

CITY OF DANA POINT

Monday
October 23, 2023
5:00 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 Deana Christakes, Commissioner Eric Nelson

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code 54956.9(d)(2) (1 case).

RECESS OF PLANNING COMMISSION UNTIL 6:00 PM

RECONVENE PLANNING COMMISSION

A. APPROVAL OF MINUTES

ITEM 1: [MINUTES OF REGULAR PLANNING COMMISSION FROM SEPTEMBER 25, 2023](#)

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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

D. PUBLIC HEARING

ITEM 2: COASTAL DEVELOPMENT PERMIT CDP23-0034 AND MINOR SITE DEVELOPMENT PERMIT SDP23-0024(M) TO DEMOLISH A SINGLE-FAMILY DWELLING WITH AN ATTACHED GARAGE, AND CONSTRUCT A NEW, 3,696 SQUARE FOOT, ONE-STORY, SINGLE-FAMILY DWELLING WITH AN ATTACHED 534 SQUARE FOOT, TWO-CAR GARAGE AND MULTIPLE LANDSCAPE RETAINING AND SCREEN WALLS LOCATED AT 32512 SEVEN SEAS DRIVE

Applicant: Eyoh Design

Location: 32512 Seven Seas Drive (APN: 670-083-14)

Request: Approval of a Coastal Development Permit and Minor Site Development Permit to demolish a single-family dwelling with an attached garage, and construct a new, 3,696 square foot, one-story, single-family dwelling with an attached 534 square foot, two-car garage and multiple landscape retaining and screen walls. The project is in the coastal Overlay District as defined by the City's Zoning Map and includes site walls which exceed district maximums within the front yard, therefore approval of a Coastal Development Permit and a Minor Site Development Permit are required, respectively.

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Recommendation: That the Planning Commission continue the item to the November 13, 2023, Planning Commission Meeting.

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.

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

ITEM 3: COASTAL DEVELOPMENT PERMITS TO ALLOW HOMEOWNER ASSOCIATIONS (HOA) TO PROHIBIT SHORT-TERM RENTALS IN THEIR COMMUNITIES

Applicant/Location: 1. Pacific Terrace – Near the intersection of Pacific Coast Hwy and Terrace Lantern Street
2. Villas at Monarch – Near the intersection of Stonehill Drive and Monarch Beach Drive

Request: Approval of Coastal Development Permits to prohibit Short Term Rentals from operating within the referenced Homeowner Associations.

Recommendation: That the Planning Commission adopt the attached 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 event the actions in adopting the CDPs are not exempt, the City has satisfied its CEQA

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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 (Principal Planner)
Email: jciampa@danapoint.org
Phone: (949) 248-3591

ITEM 4: 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 attached resolution approving Coastal Development Permit CDP22-0015, Site Development Permit SDP22-0023, and Administrative Modification of Standards AMS23-0005.

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

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

ITEM 5: LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 AND ZONE TEXT AMENDMENT ZTA22-0002 TO AMEND THE ZONING CODE TO COMPLY WITH STATE HOUSING LAWS AND CITY'S HOUSING ELEMENT

Applicant: City of Dana Point

Location: Citywide

Request: A request for a zone text amendment to amend regulations related to emergency shelter parking, manufactured homes, residential care facilities (six or fewer persons), supportive housing, and low barrier navigation centers. These amendments are necessary to comply with State housing laws and various programs in the City's certified 6th Cycle Housing Element.

Recommendation: That the Planning Commission adopt the attached draft resolution recommending the City Council approve Local Coastal Program Amendment LCPA23-0001 and Zone Text Amendment ZTA22-0002 (Action Document 1).

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.

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

- E. OLD BUSINESS**
- F. NEW BUSINESS**
- G. STAFF REPORTS**
- H. COMMISSIONER COMMENTS**
- I. ADJOURNMENT**

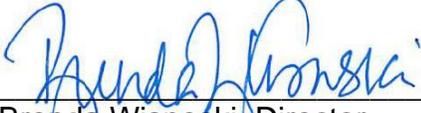
The *next* Regular Meeting of the Planning Commission will be held on November 13, 2023, beginning at 6:00 p.m. (or as soon thereafter) in the City Council Chambers located at 33282 Golden Lantern, Suite 210, Dana Point, California.

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 October 19, 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.