

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE
CITY OF LOS ALTOS, HELD ON THURSDAY, JUNE 18, 2020 BEGINNING AT
7:06 P.M. AT LOS ALTOS CITY HALL, ONE NORTH SAN ANTONIO ROAD,
LOS ALTOS, CALIFORNIA**

Please Note: Per California Executive Order N-29-20, the Commissions will meet via teleconference only. Members of the Public may call **(773) 231-9226** to participate in the conference call (Meeting ID: **149 992 2867**) Members of the Public may only comment during times allotted for public comments. Public testimony will be taken at the direction of the Commission Chair and members of the public may only comment during times allotted for public comments. Members of the public are also encouraged to submit written testimony prior to the meeting at PlanningCommission@losaltosca.gov or Planning@losaltosca.gov. Emails received prior to the meeting will be included in the public record.

ESTABLISH QUORUM

PRESENT: Chair Ahi, Vice-Chair Bodner, Commissioners Bressack, Lee, Marek and Meadows
STAFF: Community Development Director Biggs, Planning Services Manager Persicone
and City Attorney Houston

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

CONSENT CALENDAR

1. Planning Commission Minutes

Approve minutes of the regular meetings of May 21, 2020 and June 4, 2020.

Action: Upon motion by Commissioner Meadows, seconded by Commissioner Bressack, the Commission approved the minutes from the May 21, 2020 and June 4, 2020 Regular Meetings as written.

The motion was approved (6-0) by the following vote:

AYES: Ahi, Bodner, Bressack, Lee, Marek and Meadows

NOES: None

PUBLIC HEARING

2. Zoning Text Amendment- ZTA 20-0001 (Accessory Dwelling Unit Ordinance)

Zoning Text Amendments (ZTA 20-0001) to Chapter 14.14 (Accessory Dwelling Unit Ordinance) of the Los Altos Municipal Code pursuant to recent modifications to state law.

This item was continued from the June 4, 2020 PC meeting. *Project Manager: Guido F. Persicone, Planning Services Manager*

Planning Services Manager Persicone gave a presentation recommending adoption of the proposed ordinance to the City Council and an overview of edits to the ordinance made since the last Planning Commission meeting.

Questions/Comments for staff:

Commissioner Bressack:

- Noted that she understands the reduction from 1,200 to 1,000 square feet, but some wordsmithing needs to occur because the words will not match the numerical numbers in a couple of places of the document; and
- Instead of saying “a four-foot setback shall be required”, use “shall have a minimum setback of four feet”.

Commissioner Meadows:

- Knows the drop from 1,200 to 1,000 square feet is consistent with State law, but asked how many legal non-conforming ADUs would that create and what changed that supports the proposal to reduce?

Answer: Would have to investigate the number of legal non-conforming ADUs, and the reduction was merely staff's suggestion because they were losing the ability to regulate attached units and it seemed reasonable to drop the square footage.

- Noted that in the staff report and draft ordinance there is no size limitation on an accessory dwelling unit that is created by converting space within the existing primary dwelling or accessory structure and asked why this is not reflected in the tables at all or anywhere else in the ordinance because it seems to be a loophole?

Answer: Came after discussions with the State in which they specifically asked him to add that language to the ordinance.

Commissioner Lee to staff:

- Asked for clarification of the square footage chart pertaining to JADUs, noting 150 square feet can be added to the existing structure for the purposes of ingress/egress, and this should be counted towards the 500 square foot cap.

Answer: Correct verbiage and meant to be habitable space.

- Noted concern with the minimum 5-foot sill height requirements for windows on a second story because of egress issues.

Answer: Checked with San Jose Chief Building Official and other Building Officials that have this in their ordinance.

Public Comment

Resident Aly Shahla stated that she supports the larger square footage allowances for ADUs at 1,000 to 1,200 square feet for families. Noted that she feels the City of Los Altos is being more stringent than other surrounding cities.

Commission Discussion:

Commissioner Meadows

- With regards to JADUs, it states limit is 500 square feet created from the conversion of existing square footage of the residential structure, but nowhere does it talk about a JADU being proposed with a new structure/residence noting this should be clarified;
- Regarding the hybrid approach on page 6 of the staff report, felt the term is confusing, and it is more appropriate to talk about space being added on to an existing house or new construction;
- On page 7 of the draft ordinance, the last sentence says there is no size limitation on ADUs created by converting existing space in the primary dwelling, if so, review the tables to bring about consistency with section 14.14.050 (4);

- On page 13 of the draft ordinance it talks about voluntary setbacks as an incentive and word it to say that if you do a voluntary 10-foot setback you would already be eligible for an ADU that is 16 feet in height;
- Agrees with the annual ADU recertification process to get RENA credit for these and voluntary reporting of rent, but does not support a mandatory annual inspection of an ADU; and
- Prefers the 1,200 square foot limit for ADUs.

Commissioner Bressack:

- Purpose of the ordinance is not only to ensure compliance with State law, but also do it in a manner that reflects Los Altos community values;
- A 10-foot setback for the daylight plane is a way to encourage good behavior amongst neighbors;
- For attached ADU's, it is important that in the existing and new square footage model to show replacement credit up to the limit for existing space you take out of your house, which can be used elsewhere on the property;
- Supports keeping ADU limit it at 1,200 square feet allowing for larger bedrooms and keeping it consistent throughout the ordinance;
- Noted the inspection of units that is non-voluntary short circuits those trying to game the system;
- Section 14.14.050 (f)(2) should say a minimum setback of four feet is permitted as opposed to required because otherwise we are requiring people to be four feet from the property line and the goal is to keep ADUs away from the property line; and
- .

Commissioner Lee

- Echoed other Commissioners in saying this document has come a long way and some great work has been done by staff and the Commissioners;
- The ordinance has gotten clearer and the charts have become made it much more user friendly;
- Supports the 1,200 square-foot ADU square footage maximum;
- Supports Commissioner Bressack's efforts in encouraging the property owners, designers or architects to position the ADU away from the property line as far as possible; and
- Believes that given the fact that one can place an ADU four feet from the property line, the majority of those detached units will be up against this setback in order to maximize the usability of yard space for the principal house.

Commissioner Marek:

- Agreed with the other Commissioner comments;
- All the improvements are good, and the ordinance is clearer; and
- Also agrees with the 1,200 square feet ADU maximum for reasons that have been said and for the quality of living.

Vice-Chair Bodner:

- Agrees in keeping it at 1,200 square feet maximum size for ADUs as she does not see a compelling reason to reduce it and Commissioner Lee's argument about quality of life difference as opposed to design control benefits is compelling;
- Agrees with Commissioner Bressack's suggestions to move ADUs away from the rear or side property lines and 10 feet is an appropriate suggestion for each of these; and

- Is comfortable with the inspections because she likes the idea of the City getting that credit for the units because it is needed, as well as ensuring compliance with affordable housing unit regulations are a big benefit.

Chair Ahi:

- Supports Commissioner Bressack's comments and recommendations for allowing square footage used for the conversion of existing space to an ADU to be applied elsewhere in the main dwelling unit;
- Going from an 800 to 850 square feet limit is good;
- Agrees that a 1,200 square foot maximum for an ADU is appropriate;
- The voluntary additional setback should add a comment that says once the structure gets to that 10-foot setback, then no daylight plane is necessary to reinforce why this is being done; and
- A survey of ADU owners could be a good way to get affordable housing credits for the City.

Commissioner Bressack:

- Noted support for the reduction of fees from all the Commissioners.

Action: Upon motion by Commissioner Bressack, seconded by Vice-Chair Bodner, the Commission recommended adoption of the proposed Zoning Text Amendment and ADU Ordinance to the City Council with the following changes:

- Use the 1,200 square-foot ADU maximum;
- Clarification of the minimum allowed four-foot setback to a side property line;
- If you use existing principal residence square footage and new, you should get some credit back for the square footage used in the main house for an ADU that is not a JADU;
- The voluntary setback encouragement for additional setbacks should be both 10 feet from the side and 10 feet from the rear property lines and the daylight plane would not apply for a detached ADU having these setbacks;
- Recommends ADU permits be reduced; and
- All the recommendations from the staff presentation be included as part of her motion.

The motion was approved (6-0) by the following vote:

AYES: Ahi, Bodner, Bressack, Lee, Marek and Meadows

NOES: None

Commissioner Meadows

- Restated her concern regarding the square footage allowances in section 14.14.050(4) (page 7 of the ordinance) where there is no size limitation on an accessory dwelling unit that is created by converting space within the existing primary dwelling or accessory structure.

COMMISSIONERS' REPORTS AND COMMENTS

None.

POTENTIAL FUTURE AGENDA ITEMS

Community Development Director Biggs provided an overview of upcoming projects on the Commission's meeting agendas.

ADJOURNMENT

Chair Ahi adjourned the meeting at 8:24 P.M.

Jon Biggs
Community Development Director

DRAFT