

Exhibit B - **DRAFT** Ordinance Amending Titles 12 and 17 of the Ordinance Code of the County of Alameda Zoning Ordinance, Fairview Area Specific Plan, Little Valley Specific Plan and Madison Avenue Specific Plan regarding Accessory Dwelling Units  
(New language is underlined and omissions are shown in ~~strikethrough~~.)

**ORDINANCE NO.:** \_\_\_\_\_

**AN ORDINANCE AMENDING TITLES 12 AND 17 OF THE ALAMEDA COUNTY GENERAL ORDINANCE CODE, FAIRVIEW AREA SPECIFIC PLAN, LITTLE VALLEY SPECIFIC PLAN AND MADISON AVENUE SPECIFIC PLAN REGARDING ACCESSORY DWELLING UNITS**

SECTION I

**WHEREAS** in September 2016, the State of California passed AB 2299 and SB 1069, amending Government Code section 65852.2 regarding the regulation of accessory dwelling units; and

**WHEREAS** State law, as revised, restricts the manner in which local agencies can regulate accessory dwelling units; and

**WHEREAS** the General Ordinance Code of the County of Alameda regulates accessory dwelling units and fees applicable to accessory dwelling units, including 12.20.050 and 12.20.120 of Title 12 of the Alameda County General Ordinance Code related to Park Dedication Fees, Sections 17.04.010, 17.30.110, 120 and 130, 17.52.780, 17.54.225 and 17.60.050 and 100 of Title 17 of the Alameda County General Ordinance Code related to Zoning, and various sections of the Fairview Area Specific Plan, Little Valley Specific Plan and Madison Avenue Specific Plan; and

**WHEREAS** the amendments to the General Ordinance Code set forth herein are made to conform to the new State law regarding accessory dwelling units; and

**WHEREAS** the Alameda County Board of Supervisors did consider amending Sections 12.20.050 and 12.20.120 of Title 12 of the Alameda County General Ordinance Code related to Park Dedication Fees and Sections 17.04.010, 17.30.110, 120 and 130, 17.52.780, 17.54.225 and 17.60.050 and 100 of Title 17 of the Alameda County General Ordinance Code related to Zoning and various sections of the Fairview Area Specific Plan, Little Valley Specific Plan and Madison Avenue Specific Plan; and

**WHEREAS** notice of public hearing was given as required by law; and

**WHEREAS** this Board did hold a public hearing on said proposed amendment at the hour of 6:00 p.m. on Tuesday, February \_\_, 2017; and

**WHEREAS** the Board does find that the amendments to the Alameda County General Ordinance Code have been reviewed in accordance with the provisions of the California Environmental Quality Act (CEQA) and the proposed amendments have been found to be exempt from further environmental review pursuant to CEQA Guidelines Section 15282(h) and Public Resources Code Section 21080.17 which exempt the local adoption of ordinances regarding second units in a single-family or multifamily residential zone to implement Government Code section 65852.2 and pursuant to the general rule in California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), which specifies that CEQA applies only to any project with the potential to cause a significant impact on the environment and

**WHEREAS**, the Board finds that the amendments incorporate revisions to the Municipal Code prompted by passage of California State Senate Bill 1069 (Wieckowski) and California State Assembly Bill

2299 (Bloom), which amended California Government Code Section 65852.2 starting on January 1, 2017, to address the shortage of affordable housing by modifying the development standards and process by which cities review and permit accessory dwelling units; and

**WHEREAS**, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, welfare, and morals of their citizens; and

The Board of Supervisors of the County of Alameda does ordain that Titles 12 and 17 of the Alameda County General Ordinance Code are hereby amended, as follows:

Section 12.20.050 - Definitions.

For purposes of this chapter, certain words and phrases are defined and shall be construed as set out in this section unless it is apparent from the context that they have a different meaning. Words or phrases not defined below shall have the meaning given to them in other sections of this title, or, if not defined therein, shall have the meaning commonly ascribed to them by professional or general usage in the context of this chapter.

“Agricultural Caretakers Unit” means an agricultural caretakers unit as defined in the Zoning Ordinance or any second or subsequent unit including but not limited to additional dwellings for persons employed in the agricultural use on the property under Section 17.06.040(A) of the Zoning Ordinance and occupancy of a mobile home by person directly related to an on-site agricultural use or for security purposes under Section 17.06.040(M).

"Secondary (or Accessory Dwelling) Unit" means, for the purpose of this chapter, a second or secondary unit as allowed under the Zoning Ordinance or other adopted county policy regarding such units, which is either attached or detached and which is not fully contained within the existing space of an existing single family residence or accessory structure.  
~~"Secondary Accessory Dwelling Unit" also means does not mean an agricultural caretakers unit as defined in the Zoning Ordinance or any second or subsequent unit including but not limited to additional dwellings for persons employed in the agricultural use on the property under Section 17.06.040(A) of the Zoning Ordinance and occupancy of a mobile home by person directly related to an on-site agricultural use or for security purposes under Section 17.06.040(M).~~

Section 12.20.120 - Standards.

Subsequent to July 1, 2006, the requirement shall be as follows:

Type of Unit	Sq. ft./ Unit	\$ In-Lieu Fee	
		Total	Development Increment
Single Family	628	\$11,550.00	\$2,175.00
Multiple	555	10,200.00	1,900.00

Secondary Unit	314	5,775.00	1,075.00
<u>Agricultural Caretakers Unit</u>	<u>314</u>	<u>5,775.00</u>	<u>1,075.00</u>
Mobilehome	434	7,975.00	1,500.00

17.04.010 - Definitions.

"Secondary (or Accessory Dwelling) Unit" means an accessory, second or secondary unit that is 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 one single family dwelling is situated. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Section 17.30 - S DISTRICTS

Article IV - Combining SU Districts

17.30.100 - Combining SU District—Intent.

The district, hereinafter designated as combining SU (secondary unit) district, is established to be combined with residential districts which are characterized by lot sizes, parking areas, street improvements, public utilities, and other residential support systems which can best accommodate residential density increases them.

17.30.110 - SU Combining District—Permitted uses.

In addition to those uses permitted in this district with which it is combined, one secondary dwelling unit per building site is permitted subject to the following requirements:

- A. ~~Three parking spaces per Section 17.52.770 and 17.52.780 and an area for an additional (fourth)~~ Parking:
  1. One parking space per unit or per bedroom, available for tenant and visitor parking and having a nine-foot minimum width, an eighteen (18) foot minimum depth, and an area not less than one hundred eighty (180) square feet, or be designed as specified in the Alameda County Residential Design Guidelines, must be present on the property. Such parking may be provided on an existing driveway or within a required setback and may be tandem.
  2. No additional parking for the secondary unit is required when:
    - a. the property is located within one half mile of public transit;
    - b. the property is located within an architecturally and historically significant historic district;
    - c. the property is entirely within the existing space of the existing primary residence or an existing accessory structure;

- d. on street parking permits are required but not offered to the occupant of the accessory dwelling unit; or,
  - e. there is a car share vehicle located within one block of the accessory dwelling unit.
3. Except for secondary units described in subsection 17.30.110(A)(2), when a garage, carport, or covered parking space is eliminated in conjunction with the construction of a secondary unit, the eliminated off street parking spaces shall be replaced on-site. The replacement space(s) may be located in any configuration on the same lot as the secondary unit and may be covered, uncovered spaces, tandem spaces, or accessible by the use of mechanical automobile parking lifts.
- B. The attached secondary unit shall have a direct external entry and shall be limited to a maximum size of 50% of the existing living area or six hundred forty (640) square feet, whichever is less in area. In all other respects the regulations of the district within which the SU district is combined shall remain the same, except as follows:
- a. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, except as required by Fire or Building Codes.
  - b. Units contained within the existing space of a single-family residence or accessory structure need only have side and rear setbacks sufficient to ensure fire safety.
- C. The detached secondary dwelling shall be clearly subordinate to the existing single family dwelling by size and appearance. A detached secondary unit shall be limited to one story, fifteen (15) feet in height, a maximum size of 50% of the existing living area or six hundred forty (640) square feet, whichever is less in area, a minimum of ten feet from the existing dwelling, and located to the rear of the existing dwelling. In all other respects the regulations of the district with which the SU district is combined shall remain the same.
- D. The secondary unit shall not be sold separately from the primary residence.
- E. The secondary unit shall not be rented per a period of less than 30 days.
- F. The property must be owner occupied.

#### ~~Article V – Combining CSU Districts~~

##### ~~17.30.120 – Combining CSU district – Intent.~~

~~The district, hereinafter designated as the combining CSU (conditional secondary unit) district, is established to be combined with residential districts that (A) are characterized by lot sizes, parking areas, street improvements, public utilities and other residential support systems which can best accommodate residential density increases; and (B) that contain a wide variety of housing types in terms of size and layout that preclude effective use of the SU combining district. The combining CSU district is intended to provide a further degree of review than needed in the SU combining district in order to ensure that secondary units are compatible with the affected neighborhood. The board of zoning adjustments may specify more stringent conditions than specified in Section 17.30.110 to ensure compatibility.~~

##### ~~17.30.130 – Conditional uses – CSU combining districts.~~

~~In addition to those uses permitted in the district with which it is combined, one secondary dwelling unit per building site shall be permitted only if approved by the board of zoning~~

~~adjustments as provided in Section 17.54.130 on parcels zoned for not more than one dwelling and having one but no more than one existing dwelling unit on the parcel subject to the minimum requirements specified in Section 17.30.110.~~

Section 17.52.780 - Parking spaces—Size and location.

Except as provided for in Section 17.30.110, concerning secondary units, every required parking space shall have an area not less than one hundred eighty (180) square feet and shall have a width not less than nine feet, and a length of not less than eighteen (18) feet, or be designed as specified in the Alameda County Residential Design Guidelines, exclusive of maneuvering space and driveways which shall be provided as required to make each parking space independently accessible from the street at all times. No required parking space shall occupy any required front yard or any required street side yard of a corner lot, or any required setback from a driveway or any part of a required loading space. All required parking spaces shall be provided on the same building site as the use of building for which they are required.

Section 17.54.225 - Site development review for garage conversions—Applications.

Applications for garage conversions shall include the materials required per "Site Development Review—Applications" Section 17.54.230, except that site development reviews for garage conversions shall also include:

- A. Elevations of all exterior wall surfaces of the existing on-site primary structure(s), and of the proposed garage conversion;
- B. Annotated photographs of all street-facing exterior wall surfaces of the five neighboring properties at either side of the subject site, and of the ten closest properties across the street from the subject site;
- C. Floor plans of all of the on-site primary structures and of the proposed garage conversion; and
- D. Site plans showing the entire subject property and all structures therein, including the replacement storage space, the proposed on-site parking spaces, and showing site plans for all adjacent parcels that share property lines with the subject parcel, including their curb-cuts and driveways, and locations of all structures.
- E. “Site Development Review” shall not be required for garage conversions when the purpose of the conversion is to create a new secondary unit within the space of an existing attached or detached garage, and the new units meets the requirements contained in Section 17.30.110, concerning secondary units.

Section 17.60 - REASONABLE ACCOMMODATION

Sections:

17.60.010 - Intent.

It is the policy of Alameda County to provide reasonable accommodation for exemptions in the application of its zoning laws to rules, policies, practices, and procedures for the siting, development, and use of housing, as well as other related residential services and facilities, to persons with disabilities seeking fair access to housing. The purpose of this section is to provide a process for making a request for reasonable accommodation to individual persons with disabilities, to be applicable to individual residential units...

17.60.050 - Notice of request for reasonable accommodation.

Written notice of a request for reasonable accommodation shall be given as follows:

- A. Where the request does not require another planning permit or approval, and where the request for reasonable accommodation involves conversion of a garage to living space, variance from the requirements of this chapter ~~for a secondary unit~~, or use of a recreational vehicle in a required setback, notice shall be mailed to the owners of record of all properties within a three hundred (300) foot radius of the property which is the subject of the request. Where the request does not require another planning permit or approval, and where the request is for any other reasonable accommodation, notice shall be mailed to the owners of record of all properties within a one hundred (100) foot radius of the property which is the subject of the request. This notice shall include the information in Section 17.060.030, above, shall indicate that any person may request a hearing on the request as provided in Section 17.60.060, and shall describe the approval process.

Fairview Area Specific Plan Section III(B)(8)

## 8. Secondary Units

~~Secondary units shall be allowed only as permitted and regulated within the SU (Secondary Unit) Combining District. In order to provide for maximum site and design review, secondary units may be developed only through rezoning to a PD (Planned Development) District. The following guidelines shall be utilized to evaluate rezoning petitions to allow secondary units:~~

- a. ~~Zoning Ordinance provisions relating to size, type (attached or detached), minimum setback from property line and other structures, area, height and required off street parking spaces which apply to secondary units (Section 8.44.10 of the County Zoning Ordinance) shall be utilized as standards for allowing the secondary unit and against which secondary unit rezoning applications will be judged.~~
- b. ~~Secondary units shall not be permitted on lots where access will create a traffic hazard or burden to existing streets.~~
- c. ~~Secondary units shall only be permitted on properties in areas where there is sufficient existing infrastructure such as street improvements, on street parking, public utilities, and other residential support systems.~~
- d. ~~Secondary units shall only be permitted on properties that are well maintained and where property owners have demonstrated the ability to maintain the primary structure in accordance with the Neighborhood Preservation Ordinance. The secondary units shall be designed to be aesthetically pleasing yet maintain consistency with the architectural style of the existing dwelling. units in the area.~~

Little Valley Specific Plan, Chapter IV, Section (B) Allowed Uses

1. Permitted Uses: The following principle uses are permitted in the plan area...

g. Secondary units shall be allowed only as permitted and regulated within the SU (Secondary Unit) Combining District.

Little Valley Specific Plan, Chapter IV, Section (B)(2)(f)

2. Conditional Uses: The following are conditional uses and shall only be permitted if approved by the Zoning Administrator as provided in section 17.06.010 and 17.54.130 of the Zoning Ordinance...

~~f. One secondary dwelling unit as defined and regulated in the County Policy on secondary units in rural residential areas, except that the septic system shall be on the same parcel as the primary system.~~

Madison Avenue Specific Plan, Regulations and Required Improvements, Page 9

1. Site Development Review – for all development on parcels having access from Madison Avenue and/or Common Roads—
  - All new construction of houses, ~~secondary units~~ and/or additions to houses that exceed 50% of the existing gross square footage of the structure are subject to Site Development Review, following the procedures set forth under Zoning Ordinance Sections 17.54.21-290.

## SECTION II

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Daily Review and Tri-valley, newspapers published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, by the following called vote:

AYES:  
NOES:  
EXCUSED:

\_\_\_\_\_  
Scott Haggerty, President of the Board of Supervisors  
of the County of Alameda,  
State of California

\_\_\_\_\_  
Anika Campbell-Belton, Clerk of the Board of Supervisors  
of the County of Alameda,  
State of California

Approved as to Form:

Donna Zeigler, County Counsel

By: \_\_\_\_\_

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