

Accessory Dwelling Units

PLANNING COMMISSION

DECEMBER 20, 2016

State Law - Accessory Dwelling Units

- ▶ San Bruno's existing 2nd Unit Ordinance adopted 2003
 - ❑ Established ministerial approval process and local standards per AB 1866
- ▶ Government Code Section 65852.2 Amended (AB 2299 & SB 1069)
 - ❑ Mandatory Accessory Dwelling Unit Ordinances and Reduced Parking
 - ❑ Second units now referred to only as "Accessory Dwelling Units" (ADUs)
- ▶ Government Code Section 65852.22 Added (AB 2406)
 - ❑ Junior Accessory Dwelling Units (JADUs)

Overview - Gov. Code Sec. 65852.2

- ▶ Previously, local agencies had flexibility in adopting local ordinances
- ▶ Concern that local agencies often imposed costly restrictions
- ▶ New bills limit public agencies' ability to regulate ADUs
- ▶ ADUs are residential uses consistent with existing residential zoning and general plan designations
- ▶ An ADU does not cause a lot to exceed the allowable density

Consistency with Housing Element

- ▶ Goal 2. Accommodate regional housing needs through a community-wide variety of residential uses by size, type, tenure, affordability, and location.
- ▶ Program 1-C. Conserve and facilitate legalization of second units in residential zones.
- ▶ Goal 5. Ensure the continued availability of affordable housing for very low, low and moderate income households, senior, persons with disabilities, single parent households, large families, and other special needs groups.
- ▶ Program 5-I. Promote the Second Unit Ordinance.
 - ▣ Review development standards to create more opportunities for new second units that are compatible with the neighborhood during the zone code update.
- ▶ Program 3-H. Consider updating parking standards to allow tandem parking to satisfy the parking requirement for second units by right as suggested by State law (Government Code Section 65852.2(e)). Currently, tandem parking is only allowed by securing a parking exception from the Planning Commission.

ADU Ordinance Adoption

- ▶ Local agencies must adopt an ADU ordinance consistent with the new state law by January 1, 2017
- ▶ If a local ordinance is not adopted, the existing Second Dwelling Unit ordinance will be null and void, and the City can only apply the standards specified in the new state law
- ▶ State law does not require adoption of ordinances allowing JADUs
- ▶ A JADU ordinance must comply with the state law

Proposed San Bruno ADU Ordinance

Ministerial approval of ADUs if all the following requirements are met:

- ▶ The lot contains an existing single family dwelling
- ▶ The ADU is not intended for sale separately from the primary residence
- ▶ The ADU is either located within the living area of the existing dwelling, attached to an existing dwelling, or detached and on the same lot
- ▶ For an attached ADU, the increased floor area does not exceed 50% of existing living area, with maximum increase in floor area of 750 square feet
- ▶ No setback required from an existing garage that is converted to an ADU
- ▶ For attached or detached ADUs, one parking space per unit is required
- ▶ The ADU has independent exterior access from the existing residence
- ▶ The side and rear setbacks are sufficient for fire safety
- ▶ The ADU may not be rented for less than 30 days

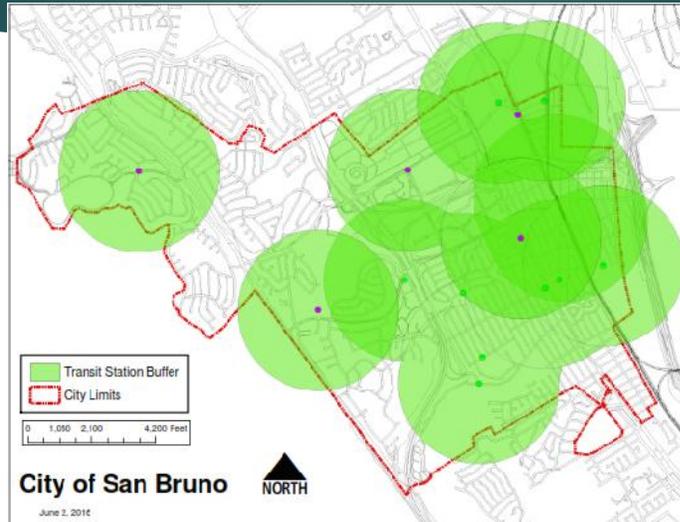
Parking Requirements

- ▶ State law provides that parking may be provided as tandem parking on an existing driveway or in setback areas, unless specific findings are made based on topographical or fire/life safety conditions or it is not permitted anywhere else in the jurisdiction
- ▶ 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.
- ▶ City may require replacement parking to be covered per current parking standards for single family dwellings, as provided in SBMC Section 12.100.090
- ▶ City may continue to prohibit tandem parking because it is not allowed by right for residential uses in San Bruno per zoning code Section 12.100.080(C)(1).

Parking Requirements

- ▶ No additional parking may be required if the ADU is located:
 - 1) Within one-half mile of public transit
 - 2) Within an historic district
 - 3) Is within an existing primary residence or an existing accessory structure
 - 4) In an area requiring on-street parking permits but they are not offered to the ADU occupant
 - 5) Within one block of a car-share vehicle

Areas Within 1/2 Mile of Transit Stops



Development Standards

- ▶ State law states that no other ordinance can apply
- ▶ So a reference to the other ordinance must be included within the ADU ordinance setting standards for setbacks, lot coverage, FAR, tandem parking, etc.
- ▶ Existing 2nd Unit Ordinance does not allow an ADU where these standards would be exceeded
- ▶ The proposed ordinance amendments to implement new state law would continue these development regulations

Utility Fees

- ▶ ADUs are not considered new residential uses for the purpose of calculating connection fees or capacity charges
- ▶ For attached or detached ADUs adding new square footage, the City may require new or separate utility connections and payment of fees or capacity charges, proportionate to the burden of the proposed ADU on utility systems
- ▶ ADU within existing structure. City may **not** require new or separate utility connections and fees
- ▶ ADUs not required to provide fire sprinklers if they are not required for the primary residence

Junior Accessory Dwelling Units (JADU)

- ▶ Ordinance permitting junior accessory dwelling units, recommended by staff, is optional
- ▶ If City wishes to adopt a JADU ordinance, it must comply with new state law
- ▶ A JADU is easier and less costly to install because a JADU requires limited kitchen facilities and shared bath within the existing structure, and planning and building requirements are less stringent

JADU Requirements

- ▶ One JADU per single family dwelling.
- ▶ Maximum size: 500 square feet, minimum 150 square feet
- ▶ The main residence must be occupied by owner, deed restriction required
- ▶ Must be located entirely within the single family residence and have its own separate entrance, and inclusion of an existing bedroom.
- ▶ separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- ▶ include an efficiency kitchen, with sink, cooking appliance, counter surface, and storage cabinets.
- ▶ May share a bath with the primary residence
- ▶ No additional parking required

Environmental Review

- ▶ Pursuant to Public Resources Code section 21080.17, the adoption of an ordinance to implement Government Code section 65852.2 is exempt from CEQA
- ▶ Similarly, the ministerial approval of ADU applications would not be a "project" for CEQA purposes, and environmental review would not be required prior to approving individual applications
- ▶ The proposed amendments are within the scope of the Program EIR for the 2009 General Plan

Summary of Proposed Amendments

Topic	Existing 2 nd Unit Ordinance	Proposed ADU Ordinance
Size – maximum	640 sq ft (1 bedroom)	750 sq ft (1 bedroom)
Size - minimum	150 sq ft	150 sq ft
Development Standards	Must meet lot coverage, FAR, setbacks, etc.	same
Parking	One more off-street parking space required	Reduced requirements, limited local discretion
Utilities	Sewer and water hookups and fees	<ul style="list-style-type: none"> • No additional requirements for internal conversion • limited requirements for attached or detached adding area
Appeals	N/A	Add administrative review
JADU	N/A	Add JADU provisions

Summary of Municipal Code Changes

- 1) Amend Chapter 12.80 (Definitions) – add ADU and JADU
- 2) Amend Chapter 12.96 (Establishment and Description of Districts) Add ADU as permitted use in R-1, R-2, R-3, and R-4 districts
- 3) Amend Chapter 12.100 (Off-Street Parking and Loading) Update per new state law, maintaining local standards where possible
- 4) Amend Section 12.92.031 (Second Dwelling Units) Modify in accordance with new state law
- 5) Add Chapter 12.90 (Accessory Dwelling Units) Move amended Section 12.92.032 out of Chapter 12.92 (Nonconforming Lots, Uses and Structures) to new Chapter 12.90.
 - ▶ Add Subsection for Junior Accessory Dwelling Units

