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

August 18, 2004  
7:02-8:17 p.m.

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

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**CALL TO ORDER** – Chairman Denton called the meeting to order.

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

**ROLL CALL**

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

Commissioner Present: Commissioner Greg Powers

Staff Present: Kyle Butterwick (Director), John Tilton (City Architect), Todd Litfin (Assistant City Attorney), 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 August 4, 2004.

**ACTION:** Motion made (O'Connor) and seconded (Weinberg) to approve the Minutes of the regular Planning Commission Meeting of August 4, 2004. Motion carried 3-0-1-1. (AYES: Denton, O'Connor, Weinberg NOES: None ABSENT: Powers ABSTAIN: Schoeffel)

**B. PUBLIC COMMENTS**

There were no Public Comments.

**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

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**D. PUBLIC HEARINGS**

**ITEM 2: A Conditional Use Permit CUP04-24M to allow the construction of a front yard fence that will measure approximately 6-feet, 6-inches in height with 7-foot, 7-inch high columns, instead of the maximum allowable height of 42 inches. The property is located in the Residential Single Family (RSF 7) zone.**

Applicant/

Owner: Cynthia Cooke  
Location: 34481 Calle Monte

Request: A Conditional Use Permit (CUP) to allow the construction of a front yard fence that will measure approximately 6-feet, 6-inches in height with 7-foot, 7-inch high columns, instead of the maximum allowable height of 42 inches.

Environmental: The proposed project qualifies as a Class 3 (Section 15303) Categorical Exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves new construction that includes accessory (appurtenant) structures such as garages, carports, patios, swimming pools, and fences.

Recommendation: That the Planning Commission adopt the draft Resolution denying Conditional Use Permit CUP04-24M.

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

**Chairman Denton opened the Public Hearing.**

**Cynthia Cook** (Capistrano Beach) stated that she was trying to enclose the backyard pool using the new front wall. She showed photographs of other homes in the area with walls in the front yard. She stated that the wall would be five feet height with a planter in the front. She didn't feel that the wall would be out of character with the neighborhood.

**Samuel Kirkland** (Capistrano Beach) felt that the wall wasn't necessary to secure the pool because they had already put up a rod iron fence. He objected to the size of the wall.

**Cheri Henschel** (Capistrano Beach) stated that she was opposed to the size of the wall because it would impact the view she has from her home.

**Chairman Denton closed the Public Hearing.**

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**Commissioner Schoeffel** felt that the testimony from the applicant was not compelling and that he could not support the project.

**Commissioner Weinberg** felt that there was no hardship and that the wall does not fit in with the neighborhood.

**Vice-Chairwoman O'Connor** stated that she could not support the wall and would vote to deny the request.

**Chairman Denton** felt that the wall was out of place for the size of the house and that he could not see a benefit to have the wall.

**ACTION:**     Motion made (Schoeffel) and seconded (Weinberg) to adopt Resolution 04-08-18-36 denying Conditional Use Permit CUP04-24M. Motion carried 4-0-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: Powers ABSTAIN: None)

**ITEM 3:**     A request for a Conditional Use Permit CUP04-28M to allow live entertainment and dancing at Blue Dolphin & Billiard located at 34130 Pacific Coast Highway.

Applicant:     George Follman  
Owner:         May Chen  
Location:     34130 Pacific Coast Highway

Request:       Approval to allow for live entertainment and dancing at the Blue Dolphin & Billiard located at 34130 Pacific Coast Highway.

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 draft Resolution approving Conditional Use Permit CUP04-28M.

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

**Chairman Denton opened the Public Hearing.**

**George Follman** (San Clemente) stated that he was trying to help make Dana Point a friendly, family-oriented place and that hamburger and hot dogs would be served. He stated that a bouncer would be on site.

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**Chairman Denton closed the Public Hearing.**

**Vice-Chairwoman O'Connor** stated that she was concerned about allowing music seven days a week. She added that she wanted to be consistent with the other establishments in town and felt that the 90-day trial period would be helpful in evaluating the use.

**Commissioner Weinberg** felt that the live entertainment would be a good addition to the community.

**Commissioner Schoeffel** stated that he would support the request with the 90-day review period.

**Chairman Denton** wished the applicant luck with this property and asked that they continue their good-neighbor practices.

**ACTION:** Motion made (O'Connor) and seconded (Schoeffel) to adopt Resolution 04-08-18-37 approving Conditional Use Permit CUP04-28M. Motion carried 4-0-1. (AYES: Denton, O'Connor, Schoeffel, Weinberg NOES: None ABSENT: Powers 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.

**H. STAFF REPORTS**

**Kyle Butterwick** (Director) reported that the Headlands project had received final approval by the Coastal Commission at their meeting on August 11, 2004. He stated that the project would be coming back to the City for approval with significant changes made by the Coastal Commission. He added that the project

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was tentatively scheduled for the September 15, 2004 Planning Commission meeting.

He reported that staff members had met with the Town Center Specific Plan consultant, Roma Design in San Francisco last week. He stated that they had attended a series of workshops with the consultant and had discussions about their progress on the Town Center. He added that they identified the last week of September to start holding the public workshops.

He reported that the environmental documentation regarding the closure impact report for the mobile home park was underway and that each letter or comment that was received was required to receive a direct response.

**John Tilton** (City Architect/Planning Manager) stated that he and Brenda Chase had walked the City's downtown area with Roma and their marketing consultant. He felt that things were moving forward and that the Commission and the public was really going to enjoy this process.

**Brenda Chase** (Senior Planner) stated that after spending a couple of days with Roma, it allowed staff to really meet and understand them better. She felt that it was made apparent that the time and effort that the City had taken to select a consultant for the Town Center was worthwhile.

**I. COMMISSIONER COMMENTS**

**Commissioner Schoeffel** stated that he was concerned about the amount of trash that is generated over the weekends at Sea Canyon Park and left piled around the trash cans. He asked for someone at the City to review this problem.

**Commissioner Weinberg** spoke about the flooded bike trail along San Juan Creek.

**Chairman Denton** spoke about the stagnant water that has collected in San Juan Creek and stated that he was concerned with the threat of West Nile Virus.

**Vice-Chairwoman O'Connor** spoke about the Ocean Institute and how lucky Dana Point was to have it in our community. She hoped that more educational and cultural amenities could be developed in the City.

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**J. ADJOURNMENT**

**Chairman Denton** announced that the *next regular* meeting of the Planning Commission will be held on Wednesday, September 1, 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 8:17 p.m.**

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Norman Denton, Chairman  
Planning Commission