

From: [Alyssa Gonzalez](#)
To: [Martha Ochoa](#)
Subject: FW: ADU Application - Site Development Permit SDP24-0008 (34101 Calle La Primavera)
Date: Monday, June 24, 2024 8:41:14 AM

Alyssa Gonzalez

Associate Planner

City of Dana Point – Community Development

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33282 Golden Lantern | Dana Point | CA 92629

From: Roger Eld @ Credo <roger.eld@credo.net>
Sent: Thursday, June 20, 2024 4:00 PM
To: Alyssa Gonzalez <agonzalez@danapoint.org>
Cc: Brenda Wisneski <BWisneski@DanaPoint.org>
Subject: ADU Application - Site Development Permit SDP24-0008 (34101 Calle La Primavera)

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Alyssa Gonzalez :

The referenced property, **34101 Calle La Primavera**, is across the street and northwest of our home, **34122 Calle La Primavera**. We understand from the Dana Point Community Development Department's recently received mailed Public Notice that the above-referenced application is to be brought before a hearing at **6 p.m. on Monday, June 24, 2024**.

We would like to comment on pertinent items for consideration at the hearing:

At this point we neither favor nor oppose the proposed structure, a 2-bedroom 989 square foot ADU on the existing Parcel, as we understand that it will not be visible from our home, nor directly impact us. **(To this point, is there a site plan showing the proposed location on the Parcel? Is this ADU single-story or 2-story?)**

We notice that the phrase '**non-conforming as to the minimum parking requirements**' is used. We are concerned at the number of vehicles associated with this Parcel that will need to park on the street. The 2-level duplex apparently consists of 2 apartments, 1 upstairs and 1 downstairs, which themselves could generate the need for say 4 parking spaces. The proposed 2-bedroom ADU could generate the need for say, 2 additional parking spaces. Of course, the land used to build the ADU will necessitate covering space that may already be used to park vehicles, exacerbating the problem. (As a side issue, the 2-level duplex took in excess of 2 years to modernize, with much building work and noise, which did affect us;

hopefully a limit will be placed on the length of time the proposed ADU, should it be accepted, takes to build.)

Street parking on Calle La Primavera is already becoming more of a problem, especially since St. Edwards Church School increased dramatically in size several years ago, along with the concomitant increase in fast, heavy traffic both mornings and evenings at school start and end times, as well as at other times with church services and events. There is also increased parking from a small spur of Primavera, across from **34132** Calle La Primavera, as the driveways there are small. Also, Calle La Primavera, itself having only having a sidewalk on one side, is on a schedule where vehicles must be moved on Tuesdays and Wednesdays for street sweeping, requiring more traffic movements. The Parcel is on the corner of Calle La Primavera and Mazo Drive; parking is already difficult on Mazo, which has no sidewalks. More vehicles lead to more blind spots, which is especially important now that e-bikers share the sidewalks with pedestrians.

As we are sure that you will, please take into consideration the traffic and parking regarding this particular development and no doubt future other developments.

Thank you.

Charles & Janet Eld

34122 Calle La Primavera

949-235-1666

ITEM 6

From: [Brenda Wisneski](#)
To: [Martha Ochoa](#)
Subject: FW: CalHDF public comments for tonight's Planning Commission meeting
Date: Monday, June 24, 2024 10:53:13 AM
Attachments: [Dana Point - 34101 Calle La Primavera - ADU Support Letter.pdf](#)
[Dana Point - 35372 Del Rey - HAA Letter.pdf](#)

From: Sea Shelton <sshelton@danapoint.org>
Sent: Monday, June 24, 2024 10:32 AM
To: Brenda Wisneski <BWisneski@DanaPoint.org>
Subject: FW: CalHDF public comments for tonight's Planning Commission meeting

From: James Lloyd <james@calhdf.org>
Sent: Monday, June 24, 2024 10:30 AM
To: Ashok Dhingra <adhingra@danapoint.org>; Mary Opel <MOpel@DanaPoint.org>; Luke Boughen <L.Boughen@danapoint.org>; Eric Nelson <ENelson@DanaPoint.org>; Deana Christakes <dchristakes@danapoint.org>
Cc: Alyssa Gonzalez <agonzalez@danapoint.org>; Johnathan Ciampa <JCiampa@DanaPoint.org>; Sea Shelton <sshelton@danapoint.org>
Subject: CalHDF public comments for tonight's Planning Commission meeting

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Dear Dana Point Planning Commission,

Please see attached CalHDF's public comments re 35372 Del Rey and 34101 Calle La Primavera, calendared as agenda items 4 and 6 respectively for tonight's Planning Commission meeting.

Sincerely,

James M. Lloyd
Director of Planning and Investigations
California Housing Defense Fund
james@calhdf.org



Jun 24, 2024

**City of Dana Point
33282 Golden Lantern St.
Dana Point, California 92629**

By Email: adhingra@danapoint.org; mopel@danapoint.org; lboughen@danapoint.org;
enelson@danapoint.org; dchristakes@danapoint.org

CC: agonzalez@danapoint.org; jciampa@danapoint.org; sshelton@danapoint.org

Re: Proposed Accessory Dwelling Unit at 34101 Calle La Primavera (APN: 682-142-07)

Dear Dana Point Planning Staff and Planning Commission,

The California Housing Defense Fund (“CalHDF”) writes regarding the application to construct an accessory dwelling unit (“ADU”) at 34101 Calle La Primavera. In sum: the City must process the application in accordance with state law, which requires ministerial approval of ADUs.

California law sets clear rules for ADU applications. (*See* Gov. Code, § 66317.) State law clearly states that ADUs are to be permitted ministerially. (*Id.* at subd. (a).)

A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits.

Of note, given that the duplex at 34101 Calle La Primavera is non-conforming, “A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.” (Gov. Code, § 66323, subd. (b); *see also* Gov. Code, § 66322 at subd. (b) [“The local agency shall not deny an application for [...] an accessory dwelling unit due to the correction of nonconforming zoning conditions”].)

Furthermore, the City must obey strict timelines in processing the application. The City “shall either approve or deny the application to create [...] an accessory dwelling unit [...] within 60 days” of receiving the application. (Gov. Code §66317, subd. (a).)

**360 Grand Ave #323, Oakland 94610
hi@calhdf.org**

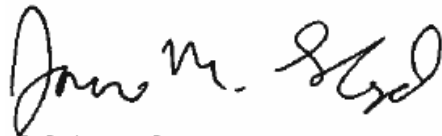
Requiring a public hearing and discretionary review to process this application for an ADU is contrary to the requirements of state ADU law, as discussed above. CalHDF notes this is not the first, or even the fifth, ADU application where we have had to remind the City of its legal duties, and the City is facing at least one lawsuit for its conduct around ADU permits, as well as action by the State Department of Housing and Community Development. We urge the City to follow the law and process the application to construct an ADU at 34101 Calle La Primavera in accordance with the law.

CalHDF is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,



Dylan Casey
CalHDF Executive Director



James M. Lloyd
CalHDF Director of Planning and Investigations