

# CITY OF DANA POINT

**CITY COUNCIL  
REGULAR  
MEETING**



**TUESDAY  
SEPTEMBER 3, 2024  
5:00 P.M.**

## **AGENDA**

**Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629**

Next City Council Ordinance No. 24-08

Public comment may be provided in-person, electronically, or by mail. Comments may be submitted via mail Attn: City Clerk, 33282 Golden Lantern, Dana Point, CA 92629; or via email at [comment@danapoint.org](mailto:comment@danapoint.org). In order to be provided to the City Council *prior* to the meeting, comments must be received by 5:00 P.M. on the day of the meeting. All written comments should include the date of the meeting as well as reference to the Agenda Item number, if applicable. Written comments will not be read aloud during the meeting but will be included in the meeting record.

## **CALL TO ORDER**

## **ROLL CALL OF CITY COUNCIL MEMBERS:**

Jamey M. Federico, Mayor  
Matthew Pagano, Mayor Pro Tem  
Mike Frost, Council Member  
John Gabbard, Council Member  
Michael Villar, Council Member

## **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL - DISCUSSION OF ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code § 54956.9 (d)(2), (1 case)
- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Government Code § 54956.9 (c), (1 case)
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Government Code § 54956.9 (d)(1), (1 case)
  - a. Center For Natural Lands Management v City of Dana Point, Orange County Superior Court Case No: 30-2021-01219668 CU-OR-CJC
  - b. Meyers v City of Dana Point, Orange County Superior Court Case No: 30-2024-01411301-CU-EI-CXC

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

## **RECONVENE CITY COUNCIL MEETING**

## **PLEDGE OF ALLEGIANCE**

## **PRESENTATIONS AND PROCLAMATIONS**

Sister Cities

Proclamation for Hunger Action Month

## **READING OF ORDINANCE TITLES**

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

## **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 and that further reading of such ordinances be waived.

### **2. [REGULAR MEETING MINUTES, JULY 16, 2024](#)**

RECOMMENDED ACTION: That the City Council approve the minutes.

### **3. [PLANNING COMMISSION MEETING MINUTES, JULY 8, 2024](#)**

RECOMMENDED ACTION: That the City Council receive and file the minutes.

### **4. [CLAIMS AND DEMANDS](#)**

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

### **5. [TREASURER'S REPORT](#)**

RECOMMENDED ACTION: That the City Council receive and file the Treasurer's Report for June and July, 2024.

**6. LAZ PARKING SHUTTLE SERVICE AT STRANDS BEACH**

RECOMMENDED ACTION: That the City Council:

- 1) Approve a First Amendment to a contract with LAZ Parking California, LLC for Shuttle Service at Strands Beach; and
- 2) Authorize the City Manager, or designee, to execute the First Amendment with the option to extend the agreement for three additional, one-year terms, including annual Consumer Price Index (CPI) increases; and,
- 3) Authorize the budget adjustment outlined in the Fiscal Impact section of this report.

**7. SECOND READING AND ADOPTION OF AN ORDINANCE RELATED TO THE CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO DANA POINT LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0003/ZONE TEXT AMENDMENT ZTA19-0003 AMENDING PLANNING AREA 3 (VISITOR SERVING COMMERCIAL) OF THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS**

RECOMMENDED ACTION: That the City Council hold a second reading and adopt an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING ZONE TEXT AMENDMENT ZTA19-0003 WITH THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO AMEND THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS FOR PLANNING AREA 3 AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0003 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

**8. 2024 COMMUNITY SURVEY**

RECOMMENDED ACTION: That the City Council:

- 1) Approve a Contract Agreement with Fairbank, Maslin, Maullin, Metz & Associates (FM3) for the 2024 Community Survey; and
- 2) Authorize the City Manager, or designee, to execute the Agreement.

**9. ADOPTION OF A RESOLUTION APPROVING NOTICES OF COMPLETION FOR THE CONSTRUCTION OF THE SLURRY SEAL FY 23/24 PROJECT (CIP #1353) AND THE COAST HIGHWAY COMPLETE STREET PROJECT (CIP #1368)**

RECOMMENDED ACTION: That the City Council:

- 1) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "SLURRY SEAL FY 23/24 PROJECT"; and

2) Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE PROJECT ENTITLED "THE COAST HIGHWAY COMPLETE STREET PROJECT"

## **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 thirty 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**

### **10. APPEAL OF THE PLANNING COMMISSION DECISION TO APPROVE COASTAL DEVELOPMENT PERMIT CDP24-0010 AND SITE DEVELOPMENT PERMIT SDP24-0017 TO ALLOW THE DEMOLITION OF EXISTING IMPROVEMENTS AND THE CONSTRUCTION OF TWO (2), THREE (3) STORY, INDOOR SELF-STORAGE BUILDINGS AT 25802 & 25831 VICTORIA BOULEVARD**

RECOMMENDED ACTION: That the City Council:

- 1) Conduct a public hearing; and
- 2) Review and adopt a Resolution for Coastal Development Permit CDP24-0010 and Site Development Permit SDP24-0017 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL AND UPHOLDING PLANNING COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP24-0010 AND SITE DEVELOPMENT PERMIT SDP24-0017 TO ALLOW THE DEMOLITION OF EXISTING IMPROVEMENTS AND THE CONSTRUCTION OF A TWO (2), DETACHED, THREE (3) STORY, INDOOR SELF-STORAGE BUILDINGS LOCATED 25802 AND 25831 VICTORIA BOULEVARD

**11. TENTATIVE PARCEL MAP TPM22-0001 AND MINOR SITE DEVELOPMENT PERMIT SDP24-0009(M) TO SUBDIVIDE ONE LOT INTO THREE RESIDENTIAL LOTS AND ONE LETTER LOT, CONSTRUCT ONE SINGLE-FAMILY RESIDENCE ON EACH LOT, AND A RETAINING WALL UP TO 10-FEET IN HEIGHT, AT 35372 DEL REY UNIT C**

RECOMMENDED ACTION: That the City Council:

- 1) Conduct a public hearing; and
- 2) Review and adopt a Resolution for Tentative Parcel Map TPM22-0001 and Minor Site Development Permit SDP24-0009(M) entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION APPROVAL OF TENTATIVE PARCEL MAP TPM22-0001 AND MINOR SITE DEVELOPMENT PERMIT SDP24-0009(M) TO SUBDIVIDE ONE LOT INTO THREE RESIDENTIAL LOTS AND ONE LETTER LOT, CONSTRUCT ONE SINGLE FAMILY RESIDENCE ON EACH RESIDENTIAL LOT, AND A RETAINING WALL UP TO 10-FEET IN HEIGHT, AT 35372 DEL REY UNIT C

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**12. FINANCIAL REVIEW COMMITTEE RECRUITMENT**

RECOMMENDED ACTION: That the City Council:

- 1) Direct Staff to proceed with the recruitment for a vacancy on the Financial Review Committee;
- 2) Appoint two members of the City Council to a subcommittee to interview the applicants and recommend an appointment for Council approval.

**13. CONSIDERATION OF FINDINGS BY HCD RELATED TO ORDINANCE 23-06 (ACCESSORY DWELLING UNITS)**

RECOMMENDED ACTION: That the City Council adopt a Resolution pursuant to Government Code Section 66326 finding Ordinance 23-06 complies with the State's ADU Laws, and/or provide direction to Staff regarding possible amendments to Ordinance 23-06.

**PUBLIC COMMENTS (Continued)**

**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.

## STAFF REPORTS

(City Manager Michael Killebrew)

(City Attorney Patrick Muñoz)

## UPCOMING EVENTS

- September 13 – 15 Ocean Institute’s Maritime Festival
- September 21 Coastal Clean-Up Day
- September 22 REDO Vintage Market
- September 25 Taste of Lantern Village
- September 26 CA Surfing Day Celebration
- September 27 – 29 Ohana Music Festival
- October 5 – 6 Palm Tree Music Festival
- October 13 Dana Point ArtFest
- October 13 Art & History Trolley Tour
- October 19 Bulky Item Clean Up Day
- October 26 Halloween Spooktacular & Trunk or Treat

## ADJOURNMENT

The next Regular Meeting of the City Council will be September 17, 2024, at 5:00 p.m. in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.

## CERTIFICATION

I, Shayna Sharke, 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 and [www.danapoint.org](http://www.danapoint.org) by August 29, 2024, at 5:30 p.m.



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SHAYNA SHARKE, CITY CLERK

8/29/2024  
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](http://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](http://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.