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

May 19, 2004
7:00-8:37 p.m.

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

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

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

ROLL CALL

Commissioners Present: Chairman Norman Denton, Vice-Chairwoman April O'Connor, Commissioner Greg Powers, Commissioner J. Scott Schoeffel, and Commissioner Steven Weinberg

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

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of May 5, 2004.

ACTION: Motion made (O'Connor) and seconded (Weinberg) to approve the Minutes of the regular Planning Commission Meeting of May 5, 2004. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

B. PUBLIC COMMENTS

Pam Tappan (Capistrano Beach) asked the Commission to protect the citizens of Dana Point. She reported that the license of Paul Douglas has been suspended for failure to comply with an outstanding civil judgment. She asked for the City to inform the citizens that have hired Paul Douglas that he cannot contract in the State of California until the suspension is lifted.

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C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: Site Development Permit SDP04-18M for retaining walls that exceed 30".

Applicant: Alan Fox, Gloria Dei Church
Owner: Gloria Dei Church
Location: 33501 Stonehill Drive

Request: For retaining walls over 30-inches in height in conjunction with the realignment of an access driveway and reconfiguration of an existing parking lot on the Gloria Dei Church property.

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

Recommendation: That the Planning Commission continue the hearing for Site Development Permit SDP04-18M to the June 16, 2004, Planning Commission meeting.

There was a consensus of the Planning Commission to continue this item to the June 16, 2004 Planning Commission meeting.

ITEM 3: Zone Text Amendment (ZTA04-01) and Local Coastal Program Amendment (LCPA04-01) to establish regulations pertaining to timeshare development.

Applicant/
Owners: City of Dana Point
Location: Citywide

Request: To amend the City's Zoning Code and Local Coastal Program to allow timeshare development in specified zones and incorporate appropriate regulations.

Environmental: A Negative Declaration pursuant to the California Environmental Quality Act (CEQA) was prepared for the Zone Text Amendment and Local Coastal Program for the Commission's review. Based on the Initial

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Study prepared for this project, it was determined that there would be no significant environmental impacts associated with the amendments.

Recommendation: That the Planning Commission recommend that the City Council approve the draft resolution for a Negative Declaration and the draft resolution to establish regulations pertaining to timeshare development.

Brenda Chase (Associate Planner) reviewed the staff report.

Chairman Denton opened the Public Hearing.

Robert Theel (Dana Point) felt that allowing timeshares in the Town Center would be inconsistent with the policies stated in the General Plan. He stated that the first level of the building should be for pedestrian-friendly uses in the Town Center. He added that parking would need to be restricted as well as other timeshare related uses at the first level.

Kirk Lapple (Dana Point – Chamber of Commerce) stated that Dana Point's business is visitors. He felt that the proposed regulations had sufficient controls and that there has been no problem with the existing timeshares.

Paul Douglas (Dana Point) stated that timeshares are beneficial to the City. He felt that timeshares were better maintained than the hotels and that with timeshares that the City was guaranteed well-maintained buildings. He added that the City received 100% of the TOT regardless of the occupancy and that property tax was also collected. He felt that the only potential problem would be with traffic during the sales of the timeshares.

Carol Parker (Dana Point) stated that her husband owned commercial property on Coast Highway and that he has been trying to sell but that no one was interested because they couldn't build timeshares. She added that she was in support of the timeshare ordinance.

Diane Harkey (Dana Point) stated that she was involved with the timeshares from the beginning and that there was a problem with parking and the tour buses cruising through the neighborhoods in Capistrano Beach. She felt that the timeshares were better maintained than the hotels and that she hoped that the next timeshares would have more architectural style.

Chairman Denton closed the Public Hearing.

Commissioner Powers stated that his concerns related to the Town Center and that he would not want to put into place a new ordinance that would hamstring

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the consultant. He added that he was concerned with the number of fractional owners and that he would like to restrict it to twelve (12). He stated that he would support the ordinance restricting timeshares to the V/RC and specific plan zones.

Vice-Chairwoman O'Connor felt that timeshares/fractional ownership would be a good thing for the City. She stated that we needed to encourage visitors and that she was in support of the ordinance.

Chairman Denton stated that he was concerned about the impact on Town Center. He added that there is a different spending profile with timeshares and that the visitors would be a positive for the City. He stated that very few people could afford to purchase a timeshare by the month so he would suggest allowing fifty (50) weeks and he felt that there was no difference between a timeshare and a hotel room.

Commissioner Schoeffel stated that he would rather not prejudice the planning process of the Town Center and that timeshares should be limited to the V/RC areas of the City. He felt that the number of fractional owners allowed should be anywhere between 12-16 and that it seemed to be consistent with the number being proffered by those that are interested in timeshare development.

Commissioner Powers felt that by allowing timeshares in the commercial areas of the City that it would encourage the property owners to take advantage of the higher land value and convert the existing shopping centers to timeshares. He stated that timeshares were valuable and that the existing hotel and resort areas were the appropriate place for them at this time. He added that his recommendation would be to not allow timeshares in the C/CP or C/CV zoning districts and that the number of fractional owners should be no more than twelve (12).

Commissioner Weinberg stated that he didn't want to stifle creativity by limiting the number of fractional owners allowed. He added that he would support the ordinance as proposed.

Vice-Chairwoman O'Connor "would have been in favor of the motion as it was originally written and proposed by Staff. She was also in favor of including Town Center with the condition that timeshares be restricted to upper floors only, thereby leaving the bottom floor for pedestrian-friendly retail. Since hotels are already allowed, the Vice Chair believed that Town Center businesses and the City would benefit from timeshare occupants in this area."

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ACTION: Motion made (O'Connor) and seconded (Weinberg) to adopt Resolution 04-05-19-23 recommending that the City Council approve the Negative Declaration for Zone Text Amendment ZTA04-01 and Local Coastal Program Amendment LCPA04-01. Motion carried 3-2. (AYES: Denton, O'Connor, Weinberg NOES: Powers, Schoeffel ABSENT: None ABSTAIN: None)

ACTION: Motion made (O'Connor) to approve the ordinance without any amendment. This motion died for lack of a second.

ACTION: Motion made (Powers) and seconded (Schoeffel) to adopt Resolution 04-05-19-24 recommending that the City Council approve the Zone Text Amendment ZTA04-01 and Local Coastal Program Amendment LCPA04-01 establishing timeshare development standards excluding the CC/P and CC/V zoning districts. Motion carried 4-1. (AYES: Denton, Powers, Schoeffel, Weinberg NOES: O'Connor 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 at last week's City Council meeting that Roma Design had been selected as the consultant to prepare the Town Center Specific Plan.

He added that the Robles appeal had received a 3-2 vote to sustain the decision of the Planning Commission.

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John Tilton (City Architect/Planning Manager) stated that at the City Council meeting there was some discussion about the current height standards and that there seemed to be some direction to staff to look at the height standard to see what works or doesn't work. He added that staff is work with the Planning Center on revising and creating residential design guidelines. He stated that they had provided a draft document and as part of that there will be a component for hillside design guidelines.

I. COMMISSIONER COMMENTS

Vice-Chairwoman O'Connor stated that regarding her vote on the timeshare ordinance that she was opposed to the proposed changes in the ordinance.

Commissioner Weinberg stated that the City should raise the appeal fee from \$250.00 to something more substantial. He felt that a higher fee would limit the appeals to those who were serious.

Commissioner Powers stated that his biggest concern for the Town Center was that a project would come in before the Specific Plan could be completed that would be hard to work around. He felt that the Town Center presented the City an opportunity to mold our community in the way we want it for the next 20 or 30 years.

J. ADJOURNMENT

Chairman Denton announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, June 2, 2004, 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 8:37 p.m.

Norman Denton, Chairman
Planning Commission