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

October 6, 2004
7:03-8:48 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), Brenda Chase (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 September 15, 2004.

ACTION: Motion made (O'Connor) and seconded (Schoeffel) to approve the Minutes of the regular Planning Commission Meeting of September 15, 2004. Motion carried 4-0-1. (AYES: O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: Denton)

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: 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 for a maximum of 10 students at any given time, with one instructor for every 5 students. The proposal includes the addition of a 1,472 square foot swimming pool and a 304 square foot pool equipment/restroom building on property located in the Commercial/Residential Zone of Doheny 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 approve the Resolution for Coastal Development Permit CDP04-04 and Conditional Use Permit CUP04-08 for a new swimming school at 34232-34236 Camino Capistrano.

ACTION: Motion made (Schoeffel) and seconded (Powers) to continue this item to later in the meeting to allow the applicant more time to arrive. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

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ITEM 3: Review of Conditional Use Permit (CUP04-23) to allow outdoor entertainment at Hennessey's Tavern located at 34111 La Plaza.

Applicant: Ara Jenichs
Owner: Paul Hennessey
Location: 34111 La Plaza

Request: Approval for the continuation of entertainment on the outdoor patio of Hennessey's Tavern located at 34111 La Plaza.

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 approve the continuation of Conditional Use Permit CUP04-23.

Brenda Chase (Senior Planner) reviewed the staff report.

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

Commissioner Schoeffel stated that he was pleased to see that in the last 90 days that there does appear to be compliance with the permit and felt that it was appropriate to have this review. He added that he would support this Resolution.

Commissioner Weinberg stated that he would support this project.

Vice-Chairwoman O'Connor stated that she would support the continuation of the Conditional Use Permit because no testimony was received from the neighbors about the noise level and that the City could rescind the permit if needed.

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 04-10-06-44 approving the continuation of Conditional Use Permit CUP04-23. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

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ITEM 2: 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 for a maximum of 10 students at any given time, with one instructor for every 5 students. The proposal includes the addition of a 1,472 square foot swimming pool and a 304 square foot pool equipment/restroom building on property located in the Commercial/Residential Zone of Doheny 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 approve the Resolution for Coastal Development Permit CDP04-04 and Conditional Use Permit CUP04-08 for a new swimming school at 34232-34236 Camino Capistrano.

Robert Kain (Permit Coordinator) reviewed the staff report.

Chairman Denton opened the Public Hearing.

Laurance Robinson (Fallbrook) stated that owned the two-story office building across the street from the proposed project. He felt that the proposed project was a great idea and that he was happy to see creative ideas for the Doheny Village area, but he was concerned with parking. He stated that the traffic drove too fast on Camino Capistrano and that the nursery school parents next door would be a problem. He added that on-street parking was a rare commodity and that curbside parking couldn't be relied upon.

Wesley Lange (Dana Point) stated that he lives behind the proposed facility. He added that he was concerned with parking and felt that the parents would be parking in the alley. He stated that he was opposed to the proposed use due to the noise issues related with a pool, hours of operation, and lack of parking.

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Carrie Flores (Dana Point) stated that she was opposed to the proposed swim school. She added that her home abutted the alley and felt that noise from the pool, lack of parking, and hours of operation were an issue. She stated that she was opposed to the use.

Joy Rossello (San Juan Capistrano – Applicant) felt that parking would not be an issue because most of her parents drop their children off for their lessons and then return afterwards to pick them up. She stated that it was her intention in the future to enclose the pool. She added that they were a small swim school and that there shouldn't be that much noise generated by the children.

Chairman Denton closed the Public Hearing.

Commissioner Schoeffel felt that this proposal needed defining as to the operator's needs and how that translates into traffic, noise and lighting issues.

Commissioner Weinberg stated that he had three (3) concerns with the proposed project; parking, drop-off area, and kids jumping the fence after hours to swim in the pool. He felt that the project needed more thought.

Chairman Denton stated that he was concerned with the lighting and how it would affect the surrounding homes. He felt that the drop-off plan was unsafe and he wanted a restriction of operational hours, maybe separate hours for winter and summer use.

Vice-Chairwoman O'Connor felt that there wouldn't be any problem with parking and that 10 children would generate 5 cars because of siblings. She stated from her experience, swimming instruction was not a noisy venue. She added that operating until 8:00 p.m. at night was too long. She felt that the facility would be a great amenity for Dana Point, that swimming instruction saves lives and that since we are a beach community that we need to teach our children to swim.

Commissioner Powers stated that this item needed to be continued to allow more discussion between the applicant and the City regarding the hours of operation during the different seasons, drop-off zones, security, and lighting.

ACTION: **Motion made (Powers) and seconded (Weinberg) to continue this item to the regular Planning Commission meeting of November 3, 2004 to allow further discussion of the issues identified by the Commission and the public. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)**

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Chairman Denton recessed the meeting at 8:10 p.m.

Chairman Denton reconvened the meeting at 8:25 p.m.

ITEM 4: Coastal Development Permit (CDP04-20) for the demolition an/or removal of existing structures located in the upper Headlands nursery area.

Applicant/

Owner: Headlands Reserve LLC
Location: 34352 Dana Strands Road

Request: Approval of a Coastal Development Permit for the demolition and/or removal of three aluminum and glass greenhouses, one frame/stucco office/garage and four sheds located in the upper Headlands nursery area.

Environmental: Environmental Impact Report (SCH #20011071015), dated February, 2004, and the Addendum dated September, 2004, address the impacts of the proposed project.

Recommendation: That the Planning Commission approve the Resolution for a Coastal Development Permit for the demolition and/or removal of existing structures located in the upper Headlands nursery area.

Brenda Chase (Senior Planner) reviewed the staff report.

Chairman Denton opened the Public Hearing.

Kevin Darnall (Del Mar – Property Owner) stated that they were looking forward to implementing the project and that this was step one to move in that direction. He reported that there had been some vandalism of the greenhouses recently.

Chairman Denton closed the Public Hearing.

ACTION: Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 04-10-06-45 approving Coastal Development Permit CDP04-20. 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.

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F. OLD BUSINESS

There was no Old Business.

G. NEW BUSINESS

There was no New Business.

H. STAFF REPORTS

Kyle Butterwick (Director) reported that Staff was anticipating final certification of the Headlands project from the Coastal Commission at their meeting in November. He stated that Staff was expecting to bring forward the Tentative Tract Map, a revised Development Agreement and the clear and grub plan to the Planning Commission at the first meeting in November.

John Tilton (City Architect/Planning Manager) provided an overview of the Town Center public meetings that were held last week with Roma Design.

Kyle Butterwick stated that Brenda Chase was in the process of compiling a summary of the comments that were received from the workshop participants and that this summary will be provided to the Commission, Council and the public.

Brenda Chase stated that the next steps for the Town Center Specific Plan will include Roma presenting to Staff some development options and to keep the public involved, another public forum will be scheduled for early 2005.

I. COMMISSIONER COMMENTS

Commissioner Schoeffel stated that his meeting with Roma was very informative and that he had learned a lot from it.

Commissioner Weinberg felt that the Roma meeting was very beneficial.

Vice-Chairwoman O'Connor stated that she also met with Roma and that it was exciting to see the Town Center project starting. She added that she did have an opportunity to attend the workshop with the business owners. She added that she was surprised that the attendees were very cautious and upset that there wasn't a plan presented. She stated that as business owners that she thought

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that they would have been more innovative and open to change. She felt that the Town Center will be a wonderful amenity for Dana Point and that the sooner it happens, the better.

Commissioner Powers stated that he had attended the public meeting for the residents and that it was exciting to see so many people excited about the project. He felt that everyone had good ideas for the Town Center.

J. ADJOURNMENT

Chairman Denton announced that the *next regular* meeting of the Planning Commission would be held on Wednesday, October 20, 2004, 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 8:48 p.m.

Norman Denton, Chairman
Planning Commission