

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

August 3, 2009
7:00 – 7:41 p.m.

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

CALL TO ORDER – Chairwoman Fitzgerald called the meeting to order.

PLEDGE OF ALLEGIANCE – Vice-Chairman Conway led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Vice-Chairman Ed Conway, Commissioner Michael Dec, Commissioner Norman Denton, and Chairwoman Liz Anderson Fitzgerald

Commissioner(s) Absent: Commissioner April O'Connor

Staff Present: Kyle Butterwick (Director of Community Development), Jennifer Farrell (Deputy City Attorney), Evan Langan (Associate Planner), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

There were no Minutes for Approval.

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 1: Antenna Use Permit AUP08-0004 to allow for the placement of six, new cellular panel antennas to be contained within a single, faux chimney and mounted atop the roof of the Dana Hills Tennis Center (24911 Calle de Tennis).

Applicant/ Thomas Mundl (Bechtel Communications Inc. on behalf of AT&T)
Property Owner: South Coast Water District
Location: 24911 Calle de Tennis (Dana Hills Tennis Center)

Request: Approval of Antenna Use Permit AUP08-0004 to allow for the placement of six, new cellular panel antennas to be contained within a single, faux chimney and mounted atop the roof of the Dana Hills Tennis Center.

Environmental: The subject project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Sections 15301 (e) (Existing Facilities). A Categorical Exemption has been prepared and will be duly filed per the requirements of the statute.

Recommendation: That the Planning Commission adopt the attached, Draft Resolution 09-08-03-18, approving the referenced scope-of-work.

Evan Langan (Associate Planner) presented the staff report.

Chairwoman Fitzgerald opened the Public Hearing.

Dwayne McDonald (Dana Point) opposed the project due to health effects from placement of the antennas. He asked the applicant for more information, and asked the Commission to place this item on standby.

Richard Ambrosini (Applicant Representative – Irvine) clarified that the Telecommunications Act of 1996 clearly states the required health parameters for telecommunication facilities.

Peggy McDonald (Dana Point) stated that she lives in close proximity to the project site and felt afraid of radiation effects. She added that there were notification inconsistencies between the homeowners association and residents and is strongly opposed to the application.

Chairwoman Fitzgerald closed the Public Hearing.

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Kyle Butterwick (Director) confirmed that the City has performed its due diligence with the public hearing notification.

Evan Langan (Associate Planner) provided clarification that a radio frequency report has been submitted verifying the proposed cellular antennas comply with the law.

Jennifer Farrell (Assistant City Attorney) concurred with the Applicant (Mr. Ambrosini) that the Federal Telecommunications Act provides the City only limited authority to regulate cellular equipment.

ACTION: Motion made (Denton) and seconded (Conway) to adopt Resolution 09-08-03-18 approving Antenna Use Permit AUP08-0004 for the placement of six, new cellular panel antennas to be contained within a single, faux chimney and mounted atop the roof of the Dana Hills Tennis Center. Motion carried 4-0-1 (AYES: Conway, Dec, Denton, Fitzgerald NOES: None ABSENT: O'Connor ABSTAIN: None)

E. NEW BUSINESS

There were no New Business items.

F. STAFF REPORTS

Kyle Butterwick (Director) provided the Commission with several updates:

- Information was distributed to the Commissioners to participate at a “Community Dialogue” session to be held in San Juan Capistrano Community Center on Thursday, August 13, 2009. The session will discuss Cities’ legal responsibilities and requirements within Orange County and California urban systems to develop affordable homes in response to economic, environmental, transportation and social demand that growing/maturing cities face.
- The Scenic Drive Vacation went before the City Council at their meeting last week. It is not a full and completed approval however, as the CC&R’s are still outstanding; the proposal will not be implemented if there is no agreement reached within 25 days.
- The South Shores Church representatives have been meeting and evaluating their options, and may decide to voluntarily go through an EIR

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process. Until then, the project is still scheduled for an August 17th Planning Commission Hearing.

- The City Council discussed an occupancy tax on vacation rentals directing the Planning Commission to facilitate a review study and report back within 90 days. The goal would be to research community needs by conducting a public forum and report back to the Council. In summary, it was agreed to arrange two Planning Commission special meetings; the first public meeting is anticipated to be held at the Dana Point Community Center on September 9th beginning at 6:00 p.m.

G. COMMISSIONER COMMENTS

There were no Commissioner Comments.

H. ADJOURNMENT

Chairwoman Fitzgerald adjourned the meeting to the *next regular* meeting of the Planning Commission to be held on Monday, August 17, 2009, 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 7:41 p.m.

/s/ Liz Anderson Fitzgerald

Liz Anderson Fitzgerald, Chairwoman
Planning Commission