

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

February 1, 2010
6:00 – 6:19 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 O'Connor led the Pledge of Allegiance.

ROLL CALL

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

Commissioners Absent: Commissioner Gary Newkirk

Staff Present: Kyle Butterwick (Director of Community Development), Patrick Munoz
(City Attorney), Jennifer Farrell (Assistant City Attorney), Erica Demkowicz (Senior
Planner), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of
January 18, 2010.

ACTION: Motion made (Conway) and seconded (Fitzgerald) to approve the
Minutes of the regular Planning Commission Meeting of January 18,
2010. Motion carried 2-1-2. (AYES: Conway, Fitzgerald NOES: None
ABSENT: Newkirk ABSTAIN: Denton, O'Connor)

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**

February 1, 2010
6:00 – 6:19 p.m.

PAGE 2

D. PUBLIC HEARINGS

ITEM 2: General Plan Consistency analysis GPC09-0003, for the vacation of an alley, located along the rear/southerly property line of 25812 Las Vegas Avenue.

Applicant/

Owner: John Page/Mark Wetterau

Location: The subject alley is located to the north of Highway 101, west of Doheny Park Road, along the southerly property line of 25812 Las Vegas Avenue

Request: Request for a General Plan Consistency determination, GPC09-0003 for City's vacation of an alley generally located along the southerly property line of 25812 Las Vegas Avenue.

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 15312, Class 12 – Surplus Government Property Sale. The project involves vacation of surplus property.

Recommendation: That the Planning Commission adopt the draft Resolution finding that the vacation of an alley located along the southerly property line of 25812 Las Vegas Avenue is consistent with the Dana Point General Plan.

Erica Demkowicz (Senior Planner) presented the staff report.

Patrick Munoz (City Attorney) reported an issue with the right of way vacation, and stated some possible alternatives to prevent encroachment on the neighboring property owner. He indicated moving forward with a sale type of transaction instead of the vacation process to avoid clouding entitlement of the property in the future. He presented an amendment to the resolution, to add an "Item #4"; a finding that would be required for a different method of disposal of the property. He read into the record to add language, proposing Item #4 in the resolution would read: "Disposition of the alley by vacation or otherwise is further deemed to be consistent with the City's General Plan."

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

February 1, 2010
6:00 – 6:19 p.m.

PAGE 3

Chairwoman Fitzgerald opened the Public Hearing.

John Page (Applicant - Irvine) stated that he agreed with the language added by the City Attorney stating it is a valid amendment.

Chairwoman Fitzgerald closed the Public Hearing.

ACTION: Motion made (Conway) and seconded (Denton) to adopt Resolution No. 10-02-01-02 finding the proposed vacation of the alley, located along the southerly property line of 25812 Las Vegas Avenue is consistent with the Dana Point General Plan (GPC09-0003), per staff recommendations along with the amendment as proposed by City Attorney Munoz. Motion carried 4-0-1. (AYES: Conway, Denton, Fitzgerald, O'Connor NOES: None ABSENT: Newkirk ABSTAIN: None)

E. NEW BUSINESS

There was no New Business.

F. STAFF REPORTS

Kyle Butterwick (Director) announced that the Harbor Land Use Plan document with the suggested modifications would be considered at the next City Council meeting on Monday, February 8, 2010.

G. COMMISSIONER COMMENTS

Chairwoman Fitzgerald stated that she walked the Interpretive Center Nature Trail, for the first time, over the weekend. She further added that she attended the meeting of the Historical Society, where Jeff Rosaler, the City's Natural Resource Protection Officer gave a presentation about the Center, which made the tour more interesting. She further expressed her deep regret to Commissioner Denton for the loss of his son Lee Denton.

Commissioner Denton thanked everyone for their show of support during his loss.

CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING MINUTES

February 1, 2010
6:00 – 6:19 p.m.

PAGE 4

H. ADJOURNMENT

Chairwoman Fitzgerald announced that the *next regular* meeting of the Planning Commission will be held on Monday, March 1, 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 6:19 p.m.

Liz Anderson Fitzgerald, Chairwoman
Planning Commission