

SUPPORTING DOCUMENT G:**RESOLUTION NO. 14-06-17-06**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF 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.

Applicant/Property Owner:
OC Dana Point Harbor/County of Orange

The City Council of the City of Dana Point does hereby resolve as follows:

WHEREAS, on December 20, 2013, the applicant filed a verified application for a Coastal Development Permit for the phased demolition of existing commercial and boater support facilities, the renovation and/or construction of new retail/restaurant/office space (including outdoor dining), two level parking deck and podium structure, infrastructure and street improvements, parking area reconfigurations, a Parking Management Plan, Master Sign Program and approvals-in-concept for a Dry Boat Storage Building and other Marine Services Commercial improvements; and

WHEREAS, said verified application constitutes a request as provided by Title 9 of the Dana Point Municipal Code and Chapter 16 of the Dana Point Harbor Revitalization Plan and District Regulations; and

WHEREAS, the Dana Point Harbor Revitalization Plan & District Regulations is part of a comprehensive planning program that has included extensive analysis of the Harbor area, including Final Environmental Impact Report No. 591 that has been certified by the Orange County Board of Supervisors and covers all Dana Point Harbor Revitalization Plan improvements in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, due to the incorporation of additional policies, regulations and development standards by the California Coastal Commission and the City of Dana Point as part of the Local Coastal Program Amendment ("LCPA") review and certification process, the previously certified Final EIR No. 591 prepared for the Revitalization Plan required review to determine whether the previous conclusions remain valid; and

WHEREAS, pursuant to the requirements of CEQA Guidelines Section 15164 and 15152, OC Dana Point Harbor prepared an Addendum to Final EIR No. 591 to provide a record of the changes resulting from the certification of the City's LCPA and determined that the Addendum and the certified Final EIR No. 591 serve as the environmental review of the Dana Point Harbor Revitalization Plan as modified; and

WHEREAS, a Project Requirement and Monitoring Program has been prepared to

Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 2

meet the requirements of CEQA Section 21081.6 as mitigation measure monitoring program. The Project Requirement and Monitoring Program is designed to ensure compliance with the mitigation measures imposed upon the Dana Point Harbor Revitalization Plan to avoid or substantially lessen the significant effects identified in Final Program EIR No. 591; and

WHEREAS, the Project Condition/Requirement and Mitigation Monitoring Program is attached hereto as Exhibit A and is incorporated herein by reference; and

WHEREAS, the Planning Commission did, on the 12th day of May, 2014 hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors and approved Coastal Development Permit CDP13-0018; and

WHEREAS, on May 27, 2014, the appellant filed an appeal of the Planning Commission decision; and

WHEREAS, the City Council did, on the 17th day of June, 2014, hold a duly noticed public hearing as prescribed by law to consider the appeal; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Council considered all factors relating to the appeal of Coastal Development Permit CDP13-0018.

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

- A) The above recitations are true and correct.
- B) OC Dana Point Harbor will be required to obtain a Coastal Development Permit approval from the California Coastal Commission for all proposed Marina Services Commercial improvements receiving City approval-in-concept.

Findings:

- C) Based on the evidence presented at the public hearing, the City Council adopts the following findings and approves Coastal Development Permit CDP13-0018, subject to conditions:
 1. That the proposed development is in conformity with the Dana Point Harbor Revitalization Plan & District Regulations as certified by the California

Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 3

Coastal Commission in that the proposed project has been designed in conformance with the Land Use Policies and Development Standards and Requirements of the Marine Services Commercial and Day Use Commercial Planning Areas of the Dana Point Harbor Revitalization Plan & District Regulations.

2. That the proposed development, if located between the nearest public roadway and the sea or shoreline of any body of water is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act (Coastal Act Section 30333 and 30604(c); 14 Cal. Code of Regulations Section 13096) in that by an Act of the California State Legislature (Chapter 321 of the Statutes of 1961 becoming effective on September 15, 1961) ownership of certain tidelands and submerged land of the State of California (inclusive of Dana Point Harbor) was granted to the County of Orange who has continuously operated Dana Point Harbor as a public facility since it first opened in 1971 and retains all rights pursuant to the Tidelands Grant.
3. That the proposed development conforms with Public Resources Code Section 21000 et seq. and that there are no feasible mitigation measures or feasible alternatives available that would substantially lessen any significant adverse impact(s) that the activity may have on the environment in that the Orange County Board of Supervisors, through Resolution No. 06-013 certified on January 31, 2006 FEIR No. 591 in its composite form as complete and adequate in that it addresses all environmental effects of the Dana Point Harbor Revitalization Plan and fully complies with the requirements of CEQA and the County's environmental analysis procedures and pursuant to the requirements of CEQA Guidelines Section 15164 and 15152, prepared an Addendum to FEIR No. 591 to provide a record of the changes resulting from the certification of the City's LCPA by the California Coastal Commission.
4. That the proposed development, if it includes structures in excess of thirty-five (35) feet in height is in conformity with the provisions of the Dana Point Harbor Land Use Plan to preserve significant coastal public views through scenic corridors and from scenic viewpoints in that as demonstrated in the Story Pole Staking Plan and View Analysis using the same views as first analyzed as part of FEIR No. 591, the anticipated development will have similar impacts on views, but those impacts will not cumulatively deteriorate the aesthetic value of the area; will provide enhanced coastal view opportunities not presently available and the cumulative impacts continue to be less than significant. The architectural design is consistent with the character of the community in architectural form, bulk and height in that the development's

Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 4

architectural elements and proposed building heights conform to requirements of Chapters 4 of 5 of the Dana Point Harbor District Regulations.

5. That the proposed development conforms with the Dana Point Harbor Land Use Plan to maintain sufficient parking for coastal dependent and coastal related land uses **in that a parking management plan, incorporating the findings and recommendations of the Dana Point Harbor Baseline for Slips, Dry Boat Storage, Launch Ramp & Parking Analysis (October 2013), a Transportation Demand Management Plan (October 2013), and Construction Management Parking Plan (December 2013), has been prepared that provides 4,500 parking spaces and facilitates the best possible use of the parking while prioritizing and avoiding adverse impacts on designated boater parking and boat launch ramp parking opportunities, and includes provisions for the use of off-site locations during peak Harbor usage periods has been prepared and will be updated on a routine basis.**
6. That the proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources **in that the subject site is presently completely built-out with similar existing land uses and the site contains very little vegetation or coastal resources that could be considered to be significantly impacted by the proposed upgrades to Harbor infrastructure and facilities, and the project application includes Tree Trimming and Maintenance Procedures for Harbor Bird Habitat that have been developed to ensure the long-term protection of wading bird heronries, breeding, roosting and nesting habitat of birds protected by the Fish and Game Code and the Migratory Bird Treaty Act.**
7. That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards **in that the proposed project is located on manmade landforms previously developed and a geotechnical investigation with recommendations and conclusions addressing site preparation, foundation design, lateral spreading for proposed buildings and retaining walls addressing geologic forces and a Shoreline Management Plan and Wave Rushup Analysis prepared for the project provides current assessments of seasonal and long term shoreline changes consistent with the best available science currently available standard and the information included in the Coastal Commission Draft Sea Level Rise Policy Guidance**

Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 5

document and will be updated as new regulations and technologies are identified and/or regulatory standards are adopted by state and federal agencies relating to risks from flooding, and the project has received conditional approval from the Orange County Fire Authority that will minimize fire hazards.

8. That the proposed development will be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas **in that proposed project consists of the revitalization of an existing, fully developed harbor and the proposed improvements involve the replacement and enhancement of existing land uses in the Harbor, and although not visually degraded, includes new structures with contemporary building materials, new landscape improvements, and signage that will enhance visual quality in the Harbor.**
9. That the proposed development will conform with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or other applicable adopted plans and programs **in that this application is being reviewed for compliance with the Coastal Act provisions and other applicable state laws concerning specific coastal resources, compatibility with adjacent development, hazard areas, coastal access concerns and that land use priorities have been applied to determine the locations and intensity of land and water uses as part of the proposed development which is consistent with all applicable provisions of the Dana Point Harbor Revitalization Plan & District Regulations that is the applicable Local Coastal Program addressing land use and the implementation of projects in the OC Dana Point Harbor.**

Conditions:

A. GENERAL CITY OF DANA POINT DISCRETIONARY APPROVAL REQUIREMENTS:

1. The Project Condition/Requirement and Mitigation Monitoring Program is attached hereto as Exhibit A for the Project and shall constitute conditions of approval by reference. Where there is a conflict between these conditions and the MMP, the more restrictive shall apply as determined by the OC Dana Point Harbor Director.
2. Approval of this application permits the phased demolition of existing commercial and boater support facilities, the renovation and/or construction of new retail/restaurant/office space (including outdoor dining), two level parking deck and podium structure, infrastructure and street improvements, parking area reconfigurations, a Parking

Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 6

Management Plan, Master Sign Program and approvals-in-concept for the construction of a Dry Boat Storage Building and upsizing of two storm drain outfalls for approval of a Coastal Development Permit by the California Coastal Commission. Subsequent submittals for this project shall be in substantial compliance with the plans presented to the City Council and in compliance with the applicable provisions of the Dana Point Harbor Revitalization Plan & District Regulations, the City of Dana Point General Plan, City Zoning Code and the Local Coastal Program.

3. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved, such work is not commenced with such two (2) year time period or; the Director of Community Development or the Planning Commission, as applicable grants an extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the initial two-year approval period, or any subsequently approved time extensions.
4. The application is approved for the location and design of the uses, structures, features, and materials, shown on the approved plans. Any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plans, he may approve the amendment without requiring a new public hearing.
5. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.
6. The County, any tenants or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the project. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the

Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 7

CITY's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.

The County, any tenants or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its officers, employees, or agents arising out of or resulting from the negligence of the applicant or the applicant's agents, employees, or contractors. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.

7. The County and/or their designee shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to the City staff for future governmental permits or actions on the project site.
8. The applicant shall be responsible for coordination with SDG&E, AT&T California and Cox Communication Services for the provision of electric, telephone and cable television services.
9. The use of the City's public right of way for construction purposes shall not be allowed, except as permitted by the City Engineer. An encroachment permit is required for all use of the public right-of-way.
10. Prior to issuance of any permit for work affecting neighboring properties, the applicant must secure written approval for the use of neighboring property for any proposed construction and improvements from all affected properties.
11. During the construction phase, all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, managed, secured and disposed to prevent transport into the streets, gutters, storm drains, creeks and/or coastal waters by wind, rain, tracking, tidal erosion or dispersion.
12. The applicant shall prepare and provide to the City a copy of all needed reports and implement all required actions to meet current NPDES permit water quality regulations including, but not limited to, a Water Quality Management Plan, a Storm Water Pollution Prevention Program, and all other required water quality related reports/actions.
13. Should dewatering be necessary, the applicant shall apply and secure a separate discharge permit from the Regional Water Quality Control Board

Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 8

and from any other regulatory agency with jurisdiction, and submit a copy of the permit (s) to the City.

14. The hours of operation of construction equipment that produces significant noise or levels noticeably above general construction noise shall be limited to the allowable hours indicated in the Dana Point Municipal Code.
15. The applicant shall submit street improvement plans for all components of work that will impact City streets, fund and construct said improvements, in compliance with City standards, for review and approval by the City Engineer. The applicant shall include all plans and documents in their submittal as required by the current City Public Works Department's plan check policies, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements. This includes, but is not limited to, the following:
 - a. Required asphalt renovation on all City roadways including pavement repairs and overlay limits.
 - b. Required sidewalk and curb and gutter repairs.
 - c. Required median renovation work, including replacement of existing irrigation, trees and plant material.
 - d. Required City monument signage.
 - e. Other customary related street improvements.
16. For City streets, the applicant shall provide design documents, fund and construct traffic signal modifications and improvements, including but not limited to, traffic signal interconnect, conduit, wire, pull boxes, controller and enclosure, traffic signal poles, audible pedestrian push buttons, and all other required equipment as directed and approved by the City Engineer.
17. Street Improvement Plans provided by the Applicant for purposes of processing the Coastal Development Permit are conceptual in nature, and may change based on input provided during the City review and approval process.
18. All street improvement and traffic signal work at the intersection of Puerto Place and Dana Point Harbor Drive shall be completed prior to construction of any on site buildings. Alterations to this Condition necessary for Project Phasing may be approved by the City Engineer.
19. The applicant shall provide design documents for all construction traffic control for the construction of all proposed City street improvements, and

Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 9

to support construction of improvements on County property. The traffic control plans shall be prepared by a licensed California Traffic or Civil Engineer and submitted for review and approval by the City Engineer.

20. The applicant shall relocate all impacted public and private utilities to allow for the construction of the proposed improvements along Dana Point Harbor Drive. Further, the applicant shall provide easements, if needed, on the applicant's property to allow for the necessary relocations as approved by the City Engineer, relating to City streets.
21. The applicant shall construct all sidewalk improvements to match the widths of adjoining or remaining public sidewalks.
22. The applicant shall provide a permit from South Coast Water District for water and sewer services, and construct all necessary public and private infrastructure to support said services.
23. Applicant shall prepare a comprehensive utility plan for all existing and proposed utilities on surrounding City streets that are impacted. Further, all above grade structures shall be fully screened from public view with landscaping or other improvements to the satisfaction of the City Engineer.
24. The applicant's licensed engineering consultants shall submit a final certification for all City street, signing and striping, and traffic signal improvements for review and approval by the City Engineer by separate submittal. The final improvement certification by the Civil Engineer (per the City's standard Civil Engineer's Final Certification Template for Final Approval) shall approve the improvements as being substantially completed in conformance with the approved improvement plans.
25. The applicant shall submit a final stamped certification from the Traffic Engineer for all signal and traffic improvements for review and approval by the City Engineer by separate submittal. The final improvement certification by the Traffic Engineer (per the City's standard Civil Engineer's Final Certification Template for Final Approval) shall approve the improvements on City streets as being substantially completed in conformance with the approved improvement plans.
26. An encroachment permit is required for all work on City property per the City's Municipal Code, City Standards and other local and state requirements. All work in the right-of-way shall be completed in conformance with the Encroachment Permit conditions and approved plans to the satisfaction of the City Engineer.

Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 10

27. All landscaping and irrigation installed on City property shall be installed per an approved landscape and irrigation plan. A State licensed landscape architect shall certify that all plants, irrigation and other improvements have been installed in accordance with the specifications of the final plan and shall submit said certification in writing to the Director of Community Development and the Director of Public Works. The applicant shall contact the Community Development Department once all landscaping has been installed in accordance with the approved plans.
28. Any damage to improvements (landscape, irrigation, hardscape, sidewalks, etc.) on City property shall be restored to the satisfaction of the City Engineer.
29. All permanent BMP's on the project shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record. The applicant shall submit to the City and County of Orange, a final certification stating that all improvements associated with water quality meet the approved project WQMP by separate submittal. The final improvement certification by the record civil engineer shall approve the improvements as being substantially completed in conformance with the approved WQMP.
30. A grading permit shall be obtained prior to any work including demolition activities.
31. The County and/or their designee shall exercise special care during the construction phase of this project to prevent any off-site siltation and shall provide erosion control measures of a type, size and location as approved in consultation with the City of Dana Point Director of Public Works. The erosion control measures shall be shown and specified on the grading plan and shall be constructed to the satisfaction of the Director, OC Public Works prior to the start of any other grading operations. Prior to the removal of any erosion control devices so constructed, the area served shall be protected by additional drainage facilities, slope erosion control measures and other methods as may be required by the Director, OC Public Works. The applicant shall maintain the erosion control devices until the Director, OC Public Works approves of the removal of said facilities.
32. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.

B. COUNTY STANDARD CONDITIONS OF PROJECT APPROVAL:

Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 11

33. Prior to issuance of certificates of use and occupancy, OC Dana Point Harbor and/or their designee shall provide plans or identify measures to comply with standard County procedures for implementing the Uniform Fire Code in the use of any combustible and flammable liquids, above-ground or underground storage of such materials, welding and potential spark production, and building occupancy rating in a manner meeting the approval of the Fire Chief. Further, a copy of the approved "UFC Implementation Plan" shall be furnished to the Manager, Building Inspection Services, prior to the issuance of any certificates of use and occupancy.
34. Prior to the issuance of any grading permits or the issuance of a building permit, whichever occurs first, OC Dana Point Harbor and/or their designee shall provide evidence of adequate fire flow. The "Orange County Fire Authority Water Availability for Fire Protection" form shall be signed by the applicable water district and submitted to the Fire Chief for approval. If sufficient water to meet fire flow requirements is not available an automatic fire extinguishing system may be required in each structure affected.
- A. Prior to the issuance of a building permit, OC Dana Point Harbor and/or their designee shall submit plans for the required automatic fire sprinkler system in any structure to the Fire Chief for review and approval. Please contact the Orange County Fire Authority at (714) 744-0499 to request a copy of the "Orange County Fire Authority Notes for New NFPA 13 Commercial Sprinkler Systems."
- B. Prior to the issuance of a certificate of use and occupancy, this system shall be operational in a manner meeting the approval of the Fire Chief.
35. FIRE LANE MARKING
- A. Prior to the issuance of any grading or building permits, OC Dana Point Harbor and/or their designee shall submit plans and obtain approval from the Fire Chief for fire lanes on required fire access roads. The plans shall indicate the locations of red curbs and signage and include a detail of the proposed signage including the height, stroke and colors of the lettering and its contrasting background. Please contact the Orange County Fire Authority at (714) 744- 0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guidelines for Emergency Access Roadways and Fire Lane Requirements".
- B. Prior to the issuance of any certificate of use and occupancy, the fire lanes shall be installed in accordance with the approved fire lane plan.

Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 12

Tenant Leases or other approved documents shall contain a fire lane map, provisions prohibiting parking in the fire lanes, and an enforcement method.

36. ACCESS GATES

Prior to the issuance of any grading permits, OC Dana Point Harbor and/or their designee shall obtain the approval from the Fire Chief for the construction of any gate across required fire department access roads. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guidelines for Design and Installation of Emergency Access Gates and Barriers."

37. FIRE ALARM SYSTEM

A. Prior to the issuance of a building permit, plans for the fire alarm system shall be submitted to the Fire Chief for review and approval. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for New and Existing Fire Alarm Systems."

B. This system shall be operational prior to the issuance of a certificate of use and occupancy.

38. STORAGE TANKS

Prior to the issuance of a building permit or installation of an aboveground tank, plans shall be submitted to the Fire Chief for review and approval. Please contact the Orange County Fire Authority at (714) 744-0499 for additional information.

39. HAZARDOUS MATERIALS

A. Prior to the issuance of a grading or building permit, OC Dana Point Harbor and/or their designee shall submit to the Fire Chief a list of all hazardous, flammable and combustible liquids, solids or gases to be stored, used or handled on site. These materials shall be classified according to the Uniform Fire Code and a document submitted to the Fire Chief with a summary sheet listing the totals for storage and use for each hazard class. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for Completing Chemical Classification Packets."

B. Prior to the issuance of a building permit, OC Dana Point Harbor and/or their designee shall complete and submit to the Fire Chief a copy of a "Hazardous Materials Disclosure Chemical Inventory and Business Emergency Plan" packet. Please contact the Orange County Fire

Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 13

Authority Hazardous Materials Services Section at (714) 744-0463 to obtain a copy of the packet.

40. BUILDING USE LETTER

Prior to the issuance of any building permits, OC Dana Point Harbor and/or their designee shall submit a detailed letter of intended use for each building on site to the Fire Chief for review and approval.

41. OC Dana Point Harbor and/or their designee shall store, manifest, transport and dispose of all on-site generated waste that meets hazardous materials criteria in accordance with the California Code of Regulations Title 22 and in a manner to meet the satisfaction of the Manager, HCA/Hazardous Materials Program. OC Dana Point Harbor and/or their designee shall keep storage, transportation and disposal records on site and open for inspection by any government agency upon request. OC Dana Point Harbor and/or their designee shall store used oil filters in a closed rainproof container that is capable of containing all used oil and shall manage the container as specified in Title 22, Chapter 30, Division 4, Section 66828 of the California Code of Regulations.

42. Prior to the issuance of street improvement permits for County owned property, OC Dana Point Harbor and/or their designee shall design and construct the following improvements in accordance with plans and specifications meeting the approval of the Manager, Subdivision and Grading:

- A. Streets, bus stops, on-road bicycle trails, street names, signs, striping and stenciling.
- B. The water distribution system and appurtenances that shall also conform to the applicable laws and adopted regulations enforced by the County Fire Chief.
- C. Underground utilities (including gas, cable, electrical and telephone), streetlights, and mailboxes.

43. SIGHT DISTANCE

Prior to the issuance of any grading permits, OC Dana Point Harbor and/or their designee shall provide adequate sight distance per Standard Plan 1117 at all street intersections, in a manner meeting the approval of the Manager, Subdivision and Grading. OC Dana Point Harbor and/or their designee shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the Manager, Subdivision and Grading Services.

Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 14

44. TRAFFIC SIGNAL CONDUIT

As part of street and intersection improvements for County owned property, OC Dana Point Harbor/contractor shall install all underground traffic signal conduits (e.g., signals, phones, power, loop detectors, etc.) and other appurtenances (e.g., pull boxes, etc.) needed for future traffic signal construction and/or for future interconnection with adjacent intersections, all in accordance with plans and specifications meeting the approval of the Manager, Subdivision and Grading.

45. WQMP FOR PRIORITY PROJECTS

Prior to the issuance of any grading or building permit (whichever comes first), OC Dana Point Harbor and/or their designee shall include in the WQMP the following additional Priority Project information in a manner meeting the approval of the Manager, Inspection Services Division:

- Include post-construction Structural Treatment Control BMP(s) as defined in the DAMP;
- Include a conceptual Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for the post-construction Treatment Control BMP(s); (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced Treatment Control BMP(s); and (3) describes the proposed mechanism for funding the long-term operation and maintenance of the referenced Treatment Control BMP(s).

46. STORMWATER POLLUTION PREVENTION PLAN

Prior to the issuance of any grading or building permits, OC Dana Point Harbor and/or their designee shall demonstrate compliance under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing in a manner meeting the satisfaction of the Manager, Building Permit Services. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for review on request.

C. SPECIAL CONDITIONS OF PROJECT APPROVAL:

47. Prior to issuance of grading permits, OC Dana Point Harbor and/or their designee shall provide plans or identify measures to comply with standard County procedures to implement all applicable regulations of the South Coast Air Quality Management District. These measures may include

Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 15

using low emission construction equipment, maintaining equipment in tune per manufacturer's specifications; using catalytic converters on gasoline-powered equipment and using reformulated, low-emission diesel fuels and using finishing products in a manner meeting the approval of the Manager, Building Permit Services to demonstrate compliance with local and state air quality management regulations for grading and construction activities.

**Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 16**

48. Prior to the issuance of certificates of use and occupancy, OC Dana Point Harbor and/or their designee and/or tenant(s) shall pay fees for the Major Thoroughfare and Bridge Fee Program listed below, in a manner meeting the approval of the Manager, OC Public Works/Subdivision and Grading.
 - a. Coastal Area Road Improvements and Traffic Signals
 - b. San Joaquin Hills Transportation Corridor
49. All landscaping and irrigation, on County property, shall be installed per the approved final landscape and irrigation plan. A State licensed landscape architect shall certify that all plant and irrigation materials have been installed in accordance with the specifications of the final plan and shall submit said certification in writing to the City of Dana Point Director of Community Development for verification. The landscape plan shall conform to the latest Landscape Efficiency Ordinance adopted by the County of Orange.
50. Prior to the issuance of a precise grading permit, a written approval by the Geotechnical Engineer approving the grading as being substantially in conformance with the approved conceptual grading plan shall be submitted to the City of Dana Point Director of Community Development in consultation with the Orange County Director of Public Works for verification.
51. In conformance with Harbor LCP Policy 6.2.6-12, to avoid conflicts and promote efficient traffic circulation in the Mariners Village and Dana Wharf areas, all deliveries by vehicles longer than 30-feet in length will be conducted between the daily hours of 6 and 11 AM only (including weekends). Only delivery trucks that are accommodated by the standard size parking spaces shall be permitted on Dana Wharf after 11 AM.
52. Prior to release of the roof sheathing inspection, the applicant shall certify by a survey or other appropriate method that the heights of the proposed structures are in compliance with plans approved by the City of Dana Point and the structure heights included as part of this permit.

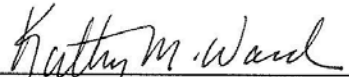
Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 17

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Dana Point, California, held on this 17th day of June, 2014.



LISA A. BARTLETT, MAYOR

ATTEST:



Kathy M. Ward, City Clerk

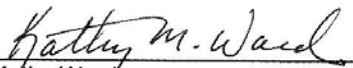
STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF DANA POINT)

I, Kathy Ward, Acting City Clerk of the City of Dana Point, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 14-06-17-06 adopted by the City Council of the City of Dana Point, California, at a regular meeting thereof held on the 17th day of June, 2014, by the following vote:

AYES: Council Members Brough, Olvera, Schoeffel, Mayor Pro Tem Weinberg, and Mayor Weinberg

NOES: None

ABSENT: None



Kathy Ward
City Clerk

Resolution No. 14-06-17-06
CDP13-0018 – Harbor Commercial Core Project
Page 18

EXHIBIT A

Project Condition/Requirement and Mitigation Monitoring Program

EXHIBIT A ON FILE WITH CITY CLERK'S OFFICE

SUPPORTING DOCUMENT H:

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JUNE 17, 2014
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 14-04

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Bartlett at 5:00 p.m. in the Dana Point Community Center, 34052 Del Obispo Street, Dana Point.

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

City Attorney Munoz indicated that there was a need for a Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(1) (2 cases)
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8

Location: 33422 Ocean Hill Drive; APN 673-301-17
Agency Negotiator: City Manager
Negotiating Parties: City of Dana Point and Verizon
Under Negotiation: Price and terms of agreement relating to property

Mayor Bartlett recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING – CALL TO ORDER

Mayor Bartlett reconvened the meeting at 6:09 p.m. All Council Members were present.

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Killebrew, Assistant City Manager; Mike Rose, Director of Disaster Preparedness; Lt. Russ Chilton; Brad Fowler, Director of Public Works and Engineering; Kevin Evans, Director of Community Services; John Tilton, City Architect; Mark Sutton, Building Official; Robert Sedita, Management Analyst; Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Schoeffel.

INVOCATION

The Invocation was provided by OCFA Chaplain Jeff Hetschel.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Peking Dragon

Management Analyst Sedita provided a PowerPoint presentation regarding the Peking Dragon. He reported that Peking Dragon opened in Dana Point 1985 and that they specialize in Mandarin Szechuan cuisine. Mayor Bartlett presented Shane Chou with a Certificate of Recognition in honor of the Peking Dragon being selected the Business of the Month for June 2014. Heather Johnston the CEO of the Dana Point Chamber presented Mr. Chou with a plaque and certificates for marketing.

Employee of the Month – Kolleen Wallace

Director of Community Services and Parks Evans provided background on Kolleen. He reported that Kolleen has worked for the City since 2005 and that she is the recreation coordinator that handles over 100 classes offered each year. Mayor Bartlett presented Kolleen with a Certificate of Recognition for her honor of being selected Employee of the Month for June 2014.

Youth Board Recognition

Management Analyst Sedita provided comments regarding outgoing Youth Board Members Bryce Dec, Julie Lisle and Alena Powers Davis. Mayor Bartlett presented each with a Certificate recognizing them for their service on the Youth Board.

CONSENT CALENDAR

Members of the Public removed Items 15 and 16. Mayor Pro Tem Weinberg removed Item 20.

City of Dana Point
City Council Regular Meeting Minutes

June 17, 2014

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEMS 15,16, AND 20.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lisa Bartlett

NOES: None

ABSENT: None

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

APPROVED 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, MAY 20, 2014

APPROVED THE MINUTES.

3. PLANNING COMMISSION MEETING MINUTES, MAY 12, 2014

RECEIVED AND FILED.

4. PLANNING COMMISSION ACTIONS, MEETING OF JUNE 9, 2014

RECEIVED AND FILED.

5. YOUTH BOARD MEETING MINUTES, MAY 1, 2014

RECEIVED AND FILED.

6. YOUTH BOARD MEETING MINUTES, MAY 15, 2014

RECEIVED AND FILED.

7. ARTS AND CULTURE COMMISSION MINUTES, JANUARY 15, 2014

RECEIVED AND FILED.

8. INVESTMENT REVIEW COMMITTEE ACTION MINUTES, APRIL 22, 2014

RECEIVED AND FILED.

9. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

10. CITY TREASURER'S REPORT, MAY 2014

RECEIVED AND FILED THE CITY TREASURER'S REPORT FOR THE MONTH OF MAY, 2014.

11. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

12. 2014-2015 LAW ENFORCEMENT SERVICES AGREEMENT

APPROVED THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE COUNTY OF ORANGE FOR LAW ENFORCEMENT SERVICES FOR THE 2014-2015 FISCAL YEAR AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

13. APPROVAL OF THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2014-15 THROUGH FISCAL YEAR 2020-21 AND AUTHORIZATION TO FORWARD RENEWED MEASURE M ELIGIBILITY DOCUMENTATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY

ADOPTED **RESOLUTION 14-06-17-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REAFFIRMING CONFORMANCE OF THE LOCAL SIGNAL SYNCHRONIZATION PLAN AND ADOPTION OF THE SEVEN YEAR CAPITAL IMPROVEMENT PROGRAM FOR FY 2014-15 THROUGH FY 2020-21 AS REQUIRED BY THE OCTA RENEWED MEASURE M (M2) PROGRAM; and

AUTHORIZED THE DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES TO FORWARD THE NECESSARY RENEWED MEASURE M ELIGIBILITY DOCUMENTATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY.

14. CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 4, 2014 TO FILL THREE CITY COUNCIL SEATS

ADOPTED THE FOLLOWING:

RESOLUTION 14-06-17-02 ENTITLED:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; and

RESOLUTION 14-06-17-03 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO

CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE; and

RESOLUTION 14-06-17-04 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014.

15. FISCAL YEAR 2014-2015 BUDGET UPDATE AND RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2014-2015

A member of the Public removed this item from the Consent Calendar.

City Manager Chotkevys introduced the item and Assistant City Manager Killebrew provided a staff report.

Mayor Bartlett opened the Public Comments.

Patti Short, Dana Point, asked the City Council to approve the budget to fund the Town Center.

Mike Powers, Dana Point, felt that the Town Center project needed to be fully funded before contractors would bid and urged the City Council to identify the money required to move forward.

Betty Hill, Capistrano Beach, suggested that the City Council let the residents and the newly elected Council Members decide the timing for funding of Del Prado.

Lester Hill, Capistrano Beach, spoke of the seemingly lack of interest from developers in the Town Center. He mentioned private projects that seemed to have stalled.

Harold Kaufman, Dana Point, stated that the budget holds no funds for Del Prado and felt that it was crucial that funds be identified for the project.

Cindy Monroe, Dana Point, stated that she was concerned that her business on Del Prado would suffer because of construction delays if the Town Center was not funded.

Jimmy Khadivi, Dana Point, read a letter on behalf of a number of Town Center businesses who felt that their businesses would be affected if the project was not completed. He asked the City Council to approve the budget to fund the project.

Nancy Wallace, Dana Point, felt that the City should evaluate Phase I before starting Phase II. She stated that the past City Councils have been prudent to keep a strong emergency operating reserve and felt that we should follow that precedent. She asked the Council to not rush into hasty development of Phase II and recommended that they wait until there is positive financial growth from Phase I before moving forward.

City of Dana Point
City Council Regular Meeting Minutes

June 17, 2014

Alan Wickstrom, Dana Point, asked the City Council to fully fund Phase II of the Lantern District project and stated that he was concerned that the funding had not been identified in the budget.

Jim Miller, Dana Point, stated that investors would not commit until the City finishes the project. He felt that the Town Center was a good investment for the City.

Bob Theel, Dana Point, asked the City Council to appropriate the money that has already been identified in the seven year Capital Improvement Program to complete the Del Prado street improvements.

Jorge Luhan, Dana Point, asked the City Council to fully fund the Lantern District.

Wayne Rayfield, Dana Point, asked the City Council to move forward on the Town Center. He stated that this was more than a cost, it was an investment.

Mayor Bartlett closed the Public Comments.

Council Member Brough stated that he would like to make a motion to amend the budget item to request the following funds be transferred to a new Town Center/Del Prado fund; 1.4 million from Undesignated Funds, 2.5 million from Capital Improvement Projects, 3.6 million proceeds from Via Canon, and 1.475 million in the State Impact Fund. He added that moving the funds would provide 9 million for the project. He asked that the Investment Review Committee create a plan where any surplus revenue that is received by the City is placed back into those funds.

Council Member Schoeffel asked if the funds were transferred as Council Member Brough suggested, what would the City have left.

Assistant City Manager Killebrew replied that the City would have emergency reserve and cash flow reserve.

Council Member Schoeffel asked for an explanation of what the cash flow reserve was.

Assistant City Manager Killebrew replied that the cash flow reserve allows the City to cover the monthly differences between the City's revenues and expenditures.

Council Member Schoeffel asked what the legislative intent in providing a minimum of 2.5 million in the Capital Project Sinking Fund.

Assistant City Manager Killebrew replied that he did not know the reason for the minimum, but that the purpose of the fund was for the replacement various capital assets.

City Manager Chotkevys stated that the engineering estimate is 7.7 million. He suggested that if the Council so desires, that they should fund at the 7.7 million and not 9 million. He asked Assistant City Manager Killebrew what the approach would be if the Council were to fund the 7.7 million.

Assistant City Manager Killebrew replied that he would recommend using the CIP Sinking Fund of 2.5 million, State Impact Reserves of 1.475 million, and the balance from the Undesignated Fund balance.

Mayor Pro Tem Weinberg stated that he would support the motion if amended to fund the 7.7 million.

Council Member Brough stated that he would amend his motion to create a new Town Center/Del Prado fund moving the money 1.475 million from State Budget Impact, 2.5 from the Capital Improve Projects, and 3.725 from the Undesignated Fund balance.

Mayor Pro Tem Weinberg stated that he would agree that Phase I would not work without Phase II. He added that he supports funding the project.

City Manager Chotkevys stated that for clarification, that we not create a new fund, but create a line item within the existing CIP fund and call it Town Center Phase II. He asked if there was still a direction to the Investment Review Committee to create a repayment policy for Council consideration for future year's surplus.

Council Member Brough stated that yes he did still want a five year savings plan for any surplus revenue.

Council Member Schoeffel asked if the alternative will put the City at all-time low levels of reserves.

Assistant City Manager Killebrew replied that it would be the lowest that the Undesignated Reserves had ever been, but the City did not have the emergency and cash flow before.

Council Member Schoeffel asked what staff saw in the future that will allow the City to replenish these reserves.

Assistant City Manager Killebrew replied that there has been consistent growth at this point.

Council Member Schoeffel asked how many years it would take to replenish these funds.

Assistant City Manager Killebrew replied that he could not answer that.

City Manager Chotkevys stated that the savings from PCH side will be used as a down payment to replenish the transfer of funding.

Council Member Brough stated that the Council passed a development impact fee and there will be 2 to 3 million dollars that will be replenished once development occurs.

Mayor Pro Tem Weinberg called the question.

Mayor Bartlett stated that she has some comments and questions for staff.

Council Member Olvera asked for a point of order.

Mayor Bartlett asked for clarification from the City Attorney.

City Attorney Munoz replied that under Robert's Rules Mayor Pro Tem Weinberg is correct if the Council is going to follow Robert's Rules which is the adopted policy.

Mayor Bartlett stated that the City does follow Robert's Rules, but since she did not have her questions answered that she could not support this motion.

IT WAS MOVED BY COUNCIL MEMBER BROUGH, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL RECEIVE AND FILE THE FISCAL YEAR 2014-2015 (FY 2014-15) BUDGET UPDATE REPORT AND AUTHORIZE THE BUDGET AMENDMENTS DETAILED IN THE REPORT; IN ADDITION, INCLUDE A LINE ITEM TO TRANSFER \$7.7M FROM THE GENERAL FUND, UTILIZING THE \$1.475M FROM THE STATE BUDGET IMPACTS RESERVE, \$2.5M FROM THE CAPITAL PROJECTS SINKING FUND RESERVE AND THE BALANCE FROM UNDESIGNATED FUND BALANCE, TO THE CAPITAL PROJECTS FUND TO FUND THE ESTIMATED COST OF THE TOWN CENTER LANTERN DISTRICT PHASE 2 PROJECT; DIRECT THE INVESTMENT REVIEW COMMITTEE TO DRAFT A FIVE YEAR REPAYMENT PLAN FOR COUNCIL'S REVIEW; AND

ADOPT **RESOLUTION 14-06-17-05** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2014-15.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, and Mayor Pro Tem Steven Weinberg

NOES: Council Member Scott Schoeffel and Mayor Lisa Bartlett

ABSENT: None

16. LANTERN DISTRICT PCH/DEL PRADO PHASE IIA, DEL PRADO STREET IMPROVEMENT PROJECT CONSTRUCTION BID SOLICITATION

A member of the Public removed this item from the Consent Calendar.

Mayor Bartlett opened the Public Comments.

Lester Hill, Capistrano Beach, felt that the City Council had excluded people from commenting and that it was a terrible way to do business. He stated that he did not agree with fast-tracking.

Betty Hill, Capistrano Beach, stated that the City Council cannot risk the financial integrity of the City and rushing Del Prado makes it appear that the City Council does not care what the residents think.

Mike Powers, Dana Point, felt that this was going to help the City. He thanked Mayor Pro Tem Weinberg and Council Member Olvera as well as Council Member Brough for his leadership.

Harold Kaufman, Dana Point, stated that moving forward with Del Prado was important.

Patti Short, Dana Point, thanked the Council members who voted for the budget approval.

Cindy Monroe, Dana Point, thanked the City Council for voting to fund the project.

Robert Beaulieu, San Clemente, commended the City Council for moving this project forward.

Jorge Luhan, Dana Point, thanked the City Council for moving this project forward.

Annmarie Duran, Dana Point, thanked the City Council for approving the bid.

Bob Theel, Dana Point, felt that private investment was important and that the street improvements will reduce the uncertainty by developers.

Raymond Payne, Dana Point, stated that the financial integrity of the City was paramount. He asked the City Council to be fiscally conservative with the money that has been entrusted to them.

Nancy Wallace, Dana Point, stated that she was concerned about fiscal responsibility.

Mayor Bartlett closed the Public Comments.

Mayor Bartlett stated that she was concerned with replenishing the CIP Sinking Fund. She added that she was not comfortable depleting the City's reserves.

Council Member Olvera stated that the City Council had voted 5-0 to phase this project and we have been paying as we go and made a motion to approve the recommended action.

Mayor Pro Tem Weinberg seconded the motion.

Council Member Schoeffel stated that what he would like to see in these bids is an itemization of which components were going to cost what. He asked Council Member Olvera if he would amend his motion.

Council Member Olvera replied no.

Mayor Pro Tem Weinberg stated that he would second Council Member Schoeffel's amended motion.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL APPROVE THE SOLICITATION OF BIDS FOR SUBJECT PROJECT.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg, and Mayor Lisa Bartlett

NOES: None

ABSENT: None

17. SISTER CITY AGREEMENT

RATIFIED THE SISTER CITY AGREEMENT WITH THE CITY OF VITERBO, ITALY.

18. SECOND AMENDMENT TO CUSTODIAL CONTRACT

APPROVED THE SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR CUSTODIAL SERVICES; AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AMENDMENT.

19. RECIPROCAL ENTRY LICENSE AGREEMENT BETWEEN THE CITY OF DANA POINT AND THE SOUTH COAST WATER DISTRICT

AUTHORIZED THE CITY MANAGER TO EXECUTE A RECIPROCAL ENTRY LICENSE AGREEMENT BETWEEN THE CITY AND THE SOUTH COAST WATER DISTRICT FOR THE PLACEMENT OF COMMUNICATIONS EQUIPMENT.

20. INTRODUCTION OF AN ORDINANCE MODIFICATION FOR THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA SECTION 13.04.050 (CARE OF NATURAL RESOURCES), PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE IN THE HEADLANDS NATURAL OPEN-SPACE ENVIRONMENTALLY SENSITIVE HABITAT PARK AREAS

Mayor Pro Tem Weinberg removed this item from the Consent Calendar.

Mayor Pro Tem Weinberg stated that he would like to amend the Ordinance to include "authorized by the City Manager" at the end of the paragraph.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL INTRODUCE AN ORDINANCE AS AMENDED ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 13.04.050 (CARE OF NATURAL RESOURCES), PARKS AND RECREATIONAL FACILITIES REGULATIONS, OF THE MUNICIPAL CODE IN THE HEADLANDS NATURAL OPEN-SPACE ENVIRONMENTALLY SENSITIVE HABITAT PARK AREAS

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg, and Mayor Lisa Bartlett

NOES: None

ABSENT: None

Mayor Bartlett recessed the meeting at 7:58 p.m. and reconvened the meeting at 8:22 p.m.

PUBLIC COMMENTS

Ingrid McGuire, Dana Point, congratulated Council Member Brough and Mayor Bartlett for their success in the Primary. She stated that she was disappointed with the voter turnout. She felt that the City should encourage voting in November.

Nancy Weagley, Capistrano Beach, spoke regarding changing the Code to allow chickens.

John Tomlinson, Capistrano Beach, spoke regarding suggested amendments to the Code to allow chickens in Dana Point.

Karl Kuhn, Dana Point, spoke regarding the lack of street lights on San Juan Avenue.

PUBLIC HEARINGS

21. HEARING ON APPEAL OF PLANNING COMMISSION DECISION 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

Mayor Bartlett opened the Public Hearing.

Erin Meluso, San Juan Capistrano, spoke on behalf of Bruce Heyman (Boaters 4 Dana Point Harbor) the appellant. She stated that they believed that the boat barn would be a financial challenge and would not be built which will lead to a massive loss of boats in the Harbor once the commercial core absorbs most all of the available space. She added that they felt that they had made it clear that CDP13-0018 did not meet the certified Local Coastal Program.

Barbara Merriman, Dana Point, felt that there were issues to be resolved before the CDP could be approved because of inconsistencies between the Implementation Plan and the CDP regarding building heights, boat storage, and parking.

Chuck Hornsby, Grand Terrace, stated that the boat barn would require a CDP to be approved by the Coastal Commission not the City. He felt that the barn would not be built because of the cost of construction and that it will be cost prohibitive for boaters to store their boats.

Blake Byrd, San Clemente, asked the City Council to not approve the CDP as proposed.

James Lenthall, Dana Point, Dana Point for Boaters Association, stated that they support revitalization but loss of boater resources must be avoided. He asked for a requirement of a publicly disclosed finance plan, refinement of a parking management plan, relocation of the guest docks, and further development and refinement of the day use area. He added that they would support the CDP with those proposed amendments.

Harold Kaufman, Dana Point, asked the City Council to approve the CDP and deny the appeal.

Doug Heim, Dana Point, spoke about restriction heights on buildings.

Dan Clifford, Orange, stated that 70 percent of the County's income in the Harbor comes from boaters, not the commercial area.

Tim Wilson (Mitchell Land and Improvement Co.), Long Beach, stated that he was concerned about parking and asked for the parking to be monitored to keep people from parking in their lot across the street if the project moves forward.

William Byrd, San Juan Capistrano, stated that he was concerned that the boat barn was proposed to be built over his business.

Rod Howorth, Dana Point, asked the City Council to approve the CDP and move the project forward.

Richard Gardner, Capistrano Beach, spoke about the issues he had with the plan. He felt that the meandering walkways were not suitable as people will take short cuts.

Lauralyn Loynes, Dana Point Chamber of Commerce, stated that the Chamber supports denying the appeal and approving CDP13-0018.

Alan Wickstrom, Dana Point, stated that he supports the harbor revitalization. He asked the City Council to deny the appeal.

Gary Macrides, Dana Point, stated that he opposes the appeal. He asked the City Council to uphold the Planning Commission approval and move the project forward.

Rosie Garcia, Laguna Niguel, stated that she supports the appeal.

Jim Miller, Dana Point, stated that modifications have been made over the years and that he felt that the CDP was consistent with the Local Coastal Program.

Wayne Rayfield, Dana Point, felt that the plan had improved since 1998 and that he supports the Planning Commission's decision. He reported that South Coast Water District has offered to allow storage of boats on their property behind the Doubletree Hotel during construction.

Ted Olsen, Mission Viejo, felt that boat barns will change the way people boat. He was concerned with the cost to use the boat barn and the additional traffic that will be created by the offsite storage of boats on the water district property.

Diana Poulos, thanked the City Council and staff. She felt that the project was a good compromise and asked the City Council to deny the appeal and move the commercial core forward.

John Hicks, Laguna Niguel, urged the City Council to uphold the Planning Commission's approval of the CDP.

City Manager Chotkevys provided an introduction and City Architect Tilton provided a staff report.

Brad Gross, Applicant, stated that the commercial core project incorporates everything that has come from the numerous public hearings over the years.

Erin Meluso stated that she had no rebuttal.

Mayor Bartlett closed the Public Hearing.

Mayor Pro Tem Weinberg made a motion to uphold the Planning Commission's decision.

Council Member Brough felt that this project has been fully vetted and seconded the motion.

Council Member Schoeffel felt that this process has been as complete as a process could get. He stated that the issues will need to be resolved at the Coastal Commission level.

Mayor Bartlett stated that she agreed that the Coastal Commission will need to make any changes.

Council Member Olvera stated that he also agreed.

City Attorney Munoz asked for clarification on the motion and whether it included the modifications to the Resolution.

Mayor Pro Tem Weinberg replied that the motion did include the modifications.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER BROUGH, THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND ADOPT RESOLUTION 14-06-17-06 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF 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

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lisa Bartlett

NOES: None

ABSENT: None

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

City Manager Chotkevys congratulated Kolleen Wallace on being selected Employee of the Month.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Olvera stated that he would turn in his list of meetings attended to the City Clerk.

Council Member Brough reported that he had attended the following:

May 28 – Historical Society's Founder's Day
June 10 – Inaugural meeting of the Homeless Task Force
June 12 – Relay for Life Kick-Off at Surfin' Cowboy
June 16 – American Legion meeting at Brio

Council Member Schoeffel stated that he would turn in his list of meetings attended to the City Clerk.

Mayor Pro Tem Weinberg stated that he would turn in his list of meetings attended to the City Clerk.

Mayor Bartlett reported that she had attended the following:

Several Transportation Corridor Agency meetings and a Southern California Association of Governments (SCAG) meeting
June 3 – Ocean Institute Board of Directors meeting
June 6 – Alzheimer promotional event
June 11 – OC Veteran's Advisory Council
June 12 – Dana Point Relay for Life kickoff event
June 14 - SOCSA Showcase of talent event at SOKA University

She announced the following upcoming events:

June 20 and 27 – Dana Point Movies in the Park
June 24 – Dana Hills High School graduation ceremony
July 6, 13, 20, and 27 – Summer Concerts in the Park
July 4 – Dana Point Fireworks Spectacular in the Dana Point Harbor

City of Dana Point
City Council Regular Meeting Minutes

June 17, 2014

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bartlett declared the meeting adjourned at 9:37 p.m. and announced that the next Regular Meeting of the City Council will be July 1, 2014, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF JULY 1, 2014

City of Dana Point
City Council Regular Meeting Minutes

June 17, 2014

Meetings attended since May 20, 2014:

Mayor Pro Tem Steven Weinberg

May 22	OCFA Claim Meeting
	OCFA Board meeting
	OCFA Executive Committee meeting
May 28	Lantern District working group
June 10	City BBQ
June 11	OCFA Budget and Finance Committee Meeting
June 17	Farewell Retirement Luncheon for Assistant Sheriff Mark Billings

Council Member Carlos N. Olvera

May 24	VFW Memorial at South Shores Church
May 26	Memorial Day at Pines Park
June 10	City BBQ

Council Member Scott Schoeffel

May 22	Financial Ad Hoc Committee of the San Joaquin Hills Transportation Corridor Agency
May 26	Memorial Day Services at Pines Park in Capistrano Beach
May 27	Dana Point Investment Review Committee
June 3	Financial Ad Hoc Committee of the San Joaquin Hills Transportation Corridor Agency
June 5	Dana Hills Senior Awards Night and present Schoeffel Instrumental Music Assistance Scholarships and SOCSA Scholarships to students at the event
June 10	Coastal Animal Services Authority Board of Directors meeting in San Clemente
June 12	San Joaquin Hills Transportation Corridor Agency Board of Directors meeting
June 14	SOCSA "Showcase 2014" performance at the SOKA University performing arts center in Aliso Viejo

SUPPORTING DOCUMENT I:

CITY OF DANA POINT

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
OCTOBER 7, 2014
5:00 P.M.**

MINUTES

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

Next City Council Ordinance No. 14-05

CALL TO ORDER

The Regular Meeting of the City Council of the City of Dana Point, California, was called to order by Mayor Bartlett at 5:05 p.m. in the Community Center Gym, 34052 Del Obispo, Dana Point.

ROLL CALL OF CITY COUNCIL MEMBERS:

Lisa A. Bartlett, Mayor
Steven H. Weinberg, Mayor Pro Tem
William P. Brough, Council Member (*arrived at 5:08 p.m.*)
Carlos N. Olvera, Council Member
J. Scott Schoeffel, Council Member (*arrived at 5:10 p.m.*)

CLOSED SESSION

Mayor Bartlett indicated that there was a need for a Closed Session as follows:

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Government Code § 54956.8
- Location: APN No. 682-321-04; 682-321-05
Agency Negotiator: Douglas C. Chotkevys
Negotiating Parties: City of Dana Point and Art Sanchez for the Harold Bragg Family Trust
Under Negotiation: Price and terms of agreement relating to property

Mayor Bartlett recessed the meeting into a Closed Session at 5:06 p.m. pursuant to Government Code Section 54956 et seq.

RECONVENE CITY COUNCIL MEETING

Mayor Bartlett reconvened the meeting at 6:04 p.m. All Council Members were present.

City of Dana Point
City Council Regular Meeting Minutes

October 7, 2014

STAFF PRESENT: Douglas C. Chotkevys, City Manager; Patrick Munoz, City Attorney; Kathy Ward, City Clerk; Mike Rose, Director of Disaster Preparedness; Lt. Russ Chilton; Ursula Luna-Reynosa, Director of Community Development; Brad Fowler, Director of Public Works and Engineering; Kevin Evans, Director of Community Services; Mark Sutton, Building Official; Robert Sedita, Management Analyst; Christy Teague, Economic Development Manager, Jackie Littler, Executive Secretary; DyAnne Weamire, Administrative Secretary; and Bobbi Ogan, Deputy City Clerk.

CLOSED SESSION ANNOUNCEMENT

City Attorney Munoz stated that he had no announcement.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Schoeffel.

INVOCATION

The Invocation was provided by Associate Pastor Jens Christy of Capo Beach Church.

PRESENTATIONS AND PROCLAMATIONS

Business of the Month – Mathnasium

Management Analyst Sedita provided a PowerPoint presentation. He reported that Mathnasium had opened in January of 2014 in the Monarch Bay Plaza. He stated that students pay a monthly fee similar to a gym membership which allows them to attend as often as needed throughout the month. He added that all of Mathnasium's employees hold degrees in math and that Mathnasium tutors students from second grade to college level. Mayor Bartlett presented a Certificate of Recognition to owner Kapil Mather for Mathnasium being selected as the Business of the Month for October, 2014. Heather Johnston from the Dana Point Chamber of Commerce presented Mr. Mather with a certificate and a marketing package.

Employee of the Month – Ted Harris

Director of Community Development Luna-Reynosa and Building Official Sutton introduced Ted Harris. Director Luna-Reynosa stated that Ted was one of her favorite types of employees where you can give an assignment to and not worry about it because you know it will be done and done well. Building Official Sutton added that Ted exemplifies five-star customer service. Mayor Bartlett presented Ted with a Certificate of Recognition for being selected the Employee of the Month for October, 2014.

CONSENT CALENDAR

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE RECOMMENDATIONS BE ACCEPTED FOR ALL ITEMS ON THE CONSENT CALENDAR.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lisa Bartlett

NOES: None

ABSENT: None

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

APPROVED 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, SEPTEMBER 16, 2014

APPROVED THE MINUTES.

3. MEETING CALENDAR / COMMUNITY SPECIAL EVENTS CALENDAR

RECEIVED AND FILED.

4. CLAIMS AND DEMANDS

RECEIVED AND FILED THE CLAIMS AND DEMANDS.

5. A RESOLUTION AUTHORIZING THE CITY OF DANA POINT TO SUBMIT PROJECT APPLICATIONS FOR GRANT FUNDING UNDER THE ARTERIAL PAVEMENT MANAGEMENT PROGRAM (APM) TO OCTA

ADOPTED **RESOLUTION 14-10-07-01** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE ARTERIAL PAVEMENT MANAGEMENT PROGRAM FUNDED WITH REGIONAL SURFACE TRANSPORTATION PROGRAM FUNDING UNDER THE MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY FEDERAL TRANSPORTATION ACT FOR THE DEL OBISPO STREET ARTERIAL ROADWAY RESURFACING PROJECT (STONEHILL DRIVE AND PACIFIC COAST HIGHWAY) AND THE CROWN VALLEY ARTERIAL ROADWAY RESURFACING PROJECT (PACIFIC ISLAND DRIVE/CAMINO DEL AVION TO SEA ISLAND DRIVE); and

AUTHORIZED THE CITY MANAGER TO SIGN ALL NEEDED DOCUMENTATION UNDER THE PROGRAM AS PREVIOUSLY APPROVED BY THE RESOLUTION INCLUDED AS SUPPORTING DOCUMENT B.

6. FUNICULAR VEHICLE REPLACEMENT

AUTHORIZED THE CITY MANAGER TO EXECUTE A CONTRACT WITH OUTDOOR ENGINEERS, INC. FOR THE MANUFACTURE AND INSTALLATION OF THE REPLACEMENT VEHICLE; ADOPTED **RESOLUTIONS 14-10-07-02 AND 14-10-07-03** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A LOAN TO COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT; and

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF DANA POINT ACCEPTING A LOAN FROM THE CITY OF DANA POINT; and

APPROVED BUDGET ADJUSTMENTS AS PROPOSED IN THE FISCAL IMPACT SECTION.

7. DANA POINT TROLLEY UPDATE REPORT (OCTA PROJECT V GRANT)

RECEIVED AND FILED THIS TROLLEY UPDATE REPORT.

8. RESOLUTION MAKING FINDINGS RELATED TO APPROVAL OF THE SECOND AMENDMENT TO ORANGE COUNTY FIRE AUTHORITY (OCFA) JOINT POWERS AUTHORITY AGREEMENT – EQUITY

ADOPTED **RESOLUTION 14-10-07-04** ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, MAKING FINDINGS RELATED TO THE CITY'S PRIOR APPROVAL OF THE ORANGE COUNTY FIRE AUTHORITY'S SECOND AMENDMENT TO THE AMENDED JOINT POWERS AUTHORITY AGREEMENT.

PUBLIC COMMENTS

Todd Glen, Dana Point, spoke regarding the proposed project at South Shores Church.

Josette Hatter, Dana Point, spoke regarding the proposed project at South Shores Church.

Roger Butow, Laguna Beach, spoke regarding the South Shores Church project.

Nancy Jenkins, Dana Point, thanked the City for all of the wonderful events this past summer. She asked for volunteers to help out at the upcoming Octoberfest event which benefits the 5th Marine Regiment.

Heather Johnston, San Clemente, invited everyone to the Council Candidate Forum that was scheduled for Thursday from 7-9 p.m. at the Dana Point Community Center.

Ryan Lee, Dana Point, spoke regarding a skate park in Sea Terrace Park.

Sue Osborne, Laguna Beach, spoke regarding the proposed development in Town Center and stated that she was concerned with where the water was going to come from.

Michelle Roberts, Dana Point, spoke regarding a skate park in Dana Point.

Jim Gilbert, San Clemente, spoke regarding a skate park in Dana Point.

Monica Henderson, Dana Point, spoke in favor of building a skate park in Dana Point.

Christian Roth, Dana Point, spoke in favor of a skate park in Dana Point.

Matthew Frandell, Dana Point, spoke in favor of a skate park in Dana Point.

Chandler Sieverts, Dana Point, spoke in favor of a skate park in Dana Point.

Brendan Petersen, Dana Point, spoke in favor of a skate park in Dana Point.

Ryan Boehm, Dana Point, spoke in favor of a skate park in Dana Point.

PUBLIC HEARINGS

9. HEARING ON AMENDMENTS TO 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 DANA POINT HARBOR

City Manager Chotkevys stated that staff had received correspondence from the Harbor asking for a continuance of this item until the November 18, 2014 City Council meeting.

IT WAS MOVED BY COUNCIL MEMBER SCHOEFFEL, SECONDED BY MAYOR PRO TEM WEINBERG, THAT THE CITY COUNCIL CONTINUE THE PUBLIC HEARING FOR COASTAL DEVELOPMENT PERMIT CDP13-0018(I) TO THE NOVEMBER 18, 2014 MEETING.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lisa Bartlett

NOES: None

ABSENT: None

10. CONTINUED PUBLIC HEARING ON APPEAL OF PLANNING COMMISSION DECISION DENYING COASTAL DEVELOPMENT PERMIT (CDP09-0011), VARIANCE (V09-0003), CONDITIONAL USE PERMIT (CUP09-0009) AND SITE DEVELOPMENT PERMIT (SDP09-0032) FOR THE DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A NEW 248,850 SQUARE FOOT HOTEL WITH 250 ROOMS THAT WILL RANGE FROM TWO TO FIVE STORIES IN HEIGHT. THE APPLICATION INCLUDES A VARIANCE TO EXCEED THE MAXIMUM ALLOWABLE BUILDING HEIGHT AND TO DEVIATE FROM REQUIRED BUILDING SETBACKS. A CONDITIONAL USE PERMIT IS BEING REQUESTED TO ALLOW AN ALTERNATIVE TO THE OFF-STREET PARKING REGULATIONS THROUGH A SHARED PARKING AND VALET PROGRAM. A FINAL ENVIRONMENTAL IMPACT REPORT (EIR) HAS BEEN PREPARED TO ADDRESS POTENTIAL ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE PROJECT. THE SUBJECT SITE IS

LOCATED AT THE SOUTHWEST CORNER OF DANA POINT HARBOR DRIVE AND PACIFIC COAST HIGHWAY IN THE COASTAL COUPLET COMMERCIAL (C-CPC) AND COASTAL VISITOR COMMERCIAL (C-VC) ZONES OF THE DANA POINT SPECIFIC PLAN

City Manager Chotkevys read the letter the City had received from the applicant asking the City Council to allow them to withdraw their project.

Council Member Schoeffel asked if this tender of a letter operate as a withdrawal of the appeal as a matter of law.

City Attorney Munoz replied that it appears to him that is what they are attempting to do.

Council Member Schoeffel asked if the City were to accept this letter, it is not making a CEQA determination and Mr. Theel's language was merely an expression of his client's intent that perhaps the CEQA portion of a new project application could be handled in that fashion.

City Attorney Munoz replied that the City was not making any CEQA determination and he did not feel that was what they intended.

Council Member Schoeffel made a motion to accept the applicant's letter.

Mayor Pro Tem Weinberg made a substitute motion as follows:

1. If and when a revised project is submitted to the City, staff treat it as a continuation of the current project, analyze it and submit it to the Planning Commission in the normal course of business; 2. This action is intended to reflect the Council's action on the appeal is to direct that the matter be returned to the staff for further consideration and if and when a revised project is submitted by the applicant.

Council Member Schoeffel asked what would happen to the appeal as a matter of law.

Mayor Pro Tem Weinberg replied that the Planning Commission's denial is wiped clean but the applicant has to submit a new project to staff, which will then go to the Planning Commission for a full public vetting, and that it is his expectation that a revised project will conform much more to our existing standards than anything we have seen thus for consideration.

Mayor Bartlett asked if his substitute motion included a withdrawal of the appeal.

Mayor Pro Tem Weinberg replied that it is wiped clean, no denial.

Council Member Schoeffel asked if under Mayor Pro Tem's proposed motion the matter would have to go back to the Planning Commission.

Mayor Pro Tem Weinberg replied yes.

Council Member Schoeffel seconded the motion.

IT WAS MOVED BY MAYOR PRO TEM WEINBERG, SECONDED BY COUNCIL MEMBER SCHOEFFEL, THAT THE CITY COUNCIL ACCEPT THE WITHDRAWAL OF THE APPEAL BY THE APPLICANT AND FURTHER STIPULATED THAT IF AND WHEN A REVISED PROJECT IS SUBMITTED TO THE CITY, STAFF TREAT THE PROJECT AS A CONTINUATION OF THE

CURRENT PROJECT, ANALYZE IT AND SUBMIT IT TO THE PLANNING COMMISSION IN THE NORMAL COURSE OF BUSINESS.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lisa Bartlett

NOES: None

ABSENT: None

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no Unfinished Business items.

PUBLIC COMMENTS (Continued)

There were no additional Public Comments received.

STAFF REPORTS

City Manager Chotkevys thanked staff and Police Services for the work they have done for the City events.

City Attorney Munoz stated that the Governor had signed legislation dealing with plastic bags, and he felt it important to note that there was an exception in the legislation that if there was existing local legislation that those regulations would remain intact. He added that there was recent legislation that had been adopted in connection with massage establishments giving back local control over zoning and business regulations.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Brough reported that he had attended the following:

September 25 – Reception for the new CUSD Superintendent at Brio
October 1 – Saddleback College “State of the College”
October 3 – Orange County Auto Show and the Dana Point BBQ Welcoming Dinner
October 7 – Spoke at the Niguel Shores Men’s Club

Council Member Olvera reported that he had attended the following:

September 20 – Relay for Life at Lantern Bay Park
October 1 – Lantern District Meeting
October 2 – Orange County Library Board Meeting

City of Dana Point
City Council Regular Meeting Minutes

October 7, 2014

October 3 – Dana Point BBQ Welcoming Dinner
October 4 – Presented awards at the BBQ Championship

Council Member Schoeffel reported that he would turn in his list of meetings attended to the City Clerk. He stated that the Relay for Life was very special to him and that he attended both days. He felt that it was a privilege to host this event in our City.

Mayor Pro Tem Weinberg stated that he would turn in his list of meetings attended to the City Clerk. He hoped that everyone had a great summer and encouraged everyone to come out and support Octoberfest being held in Sea Terrace Park.

Mayor Bartlett stated that the City's single use plastic bag Ordinance works for us. She added that Dana Point is seen as an eco-friendly city and that it has provided tools for economic development and our hotels to market Dana Point while protecting the small businesses.

She reported that she had attended several TCA meetings and the welcome reception for CUSD Superintendent Kirsten Vital.

She stated that the grand re-opening of the Dana Point Library was scheduled for October 14 and on October 18 there will be a Fish For Life event at Dana Wharf Sportsfishing. She added that the fall edition of the Community News was available.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Bartlett adjourned the meeting at 7:05 p.m. and announced that the next Regular Meeting of the City Council will be October 21, 2014, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

KATHY M. WARD
CITY CLERK

APPROVED AT THE MEETING OF OCTOBER 21, 2014

Meetings attended since September 16, 2014:

Mayor Lisa Bartlett

- September 20 – Attended and provided welcoming remarks for the Dana Point Relay for Life event in Lantern Bay Park
- September 24 – Dana Point Historical Society meeting and presented a Certificate of Recognition for the creation of the original City seal
- September 28 – American Legion Post Motorcycle Ride opening ceremony
- October 2 – Attended and was the featured speaker at the Dana Point Women's Club meeting

Mayor Pro Tem Steven Weinberg

- September 18 - OCVCD Budget and Finance meeting
OCVCD Board Meeting
- September 25 - OCFA Board Meeting
OCFA Executive Committee meeting
- September 26 - Ocean Water Subcommittee
- October 1 - Lantern District Gateway meeting
- October 7 - OCFA HR Committee meeting