



DISCUSSION ITEMS

Agenda Item # 11

AGENDA REPORT SUMMARY

Meeting Date: June 26, 2018

Subject: Ordinance No. 2018-448: Accessory Dwelling Units

Prepared by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachments:

1. Ordinance No. 2018-448
2. PC Resolution No. 2018-06
3. May 3, 2018 Planning Commission Agenda Report Packet
4. May 3, 2108 Planning Commission Minutes

Initiated by:

City Council

Previous Council Consideration:

May 9, 2017, May 23, 2017, February 27, 2018, and March 3, 2018

Fiscal Impact:

None anticipated

Environmental Review:

The proposed code amendment is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code because it is an ordinance regarding second units in single-family and multi-family residential zones to implement the provisions of Government Code Section 65852.2.

Policy Question for City Council Consideration:

- Shall the City Council introduce an ordinance that amends the regulations for accessory dwelling units (ADU's) by incorporating State Legislation that governs the creation of the units and the recommendations of the Planning Commission at its May 3, 2018 Meeting?

Summary:

- The draft ordinance provides for the administrative approval of ADU's on sites with a residential zoning designation that are improved with one single-family dwelling subject to a set of standards. The draft ordinance will bring the City's ADU regulations into compliance with State Law.

Staff Recommendation:

Move to introduce and waive further reading of Ordinance No. 2018-448 amending those Chapters and Subsections of the Los Altos Municipal Code that regulate accessory dwelling units



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Purpose

The purpose of amending the City's ADU regulations is to achieve compliance with State Law and to implement Housing Element Program No. 4.2.1 and Program No. 4.2.2 that are intended to facilitate the development of ADUs and provide affordable housing in Los Altos.

Background

Over the past two years, the City has been working at developing a set of ADU regulations that achieve compliance with State Law and further programs contained in the Housing Element of the Los Altos General Plan, which encourage development of ADU's. In March of this year a draft ordinance was on a City Council agenda for adoption, but was removed to allow further refinement of the ADU regulations and make them consistent with new State regulations that went into effect earlier in the year. In conjunction with staff, the City Attorney's office has drafted a revised ADU ordinance that refines the regulations and makes them consistent with the new State Law.

This revised ADU ordinance was considered by the Planning Commission at a public hearing on May 3, 2018. Following public comment and discussion, the Planning Commission recommended adoption of the attached ordinance to the City Council.

Discussion/Analysis

The City Council is considering a revised set of ADU regulations found at Chapter 14.14, Accessory Dwelling Units, of the Municipal Code. As noted in the purpose section of the ordinance, these rules are intended to provide reasonable regulations that allow for the development of ADU's on lots developed with or proposed to be developed with a single-family dwelling. The zones in which an ADU can be created include the single-family and multiple-family zone districts of the City. On lots where they are allowed, ADU's can be created in several different ways. These include:

- Conversion of existing space within a single-family dwelling or accessory structure, like a garage or pool house;
- Construction of an addition to an existing single-family dwelling or accessory structure; and
- Construction of a new detached ADU.

Over the course of development of the ADU regulations, there have been numerous questions concerning whether an ADU increases densities and whether they are in conformance with the General Plan and Zoning designation of the site. The draft ordinance addresses these at subsection 14.14.030, which notes, among other things, that:

An accessory dwelling unit that conforms to this chapter shall:

- A. Be deemed an accessory use and not be considered to exceed the allowable density for the lot upon which it is located;



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- B. Be deemed a residential use that is consistent with the General Plan and the zoning designations for the lot;

The draft ordinance incorporates a series of standards that an ADU must comply with if it is to be permitted. The draft ordinance provides the requirements against which an application for an ADU will be evaluated. Among the requirements are a set of specific standards that are found at Section 14.14.060. These include standards for development on the lot, which provides for the variety of different ADU types, occupancy requirements, and unit size requirements to name some. Approval of an ADU is limited to a ministerial decision. That is, an application for an ADU must be evaluated against a set of requirements and standards for compliance and a discretionary permit, such as a use permit or design review permit, for an ADU cannot be required per State Law.

The draft ordinance includes an 800-square foot size limitation on attached or detached ADU's, and, as recommended by the Planning Commission, includes any basement areas proposed as part of the ADU. In previous discussion with the City Council there had been a majority consensus to exclude the basement area. Staff does not know how the courts will interpret the validity of an 800-square-foot unit size limit for ADUs. The 1,200-square-foot size limits are contained in the mandatory content of the ordinance a city must adopt (Gov. Code § 65852.2(a)(1)(D)(iv) & (v)). A city could adopt a maximum unit size that is greater than 1,200 square feet because this would be a less restrictive requirement on ADUs (Gov. Code §65852.2(c) & (g)). The California Department of Housing and Community Development (HCD) has interpreted the statute to allow a local government to choose maximum unit size less than 1,200 square feet if the size limit is not "burdensome" on the creation of ADUs. HCD has no authority to approve the local ordinance or otherwise implement Government Code Section 65852.2 (See Gov. Code §65852.2(h)).

Although the draft ordinance does not contain a minimum lot size on which an ADU may be proposed, the standards do require compliance with most of the site development standards of the zone district the ADU will be located in. Compliance with the height limit, lot coverage, floor area, and landscape requirements are necessary. When it comes to setback requirements however, there are some exceptions. The setback requirement (front, side, rear) must be met unless the ADU is created by the conversion of an existing garage (same setbacks as the existing garage) or addition of an ADU above an existing garage, which will require a five-foot setback from side and rear property lines. There are also exceptions to these standards for the conversion of existing space within a single-family residence or accessory structure to an ADU, but this is covered in more detail later in this report.

There are also parking standards for ADU's, which vary depending on the type of ADU being proposed and other circumstances specific to the location or proximity of the ADU to nearby features such as a public transit stop or car share vehicle location. In general, one off-street parking space per unit or per bedroom, whichever is less, is required for an ADU. The parking space for the ADU may be in setback areas or in a tandem configuration on an existing driveway. In certain instances, an off-



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street parking space cannot be required. These are for ADU's within specified distances of nearby transit facilities or having certain features. One product of the State's Laws is that when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the replacement spaces for the primary dwelling may be in any configuration on the same lot as the ADU, which may result in reduced setbacks for these structures – subject to compliance with the other site development standards.

Once an application for an ADU has been found in compliance with the requirements of the proposed ordinance, a building permit is required for the construction of the unit. Construction of the ADU must comply with adopted building code requirements and it must include permanent provisions for living, sleeping, eating, cooking, and sanitation. This means that a kitchen in an ADU must include built in food preparation appliances. Counter top microwaves, toaster ovens, and hot plates will not qualify.

The draft ordinance does provide design standards. It requires that an ADU relate to the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch and the entrance to the accessory dwelling unit cannot face the street. In its review of ADU applications, staff will evaluate whether this requirement is met – and the expectation is that matching or complimentary dimensions, materials, finishes, and trims will be used on a proposed ADU to achieve compatibility of the ADU with the existing single-family dwelling and the neighborhood. A manufactured home can be proposed as an ADU, but not mobile housing units like mobile homes, trailers, and motor homes. The exterior finish and materials of the manufactured home will need to meet the design criteria noted here. Given the vast array of options available in the manufactured housing market, staff believes this can be accomplished.

As noted earlier, there are exceptions to the standards. Subsection 14.14.050 D, provides exceptions to the standards found at Section 14.14.060. However, these exceptions only apply if the proposed ADU meets all the elements of this Subsection. Key amongst these requirements is that they can only occur in the single-family residential zone districts listed (R1-10; R1-H; R1-20; or R1-40) and they only apply to an ADU contained within the existing space of a single-family residence or of an accessory structure (including, but not limited to, a studio, pool house, or other similar accessory structure). This type of unit must also have an independent exterior access and setbacks must be sufficient for fire safety, which is generally three feet but can be less depending on the type of construction used (there are varying material combinations that provide for higher fire ratings). There are no size limitations for these types of units. The City Attorney has advised that size limitations cannot be applied to conversions of existing structures as this is not provided for in the State's Laws. Since qualifying units are exempt from the standards found at Section 14.14.060, off-street parking for these units is not required. This exemption is also listed amongst the parking standards.

The proposed regulations restrict the rental of ADUs to a minimum of 30 days, to address the concerns of shorter term transient rentals. Longer term rentals should help provide a more desirable



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housing type that may benefit the community with more stable residents that are more vested in maintaining the neighborhood character. During the review of earlier ADU ordinance draft, it was asked if Los Altos could require rental periods that were longer than 30 days. The City Attorney has advised that cities probably cannot adopt minimum rental terms longer than 30 days (e.g. 60-90day minimum rentals) specific to ADUs. Government Code Section 65852.2(a) establishes the “maximum” standards that local agencies may use to evaluate a proposed ADU and “[n]o additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require ... that the property be used for rentals of terms longer than 30 days” (Gov. Code §65852.2(a)(6)). While a local agency can adopt less restrictive requirements for ADUs than provided in the new state law (Gov. Code §65852.2(g)), a longer minimum rental term would be more restrictive and therefore is likely preempted.

One difference between the proposed and current ADU regulations is the deletion of the owner occupancy requirement of the principal unit or the accessory dwelling unit. This is based on guidance provided by the City Council during the review of prior ADU ordinance drafts. The draft ADU ordinance under consideration also removes affordability requirements. Per the State Department of Housing and Community Development, ADUs are inherently affordable and per the State planning law Cities cannot impose regulations beyond that allowed in the statute. Accordingly, the proposed regulations also remove the two-person occupancy limit.

The information provided to this point is intended to highlight the principal elements of the ADU regulations. There are other components of the draft ordinance, but their purpose and intent seem to be clear on their face and it was felt that further explanation of these other elements within this report was not warranted.

CONCLUSION

The draft ADU regulations provide a set of rules that comply with State Law and reflect the feedback and discussions over the past few months that are intended to address local conditions. They also further programs of the Housing Element of the Los Altos General Plan. If adopted, they will provide more opportunities to create ADU’s and in return assist the City in achieving its goal of addressing the affordable housing crisis.

Options

- 1) Adopt the ADU regulations as recommended by the Planning Commission

Advantages: The proposed regulations increase the opportunities to create ADUs and provides conformance with State Law, further programs of the Housing Element, and help address the affordable housing crisis.



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Disadvantages: May increase the number of ADUs and result in perceived parking and density impacts

2) Decline Adoption of the ADU regulations

Advantages: May seem to address concerns that there will be negative impacts of ADUs on residential neighborhoods

Disadvantages: ADU standards would revert to those in State Law, which do not include all the amendments intended to address local conditions

Recommendation

The staff recommends Option 1.

DRAFT ORDINANCE NO. 2018-448
AN ORDINANCE OF THE CITY OF LOS ALTOS AMENDING AND RESTATING
CHAPTER 14.14 ('SECOND LIVING UNITS IN R-1 DISTRICTS') AND MAKING
CONFORMING CHANGES TO TITLE 14 OF THE LOS ALTOS MUNICIPAL CODE
PERTAINING TO ACCESSORY DWELLING UNIT REGULATIONS

The Council of the City of Los Altos does ordain as follows:

SECTION 1. FINDINGS. The City Council of the City of Los Altos hereby finds that:

A. The City of Los Altos, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California.

B. The Planning and Zoning Law authorizes cities to provide by ordinance for the creation of accessory dwelling units.

C. To address California's shortage of housing supply, the California Legislature approved, and the Governor signed into law, Assembly Bill 2299 (Bloom, Chapter 735, Stats. 2016), Senate Bill 1069 (Wieckowski, Chapter 720, Stats. 2016) which imposed new limitations on local authority to regulate second units, which are now referred to as "accessory dwelling units" or "ADUs."

D. Assembly Bill 494 (Bloom, Chapter 602, Stats. 2017) and Senate Bill 229 (Wieckowski, Chapter 594, Stats. 2017), which become effective January 1, 2018, further amended Government Code Section 65852.2 and imposed new restrictions on local authority to regulate accessory dwelling units; and

E. The City desires to amend the local regulatory scheme for the construction of accessory dwelling units that fully complies with Government Code Section 65852.2 to provide reasonable regulations for the development of accessory dwelling units on lots developed or proposed to be developed with single-family residential dwellings. Such accessory dwelling units promote the goals and policies of the City's General Plan, contribute needed housing to the community's housing stock, and promote housing opportunities for the persons wishing to reside in the City of Los Altos.

SECTION 2. AMENDMENT. Section 14.02.070 of the Los Altos Municipal Code shall be amended to add the definition of "accessory dwelling unit" and revise the definition of "second living unit" as follows (changes shown in underline/strikeout):

"Accessory dwelling unit" means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling is situated. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code section 17958.1, and a manufactured home, as defined in California Health and Safety Code section 18007. Formerly referred to as "second living unit."

"Second living unit" means a second dwelling on a single-family residential lot; refer to the definition of "accessory dwelling unit."

SECTION 3. AMENDMENT. Revising the Permitted Uses sections of the single-family zoning districts in the Los Altos Municipal Code as follows (changes shown in underline/strikeout):

14.06.020 – Permitted uses (R1-10)

B. Accessory dwelling ~~Second living~~ units as provided in Chapter 14.14 of this title;

14.08.020 – Permitted uses (R1-H)

B. Accessory dwelling ~~Second living~~ units as provided in Chapter 14.14 of this title;

14.10.020 – Permitted uses (R1-20)

B. Accessory dwelling ~~Second living~~ units as provided in Chapter 14.14 of this title;

14.12.020 – Permitted uses (R1-40)

B. Accessory dwelling ~~Second living~~ units as provided in Chapter 14.14 of this title;

SECTION 4. AMENDMENT. Chapter 14.14 of the Los Altos Municipal Code is hereby amended and restated in full as set forth on Exhibit “A” attached hereto and incorporated herein by reference.

SECTION 5. AMENDMENT. Section 14.74.010, subdivision (A) of the Los Altos Municipal Code is hereby amended and restated as follows:

- A. Not less than two parking spaces, one of which shall be covered, shall be required for each living unit, including second living except accessory dwelling units developed which shall provide parking as required ~~under the provisions of~~ Chapter 14.14 of this title.

SECTION 6. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION 7. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDING. The City Council finds the adoption of this ordinance to be statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code because it is an ordinance regarding second units in single-family and multifamily residential zones to implement the provisions of Government Code Section 65852.2.

SECTION 8. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 9. PUBLICATION. The City Clerk shall certify to the adoption of this ordinance. Not later than fifteen (15) days following the passage of this ordinance, the ordinance, or a summary thereof in accordance with Government Code Section 36933, along with the names of the City Council members voting for and against the ordinance, shall be published in a newspaper of general circulation in the City of Los Altos.

SECTION 10. FILING. The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2018 and was thereafter, at a regular meeting held on _____, 2018 passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jean Mordo, Mayor

ATTEST:

Jon Maginot, CMC, City Clerk

EXHIBIT “A”
CHAPTER 14.14 - ACCESSORY DWELLING UNITS

14.14.010. PURPOSE.

The purpose of this chapter is to provide reasonable regulations for the development of accessory dwelling units in certain areas and on lots developed or proposed to be developed with single-family residential dwellings. Such accessory dwelling units contribute needed housing to the community’s housing stock and promote housing opportunities for the persons wishing to reside in the City of Los Altos. In addition, the regulations in this chapter are intended to promote the goals and policies of the City’s General Plan and comply with requirements codified in the state Planning and Zoning Law related to accessory dwelling units in residential areas, including California Government Code section 65852.2.

14.14.020. DEFINITIONS.

- A. “Accessory dwelling unit” means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling is situated. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code section 17958.1, and a manufactured home, as defined in California Health and Safety Code section 18007. See also, Section 14.02.070, Definitions.
- B. “Living area” is defined as the interior habitable area of a dwelling unit, including basements and attics, but not including a garage or any accessory structure.
- C. “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

14.14.030. EFFECT OF CONFORMING ACCESSORY DWELLING UNIT

An accessory dwelling unit that conforms to this chapter shall:

- A. Be deemed an accessory use and not be considered to exceed the allowable density for the lot upon which it is located;
- B. Be deemed a residential use that is consistent with the general plan and the zoning designations for the lot;
- C. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and
- D. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

14.14.040. LOCATIONS PERMITTED.

- A. Accessory dwelling units may be permitted in the following zones:
 - 1. Single-Family District (R1-10);
 - 2. Single-Family District (R1-H);
 - 3. Single-Family District (R1-20);
 - 4. Single-Family District (R1-40);
 - 5. Multiple-Family District (R3-4.5);
 - 6. Multiple-Family District (R3-5);
 - 7. Multiple-Family District (R3-3);
 - 8. Multiple-Family District (R3.1.8); and
 - 9. Multiple-Family District (R3-1).

- B. Nothing in this chapter shall be construed to authorize construction of new single-family residences in multiple-family districts where such single-family residential use is not otherwise allowed.

14.14.050. PERMIT PROCEDURES.

- A. Permits.
 - 1. Additions and New Structures. Except as provided in subparagraph (2) below, approved applications for an accessory dwelling unit will result in an accessory dwelling unit permit. The applicant shall also obtain a building permit as required by the building code.
 - 2. Exception – Conversions of Existing Space. Accessory dwelling units that meet the requirements of subsection (D) shall obtain a building permit as required by the building code.
- B. Application Processing.
 - 1. Applications for an accessory dwelling unit must be submitted to the Director of Community Development (the “Director”) on a form and with information and materials, as adopted by the Director.
 - 2. The Director may collect a fee for processing the application, provided such fee is approved by resolution or ordinance of the City Council.
 - 3. Applications for an accessory dwelling unit shall be considered ministerially without any discretionary review or a hearing, and shall be approved or disapproved within 120 days after receiving the complete application.
 - 4. Except as otherwise provided in this chapter, the construction of an accessory dwelling unit shall be subject to any applicable fees adopted pursuant to the requirements of California Government Code, Title 7, Division 1, Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
- C. Review.
 - 1. Additions and New Structures. The Director will review and approve complete applications for an accessory dwelling unit permit that comply with the requirements of Sections 14.14.060 (Standards).
 - 2. Conversions of Existing Space. The Director will review and approve that a proposed conversion of existing space of a single-family residence or of an accessory structure to a proposed accessory dwelling unit meets the requirements of subsection (D), below.
 - 3. Upon approval pursuant to subparagraphs (1) or (2) above, the Director shall convey the application to the Building Official for review and approval of the building permit(s) in accordance with Title 12 of the Los Altos Municipal Code.
- D. Exception: An accessory dwelling unit is exempt from the requirements of Section 14.14.060 (Standards) if the unit meets all the requirements of subparagraph (1):
 - 1. The accessory dwelling unit:
 - (a) Is one accessory dwelling unit per single-family lot located within one of the zones for single-family residential use: R1-10; R1-H; R1-20; or R1-40;
 - (b) Is contained within the existing space of a single-family residence or of an accessory structure (including, but not limited to, a studio, pool house, or other similar accessory structure);

- (c) Has independent exterior access from the existing residence; and
- (d) The side and rear setbacks are sufficient for fire safety.
- 2. If the requirements of subparagraph (1) are met, then the applicant:
 - (a) Is required to install fire sprinklers in the accessory dwelling unit if the primary residence is also required to have fire sprinklers.
 - (b) Is not required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, or to be charged a related connection fee or capacity charge.

14.14.060. STANDARDS.

Accessory dwelling units shall meet the following standards:

- A. Development on the lot.
 - 1. A single-family dwelling must exist on the lot or is proposed to be constructed in conjunction with the accessory dwelling unit.
 - 2. The accessory dwelling unit must be:
 - (a) Detached from the existing or proposed primary dwelling, but located on the same lot as the existing or proposed dwelling; or
 - (b) Attached to the existing or proposed primary dwelling; or
 - (c) Located within the living area of the existing or proposed primary dwelling.
 - 3. Only one accessory dwelling unit shall be allowed per lot.
 - 4. The accessory dwelling unit is not intended for sale separate from the primary residence.
- B. Occupancy.
 - 1. The accessory dwelling unit may be rented.
 - 2. The accessory dwelling unit shall be rented for terms longer than 30 days.
- C. Building and Construction.
 - 1. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.
 - 2. An accessory dwelling unit is required to have fire sprinklers, only if the primary residence is also required to have fire sprinklers.
 - 3. An accessory dwelling unit must receive the approval by the County Health Officer where a private sewage disposal system is being used.
 - 4. An accessory dwelling unit shall meet the requirements of the building code, as adopted and amended by Title 12 of the Los Altos Municipal Code, that apply to detached dwellings, as appropriate.
 - 5. Separate utility connection(s) may be permitted directly between the accessory dwelling unit and the utility. The connection shall be subject to a connection fee or capacity charge, or both, proportionate to the burden of the proposed unit, based on either its size or the number of its plumbing fixtures, upon the water or sewer system.
 - 6. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. "Passageway" means a pathway that is unobstructed clear to the sky and extends from the street to one entrance of the accessory dwelling unit.
- D. Parking.
 - 1. Except as provided in subparagraph (2):

- (a) An accessory dwelling unit shall provide one parking space per unit or per bedroom, whichever is less.
 - (b) The required parking spaces may be located on setback areas approved by the Director or tandem parking on an existing driveway, unless specific findings are made by the Director that such parking arrangements are not feasible based upon specific site or regional topographical or fire or life safety conditions.
 - (c) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the replacement spaces for the primary dwelling may be in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.
 - 2. Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:
 - (a) The accessory dwelling unit is located within one-half mile of a public transit stop or station.
 - (b) The accessory dwelling unit is located within an architecturally and historically significant historic district as approved by the city pursuant to Section 12.44.080 of the Los Altos Municipal Code.
 - (c) The accessory dwelling unit is part of the proposed or existing primary residence or an existing accessory structure.
 - (d) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (e) When there is a car share vehicle located within one block of the accessory dwelling unit.
- E. Height.
The accessory dwelling unit must meet the height standards of the applicable zoning district.
- F. Setbacks.
 - 1. Except as provided in subparagraphs (2) and (3), an accessory dwelling unit must meet the setback standards of the applicable zoning district.
 - 2. No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.
 - 3. A minimum setback of five (5) feet shall be required from the side and rear lot lines for an accessory dwelling unit constructed above an existing garage.
- G. Unit Size.
 - 1. The total floor area for an attached accessory dwelling unit shall not exceed 800 square feet, inclusive of basement areas, and shall not be more than 50 percent of the floor area of the existing or proposed principal residence.
 - 2. The total floor area for a detached accessory dwelling unit shall not exceed 800 square feet, inclusive of basement areas, and shall not be more than 50 percent of the floor area of the existing or proposed principal residence.
 - 3. The accessory dwelling unit shall contain no less than the 150 square feet area minimum required for an efficiency dwelling unit as defined in Section 17958.1 of the Health & Safety Code.
- H. Lot Coverage.

The accessory dwelling unit must meet the lot coverage standards of the applicable zoning district.

I. Floor Area

The accessory dwelling unit must meet the floor area standards of the applicable zoning district.

J. Landscape.

The accessory dwelling unit must meet the landscaping standards of the applicable zoning district.

K. Design.

1. The design of the accessory dwelling unit shall relate to the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch.
2. The entrance to the accessory dwelling unit shall not face the street.
3. Accessory dwelling units shall be allowed in manufactured homes, but shall not be allowed in mobile housing units, including, but not limited to, mobile homes, trailers, and motor homes.

L. Impacts to Historic Places.

To prevent adverse impacts to any real property that is listed in the California Register of Historic Places, an accessory dwelling unit that is proposed to be located on the site of a historic resource or within a historic district, and visible from the exterior of the primary residence, the accessory dwelling unit shall be reviewed for historic appropriateness by the Director in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (per CFR 68.3, as amended from time to time), or other standards as may be adopted by City Council Resolution.

DRAFT

RESOLUTION NO. PC 2018-06

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LOS ALTOS RECOMMENDING ADOPTION OF AN
ORDINANCE AMENDING AND RESTATING CHAPTER 14.14 ('SECOND
LIVING UNITS IN R-1 DISTRICTS') AND MAKING CONFORMING
CHANGES TO TITLE 14 OF THE LOS ALTOS MUNICIPAL CODE
PERTAINING TO ACCESSORY DWELLING UNIT REGULATIONS**

WHEREAS, The City of Los Altos, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, The Planning and Zoning Law authorizes cities to provide by ordinance for the creation of second units; and

WHEREAS, To address California’s shortage of housing supply, the California Legislature approved, and the Governor signed into law, Assembly Bill 2299 (Bloom, Chapter 735, Stats. 2016), Senate Bill 1069 (Wieckowski, Chapter 720, Stats. 2016) which imposed new limitations on local authority to regulate second units, which are now referred to as “accessory dwelling units” or “ADUs”; and

WHEREAS, Assembly Bill 494 (Bloom, Chapter 602, Stats. 2017) and Senate Bill 229 (Wieckowski, Chapter 594, Stats. 2017), which become effective January 1, 2018, further amended Government Code Section 65852.2 and imposed new restrictions on local authority to regulate accessory dwelling units; and

WHEREAS, The City desires to amend the local regulatory scheme for the construction of accessory dwelling units that fully complies with Government Code Section 65852.2 to provide reasonable regulations for the development of accessory dwelling units on lots developed or proposed to be developed with single-family residential dwellings. Such accessory dwelling units promote the goals and policies of the City’s General Plan, contribute needed housing to the community’s housing stock, and promote housing opportunities for the persons wishing to reside in the City of Los Altos.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Los Altos hereby recommends the following to the Los Altos City Council:

That the City Council adopt an ordinance amending and restating Chapter 14.14 (Second Living Units in R-1 Districts) and making conforming changes to Title 14 of the Los Altos Municipal Code pertaining to accessory dwelling unit regulations.

Passed at a regular meeting of the Planning Commission of the City of Los Altos held on May 3, 2018 by the following vote:

AYES: Bressack, Bodner, Enander, Lee, McTighe, and Meadows

NOES: None

ABSENT: Samek

ABSTAIN: None



PLANNING COMMISSION AGENDA REPORT

Meeting Date: May 3, 2018

Subject: 17-CA-02 – Accessory Dwelling Unit Ordinance

Prepared by: Jon Biggs, Community Development Director

Initiated by: City Council

Attachments:

- A. Draft Ordinance
- B. Draft Resolution

Environmental Review:

The adoption of this ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code because it is an ordinance regarding second units in single-family and multifamily residential zones that implements the provisions of Government Code Section 65852.2.

Summary:

- State law requires that local jurisdictions allow accessory dwelling units by the conversion of existing area in principal and accessory single-family structures regardless of lot size.
- State law allows lot size standards for accessory dwelling units that add onto principal single-family dwellings and add onto or create new accessory structures.
- State law requires non-discretionary, i.e., ministerial, review of accessory dwelling units. Cities may apply objective written standards in their ministerial review.

Staff Recommendation

Hold a public hearing and develop a recommendation to the City Council on the ordinance.

Background

Over the past two years, the City has been attempting to bring its ADU regulations into compliance with State Regulations. The last time a draft ordinance appeared on the agenda of a City body was on March 15, 2018 when the City Council was slated to pass and adopt an ordinance that brought the City's ADU regulations into compliance with State law. Consideration of the ordinance was removed from the agenda to allow for refinements and consideration of the revised ordinance by the Planning Commission.

The Planning Commission is considering a revised ADU ordinance that has been drafted by the City Attorney's office with assistance of the Community Development Department. Included in this draft of the ordinance are changes in the regulation of ADUs that went into effect earlier this year at the State level. The Commission is being asked to open the public hearing on the ordinance and after the public hearing is closed, review and develop a recommendation to the City Council.

Discussion/Analysis

The entire ADU ordinance has been recrafted; however, it contains the elements of the previous versions of the ordinance. The proposed regulations remove the discretionary findings for ADUs in accordance with State law allowing only objective standards; thus, making the action on applications for secondary units ministerial.

The proposed regulations restrict the rental of ADUs to a minimum of 30 days, save February which has less than 30, to address the concerns of shorter term transient rentals. Longer term rentals should help provide a more desirable housing type that may benefit the community with more stable residents that are more vested in maintaining the neighborhood character.

The proposed regulations remove the affordability requirements for ADUs. Per the State Department of Housing and Community Development, ADUs are inherently affordable and per the State planning law Cities cannot impose regulations beyond what is allowed in the statute. Accordingly, the proposed regulations also remove the two-person occupancy limit.

Per State law, the proposed regulations eliminate the required parking for ADUs when converting existing structures within one-half mile of a transit stop. Additionally, the proposed regulations reduce the parking requirement for ADUs to one space per unit of one space per bedroom, whichever is less. State law prohibits the City from requiring covered parking spaces for ADUs.

The proposed regulations allow for ADUs in garage conversions and above garages with a minimum setback of five (5) feet. Additionally, with garage conversions, the proposed regulations require the replacement of the parking for the principal dwelling unit that now, given the new state regulations, may be in any configuration on the same lot and can be covered, uncovered or tandem spaces.

The proposed regulations maintain the 800-square-foot size limit consistent with the City's longstanding regulations to help limit the impacts of ADUs. Moreover, the proposed regulations require that the design of ADUs relate to the design of the primary residence and require that the entrance door to the unit not be visible from the street to help maintain a single-family appearance in the neighborhood.

It is important to note that ADUs must also conform to the overall zoning requirements including but not limited to floor area and lot coverage limits, and height limits. Such overall zoning limits help reduce the impacts of ADUs and limit their development potential. Per State law, ADUs must conform to setback limits except in the case of ADUs located above garages where minimum five-foot setbacks must be allowed.

This version of the ordinance also retains elements that were provided by City Council direction at its meeting of February 27, 2017, which is when the previous version of the draft ordinance was introduced. These elements include –

1. Deletion of a lot size minimum for establishment of an ADU.
2. Exclusion of basement square footage towards the overall square footage of an ADU.
3. Amending the maximum size of ADU's to no more than eight hundred (800) square feet for detached units or additions to existing structures and no more than one thousand two hundred square feet (1,200) for the conversion of existing space within a principal or accessory structure, so long as the conversion does not exceed fifty percent (50%) of the existing square footage of the structure.
4. Deletion of the owner occupancy requirement of the principal unit of the accessory dwelling unit.

Note that under State law ADUs are permitted in any existing principal or accessory single-family structure regardless of lot size and there are provisions in the draft ordinance that allow for the conversion of existing space within these structures to an ADU, subject to a size limitation of 1,200 square feet and that the ADU cannot exceed 50% of the floor area of the square footage of the structure.

Following the conclusion of public testimony, the Commission should consider the draft ordinance and resolution and provide input on further refinements that may be needed in order that it can make a recommendation to the City Council.

DRAFT – MAY 3, 2018 PLANNING COMMISSION MEETING

ORDINANCE NO. 2018-4XX

AN ORDINANCE OF THE CITY OF LOS ALTOS AMENDING AND RESTATING CHAPTER 14.14 (“SECOND LIVING UNITS IN R-1 DISTRICTS”) AND MAKING CONFORMING CHANGES TO TITLE 14 OF THE LOS ALTOS MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNIT REGULATIONS

The Council of the City of Los Altos does ordain as follows:

SECTION 1. FINDINGS. The City Council of the City of Los Altos hereby finds that:

A. The City of Los Altos, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California.

B. The Planning and Zoning Law authorizes cities to provide by ordinance for the creation of accessory dwelling units.

C. To address California’s shortage of housing supply, the California Legislature approved, and the Governor signed into law, Assembly Bill 2299 (Bloom, Chapter 735, Stats. 2016), Senate Bill 1069 (Wieckowski, Chapter 720, Stats. 2016) which imposed new limitations on local authority to regulate second units, which are now referred to as “accessory dwelling units” or “ADUs.”

D. Assembly Bill 494 (Bloom, Chapter 602, Stats. 2017) and Senate Bill 229 (Wieckowski, Chapter 594, Stats. 2017), which become effective January 1, 2018, further amended Government Code Section 65852.2 and imposed new restrictions on local authority to regulate accessory dwelling units; and

E. The City desires to amend the local regulatory scheme for the construction of accessory dwelling units that fully complies with Government Code Section 65852.2 to provide reasonable regulations for the development of accessory dwelling units on lots developed or proposed to be developed with single-family residential dwellings. Such accessory dwelling units promote the goals and policies of the City’s General Plan, contribute needed housing to the community’s housing stock, and promote housing opportunities for the persons wishing to reside in the City of Los Altos.

SECTION 2. AMENDMENT. Section 14.02.070 of the Los Altos Municipal Code shall be amended to add the definition of “accessory dwelling unit” and revise the definition of “second living unit” as follows (changes shown in underline/strikeout):

“Accessory dwelling unit” means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling is situated. An accessory dwelling unit also includes an

efficiency unit, as defined in California Health and Safety Code section 17958.1, and a manufactured home, as defined in California Health and Safety Code section 18007. Formerly referred to as “second living unit.”

“Second living unit” means a second dwelling on a single-family residential lot; refer to the definition of “accessory dwelling unit.”

SECTION 3. AMENDMENT. Revising the Permitted Uses sections of the single-family zoning districts in the Los Altos Municipal Code as follows (changes shown in underline/strikeout):

14.06.020 – Permitted uses (R1-10)

B. Accessory dwelling ~~Second living~~ units as provided in Chapter 14.14 of this title;

14.08.020 – Permitted uses (R1-H)

B. Accessory dwelling ~~Second living~~ units as provided in Chapter 14.14 of this title;

14.10.020 – Permitted uses (R1-20)

B. Accessory dwelling ~~Second living~~ units as provided in Chapter 14.14 of this title;

14.12.020 – Permitted uses (R1-40)

B. Accessory dwelling ~~Second living~~ units as provided in Chapter 14.14 of this title;

SECTION 4. AMENDMENT. Chapter 14.14 of the Los Altos Municipal Code is hereby amended and restated in full as set forth on Exhibit “A” attached hereto and incorporated herein by reference.

SECTION 5. AMENDMENT. Section 14.74.010, subdivision (A) of the Los Altos Municipal Code is hereby amended and restated as follows:

A. Not less than two parking spaces, one of which shall be covered, shall be required for each living unit, including second living except accessory dwelling units developed which shall provide parking as required under the provisions of Chapter 14.14 of this title.

SECTION 6. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION 7. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDING. The City Council finds the adoption of this ordinance to be statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code because it is an ordinance regarding second units in single-family and multifamily residential zones to implement the provisions of Government Code Section 65852.2.

SECTION 8. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 9. PUBLICATION. The City Clerk shall certify to the adoption of this ordinance. Not later than fifteen (15) days following the passage of this ordinance, the ordinance, or a summary thereof in accordance with Government Code Section 36933, along with the names of the City Council members voting for and against the ordinance, shall be published in a newspaper of general circulation in the City of Los Altos.

SECTION 10. FILING. The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2018 and was thereafter, at a regular meeting held on _____, 2018 passed and adopted by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Jean Mordo, Mayor

ATTEST:

Jon Maginot, CMC, City Clerk

EXHIBIT “A”

CHAPTER 14.14 - ACCESSORY DWELLING UNITS

14.14.010. PURPOSE.

The purpose of this chapter is to provide reasonable regulations for the development of accessory dwelling units in certain areas and on lots developed or proposed to be developed with single-family residential dwellings. Such accessory dwelling units contribute needed housing to the community’s housing stock and promote housing opportunities for the persons wishing to reside in the City of Los Altos. In addition, the regulations in this chapter are intended to promote the goals and policies of the City’s General Plan and comply with requirements codified in the state Planning and Zoning Law related to accessory dwelling units in residential areas, including California Government Code section 65852.2.

14.14.020. DEFINITIONS.

- A. “Accessory dwelling unit” means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling is situated. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code section 17958.1, and a manufactured home, as defined in California Health and Safety Code section 18007. See also, Section 14.02.070, Definitions.
- B. “Living area” is defined as the interior habitable area of a dwelling unit, including basements and attics, but not including a garage or any accessory structure.
- C. “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

14.14.030. EFFECT OF CONFORMING ACCESSORY DWELLING UNIT

An accessory dwelling unit that conforms to this chapter shall:

- A. Be deemed an accessory use and not be considered to exceed the allowable density for the lot upon which it is located;
- B. Be deemed a residential use that is consistent with the general plan and the zoning designations for the lot;
- C. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and
- D. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

14.14.040. LOCATIONS PERMITTED.

- A. Accessory dwelling units may be permitted in the following zones:
 - 1. Single-Family District (R1-10);
 - 2. Single-Family District (R1-H);
 - 3. Single-Family District (R1-20);
 - 4. Single-Family District (R1-40);
 - 5. Multiple-Family District (R3-4.5);
 - 6. Multiple-Family District (R3-5);
 - 7. Multiple-Family District (R3-3);
 - 8. Multiple-Family District (R3.1.8); and
 - 9. Multiple-Family District (R3-1).
- B. Nothing in this chapter shall be construed to authorize construction of new single-family residences in multiple-family districts where such single-family residential use is not otherwise allowed.

14.14.050. PERMIT PROCEDURES.

- A. Permits.
 - 1. Additions and New Structures. Except as provided in subparagraph (2) below, approved applications for an accessory dwelling unit will result in an accessory dwelling unit permit. The applicant shall also obtain a building permit as required by the building code.
 - 2. Exception – Conversions of Existing Space. Accessory dwelling units that meet the requirements of subsection (D) shall obtain a building permit as required by the building code.
- B. Application Processing.
 - 1. Applications for an accessory dwelling unit must be submitted to the Director of Community Development (the “Director”) on a form and with information and materials, as adopted by the Director.
 - 2. The Director may collect a fee for processing the application, provided such fee is approved by resolution or ordinance of the City Council.

3. Applications for an accessory dwelling unit shall be considered ministerially without any discretionary review or a hearing, and shall be approved or disapproved within 120 days after receiving the complete application.
4. Except as otherwise provided in this chapter, the construction of an accessory dwelling unit shall be subject to any applicable fees adopted pursuant to the requirements of California Government Code, Title 7, Division 1, Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

C. Review.

1. Additions and New Structures. The Director will review and approve complete applications for an accessory dwelling unit permit that comply with the requirements of Sections 14.14.060 (Standards).
2. Conversions of Existing Space. The Director will review and approve that a proposed conversion of existing space of a single-family residence or of an accessory structure to a proposed accessory dwelling unit meets the requirements of subsection (D), below.
3. Upon approval pursuant to subparagraphs (1) or (2) above, the Director shall convey the application to the Building Official for review and approval of the building permit(s) in accordance with Title 12 of the Los Altos Municipal Code.

D. Exception: An accessory dwelling unit is exempt from the requirements of Section 14.14.060 (Standards) if the unit meets all the requirements of subparagraph (1):

1. The accessory dwelling unit:
 - (a) Is one accessory dwelling unit per single-family lot located within one of the zones for single-family residential use: R1-10; R1-H; R1-20; or R1-40;
 - (b) Is contained within the existing space of a single-family residence or of an accessory structure (including, but not limited to, a studio, pool house, or other similar accessory structure);
 - (c) Has no more than one thousand two hundred square feet (1,200), exclusive of basement areas, and does not exceed fifty percent (50%) of the existing square footage of the structure.
 - (d) Has independent exterior access from the existing residence; and
 - (e) The side and rear setbacks are sufficient for fire safety.

2. If the requirements of subparagraph (1) are met, then the applicant:
 - (a) Is required to install fire sprinklers in the accessory dwelling unit if the primary residence is also required to have fire sprinklers.
 - (b) Is not required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, or to be charged a related connection fee or capacity charge.

14.14.060. STANDARDS.

Accessory dwelling units shall meet the following standards:

- A. Development on the lot.
 1. A single-family dwelling must exist on the lot or is proposed to be constructed in conjunction with the accessory dwelling unit.
 2. The accessory dwelling unit must be:
 - (a) Detached from the existing or proposed primary dwelling, but located on the same lot as the existing or proposed dwelling; or
 - (b) Attached to the existing or proposed primary dwelling; or
 - (c) Located within the living area of the existing or proposed primary dwelling.
 3. Only one accessory dwelling unit shall be allowed per lot.
 4. The accessory dwelling unit is not intended for sale separate from the primary residence.
- B. Occupancy.
 1. The accessory dwelling unit may be rented.
 2. The accessory dwelling unit shall be rented for terms longer than 30 days, save for the month of February, which has less than 30 days.
- C. Building and Construction.
 1. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.
 2. An accessory dwelling unit is required to have fire sprinklers, only if the primary residence is also required to have fire sprinklers.

3. An accessory dwelling unit must receive the approval by the County Health Officer where a private sewage disposal system is being used.
4. An accessory unit shall meet the requirements of the building code, as adopted and amended by Title 12 of the Los Altos Municipal Code, that apply to detached dwellings, as appropriate.
5. Separate utility connection(s) may be permitted directly between the accessory dwelling unit and the utility. The connection shall be subject to a connection fee or capacity charge, or both, proportionate to the burden of the proposed unit, based on either its size or the number of its plumbing fixtures, upon the water or sewer system.
6. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. "Passageway" means a pathway that is unobstructed clear to the sky and extends from to street to one entrance of the accessory dwelling unit.

D. Parking.

1. Except as provided in subparagraph (2):
 - (a) An accessory dwelling unit shall provide one parking space per unit or per bedroom, whichever is less.
 - (b) The required parking spaces may be located on setback areas approved by the Director or tandem parking on an existing driveway, unless specific findings are made by the Director that such parking arrangements are not feasible based upon specific site or regional topographical or fire or life safety conditions.
 - (c) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the replacement spaces for the primary dwelling may be in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.
2. Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:
 - (a) The accessory dwelling unit is located within one-half mile of a public transit stop or station.
 - (b) The accessory dwelling unit is located within an architecturally and historically significant historic district as approved by the city pursuant to Section 12.44.080 of the Los Altos Municipal Code.

- (c) The accessory dwelling unit is part of the proposed or existing primary residence or an existing accessory structure.
- (d) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (e) When there is a car share vehicle located within one block of the accessory dwelling unit.

E. Height.

The accessory dwelling unit must meet the height standards of the applicable zoning district.

F. Setbacks.

- 1. Except as provided in subparagraphs (2) and (3), an accessory dwelling unit must meet the setback standards of the applicable zoning district.
- 2. No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.
- 3. A minimum setback of five (5) feet shall be required from the side and rear lot lines for an accessory dwelling unit constructed above an existing garage.

G. Unit Size.

- 1. The total floor area for an attached accessory dwelling unit shall not exceed 800 square feet, exclusive of basement areas, and shall not be more than 50 percent of the floor area of the existing or proposed principal residence.
- 2. The total floor area for a detached accessory dwelling unit shall not exceed 800 square feet, exclusive of basement areas, and shall not be more than 50 percent of the floor area of the existing or proposed principal residence.
- 3. The accessory dwelling unit shall contain no less than the 150 square feet area minimum required for an efficiency dwelling unit as defined in Section 17958.1 of the Health & Safety Code.

H. Lot Coverage.

The accessory dwelling unit must meet the lot coverage standards of the applicable zoning district.

I. Floor Area

The accessory dwelling unit must meet the floor area standards of the applicable zoning district.

J. Landscape.

The accessory dwelling unit must meet the landscaping standards of the applicable zoning district.

K. Design.

1. The design of the accessory dwelling unit shall relate to the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch.
2. The entrance to the accessory dwelling unit shall not face the street.
3. Accessory dwelling units shall be allowed in manufactured homes, but shall not be allowed in mobile housing units, including, but not limited to, mobile homes, trailers, and motor homes.

L. Neighborhood Compatibility

1. The property owner shall ensure that the property and improvements thereon are maintained in a commonly acceptable manner as determined by the planning department division.
2. The property owner shall ensure that unreasonable noise disturbances do not occur.

M. Impacts to Historic Places.

To prevent adverse impacts to any real property that is listed in the California Register of Historic Places, an accessory dwelling unit that is proposed to be located on the site of a historic resource or within a historic district, and visible from the exterior of the primary residence, the accessory dwelling unit shall be reviewed for historic appropriateness by the Director in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (per CFR 68.3, as amended from time to time), or other standards as may be adopted by City Council Resolution.

DRAFT

RESOLUTION NO. PC 2018-06

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LOS ALTOS RECOMMENDING ADOPTION OF AN
ORDINANCE AMENDING AND RESTATING CHAPTER 14.14 (‘SECOND
LIVING UNITS IN R-1 DISTRICTS’) AND MAKING CONFORMING
CHANGES TO TITLE 14 OF THE LOS ALTOS MUNICIPAL CODE
PERTAINING TO ACCESSORY DWELLING UNIT REGULATIONS**

WHEREAS, The City of Los Altos, California (the ‘City’) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, The Planning and Zoning Law authorizes cities to provide by ordinance for the creation of second units; and

WHEREAS, To address California’s shortage of housing supply, the California Legislature approved, and the Governor signed into law, Assembly Bill 2299 (Bloom, Chapter 735, Stats. 2016), Senate Bill 1069 (Wieckowski, Chapter 720, Stats. 2016) which imposed new limitations on local authority to regulate second units, which are now referred to as ‘accessory dwelling units’ or ‘ADUs’; and

WHEREAS, Assembly Bill 494 (Bloom, Chapter 602, Stats. 2017) and Senate Bill 229 (Wieckowski, Chapter 594, Stats. 2017), which become effective January 1, 2018, further amended Government Code Section 65852.2 and imposed new restrictions on local authority to regulate accessory dwelling units; and

WHEREAS, The City desires to amend the local regulatory scheme for the construction of accessory dwelling units that fully complies with Government Code Section 65852.2 to provide reasonable regulations for the development of accessory dwelling units on lots developed or proposed to be developed with single-family residential dwellings. Such accessory dwelling units promote the goals and policies of the City’s General Plan, contribute needed housing to the community’s housing stock, and promote housing opportunities for the persons wishing to reside in the City of Los Altos.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Los Altos hereby recommends the following to the Los Altos City Council:

That the City Council adopt an ordinance amending and restating Chapter 14.14 (Second Living Units in R-1 Districts) and making conforming changes to Title 14 of the Los Altos Municipal Code pertaining to accessory dwelling unit regulations.

Passed at a regular meeting of the Planning Commission of the City of Los Altos held on XXXXXXXX XX, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE
CITY OF LOS ALTOS, HELD ON THURSDAY, MAY 3, 2018 BEGINNING AT 7:00 P.M.
AT LOS ALTOS CITY HALL, ONE NORTH SAN ANTONIO ROAD,
LOS ALTOS, CALIFORNIA**

ESTABLISH QUORUM

PRESENT: Chair Bressack, and Commissioners Bodner, Enander, McTighe, and Meadows

ABSENT: Vice Chair Samek

STAFF: Community Development Director Biggs, Planning Services Manager Dahl and Senior Planner Golden

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Residents John and Nancy Seeman spoke regarding concerns over the recent installation of antennas on existing utility poles in the City of Los Altos by AT&T and Verizon.

ITEMS FOR CONSIDERATION/ACTION

CONSENT CALENDAR

1. 18-UP-02 – D. Berman, M.D., BSI – 4300 El Camino Real

Conditional use permit for a 6,200 square-foot medical office use in an existing office building.
Project Manager: Dahl

Action: Upon motion by Commissioner Bodner, seconded by Commissioner McTighe, the Commission approved the Consent Calendar. The motion was approved (5-0-1) by the following vote:

AYES: Bressack, Bodner, Enander, McTighe, and Meadows

NOES: None

ABSTAIN: Lee

ABSENT: Samek

PUBLIC HEARING

2. 18-CA-02 – Accessory Structure Regulations

Zoning Code amendments to update the City's regulations for accessory structures in R Residential zone districts. *Project Manager: Dahl*

Planning Services Manager Dahl presented the staff report, noting that the City Council was seeking recommendations on amendments to the City's accessory structure regulations.

Public Comment

Resident Cheryl Reiker noted that since accessory structures could be converted into accessory dwelling units, the minimum setback for the structure and eaves should be increased, and that basement floor area should count toward the size limit for the accessory structures.

Resident and League of Woman Voters representative Sue Russell expressed support for counting basement floor area toward the size limit for the accessory structures.

The Commission discussed the three potential amendments per the City Council's direction, with a majority expressing support for basements under an accessory structure counting toward the 800 square-foot size limit, and establishing an 800 square-foot size limit for accessory structures that are located within the main building envelop; however, a majority did not support increasing the minimum setback for accessory structures located in a rear yard setback.

Action: Upon motion by Commissioner Bodner, seconded by Commissioner Meadows, the Commission recommended to the City Council that the five-foot minimum setback for accessory structures be maintained. The motion was approved (5-1) by the following vote:

AYES: Bressack, Bodner, Lee, McTighe, and Meadows

NOES: Enander

ABSENT: Samek

Action: Upon motion by Commissioner Meadows, seconded by Commissioner Bodner, the Commission recommended to the City Council approval of an amendment to the Zoning Code to count basements towards the maximum allowed floor area for accessory structures. The motion was approved (5-1) by the following vote:

AYES: Bressack, Bodner, Enander, McTighe, and Meadows

NOES: Lee

ABSENT: Samek

Action: Upon motion by Commissioner McTighe, seconded by Commissioner Meadows, the Commission recommended to the City Council approval of an amendment to the Zoning Code to limit detached accessory structures to a maximum size of 800 square feet. The motion was approved (6-0) by the following vote:

AYES: Bressack, Bodner, Enander, Lee, McTighe, and Meadows

NOES: None

ABSENT: Samek

3. 17-CA-02 – Accessory Dwelling Unit (Second Living Unit) Regulations

Zoning Code amendment to the Los Altos Municipal Code pertaining to Accessory Dwelling Units (Second Living Units) for changes necessary to comply with state law, and to consider reducing the minimum lot size required for such units. *Project Manager: Biggs*

Community Development Director Biggs presented the staff report recommending that the Commission hold a public hearing on the draft ordinance, since it amends Title 14, Zoning, of the Municipal Code, and develop a recommendation to the City Council.

Public Comment

Resident Cheryl Reiker commented on the state law for Accessory Dwelling Units (ADUs) and the conversion of an accessory structure to an ADU stating concerns with short-term rentals; keeping the existing setbacks and adding a 25-foot interior setback; said that an 800 square-foot ADU including a basement is sufficient; that an extra on-site parking space is common for a conversion and to require one required parking space for accessory structures; and a large lot size adds significant value to a space.

Action: Upon motion by Commissioner McTighe, seconded by Commissioner Enander, the Commission recommended approval of zoning ordinance amendments to the Accessory Dwelling Units (Second Living Units) for changes necessary to comply with state law, with the following correction and changes:

- Delete 14.14.060.L (Neighborhood Compatibility) per City Attorney's direction

- Delete Section 14.14.050.D.1.c
- Update 14.16.060.G (1) and (2) to replace “exclusive” with “inclusive.”

The motion was approved (6-0) by the following vote:

AYES: Bressack, Bodner, Enander, Lee, McTighe, and Meadows

NOES: None

ABSENT: Samek

4. **17-CA-05 – City of Los Altos – Parking Ordinance**

A draft ordinance amending Chapter 14.74, off-street parking and loading, of Title 14, Zoning, of the Los Altos Municipal code that amends the off-street parking requirements and provides for a parking in-lieu fee program, among other things. *Project Manager: Biggs*

Community Development Director Biggs presented the staff report recommending that the Commission consider the draft ordinance and resolution and provide input on further refinements that may be needed to make a recommendation to the City Council.

Public Comment

None.

Discussion

The Commission discussed the Draft Parking Ordinance and Resolution and commented that a footnote on the figures that provides information on the basis for the 2.86 parking spaces per 1,000 square feet and the number of spaces at the formation of the parking district should be included.

Action: Upon motion by Commissioner McTighe, seconded by Commissioner Bodner, the Commission approved the draft resolution recommending approval of the parking ordinance amendments to the City Council including the following modifications to those identified during the meeting:

- Fix 14.74.072 C Lot area; and
- Change 14.74.110 5iii to read “0.25” on-site parking spaces, not 0.75.

The motion was approved (4-1-1) by the following vote:

AYES: Bressack, Bodner, McTighe, and Meadows

NOES: Enander

ABSTAIN: Lee

ABSENT: Samek

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Meadows reported on the April 24, 2018 City Council meeting. Commissioner Enander commented on the last ten minutes of that meeting in which the mayor commented on the work that the Planning Commission has been doing.

POTENTIAL FUTURE AGENDA ITEMS

None.

ADJOURNMENT

Chair Bressack adjourned the meeting at 9:37 P.M.

Jon Biggs
Community Development Director