

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

January 19, 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 – Alternate Commissioner Dec led the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Vice-Chairwoman Michelle Brough, Commissioner Ed Conway, Chairman Norman Denton, Commissioner Liz Anderson Fitzgerald, and Alternate Commissioner Michael Dec

Staff Present: Kyle Butterwick (Director of Community Development), Todd Litfin (Assistant City Attorney), Kurth Nelson (Senior Planner), Evan Langan (Associate Planner), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of January 5, 2009.

ACTION: Motion made (Brough) and seconded (Conway) to approve the Minutes of the regular Planning Commission Meeting of January 5, 2009. Motion carried 5-0. (AYES: Brough, Conway, Dec, Denton, Fitzgerald 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.

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

January 19, 2009
7:00 – 7:38 p.m.

PAGE 2

D. PUBLIC HEARINGS

ITEM 2: Conditional Use Permit CUP08-0014 to allow the establishment of an educational learning center within a vacant office suite in the Town Center district at 34189 Pacific Coast Highway.

Applicant: Orange County Department of Education
Owner: DownUnder II LLC
Location: 34189 Pacific Coast Highway (APN 682-301-31)

Request: Request for Conditional Use Permit CUP08-0014 to allow the Orange County Department of Education to establish an “Educational Learning Center” within a vacant office suite (No. 201) at 34189 Pacific Coast Highway.

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 subject project categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (a) – 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 Planning Commission Resolution No. 09-01-19-02 approving Conditional Use Permit CUP08-0014.

Evan Langan (Associate Planner) presented the staff report.

Commissioner Fitzgerald asked several questions about parking requirements, the Centers’ proposed hours of operation; whether the total number of employees would increase; if the students’ families would temporarily use onsite parking spaces as a drop-off/pick up site, or else invariably park and stay.

Evan Langan replied that Town Center parking standards derive from the Municipal Code and stipulate this project provide six spaces. He further stated that the Center would operate during regular school/business hours and that if the approved student to teacher ratio should increase the change would be subject to review by the Planning Division, and a possible amendment of the CUP. He clarified that the attendees of the Center are mostly high school-aged students, and so would use a mixture of transportation modes to get to the Center (e.g. drive themselves, take the bus, or have their parents drop them off.) He stated that the applicant is present to provide the information related to the exact mixture of transportation used.

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

January 19, 2009
7:00 – 7:38 p.m.

PAGE 3

Chairman Denton opened the Public Hearing.

Dianne Blackburn (Access Program for South County, Principal – Laguna Hills) clarified that students don't drive to school, they use other means of transportation, including walking and drop-offs. She distributed brochures for information about their schools.

Chairman Denton closed the Public Hearing.

Commissioner Conway stated that it was a good use for the area and that he supports it.

Commissioner Fitzgerald asked if there was a required minimum distance of a school to a business that serves alcohol.

Kyle Butterwick replied that there is no minimum distance from a use of this nature.

ACTION: Motion made (Conway) and seconded (Dec) to adopt Resolution No. 09-01-19-02 approving Conditional Use Permit CUP08-0014 to allow the establishment of an educational learning center within a vacant office suite in the Town Center district at 34189 Pacific Coast Highway. Motion carried 5-0. (AYES: Brough, Conway, Dec, Denton, Fitzgerald NOES: None ABSENT: None ABSTAIN: None)

ITEM 3: Tentative Parcel Map TPM2006-237 and Conditional Use Permit CUP06-21 to allow the conversion of an existing four unit apartment complex to condominiums including the addition of 1,165 square feet to the structure at the property addressed 33412 Cheltam Way and located in the Residential Multiple Family 14 zoning district.

Applicant: Matrix Seismic Corp.
Owner: Cheltam 33412 LLC
Location: 33412 Cheltam Way: APN; 673-231-04

Request: A Tentative Parcel Map and Conditional Use Permit to allow the conversion of an existing four unit apartment complex to condominiums including the addition of 1,165 square feet to the structure at the property addressed 33412 Cheltam Way and located in the Residential Multiple Family 14 Zoning District.

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

January 19, 2009
7:00 – 7:38 p.m.

PAGE 4

Environmental: The proposed project qualifies as a Class 1 (Section 15301 – Existing Facilities) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project consists of an addition to an existing structure not resulting in an increase of more than 50 percent of the floor area of the existing structure and the division of existing multiple family residences into common-interest ownership.

Recommendation: That the Planning Commission adopt the attached Resolution approving Tentative Parcel Map TPM2006-237 and Conditional Use Permit CUP06-21.

Kurth Nelson (Senior Planner) presented the staff report.

Chairman Denton opened the Public Hearing.

Dr. Hooshang Noori (Applicant - Laguna Niguel -) stated that he purchased the property in its current poor condition. He stated that he wanted to improve Cheltam Way by converting the property from rental units because of constant tenant turnover. He stated that he further made the decision to add value to the City, street and owners of the property for the beauty of Dana Point. He added that staff has done a good job. He stated that he was available to answer questions.

Gary Gates (Rancho Santa Margarita) stated that he has no issues with the upgrades. He stated that trash cans have always been an issue, as well as parking. He asked staff to address these issues for the record.

Chairman Denton closed the Public Hearing.

Chairman Denton asked if there were changes to the procedures or placement of trash cans in a condominium versus an apartment dwelling.

Kurth Nelson replied there are no specific requirements. He stated that the site currently has automated service trash (large trash receptacles), and it is anticipated that the same service would remain. He added that they have conditioned storage trash bins be screened from public view, and that with extra space in the enclosed garage and behind fences in the side yard, they should be able to store them out of public view.

Alternate Commissioner Dec felt that the proposed project fits with neighboring properties, and that it was “straightforward.”

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

January 19, 2009
7:00 – 7:38 p.m.

PAGE 5

Commissioner Brough stated that she agreed with the applicant to convert the rental units to condominium to hopefully increase owner occupancy.

ACTION: Motion made (Brough) and seconded (Fitzgerald) to adopt Resolution No. 09-01-19-03 approving Tentative Parcel Map TPM2006-237 and Conditional Use Permit CUP06-21 to allow the conversion of an existing four unit apartment complex to condominiums including the addition of 1,165 square feet to the structure at the property addressed 33412 Cheltam Way. Motion carried 5-0. (AYES: Brough, Conway, Dec, Denton, Fitzgerald NOES: None ABSENT: None ABSTAIN: None)

E. NEW BUSINESS

There was no New Business.

F. STAFF REPORTS

Kyle Butterwick (Director) gave several updates:

- The actions of the City Council were decided regarding Planning Commission member status. Of the two decisions made: the first was the elimination of term limits; second, the elimination of the alternate Planning Commission positions. These two decisions return the Planning Commission to its original historic formation. He noted that the Council will be reappointing two vacancies on the Commission. The City will advertise the recruitment, and applications will be made available on the City's website and/or from the City Clerk's office.
- The Planning Commission will be considering the proposed General Plan Amendment and Zone Change for the "Makar Property" (former mobile home park at 34202 Del Obispo) on February 2nd. He asked the Commissioners if they were interested in arranging a site visit prior to their next meeting.

Todd Litfin (Assistant City Attorney) reported that at the beginning of the year, the Legislature passed amendments to the Brown Act, intended to discourage elected/appointed officials from having personal conversations between each other regarding public hearing matters and site visits of pending projects.

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

January 19, 2009
7:00 – 7:38 p.m.

PAGE 6

He also reported that he attended a presentation of the Orange County City Attorneys Association about medical marijuana establishments. The City of Anaheim is involved in litigation and may bring forward the issue of the relationship between State and Federal law on what is allowed under the marijuana initiative. He stated if the case goes poorly for Anaheim, it could change California land use analysis of that issue.

G. COMMISSIONER COMMENTS

Chairman Denton stated that the Planning Commission had reached a consensus to schedule the next meeting to a site visit at the Makar Property on Friday, January 30, 2009 at 4:30 p.m.

Commissioner Conway encouraged more condominium conversion projects to enhance upgrades and new landscaping along Cheltam Way and elsewhere in the City.

Chairman Denton agreed with Commissioner Conway, stating that it fosters pride of ownership in the neighborhood.

H. ADJOURNMENT

Chairman Denton adjourned to the next meeting of the Planning Commission which will be held on Friday, January 30, 2009, beginning at 4:30 p.m. (or as soon thereafter) at the corner of Del Obispo and Pacific Coast Highway (at the driveway off Del Obispo into the property), Dana Point, California.

The meeting adjourned at 7:38 p.m.

Norman Denton, Chairman
Planning Commission