

Secondary (Accessory Dwelling) Units

Proposed Temporary Code Amendments



January 25, 2017

Presentation Outline

- Brief History
- State Law – Mandatory Elements
- State Law – Local Agency Flexibility
- Proposed 2-step Compliance Process
- ADU Area Map
- Unpermitted Units
- Benefits of ADUs
- Examples of ADUs
- Next Steps
- Questions

Brief History

- September 2016
 - AB2299 and SB1069—Address housing crisis
 - Accessory Dwelling Units(ADUs)—Ease development standards and permitting requirements
- December 2016
 - Housing and Community Development (HCD)
 - Webinar
 - Draft Guidance and website
- January 1, 2017
 - CA Govt. Code 65852.2 (State Law)
 - Local ordinances null and void if not in total compliance
- September 2016 – December 2016
 - CDA cross references State Law with local requirements
 - Several Code and specific plan requirement noncompliant
 - Parking
 - Location
 - Conversion of existing space
 - Permitting procedure
 - Local regulations null and void
- January 2017
 - 2-step compliance process

State Mandates

- Zoned for single-family or multifamily use and contains one existing single-family dwelling
- Maximum size
 - Attached: 50% of existing living area, up to 1,200 s.f.
 - Detached: 1,200 s.f.
- Allow garage conversions
- Setbacks
 - None for garage conversion
 - 5 feet side and rear for ADU above a garage
 - Conversion of existing interior space: setbacks sufficient for fire safety
- Parking
 - One off-street parking space per ADU or per ADU bedroom
 - Must be permitted in setback areas in locations or through tandem parking unless unsafe
 - Garage Conversions:
 - Replace only what is removed
 - Locate in any configuration: covered, uncovered, tandem, or by mechanical automobile parking lifts
 - No additional parking when:
 - Property is within 1/2 mile of public transit
 - Property is within an architecturally and historically significant historic district
 - ADU is entirely within the existing interior space
 - On-street parking permits are required but not offered to the ADU occupant
 - A car share vehicle is located within one block of the ADU
- Ministerial Approval (e.g. building permit) within 120 days
- Fees
 - None for ADU within the existing interior space
 - May continue to apply fees for additions and detached ADUS

Flexibility

- Location
 - Restrict location based the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety
- Parking
 - Impose standards related to number of parking spaces
 - Except as superseded by State Law
- Development Regulations
 - Height limit
 - Minimum setback for additions and detached units
 - Maximum lot coverage
 - Minimum landscaping
 - Maximum size
 - Standards that prevent adverse impacts on Registered Historic Places
- Architectural standards
 - Must be clear and approvable by staff through ministerial process
- General
 - May require that owner occupy the property
 - May require rentals are for terms longer than 30 days

2-Step Compliance

- **Step 1: Implement “temporary” Code amendments**
 - Quickly comply with State Law
 - Minimize the period during which State Law is locally in effect
 - Development standards remain unless superseded
 - New ADUs SU/CSU—already allowed by right
 - New ADU approval paused elsewhere
 - ***Maintain regulation of ADUs & comply with State Law***
- **Step 2: Engage public to develop long term requirements**
 - Evaluation of areas that can support ADUs
 - Continue to receive evolving HCD guidance
 - Gauge community interest
 - Engage general public and HOAs in public discussions
 - Local agency cannot base permit issuance on HOA restrictions
 - Develop proposed countywide development standards
 - Propose permanent standards to the public and decision makers at public meetings

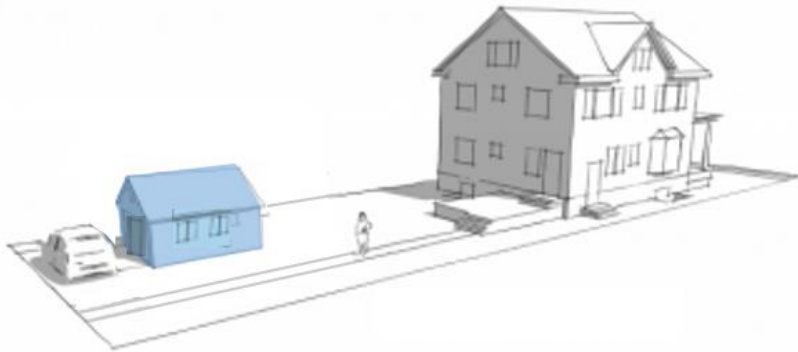
Legalizing Unpermitted ADUs

- Not recognized, since not permitted
 - Subject to all current regulations at time of application
 - Need building permit

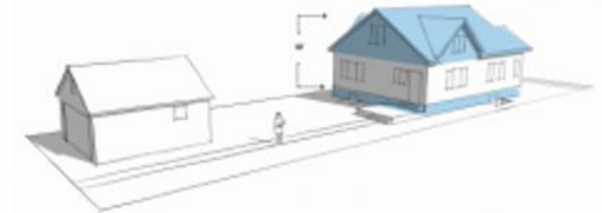
Benefits

- Adds to rental housing stock
 - Increases affordability
- Can make home ownership more affordable
 - Income from ADU
 - Lowers rental housing prices, allowing renters to save money
- Extended family/aging in place
- In areas near transit and services
 - Increase pedestrian activity
 - Reduce greenhouse gas emissions
 - Alameda County CAP objective

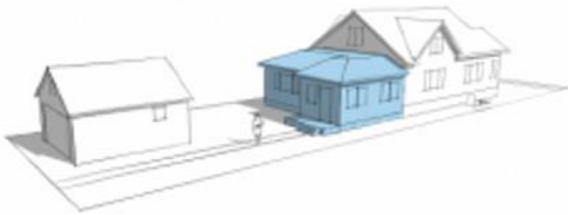
Some Common Types of ADUs



**Garage or Accessory Structure
Conversion, or New Detached ADU**



Interior Space Conversion



Addition

Next Steps

- Continue holding public meetings and present feedback and recommendation to the Board on in late February or early March 2017
 - *CVMAC:* *January 23, 2017*
 - completed—approval recommended
 - *USC:* *January 25, 2017*
 - *T&P Committee:* *February 6, 2017*
 - *Planning Commission:* *February 6, 2017*
 - *Board of Supervisors:* *TBD (Feb. or March 2017)*

Secondary (Accessory Dwelling) Units

Proposed Code Amendments



January 25, 2017

QUESTIONS?