

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
OCTOBER 21, 2014
5:00 P.M.**

REVISED AGENDA

Location: Community Center Gym, 34052 Del Obispo, Dana Point, California 92629

Next City Council Ordinance No. 14-05

CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS:

Lisa A. Bartlett, Mayor
Steven H. Weinberg, Mayor Pro Tem
William P. Brough, Council Member
Carlos N. Olvera, Council Member
J. Scott Schoeffel, Council Member

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2) (1 case)

RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND PROCLAMATIONS

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

1. WAIVE THE READING OF ORDINANCES AND APPROVE READING BY TITLE ONLY

RECOMMENDED ACTION: That the City Council approve the reading by title only of all ordinances on the Consent Calendar and that further reading of such ordinances be waived.

2. REGULAR MEETING MINUTES, OCTOBER 7, 2014

RECOMMENDED ACTION: That the City Council approve the minutes.

3. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 8, 2014

RECOMMENDED ACTION: That the City Council receive and file.

4. PLANNING COMMISSION MEETING MINUTES, SEPTEMBER 22, 2014

RECOMMENDED ACTION: That the City Council receive and file.

5. PLANNING COMMISSION ACTIONS, MEETING OF OCTOBER 13, 2014

RECOMMENDED ACTION: That the City Council receive and file.

6. ARTS AND CULTURE COMMISSION MEETING MINUTES OF APRIL 16, 2014

RECOMMENDED ACTION: That the City Council receive and file.

7. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECOMMENDED ACTION: That the City Council receive and file.

8. CLAIMS AND DEMANDS

RECOMMENDED ACTION: That the City Council receive and file the Claims and Demands.

9. ADOPTION OF A RESOLUTION APPROVING THE FLOODPLAIN AND BASE FLOOD ELEVATION ANALYSIS FOR SAN JUAN CREEK AS IT RELATES TO THE PLANNED DEVELOPMENT AT 34202 DEL OBISPO STREET

RECOMMENDED ACTION: That the City Council adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE FLOODPLAIN AND BASE FLOOD ELEVATION ANALYSIS FOR SAN JUAN CREEK AS IT RELATES TO THE PROPERTY AT 34202 DEL OBISPO STREET

10. UPDATE - COUNTY AMBULANCE CONTRACT RFP PROCESS

RECOMMENDED ACTION: That the City Council receive a report on the County Ambulance Contract RFP process and then authorize the City Manager to send correspondence to the County Board of Supervisors outlining concerns relative to the RFP review process.

11. DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND RENEWAL FOR 2015

RECOMMENDED ACTION: That the City Council 1) adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CONFIRMING THE 2015 ANNUAL REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2015 CALENDAR YEAR FOR THE DANA POINT TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); and

2) set the date for Public Hearing for renewal of the Dana Point Tourism Business Improvement District on November 18, 2014.

At this time, the City Clerk will read the title(s) of the ordinance(s) listed on the agenda.

PUBLIC COMMENTS

Any person wishing to address the City Council during the Public Comments section or on an Agenda item is asked to complete a "Request to Speak" form available on the table at the side of the Council Chamber. The completed form is to be submitted to the City Clerk prior to the Agenda item being called by the Mayor and prior to the individual being heard by the City Council.

In order to conduct a timely meeting, there will be a three-minute time limit per person and an overall time limit of fifteen minutes for this Public Comments portion of the agenda. At the Mayor's discretion, the balance of public comments will be heard after the New Business portion of the agenda. All comments are to be directed to the City Council and shall not consist of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during their comments. State law prohibits the City Council from taking action on a specific item unless it appears on the posted Agenda.

If anyone has handouts to distribute to the City Council, please follow proper procedure and hand them to the City Clerk. The City Clerk will see that they are distributed.

PUBLIC HEARINGS

12. [HEARING ON THE APPEAL OF PLANNING COMMISSION'S SPLIT DECISION WITH A 2-2 VOTE WHICH HAS THE PRACTICAL EFFECT OF A DENIAL FOR TENTATIVE TRACT MAP TTM 17751, COASTAL DEVELOPMENT PERMIT CDP14-0008, SITE DEVELOPMENT PERMIT SDP14-0006, CONDITIONAL USE PERMIT CUP14-0005, AND VARIANCE V14-0004 FOR THE DEMOLITION OF CURRENT STRUCTURES ON SUBJECT PROPERTIES AND CONSTRUCTION OF A NEW THREE PHASED MIXED USE PROJECT FEATURING 32,500 SQUARE FEET OF RETAIL SPACE ON THE GROUND FLOORS AND 109 RESIDENTIAL CONDOMINIUMS ON THREE LEVELS ABOVE, WITH TWO LEVELS OF SUBTERRANEAN PARKING ON SEVEN NON-CONTIGUOUS LOTS LOCATED AT 34135 PCH, 24471 DEL PRADO, 34129 PCH \(PHASE 1\); 34137 PCH, 24501 DEL PRADO \(PHASE 2\); AND 34155 PCH, 24591 DEL PRADO \(PHASE 3\) IN THE CITY'S TOWN CENTER PLAN AREA](#)

RECOMMENDED ACTION: That the City Council reverse the Planning Commission's action which has the practical effect of a "denial" and adopt Resolution No. 14-10-21-XX, approving Tentative Tract Map TTM 17751, Coastal Development Permit CDP14-0008, Site Development Permit SDP14-0006, Conditional Use Permit CUP14-0005, and Variance V14-0004 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING 1) TENTATIVE TRACT MAP TTM 17751, 2) COASTAL DEVELOPMENT PERMIT CDP14-0008, 3) SITE DEVELOPMENT PERMIT SDP14-0006, 4) CONDITIONAL USE PERMIT CUP14-0005, AND 5) VARIANCE V14-0004 AT 34135 PCH, 24471 DEL PRADO, 34129 PCH (PHASE 1); 34137 PCH, 24501 DEL PRADO (PHASE 2); AND 34155 PCH, 24591 DEL PRADO (PHASE 3) IN THE CITY'S TOWN CENTER PLAN AREA.

UNFINISHED BUSINESS

There are no Unfinished Business items.

NEW BUSINESS

There are no New Business items.

PUBLIC COMMENTS (Continued)

STAFF REPORTS

(City Manager Doug Chotkevys)

(City Attorney Patrick Muñoz)

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

The City Council may discuss, act upon or seek consensus on matters described under Council Reports only if: They are agendaized with a complete written report included; or, if an item arose

subsequent to the posting of the agenda and the Council determines that an emergency exists. Non-agendized items may be presented as informational only.

ADJOURNMENT

The next Regular Meeting of the City Council will be November 18, 2014, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CERTIFICATION

I, Kathy M. Ward, City Clerk of the City of Dana Point, do hereby certify that a copy of the foregoing Agenda was posted at Dana Point City Hall, the Dana Point Post Office, the Capistrano Beach Post Office and the Dana Point Library by Friday, October 17, 2014, at 5:00 p.m.

KATHY M. WARD, CITY CLERK

DATE

Subscriptions to receive City Council Agendas on a regular basis are available through the City Clerk's Office. Agendas are also available on the City's website at www.danapoint.org. In addition, Agenda related materials (including materials, if any, provided to the City Council after the Agenda was posted) may be reviewed in the office of the City Clerk during regular business hours or on the website at www.danapoint.org.

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.