

# CITY OF DANA POINT

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Monday  
April 24, 2023  
5:00 p.m.



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

## **PLANNING COMMISSION REGULAR MEETING AGENDA**

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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, Commissioner Abigail Margolle

### **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 April 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.

**C. CONSENT CALENDAR**

**D. PUBLIC HEARING**

**ITEM 2: Coastal Development Permit CDP22-0032 and Minor Site Development Permit SDP23-0010(M) to demolish a single-family dwelling and attached garage, and construct a new 4,390 square foot, two-story, single-family dwelling with partially subterranean garage. The project also includes a series of site walls ranging in height up to 6.5-feet, located at 401 Monarch Bay Drive.**

Applicant: Horst Architects, Inc.

Location: 401 Monarch Bay Drive (APN: 670-151-08)

Request: Approval of a Coastal Development Permit and Minor Site Development Permit to demolish an existing single-family dwelling and attached garage, and construct a new 4,390 square foot, two-story, single-family dwelling with partially subterranean garage. The project also includes a series of site walls up to 6.5-feet in height. The project is in the Coastal Overlay District as defined by the City's Zoning Map and includes freestanding and retaining walls which exceed 42-inches and 30-inches in height, respectively.

Recommendation: That the Planning Commission adopt the resolution approving Coastal Development Permit CDP22-0032 and Site Development Permit SDP23-0010(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

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of one single-family dwelling and site walls in a residential zone.

Staff Contact Information: Danny Giometti (Senior Planner)  
Email: [dgiometti@danapoint.org](mailto: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. Amber Lantern Condos - 24531 – 24575 Santa Clara Ave.
2. Chelsea Pointe – 1–32 Chelsea Point
3. The Admiralty – Southeast of the intersection of Santa Clara and Amber Lantern
4. The Village at Dana Point – North of the intersection of Pacific Coast Highway and Del Obispo St.
5. Santa Clara – 24341 Santa Clara Avenue, units 1–3
6. The Estates at Monarch Beach – 1–35 Gavina and 1–51 Marbella
7. Las Mariannas – 24242 Santa Clara Ave., Units 1-34
8. Pilgrims Bluff – 24445-24455 Santa Clara Ave. and 34271– 34279 Amber Lantern St.
9. Monarch Beach Master – Northeast of the intersection of Niguel RD. and Stonehill Dr.
10. Spindrifter – 24631–24647 Santa Clara Ave.
11. Corniche Sur Mer – Southwest of the intersection of Camino Del Avion and Ritz Pointe Dr.

Request:                      Approval of Coastal Development Permits to prohibit STRs from operating within 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

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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 is 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](mailto:jciampa@danapoint.org)  
Phone: (949) 248-3591

**E. OLD BUSINESS**

**F. NEW BUSINESS**

**G. STAFF REPORTS**

**H. COMMISSIONER COMMENTS**

**I. ADJOURNMENT**

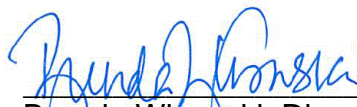
The *next* Regular Meeting of the Planning Commission will be held on May 8, 2023, beginning at 6:00 p.m. (or as soon thereafter) in the City Council Chambers located at 33282 Golden Lantern, Suite 210, Dana Point, California.

**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 April 20, 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

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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.