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    • Draft Guidance and website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 on 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
SU/CSU Map—ADUs Permitted
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

SOURCE: http://www.tcdailyplanet.net/thoughts-minneapolis-proposed-accessory-dwelling-units-ordinance/
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)
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QUESTIONS?