



CONSENT CALENDAR

Agenda Item # 2

AGENDA REPORT SUMMARY

Meeting Date: October 27, 2020

Subject: Repeal and Replace Chapter 14.14 of the Los Altos Municipal Code (Accessory and Junior Dwelling Units) by adopting Zoning Text Amendment 20-0001

Prepared by: Guido F. Persicone, Planning Services Manager, AICP
Erik Ramakrishnan, Deputy City Attorney

Reviewed by: Jon Biggs, Community Development Director and
Jolie Houston, City Attorney

Attachment(s):

1. Draft ADU Ordinance-Marked Up Version
2. Draft ADU Ordinance-Clean Version

Initiated by:

City staff due to recent changes to state law.

Previous Council Consideration:

October 13, 2020

Fiscal Impact:

No direct fiscal impact is anticipated.

Environmental Review:

Adoption of an accessory dwelling unit ordinance is subject to a statutory exemption from environmental review (Public Resource Code Section 15282(h)). In addition, the action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Projects that are subject to the ADU regulations will be evaluated pursuant to CEQA on an individual basis. However, ADUs are generally exempt from CEQA review under CEQA Guidelines Section 15268 (Ministerial Projects, Section 15301 (Existing Facilities), and/or Section 15303 (New Construction or Conversion of Small Structures).

Policy Question(s) for Council Consideration:

- Do the proposed code amendments ensure the Los Altos Municipal Code is consistent with recent changes to state law?



Subject: Proposed Amendments to the Chapter 14.14 (Accessory Dwelling Unit) Ordinance
Second Planning Commission Meeting

Summary:

- The ordinance repeals and replaces Chapter 14.14, Accessory Dwelling Units, to ensure consistency with State law.

Staff Recommendation:

The Planning Commission and staff recommend that the City Council adopt the ordinance.

Purpose

The purpose of the proposed amendments is to ensure compliance with new state laws affecting the development of accessory dwelling units and junior accessory dwelling units in the residential zone districts of the City.

Background

On October 13, 2020, the City Council held a public hearing and voted to introduce and waive further reading of Ordinance 2020-473 subject to edits of the draft ordinance identified by councilmembers.

Los Altos General Plan Conformance

General Plan Land Use Goal 2: Review and amend (as needed) the Zoning Ordinance to provide consistency with new state legislation and court decisions. Consider Zoning Ordinance amendments that implement the use and development of goals, policies and plan objectives for the identified planning areas (Downtown, El Camino Real Corridor, and Foothill Plaza).

Housing Element Policy 4.2: The City will encourage the development of affordable second dwelling units that conform to zoning regulations.

Program 4.2.1 – Facilitate new construction of second dwelling units.

Program 4.2.2-Study the feasibility of reducing minimum lot sizes for second living units.

Options

- 1) Pass and adopt the draft ordinance

Advantages: Ensure compliance with new state laws.

Disadvantages: Results in less control over accessory dwelling units in Los Altos.



Subject: Proposed Amendments to the Chapter 14.14 (Accessory Dwelling Unit) Ordinance
Second Planning Commission Meeting

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- 2) Direct staff to make further edits to the ordinance and bring the document back for a first reading of the City Council in November

Advantages: None identified.

Recommendation

The staff recommends Option 1.

ORDINANCE NO. 2020-___**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
REPEALING AND REPLACING THE ACCESSORY DWELLING UNIT
ORDINANCE AND MAKING FINDINGS OF CEQA EXEMPTION**

WHEREAS, the State Legislature has found that accessory dwelling units are a necessary and valuable form of housing in California; and

WHEREAS, accessory dwelling units help diversify the City's housing stock and help provide rental units that are affordable; and

WHEREAS, accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting neighborhood character; and

WHEREAS, accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others within existing neighborhoods; and

WHEREAS, it is the intent of this ordinance to allow and promote the development of accessory dwelling units; and

WHEREAS, this Ordinance implements Program 4.2.1 and Program 4.2.2 of the City's 2015-2023 Housing Element by facilitating the development of new accessory dwelling units; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061 and Section 15301 of the California Environmental Quality Act Guidelines, as amended; and

WHEREAS, accessory dwelling units (ADUs) may contribute to achieving State and regional goals for the construction of new affordable units as defined in the Regional Housing Needs Allocation (RHNA).

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Chapter 14.14 of Title 14 of the Los Altos Municipal Code is hereby repealed in its entirety and replaced with the new standards and shall read as follows:

Section 14.14.010 Purpose and Intent.

The intent of this chapter is to provide for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), collectively known as an accessory dwelling, on parcels zoned to allow single-family or multifamily dwelling residential use that include a proposed or existing dwelling. ADUs contribute needed housing to the City of Los Altos housing stock, enhance housing opportunities, and contribute to achieving the goals of the RHNA. An ADU is considered a residential use that is consistent with the existing general plan and zoning

designations for the parcel. The ADU is not included in calculation of residential density for the purposes of determining general plan conformance.

14.14.020 Definitions.

As used in this section, the following terms mean:

“Accessory dwelling unit” (or “ADU”) means an attached or a detached residential dwelling unit that provides complete independent living facilities and is located on a parcel with a proposed or existing residential dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

“Accessory dwelling unit, attached” means a residential dwelling unit that is created as a result of internal conversion, addition, or combination thereof made to the primary dwelling, including attached garages, storage areas or similar uses.

“Accessory dwelling unit, detached.” A detached accessory dwelling unit means an ADU that is not attached to the primary dwelling. Generally, a detached ADU is constructed as an independent structure that is surrounded by open space and located on the same parcel as the primary dwelling. However, a detached ADU may also include the conversion of an existing accessory structure that is located on the same parcel as the primary dwelling, but that is detached from the primary dwelling. In such a case, the detached ADU may be attached to another existing accessory structure.

“Existing,” when referring to an existing principal dwelling, accessory structure, or other building or structure, means a building or structure erected prior to the date of adoption of the appropriate building code, or one for which a legal building permit has been issued, as defined in Section 202 of the 2019 California Building Code. An unpermitted building or structure shall not be considered “existing” for purposes of this chapter.

“Multi-family housing” means a group of dwelling units on one site that contains separate living units for two or more families that may have joined services or facilities or both.

“Junior accessory dwelling unit” (or “junior ADU” or “JADU”) means a unit that is no more than 500 square feet in size, includes an efficiency kitchen consistent with building code standards, is contained entirely within the walls of a single-family residence and may include separate sanitation facilities or may share sanitation facilities with the existing structure or unit.

“Living area” means the interior habitable area of a dwelling unit, including basements and attics, if defined as habitable by the California Residential Code (CRC) but does not include a garage or any accessory structure.

“Multi-Family Residential ADU” means an ADU designed for one family and allowed under Government Code Section 65852.2(e)(1)(C), as referenced in section 14.14.070 of this Chapter.

“Nonconforming zoning condition” means a physical improvement on a parcel that does not conform with current zoning standards.

“Primary dwelling” means, (i) in the case of a parcel occupied by an existing or proposed single-family residential use, the existing or proposed primary dwelling in connection with which an ADU is proposed to be constructed, or (ii) in the case of multi-family housing, the existing or proposed multi-family use in connection with which one or more ADUs allowed under this chapter are proposed to be constructed. As used in this definition, a “single-family residential use” means a single-family residential dwelling unit that is not attached to any other dwelling unit except for an ADU, and which is designed for one family and is surrounded by open space or yards.

“Passageway”. The term passageway has the meaning defined by Government Code Section 65852.2, which states: “A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.”

“Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and/or are available to the public.

“Single Family Residential ADU” means an ADU designed for one family per 65852.2(a) of Government Code as referenced in Section 14.14.050 of this Chapter.

“Tandem parking” means that two or more automobiles are parked in any location on a parcel and lined up behind one another.

14.14.021 Standards for Categories of Single Family Residential ADUs

The following table summarizes design standards for single family residential ADUs. If this summary of information conflicts with other sections of this Chapter, those sections shall be binding. See Section 14.14.070 for design standards that apply to multi-family ADUs.

Design Standards	JADU	Attached ADU (single-family)	Detached ADU (single-family)
Maximum Size (see 14.14.025 for additional details)	500 sq. ft. created from the existing or proposed square footage of the primary dwelling.	1,200 sq. ft. but no more than 50% of the floor area of an existing or proposed primary dwelling (excluding basement area).	1,200 sq. ft. including basement area).
Maximum Height	NA	The greater of 16 feet or the height of the	16 feet

		underlying zoning district	
Minimum Side Setback	NA	4 feet (see exception identified within 14.14.050(f)(2))	4 feet
Minimum Rear Setback	NA	4 feet (see exception identified within 14.14.050(f)(2))	4 feet
Kitchen	Cooking appliances can include a hot plate, or counter-top cooking. A wall installed oven is not required.	Must include at least a sink, a refrigerator of no less than 10 cubic feet, and either a cooktop and an oven, or a range. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the ADU are also required.	
Parking Requirement	None	1 uncovered parking space required. See Section 14.14.050(i)(1-6) for the exceptions to this requirement.	
Owner Occupancy	Required	Not required	
Short Term Rentals	Prohibited	Prohibited	
Impact Fees	None	750 sq. ft. or less-no impact fees 751 sq. ft or more-impact fees are proportionate to principal dwelling.	
Utility Fees and Connections	None required.	The accessory dwelling may be served by the primary dwelling or may have separate utility meters.	

14.14.025 Square Footage Chart

For clarity the following chart provides the square footage thresholds for the various forms of accessory dwelling units

Unit Type	Square Footage Limitations
Efficiency Unit	The minimum size of an efficiency unit as defined by the Health and Safety Code shall be 150 square feet.
JADU	The maximum size of a JADU shall be 500 square feet created by the conversion of existing square footage of the principal dwelling unit. However, up to 150 square feet can be added to the existing structure for purposes of ingress and egress to the JADU. The additional square footage shall count towards the 500 square foot maximum.
Attached accessory dwelling unit	An attached single family residential ADU shall not exceed eight hundred fifty (850) square feet in floor area for one (1) bedroom units or one thousand two hundred (1,200) square feet with more than one (1) bedroom. The total floor area for an attached ADU shall exclude exclude the basement areas, and shall not be more than fifty (50) percent of the floor area of the existing or proposed principal residence. Notwithstanding this 50% threshold requirement, an attached ADU of 850 square feet or smaller cannot be denied. Additional square footage above 850 square feet shall not be allowed if the parcel exceeds, or, with the addition of the single-family residential ADU would exceed, the lot coverage and floor area ratio requirements for the applicable zoning district.
Detached accessory dwelling unit	(1) A detached single-family residential ADU shall not exceed eight hundred fifty (850) square feet in floor area for one (1) bedroom units, or one thousand two-hundred (1,200) square feet with more than one (1) bedroom. Additional square footage above 850 square feet shall not be allowed if the parcel exceeds, or, with the addition of the single-family residential ADU would exceed, the lot coverage and floor area ratio requirements for the applicable zoning district. For detached accessory dwelling units, garage area is excluded but basement areas are included in the square footage calculation for the ADU.
Accessory dwelling unit subject to objective design standards	An ADU between 851-1,200 square feet is subject to a zoning clearance review for objective design standards as identified in Chapter 14.06-Chapter 14.16-24. An ADU may exceed 850 square feet only if the parcel has not exceeded the floor area ratio allowed for the parcel per Chapter 14.06 of the Los Altos Municipal Code.

Section 14.14.030 Location Permitted

A. ADUs may be permitted in the following zones: on parcels zoned for multifamily or single-family dwellings.

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.

14.14.040 General Requirements.

Notwithstanding any local ordinance regulating the issuance of variances or special use permits, or regulations adopted herein to the contrary, an application to construct an ADU shall be approved or denied ministerially, without discretionary review or hearing, within sixty (60) days from the date the city receives a completed planning application if there is an existing single-family or multifamily structure on the parcel. The following requirements apply to all accessory dwellings:

(a) An ADU shall not be rented for periods less than thirty (30) days. Short term rentals are prohibited pursuant to Chapter 14.30 of the Los Altos Municipal Code.

(b) Except as allowed by State law, an ADU shall not be sold or have its title transferred separately from the primary dwelling.

(c) Deed Restriction. Prior to the issuance of the building permit for the ADU, the owner must record a deed restriction stating that the ADU may not be rented for periods less than thirty (30) days, and that it may not be transferred or sold separate from the primary dwelling.

(d) The installation of fire sprinklers shall not be required for an ADU if sprinklers are not required for the primary dwelling.

(e) ADUs are subject to the design standards and other zoning requirements of the zoning district in which the existing primary dwelling is located and must be built in accordance with the building code set forth in Title 12 of the Los Altos Municipal Code, except for those design, zoning, and building standards inconsistent with this chapter or with state requirements under California Government Code Section 65852.2.

(f) An ADU is not subject to residential accessory structure regulations.

(g) An ADU will not be subject to any charges and fees other than planning and building permit fees generally applicable to residential construction in the zone in which the parcel is located, except as otherwise provided herein.

(h) Any connection fees and capacity charges that may be required must be assessed in compliance with the provisions of State Government Code Section 65852.2 and 65852.22, as amended from time to time.

(i) The ADU must contain water, sewer and gas and/or electric utility connections that are in working condition upon its occupancy. The ADU may be served by the primary dwelling or may have separate utility meters. The accessory dwelling will not be considered a new residential use for the purpose of calculating connection fees or capacity charges for these utilities.

(j) An ADU must have an independent electrical sub-panel, water heating and space heating equipment within the unit or be readily accessible to the occupant on the exterior of the unit.

(k) Ministerial approval of a permit for creation of an ADU shall not be conditioned on the correction of pre-existing nonconforming zoning conditions.

(l) A certificate of occupancy for any ADU shall not be issued before the local agency issues a certificate of occupancy for the primary dwelling.

(m) If the applicant requests a delay in processing in writing, the 60-day review time shall be tolled for the period of the delay.

(n) A kitchen shall be provided for an ADU. A full kitchen requires habitable space used for preparation of food that contains at least a sink, a refrigerator of no less than 10 cubic feet, and either a cooktop and an oven, or a range. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the ADU are also required.

(o) A minimum sill height of five (5) feet ~~(60 inches)~~ for windows on the second story within fifteen (15) feet of the property line that face out to the neighbors to mitigate privacy concerns shall be required.

(p). Except as otherwise required by state law, a single-family residential ADU either attached or detached from the main house must not encroach upon the required front yard area and shall have at least a four-foot setback from the side yard property line.

14.14.050 Single-Family Residential ADU Standards in Single Family Residential Zoning Districts

Notwithstanding any other provisions of this chapter to the contrary, a single-family residential ADU shall be ~~a~~ permitted as a single-family residential use that shall comply with the following:

(a) Zoning. A single-family residential ADU shall be located on a parcel in a residential zoning district with an existing or proposed single-family residential dwelling unit.

(b) Number. For a parcel with a proposed or existing single-family dwelling, one (1) attached or detached, new construction ADU shall be permitted. In the case of a detached ADU that does not exceed 850 square feet in size nor 16 feet in height, and that provides at least four foot side and rear setbacks, the detached ADU may be established in addition to a JADU, as set forth in section 14.14.060.

(c) Relationship to Primary Dwelling. A single-family residential ADU may be within, attached to, or detached from the primary dwelling, provided that a single-family residential ADU contained within or attached to an existing primary dwelling shall have independent exterior access from the existing residence. A detached single-family residential ADU must be located at least five (5) feet from the proposed or existing primary dwelling per Section 14.14.050(f)(3).

(d) Size.

(1) A **detached** single-family residential ADU shall not exceed eight hundred fifty (850) square feet in floor area for one (1) bedroom units, or one thousand two-hundred (1,200) square feet with more than one (1) bedroom. Additional square footage above 850 square feet shall not be allowed if the parcel exceeds, or, with the addition of the single-family residential ADU would exceed, the lot coverage and floor area ratio requirements for the applicable zoning district. For detached accessory dwelling units, garage area **is excluded** but basement areas **are included** in the square footage calculation for the ADU.

(2) An **attached** single family residential ADU shall not exceed eight hundred fifty (850) square feet in floor area for one (1) bedroom units or one thousand two hundred (1,200) square feet with more than one (1) bedroom. The total floor area for an **attached** ADU shall **exclude** the basement areas and shall not be more than fifty (50) percent of the floor area of the existing or proposed principal residence. Notwithstanding this 50% threshold requirement, an attached ADU of 850 square feet or smaller cannot be denied. Additional square footage above 850 square feet shall not be allowed if the parcel exceeds, or, with the addition of the single-family residential ADU would exceed, the lot coverage and floor area ratio requirements for the applicable zoning district.

(3) Internal Attached ADU Conversion. - There is no size limitation on an ADU that is created exclusively by converting space within the existing primary dwelling or accessory structure. If a homeowner converts a portion of the primary dwelling for an attached ADU, nothing herein shall prevent the homeowner from replacing the square footage lost, up to 850 square feet above FAR limits, subject to the applicable design rules for the specific zoning district.

(e) Height.

(1) The maximum height for a detached single-family residential ADU shall be one-story and sixteen (16) feet.

(2) Attached single-family residential ADUs shall have a maximum ~~height~~ equal height equal to the greater of (i) sixteen (16) feet, or (ii) the height limit established for the primary dwelling pursuant to applicable zoning.

(f) Setbacks. A single-family residential ADU is subject to the design criteria and zoning requirements of the district in which the existing single-family dwelling is located and as follows:

(1) An attached or detached single-family residential ADU must not encroach upon the required front yard area and shall have at least four (4) foot setbacks at the rear and side yards per state law. Applicants are encouraged to comply voluntarily with the setbacks identified within 14.14.080 of ten (10) feet from the side and rear property lines to reduce privacy impacts. An ADU that provides such ten (10) foot setback shall be removed from daylight plane restrictions.

(2) A setback of four (4) feet from the interior side and rear property lines shall be required for a newly constructed, detached or attached single-family residential ADU. No setback shall be required for converting an existing living area or accessory structure or a

structure constructed in the same location, to the same dimensions and within the same footprint as an existing structure that is converted to an ADU or to a portion of an ADU. If the existing structure to be converted is four (4) feet or less from the property line, a record of survey must be provided to the City for proof of location, setbacks, footprint, and property lines.

(3) The separation from the principal dwelling and any other accessory structure on the parcel shall be at least five (5) feet unless implementation of this requirement would prohibit the construction of an 850 square foot detached ADU, in which case this requirement shall be waived provided the ADU complies with California Building Code (CBC) requirements for separation.

(g) Detached ADU Daylight Plane

(1) No portion of an attached or detached ADU shall extend above or beyond a daylight plane as follows:

(2) The daylight plane starts at a height of eight feet at the property line and proceeds inward at a 6:12 slope. At ten (10) feet from the property line the structure can increase in height to sixteen (16) feet. All appurtenances, including chimneys, vents and antennas, shall be within the daylight plane. The daylight plane is not applied to a side or rear property line when it abuts a public alley or public street. However, the ADU daylight plane shall not be enforced if it prohibits the development of an 850 square foot ADU which is required by state law. If an applicant provides the voluntary setbacks identified in 14.14.080 of ten (10) feet for the side and rear property lines, the daylight plane provisions will not apply to the structural elements of the ADU.

(3) Daylight plane shall not be enforced for an ADU if the structure abuts a city street or alleyway in the rear of the parcel.

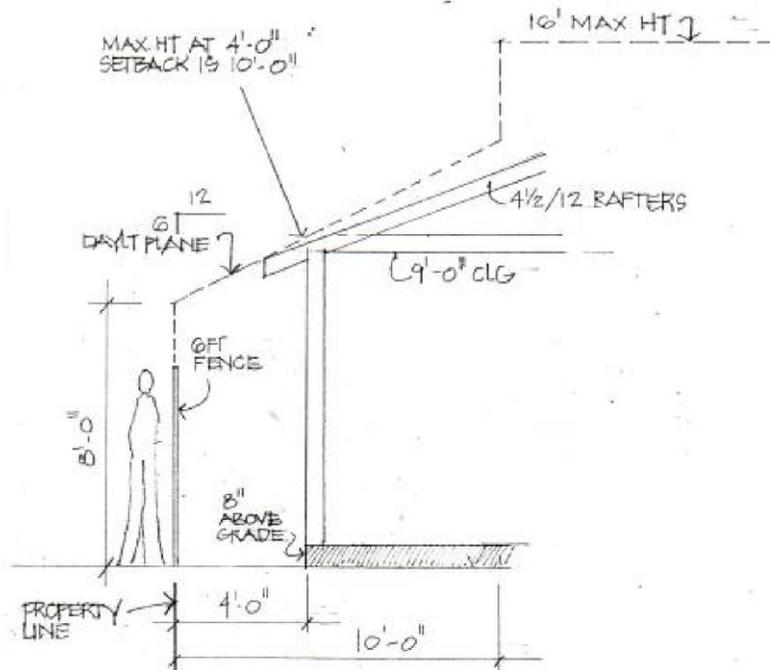


Figure 1-Standard Daylight Plane Diagram

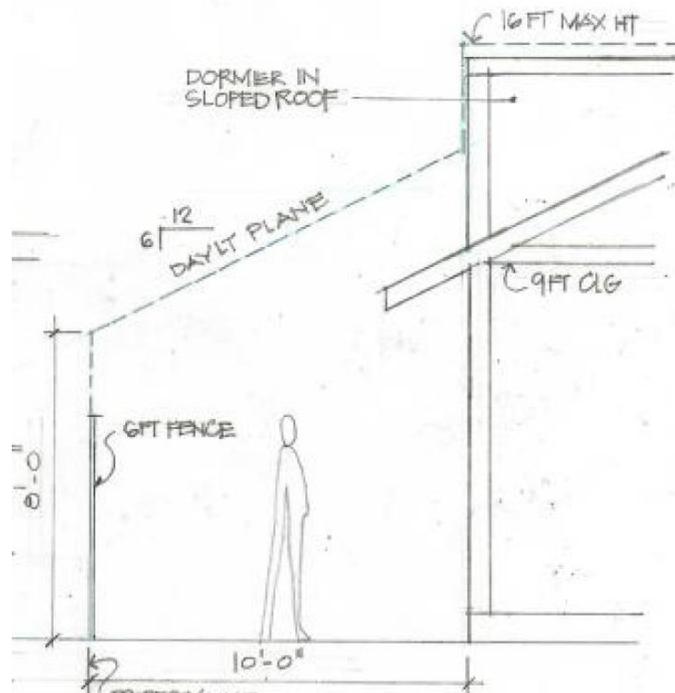


Figure 2-Voluntary Daylight Plane Diagram

(h) A single-family residential ADU must be built in accordance with the building code set forth in Title 12, except that any design, zoning, and building standards inconsistent with state requirements under California Government Code Section 65852.2 shall not apply.

(i) Parking. One (1) additional uncovered parking space of nine feet by eighteen feet (9X18) shall be required for a newly constructed single-family residential ADU, which may be located within the front setback, in tandem and in an existing driveway including within an interior side yard setback area, unless a specific finding is made that such parking is not feasible due to specific site, topographical or fire and life safety. Notwithstanding the above, a parking stall will not be required for a residential ADU that meets any of the following criteria:

(1) The single-family residential ADU is created as a result of the conversion of existing area of the single-family residence or existing permitted residential accessory structure.

(2) An existing garage, carport or parking structure is converted or demolished to accommodate a single-family residential ADU in the same location.

(3) The single-family residential ADU is within one-half (1/2) mile walking distance of a public transit station, such as a bus stop or train station.

(4) The parcel is within an architecturally and historically significant historic district.

(5) On-street parking permits are required in the area but not offered to the occupant of the residential ADU.

(6) A vehicle share site is located within one (1) block of the single-family residential ADU.

(j) Design Standards. Architectural review of attached or detached single-family residential ADUs over 850 square feet or greater will be limited to the following:

(1) Notwithstanding any other provision of this code, a zoning clearance letter shall be issued for ADUs and shall be reviewed by the director of community development or their designee for compliance with objective design standards as identified within Chapter 14.06(Single Family Zoning Districts) or Chapters 14.16-14.24 (Multi Family Zoning Districts). The permit shall be considered ministerial without discretionary review within the time frames required by Section 65852.2 of the Government Code;

(2) In those instances where an applicant seeks permission to deviate from the standards, a variance shall be filed in accordance with 14.76.070.

(3) If the permit application to create an ADU or a JADU is submitted with a permit application to create a new single-family dwelling on the parcel, the City may delay acting on the permit application for the ADU or the JADU until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU shall be considered without discretionary review or hearing. If the applicant requests a delay in writing, the 60-day time period shall be tolled for the period of the delay.

(4) The architectural features, window styles, roof slopes, exterior materials, colors, appearance, and design of the single-family residential ADU must be compatible with the existing single-family dwelling.

(5) Minimum sill height of five (5) feet for windows on the second story within fifteen (15) feet of the property line that face out to the neighbors to try to mitigate privacy concerns shall be required.

(6) A new single-family residential ADU located within a historic site or neighborhood combining district will be subject to ministerial review for compliance with the design review criteria set forth in ~~section~~ Chapter 12.44 of the Los Altos Municipal Code and must be consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties.

(7) Outside stairways serving a second story single-family residential ADU shall not be constructed on any building elevation facing a public street.

(8) No passageway will be required in conjunction with the construction of any single-family residential ADU.

(k) Streamlined Approval of Accessory Dwelling Units. Notwithstanding the restrictions above, a building permit application for a detached, single-family residential ADU within a residential or mixed-use zone must be ~~a ministerial~~-approved ministerially if it is:

(1) Setback at least four (4) feet from the interior side and rear property lines. Four feet setbacks are the maximum the City can recommend per state law, but applicants are encouraged to voluntarily comply with the setbacks identified within 14.14.080 of ten (10) feet from the side and rear property lines so as to reduce privacy impacts.

(2) No larger than eight hundred and fifty (850) square feet in floor area; and

(3) No taller than sixteen (16) feet in height.

(l) Annual Rental Data. On an annual basis property owner shall be requested to submit voluntarily rental data for use by the City for the Regional Housing Needs Allocation process.

(m) Mechanical equipment and air conditioning units for accessory dwelling units shall comply with the noise thresholds identified within Chapter 6.16 of the Noise Control Ordinance.

14.14.060 JADU or EFFICENCY UNIT Standards

Notwithstanding any other provisions in this Article or of this chapter to the contrary, a JADU shall be permitted and comply with the following:

(a) The owner shall reside in the primary dwelling or the JADU

(b) One (1) JADU may be permitted per residential parcel zoned for a single-family residential use, provided that the parcel has not more than one (1) existing or proposed single-family residence. A single-family residential parcel may have both one (1) JADU and one (1) detached accessory dwelling unit.

(c) The unit must be constructed within the existing walls of a single-family dwelling except that an expansion of one hundred fifty (150) square feet beyond the existing physical

dimensions of the primary dwelling may be permitted to accommodate required ingress and egress.

(d) The square footage of the unit shall be at least the minimum size (150 square feet) required for an efficiency unit, up to a maximum size of five hundred (500) square feet in floor area, and must include one (1) bedroom or studio sleeping area pursuant to Section 17958.1 of the Health and Safety Code.

(e) A separate entrance from the unit to the exterior of the residence, and an interior connection to the main living area may be provided. A second interior doorway for sound attenuation may also be permitted.

(g) At least an efficiency kitchen must be provided in the unit which shall include all the following:

(1) A cooking facility with appliances. Appliances can include hot plate, or counter-top cooking. A property owner does not need to have a wall installed oven or stove to qualify for a cooking appliance.

(2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

(h) The unit may include separate bathroom facilities or may share bathroom facilities contained within the primary dwelling.

(i) No separate utility connection, connection fee or capacity charge, or parking space shall be required for a JADU.

(j) A deed restriction shall be required for JADU and must include the following stipulations:

(1) prohibition on the sale of the JADU separate from the sale of the primary dwelling.

(2) if a JADU is rented, the unit shall not be rented for a period of less than thirty (30) consecutive days.

(3) owner occupancy is required for the JADU or the main house, unless the owner is another government agency, land trust or housing organization as allowed by State Law.

~~(k) Annual Rental Data. On an annual basis property owner shall be requested to submit voluntarily rental data for use by the City for the Regional Housing Needs Allocation process.~~

14.14.070 Multi Family ADU Standards in Multi Family Zoning Districts)

Notwithstanding any other provisions of this chapter to the contrary, multi-family ADUs shall be permitted and comply with the following:

(a) In addition to the types of ADUs allowed by this Section, one (1) Single-Family Residential ADU may be constructed on a parcel with a multi-family housing development project.

(b) Portions of existing multi-family dwelling structures that are not used as livable space (including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages), may be converted for use as ADUs provided that total number of units must not exceed twenty-five (25) percent of the existing multi-family dwelling units or one (1) unit, whichever is greater.

(c) An owner may also construct up to a maximum of two (2) detached ADUs on a parcel that has an existing multifamily dwelling, subject to a height limit of sixteen (16) feet and at least four (4) foot rear yard and side setbacks. If there are inconsistencies between this Chapter and other provisions of the Los Altos municipal code, this Chapter shall prevail over those other provisions.

(d) ADUs in multi-family zone districts shall comply with Government Code Section 65852.2.

~~(e) Annual Rental Data. On an annual basis property owner shall be requested to submit voluntarily rental data for use by the City for the City's Regional Housing Needs Allocation process.~~

14.14.080 Voluntary Additional Setback

For a detached accessory dwelling unit, the minimum setbacks shall be five ~~(5)~~ feet ~~(5)~~ from the primary dwelling, and four ~~(4)~~ feet ~~(4)~~ from the side and rear property lines. ~~However,~~ ~~to~~ ~~However, to~~ reduce the privacy impacts to abutting property owners, applicants are encouraged to voluntarily increase the setbacks to be ten (10) feet from the rear and interior property lines. If an applicant provides the ten (10) foot rear and side property line setbacks, the daylight plane provisions will not be enforced for detached accessory dwelling units.

14.14.090 ADU Rental Income Survey

Each year the City will send out an annual ADU rental income survey to be released no later than September 1st of every calendar year. The property owner can voluntarily share the rental income for the unit. Pursuant to California Constitution Article I, Section 1 and Government Code Sections 6254(k) and 6255, to protect the privacy of property owners and renters and to encourage voluntary responsiveness, the aggregated data will be ~~provided used~~ for the exclusive use of the City to meet its regional housing needs allocation (RHNA). The unredacted data will not be shared with outside agencies, persons or corporations unless specifically mandated by state or federal law.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. CEQA. 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 4. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933. Within 15 days of the passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Council members voting for and against the ordinance, to be published in an adjudicated newspaper. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Council members voting for and against the ordinance, to be published in an adjudicated newspaper, and shall post in the office of the City Clerk a certified copy of the full text of the ordinance, along with the names of those City Council members voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code Section 36933(c)(1) are met.

SECTION 5. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

SECTION 6. TRANSMISSION TO HCD. The City Clerk shall send a certified copy of this ordinance to the Department of Housing and Community Development (HCD) within sixty (60) days after adoption, as required by state law.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2020 and was thereafter, at a regular meeting held on _____, 2020 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jan Pepper, Mayor

ATTEST

Andrea Chelemengos MMC, City Clerk

ORDINANCE NO. 2020-473

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
REPEALING AND REPLACING THE ACCESSORY DWELLING UNIT
ORDINANCE AND MAKING FINDINGS OF CEQA EXEMPTION**

WHEREAS, the State Legislature has found that accessory dwelling units are a necessary and valuable form of housing in California; and

WHEREAS, accessory dwelling units help diversify the City’s housing stock and help provide rental units that are affordable; and

WHEREAS, accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting neighborhood character; and

WHEREAS, accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others within existing neighborhoods; and

WHEREAS, it is the intent of this ordinance to allow and promote the development of accessory dwelling units; and

WHEREAS, this Ordinance implements Program 4.2.1 and Program 4.2.2 of the City’s 2015-2023 Housing Element by facilitating the development of new accessory dwelling units; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061 and Section 15301 of the California Environmental Quality Act Guidelines, as amended; and

WHEREAS, accessory dwelling units (ADUs) may contribute to achieving State and regional goals for the construction of new affordable units as defined in the Regional Housing Needs Allocation (RHNA).

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Chapter 14.14 of Title 14 of the Los Altos Municipal Code is hereby repealed in its entirety and replaced with the new standards and shall read as follows:

Section 14.14.010 Purpose and Intent.

The intent of this chapter is to provide for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), collectively known as an accessory dwelling, on parcels zoned to allow single-family or multifamily dwelling residential use that include a proposed or existing dwelling. ADUs contribute needed housing to the City of Los Altos housing stock, enhance housing opportunities, and contribute to achieving the goals of the RHNA. An ADU is considered a residential use that is consistent with the existing general plan and zoning

designations for the parcel. The ADU is not included in calculation of residential density for the purposes of determining general plan conformance.

14.14.020 Definitions.

As used in this section, the following terms mean:

“Accessory dwelling unit” (or “ADU”) means an attached or a detached residential dwelling unit that provides complete independent living facilities and is located on a parcel with a proposed or existing residential dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

“Accessory dwelling unit, attached” means a residential dwelling unit that is created as a result of internal conversion, addition, or combination thereof made to the primary dwelling, including attached garages, storage areas or similar uses.

“Accessory dwelling unit, detached.” A detached accessory dwelling unit means an ADU that is not attached to the primary dwelling. Generally, a detached ADU is constructed as an independent structure that is surrounded by open space and located on the same parcel as the primary dwelling. However, a detached ADU may also include the conversion of an existing accessory structure that is located on the same parcel as the primary dwelling, but that is detached from the primary dwelling. In such a case, the detached ADU may be attached to another existing accessory structure.

“Existing,” when referring to an existing principal dwelling, accessory structure, or other building or structure, means a building or structure erected prior to the date of adoption of the appropriate building code, or one for which a legal building permit has been issued, as defined in Section 202 of the 2019 California Building Code. An unpermitted building or structure shall not be considered “existing” for purposes of this chapter.

“Multi-family housing” means a group of dwelling units on one site that contains separate living units for two or more families that may have joined services or facilities or both.

“Junior accessory dwelling unit” (or “junior ADU” or “JADU”) means a unit that is no more than 500 square feet in size, includes an efficiency kitchen consistent with building code standards, is contained entirely within the walls of a single-family residence and may include separate sanitation facilities or may share sanitation facilities with the existing structure or unit.

“Living area” means the interior habitable area of a dwelling unit, including basements and attics, if defined as habitable by the California Residential Code (CRC) but does not include a garage or any accessory structure.

“Multi-Family Residential ADU” means an ADU designed for one family and allowed under Government Code Section 65852.2(e)(1)(C), as referenced in section 14.14.070 of this Chapter.

“Nonconforming zoning condition” means a physical improvement on a parcel that does not conform with current zoning standards.

“Primary dwelling” means, (i) in the case of a parcel occupied by an existing or proposed single-family residential use, the existing or proposed primary dwelling in connection with which an ADU is proposed to be constructed, or (ii) in the case of multi-family housing, the existing or proposed multi-family use in connection with which one or more ADUs allowed under this chapter are proposed to be constructed. As used in this definition, a “single-family residential use” means a single-family residential dwelling unit that is not attached to any other dwelling unit except for an ADU, and which is designed for one family and is surrounded by open space or yards.

“Passageway”. The term passageway has the meaning defined by Government Code Section 65852.2, which states: “A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.”

“Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and/or are available to the public.

“Single Family Residential ADU” means an ADU designed for one family per 65852.2(a) of Government Code as referenced in Section 14.14.050 of this Chapter.

“Tandem parking” means that two or more automobiles are parked in any location on a parcel and lined up behind one another.

14.14.021 Standards for Categories of Single Family Residential ADUs

The following table summarizes design standards for single family residential ADUs. If this summary of information conflicts with other sections of this Chapter, those sections shall be binding. See Section 14.14.070 for design standards that apply to multi-family ADUs.

Design Standards	JADU	Attached ADU (single-family)	Detached ADU (single-family)
Maximum Size (see 14.14.025 for additional details)	500 sq. ft. created from the existing or proposed square footage of the primary dwelling.	1,200 sq. ft. but no more than 50% of the floor area of an existing or proposed primary dwelling (excluding basement area).	1,200 sq. ft. including basement area).
Maximum Height	NA	The greater of 16 feet or the height of the	16 feet

		underlying zoning district	
Minimum Side Setback	NA	4 feet (see exception identified within 14.14.050(f)(2))	4 feet
Minimum Rear Setback	NA	4 feet (see exception identified within 14.14.050(f)(2))	4 feet
Kitchen	Cooking appliances can include a hot plate, or counter-top cooking. A wall installed oven is not required.	Must include at least a sink, a refrigerator of no less than 10 cubic feet, and either a cooktop and an oven, or a range. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the ADU are also required.	
Parking Requirement	None	1 uncovered parking space required. See Section 14.14.050(i)(1-6) for the exceptions to this requirement.	
Owner Occupancy	Required	Not required	
Short Term Rentals	Prohibited	Prohibited	
Impact Fees	None	750 sq. ft. or less-no impact fees 751 sq. ft or more-impact fees are proportionate to principal dwelling.	
Utility Fees and Connections	None required.	The accessory dwelling may be served by the primary dwelling or may have separate utility meters.	

14.14.025 Square Footage Chart

For clarity the following chart provides the square footage thresholds for the various forms of accessory dwelling units

Unit Type	Square Footage Limitations
Efficiency Unit	The minimum size of an efficiency unit as defined by the Health and Safety Code shall be 150 square feet.
JADU	The maximum size of a JADU shall be 500 square feet created by the conversion of existing square footage of the principal dwelling unit. However, up to 150 square feet can be added to the existing structure for purposes of ingress and egress to the JADU. The additional square footage shall count towards the 500 square foot maximum.
Attached accessory dwelling unit	An attached single family residential ADU shall not exceed eight hundred fifty (850) square feet in floor area for one (1) bedroom unit or one thousand two hundred (1,200) square feet with more than one (1) bedroom. The total floor area for an attached ADU shall exclude the basement areas, and shall not be more than fifty (50) percent of the floor area of the existing or proposed principal residence. Notwithstanding this 50% threshold requirement, an attached ADU of 850 square feet or smaller cannot be denied. Additional square footage above 850 square feet shall not be allowed if the parcel exceeds, or, with the addition of the single-family residential ADU would exceed, the lot coverage and floor area ratio requirements for the applicable zoning district.
Detached accessory dwelling unit	(1) A detached single-family residential ADU shall not exceed eight hundred fifty (850) square feet in floor area for one (1) bedroom unit, or one thousand two-hundred (1,200) square feet with more than one (1) bedroom. Additional square footage above 850 square feet shall not be allowed if the parcel exceeds, or, with the addition of the single-family residential ADU would exceed, the lot coverage and floor area ratio requirements for the applicable zoning district. For detached accessory dwelling units, garage area is excluded but basement areas are included in the square footage calculation for the ADU.
Accessory dwelling unit subject to objective design standards	An ADU between 851-1,200 square feet is subject to a zoning clearance review for objective design standards as identified in Chapter 14.06-Chapter 14.16-24. An ADU may exceed 850 square feet only if the parcel has not exceeded the floor area ratio allowed for the parcel per Chapter 14.06 of the Los Altos Municipal Code.

Section 14.14.030 Location Permitted

A. ADUs may be permitted in the following zones: on parcels zoned for multifamily or single-family dwellings.

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.

14.14.040 General Requirements.

Notwithstanding any local ordinance regulating the issuance of variances or special use permits, or regulations adopted herein to the contrary, an application to construct an ADU shall be approved or denied ministerially, without discretionary review or hearing, within sixty (60) days from the date the city receives a completed planning application if there is an existing single-family or multifamily structure on the parcel. The following requirements apply to all accessory dwellings:

- (a) An ADU shall not be rented for periods less than thirty (30) days. Short term rentals are prohibited pursuant to Chapter 14.30 of the Los Altos Municipal Code.
- (b) Except as allowed by State law, an ADU shall not be sold or have its title transferred separately from the primary dwelling.
- (c) Deed Restriction. Prior to the issuance of the building permit for the ADU, the owner must record a deed restriction stating that the ADU may not be rented for periods less than thirty (30) days, and that it may not be transferred or sold separate from the primary dwelling.
- (d) The installation of fire sprinklers shall not be required for an ADU if sprinklers are not required for the primary dwelling.
- (e) ADUs are subject to the design standards and other zoning requirements of the zoning district in which the existing primary dwelling is located and must be built in accordance with the building code set forth in Title 12 of the Los Altos Municipal Code, except for those design, zoning, and building standards inconsistent with this chapter or with state requirements under California Government Code Section 65852.2.
- (f) An ADU is not subject to residential accessory structure regulations.
- (g) An ADU will not be subject to any charges and fees other than planning and building permit fees generally applicable to residential construction in the zone in which the parcel is located, except as otherwise provided herein.
- (h) Any connection fees and capacity charges that may be required must be assessed in compliance with the provisions of State Government Code Section 65852.2 and 65852.22, as amended from time to time.
- (i) The ADU must contain water, sewer and gas and/or electric utility connections that are in working condition upon its occupancy. The ADU may be served by the primary dwelling or may have separate utility meters. The accessory dwelling will not be considered a new residential use for the purpose of calculating connection fees or capacity charges for these utilities.

- (j) An ADU must have an independent electrical sub-panel, water heating and space heating equipment within the unit or be readily accessible to the occupant on the exterior of the unit.
- (k) Ministerial approval of a permit for creation of an ADU shall not be conditioned on the correction of pre-existing nonconforming zoning conditions.
- (l) A certificate of occupancy for any ADU shall not be issued before the local agency issues a certificate of occupancy for the primary dwelling.
- (m) If the applicant requests a delay in processing in writing, the 60-day review time shall be tolled for the period of the delay.
- (n) A kitchen shall be provided for an ADU. A full kitchen requires habitable space used for preparation of food that contains at least a sink, a refrigerator of no less than 10 cubic feet, and either a cooktop and an oven, or a range. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the ADU are also required.
- (o) A minimum sill height of five (5) feet for windows on the second story within fifteen (15) feet of the property line that face out to the neighbors to mitigate privacy concerns shall be required.
- (p). Except as otherwise required by state law, a single-family residential ADU either attached or detached from the main house must not encroach upon the required front yard area and shall have at least a four-foot setback from the side yard property line.

14.14.050 Single-Family Residential ADU Standards in Single Family Residential Zoning Districts

Notwithstanding any other provisions of this chapter to the contrary, a single-family residential ADU shall be permitted as a single-family residential use that shall comply with the following:

- (a) Zoning. A single-family residential ADU shall be located on a parcel in a residential zoning district with an existing or proposed single-family residential dwelling unit.
- (b) Number. For a parcel with a proposed or existing single-family dwelling, one (1) attached or detached, new construction ADU shall be permitted. In the case of a detached ADU that does not exceed 850 square feet in size nor 16 feet in height, and that provides at least four foot side and rear setbacks, the detached ADU may be established in addition to a JADU, as set forth in section 14.14.060.
- (c) Relationship to Primary Dwelling. A single-family residential ADU may be within, attached to, or detached from the primary dwelling, provided that a single-family residential ADU contained within or attached to an existing primary dwelling shall have independent exterior access from the existing residence. A detached single-family residential ADU must be located at least five (5) feet from the proposed or existing primary dwelling per Section 14.14.050(f)(3).
- (d) Size.

(1) A **detached** single-family residential ADU shall not exceed eight hundred fifty (850) square feet in floor area for one (1) bedroom unit, or one thousand two-hundred (1,200) square feet with more than one (1) bedroom. Additional square footage above 850 square feet shall not be allowed if the parcel exceeds, or, with the addition of the single-family residential ADU would exceed, the lot coverage and floor area ratio requirements for the applicable zoning district. For detached accessory dwelling units, garage area **is excluded** but basement areas **are included** in the square footage calculation for the ADU.

(2) An **attached** single family residential ADU shall not exceed eight hundred fifty (850) square feet in floor area for one (1) bedroom unit or one thousand two hundred (1,200) square feet with more than one (1) bedroom. The total floor area for an **attached** ADU shall **exclude** the basement areas and shall not be more than fifty (50) percent of the floor area of the existing or proposed principal residence. Notwithstanding this 50% threshold requirement, an attached ADU of 850 square feet or smaller cannot be denied. Additional square footage above 850 square feet shall not be allowed if the parcel exceeds, or, with the addition of the single-family residential ADU would exceed, the lot coverage and floor area ratio requirements for the applicable zoning district.

(3) Internal Attached ADU Conversion. - There is no size limitation on an ADU that is created exclusively by converting space within the existing primary dwelling or accessory structure. If a homeowner converts a portion of the primary dwelling for an attached ADU, nothing herein shall prevent the homeowner from replacing the square footage lost, up to 850 square feet above FAR limits, subject to the applicable design rules for the specific zoning district.

(e) Height.

(1) The maximum height for a detached single-family residential ADU shall be one-story and sixteen (16) feet.

(2) Attached single-family residential ADUs shall have a maximum height equal to the greater of (i) sixteen (16) feet, or (ii) the height limit established for the primary dwelling pursuant to applicable zoning.

(f) Setbacks. A single-family residential ADU is subject to the design criteria and zoning requirements of the district in which the existing single-family dwelling is located and as follows:

(1) An attached or detached single-family residential ADU must not encroach upon the required front yard area and shall have at least four (4) foot setbacks at the rear and side yards per state law. Applicants are encouraged to comply voluntarily with the setbacks identified within 14.14.080 of ten (10) feet from the side and rear property lines to reduce privacy impacts. An ADU that provides such ten (10) foot setback shall be removed from daylight plane restrictions.

(2) A setback of four (4) feet from the interior side and rear property lines shall be required for a newly constructed, detached or attached single-family residential ADU. No setback shall be required for converting an existing living area or accessory structure or a

structure constructed in the same location, to the same dimensions and within the same footprint as an existing structure that is converted to an ADU or to a portion of an ADU. If the existing structure to be converted is four (4) feet or less from the property line, a record of survey must be provided to the City for proof of location, setbacks, footprint, and property lines.

(3) The separation from the principal dwelling and any other accessory structure on the parcel shall be at least five (5) feet unless implementation of this requirement would prohibit the construction of an 850 square foot detached ADU, in which case this requirement shall be waived provided the ADU complies with California Building Code (CBC) requirements for separation.

(g) Detached ADU Daylight Plane

(1) No portion of an attached or detached ADU shall extend above or beyond a daylight plane as follows:

(2) The daylight plane starts at a height of eight feet at the property line and proceeds inward at a 6:12 slope. At ten (10) feet from the property line the structure can increase in height to sixteen (16) feet. All appurtenances, including chimneys, vents and antennas, shall be within the daylight plane. The daylight plane is not applied to a side or rear property line when it abuts a public alley or public street. However, the ADU daylight plane shall not be enforced if it prohibits the development of an 850 square foot ADU which is required by state law. If an applicant provides the voluntary setbacks identified in 14.14.080 of ten (10) feet for the side and rear property lines, the daylight plane provisions will not apply to the structural elements of the ADU.

(3) Daylight plane shall not be enforced for an ADU if the structure abuts a city street or alleyway in the rear of the parcel.

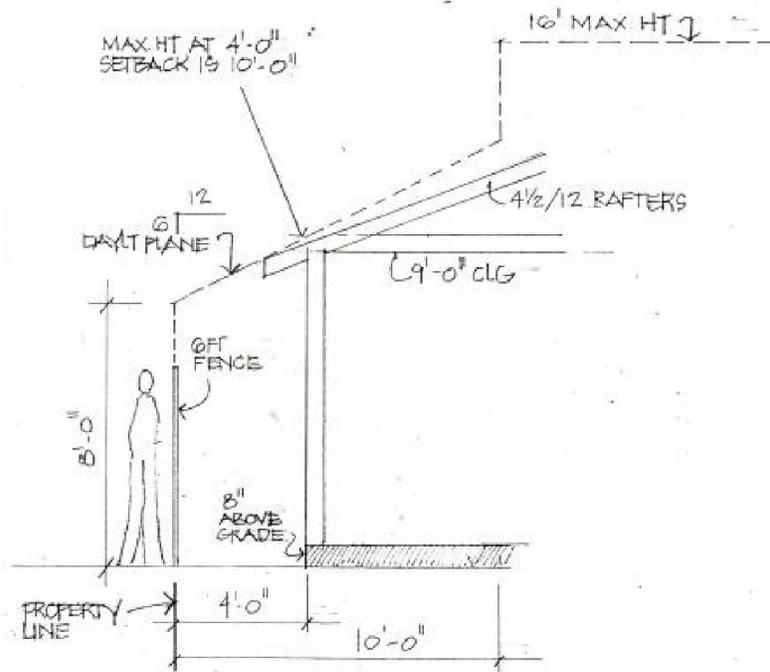


Figure 1-Standard Daylight Plane Diagram

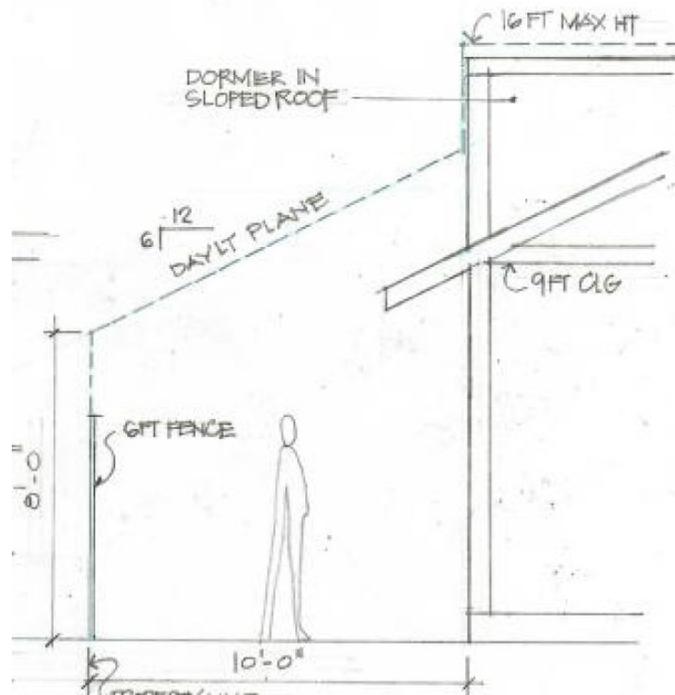


Figure 2-Voluntary Daylight Plane Diagram

(h) A single-family residential ADU must be built in accordance with the building code set forth in Title 12, except that any design, zoning, and building standards inconsistent with state requirements under California Government Code Section 65852.2 shall not apply.

(i) Parking. One (1) additional uncovered parking space of nine feet by eighteen feet (9X18) shall be required for a newly constructed single-family residential ADU, which may be located within the front setback, in tandem and in an existing driveway including within an interior side yard setback area, unless a specific finding is made that such parking is not feasible due to specific site, topographical or fire and life safety. Notwithstanding the above, a parking stall will not be required for a residential ADU that meets any of the following criteria:

(1) The single-family residential ADU is created as a result of the conversion of existing area of the single-family residence or existing permitted residential accessory structure.

(2) An existing garage, carport or parking structure is converted or demolished to accommodate a single-family residential ADU in the same location.

(3) The single-family residential ADU is within one-half (1/2) mile walking distance of a public transit station, such as a bus stop or train station.

(4) The parcel is within an architecturally and historically significant historic district.

(5) On-street parking permits are required in the area but not offered to the occupant of the residential ADU.

(6) A vehicle share site is located within one (1) block of the single-family residential ADU.

(j) Design Standards. Architectural review of attached or detached single-family residential ADUs over 850 square feet or greater will be limited to the following:

(1) Notwithstanding any other provision of this code, a zoning clearance letter shall be issued for ADUs and shall be reviewed by the director of community development or their designee for compliance with objective design standards as identified within Chapter 14.06(Single Family Zoning Districts) or Chapters 14.16-14.24 (Multi Family Zoning Districts). The permit shall be considered ministerial without discretionary review within the time frames required by Section 65852.2 of the Government Code;

(2) In those instances where an applicant seeks permission to deviate from the standards, a variance shall be filed in accordance with 14.76.070.

(3) If the permit application to create an ADU or a JADU is submitted with a permit application to create a new single-family dwelling on the parcel, the City may delay acting on the permit application for the ADU or the JADU until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU shall be considered without discretionary review or hearing. If the applicant requests a delay in writing, the 60-day time period shall be tolled for the period of the delay.

(4) The architectural features, window styles, roof slopes, exterior materials, colors, appearance, and design of the single-family residential ADU must be compatible with the existing single-family dwelling.

(5) Minimum sill height of five (5) feet for windows on the second story within fifteen (15) feet of the property line that face out to the neighbors to try to mitigate privacy concerns shall be required.

(6) A new single-family residential ADU located within a historic site or neighborhood combining district will be subject to ministerial review for compliance with the design review criteria set forth in Chapter 12.44 of the Los Altos Municipal Code and must be consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties.

(7) Outside stairways serving a second story single-family residential ADU shall not be constructed on any building elevation facing a public street.

(8) No passageway will be required in conjunction with the construction of any single-family residential ADU.

(k) Streamlined Approval of Accessory Dwelling Units. Notwithstanding the restrictions above, a building permit application for a detached, single-family residential ADU within a residential or mixed-use zone must be approved ministerially if it is:

(1) Setback at least four (4) feet from the interior side and rear property lines. Four feet setbacks are the maximum the City can recommend per state law, but applicants are encouraged to voluntarily comply with the setbacks identified within 14.14.080 of ten (10) feet from the side and rear property lines so as to reduce privacy impacts.

(2) No larger than eight hundred and fifty (850) square feet in floor area; and

(3) No taller than sixteen (16) feet in height.

(l) Annual Rental Data. On an annual basis property owner shall be requested to submit voluntarily rental data for use by the City for the Regional Housing Needs Allocation process.

(m) Mechanical equipment and air conditioning units for accessory dwelling units shall comply with the noise thresholds identified within Chapter 6.16 of the Noise Control Ordinance.

14.14.060 JADU or EFFICENCY UNIT Standards

Notwithstanding any other provisions in this Article or of this chapter to the contrary, a JADU shall be permitted and comply with the following:

(a) The owner shall reside in the primary dwelling or the JADU

(b) One (1) JADU may be permitted per residential parcel zoned for a single-family residential use, provided that the parcel has not more than one (1) existing or proposed single-family residence. A single-family residential parcel may have both one (1) JADU and one (1) detached accessory dwelling unit.

(c) The unit must be constructed within the existing walls of a single-family dwelling except that an expansion of one hundred fifty (150) square feet beyond the existing physical

dimensions of the primary dwelling may be permitted to accommodate required ingress and egress.

(d) The square footage of the unit shall be at least the minimum size (150 square feet) required for an efficiency unit, up to a maximum size of five hundred (500) square feet in floor area, and must include one (1) bedroom or studio sleeping area pursuant to Section 17958.1 of the Health and Safety Code.

(e) A separate entrance from the unit to the exterior of the residence, and an interior connection to the main living area may be provided. A second interior doorway for sound attenuation may also be permitted.

(g) At least an efficiency kitchen must be provided in the unit which shall include all the following:

(1) A cooking facility with appliances. Appliances can include hot plate, or counter-top cooking. A property owner does not need to have a wall installed oven or stove to qualify for a cooking appliance.

(2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

(h) The unit may include separate bathroom facilities or may share bathroom facilities contained within the primary dwelling.

(i) No separate utility connection, connection fee or capacity charge, or parking space shall be required for a JADU.

(j) A deed restriction shall be required for JADU and must include the following stipulations:

(1) prohibition on the sale of the JADU separate from the sale of the primary dwelling.

(2) if a JADU is rented, the unit shall not be rented for a period of less than thirty (30) consecutive days.

(3) owner occupancy is required for the JADU or the main house, unless the owner is another government agency, land trust or housing organization as allowed by State Law.

14.14.070 Multi Family ADU Standards in Multi Family Zoning Districts)

Notwithstanding any other provisions of this chapter to the contrary, multi-family ADUs shall be permitted and comply with the following:

(a) In addition to the types of ADUs allowed by this Section, one (1) Single-Family Residential ADU may be constructed on a parcel with a multi-family housing development project.

(b) Portions of existing multi-family dwelling structures that are not used as livable space (including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or

garages), may be converted for use as ADUs provided that total number of units must not exceed twenty-five (25) percent of the existing multi-family dwelling units or one (1) unit, whichever is greater.

(c) An owner may also construct up to a maximum of two (2) detached ADUs on a parcel that has an existing multifamily dwelling, subject to a height limit of sixteen (16) feet and at least four (4) foot rear yard and side setbacks. If there are inconsistencies between this Chapter and other provisions of the Los Altos municipal code, this Chapter shall prevail over those other provisions.

(d) ADUs in multi-family zone districts shall comply with Government Code Section 65852.2.

14.14.080 Voluntary Additional Setback

For a detached accessory dwelling unit, the minimum setbacks shall be five (5) feet from the primary dwelling, and four (4) feet from the side and rear property lines. However, to reduce the privacy impacts to abutting property owners, applicants are encouraged to voluntarily increase the setbacks to be ten (10) feet from the rear and interior property lines. If an applicant provides the ten (10) foot rear and side property line setbacks, the daylight plane provisions will not be enforced for detached accessory dwelling units.

14.14.090 ADU Rental Income Survey

Each year the City will send out an annual ADU rental income survey to be released no later than September 1st of every calendar year. The property owner can voluntarily share the rental income for the unit. Pursuant to California Constitution Article I, Section 1 and Government Code Sections 6254(k) and 6255, to protect the privacy of property owners and renters and to encourage voluntary responsiveness, the aggregated data will be for the exclusive use of the City to meet its regional housing needs allocation (RHNA). The unredacted data will not be shared with outside agencies, persons or corporations unless specifically mandated by state or federal law.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. CEQA. 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 4. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933. Within 15 days of the passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Council members voting for and against the ordinance, to be published in an adjudicated newspaper. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Council members voting for and against the ordinance, to be published in an adjudicated newspaper, and shall post in the office of the City Clerk a certified

copy of the full text of the ordinance, along with the names of those City Council members voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code Section 36933(c)(1) are met.

SECTION 5. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

SECTION 6. TRANSMISSION TO HCD. The City Clerk shall send a certified copy of this ordinance to the Department of Housing and Community Development (HCD) within sixty (60) days after adoption, as required by state law.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on October 13, 2020 and was thereafter, at a regular meeting held on October 27, 2020 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Janis C. Pepper, Mayor

ATTEST

Andrea Chelemengos MMC, City Clerk