

County of Santa Clara
Planning Commission



DATE: January 23, 2020, Regular Meeting
TIME: 1:30 PM
PLACE: Board of Supervisors' Chambers, County Government Center
70 West Hedding Street, 1st Floor, San Jose, CA 95110

MINUTES

Opening

1. Call to Order/Roll Call.

Chairperson Rauser called the meeting to order at 1:34 p.m. A quorum was present.

Attendee Name	Title	Status	Arrived
Marc Rauser	Chairperson, Seat No. 1	Present	
Aimee Escobar	Vice Chairperson, Seat No. 2	Present	
Robert Levy	Commissioner, Seat No. 3	Present	
Kathryn Schmidt	Commissioner, Seat No. 4	Present	
Vicki Moore	Commissioner, Seat No. 6	Present	
Erin Gil	Commissioner, Seat No. 7	Present	

2. Pledge of Allegiance.

The Pledge of Allegiance was recited.

3. Public Comment. (ID# 100183)

One individual addressed the Commission.

Regular Agenda - Items for Discussion

4. Approve minutes of the December 19, 2019 Regular Meeting.

4 RESULT: APPROVED [6 TO 0]
MOVER: Kathryn Schmidt, Commissioner, Seat No. 4
SECONDER: Vicki Moore, Commissioner, Seat No. 6
AYES: Rauser, Escobar, Levy, Schmidt, Moore, Gil

5. Public hearing to consider an Ordinance amending various sections of County of Santa Clara Ordinance Code Appendix I (Zoning) for the purpose of regulating Accessory Dwelling Units (ADUs) in accordance with State law, including Junior Accessory Dwelling Units (JADUs) and Movable Tiny Homes. California Environmental Quality Act (CEQA): Statutorily exempt pursuant to

California Public Resources Code Section 21080.17 and Section 15282(h) of the CEQA Guidelines. Location: Countywide. Supervisorial District: All. File No.: PLN20-001. (ID# 99866)

Possible action:

- a. Forward a favorable or unfavorable recommendation to the Board of Supervisors to find the Ordinance is statutorily exempt from CEQA pursuant to Public Resource Code Section 21080.17, which exempts the adoption of an ordinance by a city or county to implement the provision of Section 65852.2 of the Government Code relating to ADUs.
- b. Forward a favorable or unfavorable recommendation to the Board of Supervisors to amend the County of Santa Clara Ordinance Code Appendix I (Zoning) for the purpose of regulating ADUs in accordance with State law, including JADUs and Movable Tiny Homes.

Joanna Wilk, Associate Planner, Department of Planning and Development, provided an overview of the proposed regulations, including information relating to nomenclature; JADU, parking, owner occupancy, and procedural requirements; new development standards; inclusion of Movable Tiny Homes not required by State law; requisite findings; and, public outreach. Leza Mikhail, Zoning Administrator, Department of Planning and Development, read changes to revised Sections 4.10.015(C), 4.10.015(D)(2)-(3), 4.10.015(F)(2), and 4.10.015(I)(2) of the proposed Ordinance in response to late comments from the California Renters Legal Advocacy and Education Fund and Californians for Homeownership. Ms. Wilk stated that staff recommends forwarding favorable advisory recommendations to the Board of Supervisors to find the project is exempt from CEQA and to approve the proposed amendments.

Discussion ensued relating to square footage for ADUs, permits, other jurisdictional response to new State laws regarding ADUs, and the necessity of a primary residence for an ADU.

Chairperson Rauser opened the public hearing. One individual addressed the Commission. Chairperson Rauser closed the public hearing.

Further discussion ensued relating to definitions and use classifications for ADUs, exclusion of recreational vehicles and travel trailers from the definition of Movable Tiny Homes, impact fees, and service connections for Movable Tiny Homes.

Chairperson Rauser reopened the public hearing. One individual addressed the Commission. Chairperson Rauser closed the public hearing.

Further discussion ensued relating to Section 4.10.015(E)(4) regarding transportation of Movable Tiny Homes on public highways, estimated number of ADU applications after reduced restrictions in 2017, application of proposed Section 4.10.015(C)(4) regarding permissible use of space within a legally established multifamily dwelling structure, and roof specifications.

Chairperson Rauser recessed the meeting at 3:17 p.m. Chairperson Rauser reconvened the meeting at 3:32 p.m. with all members present.

Further discussion ensued relating to occupancy requirements and code enforcement, service requirements, design criteria to exclude recreational vehicles and travel trailers from the definition of Movable Tiny Homes, and permissible height of ADUs.

The Commission approved forwarding favorable recommendations to the Board of Supervisors to find the proposed Ordinance is statutorily exempt from CEQA pursuant to Public Resource Code Section 21080.17, which exempts the adoption of an ordinance by a city or county to implement the provision of Section 65852.2 of the Government Code relating to ADUs; and, to amend County of Santa Clara Ordinance Code Appendix I (Zoning) for the purpose of regulating ADUs in accordance with State law, including JADUs and Movable Tiny Homes, subject to incorporating revised Sections 4.10.015(C), 4.10.015(D)(2)-(3), 4.10.015(F)(2), and 4.10.015(I)(2) read into the record by Ms. Mikhail; deleting Section 4.10.015(E)(4) regarding the transportation of Movable Tiny Homes on public highways; and, including language that distinguishes and excludes recreational vehicles and travel trailers from Movable Tiny Homes.

<p>5 RESULT: APPROVED AS AMENDED [6 TO 0] MOVER: Kathryn Schmidt, Commissioner, Seat No. 4 SECONDER: Robert Levy, Commissioner, Seat No. 3 AYES: Rauser, Escobar, Levy, Schmidt, Moore, Gil</p>

Other Business

6. Receive report from Chairperson.

No report was received.

7. Receive reports from Commissioners.

No report was received.

8. Receive report relating to San Martin Planning Advisory Committee.

Chairperson Rauser stated that on January 22, 2020, the San Martin Planning Advisory Committee (SMPAC) considered the proposed ADU Ordinance considered during Item No. 5 and noted that SMPAC's comments were included in staff's presentation to the Commission. Chairperson Rauser also stated a presentation relating to Reach Codes

was provided to SMPAC on January 22, 2020. Chairperson Rauser announced that SMPAC currently has vacancies and directed those interested to apply to the Office of Supervisor Mike Wasserman.

8 RESULT: RECEIVED

9. Receive report from County Counsel.

No report was received.

10. Receive report from Planning Commission Secretary and Planning Manager, Department of Planning and Development.

Rob Eastwood, Planning Manager, Department of Planning and Development, reported that Commissioner Resendez resigned from the Commission effective December 2019. Mr. Eastwood also reported that the Department has identified more immediate needs in its work plan that are affecting the General Plan Update schedule. Mr. Eastwood stated the Housing Element update is the only State law with an imminent compliance deadline, and he will provide the Commission with an updated schedule for the General Plan Update at a future meeting. In response to an inquiry from Commissioner Schmidt, Mr. Eastwood referred the Commission to the Department's web page for current information relating to quarries. Mr. Eastwood stated the Department can also provide an off-agenda report relating to completion status of all pending Lehigh applications and provide verbal reports during meetings when the Department is better able to estimate when applications may come to the Commission.

10 RESULT: RECEIVED

11. Receive report from Director, Department of Planning and Development.

No report was received.

Announcements

12. Announcements and correspondence:

- a. There are currently no vacancies on the Commission.

Chairperson Rauser stated the Commission currently has one vacancy.

- b. The County of Santa Clara provides reimbursement to appointed Commissioners for family care expenses incurred during the time spent performing their official County duties. For additional information, please contact the Office of the Clerk of the Board at (408) 299-5001.

- c. Receive correspondence (ID# 99924)

12.c RESULT: RECEIVED

Adjourn

- 13. Adjourn to the next regular meeting on Thursday, February 27, 2020, at 1:30 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose.**

Chairperson Rauser adjourned the meeting at 3:58 p.m.

Respectfully submitted,

Peggy Doyle
Deputy Clerk