

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

---

June 1, 2009  
7:00 – 8:29 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** – Dana Point Historical Society President, Carlos Olvera led the Pledge of Allegiance.

**ROLL CALL**

**Commissioners Present:** Vice-Chairman Ed Conway, Commissioner Michael Dec, Commissioner Norman Denton, Chairwoman Liz Anderson Fitzgerald, and Commissioner April O'Connor

**Staff Present:** Kyle Butterwick (Director of Community Development), John Tilton (City Architect/Planning Manager), Patrick Munoz (City Attorney), Jennifer Farrell (Assistant City Attorney), Erica Demkowicz (Senior Planner), Brad Fowler (Director of Public Works) Matt Sinacori (City Engineer), and Denise Jacobo (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1:** Minutes of the regular Planning Commission Meeting of May 18, 2009.

**ACTION:** Motion made (Denton) and seconded (Conway) to approve the Minutes of the regular Planning Commission Meeting of May 18, 2009. Motion carried 5-0. (AYES: Conway, Denton, Dec, Fitzgerald, 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.

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

---

June 1, 2009  
7:00 – 8:29 p.m.

PAGE 2

---

**D. PUBLIC HEARINGS**

**ITEM 2: A request for Historical Resource Designation (HRA09-0001) and participation in the Mills Act Program for the property located at 33962 Granada Drive and presentation of the plaque to the property owner.**

Applicant/

Owner: Michael Giers and Linda Moore

Location: 33962 Granada Drive (APN 682-094-13)

Request: To designate a single-family residence located at 33962 Granada Drive as a historical structure, place the residence on the Dana Point Historic Resource Register and recommend the City Council enter into an agreement with the property owners for participation in the Mills Act Program.

Environmental: This project is categorically exempt (Class 31 - Section 15331 – Historical Resource Restoration/Rehabilitation) from the provisions of the California Environmental Quality Act (CEQA) because it consists of preservation of an existing historical single-family residence.

Recommendation: That the Planning Commission adopt a Resolution designating the single-family residence located at 33962 Granada Drive as a locally significant historical structure and recommend that the City Council enter into an agreement with the property owner for participation in the Mills Act Program and present the bronze plaque to the property owner.

**John Tilton** (City Architect/Planning Manager) presented the staff report.

**Chairwoman Fitzgerald opened the Public Hearing.**

**Linda Moore** (Applicant - Dana Point) stated that she has lived in Dana Point for twelve years. She commended the Commission and the City Council for respecting and honoring historic homes.

**Carlos Olvera** (President of the Dana Point Historical Society – Dana Point) expressed support of the application for the historic resource designation.

**Barbara Johannes** (Dana Point) stated that she appreciated the fact that Mr. Giers and Ms. Moore had their home featured on the Historical Society Home

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

---

June 1, 2009  
7:00 – 8:29 p.m.

PAGE 3

---

Tour. She recommended the City apply to have Dana Point's registered historic buildings listed on California Historical Resources Information System (CHRIS) headquartered in Cal State University Fullerton. She spoke in favor of adding Mr. Giers and Ms. Moores' home on the registry.

**Chairwoman Fitzgerald closed the Public Hearing.**

**Commissioner O'Connor** spoke in favor stating that it was a privilege to recommend preserving the Spanish colonial revival residence.

**Vice-Chairman Conway** commended the applicants for taking the time to restore the property and keeping its historical quality. He also acknowledged the Historical Society for all their endeavors to seek out homes and encourage preservation in Dana Point.

**Commissioner Denton** spoke in favor stating that the home was one of the most beautiful that he has seen to date.

**Commission Dec** spoke in favor stating that the home was a perfect fit because of how similar it has been restored to its original state.

**Chairwoman Fitzgerald** stated that she has been a docent on the historical tours; expressed a delight in seeing the historic pictures and to approve its designation.

**ACTION:** Motion made (Denton) and seconded (Dec) to adopt Resolution No. 09-06-01-12 designating an existing single-family residence as a Historic Resource and placing that structure on the Dana Point Historic Resource Register (HRA09-0001) and recommending the City Council enter into an agreement for the Mills Act Program for the property located at 33962 Granada Drive. Motion carried 5-0. (AYES: Conway, Dec, Denton, Fitzgerald, O'Connor NOES: None ABSENT: None ABSTAIN: None)

**Chairwoman Fitzgerald** presented the property owners with a plaque in recognition of their designated historic structure.

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

---

June 1, 2009  
7:00 – 8:29 p.m.

PAGE 4

---

**ITEM 3: General Plan Consistency Analysis GPC09-0002 and Coastal Development Permit CDP07-20 pertaining to conditional vacation of Scenic Drive and alternate capital improvement project.**

Applicant/: City of Dana Point and the owners of three (3) properties on  
Owner Scenic Drive – Karsikko-Gassel, Plowman/Day, and Bruggeman  
Location: Vacation of Scenic Drive

Request: Request: 1) for a General Plan Consistency determination, GPC09-0002, for City's vacation of a portion of Scenic Drive, and 2) for a Coastal Development Permit for the vacation, related lot line adjustment, and Alternate Project.

Recommendation: That the Planning Commission adopt resolutions: 1) finding pursuant to Government Code § 65402 that the conditional vacation of a portion of Scenic Drive is consistent with the City's General Plan; and 2) approving a Coastal Development Permit, CDP 07-20, that allows for the vacation, a related lot line adjustment, and an "Alternate Project" if the conditions of the vacation are not satisfied as discussed below.

**Kyle Butterwick** (Director of Community Development) provided a brief introduction of the item.

**Patrick Munoz** (City Attorney) advised the Planning Commission that a request was received from Dr. Bruggeman's attorney asking that the matter be continued. The adjacent property owners that are impacted are in agreement with the request for a continuance. Mr. Munoz further explained that staff recommends that the public hearing be open and then continued to a later date. He described the reason for the continuance is to grant more time to the neighbors to review the CC&R's and other mechanics relating to the project. He also provided some background and an overview of the proposal.

**Brad Fowler** (Director of Public Works) provided details about the nature of the street vacation.

**Erica Demkowicz** (Senior Planner) provided a PowerPoint presentation reviewing the street vacation.

**Chairwoman Fitzgerald opened the Public Hearing.**

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

---

June 1, 2009  
7:00 – 8:29 p.m.

PAGE 5

---

**Mark McGuire** (Bruggeman Legal Representative – San Clemente) stated that he is in favor of the street vacation as the HDPC contemplated. He stated that the controlled access is very important; and it was not envisioned that it would be a second public parking lot.

**Bud Bruggeman** (Scenic Drive Property Owner - Dana Point) stated that he recommends to continue the item.

**Ben Day** (Day /Plowman LLC – Dana Point) stated that he was the middle parcel property owner and represents the Plowman family and that they are in favor of the street vacation. He expressed appreciation for City Staff; and is in full support of the project stating that the technical aspects still need to be worked out.

**Bob Theel** (Property Representative – Dana Point) stated that he was representing Marketta Gassell and that they agree to the continuance with the CC&R's being so important. He made several points that he wanted the Commission to understand, CC&R's are difficult to draft from a diverse set of circumstances; everyone has different expectations; more time is needed to review the CC&R's; and the situation needs to be fair.

When public testimony had concluded, **Chairwoman Fitzgerald** reminded the public and the Commission that she would not close the Public Hearing under the direction of Staff and the City Attorney's recommendation to continue the Public Hearing at the next regularly scheduled Planning Commission meeting on June 15<sup>th</sup>.

**ACTION:**     **Motion made (Denton) and seconded (Conway) to continue this item to the next regular Planning Commission meeting of June 15, 2009.**  
                  **Motion carried 5-0. (AYES: Conway, Dec, Denton, Fitzgerald, O'Connor**  
                  **NOES: None ABSENT: None ABSTAIN: None)**

**E.     NEW BUSINESS**

There were no New Business items.

**F.     STAFF REPORTS**

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

---

June 1, 2009  
7:00 – 8:29 p.m.

PAGE 6

---

**Kyle Butterwick** (Director) acknowledged staff attendees Brad Fowler (Director of Public Works), Matt Sinacori (City Engineer), and City Attorney, Patrick Munoz for assisting with answering questions on the Scenic Drive street vacation.

He confirmed that the Coastal Commission scheduled the public hearing and action on the Dana Point Harbor Revitalization Plan on June 11, 2009. The staff report will analyze the Land Use Plan (LUP) component only. He noted that the Implementation Plan (IP) component will be reviewed by the Commission at a later date. He indicated that anyone may attend the meeting at Marina del Rey Hotel or view and listen to the Coastal Commission meeting live on the web (visit the homepage at [www.coastal.ca.gov](http://www.coastal.ca.gov))

**G. COMMISSIONER COMMENTS**

**Vice-Chairman Conway** announced that he will be attending the Coastal Commission meeting on June 11<sup>th</sup>.

**Chairwoman Fitzgerald** announced that she will also attend the June 11<sup>th</sup> Coastal Commission meeting in Marina del Rey.

**H. ADJOURNMENT**

**Chairwoman Fitzgerald** adjourned the meeting to the *next regular* meeting of the Planning Commission to be held on Monday, June 15, 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 8:29 p.m.**

---

Liz Anderson Fitzgerald, Chairwoman  
Planning Commission