

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

March 9, 2015
5:45 – 6:28 p.m.

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

CALL TO ORDER – Chairwoman Claus called the Regular Meeting of the Dana Point Planning Commission to order at 5:45 p.m.

ROLL CALL

Commissioners Present: Chairwoman Liz Claus, Commissioner Norman Denton, Commissioner Gary Newkirk, Vice-Chairwoman April O'Connor, and Commissioner Susan Whittaker

CLOSED SESSION

Deputy City Attorney Jennifer Farrell indicated that there was a need for a Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (b1), (1 case)

RECESS OF PLANNING COMMISSION MEETING UNTIL 6:00 P.M.

Chairwoman Claus recessed the meeting into a Closed Session at 5:46 p.m. pursuant to Government Code Section 54956.9

RECONVENE PLANNING COMMISSION MEETING – CALL TO ORDER

Chairwoman Claus reconvened the meeting at 6:07 p.m. All Planning Commission Members were present.

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

CLOSED SESSION ANNOUNCEMENT

Deputy City Attorney Jennifer Farrell stated that she had no announcements to make.

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

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of February 9, 2015.**

ACTION: **Motion made (O'Connor) and seconded (Whittaker) to approve the Minutes of the regular Planning Commission Meeting of February 9, 2015. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)**

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: **Appeal of the Community Development Director's determination that "Whole Life Recovery", a "recovery center" proposed at 34189 Pacific Coast Highway is a prohibited use in the Town Center-Mixed Use District and therefore not allowed in accordance with the City's Municipal Code.**

Property Owner/

Appellant:

Joseph Scala/Tom Blakely and Victoria Wall

Address:

34189 Pacific Coast Highway (APN: 682-301-31)

Recommendation: That the Planning Commission take action to uphold the Community Development Director's determination by adopting the Draft Resolution.

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Erica Demkowicz (Senior Planner) presented the staff report.

Chairwoman Claus opened the Public Hearing.

Victoria Wall (Dana Point – Representative for California Hope Trust; Property Owner) stated that the use is a good one for the building. She questioned the vibrancy of the Town Center.

Chairwoman Claus closed the Public Hearing.

Commissioner Whittaker stated that she understands the use determination process that staff did; the use fits under prohibited uses within the Town Center Plan. She stated that she is in support of the Director's determination.

Commissioner Denton stated that he agrees with Commissioner Whittaker. He stated there are no findings to support the use within the Town Center. He stated that he is in support of the Director's determination.

Vice Chairwoman O'Connor stated that a Town Center Plan goal is to have people coming and going throughout the day, not staying inside the building for most of the day. She stated that the use is not conducive to the Town Center area. She stated that she is in favor of upholding the Director's determination and denial of the appeal.

Commissioner Newkirk spoke about what fits within the Town Center area. He stated that the use does not adhere to the list of permitted uses. He stated that he is in favor of upholding the Director's determination.

Chairwoman Claus stated that she agrees with her fellow Commissioners.

ACTION: Motion made (Newkirk) and seconded (Denton) to adopt Resolution No. 15-03-09-05 upholding the Community Development Director's Determination that "Whole Life Recovery", a "recovery center" proposed at 34189 Pacific Coast Highway is a prohibited use within the City's Town Center-Mixed Use District and therefore not allowed in accordance with the City's Municipal Code. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

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E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

There was no New Business.

G. STAFF REPORTS

There was no other Staff Reports.

H. COMMISSIONER COMMENTS

Commissioner Denton noted that the Festival of Whales weekend was a wonderful event.

Chairwoman Claus also noted that she enjoyed the Festival of Whales parade.

I. ADJOURNMENT

Chairwoman Claus announced that the *next* regular meeting of the Planning Commission will be held on Monday, March 23, 2015, 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 6:27 p.m.

**Liz Claus, Chairwoman
Planning Commission**