, Chairwoman
Planning Commission