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

October 15, 2003
7:04-8:15 p.m.

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

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

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

ROLL CALL

Commissioners Present: Vice-Chairman Norman Denton, Commissioner Greg Powers, Chairman J. Scott Schoeffel, and Commissioner Steven Weinberg

Commissioner Absent: Commissioner April O'Connor

Staff Present: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), Eugenia Garcia (Senior Planner), Brenda Chase (Associate Planner), Albert Armijo (Planning Consultant), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of October 1, 2003.** (FF# 0120-10/PC Minutes/PC Secretary Binder) [BO]

ACTION: **Motion made (Denton) and seconded (Weinberg) to approve the Minutes of the regular Planning Commission Meeting of October 1, 2003. Motion carried 4-0-1.** (AYES: Denton, Powers, Schoeffel, Weinberg **NOES:** None **ABSENT:** O'Connor **ABSTAIN:** None)

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

There were no Public Hearings.

E. PUBLIC MEETINGS**ITEM 2: One-year extension of Site Development Permit SDP00-16 and Variance V99-13 for a spa development located at One Ritz Carlton Drive.**

(FF# 0600-30/SDP00-16/V99-13/Ritz Carlton, 1) [BC]

Applicant: Michael Kollin, Kollin Design Group
Owner: The Ritz Carlton (Strategic Hotel Capital, Inc.)
Location: 1 Ritz Carlton Drive

Request: Allow a one-year extension of discretionary permits approved in October 2000 which granted entitlements to construct a new building on the Ritz Carlton property to house spa services.

Recommendation: That the Planning Commission approve the attached Draft Resolution to allow a one-year extension of Site Development Permit SDP00-16 and Variance V99-13.

Brenda Chase (Associate Planner) reviewed the staff report.

ACTION: Motion made (Denton) and seconded (Powers) to adopt Resolution 03-10-15-50 approving Site Development Permit SDP00-16 and Variance V99-13. Motion carried 4-0-1. (AYES: Denton, Powers, Schoeffel, Weinberg NOES: None ABSENT: O'Connor ABSTAIN: None)

F. OLD BUSINESS

There was no Old Business.

G. NEW BUSINESS

ITEM 3: Staff summary and presentation of the City's Art In Public Places Program.

Eugenia Garcia (Senior Planner) provided a summary of the City's Art In Public Places Program.

ITEM 4: Approval of the Public Art component for the Castillo Del Mar project, required by conditions of approval of City Council Resolution No. 02-07-09-01 for Site Development Permit SDP01-80 and Variance V01-21, that authorized development of 8 new single-family dwellings within Tract 16197, a subdivision of a 2-acre vacant site on property located on the north side of Camino Capistrano, between Paseo Pinzon and Calle Anejo; APN 691-181-03 & 04.
(FF# 0600-30/SDP01-80/V02-21/Pioneer Builders) [AA]

Applicant/

Owner: Pioneer Builders/Monaco Homes

Location: Proposed locations for the public art component are along the project border at Camino Capistrano and throughout the project entry

Environmental: Pursuant to provisions of the California Environmental Quality Act (CEQA), this project was deemed to be Categorical Exempt (Class 32 – Section 15332 – In-fill Development) from provisions of CEQA because it occurs within City limits on a site less than five acres in size that is substantially surrounded by urban development and the project will not result in any significant effects. No additional environmental documentation is needed.

Request: Approval of the public art component for a project comprised of eight single-family dwellings and one lettered lot on a 2 acre site on the northerly side of Camino Capistrano between Paseo Pinzon and Calle Anejo.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving the proposed public art component for the Castillo Del Mar project (Site Development Permit SDP01-80, Variance V01-21, and Tentative Tract Map TTM16197).

Albert Armijo (Planning Consultant) reviewed the staff report.

Terry Hirschag (San Clemente – Property Owner) stated that they were proposing to install flatwork in front of the project when you first drive into the development and paving stones as opposed to asphalt. He added that the project included a true north-south arrow which would be in a variety of colored concrete. He stated that the urns were handmade pots that would be shipped from Italy. He added that the lower wall and pilasters would be in stone. He stated that they had incorporated some wrought iron grille work on the walls to embellish the development.

Pam Tappan (Capistrano Beach) felt that the Code as written was confusing and needs clarification. She asked for clarification of the following points:

1. Does the City have a Community Service Commission?
2. How can artwork on a gate that is over 60' from the sidewalk be considered located in or on a site, open and accessible to the public?
3. Under general guidelines there are no mandated themes, but it is sited that the site designs that would fit into the theme of Dana Point would be coastal marine lifestyle, history of the City of Dana Point, natural environment of the area or cultures of indigenous people.
4. The Public Art Component shall be submitted as part of the application for the project, it will be provided to the Community Services Commission during the initial 30-day review period for the project. Two and one-half years ago, when this project came before the City, did we have a citizen's committee? Did this project go before the committee during the initial 30-day review and what were their recommendations? Do we have copies of the comments from the department agencies or interested parties?
5. Under findings it states that the work is to be an enhancement to the site, surrounding neighborhood and the City as a whole. She stated that she had driven around the City and could not find one development with this bold of an entry. She added that she could not find any artwork with brass letters in any driveway. She asked for the entry to be toned down and made more compatible with the surrounding neighborhood and the entire City of Dana Point.

Commissioner Powers stated that he was struggling with the pavers being considered art. He added that he was trying to determine what the goals of the Art in Public Place are. He asked if the goal was to help someone develop a better product for themselves or was the goal to create some enhancement to the community at large and no enhancement to the owner of the project. He felt that if the proposal was not considered an Art in Public Place component, that a majority of the items would probably be installed regardless. He stated that he understood that the value of the Art in Public Places was to show off things that are unique, things that take artistic value to create or skill, and things that would enhance the community in ways that would not normally be enhanced by a building project and he felt that the true north compass rose did fit within the scope. He added that the compass would take some skill and effort and it was not something that just anybody could do. He stated that as he reviewed this proposal that he felt that there were a couple of components that would fit within the scope of what he would consider Art in Public Places, but that he didn't believe that this proposal encompassed the intent of what the Art in Public Places really should be.

Vice-Chairman Denton stated that he did not agree that the decorative metal gates, and vine racks were art and felt that they would only serve to enhance the

project. He felt that the urns would qualify and that the compass was questionable. He added that the wall veneer was not art and that it was a mockery of what the City was trying to accomplish. He stated that he could not support the proposal and felt that the proposal was a choice that the developer had made to enhance his project.

Commissioner Weinberg felt that the compass and one set of urns added value, but that the second set of urns were too far from the street for the public to enjoy.

Chairman Schoeffel felt that the proposal was not art and that it wasn't public. He stated that he would not be able to support the applicant's project. He stated that after hearing the Commissioner's comments that it might be useful to poll the applicant to see if he would be willing to consider paying the in-lieu contribution or a possible amendment to the project.

Terry Hirschag asked if the Commission would consider accepting a contribution for one-half of the required amount if they felt that the art that was proposed would suffice for the other half.

Commissioner Powers felt that if the compass rose was accepted as a component of the Art in Public Places and the commitment of one-half of the required amount was paid that the proposal would meet the requirement.

Vice-Chairman Denton felt that the compass rose did not fit as art and that the applicant could do better.

Commissioner Powers stated that he was not a fan of the Art in Public Places as a requirement, but that since it was a requirement it was the responsibility of the Commission to maximize the benefit out of it. He added that he concurred with the Vice-Chairman's position on the proposal.

Chairman Schoeffel stated that he also concurs with the Vice-Chairman's position.

Kyle Butterwick (Director) stated that if the Planning Commission decides to reject this Art in Public Places proposal that it does not preclude or prevent the applicant from coming back in the future with a revised application to offer additional public art that might be more consistent with the comments that the Commission had made this evening. He added that the applicant does retain the option of simply paying the in-lieu fee which would satisfy the City's requirements as well.

Terry Hirschag stated that if the Commission doesn't feel that his proposal would be a contribution to Public Art, he would prefer to pay the in-lieu fee.

ACTION: Motion made (Denton) and seconded (Schoeffel) to deny the proposed public art component for Site Development Permit SDP01-80, Variance V01-21 and Tentative Tract Map TTM16197. Motion carried 4-0-1. (AYES: Denton, Powers, Schoeffel, Weinberg NOES: None ABSENT: O'Connor ABSTAIN: None)

ITEM 5: Overview of Sign Code update and Sign Guidelines.
(FF# 0610-15/ZTA02-02/LCPA02-01/Citywide) [BC]

Recommendation: That the Planning Commission review and discuss draft Sign Guidelines and potential sign code amendment. No action is required.

Brenda Chase (Associate Planner) provided a PowerPoint presentation overview of the Sign Code Update and Guidelines.

H. STAFF REPORTS

Kyle Butterwick (Director) provided the Commissioners with a draft Agenda for a workshop meeting with Staff and the Assistant City Attorney. He recommended that Staff schedule the workshop to begin prior to a regular Planning Commission meeting and then proceed with normal business. He suggested that the meeting be held on Wednesday, November 19th and to begin at 5:30 p.m. if that was acceptable to the Commission.

Todd Litfin (Assistant City Attorney) stated that he would be out of the country and would not be available on November 19th. He suggested the December 3rd meeting as an alternative.

There was an agreement reached that the workshop meeting would be held prior to the regular meeting on Wednesday, December 3, 2003 at 5:30 p.m.

Kyle Butterwick reported that he had attended the Coastal Commission hearing in San Diego on the Headlands project last week and that if anyone had any questions about the action of the Coastal Commission he would be happy to address them.

I. COMMISSIONER COMMENTS

Commissioner Powers stated that it was not his goal to squash the idea of an owner taking a personal involvement in the public art component and only pay the in-lieu fee. He added that he would rather see them invest their time and energy in trying to make the improvements. He felt that the Planning Commission had made a good decision on they had managed the proposal on tonight's Agenda.

J. ADJOURNMENT

Chairman Schoeffel announced that the *next regular* meeting of the Planning Commission will be held on Wednesday, November 5, 2003, 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 8:15 p.m.

/s/ J. Scott Schoeffel

J. Scott Schoeffel, Chairman
Planning Commission