



Agenda Report

December 4, 2023

TO: Honorable Mayor and City Council
FROM: Planning & Community Development Department
SUBJECT: ZONING CODE AMENDMENT: TO AMEND THE CITY'S ACCESSORY DWELLING UNIT ORDINANCE (SECTION 17.50.275 OF THE ZONING CODE AND OTHER APPLICABLE SECTIONS) TO ENSURE CONSISTENCY WITH RECENTLY ADOPTED STATE REGULATIONS AND TO FACILITATE THE PRODUCTION OF ACCESSORY DWELLING UNITS

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed amendment to the Zoning Code is exempt from the California Environmental Quality Act (CEQA) under California Public Resources Code Section 21080.17 in that the proposed Zoning Code Text Amendment further implements the provisions of Section 65852.2 of the California Government Code;
2. Make the Findings for Approval for the Zoning Code Text Amendment (Attachment A); and
3. Direct the City Attorney to prepare an ordinance for the Zoning Code Text Amendment within 90 days consistent with the provisions set forth in the agenda report.

PLANNING COMMISSION RECOMMENDATION:

On October 11, 2023 (Attachment B), the Planning Commission considered the proposed amendments at a publicly noticed hearing and recommended, by a unanimous vote, that the City Council approve the Zoning Code Text Amendment as presented by staff, with the following changes:

1. *Maintain a maximum height of 16 feet for detached Accessory Dwelling Units (ADUs) in Landmark and Historic Districts when visible from the street;*
2. *In addition to the staff recommendation to allow a maximum height of 18 feet for detached ADUs, allow an additional two feet to match the roof pitch of the primary dwelling (except for ADUs visible from the street in Landmark and Historic Districts, and any ADU in Hillside Overlay Districts (HODs));*

3. *Allow upper story windows along the side and rear lot lines when they abut an alley with a minimum width of 20 feet;*
4. *Require non-exempt, attached and detached ADUs to comply with lot coverage requirements; and*
5. *Continue to implement permitting improvements and study reducing fees for ADUs.*

The Planning Commission was supportive of the staff recommended changes and added the five additional recommendations noted above.

The Planning Commission was supportive of allowing the construction of two-story detached ADUs. However, they agreed with staff's concerns regarding the need to protect privacy and the recommendation that upper story windows along the side and rear lot lines be prohibited when the ADU would be located closer than five feet to a side or rear property line (unless required for ingress and egress in which case they must be opaque, clear story etc.). Nonetheless, they did not feel this limitation was necessary when the property line abuts an alley with a minimum width of 20 feet as this would provide adequate distance separation for privacy from the ADU.

The Commission also expressed concern about ADUs in Landmark and Historic Districts that were located behind the main structure but taller as this could detract from the character of the district. The Commission recommended detached ADUs in Landmark and Historic Districts be limited to a maximum height of 16 feet when visible from the street which is the minimum requirement of State law. The Commission also expressed the need to maintain some yard areas where possible to ensure building footprints do not occupy the bulk of the site. Therefore, they recommended attached and detached ADUs comply with lot coverage requirements that currently exist in the Zoning Code (i.e., the percentage of the site covered by the first story footprint of buildings).

Staff has incorporated all of the Planning Commission's recommendations in the proposed amendments (with exception to #5 related to process improvements and studying fees, which would occur separately if directed by the City Council as this is outside of the Zoning Code).

BACKGROUND:

Existing ADU Ordinance

The City's original ADU ordinance (known as the 'second dwelling unit' ordinance) was adopted in 2004 (Pasadena Municipal Code (PMC) Section 17.50.275). Due to concerns over the state-wide housing crisis, rising housing costs, and shortage of affordable housing options in California, two sweeping bills, Senate Bill (SB) 1069 and Assembly Bill (AB) 2299, were passed by the State Legislature in 2016 (California Government Code Section 65852.2). These bills were aimed at facilitating local approval processes for ADUs and lifting regulations that may otherwise limit the size,

location, zones or other development standards related to ADUs. These were the first of a series of bills that have limited the ability of local municipalities to regulate ADUs. The City's ADU ordinance was amended in 2017 and 2018 to ensure consistency with these bills.

Eight additional bills were passed in 2019 and 2022 as part of annual legislative ADU housing packages. Collectively, these bills required local municipalities to allow ADUs in some form (Junior ADUs, attached ADUs and/or detached ADUs- see Attachment C for examples) for most properties developed with a single-family residence. This could be in the form of converting existing structures and/or through new construction. In addition, the bills allowed some ADUs for properties developed with mixed-use or multifamily residences. The full text of the Government Codes related to ADUs is included as Attachment D. As a result of the State's continued legislative actions, portions of the City's existing ADU ordinance are now inconsistent with state law. However, staff has continued to process ADU applications consistent with all applicable state laws while the regulations are being updated.

2021-2029 Housing Element Implementation

The 2021-2029 Housing Element was adopted by the City Council on July 18, 2022 and certified by the California Department of Housing and Community Development (HCD) on March 10, 2023. The Housing Element includes implementation items as part of Program #11 (Alternative Housing Opportunities) to review the current ADU standards and review process and evaluate how best to amend the ordinance to reflect state law while maintaining the character and quality of residential neighborhoods. It commits the City to make any adjustments needed to facilitate ADU production, including strategies to encourage covenanted affordable ADUs. The City's Regional Housing Needs Allocation (RHNA) for the 2021-2029 planning period is 9,429 units, which the City projected that 706 ADUs will contribute toward meeting the RHNA (an estimate of 85 ADUs annually over 8.3 years).

ANALYSIS:

Exemption ADUs

Under state law, all single-family and multi-family sites are entitled to ADUs in different configurations. Cities cannot prohibit the construction of these ADUs and cannot impose regulations that prevent their construction. The provisions are regulated under California Government Code Section 65852.2 Subsection (e) and are referenced in this report as Exemption ADUs.

Single-family sites shall be allowed the following:

- New Construction Detached ADU: One with a maximum area of 800 square feet, minimum side and rear yard setbacks of four feet and maximum height of 16 feet (up to 18 feet if within ½-mile walking distance of a Major Transit Stop (MTS) or

- High-Quality Transit Corridor (HQTC), plus an additional two feet to match the roof pitch of the primary dwelling); OR
- Attached or Detached Conversion ADU: One converted from the existing or proposed primary dwelling, garage or accessory structure, with a maximum 150 square feet addition permitted; AND
- Junior ADU: One converted from the existing primary dwelling or attached garage, with a maximum area of 500 square feet.

Multi-family sites (defined in state law as two or more attached units, existing or proposed) shall be allowed the following:

- New Construction Detached ADU: Two with a maximum area of 850 square feet for a studio or one-bedroom and 1,000 square feet for more than one bedroom each, minimum side and rear yard setbacks of four feet and maximum height of 16 feet (up to 18 feet if within ½-mile walking distance of an MTS, plus an additional two feet to match the roof pitch of the primary dwelling, or to 18 feet if the multifamily structure is multistory); OR
- Detached Conversion ADU: Two ADUs may be converted from existing detached structures, with a maximum area of 850 square feet for a studio or one-bedroom and 1,000 square feet for more than one bedroom each; AND
- Attached Conversion ADU: Shall be non-habitable space up to 25 percent of the number of units for each existing or proposed multifamily structure. Examples of non-habitable space include boiler rooms, storage rooms, attics, basements and garages.

Existing City Regulations vs. Current State Law

The City’s existing ADU regulations are included as Attachment E. As previously noted, portions of the City’s existing ADU ordinance are inconsistent with state law. Table 1 below provides a summary of the key differences:

Table 1. City Regulations vs. State Law		
	Existing City ADU Regulations	Current ADU State Law
Location Requirement	Shall meet <u>all</u> the following on a legally established property: <ul style="list-style-type: none"> • Converted ADUs: Any property zoned RS or RM. • New construction ADUs: <ul style="list-style-type: none"> ○ Property is zoned RS: Shall have a minimum area of 7,200 sq. ft., shall not be located within HODs nor be on an individually designated historic property. If located within an historic district, the ADU shall not be visible from the public right-of-way.* ○ Any property zoned RM. 	<ul style="list-style-type: none"> • Property is zoned to allow single-family or multifamily dwelling residential uses and includes a proposed or existing dwelling.

* *Inconsistent with current state law*

Table 1. City Regulations vs. State Law (continued)		
	Existing City ADU Regulations	Current ADU State Law
Number of ADUs per Property	<ul style="list-style-type: none"> • 1 ADU (attached or detached)* 	Single-family sites: <ul style="list-style-type: none"> • 1 Junior ADU and 1 ADU in addition to the primary dwelling. Multi-family sites: <ul style="list-style-type: none"> • Up to 2 detached ADUs (converted or new construction); and • Conversion of non-habitable space to 25% of the number of units for each existing or proposed multifamily structure.
Minimum Unit Size	<ul style="list-style-type: none"> • Converted ADUs: No minimum. • New construction: 150 sq. ft. 	<ul style="list-style-type: none"> • No proposed changes.
Maximum Unit Size	<ul style="list-style-type: none"> • Converted ADUs: No maximum. • New construction: For parcels <10,000 sq. ft.: the lesser of 800 sq. ft. or 50% of the proposed or existing primary dwelling unit.* • New construction: For parcels ≥10,000 sq. ft.: the lesser of 1,200 sq. ft. or 50% of the proposed or existing primary dwelling unit.* 	<ul style="list-style-type: none"> • Converted ADUs: No maximum. • Junior ADUs: Shall not exceed 500 sq. ft. • Other new construction: <ul style="list-style-type: none"> ○ An attached ADU shall not exceed 50% of the existing primary dwelling. ○ A detached ADU shall not exceed 1,200 sq. ft. ○ Local municipalities may set a maximum square footage of 850 sq. ft. for studio and 1-bedroom ADUs and 1,000 sq. ft. for ADUs that provide more than 1 bedroom and cannot establish ADU size based on lot size.
Owner-Occupancy	<ul style="list-style-type: none"> • The property owner must reside on the property.* 	<ul style="list-style-type: none"> • Owner-occupancy required for Junior ADUs. • Cities cannot impose owner-occupancy requirements for other types of ADUs
Setbacks	<ul style="list-style-type: none"> • The minimum required setbacks shall comply with the underlying zoning district, except that the minimum rear yard setback shall be no less than 10 ft.* • A minimum setback of 5 ft. from the side and rear property lines shall be required for an attached ADU that is constructed above an attached garage.* 	<ul style="list-style-type: none"> • No setback shall be required for conversions or when the new structure is constructed in the same location and dimensions as a previous structure. • A setback of no more than 4 ft. from the side and rear lot lines shall be required for all other ADUs. • Front-yard setback requirements may not prevent the construction of an 800 sq. ft. attached or detached ADU, as long as the ADU meets height limits and complies with the 4 ft. side and rear yard setbacks.

* Inconsistent with current state law

Table 1. City Regulations vs. State Law (continued)		
	Existing City ADU Regulations	Current ADU State Law
Height	<ul style="list-style-type: none"> • 1-story, not to exceed 12 ft. to the top plate and 17 ft. to the highest ridgeline.* 	<ul style="list-style-type: none"> • 16 ft. for detached ADUs. • 18 ft. for detached ADUs if any of the following apply: <ul style="list-style-type: none"> ○ The property is within ½-mile walking distance of an MTS or HQTC. An additional two feet may be permitted to accommodate a roof pitch that is aligned with the roof pitch of the primary dwelling; or ○ The property contains a multifamily structure that is multistory. • 25 ft. for attached ADUs or the maximum permitted in the zone, whichever is less.
Parking	<ul style="list-style-type: none"> • Replacement parking shall be required when an existing garage or carport is demolished in conjunction with the construction of an ADU.* • 1 space shall be required per ADU, unless any of the following are present: <ul style="list-style-type: none"> ○ Property is within ½-mile of a public transit stop; ○ Property is located within an historic district; or ○ A car-share vehicle pick-up/drop-off is located within 1-block of the ADU. • No annual overnight parking permit shall be issued for a property that has an ADU.* 	<ul style="list-style-type: none"> • Replacement parking may be required for Junior ADUs converted from an attached garage or carport. • Replacement parking shall not be required when a garage or carport is demolished to construct an ADU. • 1 space may be required per ADU (may be unenclosed and tandem in a driveway). Parking shall not be required if any of the following are present: <ul style="list-style-type: none"> ○ The ADU is submitted with an application to create a new single-family dwelling or multifamily structure on the same lot; ○ Property is within ½-mile walking distance of a public transit stop; ○ Property is located within an historically significant district (which includes Landmark and Historic Districts); or ○ A car-share vehicle pick-up/drop-off is located within 1-block of the ADU.
Operational Standards	<ul style="list-style-type: none"> • New ADUs created after January 1, 2017 cannot be used as short-term rentals. • ADUs cannot be sold separately. 	<ul style="list-style-type: none"> • ADUs may be used as short-term rentals, if permitted by local ordinance. • Allow ADUs to be sold separately if developed by a qualified nonprofit corporation. In other cases, it may be sold separately if permitted by local ordinance.
Exemption ADUs	<ul style="list-style-type: none"> • Not currently referenced. 	<ul style="list-style-type: none"> • Will include references to allowable Exemption ADUs per state law.

* *Inconsistent with current state law*

Detached ADUs and Height

The City's current regulations allow one-story detached ADU's with a maximum top plate height of 12 feet with 17 feet to the highest ridgeline. This is not consistent with state law.

State law requires a city allow a maximum height of 18 feet for detached ADUs that are within ½-mile walking distance of an MTS or HQTC, plus an additional two feet to match the roof pitch of the primary dwelling. The A-Line Stations and most of Colorado Boulevard meet the definition of an MTS or HQTC (see map in Attachment F). In all other areas, local municipalities must allow a maximum height of at least 16 feet. One of the main comments heard from the community was to increase the maximum height allowed to accommodate two-story ADU's. The Planning Commission expressed support for the two-story ADUs but with the need to protect privacy, since the structures can be located closer to the property lines. The Planning Commission also expressed the need to be sensitive to new ADUs constructed in the City's Landmark and Historic Districts that are visible from the street and also ADUs in Hillside Overlay Districts.

The Planning Commission recommended the following related to height:

1. Maintain a maximum height of 16 feet for detached ADUs in Landmark and Historic Districts when visible from the street.
This has been included in staff's recommendation.
2. In addition to the staff recommendation to allow a maximum height of 18 feet for detached ADUs, allow an additional two feet to match the roof pitch of the primary dwelling (except for ADUs visible from the street in Landmark and Historic Districts, and any ADU in Hillside Overlay Districts (HODs);
This has been included in staff's recommendation.
3. In addition to the staff recommendations related to upper story windows, allow upper story windows along the side and rear lot lines when they abut an alley with a minimum width of 20 feet.
This has been included in staff's recommendation.

Staff is in agreement with the PC recommendations outlined above.

ADUs and Overnight Street Parking

The proposed changes outlined below relate *only* to the specific regulations in the Zoning Code that apply to annual overnight parking permits related to ADUs and are not proposing any other changes to the City's overnight parking program.

Since the 1920s, the City has had a ban on overnight street parking. Starting in the 1970s, the City began issuing overnight street parking permits to qualified residents that do not have off-street parking. Currently, the City's Department of Transportation (DOT)

may issue up to two annual overnight street parking permits per address. However, the City does not issue annual overnight street parking permits for residents of Transit Oriented Development (TOD) projects, mixed-use projects and urban housing projects.

In addition, Zoning Code Section 17.50.275 specifically states:

“No overnight parking permits shall be issued for a property with an ADU.”

However, since state law allows for the legal conversion of garages or carports into ADUs and removes most parking requirements for ADUs, there has been an increasing number of requests to allow annual overnight street parking permits. The City’s current ban on annual overnight street parking permits for ADUs may be in conflict with state law. This is because the City’s current policy treats ADUs differently than other types of housing which is not permitted. Presently these sites are only eligible to purchase daily overnight permits which is much more expensive than an annual permit.

Staff recommends removing the Zoning Code Section that prohibits annual overnight street parking permits. Rather, sites with ADUs will be treated as any other single-family or multi-family site. DOT will refer to the City’s existing regulations related to overnight street parking found in PMC Chapter 10.44 (Parking at Night). Specifically, the following will apply:

- Single-family sites: Allow up to two annual overnight street parking permits per site regardless of whether they are developed with an ADU.
- Multi-family sites: Annual overnight street parking permits would continue to be prohibited for multifamily projects in TODs, mixed-use projects and urban housing projects, unless the request is specifically due to loss of a guaranteed parking space resulting from the construction of an ADU. Annual overnight street parking permits would continue to be eligible for residents of other multifamily projects as currently allowed, regardless of whether they are developed with ADUs.

ADUs in HODs

Of the City’s 30,000 single-family zoned properties, approximately 3,000 properties (or ten percent) are located within HODs. These are primarily located in the City’s San Rafael and Linda Vista neighborhoods. Many of the streets in HODs are narrow with sharp curves and steep inclines. Some of the streets include dead-ends with no vehicle turn-around areas. In addition, many properties are irregularly shaped with steep slopes. The Linda Vista neighborhood also includes undeveloped areas with dense vegetation. For these reasons, most new single-family dwellings and larger single-family additions require the discretionary approval of a Hillside Development Permit (HDP).

As previously noted, the City’s current ADU ordinance prohibits detached ADUs in HODs because of concerns related to limited access for emergency vehicles during a fire emergency. State law allows local municipalities to limit where an ADU may be located based on the “impact of the ADU on traffic flow and public safety.” However, a

local municipality must also provide adequate supporting documentation to demonstrate that ADUs in these areas would impact public safety or that adopting restrictions on ADUs would mitigate those potential issues. The State has required a high standard for documentation when a city proposes to limit or prohibit ADUs. Various jurisdictions throughout the state have unsuccessfully attempted to ban ADUs due to fire and emergency access concerns.

HODs present unique challenges which merit consideration of limiting the size of ADUs. Many of the streets within the City's HODs are very narrow (i.e., less than 26 feet in width), winding and steep, which can slow evacuation efforts. In addition, HODs areas are known as 'urban-wildlife interface' areas where homes and the naturally flammable chaparral vegetation interface. According to CalFire, all streets up to 26 feet wide within HODs are within 'very high' fire hazard zones and are much more susceptible to wildfires than flatland areas of the City. And because streets up to 26 feet wide in HODs also have extremely poor pedestrian access to transit, it is presumed that residents in HODs are even more likely to rely on personal vehicles for most or all their transportation needs. Overall, this will only apply to approximately 1,600 properties (or 5.3 percent of single-family zoned properties).

Staff finds there is sufficient evidence to justify a *size limit and prohibition of attached new construction ADUs* consistent with State law for ADUs within certain areas of HODs because of unique and objective characteristics which will result in negative impacts due to overdevelopment of a lot. This is consistent with how development in HODs has been regulated for many years in Pasadena via the HDP process. The amount of allowable square footage in HODs is calculated and regulated differently than flatlands. A full summary of the merits to limit the size of ADUs in HODs is included as Attachment G.

Specifically, staff recommends the following for ADUs in HODs:

- Properties in HODs served by private or public streets up to 26 feet wide, as shown in Attachment H are allowed the minimum required by State Law:
 - Conversion of existing attached space: No size limitation.
 - Conversion of existing detached space: No size limitation.
 - New construction detached ADU: Shall be limited to 800 square feet.
- Other properties in HODs:
 - Conversion of existing attached space: No size limitation.
 - Conversion of existing detached space: No size limitation.
 - New construction attached ADU: Shall be limited to 850 square feet for a studio or one-bedroom and 1,000 square feet for more than one bedroom.
 - New Construction Detached ADU: Shall be limited to 1,000 square feet.

PROPOSED AMENDMENTS:

The following is a summary the proposed amendments, incorporating the Planning Commission's recommendations, organized by topic areas. The areas that are

underlined represent proposed amendments that are consistent but not required by state law- all other regulations are required by state law:

Location and Unit Type Clarification:

1. Property is zoned to allow single-family or multifamily dwelling residential uses and includes a proposed or existing dwelling.
2. Unit types (unless otherwise noted):
 - a. ADUs may be new construction or conversions and may be detached or attached from the primary dwelling.
 - b. Junior ADUs shall be attached with a maximum area of 500 square feet.
 - c. Multi-family structures shall be defined as two or more attached units, existing or proposed.

Maximum Number and Size of Units (Attachment C):

3. Single-family sites: In addition to the primary dwelling, one ADU and one Junior ADU may be permitted, in one of the following configurations:
 - a. New Construction Detached ADU: One with a maximum area of 1,200 square feet; OR
 - b. New Construction Attached ADU: One with a maximum area of 850 square feet for a studio or one-bedroom and 1,000 square feet for more than one bedroom or 50 percent of the size of the existing primary dwelling; OR
 - c. Attached Conversion ADU: One by converting a portion of the existing primary dwelling with no size limitation; OR
 - d. Detached Conversion ADU: One with no size limitation; AND
 - e. Junior ADU: One with a maximum area of 500 square feet.
4. Multi-family sites: Sites with a multi-family structure shall be allowed two additional detached ADUs maximum plus the conversion of attached interior space into ADUs as follows:
 - a. New Construction Detached ADU: Two with a maximum area of 850 square feet for a studio or one-bedroom and 1,000 square feet for more than one bedroom each; OR
 - b. Detached Conversion ADU: Two ADUs may be converted from existing detached structures, with a maximum area of 850 square feet for a studio or one-bedroom and 1,000 square feet for more than one bedroom each; AND
 - c. Attached Conversion ADU: Shall be non-habitable space up to 25 percent of the number of units for each existing or proposed multifamily structure. Examples of non-habitable space include boiler rooms, storage rooms, attics, basements and garages.

Exemption ADUs:

5. Include reference to Exemption ADUs as permitted under state law (see page 3 of this report).

Minimum Setbacks:

6. New construction:

- a. Front lot line: Shall comply with the underlying zone. However, it shall not prevent the construction of an 800 square foot attached or detached ADU, as long as the ADU meets height limits and complies with minimum side and rear lot lines.
- b. Side and rear lot lines: Four feet.
7. Conversions or when the structure is constructed in the same location and dimension as a previous structure: No setback shall be required.
8. Upper floor roof decks and balconies: Shall have a minimum side and rear yard setback of ten feet. Any proposed or required railings or wall enclosures shall be included in the maximum height of the Junior ADU or ADU.

Maximum Height:

9. Attached ADUs: Shall not exceed 25 feet or the maximum permitted in the underlying zone, whichever is less.
10. Detached ADUs (remove the existing reference limiting height to one-story):
 - a. Maximum height of 16 feet when within the following (except when within ½-mile walking distance of an MTS or HQTC):
 - Landmark and Historic Districts when visible from the street;
 - HODs;
 - When located in the front yard setback; and
 - Exemption ADUs.
 - b. Maximum height of two stories and 18 feet in all other instances, plus an additional two feet to match the roof pitch of the primary dwelling, subject to the following:
 - Upper story windows shall be prohibited along the interior side and rear lot lines when the proposed setback is less than five feet, unless required by the Building Code for ingress or egress. When the Building Code requires windows, they shall be designed to preserve privacy (e.g., opaque windows, clerestory windows, etc.). If the side or rear lot lines abut an alley with a minimum width of 20 feet, windows may be allowed on the building façade facing the alley.

Minimum Parking:

11. Remove the Zoning Code Section that prohibits annual overnight street parking permits. Instead, have sites with ADUs be treated as any other single-family or multi-family site.
12. Replacement parking: Shall not be required.
13. Parking requirements. One space shall be required per Junior ADU or ADU. The parking may be unenclosed and tandem in a driveway. Parking shall not be required if any of the following are present:
 - a. Property is within ½-mile walking distance of a public transit stop;
 - b. Property is within an historically significant district (which includes Landmark and Historic Districts per state law); or
 - c. A car-share vehicle pick-up/drop-off is located within 1-block of the Junior ADU or ADU.

Entrance and Exterior Staircases (Applicable to single-family sites only):

14. Entrances for Junior ADUs and attached ADUs: Shall not be visible from the public right-of-way, unless this requirement prevents the creation of the unit.
15. Exterior staircases for Junior ADUs and attached ADUs: Shall not be visible from the public right-of-way, unless this requirement prevents the creation of the unit.

Owner-Occupancy Requirements:

16. Junior ADUs shall require owner-occupancy per state law.
17. Eliminate owner-occupancy requirements for ADUs per state law.

Operational Standards:

18. Allow ADUs to be sold separately if developed by a qualified nonprofit corporation and in accordance with California Government Code Section 65852.26. Prohibit in all other instances.

Additional Regulations for Historic Properties:

19. Remove the existing prohibition on ADUs for individually designated historic properties and clarify that new construction ADUs shall not be visible from the public right-of-way, unless this requirement prevents the creation of the unit.
20. Clarify in the existing regulations that new construction ADUs in Landmark and Historic Districts shall not be visible from the public right-of-way, unless this requirement prevents the creation of the unit.

Additional Regulations in HODs:

21. To comply with state law, remove the prohibition of ADUs in HODs and permit as follows:
 - a. Properties in HODs served by private or public streets up to 26 feet wide, as shown in Attachment H are allowed the minimum required by state law:
 - For conversions of existing attached space: No size limitation.
 - For conversions of existing detached space: No size limitation.
 - New construction detached ADU: Shall be limited to 800 square feet.
 - b. Other properties in HODs:
 - For conversions of existing attached space: No size limitation.
 - For conversion of existing detached space: No size limitation.
 - New construction attached ADU: Shall be limited to 850 square feet for a studio or one-bedroom and 1,000 square feet for more than one bedroom.
 - New construction detached ADU: 1,000 square feet.

Additional Regulations:

22. ADUs shall comply with other applicable Zoning Code regulations, including lot coverage requirements.

COMMUNITY INPUT:

On March 22, 2023, the Planning Commission held a study session. Staff provided an overview of the City's existing ADU regulations, as well as potential Zoning Code amendments necessary to comply with recent changes to state law. Items discussed by the Planning Commission included annual overnight street parking permits for properties with ADUs, parking impacts generated by ADUs, maximum height of ADUs, processing times for ADUs and permitting and impact fees for ADUs. Additional items raised by the public included ADUs in HODs and providing pre-approved plans for ADU prototypes.

On June 15, 2023, staff held a virtual community meeting to obtain feedback on potential amendments. The meeting was attended by approximately 40 community members. Since state law significantly limits local municipalities' ability to regulate most development standards related to ADUs including setbacks, parking, unit size and number of ADUs allowed, the main focus of the community meeting was to inform the public about state law and gather input on standards the City *can* regulate. Comments received included removing the owner-occupancy requirement for ADUs indefinitely, allowing two-story detached ADUs, lifting the restriction on annual overnight street parking permits, waiving or reducing fees and providing pre-approved plans.

ENVIRONMENTAL ANALYSIS:

Pursuant to California Public Resources Code Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance to implement the provisions of Government Code Section 65852.2 (Regulations for ADUs). Therefore, the proposed Zoning Code text amendments to the City's ADU regulations are exempt from environmental review.

CONCLUSION AND RECOMMENDATION:

The proposed Zoning Code Amendments would codify standards for ADUs, such as lot coverage, height limits, setbacks and parking, and also allow Exemption ADUs as required by state law. Staff recommends adopting the proposed amendments to advance ADU construction in the City and ensure consistency with state law.

Staff supports incorporating all the recommendations of the Planning Commission.

FISCAL IMPACT:

This action will not have a direct fiscal impact.

Respectfully submitted,



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Approved by:



MIGUEL MÁRQUEZ
City Manager

Attachments: (8)

- Attachment A – Findings for Zoning Code Amendments;
- Attachment B – Planning Commission Staff Report (October 11, 2023, without attachments);
- Attachment C – Site Plan Scenarios for ADUs;
- Attachment D – Full Text of Government Code Sections 65852.2, 65852.22, 65852.23 and 65852.26, as amended;
- Attachment E – Existing Regulations – Zoning Code Section 17.50.275;
- Attachment F – Map of MTS and HQTIC Areas;
- Attachment G – Summary of the Justifications to Limit ADUs in HODs; and
- Attachment H – Street Widths Map within HODs.