

Accessory Dwelling Unit Urgency Ordinance

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Accessory Dwelling Unit (ADU)

Attached or a detached **residential dwelling unit** that provides **complete independent living facilities** for one or more persons and is located **on a lot** with a proposed or existing **primary residence**.



Junior Accessory Dwelling Unit (JADU)

A unit that is **no more than 500 square feet** in size and **contained entirely within a single-family residence**. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Background



Mar. 2019

Tier One priority established for Housing



Aug. 2019

Legislature adopts Accessory Dwelling Unit bills



Oct. 2019

Governor signs legislation



Jan. 2020

Bills effective; local agencies ADU Ordinances void

State Bills

Assembly Bill 881 – Accessory Dwelling Units

Assembly Bill 68 – Junior Accessory Dwelling Units

Senate Bill 13 – Enforcement of unpermitted ADUs

Assembly Bill 678 – Limitation on HOAs

Required Amendments for ADUs

- Maximum setbacks
 - Four feet for side and rear
- Limits on lot coverage maximum
- 800 square foot, 16-foot tall ADU regardless of standards
- No owner-occupancy deed restriction
- Review time – 60 days



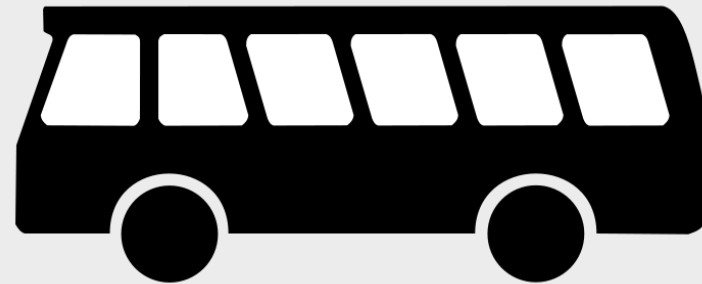
Required Amendments for ADUs



- Allowed on multifamily properties
 - 25% of total units (at least one)
 - Converted uninhabitable space
- A maximum of two detached ADUs allowed

Required Amendments for ADUs

- No replacement parking allowed when structure converted to ADU
 - Applies to single and multifamily dwellings
- One-half mile *walking* distance to public transit



Required Amendments for JADUs



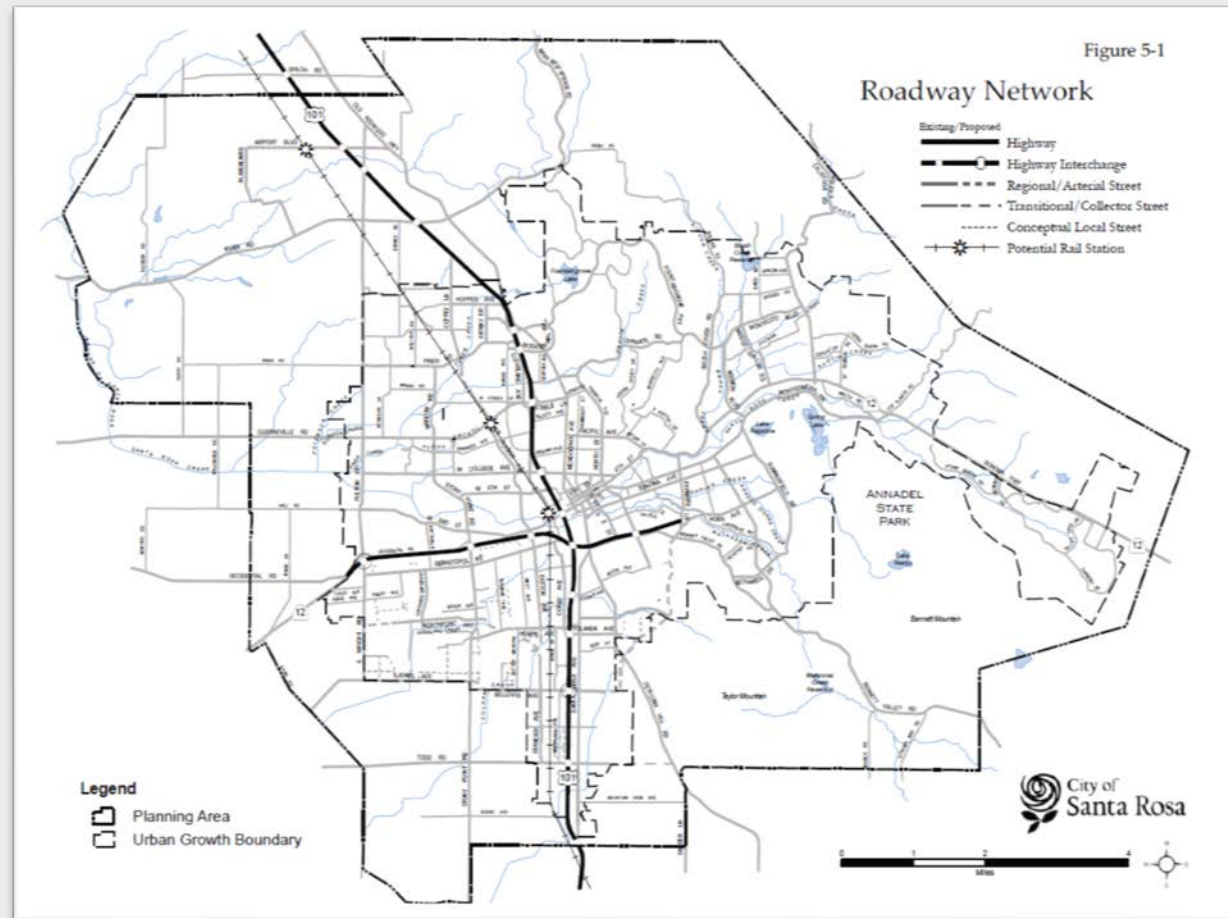
- Allowed within existing walls of SFR
 - Requirement re: existing bedroom removed
- Requirement for interior entrance into primary dwelling removed
 - Separate bathroom facilities required if no connection
- Owner occupancy deed restriction applies

Local Amendments

- Limitations on size and height in hillside and creekside areas
- Requirements for architectural compatibility
 - Historic Preservation Districts
 - Color; siding material *and* pattern; architectural features, or survey
 - Residential Neighborhoods
 - Color; siding; *or* architectural features
- Clarity on fire protection measures



Local Amendments



- Removal of public improvement requirements for certain ADUs
- Setbacks required from *planned* roads
- Requirement for necessary right-of-way dedication when needed for circulation

	State Law	City Proposal
Floor Area	850 sq. ft. for studio/1bd, 1,000 sq. ft. for 2 bd	More Permissive
Height	16 feet	More Permissive
Location	Limits based on water, sewer and traffic	More Permissive
Parking	Parking based on proximity to transit and bedroom count	More Permissive
Fees	No fees for 750 sq. foot, otherwise proportionate based on size	Consistent
JADUs	Optional interior entrance requirement	More Permissive
Hillside/Creek/Historic Areas	No regulations	More Restrictive

Urgency Ordinance

State statutes became effective and voided the City's local ADU regulations

Statutes written without consideration of local standards, and without clarity on fire protection

Local ADU regulations:

- o Protect hillside and Creekside areas
- o Ensure compatibility in Historic Preservation Districts and neighborhoods
- o Provide clarity on fire protection and public improvement requirements

Urgency ordinance incorporates language to comply with State law, and local provisions

- o Effective immediately following adoption

Urgency Ordinance

California Government Code, and Section 8 of City Charter allow an urgency ordinance for immediate preservation of public peace, health or safety

Current and immediate threat to the public peace, health, and safety, because:

- o Size, scale, and design of ADUs have the potential to:
 - o Be injurious to the rights of neighboring property owners
 - o Cause incompatibilities with the City's visual quality, neighborhood character
 - o Compromising privacy
 - o Affect light and air

Action must be taken immediately because any application for an ADU consistent with State law will be deemed approved

California Environmental Quality Act

- ✓ Proposed ordinance amendments are not subject to the provisions of the California Environmental Quality Act (CEQA)
 - ✓ Exempt from CEQA under statutory exemption 15282(h) to allow implementing regulations for accessory dwelling units consistent with Government Code Section 65852.2

Recommendation

Recommended by the Planning and Economic Development Department that the Council, by motion, adopt an urgency ordinance amending City Code Sections 18-12.015, 20-30.040, 20-32.050, 20-42.130 and 20-70.020 to allow Accessory Dwelling Units and Junior Accessory Dwelling Units in compliance with State law and in support of the City's Housing Action Plan, while preserving the visual character of the City.