

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

November 15, 2010
6:00 – 6:22 p.m.

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

CALL TO ORDER – Chairman Conway called the meeting to order.

PLEDGE OF ALLEGIANCE – Commissioner Claus led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Kyle Butterwick (Director), Erica Demkowicz (Senior Planner), Jennifer Farrell (Assistant City Attorney), and Denise Jacobo (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: Minutes of the regular Planning Commission Meeting of November 1, 2010.

ACTION: Motion made (O'Connor) and seconded (Newkirk) to approve the Minutes of the regular Planning Commission Meeting of November 1, 2010. Motion carried 5-0. (AYES: Claus, Conway, Denton, Newkirk, O'Connor 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.

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D. PUBLIC HEARINGS

Commissioner Claus recused herself from the following item at 6:03 p.m.

ITEM 2: Conditional Use Permit CUP10-0009(M) and Site Development Permit SDP10-0026(M) to allow the establishment of a Type 41 alcohol (beer & wine) license in conjunction with the establishment of a new restaurant (“Burger Shwack”). A Minor Site Development Permit is also required to modify the parking layout for the new use in observance of the previously approved parking demand study. The new restaurant will be located on the corner of Del Prado Avenue and Amber Lantern in the City’s Town Center area and will occupy the tenant space formally occupied by Starbuck’s Coffee. The subject site is located at 24502 Del Prado Avenue.

Applicant/

Owner: Richard M. Fisher (“Burger Shwack”)/Sam Menzelos

Location(s): 24502 Del Prado; APN: 682-191-01

Request: A Minor Conditional Use Permit and Minor Site Development Permit to allow the establishment of a Type 41 alcohol license in conjunction with the establishment of a new restaurant. The parking layout for the site is also being modified in observance of the previously approved parking study.

Environmental: The proposed project qualifies as a Class 3 [Section 15303 (c)] Categorical Exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) – New Construction or Conversion of Small Structures in that the project involves the conversion of an existing commercial tenant space from one use to another.

Recommendation: That the Planning Commission adopt the attached Resolution approving Conditional Use Permit CUP10-0009(M) and Site Development Permit SDP10-0026(M).

Erica Demkowicz (Senior Planner) reviewed the staff report.

Chairman Conway opened the Public Hearing.

Richard Fisher (Applicant – Dana Point) stated that he has been a resident of Dana Point for 7-8 years, and owns several small restaurant chains and loves the City and the location for his project.

Chairman Conway closed the Public Hearing.

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Commissioner Newkirk stated that the concept is great, and it fits within Dana Point.

Vice-Chairwoman O'Connor stated that the restaurant menu featured a proper pricing point, and she liked the professional experience of the applicant. She added that she is always in favor of small businesses, likes the addition of adding more parking and was in favor of the project.

Commissioner Denton stated that the project is great and was in favor of the project.

Chairman Conway stated that the restaurant would be a great addition to Town Center and was in favor of the project.

ACTION: Motion made (O'Connor) and seconded (Conway) to adopt Resolution No. 10-11-15-19 approving Conditional Use Permit CUP10-0009(M) and Site Development Permit SDP10-0026(M) for the establishment of a Type 41 (beer & wine) license in conjunction with a new restaurant ("Burger Swack") and a modification to the parking layout based upon a previously approved parking demand study for 24502 Del Prado Avenue in the City's Town Center. Motion carried 4-1. (AYES: Conway, Denton, Newkirk, O'Connor NOES: None ABSENT: Claus ABSTAIN: None)

Commissioner Claus returned to the meeting at 6:18 p.m.

E. NEW BUSINESS

There was no New Business.

F. STAFF REPORTS

There were no Staff Reports.

G. COMMISSIONER COMMENTS

Commissioner Denton wished everyone a safe and Happy Thanksgiving.

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Vice-Chairwoman O'Connor noted to have the City positions updated in the Winter 2010/2011 Recreation Services & City Guide to reflect current titles.

Commissioner Claus reported that she attended SOCSA's Broadway Night music concert held at Dana Hills High School put forth by mayor pro tem Schoeffel and stated that it was exquisite.

Commissioner Newkirk also reported on the music concert and stated that mayor pro tem Schoeffel is a great coach and mentor for kids.

Chairman Conway wished everyone a Happy Thanksgiving.

H. ADJOURNMENT

Chairman Conway announced that the *next regular* meeting of the Planning Commission will be held on Monday, December 6, 2010, 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 6:22 p.m.

Ed Conway, Chairman
Planning Commission