

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR CULTURAL HERITAGE BOARD
June 7, 2017

PROJECT TITLE

FILE NUMBER

Accessory Dwelling Unit Zoning Code
Text Amendment

REZ17-006

ADDRESS/LOCATION

FURTHER ACTIONS REQUIRED

Citywide

Recommendation by Planning
Commission

Approval by City Council

PROJECT PLANNER

RECOMMENDATION

Eric Gage

Provide comments

CITY OF SANTA ROSA
CULTURAL HERITAGE BOARD

TO: CHAIR DE SHAZO AND MEMBERS OF THE BOARD
FROM: ERIC GAGE, CITY PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: ACCESSORY DWELLING UNIT ZONING CODE TEXT
AMENDMENT

AGENDA ACTION: NO ACTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Cultural Heritage Board review and provide comments on proposed changes to Zoning Code Sections related to Accessory Dwelling Units, and specifically the proposed language for standards for historic preservation districts, in compliance with State law and in support of the City's Housing Action Plan.

EXECUTIVE SUMMARY

Recent revisions to the California Code of Regulations reduce the requirements for new Accessory Dwelling Units (ADUs), and create opportunities for Junior ADUs, necessitating a staff-initiated Zoning Code amendment. Through the process of evaluating the Code, it was determined that the State regulation governing ADUs also prohibits accessory dwellings from being subject to a discretionary permit process. This prohibition would extend to discretionary permits triggered by location within a historic preservation district. However, per State law, a city may apply ministerial review standards and requirements in historic preservation districts to address potential impacts. Proposed standards for preservation districts would address the development of new ADUs in these areas.

BACKGROUND

The State of California requires cities and counties to adopt a Housing Element as part of their General Plan and identify existing and projected housing needs. Through the State-mandated Regional Housing Needs Assessment (RHNA) process, jurisdictions identify the number of housing units to accommodate in the Housing Element.

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In order to meet the RHNA housing goals, the City Council's priority-setting process set broad goals for fiscal years 2015 through 2017 including development of a comprehensive housing strategy. These efforts culminated in the creation of the Housing Action Plan accepted by City Council in Fall of 2016 (srcity.org/housingactionplan). The objectives of the Plan include construction of 2,500 new affordable housing units and a total of 5,000 housing units by 2023, consistent with the RHNA housing unit allotments for the RHNA planning cycle from 2014 to 2022.

One of the programmatic goals of the Housing Action Plan is to achieve "affordability by design", that is to promote construction of compact, economically designed dwelling units that cost less to build and are smaller in footprint, and as a result are more affordably priced. One of the strategies in the Housing Action Plan to achieve the goal is to remove barriers to construction of ADUs. The Plan strategies include reconsidering the parking requirements and the owner occupancy deed restriction requirement, which requires the owner of a property with an accessory unit to live on the property in one of the two units.

On September 27, 2016, Governor Brown signed bills AB 2299 and SB 1069 into law, reducing the requirements for establishing ADUs, and superseding local ordinances that were not consistent with the requirement when the changes went into effect on January 1, 2017. A separate bill, Assembly Bill 2406, also created a new optional sub-category of Accessory Dwelling Unit referred to as the Junior Accessory Dwelling Unit (JADU), which City Council had directed staff to incorporate in a future Zoning Code revision.

California Government Code also prohibits local governments from requiring a discretionary permit to establish an ADU, including Landmark Alternation Permits for properties located within the City's Preservation Districts.

To address the interim period when the current Zoning Code regulations are superseded by the State, City staff have provided written guidance outlining the State regulations and made them available on the City website. The State JADU bill is optional, however, and would not become effective until the City Council were to approve it by ordinance.

ANALYSIS

The following includes a summary of the proposed Zoning Ordinance amendments related to ADUs and JADUs:

- Parking requirements for ADUs will be waived if the ADU is an internal conversion of an existing structure, or within a half-mile of a bus stop, or in a historic preservation district.
- With some exceptions, setback requirements for ADUs will be waived if the ADU is an internal conversion of an existing structure or built over an existing garage.

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- The requirement for an owner occupancy deed restriction would be removed.
- A minimum 30-day rental period will be placed on all ADUs.
- Utility fee and connection requirements for ADUs will be waived if the ADU is an internal conversion of an existing structure.
- With some exceptions, fire sprinkler requirements for ADUs will be waived if no fire sprinklers are required for the primary residence.
- The maximum square footage of an ADU will be increased to 1,200 square feet, and the limitation of only one bedroom will be removed.
- The requirement for a permanent foundation will also be removed.
- Standards will be provided for the development of ADUs in hillside areas and Historic Preservation Districts.
- A new category of Junior Accessory Units will be added.

Standards for Historic Preservation Districts

Through the process of evaluating the revised Zoning Code, it was determined that the State regulation governing accessory dwelling units would prohibit accessory dwellings from being subject to a discretionary permit process. This prohibition would extend to discretionary permits triggered by location within a historic preservation district or hillside areas. However, per State law a city may apply ministerial review standards and requirements in hillside areas and historic preservation districts to address potential impacts of new accessory dwelling construction.

Staff has proposed the following additional development standards and requirements as part of the Zoning Code revisions to address considerations for new structures in preservation districts, in lieu of the discretionary Landmark Alteration Permit process.

Standards for Historic Preservation Districts.

- a. Applicability. The requirements outlined below shall apply to proposed new ADU structures within a historic preservation district.*
- b. Development Standards.*
 - (1) Through photographs, color and material boards, architectural elevations, and other means, the applicant must reasonably demonstrate the consistency of the proposed design of accessory dwelling unit's colors, textures, materials,*

fenestration, decorative features and details, with that of the time period of the residence's construction and/or adjacent historic structures.

- (2) *For properties that are identified as a contributor to the District, through the preparation of a report by an architectural historian, the applicant shall reasonably demonstrate that the proposed change will not negatively impact historic resources on the property, and will be consistent with Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as applicable.*

COMMUNITY OUTREACH

Outreach efforts included developed an interim guidance to assist applicants and other City staff in interpreting the new legislation, which was published on the City website. At the time of publication, a community meeting was announced through existing outreach email lists to the Community Advisory Board, neighborhood groups, and other stakeholders. The meeting invitation was also sent through social media such as Nextdoor and Twitter. The community meeting was held on February 8, 2017 with over 100 attendees.

In addition to the formally noticed community outreach, the Planning and Economic Development Department Director met with local realtor groups, appeared on local radio to discuss the topic, and provided information to Press Democrat.

The draft amendments will be provided on the City's website and to the e-mail distribution list that has been developed for the project requesting feedback prior to taking a final proposal to the Planning Commission for recommendation to the City Council.

ATTACHMENTS

Attachment 1 – Government Code Section 65852.2(4)

Attachment 2 – Proposed Zoning Code Text Amendments (Strikeout/Underline)

CONTACT

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