

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

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July 22, 2013  
6:00 – 8:20 p.m.

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

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

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

**ROLL CALL**

Commissioners Present: Vice-Chairwoman Liz Claus, Commissioner Denton, Chairman Gary Newkirk, and Commissioner Susan Whittaker

Commissioner(s) Absent: Commissioner April O'Connor

Staff Present: Ursula Luna-Reynosa (Director), John Tilton (City Architect/Planning Manager), Brad Fowler (Director of Public Works), Jennifer Farrell (Assistant City Attorney), Erica Demkowicz (Senior Planner), and Denise Jacobo (Planning Secretary)

**A. APPROVAL OF MINUTES**

**ITEM 1: Minutes of the regular Planning Commission Meeting of June 24, 2013.**

**ACTION: Motion made (Denton) and seconded (Claus) to approve the Minutes of the regular Planning Commission Meeting of June 24, 2013. Motion carried 4-0-1. (AYES: Claus, Denton, Newkirk, Whittaker NOES: None ABSENT: O'Connor ABSTAIN: None)**

**ITEM 2: Minutes of the regular Planning Commission Meeting of July 8, 2013.**

**ACTION: Motion made (Claus) and seconded (Denton) to approve the Minutes of the regular Planning Commission Meeting of July 8, 2013. Motion carried 3-0-1-1. (AYES: Claus, Denton, Whittaker NOES: None ABSENT: O'Connor ABSTAIN: Newkirk)**

**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 3: General Plan Consistency Analysis GPC13-0002, Coastal Development Permit CDP11-0018 for the conditional vacation of Scenic Drive and related lot line adjustments and quitclaim deeds resulting from the street vacation and Coastal Development Permit CDP13-0009 for the construction of private improvements to be constructed subsequent and conditioned upon the City's vacation of a portion of Scenic Drive.**

Applicant/Property

Owners: City of Dana Point and the owners of three properties on Scenic Drive – Karsikko-Gassel, Plowman/Day, and Bruggeman

Location: Scenic Drive (located between 34525 to 34555 Scenic Drive)

Request: This is a request for a General Plan Consistency determination, GPC13-0002, for City's vacation of a portion of Scenic Drive; 2) for a Coastal Development Permit (CDP11-0018) for the vacation of the street and related lot line adjustments and quitclaim deeds; and 3) for a Coastal Development Permit (CDP13-0009) to allow the construction of private improvements to be constructed subsequent to and conditioned upon the City's vacation of a portion of Scenic Drive. The proposed improvements contained within CDP13-0009 include, but are not limited to, installation of a vehicular entry/pedestrian gate, replacement of existing landscaping with drought-tolerant landscaping, signage as well as the establishment of a pedestrian access easement.

Environmental (Street Vacation): The Proposed Vacation and associated lot line adjustments and quitclaim deeds contemplated by this Agenda Report is part and parcel of the Headlands Development and Conservation Plan ("HDCP"), which was previously reviewed under the California Environmental Quality Act ("CEQA"). Thus, environmental review of the Proposed Vacation was previously performed in the HDCP Final Environmental Impact Report ("EIR") SC# 2001071015 certified by the City of Dana Point on January 22, 2002 in accordance with the requirements of the CEQA, the CEQA Guidelines, and the

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City's local CEQA Guidelines, and for which the City of Dana Point prepared and certified an Addendum on September 22, 2004. The proposed lot line adjustment is CEQA exempt under CEQA Guidelines<sup>1</sup> section 15305(a) [minor lot line adjustments not resulting in the creation of any new parcel]. Therefore, no further environmental review is necessary for any of street vacation action contemplated in this agenda report.

Environmental (Private Improvements): The proposed private improvements contemplated by the Agenda Report are categorically exempt from the California Environmental Quality Act (CEQA) per Section 15303 (e) (Class 1 – New Construction) as it comprises of the construction of accessory (appurtenant) structures. The gate is an accessory structure that will be utilized by all three (3) residences on Scenic Drive.

Recommendation: That the Planning Commission adopt resolutions: 1) finding pursuant to Government Code § 65402 that the conditional vacation of a portion of Scenic Drive is consistent with the City's General Plan; 2) rescinding of Coastal Development Permit CDP07-20; 3) approving Coastal Development Permit, CDP 11-00018, that allows for the vacation and related lot line adjustments and quitclaim deeds, subject to specific conditions; and 4) approving Coastal Development Permit, CDP13-0009, that allows for the construction of private improvements to be constructed subsequent to and conditioned upon the City's vacation of a portion of Scenic Drive.

There were five (5) requests to speak on this item.

**ACTION:** Motion made (Denton) and seconded (Claus) to adopt Resolution No. 13-07-22-15 finding the proposed vacation of Scenic Drive and proposed lot line adjustments and quitclaim deeds generally located adjacent to the Headlands, between 34525 and 34551 Scenic Drive is consistent with the Dana Point General Plan (GPC13-0002), and where the Resolution states that the "improvements include but are not limited to" the phrase "but are not limited to" shall be stricken. Motion carried 3-1-1. (AYES: Claus, Denton, Newkirk NOES: Whittaker ABSENT: O'Connor ABSTAIN: None)

**ACTION:** Motion made (Claus) and seconded (Denton) to adopt Resolution No. 13-07-22-16 rescinding approval of Coastal Development Permit CDP07-20 pertaining to the conditional vacation of Scenic Drive as specified in the Headlands Development and Conservation Plan and

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<sup>1</sup> California Code of Regulation, title 14, § 15000 *et seq.*

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related lot line adjustments and quitclaim deeds. Motion carried 3-1-1. (AYES: Claus, Denton, Newkirk NOES: Whittaker ABSENT: O'Connor ABSTAIN: None)

**ACTION:** Motion made (Denton) and seconded (Claus) to adopt Resolution No. 13-07-22-17 approving Coastal Development Permit CDP11-0018 to allow the conditional vacation of Scenic Drive as specified in the Headlands Development and Conservation Plan (HDCP) and related lot line adjustments and quitclaim deeds, and where the Resolution states that the “improvements include but are not limited to” the phrase “but are not limited to” shall be stricken. Motion carried 3-1-1. (AYES: Claus, Denton, Newkirk NOES: Whittaker ABSENT: O'Connor ABSTAIN: None)

Following discussion, Deputy City Attorney Farrell proposed the following revisions and/or conditions of approval for Resolution No. 13-07-22-18:

- (1) Where the Resolution states that the “improvements include but are not limited to” the phrase “but are not limited to” shall be stricken.
- (2) A condition of approval shall be added providing that the gate be placed on a timer and be set to open approximately forty (40) to sixty (60) minutes before sunrise and closed approximately forty (40) to sixty (60) minutes after sunset.
- (3) A condition of approval shall be added providing that if broken, the gate shall be repaired as soon as reasonably practicable, and shall remain “open” until such time that it is repaired.
- (4) A condition of approval shall be added providing that the applicant(s) shall make reasonable efforts to try to construct the gate so that it is approximately 17’ wide (as opposed to the currently proposed 14’ wide).
- (5) A condition of approval shall be added providing that the height of the landscaping materials shall not exceed three-and-a-half (3 ½) feet in height.

**ACTION:** Motion made (Claus) and seconded (Denton) to adopt Resolution No. 13-07-22-18 approving Coastal Development Permit (CDP13-0009) for the construction of private improvements to be constructed subsequent and conditioned upon the city’s vacation of a portion of Scenic Drive adjacent to 34525 to 34555 Scenic Drive. The proposed improvements include, but are not limited to, installation of a

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**vehicular entry/pedestrian gate, replacement of existing landscaping with drought-tolerant landscaping, signage as well as the establishment of a pedestrian access easement, subject to the revisions to and/or additional conditions of approval proposed by the deputy city attorney. Motion carried 3-1-1. (AYES: Claus, Denton, Newkirk NOES: Whittaker ABSENT: O'Connor ABSTAIN: None)**

**E. NEW BUSINESS**

There were no New Business items.

**F. STAFF REPORTS**

There were no Staff Reports.

**G. COMMISSIONER COMMENTS**

**Commissioner Denton** proposed cancelling the second Planning Commission meeting of August.

*Ursula Luna-Reynosa (Director of Community Development) noted that it would be fine if the Commission agrees.*

**There was a consensus of the Planning Commission to cancel the regular Planning Commission meeting of August 26, 2013.**

**H. ADJOURNMENT**

**Chairman Newkirk** announced that the *next* meeting of the Planning Commission will be held on Monday, August 12, 2013, beginning at 6:00 p.m. (or as soon thereafter) in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

The meeting adjourned at 8:20 p.m.