



AGENDA
CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
440 Harcourt Avenue, Council Chamber
Wednesday, March 9, 2022
7:00 PM

PUBLIC COMMENTS To make a public comment, the following options are available:
Before the Meeting via Email: Written comments can be emailed to CityClerk@ci.seaside.ca.us Include the following subject line: "Public Comment Item # (insert the agenda item number relevant to your comment)". Written comments must be received at least 2 hours prior to the meeting. All submitted comments will be provided to the Planning Commission and, compiled as part of the record,

VIRTUAL MEETING ACCESS

This meeting can be watched via the City of Seaside YouTube channel:
https://www.youtube.com/channel/UC1Cu7854Ohtjpr_XV1tDvRg

1. CALL TO ORDER

2. ROLL CALL - ESTABLISHMENT OF QUORUM

3. PLANNING COMMISSION

William Silva	Chair
Keith Dodson	Commissioner
Arlington La Mica	Commissioner
Dave Evans	Commissioner
John Owens	Commissioner
Danny Huynh	Commissioner

4. REVIEW OF AGENDA

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

5. PUBLIC COMMENT

Members of the public wishing to address the Planning Commission on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three (3) minutes. Comments on specific agenda items are heard under that item. For the public record, please state your name.

6. APPROVAL OF MINUTES

7. BUSINESS ITEMS

**A. ADOPT A RESOLUTION RECOMMENDING THE COUNCIL ADOPT
AN ORDINANCE REPEALING AND AMENDING SECTION 17.52.230 OF THE**

SEASIDE MUNICIPAL CODE

RECOMMENDATION: Adopt a resolution recommending the Council adopt an ordinance in accordance with Seaside Municipal Code section 17.74.040.

8. REPORTS FROM COMMISSIONERS

9. REPORTS FROM STAFF

10. ADJOURNMENT

Next Regularly Scheduled Meeting:
March 23, 2022
7:00 p.m.

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. Agendas are posted at:
<http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 7.A.

TO: Planning Commission

BY: Beth Rocha, Senior Planner

DATE: March 9, 2022

**SUBJECT: ADOPT A RESOLUTION RECOMMENDING THE COUNCIL ADOPT
AN ORDINANCE REPEALING AND AMENDING SECTION
17.52.230 OF THE SEASIDE MUNICIPAL CODE**

PURPOSE & RECOMMENDATION

Adopt a resolution recommending the Council adopt an ordinance in accordance with Seaside Municipal Code section 17.74.040.

BACKGROUND

On January 12, 2022, the Planning Commission held a public hearing to review the Accessory Dwelling Units Ordinance (Chapter 17.52.230), at which the Commission received, reviewed, and considered the staff report, written and oral testimony from the public, and whereby the Commission recommended approval to the City Council. The resolution necessary to formally recommend approval of the Accessory Dwelling Units Ordinance is provided as Attachment 1, the draft ordinance is provided as Attachment 2, and the meeting minutes are provided as Attachment 3.

ATTACHMENTS

1. Attachment 1: Draft Resolution
 2. Attachment 2: Draft Ordinance
 3. Attachment 3: January 12, 2022 PC Meeting Minutes
-

RESOLUTION NO. 22-XX PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE RECOMMENDING ADOPTION OF AN ORDINANCE OF THE CITY OF SEASIDE, CALIFORNIA REPEALING AND AMENDING SECTION 17.52.230 OF THE SEASIDE MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS

WHEREAS, on April 27, 1983, the City Council passed and adopted Ordinance No. 635 to set forth the requirements for Accessory Dwelling Units; and

WHEREAS, in October 2019, Governor Newsom signed into law Assembly Bill (AB) 881, and Senate Bill (SB) 13 amending California Government Code section 65852.2, related to ADUs; and

WHEREAS, due to changes in State law regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), the City's ADU ordinance, Section 17.52.230 (Residential Second Units) of the Seaside Municipal Code (SMC), has been rendered invalid; and

WHEREAS, in response to staff's evaluation and consideration of the proposed provision, the City Council desires to repeal and reenact Section 17.52.230 of the Seaside Municipal Code regarding Accessory Dwelling Units; and

WHEREAS, on January 12, 2022, the Planning Commission held a public hearing to review the Accessory Dwelling Units Ordinance (Chapter 17.52.230), at which the Commission received, reviewed, and considered the staff report, written and oral testimony from the public; and

WHEREAS, on January 12, 2022, the Planning Commission unanimously recommended the City Council adopt the draft ordinance with the last clause in Section 4a that specifies, "whichever is less" stricken and that the City Council evaluate the 40% in section 4a and 50% in section 4b to make sure those numbers are not problematic or exclusive: what percentage and/or maximum square footage limitations are appropriate for neighborhood compatibility.

**NOW, THEREFORE, BE IT RESOLVED, THAT THE PLANNING COMMISSION
HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:**

1. Findings. The Planning Commission finds that: a) the facts set forth in the recitals in this Resolution are true and correct and incorporated by reference; b) the recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the action taken in

this Resolution; c) the provisions in this Resolution and the proposed permanent Ordinance (Chapter 17.52.230) are consistent with the General Plan, Seaside Municipal Code and applicable federal and state law; and d) neither this Resolution nor the Ordinance and associated fee schedule amendments will be detrimental to the public interest, health, safety, convenience or welfare.

2. Environmental Review. The Planning Commission finds that, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this project will have a significant impact on the physical environment. This Resolution recommends approval of the Accessory Dwelling Units Ordinance (Chapter 17.52.230). This Resolution does not directly or indirectly authorize any actual changes in the physical environment. Accordingly, the Planning Commission finds that this Resolution is not subject to CEQA or, in the alternative, is exempt from CEQA under the general rule.

PASSED AND ADOPTED at a special meeting of the Planning Commission of the City of Seaside, State of California, on the 9th day of March, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Will Silva, Chairperson

ATTEST:

Dominique L. Davis, City Clerk

17.52.230 ~~Residential Second Units~~ Accessory Dwelling Units

Sections:

- A. Purpose and intent.
- B. Definitions.
- C. Locations permitted.
- D. Effect of nonconforming.
- E. ADU and JADU design standards.
- F. Legal use requirements.
- G. Off-street parking requirements.
- H. Processing.
- I. Contents of applications.

~~A. **Applicability.** Residential second units shall comply with the requirements of this section, where allowed by Article 2 (Zones, Permitted Land Uses, and Zoning Standards) and Government Code Section 65852.2. An application for a second unit that complies with the standards of this section shall be approved ministerially, without discretionary review or a public hearing.~~

A. Purpose and intent. The purpose of this Chapter is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22, as may be amended.

~~B. **Limitation on number of units.** No more than one second unit shall be approved on a single parcel.~~

B. Definitions. As used in this section, terms are defined as follows:

“Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit located on a parcel with a proposed or existing primary residence or existing multifamily dwelling that provides a complete independent living facility containing separate kitchen, bath, sleeping, or living facilities. The term “attached accessory dwelling unit” means an accessory dwelling unit that is structurally attached to the main residence but which has independent, direct access from the exterior. The term “detached accessory dwelling unit” means an accessory dwelling unit that is not structurally attached to the main residence. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code, as may be amended; and
2. A manufactured home, as defined by Section 18007 of the California Health and Safety Code, as may be amended.
3. "Accessory structure" means a building or structure that is incidental to that of the main building on the same parcel.

"Complete independent living facilities" means permanent provisions for cooking, eating, sleeping living, and sanitation on the same parcel as the single-family or multifamily dwelling is, or will be, situated.

"Efficiency kitchen" means a kitchen that includes each of the following:

1. A cooking facility with appliances. Appliances shall mean a range, or the combination of an oven and a cooktop with a minimum of two burners;
2. A sink that facilitates hot and cold water;
3. A food preparation counter or counters that are adequate for the size of the unit;
4. Food storage cabinets adequate for the size of the unit.

"Junior accessory dwelling unit" or "JADU" means a residential unit that:

1. Is no more than 500 square feet in size;
2. Is contained entirely within an existing or proposed single-family structure;
3. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure; and
4. Includes an efficiency kitchen, as defined in this Chapter.

"Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any other accessory structure, other than ADUs and JADUs.

~~"Multi-family residential ADU" means an ADU designed for one family and allowed under Government Code Section 65852.2(e)(1)(C), as referenced in this chapter.~~

"Multi-family ADU" means:

1. *ADUs established within the portions of multifamily structures not previously used as livable space, not exceeding 25 percent of the existing multifamily structures.*
2. *Detached single family ADUs on a lot that has existing multifamily dwellings being subject to height limits of 16 feet and 4-foot rear and side yard setbacks.*

"Nonconforming zoning condition" means a physical improvement on a property that does not conform to current zoning standards.

"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one exterior entrance of the ADU or JADU.

"Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

"Public transit" means a location, including, but not limited to, any fixed-route bus stop or other transit stop with transportation that runs on fixed routes, and is available to the public.

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a parcel, lined up behind one another.

"Tract housing" is a type of housing development in which multiple similar houses are built on a tract (area) that is subdivided into smaller lots."

~~C. Minimum site area. A parcel proposed for a second unit shall be a minimum of 6,000 square feet.~~

C. Locations Permitted. Accessory dwelling units are permitted on parcels of any size in conjunction with a proposed or existing residential use in any zone that allows residential uses.

~~D. Relationship to primary use.~~

~~1. **Size, style.** A second unit shall be incidental and subordinate to the primary single-family residential use of the site in terms of size, location, and appearance, and shall not alter the character of the primary structure. The architectural style, exterior materials, and colors of the second unit shall be compatible with the primary dwelling unit.~~

~~2. **Timing of construction.** A second unit may be constructed simultaneously with or after the primary dwelling. In addition, an existing dwelling that complies with the design standards for second units in Subsection E of this section may be considered a second unit, and a new primary unit may be constructed which would then be considered the primary dwelling unit.~~

D. Effect of Conforming. An ADU or JADU that conforms to the requirements in this section shall not be:

1. Deemed to be inconsistent with the General Plan and zoning designation for the parcel on which the ADU or JADU is located;
2. Deemed to exceed the allowable density for the parcel on which the ADU or JADU is located;
3. Considered in the application of any ordinance, policy, or program to limit residential growth; or
4. Required to correct a legally established nonconforming zoning condition. This does not prevent the City from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.

E. ADU and JADU ~~Second unit~~ design standards. ~~A second unit~~ ADUs and JADUs shall comply with the following standards:

1. Maximum Number. Only one ADU and one JADU shall be allowed on each lot or parcel with a zoning designation of single-family residential. Multifamily ADUs shall comply with Government Code Section 65852.2.

2. ~~1.~~ Height limit. ~~A second unit shall be limited to 18 feet and one story. A second unit located over a garage may be allowed a maximum height of 22 feet with Minor Use Permit approval.~~

- a. A detached ADU, accessory to a single-family dwelling, shall be limited to one story and shall not exceed a maximum overall height of sixteen feet (16') to the highest ridgeline.
- b. An attached ADU, accessory to a single-family dwelling, shall have the same height limitations that apply to the main dwelling.
- c. A detached ADU, accessory to a duplex or multifamily, shall be limited to one story and shall not exceed a maximum overall height of sixteen feet (16') to the highest ridgeline.
- d. An attached ADU, accessory to a duplex or multifamily, shall be limited to a conversion of existing non-livable space and must maintain existing height.
- e. An ADU located over a garage may be allowed to exceed the height limitations of sixteen feet (16') to a maximum height of twenty-two feet (22') with Minor Use Permit approval.

3. ~~2~~ Setbacks. ADUs and JADUs ~~An attached second unit shall comply with the setback requirements of the primary dwelling for the applicable zone. A detached second unit shall comply with the setback requirements of detached accessory structures under Subsection 17.52.220.E (Setback requirements). No second unit may be permitted above a detached garage unless the unit complies~~ with the following setback standards:

~~a. The second unit shall maintain a minimum 10 foot setback from a side and rear property line.~~

a. Site planning. A detached ADU shall be located behind the rear building line of the primary residence, and be clearly subordinate by location and size. ***This requirement shall not prevent the establishment of an ADU that would otherwise comply with all other provisions of this section.***

b. Rear and/or side setbacks. A minimum of four feet (4') shall be required.

- c. Building separation. A minimum building separation of six feet (6') shall be maintained (wall to wall) between the primary residence and a detached ADU.
- d. Fire-resistance. Exterior walls shall comply with the minimum fire-resistance ratings in relation to proximity to property lines, and building separation distance, as required by the California Building Code, and/or California Residential Code, in effect when a completed permit application has been submitted the City.
- e. Existing Garage. No setback shall be required for an existing, legal, attached or detached garage and/or other existing structure that is converted to an ADU or JADU.

4. ~~3~~ Maximum floor area.

a. The floor area of a ~~second unit~~ newly constructed detached ADU shall not exceed 800 square feet for a studio, or one-bedroom, and 1000 square feet for units with two bedrooms. No more than two bedrooms are allowed. In no case shall a detached ADU exceed 40 percent of the floor area of the living area of the primary dwelling, whichever is less. ~~or less 40 percent of the floor area of the living area of the primary dwelling, whichever is less~~

~~b. For purposes of computing the floor area of a second unit that is detached from the primary unit, all enclosed areas accessed from within the second unit shall be included.~~

b. The floor area of a newly constructed attached ADU shall not exceed 800 square feet for a studio, or one-bedroom, and 1000 square feet for units with two bedrooms. No more than two bedrooms are allowed. In no case shall an attached ADU exceed 50% of the floor area of the proposed or existing single-family dwelling.

~~c. An on-site enclosed storage area, or garage of up to 400 square feet, shall not be included when calculating the floor area of the second unit; provided, that no internal doorway or passage connects the storage or garage and the second unit.~~

c. The floor area of a JADU shall be a maximum of 500 square feet, and shall be contained within a proposed, existing single-family dwelling, or converted garage, carport or patio.

d. The conversion of an existing detached accessory structure to an ADU shall not be subject to the floor area square footage requirements of this section, except that no such conversion shall exceed 1200 square feet.

e. The floor area for multifamily ADUs shall comply with Government Code Section 65852.2.

5. ~~4.~~ Separate entrance required. ~~An attached second unit shall have an entrance separate from the entrance to the primary dwelling.~~ An ADU and JADU shall provide a separate exterior access from the existing primary residence. Entry doors cannot be on the same facade as the entry door of the primary residence, unless this requirement prevents creation of the accessory dwelling unit.

6. ~~5.~~ Window placement. ~~A second unit that is placed 20 feet or less from a residential unit on the same parcel or an adjacent parcel shall not have windows that directly face windows in the other unit. A second unit that is two stories or located over a garage shall not have windows or balconies that directly face a neighboring yard. This limitation applies only to side yards, not to windows or balconies facing alleys.~~ Windows facing an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping may be required to provide screening.

~~**6. Site coverage.** Total site coverage by structures and impervious surfaces shall not exceed 50 percent of the net site area or the maximum coverage allowed by the applicable zone, whichever is less. This requirement shall not prevent the establishment of an ADU that would otherwise comply with all other provisions of this section.~~

7. Addressing. ADUs or JADUs constructed or established on the same parcel or lot as an existing or proposed single-family dwelling shall be distinguished by utilizing the same address numbers as the primary dwelling followed by the letter “B”, then “C”,

and so forth. ***This requirement shall not prevent the establishment of an ADU that would otherwise comply with all other provisions of this section.***

8. Exterior. ADUs or JADUs proposed in Master Planned Communities, areas regulated by Specific Plans, and any tract housing that obtained approval by the Board of Architectural Review shall substantially conform to the originally approved design elements, such as building materials, architectural style, roof pitch, height, scale, exterior colors and finishes. ***This requirement shall not prevent the establishment of an ADU that would otherwise comply with all other provisions of this section.***

9. Vehicular Door. A garage converted to an accessory dwelling unit shall include removal of garage door(s), which shall be replaced with architectural features, including walls, doors, windows, trim, and accent details. ***This requirement shall not prevent the establishment of an ADU that would otherwise comply with all other provisions of this section.***

10. Lighting Restrictions. Any lighting associated with an ADU or JADU shall be shielded or down-lit and shall not shine onto adjoining properties, while meeting the minimum building code. ***This requirement shall not prevent the establishment of an ADU that would otherwise comply with all other provisions of this section.***

11. Landscaping. No less than 20 percent of the lot shall be landscaped. All areas of the site that are not utilized for buildings, patios, parking, pedestrian or vehicular access shall be landscaped and provided with a permanent irrigation system. The front yard shall be landscaped, exclusive of walkways and driveways. As site conditions allow, and concurrent with each newly established ADU or JADU, a minimum of one (1) tree of not less than (5) gallon size stock, shall be planted upon the same parcel or lot as the ADU or JADU. Upon request, the Zoning Administrator shall provide property owners with a pre-approved list of acceptable tree species. The removal or loss of any tree in conjunction with an ADU or JADU shall be replaced with three (3) or more trees of the same species using at least (5) gallon size stock, as determined by the Zoning Administrator, and comply with the requirements of Chapter 8.54.040. ***All required yards and setback areas shall be attractively landscaped primarily with drought tolerant and native plant materials. This requirement shall not prevent the***

establishment of an ADU that would otherwise comply with all other provisions of this section.

12. Private Open Space/Patios and Decks. Each ADU or JADU shall have a deck or a patio, directly adjoining individual units. The minimum private open space required for each unit shall be no less than 96 square feet with a minimum width of six feet (6') for a deck/patio and eight feet (8') for landscaped area. *This requirement shall not prevent the establishment of an ADU that would otherwise comply with all other provisions of this section.*

F. Use requirements. ADUs and JADUs shall comply with the following:

1. Short-term rental prohibited. Any rental term of an ADU or JADU that was legally created on or after January 1, 2017 shall be longer than 30 days.
2. Sale of units. The accessory dwelling unit may not be sold separately from the existing single-family home or multifamily dwelling.
3. Driveway. A new driveway approach or curb cut, if needed, for an ADU or JADU, may require a separate encroachment permit from the Engineering Dept.

G. ~~F~~ Off-street parking requirements. At least one off-street paved parking space shall be provided for an accessory dwelling unit, *and may be located within the required interior side or rear property setback areas, or as tandem parking in compliance with Chapter 17.34 (Off-Street Parking),* unless one or more of the following conditions apply:

~~in addition to the parking required for the primary dwelling by Chapter 17.34 (Parking and Loading). The parking space shall comply with the location and design requirements of Chapter 17.34, except that off-street parking spaces designated for residential second units may be located within the required interior side or rear property setback areas or in a tandem parking configuration in compliance with Chapter 17.34 (Off-Street Parking).~~

1. ADU is located within one-half mile walking distance of public transit.

2. The accessory dwelling unit is located within an architecturally and historically significant historic district.
3. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
5. When there is a car share vehicle located within one block of the accessory dwelling unit.
6. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, those off-street parking spaces are not required to be replaced.

H. Processing. The City shall provide an approval or denial of ADU and/or JADU applications within (60) sixty-days from the date such application is deemed complete. The City shall deem ADU applications complete that include all of the information and materials required in the application submittal checklist, comply with the provisions of this chapter, and include full payment of applicable review fees. Complete applications shall be considered ministerial, without discretionary review or a hearing, unless:

1. The applicant requests a processing delay, in which case the (60) sixty-day time period is tolled for the period of the requested delay; or
2. The permit application for an ADU or JADU is submitted along with a permit application to create a new primary dwelling on the same parcel or lot, the City may delay acting on the ADU or JADU application until the City permits the new primary dwelling.

I. Contents of Applications. An ADU and/or JADU application shall include the following:

1. Completed Residential Building Permit Application;
2. Completed Monterey Peninsula Water Management District (MPWMD) residential water release form and permit application.

3. Plan Set - Signed and Dated (If Required). A Single PDF file containing all plan sheets, 24"x 36" minimum size, to include:
- a. COVER SHEET: Project address; assessor parcel number; legal property owner's name, address, phone Number; plan preparer's title and license number (If Applicable), address, phone number; scope of work identifying all work proposed, clearly showing existing and proposed work and descriptions; applicable CA codes and regulations, California Building or Residential Code, Electrical, Mechanical, Plumbing, Energy, Fire, Green Building Codes and City of Seaside Municipal Code; project data, property type, type of construction, occupancy classification, square footage of existing/remodeled/new proposed structure(s) and addition(s), overall building height, fire sprinkler (Yes / No), number of stories; sheet index; deferred submittal list – trusses, sprinklers, etc. (If Applicable); special inspections noted (If Required);
 - b. SITE PLAN: North arrow; scale; setbacks; lot dimensions; property boundaries; street names; new and existing structures; building footprint and roofline with all projections dimensioned to property lines; gates; walls; fences; driveways; walks; easements; utilities; meter locations; Cal Green Mandatory Measures Checklist legibly reproduced on the plans; site improvements, including grading, drainage, and landscape irrigation;
 - c. DEMOLITION PLAN (if Applicable): Showing any existing structure(s), or portion(s) of a structure to be removed with floor plan(s) and framing details;
 - d. FLOOR PLAN (Existing/Proposed): Drawn to scale, dimensioned, rooms labeled, doors and window types, sizes, schedules; framing details;
 - e. EXTERIOR ELEVATIONS: All sides of the exterior of the building; existing & proposed exterior wall finishes and special finishes; roof materials and roof pitches; door, window, skylight, and other openings, locations, materials, and configurations; vertical dimensions showing the height of structure(s) and heights of finished floors; locations and extent of shear walls, let-in bracing, or other methods of shear transfer;
 - f. FOUNDATION PLAN: Detailed and dimensioned, slabs and foundations for garages, patios, breezeways, driveways, walks; footings, piers, slabs, grade beams, retaining walls (sizes and locations); hold-downs, connections of new foundations to existing foundations; any special construction required by structure, site conditions, or expansive soils; required compressive strength of

concrete; crawl access openings and screened vents under raised wood floors;
North arrow;

g. ROOF FRAMING PLAN: Size and spacing of beams, rafters, headers, trusses, roof openings; layout of roof sheathing; nailing; North arrow;

h. STRUCTURAL CALCULATIONS: Signed and dated; CRC Braced Walls or CBC Shear Walls; schedule (If Modified); Soils Report (If Applicable), signed and dated;

i. PLUMBING, MECHANICAL, ELECTRICAL PLANS: Location of new or existing mechanical equipment serving the added or altered area; electrical plan with receptacles, lighting and panel schedule (If Modified); gas line diagram and calculations (If Modified); Energy Certificate of Compliance Forms reproduced on plan sheets; and

j. MPUSD (*Monterey Peninsula Unified School District*): Release for any payment of school district fees.

SECTION 3.

The City Manager is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 4. SEVERABILITY.

A. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable.

B. The City Council hereby declares that it would have each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after its final passage and adoption.

INTRODUCED at a regular meeting of the City Council of the City of Seaside duly held on the ____ day of ____ ~~2021~~ **2022** and passed to print.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the ____ day of ____ ~~2021~~ **2022** by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

APPROVED:

Ian N. Oglesby, Mayor

ATTEST:

Dominique L. Davis, City Clerk

APPROVED AS TO FORM:

Sheri L. Damon,
City Attorney

**CITY OF SEASIDE
PLANNING COMMISSION
Meeting Minutes**

Regular Meeting
440 Harcourt Avenue
City Hall Council Chambers
Seaside, California

January 12, 2022 @ 7:00 PM

-
- 1. CALL TO ORDER – Acting** Chairperson Evans called the meeting to order at 7:02 pm.

2. ROLL CALL

Commissioners

☒ Dave Evans (Acting Chair)
☒ Keith Dodson
☒ Arly La Mica
☒ Will Silva

☐ John Owens (Excused)
☒ Danny Huynh (Arrived 7:05 pm)

Staff Present

☒ Beth Rocha, Senior Planner
☒ Rick Medina, Senior Planner
☒ David Little, Building Official
☒ Nisha Patel, City Engineer

3. REVIEW OF AGENDA

No items were introduced requiring placement on the Agenda after the publication and posting of the Agenda.

4. COMMENTS FROM THE PUBLIC

Public comment was opened. With no public comment received, Acting Chair Evans closed public comment.

5. APPROVAL OF MINUTES

- A. Regular Meeting of December 8, 2021:** On motion by La Mica-seconded by Silva, the Commission voted 4-0 to approve the minutes of the December 8, 2021 meeting.

Commissioner Huynh arrived after vote on the minutes.

6. BUSINESS ITEMS

A. ELECTION OF OFFICERS 2022 CALENDAR YEAR:NOMINATE AND VOTE FOR CHAIR AND VICE-CHAIR

The Commission nominated Commissioner Silva for Chair and Keith Dodson for Vice-Chair. No other nominations were received. The Commission voted 5-0 to certify Commissioner Silva as Chair and Commissioner Dodson as Vice-Chair for the 2022 calendar year.

B. SEASIDE MUNICIPAL CODE AMENDMENT: THE CITY OF SEASIDE IS REQUESTING A RECOMMENDATION FROM THE PLANNING COMMISSION ON PROPOSED TEXT AMENDMENTS REPEALING AND AMENDING CHAPTER 17.52, SECTION 17.52.230 (RESIDENTIAL SECOND UNITS) OF THE SEASIDE MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS. THIS PROJECT IS CATEGORICALLY EXEMPT SECTION 15061(B)(3) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

David Little provided the staff report.

The following discussion ensued amongst the Commission in review of the staff report and staff presentation:

Chair Silva expressed that a percentage limit on the maximum square footage of an ADU in relation to the main house would possibly result in the size of the ADU being so small that the City is effectively limiting the construction of ADU's. Chair Silva referred to Section 4 of the proposed Ordinance. Chair Silva presented example of a typical single family dwelling ranging between 800-1,000 square feet as an example. He stated using a percentage ratio versus the maximum square footage limits of 1,200 sq. ft. and 1,000 sq. ft. as presubscribed by State law can too constraining. He stated further that limiting an ADU to 16 feet in height versus the current 24 foot height limit would indirectly reduce the floor area of an ADU. Chair Silva offered the following recommendations for the City Council consideration:

- Set the maximum square footage for an ADU at 60%-65% of main dwelling or 1,000sq. ft./800 sq. ft.; and

- When considering using a maximum square footage and a percentage to the main dwelling, include statement to allow whichever ratio is greater to prevail. State law currently uses this statement and provides the greatest flexibility design and overall cost effectiveness of the project.

Public Comment opened:

Timothy Randazzo concerned with the sustainability of ADU's and how the City could reduce the carbon footprint of this type of construction to reduce environmental impact.

No additional speakers were present.
Public comment was closed.

Chair Silva addressed the public comment in that ADU's are a type of infill development that would avoid sprawl and increase density.

Senior Planner Beth Rocha conformed the comment from Chair Silva and stated that ADU's also encourage the efficiency and repurposing of existing space for needed housing alternatives, particularly in light of the moratorium on water meters for other forms of traditional new housing stock. Discussed the possibility of a smaller primary unit not allowing for the establishment of a decently sized ADU, limiting the possibility of reclassifying a larger ADU from being established and classified as the primary unit and the existing structure as the ADU due to it's limited square footage.

In making a Motion on this Item, Chair Silva advised the Commission that they should consider making recommended text change on the size of ADUs based on the Commission's discussion of this issue. Commissioner Dodson noted that the proposed Ordinance language indicating whichever is less between the square footage limitation and percentage is confusing and would support revising the text to state whichever is greater.

On **Motion by Commissioner Evans and Seconded by La Mica**, the Commission voted 5-0 to recommend that the City Council adopt the ADU Ordinance Amendment with the following change:

PC Recommends the city council Adopt Ordinance with the last clause in Section 4a that specifies, "whichever is less" be stricken and that the City Council evaluate the 40% in section 4a and 50% in section 4b to make sure those numbers are not problematic or

exclusive: what percentage and/or maximum square footage limitations are appropriate for neighborhood compatibility.

- C. ARCHITECTURAL REVIEW APPLICATION NO. BAR-21-10 and USE PERMIT-21-05. JONATHAN LEE, PROPERTY OWNER, AND VILLAZZO GROUP LLC., APPLICANT, ARE REQUESTING ARCHITECTURAL REVIEW AND USE PERMIT APPROVAL FOR A 2,163 SQUARE FOOT ADDITION, INCLUDING A PROPOSED 150 SQUARE FOOT EXTERIOR STAIRCASE TO ACCESS THE PROPOSED SECOND STORY. THE EXISTING 976 SQUARE FOOT SINGLE STORY DUPLEX WOULD BE MODIFIED, RESULTING IN A NEW TWO-STORY DUPLEX WITH 1,500 SQUARE FEET FOR EACH UNIT FOR A TOTAL OF 3,150 SQUARE FEET. THE PROJECT IS LOCATED AT 987 HARCOURT AVENUE IN THE RM (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT (APN 012-361-024). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(E)(2) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Senior Planner Beth Rocha presented the item.

The commissioners asked a series of questions about the project, from design elements to parking and open space requirements. Staff explained the nonconforming status of the existing duplex structure "locking" in the project site to it's current condition, due to the density not being increased although the square footage was being increased, that would otherwise be required for a new duplex development proposed today.

Senior Planner Rocha provided the design alternative preferred by the applicant to the commission.

The commission had concerns with the design alternative. Additionally, there was a discussion around the parking/garage conditions of approval that staff drafted for the resolution. Once an understanding of the conditions was discussed most concerns were alleviated regarding the phasing of the permits and garage-to-ADU conversion that was the basis for the conditions.

Applicant comment: Jonathan Lee addressed the commission, specified his reasons for preferring the design alternative, and provided some information regarding his long term plans with the property.

Public Comment: None

On **Motion by Commissioner Evans and Seconded by Dodson**, the Commission voted 5-0 to approve BAR-21-10 and UP-21-05 for approval of the plans, as originally proposed, and a condition be added to prohibit parking within the front setback. Unanimous approval.

7. REPORTS FROM COMMISSIONERS

None.

8. REPORTS FROM STAFF

None.

9. ADJOURNMENT

There being no further business, the Chair adjourned the meeting at **8:57PM**