NOTICE OF MEETING

CITY OF PACIFIC GROVE

PLANNING COMMISSION

REGULAR MEETING AGENDA

Thursday, February 13, 2020, 6:00 P.M.

Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

AGENDA

CALL TO ORDER

1. APPROVAL OF AGENDA

2. COMMISSION AND STAFF ANNOUNCEMENTS (City-Related Items Only)

3. COUNCIL LIAISON ANNOUNCEMENTS

4. GENERAL PUBLIC COMMENT

General Public Comment must deal with matters subject to the jurisdiction of the City and the Planning Commission that are not on the Regular Agenda. This is the appropriate place to comment as to items on the Consent Agenda, only if you do not wish to have the item pulled for individual consideration by the Planning Commission. Comments from the public will be limited to three minutes and will not receive Planning Commission action. Comments regarding items on the Regular Agenda shall be heard prior to Planning Commission's consideration of such items at the time such items are called. Whenever possible, written correspondence should be submitted to the Planning Commission in advance of the meeting, to provide adequate time for its consideration.

CONSENT AGENDA

The Consent Agenda deals with routine and non-controversial matters, and may include action on resolutions, ordinances, or other public hearings for which testimony is not anticipated. The vote on the Consent Agenda shall apply to each item that has not been removed. Any member of the Planning Commission, staff, or the public may remove an item from the Consent Agenda for individual consideration. When items are pulled for discussion, they will be automatically placed at the end of their respective section within the Regular Agenda. One motion shall be made to adopt all non-removed items on the Consent Agenda. Items pulled from this section will be placed under 6. Regular Agenda

5. A. Approval of Minutes of the January 9, 2020, PC Regular Meeting

Recommendation: Approve minutes.
Reference: Alex Othon, Assistant Planner
CEQA Status: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378

B. Use Permit for 1305 Funston Ave. (UP 19-0546) - *Continued from 1-9-20 Meeting*

Recommendation: Discuss and approve the Use Permit subject to findings, conditions of approval and a Class 3, Section 15303(e) CEQA exemption
Reference: Alex Othon, Assistant Planner
CEQA Status: Class 3, Section 15303(e) CEQA exemption for Accessory Structures

REGULAR AGENDA

6. PUBLIC HEARINGS

For public hearings involving a quasi-judicial determination by the Planning Commission, the proponent of an item may be given 10 minutes to speak and others in support of the proponent's position may be given three minutes each. A designated spokesperson for opposition to the item may be given 10 minutes to speak and all others in opposition may be given three minutes each. Very brief rebuttal and surrebuttal may be allowed in the sole discretion of the Planning Commission. In public hearings not involving a quasi-judicial determination by the Planning Commission, all persons may be given three minutes to speak on the matter. Public hearings on non-controversial matters or for which testimony is not anticipated may be placed on the Consent Agenda, but shall be removed if any person requests a staff presentation or wishes to be heard on the matter.

A. Election of Officers

Recommendation: Hold an election for Chair, Vice Chair, and Secretary
Reference: Alyson Hunter, Senior Planner
CEQA Status: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378

B. Proposed Zoning Code Amendment to 23.80 - Accessory Dwelling Units *Continued from 1-9-20 Meeting*

Recommendation: Review proposed amendments and provide a recommendation to City Council
Reference: Alyson Hunter, Senior Planner
CEQA Status: Statutorily exempt per Section 15282(h) of the CEQA Guidelines

C. Draft 2020 Planning Commission Work Plan and Training Calendar

Recommendation: Review the draft work plan / training calendar, modify as needed
Reference: Alyson Hunter, Senior Planner
CEQA Status: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378.

D. Discussion of Capital Improvement Program (CIP) Items

Recommendation: Consider ideas for CIP projects that the Planning Commission, as a group, would like to see.
Reference: Don Murphy, Planning Commission Chair
CEQA Status: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378.

7. REPORTS, DISCUSSION ITEM(S), AND PRESENTATIONS

A. Coastal Development Permit (CDP) Tutorial

Recommendation: Receive training on CDP procedures, process
Reference: Alyson Hunter, Senior Planner
CEQA Status: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378.

ADJOURNMENT - Next Meeting – March 12, 2020

NOTICE OF ADA COMPLIANCE: Pursuant to Title II of the Americans with Disabilities Act (Codified At 42 United States Code Section 12101 and 28 Code of Federal Regulations Part 35), and Section 504 of the Rehabilitation Act of 1973, the City of Pacific Grove does not discriminate on the basis of race, color, religion, national origin, ancestry, sex, disability, age or sexual orientation in the provision of any services, programs, or activities. The City of Pacific Grove does not discriminate against persons with disabilities. City Hall is an accessible facility. A limited number of assisted listening devices will be available at this meeting. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format.

Item No. 5A

1-9-20 Draft Planning Commission Minutes

DRAFT MINUTES

CITY OF PACIFIC GROVE

PLANNING COMMISSION

REGULAR MEETING

6:00 p.m., Thursday, January 9th, 2020
Council Chambers – City Hall – 300 Forest Avenue, Pacific Grove, CA

CALL TO ORDER

- Commissioners Present (7): Robin Aeschliman, Bill Bluhm, Jeanne Byrne, Mark Chakwin (Secretary), William Fredrickson, Steven Lilley (Vice-Chair), Donald Murphy (Chair**)**

1. APPROVAL OF AGENDA

On a motion by Commissioner Byrne, seconded by Commissioner Aeschliman, the Commission voted 7-0 to approve the Agenda. Motion Passed.

2. COMMISSION AND STAFF ANNOUNCEMENTS (City-Related Items Only)

(Please refer to the Video Recording for details)

- Chair Murphy noted that on Saturday January 12th the City seeks volunteers to do habitat restoration work in George Washington Park.

- Commissioner Byrne noted that she and Commissioner Bluhm met unofficially with the City Manager and Senior Planner Hunter on a the issue of small lots and low-cost housing initiatives.

- CDD Director Aziz noted that the Local Coastal Program (LCP) is on the City Council's next (January 15th) meeting and that the Monterey County Multi-Jurisdictional Hazard Management Plan update cycle starts this year. County Emergency Services Staff will do a presentation to City Council on February 5th.

3. COUNCIL LIAISON ANNOUNCEMENTS

- City Council Mayor Pro-Tem, Dr. Robert Huitt, provided an update on City Council activities and noted other highlights and issues that the Council is considering.

4. GENERAL PUBLIC COMMENT

- The Chair opened the meeting to public comment
  NONE
- The Chair closed the meeting to public comment

(Please refer to the Video Recording for details)

- The Chair inquired on any written public comment.
  Director Aziz noted one written public comment provided by Tony Ciani about training Planning Commissioners to perform duties in accordance with the newly approved Local Coastal Program.

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CONSENT AGENDA

5. A. **Approval of Minutes of the December 5, 2019, PC Regular Meeting**
Recommended Action: Approve minutes
Reference: Alex Othon, Assistant Planner
CEQA Status: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378.

On a motion by Commissioner Bluhm, seconded by Commissioner Aeschliman, the Commission voted 7-0 to approve the Consent Agenda. Motion Passed.

REGULAR AGENDA

6. PUBLIC HEARINGS

A. **Use Permit for 1305 Funston Ave. (UP 19-0546)**
Recommendation: Discuss and approve the Use Permit subject to findings, conditions of approval and a Class 3, Section 15303(e) CEQA exemption
Reference: Alex Othon, Assistant Planner
CEQA Status: Exempt per CEQA Guidelines per Section 15303(e) – Conversion of Small Structures.

(Please refer to the Video Recording for details)

- Commissioner Chakwin made a disclosure statement and noted that he owns a property on Funston avenue, but it is almost 2000 feet away from the subject property. He stated that he has no interests that could benefit by this hearing and that he will not recuse himself.

- Assistant Planner Othon noted that noticing was not complete for this item and requested that the Commission continue the item until the next meeting.

On a motion by Commissioner Byrne, seconded by Commissioner Chakwin, the Commission voted (7-0) to continue this item until the next meeting (February 13th 2020). Motion Passed.

B. **Amendments to 23.80 - Accessory Dwelling Units**
Recommendation: Discuss and provide a recommendation to City Council
Reference: Alyson Hunter, Senior Planner
CEQA Status: Statutorily exempt per Section 15282(h) of the CEQA Guidelines

- Director Aziz provided a Staff Report

(Please refer to the Video Recording for details)

- The Chair opened the meeting to public comment
NONE
- The Chair closed the meeting to public comment

(Please refer to the Video Recording for details)

- The Planning Commission reviewed the draft and discussed the issue.

On a substitute motion by Commissioner Byrne, seconded by Commissioner Fredrickson, the Commission voted 4-3 (Chair Murphy, Commissioners Bluhm and Chakwin dissenting) to approve the revised ordinance with Planning Commission

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recommended changes, and including staff report recommendations, but then return the updated ordinance to the Planning Commission for review. Motion Passed

- The Chair called a 10-minute recess at 7:33 p.m.
- The Chair called the meeting back to order at 7:41 p.m.

C. <u>Preliminary Discussion on Zoning Code Amendment to Reduce Multi-Family Development Permit Requirements</u>
<u>Recommendation</u>: Receive as information, discuss, and provide staff guidance.
<u>Reference</u>: Alex Othon, Assistant Planner
<u>CEQA Status</u>: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378.

- Assistant Planner Othon provided a Staff Report. He and Director Aziz also answered questions.

(Please refer to the Video Recording for details)

- The Chair opened the meeting to public comment
NONE
- The Chair closed the meeting to public comment

(Please refer to the Video Recording for details)

- The Planning Commission discussed the issue and raised several concerns about the proposed Zoning Code amendment as introduced.

On a motion by Commissioner Byrne, seconded by Commissioner Chakwin, the Commission voted 7-0 to recommend not eliminating use permits or reduce the development permit requirements for 8 units or above. Motion Passed

D. Formation of a Planning Commission Advisory Group to Discuss and Provide Recommendation on Reducing Minimum Lot Sizes as a Way to Increase Housing Opportunities
<u>Recommendation</u>: Assign a 3-member Advisory Group, specify the goal(s) of the group, and designate the timeframe to report back to the Commission with recommendations.
<u>Reference</u>: Alyson Hunter, Senior Planner
<u>CEQA Status</u>: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378

(Please refer to the Video Recording for details)

- The Chair summarized the task as a) to decide if the Commission wants this advisory group (subcommittee), b) what the Commission wants the group to do, and c) to set a firm timeline for committee work.

(Please refer to the Video Recording for details)

- The Planning Commission discussed the issue and considered a four-month horizon for the subcommittee's activities.

On a motion by Commissioner Chakwin, seconded by Commissioner Byrne, the Commission voted 7-0 to establish a subcommittee composed of Commissioners Byrne, Bluhm, and Fredrickson to discuss and provide recommendations on reducing minimum lot size to promote housing opportunities, and that the subcommittee should provide recommendations to the Planning Commission to support their goals within four months. Motion Passed

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DISCUSSION ITEMS

7A. Planning Commission's Annual Report for 2019

- Chair Murphy submitted a report that he prepared about the Planning Commission's activities during 2019.

(Please refer to the Video Recording for details)

- The Commission briefly discussed the item.

ADJOURNMENT

- The Chair adjourned the meeting at 8:25 p.m.

- The next meeting is scheduled for February 13th, 2020

APPROVED BY THE PLANNING COMMISSION

_____ _____

Mark Brice Chakwin, Secretary Date

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Item No. 5B

Use Permit No. 19-0546
for 1305 Funston Ave

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Chair Murphy and Members of the Planning Commission
FROM:	Alex Othon, Assistant Planner
MEETING DATE:	February 13, 2020 – Continued from January 9, 2020 meeting.
PERMIT APPLICATION NO.:	Use Permit (UP) Application No. 19-0546
LOCATION:	1305 Funston Ave. Pacific Grove, CA 93950 (APN 007-567-016)
SUBJECT:	Legalize an existing second accessory structure over 70 sq. ft. with existing plumbing facilities
APPLICANT:	Xia Cui (Owner)
ZONING/LAND USE:	Residential Single-Family (R-1) / Residential Medium Density (9.7 du/ac)
CEQA:	Categorical Exemption, Section 15303(e), Class 3, Conversion of Small Structures

RECOMMENDATION

Approve the project subject to the recommended findings, conditions of approval, and a Class 3, Section 15303 (e) CEQA exemption for the Conversion of Small Structures.

PROJECT DESCRIPTION

The proposed project consists of the legalization of an existing 196 sq. ft. accessory structure with plumbing. A Use Permit is required to allow a second accessory structure over 70 sq. ft., and to allow plumbing fixtures in a detached accessory structure per PGMC 23.64.180. This item was continued from the January 9, 2020 meeting due to a noticing error. The project remains unchanged.

BACKGROUND

Site Description

The property is approximately 4,692 sq. ft. in size and is currently developed with a single-story single-family residence, a 420 sq. ft. ADU, and two accessory structures consisting of a 120 sq. ft. shed and a 196 sq. ft. garage.

Surrounding Land Uses
The property is located in a neighborhood that consists of similarly sized lots, with single-family residences. The neighborhood consists of fairly narrow streets with no sidewalks. The construction of in-fill sidewalk is not required for this project.

DISCUSSION

Applicable General Plan Policies
The Pacific Grove General Plan provides a framework for future growth and development within the City. The Land Use Element includes goals and polices that call for the orderly, well-planned, and balanced development, consistent with the historic nature of Pacific Grove, the capacity of the City's infrastructure, and ability to assimilate new growth. This residential project helps the City achieve several of its housing goals as stated in the General Plan and is in compliance with the Residential Medium Density land use designation.

Applicable Zoning Code Regulations
General Plan policies are implemented through the R-1 zoning district which allows single-family residential development and accessory structures and uses in areas with adequate public services.

The proposed project is in full compliance with the zoning regulations set forth in PGMC 23.16. This includes and is not limited to the height limit, setback requirements, gross floor area and allowable building coverage. The project will bring the property into compliance with the parking standards for single-family residential development in PGMC Section 23.16.070 which requires one covered and one uncovered parking spaces. By reverting the accessory structure back into a garage, the residence will provide a one-car garage and space for one additional vehicle in the driveway.

The subject site has a maximum allowed site coverage of 2,815 sq. ft. Currently the total site coverage is 3,100 sq. ft., however, per PGMC 23.08.020, 400 sq. ft. of a driveway may be exempt from the site coverage measurement. This brings the property's site coverage to a total of 2,700 sq. ft., which conforms to the requirements of the code.

Architecture and Design Consideration
With the exception of the proposed one-car garage door, no other exterior alterations are proposed.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed project is found to be exempt under the CEQA Guidelines Categorical Exemption, Section 15303(e), Class 3, Conversion of Small Structures.

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

This Class of exemption is subject to exceptions from the exemption under 15300.2 of the CEQA Guidelines pertaining to location, cumulative impacts, significant effects, scenic highways, hazardous waste sites, and historical resources. Staff finds that none of these exceptions applies and that the proposed project qualifies for the Class 3 exemption.

ATTACHMENTS

1. Application
2. Draft Permit
3. Notice of Exemption
4. Plans

RESPECTFULLY SUBMITTED:

Alex Othon
Assistant Planner

CITY OF PACIFIC GROVE

Community Development Department – Planning Division
300 Forest Avenue, Pacific Grove, CA 93950
Tel: 831.648.3190 • Fax: 831.648.3184 • www.cityofpacificgrove.org/cedd

Permit Application

Application # AUP 19-0546
Date: 8/29/19
Total Fees: $1630.70

APPLICANT/OWNER:

Project Address: 1305 Funston Ave, Pacific Grove **APN:** 007567016000

Project Description: Obtaining permits for two existing accessory structures, legalizing (1) a storage shed (2) a garage.

Will the project create, add, or replace impervious surface? ☐ Yes ☑ No

Will the project impact any tree(s) on site? ☐ Yes ☑ No

Applicant		Owner	
Name:	Xia Cui	Name:	Xia Cui
Phone:	(831) 224-3628	Phone:	Same as applicant
Email:	cuiwendy8@gmail.com	Email:	"
Mailing Address:	1319 Lawton Ave Pacific Grove, CA 93950	Mailing Address:	"

PLANNING STAFF USE ONLY:

Permit Request:

☐ CRD: Counter Determination	☐ SP: Sign Permit	☐ IHS: Initial Historic Screening	☐ VAR: Variance
☐ AP: Architectural Permit	☐ UP: Use Permit	☐ HPP: Historic Preservation	☐ MMP: Mitigation Monitoring
☐ AAP: Administrative AP	☑ AUP: Administrative UP	☐ A: Appeal	☐ Stormwater Permit
☐ ADC: Arch Design Change	☐ ADU: Acc. Dwelling Unit	☐ TPD: Tree Permit W/ Dev't	☐ Other:
☐ ASP: Admin Sign Permit	☐ LLA: Lot Line Adjustment	☐ EIR: Environmental Impact	☐ Other:

CEQA Determination:
☑ Exempt
☐ Initial Study & Mitigated Negative Declaration
☐ Environmental Impact Report

Review Authority:
☑ Staff ☐ HRC
☐ ZA ☐ PC
☐ SPRC ☐ CC
☐ ARB ☐ _____

Active Permits:
☐ Active Planning Permit
☐ Active Building Permit
☐ Active Code Violation
Permit #: _____

Overlay Zones:
☐ Butterfly Zone
☐ Coastal Zone
☐ Area of Special Biological Significance (ASBS)
☐ Environmentally Sensitive Habitat Area (ESHA)

Property Information
Lot: 3 Block: 20 Tract: Del Monte Park
ZC: R-1 GP: Med. Density Residential Lot Size: 4,692 sf
☐ Historic Resources Inventory ☐ Archaeologically Sensitive Area

Staff Use Only:
Received by: AO
Assigned to:

RECEIVED
AUG 29 2019
CITY OF PACIFIC GROVE
COMMUNITY DEV DEPT

$ PAID
1630.70
8-29-19

Application # AUP 19-0596

INDEMNIFICATION CONDITION

In consideration for City review and approval of application in this matter, the Owner/Applicant shall indemnify, defend, protect and hold harmless the City, its elected and appointed officials, officers, agents, and employees (collectively "Indemnitees"), using counsel approved in writing by the City, from and against, any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements which may accrue against Indemnitees by reason of the City's processing, approval or denial of the request and application in this matter. Indemnification shall include, but shall not be limited to any action, or proceeding brought to attack, set aside, void, annul, limit, or inhibit the approval of the application referenced above, and shall expressly include causes of action under the California Environmental Quality Act (CEQA), or the National Environmental Policy Act (NEPA).

The obligation to indemnify shall include, but not be limited to, all costs relating to preparing administrative records, investigations, responses to discovery, retention of experts, and other costs, including attorney's fees or obligations related to this matter, including actions brought by the Owner/Applicant and also extend to any expense incurred in establishing the City's right to indemnification. City expenses shall be paid by Owner/Applicant upon City request notwithstanding final disposition of the matter has not yet occurred. If the City is later determined to not be entitled to indemnification, the City shall repay amounts so advanced.

This indemnification condition is the Owner/Applicant's inducement to the City to process and approve the application, which approval would otherwise be withheld by City due to its concern for liability or expense that may result from performance of the City's duties. Should any dispute arise regarding interpretation of this condition, the prevailing party shall recover all reasonable costs incurred, including court costs, attorney fees and related expenses. Recovery of expenses shall be as additional costs awarded to the prevailing party, and shall not require initiation of a separate legal proceeding.

This indemnification condition shall not require the Owner/Applicant to indemnify the City or other Indemnities: (a) to the extent that an obligation is actually paid by an insurer pursuant to an insurance policy; (b) in connection with any remuneration paid to the City, if it shall be finally adjudged that such remuneration was in violation of law; or (c) on account of the City's misconduct if such misconduct shall be finally adjudged to have been knowingly fraudulent, deliberately dishonest or willful.

Any permit or other approval given by the City to the Owner/Applicant Guarantor shall be valid only so long as this indemnification condition is given full force and effect. If this indemnification condition is revoked, the permit or other approval of the City shall then become null and void.

Owner/Applicant represents it (and any subsidiary) is (a) duly formed and organized, (b) validly existing and in good standing under state law, and (c) has all necessary power to execute and deliver this document and perform its obligations. Owner/Applicant also represents it is authorized to enter into this agreement by all requisite partnership, corporate or other action, and its terms are a valid and legally binding obligation. Neither execution nor delivery of this document nor performance of its obligations will violate any law or provision of any agreement, articles of incorporation, by-laws or other organizational or governing documents relating to Owner/Applicant, nor conflict with any court order relating to Owner/Applicant.

Applicant Signature: _____ **Date:** 8/29/2019

Owner Signature (Required): _____ **Date:** 8/29/2019

CITY OF PACIFIC GROVE
Community Development Department – Planning Division
300 Forest Avenue, Pacific Grove, CA 93950
Tel: 831.648.3190 • Fax: 831.648.3184 • www.cityofpacificgrove.org/cdd

Application # AUP 19-0546

Planning Permit Fee Calculation

Permit	Select	Fee
Architectural Permit – Single Family	☐	$3,052
Administrative Architectural Permit	☐	$1,469
Architectural Design Change	☐	$1,469
Counter Review & Determination – no new square footage	☐	$212
Counter Review & Determination – new square footage	☐	$856
Initial Historic Screening	☐	$452
Sign Permit	☐	$2,241
Administrative Sign Permit	☐	$1,241
Use Permit and Amendments – Single Family	☐	$1,832
Major Administrative Use Permit	☒	$1,184
Minor Administrative Use Permit	☐	$1,199
Variance and Amendment	☐	$2,548
Administrative Variance and Amendment	☐	$1,425
Inquiry Fee	☐	$334
Historic Preservation Permit	☐	$1,735
Accessory Dwelling Unit Permit	☐	$1,783
Tree Permit with Development	☐	$272
Appeal	☐	25% of base permit fee or $1,045 whichever is greater plus noticing costs
Other	☐	

Additional Fees

General Plan Update Fee	**5% of Permit Fee**	☒	$59.2
CEQA Exemption Fee	**$278**	☒	$278
Butterfly Buffer Zone	5% of Permit Fee	☐	
Coastal Zone	25% of Permit Fee	☐	
Area of Special Biological Significance	5% of Permit Fee	☐	
Environmentally Sensitive Habitat Area	15% of Permit Fee	☐	
Noticing – Mailings	$0.55 * (# of Mailings)	☒	$5.50
Noticing – Herald Ad	$349	☐	
Stormwater Fee	Varies	☐	
County filing fee	Varies	☒	$50
File maintenance fee	Varies	☒	$54
Other	Varies	☐	

Total Fees: $1,630.70

CITY OF PACIFIC GROVE
Community Development Department – Planning Division
300 Forest Avenue, Pacific Grove, CA 93950
T: 831.648.3183 • F: 831.648.3184 •

USE PERMIT (UP) NO. 19-0546 FOR A PROPERTY LOCATED AT 1305 FUNSTON AVENUE TO ALLOW A SECOND DETACHED ACCESSORY STRUCTURE WITH PLUMBING.

FACTS

1. The subject site is located at 1305 Funston Avenue, Pacific Grove, CA 93950 (APN 007-567-016)
2. The subject site has a designation of Medium Density Residential (9.7 du/ac) on the adopted City of Pacific Grove General Plan Land Use Map.
3. The project site is located in the R-1 zoning district.
4. The subject site is 4,692 square feet.
5. The subject site is developed with a one-story single-family home, an accessory dwelling unit, a 120 sq. ft. tuff shed, and a 196 sq. ft. accessory structure.
6. This project has been determined to be CEQA Exempt under CEQA Guidelines Section 15303 (e) – Conversion of Small Structures.

FINDINGS

1. The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of these regulations;
2. The proposed use is consistent with the general plan, the local coastal program, and any applicable specific plan;
3. The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;
4. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city; and
5. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

PERMIT

Use Permit (UP) 19-0546 to allow a second detached accessory structure with plumbing in compliance with PGMC 23.64.180.

Per Pacific Grove Municipal Code 23.70.080(a) with the following conditions:

CONDITIONS OF APPROVAL

1. **Permit Expiration.** This permit shall expire and be null and void if a building permit has not been applied for within 180 days from and after the date of approval. Application for extension of this approval must be made prior to the expiration date.
2. **Construction Compliance.** All construction must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff, and may require Planning Commission approval.
3. **Terms and Conditions**. These terms and conditions shall run with the land, and it is the intention of the CDD Director and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions, unless amended. Amendments to this permit may be achieved only if an application is made and approved, pursuant to the Zoning Code.

4. **Public Works, Fire and Building.** Review and approval by the Public Works, Fire and Building Departments are required prior to issuance of a building permit. Work taking place in the public right-of-way shall require an encroachment permit prior to issuance of the building permit.
5. **Conformance to Plans.** Development of the site shall conform to approved plans for "1305 Funston" submitted August 29, 2019, on file with the Community and Economic Development Department and to the Building Code, with the exception of any subsequently approved changes.
6. **Building Plans:** All conditions of approval for the Planning permit(s) shall be printed on a full size sheet and included with the construction plan set submitted to the Building Department.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE:

1. The Commission determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Permit.

2. The Commission authorizes Approval of Use Permit (UP) 19-0546 as conditioned and pursuant to a Class 3, Section 15303, CEQA categorical exemption for Conversion of Small Structures.

3. This permit shall become effective upon the expiration of the 10-day appeal period.

4. This permit shall not take effect until the owner acknowledges and agrees to all terms and conditions and agrees to conform to and comply with those terms and conditions.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE this 9th day of January 2020, by the following votes:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____
Donald Murphy, Chair

The undersigned hereby acknowledge and agree to the approved terms and conditions, and agree to fully conform to, and comply with, said terms and conditions.

_____ _____
Xia Cui, Owner Date

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Monterey

From: (Public Agency): City of Pacific Grove
300 Forest Ave
Pacific Grove, CA 93950
(Address)

Project Title: Cui Accessory Building Conversion

Project Applicant: Xia Cui, Owner

Project Location - Specific:
1305 Funston Ave, Pacific Grove, CA 93950 (APN 007-567-016)

Project Location - City: Pacific Grove Project Location - County: Monterey

Description of Nature, Purpose and Beneficiaries of Project:

Convert an existing accessory structure to a garage with plumbing fixtures.

Name of Public Agency Approving Project: City of Pacific Grove

Name of Person or Agency Carrying Out Project: Xia Cui, Owner

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: 15303(e) - Converstion of Small Structures
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The Class 3 exemption allows for the conversion of small accessory structures.

Lead Agency Contact Person: Alex Othon Area Code/Telephone/Extension: 831-648-3183

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: 12/24/2019 Title: Assistant Planner

☐ Signed by Lead Agency ☐ Signed by Applicant

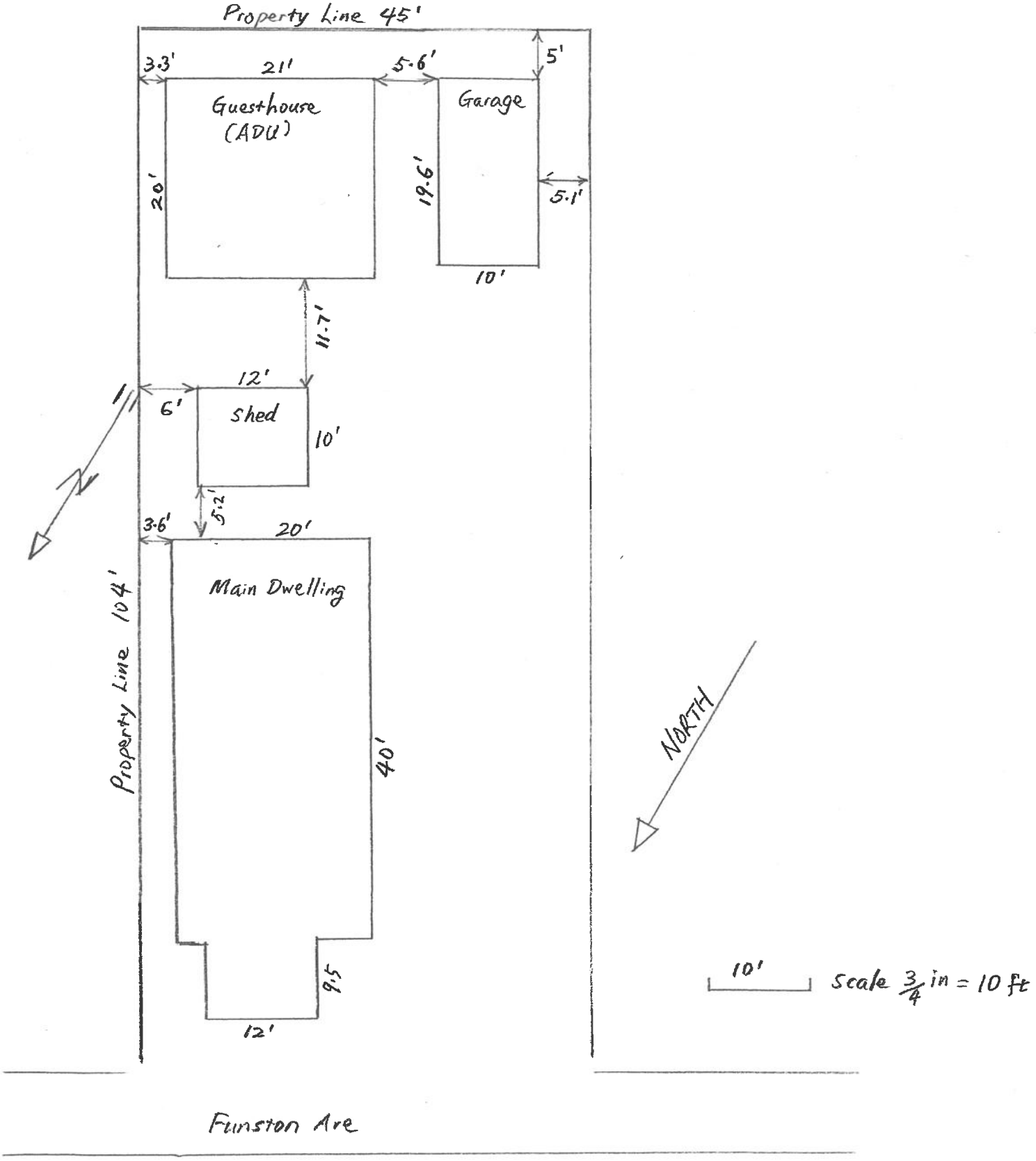
Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Revised 2011

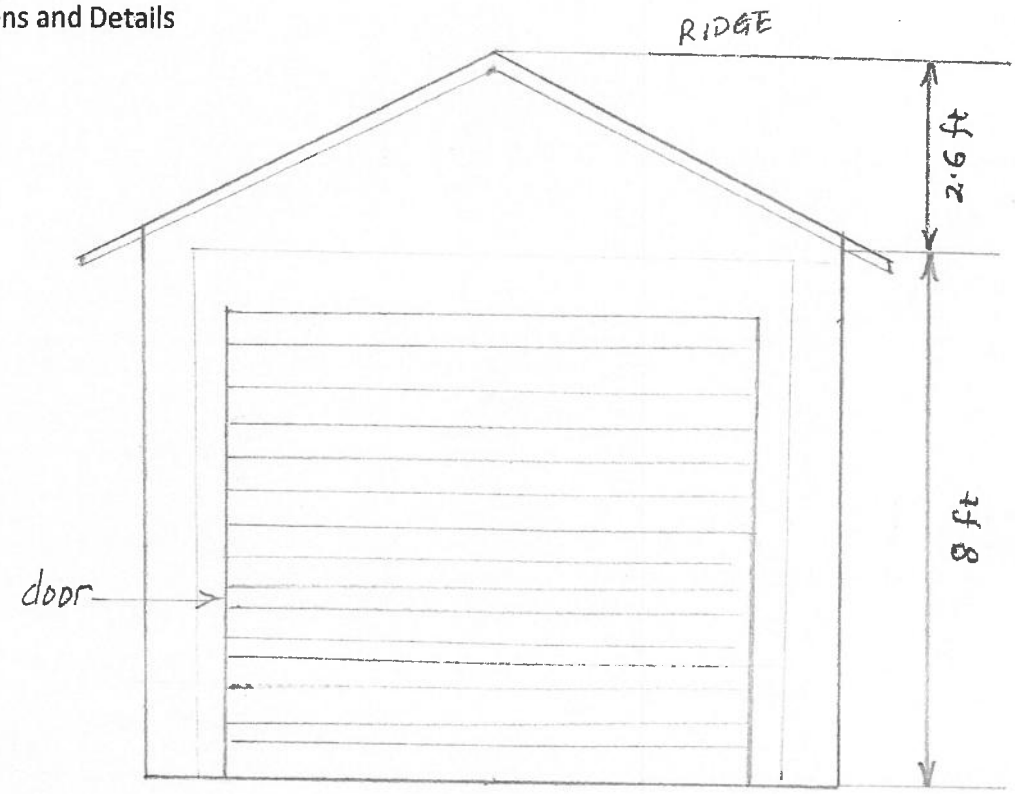
Site Plan

Property Address: 1305 Funston Ave, Pacific Grove, CA 93950
Legal Description: Del Monte Park Lot 3 Block 20. APN: 007567016000



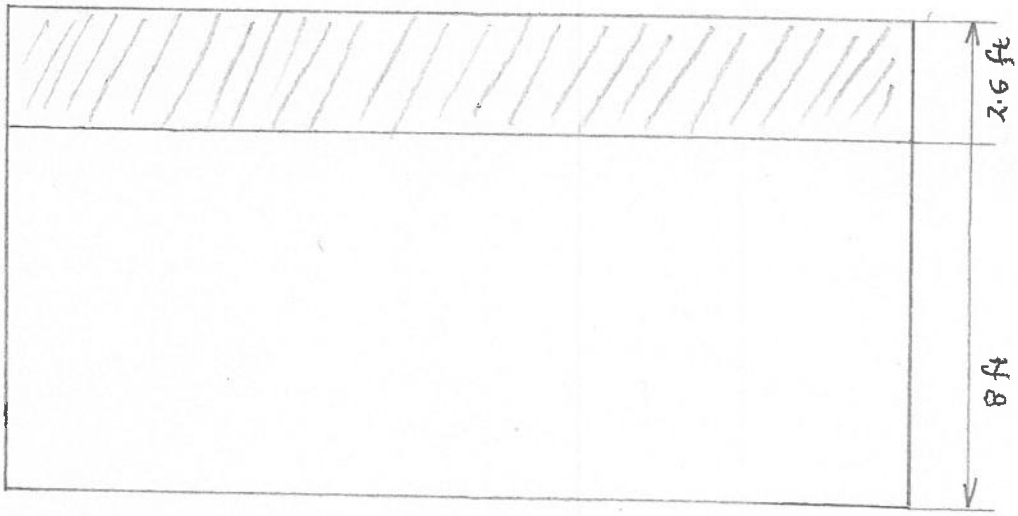
Elevations and Details

Garage:



North Elevation
Scale: 3/8" = 1'0"

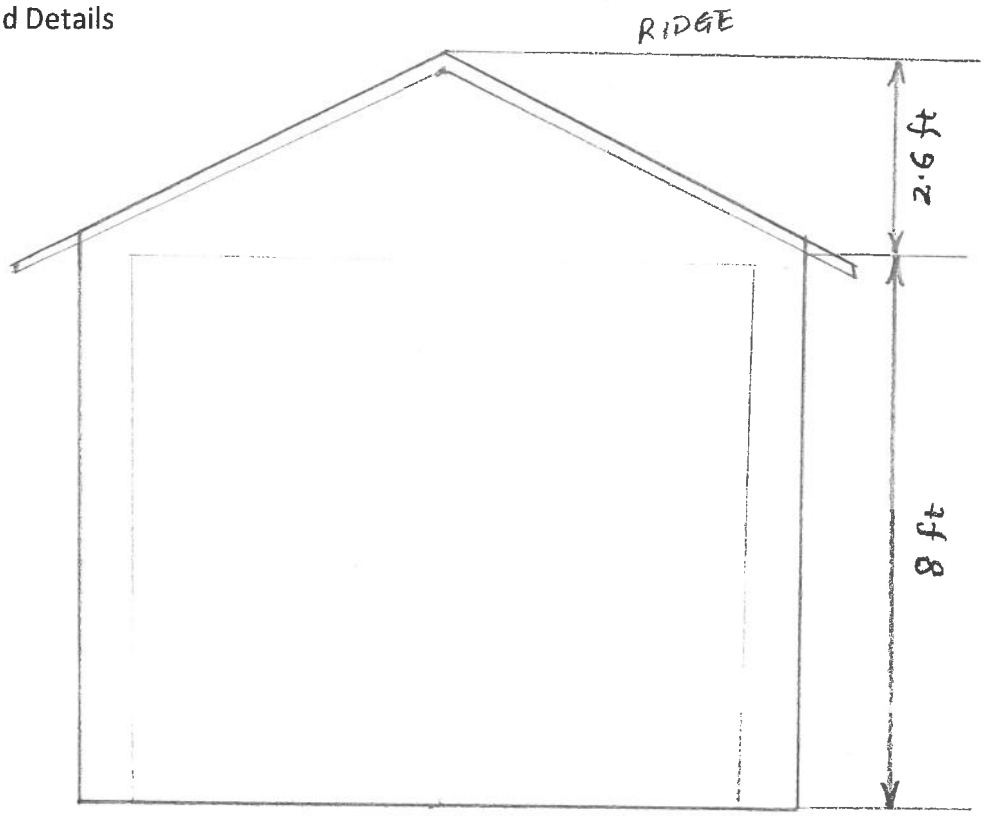
(South Elevation is same as North)



East & West Elevation
Scale: 1/4" = 1'0"

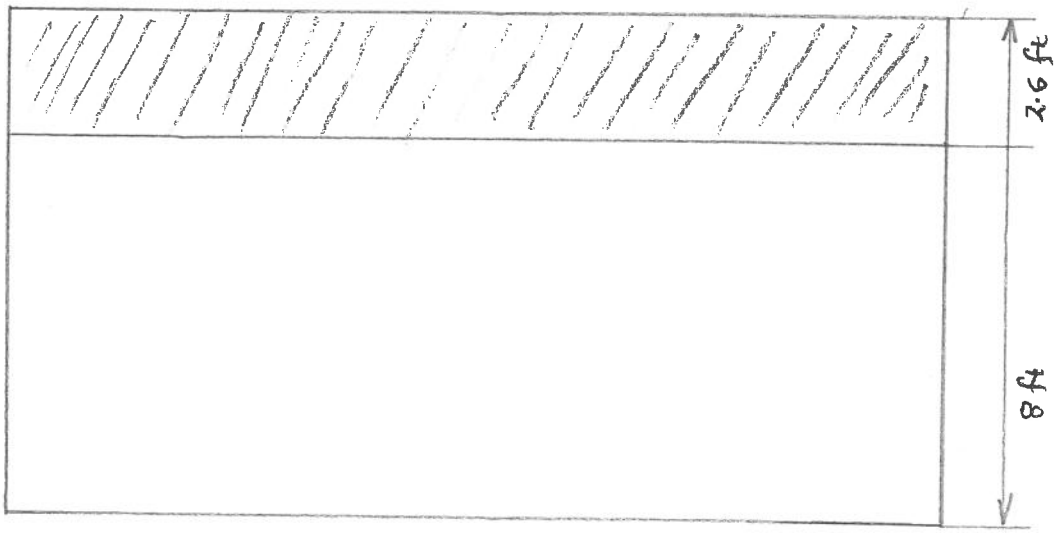
Elevations and Details

Garage:



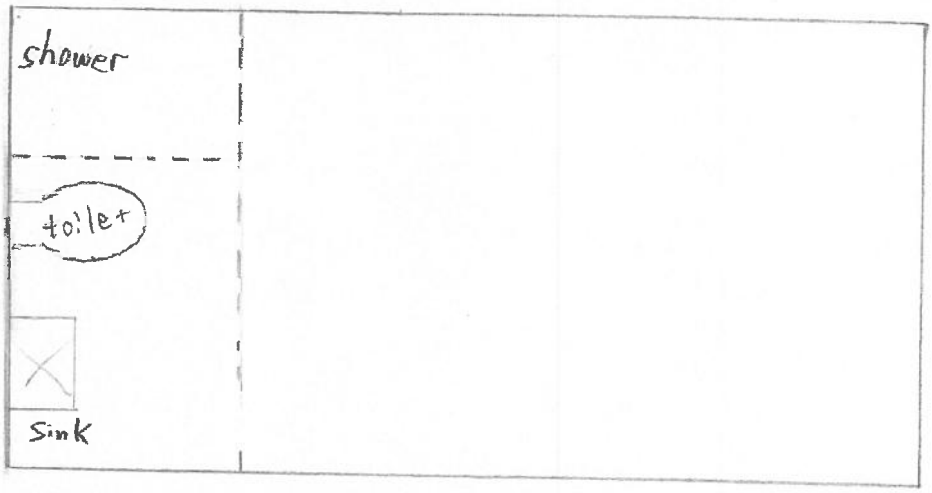
North Elevation
Scale: 3/8" = 1'0"

(South Elevation is same as North)

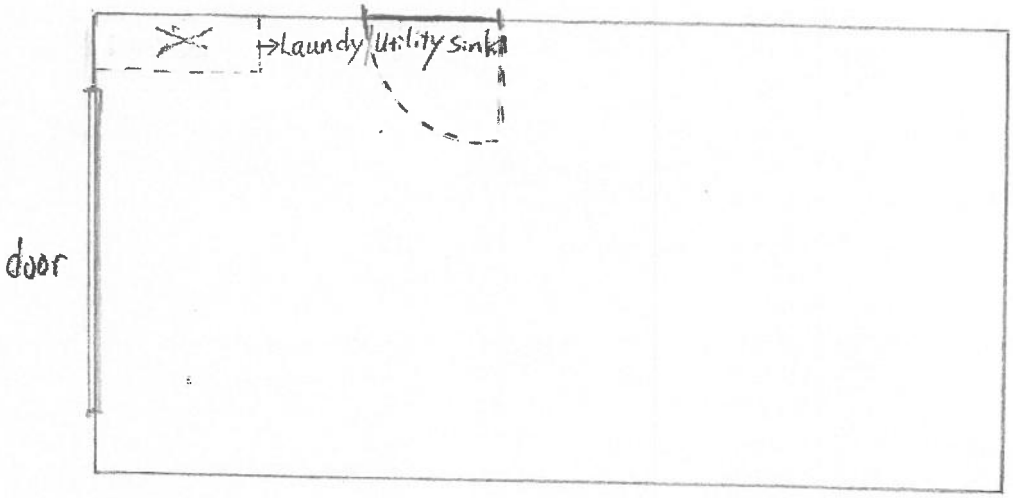


East & West Elevation
Scale: 1/4" = 1'0"

Floor Plans for Garage:



Existing Floor Plan
Scale: 1/4" = 1'0"



Proposed Floor Plan
Scale 1/4" = 1' 0"

Item No. 6A

Election of Officers

CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Chair Murphy and Members of the Planning Commission
FROM:	Alyson Hunter, Senior Planner
MEETING DATE:	February 13, 2020
SUBJECT:	Election of Officers
CEQA:	Does not constitute a "Project" under California Environmental Quality Act (CEQA) Guidelines Section 15378

RECOMMENDATION
Hold an election of Chair, Vice Chair, and Secretary in accordance to the directions in the City's Boards, Committees and Commissions Handbook adopted by the City Council in March 2019 and reiterated below.

DISCUSSION
Officer Elections
Charter committees must elect a Chairperson, or Chair, to serve a one-year term at the first meeting in February (PGMC § 3.02.050). This is also the practice of other Committees.

The Committee Chair or, if there is no Chair, the person who called the meeting to order, will ask for nominations for the office of Chair. Any member of the Committee may nominate himself/herself or any other member of the Committee; no second is required. Once nominations are complete, the Chair will close nominations, announce the slate of nominees, and ask for a vote on the nominees in the order of nomination.

Each voting member of the Committee shall have one vote. The nominee receiving votes from a majority of the members in attendance shall be declared the winner. If no member receives a majority, the process shall be repeated, except in the event of a tie between the top two vote-getters, in which case a run-off shall be held. The winner shall assume the office of Chair immediately.

Using the same procedure, the new Chair shall secure the election of a Vice Chair. The Committee may also appoint a Secretary.

Chairperson
The Chair is responsible to preside at meetings, establish the agenda with input from Council, staff and other Committee members, call special meetings, sign Committee documents and report to City Council as needed. The Chair is responsible for the timely filing of minutes with the City Clerk. Staff may assist in this responsibility upon request of the Chair.

Vice-Chairperson
The Vice-Chair assumes the Chair's duties in their absence. The Vice-Chair shall succeed the Chair if they vacate office before the term is completed and shall serve the unexpired term. A new Vice-Chair shall be elected at the next regular meeting.

Secretary
If a Secretary is appointed by the Committee, the Secretary is responsible for meeting minutes, which are forwarded to the City Clerk upon Committee approval. However, without a Secretary, preparation of minutes may be fulfilled by staff liaison at the request of the Chair.

RESPECTFULLY SUBMITTED,

Alyson Hunter
Alyson Hunter, Senior Planner
Community Development Department

Item No. 6B

Proposed Accessory Dwelling Unit (ADU) Ordinance Amendment

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Chair Murphy and Members of the Planning Commission
FROM:	Terri C. Schaeffer, Senior Program Manager
MEETING DATE:	February 13, 2020 (Continued from December 19, 2019)
SUBJECT:	Accessory Dwelling Units (ADU) Ordinance Amendment
CEQA:	Does not constitute a "Project" under California Environmental Quality Act (CEQA) Guidelines Section 15378

RECOMMENDATION

Recommend that City Council adopt amendments to Chapter 23.80.

BACKGROUND

The California State Legislature brought forward several bills in 2019 relating to the planning and permitting of accessory dwelling units (ADUs). In October 2019, among other bills, the Governor signed into law Assembly Bill (AB) 68, AB 881, and Senate Bill (SB) 13 amending the section of the California Government Code related to ADUs (Government Code section 65852.2). Additionally, AB 68 amended standards for Junior ADUs (JADUs) and SB 13 made additions to the State Health and Safety Code (added new Section 17980.12).

The new laws took effect on January 1, 2020, and the text of AB 881 and SB 13 contained a clause providing that a local government's ordinance that does not comply with all provisions of the State law shall become null and void. The City continues to operate under the State law legal framework until a revised City ordinance is adopted by Council.

DISCUSSION

On January 9, 2020, the Planning Commission discussed the new legislation, and proposed amendments to Pacific Grove Municipal Code (PGMC) Chapter 23.80. A memo summarizing the legislation was provided by the State Department of Housing and Community Development (HCD) after the last Planning Commission meeting and is attached for information.

Planning Commission-suggested changes were incorporated and the draft Ordinance was submitted to HCD staff. A conference call was facilitated by HCD to discuss the City's draft against the state legislation. The final draft incorporating and revising all suggested changes is provided for review.

OPTIONS

1. No action taken.
2. Provide staff alternative direction.

CITY COUNCIL GOAL ALIGNMENT

Goal 6 – Increase Affordable Housing: Determine policies, projects and programs that will advance the effort to create new affordable housing in the City.

ATTACHMENTS

1. Draft ADU Ordinance PGMC Sec. 23.80 amendments
2. HCD Memo dated January 10, 2020

RESPECTFULLY SUBMITTED,

_____

Terri C. Schaeffer
Senior Program Manager

ORDINANCE NO. 20-____

AN ORDINANCE OF THE CITY OF PACIFIC GROVE REPEALING AND REENACTING CHAPTER 23.80 OF THE PACIFIC GROVE MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS

WHEREAS, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) are a vital form of housing in the state of California and in the City of Pacific Grove (City); and

WHEREAS, the City has regulated ADUs since 1983 as set forth in Pacific Grove Municipal Code (PGMC) Chapter 23.80; and

WHEREAS, in 2017, in response to State law, the City Council amended Chapter 23.80 to reduce barriers, streamline approval, and further accommodate the development of ADUs; and

WHEREAS, the California State Legislature brought forward several bills in 2019 relating to the planning and permitting of ADUs and JADUs; and

WHEREAS, in October 2019, Governor Newsom signed numerous housing bills related to the development and regulation of ADUs and JADUs, which requires the City to make certain additional amendments to Chapter 23.80; and

WHEREAS, the new laws took effect on January 1, 2020, and contain a clause providing that a local government's ordinance that does not comply with all provisions of the State law shall become null and void; and

WHEREAS, the new standards will facilitate the development of ADUs and JADUs within the City, and are necessary for maintaining orderly growth and development patterns; and

WHEREAS, the City has determined that it is appropriate to repeal and reenact PGMC Chapter 23.80 to comply with State law and to provide a more streamlined process for the development of ADUs and JADUs in an effort to provide additional affordable housing opportunities; and

WHEREAS, notice of a public hearing before the Planning Commission was published in the Monterey County Weekly and the Monterey Herald on December 5, 2019, posted at City Hall on December 5, 2019, continued by the Planning Commission to its meeting on January 9, 2020, and continued again to its meeting on February 13, 2020; and

WHEREAS, this Ordinance repeals and reenacts PGMC Chapter 23.80, entitled "Accessory Dwelling Units"; and

WHEREAS, in the enactment of this Ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq.; and

WHEREAS, repeal and reenactment of PGMC Chapter 23.80 pertaining to ADUs is statutorily exempt from review under the California Environmental Quality Act (CEQA) per Section 15282(h) of the CEQA Guidelines as it implements Government Code Sections 65852.1 and 65852.2 as set forth in Section 21080.17 of the Public Resources Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Pacific Grove Municipal Code Chapter 23.80 is hereby repealed, and reenacted to read as follows:

Chapter 23.80

ACCESSORY DWELLING UNITS

Sections:

23.80.010 Purpose and intent.

23.80.020 Effect of nonconforming.

23.80.030 Definitions.

23.80.040 Approvals.

23.80.050 General ADU and JADU Requirements.

23.80.060 Specific ADU Requirements.

23.80.070 Fees and charges.

23.80.080 Nonconforming ADUs and Discretionary Approval.

23.80.010 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.

23.80.020 Effect of nonconforming.

An ADU or JADU that conforms to the standards in this section will not be:

(a) Deemed inconsistent with the City's General Plan and zoning designation for the lot on which the ADU or JADU is located.

(b) Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

(c) Considered in the application of any local ordinance, policy, or program to limit residential growth.

(d) Required to correct a nonconforming zoning condition, as defined in Section 23.80.030. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.

23.80.030 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 that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

(a) An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code, as may be amended; and

(b) A manufactured home, as defined by Section 18007 of the California Health and Safety Code, as may be amended.

"Accessory structure" means a building or structure that is incidental to that of the main building on the same lot.

"Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, 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:

(a) A cooking facility with appliances;

(b) A food preparation counter or counters that are adequate for the size of the unit; and

(c) Food storage cabinets that are adequate for the size of the unit.

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

(a) Is no more than 500 square feet in size;

(b) Is contained entirely within an existing or proposed single-family structure;

(c) Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure; and

(d) 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 accessory structure.

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

"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one 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 lot, lined up behind one another.

23.80.040 Approvals.

The following approvals apply to ADUs and JADUs under this section:

(a) Building-permit only.

If an ADU or JADU complies with each of the general requirements in Section 23.80.050 below, it is allowed with only a building permit:

(1) Converted on single-family lot: Only one ADU and JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

(A) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory structure (ADU only), plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress;

(B) Has exterior access that is independent of that for the single-family dwelling; and

(C) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

(2) Limited Detached on single-family lot: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (a)(a)(1) above), if the detached ADU satisfies the following limitations:

(A) The side- and rear-yard setbacks are at least three-feet;

(B) The total floor area is 850 square feet for a studio, or up to a maximum 1,200 square feet for one or more bedrooms; and

(C) The peak height above grade is 16 feet or less.

(3) Converted on multi-family lot: Multiple ADUs within portions of existing multi-family dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multi-family dwelling, or up to 25 percent of the existing multi-family dwelling units may each have a converted ADU under this subsection.

(4) Limited Detached on multi-family lot: No more than two detached ADUs on a lot that has an existing multi-family dwelling if each detached ADU satisfies the following limitations:

(A) The side- and rear-yard setbacks are at least three-feet (corner and exterior setbacks for the zoning district apply); and

(B) The total floor area is 800 square feet or smaller.

(b) Process and Timing.

(1) An ADU or JADU permit is considered and approved ministerially, without discretionary review or a hearing, if it meets the minimum standards above.

(2) The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:

(A) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or

(B) In the case of a JADU and the application to create a JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the JADU shall still be considered ministerially without discretionary review or a hearing.

23.80.050 General ADU and JADU Requirements.

The following requirements apply to all ADUs and JADUs that are approved under Section 23.80.040(a).

(a) Zoning. An ADU or JADU subject only to a building permit under Section 23.80.040(a) may be created on a lot in any zone that allows residential uses.

(b) Fire Sprinklers. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

(c) Rental Term. No ADU or JADU may be rented for a term that is less than 30 days.

(d) No Separate Conveyance. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

(e) Septic System. If the ADU or JADU will connect to an onsite water-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

23.80.060 Specific ADU Requirements.

(a) Size.

(1) The maximum size of a detached or attached ADU subject to this Section is 850 square feet for a studio or up to 1,200 square feet for a unit with one or more bedrooms.

The minimum size is 150 square feet. Accessory Dwelling Units that meet these requirements shall be approved ministerially.

(2) An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling, but may not exceed the sizes in Section (1) above.

(b) Height.

(1) A single-story attached or detached ADU may not exceed 16 feet in height above grade, measured to the peak of the structure.

(2) A second story or two-story attached ADU addition may be permitted subject to an Architectural Permit and may not exceed the height of the zoning district.

(c) Passageway. No passageway, as defined in Section 23.80.030, is required for an ADU.

(d) Parking. Off-street parking is not required for an ADU or JADU. 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.

(e) Architectural Requirements.

Where the development of an ADU includes exterior alterations, additions, or construction of new structure, the ADU shall incorporate the same or similar architectural features, building materials, including window style and materials, and roof slopes as the main dwelling unit or dwellings located on adjacent properties.

(f) Landscape Requirements.

The site plan shall provide open space and landscaping that are useful for both the ADU and the principal single-family dwelling. Landscaping shall provide for the privacy and screening of adjacent properties.

(g) Historical Protections.

Unless the property is listed in the California Register of Historic Resources, there shall be no historic review required for ADUs or JADUs.

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23.80.070 Fees and charges.

(a) Impact Fees.

(1) No impact fee is required for an ADU or JADU that is less than 750 square feet in size.

(2) Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (e.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling.) "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

(b) Utility Fees.

Converted ADUs and JADUs on a single-family lot, created under Section 23.80.040(a)(1), are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADU or JADU is constructed with a new single-family home.

23.80.080 Nonconforming ADUs and Discretionary Approval.

Any proposed ADU or JADU that does not conform to the objective standards set forth in this Chapter may be allowed by the City with a Use Permit, in accordance with the other provisions of this Title.

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. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____
BILL PEAKE, Mayor

ATTEST:

_____
SANDRA KANDELL, City Clerk

DATED:_____

APPROVED AS TO FORM:

_____
DAVID C. LAREDO, City Attorney

DRAFT

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY Gavin Newsom, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

MEMORANDUM

DATE: January 10, 2020

TO: Planning Directors and Interested Parties

FROM: Zachary Olmstead, Deputy Director
Division of Housing Policy Development

SUBJECT: **Local Agency Accessory Dwelling Units**
Chapter 653, Statutes of 2019 (Senate Bill 13)
Chapter 655, Statutes of 2019 (Assembly Bill 68)
Chapter 657, Statutes of 2019 (Assembly Bill 587)
Chapter 178, Statutes of 2019 (Assembly Bill 670)
Chapter 658, Statutes of 2019 (Assembly Bill 671)
Chapter 659, Statutes of 2019 (Assembly Bill 881)

This memorandum is to inform you of the amendments to California law, effective January 1, 2020, regarding the creation of accessory dwelling units (ADU) and junior accessory dwelling units (JADU). Chapter 653, Statutes of 2019 (Senate Bill 13, Section 3), Chapter 655, Statutes of 2019 (Assembly Bill 68, Section 2) and Chapter 659 (Assembly Bill 881, Section 1.5 and 2.5) build upon recent changes to ADU and JADU law (Government Code Section 65852.2, 65852.22 and Health & Safety Code Section 17980.12) and further address barriers to the development of ADUs and JADUs. (Attachment A includes the combined ADU statute updates from SB 13, AB 68 and AB 881).

This recent legislation, among other changes, addresses the following:

- Development standards shall not include requirements on minimum lot size (Section (a)(1)(B)(i)).
- Clarifies areas designated for ADUs may be based on water and sewer and impacts on traffic flow and public safety.
- Eliminates owner-occupancy requirements by local agencies (Section (a)(6) & (e)(1)) until January 1, 2025.
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1000 square feet if the ADU contains more than one bedroom (Section (c)(2)(B)).
- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement offstreet parking spaces cannot be required by the local agency (Section (a)(1)(D)(xi)).

- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Section (a)(3) and (b)).
- Clarifies "public transit" to include various means of transportation that charge set fees, run on fixed routes and are available to the public (Section (j)(10)).
- Establishes impact fee exemptions or limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees and impact fees for an ADU of 750 square feet or larger shall be proportional to the relationship of the ADU to the primary dwelling unit (Section (f)(3)).
- Defines an "accessory structure" to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Section (j)(2)).
- Authorizes HCD to notify the local agency if the department finds that their ADU ordinance is not in compliance with state law (Section (h)(2)).
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy RHNA housing needs as specified in Gov. Code Section 65583.1(a) and 65852.2(m).
- Permits JADUs without an ordinance adoption by a local agency (Section (a)(3), (b) and (e)).
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom or an interior entry into the single-family residence (Gov. Code Section 65852.22).
- Allows upon application and approval, an owner of a substandard ADU 5 years to correct the violation, if the violation is not a health and safety issue, as determined by the enforcement agency (Section (n).
- Creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separate from the primary dwelling by allowing deed-restricted sales to occur. To qualify, the primary dwelling and the ADU are to be built by a qualified non-profit corporation whose mission is to provide units to low-income households (Gov. Code Section 65852.26).
- Removes covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civil Code Section 4751).
- Requires local agency housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs (Gov. Code Section 65583 and Health and Safety Code Section 50504.5) (Attachment D).

For assistance, please see the amended statutes in Attachments A, B, C and D. HCD continues to be available to provide preliminary reviews of draft ADU ordinances to assist local agencies in meeting statutory requirements. In addition, pursuant to Gov. Code Section 65852.2(h), adopted ADU ordinances shall be submitted to HCD within 60 days of adoption. For more information and updates, please contact HCD's ADU team at adu@hcd.ca.gov.

ATTACHMENT A

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2

(AB 881, AB 68 and SB 13 Accessory Dwelling Units)

(Changes noted in strikeout, underline/italics)

Effective January 1, 2020, Section 65852.2 of the Government Code is amended to read:

65852.2.
(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily *dwelling residential* use. The ordinance shall do all of the following:
(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on ~~criteria that may include, but are not limited to,~~ the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. *A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.*
(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, ~~lot coverage,~~ landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic ~~Places.~~ *Resources. These standards shall not include requirements on minimum lot size.*
(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.
(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.
(D) Require the accessory dwelling units to comply with all of the following:
(i) The *accessory dwelling* unit may be rented separate from the primary residence, ~~buy~~ *but* may not be sold or otherwise conveyed separate from the primary residence.
(ii) The lot is zoned to allow single-family or multifamily *dwelling residential* use and includes a proposed or existing ~~single-family~~ dwelling.
(iii) The accessory dwelling unit is either attached *to,* or located ~~within the living area of the~~ *within, the* proposed or existing primary ~~dwelling or~~ *dwelling, including attached garages, storage areas or similar uses, or an accessory structure or* detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
(iv) ~~The total area of floorspace of~~ *If there is an existing primary dwelling, the total floor area of* an attached accessory dwelling unit shall not exceed 50 percent of the ~~proposed or existing primary dwelling living area or 1,200 square feet.~~ *existing primary dwelling*.
(v) The total *floor* area ~~of floorspace~~ for a detached accessory dwelling unit shall not exceed 1,200 square feet.
(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
(vii) No setback shall be required for an existing ~~garage~~ *living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure* that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than ~~five~~ *four* feet from the side and rear lot lines shall be required for an accessory dwelling

unit that is ~~constructed above a garage.~~ *not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.*
(viii) Local building code requirements that apply to detached dwellings, as appropriate.
(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.
(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per *accessory dwelling* unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
(III) This clause shall not apply to ~~a~~ an accessory dwelling unit that is described in subdivision (d).
(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, ~~and~~ the local agency ~~requires~~ *shall not require* that those ~~offstreet~~ *offstreet* parking spaces be ~~replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).~~ *replaced.*
(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
(3) ~~When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application~~ *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, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use ~~permits, within 120 days after receiving the application~~. *permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.* A local agency may charge a fee to reimburse it for costs ~~that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature,~~ *incurred to implement this paragraph,* including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.
(4) 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 ~~subsequent to the effective date of the act adding this paragraph~~ shall provide an approval process that includes only ministerial provisions 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. ~~In the event that~~ *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 ~~upon the effective date of the act adding this paragraph~~ 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.
(5) No other local ordinance, policy, or regulation shall be the basis for the *delay or* denial of a building permit or a use permit under this subdivision.
(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot ~~zoned for residential use~~ that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be ~~utilized~~ *used* or imposed, *including any owner-occupant requirement,* except that a local agency may require ~~an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or~~ that the property be used for rentals of terms longer than 30 days.
(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.
(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision ~~(a) within 120 days after receiving the application.~~ *(a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.*
(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.
(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:
(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.
(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:
(i) 850 square feet.
(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.
~~(c)~~ *(C)* ~~A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum~~ *Any other minimum* or maximum size for an accessory dwelling unit, ~~or~~ size based upon a percentage of the proposed or existing primary dwelling, ~~shall be established by ordinance~~ *or limits on lot coverage, floor area ratio, open space, and minimum lot size,* for either attached or detached dwellings that does not permit at least an ~~efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~ *800 square*

foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.
(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:
(1) The accessory dwelling unit 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.
(e) *(1)* Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit ~~to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.~~ *within a residential or mixed-use zone to create any of the following:*
(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
(ii) The space has exterior access from the proposed or existing single-family dwelling.
(iii) The side and rear setbacks are sufficient for fire and safety.
(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.
(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:
(i) A total floor area limitation of not more than 800 square feet.
(ii) A height limitation of 16 feet.
(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.
(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.
(2) 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.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.
(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.
(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.
(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.
(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
(2) ~~Accessory~~ *An accessory* dwelling ~~units~~ *unit* shall not be considered by a local agency, special district, or water corporation to be a new residential use for ~~the~~ purposes of calculating connection fees or capacity charges for utilities, including water and sewer ~~service.~~ *service, unless the accessory dwelling unit was constructed with a new single-family dwelling.*
(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.
~~(A)~~ *(4)* For an accessory dwelling unit described in *subparagraph (A) of paragraph (1) of* subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity ~~charge.~~ *charge, unless the accessory dwelling unit was constructed with a new single-family home.*
~~(B)~~ *(5)* For an accessory dwelling unit that is not described in *subparagraph (A) of paragraph (1) of* subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its ~~size~~ *square feet* or the number of its ~~plumbing fixtures,~~ *drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials,* upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.
(h) ~~Local~~ *(1)* ~~agencies~~ *A local agency* shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. ~~The department may review and comment on this submitted ordinance.~~ *After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.*
(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time,

no longer than 30 days, to respond to the findings before taking any other action authorized by this section.
(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:
(i) Amend the ordinance to comply with this section.
(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.
(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.
(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.
(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.
~~(i)~~ *(j)* As used in this section, the following terms mean:
~~(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.~~
~~(2) "Local agency" means a city, county, or city and county, whether general law or chartered.~~
~~(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.~~
~~(4)~~ *(1)* "Accessory dwelling unit" means an attached or a detached residential dwelling unit ~~which~~ *that* provides complete independent living facilities for one or more ~~persons.~~ *persons and is located on a lot with a proposed or existing primary residence.* It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family *or multifamily* dwelling is *or will be* situated. An accessory dwelling unit also includes the following:
(A) An efficiency unit.
(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
~~(A)~~ *(3)* ~~An efficiency unit,~~ *"Efficiency unit" has the same meaning* as defined in Section 17958.1 of the Health and Safety Code.
~~(B)~~ *(4)* ~~A manufactured home, as defined in Section 18007 of the Health and Safety Code.~~ *"Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.*
(5) "Local agency" means a city, county, or city and county, whether general law or chartered.
(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.
(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
~~(5)~~ *(8)* "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
(10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

~~(6)~~ *(11)* "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

~~(j)~~ *(l)* Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Becomes operative on January 1, 2025)
Section 65852.2 of the Government Code is amended to read (changes from January 1, 2020 statute noted in underline/italic):

65852.2.
(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit

that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) 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, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) 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 provisions 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~~ on ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or ~~imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.~~ imposed except that, *subject to subparagraph (B)*, a local agency may require *an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or* that the property be used for rentals of terms longer than 30 days.

(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit 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.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms,

passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and may shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) 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.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

(5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

~~(5)~~ (6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

~~(6)~~ (7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or

separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family ~~home~~ dwelling.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed

or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) “Efficiency unit” has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) “Local agency” means a city, county, or city and county, whether general law or chartered.

(6) “Neighborhood” has the same meaning as set forth in Section 65589.5.

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(7) “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.

(8) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(11) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit

for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall ~~remain in effect only until January 1, 2025, and as of that date is repealed~~ *become operative on January 1, 2025*.

Effective January 1, 2020, Section 65852.22 of the Government Code is amended to read (changes noted in strikeout, underline/italics) (AB 68 (Ting)):

65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:
(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence ~~already built~~ *built, or proposed to be built,* on the lot.
(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:
(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
(4) Require a permitted junior accessory dwelling unit to be constructed within the ~~existing~~ walls of the ~~structure, and require the inclusion of an existing bedroom.~~ *proposed or existing single-family residence.*
(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the ~~structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.~~ *proposed or existing single-family residence.*
(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:
~~(A) A sink with a maximum waste line diameter of 1.5 inches.~~
~~(B)~~ *(A)* A cooking facility with ~~appliances that do not require electrical service greater than 120 volts, or natural or propane gas.~~ *appliances.*
~~(C)~~ *(B)* A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.
(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine ~~whether~~ *if* the junior accessory dwelling unit ~~is in compliance~~ *complies* with applicable building standards.
(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. ~~A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section.~~ *The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the*

applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.
(d) For ~~the~~ purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.
(e) For ~~the~~ purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.
(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.
~~(g)~~ *(h)* For purposes of this section, the following terms have the following meanings:
(1) “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within ~~an existing~~ *a* single-family ~~structure.~~ *residence*. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

Effective January 1, 2020 Section 17980.12 is added to the Health and Safety Code, immediately following Section 17980.11, to read (changes noted in underline/italics) (SB 13 (Wieckowski)):

17980.12.

(a) (1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit described in subparagraph (A) or (B) below, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision:

(A) The accessory dwelling unit was built before January 1, 2020.

(B) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.

(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.

(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).

(b) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in Section 65852.2.

(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

ATTACHMENT B

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2
AB 587 Accessory Dwelling Units

(Changes noted in underline/italics)

Effective January 1, 2020 Section 65852.26 is added to the Government Code, immediately following Section 65852.25, to read (AB 587 (Friedman)):

65852.26.

(a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

(1) The property was built or developed by a qualified nonprofit corporation.

(2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.

(B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.

(C) A requirement that the qualified buyer occupy the property as the buyer's principal residence.

(D) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

(1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

ATTACHMENT C

CIVIL CODE: DIVISION 4, PART 5, CHAPTER 5, ARTICLE 1
AB 670 Accessory Dwelling Units

(Changes noted in underline/italics)

Effective January 1, 2020, Section 4751 is added to the Civil Code, to read (AB 670 (Friedman)):

4751.
(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.
(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

ATTACHMENT D

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 3, ARTICLE 10.6
AB 671 Accessory Dwelling Units

(Changes noted in underline/italics)

Effective January 1, 2020, Section 65583(c)(7) of the Government Code is added to read (sections of housing element law omitted for conciseness) (AB 671 (Friedman)):

65583(c)(7).
Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

Effective January 1, 2020, Section 50504.5 is added to the Health and Safety Code, to read (AB 671 (Friedman)):

50504.5.
(a) The department shall develop by December 31, 2020, a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of an accessory dwelling unit with affordable rent, as defined in Section 50053, for very low, low-, and moderate-income households.
(b) The list shall be posted on the department's internet website by December 31, 2020.
(c) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in paragraph (4) of subdivision (i) of Section 65852.2 of the Government Code.

Item No. 6C

Draft 2020 Planning Commission Work Plan and Training Calendar

CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Chair Murphy and Members of the Planning Commission
FROM:	Alyson Hunter, Senior Planner
MEETING DATE:	February 13, 2020
SUBJECT:	Draft 2020 Planning Commission Work Plan and Training Calendar
CEQA:	Does not constitute a "Project" under California Environmental Quality Act (CEQA) Guidelines Section 15378

RECOMMENDATION
Review the proposed work plan and training calendar and make modifications as needed that are within the Planning Commission's purview and reflect the primary Planning-related goals of the City Council.

DISCUSSION
At the request of the Chair, staff has developed a draft work plan for 2020 based on key Council Goals (attached) including housing, code clean-ups to clarify regulations and assist residential and commercial development, and an update to the Safety Element of the General Plan to ensure that the City is current with State and federal requirements relating to fire hazards and other potential impacts caused by climate change.

Once a housing consultant is on board, the attached work plan will be further refined with housing-related policy updates.

In addition to and in direct correlation with the work plan is a training calendar that is intended to help the Commission be prepared for a variety of upcoming issues.

A third aspect of this calendar and work plan is the Commission's ongoing responsibility for permit review which will soon include Coastal Development Permits (CDPs). Please note that training and long-range items may shift or be deleted in the event that permits prioritize agenda space.

CITY COUNCIL GOAL ALIGNMENT
The Planning Commission strives to fulfill its function as the land use advisory body to the City Council as the Council implements its identified goals.

ATTACHMENTS
1. City Council Goals
2. Draft PC Work Plan / Training Calendar

RESPECTFULLY SUBMITTED,

Alyson Hunter
Alyson Hunter, Senior Planner
Community Development Department

2019/2020 City Council Goals and corresponding strategies:

1. Complete Streets: *Plan, design and implement streets, sidewalks and transportation networks that better allow access for all types of users.*

a. Pursue a hybrid of funding scenarios 1 and 2 for street treatments as outlined within the 2018 Pavement Management Program Report
b. Advance discussions with CalTrans to review scope and feasibility of potentially acquiring Highway 68 and begin implementation of the Highway 68 Study safe, shared route

2. Environmental Stewardship: *Adopt and develop policies and ordinances that preserve and protect the environment.*

a. Update of food ware/to-go and single-use plastics materials ordinance
b. Reduce parking requirements for developments proximate to transit stops
c. Update George Washington Park plan
d. Install electric vehicle infrastructure
e. Work with Greenwaste to explore feasibility to promote the reduction and recycling of organic waste
f. Work with Pacific Grove Chamber of Commerce, Monterey County Convention and Visitor's Bureau, the hospitality industry and other key stakeholders to promote sustainable tourism
g. Work with City consultants, recognized stakeholders, scientific experts and community organizations, including the Museum of Natural History to determine how to better address the declining population within the Monarch Sanctuary
h. Consider adoption of a Tree Plan
i. Conduct Community Wildfire Proficiency Plan
j. Continue to follow recommendations from Page & Turnbull report regarding historic assets

3. City Asset Stewardship: *Repair, maintain and improve City assets, including streets, sidewalks, sewer systems, buildings, parks and trails to better serve the community, anticipate future needs and prevent further degradation.*

a. Implement Pine Avenue safety improvements
b. Adopt a certified Local Coastal Program
c. Complete the Shoreline Management Plan
d. Obtain funding and commence the construction process for the Point Pinos Coastal Trail
e. Replace at least one broken streetlight per block in the Candy Cane, Hillcrest, and Sunset neighborhoods
f. Complete the City's Library Renewal Project

4. Community Responsiveness: *Develop and implement systems, interfaces and infrastructure to better communicate with the public.*

a. Develop public-facing work order submission systems
b. Procure and implement online planning, building, tree permit and recreation services applications
c. Implement agenda management and PRR software
d. Deploy community engagement software
e. Refresh, redesign and/or revamp the City's website
f. Implement the City Council Chamber Audio Visual Enhancements Project
g. Improve integration of digital offerings with the Library's online catalog system
h. Look to implement recommendations from Recreation survey

5. Financial Stability: *Develop a strategic plan to better address current and future City expenditure and revenue needs while continuing to provide high quality municipal service.*

a. Maintain City fee levels at cost recovery
b. In partnership with the California Coastal Commission, explore viability of paid parking at Lover's Point
c. Develop a 5-year strategic plan
d. Review and update budget amendment policy to facilitate stronger budgetary control of capital projects

6. Increase Affordable Housing: *Determine policies, projects and programs that will advance the effort to create new affordable housing in the City*

a. Consider an Inclusionary Housing Ordinance or updates to existing density bonus regulations to include policies and guidelines for incentives
b. Develop Rental Housing Guidelines to provide optional best practices for rental increases and relocation services
c. Explore proposed residential development at appropriate public property, such as the Lighthouse cinema parking lot
d. Convene joint meeting with City Council and Planning Commission to develop joint strategy

7. Help Local Businesses Thrive: *Review, and revise existing policies and programs, and develop a strategic plan to better serve existing businesses while attracting new commerce to better stimulate the economy and revitalize commercial corridors, especially the downtown.*

a. Develop process to better expedite building permits
b. Remove planning permit requirements for small-scale facade changes for non-historic commercial buildings
c. Launch Facade Improvement Program City-wide
d. Provide CPTED (Crime Prevention through Environmental Design) input during permitting process
e. Increase resources and programs at Library for starting businesses (partner with Chamber, SBA, SCORE, Rotary, etc.)
f. Support re-occurring downtown evening activities through special events/promotions featuring music and other attractions
g. Assess implementation of LEAP report strategies
h. Consider proposed formation of property-based improvement district for the downtown

2020 PC WORK PLAN / TRAINING CALENDAR
February 2020
Legislative / Quasi-Judicial (Permits) / Training/Educational

PC Meeting Dates	Topic	Presenter	CEQA Status
Jan 9	• ADU Ordinance (Housing) • Housing Element (HE) 3.3.c – removal of Use Permit requirement for multi-family (Housing) • 1305 Funston UP (continued to 2/13/20 due to noticing issue)	• Staff • Staff • Staff	• Exempt 15282(h) • Exempt 15061(b)(3) • Exempt 15303(e)
Feb 13	• ADU Ordinance (Housing) • 1305 Funston UP • Coastal Development Permit (CDP) Process (Env. Stewardship)	• Staff • Staff • Staff	• Exempt 15282(h) • Exempt 15303(e) • Exempt 15378
Mar 12	• Discussion/review of housing inventories & inclusionary zoning concepts (HE 2.1, 3.3b) (Housing) • Asilomar zoning map amendment • Housing Element (HE) 3.3.c – removal of Use Permit requirement for multi-family (Housing) • Permit(s)	• Staff • Staff • Staff	• Exempt 15378 • Exempt 15061(b)(3) • Exempt 15061(b)(3)
Apr 9	• Safety Element update discussion (Env. Steward. /Community Response) • Shoreline Mgt Plan update (Env. Steward.) • Overview of Design Guidelines for AP/CDPs • Permit(s)	• Staff/Fire Chief/Consult. • P/W Staff • Staff	• Exempt 15378 • Exempt 15378 • Exempt 15378
May 14	• Intro. to PGMC code clean-up/Permit Streamlining (Comm. Responsiveness) • Small Lot Subcommittee report (Housing) • Review potential affordable incentives (Housing) • Permit(s)	• Staff • Staff/Subcomm • Staff/Consult.	• Exempt 15378 • Exempt 15378 • Exempt 15378
Jun 9	• PGMC code clean-ups/Permit Streamlining con't (Comm. Responsiveness) • Reduce Pkg Req. Near Transit Stops (Env. Steward.) • Study Session w/ Council on Housing (tentative) • Permits(s)	• Staff • Staff • Staff/Consult.	• CEQA TBD • CEQA TBD • Exempt 15378
Jul 9	• PGMC code clean-ups/Permit Streamlining con't (Comm. Responsiveness) • HE Grant Application • Crime Prevention through Envir. Design (CPTED) (Comm. Responsiveness) • Permit(s)	• Staff • Staff/Consult. • Staff/PD	• CEQA TBD • Exempt 15378 • Exempt 15378
Aug 13	• SB 2 Grant update, overview of potential amends (Housing)	• Staff/Consult.	• Exempt 15378
Sep 10	• CEQA Tutorial re: traffic, GHG, housing (Env. Steward.) • Housing Monitoring Report	• Staff/Consult. • Staff	• Exempt 15378 • Exempt 15378
Oct 8			
Nov 12	• Prep for 2023 HE Update	• Staff/Consult.	• Exempt 15378
Dec 10			

Item No. 6D

Capital Improvement Program (CIP) Form

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Chair Murphy and Members of the Planning Commission
FROM:	Alyson Hunter, Senior Planner
MEETING DATE:	February 13, 2020
SUBJECT:	Capital Improvement Program (CIP) Project Input
CEQA:	Does not constitute a "Project" under California Environmental Quality Act (CEQA) Guidelines Section 15378

RECOMMENDATION
Review and complete the Capital Improvement Program Form by March 12, 2020.

DISCUSSION
The Public Works Department is seeking feedback from appointed City boards and committees on potential projects to include in the Fiscal Year 20/21 Capital Improvement Program (CIP) as part of the collaborative CIP development process.

A capital improvement is defined as a property, plant, or improvement having a useful life of two or more years and a total amortized acquisition and maintenance cost of $5,000 or more. These are non-recurring projects and often include maintenance, repairs, improvements or acquisition of City assets.

The Public Works Department has prepared an online form to assist in the Commission in submitting its ideas. All fields in the form are mandatory to ensure Public Works Department will have enough information to consider the project. The adopted FY 19/20 CIP can be viewed online.

Process
After the submission period has closed, the City Manager, Administrative Services and Public Works Departments will review all projects from a variety of approaches and prioritize them. Subsequently, a recommended project list will be sent to the City Council for input/approval.

Please note, completing this form does not guarantee funding for the desired project.

ATTACHMENTS
None

Respectfully submitted,
Alyson Hunter
Alyson Hunter, Senior Planner

Item No. 7A

Coastal Development Permit (CDP) Process Review

CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Chair Murphy and Members of the Planning Commission
FROM:	Alyson Hunter, Senior Planner
MEETING DATE:	February 13, 2020
SUBJECT:	Coastal Development Permit (CDP) Process Review
CEQA:	Does not constitute a "Project" under California Environmental Quality Act (CEQA) Guidelines Section 15378

RECOMMENDATION
Receive as information only.

DISCUSSION
The City-adopted Local Coastal Program (LCP) is on-track to be certified by the Coastal Commission at its March meeting. Immediately thereafter, the Planning Commission will become the review authority for Coastal Development Permits (CDPs). The Planning Commission will also be the final review authority on Architectural Permits (AP) when a CDP is included; the Architectural Review Board (ARB) will provide a recommendation similar to the current process involving a combined AP and Use Permit.

To assist the Planning Commission, potential applicants, and the general public, staff has prepared a Frequently Asked Questions (FAQ) handout (attached) that addresses a variety of questions, procedures, and processes including the basics: *What is a CDP*? *What is ESHA? What role does the Coastal Commission play post-certification?*

Like all discretionary permits that the Planning Commission reviews, there are special findings that will need to be made and an appeal process to be followed, among other procedural steps that are described further in the Implementation Plan of the LCP.

In summary, the addition of a CDP to the City's existing entitlement process will not result in the reinvention of the wheel - we have the necessary administrative protocols in place to undertake the permitting process and assert local authority.

CITY COUNCIL GOAL ALIGNMENT
Goal 3. City Asset Stewardship: Adopt a certified Local Coastal Program

ATTACHMENTS
1. CDP Frequently Asked Questions (FAQ) Handout

RESPECTFULLY SUBMITTED,

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Coastal Development Permit (CDP) FAQ

Frequently Used Acronyms

LCP: Local Coastal Program **LUP**: Land Use Plan [component of the LCP]

IP: Implementation Plan (development standards, design guidelines, and other implementing actions)

ESHA: Environmentally Sensitive Habitat Area

The **Local Coastal Program,** inclusive of the LUP and the IP, are located on the City's website:

https://www.cityofpacificgrove.org/living/community-development/planning

For more information on the City's CDP authority and application requirements, please contact the Community Development Department at Pacific Grove City Hall, 300 Forest Avenue | 831-648-3183

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1. What is a CDP?
A CDP is a discretionary permit for development within the Coastal Zone. Development is broadly defined by the Coastal Act (PRC § 30106) as follows:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan.

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

As indicated in the City's adopted Local Coastal Program (LCP), the Planning Commission is the review authority for CDPs.

2. Are there exemptions to CDP requirements?
Pursuant to Coastal Act § 30610 and Title 14 of the California Code of Regulations (CCR) and the City's LCP, the following projects are exempt from the requirements to obtain a CDP:

A. Interior improvements to existing single-family residences that do not result in an intensification or expansion of use (ex. lowering existing kitchen or bathroom counter to accommodate a wheelchair does not require a CDP, etc.);
B. Improvements to other existing structures;

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C. Repair or maintenance activities (ex. the *in-kind* replacement of existing horizontal wood siding for new siding that matches the old in size, finish, and reveal does not require a CDP, etc.) ;
D. Replacement of destroyed structures (in compliance with § 23.90.040.D and, within the Asilomar Dunes Residential Area, § 23.90.180.4.l, of the LCP); and
E. Temporary events.

There are a variety of ***exceptions*** to these exemptions which apply to projects within Environmentally Sensitive Habitat Areas (ESHA) like the Asilomar Dunes Residential Area, projects that occur within a specified distance from an ESHA, certain public works projects, etc.

In accordance to § 23.90.040 of the IP, staff will make a determination at the time of application submittal as to whether or not the project is exempt from a CDP.

3. Do Building Permits Trigger a CDP?
Building Permits for work that is considered "Development", as defined in 1) above, will trigger a CDP, unless the activity is found to be exempt per 2) above. As with all building permits for new construction or exterior changes to existing buildings, the Building Department will circulate plans to the Planning Department for consistency with zoning. Generally, no Planning permits are required for re-roofing, plumbing and electrical upgrades, minor interior tenant improvements and other minor improvements that do not effect major structural components as defined in § 1.10 of the Land Use Plan (LUP).

4. What is a CDP Waiver?
If a project is not exempt from CDP requirements and a complete CDP application has been submitted, the City's Community Development Director (Director) or designee will review the application to see if the issuance of a *De Minimis Waiver* (waiver) is warranted. The procedures for the issuance of waivers can be found in § 23.90.045 of the LCP's Implementation Plan (IP). Waivers require public notice, concurrence of applicability by the Executive Director of the Coastal Commission, and review and concurrence by the Planning Commission. The same application materials, including fees, are required for the waiver as for a full CDP.

5. What and Where is the Appeal Jurisdiction?
The City's LCP includes an appeal area map prepared for the City by the Coastal Commission that geographically indicates the automatic appeal jurisdiction. Within this area, the Coastal Commission retains the right to appeal any CDP authorized by the City. Other appeal areas include, but may not be limited to:

A. Projects located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
B. Projects located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
C. Projects in a sensitive coastal resource area (i.e., in the Asilomar Dunes Residential Area or the Asilomar Conference Grounds).

Any aggrieved individual may appeal a CDP to the City Council and to the Coastal Commission once all local administrative remedies have been exhausted. The City's CDP and CDP appeal fees are indicated on the most recent adopted Fee Schedule. The appeal regulations are further described in § 23.90.100 of the IP.

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6. Is there a map of the Environmentally Sensitive Habitat Areas (ESHA) in the City?
No, but the *Land Habitat Sensitivity Map* (Fig. 5 in the LCP) shows areas of special biological significance and should be used by a developer's professional biologist and/or botanist in the preparation of project-specific reports to identify and properly protect ESHA resources. Sensitive resources can be found anyway in the City and it is incumbent on the development review process, on a case-by-case basis, to identify and protect them wherever they are located.

7. Are there Special CDP Findings?
Yes. In most cases, a CDP will be required in addition to the standard Architectural Permit, Use Permit, Subdivision or other local discretionary permit and will be processed concurrently as part of a consolidated permit package. All permit types have individual findings that must be made in order for the review authority - the Planning Commission in those cases where a CDP is required - to be able to approve the project. The following findings must be made in order to approve a CDP:

A. LCP Consistency. The project is consistent with the LCP.

B. Public Views. The project protects or enhances public views.

C. Habitat Protection. The project protects vegetation, natural habitats and natural resources consistent with LCP.

D. Design Consistency. The design, location, size, and operating characteristics of the proposed development is consistent with applicable LCP design requirements, including design plans and area plans incorporated into the LCP.

E. Coastal Access. The project protects or enhances public access to and along the coast.

F. Visitor Serving. The project supports the LCP goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitor and recreational facilities.

G. Appropriate Use. The project is consistent with the allowed LCP uses associated with the property.

H. Coastal Resources. The proposed development protects or enhances coastal resources, where applicable.

8. What is the Coastal Commission's permitting role once the Local Coastal Program is certified?
After a Local Coastal Program is certified, the Commission's coastal permitting authority is transferred to the City. The City interprets the Local Coastal Program and applies the LCP's standards and regulations as required. The Commission retains permanent coastal permit jurisdiction over development proposed on tidelands, submerged lands, and public trust lands. The Coastal Commission is the appeal body for certain CDPs and reviews and approves any amendments to previously certified Local Coastal Programs.