

(DATE)

Honorable Todd Gloria, Mayor
Mr. Joe LaCava, Council District 1
Dr. Jennifer Campbell, District 2
Mr. Stephen Whitburn, Council District 3
Ms. Monica Montgomery Steppe, Council District 4
Ms. Marni von Wilpert, Council District 5
Mr. Chris Cate, Council District 6
Mr. Raul Campillo, Council District 7
Ms. Vivian Moreno, Council District 8
Mr. Sean Elo-Rivera, Council District 9

Subject: Proposed Revisions to Land Development Code Section 141.302(b)(2)(G)

Dear Mayor Gloria and Members of the City Council:

The Peninsula Community Planning Board (PCPB), the officially designated community planning group for the Peninsula Community has reviewed the “Draft Housing Action Package Amendments to the Municipal Code.” At our (insert date) meeting, the PCPB discussed the impacts of the propose Draft Housing Action Package on the Peninsula Community. In particular, we have significant concerns regarding the amendments to Section 141.0302 (“Accessory Dwelling Units and Junior Accessor Dwelling Units”).

While we recognize that significant changes to State law have been enacted to facilitate and encourage the construction of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), we are concerned that the proposed changes to the Municipal Code (Code) expand upon the provisions of Senate Bill 8 and Senate Bill 9 to an extent that will have significant, irreversible and negative impacts on the character of the Peninsula Community. We have the following specific concerns.

- The changes in State law allow one ADU and one JADU. However, the proposed changes to the Code will allow one ADU and three JADUs in most areas.
- Portions of the Peninsula community are located in designated Transit Priority Areas (TPAs). The proposed Code changes will allow unlimited ADUs in areas subject to the TPA designation.
- State law prohibits local jurisdictions from requiring interior rear or side yard setbacks of greater than four (4) feet. The proposed code changes allow for zero side and rear yard setbacks where the one-story ADU or JADU is less than 16 feet in height. The State limitation on interior side and rear yard setbacks is only recognized where the ADU or JADU is greater than 16 feet in height and the lot abuts other residential uses.
- New trees are required only if there are more than three ADUs per premises, and only one tree is required per 5,000 square feet of lot area. This minimal tree planting effort could reduce or eliminate opportunities for mitigating climate change effects, contrary to current City climate goals.

- Existing curb cuts that “no longer lead to a safe and efficient off-street parking space” as a result of ADU or JADU construction can be closed “to the satisfaction of the City Engineer.” No specific criteria are provided as to the definition of “safe and efficient.”
- New ADUs may be permitted within the habitable area of existing multiple family dwelling unit structure up to 25 per cent of the total existing dwelling units in the structure, increasing the number of ADUs allowed.
- New ADUs in some circumstances will be exempt from the requirement to pay a Development Impact Fee, despite the additional impacts these ADUs will have on the community.
- Creation of all new ADUs or JADUs, whether by conversion of existing structures or by the construction of attached or detached structures will be treated as a Ministerial Permit/Process One eliminating any possible review by area residents of Community Planning Groups.

Each of these provisions go far beyond changes in the Municipal Code required to bring the Code into conformity with State law. The PCPB recognizes and understand the need to provide additional housing in all communities, particularly housing that is suitable for persons of low or moderate income. However, we believe that the proposed Code are not only not necessary for compliance with State Law but will have significant and unavoidable impacts on traffic, parking and the general quality of life in our community.

The PCPB further believes that the proposed changes to the code have not afforded either the Community Planning Groups or others the opportunity to have adequate deliberation on or input to the proposed changes. We respectfully request that all proposed changes to the Municipal Code Section 141.0302 be amended immediately to bring it into exact conformity with applicable State law.

Sincerely,

Frederick W. Cosmo, Chair
Peninsula Community Planning Board