



Legislation Details (With Text)

File #: 20-0044 **Version:** 1
Type: Public Hearing - Staff Report **Status:** Agenda Ready
In control: City Council Regular Meeting
On agenda: 1/21/2020 **Final action:**
Title: Public Hearing to Consider Extending Urgency Ordinance No. 19-0021-U and Urgency Ordinance No. 19-0022-U for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) (Community Development Director Tai).
a) CONDUCT PUBLIC HEARING
b) ADOPT URGENCY ORDINANCE NOS. 20-0004-U AND 20-0005-U EXTENDING THE INTERIM ZONING ORDINANCES FOR 10 MONTHS AND 15 DAYS

Sponsors:

Indexes:

Code sections:

Attachments: 1. Urgency Ordinance No. 20-0004-U Extending Urgency Ordinance No. 19-0021-U, 2. Urgency Ordinance No. 20-0005-U Extending Urgency Ordinance No. 19-0022-U, 3. Urgency Ordinance No. 19-0021-U (December 17, 2019), 4. Urgency Ordinance No. 19-0022-U (December 17, 2019)

Date	Ver.	Action By	Action	Result
1/21/2020	1	City Council Regular Meeting	adopted	Pass
1/21/2020	1	City Council Regular Meeting	adopted	Pass
1/21/2020	1	City Council Regular Meeting	adopted	Pass

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Carrie Tai, AICP, Community Development Director
Angelica Ochoa, Associate Planner
Eric Haaland, Associate Planner

SUBJECT:

Public Hearing to Consider Extending Urgency Ordinance No. 19-0021-U and Urgency Ordinance No. 19-0022-U for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) (Community Development Director Tai).

- a) **CONDUCT PUBLIC HEARING**
b) **ADOPT URGENCY ORDINANCE NOS. 20-0004-U AND 20-0005-U EXTENDING THE INTERIM ZONING ORDINANCES FOR 10 MONTHS AND 15 DAYS**

RECOMMENDATION:

Staff recommends that the City Council adopt Urgency Ordinance Nos. 20-0004-U and 20-0005-U extending Interim Ordinance Nos. 19-0021-U and 19-0022-U to amend regulations to accessory

dwelling units (ADUs) and junior accessory dwelling units (JADUs).

FISCAL IMPLICATIONS:

There is no direct fiscal impact associated with the adoption of the attached Ordinance Nos. 20-0004-U and 20-0005-U. However, development of the permanent Zoning Code Amendments for ADUs and JADUs, and then processing future applications for ADUs and JADUs, will require additional staff time and resources.

BACKGROUND:

Recent State law amended California Government Code Section 65852.2 and further limits local jurisdiction's ability to regulate or limit accessory dwelling units ("ADUs"). Effective January 1, 2020, the bills- Assembly Bill (AB) 881, AB 68, AB 587, AB 670 and Senate Bill (SB) 13 -require cities to adopt an ordinance that complies with the new restrictions and includes specific standards. Cities without such an ordinance must approve any ADU that meets minimal State criteria. Below is a summary of the central provisions in the proposed Ordinances, which implement the new State law.

On December 17, 2019, the City Council adopted Interim Ordinance Nos. 19-0021-U and 19-0022-U to amend regulations in the City's Zoning Code and the Local Coastal Program for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), as described below. Each Ordinance is effective for 45 days and will expire on January 31, 2020, unless extended.

DISCUSSION:

Interim Regulations

The draft Ordinance would extend Interim Ordinance Nos. 19-0021-U and 19-0022-U amending regulations to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), which revise the areas where ADUs may be permitted, revise local development standards, and implements the new State requirements regarding square footage, setbacks, height, and parking. These regulations do not impact the City's regulations over Guest Houses (or Accessory Living Quarters) under Municipal Code Section 10.52.050.

An ADU is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a primary dwelling. A JADU is a similar dwelling but must be attached to a primary dwelling and not exceed 500 square feet in area.

Under the interim standards, ADUs are generally prohibited in Area Districts III and IV (beach area) for fire and traffic safety reasons. However, in coordination with other State Housing Bills, specifically the housing replacement bill, which is the impetus of a separate item on this agenda, provision of an ADU would be permitted as replacement housing for an existing legal unit being demolished. They are permitted on residential lots in Area Districts I and II, subject to the specified standards and requirements summarized below.

The following ADU regulations that were in effect from 2016 to 2018 were affected by with the new State requirements:

- Minimum lot area requirement
- Location restriction, allowed in Area Districts I and II only with SFR
- Maximum square footage of 700 square feet

- Minimum setbacks of 3 to 5 feet depending on location of ADU
- Maximum height of 15 feet for one story ADU's and 22 feet for two story ADU's
- Parking requirement for replacement ADU's
- Owner occupant requirement

To comply with the new law, the Interim Zoning Ordinance includes the following standards:

- **Square footage** -

Detached ADUs

Maximum square footage is 850 square feet for studio and one-bedroom units. Two bedroom ADUs shall not exceed 1,000 square feet of gross floor area.

Attached ADUs

The ADU shall not exceed fifty percent (50%) of the gross floor area for the primary dwelling, but in no case shall the ADU be less than 220 square feet, nor more than 1,000 square feet in floor area.

- **Setbacks** - ADUs must be 4 feet from rear and side lot lines. If ADU is converted from existing legal space, no additional setbacks are required.
- **Height** - Detached ADUs shall not exceed 16 feet in height; or, when located above a garage, shall not exceed 25 feet in height subject to certain limitations.
- **Parking** - One off-street parking space is required for a detached ADU, unless certain exceptions are met (most, if not all, will meet exceptions), in addition to the required parking for the primary residence. No replacement parking for an existing residence would be required when an ADU is converted from a garage, carport or covered parking structure, displaces that parking, as long as the ADU remains.
- **JADU's** - A JADU would be permitted on a site in addition to a regular ADU, under certain circumstances, with only a building permit. JADUs must be located entirely within the walls of an existing or proposed single family primary dwelling unit, be a minimum of 220 square feet in area and maximum of 500 square feet of area, have a separate entry and no required parking.

Ongoing Studies

Staff will study the City's interim development activity of ADUs, and State responses to the new regulations, in the coming year, and expects adjustments to be made to the interim regulations in the permanent ordinances to be adopted in late 2020.

To provide the City Council with context on ADU development activity within the City, staff researched the number of single family residences with new and remodeled guest houses and accessory structures in the City for the three years preceding the allowance of ADUs. Accessory structures counted included detached rumpus rooms, shops, pool houses, or cabanas, which could be converted to ADUs. For 2018, there were 6 new guest houses and 1 accessory structure, and for 2019, there were 3 new guest houses and 12 accessory structures. According to the current (2014) Housing Element, there are 11,482 single family residential units and a total of 14,929 dwelling units (single and multi-family) in the entire City. Based on this and GIS data information, staff estimates that there are about 8,000 single family residential units in Area Districts I and II in the RS, RM, RH and RPD zones, where most ADU development is expected.

INTERIM URGENCY ORDINANCES:

The proposed Interim Ordinances would extend Interim Ordinance Nos. 19-0021-U and 19-0022-U

through December 17, 2020, unless the City Council repeals or extends it at a future hearing. In addition, the operative language in the ordinances has been modified slightly to mirror language in the state statute. Staff will return with a regular ordinance at a future City Council hearing, after Planning Commission review and recommendation through the public hearing process.

The City Council must make the following finding to adopt the Interim Urgency Ordinance and it must pass by a four-fifths vote:

There is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.

PUBLIC OUTREACH/INTEREST:

A legal notice was published in the Beach Reporter on January 9, 2020. Future Planning Commission and City Council public hearings for the permanent Zoning Code Amendments will also be noticed.

ENVIRONMENTAL REVIEW:

Pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), this Ordinance is exempt from the California Environmental Quality Act ("CEQA") because it is an ordinance regarding accessory dwelling units to implement the provisions of Government Code Section 65852.2.

LEGAL REVIEW:

The City Attorney has reviewed this report and approved as to form, as well as the interim ordinances.

Attachments:

1. Urgency Ordinance No. 20-0004-U Extending Urgency Ordinance No. 19-0021-U
2. Urgency Ordinance No. 20-0005-U Extending Urgency Ordinance No. 19-0022-U
3. Urgency Ordinance No. 19-0021-U (December 17, 2019)
4. Urgency Ordinance No. 19-0022-U (December 17, 2019)