

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

February 24, 2025
6:00 p.m. – 6:48 p.m.

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

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), John Ciampa (Planning Manager), Chris Johnson (Principal Planner), Kurth Nelson (Principal Planner), Alyssa Gonzalez (Associate Planner), Natalie Tran (Assistant Planner) and Martha Ochoa (Management Analyst)

A. APPROVAL OF MINUTES

ITEM 1: **MINUTES OF REGULAR PLANNING COMMISSION FROM
FEBRUARY 10, 2025**

ACTION: Motion made by Commissioner Dhingra, seconded by Commissioner Boughen to approve the Minutes of the Regular Planning Commission Meeting of February 10, 2025. Motion carried 4-0-1.

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

B. PUBLIC COMMENTS

There were no Public Comments.

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C. CONSENT CALENDAR

ITEM 2: 2024 HOUSING ELEMENT ANNUAL PROGRESS REPORT

Location: Citywide

Request: Review the 2024 Housing Element Annual Progress Report, as required by State law, to show progress on the General Plan Housing Element.

Environmental: In accordance with the California Environmental Quality Act (CEQA), the 6th Cycle 2021-2029 Housing Element was found to be categorically exempt pursuant to Section 15061(b)(3). The Housing Element Annual Progress Report does not require further CEQA action.

Recommendation: That the Planning Commission review the 2024 Housing Element Annual Progress Report and direct staff to forward to the City Council.

PUBLIC COMMENTS

There were no Public Comments.

ACTION: Motion made by Vice-Chair Nelson, seconded by Commissioner Dhingra to approve the Consent Calendar. Motion carried 5-0-0.

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

D. PUBLIC HEARING

ITEM 3: APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION THAT THE PROPOSAL TO CONSTRUCT AN ACCESSORY DWELLING UNIT (ADU) AT THE SUBJECT PROPERTY DOES NOT COMPLY WITH THE DANA POINT ZONING CODE, LOCATED AT 26941 CALLE DOLORES

Applicant: Red Bluff Funding, LLC

Owner: Stephen Niednagel

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Location: 26941 Calle Dolores (APN: 123-332-12)

Environmental: Pursuant to the California Environmental Quality Act (CEQA), determining the status of the application is not a "project" per CEQA Guidelines Section 15378 and it qualifies for the "common sense" exemption since the determination has no potential for causing a significant effect on the environment.

Recommendation: This item was pulled by staff. No action taken.

PUBLIC COMMENTS

There were no Public Comments.

ACTION: No action taken. This item was pulled by staff.

ITEM 4: **SITE DEVELOPMENT PERMIT SDP24-0020 TO ALLOW A 946-SQUARE-FOOT, SECOND-STORY ACCESSORY DWELLING UNIT (ADU), AND A 312-SQUARE-FOOT, SECOND-STORY ADDITION TO AN EXISTING 2,046-SQUARE-FOOT, SINGLE-STORY NONCONFORMING SINGLE FAMILY DWELLING (SFD) LOCATED AT 26706 CALLE SALIDA**

Applicant: Ron Sterry

Owner: Thomas Porter and Jenna McIlvene

Location: 26706 Calle Salida (APN: 123-433-32)

Request: A Site Development Permit to allow a second-story ADU addition totaling 946 square feet to an existing 2,046-square-foot, nonconforming, single-story, single-family dwelling (SFD), and to allow a 312-square-foot, second-story expansion to a nonconforming structure conforming as to use.

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 or Conversion of Small Structures) since the project consists of an accessory dwelling unit in a residential zone.

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Recommendation: That the Planning Commission adopt the resolution approving Site Development Permit SDP24-0020.

Natalie Tran (Assistant Planner) provided a staff report and answered questions from the Planning Commissioners.

PUBLIC COMMENTS

There were no Public Comments.

ACTION: Motion made by Vice-Chair Nelson, seconded by Commissioner Christakes to adopt the resolution approving Site Development Permit SDP24-0020. Motion carried 5-0-0.

AYES: Opel, Nelson, Boughen, Christakes, Dhingra

NOES: None

ABSENT: None

ABSTAIN: None

ITEM 5: **CONSTRUCTION OF A SECOND-STORY ACCESSORY DWELLING UNIT TOTALING 856 SQUARE FEET TO AN EXISTING SINGLE-STORY, SINGLE-FAMILY DWELLING LOCATED AT 34761 CALLE FORTUNA**

Applicant: Tiffany Perez

Owner: Tarvis Mellem

Location: 34761 Calle Fortuna (APN: 123-224-11)

Request: Approval of a Site Development Permit to construct a second story Accessory Dwelling Unit (ADU) totaling 856 square feet to an existing single-story, single-family dwelling (SFD) with an attached two-car garage within the Residential Single Family 7 (RSF 7) District.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15301(e)(2) (Class 1 – Existing Facilities) since the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, the area in which the project is located is not environmentally sensitive, and the project consists of the construction of a second-story addition of an 856 square foot ADU.

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Recommendation: That the Planning Commission adopt the resolution approving Site Development Permit SDP24-0026 to construct a second-story accessory dwelling unit totaling 856 square feet.

Alyssa Gonzalez (Associate Planner) provided a staff report and answered questions from the Planning Commissioners.

PUBLIC COMMENTS

Martin Ponce (Capo Beach) spoke in opposition of the item.

ACTION: Motion made by Commission Dhingra, seconded by Commissioner Boughen to adopt the resolution approving Site Development Permit SDP24-0026 to construct a second story accessory dwelling unit totaling 856 square feet. Motion carried 5-0-0.

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

ITEM 6: **APPEAL BY THE CENTER FOR NATURAL LANDS MANAGEMENT (CNLM) OF THE DIRECTOR'S INCOMPLETE DETERMINATION OF COASTAL DEVELOPMENT PERMIT APPLICATION CDP24-0022**

Applicant/
Appellant: Center for Natural Lands Management

Owner: City of Dana Point (Public Trail System Only)

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

Request: Appeal of the Community Development Director's determination and that CDP Application No. 24-0022, submitted to the City of Dana Point by CNLM is incomplete.

Environmental: The filing of an appeal challenging the determination of completeness within the 30-day review period pursuant to the Permit Streamlining Act is administrative in nature and does not involve any physical changes to the environment. Therefore, the appeal request would not have a significant effect on the environment. Based

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on the above analysis, the project is exempt from CEQA under the commonsense exemption provided in Section 15061(b)(3) of the CEQA Guidelines.

Recommendation: 1) That the Planning Commission deny the appeal filed by Center for Natural Lands Management (CNLM) and uphold the Community Development Director's Incompleteness Determination related to CDP24-0022.

or;

2) That the Planning Commission approve the appeal filed by CNLM and overturn of the Community Development Director's Incompleteness Determination of CDP24-0022.

Brenda Wisneski (Director of Community Development) introduced Outside Counsel Terence Gallaher who was available to answer questions, provided a staff report and answered questions from the Planning Commissioners.

PUBLIC COMMENTS

Sarah E. Mueller (General Counsel for Center for Natural Lands Management) spoke and provided a presentation on the item.

ACTION: Motion made by Commission Dhingra, seconded by Commissioner Christakes to adopt Recommendation 2) That the Planning Commission approve the appeal filed by CNLM and overturn of the Community Development Director's Incompleteness Determination of CDP24-0022. 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.

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G. STAFF REPORTS

Brenda Wisniski (Director of Community Development) announced that John Ciampa will be running the next meeting and future meetings, but she will continue to be available for the Planning Commissioners.

Chair Opel thanked Brenda Wisniski and wished John Ciampa good luck.

H. COMMISSIONER COMMENTS

Vice-Chair Nelson congratulated Chair Opel and Commissioner Christakes on their reappointment.

I. ADJOURNMENT

Chair Opel adjourned the meeting at **6:48 p.m.** The *next* Regular Meeting of the Planning Commission will be held on Monday, March 10, 2025, 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.



Mary Opel, Planning Commission Chair