



Thursday, June 24, 2021

6:30 Open Session

AGENDA

**REGULAR MEETING
PLANNING COMMISSION**
Marina City Council Chambers
211 Hillcrest Avenue
Marina, CA

Zoom Meeting URL: <https://us02web.zoom.us/j/88453801683>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 884 5380 1683

In response to Governor Newsom’s Executive Order N.29-20 and City Council Resolution 2020-29 ratifying the Proclamation of a Local Emergency by the City Manager/Director of Emergency Services related to the COVID-19 (coronavirus) pandemic, public participation in the City of Marina City Council and other public meetings shall be electronic only and without a physical location for public participation, until further notice in compliance with California state guidelines on social distancing. This meeting is being broadcast “live” on Access Media Productions (AMP) Community Television Cable 25 and on the City of Marina Channel and on the internet at <https://accessmediaproductions.org/>

PARTICIPATION

You may participate in the Planning Commission meeting in real-time by calling Zoom Meeting via the weblink and phone number provided at the top of this agenda. Instructions on how to access, view and participate in remote meetings are provided by visiting the City’s home page at <https://cityofmarina.org/>. Attendees can make oral comments during the meeting by using the “Raise Your Hand” feature in the webinar or by pressing *9 on your telephone keypad if joining by phone only. If you are unable to participate in real-time, you may email to marina@cityofmarina.org with the subject line “Public Comment Item#__” (insert the item number relevant to your comment) or “Public Comment – Non Agenda Item.” Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. Planning Commission will have the option to modify their action on items based on comments received.

AGENDA MATERIALS

Agenda materials, staff reports and background information related to regular agenda items are available on the City of Marina’s website www.cityofmarina.org. Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet will be made available on the City of Marina website www.cityofmarina.org subject to City staff’s ability to post the documents before the meeting.

VISION STATEMENT

Marina will grow and mature from a small town bedroom community to a small city which is diversified, vibrant and through positive relationships with regional agencies, self-sufficient. The City will develop in a way that insulates it from the negative impacts of urban sprawl to become a desirable residential and business community in a natural setting. **(Resolution No. 2006-112 – May 2, 2006)**

MISSION STATEMENT

The City Council will provide the leadership in protecting Marina’s natural setting while developing the City on a way that provides a balance of housing, jobs and business opportunities that will result in a community characterized by a desirable quality of life, including recreation and cultural opportunities, a safe environment and an economic viability that supports a high level of municipal services and infrastructure. **(Resolution No. 2006-112 – May 2, 2006)**

1. CALL TO ORDER

2. ROLL CALL & ESTABLISHMENT OF QUORUM

Chair Brian McCarthy, Vice Chair David Bielsker, Nancy Amadeo, Hyunsoo Hur, Surinder Rana, Audra Walton, Glenn Woodson

3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

4. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR

Announcements of special events or meeting of interest as information to Board and Public. At this time any person may comment on any item, which is not on the agenda. Please state your name and address for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on the next agenda. Planning Commission members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of Four (4) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the Planning Commission.

5. CONSENT AGENDA

Background information has been provided to the Planning Commission on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the Planning Commission may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and placed at the end of Other Action Items.

6. PUBLIC HEARINGS

Time will be set aside during the Public Hearing to receive oral comments on all items listed as Public Hearings. Staff will present the project brought forth for Planning Commission consideration and possible action and answer questions from the Planning Commissioners. The applicant will then have the opportunity to raise any issues. The public will then be invited to approach the podium to provide up to four (4) minutes of public testimony.

a. Amendment – Accessory Dwelling Unit Ordinance

Planning Commission of the City of Marina to Open a Public Hearing, Take Any Testimony from the Public, and Consider Adopting Resolution Recommending City Council Adopt an Ordinance Modifying the Maximum Height of Accessory Dwelling Units, deleting the “Guest House” and “Dwelling Unit, Secondary” Definitions and Modifying Various Definitions to be consistent with Title 17, City of Marina Municipal Code. (Continued from March 25, 2021 Planning Commission meeting)

7. **ACTION ITEMS**

Action listed for each Agenda item is that which is brought forth for Planning Commission consideration and possible action. The Planning Commission may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.

8. **OTHER ACTION ITEMS**

9. **DISCUSSION ITEMS**

10. **COMMISSIONER COMMENTS AND STAFF INFORMATIONAL REPORTS**

11. **CORRESPONDENCE**

12. **ADJOURNMENT**

CERTIFICATION:

I, Christy Hopper, Planning Services Manager for the City of Marina, do hereby certify that a copy of the foregoing agenda was posted at Marina City Council Chambers bulletin board, 211 Hillcrest Avenue; City Kiosk at the corner of Del Monte Boulevard and Reservation Road; and Monterey County Free Library Marina Branch at 190 Seaside Circle on or before 6:30 p.m. Friday, June 18, 2021.

Signature _____

_____ Date Posted

PLANNING COMMISSION NOTES:

1. The Marina Planning Commission regularly meets at 6:30 P.M. on the second and fourth Thursdays of each month.
2. The Planning Commission follows procedures intended to allow for project applicants and members of the public the fullest possible opportunity to be heard, while enabling the Commission to complete its meetings within a reasonable time.
3. Copies of staff reports are available to the public on the Friday afternoon, prior to the Thursday meetings at the Community Development Department office located at 209 Cypress Avenue.
4. Planning Commission subcommittees include the Marina Design Review Board (DRB) and Tree Committee. The DRB regularly meets at 6:30 P.M. on the third Wednesday of each month and the Tree Committee meets quarterly on the 2nd Wednesday of January, April, July and October... All meetings take place in the Council Chambers unless otherwise noticed... Public notices and agendas are posted at the following locations: Monterey County Library Marina Branch, Kiosk at the corner of Del Monte Blvd. and Reservation Rd., and Marina City Council Chambers Bulletin Board.
5. The public is invited and encouraged to participate in all meetings of the Planning Commission and its subcommittees.
6. **ALL MEETINGS ARE OPEN TO THE PUBLIC. THE CITY OF MARINA DOES NOT DISCRIMINATE AGAINST PERSONS WITH DISABILITIES.** Council Chambers are wheelchair accessible. Meetings are broadcast on cable channel 25 and recordings of meetings can be provided upon request. To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please call (831) 884-1278 or e-mail: marina@cityofmarina.org . Requests must be made at least **48 hours** in advance of the meeting.



COMMUNITY DEVELOPMENT
City of Marina

STAFF REPORT

Agenda Item #
Planning Commission
June 24, 2021

TO: Planning Commissioners

FROM: J. Fred Aegerter, CD Director

RE: Planning Commission of the City of Marina to Open a Public Hearing, Take Any Testimony from the Public, and Consider Adopting Resolution Recommending City Council Adopt an Ordinance Modifying the Maximum Height of Accessory Dwelling Units, deleting the “Guest House” and “Dwelling Unit, Secondary” Definitions and Modifying Various Definitions to be consistent with Title 17, City of Marina Municipal Code . (Continued from March 25, 2021 meeting)

Summary of Issues

1. Are the proposed amendments in accordance with State Law?
2. Are the proposed amendments in the best interests of the City of Marina, in light of the requirements of State law concerning Accessory and Junior Accessory Dwelling Units?

Environmental Determination

The City of Marina Planning Division has determined that this Ordinance is categorically exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed text amendments are covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed amendments to building heights, which are permitted under Assembly Bill 68, Assembly Bill 881 and Senate Bill 13, will not result in any direct impact upon the physical environment. Any development that occurs in the future subject to such standards will undergo an independent analysis pursuant to the requirements of CEQA.

Alternatives

The Planning Commission may:

1. Recommend the City Council adopt an ordinance modifying the height of ADUs or certain types of ADUs, along with deletion of obsolete terms and definitions and inclusion of drive access;
2. Recommend the City Council not adopt an ordinance modifying the height of ADUs nor the inclusion of drive access, nor deleting with obsolete terms and definitions;
3. Recommend the City Council not adopt an ordinance modifying the height of ADUs nor requirements for drive access, but adopt the changes deleting obsolete terms and definitions; or

4. Continue review of the matter for more information.

Background

New state laws effective January 1, 2020 permit by right the new construction of or conversion of existing space into accessory dwelling units (ADUs) in any zoning district where single-family or multifamily dwellings are a permitted or conditionally permitted land uses. State laws also permit the creation of a junior accessory dwelling unit (JADU) within the walls of an existing single-family residence. State laws limit local control over development standards for ADUs and JADUs but do permit municipal governments to establish site and design standards within a limited range of minimum and maximum values. Acceptable site and design standards include setbacks and building height, among others.

The change in state law also resulted in some terminology and definitions becoming obsolete; specifically the terms “Secondary Dwelling Unit” and “Guest House”. These deletions are a clean-up item to help avoid confusion, as they are now covered by ADUs and JADUs.

In July 2020, the Planning Commission recommended the City Council adopt an ordinance that retains as much control as possible over ADUs, while maintaining consistency with State law. Included in State law is an allowance for restricting the height of new construction ADUs to 16 feet. Planning staff communicated with the state’s Department of Housing and Community Development and City attorneys to ensure the ordinance is compliant with state law.

In October 2020, the City Council adopted the ordinance with some modifications and kept the height limitation recommended by the Planning Commission. At that meeting Peter Taormina, the applicant for the current amendment, raised concerns about building height and suggested the City Council consider increasing the maximum building height at a future meeting.

On January 5, 2021, Peter Taormina submitted an application requesting a zoning text amendment to increase the maximum allowable height of new construction ADUs to 24 feet. Mr. Taormina cited concerns at the Council’s public hearing that the current height restriction of 16 feet eliminates certain on-site covered parking options such as ADU over garage configurations. Mr. Taormina suggested that increasing the height maximum would preserve some opportunities for off-street parking. This would help the City’s interest to allow increased building heights in situations where a developer is committed to preserving or providing off-street parking in a garage below the ADU.

The Planning Commission reviewed the application at their meeting on March 25, 2021. At that meeting, there was discussion about how the second story would allow smaller yards the ability to reach the maximum allowable floor area provided by state law by utilizing the first and second story for the unit, if they so desire. The proposed changes to the Zoning Ordinance are included in **Exhibit A to the Resolution**. The language being added is in red and the portions being eliminated have a ~~strike through~~.

There were questions regarding whether or not additional setback could be required for buildings over 16’ feet in height and how parking might be provided for ADUs. The issue of public utility easements or no build easements was also raised by the public in connection with the minimum

ADU setback required by the state. The question of what constitutes livable space in reaching maximum floor areas was also a point of discussion.

Additionally, the elimination of the terms “Secondary Dwelling Unit” and “Guest House” was discussed as part of an effort to clean up conflicting terms and maintaining clarity in the Zoning Ordinance.

The Planning Commission did not take action on this item and directed staff to contact the State Department of Housing and Community Development to clarify questions relating to useable space, increased setbacks for higher buildings, requiring parking on the first floor if an ADU over 16’ is built, and how to address conflicts between no-build easements and the four foot setback.

As staff reviewed the questions raised by the Commission, it was decided that if parking were to be allowed on the first floor of the structure, that a driveway of sufficient width to access the parking area must be provided.

In staff’s discussion with HCD, the following were clarified:

- Any space identified for calculating floor area must be habitable space, which is seven feet in height as a general rule;
- The setback for rear and side yards for ADUs is four feet, regardless of the height of the building;
- For setbacks, where non-buildable easements are in place, if the easement is more than four feet wide, it will supersede the four foot setback requirement established by the state;
- The requirement for ground floor parking in exchange for additional height was considered to not violate the statute.
- The requirement for driveway or alley access to ground level parking on a detached ADU was reasonable, provided the width was not so wide as to be restrictive.

Staff drafted language, based on the information provided by HCD in response to issues raised at the March 25th meeting. That draft language is in **green**.

Analysis

The City's primary goals in adopting an ADU ordinance, as noted in the Planning Commission's adopted Resolution (2020-16), were to:

- attain consistency with state law;
- provide affordable housing; and
- retain the maximum level of control permitted under state law.

Staff is recommending limitations on the allowance for new ADUs to be constructed to a height of up to 24 feet. The recommendation is that new ADUs that propose living space on a second floor would be permitted provided parking was provided on the first floor of the structure.

The zoning text amendment is consistent with each of these goals in that the amendment is consistent with state law, may provide additional opportunities for affordable housing, and still allows the City to exercise reasonable control over the heights of accessory units in residential zoning districts.

Recommended Motion

Approve the Resolution attached hereto as **Attachment 1** with proposed amendments to the Zoning Ordinance as **Exhibit A**. This request is submitted for Planning Commission consideration and possible action.

Attachments: A Resolution Recommending the City Council Adopt an Ordinance Modifying the Height of Accessory Dwelling Units and delete with Proposed Amendments to the Zoning Ordinance as Exhibit A

DRAFT
RESOLUTION NO. 2021-

A RESOLUTION OF THE CITY OF MARINA PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL CONSIDER AMENDING AN
ORDINANCE GOVERNING THE DEVELOPMENT OF ACCESSORY DWELLING
UNITS IN THE CITY OF MARINA AND DELETE OBSOLETE TERMS AND
DEFINITIONS PERTAINING TO SUCH.

WHEREAS, the Planning Commission of the City of Marina conducted a duly noticed public meeting to consider initiating amendments to the Marina Zoning Ordinance, considered all public testimony, written and oral, presented at the public meeting, and received and considered the written information and recommendation of the staff report for the June 24, 2021 meeting related to the proposed amendments to the Marina Zoning Ordinance; and

WHEREAS, the Planning Commission finds that the proposed amendments to the Marina Municipal Code are consistent with the goals, policies and programs of the Marina General Plan; and

WHEREAS, the Planning Commission finds that the proposed amendments to the Marina Municipal Code are consistent with the goals and provisions of state law; and

WHEREAS, the terms “Secondary Dwelling Unit” and “Guest House” needed to be deleted from the Zoning Ordinance to provide clarity; and

WHEREAS, the Planning Commission finds that allowing space for a second story for detached accessory dwelling units provides an important option for the City to reach its affordable housing goals; and

WHEREAS, the inclusion of first floor parking for ADUs with living space above meets important needs; and

WHEREAS, adequate drive access is essential to new ADUs with first floor parking space; and

WHEREAS, the Planning Commission finds that adoption of the ordinance permits the City to retain the maximum level of control permitted under state law; and

WHEREAS, the City of Marina Planning Division has determined that this Ordinance is categorically exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed text amendments are covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed amendments are changes to the requirements of Accessory Dwelling Units and Junior Accessory Dwelling Units contained within the Municipal Code as required by State Law pursuant to the amendments made by Assembly Bill 68, Assembly Bill 881 and Senate Bill 13 and will not result in any direct impact upon the physical environment. Any development that occurs in the future subject to such standards will undergo an independent analysis pursuant to the requirements of CEQA.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina that it hereby recommends that the City Council adopt an ordinance governing the height of accessory dwelling units and drive access to such units in the City of Marina and deleting obsolete terms relating to such uses as reflected in Exhibit A, attached hereto.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 24th day of June, 2021, by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

ABSENT, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

Brian McCarthy, Chair

ATTEST:

J Fred Aegerter
CD Director
City of Marina

Exhibit A

17.04 Definitions

- 17.04.15 “Accessory dwelling unit”, as defined in California Government Code Section 65852.2, 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~~s~~ 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.
- 17.04.16 “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.
- 17.04.17 “Accessory unit” means an accessory dwelling unit or junior accessory dwelling unit.
- ~~17.04.291 “Secondary dwelling unit” means an attached or detached dwelling unit sited on the same parcel as the main building and which provides complete independent living facilities for one or two persons, including permanent provisions for living, sleeping, eating, cooking, sanitation and laundry hook ups. (Ord. 2020-07 § 2, 2020; Ord. 2003-09 § 1, 2003)~~
- 17.04.291.5 “Efficiency kitchen” means a cooking facility with appliances, a food preparation counter, and storage cabinets.
- 17.04.291.6 “Efficiency unit”, as defined in California Government Code Section 17958.1, has the same meaning specified in the International Building Code of the International Code Council, as incorporated by reference in Part 2 of Title 24 of the California Code of Regulations.
- ~~17.040.380 “Guest house” means a detached living quarters with permanent provisions for sleeping and sanitation, but without kitchens or cooking facilities, clearly subordinate and incidental to the main building on the same building site, and not to be rented, let or leased, whether compensation be direct or indirect. (Ord. 2020-07 § 2, 2020; Ord. 2003-09 § 1, 2003; Zoning Ordinance dated 7/94, 1994)~~
- 17.04.441 “Junior accessory dwelling unit”, as defined in California Government Code Section 65852.22, means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence.
- 17.04.447 “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.

17.06 R-1 or Single-Family Residential District

17.06.020 – Permitted Uses

- B. ~~One guest house or secondary dwelling~~ Accessory dwelling units pursuant to the provisions of ~~17.14.040, 17.42.040,~~ except in the Coastal Zone where this provision shall not be effective unless and until approved by the California Coastal Commission.

17.06.050 – Building Height

- B, The maximum building heights for ~~secondary dwelling units and guest houses~~ accessory dwelling units shall be governed by the provisions of Section 17.42.040.

17.08 R-2 or Duplex Residential District

17.08.020 – Permitted Uses

- B. ~~One guest house or secondary dwelling~~ Accessory dwelling units pursuant to the provisions of ~~17.14.040, 17.42.040,~~.

17.08.050 – Building Height

- B, The maximum building heights for ~~secondary dwelling units and guest houses~~ accessory dwelling units shall be governed by the provisions of Section 17.42.040.

17.10 R-3 or Single-Family Residential District

17.10.020 – Permitted Uses

- B. ~~One guest house or secondary dwelling~~ Accessory dwelling units pursuant to the provisions of ~~17.14.040, 17.42.040,~~.

17.10.050 – Building Height

- B, The maximum building heights for ~~secondary dwelling units and guest houses~~ accessory dwelling units shall be governed by the provisions of Section 17.42.040.

17.12 R-4 or Multiple-Family Residential District

17.12.020 – Permitted Uses

- B. ~~One guest house or secondary dwelling~~ Accessory dwelling units pursuant to the provisions of ~~17.14.040, 17.42.040,~~.

17.12.050 – Building Height

- B, The maximum building heights for ~~secondary dwelling units and guest houses~~ accessory dwelling units shall be governed by the provisions of Section 17.42.040.

17.42.040 Accessory Dwelling Units

This section establishes standards for the location and construction of accessory dwelling units and junior accessory dwelling units (jointly referred to as “accessory units” in this section) in conformance with California Government Code Sections [65852.2](#) and [65852.22](#). These standards are intended to allow for accessory units as an important form of affordable housing and to comply with state law.

A. Accessory Dwelling Units.

1. Permits Required.

a. Accessory units consistent with the requirements of this section are allowed by right with the issuance of a building permit.

b. *Time Limit to Act.* The city shall complete its review of an accessory unit application and approve or deny the application within sixty days of receipt of the application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory unit is submitted with a permit application to create a new single-family dwelling on the lot, the city shall delay acting on the permit application for the accessory unit until the city acts on the permit application to create the new single-family dwelling. If the applicant requests a delay, the sixty-day time limit shall be extended for the period of the requested delay. In either case the application to create the accessory unit shall be considered without discretionary review or hearing.

2. Permitted Zoning Districts.

a. Accessory dwelling units are permitted in any zoning district where single-family or multifamily dwellings are a permitted or conditionally permitted land use as identified in this title. Junior accessory dwelling units are permitted in any zoning district where single-family dwellings are a permitted or conditionally permitted land use as identified in this title.

3. Site and Design Standards.

a. *General.* Accessory units are subject to the same requirements that apply to primary dwellings on the same lot in the applicable zoning district except as specified in this section.

b. *Number of Accessory Units.* No more than one junior accessory dwelling unit and one accessory dwelling unit is permitted on a single lot with a single-family dwelling. Lots with existing multifamily dwellings shall have a number of internal or attached accessory dwelling units equal to twenty-five percent of the existing multifamily dwelling units. Fractions of units of one-half and above shall be rounded up. Accessory dwelling units may include portions of dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages; provided, that each unit complies with state building standards for dwellings. At least one accessory dwelling unit shall be permitted per lot within existing multifamily dwellings. Not more than two detached accessory dwelling units shall be permitted on lots with existing multifamily dwellings.

c. *Relationship to Primary Dwelling.*

- i. An accessory dwelling unit may be within, attached to, or detached from the primary dwelling. Attachment to the primary dwelling shall be by sharing a common interior wall or common roof. No passageway (as defined in California Government Code Section [65852.2](#)) is required in conjunction with the construction of an accessory dwelling unit.
- ii. An accessory dwelling unit shall have its own kitchen, bathroom facilities, and entrance separate from the primary dwelling.
- iii. The city shall allow junior accessory dwelling units as defined in California Government Code Section [65852.22](#) to be constructed within the walls of the proposed or existing single-family residence with a separate entrance from the main entrance to the primary dwelling, an efficiency kitchen as defined herein, and shared or independent bathroom facilities.

d. *Height.*

- i. An accessory unit is limited to sixteen feet in height; ~~however, if the accessory unit is provided on a second story, the height may be up to twenty-four feet.~~ however, an accessory dwelling units may be up to a maximum to twenty-four feet (24') in height, provided the first story of the structure includes parking for the unit and access to that parking is provided from the street with a unobstructed driveway or alleyway access of at least ten feet (10') in width.

e. *Maximum Unit Size.*

- i. The maximum floor area for a studio or one-bedroom accessory dwelling unit shall be eight hundred fifty square feet, except accessory dwelling units which do not conform to subsections [\(A\)\(3\)\(d\)\(i\)](#) and [\(A\)\(3\)\(f\)\(iii\)](#) of this section which shall be limited to eight hundred square feet. The maximum floor area for an accessory dwelling unit of two bedrooms or more shall be one thousand square feet. In situations where an existing accessory structure is being converted to an accessory dwelling unit, an additional one hundred fifty square feet are allowed for expansion beyond the physical dimensions of the accessory dwelling unit, limited to providing ingress and egress only.
- ii. The maximum floor area of a junior accessory dwelling unit shall be five hundred square feet.

f. *Property Line Setbacks.*

- i. No setback is required for an existing accessory structure or living area as defined herein that is converted to an accessory dwelling unit.
- ii. No setback is required for an accessory dwelling unit constructed in the same location and the same footprint as an existing accessory structure.
- iii. A minimum setback of four feet from the side and rear property lines is required for an accessory dwelling unit ~~sixteen~~ twenty-four feet in height or less. if there is a recorded constraint, such as a no-build easement (e.g., public utility easement), then the recorded constraint prevails in determining the setback. Front and street side yard setbacks shall be the same as the underlying

zoning district. An accessory dwelling unit in excess of ~~sixteen~~ twenty-four feet in height shall comply with setback requirements of the main structure of the applicable zoning district.

g. *Parking.*

i. Except as specified in this subsection, on-site parking for accessory dwelling units shall comply with all parking requirements in Chapter 17.44.

ii. On-site parking is not required for junior accessory dwelling units.

iii. In addition to on-site parking spaces required for the primary dwelling, one on-site parking space shall be provided for each accessory dwelling unit per unit or bedroom, whichever is less.

iv. On-site parking spaces for accessory dwelling units may be covered or uncovered, may be tandem, and may be located within the front, side, or rear setback areas unless there is a specific site or regional condition related to fire or life safety that would make parking in setback areas unsafe.

v. No on-site parking is required for an accessory dwelling unit in the following cases:

a. The accessory dwelling unit is located within one-half mile walking distance of public transit.

b. The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the city council.

c. The accessory dwelling unit is constructed within the primary residence or within an accessory structure.

d. On-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

e. A car-share vehicle pick-up/drop-off location is located within one block of the accessory dwelling unit.

h. *Utility Connections.*

i. *General.* An accessory unit shall not be considered a new residential use for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service, unless constructed in conjunction with a new single-family residence.

ii. *Accessory Units in Existing Space.* For accessory units within an existing primary dwelling, garage, or other accessory structure, the city shall not require an applicant to install a new or separate utility connection directly between the accessory unit and utility or impose a related connection fee or capacity charge.

iii. *Attached and Detached Accessory Dwelling Units.* Consistent with California Government Code Section 66013, a utility 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 or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

iv. *Fire Sprinklers.* The installation of fire sprinklers shall not be required in an accessory unit if sprinklers are not required for the primary residence.

i. *Septic Tank Disposal System.*

i. In areas where septic tank disposal systems are allowed due to lack of sanitary sewer lines, detached accessory dwelling units shall be served by separate and independent septic tank sewage disposal systems. All leach lines shall be designed and installed in accordance with current septic system requirements of the county of Monterey health department.

ii. In other areas of the city, accessory dwelling units shall be connected to the sanitary sewer system through the existing lateral line serving the primary dwelling.

j. *Deed Restrictions.*

i. *Deed Restriction Required.* Before obtaining a building permit for an accessory unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:

a. The accessory unit may not be sold separately from the primary dwelling.

b. The accessory unit is restricted to the approved size as set forth in subsection (A)(3)(e) of this section.

c. The accessory unit shall not be rented for a period of less than thirty-one days.

ii. *Binding on Future Owners.* The above declarations shall be binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the city's approval of the accessory unit.

k. *Fees.*

i. Impact fees shall not be imposed on an accessory dwelling unit less than seven hundred fifty square feet in size.

ii. Impact fees charged for an accessory dwelling unit of seven hundred fifty square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling. (Ord. 2020-07 § 2, 2020; Ord. 2020-06 § 2 (Exh. A), 2020)

17.44 – Parking Requirements

17.44.020 – Residential

- C. ~~Secondary dwelling units and guest houses~~ Accessory Dwelling Units in conformance with Section 17.42.040: no additional parking required;

DRAFT June 2, 2021