

Date: September 20, 2016

From: Department of City Planning

Re: 14-0057-S8 / CPC-2016-1234-CA

Subject: Addendum to CEQA Findings

The ordinance as currently proposed is limited to granting legal non-conforming status to the SDUs described in the proposed ordinance. However, the exemptions codified in Section 21080.17 of the California Public Resources Code and CEQA guidelines sections 15061(b)(3) and 15303 continue exempt the proposed ordinance from compliance with the California Environmental Quality Act ("CEQA").

Under PRC Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code ("second dwelling unit law"). The proposed ordinance, if adopted, will grant legal non-conforming status to SDUs already constructed or under construction as well as proposed SDUs whose applications are currently in the approval pipeline or that will be in the approval pipeline by September 30, 2016. All of these SDUs are or will be consistent with the state's second dwelling unit law.

Additionally, the "common sense" exemption set forth at CEQA Guidelines section 15061(b)(3), also continues to apply approximately 347 existing non-conforming SDUs becoming legal. The effect of the proposed ordinance for these units already built is to maintain the existing baseline conditions and, therefore, would not have a significant effect on the environment as to those SDUs.

For those approximately 200 SDUs that are under construction, have already received building permits but are not under construction or for which plans have been submitted to Building and Safety or will be submitted by the September 30, 2016 deadline, the Class 3 Categorical Exemption set forth in CEQA Guidelines, section 15303 continues to apply and none of the exceptions to this exemption apply for the same reasons set forth in the original CEQA findings.

The ordinance as currently proposed will not greatly expand the possibility of development beyond what would be allowed by state law. The proposed ordinance is limited in scope as it applies to only SDUs already constructed or currently under construction and those SDU applications currently in the approval pipeline, or that will be by the September 30, 2016 deadline, which is only 10 days away. Furthermore these SDUs are subject to the City's regulations relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zones in which the properties are located. As such, the proposed ordinance is both statutorily and categorically exempt from the requirements of CEQA.