

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

October 18, 2010
6:00 – 7:12 p.m.

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

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

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

ROLL CALL

Commissioners Present: Commissioner Liz Claus, Chairman Ed Conway, Commissioner Norman Denton, Commissioner Gary Newkirk, and Vice-Chairwoman April O'Connor

Staff Present: John Tilton (City Architect/Planning Manager), Kurth Nelson (Senior Planner), Brad Fowler (Director of Public Works and Engineering Services), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of October 4, 2010.

ACTION: Motion made (Denton) and seconded (O'Connor) to approve the Minutes of the regular Planning Commission Meeting of October 4, 2010. Motion carried 5-0. (AYES: Claus, Conway, Denton, Newkirk, O'Connor 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

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ITEM 2: General Plan Amendment GPA10-0001 to the Land Use and Conservation/Open Space Elements addressing water quality regulation as part of the new Municipal Separate Storm Sewer Systems (MS4) permit.

Applicant/Owner: City of Dana Point – Community Development
Department/Public Works and Engineering Services

Location(s): Citywide

Request: Request for General Plan Amendment GPA10-0001 to amend the Land Use and Conservation/Open Space Elements of the Dana Point General Plan to address water quality regulation as part of the new Municipal Separate Storm Sewer Systems (MS4) permit (Order No. R9-2009-0002 - NPDES No. CAS0108740) adopted by the San Diego Regional Water Quality Control Board in December of 2009.

Environmental: The proposed project is found not to have a significant effect on the environment and is therefore exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15307, Class 7 – Actions by Regulatory Agencies for Protection of Natural Resources, and Section 15308, Class 8 - Actions by Regulatory Agencies for Protection of the Environment.

Recommendation: That the Planning Commission approve the attached draft Resolution, recommending City Council approval and adoption of the proposed General Plan Amendment.

Kurth Nelson (Senior Planner) introduced the request.

Brad Fowler (Director of Public Works and Engineering Services) summarized the new requirements with details on matters that largely effect ocean and water quality.

Chairman Conway opened the Public Hearing.

Bob Theel (Dana Point) stated that he opposed the amendment because of concerns with project submittals and its permitting requirements, and the new MS4 requirements. He further stated that he did not mind doing his part on water quality, as any person who does business should meet the requirements and conditions set upon them. He felt that the regulation made no sense and it is run “amok”. He asked for an understanding of the details and the consequences of what happens when governments require this.

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Brad Fowler (Director of Public Works and Engineering Services) addressed some of the Planning Commissioners' concerns about over regulation, entitlements, compliance, and site development impacts.

Chairman Conway closed the Public Hearing.

Commissioner Newkirk stated that from the administrative standpoint, it appears that there is no choice but to move it forward to the Council, and in light of the circumstances he felt supportive of the amendment.

Commissioner Claus agreed with Commissioner Newkirk.

Vice-Chairwoman O'Connor stated that this is another example of higher government overreaching their authority on individuals and businesses and strong arming Cities to comply with some their "ridiculous" demands. She felt that runoff should be treated at the point of exit instead of lot by lot or individual basis. She added this may be the beginning of more restrictions down the road. She stated that the only "sunlight" out of this is that it applies to upstream neighbors, all the cities in this watershed. While not happy with the new requirements, she agreed with Commissioner Newkirk, and will vote to approve it.

Commissioner Denton stated that his fellow Commissioners stated a lot of what is on his mind. He felt that there is a lot of work yet to be done to define how this problem gets solved in the real world so that it does not restrict development in Town Center or anywhere in the City. It could have a chilling effect over the next number of years. He stated that there is no choice tonight but to approve, although the way that it is going to work in the real world is poorly thought-out.

Chairman Conway stated that he has the same concerns as his fellow Commissioners, is not happy, and hopes that it does not come to any hindrances in the future building of Dana Point, especially the Town Center.

ACTION: Motion made (Newkirk) and seconded (O'Connor) to approve Resolution No. 10-10-18-17 recommending City Council approval and adoption of the proposed General Plan Amendment GPA10-0001 amending the Land Use and Conservation Open Space General Plan elements to address water quality regulation changes as part of the new Municipal Separate Storm Sewer Systems (MS4) Permit. Motion carried 5-0. (AYES: Claus, Conway, Denton, Newkirk, O'Connor NOES: None ABSENT: None ABSTAIN: None)

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E. NEW BUSINESS

There was no New Business.

F. STAFF REPORTS

John Tilton (City Architect/Planning Manager) said that the Harbor plan was inching forward through the Coastal Commission process. He reported that he and Mr. Butterwick attended the Coastal Commission hearing in Oceanside approving the final changes to the land use plan for the Harbor. He stated that discussion was still on-going regarding height and size of commercial development in the harbor.

He stated that it is probably too late to present the second phase, the implementation plan, at the Coastal Commission in November.

Jennifer Farrell (Assistant City Attorney) reported that the Supreme Court has set an oral argument date for the marijuana dispensary case on November 2, 2010.

G. COMMISSIONER COMMENTS

There were no Commissioner Comments.

H. ADJOURNMENT

Chairman Conway announced that the *next regular* meeting of the Planning Commission will be held on Monday, November 1, 2010, beginning at 6:00 p.m. (or as soon thereafter) in the Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

The meeting adjourned at 7:12 p.m.

Ed Conway, Chairman
Planning Commission