

Shayna Sharke

From: Judith Reising <jhreising@yahoo.com>
Sent: Tuesday, June 6, 2023 3:59 PM
To: Comment
Subject: ADU Proposed Amendment

Dear City Council Members,

Section 9.07.210 of the proposed amendment to the zoning code at Paragraph (F) (6) limits ADUs to one story. This is in violation of Section 65852.2 as amended at (a) (6) which reads as follows:

An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provision for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

Your consideration is appreciated.

Judy and Dan Reising
Dana Point Residents

Agenda Item No. 10
6/6/2023

Shayna Sharke

From: Brenda Wisneski
Sent: Monday, June 5, 2023 11:45 AM
To: Shayna Sharke; Robin Gray
Subject: FW: Consideration of New ADU Regulations

Item #10 comment.

From: Toby Ullman <toby.ullman@gmail.com>
Sent: Monday, June 5, 2023 10:39 AM
To: Brenda Wisneski <BWisneski@DanaPoint.org>
Cc: Johnathan Ciampa <JCiampa@DanaPoint.org>; Maryam Gerami <Maryamgerami44@gmail.com>
Subject: Re: Consideration of New ADU Regulations

Brenda

I will not be able to attend this hearing so I just want to add a comment to this.

While I am glad this update will allow the project at 34101 Alcazar to proceed, I do feel that asking for an SDP is a lot more to ask for in terms of cost. This was discussed before but there should definitely be some movement in this area, it would be much appreciated for the sake of my client Maryam Gerami and any new clients I work with in the future. Maryam has paid a large amount of money for the plan check fees as well as ~\$5,500 for the ADU application, and if I am reading the SDP fee correctly that would add an additional ~\$7,600 to the bill? I just want to point out that, in my experience, no other city in South OC requires this much in terms of fees to review an ADU for approval. An ADU permit should work like any other new-construction building permit. To put it into an perspective we see this from, all of the city fees in addition to the consultant fees to make a submittal-worthy package have added up to over a fifth of the cost of construction for this proposed ADU. That is a large sum of money to add to the cost to build and it does not go unnoticed.

If there is any opportunity in your discussions to revise the fees, such as allow us to do the "Minor SDP" at the cheaper rate or provide a discount/exception for ADU's that would be great. With the amount of money being paid, it does bring into question what it is all going towards. I understand its being reviewed again, but its being reviewed by every single department already. Wouldn't a simple staff-report by the departments provide enough response to approve an SDP? The plan check fees make sense, but an ADU application fee and now an SDP fee adding up to over \$13k to make this permit be, hopefully, approved seems excessive.

I do thank you for all your efforts in this matter, but I also want to defend my client as best as possible and as a closing remark I do not feel that the city of Dana Point fee structure aligns or is fair in comparison with neighboring beach-cities. The main chairman said "it is what it is" in response to this at the last hearing discussion on fees but it doesn't need to be "what it is". There is always an opportunity to make a change for this community that makes Dana Point that much nicer to live in and promote more development that benefits us all.

Thank you.

On Mon, Jun 5, 2023 at 9:34 AM Brenda Wisneski <BWisneski@danapoint.org> wrote:

Good Morning,

At its June 6th meeting, the Dana Point City Council will review potential amendments to the accessory dwelling units. Attached is the staff report, which includes the Planning Commission and staff recommendations. No action will

be taken at the June 6th meeting. The purpose of the meeting is to have an open dialogue to review the amendments and hear from the public. If you aren't not able to attend the meeting and speak, feel free to submit written comments by 4pm on June 6th. Consideration of approval is scheduled for June 20th.

The following is the link to the agenda.

<https://www.danapoint.org/home/showpublisheddocument/36415>

Feel free to contact me if you have any questions.

Brenda Wisneski
Community Development Director
City of Dana Point
949-248-3560

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Thanks!

Tobias Ullman
Anaheim, CA
toby.ullman@gmail.com
949-350-6758

June 1, 2023

SUBJECT: Upcoming June 6, 2023 City Council Meeting topic ZONE TEXT AMENDMENT ZTA23-0001 TO MODIFY THE ZONING CODE RELATED TO ACCESSORY DWELLING UNITS

Dear City Council Members,

We are owners of the property at 26525 Via Sacramento, and have been waiting the approval of our ADU proposal for over a year. Thank you for your consideration of changes to the Dana Point ADU ordinance that will hopefully help to provide much needed more affordable housing. We would like to include the following comments regarding proposed changes to the Dana Point ADU ordinance (ZONE TEXT AMENDMENT ZTA23-0001 TO MODIFY THE ZONING CODE RELATED TO ACCESSORY DWELLING UNITS).

1. We object to section 907.210(F)(1)(c) Existing Non-Conforming Structure or use. The planning department would require a Site Development Permit for an ADU on any property that has an existing structure with nonconforming parking or driveways “due to public safety, public nuisance and traffic flow concerns”

a) California Government Code section 65852.2 (e)(2) states that: “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.”

b) The City would be imposing the additional cost and processes of a Site Development Permit on all properties, not only specific areas as permitted in California Code section 65852.2 (a) (1)(A). Not all areas of Dana Point have parking or traffic issues. In the Capistrano Beach area in particular, there is no history or evidence of street parking issues, public safety, public access, or traffic flow issues, let alone any caused by existing driveways. An SDP should not be required to build any ADU simply because the existing building does not meet current parking or driveway code.

2. We object to section 907.210(F)(1)(vi) which states “exemptions to the parking requirements... shall not apply to any ADU proposed within ½ mile of walking distance to the Coastal Zone”. The reason given for this restriction by Deputy Attorney Jennifer Ferrell at the May 15th Planning Commission meeting was that the Coastal Zone “typically has issues related to parking”. The blanket ½ mile designation is completely arbitrary, and overly restrictive. For example, much of the Capistrano Beach area falls within ½ mile of the Coastal Zone, but does not have parking issues, or issues with public access.

Note that both of these items were brought up as concerns by members of the Planning Commission during the May 15th meeting as well.

Thank you for your consideration,

Luchy and Liz Roteliuk

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