

CITY OF DANA POINT

Monday
December 13, 2021
6:00 p.m.



City Hall Offices
Council Chambers (#210)
33282 Golden Lantern
Dana Point, CA 92629

PLANNING COMMISSION REGULAR MEETING AGENDA

REVISED SAFETY ALERT (EFFECTIVE AS OF JUNE 2, 2020)

AS A RESULT OF THE COVID-19 VIRUS, AND RESULTING ORDERS AND DIRECTION FROM THE PRESIDENT OF THE UNITED STATES, THE GOVERNOR OF THE STATE OF CALIFORNIA, AND THE ORANGE COUNTY HEALTH CARE AGENCY, AS WELL AS THE CITY OF DANA POINT EMERGENCY DECLARATION, THE PUBLIC HAS NOT BEEN PERMITTED TO PHYSICALLY ATTEND DANA POINT PLANNING COMMISSION MEETINGS SINCE MID MARCH, 2020. AS COVID-19 RELATED RESTRICTIONS EASE, THE PUBLIC WILL NOW BE ALLOWED TO ATTEND PLANNING COMMISSION MEETINGS PROVIDED SOCIAL DISTANCING GUIDELINES ARE FOLLOWED. THESE GUIDELINES WILL RESULT IN VERY LIMITED OPPORTUNITIES, ON A FIRST COME BASIS, FOR THE PUBLIC TO OBSERVE THE PLANNING COMMISSION MEETING FROM THE FOYER WHICH IS ADJACENT TO THE COUNCIL CHAMBER AND TO ENTER THE CHAMBER TO MAKE PUBLIC COMMENTS. MEMBERS OF THE PLANNING COMMISSION MAY CONTINUE TO PARTICIPATE IN MEETINGS TELEPHONICALLY IF THEY CHOOSE PURSUANT TO GOVERNOR NEWSOM'S EXECUTIVE ORDER N-29-20.

PUBLIC COMMENT: PUBLIC COMMENT MAY BE PROVIDED IN PERSON, ELECTRONICALLY OR BY MAIL. IF YOU CHOOSE TO ATTEND THE MEETING AND WISH TO DELIVER PUBLIC COMMENT IN PERSON, YOU ARE ENCOURAGED TO WEAR FACE COVERINGS AND MAINTAIN SOCIAL DISTANCING. TEMPERATURE SCREENINGS ARE MANDATORY FOR ALL PERSONS ENTERING CITY HALL. CITY STAFF IN ATTENDANCE AT THE MEETING WILL BE COORDINATING ENTRY TO THE COUNCIL CHAMBERS WHEN PUBLIC COMMENT IS OPEN. THERE WILL BE LIMITED SPACE AT THE PLANNING COMMISSION MEETING FOR MEMBERS OF THE PUBLIC TO SIT OR STAND TO OBSERVE THE MEETING LIVE FROM THE FOYER ADJACENT TO THE COUNCIL CHAMBER. IF THAT SPACE IS EXCEEDED, PERSONS WISHING TO PRESENT PUBLIC COMMENT IN PERSON WILL BE PERMITTED TO LINE UP OUTSIDE AND WILL BE ALLOWED TO SPEAK. AFTER SPEAKING, HOWEVER, THEY WILL BE REQUIRED TO GO BACK OUTSIDE UNLESS ONE OF THE LIMITED SPOTS INSIDE THE FOYER BECOME AVAILABLE. MEMBERS OF THE PUBLIC WILL BE REQUIRED TO FOLLOW STAFF'S DIRECTIONS. ALTERNATIVELY, YOU MAY SUBMIT COMMENTS ON ANY AGENDA ITEM OR ON ANY ITEM NOT ON THE AGENDA IN WRITING VIA MAIL TO "PLANNING COMMISSION" 33282 GOLDEN LANTERN, DANA POINT, CA 92629 OR BY EMAIL TO COMMENT@DANAPPOINT.ORG. ALL COMMENTS RECEIVED BY 4:00 P.M. ON THE DATE OF THE MEETING WILL BE PROVIDED TO THE PLANNING

COMMISSION IN ADVANCE TO ALLOW TIME FOR THE COMMISSIONERS TO READ THEM. TO BE CONSIDERED AS PART OF THE MEETING TO WHICH THIS AGENDA APPLIES, MAILED OR EMAILED COMMENTS MUST BE RECEIVED NO LATER THAN 4:00 P.M. ON THE DAY OF THE MEETING (ALTHOUGH ALL COMMENTS WHENEVER RECEIVED WILL BE SHARED WITH THE COMMISSIONERS). EMAILS SHOULD INCLUDE "PUBLIC COMMENT" AND THE DATE OF THE MEETING IN THE SUBJECT LINE, AS WELL AS REFERENCE THE AGENDA ITEM NUMBER, IF APPLICABLE. MAILED COMMENTS SHOULD PROMINENTLY INCLUDE A SIMILAR REFERENCE AT THE TOP OF THE FIRST PAGE. MAILED AND EMAILED COMMENTS WILL NOT BE READ BY THE CHAIR DURING THE MEETING, BUT WILL BE INCLUDED IN THE RECORD.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL Chair Eric Nelson, Vice-Chair Roy Dohner, Commissioner Mary Opel, Commissioner John Gabbard, Commissioner Ashok Dhingra

A: APPROVAL OF MINUTES

ITEM 1: Minutes of the Regular Planning Commission Meeting November 22, 2021

B. PUBLIC COMMENTS

Anyone wishing to address the Planning Commission during the Public Comment section or on an Agenda Item is asked to complete a "Request to Speak" form available at the door. The completed form is to be submitted to the Planning Commission Secretary prior to an individual being heard by the Planning Commission.

Any person wishing to address the Planning Commission on a subject other than those scheduled on the Agenda is requested to do so at this time. In order to conduct a timely meeting, there will be a three-minute time limit per person and an overall time limit of 15 minutes for the Public Comments portion of the Agenda. State law prohibits the Planning Commission from taking any action on a specific item unless it appears on the posted Agenda.

C. CONSENT CALENDAR

ITEM 2: General Plan Consistency GPC21-01, for Salt Creek Beach Park concession lease areas

Applicant: County of Orange, OC Public Works

Location: APNs 672-171-06 & 672-021-44

Recommendation: That the Planning Commission adopt the Draft Resolution approving finding that the leases at the Salt Creek Beach Park concession areas is consistent with the Dana Point General Plan.

Staff Contact Information: Brenda Wisneski (Director)
Email: bwisneski@danapoint.org
Phone: (949) 248-3560

D. PUBLIC HEARING

ITEM 3: Site Development Permit SDP21-0023 approving a two-story, detached, 1,200 square foot accessory dwelling unit (ADU) with a roof deck in conjunction with a single-family dwelling (SFD) (continued from November 22, 2021 meeting).

Applicant: Arktech – Michael Ta-Wei Lu

Address: 34011 Ruby Lantern (APN 682-242-02)

Request: A request to permit a two-story, detached, 1,200 square foot accessory dwelling unit (ADU) with a roof deck in conjunction with a single-family dwelling (SFD).

Recommendation: That the Planning Commission adopt the Resolution approving Site Development Permit SDP21-0023.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be categorically exempt per Section 15303 (Class 3 - Construction and Conversion of Small Structures).

Staff Contact Information: Danny Giometti (Senior Planner)
Email: dgiometti@danapoint.org
Phone: (949) 248-3569

ITEM 4: General Plan Amendment GPA20-0003 to update the 2021-2029 Housing Element and Public Safety Element

Applicant: City of Dana Point

Address: Citywide

Request: That the Planning Commission approve the draft resolution recommending to the City Council approval of General Plan Amendment GPA 20-0003 to update the 2021-2029 Housing Element and Public Safety Element.

Recommendation: That the Planning Commission review the draft 2021-2029 Housing Element and Public Safety Element, conduct the public hearing, and approve the attached resolution recommending to the City Council the approval and adoption of General Plan Amendment 20-0003 for the updated Housing Element and Public Safety Element.

Environmental: Pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3), the project is covered under the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Staff Contact Information: Belinda Deines (Principal Planner)
Email: bdeines@danapoint.org
Phone: (949) 248-3570

ITEM 5: Zone Text Amendment ZTA21-001 to regulate Single Family Residential Duplexes and Municipal Code Amendment to regulate Urban Lot Splits pursuant to California Senate Bill 9 (SB9)

Applicant: City of Dana Point

Address: Citywide

Request: A request to modify the Dana Point Zoning Code to establish regulations pertaining to Single Family Residential Duplexes, and the Dana Point Municipal Code Urban Lot Splits consistent with State Law.

Recommendation: That the Planning Commission adopt the Draft Resolution recommending the City Council approve Zone Text Amendment ZTA21-0001.

Environmental: The proposed amendments are to implement Senate Bill 9 and are not considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code and are categorically exempt per California Environmental Quality Act (CEQA) Guidelines Section 15303.

Staff Contact Information: Brenda Wisneski (Director)
Email: bwisneski@danapoint.org
Phone: (949) 248-3560

E. OLD BUSINESS

ITEM 6: Short-Term Rental Subcommittee Update

F. NEW BUSINESS

G. STAFF REPORTS

H. COMMISSIONER COMMENTS

I. ADJOURNMENT

The *next* Regular Meeting of the Planning Commission will be held on January 10, 2022, beginning at 6:00 p.m. (or as soon thereafter) in the City Council Chambers located at 33282 Golden Lantern, Suite 210, Dana Point, California.

CERTIFICATION

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

AFFIDAVIT OF POSTING

I, Brenda Wisneski, Community Development Director of the City of Dana Point, do hereby certify that on or before December 9, 2021, I caused the above notice to be posted in four (4) places in the City of Dana Point, to wit: City Hall, Capistrano Beach Post Office, and the Dana Point Post Office, and the Dana Point Library.



Brenda Wisneski, Director
Community Development Department

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, YOU SHOULD CONTACT THE OFFICE OF THE PLANNING COMMISSION AT (949) 248-3563. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ASSURE ACCESSIBILITY TO THIS MEETING.