

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

April 20, 2009
7:00 – 7:38 p.m.

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

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

PLEDGE OF ALLEGIANCE – Commissioner O'Connor led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Kyle Butterwick (Director of Community Development), John Tilton (City Architect/Planning Manager), Jennifer Farrell (Assistant City Attorney), Evan Langan (Associate Planner), and Denise Jacobo (Planning Secretary)

ITEM 1: Reorganization of the Planning Commission.

- a) Nominations and vote for Chairman to serve until the first meeting of April, 2010 - Commissioner Conway nominated Liz Anderson Fitzgerald to serve as Chairwoman; no other nominations were received.

ACTION: Motion made (Conway) and seconded (Dec) to elect Liz Anderson Fitzgerald to serve as Chairwoman of the Planning Commission. Motion carried 5-0. (AYES: Conway, Dec, Denton, Fitzgerald, O'Connor NOES: ABSENT: None ABSTAIN: None)

- b) Nominations and vote for Vice-Chairman to serve until the first meeting of April, 2010 – Chairwoman Fitzgerald nominated Ed Conway to serve as Vice-Chairman; no other nominations were received.

ACTION: Motion made (Fitzgerald) and seconded (Dec) to elect Ed Conway to serve as Vice-Chairman of the Planning Commission. Motion carried 5-0. (AYES: Conway, Dec, Denton, Fitzgerald, O'Connor NOES: ABSENT: None ABSTAIN: None)

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Kyle Butterwick (Director) presented outgoing Chairman Denton with a commemorative gavel and thanked him for his years of service on the Planning Commission.

Commissioner Denton thanked the staff and stated that he has been given great support which has made his job easy.

Chairwoman Fitzgerald assumed the responsibilities of the Chair.

A. APPROVAL OF MINUTES

ITEM 2: Minutes of the regular Planning Commission Meeting of April 6, 2009.

Chairwoman Fitzgerald asked if there were any additions, corrections, or deletions to the minutes of the regular meeting of April 6, 2009.

Chairwoman Fitzgerald noted a correction under “Public Comments” by Mary Jeffries (Paragraph One, Page One) which referred to a lack of signs at the St. Regis; and the absence of a (required) Community Conference Center. The minutes imply that the Community Conference Center is at the St. Regis; she asked to amend and reflect in the minutes, the location of the Community Conference Center for general public use at the Prudential Realty office building at 2 Ritz Carlton Drive.

ACTION: Motion made (Conway) and seconded (Dec) to approve the Minutes of the regular Planning Commission Meeting of April 6, 2009 as amended. Motion carried 4-0-1. (AYES: Conway, Denton, Dec, Fitzgerald NOES: None ABSENT: None 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 3: Coastal Development Permit (CDP08-0007) and Variance (V09-0001) to permit the demolition of an existing, single-family residence; and the construction of a new, two-story, single-family residence with a variance for a reduction in the required front-yard setback.

Applicant: Nikolas Viboch (Landry Design Group)
Owner: Dr. Kianoosh Jafari
Location: 57 Monarch Bay Drive (APN 670-141-23)

Request: Request for Coastal Development Permit CDP08-0007 and Variance V09-0001 to permit the demolition of an existing, single-family residence; and the construction of a new, two-story, single-family residence; a variance is requested for a reduction in the required front-yard setback.

Environmental: The subject project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Sections 15303 (a) (Class 3 - New Construction or Conversion of Small Structures) and 15305 (a) (Class 5 - Minor Alterations in Land Use Limitations). 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 09-04-20-xx, approving the referenced scope-of-work.

Evan Langan (Associate Planner) presented the staff report and noted that a single item of public correspondence had been recently received which stipulated three areas of concern.

Chairwoman Fitzgerald opened the Public Hearing.

J. Todd Riloy (Los Angeles – Architect, Applicant’s Representative) stated that he is available to answers questions. He responded to a letter from a concerned resident, and clarified the basement’s excavation process to the property line. He stated that he agreed with Staff’s recommendations and hoped to see the project approved. He added that Dr. Jafari has every intention of paying all review fees to his Association, but wanted to first secure project approval from the City.

Chairwoman Fitzgerald closed the Public Hearing.

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Commissioner O'Connor stated for the record that she lives in the Monarch Bay area and more than five hundred feet from the subject property. She stated that she agrees with Staff's recommendation that the variance is justified as other homes in the area have been granted similar privilege and the front set back reduction and large set back at the rear are good compromises. She stated that she has one concern which does not pertain to the Commissions' purview; that she would have liked the owner to have paid all review fees as required by the Homeowners Association Architect.

Vice-Chairman Conway stated that he agrees with Commissioner O'Connor that the variance is justified, and the house is a beautiful upgrade to the whole area.

Commissioner Denton agreed stating that it's a nice looking project. He stated that the Commission has been very tight with variances, but there is justification in this case to allow reduce setbacks, as it is safer for the house to be moved forward.

Commissioner Dec stated that he concurs with all that's been said, supports the project, and feels the house has a great configuration in a prime location.

Chairwoman Fitzgerald stated that it is a beautiful location and she likes the design. She concluded with one last comment about the past due review fee. She stated that in her experience, people who are disrespectful in one area are frequently disrespectful in others. She is in favor of the project but would have liked the applicant to act in a gentlemanly manner to his Association and to the Commission.

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution No. 09-04-20-06 approving Coastal Development Permit CDP08-0007 to permit the demolition of an existing, single-family residence; and the construction of a new, two-story, single-family residence; as well as Variance V09-0001 for a reduction in the required front-yard setback in the Residential Single-Family 4 (RSF-4) zoning district. Motion carried 5-0. (AYES: Conway, Dec, Denton, Fitzgerald, O'Connor NOES: None ABSENT: None ABSTAIN: None)

E. NEW BUSINESS

There were no New Business items.

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F. STAFF REPORTS

Kyle Butterwick (Director) provided an update:

- Acknowledged the appointment of Commissioner O'Connor and reappointment of Commissioner Denton.
- Announced the State of the City Address is scheduled for Thursday, April 23, 2009, at the Marriott Resort, and encouraged all the Commissioners to attend.
- Indicated that staff will be preparing a written response to correspondence received from Mary Jeffries.
- In response to Chairwoman Fitzgerald's inquiry, he gave an update on the Makar project and noted that it was continued to the first Planning Commission meeting in May. Staff is working with the traffic consultants in conducting the additional studies as requested by the Commission.

John Tilton (City Architect/Planning Manager) congratulated Chairwoman Fitzgerald, Commissioner O'Connor, Vice-Chairman Conway for their appointments. He stated that he applauds the Commission for their continued public service.

G. COMMISSIONER COMMENTS

Commissioner O'Connor thanked the Commission for welcoming her. She stated that she is looking forward to attending the Wag-A-Thon event and will be taking her new dog to the event.

Vice-Chairman Conway welcomed Commissioner O'Connor to the Commission again. He thanked Commissioner Denton stating that people do incredible behind the scenes duties and it has been beneficial serving with him as a leader.

Commissioner Denton welcomed back Commissioner O'Connor stating that it was a pleasure serving with her in the past. He congratulated Chairwoman Fitzgerald and Vice-Chairman Conway describing that there is not only a friendship but a real respect that makes for a great team giving positive direction for the City.

Commissioner Dec welcomed Commissioner O'Connor, congratulated Chairwoman Fitzgerald, and thanked Commissioner Denton for serving as Chairman the past year.

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Chairwoman Fitzgerald congratulated the City on the re-striping on Pacific Coast Highway stating it was very well done and seems to help the flow of traffic, and looks forward to the final finishing on the bridge. She is also looking forward to the City events this weekend, the Wag-A-Thon on Saturday, and the Grand Prix Bike Race on Sunday. She welcomed Commissioner O'Connor back stating that she has an interesting point of view and thoughtfulness. She thanked all for the opportunity to be Chair again. She thanked Commissioner Denton for serving as Chairman the past year.

H. ADJOURNMENT

Chairwoman Fitzgerald adjourned the meeting to the *next regular* meeting of the Planning Commission to be held on Monday, May 4, 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 7:38 p.m.

Liz Anderson Fitzgerald, Chairwoman
Planning Commission