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

June 7, 2006
7:07 p.m. - 12:25 a.m.

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

CALL TO ORDER – Chairman Schoeffel called the meeting to order at 7:07 p.m.

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

ROLL CALL

Commissioners Present: Commissioner Norman Denton, Commissioner Liz Anderson-Fitzgerald (arrived at 7:42 p.m.), 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), Brenda Chase (Senior Planner), Erica Williams (Senior Planner), Brad Fowler (Director of Public Works), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of May 17, 2006.**

ACTION: **Motion made (O'Connor) and seconded (Weinberg) to approve the Minutes of the regular Planning Commission Meeting of May 17, 2006. Motion carried 4-0-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: Fitzgerald ABSTAIN: None)**

B. PUBLIC COMMENTS

Bill Brooks (San Clemente) reported that Doheny State Beach was California's first State Beach and that they were going to be celebrating their 75th anniversary this year. He stated that on June 24, 2006 from 9:00 a.m. to 4:00 p.m. there was going to be a huge celebration that everyone was invited to attend that will include a surf contest, a vintage campground, food, and entertainment.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

Chairman Schoeffel moved Item 4 to be heard prior to Item 2 of the Public Hearings.

D. PUBLIC HEARINGS**ITEM 4: Coastal Development Permit and Site Development permit for improvements to Sea Terrace Community Park located at the northwestern corner of Pacific Coast Highway and Niguel Road.**

Applicant/

Owner: City of Dana Point Public Works Department

Location: Northwest corner of Pacific Coast Highway and Niguel Road

Request: To approve a Coastal Development Permit and Site Development Permit and adopt the Mitigated Negative Declaration for improvements to Sea Terrace Community Park.

Environmental: A Mitigated Negative Declaration has been prepared in accordance with Section 15070 of the California Environmental Quality Act (CEQA) for the project for the Commission's review and approval. The Mitigated Negative Declaration was circulated for thirty (30) days. The MND and response to comments received are provided as Supporting Document 3.

Recommendation: That the Planning Commission approve: (1) draft Resolution adopting the Mitigated Negative Declaration, and (2) draft Resolution for Coastal Development Permit CDP06-07 and Site Development Permit SDP06-21 for improvements to Sea Terrace Community Park.

Brenda Chase (Senior Planner) reviewed the staff report.

Brad Fowler (Director of Public Works/Engineering) provided a PowerPoint presentation and an overview of the proposed improvements.

Chairman Schoeffel opened the Public Hearing.

Joana Adrian (Sea Terrace Park Subcommittee - Dana Point) felt that the proposed improvements for Sea Terrace Park represented their vision which was the beautification of the City. She stated that the improvements will create a place to be enjoyed by both residents and visitors.

Chairman Schoeffel closed the Public Hearing.

Commissioner O'Connor stated that this was a great project and that it was consistent with the passive use that everyone had wanted.

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution 06-06-07-19 approving a Mitigated Negative Declaration for improvements to Sea Terrace Community Park. Motion carried 4-0-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: Fitzgerald ABSTAIN: None)

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution 06-06-07-20 approving Coastal Development Permit CDP06-07 and Site Development Permit SDP06-21. Motion carried 4-0-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: Fitzgerald ABSTAIN: None)

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

Environmental: Program FEIR No. 591 was prepared by the County of Orange as lead agency in accordance with the California Environmental Quality Act (CEQA), as amended (Public Resources Code Section 21000, et. seq.), the CEQA Guidelines (California Code of Regulations Section 15000, et. seq.) and the County of Orange Environmental Procedures. In accordance with CEQA requirements, a Notice of Preparation (NOP) of a Draft EIR was filed with the State Clearinghouse (SCH) Office of Planning and Research (OPR) on October 29, 2003. The SCH OPR assigned SCH No. 2003101142 to the environmental documentation for the Project. The Orange County Board of Supervisors certified the Final EIR on January 31, 2006 (Resolution No. 06-014) together with Statements of Facts, Findings and Overriding Considerations and Mitigation Monitoring and Reporting Program as complete and adequate in satisfying all the requirements of CEQA for the proposed Dana Point Harbor Revitalization Plan.

Recommendation: That the Planning Commission recommend that the City Council approve the attached draft Resolution adopting an amendment to the City's Local Coastal Program for the entire Dana Point Harbor in order for the County of Orange – Dana Point Harbor Department to implement the improvements proposed as part of the Dana Point Harbor Revitalization Plan.

Kyle Butterwick (Director) provided an introduction of the project and a summary of the LCP process.

Tom Wilson (Supervisor, 5th District) stated that the County had held more than twenty (20) meetings with the community in the creation of the Harbor Plan and

that they have met with all groups that had raised concerns or issues. He added that in response to some rumors; dredging of the Harbor would proceed as soon as the required permits could be obtained. He stated that the dredging project was separate from the Harbor Plan. He added that he met with the current shipyard tenant and he had committed to them that the County staff and he would continue to work with them to resolve their particular issues and concerns even though Planning Area 1 would not be designed or permitted for some years to come.

George Carvalho (County of Orange) provided a PowerPoint presentation reviewing the Harbor Revitalization Plan.

Chairman Schoeffel opened the Public Hearing.

John Chaffetz (Lantern Bay Villas - Dana Point) felt that the Harbor was falling apart. He stated that every 24 hours, large boats were stuck because of high sand. He added that no repairs had been made in the last 30 years. He stated that the Harbor should be fixed as it is now, and felt that it did not need new buildings. He asked the Planning Commission to reject the Plan.

John Gile (Lighthouse Society - Dana Point) asked for continued support from the City for the lighthouse facility as identified in the Plan.

Ed Ross (Lantern Bay Estates - Dana Point) stated that the goal of their community was to maintain their views of the Harbor. He added that they have been meeting with County staff over the last three weeks and an agreement had been reached today that will still need the approval of the Board of Supervisors. He asked that the Planning Commission to support the agreement.

Steve Stirrett (President, Doheny State Beach Interpretative Association - San Juan Capistrano) stated that he was opposed to the dry boat storage buildings proposed to be placed adjacent to Doheny State Beach. He felt that the buildings would be too large and would block many views.

William Clark (Dana Point) felt that views would be impacted from every side of the Lantern Bay Villas complex. He stated that the way the new buildings are proposed, they will change the character of the view as the boaters enter into the Harbor. He added that the parking arrangement as proposed in the Plan would be a disaster for anyone coming into the Harbor.

Bill Brooks (Vice-President, Doheny State Beach Interpretative Association - San Clemente) stated that he was concerned about the dry dock storage in that the sunset views from the beach will be blocked. He felt that it needs to be moved back, reduced in size, or moved to another location.

Charles Dilorio (Lantern Bay Estates - Dana Point) agreed that the Harbor facilities need work, but that building new larger buildings was not the answer. He stated that views would be greatly diminished as you travel south down

Golden Lantern to the Harbor as well the views from their homes and the Villas across the street. He added that the height and size of the buildings need to be reduced.

Richard Dietmeier (Dana Point) stated that his main concern has been water quality in the Harbor. He added that the Harbor exists on the revenue that it produces and the reason to build additional commercial space was to generate additional revenue to get the Harbor on a paying basis.

Richard Rozzelle (District Superintendent for the Orange Coast District, California State Parks) stated that Doheny State Beach had been established in 1931 and that recent surveys showed that the number one reason that people come to the City to visit was to come to Doheny State Beach. He added that he was opposed to the dry boat storage to be located adjacent to the state park. He asked for the Planning Commission to protect this resource. He stated that the trail plan does not provide any connectivity to the State Beach which connects to the San Juan Creek Trail. He asked for this element in the Plan to be included.

Catherine Cope (Anchor Marine - San Juan Capistrano) stated that the Plan would reduce the shipyard site by 50%. She stated that they support revitalization, but that the Harbor needs an adequately sized shipyard in order to serve the boating community. She asked that any recommendations to the City Council acknowledge the importance of revising the Plan as it relates to the shipyard before final approval of the LCPA.

Chairman Schoeffel recessed the meeting at 8:47 p.m. and reconvened the meeting at 9:00 p.m.

Randy Nichols (Newport Beach) stated that the reduction of the shipyard would make it inadequate and that the opportunity to pull boats out of the water would be reduced due to the lack of property to put them on. He added that the shipyard performs a lot of boat maintenance; painting and scraping and has a state-of-the-art water quality system on site so that all contaminants are trapped and filtered. He stated that if the shipyard can not perform this maintenance, boat owners will have to resort to in-water service on their own which will add to the contamination of the water. He added that the Plan would not comply with two of the twelve objectives which are to have a have a full-service Harbor and to improve the water quality.

John Eldredge (Capistrano Beach) stated that the Plan would reduce the small boat users to make room for large boat owners. He added that the boat barn would reduce the small mast-up, keel-up, sail boating opportunities for people who don't have a lot of money but want to participate in boating activities.

Brian Johnson (Dana Point) stated that he was concerned with the size of the boat storage facility. He added that the removal of the mature trees would take away from the screening that they would provide.

Richard Gardner (Capistrano Beach) felt that the EIR needs to investigate alternatives to the dry boat storage. He stated that one alternative for that is to locate dry boat storage off-site.

Mark Nelson (Dana Point) spoke about the importance of the shipyard to the Harbor.

Don Hansen (Dana Wharf Sportfishing - San Clemente) felt that the Harbor has always needed more parking.

Jim Miller (Coffee Importers - Dana Point) stated that all twenty-four members of the United Harbor Merchants were in favor of the Harbor Revitalization Plan. He felt that the proposed Plan takes into consideration as many concerns as possible. He added that for nine years, the County has had meeting after meeting and they have included the public every step of the way. He felt that this was a plan of consensus which includes the general public, the merchants, the boaters, and the County. He asked the Planning Commission to recommend that the City Council approve the LCPA.

Donna Kalez (Dana Wharf Sportfishing - San Clemente) felt that the Plan was good and asked the Planning Commission to approve it.

Kenneth Holt (Lantern Bay Villas - Dana Point) stated that he was opposed to the storage buildings and felt that they would ruin the views for the homeowners. He added that he supports an off-site parking area idea for dry boat storage. He stated that the shipyard has been a great asset for the boaters.

Anthony Wetherbee (Dana Point) thanked Supervisor Wilson for the conscientious way he has handled the development of the Harbor Plan.

Nyle Schafhauser (Doheny Longboard Association - Costa Mesa) stated that he was opposed to the boat storage because of the loss of views, the size of the buildings, and their proposed location. He urged the Planning Commission to find an alternative plan.

Larry Traylor (Dana Point) stated that he appreciated the efforts of Supervisor Wilson. He added that currently there is no opportunity for mast-up sailboat storage on the boat yard side because there is no jib crane that can put a sailboat in the water. He stated in the proposed Plan there will be 109 spaces for mast-up sailboats and a crane that can launch them. He added that when this Plan is complete there will be an opportunity for three times as many 24-26 foot sailboats with keels.

Russ West (Recreational Boaters - Placentia) stated that dredging of the Harbor was urgently needed now.

Cindy Wynne (Laguna Niguel) stated that the proposed plan would reduce the amount of small boat slips thus creating the need for the dry boat storage

because boaters would have no other place to keep their boats. She asked the Planning Commission to deny the Plan.

Tom Wilson (Supervisor, 5th District) stated that he appreciated the Planning Commission taking the time to listen to the community. He urged the Commission to approve the Plan so it could move forward to the City Council.

George Carvalho (County of Orange) stated the following in response to the public comments:

- That they recognize that boats today are wider than they were 20 years ago and because of that, redesigning and renovating the marina necessitate that there will be less boat slips.
- The Harbor is a small boat harbor and it is constrained to some extent by the depth of the harbor.
- The County is very interested in the bridge proposal to link the Harbor with the State Beach and they recognize the benefit.
- The shipyard is in litigation and the County has been sued by Anchor Marine. The County is limited in the comments they can make but that he could say that the County recognizes the need for a shipyard in the Harbor and they plan to have a shipyard in the Harbor.
- The demand for boat slips was greatest for boat sizes in the mid range.
- Dry boat storage will allow more alternatives for boaters.

Jon Conk (Project Dimensions - Consultant for the County of Orange) showed some aerial views of the shipyard and explained how the shipyard operation was only using a portion of the property. He stated that the County had no intention of eliminating the shipyard. He added that the Plan would reduce the number of boats in the water by 111 and if the number of boats in the water were reduced the need for bottom painting, scraping, and other maintenance activities would be reduced. He stated that there was an area proposed for mast-up boat storage of about 100 boats. He added that the Plan will provide all of the new areas that are redeveloped with water quality filters, storm water diversions to the sewer and other features that should greatly improve the water quality of the Harbor. He stated that the location that was selected for the dry stack storage was the least obtrusive for these buildings because of the large trees that exist there and the topography behind it with Lantern Bay Park which goes steeply upslope.

Chairman Schoeffel recessed the meeting at 10:30 p.m. and reconvened the meeting at 10:40 p.m.

Jon Conk (Project Dimensions - Consultant for the County of Orange) reviewed a number of slides showing the views from different homes around the Harbor.

Chairman Schoeffel closed the Public Hearing.

Commissioner Denton stated that he supports the revitalization of the Harbor and felt that additional parking and more commercial opportunities would help the area. He added that the dry boat storage was not well thought out and would not work for the fishermen who want to get on the water in the early mornings. He felt that Doheny State Beach was one of the gems of the State Park system and that he did not want to destroy the views from the beach. He stated that the County should utilize off-site boat storage from property nearby and that the water district property should be an option. He stated that he would like to see the Harbor remain a small boat harbor and felt that was part of the Harbor's charm. He added that he could not support the Plan with the dry boat storage buildings because of the impacts that it would have on the residents, the City, and the State Beach.

Todd Litfin (Assistant City Attorney) stated that the Harbor Revitalization Plan acts as the framework for any future approval and that it does include a land use plan which talks about the reduction of boat slips. He added that what the City would be approving does impact what happens on the water and should be part of the consideration and deliberations.

Vice-Chairman Weinberg agreed that the Harbor needs to be revitalized but that the proposed boat storage buildings would be out of character for this harbor.

Commissioner O'Connor stated that she did not want to reduce the small boat slips to make way for larger boats. She felt that there had to be an alternative to the 75 foot high buildings for dry boat storage and that the City had the duty to protect the public views.

Commissioner Fitzgerald stated that she would like more parking made available in the Commercial Core area and felt that employee parking would be better suited on the Island with a shuttle system. She added that the height of the roof structures needs to be lowered and that this was the appropriate time to do that. She felt that the loss of sunset views from Doheny State Beach would be a huge issue for the visitors and stated that there has to be another way to address the dry boat storage.

Chairman Schoeffel felt that much of this Plan was an outstanding effort and something that was long overdue. He stated that he could not find any reason why the dry boat storage should be placed in the proposed location and at the size that is proposed. He suggested that the Commission approve the Plan conceptually and advise the City Council of their concerns.

Tom Wilson (Supervisor, 5th District) urged the Planning Commission to move the project forward because his staff would be addressing all of the comments made by the public and the Commission prior to the next public hearing before the City Council.

Commissioner Denton felt that the Commission should include the statements made by Commissioner Fitzgerald as well as the other Commissioners and move the project forward to the City Council.

ACTION: Motion made (Schoeffel) and seconded (Fitzgerald) for Staff to bring back to the next regular Planning Commission meeting, a revised Resolution recommending City Council approval of the Plan subject to the Commission's comments and concerns. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

Chairman Schoeffel recessed the meeting at 11:57 p.m. and reconvened the meeting at 12:05 a.m.

ITEM 3: Tentative Parcel Map TPM2005-274 and Site Development Permit SDP05-75M to allow a residential condominium subdivision and the construction of a four (4) unit multi-family development with a common driveway. The subject site is located in the Residential Duplex (RD 14) zone and is addressed as 34302-34306 Via Fortuna.

Applicant: Frank Mirjahangir
Owner: Tom O'Donnell
Location: 34302-34306 Via Fortuna

Request: Approval of a residential condominium subdivision for Tentative Parcel Map TPM2005-274 and a Site Development Permit SDP05-75M to permit the construction of a four (4) unit multi-family development.

Environmental: This project is categorically exempt (Class 32 – Section 15332 – In-Fill Development) from the provisions of the California Environmental Quality Act (CEQA) because it occurs within the City limits on a site less than five (5) acres in size that is substantially surrounded by urban development and the project will not result in any significant effects.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Tentative Parcel Map TPM2005-274 and Site Development Permit SDP05-75M.

Erica Williams (Senior Planner) reviewed the staff report.

Chairman Schoeffel opened the Public Hearing.

Frank Mirjahangir (Huntington Beach) stated that they objected to the condition for affordable housing. He asked for the condition to be eliminated due to the fact that the two owners in the project would each live in one of the units with the remaining two units being occupied by their mothers.

Chairman Schoeffel closed the Public Hearing.

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution 06-06-07-21 approving Tentative Parcel Map TPM2005-274 and Site Development Permit SDP05-75M. 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

There were no Staff Reports.

I. COMMISSIONER COMMENTS

There were no Commissioner Comments.

J. ADJOURNMENT

Chairman Schoeffel announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, June 21, 2006, 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 12:25 a.m.

/s/ J. Scott Schoeffel

J. Scott Schoeffel, Chairman
Planning Commission