



STAFF REPORT TO THE PLANNING COMMISSION

DATE: Planning Commission Meeting of February 20, 2018

TO: Members of the Planning Commission

SUBMITTED BY: Holly Smyth, Planning Director

SUBJECT: Consider Approving Resolution #18-03 Recommending the City Council Adopt an Ordinance for proposed Zone Text Amendment #ZTA 18-01 related to Accessory Dwelling Units

RECOMMENDATION:

Receive a brief presentation, open public hearing and consider adopting Resolution #18-03 recommending that the Council Adopt an ordinance regulating Accessory Dwelling Units (ADUs).

BACKGROUND:

The State has passed legislation that limits the ability of local government to regulate the construction of new Accessory Dwelling Units, also commonly referred to as “second units.” The State considers the legislation a way of helping to address the State’s housing crisis, particularly as it relates to affordable housing. The new law went into effect on January 1, 2017¹. It contains specific language that renders “null and void” all existing City ordinances regulating ADUs, unless the local ordinance is updated to be consistent with the requirements of the new state legislation.

In response to the new ADU state legislation, staff brought a report detailing the state law and new requirements for local jurisdictions to the Planning Commission for initial review in August 2017. Following input and discussion from the Commission, staff and the City Attorney’s Office updated the City’s existing ordinance and brought a proposed ADU ordinance back to the Planning Commission for a workshop review and discussion on January 16, 2018. Copies of the prior staff reports are provided as Attachments 1 and 2.

The Planning Commission requested a minor change to ordinance in order to allow “detached” ADUs to be the lesser of 50% of the existing living area of the single family home or 1200 square feet (instead of an 800 square foot maximum). Staff also made minor clarifications to the fee provision and the replacement parking provision. The draft ordinance is provided as Exhibit A to the draft resolution.

¹ Two additional bills providing minor amendments to the law (SB 229 and AB 494) were signed later in 2017. All references to the new state legislation include those updates and refer to the law as it exists today.

DISCUSSION:

The statutory scheme governing ADUs (Gov. Code sections 65852.1 et seq) establishes requirements for three types of ADUs:

1. ADUs within existing structures
2. ADUs attached to existing structures
3. Detached ADUs

To avoid confusion and to promote consistency, the draft ordinance being presented to the Planning Commission adopts the state law distinctions regarding ADU types so that it is clear (i) what type of ADU the applicant is seeking to be permitted, and (ii) what development standards apply to that type of ADU. A summary of the three types of ADUs follows:

I. ADUs within existing structures

This type of ADU is created wholly within an existing structure. State law requires that such an existing structure include a single family residence, accessory structure, or a garage. No "new construction" would be required *outside* of the existing structure (i.e. only walls or other indoor improvements) -- so there is no square footage limit for this type. ADUs within existing structures only require building permits (i.e. NOT an administrative use permit, like the other two types of ADUs), which is a state law requirement. This type of ADU must still meet applicable building and safety codes, have independent exterior access, and "sufficient" side/rear setbacks for fire safety. The City cannot require this type of ADU to create new/separate utility/sewer connections.

II. ADUs attached to existing structures.

Per state law, this type of ADU cannot exceed 50% of the existing living area (as defined) with a maximum increase of 1200 square feet. State law allows the City to decide whether it wants to require separate utility/sewer connections. The Public Works Director sees no need to require separate utilities. As for separate sewer connections, the Public Works Director would like that determination made on a case-by-case basis, and subject to the City's approval, depending on the building/construction conditions existing at the location.

III. Detached ADUs.

This type of ADU is completely detached from the existing structure, as currently proposed cannot be more than 1200 square feet or 50% of the main structure size whichever is smaller. Similar to the attached type, the City can decide whether it wants to require separate utility/sewer connections. The Public Works Director sees no need to require separate utilities.

As for sewer connections, the Public Works Director would like that determination made on a case-by-case basis, and subject to the City's approval, depending on the building/construction conditions existing at the location.

Other requirements.

All ADUs are required to comply with the following requirements. These requirements are specified in the proposed ordinance:

Design Standards — ADUs must conform to design and architectural characteristics of the existing single family home, building materials, paint color, landscape buffer, etc.

Fire sprinklers — ADUs must comply with all applicable state and local fire safety provisions. State law does not allow the City to require sprinkler installation in ADUs unless sprinklers are also required for the existing residence. The ordinance currently contains a requirement for sprinklers when the existing residence is required to have sprinklers.

Parking — The parking standards in the ordinance mirror state law requirements, so they must be included “as-is.”

Fees — The ordinance requires payment of all Multi-Family unit impact fees.

Changes since previous Planning Commission ADU Ordinance workshop

Following the Planning Commission’s consideration of this ordinance at a “workshop” level, the below changes were incorporated into the attached draft ordinance at the request of the Planning Commission:

1. Detached ADUs are now allowed to be the lesser of 50% of the existing single family home or 1200 square feet (i.e. the same as the attached ADUs).
2. Replacement parking is required when a garage/carport is demolished for an ADU.

Additionally, section 4.C was revised to provide for payment of Multi-Family unit impact fees, and other sections were revised to clarify that a separate exterior entrance is required for all types of ADUs. Finally, corresponding changes to the definitions section of the Zoning Ordinance (section 60.200) have been included in order to properly define ADU.

Attachments:

- 1:** Staff Report and Attachments from Planning Commission meeting of August 7, 2017.
- 2:** Staff Report and Attachments from Planning Commission meeting of January 16, 2018.
- 3:** Draft Resolution #18-03 Recommending that the City Council Adopt an Ordinance for Zone Text Amendment 18-01 to Repeal and Replacing ADU policy in the City Zoning Ordinance
Exhibit A -Draft Resolution #18-03 –Zone Text Amendment 18-01- Draft ADU Ordinance