

# RESOLUTION NO.

## RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA RECOMMENDING TO CITY COUNCIL APPROVAL OF AN ORDINANCE AMENDING ZONING CODE SECTIONS 20-22.030, 20-36.040, 20-42.130, AND 20-70.020 TO ALLOW FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN COMPLIANCE WITH STATE LAW AND IN SUPPORT OF THE CITY'S HOUSING ACTION PLAN - FILE NUMBER REZ17-006

WHEREAS, after public hearing on June 22, 2017, the Planning Commission of the City of Santa Rosa finds that amending the Santa Rosa Zoning Code, as follows, is required for compliance with California Government Code Sections 65582, 65583, 65589 and 65852, related to accessory dwelling units, and for public convenience, necessity and general welfare:

I. Amend Section 20-22.030, Table 2-2, in part, to read and provide as follows:

TABLE 2-2 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P	Permitted Use, Zoning Clearance required					
	MUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	See Specific Use Regulations for permit requirement					
	—	Use not allowed					
LAND USE (1)	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	RR	R-1	R-2	R-3	MH	TV-R	
RESIDENTIAL USES (See Section 20-28.080, Senior Housing (-SH) combining district, for specific requirements regarding proposed senior housing developments)							
Accessory dwelling unit	S	S	S	S	—	S	20-42.130
Agricultural employee housing—6 or fewer residents	P	P	P	P	P	P	
Agricultural employee housing—7 or more residents	MUP	MUP	MUP	MUP	MUP	MUP	
Animal keeping—Domestic, exotic	S	S	S	S	S	S	20-42.040
Community care facility—6 or fewer clients	P	P	P	P	P	P	20-42.060
Community care facility—7 or more clients	MUP	MUP	MUP	MUP	MUP	MUP	20-42.060
Emergency shelter	CUP	CUP	CUP	CUP	CUP	CUP	
Home occupation	S	S	S	S	S	S	20-42.070
Junior accessory dwelling unit	S	S	S	S	—	S	20-42.130
Live/work	—	—	—	—	—	P(3)	20-42.080
Mobile home park	CUP	CUP	CUP	CUP	CUP	—	20-42.100
Mobile home/manufactured housing unit	P	P	P	P	P	P	20-42.094
Multi-family dwellings	MUP	MUP	P	P	—	P	
Organizational house (dormitory, sorority, monastery, etc.)	MUP	MUP	CUP	CUP	—	CUP	
Residential accessory structures and uses	P	P	P	P	P	P	20-42.030
Residential component of a mixed use project	MUP	MUP	MUP	MUP	MUP	P	20-42.090
Rooming or boarding house	P	P	P	P	—	P	
Rooming or boarding, accessory	P	P	P	P	—	P	
Single-family dwelling	P	P	P(2)	P(2)	—	P(2)	
Small lot residential project	—	CUP	CUP(2)	CUP(2)	—	CUP(2)	20-42.140

II. Amend Section 20-36.040, Table 3-4, in part, to read and provide as follows:

<b>TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE</b>		
Live/work and work/live units	2 spaces for each unit. The review authority may modify this requirement for the re-use of an existing structure with limited parking.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
Mixed-use projects	See Section 20-36.050.A (Shared parking for mixed uses).	
Mobile home parks	1.75 spaces for each unit, which may be in tandem, one of which must be covered. At least one-third of the total spaces required shall be distributed throughout the mobile home park and available for guest parking.	0.5 spaces per unit.
Multifamily affordable housing project	Studio/1 bedroom unit—1 space per unit.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
	2 or more bedrooms—2 spaces per unit.	
Accessory dwelling units	1 space in addition to that required for the primary single-family dwelling unit, unless exempted by Section 20-42.130.E.9; the space may be uncovered, compact, or tandem, and located within the setback, unless the review authority determines that tandem parking or parking within a setback is not feasible due to specific topographical or fire and life safety conditions.	None required.
Junior accessory dwelling unit	No off-street parking required. Parking required for the primary single family dwelling in accordance with this Table 3-4.	

III. Amend Section 20-42.130, to read and provide as follows:

**“20-42.130 Accessory dwelling units.**

Accessory dwelling units shall comply with the requirements of this Section, where allowed by Division 2 (Zoning Districts and Allowable Land Uses).

- A. Purpose. The provisions of this Section are intended to set standards, in compliance with California Government Code Sections 65582.1, 65852.2, and 65852.22, for the development of accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that such housing remains compatible with the existing neighborhood. It is not the intent of this ordinance to override lawful use restrictions as set forth in Conditions, Covenants and Restrictions.
- B. General requirements. An accessory dwelling unit:
  - 1. May be located on any residentially zoned lot that allows single-family or multifamily dwellings and that contains only one single-family detached dwelling;
  - 2. Is not subject to the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.
  - 3. Shall not be allowed on, or adjacent to, real property that is listed in the California Register of Historic Places.
  - 4. Shall not be used for rentals with terms of less than 30 days.
  - 5. Shall not be sold separate from the primary residence.
- C. Permit requirements. An application for an accessory dwelling unit that complies with all applicable requirements of this Section shall be approved ministerially.
- D. Application and processing requirements.
  - 1. Step One—Submittal. The application for an accessory dwelling unit permit shall be submitted to the Department concurrent with an application for a building permit. In addition to the standard submittal requirements for a building permit, an application for an accessory dwelling unit permit shall include all of the following (except as noted below):
    - a. Plot plan. A plot plan, drawn to scale, showing the dimensions of the perimeter of the parcel proposed for the accessory dwelling unit; the location and dimensioned setbacks of all existing and proposed structures on the site and structures located within 50 feet of the site; all easements, building envelopes, and special requirements of the subdivision as shown on the Final Map and improvement plans, if any; and average slope calculations for the site.
    - b. Floor plan. A floor plan, drawn to scale, showing the dimensions of each room, and the resulting floor area. The use of each room shall be identified, and the size and location of all windows and doors shall be clearly shown.
    - c. Elevations. Architectural elevations of each side of the proposed structure showing all openings, exterior finishes, original and finish grades, stepped footing outline, and roof pitch.

- d. Materials and color board. A materials and color board for the existing residence and the proposed second dwelling unit.
- e. Cross sections. Building cross sections including structural wall elements, roof, foundation, fireplace and any other sections necessary to illustrate earth-to-wood clearances and floor to ceiling heights.
- f. Photographs. Color photographs of the site and adjacent properties, taken from each property line of the site, to show the project site and adjacent sites. Label each photograph and reference to a separate site plan indicating the location and direction of each photograph.

Applications for accessory dwelling units which do not modify a building's exterior are not required to submit c, d, or f above.

- 2. Step two—Decision. The Department shall act on an application for an accessory dwelling unit permit within 120 days of submittal of a complete application. The accessory dwelling unit permit shall be issued only if the proposed accessory dwelling unit complies with all applicable standards in this Section.

3. Utility Connection Fees.

- a. Except as provided in subsection (b), a separate new utility connection and payment of a connection fee or capacity charge pursuant to State law and City fee schedule will be required for any new accessory dwelling unit.
- b. No new or separate utility connection or related connection fee or capacity charge will be required for accessory dwelling units that are internal conversions of existing space within a single family residence or an accessory structure.

E. Development standards. An accessory dwelling unit permit shall be issued only if the unit complies with the following development standards:

1. Setbacks.

- a. Residential district. An accessory dwelling unit shall comply with the setback requirements of the applicable residential zoning district for the primary dwelling, except as follows:
  - (1) A new detached single-story accessory dwelling unit in a single-family residential zone shall comply with accessory structure setbacks as described in Table 2-4.
  - (2) A new detached two-story accessory dwelling unit shall comply with setbacks for primary structure setbacks as described in Table 2-4.
  - (3) A new detached two-story accessory dwelling unit located in a residential small lot subdivision shall comply with the setback requirements of Section 20-42.140.
  - (4) An accessory dwelling unit that is fully contained within the existing space of a single-family residence or accessory structure and has independent exterior access from the existing residence shall provide side and rear setbacks sufficient for fire safety, as determined by the Santa Rosa Fire Department.

- (5) A detached accessory dwelling unit shall be located within 100 feet of the primary dwelling, but no closer to the primary dwelling than permitted by the California Building Code.
    - (6) No portion of an attached or detached accessory dwelling unit shall be closer than 10 feet to a primary dwelling on an adjacent lot.
  - b. PD District and Multifamily District. Within a PD district , and without setbacks specified in a Policy Statement or Development Plan, accessory dwelling units shall be subject to the following requirements.
    - (1) An attached accessory dwelling unit not contained within the existing space of a single-family dwelling or accessory structure shall be subject to the primary residential setbacks of the most similar standard zoning district.
    - (2) A new one-story detached accessory dwelling unit shall observe a front setback of 20 feet, a rear setback of 5 feet, an interior side setback of 5 feet, and a corner side setback of 20 feet on parcels exceeding 1 acre in size, and 15 feet on all others.
    - (3) A new two-story detached accessory dwelling unit shall maintain a rear setback of 15 feet, an interior side yard setback of 5 feet for a one-story portion, and 10 feet for a two-story portion, and a corner side yard setback of 15 feet.
  - c. No setback shall be required for an existing legally constructed garage or accessory structure that is converted to an accessory dwelling unit. A setback of five feet from the side and rear property lines is required for an accessory dwelling unit constructed above an existing garage.
- 2. Maximum floor area.
  - a. New detached unit. No newly constructed detached accessory dwelling unit may contain floor area in excess of 1,200 square feet.
  - b. New attached unit. No newly constructed attached accessory dwelling unit may contain floor area in excess of 50% of the existing residential square footage or 1,200 square feet, whichever is less.
  - c. Internal conversion. An accessory dwelling unit created entirely by the internal conversion of an existing single family dwelling or accessory structure shall not occupy more than 45 percent of the existing floor area of the building, excluding the garage, nor shall it exceed 1,200 square feet.
- 3. Height limit. A one-story accessory dwelling unit shall not exceed a maximum height of 16 feet. A two-story accessory dwelling unit shall not exceed a maximum height of 27 feet.
- 4. Lot coverage. An accessory dwelling unit shall comply with the lot coverage requirements of the applicable zoning district.

5. Architectural compatibility. An accessory dwelling unit shall incorporate the same or substantially similar architectural features, building materials and colors as the main dwelling unit or compatible dwellings located on adjacent properties.
6. Privacy. A balcony, window or door of a second story accessory dwelling unit shall be designed to lessen privacy impacts to adjacent properties. Appropriate design techniques may include obscured glazing, window placement above eye level, screening treatments, or locating balconies, windows and doors toward the existing on-site residence.
7. Existing development. A single-family dwelling must already exist on the lot or shall be constructed on the lot in conjunction with the construction of the accessory dwelling unit.
8. Number per lot. A maximum of one accessory dwelling unit shall be permitted on any lot.
9. Parking. One off-street parking space is required for an accessory dwelling unit, except as set forth below. The off-street parking shall be permitted uncovered, compact, tandem and in setback areas, unless the review authority determines that tandem parking or parking within a setback is not feasible due to specific site or topographical or fire and life safety conditions. No off-street parking shall be required if one or more of the following circumstances exist:
  - a. The accessory dwelling unit is located within one-half mile of public transit.
  - b. The accessory dwelling unit is located within a historic preservation district.
  - c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
  - d. When on-street parking permits are required but not offered to the occupant of an accessory dwelling unit.
  - e. When there is a car share vehicle located within one block of the accessory dwelling unit.
  - f. To qualify for an exception, the applicant must provide supporting evidence, such as a map illustrating the location of the accessory dwelling unit and its proximity to a public transit stop or car share vehicle or its location within a historic preservation district, or proof of local parking permit requirements.
  - g. If a garage, carport, or covered parking is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking spaces may be provided in any configuration on the lot, including as uncovered, compact, tandem parking and within a setback area.
10. Standards for Hillside areas.
  - a. Applicability. The development standards outlined below shall apply to accessory dwelling unit development on that portion of a site with a slope of 10% or greater.
  - b. Development Standards. The accessory dwelling unit shall observe 15-foot setbacks from side and rear property lines. When a building site abuts another parcel with a difference in vertical elevation of three feet or more, the required side

and/or rear yard shall be measured from the nearest toe or top of slope to the structure, whichever is closer.

11. Standards for Historic Preservation Districts.

- a. Applicability. The requirements outlined below shall apply to new accessory dwelling units within the Historic (-H) Combining District.
- b. Development Standards.
  - (1) Through photographs, color and material boards, architectural elevations, and other means, the applicant shall 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 demonstrate that the proposed accessory dwelling unit 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.

F. Junior Accessory Unit. The following provisions are intended to set standards, in compliance with California Government Code Section 65852.22, for the development of junior accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that such housing remains compatible with the existing neighborhood. It is not the intent of this Section to override lawful use restrictions as set forth in Conditions, Covenants and Restrictions.

1. General requirements. A junior accessory dwelling unit:

- a. May be located on any residentially zoned lot that allows single family or multifamily dwellings and that contains only one single-family detached dwelling. Only one junior accessory dwelling unit shall be permitted per parcel;
  - b. Is not subject to the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.
  - c. Shall not be used for rentals with terms of less than 30 days.
2. Permit requirements. An application for a junior accessory dwelling unit that complies with all applicable requirements of this Section shall be approved ministerially.
3. Application and processing requirements.
- a. Step One—Submittal. The application for a junior accessory dwelling unit permit shall be submitted to the Department concurrent with an application for a building permit. In addition to the standard submittal requirements for a building permit, an application for a junior accessory dwelling unit permit shall include all of the following:
    - (1) Plot plan. A plot plan, drawn to scale, showing the dimensions of the perimeter of the parcel proposed for the junior accessory dwelling unit; the location and

dimensioned setbacks of all existing and proposed structures on the site and structures located within 50 feet of the site; all easements, building envelopes, and special requirements of the subdivision as shown on the Final Map and improvement plans, if any; and average slope calculations for the site.

- (2) Floor plan. A floor plan, drawn to scale, showing the dimensions of each room, the area devoted to the junior accessory dwelling unit, and the resulting floor areas of the junior accessory dwelling unit and of the primary residence. The use of each room shall be identified, and the size and location of all windows and doors shall be clearly shown. The plan shall identify whether separate or shared sanitation facilities are proposed.
    - (3) Deed Restrictions. Deed restrictions completed, signed and ready for recordation.
  - b Step two—Decision. The Department shall act on an application for a junior accessory dwelling unit permit within 120 days of submittal of a complete application. A junior accessory dwelling unit permit shall be issued only if the proposed junior accessory dwelling unit complies with all applicable standards in this Section.
  - c Utility Connection Fees.
    - (1) No new or separate utility connection and no connection fee for water sewer, or power is required for a junior accessory dwelling unit.
4. Development standards. A junior accessory dwelling unit permit shall be issued only if the unit complies with the following development standards:
  - a. Maximum floor area. The junior accessory dwelling unit shall not exceed 500 square feet in area.
  - b. Existing development. The junior accessory dwelling unit shall be contained entirely within the existing walls of an existing single-family dwelling and shall utilize one of the existing bedrooms.
  - c. Kitchen. The junior accessory dwelling unit must contain an efficiency kitchen with the minimum criteria:
    - (1) A sink with a maximum waste line diameter of 1.5 inches.
    - (2) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.
    - (3) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
  - d. Sanitation. Bathroom facilities may be separate from or shared with the single family dwelling.
  - e. Entrance. The junior accessory dwelling unit shall include an exterior entrance separate from the main entrance to the single family dwelling, and an interior entry into the main living area. The junior accessory dwelling unit may include a second interior doorway for sound attenuation.



- f. Parking. Off-street parking shall not be required for junior accessory dwelling units that meet the development standards.
- 5. Deed restrictions. Prior to occupancy of a junior accessory dwelling unit, the property owner shall file with the County Recorder a deed restriction containing a reference to the deed under which the property was acquired by the owner and stating that:
  - a. The junior accessory dwelling unit shall not be sold separately from the single family residence;
  - b. The junior accessory dwelling unit shall not exceed 500 square feet and shall comply with the development standards in Subsection F;
  - c. The junior accessory dwelling unit shall be considered legal only so long as either the primary residence or the junior accessory dwelling unit is occupied by the owner of record of the property. Such owner-occupancy, however, shall not be required if the property owner is a governmental agency, land trust or non-profit housing organization; and
  - d. The restrictions shall run with the land and be binding upon any successor in ownership of the property. Lack of compliance shall void the approval of the junior accessory dwelling unit and may result in legal action against the property owner.
  - e. The developer of a subdivision that includes junior accessory dwelling units shall record the deed restrictions required by this Subsection prior to the recordation of the Final Map or Parcel Map. Each lot with a junior accessory dwelling unit shall remain unoccupied until the property transfers ownership, allowing for compliance with the recorded owner-occupancy restriction.”

IV. Add the following definitions to Section 20-70.020, to read and provide as follows:

**“Accessory Dwelling Unit.** An attached or detached dwelling unit that provides complete independent living facilities on the same parcel as a legal single family residence, including permanent provisions for living, sleeping, eating, cooking and sanitation. An accessory dwelling unit may be located within the living space of an existing primary single-family residence, may be an efficiency dwelling as defined in Section 17958.1 of the California Health and Safety Code, and may be a manufactured home, as defined in Section 18007 of the California Health and Safety Code. Accessory dwelling units are not accessory uses as defined in this Section.”

**“J. Definitions, “J.”**

**Junior Accessory Dwelling Unit.** A unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure, and utilizing an existing bedroom, and containing an efficiency kitchen. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.”

V. Delete the following definition from Section 20-70.020:

**“Second Dwelling Unit.** A residential dwelling unit that provides complete independent

living facilities on the same parcel as a legal single family residence, including permanent provisions for living, sleeping, eating, cooking and sanitation. A second dwelling unit also includes efficiency units and manufactured homes. Second dwelling units are not accessory uses as defined in this Section.”

WHEREAS, the project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Planning Commission has determined that the proposed Zoning Code amendment is statutorily exempt from CEQA pursuant to Section 15282(h) of the CEQA Guidelines, which exempts the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Government Code Sections 65852.1 and 65852.2.

WHEREAS, the Planning Commission, pursuant to City Code Section 20-64.050 (Findings), hereby finds and determines:

- A. The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan;
- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
- D. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

NOW, THEREFORE, BE IT RESOLVED that the Santa Rosa City Planning Commission recommends to the City Council approval and adoption of the Zoning Code text amendments as contained herein.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 22nd day of June 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_

CHAIR

ATTEST: \_\_\_\_\_

EXECUTIVE SECRETARY