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Prepared July 23, 2008 (for August 7, 2008 hearing)

To: Commissioners and Interested Persons

From: Dan Carl, Central Coast District Manager
Mike Watson, Coastal Planner

Subject: **City of Marina LCP Major Amendment Number 1-08 (Secondary Dwelling Units).** Proposed major amendment to the City of Marina certified Local Coastal Program to be presented for public hearing and California Coastal Commission action at the Commission's August 7, 2008 meeting to take place at the Oceanside City Council Chambers at 300 North Coast Highway in Oceanside.

Summary

The City of Marina is proposing to amend Local Coastal Program (LCP) Implementation Plan (IP, also known as the LCP zoning ordinance) Section 17.06.040 to establish secondary dwellings (second units) as a permitted use in all residential zone districts, to define the development standards for second units, and to clarify the development standards for guest houses in residentially zoned districts. Though the proposed LCP amendment would be applicable to all residentially zoned properties citywide, there are roughly only 30 such zoned properties in a small subdivision within the coastal zone and thus its applicability in the coastal zone is limited to this area.

The changes proposed are fairly straight-forward and narrowly focused on establishing development standards for second units and clarifying the standards for guest houses. That said, however, the amendment as proposed includes some minor defects that could lead to coastal resource impacts with respect to public services and LCP development standards. Fortunately, minor modifications can be applied to correct such issues. With respect to public services, such development must be premised on ensuring adequacy of such service to serve such development. In an area where public services (including water) are not limitless, this requirement is essential to protecting coastal resources. Second unit development will draw on such services, and it must be demonstrated that such services are available before secondary dwellings can be approved. Related to such public services, a change is also required to disallow the establishment and operation of private water wells as a means of circumventing the LCP's public service requirements.

Finally, modifications are also necessary to ensure that coastal permitting and noticing procedures are maintained, and to ensure that the combined primary residence and secondary dwelling together comply with the standards of the underlying zone district.

Staff has worked closely with the City on the suggested modifications, and the City is in agreement with them.

With the identified modifications, staff recommends that the Commission find that the proposed LCP amendment is consistent with and adequate to carry out the policies of the LUP. As so

modified, staff recommends that the Commission approve the LCP amendment. The necessary motions and resolutions can be found on pages 2 and 3 below.

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I. Staff Recommendation – Motions and Resolutions

Staff recommends that the Commission, after public hearing, approve the proposed amendment only if modified. The Commission needs to make 2 motions in order to act on this recommendation.

1. Denial of Implementation Plan Major Amendment Number 1-08 as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (1 of 2). I move that the Commission **reject** Major Amendment Number 1-08 to the City of Marina Local Coastal Program Implementation Plan as submitted.

Resolution to Deny. The Commission hereby **denies** certification of Major Amendment Number 1-08 to the City of Marina Local Coastal Program Implementation Plan as submitted by the City of Marina and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Implementation Plan Amendment may have on the environment.

2. Approval of Implementation Plan Major Amendment Number 1-08 if Modified

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the

Commissioners present.

Motion (2 of 2). I move that the Commission **certify** Major Amendment Number 1-08 to the City of Marina Local Coastal Program Implementation Plan if it is modified as suggested in this staff report.

Resolution to Certify with Suggested Modifications. The Commission hereby **certifies** Major Amendment Number 1-08 to the City of Marina Local Coastal Program Implementation Plan if modified as suggested and adopts the findings set forth in this staff report on the grounds that, as modified, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.

II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Land Use Plan consistency findings. If the City of Marina accepts each of the suggested modifications within six months of Commission action (i.e., by February 7, 2009), by formal resolution of the City Council, the corresponding amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text to be deleted and text in <u>underline</u> format denotes text to be added.

1. Add the following language to IP Section 17.06.040(A):

<u>10. No development shall be approved that would exceed the capacity of municipal utility systems. All applications received for secondary dwellings shall be accompanied with evidence provided by the municipal utility provider that there is adequate service capacity to serve the proposed development.</u>

<u>11. Concurrent with the project application a written commitment from the municipal water provider is required that verifies the capability of the municipal system to serve the proposed development. Projects shall not be approved without such written commitment. A written commitment is a letter from the municipal water provider guaranteeing that the required level of service for the project will be available prior to the issuance of building permits. The City decision making body shall not approve any development unless adequate municipal water supply is available to serve the development.</u>

2. Add the following language to IP Section 17.06.040(D)1:

e. All new secondary dwelling development when combined with all existing site development shall together conform to all applicable requirements of the General Plan/Local Coastal Plan and certified zoning ordinance, including coverage standards.

3. Delete the following language from IP Section 17.06.020(J):

~~J. Water facilities, including wells and storage tanks serving less than three domestic users are permitted in any zone district.~~

~~Water facilities, including wells and storage tanks serving three or four domestic users are permitted in any zone district upon approval by the Design Review Board as to the location, access, landscaping, and color of storage tanks. In the coastal zone such uses shall be subject to a coastal permit.~~

~~Water facilities, including wells and storage tanks serving five or more domestic users are permitted in any zone district upon securing a use permit is each case, except in the coastal zone where such uses shall also be subject to a costal permit.~~

4. Add the following language to IP Section 17.06.040:

F. Permit Required. Secondary dwellings are permitted with approval of either the Community Development Director or a Coastal Development Permit consistent with Section 17.43 and as otherwise provided in this section.

1. Projects outside Coastal Zone. Community Development Director approval is required. Action on the permit is final.
2. Projects in Coastal Appeal Zone. A Coastal Development Permit is required. The public hearing is waived unless the secondary dwelling is part of a larger project that requires a public hearing or if a variance is requested. Notice shall be provided in accordance with Section 17.43. Action on the permit is final unless appealed to the Coastal Commission within ten working days of the Commission's receipt of the Notice of Final Local Action.
3. Projects in the Coastal Zone, non-appealable. A Coastal Development Permit is required. Notice is required in accordance with Section 17.43. Action on the Coastal Development Permit is final.

III. Findings and Declarations

The Commission finds and declares as follows:

A. Proposed LCP Amendment

1. Government Code (and AB 1866) Second Unit Requirement Background

Signed by former Governor Davis on September 29, 2002, AB 1866 added three new provisions to Section 65852.2 of the Government Code that are particularly significant for the purposes of reviewing

proposed second units in residential zones within the coastal zone. Section 65852.2 now:

1) Requires local governments that adopt second unit ordinances to consider second unit applications received on or after July 1, 2003 "ministerially without discretionary review or a hearing." (Government Code Section 65852.2(a)(3))

2) Requires local governments that have not adopted second unit ordinances to "approve or disapprove the [second unit] application ministerially without discretionary review." (Government Code Section 65852.2(b)(1))

3) Specifies that "nothing in [Section 65852.2] shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act ... except that the local government shall not be required to hold public hearings for coastal development permit applications for second units." (Government Code Section 65852.2(j))

Thus, Section 65852.2 significantly affects one component of local government procedures regarding coastal development permits for second units in residential zones (public hearings), but does not change the substantive standards that apply to coastal development permits for such second units.

Pursuant to Section 65852.2, local governments can generally no longer hold public hearings regarding second units in residential zones. This prohibition applies both to initial local review and any subsequent local appeals that may be allowed by the LCP. The restriction on public hearings, however, does not apply to the Coastal Commission itself. The Commission can continue to conduct public hearings on proposed second units located in areas where the Commission retains permitting jurisdiction, and when locally approved coastal development permits are appealed to the Commission.

Section 65852.2 does not affect any other procedures nor the development standards that apply to second units in residential zones located within the coastal zone. Rather, it clarifies that all requirements of the Coastal Act apply to second units, aside from requirements to conduct public hearings. Thus, for example, public notice must be provided when second unit applications are filed and members of the public must be given an opportunity to submit comments regarding the proposed development. When a second unit application is appealable, local governments must still file a final local action notice with the Commission and inform interested persons of the procedures for appealing the final local action to the Commission. In addition, all development standards specified in the certified LCP and, where applicable, Chapter 3 of the Coastal Act, apply to such second units.

2. Description of Proposed LCP Amendment

Prior to the submittal of the LCP amendment, the City of Marina LCP did not contain any specific provisions for secondary dwelling units other than general policies that promoted a range of density categories and housing types. As such, the proposed amendment to the certified LCP involves the formal establishment of second units as a permitted use within residentially zoned districts, and also identifies the development standards and rules for construction of secondary dwelling units within the City's residential neighborhoods. Specifically, the amendment modifies Section 17.06.040 to establish a

secondary dwelling element, and to identify the development standards that would apply to such second units.

See exhibit A for the City Council ordinance and text of the proposed amendment; see Exhibit B for all residentially zoned properties in the coastal zone.

3. Effect of Proposed Amendment

Applications for secondary dwelling units, up to a maximum of 950 square feet in size, would be processed ministerially without public hearings. The changes will potentially make it easier and quicker (and less costly in permit application fees) for applicants to gain approvals for second units in residential zones. Some of this depends on the manner in which administrative reviews will be undertaken at the City, and the length of time that these will take. The specifics of the City's internal review process in this respect are unknown at this time. Nevertheless, the lack of a hearing requirement will likely reduce the absolute amount of City processing time associated with a second unit application because it removes a major step that currently applies to that process.

The lack of a requirement that public service commitments be demonstrated would further reduce the number of steps for a second unit applicant. It would also be expected to lead to approval of second units for which it is uncertain if there are adequate public services. This in turn could lead to scarce public service supply being directed to second units as a class of development (since they would be the only class of LCP allowed development to which this requirement wouldn't apply). Depending on the amount of second units that were eventually approved, the changes could lead to increased use of public services, hastening the time when capacity, particularly sewer and water, is reached.

B. Consistency Analysis

1. Standard of Review

The standard of review for proposed modifications to the City's IP is that they must be consistent with and adequate to carry out the policies of the Land Use Plan (LUP). In general, Coastal Act policies set broad statewide direction that are generally refined by local government LUP policies giving local guidance as to the kinds, locations, and intensities of coastal development. IP (zoning) standards then typically further refine LUP policies to provide guidance on a parcel-by-parcel level. Because this is an IP (only) LCP amendment, the standard of review is the certified Local Coastal Program LUP.

2. LUP Consistency Requirement

In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the Land Use Plan. The City's LUP protects visual and community character, and requires demonstration of sewer and water capacity to serve proposed development. It also distinguishes between urban and rural development, and directs development to developed areas best able to accommodate it. Quality design, respective of the built and natural environment, is expected. Overall, these LUP

requirements reflect and implement similar fundamental goals of the Coastal Act.

3. Consistency Analysis

The proposed amendment is mostly straight-forward and narrowly focused in response to state second unit law requirements. However, the proposed amendment includes provisions that might result in inappropriate development inconsistent with the LUP if not modified. Fortunately, these portions of the proposed text are easily clarified so that the amendment applies only to the appropriate categories of development and ensures public services are available. Other minor clarifications are necessary to ensure 1) appropriate permits are obtained, 2) notice is provided, 3) all development standards are met, including maximum lot coverage, and 4) provisions for public hearings when secondary unit proposals are part of a larger project or if a variance is required. Individual issues (and changes that need to be made to the proposed amendment to find it LUP consistent) are discussed more specifically below.

Applicability

The certified LCP currently prohibits secondary dwelling units. The proposed amendment would create a new allowable use in residentially zoned districts including R-1 (low density), R-2 (duplex residential), R-3 (limited multi-family), and R-4 (multi-family). Since the certified LUP does not currently have any policies related to secondary dwelling units, there is no policy guidance. However, the state law specifically establishes its applicability in relation to secondary dwelling units in single-family and multi-family residential zones only. There are roughly 30, R-1 zoned properties in a small subdivision within the coastal zone. There are no other residentially zoned properties (i.e., R-2, R-3, and R-4) in the coastal zone.

Evidence of Public Services

The City of Marina is served by the Marina Coast Water District (MCWD). MCWD obtains its water from underground wells fed by Salinas River basin sources. The wells in the lower reaches of the basin (in the area of Marina) have had problems associated with salt water intrusion into the underground fresh water supply. MCWD's pumping of these wells appears to have aggravated the problem, but the primary source of the draw down and salt water intrusion originates from intensive pumping of the basin for large agri-business purposes in the upper Salinas Valley (outside the coastal zone). The LUP directs the City to work cooperatively with the water purveyors and other regional users. Towards these ends, the certified LUP requires new development to be served by public water sources and, by extension, prohibits the drilling and establishment of private water wells. Specifically, the LUP states in relevant part:

> *All future development in Marina's coastal zone shall be required to have public water connections.*
>
> *Require that new development be served by piped water from [Marina Coast Water] District wells.*

As it stands today, the certified IP does not contain any implementing measures (ordinances or

standards) to ensure that public services are available to serve new development. In fact, there is at least one IP standard (17.06.020.J) that purports to allow the establishment of a private water well for domestic use in all zone districts despite the clear LUP policy requirement against this.

According to City staff, MCWD has been working to obtain additional capacity to serve the residents of Marina, but there are obstacles to securing additional water sources, both physical and regulatory, and it may very well take several years to achieve. Thus, in an area where water facilities are not limitless, and in particular where limited water supply threatens to curtail additional development, it is appropriate to require evidence of public service availability. Second unit development will draw on such services, and it must be demonstrated that such services are available before second units can be approved. To do otherwise would allow a class of development that could: (1) if public services are curtailed, take services that are directed to higher priority uses in times of limited supply; (2) draw on public services even if there aren't adequate services available; (3) be approved, but not built, leading to any number of "stale" approvals not necessarily responsive to future conditions in this and other respects. Thus, evidence of public service availability is clearly necessary to carry-out the certified LUP. Omission of a public service requirement directly conflicts with policies requiring demonstration of such service and cannot be found consistent with the LUP for these reasons. Likewise, Implementation Plan standards that allow the use of private water wells conflict with LUP policies that require new development to be served by publicly owned and managed water sources. Therefore, modifications are included to require proof of publicly available water service when an application is received for secondary dwelling units and all coastal development permits, and to prohibit the establishment and operation of private water wells (see Suggested Modifications 1 and 3).

Development Standards

The proposed amendment provides that all new development must conform to the development standards of the underlying zone district (including side yard setbacks, height, minimum lot size, width, and depth requirements, etc.). The proposed amendment language further sets a limit on the maximum allowable size of secondary units based on a percentage of lot area, percentage of primary residence floor area, or 950 square feet, whichever is less. The proposed amendment does not however, place limits on the combined product of the primary residence (and all related development) and secondary dwelling unit when aggregated together. Since the LCP does not regulate floor area in any of its residential zone districts, it relies on maximum lot coverage standards to maintain development continuity and the established character of the community within a particular zone district. Because the proposed amendment does not account for second units in this same way, much denser development of small residential sites would be expected under the amendment. Such denser development would be to the detriment of community character, water quality, and coastal viewsheds. Fortunately, this problem is easily corrected by specifying that all development standards, including coverage standards, are cumulative. In other words, secondary dwelling units when combined with all existing site development must meet all LCP standards when considered together. See Suggested Modification 2.

Permit and Notice Requirements

The proposed amendment is silent with respect to the notice and permit requirements for projects within the coastal zone. Pursuant to Section 65852.2 of the Government Code, coastal development permits continue to be required for secondary units even though local public hearing requirements are not. An action on a project by the City is final unless an appeal is brought to the Coastal Commission within ten working days of the receipt of the City's Notice of Final Local Action. The amendment does not reflect these second unit requirements of state law.

Accordingly, modifications are necessary to conform the LCP in this respect to state law, and to make clear the process in this respect for second unit consideration. Certain second unit applications may still require a local hearing. For example, requests for secondary dwelling units that are a part of a larger project that requires a public hearing, or whenever a variance is requested, would still require a hearing. So, for example, if a proposed development includes a single-family residence and secondary dwelling unit, or if a proposal requires a variance, then there must be a public hearing. Otherwise, requests solely for secondary dwelling units that meet all the development standards are waived from the public hearing requirements. Finally, noticing of all proposed secondary dwelling units must be in accordance with the existing notice requirements of the certified zoning (Section 17.43) because nothing in Section 65852.2 precludes or exempts a local government from meeting its notice obligations for coastal development permits under the Coastal Act. See Suggested Modification 4.

Conclusion

The Commission must determine whether the IP changes proposed are consistent with and adequate to carry out the LUP. There are portions of the proposed IP text where there are inconsistencies and/or other issues that would affect the proposed amendment's ability to carry out LUP policies, and ultimately to ensure that coastal resources are protected as directed by the LUP. Fortunately, there are modifications that can be made to address the identified issues and thus achieve LUP consistency.

In conclusion, if so modified in all of the ways outlined here according to the cited modification texts, then the IP as amended by the proposed amendment, and as further modified as suggested above and in the cited modification texts, is approved as being consistent with and adequate to carry out the certified LUP as amended.

C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The City in this case prepared a negative declaration for the proposed amendment under CEQA. This

staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

ORDINANCE NO. 2006-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING SECTION 17.06.040 (SECOND DWELLINGS AND GUEST HOUSES) OF THE MARINA MUNICIPAL CODE AND THE MARINA LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN CHANGING ALL REFERENCES OF "SECONDARY DWELLING UNIT" TO "SECONDARY DWELLING" AND ESTABLISHING THAT NEITHER A SECONDARY DWELLING NOR A GUEST HOUSE QUALIFY AS A HOUSING UNIT AND SHALL NOT BE COUNTED TOWARDS MEETING A HOUSING UNIT DENSITY REQUIREMENT FOR A PROJECT SITE AND SHALL NOT BE COUNTED TOWARDS MEETING AN INCLUSIONARY HOUSING REQUIREMENT

THE CITY COUNCIL OF THE CITY OF MARINA DOES ORDAIN THAT:

ONE, AMENDMENTS TO MARINA MUNICIPAL CODE AND LOCAL COASTAL PROGRAMIMPLEMENTATION PLAN: That Section 17.06.040 of the Marina Municipal Code and Local Coastal Program Implementation Plan shall be amended as shown in "Exhibit A." The amendment is to ensure that the Marina Municipal Code is internally consistent and provides direction for implementation of the affordable housing ordinance. The amendment is consistent with the Marina General Plan and Fort Ord Reuse Plan in that the ordinance amendment facilitates implementation of an affordable housing ordinance that implements related plan policies that encourage the implementation of affordable housing throughout the City.

TWO, EFFECTIVE DATE: This Ordinance shall take effect and shall be in force 30-days from and after adoption of this Ordinance, except as applied through the Local Coastal Program Implementation Plan to properties within the Coastal Zone.

THREE, POSTING OF ORDINANCE: Within fifteen (15) days of the adoption of this Ordinance, the City Clerk shall cause it to be posted in three (3) public places designated by Resolution of the City Council.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on September 19, 2006, and was passed and adopted at a regular meeting duly held on November 20, 2007, by the following roll call vote:

AYES: Council Members: Ford, Gray, McCall, Wilmot and Mettee-McCutchon
NOES: Council Members: None
ABSENT: Council Members: None
ABSTAIN: Council Members: None

APPROVED:

Ila Mettee-McCutchon, Mayor

ATTEST:

Joy P. Junsay, City Clerk

EXHIBIT A

AMENDMENT TO MARINA ZONING ORDINANCE REGARDING SECONDARY DWELLINGS

17.06.040 Guest houses.

~~The following regulations shall apply to all guest houses in the K and R districts:~~

~~A. "Guest house: means a detached living quarters of a permanent type of construction, without kitchens or cooking facilities, clearly subordinate and incidental to the main building on the same building site, and not to be rented, let or leased, whether compensation be direct or indirect.~~

~~B. No guest house shall be erected or enlarged and no existing accessory building shall be converted into a guest house without first obtaining a use permit and in the coastal zone, a coastal permit.~~

~~C. There shall be but one guest house on any one building site. No kitchen or cooking facilities shall be permitted in any such guest house.~~

~~D. All guest houses shall be located on the rear half of the building site and shall not be built closer than six feet from the nearest property line, both sides and rear. It shall not be closer than six feet from the nearest point of the main residence.~~

~~E. The guest house together with the other accessory building shall not exceed thirty percent of the rear yard on which it is built.~~

~~F. A guest house shall not exceed a height of sixteen feet.~~

~~G. No guest house or any part thereof shall be rented, let or leased separately from the main residence.~~

17.06.040 Secondary dwellings and guest houses.

A. One secondary dwelling or one guest house is allowed per building site subject to the following general requirements:

1. There is one and only one single family dwelling and no other main buildings on the building site.

2. The building site is located in the R-1, R-2, R-3, or R-4 district and conforms to the minimum site area, minimum average lot width, and minimum lot depth requirements of the district in which it is located.

3. If located in the R-4 district, the building site is not in excess of seven thousand five hundred square feet.

4. The building site is not located within (1) a condominium or planned unit development project; or (2) in a mobile home or trailer park.

5. The building site abuts upon and takes direct access from a public street.

6. Maximum floor area shall not exceed whichever is less of: (1) ten percent of the site area, (2) two-thirds of the living area of the main building, or (3) nine hundred fifty square feet.

CCC Exhibit A
(page 2 of 4 pages)
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7. The guest house or secondary dwelling shall incorporate or continue architectural features that are similar to and/or compatible with the main building with respect to roof pitch and style, exterior building materials and colors.
8. Additional parking is not required, but any parking provided shall be in accordance with Chapter 17.44.
9. A. The secondary dwelling or guest house does not qualify as a housing unit and shall not be counted towards meeting a housing unit density requirement for a project site and shall not be counted towards meeting an inclusionary housing requirement.
B. Additional Regulations for Guest Houses. No guest house or any part thereof shall be rented, let or leased separately from the main residence.
C. Additional Regulations for Attached Secondary Dwellings:
1. Attached secondary dwellings shall be governed by the minimum yard and maximum height requirements for the main building as required by applicable provisions of Section 17.06.070 and the district in which it is located.
2. The entrances to attached secondary dwellings located on the second floor of the main building shall face the rear yard only.
D. Additional Regulations for Guest Houses and Detached Secondary Dwellings:
1. Guest houses and detached secondary dwellings shall subject to the following requirements, notwithstanding any district or general regulations to the contrary:
a. Located on the rear half of the building site and shall maintain a minimum rear yard of ten feet;
b. Located no closer than six feet from the nearest point of the main building;
c. Not to be located in required side yard in the district in which located; and
d. Not to exceed a maximum height of sixteen feet in the R-1, R-2 or R-3 district and not exceed a maximum height of twenty-five feet in the R-4 district.
2. Design of Openings. Entry doors, including sliding glass doors, access stairs, and decks shall be limited to the walls facing the primary residence, and/or interior of the rear yard.
Exceptions to this standard may be approved only as follows and only then upon approval of the
site and architectural design review board:
a. Where such openings would face any interior side lot line, said side yard for the secondary dwelling shall be increased to ten feet in accordance with Section 17.06.070(E).
b. Notwithstanding the provision of subsection A of this section, where such openings would face any rear lot line, said rear yard for the secondary dwelling or guest house shall be increased to fifteen feet.
3. Architectural Compatibility. The design of guest house or secondary dwelling sited on a corner lot, within thirty feet of an exterior side lot line and visible from the public street, shall be consistent with the street appearance of the existing residence.
E. Site and Architectural Design Review Board Appeal and Approval.
1. Referral to the site and architectural design review board may be requested by the applicant in those instances where an applicant wishes to appeal the planning director's determination regarding architectural compatibility pursuant to subsections (A)(7) and (D)(3) of this section. The design review board may affirm or modify the planning director's determination where the board determines that the design of the secondary

dwelling or guest house, as affirmed or modified, enhances the overall appearance and character of the neighborhood in which it is located.

2. Where site and architectural design review board is requested or required pursuant to this section, abutting property owners shall be notified through the mailing of design review board meeting agendas. In all instances, the applicant shall be responsible for payment of applicable design review fees. (Ord. 2004-12 § 1, 2004; Ord. 2003-09 § 1 (part), 2003: zoning ordinance dated 7/94 (part), 1994).

CCC Exhibit A
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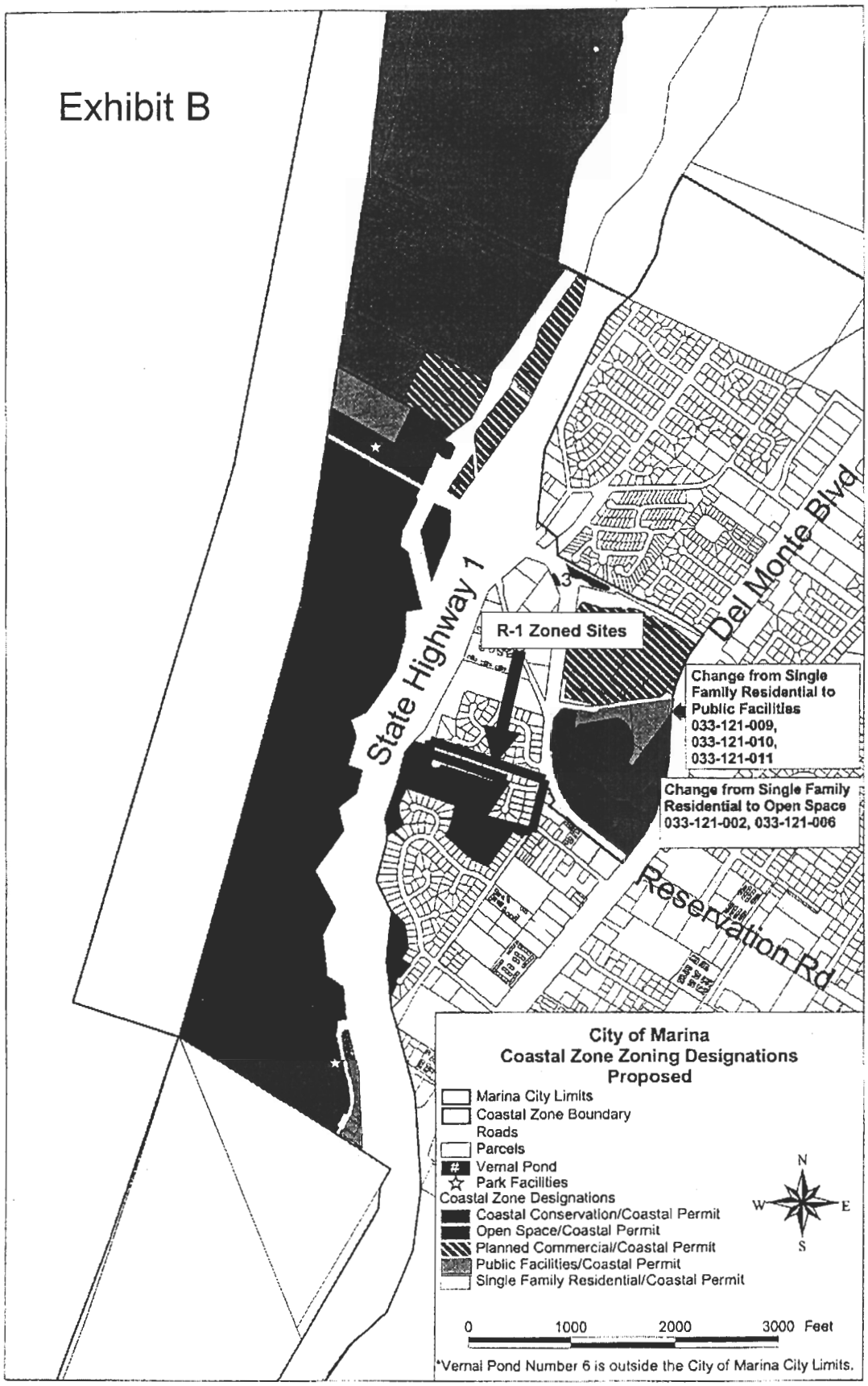
Exhibit B



CCC Exhibit B
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