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A P P E A R A N C E S:

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P R O C E E D I N G S:

CHAIR BARNETT: We'll now move on to Item 3 on the agenda, which concerns Accessory Dwelling Units. We're again asked by Staff to forward a recommendation to the Town Council on Amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding Accessory Dwelling Units.

The proposed amendments also correct outdated references to sections of the Town Code, included in sections pertaining to termination of nonconforming use, requirements for two-unit developments under SB 9, and civil penalties.

Per Staff, the environmental impacts of the proposed amendment were analyzed in the Environmental Impact Report of the 2040 General Plan, and additionally the proposed amendments are exempt pursuant to CEQA Section 15061(b)3.

This is Town Code Amendment Application A-23-002; the project location is townwide; and the Applicant is Town of Los Gatos.

Are there any disclosures on this item? If not, Mr. Mullin, I invite you to make a presentation.

1 SEAN MULLIN: Thank you. In response to changes in
2 State law the Town has updated the Town Code regarding ADUs
3 in 2017 and 2020. New housing legislation continues to be
4 signed into law, impacting ADUs on almost an annual basis.
5 The latest bills impact ADUs; SB 897 and AB 2221 were
6 signed into law and took affect on January 1st of this year.

7 With the latest changes at the State level Staff
8 identified that the current ADU Ordinance requires updating
9 once again. In addition to current State law Staff
10 evaluated feedback and technical assistance from HCD
11 regarding aspects of the Town's current ordinance, and
12 direct input from residents of the Town regarding the
13 impact of neighboring ADUs after construction. Staff
14 determined that an overhaul of the current ordinance is
15 necessary to align with State law, respond to HCD guidance,
16 and address privacy impacts of new ADUs.

17 The Draft Ordinance that is being considered
18 tonight carries forward much of the current ordinance
19 language while introducing new content required by the
20 State. The Draft Ordinance is reorganized into a framework
21 that provides details on definitions, regulations, process,
22 and fees. Your Staff Report discusses each of the draft ADU
23 code sections and provides an assessment of the existing
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1 regulations and how and why they are modified under the
2 Draft Ordinance.

3 Overall, the Draft Ordinance provides a
4 comprehensive framework for ADU regulations that complies
5 with State law, incorporates feedback from HCD, and
6 introduces design standards to help reduce privacy impacts
7 resulting from ADU construction.

8 Included with the Draft Ordinance are three
9 additional Town Code sections outside of the ADU ordinance
10 that require minor revisions to update cross-references to
11 the ADU sections that would change with the Draft
12 Ordinance.

13 An addendum has been distributed correcting Table
14 1-2 in the Draft Ordinance and Staff recommends that these
15 changes be incorporated into any motion to recommend
16 approval to the Town Council.

17 In conclusion, Staff recommends that the Planning
18 Commission review the Draft Ordinance and forward a
19 recommendation of approval to the Town Council.

20 This concludes Staff's presentation and we are
21 available to answer any questions.

22 CHAIR BARNETT: Thank you so much, Mr. Mullin,
23 and I'll turn to my Commissioners and see if they have any
24 questions. Commissioner Hanssen.

1 COMMISSIONER HANSSEN: I wanted to ask the
2 question for the benefit of the public, because I believe
3 this to be the case. These changes in the ADU Ordinance are
4 required for us to have a certifiable Housing Element, or
5 they have to be done for the State to consider?

6 ATTORNEY WHELAN: The Town's ordinance needs to
7 comport with State law, and in the absence of an amendment
8 the State law would apply anyway, and so it makes sense to
9 have the two be consistent.

10 JENNIFER ARMER: And I can add that while this is
11 one of the implementation programs in the Housing Element,
12 it isn't one of the rezonings that is required to be done
13 prior to the January 31, 2024 deadline.

14 COMMISSIONER HANSSEN: Thank you for that
15 clarification. I just wanted to make sure, since we had the
16 meeting last night and there were a lot of people that were
17 concerned about the deadlines.

18 With the last item I did not mention this, but
19 Ms. Armer just did, that the last item was the required
20 zoning changes that we need to comply with the January 31,
21 2024 deadline so that we don't have an issue with State
22 control.

1 The only remaining step, as I understand it, and
2 this is a question, is for the Town Council to approve
3 those zoning changes?

4 JENNIFER ARMER: That is correct.

5 COMMISSIONER HANSSEN: Thank you.

6 CHAIR BARNETT: Other questions at this time?
7 You've probably already answered this question, but can you
8 State that the amendments that we're asked to recommend to
9 the Council are all in effect required to comply with State
10 law?
11

12 SEAN MULLIN: Thank you for that question. I
13 would characterize that most of the changes that Staff has
14 recommended are required to comply with State law. Staff
15 has introduced some design standards that are not required
16 by State law that would address some of the feedback that
17 we received from residents as ADUs have been built next
18 door. Typically the feedback is related to second-story
19 ADUs and the privacy impacts from windows and decks.

20 An additional change that's outlined in the Staff
21 Report relates to lot coverage and exempting ADUs from lot
22 coverage, which is not required by State law, but would
23 help remove barriers to creation of ADUs, which aligns with
24 the Housing Element.
25

1 CHAIR BARNETT: Thanks so much. Commissioner
2 Janoff.

3 COMMISSIONER JANOFF: Thank you. A follow up
4 question with regard to the design standards being invoked.
5 The first question, are these objective design standards?

6 SEAN MULLIN: Thank you for that question and
7 that clarification. They are objective design standards,
8 and if you took a close look at them next to the SB 9
9 Ordinance that was adopted last year, they're very similar
10 to some of the design standards that are included there.

11 COMMISSIONER JANOFF: Just to follow up, even
12 though an application to build an ADU is a ministerial
13 process, the objective design standards would still apply?

14 SEAN MULLIN: Yes.

15 CHAIR BARNETT: Other questions at this time?
16 Commissioner Hanssen.

17 COMMISSIONER HANSSEN: I wanted to clarify that
18 like the SB 9 Ordinance, we are allowed to do that even
19 though it's not in the State law? We're allowed to have
20 some design standards; we have the latitude to do that?

21 SEAN MULLIN: That is correct, as long as they're
22 objective design standards.

23 COMMISSIONER HANSSEN: Got it. Thanks.
24
25

1 CHAIR BARNETT: We'll now open the public portion
2 of the public meeting and invite comments from members of
3 the public, if you have not already submitted a card, and
4 we don't have any as far as I know. Oh, we do. I'm sorry;
5 it's in my blind spot. Mr. Fagot.

6 LEE FAGOT: Good evening, Commissioners. Thank
7 you for the time and effort you've put in, for a long time,
8 repeatedly, to help us get this resolved. Truly appreciate
9 it, and for the Staff working diligently, as well.

10 I do have a question on Table 1-2, Accessory
11 Dwelling Unit Setback Requirements, on the side, including
12 the street side, the setback for new attached ADU within an
13 existing space of a primary dwelling or accessory
14 structure. For the rear and side it simply says, "is
15 sufficient for fire and safety." What is the definition of
16 sufficient? Is it 4' or is it 11' as is the guidance on
17 emergency evacuation requirements for roadways and
18 pathways? Can you provide more specificity to that
19 requirement? Thank you.

20 CHAIR BARNETT: Staff, I would appreciate a
21 response for Mr. Fagot.

22 SEAN MULLIN: Thank you. It's sort of an
23 ambiguous term, "sufficient for fire and safety." It's
24 directly out of the State law. As I understand it, it has
25

1 to do with evaluation on a case-by-case basis by the
2 Building Division and the Fire Department. When we're
3 looking at conversion of existing space, we're talking
4 about a building that's already located there and they're
5 simply converting it to an ADU that's attached, and that
6 evaluation would take place under the Building Permit.

7 JENNIFER ARMER: To phrase it an additional way,
8 it's really just saying that an ADU within the existing
9 building would only be allowed to locate in a portion of
10 the building that is safe for Fire, that it isn't so close
11 to a property line that that causes a concern for the Fire
12 Department, but as we just stated, it isn't new
13 construction. For the new construction addition onto an
14 existing house there are specific setbacks.

16 CHAIR BARNETT: Commissioner Hanssen.

17 COMMISSIONER HANSSEN: I'm surprised that the
18 State law would let us do that, and maybe I don't know the
19 process. It's not a rubber stamp thing. Someone would have
20 to look at it, make a determination, and come out and see
21 it. And you said it was in the State law, but it seems
22 inconsistent with trying to not have any barriers to that,
23 especially when it's the existing structure anyway.

24 SEAN MULLIN: Thank you. I think it recognizes
25 opportunity in the already built environment to create

1 ADUs, and under review of a Building Permit the building
2 official and the plan checkers are looking at the
3 residential code, which has provisions in it as I
4 understand not being a building official, to allow fire
5 safety construction, looking at fire specifically, up to
6 the property line. That may mean that windows might need to
7 be changed under a plan check to be tempered and non-
8 operable if they're too close to a property line, or
9 exterior materials need to be fire rated if they're within
10 3' of a property line. I think the State's approach, my
11 interpretation, is that it provides additional opportunity
12 to create units in an already constructed building.

14 CHAIR BARNETT: Other questions? Mr. Beckstrom.

15 ERIC BECKSTROM: It's amazing to watch you guys
16 and the process. I didn't know what the second story window
17 was about in terms of regulations. I don't know if you
18 could map that out a little bit. Maybe I misheard.

19 CHAIR BARNETT: Could Staff answer that question?

20 SEAN MULLIN: Thank you. I'm assuming that the
21 speaker is talking about the design standards. The design
22 standards require that the windows on a second story that
23 are located less than 10' from rear or side property lines
24 be Clerestory with the bottom of the glass located at least
25 6' above the finished floor of that second story, so in

1 lay-person's term, transom window. That's to limit the view
2 into neighboring yards to the side and the rear.

3 There is an exception in that statement that
4 says, "except as necessary for egress purposes as required
5 by the Building Code." Should a bedroom be located on a
6 side property line within 10' a transom window wouldn't
7 allow proper egress, and if that's the only option
8 available to that bedroom given the configuration of the
9 ADU, the Town would allow a regular window that meets
10 egress requirements to go into that space.

11
12 CHAIR BARNETT: Thank you. Any further comment or
13 question?

14 ERIC BECKSTROM: That clarifies it, and I think
15 especially the part about the egress. I appreciate and
16 understand it. I'm not going to argue it or support it, but
17 as an architect and somebody who has worked in Europe and
18 with history and so forth, what can happen on some houses
19 is they just look like they have bullet windows on the
20 second floor.

21 A house, when it presents itself, is really a
22 face, and a house is nice and welcomes people, actually it
23 signals to people; like a temple tells you to come in,
24 that's what architecture does. I'm not arguing with it, but
25 it's a weird thing, because I've worked in a lot of

1 different jurisdictions, it's nothing about Los Gatos, but
2 these second floor windows that are up high and transoms,
3 in a way it takes away the humanity of the space inside.

4 I live in Los Gatos just off Loma Alta with all
5 these historic houses, so when a window is larger and lower
6 and you're in that space, imagine you're a child and all
7 you see is sky and blue? When it's a taller window you
8 actually see your neighbors.

9
10 I was just walking here from my house and there's
11 a house that has a bunch of little transom windows on the
12 second floor, because it was done ten years ago. The house
13 that's next door to that is 1890s and has 7' tall double-
14 hung windows, but nobody thinks about that. It's almost a
15 big deal, because all the houses that I've worked on for
16 years, people come in and it has big windows, it feels like
17 you can see outside, it's why people moved to Los Gatos.

18 CHAIR BARNETT: Your time is up.

19 ERIC BECKSTROM: Thank you. Thanks for listening.

20 CHAIR BARNETT: Let me see if there are any
21 questions from my fellow commissioners. I don't see any.
22 Thanks so much. We have a card from Mr. Khanel.

23
24 PRADEEP KHANEL: Pradeep Khanel. I'm one of the
25 residents of Los Gatos, one-and-a-half years in the town,

1 so I'm potentially considering an ADU in the future; I have
2 a detached garage that is one-and-a-half floors.

3 I haven't done much research on what the
4 regulations and rules are, so on a very high level I wanted
5 to understand the new changes, the State changes. Has it
6 made the process stricter or kind of relaxed? What I heard
7 when I moved into Los Gatos was that the Town was kind of
8 promoting and encouraging ADUs as much as possible. Is that
9 still the sentiment or has that changed, or what is the
10 implication on a high level? Thank you.

11
12 CHAIR BARNETT: Stand by. Questions from
13 Commissioners? I don't see any. Would Staff respond to his
14 question?

15 SEAN MULLIN: Thank you for that question. I think
16 the general momentum behind the State is to make ADUs
17 easier and easier to create. I think our ordinance, while
18 it's getting longer in content, captures all the
19 requirements of the State law and goes beyond the State law
20 to make creation of ADUs easier; it removes barriers to
21 creation.

22 JENNIFER ARMER: I would also add that over the
23 last year the Town has continued to work in compliance with
24 State law to simplify the process.
25

1 At the beginning of this year the process that
2 was required for a new Accessory Dwelling Unit was changed
3 so that it no longer requires a separate Accessory Dwelling
4 Unit Permit from the Planning Department prior to the
5 Building Department. Now there is one form that is filled
6 out for a new ADU that provides the information that's
7 needed for Planning and Building and the request for the
8 new address for the ADU all at once to simplify,
9 streamline, and reduce the fees that are required for those
10 ADU processes.
11

12 CHAIR BARNETT: Thank you. I appreciate you
13 coming today. I want to see if there are questions for you
14 from Commissioners. Commissioner Thomas.

15 COMMISSIONER THOMAS: I don't have a question for
16 the speaker, but thank you all for coming tonight and
17 submitting public comment.

18 I did have a follow up question for Staff. I know
19 that part of this is related to aligning with State laws
20 and some of our implementation programs associated with the
21 Housing Element, but I do know that there are some other
22 jurisdictions that have additional incentives, I would say,
23 other than the ordinances, so one of the questions is are
24 there other plans for having ready-to-go plans online or
25

1 some of those other programs that I know some other local
2 cities have?

3 SEAN MULLIN: I can start and then defer to Ms.
4 Armer. I'm not aware of any plans to have pre-approved
5 plans. Several cities have that, and other cities have some
6 allowances that the Town has not explored at this point,
7 but if there are ideas that the Planning Commission has to
8 remove barriers or allow different product types with ADUs,
9 that could be part of your recommendation to the Council.
10

11 JENNIFER ARMER: What I would add on that subject
12 is that in Santa Clara County there are a number of
13 different regional agencies, groups of the different
14 planning departments who do connect, and there is a
15 planning collaborative that's been developing a handbook
16 and website that helps step residents through the process.
17 They've actually just published that in the last month, and
18 so that is now available online. It's a little bit broader
19 than specifically to Los Gatos' regulations and processes,
20 but there are a number of resources like that, and they are
21 working to have some designs kind of pre-designed.
22

23 It wouldn't be pre-approved, because each of our
24 sites has its own specific situation and consistency in
25 design with the main house is required, but they are
working to provide some of these kind of pre-designed items

1 for ADUs to try to simplify and shorten and lessen the
2 expense for those processes. So even if that's not being
3 done here in Los Gatos, the regional groups are working on
4 providing that.

5 CHAIR BARNETT: Commissioner Hanssen.

6 COMMISSIONER HANSSEN: Thank you for that
7 question, Commissioner Thomas. I wanted to follow up. I
8 think we asked this when we were discussing the Housing
9 Element, because we have a certain number of units that are
10 contributing to our RHNA that we expect to have. When we
11 were having these discussions we were like let's make sure
12 that we're encouraging and educating people on how to do
13 ADUs so it's easy for them, like putting those links on our
14 Town website so people like our recent speaker could say
15 they really do want us to do ADUs and I don't know what to
16 do, but I can just click on this and get help.

18 JENNIFER ARMER: Yes, thank you. We do have an
19 ADU page on our website, with this particular example that
20 I was giving of information on the regional level. We're
21 taking a look at that to make sure that it is consistent
22 with our processes before we post it and link it from our
23 website, but that is something that we're considering.

24 In addition to that, in terms of making it easier
25 for ADUs to be built, our Town Attorney just reminded me

1 that the Town doesn't actually charge a transportation
2 impact fee for ADUs, even if they are over the 750 square
3 feet where the State would allow us to charge at least a
4 partial impact fee for transportation, so there are those
5 elements as well where the impact fee, for example, are
6 reduced.

7 COMMISSIONER HANSSEN: Thank you.

8 CHAIR BARNETT: Do we have any speakers on Zoom,
9 Mr. Paulson?

10 JOEL PAULSON: Thank you, Chair. No, I don't see
11 any hands raised on Zoom for this item.

12 CHAIR BARNETT: Thank you. We'll now close the
13 public portion of the public hearing on Item 3 and ask if
14 Commissioners have any remaining questions for Staff, wish
15 to comment on the proposed recommendation, or introduce a
16 motion regarding the recommendation for consideration by
17 the Council. Commissioner Thomas.

18 COMMISSIONER THOMAS: I do have a question about
19 the parking minimum, because I know that that was just
20 carried over from our current ordinance, and I was
21 wondering if that was just carried over because it doesn't
22 conflict with any State laws, or if it was looked at with
23 regard to reducing that? I know that that is on the list of
24
25

1 one of the things that can really help with eliminating
2 some of the barriers.

3 SEAN MULLIN: Thank you for that question. It was
4 evaluated to make sure that it was aligning with State law,
5 and there was one minor change made to it; we moved a
6 sentence out of the introduction paragraph down into the
7 lettered list, otherwise we didn't make any other changes,
8 because it did align with the State law.

9
10 COMMISSIONER THOMAS: I think that when I was
11 looking at this—I know Staff worked really hard and did a
12 great job and I really appreciate how thorough it was—there
13 are usually not many people living in these ADUs, and there
14 already are a lot of exceptions for the parking minimum,
15 and I think that it would be something that the Town could
16 easily commit to reducing, especially with all the work
17 that we are planning on do.

18 I'm interested to hear what the other
19 Commissioners think about that, especially because I think
20 in this area we're hoping a lot of the ADU use is going to
21 be people that are retiring, downsizing, moving back in
22 with families, young children, and I'm just curious what my
23 fellow commissioners have to say about it. This feels like
24 low-hanging fruit to me.
25

1 CHAIR BARNETT: Are there any comments by
2 Commissioners at this time? Commissioner Janoff.

3 COMMISSIONER JANOFF: Just a question. If you
4 could point to the specific change that you were
5 recommending?

6 COMMISSIONER THOMAS: Just getting rid of having
7 a parking minimum, just eliminating it, unless there's
8 something specific. I know in some jurisdictions if the
9 garage is being turned into an ADU and then that parking is
10 also eliminated, sometimes there is some substitution that
11 is needed, but other than that just eliminating any
12 restrictions associated with it.
13

14 SEAN MULLIN: Through the Chair, I can add some
15 clarification. Relative to that specific scenario, per
16 State law and the Draft Ordinance, if you eliminate a
17 garage or convert it to an ADU you do not have to replace
18 the parking, and that is included in our ordinance and
19 that's actually the one sentence I think we moved. If the
20 Planning Commission wanted to make the recommendation to
21 eliminate the parking requirement, that would continue, in
22 my read, to align with State law, because the State law is
23 providing the minimums that you need to allow, and if we
24 went a step further to be more permissible it's my
25 understanding that that would be consistent with State law.

1 CHAIR BARNETT: Thank you. Commissioner Hanssen.

2 COMMISSIONER HANSSEN: I actually think it's a
3 good idea to be more lenient on parking than the State law
4 requires, encouraging the production of ADUs.

5 SEAN MULLIN: Through the Chair, I'd say in a
6 majority of the ADUs that we process they would meet one of
7 these exemptions, and so parking is not something that we
8 tend to have a lot of conversations about. When we get up
9 into the hillsides usually it's the transit exemption that
10 gets triggered. You're far away from transit and most of
11 those properties—not all, but most—tend to be able to
12 accommodate the additional parking space that's required.
13 My experience is it's not a conversation we have very often
14 that people are having a hardship meeting the parking limit
15 when it is required. I just wanted to offer that.

17 CHAIR BARNETT: Thank you. Commissioner Janoff.

18 COMMISSIONER JANOFF: It could be that people
19 can't meet it, so they're not having a conversation; we
20 don't really know. To me it's one of those situations where
21 if it isn't a problem to reduce it, then why not do that,
22 and that further underscores the Town's desire to increase
23 housing; it's just one of those things you can add to the
24 Housing Element. I would be in favor of doing that. We
25

1 talked about reducing parking requirements in a number of
2 ways that seems consistent with that.

3 CHAIR BARNETT: For the public's knowledge, I
4 want to confirm that the amendments were drafted by Staff
5 but have been reviewed by Town Council.

6 SEAN MULLIN: Clarification, by the Town
7 Attorney.

8 CHAIR BARNETT: By the Town Attorney, excuse me.

9 ATTORNEY WHELAN: Yes, that's accurate.

10 CHAIR BARNETT: Okay, thank you for that. I think
11 we're ready for a motion.

12
13 COMMISSIONER THOMAS: Sorry, I have one more
14 question. Could I ask something else? I did also have a
15 question about any density bonuses associated with ADUs,
16 because I know that there are some jurisdictions that have
17 also done something like that. Again, these are going above
18 and beyond some of the State laws obviously, but I know
19 that it's like a density bonus for multiple ADUs, which
20 allows for construction of one unrestricted ADU for every
21 affordable ADU deed restricted one. I know the City of San
22 Diego adopted it.

23 JOEL PAULSON: Through the Chair. First of all,
24 we don't count ADUs as density. We don't have anything that
25 goes to the extreme that the City of San Diego has gone

1 through. That is one opportunity that they chose to go with
2 so that they could encourage actual deed restricted
3 affordable ADUs. Virtually none of our ADUs are deed
4 restricted, but that is one of the ways that folks could
5 encourage those deed restricted ADUs which are truly
6 affordable. Ultimately I think San Diego is a little
7 different scenario than we are, especially when it comes to
8 transit and many other topics, but there currently isn't
9 anything that goes as far as, say, the City of San Diego.
10

11 COMMISSIONER THOMAS: Thank you. So there are no
12 other incentives that we could do to help with
13 affordability?

14 JOEL PAULSON: There are, and there is an
15 ordinance currently—we haven't finished it yet—which is the
16 potential for using below market price fees for potentially
17 building permit or a portion of building permit fees, but
18 that program hasn't been fleshed out yet.

19 COMMISSIONER THOMAS: Okay, thank you.

20 CHAIR BARNETT: Commissioner Janoff.

21 COMMISSIONER JANOFF: I just wanted to reflect
22 that at the rate that this ordinance continues to evolve,
23 given that the State law is continuing to evolve, as we go
24 forward into the sixth cycle of the Housing Element and see
25 opportunities for change or further incentives, we can

1 always observe and make those recommendations at a later
2 point. We may want to learn many more things from other
3 jurisdictions, but I don't feel compelled to try to put
4 them all in here tonight; I think it's a good idea to
5 continue to keep looking at it.

6 CHAIR BARNETT: Commissioner Hanssen.

7 COMMISSIONER HANSSEN: I wanted to comment that I
8 appreciate the suggestion from Commissioner Thomas to come
9 up with ideas and look at what other people are doing to do
10 with that. I think it might be a little premature for that
11 and I concur with Commissioner Janoff's comment that the
12 ADU laws are continuing to evolve and more things will come
13 back from the State, and I don't know that that would be
14 the thing that would encourage people to do deed restricted
15 ADUs.
16

17 I haven't had those conversations directly with
18 people and I'm sure what is going on is having a deed
19 restricted ADU, if they decide to sell their home, is a
20 liability to someone that was buying the home and they
21 would have to look at that, so I'm not sure that that would
22 be the thing that would fix it, and I think it would need
23 to be studied, so I think we're good with what we have with
24 the change in the parking.
25

1 CHAIR BARNETT: I see a growing consensus.
2 Commissioner Thomas.

3 COMMISSIONER THOMAS: I just want to add one more
4 thing. Thank you, Chair. I agree. It was interesting to see
5 the different ways that some other jurisdictions have tried
6 to get them... Obviously our ADUs can't be sold separately,
7 so I don't even know how the City of San Diego is doing
8 these kinds of things, but it was interesting because there
9 are some other places that have been able to make them
10 affordable rentals.
11

12 I think that if these things come up in the
13 future we should just keep an eye on it, which is why I
14 wanted to bring it up. I agree that it's very far ahead to
15 try to get it in here, and I also noticed that San Mateo
16 County is working with a third party that basically
17 provides support to applicants, and it seemed like a very
18 cool project that was very low risk and impact to the
19 County and Redwood City. It was like Redwood City, San
20 Mateo County, it was some places up there, and that
21 organization looked like they were doing a lot of helpful
22 work, so if they reach out to us it would be great to
23 partner with them, but it sounds like something like that is
24 in the pipeline for Santa Clara County, which would be
25 great.

1 JENNIFER ARMER: There are discussions about that
2 and other similar potential programs.

3 CHAIR BARNETT: Other questions? Since
4 Commissioner Thomas brought up the issue about separate
5 sales, can you comment on that, Mr. Mullin.

6 SEAN MULLIN: Sure, thank you for that. The State
7 law currently prohibits separate sale of an ADU, and I'm
8 going to make the distinction between ADU and JADU.
9 Separate sales of an ADU is prohibited unless it meets
10 these very narrow criteria for being created by a nonprofit
11 housing group and sold to a qualified buyer, which is
12 defined by income. So there's a very small carve-out
13 exception to allow a sale of an ADU separate from the
14 house.
15

16 Relative to Junior Accessory Dwelling Units,
17 which remember, are physically attached to the single-
18 family residence, they are prohibited from sale and a deed
19 restriction is required to be recorded that prohibits the
20 sales among some other characteristics that need to be
21 adhered to.

22 CHAIR BARNETT: Thank you for that clarification.
23 I think we're ready for a motion. Commissioner Janoff.

24 COMMISSIONER JANOFF: I would propose a motion.
25 First off, I'm looking at the recommendation on page 10 of

1 the Staff Report, and that is what I'm going to turn into a
2 recommendation, with your concurrence.

3 My recommendation is that we recommend to Town
4 Council approval of the amendments to Chapter 20 of the
5 Town Code; the Draft Ordinance amendments, Exhibit 2 of the
6 Staff Report.

7 The Planning Commission can make Findings 1 and 2
8 of the Staff Report on the same page, and we would
9 recommend that parking be eliminated from the ADU
10 Ordinance, and the motion would incorporate Table 1.2,
11 Accessory Dwelling Unit Setback Requirements, as provided
12 in Item 3 Addendum.

13
14 CHAIR BARNETT: Thank you. Do we have a second?
15 Commissioner Hanssen.

16 COMMISSIONER HANSSEN: I second the motion.

17 CHAIR BARNETT: Any discussion? I don't see any,
18 so we'll have a raise of hands for those who support the
19 motion, and that's unanimous. Thank you very much. No
20 appeal rights on this update?

21 JENNIFER ARMER: That is correct, because it's a
22 recommendation to Town Council, there is no appeal.

23 (END)
24
25