

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION MINUTES**

December 13, 2021
6:00 p.m. – 7:13 p.m.

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

CALL TO ORDER REGULAR MEETING

Chair Nelson called the Regular Meeting of the Dana Point Planning Commission to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Gabbard led the Pledge of Allegiance.

ROLL CALL

Planning Commission Members Present: Chair Eric Nelson, Vice-Chair Dohner, Commissioner Mary Opel, Commissioner John Gabbard, Commissioner Ashok Dhingra

Planning Commission Members Absent: None

Staff Present: Brenda Wisneski (Director of Community Development), Jennifer Farrell (Deputy City Attorney), Belinda Deines (Principal Planner), Danny Giometti (Senior Planner), Allison Peterson (Management Analyst), and DJ Sutorius (Senior Administrative Assistant)

A: APPROVAL OF MINUTES

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

ACTION: Motion made by Commissioner Gabbard, seconded by Commissioner Dhingra, to approve the Minutes of the Regular Planning Commission Meeting of November 22, 2021. Motion carried 5-0-0.

AYES:	Nelson, Dohner, Opel, Gabbard, Dhingra
NOES:	None
ABSENT:	None
ABSTAIN:	None

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

**CITY OF DANA POINT
PLANNING COMMISSION**

December 13, 2021
6:00 p.m. – 7:13 p.m.

REGULAR MEETING ACTION MINUTES

PAGE 2

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.

Brenda Wisneski (Director) provided a staff report to the Planning Commission.

PUBLIC COMMENTS

There were no Public Comments.

ACTION: Motion made by Vice-Chair Dohner, seconded by Commissioner Dhingra, to approve the Consent Calendar. Motion carried 5-0-0.

AYES: Nelson, Dohner, Opel, Gabbard, Dhingra
NOES: None
ABSENT: None
ABSTAIN: None

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.

**CITY OF DANA POINT
PLANNING COMMISSION**

December 13, 2021
6:00 p.m. – 7:13 p.m.

REGULAR MEETING ACTION MINUTES

PAGE 3

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).

Danny Giometti (Senior Planner) provided a presentation and answered questions from the Planning Commission.

PUBLIC COMMENTS

Michael Ta-Wei Lu (Applicant) answered questions from the Planning Commission.

ACTION: Motion made by Chair Nelson, to approve Site Development Permit SDP21-0023 for a two-story, detached, 1,200 square foot accessory dwelling unit (ADU) with a roof deck in conjunction with a single-family dwelling, located at 34011 Ruby Lantern.

Motion amended by Vice-Chair Dohner, seconded by Commissioner Gabbard, approving approve Site Development Permit SDP21-0023 for a two-story, detached, 1,200 square foot accessory dwelling unit (ADU) with a roof deck in conjunction with a single-family dwelling, located at 34011 Ruby Lantern, with the condition to add a deed restriction requirement to Item 40. Motion carried 5-0-0.

AYES: Nelson, Dohner, Opel, Gabbard, Dhingra
NOES: None
ABSENT: None
ABSTAIN: None

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

**CITY OF DANA POINT
PLANNING COMMISSION**

December 13, 2021
6:00 p.m. – 7:13 p.m.

REGULAR MEETING ACTION MINUTES

PAGE 4

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.

Colin Drukker (Placeworks) provided a presentation and answered questions from the Planning Commission.

PUBLIC COMMENTS

Rona Henry (Laguna Woods) spoke on behalf of Welcoming Neighbors Home ministry regarding affordable housing.

Hoiyin Ip (Dana Point) requested a focus on climate change.

Abigail Margolle (Dana Point) expressed hope for attainable housing for service workers.

ACTION: Motion made by Commissioner Gabbard, seconded by Chair Nelson, recommending the General Plan Amendment GPA20-0003 to update the 2021-2029 Housing Element and Public Safety Element be forwarded to City Council with Planning Commission approval, with the condition that the “in lieu of fee” only apply to areas impacted by the Mello Act. Motion carried 5-0-0.

AYES: Nelson, Dohner, Opel, Gabbard, Dhingra
NOES: None
ABSENT: None
ABSTAIN: None

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

**CITY OF DANA POINT
PLANNING COMMISSION**

December 13, 2021
6:00 p.m. – 7:13 p.m.

REGULAR MEETING ACTION MINUTES

PAGE 5

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 ZTA21-001.

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.

Brenda Wisneski (Director) provided a presentation, answered questions from the Planning Commission, and recommended that the Planning Commission receive the staff report and discuss, with the potential to continue the item to the January 24, 2022, Planning Commission meeting.

PUBLIC COMMENTS

Hoiyin Ip (Dana Point) commented and asked questions regarding Senate Bill 9.

ACTION: Motion made by Commissioner Gabbard, seconded by Vice-Chair Dohner, to continue 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) to the January 24, 2022 Planning Commission meeting, and to create an ad hoc committee to work with staff on further developing ZTA21-001. Motion carried 5-0-0.

AYES: Nelson, Dohner, Opel, Gabbard, Dhingra
NOES: None
ABSENT: None
ABSTAIN: None

E. OLD BUSINESS

There was no Old Business.

ITEM 6: Short-Term Rental Subcommittee Update

**CITY OF DANA POINT
PLANNING COMMISSION**

December 13, 2021
6:00 p.m. – 7:13 p.m.

REGULAR MEETING ACTION MINUTES

PAGE 6

Brenda Wisneski (Director of Community Development) commented that parameters have been developed for the STR program, and a date will be determined to bring back to the Planning Commission.

F. NEW BUSINESS

There were no New Business.

G. STAFF REPORTS

Brenda Wisneski (Director of Community Development) introduced DJ Sutorius as the new Senior Administrative Assistant.

H. COMMISSIONER COMMENTS

Commissioner Gabbard wished everyone a Merry Christmas and Happy New Year.

Commissioner Opel echoed Commissioner Gabbard's comments.

Chair Nelson stated he loves the Festiva's Pole in Community Development. He also wished everyone happy holidays.

Vice-Chair Dohner echoed the Commissioner's comments and congratulated Allison Peterson on promotion.

Commission Dhingra echoed the Commissioner's comments, wished everyone happy holidays, congratulated Allison Peterson and welcomed DJ Sutorius.

I. ADJOURNMENT

Chair Nelson adjourned the meeting at 7:13 p.m. The *next* Regular Meeting of the Planning Commission will be held on Monday, January 24, 2022 in the City Council Chamber located at 33282 Golden Lantern, Suite 210, Dana Point, California.



Eric Nelson, Planning Commission