

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

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March 7, 2011  
6:00 – 6:27 p.m.

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

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**CALL TO ORDER** – Vice-Chairwoman O'Connor called the meeting to order.

**PLEDGE OF ALLEGIANCE** – Nick Newkirk led the Pledge of Allegiance.

**ROLL CALL**

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

**Commissioners Absent:** Chairman Ed Conway

**Staff Present:** Kyle Butterwick (Director), John Tilton (City Architect/Planning Manager), Jennifer Farrell (Assistant City Attorney), and Denise Jacobo (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1:** **Minutes of the regular Planning Commission Meeting of February 7, 2011.**

**ACTION:** **Motion made (Denton) and seconded (O'Connor) to approve the Minutes of the regular Planning Commission Meeting of February 7, 2011. Motion carried 4-0-1. (AYES: Claus, Denton, Newkirk, O'Connor NOES: None ABSENT: Conway ABSTAIN: None)**

**B. PUBLIC COMMENTS**

There were no Public Comments.

**C. CONSENT CALENDAR**

**ITEM 2:** **One-year extension of Coastal Development Permit CDP07-21, Site Development Permit SDP07-61 and Conditional Use Permit CUP07-33 to allow for a shared parking program in conjunction with a 35,000**

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**square foot, two-story commercial development with retail and office space, two small cafés, a restaurant, a 40-bed hostel with visitor's information center and 170 parking spaces located at the Southwest corner of Pacific Coast Highway and Street of the Green Lantern.**

Applicant/

Owner: Andrew Kirsh/Raines Law Group LLP

Location(s): The project site is located at the southwest corner of Pacific Coast Highway and Street of the Green Lantern in Dana Point, California.

Request: A second, final one-year time extension of discretionary permits originally approved in March 2008, which granted entitlements to allow for the construction of a 35,000 square foot, two-story commercial building.

Recommendation: That the Planning Commission approve a final one-year time extension for Coastal Development Permit CDP07-21, Site Development Permit SDP07-61, and Conditional Use Permit CUP07-33 subject to all of the conditions contained in Resolution No. 08-03-11-06 (Attachment 2) and an amendment to Condition #9 of this Resolution which shall read as follows:

9. Buildings shall comply with all local and State building code regulations that are in effect at the time of permit issuance.

**ACTION:** **Motion made (Denton) and seconded (Claus) to approve the Consent Calendar. Motion carried 4-0-1. (AYES: Claus, Denton, O'Connor, Newkirk NOES: None ABSENT: Conway ABSTAIN: None)**

**D. PUBLIC HEARINGS**

**ITEM 3:** **Antenna Use Permit AUP11-0001 and Coastal Development Permit CDP11-0001 to allow the placement of new, Commercial Wireless Telecommunication Antenna Facilities at three locations both atop and within the Ritz Carlton Resort (1 Ritz Carlton Drive).**

Applicant: Michele Felten  
[Core Development Services (consultants) on behalf of Verizon Wireless USA]

Owner: SHC Laguna Niguel LLC

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Location(s): 1 Ritz Carlton Drive (APN 672-071-03)

Request: Antenna Use Permit AUP11-0001 and Coastal Development Permit CDP11-0001 to allow the addition of new, Commercial Wireless Telecommunication Antenna Facilities at three locations both atop and within the Ritz Carlton Resort.

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 11-03-07-xx, approving Antenna Use Permit AUP11-0001 and CDP11-0001 for the stated scope-of-work.

There were no requests to speak on this item.

**ACTION:** Motion (Denton) and seconded (Claus) to continue this item per the applicants request. Motion carried 4-0-1. (AYES: Claus, Denton, O'Connor, Newkirk NOES: None ABSENT: Conway ABSTAIN: None)

**E. NEW BUSINESS**

There was no New Business.

**F. STAFF REPORTS**

**Kyle Butterwick** (Director)

- Reported that the Planning Commission interviews have been scheduled for March 14, 2011. He added that the City Council meeting is open to the public, and broadcasted on the City's video streaming website.
- The Harbor Plan Implementation Program is scheduled to be heard by the Coastal Commission at their meeting in April. He stated that the County intends to move forward with the Coastal Development Permit application process but cannot proceed until final approval of the Harbor Implementation Plan.
- The City is proceeding with preparation of the Environmental Impact Report for the proposed Doheny Hotel project (at the southwest corner of Pacific Coast Highway and Dana Point Harbor Drive). A draft of the document is expected this summer.

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**Jennifer Farrell** (Assistant City Attorney) reported that the Court granted the City with two judgment summary motions in our dispensary cases. The City's next step was to file motions for attorney's fees and civil penalties. She added that a trial is scheduled to be heard April 4, 2011, against two of the defendants for procedural reasons that the judgment motions did not apply to them.

Ms. Farrell reviewed background information on the Headlands case and noted that a hearing is scheduled to be heard in San Diego on April 4, 2011.

**John Tilton** (City Architect/Planning Manager) noted that watching the Harbor Plan go back and forth between the City Council and Coastal Commission is something that the City will get through. He noted that once the Commission hearings take place, seeing the projects as they come in for coastal development permits will be exciting. He added that the preliminary plan renderings and movie clips for the Harbor Plan is available via the website at [www.danapointharbor.com](http://www.danapointharbor.com).

**G. COMMISSIONER COMMENTS**

**Commissioner Newkirk** stated that he attended the Festival of Whales Annual Parade this past weekend. He also indicated that he visited the Harbor on Sunday which held plenty of activities at Baby Beach, a dedication of new art and public places at the Sailing Center, a "big" whale tale, families out in the water, paddling, sailing and some eventful outrigger races. He added that this next weekend there will be a stand up paddling race known as the "Mongoose Cup".

**Commissioner Claus** stated the she also enjoyed attending the Festival of Whales parade, and is looking forward to attending the music concert at Baby Beach this weekend.

**Commissioner Denton** stated that he was sorry to not attend the Festival of Whales parade. He indicated that he detoured through the street during the parade (Saturday) and felt that the traffic signal at the intersection on Golden Lantern and Selva Road is normally a "very" long light for Golden Lantern and a "very" short light for Selva which caused a major traffic jam on Selva, and made getting around downtown beyond belief. He asked if the City would look into adjusting the timing on traffic signals at a more liberal pace. He added that he did see pictures of the parade in the newspaper, and it looked like a fantastic turnout for the event.

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**Vice-Chairwoman O'Connor** wished each of the Commissioners the best of luck on their reappointments to the Planning Commission.

**H. ADJOURNMENT**

**Vice-Chairwoman O'Connor** announced that the *next regular* meeting of the Planning Commission will be held on Monday, March 21, 2011, 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 6:27 p.m.**