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

February 1, 2006
7:00-8:42 p.m.

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

CALL TO ORDER – Chairwoman O'Connor called the meeting to order.

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

ROLL CALL

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

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

Chairwoman O'Connor announced that items were going to be taken out of order this evening.

E. PUBLIC HEARINGS

ITEM 6: Variance V05-08 to allow a new single-family residence to exceed the maximum allowable height by 6-feet, 9-inches; a Minor Site Development Permit SDP05-65M for retaining walls up to 6 feet; and a Coastal Development Permit for development in the Coastal Zone on a 6,004 square foot lot in the Residential Single Family (RSF 7) Zoning District at 34142 Chula Vista.

Applicant: Lynn J. Muir
Owner: Usha Gopal
Location: 34142 Chula Vista

Request: A Variance to allow a new 5,370 square foot, 3-level single-family dwelling and attached 527 square foot garage, together measuring 32 feet, 9 inches in height, instead of the maximum allowable height of 26 feet, a Minor Site Development Permit for retaining walls as high as 6 feet, and a Coastal Development Permit for development in the Coastal Zone on a 6,004 square foot lot in the Residential Single Family (RSF 7) Zoning District.

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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 involves the construction of a single-family residence and associated retaining walls.

Recommendation: That the Planning Commission adopt the attached draft Resolution denying Variance V05-08, Site Development Permit SDP05-65M, and Coastal Development Permit CDP05-25.

Kyle Butterwick (Director) stated that staff had received a request from the applicant asking for a thirty (30) day continuance of this item. He recommended that the Planning Commission accept the request of the applicant and continue the hearing to regular meeting of March 1, 2006.

Chairwoman O'Connor opened the Public Hearing.

Clarence Owen (Dana Point) stated that he was in support of the Variance request and felt that it was reasonable considering the sloping lot.

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to continue this item to the regular Planning Commission meeting of March 1, 2006. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

A. PRESENTATIONS

ITEM 1: Recognition of recently designated Historic Structures.

Brenda Chase (Senior Planner) provided a PowerPoint presentation of the historic homes that were receiving plaques. The plaques were presented by Chairwoman O'Connor to the following property owners:

- Jim and Regina Barnes
- Steve and Leslie Cary
- Tim and Carmella Hardy
- Bill and Michelle Hoover
- Keith and Barbara Johannes

Carlos Olvera (Dana Point – Dana Point/Capistrano Beach Historical Society President) thanked the homeowners who had put forth the effort to restore their homes and maintain them in Dana Point.

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F. APPROVAL OF MINUTES

ITEM 2: Minutes of the regular Planning Commission Meeting of January 18, 2006.

ACTION: Motion made (Denton) and seconded (Weinberg) to approve the Minutes of the regular Planning Commission Meeting of January 18, 2006. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

G. PUBLIC COMMENTS

There were no Public Comments.

D. CONSENT CALENDAR

ITEM 3: One-year extension of Coastal Development Permits CDP01-20 and CDP01-22 and Site Development Permit SDP01-64 for the construction of two new single-family dwellings located at 25162 and 25172 Via Elevado.

Applicant/

Owner: Clayton Robert Behling

Location: 25162 and 25172 Via Elevado

Request: Allow a third one-year time extension of discretionary permits originally approved in November 2001, which granted entitlements to construct a new dwelling on each of the lots identified above.

Recommendation: That the Planning Commission approve a one-year time extension for Coastal Development Permit CDP01-20, Coastal Development Permit CDP01-22, and Site Development Permit SDP01-64, subject to all of the conditions contained in Resolution No. 02-02-12-02 and Resolution No. 02-02-12-03.

ACTION: Motion made (Schoeffel) and seconded (Fitzgerald) to approve the request for a one-year time extension for Coastal Development Permits CDP01-20, CDP01-22, and Site Development Permit SDP01-64. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

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E. PUBLIC HEARINGS

ITEM 4: Temporary Site Development Permit TSDP05-34; One Monarch Beach Resort.

Recommendation: No action is required; the project was noticed in the newspaper but the applicant has since withdrawn the request.

ITEM 5: A request to amend Conditional Use Permit CUP05-03 to allow for outdoor seating at the wine bar (Purple Feet Wines) located at 24582 Del Prado in the Town Center.

Applicant/

Owner: Bill Jonas

Location: 24582 Del Prado

Request: Approval to allow outdoor seating at the existing wine bar (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 the amendment to Conditional Use Permit CUP05-03.

Brenda Chase (Senior Planner) reviewed the staff report.

Chairwoman O'Connor opened the Public Hearing.

Norma Lococo (Dana Point) stated that she opposed the amendment to allow the outdoor seating area. She felt that there was a lack of public parking in the area because of the wine bar patrons.

Jerry Grunor (Dana Point) stated that the outdoor seating would create excessive noise for the adjacent residents and that he does not support the request. He asked the Planning Commission not to set precedent by allowing this proposal.

Patti Converse (Dana Point) stated that she lives directly above the wine bar and that the noise was excessive that filtered into her home. She added that she could hear the employees when they move chairs to clean and when they take

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out the garbage at night. She stated that she did not support the amendment to allow the outdoor seating nor the extension of hours.

Rhonda Handke (Dana Point) stated that people have a right to quiet enjoyment and that she opposed the amendment to allow outdoor seating.

Eric Friedrichsen (Carlsbad – Property Owner) felt that there was an excessive amount of parking available and that he didn't understand how there could be a problem. He stated that Purple Feet has added life to the downtown. He felt that the amendment was within the scope of what the City was trying to accomplish in the Town Center. He stated that Mr. Jonas has offered to work with people to mitigate any problems.

Bill Jonas (Laguna Niguel – Applicant) stated that he was willing to engage in the services of a sound engineer to determine how the sound is transferring upstairs to the residences. He added that they encourage their patrons to use the parking garage to free up the parking on the street.

Steve Cary (Dana Point) stated that this proposal was the perfect example of the problems that will arise from residential homes on top of commercial and how it does not work.

Chairwoman O'Connor closed the Public Hearing.

Kyle Butterwick (Director) stated that the CUP allows the Planning Commission to fine tune the permit and impose whatever conditions they find necessary.

Commissioner Fitzgerald suggested that the employees take the trash out in the mornings before opening and post signs reminding patrons to be considerate of the residents.

Commissioner Denton felt that conditions should be included that preclude more than sixteen (16) people on the patio at any given time, that the closing hours should be reduced, no recorded music on the patio, and the clean up should be done in the mornings.

Vice-Chairman Schoeffel felt that 10:00 p.m. was a reasonable time to expect the patio to close during the week.

Chairwoman O'Connor agreed that the patio should close at 10:00 p.m. and that there should be no recorded music allowed.

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Commissioner Fitzgerald suggested the following conditions:

- No more than sixteen (16) people on the patio
- The patio to close at 10:00 p.m. every night
- No music on the patio
- Housekeeping issues to be solved by the owner
- Business hours reduced to close at 10:00 p.m. Monday through Friday and close at 11:00 p.m. on Saturday and Sunday
- Six (6) month trial and at that time the owner could re-apply for extended hours

Commissioner Weinberg stated that he would support leaving the hours of operation as is and review the permit in six (6) months.

Commissioner Denton stated that he would agree to the limit of sixteen (16) people on the patio, closing the patio at 10:00 p.m., and no music. He added that the hours of the business should be left as is and the Planning Commission should review the CUP in six (6) months.

Vice-Chairman Schoeffel stated that he would support the conditions as suggested by Commissioner Denton.

Chairwoman O'Connor agreed with Commissioner Denton's suggestions, but that she would recommend a review of the CUP in one (1) year.

ACTION: Motion made (Denton) and seconded (Weinberg) to adopt Resolution 06-02-01-02 approving the amendment to Conditional Use Permit CUP05-03 subject to the following Conditions; 1. No more than sixteen (16) people on the patio at any one time, 2. The patio to close at 10:00 p.m., 3. No recorded music on the patio, and 4. A review in six (6) months of this Conditional Use Permit. Motion carried 5-0. (AYES: Denton, Fitzgerald, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

Chairwoman O'Connor recessed the meeting at 8:31 p.m. and reconvened the meeting at 8:39 p.m.

F. PUBLIC MEETINGS

There were no Public Meetings.

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G. OLD BUSINESS

There was no Old Business.

H. NEW BUSINESS

There was no New Business.

I. STAFF REPORTS

Kyle Butterwick (Director) reported that the County Board of Supervisors certified the Harbor EIR. He stated that the County will be processing a Local Coastal Plan Amendment (LCPA) through the City. He added that the proposal would be coming to the Planning Commission in the next six to eight weeks.

J. COMMISSIONER COMMENTS

Commissioner Weinberg stated that he would like for the City to make a request of the County to build a barrier to keep the walking path open along San Juan Creek.

Chairwoman O'Connor offered condolences to Doug Chotkevys and his family for the passing of his father recently.

K. ADJOURNMENT

Chairwoman O'Connor announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, February 15, 2006, 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 8:42 p.m.

April O'Connor, Chairwoman
Planning Commission