

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

December 7, 2009
5:30 – 6:04 p.m.
6:06 – 7:09 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.

ROLL CALL

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

PUBLIC COMMENTS

There were no Public Comments.

CLOSED SESSION

- A. Conference with legal counsel – anticipated litigation, significant exposure to litigation, Government Code § 54956.9 (b), (1 case)

Chairwoman Fitzgerald recessed the meeting to closed session at 5:33 p.m.

Chairwoman Fitzgerald reconvened the meeting at 6:06 p.m.

CALL TO ORDER – Chairwoman Fitzgerald called the meeting to order. All Planning Commissioners were present.

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

REPORT ON CLOSED SESSION

There was no action taken from Closed Session.

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

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of November 16, 2009.

ACTION: Motion made (Denton) and seconded (O'Connor) to approve the Minutes of the regular Planning Commission Meeting of November 16, 2009. Motion carried 5-0. (AYES: Denton, Conway, Fitzgerald, Newkirk, O'Connor NOES: None ABSENT: None ABSTAIN: None)

B. PUBLIC COMMENTS (Continued)

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: A request for Historical Resource Designation (HRA09-0005) and participation in the Mills Act Program at 26822 Vista Del Mar.

Applicant/

Owner: Fred & Karen Scuncio

Location: 26822 Vista Del Mar (APN 123-361-10)

Request: The applicant seeks to have a single-family residence located at 26822 Vista Del Mar designated as a historical structure and placed on the Dana Point Historic Resource Register. The applicant also requests a recommendation to enter into an agreement with the City for participation in the Mills Act Program.

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Environmental: This project is categorically exempt (Class 31 - Section 15331 – Historical Resource Restoration/Rehabilitation) from the provisions of the California Environmental Quality Act (CEQA) because it consists of preservation of an existing historical single-family residence.

Recommendation: That the Planning Commission adopt a Resolution designating the single-family residence located at 26822 Vista Del Mar as a locally significant historical structure and recommend to the City Council that the City enter into an agreement with the property owner for participation in the Mills Act Program.

There were three (3) requests to speak on this item.

ACTION: Motion made (Denton) and seconded (Conway) to adopt Resolution 09-12-07-29 designating an existing single-family residence as a Historic Resource and placing that structure on the Dana Point Historic Resource Register (HRA09-0005) and recommend the City Council enter into an agreement for the Mills Act Program for 26822 Vista Del Mar. Motion carried 5-0. (AYES: Conway, Denton, Fitzgerald, Newkirk, O'Connor NOES: None ABSENT: None ABSTAIN: None)

ITEM 3: Coastal Development Permit CDP09-0001 to allow the repair and re-vegetation of a coastal bluff resulting from a failure at 318 Monarch Bay Drive.

Applicant/ Todd Skenderian (Architect)
Owner: Toni King
Location: 318 Monarch Bay Drive (APNs 670-141-41 and 670-151-54)

Request: Approval of Coastal Development Permit CDP09-0001 to allow the repair and re-vegetation of a coastal bluff resulting from a failure.

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 project is Categorical Exempt per Sections 15301 (Class 1 – Existing Facilities) and 15304 (f) (Class 4 – Minor Alterations to Land). A Categorical Exemption has been prepared and will be duly filed per the requirements of the statute.

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Recommendation: Adopt Planning Commission Resolution No. 09-12-07-xx, approving Coastal Development Permit CDP09-0001 for the referenced scope of work.

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

ACTION: Motion made (Conway) and seconded (Denton) to adopt resolution 09-12-07-30 approving Coastal Development Permit (CDP09-0001 to allow the repair and re-vegetation of a coastal bluff resulting from a failure at 318 Monarch Bay Drive, within the Coastal Zone and appeals jurisdiction of the California Coastal Commission and residential single-family 4 (RSF-4) Zoning District at 318 Monarch Bay Drive. Motion carried 5-0. (AYES: Conway, Denton, Fitzgerald, Newkirk, O'Connor NOES: None ABSENT: None ABSTAIN: None)

ITEM 4: Antenna Use Permits AUP09-0016 to AUP09-0026 to allow for the placement of new cellular antenna facilities on existing light poles, signals and utility poles at eleven (11) different locations throughout the City within the public right of way.

Applicant/ NextG Networks of California
Owner: City of Dana Point
Locations: AUP09-0016: Light/signal pole located at the southwest intersection of Pacific Coast Highway and Ritz Carlton Drive.
AUP09-0017: Light pole located on Crown Valley Parkway, north of Lumeria Lane.
AUP09-0018: Light pole located on Pacific Coast Highway in front of Sea Terrace Community Park, north of Ritz Carlton Drive.
AUP09-0019: Light/signal pole located at the southwest intersection of Selva Road and Pacific Coast Highway.
AUP09-0020: Utility pole located on Stonehill Drive, east of Golden Lantern.
AUP09-0021: Utility pole located on San Marino Place behind the properties fronting Pacific Coast Highway, west of Malaga Drive.
AUP09-0022: Utility pole located at the southwest intersection of San Marino Place and Ruby Lantern.
AUP09-0023: Light pole located on Niguel Road in front of the Monarch Beach Golf course, north of Stonehill Drive.

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AUP09-0024: Light pole located at the northwest intersection of Stonehill Drive and Monarch Beach Drive (Private Street).

AUP09-0025: Light pole located on Street of Golden Lantern, south of Surf Cliff Street.

AUP09-0026: Light pole located on Santiago Drive, north of Trinidad Drive.

Request: Approval of Antenna Use Permits AUP09-0016 to AUP09-0026 to allow the placement and installation of new cellular antenna facilities on existing light poles, signals and utility poles at eleven (11) different locations throughout the City within the public right of way with underground accessory equipment and new underground and overhead fiber optic cables.

Environmental: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Sections 15303 (d) (Class 3 – New Construction or Conversion of Small Structures). A Categorical Exemption has been prepared and will be filed per the requirements of the statute.

Recommendation: That the Planning Commission adopt the attached draft Resolution No. 09-12-07-xx, approving the proposed Antenna Use Permits.

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

ACTION: Motion made (O'Connor) and seconded (Denton) to adopt Resolution 09-12-07-31 approving Antenna Use Permits AUP09-0016 to AUP09-0026 to allow for the placement of new cellular antenna facilities on existing light poles, signals and utility poles at eleven (11) different locations throughout the City within the public right of way. Motion carried 5-0. (AYES: Conway, Denton, Fitzgerald, Newkirk, O'Connor NOES: None ABSENT: None ABSTAIN: None)

ITEM 5: Request for Antenna Use Permit AUP09-0015 to allow the addition of three, new cellular/data transmission antennas within the façade of an existing building at 2 Ritz Carlton Drive.

Applicant/ Jeremy Siegel (Verizon Wireless Real Estate)

Owner: ARR Properties, Inc.

Location: 2 Ritz Carlton Drive (APN 672-081-63)

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Request: Approval of Antenna Use Permit AUP09-0015 to allow the addition of three, new cellular/data transmission antennas within the façade of an existing building.

Environmental: The subject project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Sections 15301 (a) (Class 1 – 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 the attached, Draft Resolution 09-12-07-xx, approving the referenced scope-of-work.

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

ACTION: Motion made (Conway) and seconded (Denton) to adopt Resolution 09-12-07-32 approving Antenna Use Permit AUP09-0015 to allow the addition of three, new cellular/data transmission antennas within the façade of an existing building at 2 Ritz Carlton Drive. Motion carried 5-0. (AYES: Conway, Denton, Fitzgerald, Newkirk, O'Connor NOES: None ABSENT: None ABSTAIN: None)

E. NEW BUSINESS

There were no New Business items.

F. STAFF REPORTS

Kyle Butterwick (Director) reported on the California Coastal Commission's efforts of completing the draft language on the Harbor Plan and anticipated that the final changes of the document would return to the City Council early in 2010. He stated that there were a few published public hearings for the Commission's second meeting in December. He stated that with regard to the holiday, there would be no projects ready for the January 4th Planning Commission meeting and that the meeting would be cancelled.

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G. COMMISSIONER COMMENTS

There was a consensus of the Planning Commission to cancel the regular Planning Commission meeting of January 4, 2010.

H. ADJOURNMENT

Chairwoman Fitzgerald adjourned the meeting to the *next regular* meeting of the Planning Commission to be held on Monday, December 21, 2009, 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 7:09 p.m.