

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

ITEM #1

December 8, 2014
6:02 – 8:42 p.m.

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

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

PLEDGE OF ALLEGIANCE – Erica Demkowicz (Senior Planner) led the Pledge of Allegiance.

ROLL CALL

Planning Commission Members Present: Chairwoman Liz Claus, Vice-Chairwoman April O'Connor, Norman Denton, and Susan Whittaker

Planning Commission Member Absent: Gary Newkirk

Staff Present: Ursula Luna-Reynosa (Director), John Tilton (City Architect/Planning Manager), Erica Demkowicz (Senior Planner), Evan Langan (Associate Planner), Jennifer Farrell (Deputy City Attorney), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of November 10, 2014.

ACTION: Motion made (Denton) and seconded (Whittaker) to approve the Minutes of the regular Planning Commission Meeting of November 10, 2014. Motion carried 3-0-1-1. (AYES: Claus, Denton, Whittaker NOES: None ABSENT: Newkirk ABSTAIN: O'Connor)

ITEM 2: Minutes of the special Planning Commission Meeting of November 17, 2014.

ACTION: Motion made (O'Connor) and seconded (Whittaker) to approve the Minutes of the special Planning Commission Meeting of November 17, 2014. Motion carried 4-0-1. (AYES: Claus, Denton, O'Connor, Whittaker NOES: None ABSENT: Newkirk ABSTAIN: None)

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

December 8, 2014
6:02 – 8:42 p.m.

PAGE 2

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

Ursula Luna-Reynosa (Director of Community Development) due to close proximity of Item #3 to her personal residence, recused herself at 7:15 p.m. and left the Council Chambers.

ITEM 3: Master Temporary Site Development Permit TSDP14-0076 to allow the placement of a tent for the purpose of temporarily housing religious services on the grounds of the St. Edwards Church (33926 Calle La Primavera)

Project Applicant: Barbara Belavic (St. Edward the Confessor Catholic Church)
Property Owner: St. Edward the Confessor Catholic Church
Location: 33926 Calle La Primavera

Request: Approval of a Master Temporary Site Development Permit to allow for a maximum of four months, the placement of a tent to house worship services at the St. Edwards Catholic Church.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15304 (e) (Class 4 – Minor Alterations to Land) in that the project proposes a temporary use of land that would have a negligible or no permanent effect on the environment.

Recommendation: That the Planning Commission adopt the draft resolution 14-12-08-40 approving Master Temporary Site Development Permit TSDP14-0076.

Evan Langan (Associate Planner) presented the staff report.

Chairwoman Claus opened the Public Hearing.

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

December 8, 2014
6:02 – 8:42 p.m.

PAGE 3

Greg Sadler (Dana Point) stated his concern with potential dust as well as with the height and proposed location of the tent.

Nancy Trotter (Dana Point) stated that the project would back up to her home and so she suggested repositioning the tent.

Barbara Delavic (Applicant - Dana Point) responded to concerns, noting a hardship would occur if the church had to shut down and; she cautioned against repositioning the tent as it would interfere with existing basketball hoops, possibly cause electrical and other safety hazards.

Chairwoman Claus closed the Public Hearing.

Commissioner Whittaker stated that she can support the project as Condition #9 ensures that noise standards will be met.

Commissioner Denton stated that he supports the project, noting that safety and electrical precautions would be in place.

ACTION: Motion made (O'Connor) and seconded (Whittaker) to adopt Resolution No. 14-12-08-40 approving Master Temporary Site Development Permit TSDP14-0076 to allow for a period not to exceed four months, the placement of a tent for the purpose of temporarily housing religious services on the grounds of the St. Edwards Church (33926 Calle La Primavera). Motion carried 4-0-1. (AYES: Claus, Denton, O'Connor Whittaker NOES: None ABSENT: Newkirk ABSTAIN: None)

Ursula Luna-Reynosa (Director of Community Development) returned to the meeting.

ITEM 4: Coastal Development Permit CDP14-0022 and Minor Site Development Permit SDP14-0028(M) to allow the demolition of an existing single-family dwelling and the construction of a new, single-story, 3,323 square foot single-family dwelling with attached, 651 square foot garage, as well as to place pool equipment within the area of a rear-yard setback at 242 Monarch Bay Drive

Project Applicant: Scott Hudgins (Architect, Hudgins Design Group)
Property Owners: Rich and Dorothy Costello
Location: 242 Monarch Bay Drive

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

December 8, 2014
6:02 – 8:42 p.m.

PAGE 4

Request: Approval of a Coastal Development Permit and Minor Site Development Permit to allow the demolition of a single-family dwelling, the construction of a new single-family dwelling and the placement of pool equipment within a rear-yard setback on land located in the City's Coastal Overlay District and the Appeals Jurisdiction of the California Coastal Commission.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), staff finds the project is Categorically Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures).

Recommendation: That the Planning Commission adopt Draft Resolution 14-12-08-41 approving Coastal Development Permit CDP14-0022 and Minor Site Development Permit SDP14-0028(M).

Evan Langan (Associate Planner) presented the staff report.

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

Commissioner Denton stated that based on the findings, he can support the (property's 1960's era) variance being grandfathered.

Vice-Chairwoman O'Connor concurred with Commissioner Denton.

Commissioner Whittaker stated that she supports the project.

ACTION: Motion made (Denton) and seconded (Whittaker) to adopt Resolution No. 14-12-08-41 approving Coastal Development Permit CDP14-0022 and Minor Site Development Permit SDP14-0028(M) to allow the demolition of an existing single-family dwelling and the construction of a new, 3,323 square foot single-family dwelling with attached, 651 square foot garage, as well as to place pool equipment within the area of a rear-yard setback on land located at 242 Monarch Bay Drive. Motion carried 4-0-1. (AYES: Claus, Denton, O'Connor Whittaker NOES: None ABSENT: Newkirk ABSTAIN: None)

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

December 8, 2014
6:02 – 8:42 p.m.

PAGE 5

ITEM 5: Coastal Development Permit CDP14-0014, Variance V14-0002, Site Development Permit SDP14-0017 and Minor Conditional Use Permit CUP14-0004(M) to allow the demolition of an existing boat storage facility and the construction of a new, single-story, 4,900 square foot commercial structure at 34215 Pacific Coast Highway (PCH) within the City's Town Center/Lantern District. Variances are requested to locate on-grade parking within the first 40 feet of frontage as well as to permit driveways from PCH and Del Prado Streets; a Minor Conditional Use Permit is requested to allow the establishment of a new bank use.

Project Applicant: Patterson Development Company, LLC
Property Owner: Marquerite Katherine Seiler-Ware Trust
Location: 34215 Pacific Coast Highway

Request: Approval of a Coastal Development Permit, Variance, Site Development Permit and Minor Conditional Use Permit.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15332 (Class 32 – Infill Development Projects) in that the subject properties measure five acres or less in area, are surrounded by urban uses and that the project would not result in significant effects relating to Land Uses, Biological Resources, Traffic, Noise, Air Quality or Water Quality and, can be adequately served by all required utilities and public resources.

Recommendation: That the Planning Commission adopt Draft Resolution 14-12-08-42 approving Coastal Development Permit CDP14-0014, Variance14-0002, Site Development Permit SDP14-0017 and Minor Conditional Use Permit CUP14-0004(M).

Evan Langan (Associate Planner) presented the staff report.

Chairwoman Claus opened the Public Hearing.

Pat Patterson (Applicant - Newport Beach) responded to questions raised by the Planning Commission.

Chairwoman Claus closed the Public Hearing.

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

December 8, 2014
6:02 – 8:42 p.m.

PAGE 6

Commissioner Denton stated that the location is the most unique piece of land in Town Center and that the findings to allow a variance for both curb cuts are appropriate.

Vice-Chairwoman O'Connor agreed with Commissioner Denton.

ACTION: Motion made (Whittaker) and seconded (Denton) to adopt Resolution No. 14-12-08-42 approving Coastal Development Permit CDP14-0014, Variance V14-0002, Site Development Permit SDP14-0017 and Minor Conditional Use Permit CUP14-0004(M) to allow the demolition of an existing boat storage facility and the construction of a new, single-story, 4,900 square foot commercial structure at 34215 Pacific Coast Highway (PCH) within the City's Town Center/Lantern District. Variances are requested to locate on-grade parking within the first 40 feet of frontage as well as to permit driveways from PCH and Del Prado Streets; a Minor Conditional Use Permit is requested to allow the establishment of a new bank use. Motion carried 4-0-1. (AYES: Claus, Denton, O'Connor Whittaker NOES: None ABSENT: Newkirk ABSTAIN: None)

ITEM 6: A Negative Declaration, Zone Text Amendment ZTA14-0001, and Local Coastal Program Amendment LCPA14-0001 to amend the City's Zoning Ordinance to allow poultry in all single family residential zoning districts.

Project Applicant: City of Dana Point
Location: Citywide

Request: Request for approval and adoption of a Negative Declaration, Zone Text Amendment ZTA14-0001 and Local Coastal Program Amendment LCPA14-0001 to amend the City's Zoning Ordinance to allow poultry in all single family residential districts.

Environmental: The City conducted an environmental review of the proposed project pursuant to the provisions of the California Environmental Quality Act (CEQA). As a result of that review, a Negative Declaration (ND) was issued for the project with the accompanying initial study. The ND was circulated for a twenty day public review period from November 14, 2014 to December 3, 2014. At the end of the comment period, the City received a total of ten (10) written comments.

The ND, its accompanying initial study and the comment letters are attached to this report as Exhibits 6 and 7.

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

December 8, 2014
6:02 – 8:42 p.m.

PAGE 7

Recommendation: That the Planning Commission takes one of the following actions:

1. Adopt Resolution No. 14-12-08-XX recommending that the City Council adopt a Negative Declaration for the Zone Text Amendment (ZTA14-0001) and Local Coastal Program Amendment (LCPA14-0001) and Adopt Resolution No. 14-12-08-XX recommending that the City Council amend the City's Zoning Ordinance for the allowance of poultry in all single family residential districts.

OR

2. Make a motion to not recommend approval to the City Council for the Zone Text Amendment (ZTA14-0001) and Local Coastal Program Amendment (LCPA14-0001) to amend the City's Zoning Ordinance for the allowance of poultry in all single family residential districts.

Erica Demkowicz (Senior Planner) presented the staff report.

Chairwoman Claus opened the Public Hearing.

Nancy F. Weagley (Capistrano Beach) spoke in support of the request stating that she is represented by hundreds who signed a petition to keep chickens.

Karen George (Capistrano Beach) spoke against the request because of noise problems.

Chad George (Capistrano Beach) spoke against the request because of inadequate living space of chickens.

Nancy Rohr (Capistrano Beach) spoke in favor of the request stating that she allowed her neighbor to move chickens closer to her adjacent property.

John Pierini (Capistrano Beach) stated that allowing chickens within the five foot setback is acceptable.

Phillip Alan Duke (Capistrano Beach) spoke in favor of the request stating that chickens are like pets.

Chairwoman Claus closed the Public Hearing.

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

December 8, 2014
6:02 – 8:42 p.m.

PAGE 8

Vice-Chairwoman O'Connor stated that she has concerns with allowing chickens in residential areas.

Commissioner Whittaker stated that she is not opposed to allowing chickens in residential districts, but she is not open to other poultry (such as geese). She expressed concerns related to bird type and number allowed. She requested additional information on the rules implemented by neighboring jurisdictions that allow chickens. As it is written, she would not support the ordinance.

Commissioner Denton also expressed concerns about the definition of poultry being too broad and would like it revised to limit type of birds and was interested in further discussion on what the appropriate setback should be.

Ursula Luna-Reynosa (Director) suggested continuing the item for staff to return with modifications to include more specificity.

ACTION: Motion made (Whittaker) and seconded (Denton) to continue and re-open the Public Hearing to the meeting of February 9, 2015. Motion carried 4-0-1. (AYES: Claus, Denton, O'Connor Whittaker NOES: None ABSENT: Newkirk ABSTAIN: None)

E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

There was no New Business.

G. STAFF REPORTS

There were no Staff Reports.

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

December 8, 2014
6:02 – 8:42 p.m.

PAGE 9

H. COMMISSIONER COMMENTS

Commissioner Whittaker wished everybody a Merry Christmas and Happy Holidays.

Vice-Chairwoman O'Connor acknowledged the wonderful Dana Point IlluminOcean Holiday lighting extravaganza at the Harbor.

Commissioner Denton wished everyone a Merry Christmas and he encouraged everyone to see IlluminOcean Festival of Lights and the annual Boat Parade.

I. ADJOURNMENT

Chairwoman Claus announced that the *next* regular meeting of the Planning Commission will be held on Monday, January 12, 2014, beginning at 6:00 p.m. (or as soon thereafter) in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

The meeting adjourned at 8:42 p.m.

Liz Claus, Chairwoman
Planning Commission