

**CITY OF DANA POINT  
PLANNING COMMISSION  
AGENDA REPORT**

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**DATE:** AUGUST 22, 2016

**TO:** DANA POINT PLANNING COMMISSION

**FROM:** COMMUNITY DEVELOPMENT DEPARTMENT  
URSULA LUNA-REYNOSA, COMMUNITY DEVELOPMENT DIRECTOR  
MATT SCHNEIDER, PLANNING MANAGER

**SUBJECT:** PRELIMINARY REVIEW (PA16-0083) BY THE PLANNING COMMISSION OF A PROPOSED 2,365 SQUARE FOOT DETACHED SECOND DWELLING UNIT INCLUDING AN ATTACHED GARAGE, AND A NEW 2,050 SQUARE FOOT ACCESSORY STRUCTURE LOCATED AT 32726 RACHEL CIRCLE, WITHIN THE RSF 7 ZONING DESIGNATION WITH THE PR-5 OVERLAY

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**RECOMMENDATION:** That the Planning Commission assesses the preliminary site design and provide feedback to the applicant focusing on potential issues which may be raised during consideration of a formal submittal for the project.

**APPLICANT:** William Glickman

**PROPERTY OWNER:** William Glickman

**REQUEST:** Preliminary review by the Planning Commission to provide feedback regarding the consistency with the surrounding neighborhood and intent of the Dana Point Zoning Code (DPZC) for the potential development of a detached 2,365 square foot second dwelling unit and 2,050 square foot accessory structure.

**LOCATION:** 32726 Rachel Circle (APN 673-331-31)

**NOTICE:** No noticing is required.

**ENVIRONMENTAL:** Not applicable at this time.

**ISSUES:**

- Project consistency with the intent of the Dana Point Zoning Code (DPZC) regarding second dwelling units and accessory structures.
- Project land use compatibility with the surrounding neighborhood.

**ITEM #2**

## **BACKGROUND:**

The applicant has provided a preliminary site plan for potential development on a parcel with an existing two-story single family residence. The project site, located at 32726 Rachel Circle, is zoned RSF 7 with the PRD-5 overlay. The purpose and intent of this zoning designation is to provide for low density single family residential neighborhoods. The neighborhood was a master planned development constructed in 1985, and the neighborhood characteristic is one and two-story single family residences on lots ranging from 6,825 to 16,680 square feet. The subject site is 10,500 square feet and the existing home is approximately 2,100 square feet.

Staff provided the applicant written feedback on the proposed development on July 12, 2016 (Attachment 1). The applicant did not agree with staff's assessment/application of the City's Zoning Ordinance, therefore it was recommended that the applicant request a preliminary review by the Planning Commission. Pursuant to Section 9.61.100 of the City's Zoning Ordinance, a preliminary review is a request for a pre-submittal evaluation of a project. The preliminary review will assess the site design of a potential project. The preliminary review focuses on development standard consistency and neighborhood compatibility. The objective of this exercise is to provide the applicant with a sense of the issues that need to be addressed in a formal application. The preliminary review process is not intended and cannot be used as a process to determine the ultimate decision on a formal application. Information gathered through this process can be used to determine whether a formal application should be filed and/or design modifications may be needed.

The following is an assessment of applicable Zoning Ordinance provisions identifying the issues pertinent to the potential project. The applicant has submitted a letter discussing the project and why they do not agree with staff's analysis (Attachment 2).

## **DISCUSSION:**

Staff identified and outlined two primary issues related to the scale and proportion of the proposed development in the July 12<sup>th</sup> letter (Attachment 1) to the applicant. Overall, staff believes the two detached structures totaling 4,415 square feet is not compatible, and will not complement, or enhance the subject and surrounding properties. Discussion relative to the applicable Second Dwelling Unit and Accessory Use zoning standards follow below.

### **Second Dwelling Unit**

Pursuant to Section 9.07.210 of the Dana Point Zoning Code (DPZC), second dwelling units shall not exceed 1,200 square feet when detached from the primary structure. The DPZC requires an additional parking space beyond the required two car garage for a single family residence, and that adequate storage be provided for the accessory unit. The existing residence includes a three car garage which would satisfy the parking

requirements, thus the additional 670 square foot garage is not required. The 1,200 square foot limitation has historically included the storage space within the unit, or within the required parking area. The applicant is proposing 965 square feet of storage space between the proposed oversized garage and identified storage space. The garage and storage area associated with the second dwelling unit is 80% over the maximum 1,200 square foot limitation.

#### Accessory Use/ Building or Structure

Pursuant to Section 9.75.010, the definition of an Accessory Use is:

A use of a portion of land or building which is customarily and clearly incidental and subordinate to the principal use of the land or building which is located on the same lot as such principal use. Accessory uses typically are very small in proportion to the principal use and associated structures exceed six (6) feet in height.

Pursuant to Section 9.75.010, the definition of Accessory Building or Structure is:

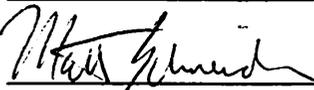
A building or structure which is incidental to the principal structure, and not designed for human habitation. Such structures may be attached to or detached from the primary structure. Typical accessory buildings or structures would include garages, gazebos, workshops, sheds and patios

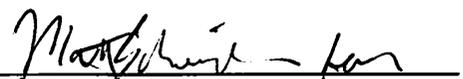
The proposed accessory use/structure is 2,050 square feet and abuts the rear and side yard setbacks. The accessory structure exceeds the size of other accessory structures that are typically found in the RSF 7 Zone and is not "very small in proportion to the principle use", a 2,100 square foot single family residence.

#### Neighborhood Compatibility

Staff completed a brief aerial photo analysis of the potential projects compatibility with the surrounding neighborhood. As noted above, the neighborhood is generally one and two-story single family residences on large lots. Based on staff's evaluation of the neighborhood, the proposed detached structures would be the only such structures in terms of scale and proportion in the neighborhood, as the typical detached structures are limited to patio covers or small gazebos, nothing on the scale of proposed development on the subject lot.

**CORRESPONDENCE:** None.

  
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Matt Schneider  
Planning Manager

  
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Ursula Luna-Reynosa, Director  
Community Development Department

**ATTACHMENTS:**

1. Letter from Staff dated July 12, 2016
2. Letter from Applicant dated August 16, 1016
3. Location Map
4. Site Plan dated April 22, 2016



July 12, 2016

William Glickman  
74 Corniche Drive #14  
Monarch Beach, CA 92629

Subject: **Preliminary Plans for a Second Residential Unit and Accessory Structure at 32726 Rachel Circle**

Mr. Glickman,

I am writing in response to the preliminary site plan that you emailed to the city and wherein you requested feedback on that plan for your property at 32726 Rachel Circle. Because the layout of your preliminary plans present several potential code related issues, I felt it best to outline those issues and some potential alternatives in writing rather than responding via the phone or by email.

Your site plan shows an existing "single-family dwelling", a new, detached "second residential unit" and a new, detached "accessory structure". While all of these structures/uses are generally allowed in the Residential Single-Family 7 Zone (RSF-7), the size of the new structures, particularly the accessory structure, presents several code related issues which I have outlined below:

#### **Second Dwelling/Granny Flat:**

Municipal Code Chapter 9.07.210 (b) - *Second Dwelling Units or Granny Flats*, describes the development standards for such structures/uses. I have underlined the conflicts with those standards that your preliminary plan presents as follows:

- Section 9.07.210 (b,1) states that the second dwelling unit shall not exceed 1,200 square feet when detached from the primary dwelling unit. As designed, with 1,200 square feet of living area and 495 square feet of storage area, the unit would exceed the maximum allowed area for the detached unit.
- Section 9.07.210 (b,3) requires that one additional parking stall be provided for the second dwelling unit. As the development standards for primary dwellings only require two covered parking spaces, the one extra parking stall required for the granny flat is already provided for within the three car garage of the primary dwelling. As proposed, the size of the garage you have designed for the granny flat greatly exceeds that which would be required. The standards are established so that second dwelling units may be evaluated under conditions that will assure their compatibility and enhancement to the site and surrounding land uses. Because the number and size of garage spaces proposed (4+) greatly exceeds the one stall that is required, the design would not be compatible with the surrounding neighborhood.

#### **Accessory Structure:**

Municipal Code Chapter 9.75 *DEFINITIONS AND ILLUSTRATIONS OF TERMS* describes and defines accessory structures and accessory uses. Conflicts with the code are as follows:

- Accessory Building or Structure — is a building or structure which is incidental to the principal structure, and not designed for human habitation. Such structures may be attached to or detached from the primary structure. Typical accessory buildings or structures would include

garages, gazebos, workshops, sheds and patios. The accessory building you have proposed far exceeds that which would normally be considered as accessory. A maximum 400-500 square-foot structure would be more in keeping with the size of a typical garage, gazebo, workshop or shed.

- Accessory Use — a use of a portion of land or building which is customarily and clearly incidental and subordinate to the principal use of the land or building which is located on the same lot as such principal use. Accessory uses are typically very small in proportion to the principal use. The proposed accessory structure, which is over 2,000 square feet cannot be considered “very small” in proportion to the principal dwelling (which is indicated on the topographic survey as being only 1,796 square feet in size).

As preliminarily designed, staff would not be able to determine the design is in clear compliance with applicable standards of development. I recommend, in order to “assure their compatibility and enhancement to the site and surrounding land uses”, that you reduce the size of the accessory structure in the rear yard to less than 500 square feet and that you reduce the Second Dwelling Unit to no more than 1,200 square feet and that you rely on the third parking space that is already provided in the primary dwelling. If the changes outlined above were in fact made, it is more likely that staff could make a determination that the site design is in compliance with the City's General Plan and Zoning Code, without requiring a public hearing for a Site Development Permit (see Chapter 9.71.020 Site Development Permit Required). Please be advised, however, that staff cannot commit to any particular determination at this point in time without the ability to review and analyze a revised set of plans.

If you have any questions concerning this matter, please contact me at (949) 248-3570.

Sincerely,



Matt Schneider.  
Planning Manager, Department of Community Development

c: Ursula Luna-Reynosa, Director of Community Development  
City Attorney

Tues. Aug. 16, 2016

To: Dana Point Planning Commission / Matt Schneider Planning Manager

From: Bill Glickman - Homeowner. 74 Corniche Dr. Unit H, Dana Point CA 92629

RE: 32726 Rachel Circle – Prelim. Plot Plan approval for 2<sup>nd</sup> Dwelling and Accessory Structure

I am seeking preliminary approval for the enclosed Plot Plan, which includes adding a 2<sup>nd</sup> Dwelling (aka Granny Flat) and an Accessory Structure (Workshop). I feel it's important the Planning Commission understand how I arrived at this point.

This Plot Plan resulted after the Planning Dept. had suggested AND pre approved a lot sub divide. However, the formal application for the lot sub divide was denied. The minimum lot size requirements "provided by the city in writing", and given at the counter to homeowners was 5000sq ft for RSF-7. It took a full year for the Planning Dept. to discover the information on lot size minimums they were providing homeowners was incorrect! As discovered in the General Plan, the min. lot size was 5800 sq ft, which made the sub divide application fall short by 200 sq ft. (vs. being 1400 sq ft over) This preliminary approval and application submission cost me 12 months of time and a significant loss of wasted professional fees that can never be recovered.

John Tilton felt horrible about the city's error and oversight. He refunded the application fee and assured me future city planning fees from the city would be waived on the alternative project. John worked diligently to assure me this alternative plan meets ALL codes and requirements before I expend more professional fees on the final design required to submit an application for a building permit. This Plot Plan was the outcome of months of due diligence by planning staff, City Engineering, City Legal, my time and my design professionals. After 10 weeks of diligence, all issues were cleared, and John Tilton gave me the green light to allow my architect to prepare the included Plot Plan, which met all Planning, Legal and Engineering Staff requirements. John was going to provide me a prelim. letter of approval on this plan. I would then proceed with a full set of plans to apply for a building permit. In that interim, John Tilton's employment with the city ended. This was very unfortunate timing for me.

I began contacting the Planning Dept. 6 weeks after I submitted this plot plan. I was unaware of John's departure. I thought for sure I would be issued a letter of prelim. approval to proceed. Instead, on July 12<sup>th</sup> I received a letter from Matt Schneider rejecting nearly every component which was thoroughly researched by the Planning Dept. and accepted a few months prior. It is Matt's rejection letter of my Plot Plan that I am responding to below. His letter rejected both the 2<sup>nd</sup> dwelling unit, the required attached garage and the Accessory structure as submitted. This document will address Matt's objections, as well as issues that were mentioned in conversation, but not included in his letter. After 17 months of City delays (which the ball was only in my court 2 of those months) combined with City errors, I am hoping the Planning Commission can provide final closure on what appeared to be a very small and simple project.

This letter references the accompanying documents which were submitted to Matt with this letter. The attached documents are necessary to reference when reading this letter.

- 1) Matt Schneider's letter dated July 12, 2016.
- 2) Plot Plan for 32726 Rachel Cir. Submitted to planning April 2016.
- 3) Site Survey of 32726 Rachel performed by Toll Engineering.

I will comment on the 3 objections in Matt's letter below. I am copying code sections below to support my positions. I removed a lot of the code clauses which are irrelevant to the specific issues being addressed, as I wanted to keep this document size manageable and focused.

### **Objection #1 - 2<sup>nd</sup> Dwelling Unit**

Matt's objection was the proposed 2<sup>nd</sup> dwelling exceeds the 1200 sq ft maximum allowable by code. His position was the 495 sq ft storage unit located on ground level should be added to the 1200 sq ft living area on the 2<sup>nd</sup> level, which would exceed the max. 1200 sq ft.

I was advised by planning previously that storage area is allowable and encouraged by the code requirements. The storage area is non livable space, with no Plumbing or HVAC. I see no reason why covered storage area would be added to the livable square footage. The only code information found on this issue by Planning Dept supports my position:

#### 9.07.210 Second Dwelling Units or Granny Flats.

(a) Purpose and Intent. This Section provides standards and procedures for the development of second dwelling units. These standards are established so that second dwelling units may be evaluated under conditions that will assure their compatibility and enhancement to the site and surrounding land uses, and provide a safe, desirable and affordable living environment.

(b) Development Standards. Where a single family dwelling unit exists on a lot zoned for such purposes, the property owner may establish a second dwelling unit from the same lot, provided it be occupied by an individual adult or two senior adults and may be attached to or detached from the primary single family unit, but may not be sold as a separate dwelling unit. The following standards shall be met and shall not be modified or varied from:

(1) The second dwelling unit shall not exceed one thousand two hundred (1,200) square feet when detached;

(6) Each second dwelling unit **shall have adequate storage** and private open space.

This was the only code requirement regarding storage for 2<sup>nd</sup> dwellings. Based on the code above, it appears my Plot Plan meets both requirements.

A detached 2nd dwelling equal to 1200 sq ft. of living space meets item (1) above.

The 495 sq ft of lower level non livable storage space, meets clause (6) requirement above, "shall have adequate storage."

The separation between the two new structures meets the requirement for "adequate private open space" in (6) above.

Since "adequate storage" is included in the same clause as "adequate private open space," it seems clear the requirements in clause (6) are in ADDITION to the 1200 sq ft living area. Matt's letter is suggesting the items in clause (6) would be inclusive in the 1200 sq ft living area. Until receiving Matt's letter, this interpretation was never in question. Previously, John Tilton and two architects I consulted concluded the Plot Plan submitted meets the code requirement. Matt's letter was the first and only time the storage space was deemed "not in compliance with the requirements."

In addition, as can be seen on the Plot Plan, the storage area is NOT accessible to the 2<sup>nd</sup> Dwelling living area. To access the storage area, you would have to exit the living area, go down a flight of stairs and open a door which is only accessible from outside.

#### **Objection #2 - Garage for 2<sup>nd</sup> Dwelling.**

Below is a copy from Matt's letter including both the code he cites and his objections. My comments below.

Section 9.07.210 (b,3) requires that one additional parking stall be provided for the second dwelling unit. As the development standards for primary dwellings only require two covered parking spaces, the one extra parking stall required for the granny flat is already provided for within the three car garage of the primary dwelling. As proposed, the size of the garage you have designed for the granny flat greatly exceeds that which would be required. The standards are established so that second dwelling units may be evaluated under conditions that will assure their compatibility and enhancement to the site and surrounding land uses. Because the number and size of garage spaces proposed (4+) greatly exceeds the one stall that is required, the design would not be compatible with the surrounding neighborhood.

I have had a very hard time understanding the basis for this objection. I have discussed this with Matt and both myself and my architect and still can NOT comprehend Matt's objections. Specifically, Matt's objections regarding the included covered parking in the 2<sup>nd</sup> dwelling are, 1) non compliance with code, and 2) non-compatibility with surrounding land use.

My position is: The code clearly states the 2<sup>nd</sup> Dwelling “requires” one additional covered parking stall as defined below:

9.07.210 Second Dwelling Units or Granny Flats.

(3) An additional parking stall, in accordance with the standards described in Chapter 9.35, shall be provided for the second dwelling unit;

SECTION 9.35.080(E)  
MINIMUM NUMBER OF “REQUIRED” PARKING STALLS BY USE

Residential Uses / Required Number of Stalls  
(6) Granny Flat / 1 covered (non-tandem)

My Plot Plan includes the “REQUIRED” one additional covered parking stall for the 2<sup>nd</sup> dwelling (Granny Flat). This clearly seems in compliance with the garage requirements for a 2<sup>nd</sup> dwelling as the code states above.

The existing primary dwelling’s 3 car garage is already compatible with the entire street, as ALL houses on the street and the entire neighborhood having 3 car garages.

Therefore, my position is, the Plot Plan meets both the code requirement for an additional parking stall for the 2<sup>nd</sup> dwelling AND the existing Primary structure is fully compatible with the surrounding area.

I will comment on each of Matt’s objections regarding the garage.

Matt mentions the primary dwelling requires two covered parking spaces. To the best of my comprehension, Matt is extrapolating and suggesting the 3<sup>rd</sup> parking space in the primary dwelling should serve as the garage stall for the 2<sup>nd</sup> dwelling to create a code compliant project. This is clearly inconsistent with 9.07.210 & 9.35.080(E) above. It seems his justification is, the primary dwelling has a 2-car garage minimum requirement. However, this is a “minimum” requirement only, not a maximum. He states 4 covered parking stalls would greatly exceed the “one” stall that is required. However, the “one additional stall requirement” is for the 2<sup>nd</sup> dwelling ONLY. I would understand Matts position if I was proposing 4 parking stalls for the 2<sup>nd</sup> dwelling, but that is obviously NOT the case. The code only states min. garage stalls, never maximums.

Matt’s next objection is, the 4 stalls would not be compatible with the surrounding area. I am perplexed by this. As stated, the existing Primary Dwelling has a 3-car garage, which is the SAME as every other house on the street. So this is clearly compatible with the surrounding area. The code “requires” 2<sup>nd</sup> dwelling units to include an additional parking stall, which is provided in my Plot Plan.

Matt’s letter recommends using the 3<sup>rd</sup> parking space in the primary dwelling garage as the “required added parking stall” for the new 2<sup>nd</sup> dwelling. This would create no covered parking in the

2<sup>nd</sup> dwelling, which would be non-compliant with the code for 2<sup>nd</sup> dwellings / Granny Flats. My proposed Plot Plan is fully compliant with all existing codes.

Both myself and my architect can NOT understand why a modification would be suggested that would convert a compliant design into a non-compliant design? Matt confirmed with me, this was NOT a suggestion he is offering as an option. His position is, unless I remove the “required” new garage in the 2<sup>nd</sup> dwelling, the plan is currently non compliant with code. Both myself and my architects can NOT comprehend this position.

### **Objection #3 - Size of Accessory structure**

There seems to be NO objection to building an Accessory Structure (Workshop) behind the 2<sup>nd</sup> dwelling, so my comments will be limited to the only objection Matt raised, which is the size of the Workshop. The Workshop will be used as my hobby shop.

There was a lot of research that went into determining the allowable size for the workshop. Below are the Codes that were referenced:

#### **Chapter 9.75 DEFINITIONS AND ILLUSTRATIONS OF TERMS**

**Accessory Building or Structure** — a building or structure which is incidental to the principal structure, and not designed for human habitation. Such structures may be attached to or detached from the primary structure. Typical accessory buildings or structures would include garages, gazebos, workshops, sheds and patios.

**Accessory Use** — a use of a portion of land or building which is customarily and clearly incidental and subordinate to the principal use of the land or building which is located on the same lot as such principal use. Accessory uses typically are very small in proportion to the principal use and associated structures exceed six (6) feet in height.

There was NO size limitation listed for accessory structures. I am offering the following analysis below to justify the size of the proposed workshop as it applies to the definitions above.

“ a building or structure which is incidental to the principal structure”

A workshop is listed as a structure type for Accessory Building. I will try to address the “incidental” as it relates to the size of the workshop for this project. Since there are no codes or specific requirements, I will use numbers to provide a “sense of scale” of the workshop by using two sensible benchmarks, Workshop size vs. lot size, and Workshop size vs. total sq ft of enclosed space.

### **Comparing workshop sq ft vs. total land sq ft.**

Workshop sq ft / lot sq ft.  
2000 / 11,400 sq ft = 17%

I feel 17% land use for workshop is clearly incidental.

A workshop this size on a much smaller lot would probably not be considered incidental. However, due to my large lot size, the land use % for the workshop is “incidental” and “subordinate” to the lot size.

### **Comparing total enclosed square footage of workshop vs. total sq ft of all enclosed structures on the lot.**

Existing Primary Structure 2109 sq ft + 650 sq ft garage = 2759 sq ft  
2<sup>nd</sup> Dwelling 1200 living + 495 storage + 670 garage = 2365 sq ft  
2759 + 2365 + 2000 (workshop) =  
7124 total enclosed sq ft on lot.

Workshop sq ft / Total sq ft of enclosed structures on lot.  
2000 / 7124 = 28%

Matt stresses in his letter, “Accessory uses typically are very small in proportion to the principal use.” I feel the above two benchmarks demonstrate the proposed workshop size is relatively small vs. the lot size and also relatively small vs. the all the enclosed structures on the lot.

The biggest limiting factor for Accessory structure size is landscape %, as explained below. It is my position that Accessory structure size should be relative to lot size. I feel my lot is being unfairly discriminated against for being large. The value of buying a larger lot is so the homeowner can place larger structures on the lot. This seems to have been overlooked in Matt’s letter. Although there is no specific size limitation of Accessory Structures in the code, the maximum size is often restricted through other codes, such as being subordinate to primary structure size, setbacks and landscape %. These requirements combined with very small lot sizes in Dana Point is why most Accessories structures would be “typically very small.” The workshop size has been accepted and agreed upon by everyone in Planning up to 30 days ago when Matt’s letter was sent. The consensus has always been, if you meet all the requirements and codes for a structure, then the structure can be built.

#### **Accessory Use**

“building which is customarily and clearly incidental and subordinate to the principal use of the land or building which is located on the same lot as such principal use.”

A workshop is clearly incidental and subordinate to the main use of the land, which will consist of two dwellings. Very little time will be spent in the workshop vs. the two dwellings. A work shop is

often used sporadically, or often used as storage, which surely fits the definition “incidental and subordinate” in terms of use.

Subordinate can also be defined as a size relationship.... meaning “less than” (<50%) or even “much less than”. I suggest that both benchmarks of 17% and 28% meet the criteria of subordinate in this context. It appears obvious, the intent of the word subordinate is to assure an Accessory building can not be built larger than the principle use of the land (dwellings) in residential areas. My proposed workshop size falls into this intent of the code.

Further justification by precedent - There are many houses in Dana Point which have ground level garages and upper level living, where the lower level garage is close to the sq ft of the upper living area. These applications have garage areas close to 50% of total living space. This is why John Tilton defined the term, subordinate, as “smaller than” the primary structure. It appears the city has applied this code fairly to other homeowners in Dana Point. I am seeking the same fair application of the code, in addition, I am suggesting precedent should also be considered.

Matt provided this objection in his letter,

**..... principal use. The proposed accessory structure, which is over 2,000 square feet cannot be considered “very small” in proportion to the principal dwelling (which is indicated on the topographic survey as being only 1,796 square feet in size).**

For clarification, the principle dwelling is NOT 1796 sq ft as stated in Matt’s letter. It is 2109 sq ft as shown on the Plot Plan. The 1796 sq ft represented the foot-print sq ft. of the Primary structure, which is ONLY applied for use in the landscape calculations, also shown on the Plot Plan. In addition, I feel Matt’s comparison of the workshop’s relative size is a very unfair statement and offers no justification for his position. I suggest the two benchmarks I offered above are a fair analysis of the relative size of the workshop.

Below are some of the other items that came up in discussion that were NOT included in Matt’s letter. My comments on these issues as follows:

A) LOT DENSITY - The issue was raised by Matt regarding lot density. His position was - the lot could become too dense. My position is - the City already has codes that prevent over-building on lots, preventing excessive high density. For RSF7, the minimum landscape (green) area must NOT be less than 25% of the total lot sq ft. This requirement, combined with setback requirements assures consistency of lot density within neighborhoods. There are many areas in Dana Point where the lots have structures built to the max. 75% (25% min. landscape requirement). In my proposed Plot Plan, my landscape area will be 36%, well above the 25% minimum threshold. My 36% landscape area is also on par with many of the homes on my street, as most of the lots are much smaller. Again, I feel total lot size has been overlooked. Therefore, I see no validity to his position.

B) STREET FRONT DENSITY - Most all of the homes on my street have 5ft side setbacks, or 10ft separation between homes. My proposed 2<sup>nd</sup> dwelling will be 10ft from the primary structure and approx. 25ft from the neighboring house. This creates setback “avg. spacing” on my proposed 2<sup>nd</sup> dwelling almost 2x greater vs. the average house spacing on my street AND the entire neighborhood. Therefore, I see no validity to his position.

C) DRIVEWAY DENSITY - The code requirements for driveway (curb cut) density was thoroughly reviewed by Engineering under the supervision of John Tilton. Matt Kunk provided his interpretation of the codes for driveway / curb cuts and provided my architect a sketch of the layout that is optimal to meet all city codes and engineering requirements. This layout was implemented in the proposed Plot Plan submitted. Therefore, I see no issues with driveway density.

After evaluating the issues outlined in this letter, hopefully the Planning Commission will provide a clear direction. When I started this project 17 months ago with the Planning department, I thought for sure I would have been moved into my new home by now. Unfortunately, due to unrelenting planning dept. delays and errors by the Planning Dept, I am not much further along today vs. when I started this project 17 months ago. I have done my part as a homeowner and have been highly responsive to the City, never taking more than a few hours to respond to any written or phone messages. I am hoping the Planning Commission takes this “time factor” into consideration and will expedite this matter. I look forward to discussing these issues in person.

Regards  
Bill Glickman  
949-218-4917  
bglick97@gmail.com

Location Map: 32726 Rachel Circle

