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

February 16, 2005
7:00-8:38 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 Weinberg led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Chairman Norman Denton, Vice-Chairwoman April O'Connor, Commissioner Greg Powers, Commissioner J. Scott Schoeffel, and Commissioner Steven Weinberg

Staff Present: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), John Tilton (City Architect/Planning Manager), Kurth Nelson (Project Planner), Erica Williams (Senior Planner), Brenda Chase (Senior Planner), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of February 2, 2005.

ACTION: Motion made (Powers) and seconded (Weinberg) to approve the Minutes of the regular Planning Commission Meeting of February 2, 2005. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg 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.

D. PUBLIC HEARINGS

ITEM 2: Site Development Permit SDP01-53(I) for revisions to a design for the single-family residence on Lot 1 of Tract 16133, which includes an additional 460 square feet of living area, 908 square feet of basement and a roof deck.

Applicant/

Owner: Tom Carney
Location: 34436 Via Verde

Request: A Site Development Permit to allow a revised house design for the single-family residence on Lot 1 of Tract 16133, which includes an additional 460 square feet of living area, 908 square feet of basement and a roof deck.

Environmental: The proposed project qualifies as a Class 3 (Section 15303) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project entails the construction of a new single-family residence.

Recommendation: That the Planning Commission adopt the attached Resolution approving Site Development Permit SDP01-53(I).

Kurth Nelson (Project Planner) reviewed the staff report.

There being no requests to speak on this item, Chairman Denton opened and closed the Public Hearing.

ACTION: Motion made (Schoeffel) and seconded (Powers) to adopt Resolution 05-02-16-09 approving Site Development Permit SDP01-53(I). Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ITEM 3: Tentative Parcel Map TPM2004-260 and Site Development Permit SDP04-60 for a proposed one-lot, 2-unit condominium project located at 33762 Orilla Road.

Applicant: Gerald Muir
Owner: Fintiu, Inc.
Location: 33762 Orilla Road

Request: Approval of a one-lot subdivision for Tentative Parcel Map TPM2004-260 and a Site Development Permit SDP04-60 to permit the construction of a 2-unit condominium project.

Environmental: This project is categorically exempt (Class 3 – Section 15303 – New Construction or Conversion of Small Structures) from the provisions of the California Environmental Quality Act (CEQA) because it consists of the construction of two new detached residential units. The proposed condominium map is categorically exempt (Class 15 – Section 15315 – Minor Land Divisions) because it will result in the division of property in an urbanized area zoned for residential use which will result in fewer than 4 parcels, it is consistent with the General Plan and zoning, no variances or

exceptions are required, all services to the parcel to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Tentative Parcel Map TPM2004-260 and Site Development Permit SDP04-60.

Erica Williams (Senior Planner) reviewed the staff report.

There being no requests to speak on this item, Chairman Denton opened and closed the Public Hearing.

Commissioner Schoeffel stated that he would support the project.

Commissioner Weinberg stated that he would support the project.

Vice-Chairwoman O'Connor stated that since there were no Variances requested and that the lot coverage was below the allowable coverage that she would support the project.

Commissioner Powers stated that off-street parking was important to these types of projects in the Lantern Village and that he was pleased with the amount of parking that the driveway would allow. He added that he would support the project.

ACTION: Motion made (O'Connor) and seconded (Schoeffel) to adopt Resolution 05-02-16-10 approving Tentative Parcel Map TPM2004-260 and Site Development Permit SDP04-60. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

ITEM 4: A request for Conditional Use Permit CUP05-03 to allow a wine bar (alcohol beverage outlet) within the commercial/residential zoning district located at 24585 Del Prado in the Town Center.

Applicant: Andrade Architects
Owner/
Lessee: Eric Friedrichson/Bill Jonas
Location: 24585 Del Prado

Request: Approval to allow an alcohol beverage outlet (Purple Feet Wines) in the Commercial/Residential zoning district. The site is located in the Town Center at the corner of Del Prado and Violet Lantern.

Environmental: This project is categorically exempt (Class 1 – Section 15301 – Existing Facilities) from the provisions of the California Environmental Quality Act (CEQA) because it consists of a negligible expansion of use beyond that existing.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Conditional Use Permit CUP05-03.

Brenda Chase (Senior Planner) reviewed the staff report.

Chairman Denton opened the Public Hearing.

Bill Jonas (Laguna Niguel – Applicant) stated that he was available for any questions or comments.

Bob Theel (Dana Point) stated that he approves of the proposed use for the property. He added that retail uses in the Town Center that speak to pedestrian-friendly matters were always welcome. He felt that a use that was open past 5:00 p.m. would create more activity as seen from the cars driving by and might encourage the traffic to slow down and possibly stop and shop in the Town Center.

Norma Lococo (Dana Point) stated that she was opposed to the proposed use at that location due to the lack of sufficient parking for that location.

Chairman Denton closed the Public Hearing.

Commissioner Powers felt that the proposed use would be a good fit for the direction that the community was heading. He stated that the use would be a benefit for the Town Center if it is done right, with quality, and with respect for the people that live above it and the community.

Vice-Chairwoman O'Connor felt that the proposed use would be pedestrian-friendly and that she would support the project.

Chairman Denton stated that the proposed use was more of an evening use and that it would be a positive addition for the Town Center.

Commissioner Weinberg felt that the use would be good for that corner and that he would support anything that would get people to walk the Town Center.

Commissioner Schoeffel felt that this use would be consistent with a good Town Center tenant mix. He stated that because of the nature of the use it had a good chance of becoming somewhat of an institution if it caught on. He encouraged the owner to work out a parking solution that will make the neighbors and his patrons happy. He added that he would support the project.

ACTION: **Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 05-02-16-11 approving Conditional Use Permit CUP05-03 with an amendment to the hours of operation on Sundays. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)**

E. PUBLIC MEETINGS

There were no Public Meetings.

F. OLD BUSINESS

There was no Old Business.

G. NEW BUSINESS**ITEM 5: Preliminary review of proposed new dwelling at 33921 Granada Drive and associated Variances for height and setbacks.**

Applicant: Robert Theel Company
Owner: David Bunevith
Location: 33921 Granada Drive

Kyle Butterwick (Director) stated that this was a preliminary review of a proposed new single-family dwelling on a lot that has a number of unusual natural features to it. He added that the Zoning Code does provide for a process whereby the Planning Commission can conduct this preliminary review prior to consideration of a formal application. He stated that there were some limitations that the Planning Commission should be cognizant of and that 1. This is not a noticed Public Hearing therefore the residents within this particular area were not notified, 2. That since this was a preliminary review that he would caution the Commission to refrain from making any type of absolute or conclusionary remarks or statements about the merits of the project, and 3. The Commission is being asked to help identify the pertinent issues that might be associated with the project and provide some guidance in terms of mitigation.

Erica Williams (Senior Planner) reviewed the staff report.

Bob Theel (Dana Point – Applicant) stated that the architect had designed three homes for the Planning Commission's review. He described the reasons for the owner choosing the 3-story design. He stated that if the three-story design were approved that the home on the uphill side would still be twenty-two feet higher and the home on the downhill would be five feet higher. He added that a three-story home would still be dwarfed by homes on either side of it and that it goes to the concept of compatibility. He stated that the way they have designed the home it would not impact any of the neighbors' views. He added that extending Seville and improving the roadway to take access off of the street would not be feasible. He stated that they had tried to conform to the regulations in the Zoning Code when designing the project but had difficulty due to the topography of the site.

David Bunevith (Dana Point – Property Owner) asked the Commissioners to go out and view the property. He felt that the three-story house design would better fit in with the neighborhood.

Todd Litfin (Assistant City Attorney) stated that if there are certain general principles about the project which the Commission may have concerns about, this is the point in time in which you can give the applicant that sort of general guidance as far as the project.

Chairman Denton stated that for the home to take ingress and egress off of Seville would be undesirable due to the street not being complete. He added that the lot had some unique challenges to it. He stated that the proposed design seemed to fit with the neighborhood. He encouraged the property owner to work with the neighbors to ensure happiness with the project.

Vice-Chairwoman O'Connor stated that it was an unusual lot situation.

Commissioner Powers stated that when this type of project comes before him, he looks at whether the project is within the ridgelines or a stringline between the ridgelines. He added that he also looks to see if the project fits well with the existing homes. He stated that he didn't see anything that would be too out of character with the neighborhood.

Commissioner Schoeffel stated that the applicant should present the best possible case if a Variance is requested for future development.

Commissioner Powers stated that the Commission approves Variances based on merit.

H. STAFF REPORTS

Kyle Butterwick (Director) reported that the City Council was scheduled to consider an appeal of the Headlands development approvals previously granted by the Planning Commission. He stated that the hearing was scheduled for February 23, 2005. He added that the Town Center Workshops would be held on March 3, 2005 with the first one being held from 4:00-6:00 p.m. for the property owners and merchants and the second one beginning at 7:00 p.m. for the residents.

John Tilton (City Architect/Planning Manager) reported that the City Council had directed staff to prepare an agenda report for the formation of a task force or committee to address the height issue. He stated that this item was scheduled for consideration at the next Council meeting.

I. COMMISSIONER COMMENTS

There were no Commissioner Comments.

J. ADJOURNMENT

Chairman Denton announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, March 2, 2005, 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 8:38 p.m.

/s/ Norman Denton

Norman Denton, Chairman
Planning Commission