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

October 1, 2003
7:00-7:37 p.m.

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

CALL TO ORDER – Chairman Schoeffel called the meeting to order.

PLEDGE OF ALLEGIANCE – Commissioner Powers led the Pledge of Allegiance.

ROLL CALL

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

Staff Present: Kyle Butterwick (Director), Todd Litfin (Assistant City Attorney), Brenda Chase (Associate Planner), Albert Armijo (Planning Consultant), and Bobbi Ogan (Planning Secretary)

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]

ACTION: Motion made (Denton) and seconded (Weinberg) to approve the Minutes of the regular Planning Commission Meeting of September 17, 2003. 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: 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.

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

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.

There was a consensus of the Planning Commission to continue this item.

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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.

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.

Albert Armijo (Planning Consultant) reviewed the staff report.

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

Commissioner Powers felt that this proposal fit the goal of creating a pedestrian-friendly use.

ACTION: Motion made (Powers) and seconded (Weinberg) to adopt Resolution 03-10-01-49 approving Conditional Use Permit CUP03-12. Motion carried 5-0. (AYES: Denton, O'Connor, Powers, Schoeffel, Weinberg NOES: None ABSENT: None ABSTAIN: None)

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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.

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

There was a consensus of the Planning Commission to continue this item to the next regular Planning Commission meeting of November 5, 2003.

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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 City Council had adopted an urgency ordinance last Wednesday that established a Conditional Use Permit process for all new uses and/or changes to existing uses in the Town Center Specific Plan Area that are located on the ground floor. He stated that Staff would be going back to the City Council on October 22nd for Council to consider a ten (10) month extension of that ordinance. He added that the purpose of the urgency ordinance was to provide not only the planning staff but the entire City the ability to more carefully regulate land use issues in the Town Center Specific Plan Area as the City proceeds forward with the preparation of the Specific Plan.

He stated that the Headlands public hearing before the Coastal Commission was scheduled for next Thursday, October 9th in San Diego. He added that the staff report was recommending denial of the City's proposed amendment to the Land Use Plan.

He stated that the City Council had approved a contract with a private consultant that will involve a comprehensive review of the City's front counter operations. He added that he will continue to keep the Planning Commission involved with progress reports and the final recommendations from that analysis.

I. COMMISSIONER COMMENTS

Commissioner Powers asked for a status report on what was happening with the Art In Public Places requirement that had been placed on projects this past

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year. He felt that there should be at least \$150,000 that has been collected or commitments from builders to develop or build something with timeframes.

Chairman Schoeffel announced that an event called Rocktoberfest was scheduled at Hidden Valley on October 12th. He stated that there would be two (2) stages featuring a number of bands and that if anyone was interested in attending that he would be happy to provide more information.

J. ADJOURNMENT

Chairman Schoeffel announced that 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.

The meeting adjourned at 7:37 p.m.

J. Scott Schoeffel, Chairman
Planning Commission