

**CITY OF DANA POINT  
PLANNING COMMISSION  
AGENDA REPORT**

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**DATE:** October 17, 2016

**TO:** DANA POINT PLANNING COMMISSION

**FROM:** COMMUNITY DEVELOPMENT DEPARTMENT  
URSULA LUNA-REYNOSA, DIRECTOR  
LIANE SCHULLER, PLANNER

**SUBJECT:** A REQUEST FOR HISTORICAL RESOURCE DESIGNATION AND PARTICIPATION IN THE MILLS ACT PROGRAM AT 34283 VIA LOPEZ (HISTORIC RESOURCE APPLICATION 16-0002)

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**RECOMMENDATION:** That the Planning Commission adopt a Resolution designating the residential structure located at 34283 Via Lopez as a locally significant historical structure on the City's Historic Register and recommend to the City Council that the City enter into an agreement with the property owner for participation in the Mills Act Program.

**APPLICANT/OWNER:** Ms. Bonny Pitkin

**REQUEST:** The applicant seeks to have a residential structure placed on the Dana Point Historic Resource Register. The applicant also requests a recommendation to enter into an agreement with the City for participation in the Mills Act Program.

**LOCATION:** 34283 Via Lopez Drive (APN 123-162-43)

**ENVIRONMENTAL:** The designation of the property on the Dana Point Historic Resource Register is not a project pursuant to the California Environmental Quality Act (CEQA) as there is no possible effect on the environment via this designation.

**BACKGROUND:**

***Historic Architectural Resources Inventory and Historic Resource Registry:***

In 1997, the City conducted a comprehensive inventory documenting structures associated with the early development of Dana Point and establishing criteria for their designation as "locally significant". The Dana Point Historic Architectural Resources Inventory identified seventy-five structures (60 residential and 15 commercial) that met the established criteria, and which could then become candidates for historic designation.

In March 2001, the City of Dana Point Historic Resources Ordinance (Municipal Code Section 9.07.250) was enacted in an effort to preserve the City's rich history and spectacular physical location. The Ordinance established a voluntary program for property owners of qualifying structures to request inclusion on the Dana Point Historic Resources Register. Historical designation of a structure commits the property owner to preserve and maintain the historical attributes of the structure in exchange for development standard flexibility and financial incentives.

The Ordinance establishes the following Program Eligibility Criteria to be used to identify qualifying structures, and states that qualifying structures must be fifty (50) years or older and achieve a minimum of two of the following criteria:

- (A) Buildings, structures, or places that are important key focal or pivotal points in the visual quality or character of an area, neighborhood, or survey district.
- (B) Structures that help retain the characteristics of the town that was 50 years ago.
- (C) Structures that contribute to the unique urban quality of a downtown.
- (D) Structures contributing to the architectural continuity of the street.
- (E) Structures that are identified with a person or persons who significantly contributed to the culture and/or development of the city, state, or nation.
- (F) Structures that represent an architectural type or period and/or represent the design work of known architects, draftsmen, or builders whose efforts have significantly influenced the heritage of the city, state, or nation.
- (G) Structures that illustrate the development of California locally and regionally.
- (H) Buildings retaining the original integrity of and/or illustrating a given period.
- (I) Structures unique in design or detail, such as, but not limited to, materials, windows, landscaping, plaster finishes, and architectural innovation.
- (J) Structures that are at least 50 years old or properties that have achieved significance within the past 50 years if they are of exceptional importance.

Since the adoption of the City's Historic Ordinance, 41 structures have been placed on the Historic Resources Register and 32 of those are participating in the Mills Act Program.

**Mills Act:**

The California State Office of Historic Preservation has authorized cities to enter into contracts with property owners to protect and maintain historic structures. A Mills Act Contract allows the owners of qualifying historic structures to pay reduced property taxes, thereby freeing up funds to maintain, preserve and/or restore their property. A structure must be placed on the local Historic Register in order to qualify for a Mills Act Contract. Such contracts have a minimum ten-year term, and require that the property owners

maintain and/or restore the property such that the historic features of the qualifying property are preserved.

**DISCUSSION:**

The subject property is approximately 4,400 square feet in area (.10 acre) and is located within the Residential Duplex 14 (RD-14) zoning district. The residential structure is one of the original homes constructed by early Capistrano Beach developer Edward Doheny. Built in 1928, the two-story Spanish Colonial Revival structure features stucco exterior walls, gently sloping hip roofs and wood casement windows. The street-facing facade has a three-part feature window with an arched center section flanked by multi-pane casement windows on either side. The front entry stairs are faced with period decorative tiles.

In 1990, prior to the compilation of the City's Historic Inventory, the property underwent a permitted remodel and minor addition at the back of the existing structure. The interior of the home was updated in a manner which preserved the historic architecture and design details.

The 1997 Historic Resources Inventory determined that the subject property qualifies as a historic resource in that it is at least 50 years of age and in that it meets Criteria (A), (B), (D), (E), (F), (H), (I) and (J) of the City's Historic Resources Ordinance. These criteria are discussed in greater detail below:

**(A) Buildings, structures, or places that are important key focal or pivotal points in the visual quality or character of an area, neighborhood, or survey district.**

This residence is one of the few original "Doheny Houses" remaining in Capistrano Beach and accordingly represents a unique historical resource. The structure's excellent condition and adherence to its original architectural style contribute positively to the visual quality of the surrounding neighborhood.

**(B) Structures that help retain the characteristics of the town that was 50 years ago.**

This home is representative of a number of residential and commercial structures built in the Capistrano Beach and Dana Point coastal area in the mid- to late-1920's and early-1930's by Prohibition-era tycoons including Sidney Woodruff, Edward Doheny and Ole Hanson. The preservation of these structures provides insight into the culture, lifestyle and built environment of that time period, and serves to preserve Dana Point's unique sense of place.

**(D) Structures contributing to the architectural continuity of the street.**

As stated under Criterion (A), this historic residence is one of only several well-preserved Doheny Houses in Capistrano Beach, and one of only two remaining on

this particular street. As such, the structure represents a valuable historic resource.

**(E) Structures that are identified with a person or persons who significantly contributed to the culture and/or development of the city, state, or nation.**

The residence was designed by Roy Kelly who was the staff architect for developer Edward Doheny. Mr. Kelly is identified as the architect of at least five buildings in Capistrano Beach and an addition to the Capistrano Beach Clubhouse, formerly located on the beach below the Doheny House.

**(F) Structures that represent an architectural type or period and/or represent the design work of known architects, draftsmen, or builders whose efforts have significantly influenced the heritage of the city, state, or nation.**

This home is an excellent example of the Spanish Colonial Revival architectural style associated with the early development of Dana Point.

**(H) Buildings retaining the original integrity of and/or illustrating a given period.**

The 1997 Historic Inventory found the original structure and subsequent alterations to be appropriate and representative of period architecture.

**(I) Structures unique in design or detail, such as, but not limited to, materials, windows, landscaping, plaster finishes, and architectural innovation.**

This residential structure has maintained the character-defining elements associated with the original Spanish Colonial Revival design, including the exterior stucco finish, red roof tiles, decorative tilework and dark wood casement windows. The existing landscape has been designed to frame and complement the historic architecture.


**(J) Structures that are at least 50 years old or properties that have achieved significance within the past 50 years if they are of exceptional importance.**

This 1928 residential structure is 88 years old and was built during a period of significance in the development of Dana Point.

**CONCLUSION:**

The residential structure at 34283 Via Lopez is included on the City's Historic Architectural Resources Inventory and satisfies eight (8) of the eligibility criteria set forth by the Historic Resources Ordinance, clearly demonstrating that the home is eligible for inclusion on the Dana Point Historic Resources Register. The preservation of the historical attributes and the character-defining features of the home are supported by the property owner. With designation of this structure, a total of forty-two (42) structures would be on the Dana Point Historic Resource Register. The property owner also seeks to participate in the Mills Act Program which requires the City Council's authorization to enter into an agreement.

Staff recommends the Planning Commission: (1) adopt the attached draft resolution placing the structure located at 34283 Via Lopez on the Dana Point Historic Resources Register, and (2) forward a recommendation to the City Council to authorize an agreement for participation in the Mills Act Program.

  
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Liane Schuller  
Project Planner

  
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Ursula Luna-Reynosa,  
Director of Community Development

**ACTION DOCUMENT:**

1. Resolution No.16-10-17-xx

**ATTACHMENTS:**

2. Vicinity Map
3. Historic Inventory Record
4. Photographs

**RESOLUTION NO. 16-10-17-xx**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, DESIGNATING A RESIDENCE AS A HISTORIC RESOURCE, PLACING THAT STRUCTURE ON THE DANA POINT HISTORIC RESOURCES REGISTER (HRA16-0002) AND RECOMMENDING THAT THE CITY COUNCIL ENTER INTO A MILLS ACT AGREEMENT FOR THE PROPERTY LOCATED AT 34283 VIA LOPEZ DRIVE.**

The Planning Commission for the City of Dana Point does hereby resolve as follows:

WHEREAS, Bonny Pitkin (the "Applicant") owns the real property located at 34283 Via Lopez, APN 123-162-43 (the "Property"); and

WHEREAS, the Applicant has filed a Historic Resource Application to request designation of a residential building as a historic resource and placement of that structure on the Dana Point Historic Resource Register; and

WHEREAS, the City of Dana Point has an adopted a Historic Resource Ordinance (the "Ordinance") which establishes a voluntary program for the preservation of qualifying structures; and

WHEREAS, the subject property is governed under the Dana Point Zoning Code, which contains provisions related to designating historic structures; and

WHEREAS, the subject property satisfies the Program Eligibility Criteria established by the Ordinance for including structures on the Dana Point Historic Resources Register and for participation in the Mills Act Program; and

WHEREAS, the Applicant understands the required commitment to keep the property in good repair as detailed in the Ordinance; and

WHEREAS, in exchange for preservation of the historic structure, the property owner becomes eligible for incentives described in the Ordinance.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Dana Point as follows:

- A) That the above recitations are true and correct and incorporated herein by this reference.
- B) That based on the evidence presented at the public meeting, the Commission adopts the following findings and approves Historic Resource Application HRA16-0002.
- C) That the Planning Commission recommends that the City Council enter into an agreement with the property owner for the Mills Act Program.

Findings:

1. That the proposed Historical Resource Application complies with all other applicable requirements of State law and local ordinances.
2. That the designation of the property on the Dana Point Historic Resource Register is not a project pursuant to the California Environmental Quality Act (CEQA) as there is no possible effect to the environment via this designation.
3. That the Historical Resource Application is consistent with the goals and policies of the General Plan and Zoning Code and the project meets the findings necessary for the approval of the request to include the subject property on the Dana Point Historic Resources Register.
4. That the Dana Point Historic Resource Ordinance identifies Program Eligibility Criteria for designating historic resources. Qualifying properties must be 50 years or older and satisfy a minimum of two Criteria. The subject property satisfies eight (8) of the ten Criteria established in the Ordinance, as discussed below:

**(A) Buildings, structures, or places that are important key focal or pivotal points in the visual quality or character of an area, neighborhood, or survey district.**

This residence is one of the few original "Doheny Houses" remaining in Capistrano Beach and accordingly represents a unique historical resource. The structure's excellent condition and adherence to its original architectural style contribute positively to the visual quality of the surrounding neighborhood.

**(B) Structures that help retain the characteristics of the town that was 50 years ago.**

This home is representative of a number of residential and commercial structures built in the Capistrano Beach and Dana Point coastal area in the mid- to late-1920's and early-1930's by Prohibition-era tycoons including Sidney Woodruff, Edward Doheny and Ole Hanson. The preservation of these structures provides insight into the culture, lifestyle and built environment of that time period, and serves to preserve Dana Point's unique sense of place.

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The residence was designed by Roy Kelly who was the staff architect for developer Ned Doheny. Mr. Kelly is identified as the architect of at least five buildings in Capistrano Beach and an addition to the Capistrano Beach Clubhouse, formerly located on the beach below the Doheny House.

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This residential structure has maintained the character-defining elements associated with the original Spanish Colonial Revival design, including the exterior stucco finish, red roof tiles, decorative tilework and dark wood casement windows. The existing landscape has been designed to frame and complement the historic architecture.

- (J) Structures that are at least 50 years old or properties that have achieved significance within the past 50 years if they are of exceptional importance.**

This 1928 residential structure is 88 years old and was built during a period of significance in the development of Dana Point.



PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 17<sup>th</sup> day of October, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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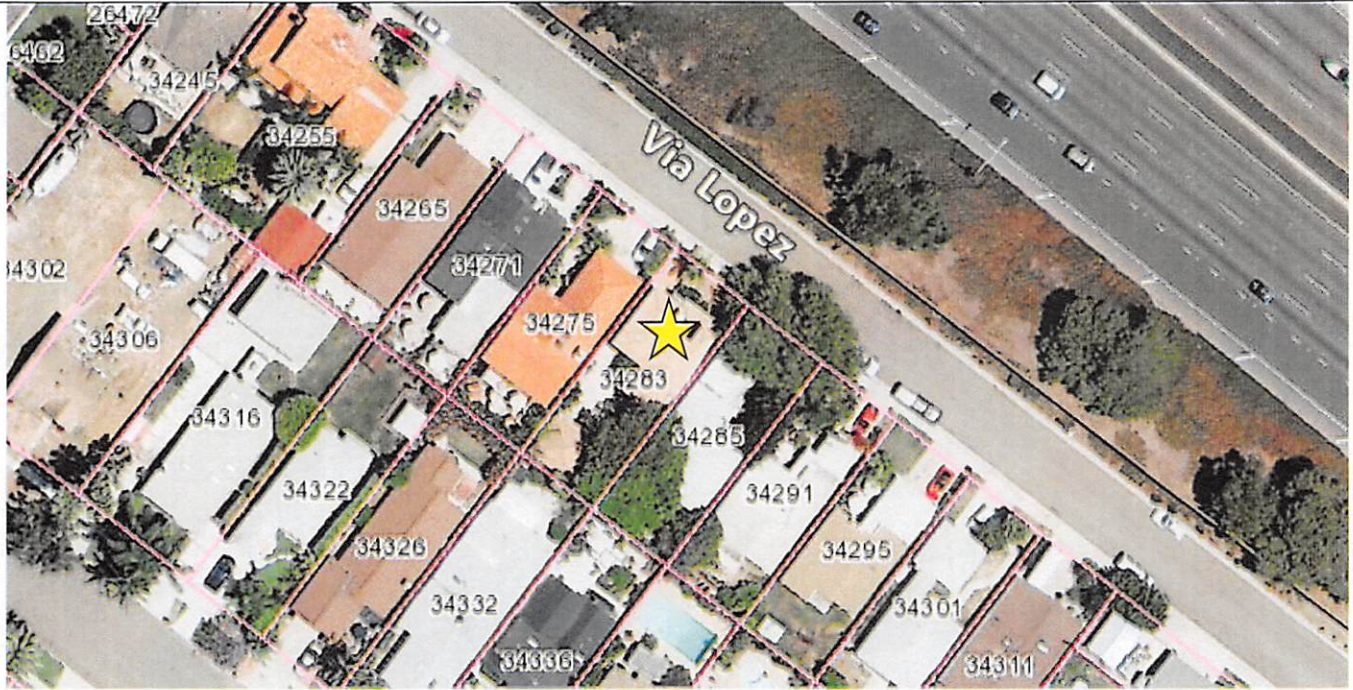
Eric Nelson, Chairman  
Planning Commission

ATTEST:

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Ursula Luna-Reynosa, Director  
Community Development Department

## VICINITY MAP



**Project :** *HRA 16-0002*

**Project Applicant:** *Bonny Pitkin*

**Location:** *34283 Via Lopez*



# PRIMARY RECORD

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinomial \_\_\_\_\_  
NRHP Status Code 5S2

Other Listings \_\_\_\_\_  
Review Code \_\_\_\_\_ Reviewer \_\_\_\_\_ Date  / /

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\*Resource Name or #: 34283 Via Lopez

P1. Other Identifier: \_\_\_\_\_

\*P2. Location:  Not for Publication  Unrestricted a. County Orange

b. USGS 7.5' Quad \_\_\_\_\_ Date \_\_\_\_\_ T \_\_\_\_\_; R \_\_\_\_\_; \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Sec \_\_\_\_\_; \_\_\_\_\_ B.M.

c. Address 34283 Via Lopez City Capistrano Beach Zip 92624

d. UTM: (Give more than one for large and/or linear feature) Zone \_\_\_\_\_ mE/ \_\_\_\_\_ mN

e. Other Locational Data: (e.g. parcel #, legal description, directions to resource, elevation, additional UTM's, etc. as appropriate)

Assessor's Parcel Number: 123-162-43

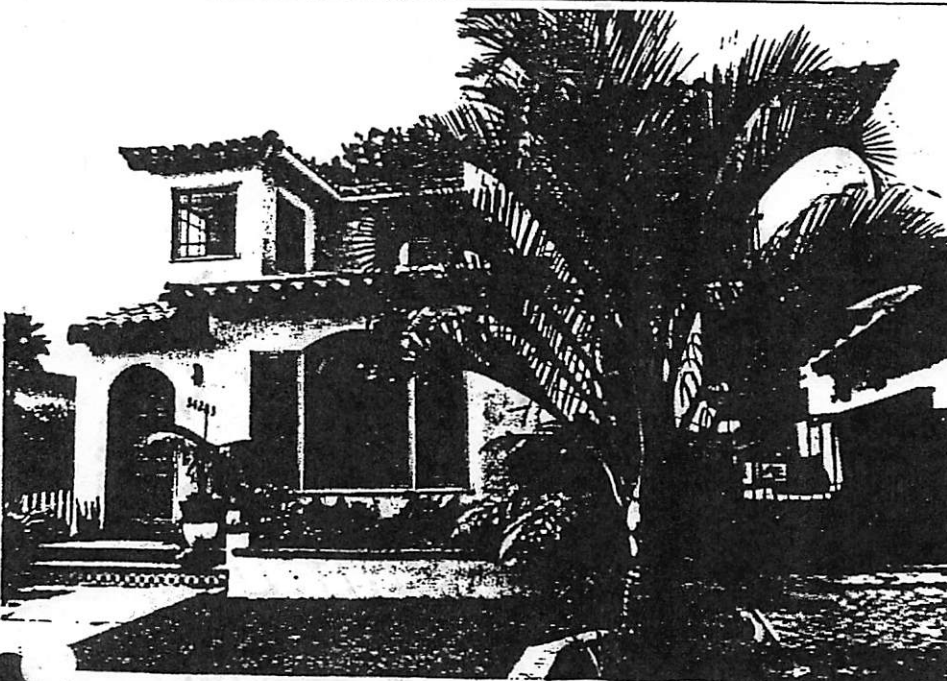
\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

This two-story Spanish Colonial Revival house retains the features of the style even though it has been remodeled. It retains stucco walls, tile roof, wood windows, and typical roof lines. It is built in a rectangular plan with a hip roof "C" two-story section, a hip roof one-story section filling the space between the eaves, and a shed roof entry on the left. The front facade has a three part feature window with arched center section flanked by multi-pane casement. The front step risers are faced with decorative tiles. The house is in excellent condition.

\*P3b. Resources Attributes: (List attributes and codes) HP2. Single Family Property

\*P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)

P5b. Description of Photo: (View, date, etc.)



\*P6. Date Constructed/Age and Sources:  
 Prehistoric  Historic  Both  
1928 F

\*P7. Owner and Address:  
Donald & Sharon Perkins  
34283 Via Lopez  
Capistrano Beach, CA 92624  
P--Private

\*P8. Recorded by: (Name, affiliation, address)  
Judy Wright & Mary Stoddard  
AEGIS  
112 Harvard Ave. S 93  
Claremont, CA 91711

\*P9. Date Recorded: 05/22/1997

\*P10. Survey Type: (Describe)

C--Comprehensive Survey

Report Citation: (Cite survey report/other sources or "none") \_\_\_\_\_

\*Attachments:  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure and Object Record  
 Archaeological Record  District Record  Linear Feature Record  Milling Station Record  Rock Art Record  Artifact Record  
 Photograph Record  Other: (List) \_\_\_\_\_

**BUILDING, STRUCTURE, AND OBJECT RECORD**

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\*NRHP Status Code 5S2

Source Name or #: 34283 Via Lopez

B1. Historic Name: Doheny House 43

B2. Common Name: Perkins House

B3. Original Use: Residential

B4. Present Use: R--Residential

\*B5. Architectural Style: Spanish Colonial Revival (altered)

\*B6. Construction History: (Construction date, alterations, and date of alterations.)

1928 F Construction  
unknown

Alts: new tile; windows may be new (date

\*B7. Moved?  No  Yes  Unknown Date; \_\_\_\_\_ Original Location: \_\_\_\_\_

\*B8. Related Features:

B9a. Architect: Roy Kelly

b. Builder: \_\_\_\_\_

\*B10. Significance: Theme Residential Architecture

Area Dana Point

Period of Significance 1928-1931

Property Type Residence

Applicable Criteria NA

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

This is one of the original Doheny houses. This residential structure meets General Criteria a, b, d, e, f, h, i and j. The alterations are appropriate and it is a representative of the architecture during the period of significance. Although not eligible for listing in the National Register, it should be considered eligible for inclusion under any local ordinance that may be developed. (See Appendix II).

B11. Additional Resource Attributes: (List attributes and codes) HP2. Single Family Property

\*B12. References:

(See Appendix II)

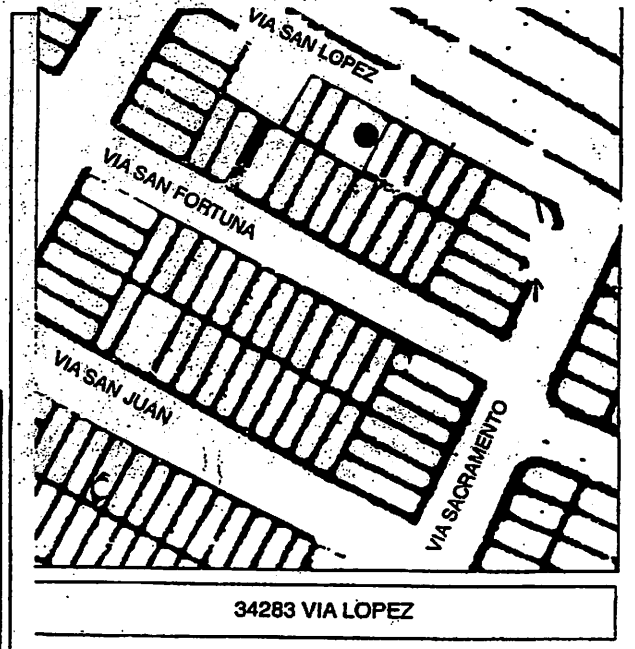
B13. Remarks:

Threats: Unknown

\*B14. Evaluator: Judy Wright & Mary Stoddard

Date of Evaluation: 06/05/1996

(This space reserved for official comments.)



Photographs - 34283 Via Lopez



