

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

August 14, 2023
6:00 pm – 7:08 pm

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

CALL TO ORDER REGULAR MEETING

Chair Dhingra called the Regular Meeting of the Dana Point Planning Commission to order at 6:00 pm.

PLEDGE OF ALLEGIANCE

Commissioner Nelson led the Pledge of Allegiance.

ROLL CALL

Planning Commission Members Present: Chair Ashok Dhingra, Vice-Chair Mary Opel and Commissioner Eric Nelson.

Planning Commission Members Absent: Commissioner Luke Boughen

Staff Present: Brenda Wisneski (Director of Community Development), Jennifer Farrell (Deputy City Attorney), John Ciampa (Senior Planner), Danny Giometti (Senior Planner) and Martha Ochoa (Senior Administrative Assistant).

A. APPROVAL OF MINUTES

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

ACTION: Motion made by Commissioner Nelson, seconded by Vice-Chair Opel, to approve the Minutes of the Regular Planning Commission Meeting of July 10, 2023. Motion carried 3-0-0.

AYES: Dhingra, Opel, Nelson
NOES: None
ABSENT: Boughen
ABSTAIN: None

B. PUBLIC COMMENTS

There were no Public Comments.

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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.

PUBLIC COMMENTS

There were no Public Comments.

ACTION: Motion made by Vice-Chair Opel, seconded by Commissioner Nelson, to review and affirm the Director of Community Development's approval of Administrative Coastal Development Permit CDP23-0004(A) to permit the construction of an 450 square foot detached Accessory Living Quarters (ALQ) on a site containing a single-story, single family dwelling at 32592 Sea Island Drive. Motion carried 3-0-0.

AYES: Dhingra, Opel, Nelson

NOES: None

ABSENT: Boughen

ABSTAIN: None

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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)

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.

Danny Giometti (Senior Planner) provided a staff report and answered questions from the Planning Commissioners.

PUBLIC COMMENTS

Allen Hoch (Capistrano Beach) spoke in opposition of the item.

Louis Marano (Dana Point) spoke in opposition of the item.

ACTION: Motion made by Commissioner Nelson, seconded by Vice-Chair Opel, to approve 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. Motion carried 3-0-0.

AYES: Dhingra, Opel, Nelson
NOES: None
ABSENT: Boughen
ABSTAIN: None

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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 Categorical 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 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.

John Ciampa (Senior Planner) provided a staff report and answered questions from the Planning Commissioners.

PUBLIC COMMENTS

There were no Public Comments.

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ACTION: Motion made by Vice-Chair Opel, seconded by Commissioner Nelson, to approve Coastal Development Permits to allow homeowner associations (HOA) to prohibit short-term rentals in their communities. Motion carried 3-0-0.

AYES: Dhingra, Opel, Nelson

NOES: None

ABSENT: Boughen

ABSTAIN: None

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).

John Ciampa (Senior Planner) provided a staff report and answered questions from the Planning Commissioners.

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PUBLIC COMMENTS

Ryan Enz (Architect Team) made himself available to address any questions from the Planning Commissioners.

ACTION: Motion made by Commissioner Nelson, seconded by Vice-Chair Opel, to approve 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. Motion carried 3-0-0.

AYES: Dhingra, Opel, Nelson
NOES: None
ABSENT: Boughen
ABSTAIN: None

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.

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

John Ciampa (Senior Planner) provided a staff report and answered questions from the Planning Commissioners.

PUBLIC COMMENTS

Dustin Morris (Project Manager) spoke in favor of the project and addressed questions from the Planning Commissioners.

ACTION: Motion made by Commissioner Nelson, seconded by Vice-Chair Opel, to approve 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, with added condition that the staff work with the applicant to include permanent screening for the vehicle lift above the second fence line instead of the proposed landscaping at 35545 Beach Road. Motion carried 3-0-0.

AYES: Dhingra, Opel, Nelson

NOES: None

ABSENT: Boughen

ABSTAIN: None

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.

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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.

Chair Dhingra, as requested by staff, stated Item 7 is to be pulled from the Agenda, continued to a future Planning Commission Hearing and no action was required of the Planning Commission.

E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

There was no New Business.

G. STAFF REPORTS

There were no Staff Reports.

H. COMMISSIONER COMMENTS

Commissioner Nelson inquired status regarding an email for an unpermitted/improperly permitted storage container in the Harbor.

Brenda Wisneski stated the email is related to a potential development in the Harbor, the City does have authority to implement the Coastal Act in that area and is currently investigating it.

Commissioner Nelson stated given the delays in the Harbor, he requested staff provide a development update to the Planning Commission.

I. ADJOURNMENT

Chair Dhingra adjourned the meeting at **7:08pm**. The *next* Regular Meeting of the Planning Commission will be held on Monday, 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.


Ashok Dhingra, Planning Commission Chair