

REQUEST FOR COUNCIL DISCUSSION

DATE: 7/25/2011
ITEM NO: 13 . b

Department Approval



City Manager Approval



Item Description: Further discussion of accessory dwelling units

1.0 BACKGROUND

At the regular City Council meeting on May 23, 2011, the City Council directed Community Development staff to prepare an amendment to the zoning code which would regulate accessory dwelling units (ADUs) as permitted uses (i.e., allowed with permits) rather than as conditional or interim uses. The proposed amendments are shown in **bold** and ~~striketrough~~ text in Attachment A; please note, though, that the proposed amendment doesn't presently illustrate the fact that all ADU language currently in §1009.02 (Conditional Uses) would be deleted as part of moving the ADU content to §1011.12.

2.0 SOME NOTES ABOUT THE PROPOSED AMENDMENT

- 2.1** ADUs have been discussed until now as being limited to 600 square feet. Initially, this figure, which is really quite small for a 1-bedroom apartment, was chosen as a way to practically limit the number of occupants. Since the current proposal includes a codified limit of 2 occupants, holding to the small ADU size limitation becomes somewhat less important. After some research, Planning Division staff feels that 650 square feet is a more moderate (though still small) size for a 1-bedroom unit, and so this is the unit size that has been incorporated into the draft amendment.
- 2.2** The format of the ADU address suffix is really just suggested as a possibility, but it attempts to address the desire to provide guidance for emergency responders and to standardize the format. The proposal would inform emergency responders that an ADU A is somewhere within the house structure, but not in the more obvious principal unit, whereas an ADU B will be found in a detached building. Suggestions for other possible address identifiers are welcome.
- 2.3** During its last discussion about ADUs, some members of the City Council expressed an interest in limiting ADUs to LDR-1 parcels which conformed to the minimum lot size requirements. Such a limitation is not presently in the proposed draft because it would effectively prohibit ADUs on the great majority (i.e., probably in excess of 75%) of LDR-1 parcels, and Planning Division staff has proceeded with the understanding that the City Council desired to permit ADUs on a more general basis.

3.0 ADU PERMIT FORM AND FEE

Planning Division staff has not yet had a chance to prepare the permit form or determine a reasonable fee amount. More detail could be expected as this item moves toward the public hearing and subsequent Council action, probably in late August.

34 **4.0 SUGGESTED ACTION**

35 The City Council should discuss these issues, confirm whether this is generally the sort
36 of ordinance envisioned by the Council, and provide any further direction to staff for
37 changes as the proposed amendment moves forward. Staff proposes to schedule a public
38 hearing for the draft amendment at the August 3rd meeting of the Planning Commission.

Prepared by: Associate Planner Bryan Lloyd (651-792-7073)

Attachments: A. Draft zoning code amendment

Table 1004-2	LDR-1	LDR-2	MDR	HDR-1/ HDR-2	Standards
Dwelling unit, accessory	GP	GNP	PNP	NP	Y

1011.12 Additional Requirements for Specific Uses in All Districts

B. Residential Uses, Accessory:

6. Accessory Dwelling Units (ADU):

- a. An ADU shall be located on a lot occupied by a one-family dwelling.
- b. No more than one ADU shall be allowed on a lot.
- c. ~~The one-family dwelling on the lot~~ Either the principal dwelling unit or the ADU shall be owner-occupied and both dwelling units shall be under unified ownership.
- d. Maximum occupancy of an ADU shall be limited to 2 people.
- e. An ADU shall be assigned a unique address identifier to differentiate it from the principal dwelling. An attached ADU shall be identified by "ADU A" and a detached ADU shall be identified by ADU B following the primary property address (e.g., 1234 Elm Street ADU B).
- f. A detached ADU may be located above a detached garage ~~of the one-family dwelling~~ or within a separate accessory building meeting the standards for accessory buildings established in §1004.02 of this Title.
- g. A property shall have a minimum of 1 additional, conforming, off-street vehicle parking space above and beyond the number of parking spaces required for the principal dwelling unit in the zoning district.
- h. Home Occupations: Home occupations are permitted in ADUs, provided that the combined impacts of home occupations in the ADU and the principal dwelling unit conform to the standards and limitations established in §1011.12B2 of this Title.
- i. Dimensional Standards for All ADUs:
 - i. Maximum height of ~~a detached an~~ -ADU, including one built above a garage: shall not exceed 30 feet (as typically measured to mid-point of pitched roof) the standards for principal or accessory buildings, as applicable.
 - ii. ~~Maximum unit~~ Unit size: An ADU shall include at least 300 square feet of living area up to a maximum of 650 square feet of living area, but in no case shall an ADU exceed 75% of the principal dwelling's ~~floor~~ four season living area (exclusive of the ADU), ~~up to a maximum size of 600 square feet of living area.~~ For the purposes of this provision, "living area" shall include kitchen areas, bathrooms, living rooms, bedrooms (including the closet which defines the bedroom), and other rooms,

and shall exclude utility rooms, hallways, entryways, storage areas, and garages.

ii.iii. An ADU shall include a maximum of 1 bedroom.

iii.iv. Setback requirements: ~~Attached~~ ADUs shall meet the standards for principal **or accessory** buildings, **as applicable**; ~~detached ADUs shall meet the setback requirements for accessory buildings.~~

f.j. The entryway to a detached ADU shall be connected to a street frontage with a paved walkway.

g.k. Design Standards for Attached ADUs: The appearance or character of the principal building shall not be significantly altered so that its appearance is no longer that of a one-family dwelling.

h.l. Design Standards for Detached ADUs:

- i. Material: The exterior finish material shall match in type, size, and placement, the exterior finish material of the principal dwelling unit.
- ii. Roof pitch: The roof pitch shall match the predominant roof pitch of the principal dwelling unit.
- iii. Details: Trim shall match the trim used on the principal dwelling unit. Projecting eaves shall match those of the principal dwelling unit.
- iv. Windows: Windows shall match those in the principal dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).

m. Permit Required: A lifetime, non-transferrable ADU Occupancy Permit shall be required from the Community Development Department to allow an ADU to be rented. For the purposes of this provision, a “rented” ADU is one that is being occupied by a person or persons other than the family (as defined in §1001.11 of this Title) occupying the principal dwelling unit. Each property owner seeking to rent an ADU, or occupy an ADU while renting the principal dwelling unit, shall apply for a new ADU Occupancy Permit according to the procedure established herein. In addition to receiving an ADU Occupancy Permit, the property shall be in compliance with the City’s rental registration requirements.

- i. **Application:** The owner of property on which an ADU is proposed shall file a permit application by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. The Community Development Department will review the application to determine whether the application is complete and the subject property is eligible to receive the requested ADU permit.
- ii. **Notification:** Upon the determination that a complete application has been submitted and that the property is eligible to receive the requested ADU permit, property owners within a radius of 100 feet

77 shall be notified in writing by the Community Development
78 Department of the application and that they have 7 days in which to
79 share comments or concerns about the application before the
80 Community Development Department issues the permit.

- 81 iii. Conditions: The City may impose conditions on the issuance of an
82 ADU permit. Such conditions must be directly related to, and must
83 bear a rough proportionality to, impacts created by the ADU.
- 84 iv. Revocation: If a permitted ADU or the property for which an ADU
85 permit has been issued should fail to meet the requirements of the
86 permit, and/or if a property for which an ADU permit has been issued
87 should become ineligible for such permit, the issued ADU permit may
88 be revoked upon the determination by the Community Development
89 Department that the noncompliance and/or ineligibility issue(s)
90 cannot or have not been resolved. If an ADU permit is revoked,
91 occupation of the ADU by a person or persons other than the family
92 (as defined in §1001.11 of this Title) occupying the principal dwelling
93 unit shall cease within 60 days of the date of the revocation.
- 94 v. Expiration: An ADU permit shall expire upon transfer of the property
95 to a new owner. Continued use of an ADU on a property which has
96 been transferred to a new owner shall require the new owner to apply
97 for a new ADU permit.