

**CITY OF DANA POINT
PLANNING COMMISSION
AGENDA REPORT**

DATE: AUGUST 24, 2015

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: GENERAL PLAN CONSISTENCY ANALYSIS GPC15-0001 AND COASTAL DEVELOPMENT PERMIT CDP15-0017 FOR THE VACATION OF PORTIONS OF DEL PRADO AND RUBY LANTERN STREET IN THE VICINITY OF APN#'S 682-233-01, 682-233-02, 682-233-03 AND 682-231-01

RECOMMENDATION: That the Planning Commission adopt the attached Draft Resolution (Attachment 1) finding that the vacation of portions of Del Prado and of Ruby Lantern Street are consistent with the Dana Point General Plan; and 2) finding that the vacation is consistent with the City's Local Coastal Program.

APPLICANT/OWNER: City of Dana Point

REQUEST: Request for a General Plan Consistency determination, GPC15-0001 and Coastal Development Permit CDP15-000 for the City's vacation of portions of Del Prado and of Ruby Lantern Street

LOCATION: The portions to be vacated are located in the vicinity of Assessor Parcel Numbers 682-233-01, 682-233-02, 682-233-03 AND 682-231-01.

ENVIRONMENTAL

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15305, Class 5 – Minor Alterations in Land Use Limitations in that the project involves the vacation of portions of two existing City streets that will not result in any significant changes in land use or density.

BACKGROUND:

Pursuant to California Government Code Section 65402, a statement of General Plan conformity must be issued by the planning agency having jurisdiction over real property in conjunction with the acquisition, dedication, disposition, vacation, or abandonment of said property interest attesting that the location, purpose and extent of such activity has been reported upon as to conformity with the adopted General Plan.

The proposed vacations include Assessor Parcel Numbers 682-233-01, 682-233-02, 682-233-03 and 682-231-01 and are generally located in the vicinity of 34091 Pacific Coast Highway, 24292 Del Prado and 34105 Pacific Coast Highway. This area is located within the City's Coastal Overlay District and therefore also requires a Coastal Development Permit.

If the Planning Commission makes the General Plan consistency finding and requisite findings for approval of a Coastal Development Permit, the application is then forwarded to the City Council for subsequent approval and vacation of portions of the subject streets.

The City Council approved the issuance of a Notice of Vacation for these parcels on January 20, 2015.

DISCUSSION:

The County of Orange processed Tract Map 573 and filed/recorded the Final Tract Map in April/May 1924. As part of the recordation of Tract Map 573, the sub-divider dedicated San Juan Avenue (now Del Prado) for public highway use, along with other streets/lots.

Similarly, the County of Orange processed Tract Map 768 and filed/recorded the Final Tract Map in June 1925. As part of the recordation of Tract Map 768, the sub-divider dedicated Ruby Lantern for public highway use (formerly Juanita Street), along with other streets/lots.

With the recent completion and realignment of Del Prado and Pacific Coast Highway (PCH) between Blue Lantern and Ruby Lantern, and the adjustments to Ruby Lantern, a portion of the public street and right-of-way system is no longer needed for public use and can be returned to private property owners as follows:

- A. A portion of Del Prado (formerly San Juan) between Blue Lantern and Ruby Lantern (Exhibit "A" attached as Supporting Document 2).
- B. A portion of Ruby Lantern (formerly Juanita Street) between PCH and Del Prado (Exhibit "B" attached as Supporting Document 3).

Staff supports the General Plan Consistency finding relative to the vacation of portions of Del Prado and of Ruby Lantern Street as described above. The vacations will not impact access to any abutting properties or any access to coastal resources and are consistent with the City's Local Coastal Program.

CONCLUSION:

Based on a review of the proposed project, staff has determined that the required findings can be made and recommends that the Planning Commission approve General Plan Consistency GPC15-0001 and Coastal Development Permit CDP15-0017 acknowledging that the vacation of portions of Del Prado and of Ruby Lantern Street in the vicinity of Assessor Parcel Numbers 682-233-01, 682-233-02, 682-233-03 and 682-231-01 will have no impact on abutting properties and is therefore consistent with the City's General Plan and Local Coastal Program.



Erica H. Demkowicz, AICP
Senior Planner



Ursula Luna-Reynosa, Director
Community Development Department

ACTION DOCUMENTS:

1. Draft Planning Commission Resolution No. 15-08-24-xx

SUPPORTING DOCUMENTS:

2. Exhibit "A" – Del Prado Right-of-Way Vacation Exhibit
3. Exhibit "B" – Ruby Lantern Right-of-Way Vacation Exhibit
4. Del Prado Planned Vacation Area Photos
5. Ruby Lantern Planned Vacation Area Photos

RESOLUTION NO. 15-08-24-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, FINDING THE PROPOSED VACATION OF PORTIONS OF DEL PRADO AND OF RUBY LANTERN STREET IN THE VICINITY OF ASSESSOR PARCEL NUMBERS 682-233-01, 682-233-02, 682-233-03 AND 682-231-01 ARE CONSISTENT WITH THE DANA POINT GENERAL PLAN (GPC15-0001/CDP15-0017).

APPLICANT: City of Dana Point

The Planning Commission for the City of Dana Point does hereby resolve as follows:

WHEREAS, pursuant to Government Code Section 65402, the Planning Commission is required to make a determination whether the proposed vacation of the portions of Del Prado and of Ruby Lantern Streets are consistent with the Dana Point General Plan and Local Coastal Program; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt per Section 15305 (Class 5 – Minor Alterations in Land Use Limitations) and;

WHEREAS, the Planning Commission did, on the 24th day of August, 2015, review the said request and considered all factors relating to GPC15-0001 and CDP15-0017.

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

- A) The above recitations are true and correct.
- B) Based on the evidence presented, the Planning Commission adopts the following findings for General Plan Consistency:
 - 1) The vacation of portions of Del Prado and Ruby Lantern Street in the vicinity of Assessor Parcel Numbers 682-233-01, 682-233-02, 682-233-03 and 682-231-01 are consistent with the Dana Point General Plan and Local Coastal Program **in that the proposed vacation of portions of Del Prado and Ruby Lantern are a result of the City's recent completion and realignment of Del Prado and Pacific Coast Highway (PCH) between Blue Lantern and Ruby Lantern. Other adjustments to Ruby Lantern have also been made. As a result of this work, a portion of the public street and right-of-way system is no longer needed for public use and can be returned to private property owners. As a result, the vacation of portions of Del Prado and Ruby Lantern will have no adverse impact to abutting**

properties. The proposed vacation conforms to the goals and policies contained in the General Plan.

- 2) The proposed vacation complies with all other applicable requirements of state law and local ordinances.
 - 3) The proposed vacation complies with the City of Dana Point Zoning Code and Local Coastal Program.
- C) Based on the evidence presented, the Planning Commission adopts the following findings and approves Coastal Development Permit CDP15-0017:
1. That the proposed project is consistent with the Dana Point General Plan and Local Coastal Program **in that the proposed project includes the vacation of portions of Del Prado and Ruby Lantern streets in the Lantern District as a result of the City's recent completion and realignment of Del Prado and Pacific Coast Highway (PCH) between Blue Lantern and Ruby Lantern. As a result of this work, a portion of the public street and right-of-way system is no longer needed for public use and can be returned to private property owners. The proposed vacation will have no adverse impact to abutting properties and it is consistent with goals and policies contained within the General Plan and Local Coastal Program.**
 2. That the proposed development is located within the Coastal Overlay District and is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act **in that the proposed project includes the vacation of portions of Del Prado and Ruby Lantern which would not impact existing public access, public parking or public recreation areas in the vicinity.**
 3. That the proposed development conforms to Public Resources Code Section 21000 (the California Environmental Quality Act - CEQA) and that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment **in that the subject project qualifies for a Class 5 Exemption pursuant to Section 15305 (Minor Alterations in Land Use Limitations).**
 4. That the proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted Local Coastal Program Land Use Plan, nor will it obstruct any existing public views to and along the coast from any public road or from a recreational area **in that the subject project includes the vacation of portions of Del Prado and Ruby**

Lantern. The proposed street vacation would not encroach upon any existing public accessway nor would it obstruct any existing public views to and along the coast.

5. 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 proposed project includes the vacation of a portion of Del Prado and Ruby Lantern Streets which do not contain any environmentally sensitive habitat (ESHA). As a result, the proposed vacation would not result in adverse impacts.**
6. 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 includes the vacation of portions of Del Prado and Ruby Lantern Streets which require no grading and will not result in undue risks from geologic and erosional forces.**
7. That the proposed development will be visually compatible with the character of surrounding areas, and, where feasible, will restore and/or enhance visual quality **in that the proposed vacation of portions of Del Prado and Ruby Lantern will be visually compatible with the character of the surrounding area. With the recent completion and realignment of Del Prado and Pacific Coast Highway (PCH) between Blue Lantern and Ruby Lantern, and the adjustments to Ruby Lantern, additional opportunities have been created for new streetscape enhancements, including additional landscaping which has, in turn, enhanced the visual quality of the Lantern District.**
8. That the proposed development will conform to the General Plan, Zoning Code, Local Coastal Program, applicable Specific Plan(s), or other, applicable adopted plans and programs **in that the proposed project has been reviewed by the Planning and Public Works Divisions for conformance with applicable documents and been found to be consistent with the General Plan, the Dana Point Zoning Code and the Local Coastal Program.**

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 24th day of August 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

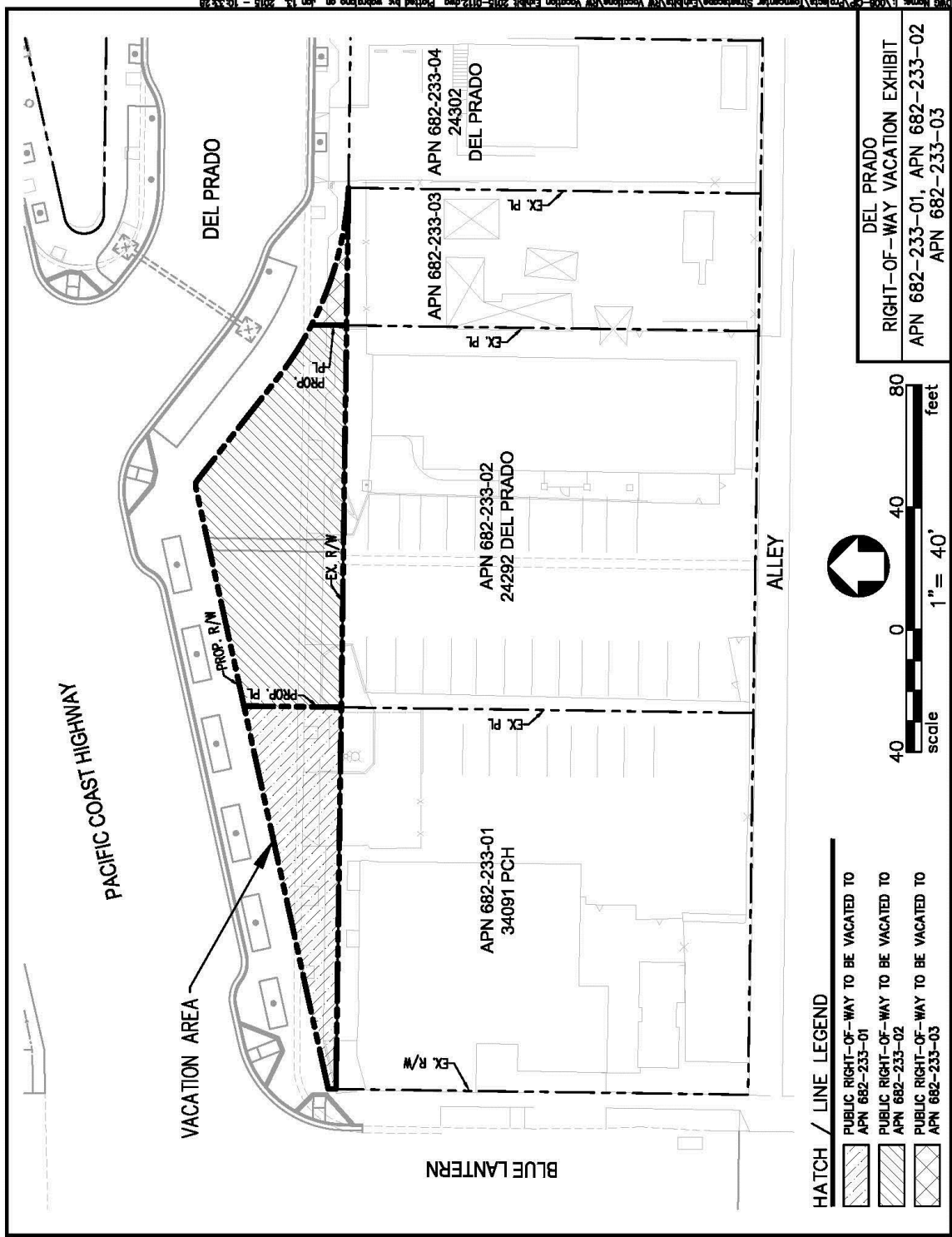
ABSTAIN:

Liz Claus, Chairwoman
Planning Commission

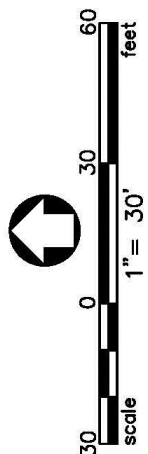
ATTEST:

Ursula Luna-Reynosa, Director
Community Development Department

EXHIBIT "A"



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SUPPORTING DOCUMENT 4 – Del Prado Planned Vacation Area





Area of Street Vacation



SUPPORTING DOCUMENT 5 – Ruby Lantern Planned Vacation Area

