

CPC Subcommittee Motion 9.22.22

We support all LDC Updates items except #3, 15, 21, 22, 27, and 50 pending their final resolution of language, and exclude #5.

Tom Silva seconded. Passes Unanimously Motion by David Moty to oppose item #5 and recommend alternative language that was presented.

Seconded by Tom Silva. Motion passes unanimously.

§113.0103

Transit priority area means the area defined in California Public Resources Code Section 21099(7), 21064.3, and 21060.2, as may be amended, ~~or~~ and an area within a 15-minute walking distance on a pedestrian path of travel at an average of three miles per hour that extends no more than one-half mile ~~of~~ walking distance on a pedestrian path of travel from a *major transit stop* that is existing or planned, if the planned *major transit stop* is scheduled to be completed within the planning horizon included in a Regional Transportation Improvement Program ~~or applicable~~ regional transportation plan.

LDC Item	Question Concern	Response
3 - Definition of a Junior Accessory Dwelling Unit (JADU)	If a JADU is attached to a <u>Detached</u> Garage that doesn't have a bathroom, would it be allowable for the JADU's bathroom to be in the single dwelling unit that is referred to in the definition even though the JADU may	Dwelling units are required by the Building Code to include sanitation facilities, and thus a JADU would be required to include sanitation facilities if it was attached to a unit that does not contain them. A detached garage is not considered a dwelling unit.

	<p>not be attached to that house/dwelling unit because the garage is a detached garage? Also, as written the JADU's bathroom cannot be shared with an ADU if it's attached to the ADU.</p> <p>This appears to create a loophole to allow JADUs without readily accessible bathrooms. I don't think this is the intention, but it appears that it is possible, and in some communities, builders are notorious for taking advantage of any loophole.</p>	
15 - Setback Correction for Residential Zones	<p>Setback Correction Requesting that a clarifying statement (highlighted below) be added to §131.0443(a)(4)</p> <p>“unless the encroachment into the side <i>setback</i> is the result of an ADU or JADU addition. In which case, the original side <i>setback</i> remains the same as prior to the ADU or JADU addition.”</p>	<p>In the residential zones, Accessory Dwelling Units are regulated as a Limited Use, with requirements and limitations outlined in Chapter 14, Article 1 (Separately Regulated Use Regulations). The ADU setback regulations (SDMC 141.0302(b)(2)(E)(ii)) only apply to ADUs as a separately regulated use. All other structures or uses of structures are required to comply with §131.0430, which requires compliance with all applicable development standards in the base zones, overlay zones, general and supplemental regulations.</p>
22- Battery Energy Storage Facilities	<p>Concerns with locations within open space and fire hazards</p>	<p>Since utilities are present in open space, the intent is to provide limited opportunities for battery energy storage to connect to those utilities and feed them</p>

		without impacting sensitive habitat. For fire concerns see 141.0422(d)(2). Applicants required to submit an emergency response plan for fire events and other emergency standards to the satisfaction of the Fire Marshall.
22 - ADU Conversions	ADU Conversion within existing structure: We request that the maximum gross floor area remain as shall not exceed 1,200 sq ft for all ADUs and that the new proposed text is not added.	The city is prohibited from establishing a maximum size limit for ADUs converted from existing space according to Gov. Code Section 65852.2(e)(1)(A).
27 – Electrical Fences	Language still pending	Language still pending
50 - Complete Communities Housing Solutions - NDP Requirements	For a development that includes one or more structures over 95 feet in height, or development which exceeds the height limit of the base zone, whichever is greater, a Neighborhood Development Permit decided in accordance with Process Two is required. This code change seems to be comparing apples and oranges as though they were the same thing. In the first half of the sentence it references the height of the structure. In the second half it references the height limit of the base zone, and then uses the comparative, “whichever is greater” as though the structure height and the height limit can be compared directly. I’m struggling to make sense of it.	The intent was if the base zone already allows for structures over 95 feet that an NDP would not be required. For instance, we have not seen a CCHS project downtown as the height limit already exceeds 95 feet. *Confirmed the wording is correct