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

March 2, 2005
7:05-8:51 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 – Vice-Chairwoman O'Connor led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), John Tilton (City Architect/Planning Manager), Erica Williams (Senior Planner), Robert Kain (Permit Coordinator), and Bobbi Ogan (Planning Secretary)

A. APPROVAL OF MINUTES

ITEM 1: **Minutes of the regular Planning Commission Meeting of February 16, 2005.**

ACTION: **Motion made (O'Connor) and seconded (Weinberg) to approve the Minutes of the regular Planning Commission Meeting of February 16, 2005. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)**

B. PUBLIC COMMENTS

There were no Public Comments.

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C. CONSENT CALENDAR

ITEM 2: One-year extension of Coastal Development Permit 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

Locations: 25162 Via Elevado
25172 Via Elevado

Request: Allow a second 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 and Coastal Development Permit CDP01-22 and Site Development Permit SDP01-64, subject to all the conditions contained in Resolution No. 02-02-12-02 and Resolution No. 02-02-12-03.

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to approve the Consent Calendar. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

Vice-Chairwoman O'Connor recused herself from the meeting at 7:08 p.m.

D. PUBLIC HEARINGS

ITEM 3: Coastal Development Permit CDP05-04 to allow an addition and remodel to an existing single-family residential dwelling that would result in an increase of more than ten percent (10%) of the internal floor area of the dwelling. The subject site is located in the residential single-family (RSF-4) zone and is addressed as 145 Monarch Bay Drive.

Applicant: Noah Hamman

Owner: Kevin O'Connor

Location: 145 Monarch Bay Drive

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Request: A Coastal Development Permit to allow the addition of a total of 410 square feet to create a new front entryway and to allow for the addition of a new library/playroom; 155 square feet will be added to the existing garage and 685 square feet of the existing interior floor area of the main dwelling will be remodeled. The proposed addition will consist of approximately 16.9% of the existing internal floor area, which exceeds the 10% exemption, thus requiring a Coastal Development Permit.

Environmental: The proposed project qualifies as a Class 1 (Section 15301) pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves an addition to an existing structure not resulting in an increase of 50 percent of the floor area prior to the addition, or 2,500 square feet whichever is less.

Recommendation: That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP05-04.

Erica Williams (Senior Planner) reviewed the staff report.

There being no requests to speak, Chairman Denton opened and closed the Public Hearing.

ACTION: Motion made (Powers) and seconded (Schoeffel) to adopt Resolution 05-03-02-12 approving Coastal Development Permit CDP05-04. Motion carried 4-0-1. (AYES: Denton, Powers, Schoeffel, Weinberg
NOES: None ABSENT: O'Connor ABSTAIN: None)

Vice-Chairwoman O'Connor returned to the meeting at 7:14 p.m.

ITEM 4: A Coastal Development Permit (CDP04-04) and Conditional Use Permit (CUP04-08) to allow the development of a new swimming school facility on property located at 34232-34236 Camino Capistrano in the Commercial/Residential Zone (C/R) of Doheny Village.

Applicant/

Owner: Joy Rosello

Location: 34232-34236 Camino Capistrano

Request: The development of a swim school facility to provide private swim lessons. The proposal includes the addition of a 1,300 square foot swimming pool, a 130 square foot restroom building, and a 170 square foot pool equipment building on property located in the Commercial/Residential Zone of Doheny

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Village. The existing single-family residence on the site will be occupied by a manager of the swim school. Minor improvements to the existing single-family residence are proposed in conjunction with the development of this project.

Environmental: The proposed project qualifies as a Categorically Exempt (Section 15301 – Class 1 – Existing Facilities) pursuant to the California Environmental Quality Act (CEQA).

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP04-04 and Conditional Use Permit CUP04-08 for a new swimming school at 34232-34236 Camino Capistrano.

John Tilton (City Architect/Planning Manager) provided a brief history on the project.

Robert Kain (Permit Coordinator) reviewed the staff report.

Chairman Denton opened the Public Hearing.

Victoria Riedl (Dana Point) stated that her children attend the applicant's other swim school and that the lessons were not loud. She added that she supports this project.

Carrie Flores (Dana Point) stated that she was opposed to the project. She was concerned about the noise that would be generated by the swim school and felt that there wasn't enough parking in the area for the proposed use.

Yvonne Alvarado (Capistrano Beach) stated that she was opposed to the swim school and that the noise level it would create was a concern. She added that she was concerned with emergency vehicles not being able to access their homes.

Richard Christman (Capistrano Beach) felt that the swim school would not be an improvement for their properties. He was concerned about fire emergency access and the length of time for the construction.

Cynthia Geskes (Dana Point) stated that she was concerned about their property values and the quality of life. She felt that extra traffic would be generated by the swim school causing congestion.

William Tullin (Dana Point) stated that he was concerned about their property values and felt that parking was a huge issue in the area. He added that the light

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and ventilation that their homes receive was provided by their sliding glass doors which he felt would be impacted by the proposed project.

Marni Cota (Dana Point) stated that her children currently take lessons from the applicant and that there was no time for games that it was all about learning to swim.

Connie McLinden (San Juan Capistrano/Co-Owner of the Property) stated that she has taught and coached swimming for the past seven (7) years with the applicant. She added that the kids are taught to swim. She felt that there weren't enough swim schools in the community.

Carol Steck-Weinhardt (Dana Point) stated that her children have taken lessons from the applicant and felt that the lessons were quiet and under control. She added that the teachers do not use whistles in their lessons.

Mark Heffner (Dana Point) stated that Dana Point Aquatics provided an excellent, safe program. He felt that the fire access would not be a problem. He asked for approval of the project because the community needed this type of service.

Wesley Lange (Dana Point) stated that anything to improve the property would be nice. He was concerned about the hours of operation for the swim school. He felt that the hours should be limited to regular business hours.

Joy Rossello (San Juan Capistrano – Property Owner) stated that this would not be used as a recreational or public pool and that there would be no free play allowed. She added that there will be organized classes with a small group of children. She stated that the parking would be located entirely on the property away from the alley and that the pool has been moved as far away from the Harborwalk Condominiums as possible. She felt that with the current design of the pool and the ten (10) foot fence that any noise should be mitigated.

Chairman Denton closed the Public Hearing.

Kyle Butterwick (Director) reminded everyone that the type of application that was being considered was a Conditional Use Permit for the swim school. He stated that the use permit does establish certain mandatory obligations of the owner/operator of this swim school and that this application does consist of 39 separate conditions. He added that the parking analysis had been reviewed by the City's traffic engineer and it had been found that there is adequate on-site parking for the purpose. He stated that the Fire Authority had reviewed the project and that they had approved the fire access and circulation.

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John Tilton (City Architect/Planning Manager) stated that all of the parking is provided on the site and that there was no parking allowed in the alley. He added that the City's Building Official had reviewed the handicap parking and was satisfied that it met all of the requirements.

Commissioner Powers felt that there have been significant changes made to the plan based on the concerns expressed at the meeting in October. He felt that the swim school would be a good thing for the community.

Vice-Chairwoman O'Connor stated that she would support the proposal and felt that they have addressed the parking and fire access issues. She added that the school would be a benefit.

Commissioner Weinberg felt that the previous concerns had been addressed and that he would support the project.

Commissioner Schoeffel stated that a sincere effort has been made by the applicant to address the previous concerns and that he would support the project.

Chairman Denton stated that he was impressed with the 11 changes that had been made to the plan and that he would support the project.

ACTION: Motion made (O'Connor) and seconded (Powers) to adopt Resolution 05-03-02-13 approving Coastal Development Permit CDP04-04 and Conditional Use Permit CUP04-08. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

E. PUBLIC MEETINGS

There were no Public Meetings.

F. OLD BUSINESS

There was no Old Business.

G. NEW BUSINESS

There was no New Business.

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H. STAFF REPORTS

Kyle Butterwick (Director) encouraged the Planning Commission to attend and participate in the public workshop on the Town Center Specific Plan on Thursday, March 3, 2005. He reported that the City Council had upheld the Planning Commission approval of the Headlands tract map and other entitlements at their last meeting effectively denying the appeal made by the Surfrider Foundation.

Todd Litfin (Assistant City Attorney) provided a brief status of the pending lawsuits that had been brought against the City recently.

John Tilton (City Architect/Planning Manager) announced the addition of Scott Hutter as Assistant Planner who just started working for the City this week.

I. COMMISSIONER COMMENTS

Commissioner Schoeffel thanked everyone who has assisted him while serving on the Planning Commission. He thanked Norm Denton for being a friend, colleague, and an inspiration.

Commissioner Weinberg thanked Chairman Denton and Commissioner Schoeffel for their guidance.

Chairman Denton stated that he has had a wonderful time working with the Commission. He felt that this current group of Commissioners has been the best to work with.

Vice-Chairwoman O'Connor thanked Chairman Denton and Commissioner Schoeffel for their guidance when she was first appointed to the Commission. She thanked them both for their service to the community.

Commissioner Powers stated that it has been an honor to work with Chairman Denton and Commissioner Schoeffel. He thanked them for their training, guidance, patience, understanding and humor that has come from some of the foibles and mis-steps the Commission has made.

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J. ADJOURNMENT

Chairman Denton announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, April 6, 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 8:51 p.m.

Norman Denton, Chairman
Planning Commission