



COMMUNITY DEVELOPMENT DEPARTMENT

ACCESSORY DWELLING UNIT ORDINANCE

City Council Hearing - October 24, 2017

Purpose of Hearing

- Receive Public Comment
- Initiate amendments to Titles 28 and 30 establishing regulations for ADUs
 - *Provide direction to Planning staff on ADU regulations*
- Provide direction to Water Resources staff on amendment to Title 14 regarding water meters



Staff Presentation

- Background and intent of State Legislation
- Objectives of the work effort
- Guiding policies
- Direction on ADU development regulations
- Recommendation



Background

- SB 1069 and AB 2299
 - Amended Government Code §65852.2
- Nullified and voided City's ordinances
- In effect until City adopts an ADU ordinance



Background

- SB 229 and AB 494 - Signed by Gov. Brown in October 2017
 - Minor clarifying amendments to §65852.2
 - *Parking for ADUs not to exceed 1 space per unit or bedroom, **whichever is less***
 - *Defines tandem parking as two or more vehicles lined up behind one another*



Background

- Minor clarifying amendments to §65852.2 (cont'd)
 - *Offstreet parking for ADU allowed in setbacks, unless specific findings are made*
 - *Clarifies that an accessory structure includes a studio, pool house, or other similar structure*



Background

- Minor clarifying amendments to §65852.2 (cont'd)
 - *An ADU can be proposed on a lot with **a proposed** or existing single-family dwelling*
 - *HCD may review and comment on ordinance after adoption*



Background

- Government Code §65852.2 states that a local agency may:
 - Designate areas where ADUs may be permitted
 - Impose standards on ADUs that include, but are not limited to: parking, height, setback, lot coverage, landscape, architectural review, maximum size, preventing adverse impacts to property listed in CA Register of Historic Places.
 - Reduce or eliminate parking requirements for ADUs
 - Require 30+ day rental for ADU and owner-occupancy



City's Overall Objectives

- Adopt an Accessory Dwelling Unit (ADU) Ordinance in compliance with state law
- Expand opportunities to create small rental units that provide an array of lifestyle options
- Promote high quality designs that are compatible with the surrounding neighborhood



Background

- Under former provisions (SDU and ADU)
 - Approximately 34 units constructed
- Since January 2017
 - 231 ADU applications
 - 45 ADUs have received building permits



Initial Public Outreach

- ADU Webpage and notification list
- LDT Bulletin
- Allied Neighborhood Association
- American Institute of Architects (AIA)



Public Hearings

- Administrative Design Guidelines
 - *Single-Family Design Board*
 - *Historic Landmarks Commission*
- Draft ADU Ordinance
 - *Planning Commission*



ADU Ordinance Guiding Policies

- General Plan Vision
 - *Allow as much housing as possible within resource limits to provide an array of lifestyle options for a demographically and economically diverse resident population*



2015 Housing Element Direction

- Policy H15 - Secondary Dwelling Units
 - *Further encouraging second units (granny units) in single family zones shall be pursued with neighborhood input to gauge the level of support, but prohibited in the High Fire Hazard Zones to the extent allowed by State laws applicable to second units. Second units may be most appropriate within a short walking distance from a main transit corridor and bus stop.*



2015 Housing Element Direction

- H15.1 – Implementation Action:
 - ✓ Consider unit size range of 300 – 700 sq. ft.
 - ✓ Include secondary unit square footage in FAR
 - ✓ Eliminate attached unit requirement
 - ✓ Eliminate or adjust affordability requirement
 - ✓ Allow tandem parking and ease other parking regulations
 - ✓ Review meter requirements
 - Develop guidelines and prototypes of innovative design solutions (*future work effort*)



REGULATIONS TO DISCUSS

Proposed ADU Ordinance

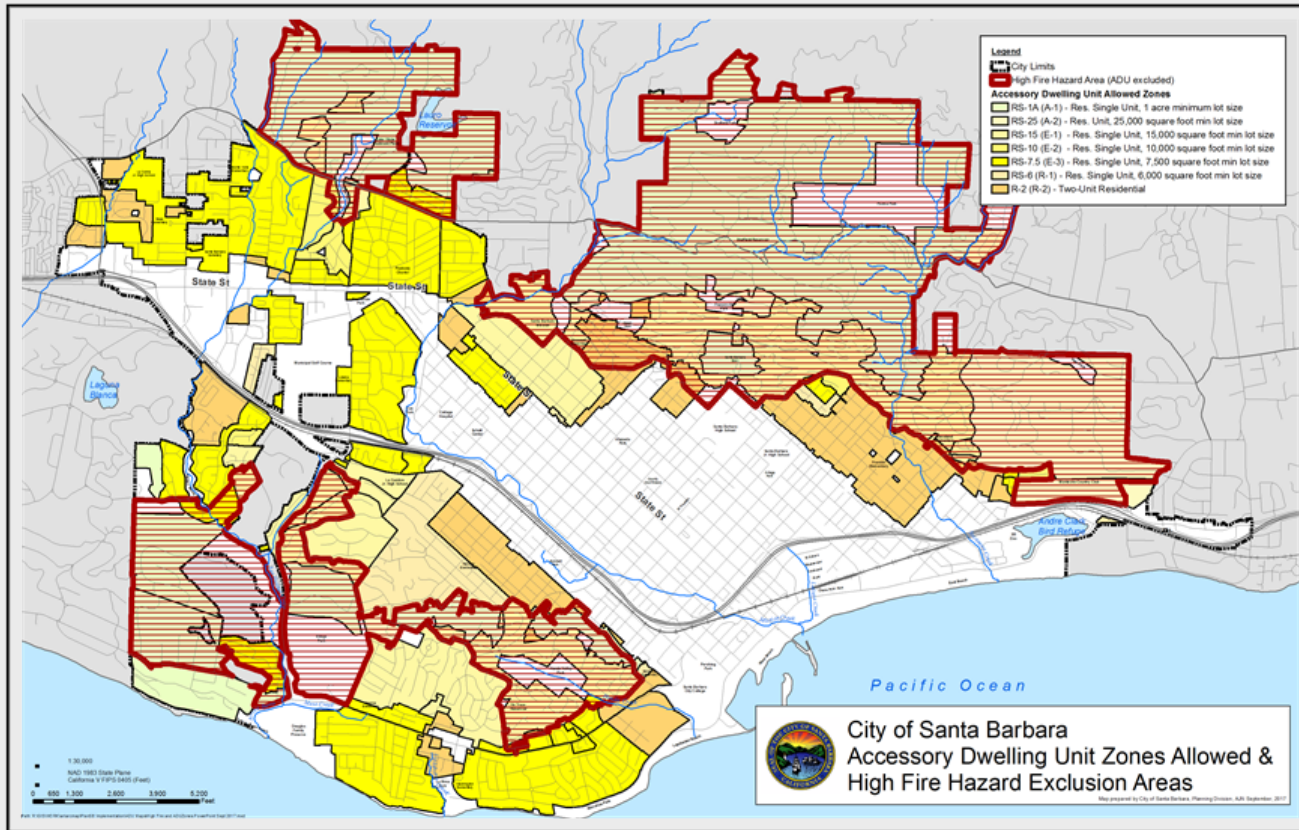
“The lot is zoned for single-family or multifamily use and contains an existing single-family dwelling.”

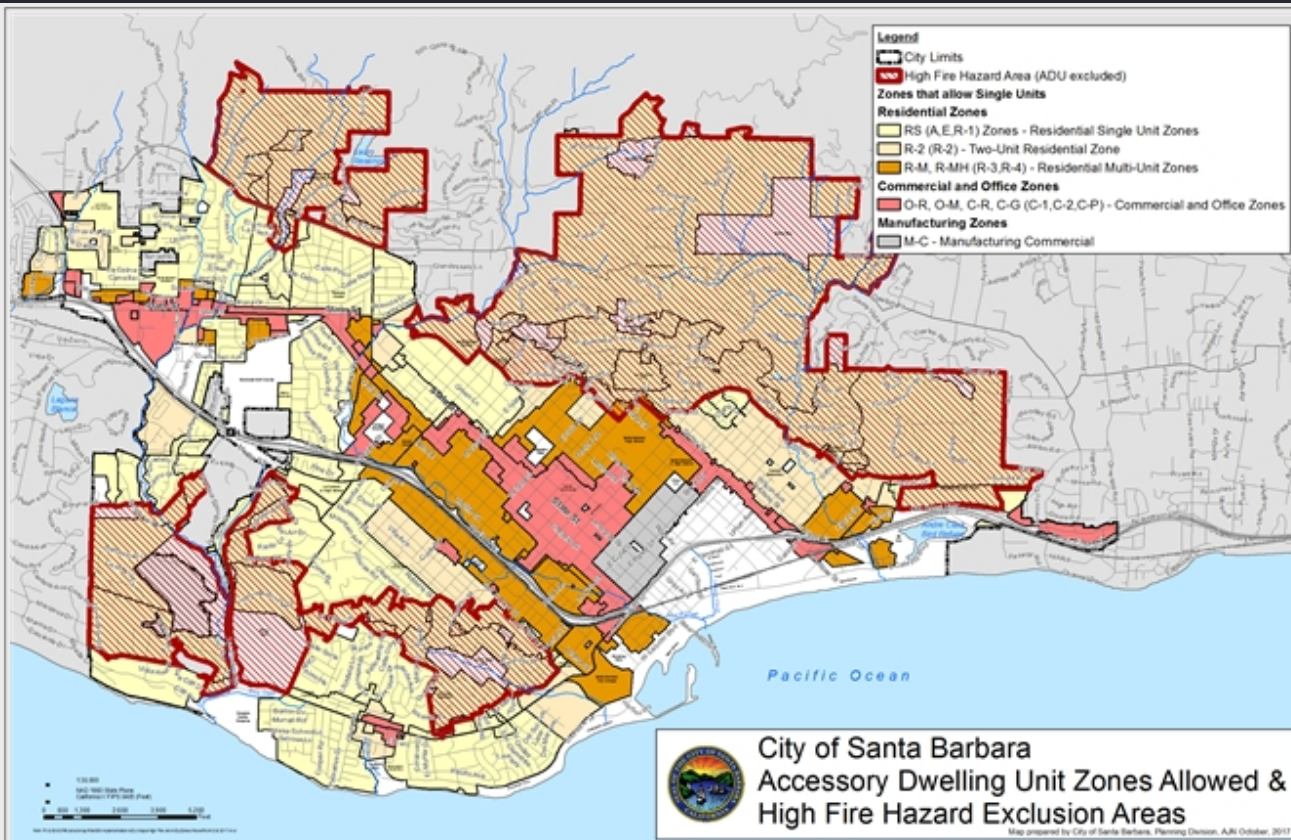
- Initially proposed to allow only in RS and R2 Zones
 - Should we expand to allow in:
 - *R-M and R-MH Zones?*
 - *All zones that allow residential use?*

Proposed ADU Ordinance

“...designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety.”

- Housing Element envisions prohibiting ADUs in High Fire Hazard Areas
 - Should we allow in HFH areas? Only certain areas?
 - Should additional development standards apply?







Proposed ADU Ordinance

“A local agency may...impose standards on ADUs that include, but are not limited to: parking, height, setback, lot coverage...”

- Proposed a 5,000 sq. ft. lot size minimum
 - Should ADUs be allowed on any lot size?
 - Should the ADU be proportional to the lot size?

Proposed ADU Ordinance

“A local agency may establish minimum and maximum unit size requirements...” No minimum or maximum size shall be established that does not permit at least an efficiency unit.

➤ Proposed Minimum Size

- 150 sq. ft. studio
- 400 sq. ft. for all others



Proposed ADU Ordinance

“The area of floorspace for a detached ADU shall not exceed 1,200 square feet.”

“The increased floor area of an attached ADU shall not exceed 50% of the existing living area, with a maximum increase of 1,200 square feet”

- Proposed Maximum Size = 600 sq. ft.
 - If attached, 600 sq. ft. or 50% of the existing primary unit, whichever is smaller

Proposed ADU Ordinance

“A local agency may...impose standards on ADUs that include, but are not limited to: parking, height, setback, lot coverage...”

- Attached ADU
 - *Cannot exceed height of primary unit*
- Detached ADU
 - *Cannot exceed height of primary unit or 25 feet, whichever is less*
 - *Above a detached garage → May exceed height of primary unit if not in front yard and not more than two stories and 25 feet*

Proposed ADU Ordinance

“Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.” “...a local agency may reduce or eliminate parking requirements for any ADU...”

- Proposed 1 space per ADU or bedroom

Proposed ADU Ordinance

“A local agency...shall not impose parking standards for an ADU in any of the following instances:”

- The ADU is located within 0.5 mile of public transit
- The ADU is in architecturally and historically significant district
- The ADU is incorporated within a primary unit or accessory building
- On-street parking permits required but not offered
- A car share vehicle is located within one block of ADU



Proposed ADU Ordinance

“Parking...spaces may be provided as tandem parking on an existing driveway.” “Offstreet parking shall be permitted in setback areas in locations determined by the local agency.”

- Covered parking to comply with setbacks
- Uncovered parking must be out of front setback, front yard (unless screened), and 3 feet from interior lot line
 - Should uncovered parking be allowed in front yard/setback areas, or along interior property lines?



Proposed ADU Ordinance

“...a local agency may require an applicant...to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.”

- Proposal includes recordation of a covenant that either unit be owner-occupied
 - State law allows this now
 - Should the ordinance continue to require this?

Proposed ADU Ordinance – Other Items

“A local agency may...impose standards on ADUs that include, but are not limited to: parking, height, setback, lot coverage, landscape, architectural review...”

- Administrative Design Review Proposed
 - Staff level review with standards incorporated into Single Family Design Board (SFDB) General Design Guidelines



Proposed ADU Ordinance – Other Items

“A local agency may...impose standards on ADUs that... prevent adverse impacts to property listed in CA Register of Historic Places”

- Urban Historian review if primary unit is designated:
 - *National Register*
 - *California Register*
 - *City Landmark or Structure of Merit*
 - *City historic or landmark district*



Potential ADU Ordinance

- AB 2406 allows agencies to adopt regulations for Junior ADUs – not mandatory
 - One JADU per lot
 - JADU cannot exceed 500 sq. ft.
 - JADU must be located entirely within the existing single-family residence and have its own entrance
 - Must include an efficiency kitchen, but may share bathroom
 - Primary unit must be owner-occupied

Effect on Pending Applications

- Effective date of ordinance
 - Estimated February 2018
- City standards would apply to building permits issued after effective date



Next Steps – Fall / Winter 2017

- Planning Commission
- Single Family Design Board review of amendments to SFDB General Design Guidelines
- City Council Ordinance Committee Review
- City Council Ordinance Introduction and Adoption
- Submittal to State Department of Housing and Community Development
- Submittal to Coastal Commission for certification

Water Ordinance

- Water Commission – September 21, 2017
- Recommended proposed changes to Title 14
 - Simplifies metering requirements for ADUs
- Proposed Title 14 changes are not dependent on other ADU zoning policy decisions
- Requesting separate discussion at Ordinance Committee and City Council

Recommendation

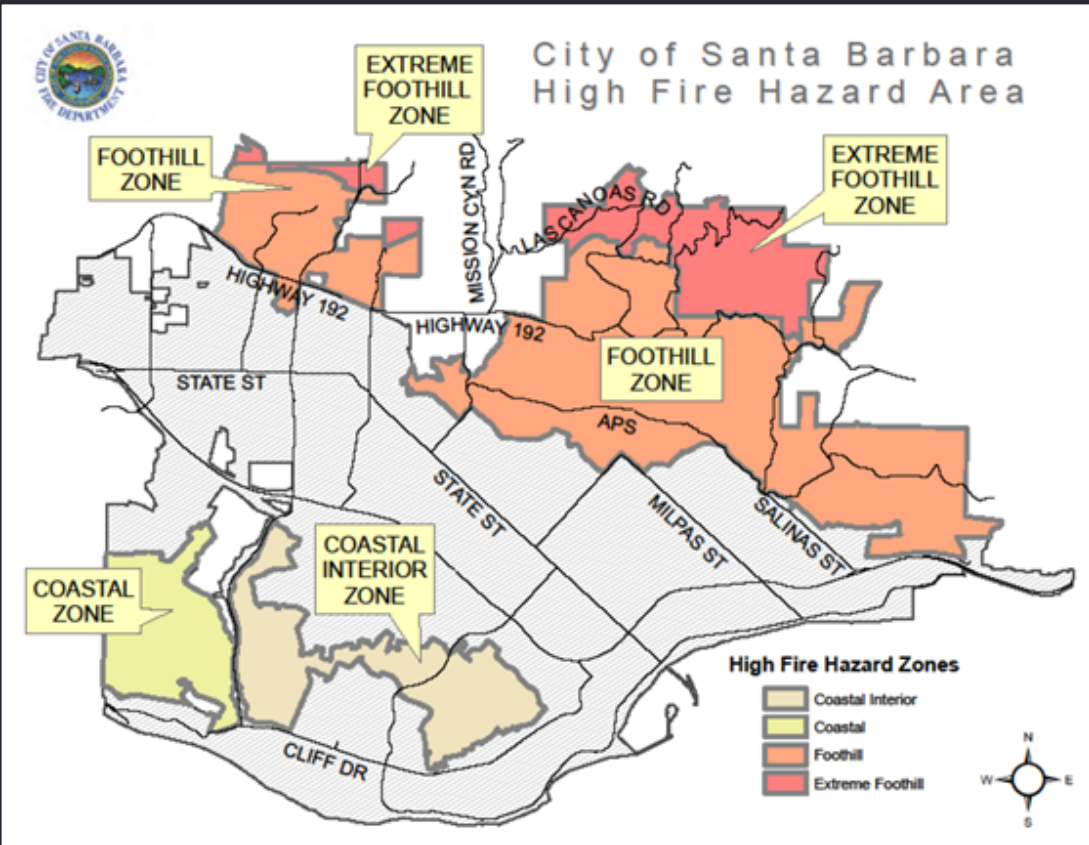
- Initiate amendments to SBMC Titles 28 and 30 (Zoning Ordinances) to establish regulations for Accessory Dwelling Units in accordance with the requirements of SB 1069, AB 2299, SB 229, and AB 494.
- Direct staff to propose an amendment to SBMC Title 14 regarding water meters ahead of amendments to Titles 28 and 30.



Regulations to Discuss

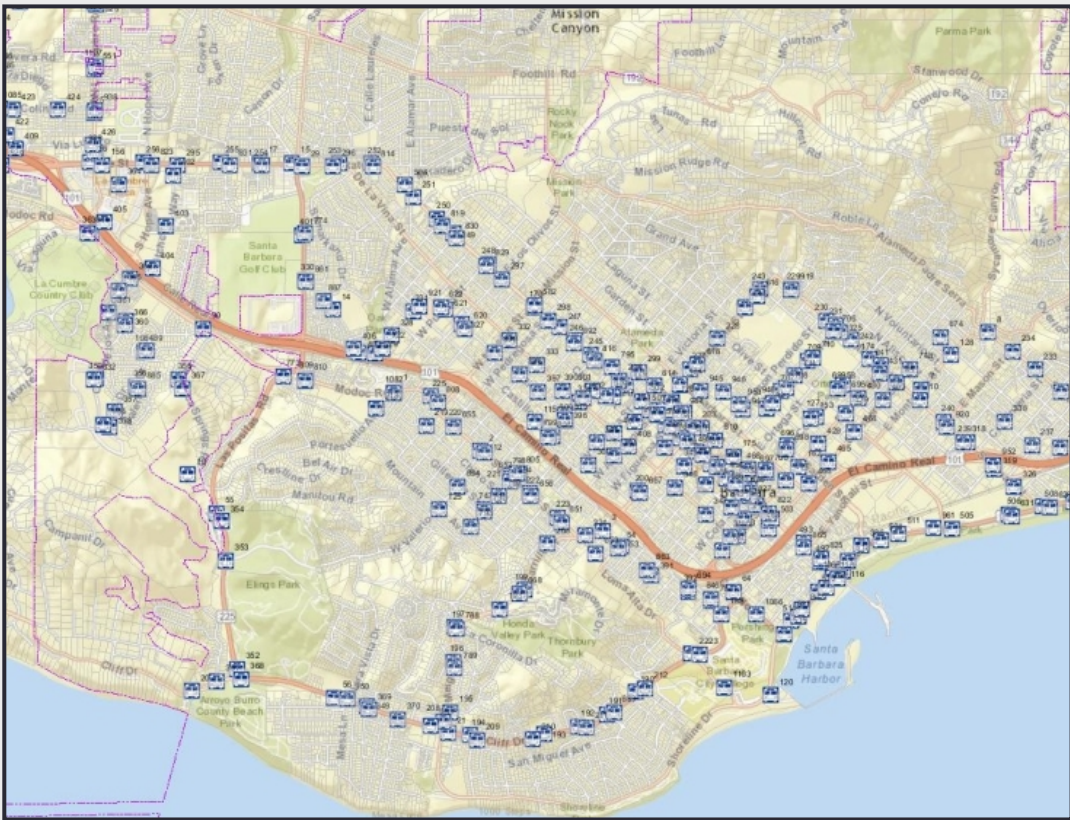
- Allowed Zones / Area
- Minimum Lot Size
- Unit Size (Min & Max)
- Relationship to Primary Unit
- Number of Parking Spaces
- Location of Parking Spaces
- Owner-Occupancy?
- Design Review
- Historic Preservation
- Junior ADUs?
- Effective Date







Transit Stops





Proposed ADU Ordinance - Setbacks

- All ADUs
 - Comply with rules applicable to residential structures
- *Special Rules - Garage Conversions*
 - Setbacks not required except for fire safety purposes
- *Special Rules - Above a Garage*
 - Five-foot setback from interior lot line applicable to second story



Water Ordinance

- SBMC Title 14 currently requires all new dwelling units to be separately metered
- AB 2299 and SB 1069 prohibit the City from requiring a separate City water meter for ADUs contained within existing space of an existing structure
- ADUs that do not fall within State exemption are required to install City water meters per current SBMC



Water Ordinance

- Proposed SBMC Title 14 changes would exempt all ADUs from requiring a separate City water meter
- Certain ADUs will be required to install private submeters to abide by a separate State law (SB7, Water Code 537.1)

Water Ordinance

For ADUs contained within an existing single-family residence or accessory structure, "...a local agency shall not require a new or separate utility connection directly between the ADU and the utility."

- Separate City water meters not required



Proposed Water Ordinance

For ADUs not contained within an existing single-family residence or accessory structure, "...a local agency may require a new or separate utility connection directly between the ADU and the utility." "...the connection fee shall be proportionate to the burden of the proposed ADU."

- Proposed Title 14 amendments would exempt ADUs from installing a separate City water meter, but newly constructed ADUs would be required to install a private water sub-meter