

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

February 9, 2015
6:00 – 8:49 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 6:00 p.m.

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

ROLL CALL

Planning Commission Members Present: Chairwoman Liz Claus, Vice-Chairwoman April O'Connor, Norman Denton, Gary Newkirk, and Susan Whittaker

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

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of January 26, 2015.

ACTION: Motion made (Denton) and seconded (Whittaker) to approve the Minutes of the regular Planning Commission Meeting of January 26, 2015, as revised. 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.

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D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit CDP14-0029 to allow the addition of 42 square feet of living area to a single family dwelling that had previously received a one-time exemption for additions at 4 Monarch Bay Drive.

Applicant S. Glenn Eichler, AIA (Architect)
Property Owner: Joe and Kathy Coleman
Location: 4 Monarch Bay Drive

Recommendation: That the Planning Commission adopt Draft Resolution 15-02-09-04 approving Coastal Development Permit CDP14-0029.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is Categorical Exempt per Section 15301 (Class 1 – Existing Facilities) in that it proposes a nominal increase in square footage to an existing residential dwelling.

Request: Approval of a Coastal Development Permit for additions to a single-family dwelling on land located within the City's Coastal Overlay District (the California Coastal Zone) and the Appeals Jurisdiction of the California Coastal Commission.

Evan Langan (Associate Planner) presented the staff report.

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

ACTION: Motion made (Newkirk) and seconded (O'Connor) to adopt Resolution No. 15-02-09-04 approving Coastal Development Permit (CDP) CDP14-0029 to allow the addition of 42 square feet of living area to a single-family dwelling that had previously received a one-time exemption for additions at 4 Monarch Bay Drive. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

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ITEM 3: *(Continued from the regular Planning Commission meeting of December 8, 2014)* **A Negative Declaration, Zoning Ordinance and Municipal Code Text Amendment ZTA14-0001, and Local Coastal Program Amendment LCPA14-0001 to amend the City's Zoning Ordinance to allow poultry – specifically chickens in all single family residential zoning districts.**

Project Applicant: City of Dana Point
Location: Citywide

Request: Request for approval and adoption of a Negative Declaration, Zoning and Municipal Code Text Amendment ZTA14-0001 and Local Coastal Program Amendment LCPA14-0001 to amend the City's Zoning Ordinance to allow poultry – specifically chickens, in all single family residential districts.

Environmental: The City conducted an environmental review of the proposed project pursuant to the provisions of the California Environmental Quality Act (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 November 14, 2014 to December 3, 2014. At the end of the comment period, the City received a total of ten (10) written comments.

The ND, its accompanying initial study and the comment letters are attached to the December 8, 2014 Planning Commission report.

Recommendation: That the Planning Commission takes one of the following actions:

1. Adopt Resolution No. 14-12-08-XX recommending that the City Council adopt a Negative Declaration for the Zoning Ordinance and Municipal Code Text Amendment (ZTA14-0001) and Local Coastal Program Amendment (LCPA14-0001) and Adopt Resolution No. 14-12-08-XX recommending that the City Council amend the City's Zoning Ordinance for the allowance of poultry – specifically chickens, in all single family residential districts.

OR

2. Make a motion to not recommend approval to the City Council for the Zoning Ordinance and Municipal Code Text Amendment (ZTA14-0001) and Local

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Coastal Program Amendment (LCPA14-0001) for the allowance of poultry – specifically chickens in all single family residential districts.

Erica Demkowicz (Senior Planner) presented the staff report.

Chairwoman Claus opened the Public Hearing.

Jeff Borsuk (San Clemente) stated that he was in favor of allowing chickens in residential districts.

Janelle Cushman (Capistrano Beach) stated that she was in favor of allowing chickens in residential districts.

Joel Maclean (Capistrano Beach) spoke in favor of allowing chickens in residential districts.

Russell Bell (San Clemente) spoke in opposition of allowing chickens in residential districts.

Matthew McKinney (Dana Point) spoke in favor allowing chickens in residential districts.

Jake Muai (Dana Point) spoke against allowing chickens in residential districts.

Kim Muai (Dana Point) stated that she is not in favor of allowing chickens in residential districts.

Chad George (Capistrano Beach) stated that he does not support the change in the zoning code to allow chickens in residential districts but urged the Commission to follow policies similar to San Clemente, San Juan Capistrano, and Newport Beach, requiring far greater setbacks and lot sizes, if they were going to support the Zone Text Amendment.

Carolina Moura (Capistrano Beach) spoke against the allowance of chickens in residential districts.

Karen George (Capistrano Beach) spoke against allowing chickens in residential districts.

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Tracy Terry (San Clemente) spoke against allowing chickens in residential districts.

Frances Sassin (Capistrano Beach – CASA Veterinarian Volunteer) stated she supports the ordinance changes to allow the hens in residential districts, and said that the current ordinance is outdated. She responded to questions raised by the Planning Commission.

Steve Bennett (Dana Point) spoke in favor of allowing chickens in residential districts.

Rhonda Bennett (Dana Point) spoke in support of keeping chickens in residential districts.

Ann Worthington (Capistrano Beach) spoke against changing the zoning code to allow chickens in residential districts.

John Pierini (Dana Point) stated that he is in favor of allowing chickens in residential districts.

Carlyn Nelson (Dana Point) spoke against amending the ordinance to allow chickens in residential districts.

Gresell Wedell (Dana Point) spoke in favor to allow chickens in residential districts.

Henry Scimia (Dana Point) spoke against keeping chickens in residential districts.

Nancy Rohr (Capistrano Beach) spoke in favor of allowing chickens in residential districts.

Carolyn Pierini (Dana Point) spoke in favor of amending the ordinance to allow chickens in residential districts.

Dale Watson (San Clemente) spoke against allowing chickens in residential districts.

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Sharon Skuton (Dana Point) spoke in favor of allowing chickens, with restrictions, in residential districts.

Alex Martinez (Capistrano Beach) spoke against allowing chickens in residential districts.

Nancy Weagley (Capistrano Beach) stated that she is in favor of keeping chickens in residential districts.

Tom DeSimone (Capistrano Beach) spoke against allowing chickens in residential districts and suggested having the community vote in a general election on the issue.

Chairwoman Claus closed the Public Hearing.

Kimberly Cholodenko (San Clemente – CASA - General Manager) responded to questions raised by the Planning Commission and described CASA's permit process for other animals, noting that CASA would have to create a new permit for chickens.

Vice-Chairwoman O'Connor stated that she would vote to object the proposed zone text amendment. She stated strong concerns relative to appropriate zoning and lot size and shared information relative to a number of other cities that require minimum lot size standards far in excess of the average Dana Point lot size. Vice-Chairwoman O'Connor also expressed concerns relative to odor, attraction of pests and concerns relative to CASA's ability to enforce.

Commissioner Denton stated that it is the Commission's job to craft a recommendation to City Council for them to make the final decision. He expressed some reservations relative to the 35 feet from window or door standard. He expressed confidence in CASA's ability to permit and enforce chickens in residential districts. Based on the research and information provided to the Commission he felt comfortable recommending the proposed Zone Text Amendment to the City Council for a final decision.

Commissioner Newkirk stated that he agrees with Commissioner Denton, and is comfortable with moving the proposed Amendment forward.

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Commissioner Whittaker indicated that Vice-Chairwoman O'Connor made some very compelling arguments. She stated that the testimony received was split about 50-50 and she has concerns about potential conflicts with neighbors that may result from a decision to allow chickens in residential districts and, therefore, could not support the Zone Text Amendment.

Chairwoman Claus stated that she felt that the Commission has only heard from one particular neighborhood and does not foresee moving this forward. She stated that she is not prepared to make a decision tonight and that we need to seek the next step - not toss it back to City Council.

ACTION: Motion made (O'Connor) and seconded (Whittaker) to not recommend approval to the City Council for the Zoning Ordinance and Municipal Code Text Amendment (ZTA14-0001) and Local Coastal Program Amendment (LCPA14-0001) for the allowance of poultry – specifically chickens in all single family residential districts. Motion carried 3-2. (AYES: Claus, O'Connor, Whittaker NOES: Denton, Newkirk ABSENT: None ABSTAIN: None)

E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

There was no New Business.

G. STAFF REPORTS

Ursula Luna-Reynosa (Director) announced the cancellation of the February 23, 2015 regular meeting. She added that a joint study session with the City Council has been scheduled for Wednesday, February 25, 2015, 6:30 p.m. in the City Council Chamber, and that the topic on the agenda would be the Lantern District Town Center Plan, and no action will be taken.

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H. COMMISSIONER COMMENTS

Vice-Chairwoman O'Connor thanked everyone for one of the more interesting topics held tonight.

Commissioner Newkirk asked everyone interested in golf or casino activities, that on March 13, 2015, the Dana Hills Baseball Team is having a golf fundraiser and casino night at Arroyo Trabuco Golf Course; and the proceeds would support the baseball program. Any information can be found on the Dana Hills Baseball website at www.danahillsbaseball.com

I. ADJOURNMENT

Chairwoman Claus announced that the *next* regular meeting of the Planning Commission will be held on Monday, March 9, 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 8:49 p.m.

Liz Claus, Chairwoman
Planning Commission