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

December 7, 2005  
7:00-8:36 p.m.

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

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**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, 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), Robert Kain (Permit Coordinator), 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 16, 2005.**

**ACTION: Motion made (Denton) and seconded (Schoeffel) to approve the Minutes of the regular Planning Commission Meeting of November 16, 2005. Motion carried 3-0-1. (AYES: Denton, O'Connor, Schoeffel NOES: None ABSENT: None ABSTAIN: Weinberg)**

**B. PUBLIC COMMENTS**

There were no Public Comments.

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**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

**D. PUBLIC HEARINGS**

**ITEM 2: Coastal Development Permit CDP05-23 to allow the demolition of an existing single-family residence and construction of a new single-family residence on a property located within the Coastal Overlay District at 11 Breakers Isle.**

Applicant: Chuck Van Cleve  
Owner: Shelly and Jennifer Singhal  
Location: 11 Breakers Isle

Request: Request for a Coastal Development Permit (CDP05-23) to allow the demolition of an existing single-family residence and construction of a new single-family residence.

Environmental: This project is categorically exempt (Class 3 – Section 15303 – New Construction) from the provisions of the California Environmental Quality Act (CEQA) because the project involves the construction of a new single-family residence not in conjunction with the construction of two or more of such dwelling units.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP05-23.

**Robert Kain** (Permit Coordinator) reviewed the staff report.

**There being no requests to speak on this item, Chairwoman O'Connor opened and closed the Public Hearing.**

**ACTION: Motion made (Schoeffel) and seconded (Denton) to adopt Resolution 05-12-07-50 approving Coastal Development Permit CDP05-23. Motion carried 4-0. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)**

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**ITEM 3: A request for Conditional Use Permit CUP05-08 to allow a designated area within the existing Monarch Beach Market to be utilized for wine tasting (alcohol beverage outlet) located at 24040 Camino Del Avion, Suite #G.**

Applicant: Steve Haythorne  
Owner: O'Hill Properties/Jerry Ninninger  
Location: 24040 Camino Del Avion, Suite #G

Request: A Conditional Use Permit to allow a designated area within the existing Monarch Beach market to be utilized for wine tasting. Approval of the Conditional Use Permit would be to allow an alcohol beverage outlet in the Community Commercial/Vehicular zoning district. The site is located at the corner of Camino Del Avion and Niguel Road.

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 an interior alteration to an existing structure.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Conditional Use Permit CUP05-08 and make the required finding of public convenience and necessity.

**Erica Williams** (Senior Planner) reviewed the staff report.

**Chairwoman O'Connor opened the Public Hearing.**

**Steve Haythorne** (Dana Point) felt that the proposal would be a great way to bring more commerce to the area and help generate more business for the center.

**Terry Walsh** (Dana Point) stated that he was concerned about the noise that could be generated by the additional business. He added that he was also concerned about where the wine tasting would take place and that he would not want to see it expand outside of the market.

**Tristan Krogius** (Dana Point) stated that the market had been upgraded to where it is a very unique, boutique, small market. He added that they have a very high priced and high-quality wine and liquor selection and that they appeal to the high-end customer. He felt that the wine tasting would be a tremendous asset.

**Chairwoman O'Connor closed the Public Hearing.**

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**Vice-Chairman Schoeffel** stated that the proposal would create a unique and desirable use. He added that he would support the Resolution as written.

**Chairwoman O'Connor** stated that she would support the proposal.

**Commissioner Denton** felt that the use would be a great addition to the market. He added that a restriction should be added to the Resolution to state that the wine tasting would not be allowed outside of the market.

**Commissioner Weinberg** stated that he was concerned that the wine tasting was not clearly defined.

**ACTION:** Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 05-12-07-51 approving Conditional Use Permit CUP05-08. Motion carried 4-0. (AYES: Denton, O'Connor, Schoeffel, Weinberg  
NOES: None ABSENT: None ABSTAIN: None)

**ITEM 4:** 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 SDP05-06M for retaining walls up to 6-feet and a Coastal Development Permit CDP05-25 for development in the Coastal Overlay Zone at 34142 Chula Vista.

Recommendation: That the Planning Commission continue this item to a future meeting date.

**Kyle Butterwick** (Director) stated that subsequent to the public notice being mailed out, staff had met with the applicant and that the applicant had asked for more time to re-examine the design.

**Chairwoman O'Connor opened the Public Hearing.**

**Scott Howell** (Dana Point) asked the Planning Commission to hold a separate public hearing for the proposed parcel map. He stated that he was concerned about the view corridor that could be lost with this development.

**Walden Tucker** (Dana Point) stated that he was concerned about the loss of view by the proposed development.

**Vice-Chairman Schoeffel** stated that he would like the Planning Commission to consider all of the applications at one time.

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**ACTION:** Motion made (Denton) and seconded (Weinberg) to continue this item to a future meeting date. Motion carried 4-0. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

**ITEM 5:** Coastal Development Permit CDP05-14 and Site Development SDP05-62 to allow for the demolition of an existing single-family residence and the construction of a new two (2) story, single-family residence within the RBR12 Zoning District and Floodplain FP-3 Overlay District at 35301 Beach Road.

Applicant: Stan Schrofer  
Owner: Ray Taccolini  
Location: 35301 Beach Road

Request: Approval of a Coastal Development Permit and Site Development Permit to allow for the demolition of an existing single-family residence and the construction of a new two (2) story, 3,522 square foot single-family residence with an attached 474 square foot, two (2) car garage within the RBR12 Zoning District and Floodplain FP-3 Overlay District.

Environmental: This project is categorically exempt (Class 3 – Section 15303 – New Construction) from the provisions of the California Environmental Quality Act (CEQA) because the project involves the construction of a new single-family residence not in conjunction with the construction of two or more of such dwelling units.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP05-14 and Site Development Permit SDP05-62.

**Brenda Chase** (Senior Planner) reviewed the staff report.

**There being no requests to speak on this item, Chairwoman O'Connor opened and closed the Public Hearing.**

**ACTION:** Motion made (Schoeffel) and seconded (Denton) to adopt Resolution 05-12-07-52 approving Coastal Development Permit CDP05-14. Motion carried 4-0. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

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**E. PUBLIC MEETINGS**

**ITEM 6: *(Continued from the regular Planning Commission meeting of November 16, 2005)* Review and consideration of proposed Bicycle and Pedestrian Trails Master Plan.**

Recommendation: That the Planning Commission review and recommend the City Council approve the proposed Bicycle and Pedestrian Trails Master Plan.

**Brenda Chase** (Senior Planner) stated that at the last Planning Commission meeting, a Commissioner had made some comments relating to recommending bicycle facilities being placed at the Selva parking lot as well as a linkage between the neighborhoods that are surrounding the Sea Canyon Park and Dana Crest Park. She added that the bicycle parking had been included in the Plan but in regards to the trail system, that there was not an easement that would allow the City to link the two (2) neighborhoods. She stated that language had been included in the Plan recognizing the benefit to allow individuals to walk from the southern community to the northern community and even to Camino Del Avion.

**Commissioner Weinberg** stated that he would like to prioritize the following:

1. An up coast, down coast route (Pacific Coast Highway through Town Center)
2. A route that goes along San Juan Creek and one along Crown Valley that goes in and out of the City.

He felt that the intersections at Golden Lantern/Pacific Coast Highway and Del Obispo/Pacific Coast Highway were suicidal and that the path off of Golden Lantern that winds through the neighborhoods to the maintenance yard on Del Obispo would be a safer route for the bicyclists. He added that there was a lack of bike route signs in the City. He stated that someone needs to figure out how to fix the underpass so it doesn't flood the bike path. He added that bike sensors needed to be installed for left hand turn lanes.

**Commissioner Denton** stated that he supports the Plan and that he would like language included recognizing the need for the County to deal with the water under the bridge.

**Vice-Chairman Schoeffel** stated that he supports the Plan with the addition of Commissioner Weinberg's comments as well. He felt that the Plan would provide an opportunity for the City to reach out to people on the safety issue and that more people might utilize the routes if there were creative, accessible, and safe ways to do so.

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**Chairwoman O'Connor** stated that she supports the Plan and felt that it has identified the City's future needs.

**ACTION:** **Motion made (Weinberg) and seconded (Denton) to adopt Resolution 05-12-07-53 recommending that the City Council approve the proposed Bicycle and Pedestrian Trails Master Plan. Motion carried 4-0. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None 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 City Council had agreed at their last meeting to re-organize the Community Development Department to add an Economic Development Division. He stated that the new division will be creating an economic plan to be approved by both the Planning Commission and the City Council. He added that the plan will be very encompassing in terms of various programs to help promote and advance the commercial business environment in the City.

He reported that the City Council had considered two items that had previously appeared before the Planning Commission. He stated that the gates for the Bal Harbour development were approved by the City Council. He stated that the neighborhood association was well represented and had made a compelling argument about their need for the gates. He added that the association had volunteered to provide signage that will clearly mark the trails for the public.

He stated that the height Variance for the home on Malaga was also granted by the City Council. He added that the City Council found the request to be a modest and a nice improvement to the façade.

He stated that the City had recently hired a consultant to provide a comprehensive review of the City's fees. He added that the City had not modified its fee structure in the last seven years.

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**Todd Litfin** (Assistant City Attorney) reported that the Headlands Final Tract Map was approved at the last City Council meeting.

**John Tilton** (City Architect/Planning Manager) stated that regarding the Variance on Malaga, notwithstanding the fact that the City Council had overturned the Commission's decision, they did as a whole applaud the Planning Commission's ability to scrutinize these Variances and to look at them with a critical eye and that they were sending the message to continue to do so.

He added that the Building Height Task Force has wrapped up their meetings and that now staff would be crafting a new Ordinance that would be coming to the Planning Commission after the first of the year.

**I. COMMISSIONER COMMENTS**

**Commissioner Weinberg** encouraged the Planning Commission members to attend the Town Center Subcommittee meetings.

**Commissioner Denton** thanked John Tilton and Brenda Chase for their work on the Art In Public Places and reported that the sculpture at Village Road and Del Obispo for the Bal Harbour development is attractive and well-landscaped.

**Vice-Chairman Schoeffel** stated that the dog fun zones in the City's parks have really turned out well. He added that when he is out with his dog, that he is stopped all the time by people telling him what a great idea this was and how well it was working.

**Chairwoman O'Connor** stated that despite that the Planning Commission and Planning Staff's decisions have been overturned on many occasions by the City Council, that she was proud of the work that the Commissioners and staff have done. She felt that they were making a difference and making Dana Point a better place and that they should all be happy about that.



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**J. ADJOURNMENT**

**Chairwoman O'Connor** announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, December 21, 2005, 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 8:36 p.m.**

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April O'Connor, Chairwoman  
Planning Commission