

CITY OF DANA POINT

Monday
August 14, 2023
6:00 p.m.



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

PLANNING COMMISSION REGULAR MEETING AGENDA

PUBLIC COMMENT MAY BE PROVIDED IN-PERSON, ELECTRONICALLY, OR BY MAIL ATTN: PLANNING DEPARTMENT, 33282 GOLDEN LANTERN, DANA POINT, CA 92629. IN ORDER TO BE PROVIDED TO THE PLANNING COMMISSIONERS *PRIOR* TO THE MEETING, COMMENTS MUST BE RECEIVED BY 4:00P.M. ON THE DAY OF THE MEETING. ALL WRITTEN COMMENTS SHOULD INCLUDE THE DATE OF THE MEETING AS WELL AS REFERENCE TO THE AGENDA NUMBER, IF APPLICABLE. WRITTEN COMMENTS WILL NOT BE READ ALOUD DURING THE MEETING BUT WILL BE INCLUDED IN THE MEETING RECORD.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL Chair Ashok Dhingra, Vice-Chair Mary Opel, Commissioner Luke Boughen, Commissioner Eric Nelson

A. APPROVAL OF MINUTES

ITEM 1: MINUTES OF REGULAR PLANNING COMMISSION FROM JULY 10, 2023

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.

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING AGENDA**

August 14, 2023
6:00 p.m.

PAGE 2

C. CONSENT CALENDAR

ITEM 2: REVIEW OF ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT CDP23-0004(A) TO PERMIT THE CONSTRUCTION OF AN 450 SQUARE FOOT DETACHED ACCESSORY LIVING QUARTERS AT 32592 SEA ISLAND DRIVE

Applicant: Burke Engineering

Location: 32592 Sea Island Drive (APN: 670-051-13)

Request: Coastal Development Permit CDP23-0004(A) to permit the construction of a 450-square-foot detached Accessory Living Quarters (ALQ) on a site containing an existing single-story, single-family dwelling at 32592 Sea Island Drive.

Recommendation: That the Planning Commission review and affirm the Director of Community Development's approval of Administrative Coastal Development Permit CDP23-0004(A).

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15303(e) (Class 3 – New Construction or Conversion of Small Structures) since the project consists of the construction of an accessory structure.

Staff Contact Information: Alyssa Gonzalez (Assistant Planner)
Email: agonzalez@danapoint.org
Phone: (949) 248-3556

D. PUBLIC HEARING

ITEM 3: COASTAL DEVELOPMENT PERMIT CDP22-0030 FOR THE DEVELOPMENT OF A 3,280 SQUARE FOOT, TWO-STORY, SINGLE-FAMILY DWELLING ON A VACANT COASTAL BLUFF LOT AT 34581 CAMINO CAPISTRANO

Applicant: Wayne Lu, Amalgen Concepts

Location: 34581 Camino Capistrano (APN: 123-381-09)

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING AGENDA**

August 14, 2023
6:00 p.m.

PAGE 3

Request: A request to permit the development of a 3,280 square foot, two-story, single-family dwelling on a vacant coastal bluff lot.

Recommendation: That the Planning Commission adopt the resolution approving Coastal Development Permit CDP22-0030.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt per Section 15303 of the CEQA Guidelines (Class 3 – Construction or Conversion of Small Structures) because the project involves the construction of a new dwelling structure.

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

ITEM 4: COASTAL DEVELOPMENT PERMITS TO ALLOW HOMEOWNER ASSOCIATIONS (HOA) TO PROHIBIT SHORT-TERM RENTALS IN THEIR COMMUNITIES

Applicant/Location: 1. Tennis Villas – Near the intersection of Monarch Beach Resort and Niguel Road
2. Emerald Ridge – Near the intersection of Pacific Coast Hwy and Via Mentone

Request: Approval of Coastal Development Permits to prohibit STRs from operating within the referenced homeowner associations.

Recommendation: That the Planning Commission adopt the resolutions approving the referenced Coastal Development Permits.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15301 (Class 1 – Existing Facilities) in that the prohibition of short-term rentals in a Homeowners Association does not result in a change of use or intensification of the Property. Alternatively, the prohibition of STRs in the HOA does not qualify as a “project” because it does not authorize any new construction or development in the City. Further, in the

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING AGENDA**

August 14, 2023
6:00 p.m.

PAGE 4

event the actions in adopting the CDPs are not exempt, the City has satisfied its CEQA obligations and no additional review is required pursuant 14 CCR 15162, as the City has previously adopted a Mitigated Negative Declaration by Resolution 13-12-03-08 relating to short term rentals.

Staff Contact Information: John Ciampa (Senior Planner)
Email: jciampa@danapoint.org
Phone: (949) 248-3591

ITEM 5: COASTAL DEVELOPMENT PERMIT CDP22-0024, SITE DEVELOPMENT PERMIT SDP22-0031, AND CONDITIONAL USE PERMIT CUP22-0009 TO DEMOLISH A TWO-CAR GARAGE AND CONSTRUCT A 526 SQUARE FOOT TWO-CAR GARAGE WITH A 747 SQUARE FOOT ACCESSORY LIVING QUARTERS ABOVE THE GARAGE AT 35567 BEACH ROAD

Applicant: Curtis and Debbie Brown

Location: 35567 Beach Road (APN: 691-161-17)

Request: Approval of Coastal Development Permit CDP22-0024, Site Development Permit SDP22-0031, and Conditional Use Permit CUP23-0009 to demolish a garage and construct a 526 square foot garage, 747 square foot accessory living quarter (ALQ) over the garage, and site improvements including a trellis and entry steps to the primary residence, stairs to the ALQ and hardscape improvements within the City's Floodplain Overlay District, Coastal Overlay District, and the Appeals Jurisdiction of the California Coastal Commission.

Recommendation: That the Planning Commission adopt the resolution approving Coastal Development Permit CDP22-0024, Site Development Permit SDP22-0031, and Conditional Use Permit CUP22-0009.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15303 (Class 3 – New Construction or conversion of small structures).

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING AGENDA**

August 14, 2023
6:00 p.m.

PAGE 5

Staff Contact Information: John Ciampa (Senior Planner)
Email: jciampa@danapoint.org
Phone: (949) 248-3591

ITEM 6: COASTAL DEVELOPMENT PERMIT CDP22-0025, SITE DEVELOPMENT PERMIT SDP22-0035, AND CONDITIONAL USE PERMIT CUP22-0011 TO CONSTRUCT A 188 SQUARE FOOT ADDITION AND REMODEL TO THE PRIMARY RESIDENCE AND A 716 SQUARE FOOT ADDITION AND REMODEL TO THE DETACHED GARAGE TO ESTABLISH A SECOND DWELLING UNIT WITH A ROOF DECK AT 35545 BEACH ROAD

Applicant: Chae B. Song

Location: 35545 Beach Road (APN: 691-161-31)

Request: Approval of Coastal Development Permit CDP22-0025, Site Development Permit SDP22-0035, and Conditional Use Permit 23-0011 to construct a 188 square foot addition and remodel to the primary residence and a 716 square foot addition of the detached garage to establish a second dwelling unit with a roof deck and located within the City's Floodplain Overlay District, Coastal Overlay District, and the Appeals Jurisdiction of the California Coastal Commission.

Recommendation: That the Planning Commission adopt the resolution approving Coastal Development Permit CDP22-0025, Site Development Permit SDP22-0035, and Conditional Use Permit CUP22-0011.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15301 (Class 1 – Existing Facilities).

Staff Contact Information: John Ciampa (Senior Planner)
Email: jciampa@danapoint.org
Phone: (949) 248-3591

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING AGENDA**

August 14, 2023
6:00 p.m.

PAGE 6

ITEM 7: SITE DEVELOPMENT PERMIT SDP22-0025 TO CONVERT AN EXISTING ATTACHED TWO-CAR GARAGE INTO A 384 SQUARE FOOT ONE-BEDROOM ATTACHED ACCESSORY DWELLING UNIT IN CONJUNCTION WITH AN EXISTING NON-CONFORMING TWO-STORY, MULTI-FAMILY DWELLING LOCATED AT 33861 MALAGA DRIVE

Applicant: Travis Mellem

Location: 33861 Malaga Drive (APN: 682-263-17)

Request: Denial of a Site Development Permit to convert an existing two-car garage into a 384 square foot one-bedroom attached Accessory Dwelling Unit (ADU) in conjunction with an existing two-story, multi-family dwelling located within the Residential Multiple Family 14 (RMF 14) District.

Recommendation: That the Planning Commission adopt the resolution denying Site Development Permit SDP22-0025.

Environmental: The California Environmental Quality Act (CEQA) does not apply to action resulting in the denial of a proposed project.

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

E. OLD BUSINESS

F. NEW BUSINESS

G. STAFF REPORTS

H. COMMISSIONER COMMENTS

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING AGENDA**

August 14, 2023
6:00 p.m.

PAGE 7

I. ADJOURNMENT

The *next* Regular Meeting of the Planning Commission will be held on August 28, 2023, 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 August 10, 2023, 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, Dana Point Post Office, and the Dana Point Library.



Brenda Wisneski, Director
Community Development Department

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 OFFICE OF THE PLANNING COMMISSION AT (949) 248-3563 (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.