



Legislation Text

File #: ORD 16-0038U, **Version:** 2

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Mark Danaj, City Manager

FROM:

Community Development Director Marisa Lundstedt
City Attorney Quinn M. Barrow

SUBJECT:

Public Hearing of an Urgency Zoning Ordinance for Accessory Dwelling Units (ADU's) (Community Development Director Lundstedt).

ADOPT URGENCY ORDINANCE NO. 16-0038U

RECOMMENDATION:

Staff recommends that the City Council adopt Urgency Ordinance No. 16-0038U prohibiting accessory dwelling units, except those that satisfy specified standards.

FISCAL IMPLICATIONS:

There is no fiscal impact associated with the adoption of the attached Ordinance No. 16-0038. However, processing applications for accessory dwelling units may require additional staff time.

BACKGROUND

Recent State law amends California Government Code Section 65852.2 and limits the city's ability to regulate or limit accessory dwelling units ("ADUs"). Effective January 1, 2017, the two bills-Assembly Bill 2299 ("AB 2299") and Senate Bill 1069 ("SB 1069")-require cities to adopt an ordinance that complies with the new restrictions and includes specific standards. On January 1, 2017, 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 Ordinance, which implement the new State law.

DISCUSSION

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 the single-family dwelling is situated.

The proposed Ordinance would designate the areas where ADUs may be permitted, establish local development standards, and implement the new State requirements. It would not impact the City's current regulations over Guest Houses (or Accessory Living Quarters) under Municipal Code Section 10.52.050.

Under these proposed interim standards, ADUs would be prohibited in Area Districts III and IV. They

would be permitted only on residential lots in Area Districts I and II, subject to new standards and requirements.

To comply with the new law, the proposed Ordinance establishes the following standards:

- Square Footage. The total floors pace area of the ADU must be no more than 1,200 square feet and, if attached to the primary residence, no more than 50% of primary residence's living area.
- Setbacks. The ADU must have setbacks of at least five feet from all lot lines, except as follows: For an ADU that is converted from an existing garage, no additional setbacks beyond the existing garage setback shall be required, except as may be required by the local building and fire codes.
- Parking Requirements. A minimum of one off-street parking space must be provided for each bedroom or studio, in addition to the parking required for the primary residence. However, certain ADUs may be built with no additional parking for the ADU.

In addition to the State-mandated standards, the proposed Ordinance establishes the following local requirements on all ADUs:

- Owner-Occupant and Rental Terms. The property owner must be an owner-occupant.
- Rental Term. The ADU must be rented only for terms longer than 30 days.
- Height. The ADU structure must not exceed 12 feet measured from a weighted average of the local grades around the perimeter of the ADU. However, additional height is permitted if the ADU satisfies particular roof-pitch requirements or if the ADU is constructed directly above a garage.
- Separation. A detached ADU must be separated from the primary residence by at least ten feet.

INTERIM URGENCY ORDINANCE

The proposed Ordinance would be effective immediately and remain effective for 45 days unless the City Council extends it at a future hearing. Staff is studying and developing permanent standards for ADUs and will return with a regular ordinance at a future City Council hearing.

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.

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 the ordinance.

Attachment

1. Ordinance No. 16-0038U