

CITY OF SAND CITY

ORDINANCE NO. 17-02, 2017

**ORDINANCE OF THE CITY OF SAND CITY TO AMEND
SAND CITY MUNICIPAL CODE TITLE 18 (ZONING ORDINANCE)
AMENDING SECTIONS 18.13.030, 18.13.040, 18.13.060.D AND 18.13.060.F AND
ADDING SECTION 18.13.060.H**

WHEREAS, from time to time, it is prudent for the City of Sand City (the “City”) to evaluate and update its zoning code and land use requirements based upon current land use and development trends, public input, blighting influences, economic factors, and previous land use/development experiences of the City; and

WHEREAS, Chapter 18.13 of the Sand City Zoning Ordinance was first adopted and incorporated into the Sand City Municipal Code (the “SCMC”) in 2002 (City Ordinance 02-04) establishing the use and development standards for the Planned Mixed Use (MU-P) Zoning District, in conjunction with the General Plan update of 2002 (the “General Plan” that introduced and established the Mixed Use District (MU-D) policies and goals; and

WHEREAS, the non-coastal zone portion of the South of Tioga Land Use District, as identified in the City’s General Plan was recently re-zoned from Manufacturing (M) to Planned Mixed Use (MU-P), consistent with the dual MU-D land use designation of the General Plan’s Land Use Map; and

WHEREAS, the City has a significant number of individual 25-foot wide 1,875 square foot lots, some of which are under the same contiguous ownership; and though those individual lots are legally entitled to some form of development and use, they are not conducive for more conventional and desirable development and land use, nor are they adequate in providing sufficient parking for land uses preferred for the Mixed-Use Zoning District; and

WHEREAS, it is determined that allowing incrementally increasing residential density, where multiple small lots are consolidated into a single larger lot, will encourage lot consolidation where many of the single 25-foot wide properties in Sand City are considered to be substandard for contemporary or desirable new development, and provides incentive for new development investment where high property values and development expenses are potentially cost prohibitive without sufficient unit count to recoup such costs; and

WHEREAS, a consolidated lot/parcel greater than 9,374 square feet, as a single development site, is more conducive in accommodating innovative site and architectural design, sufficient and attractive landscaping, decorative trash enclosures with appropriate access, sufficient screening of on-site utilities and meters, ADA parking and access, and adequate on-site parking; all of which mitigate blighting conditions and influences; and

WHEREAS, the proposed amendments enabling discretionary incrementally increasing housing densities proportional to increasingly larger consolidated lots, as encouragement

to merge substandard lots, is consistent with Sand City Housing Element Program 4.1.3.C regarding 'Small Sites and Mixed Use Program', which states that the City will facilitate lot consolidations to combine smaller lots into larger lots for single development; and

WHEREAS, the proposed amendment enabling building height increases of up to twenty-five feet (25') over the 60-foot maximum, for a total 85-feet in height, subject to discretionary conditional use permit approval when, at a minimum, certain criteria are met, including integral structured parking within that segment of a building exceeding sixty feet in height, intended to provide incentive for inclusion of covered parking within a building to minimize parking sprawl and maximize a site's land use and development potential; and

WHEREAS, it has been determined that specific amendments of Section 18.13.040 of the SCMC Title 18 is necessary to provide clarification of discretionarily allowed land uses; and

WHEREAS, modification of Section 18.13.060.F is necessary to clarify that the amendments adopted to Chapter 18.13 do not apply to those properties with a mixed-use zoning designation that are within a coastal zone overlay, and that properties with a coastal zone planned mixed use (CZ-MU-P) designation must abide by Chapter 18.26 of the City's Zoning Ordinance; and

WHEREAS, an environmental initial study was prepared, circulated for public review and comment between April 12, 2017 and May 2, 2017, which specified that the intended zoning amendments pose no substantial impact to the environment, of which no public comments were received by the City within that time period, and a negative declaration was adopted by the City Council in accordance with CEQA (California Environmental Quality Act) Guidelines, Section 15063 to address the proposed zoning code and minor General Plan amendments; and

WHEREAS, a notice of public hearing regarding the proposed amendments of Chapter 18.13 of Title 18 of the SCMC was published in the Monterey Herald, a newspaper publication of general circulation within the local agency ten days prior to public hearing and posted for public viewing at Sand City's three designated posting locations specified by SCMC Chapter 1.12.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Sand City to amend and add specific Sections within Chapter 18.13 of the Sand City Municipal Code Title 18 (Zoning Ordinance) as follows:

SECTION 1: Section 18.13.030 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:

"18.13.030 Accessory Uses. Accessory uses in the MU-P district are those uses integrated with, but subordinate to, a permitted or conditional use."

SECTION 2: Section 18.13.040 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:

“18.13.040 Conditional Uses. Conditional uses, subject to the issuance of a conditional use permit from the City Council are:

- A. Public or quasi-public uses;
- B. Commercial Recreation
- C. Light-manufacturing
- D. Live/Work units at a density no greater than 1 unit/1,875 square feet of lot area;
- E. Art/Craft Studios;
- F. Laboratories, motion picture studios, recording studios, radio/television broadcast stations, photo processing/printing;
- G. Open Air Markets;
- H. Brew Pubs, Wine Tasting;
- I. Retail Establishments;
- J. Restaurants, food service, food take out;
- K. Bakeries, catering commercial kitchens;
- L. Service Commercial;
- M. Hotels, motels, inns;
- N. Medical and professional offices;
- O. Single-Family and multi-family development at densities no greater than established by this Chapter.
- P. Any other use the City Council finds to be consistent with the goals and policies of the Sand City General Plan and the purposes of this Zoning District.
- Q. Single Room Occupancy (SRO) units.”

SECTION 3: Section 18.13.060.D of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:

“D. Height Limitations: Maximum sixty feet (60'), including roof equipment, but subject to discretionary limitation of less than sixty feet (60') in the approval of land entitlement permits. Maximum allowable building heights shall be based upon a mean average of the sum of a building's height of all building elevations at final grade. Buildings exceeding sixty feet (60') in average height shall be subject to discretionary conditional use permit approval and must satisfy, at a minimum, all of the following findings; but under no circumstances shall any height exceed eighty-five feet (85'):

Findings:

1. That segment of a building exceeding sixty-feet (60') is atop integrated structured parking below, effectively reducing the amount of open ground sprawled parking that would otherwise be necessary for Title 18

compliance with applicable off-street parking requirements.

2. That section of rooftop exceeding the sixty-foot (60') limit does not do so along the entire roof-line, whereby the roof-line varies, oscillates, and/or staggers in height, but does not exceed more than eighty-five feet (85') at its highest point.

3. All windows and other reflective surface on any segment of a building over sixty feet (60') in height shall incorporate a non-reflective glazing or other similar material/treatment to mitigate glare and reflections.

4. Any project exceeding sixty feet (60') in height shall be subject to a comparability determination by the Airport Land Use Commission, and receive approval by that Commission prior to City approval of such a project.

Exceptions to height limitations: Height limitations stipulated in this Chapter may be granted exceptions, subject to conditional use permit approval, for the following:

1-story cupolas and domes, chimneys, flagpoles, open rooftop decks, rooftop stairway and elevator penthouses/access, vertical antennae, rooftop equipment screening, solar collection devices, and green roof elements.”

SECTION 4: Section 18.13.060.H is hereby added to the Sand City Municipal Code to read as follows:

“H Housing Density: The maximum number of residential dwelling units allowed within this MU-P District shall be in accordance with the density specifications as follows:

1) Residential development shall be at a density not to exceed 1 dwelling unit per 1,875 square feet of consolidated development area. Development areas, consisting of existing lots or newly consolidated and merged lots, equal to or greater than 9,375 square feet are considered better suited for progressively increasing residential unit densities, and may be discretionarily granted density bonuses by the City Council as follows:

a) Existing lots or newly consolidated merged lots of 9,375 square feet to 16,874 square feet may be granted up to a maximum 25% density bonus.

b) Existing lots or newly consolidated merged lots of 16,875 square feet to 24,374 square feet may be granted up to a maximum 50% density bonus.

c) Existing lots or newly consolidated merged lots of 24,375 square feet to 31,874 square feet may be granted up to a maximum 75% density bonus.

d) Existing lots or newly consolidated merged lots of 31,875 square feet to 35,624 square feet may be granted up to a maximum 100% density bonus.

e) Existing lots or newly consolidated merged lots of 35,625 square feet

to 39,374 square feet may be granted up to a maximum 150% density bonus.

f) Existing lots or newly consolidated merged lots of 39,375 square feet to 43,124 square feet may be granted up to a maximum 200% density bonus.

g) Existing lots or newly consolidated merged lots of 43,125 square feet or more may be granted up to a maximum 250% density bonus.

2) All density calculations resulting in fractional units shall be rounded to the nearest whole number.

3) Residential densities allowed under this Chapter shall be restricted and limited by a consolidated lot's ability to provide minimum required off-street parking in accordance with Chapter 18.64 of this Title, to the satisfaction of the City Council.

4) Density restrictions of this Chapter shall not impede application of density bonuses/incentives as specified by Chapter 18.59 of this Title.

5) Residential units built and existing per the Housing Density bonuses of this Chapter may be reclassified, subdivided and recorded as individual residential condominium units, subject to City approval and recording of relevant covenants, conditions, and restrictions (CC&Rs) documentation and related parcel map(s) to that effect; without consequence to the number of units that were originally granted per the terms of this Chapter, provided that such reclassification does not increase the number of residential units existing at that time."

SECTION 5: Section 18.13.060.F of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:

"A coastal development permit shall be required for all construction and physical site alterations in the MU-P district where a site designated as MU-P also falls within the coastal zone boundaries of the City. In such cases, these areas shall be shown on the zoning map as CZ-MU-P, and uses within this area shall be subject to the limitations of Chapter 18.26;"

SECTION 6: Severance.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: Effective Date

This Ordinance shall become effective thirty (30) days following the second reading of this Ordinance.

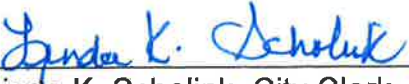
PASSED AND ADOPTED, by the City Council of the City of Sand City this 6th day of June, 2017 by the following vote:

AYES: Council Members Blackwelder, Hubler, Carbone

NOES: None


ABSTAIN: None
ABSENT: None

ATTEST:



Linda K. Scholink, City Clerk

APPROVED:



Mary Ann Carbone, Mayor