

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

April 24, 2023
5:00 pm – 6:52 pm

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

CLOSED SESSION

CALL TO ORDER REGULAR MEETING

Chair Dhingra called the Regular Meeting of the Dana Point Planning Commission to order at 5:00 pm.

PLEDGE OF ALLEGIANCE

Commissioner Nelson led the Pledge of Allegiance.

ROLL CALL

Planning Commission Members Present: Chair Ashok Dhingra, Vice-Chair Mary Opel, Commissioner Eric Nelson, Commissioner Abigail Margolle 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), Allison Peterson (Management Analyst), and Martha Ochoa (Senior Administrative Assistant).

CLOSED SESSION

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

Chair Dhingra recessed the meeting into a Closed Session at 5:01 p.m. pursuant to Government Code Section 54956.9(d)(2).

RECESS OF PLANNING COMMISSION UNTIL 6:00 PM

RECONVENE PLANNING COMMISSION

Nothing was reported out of Closed Session.

**CITY OF DANA POINT
PLANNING COMMISSION**

April 24, 2023
5:00 pm – 6:52 pm

REGULAR MEETING ACTION MINUTES

PAGE 2

ITEM 1: Minutes of Regular Planning Commission from April 10, 2023

ACTION: Motion made by Vice-Chair Opel, seconded by Commissioner Boughen, to approve the Minutes of the Regular Planning Commission Meeting of April 10, 2023. Motion carried 5-0-0.

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

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the 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).

**CITY OF DANA POINT
PLANNING COMMISSION**

April 24, 2023
5:00 pm – 6:52 pm

REGULAR MEETING ACTION MINUTES

PAGE 3

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 site walls in a residential zone.

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 Nelson, seconded by Commissioner Margolle, to approve 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. Motion carried 5-0-0.

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

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.

CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION MINUTES

April 24, 2023
5:00 pm – 6:52 pm

PAGE 4

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 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.

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

PUBLIC COMMENTS

Becca Ayala (Los Angeles) spoke in favor of the project.

Toni Nelson (Capo Beach) spoke in opposition of the project.

Jeroen Quint (San Juan Capistrano) spoke in favor of the project.

Joan Moss (Dana Point) spoke in favor of the project.

ACTION: Motion made by Commissioner Nelson, seconded by Vice-Chair Opel, to approve Coastal Development Permits to allow Homeowner Associations (HOA) to prohibit short-term rentals in their communities. Motion carried 5-0-0.

**CITY OF DANA POINT
PLANNING COMMISSION**

April 24, 2023
5:00 pm – 6:52 pm

REGULAR MEETING ACTION MINUTES

PAGE 5

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

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

Vice-Chair Opel commented that the Redo Market will be taking place on Sunday, April 30th on Del Prado Avenue.

Commissioner Margolle stated that she completed the General Plan Survey with an interactive map and encouraged members of the public to also complete the survey.

I. ADJOURNMENT

Chair Dhingra adjourned the meeting at **6:52 pm**. The *next* Regular Meeting of the Planning Commission scheduled for Monday, May 8, 2023, has been cancelled. A Special Meeting of the Planning Commission will be held on Monday, May 15, 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