

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

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September 11, 2023  
6:02 pm – 8:06 pm

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

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**CALL TO ORDER REGULAR MEETING**

**Chair Dhingra** called the Regular Meeting of the Dana Point Planning Commission to order at 6:02 pm.

**PLEDGE OF ALLEGIANCE**

**Commissioner Nelson** led the Pledge of Allegiance.

**ROLL CALL**

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

Planning Commission Members Absent: None

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

**A. APPROVAL OF MINUTES**

**ITEM 1:**     MINUTES OF REGULAR PLANNING COMMISSION FROM AUGUST 28, 2023

**ACTION:**    **Motion made by Commissioner Nelson, seconded by Vice-Chair Opel, to approve the Minutes of the Regular Planning Commission Meeting of August 28, 2023. Motion carried 4-0-0.**

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

**B. PUBLIC COMMENTS**

There were no Public Comments.

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**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

**F. NEW BUSINESS**

Item 6 was moved up on the agenda by Chair Dhingra.

**ITEM 6: SIGN PROGRAM PERMIT SPP23-0003 FOR DEL PRADO PLAZA  
LOCATED AT 24422 DEL PRADO AVENUE**

Applicant: Ohan Filhanessian

Location: 24422 Del Prado Avenue (APN: 682-234-04)

Request: Approval of a Sign Program for Del Prado Plaza located at 24422 Del Prado Avenue.

Recommendation: That the Planning Commission adopt the Resolution approving Sign Program Permit SPP23-0003 for Del Prado Plaza located at 24422 Del Prado Avenue.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt per Section 15311(a) of the CEQA Guidelines (Class 11 – Accessory Structures) in that the project consists of the approval of a new Sign Program that would result in the placement of on-premise signs at an existing commercial facility.

**Natalie Tran** (Assistant Planner) provided a staff report and answered questions from the Planning Commissioners.

**PUBLIC COMMENTS**

There were no Public Comments.

**ACTION:** Motion made by Vice-Chair Opel, seconded by Commissioner Boughen, to approve Sign Program Permit SPP23-0003 for Del Prado Plaza located at 24422 Del Prado Avenue. Motion carried 4-0-0.

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

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**D. PUBLIC HEARING**

**ITEM 2: COASTAL DEVELOPMENT PERMIT CDP22-0015, SITE DEVELOPMENT PERMIT SDP22-0023, AND ADMINISTRATIVE MODIFICATION OF STANDARDS AMS23-0005 TO CONSTRUCT A NEW 5,266 SQUARE FOOT DUPLEX WITH A 466 SQUARE FOOT ATTACHED GARAGE, VEHICLE LIFTS, ROOF DECK, AND DECKS AND BALCONIES AT 35075 BEACH ROAD**

Applicant: Masum Azizi, Project Architect

Location: 35075 Beach Road (APN: 691-141-08)

Request: Approval of Coastal Development Permit CDP22-0015, Site Development Permit SDP22-0023, and Administrative Modification of Standards AMS23-0005 to construct a new 5,266 square-foot two-story, duplex with an attached 466 square foot garage with vehicle lifts to provide the additional parking required for the duplex. The project also includes a 300-square-foot roof deck, and decks and balconies on the seaward side of the structure 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 CDP22-0015, Site Development Permit SDP22-0023, and Administrative Modification of Standards AMS23-0005.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15303(a) (Class 3 – New Construction) in that the project involves the construction of a new duplex in a residential zone.

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

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**PUBLIC COMMENTS**

Rick Erkeneff (Dana Point) presented a video and spoke in opposition of the item.

Denise Erkeneff (Dana Point) presented a video and spoke in opposition of the item.

**ACTION:** Motion made by Commissioner Nelson, seconded by Vice-Chair Opel, to approve Coastal Development Permit CDP22-0015, Site Development Permit SDP22-0023, and Administrative Modification of Standards AMS23-0005 to construct a new 5,266 square foot duplex with a 466 square foot attached garage, vehicle lifts, roof deck, and decks and balconies at 35075 Beach Road. Motion failed 2-2-0.

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

Commissioner discussion ensued.

**Motion made by Commissioner Boughen, seconded by Chair Dhingra, with direction to staff to work with the applicant to consider incorporating or addressing reducing the footprint of the structure, reduce the massing of the structure, evaluation of the location of the Mean High Tide Line and the recent surveys, consider removing the seaward deck and have a Coastal Engineering firm provide a peer review of the wave run up report. Motion carried 4-0-0.**

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

**ITEM 3: COASTAL DEVELOPMENT PERMIT CDP23-0027 AND MINOR SITE DEVELOPMENT PERMIT SDP22-0032(M) TO DEMOLISH A SINGLE-FAMILY DWELLING WITH AN ATTACHED GARAGE, AND CONSTRUCT A NEW, 4,807 SQUARE FOOT SINGLE-FAMILY DWELLING WITH A PARTIALLY BELOW GRADE, 1,657 SQUARE FOOT GARAGE AND MULTIPLE RETAINING WALLS AT 32711 CARIBBEAN DRIVE**

Applicant: Daniel Kovachev

Location: 32711 Caribbean Drive (APN: 670-063-04)

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Request: Approval of a Coastal Development Permit and Minor Site Development Permit to demolish an existing single-family dwelling with an attached garage, and construct a new, 4,807 square foot single-family dwelling with a partially below grade, 1,657 square foot garage and multiple retaining walls. The project is in the Coastal Overlay District as defined by the City's Zoning Map and includes retaining walls which exceed 30-inches in height, therefore approval of a Coastal Development Permit and a Minor Site Development Permit are required, respectively.

Recommendation: That the Planning Commission adopt the Resolution approving Coastal Development Permit CDP23-0027 and Site Development Permit SDP22-0032(M).

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15303(a) (Class 3 – New Construction) in that the project involves construction of one single-family dwelling and retaining walls in a residential zone.

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

#### **PUBLIC COMMENTS**

**Ken Charhut** (Dana Point) spoke regarding safety concerns related to the location of the driveway.

**ACTION:** Motion made by Commissioner Nelson, seconded by Commissioner Boughen, to approve Coastal Development Permit CDP23-0027 and Minor Site Development Permit SDP22-0032(M) to demolish a single-family dwelling with an attached garage, and construct a new, 4,807 square foot single-family dwelling with a partially below grade, 1,657 square foot garage and multiple retaining walls at 32711 Caribbean Drive. Motion carried 4-0-0.

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

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**ITEM 4: COASTAL DEVELOPMENT PERMIT CDP23-0032 APPROVING A PARTIAL DEMOLITION AND ADDITION OF 1,477 SQUARE FEET TO AN EXISTING, TWO-STORY SINGLE-FAMILY DWELLING LOCATED WITHIN THE NIGUEL SHORES COMMUNITY AT 33981 NAUTICUS ISLE**

Applicant: Ron Whitteveen, AIA

Location: 33981 Nauticus Isle (APN: 672-191-12)

Request: A request to permit a partial demolition and addition of 1,477 square feet to an existing, two-story single-family dwelling located within the Niguel Shores community.

Recommendation: That the Planning Commission adopt the Resolution approving Coastal Development Permit CDP23-0032.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt per Section 15301 of the CEQA Guidelines (Class 1 - Existing Facilities) due to the fact that the project consists of an addition to an existing single family developed lot.

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

**PUBLIC COMMENTS**

There were no Public Comments.

**ACTION:** Motion made by Commissioner Boughen, seconded by Vice-Chair Opel, to approve Coastal Development Permit CDP23-0032 approving a partial demolition and addition of 1,477 square feet to an existing, two-story single-family dwelling located within the Niguel Shores community at 33981 Nauticus Isle. Motion carried 4-0-0.

**AYES:** Dhingra, Opel, Nelson, Boughen

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

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**ITEM 5: 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.

**Brenda Wisneski** (Director of Community Development) provided a staff report and answered questions from the Planning Commissioners.

**PUBLIC COMMENTS**

**Doug Cannon** (Dana Point) spoke in support of staff recommendation.

**Travis Mellem** (Dana Point) spoke in support of the project.

**ACTION:** Motion made by Vice-Chair Opel, seconded by Chair Dhingra, to deny 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. Motion carried 2-1-1.

**AYES:** Dhingra, Opel

**NOES:** Boughen

**ABSENT:** None

**ABSTAIN:** Nelson

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**E. OLD BUSINESS**

There was no Old Business.

**G. STAFF REPORTS**

**Brenda Wisneski** (Director of Community Development) announced that a new Planning Commissioner will be appointed prior to the next Planning Commission meeting.

**H. COMMISSIONER COMMENTS**

There were no Commissioner Comments.

**I. ADJOURNMENT**

**Chair Dhingra** adjourned the meeting at **8:06 pm**. The *next* Regular Meeting of the Planning Commission will be held on Monday, September 25, 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.



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Mary Opel, Planning Commission Vice-Chair