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

October 1, 2003  
7:00 p.m.

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

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** Vice-Chairman Norman Denton, Commissioner April O'Connor, Commissioner Greg Powers, Chairman J. Scott Schoeffel, and Commissioner Steven Weinberg

**A. APPROVAL OF MINUTES**

**ITEM 1: Minutes of the regular Planning Commission Meeting of September 17, 2003.** (FF# 0120-10/PC Minutes/PC Secretary Binder)  
[BO]

**B. PUBLIC COMMENTS**

Any person wishing to address the Planning Commission on a subject other than those scheduled on the Agenda is requested to do so at this time. In order to conduct a timely meeting, there will be a three-minute time limit per person and an overall time limit of 15 minutes for the Public Comments portion of the Agenda. State law prohibits the Planning Commission from taking any action on a specific item unless it appears on the posted Agenda.

Anyone wishing to address the Planning Commission during the Public Comment section or on an Agenda Item is asked to complete a "Request to Speak" form available at the door. The completed form is to be submitted to the Planning Commission Secretary prior to an individual being heard by the Planning Commission.

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**C. CONSENT CALENDAR**

**ITEM 2: A request for Historical Resource Designation and participation in the Mills Act Program; 34162 Camino El Molino.**  
(FF# 0920-30/HRA03-01/Camino El Molino, 34162) [BC]

Applicant/

Owner: Jim and Sandie Howard

Location: 34162 Camino El Molino

Environmental: This project is categorically exempt (Class 31 – Section 15331 – Historical Resource Restoration/Rehabilitation) from the provisions of the California Environmental Quality Act (CEQA) because it consists of preservation of an existing historical single-family residence.

Request: To designate a single-family residence located at 34162 Camino El Molino as a historical structure, place the residence on the Dana Point Historic Resource Register and recommend the City enter into an agreement with the property owners for participation in the Mills Act Program.

Recommendation: That the Planning Commission adopt a Resolution designating the single-family residence located at 34162 Camino El Molino as a locally significant historical structure and recommends the City Council enter into an agreement with the property owner for participation in the Mills Act Program.

**ITEM 3: A request for Historical Resource Designation and participation in the Mills Act Program; 26771 Calle Real.**  
(FF# 0920-30/HRA03-02/Calle Real, 26771) [BC]

Applicant/

Owner: Johanna and Gary Siskar

Location: 26771 Calle Real

Environmental: This project is categorically exempt (Class 31 – Section 15331 – Historical Resource Restoration/Rehabilitation) from the provisions of the California Environmental Quality Act (CEQA) because it consists of preservation of an existing historical single-family residence.

Request: To designate a single-family residence located at 26771 Calle Real as a historical structure, place the residence on the Dana Point Historic Resource Register and recommend the City enter into an agreement with the property owners for participation in the Mills Act Program.

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Recommendation: That the Planning Commission adopt a Resolution designating the single-family residence located at 26771 Calle Real as a locally significant historical structure and recommends the City Council enter into an agreement with the property owner for participation in the Mills Act Program.

- ITEM 4:     A request for Historical Resource Designation and participation in the Mills Act Program; 34262 Via Velez.**  
(FF# 0920-30/HRA03-03/Via Velez, 34262) [BC]

Applicant/

Owner:       Joan M. Haefner

Location:     34262 Via Velez

Environmental:     This project is categorically exempt (Class 31 – Section 15331 – Historical Resource Restoration/Rehabilitation) from the provisions of the California Environmental Quality Act (CEQA) because it consists of preservation of an existing historical multi-family residence.

Request:       To designate a three-unit residence located at 34262 Via Velez as a historical structure, place the residence on the Dana Point Historic Resource Register and recommend the City enter into an agreement with the property owner for participation in the Mills Act Program.

Recommendation: That the Planning Commission adopt a Resolution designating the three-unit residence located at 34262 Via Velez as a locally significant historical structure and recommends the City Council enter into an agreement with the property owner for participation in the Mills Act Program.

- ITEM 5:     General Plan Consistency Finding GPC03-03, review of projects for the Fiscal Year 2003-2004 and 2004-2005 Capital Improvement Program for consistency with the Dana Point General Plan.**  
(FF# 0630-05/GPC03-03/FY03-04 & FY04-05 CIP) [BC]

Applicant/

Owner:       City of Dana Point

Location:     Citywide

Request:       Determination that the projects for the Fiscal Years 2003-2004 and 2004-2005 Capital Improvement Programs are consistent with the Dana Point General Plan.

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Environmental: The environmental review for the projects to be implemented in the Fiscal Year 2003-2004 and Fiscal Year 2004-2005 Capital Improvement Program are discussed below. Each of the projects are exempt from the provisions of the California Environmental Quality act (CEQA) and the required Notices of Exemption are attached. Further environmental analysis will be conducted for those not exempt from CEQA.

Recommendation: That the Planning Commission adopt the attached draft Resolution finding the projects for the Fiscal Year 2003-2004 and 2004-2005 Capital Improvement Program consistent with the Dana Point General Plan.

**D. PUBLIC HEARINGS**

**ITEM 6: Mitigated Negative Declaration for the development of Sea Terrace Community Park.** (FF# 0600-30/SDP03-06/Sea Terrace Community Park) [BC]

Applicant/

Owner: City of Dana Point Public Works Department

Location: Sea Terrace Community Park, Northwest corner of Pacific Coast Highway and Niguel Road

Recommendation: Continue consideration of the Mitigated Negative Declaration (MND). No action is required. The Planning Commission's consideration of the Mitigated Negative Declaration will be re-noticed.

**ITEM 7: Conditional Use Permit CUP03-12 to add packaged wine retail sales to an existing cigar/tobacco store and to allow occasional wine tasting within the store.**  
(FF# 0610-55/CUP03-12/Pacific Coast Highway, 34255 #103 & #104)  
[AA]

Applicant: Craig C. Cunningham

Owner: Butnik Inv.

Location: 34255 Pacific Coast Highway #103 and #104

Request: Approval of a Conditional Use Permit to allow addition of packaged wine retail sales to an existing cigar/tobacco store and to allow occasional wine tasting within the store.

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Environmental: This project is categorically exempt (Class 1 – Section 15301 – Existing Facilities) from provisions of the California Environmental Quality Act (CEQA) because it involves a minor expansion of an existing use.

Recommendation: That the Planning Commission adopt the attached draft Resolution approving Conditional Use Permit CUP03-12.

**ITEM 8:**     **A Site Development Permit is proposed to allow construction to construct a duplex on a 6,800 square foot vacant lot and retaining walls in excess of 30 inches in height. The two residential units would occupy 1,829 and 1,951 square feet. The two residential units would each be one story in height, stacked one on another, and would be placed above two garages. A Conditional Use Permit is required to allow tandem parking for one of the duplex units. A Variance is required to permit a 37 foot structural height, which is 11 feet in excess of the City Standard for a structure with roof pitch of 4:12, to permit a front yard structural setback of 3 feet, 8 inches for the garages, and to permit an exterior stairway extending 4 feet into the easterly side setback, rather than the maximum standard of 2 feet, 6 inches, and an exterior stairway extending 3 feet into the westerly side setback, rather than the maximum standard of 2 feet, 6 inches.** *Continued from the regular Planning Commission meeting of September 17, 2003 (FF# 0600-30/SDP03-34M/CUP03-11/V03-15/Via Canon, 26252) [AA]*

Applicant/

Owner:        Fara Marz Shahbazian

Location:     26252 Via Canon

Request:       Approval of a Site Development Permit to construct a duplex and retaining walls in excess of 30 inches in height on a 6,800 square foot vacant lot, a Conditional Use Permit to allow tandem parking for one of the duplex units, and a Variance to permit a 37 foot structural height, to permit a front yard structural setback for the garages of 3 feet, 8 inches and exterior stairways extending 4 feet into the easterly side setback and 3 feet into the westerly side setback.

Environmental:     This project is Categorically Exempt (Class 3 - Section 15303 – New Construction or Conversion of Small Structures) from provisions of the California Environmental Quality Act (CEQA) because it consists of construction of a duplex with no more than four units.

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Recommendation: That the Planning Commission continue the hearing to the regular Planning Commission meeting of November 5, 2003.

**E. PUBLIC MEETINGS**

There are no Public Meetings.

**F. OLD BUSINESS**

There is no Old Business.

**G. NEW BUSINESS**

There is no New Business.

**H. STAFF REPORTS**

**I. COMMISSIONER COMMENTS**

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**J. ADJOURNMENT**

The *next regular* meeting of the Planning Commission will be held on Wednesday, October 15, 2003, beginning at 7:00 p.m. (or as soon thereafter) in the Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

STATE OF CALIFORNIA   )  
COUNTY OF ORANGE   )  
CITY OF DANA POINT   )

**AFFIDAVIT OF POSTING**

I, Kyle Butterwick, Community Development Director of the City of Dana Point, do hereby certify that on or before Friday, September 26, 2003, I caused the above notice to be posted in four (4) places in the City of Dana Point, to wit: City Hall, Capistrano Beach Post Office, Dana Point Post Office and the Dana Point Library.

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Kyle Butterwick, Director  
Community Development Department

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (949) 248-3500 (telephone) or (949) 248-9920 (facsimile). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.