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

September 15, 2004
7:02-9:10 p.m.

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

CALL TO ORDER – Vice-Chairwoman O’Connor called the meeting to order.

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

ROLL CALL

Commissioners Present: Vice-Chairwoman April O’Connor, Commissioner Greg Powers, Commissioner J. Scott Schoeffel, and Commissioner Steven Weinberg

Commissioner Absent: Chairman Norman Denton

Staff Present: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), Paul Huckabee (Planning Consultant), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of September 1, 2004.

ACTION: Motion made (Schoeffel) and seconded (Powers) to approve the Minutes of the regular Planning Commission Meeting of September 1, 2004. Motion carried 4-0-1. (AYES: O’Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: Denton 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 GPA01-02, Zone Text Amendment ZTA01-02, Zone Change ZC01-01, Planned Development District PDD01-01, and Local Coastal Program Amendment LCPA01-02 to adopt California Coastal Commission recommended modifications to the City approval of the Dana Point Local Coastal Program Amendment (Headlands).**

Applicant: Headlands Reserve LLC

Owner: Headlands Reserve LLC

Location: Approximately 121.3 acres located generally on the southwest corner of Pacific Coast Highway and Street of the Green Lantern

Request: To amend the City's General Plan, Zoning Code and Local Coastal Program to conform with the suggested modifications approved by the California Coastal Commission.

Environmental: An Environmental Impact Report was certified by the Dana Point City Council on January 22, 2002. An Addendum to the Environmental Impact Report (Action Document #1) has been prepared to address the California Coastal Commission recommended modifications. No new impacts or significant increases to already identified impacts were identified. A Statement of Overriding Considerations and a revised Mitigation Monitoring and Reporting Program have been prepared to address the project as modified by the California Coastal Commission.

Recommendation: That the Planning Commission recommend that the City Council approve the suggested modifications approved by the California Coastal Commission in its certification of the Dana Point Local Coastal Program Amendment 1-03, Dana Point Headlands, and the addendum to the Environmental Impact Report.

Kyle Butterwick (Director) provided a brief overview of the Headlands project.

Paul Huckabee (Planning Consultant) provided a PowerPoint presentation summarizing the modifications made by the Coastal Commission.

Vice-Chairwoman O'Connor opened the Public Hearing.

Sanford Edward (Newport Beach – Property Owner) stated that as they went through the approval process with the Coastal Commission that they were not able to hold onto was the Harbor Point Park, some of the trails, and public amenities. He added that the \$2 million dollar endowment would help maintain the environmental area for perpetuity. He recommended approval of the Coastal Commission's modifications as suggested.

Celia Kutcher (Capistrano Beach – Sierra Club) felt that there was an opposition to the proposed project in this City. She stated that the plan was not popular and should be denied.

Randy Grofik (Dana Point) stated that on a whole, that the plan was a good one. He had concerns with Planning Area 4 on the corner of Pacific Coast Highway and the 40-bed hostel. He asked for denial of the proposal. He added that if the proposal was recommended for approval that there be restrictions placed on the commercial area and the operation of the hostel.

Richard Faulk (Dana Point) stated that he was concerned about the inclusion of the 40-bed hostel next to million dollar homes. He added that he was not against the plan, but that Planning Area 4 was a concern. He felt that the Council candidates who were receiving campaign contributions or placing campaign signs on the Headlands property should not be allowed to vote on this proposal.

Bud Bruggeman (Dana Point) felt that the property should be developed and that the Coastal Commission had attempted to balance the interests of the property owner, environment, and the public.

Greg Sumter (Dana Point) stated that he was opposed to any development on this property.

Michael Lewis (San Juan Capistrano – Surfrider) asked for denial of the project on the basis that CEQA environmental impact report requirements have not been met. He stated that they do not affectively address the Regatta development, public access and modifications to the plan in general.

Toni Gallagher (Dana Point) felt that the Headlands project would result in overdevelopment of the site and that she wanted it back on the ballot for the residents to decide. She stated that she wanted the Headlands kept as natural as possible.

Sam La Sale (Dana Point) stated that he was concerned about Niguel Beach Terrace and how their quality of life would be diminished. He added that he was opposed to the project.

Diane Harkey (Dana Point) stated that she was concerned with the funicular and felt that further study was needed. She added that the hostel also was a concern.

Elaine Grofik (Dana Point) stated that she was concerned with the hostel and that she expected the City to protect her property rights.

Judy Smith (Dana Point) stated that she was concerned with the erosion of the cliffs and who would be held liable for repair.

Vice-Chairwoman O'Connor closed the Public Hearing.

Commissioner Powers felt that the design of the project would eliminate the roof lines being seen from the ocean. He stated that the development would create permanent view corridors. He felt that the hostel did not fit in with the vision of the City, but that there were some phenomenal aspects of this plan. He stated that the developer would be responsible for diverting the storm water for this area and a number of other areas that currently drain to the Harbor. He felt that this project will resolve some of the City's drainage problems.

Vice-Chairwoman O'Connor recessed the meeting at 8:24 p.m.

Vice-Chairwoman O'Connor reconvened the meeting at 8:40 p.m.

Vice-Chairwoman O'Connor re-opened the Public Hearing.

Sanford Edward (Newport Beach – Property Owner) clarified that the hostel would be positioned closest to the new residential area and that it would be basically a glorified bed and breakfast. He stated that the 40-beds would be located in the same building envelope as the commercial structure. He added that architecturally, the overnight accommodations would be integrated into the building from the street.

Richard Faulk (Dana Point) stated that they like the overall project, but they have repeatedly offered suggestions that would resolve problems and appease most everyone in the room, but they have been ignored.

Vice-Chairwoman O'Connor closed the Public Hearing.

Commissioner Weinberg felt that the plan had come a long way and that the property owner had a right to develop his property. He stated that he would support the project.

Commissioner Schoeffel stated that the development on the Headlands has already been determined. He felt that this plan was a better version of the proposed project. He stated that he would recommend City Council approval of this project.

Vice-Chairwoman O'Connor stated that the project would open up areas that had been closed since the 1950's. She stated that she was concerned that if the project were not approved that the process would have to start over and that she wanted the community to be able to move forward. She added that the hostel was a concern, but that she was afraid that the Coastal Commission would include something worse in the plan. She stated that she would support the Resolutions.

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 04-09-15-39 recommending City Council approval of an addendum to the Final Environmental Impact Report SC# 2001071015 and adoption of a Statement of Overriding Considerations and a

revised Mitigation Monitoring and Reporting Program as the supporting environmental documentation for General Plan Amendment GPA01-02, Zone Text Amendment ZTA01-02, Zone Change ZC01-01, Planned Development District PDD01-01, and Local Coastal Program Amendment LCPA01-02. Motion carried 4-0-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: Denton ABSTAIN: None)

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 04-09-15-40 recommending approval by Resolution of the City Council, of General Plan Amendment GPA01-02, which amends the General Plan Land Use Element, Urban Design Element, Circulation Element, Public Safety Element, Conservation and Open Space Element, Public Facilities/Growth Management Element, Text, Tables and Diagrams, and submission of GPA01-02 as Local Coastal Program Amendment LCPA01-02 for Final Certification by the California Coastal Commission. Motion carried 4-0-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: Denton ABSTAIN: None)

ACTION: Motion made (Weinberg) and seconded (Schoeffel) to adopt Resolution 04-09-15-41 recommending approval by Ordinance of the City Council, of Planned Development District PDD01-01, and submission of PDD01-01 as Local Coastal Program Amendment LCPA01-02 for Final Certification by the California Coastal Commission. Motion carried 4-0-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: Denton ABSTAIN: None)

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 04-09-15-42 recommending approval by Ordinance of the City Council, of Zone Text Amendment ZTA01-02 to add Planned Development Districts as a permitted land use, and Zone Change ZC01-01 which amends the zoning map designation for the Headlands from Specific Plan Overlay and Residential Multiple Family-14, to Planned Development District, and submission of ZTA01-02 and ZC01-01 as Local Coastal Program Amendment LCPA01-02 for Final Certification by the California Coastal Commission. Motion carried 3-1-1. (AYES: O'Connor, Schoeffel, Weinberg NOES: Powers ABSENT: Denton ABSTAIN: None)

ACTION: Motion made (Weinberg) and seconded (Schoeffel) to adopt Resolution 04-09-15-43 recommending approval by Resolution of the City Council, of Development Guidelines for Planned Development District PDD01-01, and submission of PDD01-01 as Local Coastal Program Amendment LCPA01-02 for Final Certification by the California Coastal Commission. Motion carried 4-0-1. (AYES:

O'Connor, Powers, Schoeffel, Weinberg **NOES:** None **ABSENT:**
Denton **ABSTAIN:** None)

E. PUBLIC MEETINGS

There were no Public Meetings.

F. OLD BUSINESS

There was no Old Business.

G. NEW BUSINESS

There was no New Business.

H. STAFF REPORTS

Kyle Butterwick (Director) encouraged the Planning Commissioners to make an appointment to meet with Roma to discuss the Town Center Specific Plan process if they had not done so already.

He reported that the Closure Impact Report for the mobile home park was accepted by the City Council at their last meeting.

He stated that the City Council had approved the hiring of two (2) new planning positions in the Community Development Department.

Todd Litfin (Assistant City Attorney) noted for the audience that the Headlands project would be heard by the City Council next week and that both meetings had been noticed at the same time.

I. COMMISSIONER COMMENTS

Commissioner Powers encouraged everyone to attend the Town Center public meeting on September 28th. He stated that it was an opportunity for voices to be heard and be part of a forum. He added that he trusts Headlands Reserve with the hostel and hoped that it worked out well for everyone.

J. ADJOURNMENT

Vice-Chairwoman announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, October 6, 2004, 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 9:10 p.m.

/s/ April O'Connor

April O'Connor, Vice-Chairwoman
Planning Commission