

Attachment I

August 9, 2018, Planning Commission Hearing Minutes

Mr. Harrison clarified that setbacks on Bay Island are measured from the water, and the project complies with the setback requirement and with Bay Island Club requirements.

Chair Zak closed the public hearing.

Motion made by Commissioner Kramer and seconded by Commissioner Koetting to find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, (New Construction or Conversion of Small Structures), and adopt Resolution No. PC2018-024 approving Coastal Development Permit No. CD2018-054, including an adjustment to off-street parking requirements and allow for an increased height limit.

AYES: Zak, Weigand, Kleiman, Dunlap, Koetting, Kramer, Lowrey

NOES: None

ABSTAIN: None

ABSENT: None

ITEM NO. 5 ACCESSORY DWELLING UNIT ORDINANCE (PA2018-099)
Site Location: Residential Zones Citywide

Summary:

Amendments to the Zoning Code and Local Coastal Program revising the City's regulations pertaining to Accessory Dwelling Units (ADU) to conform with Government Code Section 65852.2, as amended and effective on January 1, 2018. Specifically, the amendment would establish regulations permitting the development of accessory dwelling units in conjunction with single-family residences in all residential zoning districts.

Recommended Action:

1. Conduct a public hearing;
2. Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines, which states that the adoption of an ordinance regarding second units to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code are exempt from the requirements of CEQA;
3. Adopt Resolution No. PC2018-025 recommending the City Council approve Zoning Code Amendment No. CA2018-003 modifying regulations pertaining to accessory dwelling units; and
4. Adopt Resolution No. PC2018-026 recommending the City Council authorize staff to submit Local Coastal Program Amendment No. LC2018-002 to the California Coastal Commission.

Senior Planner Jaime Murillo reported that staff proposes changes to the Zoning Code pertaining to Accessory Dwelling Units (ADU) in response to changes in state law that became effective in 2018. Both state law and City regulations treat new construction of and conversion to an ADU separately. For conversions the existing ordinance requires approval of an ADU located within any existing single-family dwelling or within an accessory structure on a single-family-zoned lot. The City cannot regulate unit size or require additional parking. The City can ensure the side and rear setbacks are sufficient for fire safety. With respect to new construction, the City requires ADUs to be constructed in single-family zoning districts only, to be constructed on lots containing a minimum of 5,000 square feet, to contain no more than 750 square feet, and designed to match the principal structure. In addition, detached ADUs are limited to one story with a maximum height of 14 feet. One parking space per bedroom with a maximum of two parking spaces is required for new construction of ADUs, and the spaces may be uncovered, tandem, or utilize mechanical lifts. The City cannot require additional parking if an ADU is located within one-half mile of a transit stop or within a block of a carshare program. Under the latest revisions to state regulations, a maximum of one parking space per ADU, regardless of the bedroom count, is required in new construction. Conversion of existing space to an ADU is allowed within any existing single-family dwelling located in a single-family or multifamily zoning district. Staff also proposes a revision to allow new construction of an ADU on a multifamily-zoned lot. New construction would be limited to lots containing a minimum of 5,000

square feet and one single-family residence, to 750 square feet in size, and to requiring one parking space. Requirements for owner occupancy of one of the dwelling units and prohibitions against short-term rental of ADUs would remain in effect. Staff recommends the Planning Commission recommend Council adoption of the proposed amendments to the Zoning Code and submission of a Local Coastal Program (LCP) amendment to the California Coastal Commission. With City Council approval of the amendments, staff will submit them to the California Department of Housing and Community Development (HCD). Staff has communicated with HCD staff regarding the proposed amendments and does not anticipate HCD commenting on the amendments.

In reply to Commissioners' queries, Senior Planner Murillo clarified that in new construction the combined floor area of the main living structure and the ADU must comply with the maximum floor area allowance for the site. Section 3(C) of the Planning Commission Resolution addresses ADU conformance to all other applicable provisions of the Municipal Code. ADUs may be rented for periods longer than 30 days. ADUs may contain less than 750 square feet. An ADU must have facilities for food preparation, sanitation, and sleeping. There are no Americans with Disabilities Act (ADA) requirements for ADUs. If a planned community allows single-family development, ADUs would be allowed per the City's regulations. However, many planned communities have existing Covenants, Conditions and Restrictions (CC&Rs) and homeowner associations that prohibit second dwelling units. State law does not supersede CC&Rs.

Chair Zak opened the public hearing.

Jim Mosher remarked that staff proposes amending the LCP, which is still pending before the California Coastal Commission. Perhaps the proposed amendment should be substituted for the pending amendment.

Chair Zak closed the public hearing.

Motion made by Commissioner Kramer and seconded by Vice Chair Weigand to find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h); adopt Resolution No. PC2018-025 recommending the City Council approve Zoning Code Amendment No. CA2018-003 modifying regulations pertaining to accessory dwelling units; and adopt Resolution No. PC2018-026 recommending the City Council authorize staff to submit Local Coastal Program Amendment No. LC2018-002 to the California Coastal Commission.

AYES: Zak, Weigand, Kleiman, Dunlap, Kramer, Lowrey, Koetting
 NOES: None
 ABSTAIN: None
 ABSENT: None

In reply to Commissioner Koetting's request for additional information, Senior Planner Murillo advised that three applications for new construction of ADUs and five applications for conversion to ADUs have been submitted since adoption of the ordinance.

X. ~~STAFF AND COMMISSIONER ITEMS~~

ITEM NO. 6 ~~MOTION FOR RECONSIDERATION~~

None

ITEM NO. 7 ~~COMMUNITY DEVELOPMENT DIRECTOR'S REPORT~~

Summary:

Update on Planning Commission or City Council Items

Community Development Director Jurjis reported staff will present the Planning Commission's recommendations for Council "L" Policies to the City Council on August 14. The August 23 Planning Commission meeting will be canceled. The Harbor Point Senior Living project is scheduled for the