

CITY OF DANA POINT

Monday
September 23, 2024
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 Mary Opel, Vice-Chair Eric Nelson, Commissioner Luke Boughen, Commissioner Deana Christakes, Commissioner Ashok Dhingra

A. APPROVAL OF MINUTES

ITEM 1: [MINUTES OF REGULAR PLANNING COMMISSION FROM AUGUST 26, 2024](#)

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.

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C. CONSENT CALENDAR

D. PUBLIC HEARING

ITEM 2: COASTAL DEVELOPMENT PERMIT CDP24-0019 TO ALLOW THE NIGUEL SHORES COMMUNITY ASSOCIATION (HOA) TO PROHIBIT SHORT-TERM RENTALS IN THEIR COMMUNITY

Applicant/Location: Niguel Shores Community Association – Between the streets of Niguel Road, Stonehill Drive, Selva Road, La Cresta Drive and Pacific Coast Highway

Request: Approval of Coastal Development Permits to prohibit STRs from operating within the Niguel Shores Association.

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 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.

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

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

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ITEM 3: COASTAL DEVELOPMENT PERMIT CDP21-0019, SITE DEVELOPMENT PERMIT SDP22-0005, ADMINISTRATIVE MODIFICATION OF STANDARDS AMS24-0007 TO DEMOLISH THE EXISTING HOUSE AND CONSTRUCT A SINGLE-FAMILY RESIDENCE WITH AN ATTACHED GARAGE AT 35811 BEACH ROAD

Applicant: David Gutierrez, Project Manager

Owner: Jahan Realty Investments LLC

Location: 35811 Beach Road (APN: 691-331-31)

Request: Approval of Coastal Development Permit CDP21-0019, Site Development Permit SDP22-0005, and Administrative Modification of Standards AMS24-0007 to construct a 5,126 square-foot two-story, single-family dwelling with a lower level 2,131 square foot garage. The project requests an Administrative Modification of Standards to allow the entry stairs to be located seven feet, six inches from the front property line and the stairs on the seaward side of the house to extend 15 feet beyond the structure stringline for the property 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 CDP21-0019, Site Development Permit SDP22-0005, and Administrative Modification of Standards AMS24-0007.

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ITEM 4: SITE DEVELOPMENT PERMIT SDP23-0028 TO ALLOW AN ADDITION TO A NONCONFORMING SINGLE FAMILY DWELLING, THE CONSTRUCTION OF A ROOF DECK, AND A RETAINING WALL GREATER THAN 30 INCHES IN HEIGHT AND AN ADMINISTRATIVE MODIFICATION OF STANDARDS AMS24-0008 TO ALLOW ARCHITECTURAL FEATURES TO PROJECT INTO REQUIRED SETBACKS

Applicant: Ron Witteveen

Owner: Yang-UK Living Trust

Location: 33822 Silver Lantern Street (APN: 682-263-11)

Request: Approval of a Site Development Permit to allow additions totaling 1,641 square feet to an existing nonconforming single-family dwelling in accordance with the regulations for three-story residential structures in a hillside condition, the construction of a 292 square foot roof deck, a retaining wall greater than 30 inches in the front yard setback, and an Administrative Modification of Standards to allow reduced setbacks for projections on the second and third stories for architectural features for three-story residential structures in a hillside condition.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Sections 15301(e)(2) (Class 1 – Existing Facilities) and 15303(e) (Class 3 – New Construction of Conversion of Small Structures) since the project includes an addition to an existing structure that is less than 10,000 square feet and is located in an area (1) where all public services and facilities are available to allow for maximum development permissible in the General Plan and (2) that is not environmentally sensitive, and the project involves the construction of an accessory structure (retaining wall).

Recommendation: That the Planning Commission adopt the Resolution approving Site Development Permit SDP23-0028 and Administrative Modification of Standards AMS24-0008.

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

E. OLD BUSINESS

F. NEW BUSINESS

G. STAFF REPORTS

Status of the General Plan Update process (Brenda Wisneski, Director of Community Development)

H. COMMISSIONER COMMENTS

I. ADJOURNMENT

The *next* Regular Meeting of the Planning Commission will be held on October 14, 2024, 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 September 19, 2024, I caused the above notice to be posted at Dana Point City Hall and danapoint.org.



Brenda Wisneski, Director
Community Development Department

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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.