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

August 14, 2007
7:00-9:12 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 – Senior Planner Erica Demkowicz led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Michelle Brough, Commissioner Ed Conway, Vice-Chairman Norman Denton, Chairwoman Liz Anderson Fitzgerald, Commissioner J. Scott Schoeffel, and Alternate Michael Dec

Staff Present: John Tilton (City Architect/Planning Manager), Patrick Munoz (City Attorney), Erica Demkowicz (Senior Planner), Saima Qureshy (Senior Planner), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of July 24, 2007.

ACTION: Motion made (Denton) and seconded (Schoeffel) to approve the Minutes of the regular Planning Commission Meeting of July 24, 2007. Motion carried 5-0. (AYES: Brough, Denton, Conway, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

B. PUBLIC COMMENTS

Tom Barnes (San Clemente) opposed the three (3) minute time limit for public testimony. He felt that it is not good because someone may have more valuable information. He felt that applicants have unlimited time to state their case to the city staff, that is why applicants are supported by staff. He added that this is his observation on the three (3) minute limit.

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C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: COASTAL DEVELOPMENT PERMIT (CDP 07-10) TO ALLOW THE EXPANSION OF CAMPING FACILITIES ON A 0.43 ACRE SITE, LOCATED WITHIN THE COASTAL OVERLAY DISTRICT AT DOHENY STATE BEACH.

Applicant/

Owner: Department of Parks and Recreation, State of California

Location: Campgrounds at the Doheny State Beach, (APN 123-060-05)

Request: A request for a Coastal Development Permit (CDP 07-10) to allow the expansion of Doheny State Beach.

Environmental: The proposed project is found not to have a significant effect on the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15304, Class 4 – Minor alterations to land. The proposed project involves preparing the 0.43 acre site for a groupcamp area. Site improvements include placing 4" of compacted decomposed granite, placement of picnic tables, trash cans and installation of a cold water shower. The project does not involve removal of scenic trees and is consistent with the exceptions listed in Section 15300.2 of CEQA.

Recommendation: That the Planning Commission adopt the attached Draft Resolution (Attachment 1) approving Coastal Development Permit CDP 07-10.

Saima Qureshy (Senior Planner) presented the staff report.

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

ACTION: Motion made (Schoeffel) and seconded (Denton) to adopt Resolution 07-08-14-18 approving Coastal Development Permit (CDP 07-10) . Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

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ITEM 3: LOCAL COASTAL PROGRAM AMENDMENT LCPA07-02, GENERAL PLAN AMENDMENT GPA07-02, AND AMENDMENTS TO COASTAL DEVELOPMENT PERMIT CDP04-23(I) AND SITE DEVELOPMENT PERMIT SDP04-69(I) FOR THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN TO ELIMINATE A 150 FOOT PROPOSED STAIRWAY, OTHERWISE KNOWN AS THE "MID-STRAND VISTA PARK ACCESSWAY" AND ALLOW FOR THE ADDITION OF APPROXIMATELY 800 LINEAR FEET OF NEW PUBLIC TRAILS. THE NEW PUBLIC TRAILS WILL BE SITUATED WITHIN HARBOR POINT PARK AND HILLTOP PARK.

Applicant/

Owner: Headlands Reserve LLC/Kevin Darnall

Location: The project site is located at the southwest corner of Pacific Coast Highway and Street of the Green Lantern in Dana Point, California.

Request: The applicant is requesting a Local Coastal Program Amendment and General Plan Amendment and revisions to the approved Coastal Development and Site Development Permits that established the Headlands Development and Conservation Plan (HDGP). The amendment includes the deletion of a 150-foot proposed stairway and the addition of approximately 800 linear feet of new public trails. The applicant is proposing to delete this stairway due to technical feasibility issues and its proximity to the County of Orange public beach parking lot where underlying geologic stability issues were encountered during grading. However, the Central Strand Beach Accessway remains as originally proposed. The new public trails will be situated in Harbor Point Park and Hilltop Park. These extensions were originally included in the City approved HDGP and analyzed in the project final EIR. The proposed links to the trail system are intended to increase public access, create safer trails, and reduce potential impacts to natural resources.

Environmental: Pursuant to the provisions of the California Environmental Quality Act (CEQA), Environmental Impact Report (SCH#2001071015) was prepared and certified for the development.

Recommendation: That the Planning Commission make a written recommendation to the City Council in support of the requested amendments to the Local Coastal Program and Headlands Development and Conservation Plan.

John Tilton (City Architect/Planning Manager) provided an overview of the entitlements granted to date for the Headlands project. He also emphasized that the applications considered by the Planning Commission this evening are

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required to be consistent with the approved Coastal Land Use Plan and Headlands Development and Conservation Plan.

Erica Demkowicz (Senior Planner) presented the staff report.

Sanford Edward (San Juan Capistrano, Headlands Reserve LLC) stated he was available to answer questions. He added that geotechnical problems were encountered in the County parking lot that had underlying soils issues. He stated that the County has geotechnical stability issues with their parking lot and, he added that while he had concerns regarding his project he could not fix the County parking lot. He stated that the stairway proposed to be deleted, has geotechnical and feasibility issues.

Chairwoman Fitzgerald opened the public hearing.

Bonnie Massey (Laguna Niguel) felt sad for Orange County because of development, mainly hotels, affecting beach access. She asked to keep Orange County a beautiful place and leave beach access available to the public.

Frank Rose (Dana Point) stated that the Mid-Strand access is needed to get to the parking lot. He felt that as our City grows, the Mid-Strand access way is needed and the developer should be held responsible for providing the Mid-Strand access. He added that people are losing more and more access to the public beach.

Vonne Barnes (Dana Point) stated that this amendment does not comply with the Coastal Act. She added that deleting the access way significantly decreases direct coastal access to the beach shown on the certified plans and EIR addendum. She reported that approval of this amendment includes, but is not limited to, the following violations to the Coastal Act:

Section 30001.5: New developments are required to maximize public access to and along the coast.

Section 30213: New developments are required to provide meaningful access to the coast.

Section 30252: New developments are required to maintain and enhance public access to the coast.

Sections 30210 – 30214: Public coastal access opportunities must be maximized and development must not be allowed to interfere with certain rights of public access.

Chapter 9.27 of the Dana Point Zoning code states that the Coastal Commission's Coastal Overlay District takes precedence over the City's

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zoning code and shall be applied in a manner which is most protective of public access directly to the beach.

Section 30253: Developments must ensure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area, like they did by causing cracks in the Orange County parking lot.

She stated that cracks in the County's parking lot stopped right after the Headlands quit back-cutting into the slope, removing tons of rocks and soil that had held up the parking lot perfectly for 32 years. She added that, contrary to the findings in the staff report submitted today, letters from consultants Stantec and Amec informed the Headlands that contractors could reinforce the access site safely and efficiently in a timely manner. She reported that the Headlands received these letters last year and has no excuse for putting off construction of the access-way and she added that the Headlands is closing the stairway to the beach at the north end of the public parking lot for at least a year. She stated that the only direct access will be from the extreme south end of the parking lot which is 1/3 of a mile away, and from there one has either a long and cumbersome switch back trail that ends at the south end of the beach, or a long backtrack the distance of two football fields to the center of the strand and then another twelve hundred feet to the beach.

She stated that more than five years ago the Headlands LLC promised to construct the access-way. She stated that in the certified plan they promised they would "conspicuously invite and encourage maximum public use." She requested that, for maximum direct beach access in accordance with the Coastal Act and to avoid costly litigation, the City not approve this amendment.

Diane Peterson (Dana Point) stated that the Mid-Strand access should be kept because it's an awfully long parking lot and an access on either end is too far for many people. She added that as it was in the plans and approved, although there were some changes mid-way, the developer should still be able to do it as promised for the citizens and tourists of Dana Point to be able to access the beach through the middle of the parking lot.

Lee Ann Carranza (Capistrano Beach) stated that she is representing the Center for Natural Lands Management, a non-profit organization that owns and manages the Dana Point Preserve otherwise known as the Headlands Conservation Park. She provided written comments on August 9, 2007, and she offered to expand on those comments.

She stated that her main concern is that the proposed 600 foot of additional trail behind the hotel area increases the risk of trespass and its associated adverse

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effects on the adjacent property a few feet from the newly-proposed trail impacting Hilltop Park. She felt that the basis for her concerns about the trail is shown on Figure 4.12.6, which shows the fencing plan associated with the trails. She reported that it shows only a habitat fence along the portion where the trail exits and enters the cul-de-sac at Scenic Drive and also along the entire trail behind the hotel; there is also no gate identified in the figure. She stated that a habitat fence is a four-strand post and cable fence, which is easily circumvented by people and dogs who can take an opportunity now at the cul-de-sac to hop over the fence to get into Hilltop Park and the Conservation property and walk through both preserves entirely down to the bluff edge. She stated that trespassing is already a problem, and if the proposed trail is approved the Center would require a six-foot high wrought iron fence that's already on the plans for most of the cul-de-sac. She felt it should be revised to ensure that it's around the entire cul-de-sac area, tying with some other permanent barrier to trespass such as a wall and a lockable gate should be provided at the trail entrance since the trails are closed in the evening.

She reported that the six-foot high fence was specifically identified to protect the Conservation Park (Figure 4.12.9 of the HDCP), and the Habitat Management Monitoring Plan for the Dana Point Headlands biological open space, also known as the HMMP, states that as well. She asked the Commission to analyze what best combination of fencing, walls, etc., would be most appropriate to prevent trespassing onto the Hilltop Park.

Evy Rose (Dana Point) stated that the problem with the Headlands not having the access the developer had mentioned is bogus because of knowing about landslides in that area. She stated that the developer should be responsible for leaving the plans the way they were approved. She felt that the public accepted the plans because of having the park and extra ways to get to the beach, and also saving some of the habitat. She added that Dana Point residents deserve more access to the beach.

Bill Peterson (Dana Point) stated that he had some concern about the beach access. He also agreed with everyone else who spoke about needing more access to the beach from the middle of the parking lot. He stated that the developer should produce what he told the public he would produce.

Tim Hines (Dana Point) stated that he opposes the amendment that would take away the coastal access in the Mid-Strand area. He felt there was evidence at the south end of the parking lot that it is caving in, and he is concerned about the parking lot since his property is across the street.

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Ernie Colacion (La Habra) stated that he has owned property in Dana Point for over 25 years, using the beach with his family. He asked that the developer do what they were supposed to do.

Beth Everest (Laguna Niguel) stated that she owns property in Dana Point and she objects to changes in the original plans in the Headlands Reserve and wants the Mid-Strand beach access-way to be constructed, not deleted. She added that she supported the original project to the City Council in 2002 and has encouraged others to support the Headlands because of the wonderful amenities promised. She stated that for the last 29 months, since construction started, she dreamed of the day to walk out on the lookout point, with benches facing the Pacific Ocean and then scooting right on down to the beach from the middle access. She felt that the middle access and steps are a must for the residents and guests of Dana Point. She stated that directly in the middle is the most desirable place for the beach access, and is the best direct route to the beach. She added that if the parking lot is strong enough to hold 200 cars, it can be built to be stable enough for a 100 foot stairway. She felt that the City of Dana Point should ask for another opinion from another engineering firm. She added that Dana Point would be going against the Coastal Commission if the access is deleted, and that if the steps are removed, residents and guests will have to walk a thousand extra steps to get to the middle path and back, and walk the full length of the Headlands to the ocean carrying their babies, surfboards and umbrellas. She stated that the beach is not private, but to be enjoyed by future generations to come. She added that the Headlands is a signature of Dana Point, this can be accomplished if there is a desire to make this happen.

Tom Barnes (San Clemente) stated that he owns property in Dana Point. (He provided a map poster board in terms of the vertical feet of Mid-Strand construction.) He felt that what they did at the Montage would work and certainly be much safer. He indicated that on the second chart (rendering) the access point is the location that would serve most people and benefit the public the most, and is the one that needs to remain. He felt that either the far south access-way should be eliminated or the other one. He added that the one with the central location should not be eliminated.

Jack Lanier (San Clemente) stated that he owns two properties adjacent to the Headlands development. He stated that it is shaping up to be a great development. He added that he never did speak in opposition to this plan; however, the feasibility problems with the stairway were built in, they designed it to have a problem at this point in time to say it would be too hard to build. He stated that the stability system, the geotechnical grids, could have been designed for a switchback or a stairway system to work. He felt they were planning it this way, and they never really wanted the access-way down through the middle. His

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final concern is that he could probably live with losing this one access-way, but he is anticipating that the south beach access-way may be the real stability issue and could now be taken away. He stated that the developer is building a legacy, not just another gated community.

Robert Colacion (Fullerton) stated that he has owned two properties in Dana Point for 25 years. He felt that he likes what the developer is building, but is concerned with the access points and that only two will be utilized. He stated that the Mid-Strand access to the beach will be the most used. He stated that as far as the design being unsafe and unattractive, it can be fixed easily. He stated that as for additional trails, they will be City-owned parks and they can add the trails within those parks any given time. He stated that once they lose this opportunity for the Mid-Strand access way, it won't be as easy to add at a later date.

Lee Ann Carranza (Capistrano Beach; speaking on behalf of Barbara Johnson) reported that the Habitat Management Monitoring Plan approved by the City, dated April 18, 2005, dictating how you manage preserves, consists of trail maps and fencing maps ensuring preserve areas, and especially that the Conversation Park was adequately protected to prevent trespass. She reported that the document states, "To prevent entry into the Conservation Park after operating hours a six-foot high wrought iron fence will be constructed along the perimeter of the park where it meets Dana Strand Road, Scenic Drive and the Nature Interpretive Center parking lot."

Sanford Edward (San Juan Capistrano – Headlands Reserve LLC) replied to the public comments and to clear up misconceptions. He stated that he never proposed to build the stairs, they were not in Headlands Development and Conservation Plan (HDCP) that was approved by the City. He stated that, just like the trails that were taken away in other areas of the plan, these stairs were added by the Coastal Commission. He stated that he never did promise it to the community.

He stated that the Central Strand access-way is an 8-foot public right-of-way, basically an 8-foot wide sidewalk running down that central street, which cuts right through the middle of the residential area. The stairs that tie into it, and they tie into it plus or minus about 400 feet below the top, up by the parking lot, are on a 2:1 to a 1.5:1 slope which is steeper than a billy goat could climb. He added that the design with the grading plan, that was approved by the City, does involve a switchback so it's not a straight shot down; it's the design which was originally thought could be built prior to starting the grading operations and becoming aware of the adjacent geotechnical soils issues. He reported that for people to

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say that was the primary and most used way to get up to the beach overstates the facts.

He added that a funicular will be built where people could go through a 3-5 minute ride right to the beach. He guaranteed the vast majority of the public, whether they park right next to the funicular, or all the way down on the other side of the parking lot, will go down and avail themselves of it because when carrying typical stuff to the beach (i.e., cooler, towels, blankets or food), stairs are one of the hardest things to negotiate. He stated that the County stairs at the north end of the property are basically on a 4:1 slope, so the stairs in the 150-foot section could take a thousand feet to twelve hundred feet to go from top to bottom and are twice as steep as those stairs, the ones that would be removed. He stated that he is not violating the Coastal Act. He felt that a number of people from Niguel Terrace are not going to drive from their condominiums to park in the parking lot.

He reported that pursuant to the certified LCP, the only requirement as it relates to coastal access was to build the switchback trail at the south end of the strand beach. He added that he didn't have to propose the funicular, and didn't have to propose the Central Strand beach access-way, but did so to reach out to the community and to provide as much access to the beach as possible. He reported that he ended up getting a condition from the Coastal Commission to add the stairway, just to find out after getting into the project that it's not feasible, and it's got significant long-term safety issues. He added that he would be happy to answer any questions the commissioners might have.

Vonne Barnes (Dana Point; speaking on behalf of Barbara Johnson) stated that adding something similar to the Montage walkway would be beautiful in Dana Point. She added that, the AMEC reports that the Headlands referred to having MSC suggestions for reinforcing the structure, if they really wanted to build it they would have.

Chairwoman Fitzgerald closed the Public Hearing.

Chairwoman Fitzgerald recessed the meeting at 8:30 p.m. and reconvened the meeting at 8:40 p.m.

Chairwoman Fitzgerald asked City Attorney Munoz to address the issues about the possible violations of the Coastal Act.

Patrick Munoz (City Attorney) stated regarding the Coastal Act being violated by access issues associated with removing the spur, the city's perspective is that this is not the case. He stated that prior to the overall development project, this

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was a private beach with no public access and people were trespassing. He reported that any development that provided for actual access to the beach, and dedication of the beach for the public, already determined to be in conformance with the Coastal Act. He stated that elimination of this spur does not eliminate beach access since the trails do go to the beach; the spur does not go to the beach. He stated that the center trail will still exist and go to the beach, and this stairway connects to the spur that connects to the trail. He stated that he disagrees the Coastal Act has been violated.

Commissioner Conway felt that the unstable area was unknown by Mr. Edwards, and that the stairway itself will be fairly difficult to use. He stated that if it was built a few people would probably walk down it, but not many people would come back up because of its 80 feet of vertical steps. He felt that aesthetically, it's a very big concern.

Commissioner Brough felt that the issue regarding the access is a concern for public safety given the steepness of the steps. She reported that in one of the Coastal Commission reports it seemed like there was an exception to the public access if there were public safety concerns.

Patrick Munoz (City Attorney) stated in response that there are ways to make balancing findings that would take that into account.

Commissioner Brough asked that if this is presented to the Coastal Commission, is there any guarantee they won't add some amendments like before and make something even worse.

Patrick Munoz (City Attorney) replied that there is certainly a possibility, but that we are at a different point than previously. He added that the project is moving forward; if the Coastal Commission were to impose some draconian requirements that were completely unacceptable the City would have the ability to say no to those. He stated that it was really important from a policy standpoint to see the project approved. He added that when the Coastal Commission reluctantly proposed many of the amendments at the last approval opportunity, they went ahead just to get the project built. He stated that we are at a different point now and if they try to do that the City would likely say, "no."

Commissioner Brough inquired about the possibility that the Coastal Commission would bifurcate the issue, implying that there is concern regarding the access way, but there's also the ESHA concern regarding the trail, and requiring to cut out the trail and the access way also.

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Patrick Munoz (City Attorney) stated that it is suspected that if the Coastal Commission said they will allow the trail, but not the stairway, the developer might say, "no."

Commissioner Brough asked of the possibility that the Coastal Commission would look at that and raise the same issue as before not allowing the trail, also realizing that the access way is not feasible.

Patrick Munoz (City Attorney) stated there is a possibility that the Coastal Commission could theoretically say no to the trail and yes to the removal of the stairs.

Sanford Edward (San Juan Capistrano) stated that when the original approval was granted by the Coastal Commission pursuant to the approved LCP and the coastal development permit, he was allowed to impact so many acres of ESHA. He added that in the Coastal Act, trails are allowed use of ESHA; a public trail can be put anywhere in ESHA; and under the Coastal Act, staff would have a hard time recommending removal of those trails. He added that under the existing permit, he would have the right to build these trails. He added that the Coastal Commission doesn't have the ability to tell the City that the stairs are infeasible.

Commissioner Schoeffel felt that when you look at the mid-access proposed for elimination, from a planning standpoint it just isn't a very good access. He stated that there is significant public access afforded by other sites, the access points are there, they are available. He stated that he has been going to that beach for many years, and has been limited to the 4:1 pitch of the north stairs. He stated that the safety problem is not very sound planning. He hoped the Coastal Commission agrees with that when they have a chance to add more of the facts that have developed over time. He stated that he would support the developer's request to eliminate that access point. He felt that where the spur hits the parking lot, the people parking on the north side of the parking lot are going to be inclined to use the north access, and people parking at the south will be using the central access, which impacts 1/3 of the people who park in the middle of the parking area. He added that the impact is not quite as severe to people who travel there with their cars. He stated that this is creating more public access where it did not exist before the proposal of this amendment. He stated that the beaches are very popular during seasonal times and many people would access the bluff top areas if there were trails to walk around. He stated that as long as Mr. Edwards is correct in his statement that the wrought iron barrier, with respect to the added trails, is of the same standard and type as recommended by the preserve, he is prepared to support the amendment in its entirety.

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Vice Chairman Denton stated that he was for access, and the most exciting outcome out of this agreement with the Headlands project is the availability of access in many places where access was not possible before. He added that walking down the 4:1 pitch at the north end is not easy, and an elevator that's going to allow people to come to the beach who may never have been able to come down to the beach before considered more access. He stated that he liked the proposal because there are more trails involved, meaning more access to the beauty of the Headlands. He stated since the City was able to get 68 acres donated as part of this project the public has access to one of the most beautiful spots in Southern California. He stated that the private beach once the Strand Beach where people had to sneak through, now has public access and it all has to be done in a safe way. He was concerned about an 80-foot staircase zig-zagging, supported on pillars, away from the dirt where someone could slip is a safety issue. Also, if you're at the beach and have to climb 80 feet of stairs up, that in itself can be very difficult. He stated that an 80-foot staircase is not the safest way to get to the beach when north south and central ways to get to the beach are proposed. He added there was not a way to get to the beach until this project provided legitimate access. He addressed Mr. Edwards to meet the requirements for the fence that the Conservation Park discussed so that people are not drifting into the trails when they are closed and causing danger to themselves or the wildlife. He stated that he would like to see the Headlands Reserve LLC take that seriously. He supported the project and recommends that these changes be adopted for safety reasons and sent to City Council for consideration.

Chairwoman Fitzgerald stated that she would watch the sunset, but would have to park in the dirt, which was okay in the summertime, but in rainy weather people would do wheelies in the mud making it almost impossible to see the ocean. She stated that now with blufftop parks, where the ocean will be right in front of one to sit will be a delight. This is one of the ways in which the Headlands has been improved for public use. She stated the Mid-Strand seems to be a safety issue, and she is willing to accept the addition of trails and areas that will have beautiful views and are easily accessible for the public. She agreed that Commissioner Schoeffel made a point that the access ways with restrooms on each side of the park will probably be used more, if for no other reason than those restrooms. She stated that she was prepared to be supportive of this.

ACTION: Motion made (Schoeffel) and seconded (Conway) to adopt Resolution 07-08-14-19 recommending City Council approval of General Plan Amendment GPA 07-02, which Amends the General Plan Land Use Element, Urban Design Element, Conservation and Open Space Element as well as Various Tables and Figures and

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Submission of GPA 07-02 as Local Coastal Program Amendment LCPA07-02 for approval and certification by the California Coastal Commission. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

ACTION: **Motion made (Schoeffel) and seconded (Conway) to adopt Resolution 07-08-14-20 recommending City Council approval of Amendment to Master Coastal Development Permit CDP04-23(I). Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)**

ACTION: **Motion made (Schoeffel) and seconded (Conway) to adopt Resolution 07-08-14-21 recommending City Council approval of Amendment to Master Site Development Permit SDP04-69(I). Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)**

ITEM 4: **(Continued from the regular Planning Commission meetings of June 12, 2007, June 26, 2007, July 10, 2007, and July 24, 2007) VARIANCE V04-14 TO ALLOW PORTIONS OF A DUPLEX ADDITION TO ENCROACH INTO THE MINIMUM 20-FOOT FRONT YARD SETBACK, AND SITE DEVELOPMENT PERMIT SDP05-70 TO ALLOW ADDITIONS TO AN EXISTING THREE STORY RESIDENTIAL STRUCTURE IN A HILLSIDE CONDITION IN THE RESIDENTIAL MULTIPLE FAMILY 14 (RMF 14) ZONING DISTRICT.**

Recommendation: That the Planning Commission table Variance 04-14 and Site Development Permit SDP05-70.

John Tilton (City Architect/Planning Manager) recommended that the Planning Commission table this item due to applicant and neighbors actively concurring on the design details. He stated that the project would be re-noticed and re-staked for a future meeting.

ACTION: **Motion made (Schoeffel) and seconded (Brough) to table Variance V04-14 and Site Development Permit SDP05-70. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)**

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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

John Tilton (City Architect/Planning Manager) asked the Planning Commissioners to deliberate on the possibility of providing Commissioner e-mail addresses on the City's website. He felt that it would allow the public to communicate concerns about a project.

Chairwoman Fitzgerald stated that Alternate Commissioner Dec could not enter the Headlands Reserve site because a security guard would not allow him access through it being a large construction with large security. She added that it was an issue for this case, it is important to the Commissioners in order to serve the City. She asked to guarantee access to the Commissioners.

Patrick Munoz (city Attorney) replied in response that the Headlands site has some ongoing issues along these lines because there is so much construction, and its dangerous to visit the site. He stated that if anybody needs access to the site and arrangement with planning staff to have a supervisor on the site to set up some arrangements.

John Tilton asked the commissioners to contact his office in advance to make the necessary site visit arrangements.

I. COMMISSIONER COMMENTS

There were no Commissioner Comments.

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J. ADJOURNMENT

Chairwoman Fitzgerald announced that the *next regular* meeting of the Planning Commission would be held on Tuesday, August 28, 2007, 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 9:12 p.m.

Liz Anderson Fitzgerald, Chairwoman
Planning Commission