

May 12, 2023

Askok K. Dhingra
City of Dana Point
Planning Commissioner
33282 Golden Lantern Street Dana Point, CA 92629
Via E Mail

Re: 33791 Golden Lantern / ADU

Dear Mr. Dhingra:

Following up on previous conversations and emails with Director Brenda Wisneski, this letter constitutes my request to work with the City of Dana Point to resolve any ambiguity or conflict in Dana Point Ordinances and State statute which is stalling our processing of an application for an ADU on the captioned Property. It's my understanding that there is an opportunity now to accomplish this as the City is updating its Ordinances to reflect changes in the State ADU Law effective January 1, 2023. Having said the above, we remain unclear as to any existing ambiguity which prevents you from proceeding with our plans for an attached ADU. Planner Gonzalez earlier referenced that an ADU could not be constructed on my lot citing Section 907.210 (e) (1) (C) which is not applicable to my proposed ADU respectfully submitting that Subsection (e) (1) (A) should apply. I believe an ambiguity was cited in Subsection (a) (1)(D)(ii) which precluded my ADU until an update of your Code. Specifically, it was advised that the City interprets "a proposed or existing dwelling" under subsection (a)(1) (D) (ii) pre-2023, to mean a multi-family unit not a single-family dwelling such as the existing residence. I disagree with your interpretation but would of course support a clarification of Subsection (a) (1) (D) (II) to include both "multi-family and single-family dwellings." Similarly, I would support any other clarifications which would allow me a path forward.

I would also like to confirm that my 2nd floor primary residence can be built over the 1st floor ADU, as was previously communicated in an email from Planner Gonzalez.

Sincerely,

A handwritten signature in blue ink that reads "Noel Humphrey, Jr." The signature is written in a cursive, flowing style.

Noel Humphrey
Owner, 33791 Golden Lantern Street