



Planning Commission Agenda Correspondence

DATE: October 13, 2021
TO: Chair and Commissioners
FROM: Owen Goode, Assistant Planner
SUBJECT: **ITEM #4a – CODE-0663-2021 (REVIEW OF PROPOSED AMENDMENTS TO MUNICIPAL CODE TITLE 6 (ANIMALS) AND TITLE 17 (ZONING REGULATIONS) (CODE-0663-2021))**

Staff has provided agenda correspondence to respond to questions from a Commissioner that relate to language and amendments proposed by staff within the newly proposed ordinance.

1. ADUs: The proposed changes are in a "repeal and replace" format, so it's very difficult to identify and consider the actual language to be revised. Could you identify the language to be revised with underlines and strikeouts, or at least discuss the language changes in more detail? The reason I ask is that, based on the staff report discussion, it appears that several of the proposed revisions appear to be substantive and not just "clean-ups" or clarifications. For example, the changes regarding minimum lot size for larger ADUs, setbacks for balconies, maximum size of balconies, and replacement parking for JADU garage conversions seem to be substantive changes, but without seeing the actual legislative changes, I can't tell.

- The changes proposed to the ADU ordinance can be divided into three areas: 1) simplifying the language; 2) modifying the language to be consistent with state law and HCD guidance; and 3) previous council direction.
- The ADU update in early 2020 divided the ADU provisions into two areas: 1) single-family properties; and 2) multi-family properties. This has caused some confusion with developers and property owners and is not necessary to comply with state law. The proposed modifications will allow the same size and type of ADUs on both types of residential properties. In the draft ordinance, subsection 3 covers what was previously provided in subsections 3 through 5.
- Other changes to the ordinance reflect consistency with state law and HCD guidance or incorporate previous direction from the City Council. This includes specifying that requests for ADUs over 1,000 square feet in an R-1 zone are only allowed on lots that are double the minimum lot size (Council Direction in 2020), and the ability to convert a garage into a Junior ADU (State law and HCD guidance). Clarifying replacement parking requirements when a garage is converted to a JADU was not previously addressed and the draft ordinance now includes this language.
- An additional objective of the "clean-up" was to reduce the number of ADUs that require a height exception. Currently, nearly all ADUs that are constructed above 16 feet in height require the approval of an exception. This includes two story ADUs and ADUs that are constructed above a new garage. The current ordinance requires this exception process to ensure that privacy or solar exposure are considered and addressed. This exception process is required even if the proposed structure is consistent with normal

Staff Agenda Correspondence – Review of Proposed Amendments to Municipal Code Title 6 (Animals) and Title 17 (Zoning Regulations) (CODE-0663-2021)

building setback standards, where privacy and solar exposure impacts are not presented. This has created significant delays in ADU permitting.

- The draft ordinance includes language that allows for ADUs (or ADUs above garages) to be constructed up to 25 feet in height without the need for an exception process as long as the building is consistent with normal setback standards. In order to address privacy impacts, limits on balcony size and a required setback for such are included.

2. Mixed Use Development by Right in C-S and M zones: It appears that such development would be considered a "Minor" Development Review with a decision by the Director without a hearing. Presumably, this would involve at least some level of discretion in order to implement the mixed use standards in the Zoning Regulations, which seem to call for some discretion in determining compatibility and residential character, for example. Is my understanding correct? Also, it appears that a Director decision on such a mixed use project would be appealable. Is that correct?

- The update to Table 2-1 to allow Mixed Use by right in the C-S and M zones is to allow this type of use in those zones without a use permit consistent with Housing Element Program 5.5. Any mixed-use project within any zone would require a discretionary development review process. The level of development review (i.e. minor, moderate or major) is dependent on the size of the structure and number of residential units proposed. Decisions on development review applications are appealable to the appropriate review authority.

3. Thresholds for "Minor" and "Moderate" Development Review: The proposed thresholds are a significant change from the existing ones. I understand the rationale as stated in Housing Element Program 6.23, but perhaps in your staff presentation you could highlight this proposal and discuss how the particular thresholds were chosen.

- These thresholds were based on expectations set by HCD in their review and certification of the City's 6th Cycle Housing Element. The proposed thresholds were generally discussed and agreeable to HCD with the intent of providing more streamlined review of housing projects. Staff will highlight this in tonight's presentation.

4. Section 17.158.018, Guest Quarters: To me, the proposed language is confusing. Perhaps you could explain what is meant by "living space amenities." What rooms cannot be directly accessed?

- The purpose of the additional proposed language is to clarify that if the separate accessory space is not integrated by an interior connection with the primary dwelling unit then it is defined as a Guest Quarters. Rooms that cannot be directly accessed would be a kitchen, which is what we would consider as a living space amenity. If there was direct access to a kitchen, then it would no longer be considered a Guest Quarters and would therefore qualify as a bedroom.
- In light of this discussion, staff would be in support of swapping out the term "living space amenities" with the term kitchen, to provide greater clarification.