

Proposed Code Changes for Accessory Dwelling Units

SAN LEANDRO CITY COUNCIL

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Accessory Dwelling Units (ADUs)

- ▶ Attached or detached unit subordinate to a principal dwelling on the same lot
- ▶ Provide permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the principal residence

ADUs provide affordable housing for renters, an income source for homeowners, and a housing resource for seniors, extended families, adult children, college students, and young professionals



Policy and Program Direction

- ▶ General Plan
 - ▶ Land Use Element supports second units and recognizes that neighborhoods evolve in response to changing demographics, trends, and needs
 - ▶ Sustainability principles support “repurposing” of existing space, greater efficiency in the use of existing buildings
- ▶ Housing Element
 - ▶ Policies and actions recognize second units as an “essential part of the City’s housing stock” and call for zoning amendments to facilitate their construction
- ▶ Over the past 30 years, the State has passed a number of laws limiting the ability of cities to restrict or prohibit ADUs

New Legislation: SB 1069 (Wieckowski) and AB 2299 (Bloom)

- ▶ Signed by governor on Sept. 27, 2016
- ▶ All cities must allow ADUs and must modify regulations by Jan. 1, 2017 (or State requirements apply by default)
- ▶ The bills limit the ability of local agency's to regulate ADUs, especially for ADUs that add no habitable space
- ▶ Ordinance must be submitted to HCD for review after adoption
- ▶ Major changes relate to unit size, parking, and garage conversions

Overall Approach to Code Revisions

- ▶ Elements of Section 2-576 (“secondary dwelling units”) that are still valid have been carried forward
- ▶ New elements added to reflect state law
- ▶ A few “elective” elements added
- ▶ Conforming revisions to other sections of the Zoning Code are included

Carried Forward from Existing Code

- ▶ ADUs are permitted in all residential zones where single family homes are permitted
- ▶ Only one ADU per lot
- ▶ No ADUs on lots with more than one primary dwelling
- ▶ Unit may not be sold as separate dwelling
- ▶ Application submittal requirements
- ▶ Applications meeting location and development standards are subject to ministerial review only (no hearing)

Carried Forward from Existing Code

- ▶ Site plan review standards still apply
- ▶ Must be visually subordinate to the principal dwelling
- ▶ Architectural design compatibility required
- ▶ Underlying setback, lot coverage and height limits generally apply (with some exceptions)
- ▶ Findings for approval mostly the same

Modified: Size Regulations

EXISTING REGULATIONS

- ▶ For **Attached** ADUs, the unit may be up to 10% of lot area or 50% of heated area of main house, whichever is less, but in no case more than 750 SF
- ▶ For **Detached** ADUs, the same requirements apply but the lot must be 10,000 SF or more

Government Code now requires cities to allow ADUs up to 1,200 SF although this maximum is not required everywhere

PROPOSED REGULATIONS

- ▶ For **Attached** ADUs, same as existing---but larger units are allowed on lots over 10,000 SF
 - ▶ 10-20K: 900 SF
 - ▶ 20-40K: 1050 SF
 - ▶ 40+K: 1200 SF
- ▶ For **Detached** ADUs, lot must be 7,500 SF (instead of 10,000 SF). Larger units are allowed on lots over 10,000 SF.

Modified: Parking Regulations

- ▶ One parking space per bedroom (existing requirement), except that off-street parking for an ADU cannot be mandated if:
 - ▶ ADU is within ½ mile of public transit
 - ▶ ADU is in an architecturally and historically significant historic district
 - ▶ ADU is entirely within the existing structure (no increase in habitable space)
 - ▶ On-street permit parking is required, but permits are not available to the tenant
 - ▶ A subscription car-share vehicle is less than one block away
- ▶ Parking allowed in setback areas, as long as limits on front yard paving are not exceeded
- ▶ Tandem parking is acceptable

Required

Modified: Garage Alterations

- ▶ Government Code Section 65852.2(a)(1)(D)(xi):

“When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those off-street parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.”

- ▶ Garage may be demolished and replaced by an ADU if replacement parking is provided. Spaces may be uncovered.
- ▶ City will continue to require spaces to be covered for garage *conversions*
- ▶ No new ADUs above garages, but existing space above garages can be converted.

Required

Elective

Additional Changes

- ▶ “Secondary” dwelling unit = Accessory” dwelling unit (ADU)
- ▶ Must approve within 120 days of application
- ▶ ADUs do not count toward density maximums
- ▶ City may not require a passageway from street to ADU front door
- ▶ City cannot hold ADU to a higher standard than primary residence for fire sprinklers
- ▶ ADU may not be considered equivalent to a new residential unit for the purpose of setting fees
- ▶ May not rent ADU for less than 30 days



Required



Elective

Planning Commission Direction

- ▶ On February 16, the Planning Commission held a public hearing on the proposed regulations
- ▶ The Commission unanimously adopted a resolution recommending Council adoption of the proposed ADU regulations.
- ▶ At staff's request, the Commission weighed in on two policy questions:
 - ▶ **Allowing the primary and secondary dwelling to be concurrently rented (vs requiring owner-occupancy in at least one unit)**
 - ▶ 4 Commissioners favored, one did not
 - ▶ **Limiting short-term rentals of ADUs**
 - ▶ 4 Commissioners favored, one did not

Recommendation and Next Steps

- ▶ Public Hearing
- ▶ Discussion
- ▶ Consider an Ordinance amending the Municipal Code to incorporate the new ADU regulations
- ▶ Second reading
- ▶ Ordinance must be submitted to HCD after it is adopted