

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

December 20, 2010
6:00 – 6:54 p.m.

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

CALL TO ORDER – Chairman Conway called the meeting to order.

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

ROLL CALL

Commissioners Present: Commissioner Liz Claus, Chairman Ed Conway, Commissioner Norman Denton, Commissioner Gary Newkirk, and Vice-Chairwoman April O'Connor

Staff Present: Kyle Butterwick (Director), John Tilton (City Architect/Planning Manager), Brad Fowler (Director of Public Works and Engineering Services), Erica Demkowicz (Senior Planner), Jennifer Farrell (Assistant City Attorney), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of December 6, 2010.

ACTION: Motion made (Newkirk) and seconded (Claus) to approve the Minutes of the regular Planning Commission Meeting of December 6, 2010.
Motion carried 5-0. (AYES: Claus, Conway, Denton, Newkirk, 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.

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Chairman Conway moved Item 4 to be heard prior to Item 2 of the Public Hearings.

D. PUBLIC HEARINGS

ITEM 4: The public art component for the new community building within the Niguel Shores Community Association located off of Selva Road at the Garibaldi entrance.

Applicant/Owner: Niguel Shores Community Association
Location(s): Proposed location for the public art component will be at the northeast corner of Selva Road at the Garibaldi entrance, within the landscaped area adjacent to the Niguel Shores monument sign

Request: Approval of the public art component for the Niguel Shores Community Association.

Environmental: The subject project qualifies for a Section 15303 (e) (Class 3 – New Construction or the Conversion of Existing Facilities) Categorical Exemption from the provisions set forth in the California Environmental Quality Act (CEQA) in that public art is an accessory or appurtenant structure such as garages, swimming pools or fences.

Recommendation: That the Planning Commission adopt the attached Draft Resolution approving the proposed public art component for the Niguel Shores Community Association.

Erica Demkowicz (Senior Planner) presented a staff report.

There being no requests to speak for this item, Chairman Conway opened and closed the public hearing.

ACTION: Motion made (Claus) and seconded (Denton) to adopt Resolution No. 10-12-20-21 approving the public art component for a new community building within the Niguel Shores Community Association. Motion carried 5-0. (AYES: Claus, Conway, Denton, Newkirk, O'Connor NOES: None ABSENT: None ABSTAIN: None)

Commissioner Claus stated that she lived within the 500' radius proximity to the proposed project locations and recused herself at 6:14 p.m.

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ITEM 2: Coastal Development Permit CDP10-0015 to allow the upgrade of water, sewer, and recycled water utilities within existing public rights of way at various locations in the City.

Applicant: South Coast Water District
Owner: City of Dana Point
Location(s): The proposed upgrades will take place within the following public rights-of-way.

- Pacific Coast Highway between the streets of Blue Lantern and Copper Lantern
- Del Prado between the streets of Blue Lantern and Golden Lantern
- Ruby Lantern between the streets of San Marino Place and Del Prado alleyway
- Amber Lantern between Pacific Coast Highway and Del Prado alleyway
- Violet Lantern between La Cresta and Del Prado
- Golden Lantern between La Cresta and Del Prado
- La Plaza between Violet Lantern and Golden Lantern
- La Cresta between Violet Lantern and Golden Lantern
- Malaga between San Marino Place and Pacific Coast Highway
- Colegio between San Marino Place and Pacific Coast Highway

Request: Approval of Coastal Development Permit CDP10-0015 to allow the upgrades for water, sewer, and recycled water utilities within existing public right of way at various locations in the City.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the lead agency, South Coast Water District, prepared and adopted a Mitigated Negative Declaration for the proposed project in May, 2010 (State Clearing House # 2010031082).

Recommendation: That the Planning Commission adopt the attached draft Resolution No. 10-12-20-xx, approving the proposed Coastal Development Permit.

Kyle Butterwick (Director) provided an introduction of the item.

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

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Brad Fowler (Director of Public Works and Engineering Services) enumerated the overall work perspective and addressed concerns on the costs.

Chairman Conway opened the Public Hearing.

Bob Clark (South Coast Water District (SCWD), Senior Engineer – Mission Viejo) stated that the proposed project is a cooperative effort between SCWD and the City of Dana Point. They have made concerted efforts to coordinate between the development and infrastructure needs for street improvements and also the water, sewer, and recycled water facilities that will be required in order to support the proposed Town Center development.

Chairman Conway closed the Public Hearing.

Commissioner Denton felt that the proposed project infrastructure needs to go forward to meet the ultimate goal of designing Town Center to have a vibrant downtown. He stated that he hopes that the City and SCWD would arrive at a very fair breakdown of the costs overall. He added that Commissioner Newkirk brought up an important concern about what a project may cost, what they are going to cost rate-payers for South Coast as well as the citizens of Dana Point. He supported the project because of the good faith negotiations between the two entities and hopes that the project gets under way sooner than later.

Vice-Chairwoman O'Connor stated that she agrees with Commissioner Denton to upgrade the facilities of the treatment and disposal of wastewater and is in support of the project as well.

Commissioner Newkirk stated that infrastructure projects are key everywhere there is aging infrastructure. He stated that it is a worthy project with regards to costs sharing and timing and would support the project.

Chairman Conway stated that he would support the project, and agrees with all comments that his fellow commissioners have made.

ACTION: **Motion made (O'Connor) and seconded (Denton) to adopt Resolution No. 10-12-20-22 approving Coastal Development Permit CDP10-0015 to allow the upgrade of water, sewer, and recycled water utilities within existing public right of way at various locations in the city. Motion carried 4-0-1. (AYES: Conway, Denton, Newkirk, O'Connor NOES: None ABSENT: Claus ABSTAIN: None)**

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Commissioner Claus re-joined the meeting at 6:36 p.m.

ITEM 3: Zone Text Amendment ZTA10-0002.

Applicant/Owner: City of Dana Point
Location(s): Citywide

Request: Request for Zone Text Amendment ZTA10-0002 to correct inconsistencies, improve standards, and provide clarification to the Access, Parking and Loading Standards (Sections 9.35.050 and 9.75.010 of the Municipal Code).

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 15305, Class 5 – Minor Alterations in Land Use Limitations. The proposed project involves minor amendments to the Zoning Ordinance.

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

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

There being no requests to speak for this item, Chairman Conway opened and closed the public hearing.

Commissioner Denton stated that keeping the zoning text amendments up to date is an extremely important part of the work that the Planning Commission needs to do on a regular basis, and is in support.

Vice-Chairwoman O'Connor stated that the amendment clarifies the language a lot better. She added that it is a necessary change and is in support.

Commissioner Claus stated that she agrees with the Vice-Chairwoman O'Connor. She addressed the importance of alleys, and stated that the amendment seems to permit better use of alleyways and is very supportive.

Commissioner Newkirk stated that he agrees with the comments of the other Commissioners and made a motion to approve the item.

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ACTION: Motion made (Newkirk) and seconded (O'Connor) to adopt Resolution No. 10-12-20-23 recommending City Council approval of Zone Text Amendment ZTA10-0002 to correct inconsistencies, improve standards, and provide clarification to the access, parking and loading standards of the Municipal Code. Motion carried 5-0.
(AYES: Claus, Conway, Denton, Newkirk, O'Connor NOES: None
ABSENT: None ABSTAIN: None)

E. NEW BUSINESS

There was no New Business.

F. STAFF REPORTS

Kyle Butterwick (Director) stated that Coastal Commission's public hearing for the request by City of Dana Point to amend the LCP and implement the recently approved (October 2009) Land Use Plan (LUP) for the Dana Point Harbor is on January 12, 2011 at the Long Beach City Council Chambers. He stated that the proposed modifications to the Plan have been completed and is available in the California Coastal Commission website (<http://www.coastal.ca.gov/mtgcurr.html>).

Mr. Butterwick noted that due to the fact that the January 3rd regular Planning Commission meeting date falls on the day after the holiday break, there would be no items ready for the meeting. It was recommended that the meeting be canceled until the next regular scheduled meeting on Monday, January 17, 2011. He wished everyone a great holiday season and a happy New Year.

Jennifer Farrell (Assistant City Attorney) noted a quick status on the marijuana update, a trial date has been set on January 10, 2011.

John Tilton (City Architect/Planning Manager) wished everybody a happy holiday.

Brad Fowler (Director of Public Works and Engineering Services) stated that it was a pleasure to work with the Planning Commissioners.

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G. COMMISSIONER COMMENTS

Commissioner Newkirk wished everyone a happy holiday and a great New Year. He noticed that City staff was impacted with emergency street incidents during the harsh weather conditions and commended their efforts and wished everyone to stay safe.

Commissioner Claus wished everyone a wonderful holiday season and New Year, and looked forward to seeing everyone next year.

Vice-Chairwoman O'Connor thanked staff for their hard work over the past year. She wished everyone a happy New Year, safe Christmas, and holiday. She mentioned that the Dana Point Youth Board conducted the judging of the 11th Annual Holiday Home Decorating Contest; she encouraged all to find the homes listed on the City website and go take a look at them.

Commissioner Denton thanked staff for their wonderful work over the past year. He also thanked the Planning Commissioners for the great year that they have had and wished them all a Merry Christmas and a happy New Year.

Chairman Conway agreed with Commissioner Denton that City staff is absolutely the best and he looks forward to coming to the meetings. He wished everyone a safe, Merry Christmas and happy New Year. He added a special recognition to his son, Josh, for attending the meeting.

H. ADJOURNMENT

Chairman Conway announced that the January 3, 2011 meeting of the Planning Commission will not be held due to holiday vacation schedules. The next regular meeting of the Planning Commission will be held on Monday, January 17, 2011, beginning at 6:00 p.m. (or as soon thereafter) in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

The meeting adjourned at 6:54 p.m.

Ed Conway, Chairman
Planning Commission