

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

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January 19, 2009  
7:00 – 7:38 p.m.

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

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**CALL TO ORDER** – Chairman Denton called the meeting to order.

**PLEDGE OF ALLEGIANCE** – Alternate Commissioner Dec led the Pledge of Allegiance.

**ROLL CALL**

Commissioners Present: Vice-Chairwoman Michelle Brough, Commissioner Conway, Chairman Norman Denton, Commissioner Liz Anderson Fitzgerald, and Alternate Commissioner Michael Dec

Staff Present: Kyle Butterwick (Director of Community Development), Todd Litfin (Assistant City Attorney), Kurth Nelson (Senior Planner), Evan Langan (Associate Planner), and Denise Jacobo (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1:** Minutes of the regular Planning Commission Meeting of January 5, 2009.

**ACTION:** Motion made (Brough) and seconded (Conway) to approve the Minutes of the regular Planning Commission Meeting of January 5, 2009. Motion carried 5-0. (AYES: Brough, Conway, Dec, Denton, Fitzgerald 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.

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

---

January 19, 2009  
7:00 – 7:38 p.m.

PAGE 2

---

**D. PUBLIC HEARINGS**

**ITEM 2: Conditional Use Permit CUP08-0014 to allow the establishment of an educational learning center within a vacant office suite in the Town Center district at 34189 Pacific Coast Highway.**

Applicant: Orange County Department of Education  
Owner: DownUnder II LLC  
Location: 34189 Pacific Coast Highway (APN 682-301-31)

Request: Request for Conditional Use Permit CUP08-0014 to allow the Orange County Department of Education to establish an “Educational Learning Center” within a vacant office suite (No. 201) at 34189 Pacific Coast Highway.

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 subject project categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (a) – Existing Facilities. A Categorical Exemption has been prepared and will be duly filed per the requirements of the statute.

Recommendation: That the Planning Commission adopt Planning Commission Resolution No. 09-01-19-02 approving Conditional Use Permit CUP08-0014

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

**ACTION: Motion made (Conway) and seconded (Dec) to adopt Resolution No. 09-01-19-02 approving Conditional Use Permit CUP08-0014 to allow the establishment of an educational learning center within a vacant office suite in the Town Center district at 34189 Pacific Coast Highway. Motion carried 5-0. (AYES: Brough, Conway, Dec, Denton, Fitzgerald NOES: None ABSENT: None ABSTAIN: None)**

**ITEM 3: Tentative Parcel Map TPM2006-237 and Conditional Use Permit CUP06-21 to allow the conversion of an existing four unit apartment complex to condominiums including the addition of 1,165 square feet to the structure at the property addressed 33412 Cheltam Way and located in the Residential Multiple Family 14 zoning district.**

Applicant: Matrix Seismic Corp.  
Owner: Cheltam 33412 LLC

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

---

January 19, 2009  
7:00 – 7:38 p.m.

PAGE 3

Location: 33412 Cheltam Way: APN; 673-231-04

Request: A Tentative Parcel Map and Conditional Use Permit to allow the conversion of an existing four unit apartment complex to condominiums including the addition of 1,165 square feet to the structure at the property addressed 33412 Cheltam Way and located in the Residential Multiple Family 14 Zoning District.

Environmental: The proposed project qualifies as a Class 1 (Section 15301 – Existing Facilities) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project consists of an addition to an existing structure not resulting in an increase of more than 50 percent of the floor area of the existing structure and the division of existing multiple family residences into common-interest ownership.

Recommendation: That the Planning Commission adopt the attached Resolution approving Tentative Parcel Map TPM2006-237 and Conditional Use Permit CUP06-21.

There were two (2) requests to speak on this item.

**ACTION:** Motion made (Brough) and seconded (Fitzgerald) to adopt Resolution No. 09-01-19-03 approving Tentative Parcel Map TPM2006-237 and Conditional Use Permit CUP06-21 to allow the conversion of an existing four unit apartment complex to condominiums including the addition of 1,165 square feet to the structure at the property addressed 33412 Cheltam Way. Motion carried 5-0. (AYES: Brough, Conway, Dec, Denton, Fitzgerald NOES: None ABSENT: None ABSTAIN: None)

**E. NEW BUSINESS**

There was no New Business.

**F. STAFF REPORTS**

**Kyle Butterwick** (Director) gave several updates:

- The actions of the City Council were decided regarding Planning Commission member status. Of the two decisions made: the first was the elimination of

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

---

January 19, 2009  
7:00 – 7:38 p.m.

PAGE 4

---

term limits; second, the elimination of the alternate Planning Commission positions. These two decisions return the Planning Commission to its original historic formation. He noted that the Council will be reappointing two vacancies on the Commission. The City will advertise the recruitment, and applications will be made available on the City's website and/or from the City Clerk's office.

- The Planning Commission will be considering the proposed General Plan Amendment and Zone Change for the "Makar Property" (former mobile home park at 34202 Del Obispo) on February 2<sup>nd</sup>. He asked the Commissioners if they were interested in arranging a site visit prior to their next meeting.

**Todd Litfin** (Assistant City Attorney) reported that at the beginning of the year, the Legislature passed amendments to the Brown Act, intended to discourage elected/appointed officials from having personal conversations between each other regarding public hearing matters and site visits of pending project sites.

He also reported that he attended a presentation of the Orange County City Attorneys Association about medical marijuana establishments. The City of Anaheim is involved in litigation and may bring forward the issue of the relationship between State and Federal law on what is allowed under the marijuana initiative. He stated if the case goes poorly for Anaheim, it could change California land use analysis of that issue.

**G. COMMISSIONER COMMENTS**

**Chairman Denton** announced that the Planning Commission had reached a consensus to schedule the next meeting to a site visit at the Makar Property on Friday, January 30, 2009 at 4:30 p.m.

**Commissioner Conway** encouraged more condominium conversion projects to enhance upgrades and new landscaping along Cheltam Way and elsewhere in the City.

**Chairman Denton** agreed with Commissioner Conway, stating that it fosters pride of ownership in the neighborhood.

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

---

January 19, 2009  
7:00 – 7:38 p.m.

---

PAGE 5

**H. ADJOURNMENT**

**Chairman Denton** adjourned to the next meeting of the Planning Commission which will be held on Friday, January 30, 2009, beginning at 4:30 p.m. (or as soon thereafter) at the property known as the Makar Property at the corner of Del Obispo and Pacific Coast Highway (at the driveway off Del Obispo onto the property), Dana Point, California.

**The meeting adjourned at 7:38 p.m.**