

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION AGENDA**

November 2, 2009
6:00 – 6:51 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 Denton 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), Jennifer Farrell (Deputy City Attorney), Evan Langan (Associate Planner), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of October 19, 2009.**

ACTION: **Motion made (Denton) and seconded (Newkirk) to approve the Minutes of the regular Planning Commission Meeting of October 19, 2009. Motion carried 3-0-1-1. (AYES: Denton, Fitzgerald, Newkirk NOES: None ABSENT: Conway ABSTAIN: O'Connor)**

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: Site Development Permit SDP08-0033 to allow the construction of a new, three-story duplex on vacant land at 34072 Colegio Drive.

Applicant/

Owner: Steven Lomanaco (Palermo Construction)

Location: 34072 Colegio (APN 682-292-09)

Request: Approval of Site Development Permit SDP08-0033 to allow for the construction of a new, three-story duplex on vacant land.

Environmental: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Community Development Department has analyzed the subject project. Staff finds the project is Categorically Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures).

Recommendation: Adopt Planning Commission Resolution No. 09-11-02-26, approving Site Development Permit SDP08-0033.

There were no requests to speak on this item.

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution 09-11-02-26 approving Site Development Permit SDP08-0033 to allow for the construction of a new, three-story duplex on vacant land at 34072 Colegio Drive. Motion carried 4-0-1. (AYES: Denton, Fitzgerald, Newkirk, O'Connor NOES: None ABSENT: Conway ABSTAIN: None)

ITEM 3: Antenna Use Permit AUP08-0002 and Coastal Development Permit CDP08-0010 to allow for the placement of a new cellular antenna facility (light standard right-of-way installation), as well as underground, accessory equipment, within the Coastal Zone and adjacent to the Northeast corner of Harbor Drive, Golden Lantern and Lantern Bay Park.

Applicant: George Ramirez (The Planning Consortium on behalf of T-Mobile USA)

Owner: City of Dana Point

Location: Right-of-way in the vicinity of the intersection of Golden Lantern and Harbor Drive and Lantern Bay Park (APN's 682-311-04/-05)

Request: Approval of Antenna Use Permit AUP08-0002 and Coastal Development Permit CDP08-0010 to allow the placement of new cellular antenna facilities (light standard right-of-way installation), including the replacement of an

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existing, 30 foot tall traffic signal/light standard with a new signal/light standard of identical height, and topped by a new, 24-inch diameter by six foot tall Radome housing, as well as a new, at-grade vent stacks and underground equipment vault.

Environmental: The subject project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Sections 15303 (d) (Class 3 – New Construction or Conversion of Small Structures). A Categorical Exemption has been prepared and will be duly filed per the requirements of the statute.

Recommendation: That the Planning Commission adopt the attached, Draft Resolution 09-11-02-27, approving the referenced scope-of-work.

There was one (1) request to speak on this item.

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution 09-11-02-27 approving Antenna Use Permit AUP08-0002 and Coastal Development Permit CDP08-0010 to allow for the placement of a new cellular antenna facility (light standard right-of-way installation), as well as underground, accessory equipment, within the Coastal Zone adjacent to the Northeast corner of Harbor Drive, Golden Lantern and Lantern Bay Park with modifications and revisions as recommended by staff under AUP Finding #5, Project Condition of Approval #2, the elimination of #14 and; the addition of new Condition of Approval #14. Motion carried 4-0-1. (AYES: Denton, Fitzgerald, Newkirk, O'Connor NOES: None ABSENT: Conway ABSTAIN: None)

ITEM 4: Water Efficient Landscape Ordinance – Zone Text Amendment ZTA09-0001.

Applicant: City of Dana Point – Community Development Department
Location: Citywide

Request: Request for Zone Text Amendment ZTA09-0001 to amend the City's current Landscape Ordinance by adding provisions of the Orange County Model Water Efficient Landscape Ordinance in accordance with State of California mandates pursuant to the States adoption of Assembly Bill 1881 (Laird, Water Conservation) amending the Water Conservation in the Landscape Act.

Environmental: The proposed project is found not to have a significant effect on the environment and is therefore exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15307, Class 7 – Actions by Regulatory Agencies for Protection of Natural Resources.

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Recommendation: That the Planning Commission approve the attached draft Resolution, recommending City Council approval and adoption of the proposed Zone Text Amendment.

There were no requests to speak on this item.

ACTION: Motion made (Denton) and seconded (Fitzgerald) to adopt Resolution 09-11-02-28 recommending City Council approval of Amendment ZTA09-0001 of Chapter 9.55 of the Municipal Code updating the Landscaping Standards of the City to include Local Water Efficient Landscape Provisions in accordance with the Water Conservation in Landscaping Act of 2006 (AB1881). Motion carried 3-0-1-1. (AYES: Denton, Fitzgerald, Newkirk NOES: None ABSENT: Conway ABSTAIN: O'Connor)

E. NEW BUSINESS

There were no New Business items.

F. STAFF REPORTS

Jennifer Farrell (Assistant City Attorney) gave an update on the court's final ruling on medical marijuana dispensaries.

G. COMMISSIONER COMMENTS

Commissioner O'Connor welcomed Gary Newkirk to the Planning Commission.

H. ADJOURNMENT

Chairwoman Fitzgerald adjourned the meeting to the *next regular* meeting of the Planning Commission to be held on Monday, November 16, 2009, 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 6:51 p.m.