

From: [Shayna Sharke](#)
To: [Martha Ochoa](#); [Brenda Wisneski](#)
Subject: FW: CalHDF public comment re 3x ADU projects for 10June2024 Planning Commission meeting
Date: Monday, June 10, 2024 1:20:03 PM
Attachments: [Dana Point - 34386 Via San Juan - ADU Support Letter.pdf](#)
[Dana Point - 26356 Via California - ADU Support Letter.pdf](#)
[Dana Point - 26362 Via California - ADU Support Letter.pdf](#)

Shayna Sharke, CMC

City Clerk | City of Dana Point

From: James Lloyd <james@calhdf.org>
Sent: Monday, June 10, 2024 12:20 PM
To: John Gabbard <JGabbard@DANAPOINT.ORG>; Matthew Pagano <MPagano@DANAPOINT.ORG>; Jamey Federico <JFederico@DanaPoint.org>; Mike Frost <MFrost@DanaPoint.org>; Michael Villar <MVillar@DanaPoint.org>
Cc: Shayna Sharke <SSHARKE@DanaPoint.org>; Mike Killebrew <MKILLEBREW@DanaPoint.org>
Subject: CalHDF public comment re 3x ADU projects for 10June2024 Planning Commission meeting

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Dear Dana Point Planning Commission,

Please see attached CalHDF's public comment letters for the three ADU projects that will be heard during tonight's planning commission meeting, calendared as agenda items 5, 6, and 7.

Sincerely,

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



Jun 10, 2024

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

By Email: jgabbard@danapoint.org; mpagano@danapoint.org; jfederico@danapoint.org; mfrost@danapoint.org; mvillar@danapoint.org

CC: ssharke@danapoint.org; mkillebrew@danapoint.org

Re: Proposed Accessory Dwelling Unit at 34386 Via San Juan

Dear Dana Point Planning Staff and Planning Commission,

The California Housing Defense Fund (“CalHDF”) writes regarding the application to construct an attached accessory dwelling unit (“ADU”) at 34386 Via San Juan . 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, § 66323.) State law clearly states that an ADU must be approved ministerially when it is “within the portions of existing multifamily dwelling structures that are not used as livable space, including [...] garages, if each unit complies with state building standards for dwellings.” (*Id.* at subd. (a)(3)(A).) The City must process the application ministerially, and no local rules can disturb this obligation. (*See also* Gov. Code, § 66317, 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.”)

Of note, given that the duplex at 34386 Via San Juan is non-conforming with the underlying parking requirements, “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).)

The proposed attached ADU is entitled to ministerial approval as it is within the portions of an existing garage and complies with state building standards for dwellings, as noted by the staff report. Additionally, requiring a public hearing and discretionary review to process this

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

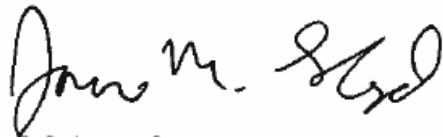
application for an ADU is contrary to the requirements of state ADU law, as discussed above. CalHDF notes this is not the first, or even the second, ADU application where we have had to remind the City of its legal duties, and the City is facing at least one lawsuit for its conduct around ADU permits, 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 34386 Via San Juan 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,

A handwritten signature in blue ink, appearing to read 'Dylan Casey', with a large, stylized flourish extending to the right.

Dylan Casey
CalHDF Executive Director

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James M. Lloyd
CalHDF Director of Planning and Investigations



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CC: ssharke@danapoint.org; mkillebrew@danapoint.org

Re: Proposed Accessory Dwelling Unit at 26356 Via California

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 26356 Via California. 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, § 66323.) State law clearly states that an ADU must be approved ministerially when it is “within the portions of existing multifamily dwelling structures that are not used as livable space, including [...] garages, if each unit complies with state building standards for dwellings.” (*Id.* at subd. (a)(3)(A).) The City must process the application ministerially and no local rules can disturb this obligation. (*See also* Gov. Code, § 66317, 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.”)

Of note, given that the duplex at 26356 Via California is non-conforming with the underlying parking requirements, “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).)

The proposed ADU is entitled to ministerial approval as it is within the portions of an existing garage and complies with state building standards for dwellings, as noted by the staff report. Additionally, requiring a public hearing and discretionary review to process this

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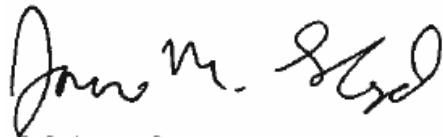
application for an ADU is contrary to the requirements of state ADU law, as discussed above. CalHDF notes this is not the first, or even the second, ADU application where we have had to remind the City of its legal duties, and the City is facing at least one lawsuit for its conduct around ADU permits, 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 the proposed ADU in accordance with the law.

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CalHDF Executive Director

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CalHDF Director of Planning and Investigations



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Re: Proposed Accessory Dwelling Unit at 26362 Via California

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 26362 Via California. 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, § 66323.) State law clearly states that an ADU must be approved ministerially when it is “within the portions of existing multifamily dwelling structures that are not used as livable space, including [...] garages, if each unit complies with state building standards for dwellings.” (*Id.* at subd. (a)(3)(A).) The City must process the application ministerially and no local rules can disturb this obligation. (*See also* Gov. Code, § 66317, 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.”)

Of note, given that the duplex at 26362 Via California is non-conforming with the underlying parking requirements, “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 at subd. (b).)

The proposed ADU is entitled to ministerial approval as it is within the portions of an existing garage and complies with state building standards for dwellings, as noted by the staff report.

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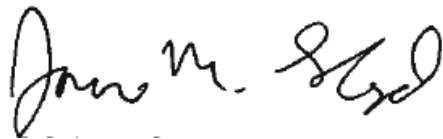
Additionally, requiring a public hearing and discretionary review to process this application for an ADU is contrary to the requirements of state ADU law, as discussed above. CalHDF notes this is not the first, or even the second, ADU application where we have had to remind the City of its legal duties, 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 the ADU in accordance with the law.

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