

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

May 4, 2009
7:00 – 9:19 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 – Saima Qureshy led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Kyle Butterwick (Director of Community Development), John Tilton (City Architect/Planning Manager), Todd Litfin (Assistant City Attorney), Saima Qureshy (Senior Planner), Matt Sinacori (City Engineer), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of April 20, 2009.**

ACTION: **Motion made (Denton) and seconded (Conway) to approve the Minutes of the regular Planning Commission Meeting of April 20, 2009 as amended. Motion carried 5-0. (AYES: Conway, Denton, Dec, Fitzgerald, 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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D. PUBLIC HEARINGS

ITEM 2: General Plan Amendment (GPA07-01), Zone Text Amendment (ZTA07-02), Zone Change (ZC07-01), and Local Coastal Program Amendment (LCPA07-01) to amend land use designations for the property located at 34202 Del Obispo Street and for the addition of a new land use category, “Residential/Commercial”, in the Land Use Element of the General Plan and a new Zoning category, “Residential/Commercial-22”, in the Zoning Ordinance. *(Continued from the regular Planning Commission meetings of February 2, 2009, and April 6, 2009)*

Applicant/

Owner: Makar Properties, LLC

Location: 34202 Del Obispo Street (APN: 668-271-04)

Request: Request for General Plan Amendment GPA07-01, Zone Text Amendment ZTA07-02, Zone Change ZC07-01, and Local Coastal Program Amendment LCPA07-01 to amend the land use and zoning designations of the subject site, 34202 Del Obispo Street, from “Dana Point Specific Plan – Coastal Recreation Space” to the General Plan designation of “Residential/Commercial” and the Zoning designation of “Residential/Commercial-22”. The proposal also involves the addition of a new land use category “Residential/Commercial” in the Land Use Element of the General Plan and a new Zoning category “Residential/Commercial-22” in Chapter 9.13 – Mixed Use District of the Zoning Ordinance.

Environmental: The City conducted an environmental review of the proposal pursuant to the provisions of the California Environmental Quality Act (CEQA). As a result of that review, a Mitigated Negative Declaration (MND) was issued for the project with the accompanying initial study. The MND concludes that, with the implementation of the mitigation measures, project-related impacts would be reduced to less than significant levels, in accordance with CEQA requirements.

Recommendation: That the Planning Commission approve the attached draft resolutions recommending to the City Council the approval and adoption of the proposed Mitigated Negative Declaration, General Plan Amendment, Zone Text Amendment, Zone Change, and Local Coastal Program Amendment.

There were nine (9) requests to speak on this item.

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ACTION: Motion made (O'Connor) and seconded (Dec) to adopt Resolution No. 09-05-04-07 recommending that the City Council adopt a Mitigated Negative Declaration for the General Plan Amendment (GPA07-01), Zone Text Amendment (ZTA07-02), Zone Change (ZC07-01), and Local Coastal Program Amendment (LCPA07-01) for the property located at 34202 Del Obispo Street, as amended. Motion carried 4-1. (AYES: Conway, Dec, Fitzgerald, O'Connor NOES: Denton ABSENT: None ABSTAIN: None)

ACTION: Motion made (O'Connor) and seconded (Conway) to adopt Resolution No. 09-05-04-08 recommending City Council approval of General Plan Amendment GPA 07-01, which amends the General Plan Land Use Element by creating a new Land Use category of "Residential/Commercial", and changes the General Plan designation of the subject site, 34202 Del Obispo Street, from "Dana Point Specific Plan – Coastal Recreation Space" to "Residential/Commercial", and submission of GPA 07-01 as Local Coastal Program Amendment LCPA07-01 for approval and certification by the California Coastal Commission, as amended. Motion carried 4-1. (AYES: Conway, Dec, Fitzgerald, O'Connor NOES: Denton ABSENT: None ABSTAIN: None)

ACTION: Motion made (O'Connor) and seconded (Fitzgerald) to adopt Resolution No. 09-05-04-09 recommending City Council approval of Zone Text Amendment ZTA07-02 and Zone Change ZC07-01 to establish a new Zoning category of "Residential/Commercial-18" (R/C-18) in Chapter 9.13 of the Zoning Ordinance and to change the designation of the subject site, 34202 Del Obispo Street, from "Dana Point Specific Plan – Coastal Recreation Space" to "R/C-18", and submission as part of Local Coastal Program Amendment LCPA07-01 for approval and certification by the California Coastal Commission, as amended. Motion carried 4-1. (AYES: Conway, Dec, Fitzgerald, O'Connor NOES: Denton ABSENT: None ABSTAIN: None)

E. NEW BUSINESS

There were no New Business items.

F. STAFF REPORTS

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Kyle Butterwick (Director) provided the Commission with two brief announcements:

- The City Council will review the Doheny House demolition application at the May 11, 2009 Council Meeting.
- The City has received preliminary comments on the Dana Point Harbor Revitalization Plan from the California Coastal Commission. The Coastal Commission meeting is still tentatively in June at Marina Del Rey.

Todd Litfin (Assistant City Attorney) described how Mr. Sinacori is reputedly Dana Point's "Waldo", always somewhere in the City if your look for him.

G. COMMISSIONER COMMENTS

Commissioner O'Connor reported that she had a great time at the Pet Project Foundation's Annual Wag-A-Thon. She stated that the charity event is a great opportunity to raise funds for a good cause.

Vice-Chairman Conway reported that he enjoyed the 3rd Annual Dana Point Grand Prix. He stated that the bike race has become bigger, and better organized.

Chairwoman Fitzgerald stated that she too attended the Grand Prix Bike Race. She noted that a schedule of Concerts in the parks has been posted. She commended Staff and the Commissioners for their efforts to craft a compromise this evening, and she thanked Mr. Sinacori for attending the meeting and recommended that he attend more often.

H. ADJOURNMENT

Chairwoman Fitzgerald adjourned the meeting to the *next regular* meeting of the Planning Commission to be held on Monday, May 18, 2008, 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 9:19 p.m.