

**CITY OF DANA POINT
AGENDA REPORT**

DATE: FEBRUARY 13, 2017

TO: DANA POINT PLANNING COMMISSION

FROM: URSULA LUNA-REYNOSA, DIRECTOR
SEAN NICHOLAS, SENIOR PLANNER

SUBJECT: DE MINIMIS PROJECT WAIVER APPROVAL REPORT FROM A COASTAL DEVELOPMENT PERMIT CDP17-0001(WAIVER) TO PERMIT AN ADDITION FOR A NEW RESTAURANT WITHIN TOWN CENTER LOCATED AT 24532 DEL PRADO.

RECOMMENDATION: That the Planning Commission receive and file the De Minimis Project Waiver from a Coastal Development Permit.

APPLICANT: Stan Andrade, Architect

OWNER: Brandon and Steve Mueller

REQUEST: A De Minimis Project Waiver from a Coastal Development Permit to add 764 square feet to the first floor of an existing commercial building to allow the establishment of a new restaurant.

LOCATION: 24532 Del Prado (APN 682-191-03)

NOTICE: On January 23, 2017, a Notice of Application for a De Minimis Project Waiver from a Coastal Development Permit was posted at the project site and notices were sent consistent with the Dana Point Zoning Code.

ENVIRONMENTAL:

The project is Categorical Exempt from the provisions set forth in the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 – Existing Facilities).

ISSUES:

1. Does the project satisfy all the findings required pursuant to the City's Municipal Code for approval of a De Minimis Project Waiver from a Coastal Development Permit?

BACKGROUND AND DISCUSSION:

The subject De Minimis Waiver application proposes the addition of 764 square feet to establish a new restaurant within the Town Center, located within the Coastal Zone but outside the appeals area. On January 26, 2017, a Minor Conditional Use Permit, Minor Site Development Permit, and De Minimis Project Waiver from a Coastal Development Permit was approved in an Administrative hearing for onsite alcohol use, tandem parking, and an addition greater than 10% to a non-conforming structure. The Community Development Director is requesting Planning Commission concurrence with the attached (Attachment 1) De Minimis Project Waiver from a Coastal Development Permit. Staff has also included the administrative approval of the Minor Conditional Use Permit and Minor Site Development Permit (Attachment 2), and the proposed plans (Attachment 3) for reference. It is important to note that pursuant to Dana Point Zoning Code section 9.69.160(a)(3) a De Minimis Waiver cannot be conditioned.

CONCLUSION:

The Community Development Director found that the subject project conforms to the development standards of the Municipal Code, Local Coastal Program, and meets the required findings for issuance of a De Minimis Waiver. Staff recommends the Planning Commission receive and file the report. If one-third or more of the full membership of the Planning Commission so request, the issuance of the De Minimis Project Waiver from a Coastal Development Permit shall not become effective, and the applicant will be advised that a Coastal Development Permit is required pursuant to Section 9.69.110 of the DPZC.

Sean Nicholas, AICP
Senior Planner

Ursula Luna-Reynosa, Director
Community Development Department

Supporting Documents:

1. Draft De Minimis Project Waiver from a Coastal Development Permit
2. Approved Minor Conditional Use Permit CDP16-0004(M) and Minor Site Development Permit SDP16-0023(M)
3. Proposed Plans