

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

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March 16, 2009  
7:00 – 7:33 p.m.

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

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**CALL TO ORDER** – Chairman Denton called the meeting to order.

**PLEDGE OF ALLEGIANCE** – Commissioner Conway led the Pledge of Allegiance.

**ROLL CALL**

Commissioners Present: Commissioner Ed Conway, Commissioner Michael Dec, Chairman Norman Denton, and Commissioner Liz Anderson Fitzgerald.

Staff Present: Kyle Butterwick (Director of Community Development), John Tilton (City Architect/Planning Manager), Todd Litfin (Assistant City Attorney), Erica Demkowicz (Senior Planner), Evan Langan (Associate Planner) and Denise Jacobo (Planning Secretary).

**A. APPROVAL OF MINUTES**

**ITEM 1:** Minutes of the regular Planning Commission Meeting of March 2, 2009.

**ACTION:** Motion made (Conway) and seconded (Dec) to approve the Minutes of the regular Planning Commission Meeting of March 2, 2009. Motion carried 4-0. (AYES: Conway, Dec, Denton, Fitzgerald NOES: None ABSENT: None ABSTAIN: None)

**B. PUBLIC COMMENTS**

**Carlos Olvera** (President, Dana Point Historical Society - Dana Point) presented information on historic preservation and the CEQA process. He further summarized the evolution of the City's Historic Ordinance program and clarified its relation to CEQA.

**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

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**D. PUBLIC HEARINGS**

There were no Public Hearing items.

**E. NEW BUSINESS**

**ITEM 2: General Plan Consistency GPC09-0001 for a dedication of a portion of Strands Beach to the County of Orange.**

Applicant/

Owner: Headlands Reserve LLC

Location: Lot "P" (Parcel 115) and Lot "M" (Parcel 116) of Tract 16331.  
The subject lots are located on the beach, approximately 1,500 feet to the west of Pacific Coast Highway, between the Headlands development and the Pacific Ocean.

Request: Request for a determination of consistency with the General Plan for a dedication of a portion of Strands Beach to the County of Orange.

Environmental: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Community Development Department has analyzed the subject project. Staff finds the project is Categorically Exempt pursuant to Article 19, Section 15325 (f) (Class 25 – Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions).

Recommendation: That the Planning Commission adopt the attached, Draft Resolution 09-03-16-04, finding that the dedication of a portion of Strands Beach is consistent with the General Plan.

**Evan Langan** (Associate Planner) presented the staff report.

**Chairman Denton opened the Public Hearing.**

**Anita Penner** (Dana Point) asked about how the small amount of land dedicated to public access was considered.

**Todd Litfin** (Assistant City Attorney) clarified that the small portion of land considered for General Plan consistency finding is a part of the other public uses that the Headlands Development has given to the City or the County.

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**Kyle Butterwick** (Director) introduced Erica Demkowicz, Project Manager on staff for the Headlands Development who clarified that approximately seventy of the one-hundred twenty acres on the property will be dedicated to the public.

**Chairman Denton closed the Public Hearing.**

**Chairman Denton** indicated that one of the most significant accomplishments of the Headlands project was the City's acquisition of seventy acres of beach, trails, and parks. He supported having this inventory added to public use that is consistent with the Dana Point General Plan.

**ACTION:** Motion made (Conway) and seconded (Fitzgerald) to adopt Resolution 09-03-16-04 approving General Plan Consistency GPC09-0001, finding the proposed dedication of a portion of Strands Beach to the County of Orange, is consistent with the General Plan. Motion carried 4-0. (AYES: Conway, Dec, Denton, Fitzgerald NOES: None ABSENT: None ABSTAIN: None)

**F. OLD BUSINESS**

**ITEM 3:** Adoption of Resolution 09-03-16-05 to (1) deny Coastal Development Permit (CDP07-05) for the demolition of an existing single family dwelling commonly referred to as the Doheny House and (2) deny Conditional Use Permit (CUP07-07) to remove the house from the City's Historic Resource Register.

Applicant/Owner: Paul Douglas/Carl Grewe  
Location: 35101 Camino Capistrano

**Erica Demkowicz** (Senior Planner) summarized the staff report noting the findings for the Coastal Development Permit and two separate findings for the Conditional Use Permit.

**Todd Litfin** (Assistant City Attorney) noted the required public hearing had been conducted so there would be no need for additional testimony to be received after the public hearing had been closed; he asked the Chairman that if the Commission decides to hear public comment he advised that it should be based on the resolution keeping in mind that a consensus on the project previously had been reached.

**Chairman Denton** acknowledged that seeing that there were two individuals requesting to speak he would allow them to address the specific agenda item.

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**John Erskine** (Applicant's Representative – Nossaman LLP, Irvine) submitted his letter as part of the appeal to the City Council. He stated his appreciation to the Planning Commission in reaching a decision. He stated that his firm has extensive experience in the CEQA process. He expressed his disappointment stating that no action was taken on the EIR; and the staff report gave no recommendations. He closed by noting that the EIR contained substantial evidence that should have been referenced in the resolution.

**Malcolm Wilson** (Capistrano Beach) stated that the benefit of a win-win situation would be a symbiotic relationship; he summarized events that took place recently and how important the Doheny House is to the community and its future.

There being no further comments from the audience, **Chairman Denton** addressed the Commission.

**Commissioner Conway** complimented staff.

**Chairman Denton** stated that the resolution prepared by staff meets his expectation.

**Todd Litfin** (Assistant City Attorney) at the request of Commissioner Fitzgerald, clarified that an agency is not required to approve or take action on a CEQA document when they are not approving an underlying project.

**Commissioner Fitzgerald** stated that she is comfortable with the resolution.

**ACTION:** Motion made (Fitzgerald) and seconded (Conway) to adopt Resolution 09-03-16-05 to deny Coastal Development Permit CDP07-05 to allow the demolition of an existing single family dwelling commonly referred to as the Doheny House. The Doheny House is a designated historic structure on the City's Historic Resource Register. This Resolution also denies Conditional Use Permit CUP07-07 to remove the house from the City's Historic Resource Register in conjunction with the proposed project. The subject site is addressed as 35101 Camino Capistrano and is located in the Residential Single Family (RSF 3) zoning district. Motion carried 4-0. (AYES: Conway, Dec, Denton, Fitzgerald NOES: None ABSENT: None ABSTAIN: None)

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**G. STAFF REPORTS**

**Kyle Butterwick** (Director of Community Development) gave several updates:

- The California Coastal Commission (CCC) has confirmed that the hearing date for the proposed Harbor Revitalization Plan LCPA will not be on the April 2009 agenda. The item may be put on the agenda for the June CCC meeting to be held in Southern California.
- The City Council will conduct a Special Meeting to be held on Tuesday, March 31st at the Dana Point Community Center gymnasium at 6 PM. The Planning Commissioners and interested members of the community are invited to attend the study session between staff and City Council. Public Works and ROMA Design Group will present the proposed PCH/Del Prado Street Improvement Project including the Town Center Parking Study.
- Interviews for the Planning Commission and Traffic Subcommittee openings will be conducted on April 7, 2009 in the City Council Chambers at 6 PM.
- He reminded the Commission that the (continued) Makar project (GPA07-01/ZTA07-02/ZC07-01/LCPA07-01) is scheduled for the regular Planning Commission meeting on April 6, 2009.

**H. COMMISSIONER COMMENTS**

**Commissioner Conway** reported that he attended the Festival of the Whales event stating that the parade has become bigger and better organized; and he gave credit to the Chamber of Commerce for organizing the street fair.

**Chairman Denton** agreed and gave kudos to Commissioner Conway for his involvement in the event stating that they did a great job.

**Commissioner Fitzgerald** reported that she attended the weekends' festivities and gave thanks to the Chamber of Commerce and the volunteers stating that it was well planned. She described the Sunday concert as an amazing venue at Baby Beach featuring terrific music bands enjoyed by all and expressed her support noting that, over of the years, the community will grow as the parade has.

**Commissioner Dec** felt unfortunate to have missed the event, but commented that his kids attended and they had a great time.

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**Chairman Denton** described the event as “a lot of fun” commenting that he likes to see the music bands taking part in the festivals which he has been a supporter of for many years.

**I. ADJOURNMENT**

**Chairman Denton** announced that the *next regular* meeting of the Planning Commission will be held on Monday, April 6, 2009, 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 7:33 p.m.**

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Norman Denton, Chairman  
Planning Commission