

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

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May 12, 2014  
6:00 – 9:32 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 Whittaker led the Pledge of Allegiance.

**ROLL CALL**

Commissioners Present: Vice-Chairwoman Liz Claus, Commissioner Norman Denton, Chairman Gary Newkirk, Commissioner April O'Connor, and Commissioner Susan Whittaker

Staff Present: Ursula Luna-Reynosa (Director), John Tilton (City Architect/Planning Manager), Brad Fowler (Director of Public Works and Engineering), Evan Langan (Associate Planner), Jennifer Farrell (Deputy City Attorney) and Denise Jacobo (Planning Secretary)

**ITEM 1: Reorganization of the Planning Commission.**

- a) Select nominations and vote for Chairman to serve until the first meeting of April, 2015.
  - Commissioner Denton nominated Vice-Chairwoman Claus to serve as Chairwoman; no other nominations were received.

**ACTION:** **Motion made (Denton) and seconded (O'Connor) to elect Vice-Chairwoman Claus to serve as Chairwoman of the Planning Commission. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: Claus)**

- b) Select nominations and vote for Vice-Chairman to serve until the first meeting of April, 2015.
  - Commissioner Denton nominated Commissioner O'Connor to serve as Vice-Chairwoman; no other nominations were received.

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**ACTION:** Motion made (Denton) and seconded (Claus) to elect Commissioner O'Connor to serve as Vice-Chairwoman of the Planning Commission. Motion carried 4-0-1. (AYES: Claus, Denton, Newkirk, Whittaker NOES: None ABSENT: None ABSTAIN: O'Connor)

**Commissioner Newkirk** passed the gavel to newly elected Chairwoman Claus.

**Chairwoman Claus** presided over the meeting.

c) Recognition of outgoing Chairman Gary Newkirk.

**Chairwoman Claus** presented a plaque to Commissioner Gary Newkirk with gratitude for his service and dedication as Planning Commission Chairman this past year.

**Vice-Chairwoman O'Connor** stated that it has been an honor serving with former Chairman Newkirk for doing a phenomenal job this past year.

**Commissioner Denton** also congratulated Commissioner Newkirk for having served a great year, and commended his fairness and leadership in meetings.

**Commissioner Whittaker** added that Commissioner Newkirk did a great job, and looks forward to continue serving with him.

**A. APPROVAL OF MINUTES**

**ITEM 2:** Minutes of the regular Planning Commission Meeting of April 28, 2014.

**ACTION:** Motion made (O'Connor) and seconded (Newkirk) to approve the Minutes of the regular Planning Commission Meeting of April 28, 2014. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

**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: Coastal Development Permit CDP14-0009 and Site Development Permit SDP14-0007 to permit the demolition of an existing single-family dwelling and accessory structure and the construction of a new, two-story, 4,050 square foot single family dwelling with an attached, 431 square foot garage on land located within the City's Floodplain and Coastal Overlay Districts at 35167 Beach Road.**

Applicant: Tomaro Design Group (Architects)  
Property Owner: Frank and Mary Giacobetti  
Location: 35167 Beach Road

Request: Approval of Coastal Development Permit and Site Development Permit to allow the demolition of an existing single-family dwelling and accessory structure and the construction of a new, two-story, 4,050 square foot single family dwelling with an attached, 431 square foot garage on land located within the City's Floodplain and Coastal Overlay Districts at 35167 Beach Road.

Environmental: In accordance with the California Environmental Quality Act (CEQA), the project is found to be Categorical Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures)..

Recommendation: That the Planning Commission adopt Draft Resolution 14-05-12-18 approving Coastal Development Permit CDP14-0009 and Site Development Permit SDP14-0007.

**Evan Langan** (Associate Planner) presented the staff report.

**There being no requests to speak on this item, Chairwoman Claus opened and closed the Public Hearing.**

**Vice-Chairwoman O'Connor** stated that the project is a nice design and wished the applicant the best of luck.

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**Commissioner Newkirk** stated that the project fits the area and he would support of the project as proposed.

**Commissioner Denton** stated that he agrees with his fellow Commissioners, it is a nice looking project. He noted that the safety measures are in place and he is happy to see another new project on Beach Road.

**Commissioner Whittaker** agreed with her fellow Commissioners stating that the project is nicely designed and would be an asset for the City.

**Chairwoman Claus** also agreed with her fellow Commissioners applauds Beach Road homeowners for ensuring that their projects are done right.

**ACTION:** Motion made (Newkirk) and seconded (Whittaker) to adopt Resolution No. 14-05-12-18 approving Coastal Development Permit CDP14-0009 and Site Development Permit SDP14-0007 to allow the demolition of an existing single-family dwelling and accessory structure and the construction of a new, two-story, 4,050 square foot single family dwelling with an attached, 431 square foot garage on land located within the City's Floodplain and Coastal Overlay Districts at 35167 Beach Road. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

**ITEM 4:** Coastal Development Permit CDP14-0007 to permit the construction of a new, two-story, 2,856 square-foot single-family dwelling with an attached, 811 square-foot, three-vehicle garage on vacant land located at 24791 Anchor Lantern.

Applicant: Michael Luna & Associates (Architect)  
Property Owner: Christina and Timothy Tupper  
Location: 24791 Anchor Lantern

Request: Approval of a Coastal Development Permit to allow the construction of a new, two-story, 2,856 square-foot single-family dwelling with an attached, 811 square-foot, three-vehicle garage on vacant land.

Environmental: In accordance with the California Environmental Quality Act (CEQA), the project is found to be Categorical Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures).

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Recommendation: That the Planning Commission adopt Draft Resolution 14-05-12-19 approving Coastal Development Permit CDP14-0007.

**Vice-Chairwoman O'Connor stated that she lived within the 500' radius of the project and recused herself at 6:16 p.m.**

**Evan Langan** (Associate Planner) presented the staff report.

**Chairwoman Claus opened the Public Hearing.**

**Michael Luna** (San Clemente - Applicant) stated that he was available to answer any questions.

**Chairwoman Claus closed the Public Hearing.**

**Commissioner Whittaker** stated that it meets the zoning requirements and has a beautiful view, and she would support the project.

**Commissioner Denton** agreed with Commissioner Whittaker's comment and stated that it is an excellent looking project and a great addition.

**Commissioner Newkirk** stated that the lot is a few of the remaining vacant lots in town.

**Chairwoman Claus** commented that it is nice to see a small lot turned into a nice addition for the community.

**ACTION:** Motion made Motion made (Whittaker) and seconded (Denton) to adopt Resolution No. 14-05-12-19 approving Coastal Development Permit CDP14-0007 allowing construction of a new, two-story, 2,856 square-foot single-family dwelling with an attached, 811 square-foot, three-vehicle garage on vacant land located at 24791 Anchor Lantern. Motion carried 4-0-1. (AYES: Claus, Denton, Newkirk, Whittaker NOES: None ABSENT: O'Connor ABSTAIN: None)

**Vice-Chairwoman O'Connor returned to the meeting at 6:23 p.m.**

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**ITEM 5: Coastal Development Permit CDP13-0012 and Minor Site Development Permit SDP13-0021(M) to permit the construction of a new, two-story, 7,504 square foot single-family dwelling with an attached, 834 square foot garage on a vacant coastal bluff lot at 24682 El Camino Capistrano.**

Applicant: Brandon Architects, Inc.  
Property Owner(s): DP Harbor Properties, LLC  
Location: 24682 El Camino Capistrano

Request: Approval of Coastal Development Permit and Minor Site Development Permit to allow the construction of a new, two-story, 7,504 square foot single-family dwelling with an attached, 834 square foot garage on a vacant coastal bluff lot at 24682 El Camino Capistrano.

Environmental: In accordance with the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures).

Recommendation: That the Planning Commission adopt Draft Resolution 14-05-12-20 approving Coastal Development Permit CDP13-0012 and Minor Site Development Permit SDP13-0021(M).

**Evan Langan** (Associate Planner) presented the staff report and answered questions by the Commission.

**There being no requests to speak on this item, Chairwoman Claus opened and closed the Public Hearing.**

**Commissioner Denton** noted that the findings of the engineering report were given, but was concerned whether the weight of the swimming pool threatens the stability of the coastal bluff.

**Vice-Chairwoman O'Connor** agreed with the project and would be in favor.

**Commissioner Whittaker** clarified that she would rely on the study done to assure that there is no bluff failure. She hoped for more details, information, and guidance on bluff lot developments.

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**Chairwoman Claus** stated that the home, being built on a beautiful piece of land, makes it a better street.

**ACTION:** Motion made (Newkirk) and seconded (Whittaker) to adopt Resolution No. 14-05-12-20 approving Coastal Development Permit CDP13-0012 to allow the construction of a new, two-story, 7,504 square foot single-family dwelling with an attached, 834 square foot garage on a vacant coastal bluff lot and; Minor Site Development Permit SDP13-0021(M) to allow measurement of building height from atop a maximum of 30 inches of fill at 24682 El Camino Capistrano. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Whittaker NOES: None ABSENT: None ABSTAIN: None)

**ITEM 6:** Coastal Development Permit CDP13-0018 for development, otherwise referred to as the Commercial Core Project, within the Orange County Dana Point Harbor. The Commercial Core Project includes renovations of existing buildings, phased demolition of existing buildings along with phased construction of new commercial buildings, reconfiguration of streets and other infrastructure improvements, a new parking structure, landscape improvements, a parking management plan and a master sign program for the harbor.

Applicant/Owner: County of Orange – Dana Point Harbor Dept.  
Location: Dana Point Harbor

Request: The Planning Commission will consider a Coastal Development Permit for development, otherwise referred to as the Commercial Core Project, within the Orange County Dana Point Harbor. The Commercial Core Project includes renovations of existing buildings, phased demolition of existing buildings along with phased construction of new commercial buildings, reconfiguration of streets and other infrastructure improvements, a new parking structure, landscape improvements, a parking management plan and a master sign program for the harbor. Approval in concept is also being requested for a dry stack boat storage building.

Environmental: In accordance with the provisions of the California Environmental Quality Act (CEQA), Program Environmental Impact Report FEIR No. 591 was prepared for the project and certified by the Orange County Board of Supervisors on January 31, 2006.

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Recommendation: That the Planning Commission approve, in concept, the dry stack boat storage building and adopt Draft Resolution 14-05-12-21 approving Coastal Development Permit CDP13-0018.

**John Tilton** (City Architect/Planning Manager) presented the staff report. He stated that Harbor staff is present this evening to provide their proposed plan in more detail.

**Commissioner Denton** declared for the record, that he attended a meeting that was held by the County staff where they gave a power point presentation which will also be presented this evening.

**Commissioner Newkirk** also stated the he and the other Commissioners met individually with the County staff and with City staff.

**Brad Gross** (Director of Orange County Dana Point Harbor– Dana Point) gave a power point presentation with an overview of the proposal and answered questions by the Commission.

**Chairwoman Claus declared a 10 minute recess at 7:35 p.m. and reconvened the meeting at 7:49 p.m.**

**Chairwoman Claus opened the Public Hearing.**

**John Hicks** (Laguna Niguel) stated that his family owns and operates the Harbor Grill restaurant for the past 30 years. He stated that the County is doing an outstanding job, and he urged to approve the project as submitted.

**William R. Byrd** (San Juan Capistrano) introduced himself as the owner of Capo Beach Watercraft business located in the harbor. He stated that he submitted his letter of correspondence to the Commissioners which expresses that the project is misleading because it fails to communicate the existence of his watercraft business (detailed in his letter). He urged denial of “an approval in concept for a dry stack storage building”, until proper planning is submitted.

**Diana Psilopoulos** (Dana Point) stated that she owns the White Pelican Gallery in the harbor for 19 years, and encouraged to approve the Coastal Development Permit this evening.

**Bruce Heyman** (San Juan Capistrano) introduced himself as representative of a boater advocacy group, Boaters 4 Dana Point Harbor. He submitted and read



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contents of his letter of correspondence submitted into the record which identifies several inconsistencies with the Certified Land Use Plan and Implementation Plan, and urged the application to be sent back to the County for correction.

**Donna Kalez** (San Clemente) stated that she is representing her family-owned Dana Wharf Sportfishing and Whale Watching business in the harbor which opened in 1971 and they are in favor of the improvements as proposed and she encouraged full support of the plan.

**Ray Ergas** (San Clemente) stated that he has been a boater for more than 30 years. He stated that the Coastal Act is not self-enforcing, and asked to return the CDP to the County to request appropriate revisions. He expressed concern with land storage of boats under the Commercial Core phase of construction noting long term loss of affordable boating recreational resources in violation of the Coastal Act.

**Terry Walsh** (Dana Point) stated that the plan is well thought out and the long term goal will be much better. He added that the buildings at the harbor are falling and it is time to move forward, there have been enough hearings and government overview. He urged to pass the permit to begin the process of reconstructing the harbor.

**Douglas Heim** (Dana Point) stated that he has a boat at the harbor since 1979 and was concerned about the proposed buildings. He felt that it would have an impact on parking on the Harbor.

**Rod Howorth** (Dana Point) stated that he has owned three boats in the harbor, has seen damages of dry rot and termites. He stated that it is time to take action on the harbor revitalization and hopes that it gets approved this evening.

**Harriett Proctor** (Dana Point) expressed her concern with the public parking lot and asked if it could be moved eastward to maintain the view looking at the harbor.

**Alan Wickstrom** (Dana Point) introduced himself as a business owner and is speaking as a representative of the Dana Point Chamber of Commerce and Chair of the Government Affairs Committee. He submitted a letter of correspondence into the record which expresses that they are a strong supporter of the Harbor Revitalization, and tonight urges the Commission to approve the Coastal Development Permit application.

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**Anthony Princiottul** (Dana Point) stated that he is a boat owner and is very supportive of a renovation of the harbor area. He expressed his concerns with the building height noting that it would impact his view. He stated that although the revitalization is critical, he asked that the County review and moderate the height of the buildings down by five to ten feet to make a major difference for many of the private views.

**Ted Olsen** (Mission Viejo) stated that he owns a boat in the harbor. He was concerned that this comes down to money and squeezing in a lot, in a little space and only so much can be done which causes squeezing people out. He referred to empty businesses, the boat barn, shifting boats and trailers, traffic, too many cars, parking, and the quality of life being an issue.

**Richard Gardner** (Capistrano Beach) stated that he has been involved with the harbor since it was built and is concerned with the “architectural theme” of the harbor. He read a document used in 1969 for the harbor design and questioned what the theme used for the harbor is now. He also questioned the boat storage building and said that there are other options that have not been presented.

**Pete Hammer** (Dana Point) stated that he is in favor of the commercial core project and recommends approval of the project as submitted for the benefit to the City, its residents, restaurateurs, shopkeepers as self-evident and further enhances the draw of tourists to Dana Point. The facelift is long overdue.

**James Lenthall** (Dana Point) introduced himself as vice-president of the Dana Point Boater’s Association and owns a boat at the harbor of 44 years. He stated that on behalf of the Association they do support revitalization but lament the loss of boater resources and asked for additional information on a fair and detailed finance plan before they proceed to allow construction. He read his letter of correspondence as submitted into the record.

**Steve Carpenter** (Capistrano Beach) introduced himself as a member and Director of the Dana Point Boater’s Association and stated that he is in support of revitalization but had concerns with two of the proposed sections “K” and “M” of the Coastal Development Permit Application and noted some inconsistencies within the report. He read portions of his letter of correspondence as submitted into the record and asked for a response to the listed concerns.

**Alan Johnson** (Trabuco Canyon) stated that he first joined Dana Point when the harbor was built. He urged denial of the CDP as it stands now, however he is in favor of the redevelopment plan, but was concerned about the trailer/parking. He

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stated that he owns a boat which he uses on a regular basis and noted that boater trailers will be displaced. He stated that many things need to be reconsidered, reviewed and defined before approved and urged the Commission to vote against it because it is not ready.

**Jim Miller** (Dana Point) introduced himself as the owner of Coffee Importers business in the Dana Point harbor for the past 35 years, is president of the Harbor Merchants Association, and president of the Dana Point Civic Association. He stated that he is also here to represent the group called, “Dana Point Harbor Now” whose sole purpose is to see the Harbor revitalization completed. He believed that the CDP as submitted meets the requirements of the LCPA and supports the approval. He urged the Planning Commission to vote yes on the project tonight.

**Wayne Rayfield** (Dana Point) stated that he has been involved with the harbor revitalization since 1998 and is in support. He addressed ocean water quality issue that has not been discussed, but moving ahead with the CDP it would improve ocean water quality in and around the harbor. He concurred with earlier comments that this has gone on for an extremely long time and he urged the Commission to act positively. As president of South Coast Water District he clarified that the board is unanimous in providing temporary and long term dry storage for trailer boats if displaced from the harbor. Again he asked for approval of the CDP.

**Brad Gross** (Director of Orange County Dana Point Harbor– Dana Point) responded to questions from the Commission about temporary and permanent storage of boats; dry boat issues; boat storage height; funding; cell phone tower.

**Commissioner Denton** stated that he recognizes that 16 years is a long time to see this project begin but given the complexity of the project makes it difficult to get a quick fix for the harbor. He stated that he has always been in favor of the land side improvements with a couple of caveats, that he is not a fan of dry boat storage because of how it fundamentally changes your relationship to your boat (from a trailer to the dry boat storage). He spoke about being on record years ago because of the fact that he personally thinks that dry boat storage is not the easiest way to store boats due to overhead concerns. He stated that on a positive note, the plan design and building are first rate, and the renderings for the corridor and walkways are very impressive. He also stated that he is excited that the Water District is looking at creating an alternative for boat storage at 30 acres. He urged the County to work closely with the Water District to resolve some concerns for the boat owners. He noted that the next five years will be

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difficult for the businesses. The harbor plan will take some tremendous management to ensure that the process is business-wise and boater-wise. He supports and wants to make it clear that the businesses will be fantastic however he is still concerned about the dry boat stack storage.

**Jennifer Farrell** (Deputy City Attorney) noted for the record that in moving on to Commissioner comments that the Public Hearing is now closed, unless there are other questions of staff.

**Chairwoman Claus closed the Public Hearing.**

**Vice-Chairwoman O'Connor** stated that one thing we can all agree on is that the harbor has a 1970's style which is not only unappealing, but does not serve our needs as of now. She noted that the revitalization plan may not have everything that everybody wants, but she thinks that it is a very good plan and it has most of what people need. She liked that that County worked with business owners and restaurants in phasing the project over time. She stated that with all the agencies reviewing this project, this has been a fully vetted project taking into consideration the combination of meetings. She also spoke about being quoted years ago concerning the dry boat storage building blocking views and she is now satisfied to see that they have eliminated one of the buildings and its been reconfigured so that it is not blocking coastal views. She stated that she is looking forward to the lighting, landscaping, signage, two-level deck, dining views because it fulfills our motto of "Harboring the Good Life", just as the name suggests start living it by approving the project.

**Commissioner Newkirk** spoke about how Dana Point's short piece of coastline with one of the best harbors in the state, offers some of the best amenities, yet the harbor is old, rusty and broken down, and needs some help. The project has been discussed, vetted, re-discussed, reinvestigated, approved, amended, modified and gone through every governing body, and lots of parties involved. Whenever there is a major change, there is going to be a few compromises along the way but this addresses all of these at a high level. He noted that he is confident that, while there will be some inconveniences throughout, the payoffs will come back for the better.

**Commissioner Whittaker** stated that she agrees with the comments made by the other Commissioners. She noted that she is impressed with the thoroughness of the construction management plan, the sign program, the furniture and landscaping design, and the parking management plan. She stated that her position is to see the project go forward, and thinks that the storm water

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mitigation and cleanup is something needed for water quality in the area for the harbor. She noted that it is a well-thought out monumental plan as presented, and it would be an asset to Dana Point and also to the County of Orange. She is supportive of the project.

**ACTION:** Motion made (Whittaker) and seconded (O'Connor) to adopt Resolution No. 14-05-12-21 approving Coastal Development Permit CDP13-0018 for development otherwise referred to as the Commercial Core Project, a Parking Management Plan, a Master Sign Program and Approvals In Concept for the Dana Point Harbor. Motion carried 4-1. (AYES: Claus, Newkirk, O'Connor, Whittaker NOES: Denton ABSENT: None ABSTAIN: None)

**E. NEW BUSINESS**

There were no New Business items.

**F. STAFF REPORTS**

There were no Staff Reports.

**A. COMMISSIONER COMMENTS**

**Commissioner Whittaker** announced that the Doheny Blues festival will be taking place this weekend at Doheny State Beach. She asked for information about bluff top, swimming pools, landscape and irrigation.

**Commissioner Denton** asked for clarification about bluff top minimum setbacks.

**Ursula Luna-Reynosa** (Director of Community Development) clarified the bluff top requirements.

**Vice-Chairwoman O'Connor** congratulated Liz Claus on her election to Chairwoman. She thanked the Commission for electing her to Vice-Chairwoman.

**Commissioner Newkirk** congratulated Chairwoman Claus and Vice-Chairwoman O'Connor on their elections.

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**Chairwoman Claus** thanked her fellow Commissioners for electing her to Chairwoman. She also thanked the Harbor and City staff for the assistance they have provided to the Commission.

**B. ADJOURNMENT**

**Chairwoman Claus** announced that the *next* meeting of the Planning Commission will be held on Monday, June 9, 2014, 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 9:32 p.m.

      /s/ *Liz Claus*

Liz Claus, Chairwoman  
Planning Commission

THESE PROCEEDINGS WERE RECORDED AND A COPY OF THE TAPE IS ON FILE WITH THE CITY OF DANA POINT PLANNING DIVISION.