

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

October 28, 2013
5:30 – 6:49 p.m.

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

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

PLEDGE OF ALLEGIANCE – Commissioner O'Connor led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Denton, Chairman Gary Newkirk, Commissioner April O'Connor, and Commissioner Susan Whittaker

Commissioner(s) Absent: Vice-Chairwoman Liz Claus,

Staff Present: Ursula Luna-Reynosa (Director), John Tilton (City Architect/Planning Manager), Jennifer Farrell (Assistant City Attorney), Christy Teague (Economic Development Manager), Saima Qureshy (Senior Planner), Erica Demkowicz (Senior Planner), DyAnne Weamire (Administrative Secretary), and Denise Jacobo (Planning Secretary)

CLOSED SESSION

- A. Conference with legal counsel – anticipated litigation, significant exposure to litigation, Government Code § 54956.9 (b), (1 case)

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

RECONVENED PLANNING COMMISSION MEETING AT 6:02 P.M.

Chairman Newkirk reconvened the meeting at 6:02 p.m. All Planning Commissioners were present with the exception of Vice-Chairwoman Claus.

Staff Present: Ursula Luna-Reynosa (Director), John Tilton (City Architect/Planning Manager), Jennifer Farrell (Assistant City Attorney), Christy Teague (Economic Development Manager), Saima Qureshy (Senior Planner), Erica Demkowicz (Senior Planner), DyAnne Weamire (Administrative Secretary), and Denise Jacobo (Planning Secretary)

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REPORT ON CLOSED SESSION - Nothing to report.

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of October 14, 2013.

ACTION: Motion made (Whittaker) and seconded (Denton) to approve the Minutes of the regular Planning Commission Meeting of October 14, 2013. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Claus 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: General Plan Amendment (GPA13-0001) to update the Housing Element.

Applicant/Property Owner: City of Dana Point

Location: Citywide

Request: To amend the City's General Plan to update the Housing Element as required by State law.

Environmental: In accordance with CEQA, a Negative Declaration has been prepared for the Housing Element. CEQA compliance is required for adoption of the Housing Element and certification from the California Housing & Community Development Department.

Recommendation: That the Planning Commission review the Housing Element and related housing programs, conduct the public hearing, and approve the attached resolutions recommending to the City Council the approval and

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adoption of the Negative Declaration and General Plan Amendment (GPA13-0001) for the updated Housing Element.

Christy Teague (Economic Development Manager) summarized the staff report, referring to the information contained therein, gave a PowerPoint presentation, and answered questions from the Planning Commission.

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

ACTION: Motion made (Denton) and seconded (O'Connor) to adopt Resolution No. 13-10-28-23 recommending that the City Council adopt a Negative Declaration for the General Plan Amendment (GPA13-0001) to update the Housing Element. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Claus ABSTAIN: None)

ACTION: Motion made (Denton) and seconded (O'Connor) to adopt Resolution No. 13-10-28-24 recommending City Council approval of General Plan Amendment GPA13-0001, which amends the General Plan Housing Element, and submission of the Housing Element for certification by the California Housing and Community Development Department (HCD). Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Claus ABSTAIN: None)

ITEM 3: A Negative Declaration, Zone Text Amendment ZTA13-0001, Local Coastal Program Amendment LCPA13-0001; Specific Plan Amendment SPA13-0001, and Local Coastal Program Amendment SPA13-0002 to amend the City's Zoning Ordinance and the Dana Point Specific Plan to allow short term rentals in all the Zoning Districts where residential uses are allowed.

Applicant/Property Owner: City of Dana Point
Location: Citywide

Request: Request for approval and adoption of a Negative Declaration, Zone Text Amendment ZTA13-0001, Local Coastal Program Amendment LCPA13-0001; Specific Plan Amendment SPA13-0001, and Local Coastal Program Amendment SPA13-0002 to amend the City's Zoning Ordinance and the Dana Point Specific Plan to allow short term rentals in all the Zoning Districts where residential uses are allowed.

Environmental: The City conducted an environmental review of the proposed project pursuant to the provisions of the California Environmental Quality Act

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(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 September 25, 2013 to October 14, 2013. At the end of the comment period, the City received a total of eight (8) written comments.

Recommendation: That the Planning Commission approve the attached draft resolutions recommending City Council approval and adoption of the proposed Negative Declaration and Zone Text Amendment, Specific Plan Amendment, and Local Coastal Program Amendments.

Saima Qureshy (Senior Planner) summarized the staff report, referring to the information contained therein, and gave a PowerPoint presentation.

Chairman Newkirk opened the Public Hearing.

Robin Friend (Dana Point) stated that she is a resident of Monarch Bay Terrace. She indicated that she is a realtor and wondered what other cities were surveyed that had vacation/short term rentals. She also expressed concern about impacts to other residents that live next to or adjacent to short term rentals.

Chairman Newkirk asked Director Luna-Reynosa to comment on the length and depth of what's been looked at, and the provisions there were put in place.

Ursula Luna-Reynosa (Director of Community Development) responded that the City's staff report summarized the history, which addresses a number of public workshops from January 2007 through April 2013 where members of the Planning Commission and City Council surveyed a number of different cities, their ordinances and how they addressed this issue. She spoke about the ordinance adopted in April 2013 by the City Council which outlined the permit regulations. She stated that the issue this evening is allowing this on a Land Use perspective in various zones.

Commissioner O'Connor asked for more specifics about what cities were surveyed.

Christy Teague (Economic Development Manager) responded to Commissioner O'Connor's question; stating that 50 cities were looked at, but initially Newport Beach and Huntington Beach were looked at carefully because of how they have evolved in their implementation.

Commissioner O'Connor stated that it is good that the City can control the short term rentals with a permit. She added that she would be in support.

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Robin Friend (Dana Point) inquired if the maximum number of occupants and vehicles allowed will be stated.

Ursula Luna-Reynosa (*Director of Community Development*) responded yes, it is part of the regulations.

Chairman Newkirk closed the Public Hearing.

Commissioner Denton concurred with Commissioner O'Connor. He stated that the Council has come up with a fair set of rules for short term rentals and allowances for different Homeowners Associations within certain areas of the City. He added that he is in support of the ordinance because it is a step in the right direction.

Commissioner Whittaker stated that she is in support of the ordinance, and it is a positive amendment to the Zoning Code.

Chairman Newkirk stated that the issue has been thoroughly vetted; puts in place methods to monitor and control the use. He stated that he is in support of the zoning ordinance.

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution No. 13-10-28-25 recommending that the City Council adopt a Negative Declaration for the Zone Text Amendment (ZTA13-0001), Local Coastal Program Amendment (LCPA13-0001), Specific Plan Amendment (SPA13-0001) and Local Coastal Program Amendment (LCPA13-0002) to amend the City's Zoning Ordinance and the Dana Point Specific Plan for the allowance of Short Term Rentals in all the districts where residential uses are allowed. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Claus ABSTAIN: None)

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution No. 13-10-28-26 recommending City Council amend the Dana Point Zoning Code and approve Zone Text Amendment ZTA13-0001 to allow Short Term Rentals in all the zoning districts where residential uses are allowed, and submission as part of Local Coastal Program Amendment LCPA13-0001 for approval and certification by the California Coastal Commission. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Claus ABSTAIN: None)

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ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution No. 13-10-28-27 recommending City Council approval of Dana Point Specific Plan Amendment SPA13-0001 to allow Short Term Rentals in all the districts where residential uses are allowed within the specific plan's boundaries, and submission as part of Local Coastal Program Amendment LCPA13-0002 for approval and certification by the California Coastal Commission. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: Claus ABSTAIN: None)

E. NEW BUSINESS

There were no New Business items.

F. STAFF REPORTS

Ursula Luna-Reynosa (Director of Community Development) stated that the Planning Commission would be holding two study sessions for the month of November. She stated that one study session would be on Parking Management Plan for Town Center and the second, on the proposed Doheny Hotel.

G. COMMISSIONER COMMENTS

There were no Commissioner Comments.

H. ADJOURNMENT

Chairman Newkirk announced that the November 11, 2013 meeting of the Planning Commission has been cancelled due to the Veterans Day Holiday. The next regular adjourned meeting of the Planning Commission will be held on Monday, November 18, 2013, beginning at 5:00 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 6:49 p.m.


Gary Newkirk, Chairman
Planning Commission