

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

March 25, 2008
7:00 – 7:36 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 – Vice-Chairman Denton led the Pledge of Allegiance.

ROLL CALL

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

Commissioner Absent: Alternate Michael Dec

Staff Present: John Tilton (City Architect/Planning Manager), Mal Richardson (Deputy City Attorney), Saima Qureshy (Senior Planner), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of March 11, 2008.

ACTION: Motion made (Brough) and seconded (Conway) to approve the Minutes of the regular Planning Commission Meeting of March 11, 2008.
Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel
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.

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D. PUBLIC HEARINGS

ITEM 2: Site Development SDP07-62 for a 358 square foot addition and exterior modification to an existing single family residence, designated as a Historic Resource, located at 34041 Chula Vista Avenue.

Applicant/ Lampert Architects
Owner: Tim and Carmela Hardy
Location: 34041 Chula Vista (APN 682-246-05)

Request: Request for a Site Development Permit (SDP 07-62) to add 209 square feet on the first floor and a new second floor of 149 square feet to an existing one-story single family residence, designated as a historic resource and a participant in the Mills Act Program. The project will result in modifications to the exterior of the structure. A Site Development Permit is required for major alterations to any structure designated as a Historic Resource.

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 15303, Class 3 – New Construction or Conversion of Small Structures. The proposed project is for an addition to an existing single family residence located in a residential zone in an urbanized area. The project is consistent with the exceptions listed in Section 15300.2 of CEQA.

Recommendation: That the Planning Commission approve Site Development Permit SDP07-62.

Saima Qureshy (Senior Planner) reviewed the staff report.

Commissioner Brough was concerned with numerous changes to a historical property which may affect their participation in the Mills Act; she also asked if the decision is at the City's discretion.

John Tilton (City Architect/Planning Manager) replied that the intent of the Code was not as specific as to limiting the amount of square footage on an expansion or alteration. He stated that a discretionary review is required on a qualitative standpoint, and acting as the City's Historic Committee, it is the Planning Commissions decision to make the determination.

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Commissioner Brough asked if changing the actual design of the Woodruff House, in this case adding a second story, may affect the original architecture.

John Tilton (City Architect/Planning Manager) replied there are two-story Woodruff created architectural structures in Dana Point, some of which are modest and some which vary in size.

Chairwoman Fitzgerald opened the Public Hearing.

Tim Hardy (Dana Point – Owner) stated that the home next door is also a two-story Woodruff home which does participate in the Mills Act. He stated that he purchased his house in 2002, and the historical society recommended to his architect to create the historic character of the house. He asked to hear input from the Historical Society to hear the neighborhoods' thoughts and concerns so that everyone is comfortable.

Christine Lampert (San Clemente – Architect) stated that she works on many historic structures in the City of San Clemente. She stated that the homeowners love the house, but it's difficult for the family to live in a small space. She recommended keeping the original structure and inserting a new piece without taking away from the existing house which should not make a difference with the Mills Act.

Carlos N. Olvera (Dana Point – Historical Society President) stated that the addition and remodeling does not affect the value of the house. He added that his main concern was the window renovation which was not detailed on the plans making it difficult to critique it against the Mills Act.

Christine Lampert (San Clemente – Architect) replied that the original windows are not being changed.

Chairwoman Fitzgerald closed the Public Hearing.

Commissioner Conway stated that there is minimum impact and it does not affect the historical architecture and that he would support the project.

Commissioner Brough stated her curiosity on how the Mills Act stands on different issues and is particularly careful on striking a balance, and she agrees that there is minimal impact and thereby supports it.

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ACTION: Motion made (Brough) and seconded (Schoeffel) to adopt Resolution No. 08-03-25-07 approving Site Development Permit SDP07-62. Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)

ITEM 3: Zoning Code Update Program – Zone Text Amendment ZTA08-0002.

Applicant/

Owner: City of Dana Point – Community Development Department

Location: Citywide

Request: Request for Zone Text Amendment ZTA08-0002 to address inconsistencies and provide clarification of existing regulations in the Zoning Ordinance.

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 15305, Class 5 – Minor Alterations in Land Use Limitations. The proposed project involves minor amendments to the Zoning Ordinance.

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

Saima Qureshy (Senior Planner) reviewed the staff recommendation and provided details of the staff report for the Commissioners' consideration.

Chairwoman Fitzgerald opened the Public Hearing.

R. E. Dietmeier (Dana Point) spoke as the Director of South Coast Water District, he stated that they are following the zoning amendments with high interest because of their property under development. He was concerned about the details of the Agenda Report which was not available on the City's website; he recommended subsequent Agenda Staff Reports with complete details be accessible on the City's website to help with disclosures.

Chairwoman Fitzgerald closed the Public Hearing.

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Commissioner Schoeffel stated that it is nice to see the debates on the zoning text amendment being cleared up. He stated that this is declaratory of existing law, not a substantive change and he endorses the amendment.

Chairwoman Fitzgerald expressed appreciation to the Planning Staff for their tedious undertaking.

ACTION: **Motion made (Schoeffel) and seconded (Denton) to adopt Resolution No. 08-03-25-08 recommending the City Council approve Zone Text Amendment (ZTA08-0002). Motion carried 5-0. (AYES: Brough, Conway, Denton, Fitzgerald, Schoeffel NOES: None ABSENT: None ABSTAIN: None)**

E. NEW BUSINESS

There are no New Business items.

F. STAFF REPORTS

John Tilton (City Architect/Planning Manager) gave an update on several City issues and projects.

He reported that Code Enforcement has investigated the Wicked Garden activities and determined that special use and conditional use permits will be required; he added that the outdoor patio setup will be confirmed after permitting requirements are investigated.

He announced a public hearing with the Coastal Commission on the Town Center Plan is scheduled for May 7-9, in Marina Del Rey. He added that the Headlands Mid-Strand public accessway item is expected to be on the same agenda.

He reported Staff's response on the General Plan's Housing Element is being returned to the State this week.

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G. COMMISSIONER COMMENTS

Commissioner Schoeffel stated he is looking forward to the advent of Spring; he indicated that the City is looking very good and is hoping that it will look a lot better as the months go by.

Vice-Chairman Denton reported that he was not able to attend the Harbor meeting to review the Marina Layout. He suggested to those who want to provide their comments on the Marina update, to register on the Harbor's website to give their opinions on the layout or any other concerns.

Commissioner Conway had announced that he will be attending the Annual Planning Commissioners' Conference in Sacramento on March 26-28, 2008.

H. ADJOURNMENT

Chairwoman Fitzgerald adjourned the meeting to the *next regular* meeting of the Planning Commission to be held on Tuesday, April 8, 2008, 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 7:36 p.m.

Liz Anderson Fitzgerald, Chairwoman
Planning Commission