

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

March 15, 2010
6:00 – 7:00 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 – Commissioner Newkirk led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Commissioner Norman Denton, Chairwoman Liz Anderson Fitzgerald, Commissioner Gary Newkirk, and Commissioner April O'Connor

Commissioner(s) Absent: Vice-Chairman Ed Conway

Staff Present: Kyle Butterwick (Director of Community Development), John Tilton (City Architect/Planning Manager), Christy Teague (Economic Development Manager), Jennifer Farrell (Assistant City Attorney), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of March 1, 2010.**

ACTION: **Motion made (Denton) and seconded (Newkirk) to approve the Minutes of the regular Planning Commission Meeting of March 1, 2010. Motion carried 4-0-1. (AYES: Denton, Fitzgerald, Newkirk, O'Connor NOES: None ABSENT: Conway 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: Zone Text Amendment ZTA10-0001 – Housing Element Implementation Program.

Applicant/ City of Dana Point – Community Development Department

Owner:

Location: Citywide

Request: Request for Zone Text Amendment ZTA10-0001 to implement the mandated programs as outlined in the Housing Element.

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, a declaration that the project will not have any significant impacts on the environment, was issued for the project with the accompanying Initial Study. The Negative Declaration (ND) was circulated for a thirty day public review period from February 8, 2010, to March 8, 2010. The City did not receive any comments on the ND.

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.

Christy Teague (Economic Development Manager) presented the staff report.

Kyle Butterwick (Director) reiterated that currently Emergency Shelters are permitted in all Residential Zones subject to a Conditional Use Permit (CUP).

In response to Chairwoman Fitzgerald, Assistant City Attorney Farrell discussed Senate Bill 2 (Housing Accountability Act) requiring identification of at least one zoning district in the City in which Emergency Shelters would be allowed by-right, without a CUP or other discretionary action.

Chairwoman Fitzgerald expressed concern regarding potential impacts of newly formed (emergency shelter) housing communities in residential neighborhoods.

There being no requests to speak, Chairwoman Fitzgerald opened and closed the Public Hearing.

Commissioner Denton referred to Chairwoman Fitzgerald's last comment and sought clarification regarding the requirement of a CUP in a non-Community

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Facility zone, and if future Planning Commission members would have the ability to deny a residential home of 15 people in some type of shelter in a residential zone.

Christy Teague (Economic Development Manager) replied that it has not changed from the current zone, so it is true (that a potential CUP could be denied).

Commissioner Denton asked if a house of worship in a Community Facility (CF) zone would be allowed to provide an Emergency Shelter beyond 10 beds.

Christy Teague (Economic Development Manager) replied that houses of worship are limited to 10 beds outside the CF zone, but in the CF zone, up to 20 beds are allowed.

Commissioner Denton reflected that some within the City can handle a minimum of 10 beds and in certain cases up to 20 beds, and there would be no need for Planning Commission approval.

Christy Teague (Economic Development Manager) replied yes.

Commissioner Newkirk referred to the text amendment as an aid to the City to identify a zone where it is least intrusive and it meets the State requirement.

Commissioner O'Connor referred to Emergency Shelter definitions and asked if it included Transitional and Supportive Housing.

Christy Teague (Economic Development Manager) clarified that those definitions would be different because Emergency Shelters have specific standards, Transitional Housing is not proposed in the CF zone.

Commissioner O'Connor indicated that it appears clear to her, and she agreed with Commissioner Newkirk's comment, that this would be a good way to go because in residential districts it still requires a CUP and it complies with the State mandates.

ACTION: Motion made (Denton) and seconded (O'Connor) to adopt Resolution No. 10-03-15-04 recommending that the City Council adopt a Negative Declaration for Zone Text Amendment ZTA10-0001 for the Housing Element Implementation Program. Motion carried 4-0-1. (AYES: Denton, Fitzgerald, Newkirk, O'Connor NOES: None ABSENT: Conway ABSTAIN: None)

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ACTION: Motion made (Denton) and seconded (Newkirk) to adopt Resolution No. 10-03-15-05 recommending City Council approval of Zone Text Amendment ZTA10-0001 for the Housing Element Implementation Program. Motion carried 4-0-1. (AYES: Denton, Fitzgerald, Newkirk, O'Connor NOES: None ABSENT: Conway ABSTAIN: None)

E. NEW BUSINESS

There was no New Business.

F. STAFF REPORTS

Kyle Butterwick (Director) gave several updates:

- The Public Scoping Meeting on the South Shores Church EIR was held on March 4, 2010. He indicated that the Public Comment period ends in another week.
- Capistrano Unified School District was scheduled to conduct a public hearing on March 9th for the proposed Dana Hills High School Performing Arts Facility; however, they have decided to remove the agenda item. The District has decided to conduct public outreach and will be holding a workshop at the high school to obtain public input from the community within the next 3-4 weeks.
- Two handouts were provided to the Commission:
 - Entitled, “How to do Business in Dana Point” reference guide brochure which addresses how to open a new business. It was prepared by the Economic Development division staff.
 - Newly published guide by the Institute for Local Government on Land Use and Planning as a refresher course.
- He announced Jennifer Farrell, the former Deputy City Attorney, as the newly promoted Assistant City Attorney.

Jennifer Farrell (Assistant City Attorney) described two new developments on the City’s pending litigation against illegal medical marijuana dispensaries: (1) the Supreme Court granted the dispensaries their petition for review; (2) the City has filed six new nuisance abatement complaints against the dispensaries.

Christy Teague (Economic Development Manager) reported that the “Dana Point Tourism Business Improvement District” made up of four resorts have hired a Marketing Services agency to brand and promote Dana Point as an overnight destination.

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G. COMMISSIONER COMMENTS

Commissioner Newkirk reported that he attended the annual Festival of Whales parade; he also shared that his 4th grade son, Nick has participated in the parade route with the Unicycle Club.

Commissioner Denton wished everyone a Happy St. Patrick's holiday.

Commissioner O'Connor reported that she attended the Festival of Whales parade and that her son, a member of the Dana Point Youth Board participated in guiding the giant inflatable octopus on the parade route.

Chairwoman Fitzgerald reported that she attended the Festival of Whales parade and the outdoor concert at Baby Beach.

H. ADJOURNMENT

Chairwoman Fitzgerald announced that the *next regular* meeting of the Planning Commission will be held on Monday, April 5, 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 7:00 p.m.

Liz Anderson Fitzgerald, Chairwoman
Planning Commission