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

November 17, 2004
7:00 – 9:10 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 (Planning Consultant), 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 November 3, 2004.

ACTION: Motion made (O'Connor) and seconded (Schoeffel) to approve the Minutes of the regular Planning Commission Meeting of November 3, 2004. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg **NOES:** None **ABSENT:** None **ABSTAIN:** None)

B. PUBLIC COMMENTS

Jim Miller (Dana Point) stated that he was the owner of the Coffee Importers and that he wanted to remind the Planning Commission and the leaders of the community that the purpose of the revitalization of the couplet was to create a pedestrian-friendly shopping business environment for the residents and guests of Dana Point. He added that the couplet has many existing businesses that are

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family owned and that they also live in Dana Point. He stated that Dana Point was a unique community and that the City must not lose its identity when developing the downtown area. He added that what makes a successful downtown besides adequate parking will be the right mix of businesses keeping Dana Point a community for its residents and guests and not for outside interests. He felt that Conditional Use Permits for the downtown area should not be considered until Roma Design makes its final recommendations to the Planning Commission and the City Council.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARINGS

ITEM 2: Coastal Development Permit CDP04-16 to allow the demolition of an existing single-family residence and the construction of a new two story, single-family residence with an attached garage, and associated improvements on a coastal bluff lot, with a Lot Line Adjustment to consolidate two lots into one parcel at 35015 Camino Capistrano.

Applicant: Lynn Muir, Architect
Owner: Raymond Nootens
Location: 35015 Camino Capistrano

Request: A Coastal Development Permit to allow the demolition of an existing single-family residence and the construction of a new two story, 10,254 square foot single-family residence with 1,074 square feet of attached garage space, and associated improvements on a coastal bluff lot, with a lot line adjustment to consolidate two lots into one parcel for the purposes of constructing the proposed residence.

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 demolition of an existing single-family residence and the construction of a new single-family residence replacing the existing residence.

Recommendation: That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP04-16.

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There were five (5) requests to speak on this item.

ACTION: Motion made (Schoeffel) and seconded (O'Connor) to adopt Resolution 04-11-17-50 approving Coastal Development Permit CDP04-16. Motion carried 4-1. (AYES: Denton, O'Connor, Powers, Schoeffel NOES: Weinberg ABSENT: None ABSTAIN: None)

ITEM 3: Coastal Development Permit CDP04-14 and Minor Site Development Permit SDP04-73M to allow a remodel and addition to an existing single story dwelling with non-conforming front and side yard setbacks in the Residential Multiple Family (RMF 22) zone at 24381 Santa Clara.

Applicant: Gerald N. Muir, Architect
Owner: Dwight Layton
Location: 24381 Santa Clara Avenue

Request: Coastal Development Permit and Minor Site Development Permit to allow a remodel and addition to an existing single-story dwelling with non-conforming front and side yard setbacks. Approximately 2,070 square feet will be added to the first floor and 3,233 square feet will be added to create a second floor. A second two-car garage will be added to the rear of the lot with access off of the alleyway

Environmental: The proposed project qualifies as a Class 1 (Section 15301) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves an addition to an existing structure not resulting in an increase of more than 10,000 square feet. Furthermore, the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and is not environmentally sensitive.

Recommendation: That the Planning Commission adopt the attached Resolution and approve Coastal Development Permit CDP04-14 and Minor Site Development Permit SDP04-73M for an addition to an existing non-conforming single-family dwelling.

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

ACTION: Motion made (O'Connor) and seconded (Schoeffel) to adopt Resolution 04-11-17-51 approving Coastal Development Permit CDP04-14 and Minor Site Development Permit SDP04-73M. Motion

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carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg
NOES: None ABSENT: None ABSTAIN: None)

E. PUBLIC MEETINGS

ITEM 4: **Appeal of the Community Development Director's determination that the previous entitlement to operate a drive-through restaurant at the property located at 34122 Pacific Coast Highway shall not apply to the proposed coffee house drive-through use and that a Conditional Use Permit is required.**

Applicant: Diedrich's Coffee, Inc.
Owner: William L. Steel, Samuel, Green, Steel & Adams, LLP
Location: 34122 Pacific Coast Highway

Recommendation: That the Planning Commission adopt the attached Resolution upholding the Community Development Director's determination.

There were eight (8) requests to speak on this item.

ACTION: **Motion made (O'Connor) and seconded (Schoeffel) to adopt Resolution 04-11-17-52 upholding the Community Development Director's determination. Motion carried 4-1.** (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: Powers ABSENT: None ABSTAIN: None)

F. OLD BUSINESS

There was no Old Business.

G. NEW BUSINESS

There was no New Business.

H. STAFF REPORTS

Kyle Butterwick (Director) reported that the Coastal Commission would be considering acceptance of the suggested modifications that the City had recently approved for the Headlands at their hearing tomorrow. He stated that if that

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happens that Staff is on schedule to bring forward the Tentative Tract Map and some other entitlement applications to the Planning Commission at the December 1, 2004 Planning Commission meeting. He suggested a field trip of the Planning Commission to the Headlands property on December 1, 2004 prior to the regularly scheduled meeting. He stated that if the Commission was available that they should meet Staff here at City Hall at 3:00 p.m.

Todd Litfin (Assistant City Attorney) reported that the City has been sued on the mobile home park closure and the City's approval of the Fractional Ordinance.

I. COMMISSIONER COMMENTS

Commissioner Schoeffel wished everyone a happy Thanksgiving.

Commissioner Weinberg asked if there was any way to convince the County of Orange to start working on the bike path near San Juan Creek. He felt that now was the perfect time to work on the path while the weather was dry.

Chairman Denton wished everyone a happy Thanksgiving.

Vice-Chairwoman O'Connor wished everyone a happy Thanksgiving and stated that we all had something to be thankful for this year.

Commissioner Powers stated that he was glad that the basement for the new home on Camino Capistrano was not included in the height measurement. He hoped that the City did not dissolve into doing things that were punitive or things that are reactionary in politics. He hoped that everyone would take their political hats off and focus on land use and the legal issues and that hopefully the Council would do the same. He wished everyone a great Thanksgiving.

J. ADJOURNMENT

Chairman Denton adjourned the meeting to a field trip of the Headlands on Wednesday, December 1, 2004, beginning at 3:00 p.m. (or as soon thereafter) at 33282 Golden Lantern, Dana Point, California.

The meeting adjourned at 9:10 p.m.