

RESOLUTION NO. 18-03

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE REPEALING AND REPLACING SECTION 35.325 OF THE ZONING ORDINANCE AND AMENDING SECTION 60.200 OF THE HERCULES ZONING ORDINANCE REGARDING ACCESSORY DWELLING UNITS CONSISTENT WITH CHANGES IN STATE LAW

WHEREAS, the California Legislature requires and authorizes cities to provide for secondary, smaller housing units on residential parcels ("accessory dwelling units" or "ADUs"), at Government Code section 65852.2; and

WHEREAS, the California Legislature recently amended Government Code section 65852.2 to refer to such units as "accessory dwelling units" ("ADUs"), and to streamline their approval, minimize parking requirements, and otherwise encourage the local approval of ADUs; and

WHEREAS, the City proposes to update its requirements, retitle that section, and make consistent amendments to definitions within the Zoning Ordinance to conform to current state law; and

WHEREAS, the Planning Commission considered the updated state law requirements in August of 2017, and considered a draft ordinance and proposed revisions to said draft ordinance in January of 2018; and

WHEREAS, at a properly noticed public hearing on February 20, 2018, the Planning Commission reviewed the revised draft ordinance ("ADU Ordinance") and considered the staff report, supporting documents, public testimony, and all appropriate information submitted and recommended that the City Council adopt the ADU Ordinance, repealing and replacing section 32.325 of the Zoning Ordinance (Second Residential Units) and incorporating corresponding amendments to section 60.200 (Definitions); and

WHEREAS, adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that it can be seen with certainty that there is no possibility for the ordinance to have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED:

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. The Planning Commission finds as follows:
 - a. The proposed amendment to the Zoning Ordinance is consistent with the General Plan.
 - b. The proposed amendment to the Zoning Ordinance would not be detrimental to the health, safety, welfare and public interest of the City.
 - c. The proposed amendment to the Zoning Ordinance is internally consistent and does not conflict with the purposes, regulations and required findings of the Zoning Ordinance.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF HERCULES RECOMMENDS THAT THE CITY COUNCIL:

1. Find that this ordinance is exempt from CEQA pursuant to CEQA Guideline Section 15061(b)(3) because it can be seen with certainty that there is no possibility for the ordinance to have a significant effect on the environment.
2. Consider adopting an Ordinance approving the attached Exhibit A Zone Text Amendment #ZTA 18-01 for Accessory Dwelling Unit policy that would repeal and replace section 32.325 of the Zoning Ordinance (Second Residential Units) and incorporate corresponding amendments to section 60.200 (Definitions) after holding a duly noticed public hearing (anticipated to be March 13, 2018) and having a first and second reading of the Ordinance.

PASSED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF HERCULES on this 20th day of February 2018, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Dion Bailey, Chair

Holly P. Smyth, Planning Director &
Secretary

Exhibit A: Zone Text Amendment #18-01 – Accessory Dwelling Unit (ADU) Ordinance language, amending the Hercules Zoning Ordinance sections 35.325 and 60.200.