

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

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June 8, 2015  
6:04 – 7:55 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 Regular Meeting of the Dana Point Planning Commission to order.

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

**ROLL CALL**

**Planning Commission Members Present:** Chairwoman April O'Connor, Vice-Chairman Eric Nelson, Commissioner Liz Claus, and Commissioner Danni Murphy

**Planning Commission Members Absent:** Commissioner Scott McKhann

**Staff Present:** Ursula Luna-Reynosa (Community Development Director), John Tilton (City Architect/Planning Manager), Evan Langan (Associate Planner), Jennifer Farrell (Deputy City Attorney), and Shayna Sharke (Planning Secretary)

**ITEM 1: Presentation.**

- a) Recognition of outgoing Chairwoman Liz Claus.
  - Chairwoman O'Connor presented Commissioner Liz Claus with a commemorative gavel and thanked her for her service as Chairwoman.
  - Commissioner Claus expressed her love for the City and its residents.
  - Ursula Luna-Reynosa (Director) thanked Commissioner Claus for her leadership.

**A. APPROVAL OF MINUTES**

**ITEM 2: Minutes of the regular Planning Commission Meeting of May 11, 2015.**

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**ACTION:** Motion made (Murphy) and seconded (Claus) to approve the Minutes of the regular Planning Commission Meeting of May 11, 2015. Motion carried 4-0-1. (AYES: Claus, Murphy, Nelson, and O'Connor NOES: None ABSENT: McKhann ABSTAIN: None)

**B. PUBLIC COMMENTS**

There were no Public Comments.

**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

**D. PUBLIC HEARINGS**

**ITEM 3:** Appeal of the Community Development Director's decision to approve Minor Conditional Use Permit CUP15-0006(M), allowing the establishment of a new alcoholic beverage outlet (new business Beverages & More, Inc. - BevMo!) within a new commercial building approved by the City but not yet constructed, on land located within the City's Town Center at 34215 Pacific Coast Highway

Applicant        Mi Lee and Yoon S. Lee (Party Time Liquor)  
Location:        34215 Pacific Coast Highway  
                         Assessor Parcel Numbers (APNs): 682-301-15 and  
                         682-301-16

Recommendation: That the Planning Commission deny the appeal and uphold the Director's decision to approve Minor Conditional Use Permit CUP15-0006(M) by adopting the attached resolution.

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Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15332 (Class 32 – Infill Development Projects).

**Ursula Luna-Reynosa** (Director) provided a brief introduction of the project and reminded the Commissioners that the building in which the new use would operate was approved at a previous Planning Commission Meeting. She introduced Associate Planner Evan Langan.

**Evan Langan** (Associate Planner) provided a staff report of the project.

**Chairwoman O'Connor** asked staff to give an estimate of the number of parking spaces that would be provided for the project.

**Evan Langan** (Associate Planner) replied that twenty (20) spaces would be provided where only sixteen (16) are required per the Dana Point Zoning Code.

**Ursula Luna-Reynosa** (Director) added that three (3) additional parking spaces along Pacific Coast Highway would also be constructed, bringing the total number available to serve the property to twenty-three (23).

**Chairwoman O'Connor** asked staff if a plan had been envisioned for merchandise delivery by large vehicles.

**Evan Langan** (Associate Planner) replied that a condition of approval is included in the draft Resolution that requires any deliveries made before 7 AM to enter and exit from the property facing forward, avoiding the warning chimes that often accompany delivery truck moving in reverse.

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

**John Cha** (Attorney representing the Appellant) spoke against the project expressing concern that the Planning Commission did not have all the information regarding what was approved in December, 2014. He continued that the approved building was intended for use as a bank and believes that both economic competition and proximity of similar businesses should be considered in the approval process.

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**Greg Endom** (Representative for Project Applicant BevMo!) spoke in favor of approving the CUP. He believes there is a lot of misinformation that has been presented to the public by project opponents. He described the products and services that BevMo! stores provide to communities, stating that existing BevMo! stores located outside of the City are a destination for many Dana Point residents shopping for special occasions or specialty items not currently found in the community.

**John Cha** (Attorney representing the Appellant) presented a petition from those opposed to the approval of the CUP and restated his contention that BevMo! does not fit with the community.

**Pat Patterson** (Site Developer) spoke in support of the applicant and believes the project will be a great asset to Pacific Coast Highway and Dana Point.

**Gail Benda** (Dana Point) spoke against the approval of the CUP and asked the Planning Commission to reconsider the location as it is not a good first impression to visitors.

**Penny Maynard** (Dana Point) spoke in support of the approval of the CUP, stating her belief that BevMo! would be a draw to the City and serve to attract other businesses to the area.

**Mary Hartman** (Dana Point) spoke against the approval of the CUP and encouraged support of local, small businesses.

**Wayne Rayfield** (Dana Point) spoke against the approval of the CUP because he does not believe BevMo! to be a pedestrian oriented business as envisioned by the Town Center Plan.

**Steven Carpenter** (Capistrano Beach) spoke against the approval of the CUP and the project's exemption from CEQA. He stated his belief that extra traffic will be created with delivery trucks and asked where BevMo! employees would park.

**Michael Sprague** (Dana Point) spoke against the approval of the CUP and stated that another store that sells alcohol is not needed.

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**Kristen Reynolds** (Former Town Center Subcommittee Member, Dana Point) spoke in opposition to approval of the CUP, stating that the intent of the Town Center Plan is to encourage the establishment of businesses that are unique.

**Kathy Barnum** (Former Town Center Subcommittee Member, Mission Viejo) spoke in opposition to approval of the CUP and provided a transcript of the Dana Point Town Center Public Outreach Section of the Town Center Plan. She asked that communication to the public about forthcoming projects be improved.

**Alice Anderson** (Town Center Subcommittee, Dana Point) spoke in opposition of approval of the CUP, stating that she does not feel the location of the proposed use is a good fit.

**Ryan Roland** (Lantern Bay Villas HOA, Dana Point) stated his opposition to approval of the CUP. He urged support for local business and wants new development to keep a "beach town feel."

**Glen Ormseth** (Lantern Bay Villas HOA, Dana Point) spoke in opposition of the approval of the CUP as he is concerned with additional traffic and homeless population. As President of the Lantern Bay Villas, he stated that their community would rather see a different tenant and urged the Planning Commission to reconsider.

**Lynn Smith** (Capistrano Beach) spoke in opposition to approval of the CUP.

**Michael Minton** (Dana Point) spoke against approval of the CUP due to the potential for increased traffic and, she contends that BevMo! would be a bad fit.

**Chairwoman O'Connor** asked Greg Endom (BevMo!) to describe how their typically large store model would fit into the approved 4,900 square foot building footprint.

**Greg Endom** (Representative for Project Applicant BevMo!) responded by citing store examples in Marina del Rey, Solana Beach and La Jolla - all stores with relatively small floor areas designed to fit with their respective communities.

**Chairwoman O'Connor** closed the Public Hearing at 7:26 PM.

**Vice-Chairman Nelson** asked staff to respond to concerns about traffic.

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**Ursula Luna-Reynosa** (Director) replied that traffic was analyzed within the Town Center Mitigated Negative Declaration and Streetscape Project EIR, and the proposed development is within the thresholds analyzed in those documents, enabling staff to conclude that there would not be any traffic impacts that can't be mitigated. She added that the developer kept tenant options open and various uses were considered.

**Vice-Chairman Nelson** asked if single-serve alcohol was allowed or disallowed to be served by other alcoholic beverage outlets under the conditions of their respective CUPs.

**Evan Langan** (Associate Planner) replied that he was not aware of other businesses being expressly denied the option of selling such beverages.

**John Tilton** (City Architect/Planning Manager) added that single-serve beverages are not prohibited under the current draft permit.

**Chairwoman O'Connor** clarified that she never expected the approved building to have be a bank when it was approved.

**Commissioner Murphy** stated that she has reviewed all of the documents and issues as related to BevMo's compliance with the City's General Plan and does not see where the CUP approval violated the City's codes. She asked staff to comment on how the approval fits into the General Plan.

**Ursula Luna-Reynosa (Director)** replied that the Town Center Plan is part of the Zoning Code and all projects must comply with the Zoning Code in order to be approved. In determining what types of uses are allowed, staff must look at development standards and the land-use matrix in the Zoning Code.

**Commissioner Claus** stated that she is not convinced that BevMo! would be terrible for the City and believes it could serve to "jump start" the development of the Lantern District.

**Vice-Chairman Nelson** stated that he supports the CUP as approved by staff. He added that every chain store starts as a "Mom and Pop" store.

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**Chairwoman O'Connor** stated that the proposed location is not pedestrian friendly. Other surrounding businesses are also of a “drive-in and drive-out” variety, and further, she does not feel it (BevMo!) will be a “Big Box” Store. She feels that this is an allowable use and that she will support upholding the Director’s decision to approve the CUP.

**ACTION:** Motion made (Nelson) and seconded (Claus) to adopt Resolution No. 15-06-08-14, upholding the Community Development Director’s decision to approve Minor Conditional Use Permit CUP15-0006(M), allowing the establishment of a new alcoholic beverage outlet (New Business Beverages & More, Inc. – BevMo!) within a new commercial building on land located within the City’s Town Center at 34215 Pacific Coast Highway. Motion carried 4-0-1. (AYES: Claus, Murphy, Nelson, O’Connor NOES: None RECUSE/ABSENT: McKhann ABSTAIN: None)

**E. OLD BUSINESS**

There was no Old Business.

**F. NEW BUSINESS**

There was no New Business.

**G. STAFF REPORTS**

**Ursula Luna-Reynosa** (Director) announced that (departed Planning Secretary) Denise Jacobo wished to say goodbye and thank you to the Planning Commission. Shayna Sharke (Planning Secretary) was introduced as the new Planning Secretary.

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**H. COMMISSIONER COMMENTS**

**Vice-Chairman Nelson** asked about new directional signage along Pacific Coast Highway and Violet Lantern.

**Ursula Luna-Reynosa** (Director) replied to Vice-Chairman Nelson with mention of the new wayfinding signage program in the works, but would have to ask Public Works about the particular sign at Violet Lantern.

**Chairwoman O'Connor** stated that Denise Jacobo will be missed and welcomed Shayna Sharke (Planning Secretary).

**I. ADJOURNMENT**

**Chairwoman O'Connor** announced that the *next* regular meeting of the Planning Commission will be held on Monday, June 22, 2015, beginning at 6:00 p.m. (or as soon thereafter) in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

**The meeting adjourned at 7:55 PM.**

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April O'Connor, Chairwoman  
Planning Commission