

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

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April 22, 2024  
6:00 p.m. – 8:08 p.m.

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

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**CALL TO ORDER**

**Chair Opel** called the Regular Meeting of the Dana Point Planning Commission to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

**Vice-Chair Nelson** led the Pledge of Allegiance.

**ROLL CALL**

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

Planning Commission Members Absent: None

Staff Present: Brenda Wisneski (Director of Community Development), Jennifer Farrell (Deputy City Attorney), Kurth B. Nelson III (Principal Planner), Danny Giometti (Senior Planner), Chris Johnson (Principal Planner), Martha Ochoa (Management Analyst) and Deanna Despot (Senior Administrative Assistant)

**A. APPROVAL OF MINUTES**

**ITEM 1:** **MINUTES OF REGULAR PLANNING COMMISSION FROM APRIL 8, 2024**

**ACTION:** Motion made by Commissioner Dhingra, seconded by Vice-Chair Nelson to approve the Minutes of the Regular Planning Commission Meeting of April 8, 2024. Motion carried 4-0-1.

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

**B. PUBLIC COMMENTS**

There were no Public Comments.

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**C. CONSENT CALENDAR**

There were no items on the Consent Calendar.

**D. PUBLIC HEARING**

**ITEM 2: COASTAL DEVELOPMENT PERMIT CDP24-0008 TO ESTABLISH HOURS OF PUBLIC ACCESS FOR THE HEADLANDS CONSERVATION PARK TRAIL SYSTEM**

Applicant: City of Dana Point

Owner: City of Dana Point

Location: Dana Point Headlands Conservation Park (Planning Area 7) (APN: 672-591-11)

Request: A request to Establish Hours of Public Access for the Dana Point Headlands Conservation Park Trail System within the Coastal Overlay District and the Appeals Jurisdiction of the California Coastal Commission. Because the subject action affects public access, a Coastal Development Permit is required.

Recommendation: That the Planning Commission adopt the resolution approving Coastal Development Permit CDP24-0008.

Environmental: Pursuant to the provisions of the California Environmental Quality Act (CEQA), Environmental Impact Report (SCH#2001071015) (the "EIR") was prepared and certified for the Headlands Development project. Furthermore, the establishment of hours of the public access to the trail system is found to be Categorically Exempt per Section 15323 (Class 23 – Normal Operations for Public Facilities) and per Section 15301 (Class 1 – Existing Facilities) in that the project involves negligible or no expansion of use.

**Brenda Wisneski (Community Development Director)** introduced Outside Counsel Terence Gallagher, Chief Todd Hylton and Deputy Director of Community Services Jeff Rosaler, who were available to answer questions.

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**Chris Johnson** (Principal Planner) provided a staff report, noted additional comments received since the publication of the staff report, in response, a new Condition of Approval recommendation to be added, and answered questions from the Planning Commissioners.

**PUBLIC COMMENTS**

**Denise Erkeneff** (Dana Point) provided a handout and spoke in support of the item.

**Heather Johnston** (Visit Dana Point) spoke in support of the item.

**Jim McNamara** (Laguna Niguel) spoke in support of the item.

**Hydee Riggs** (Dana Point) spoke in support of the item.

**Sarah Mueller** (CNLM) spoke in opposition of the item.

**Merry Wong** (Dana Point) spoke in opposition of the item.

**Ron Vanderhoff** (California Native Plant Society, Orange County Chapter) spoke in opposition of the item.

**Toni Nelson** (Capistrano Beach) spoke in support of the item.

**ACTION:** Motion made by Vice-Chair Nelson, seconded by Commissioner Dhingra to adopt the resolution approving Coastal Development Permit CDP24-0008, with the additional conditional to give the Director of Community Development, or his/her designee the authority to work directly with agencies on establishing hours of public access as needed. Motion carried 5-0-0.

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

**ITEM 3:** **COASTAL DEVELOPMENT PERMIT CDP24-0006 TO ESTABLISH A CAFÉ WITHIN AN EXISTING BUILDING AND TO CONSTRUCT AN OUTDOOR PATIO AT THE OCEAN INSTITUTE**

**Applicant:** Jim Miller

**Owner:** County of Orange

**Location:** 24200 Dana Point Harbor (APN: 682-171-05)

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Request: A request to establish a café within an existing building and development of an outdoor patio for dining at the Ocean Institute in Dana Point Harbor. Because it is a change of intensity of the use, a Coastal Development Permit is required.

Recommendation: That the Planning Commission continue the subject item to the May 13, 2024, Planning Commission meeting.

Environmental: This project is categorically exempt (Class 1 - Section 15301(a) – Existing Facilities) from the provisions of the California Environmental Quality Act (CEQA) since the project involves leasing an existing building and proposes minor interior and exterior alterations to accommodate the proposed use.

**Brenda Wisneski** (Community Development Director) requested a motion to continue the subject item to the May 13, 2024, Planning Commission meeting.

**PUBLIC COMMENTS**

There were no Public Comments.

**ACTION:** Motion made by Vice-Chair Nelson, seconded by Commissioner Dhingra to continue the subject item to the May 13, 2024, Planning Commission meeting. Motion carried 5-0-0.

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**ITEM 4:** COASTAL DEVELOPMENT PERMIT CDP23-0034 AND MINOR SITE DEVELOPMENT PERMIT SDP23-0024(M) TO DEMOLISH A SINGLE-FAMILY DWELLING AND CONSTRUCT A 3,696 SQUARE FOOT, ONE-STORY, SINGLE-FAMILY DWELLING WITH AN ATTACHED TWO-CAR GARAGE AND RETAINING AND FREESTANDING WALLS AT 32512 SEVEN SEAS DRIVE

Applicant: Eyoh Design

Owner: Peter and Karen Burke

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

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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 3,696 square foot, one-story, single-family dwelling with an attached, two-car garage and multiple retaining and screen walls. The project is in the Coastal Overlay District as defined by the City's Zoning Map and includes freestanding walls which exceed the maximum height permitted within the front yard, therefore approval of a Coastal Development Permit and a Minor Site Development Permit are required.

Recommendation: That the Planning Commission adopt the resolution approving Coastal Development Permit CDP23-0034 and Site Development Permit SDP23-0024(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 a 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**

There were no Public Comments.

**ACTION:** Motion made by Commissioner Dhingra, seconded by Commissioner Christakes to adopt the resolution approving Coastal Development Permit CDP23-0034 and Site Development Permit SDP23-0024(M). Motion carried 5-0-0.

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

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**ITEM 5:     ZONE CHANGE ZC23-0001 AND ZONE TEXT AMENDMENT ZTA07-01 TO ESTABLISH A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY (PRDO) DISTRICT AND ASSOCIATED DEVELOPMENT STANDARDS, TENTATIVE TRACT MAP TTM 16970 TO SUBDIVIDE THE 1.99-ACRE PARCEL INTO 11 NUMBERED AND ONE (1) LETTERED LOTS, AND SITE DEVELOPMENT PERMIT SDP07-06 TO: (1) ALLOW THE CONSTRUCTION OF 11 THREE-STORY, SINGLE-FAMILY DWELLINGS LOTS, (2) FOR RESIDENTIAL STRUCTURES IN A HILLSIDE CONDITION AND (3) FOR ROOF DECKS, AND TO ALLOW (4) SITE RETAINING WALLS THIRTY (30) INCHES OR GREATER IN HEIGHT AT ASSESSOR'S PARCEL NUMBER 691-401-37**

Applicant:             The Corcoran Group Collaborative

Owner:                Bruno and Beatrice Del Bianco

Location:            Assessor's Parcel No.: 691-401-37 (south of the intersection Camino Capistrano/Via Canon)

Request:             A request to establish a Planned Residential Development Overlay District at the subject parcel by changing the Zoning Map from Residential Single Family 7 to Planned Residential Development 28, and adding development regulations for Planned Residential Development (PRD) 28 to Appendix B of the Dana Point Zoning Code (DPZC), with corresponding requests for a tentative tract map to subdivide the subject site into 11 numbered and one (1) lettered lots consistent with the proposed PRD 28 development standards, and accompanying Site Development Permits to allow the construction of a three-story, single-family dwelling on each of the 11 proposed lots that contain a hillside condition per DPZC Section 9.05.110(a)(4), each with roof decks in accordance with DPZC Section 9.05.230, and for site retaining walls thirty (30) inches or greater in height per DPZC Section 9.05.120(d)(2) and contingent upon City Council approval of ZTA07-01 and ZC23 0001.

Recommendation:   That the Planning Commission:

- (1) Adopt a Resolution recommending City Council approval and adoption of a Mitigated Negative Declaration;

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- (2) Adopt a Resolution recommending City Council approval and adoption Zone Change ZC23-0001 and Zone Text Amendment ZTA07-01; and
- (3) Adopt a Resolution approving Tentative Tract Map TTM 16970 and Site Development Permit SDP07-06 and contingent upon City Council approval of ZC23-0001 and ZTA07-01.

Environmental:

A Mitigated Negative Declaration (MND) has been prepared in accordance with Section 15070 of the California Environmental Quality Act (CEQA) for the Project for the Commission's review and recommendation to the City Council. A notice of intent to adopt a MND was posted with the County Clerk and mailed to property owners within 500 feet of the subject site on March 25, 2024. The MND was also posted with the State Clearinghouse (SCH No. 2024031110). The review period ended April 15, 2024. Any Comments received after distribution of this report will be attached as an appendix to the Negative Declaration for the Commission's consideration.

**Kurth B. Nelson III** (Principal Planner) provided a staff report, added that there were some typos in the resolutions, public comments were attached to the staff report as Supporting Document 12, and answered questions from the Planning Commissioners. In addition, he stated Architect Darren McLain, City Principal Engineer Matt Kunk and City Certified Engineer Geologist Brandy Boka were present and available to answer any questions.

**PUBLIC COMMENTS**

**Joseph Ramirez** (Capistrano Beach) spoke in opposition of the item.

**Tom De Simone** (Capistrano Beach) spoke in opposition of the item.

**Mary Ellen Murphy** (Capistrano Beach) spoke neutrally of the item.

**Toni Nelson** (Capistrano Beach) spoke in opposition of the item.

**Lynn Smith** (Capistrano Beach) spoke in opposition of the item.

**Nadia Starner** (Capistrano Beach) spoke in opposition of the item.

**Joffrey Long** (Newport Beach) spoke in support of the item.

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**ACTION:** Motion made by Vice-Chair Nelson, seconded by Commissioner Dhingra to approve the Resolutions recommending City Council approval and adoption of (1) a Mitigated Negative Declaration SCH No. 2024031110, (2) Zone Change ZC23-0001 and Zone Text Amendment ZTA07-01, (3) Tentative Tract Map TTM 16970 and Site Development Permit SDP07-06 and contingent upon City Council approval of ZC23-0001 and ZTA07-01, with an added recommended condition to SDP07-06 that the applicant contact the Orange County Mosquito and Vector Control District to perform an assessment prior to the clearing and grubbing of the site or any grading activity. Motion carried 5-0-0.

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

**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**

**Brenda Wisneski** (Community Development Director) provided an update on the General Plan Advisory Committee (GPAC) Meeting. The next GPAC meeting is scheduled for April 30, 2024, with continued discussion on the focus areas and determining if the land uses are appropriate or intensity areas should be modified.

**H. COMMISSIONER COMMENTS**

**Chair Opel** acknowledged Commissioner Dhingra for his service and leadership as Chair for the past year. Opel thanked Vice-Chair Nelson for filling in at the last meeting while she was out. She added she is looking forward to the Redo Market at the end of the month.



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**I. ADJOURNMENT**

**Chair Opel** adjourned the meeting at **8:08 p.m.** The *next* Regular Meeting of the Planning Commission will be held on Monday, May 13, 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.

  
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Mary Opel, Planning Commission Chair