

PLANNING COMMISSION

August 17, 2020

SAN MARCOS

DISCOVER LIFE'S POSSIBILITIES



TA 20-0001

Accessory Dwelling Unit Ordinance Update

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Request

- Recommend to City Council:
 - Adoption of Amendments to Zoning Ordinance Sections 20.410 and 20.600 regulating Accessory Dwelling Units (ADU)



What is an ADU?

- Independent of the main dwelling unit - separate entrance
- Has a separate kitchen from the main dwelling, sleeping, bathroom
- Three types of ADUs:
 - Junior
 - Attached
 - Detached



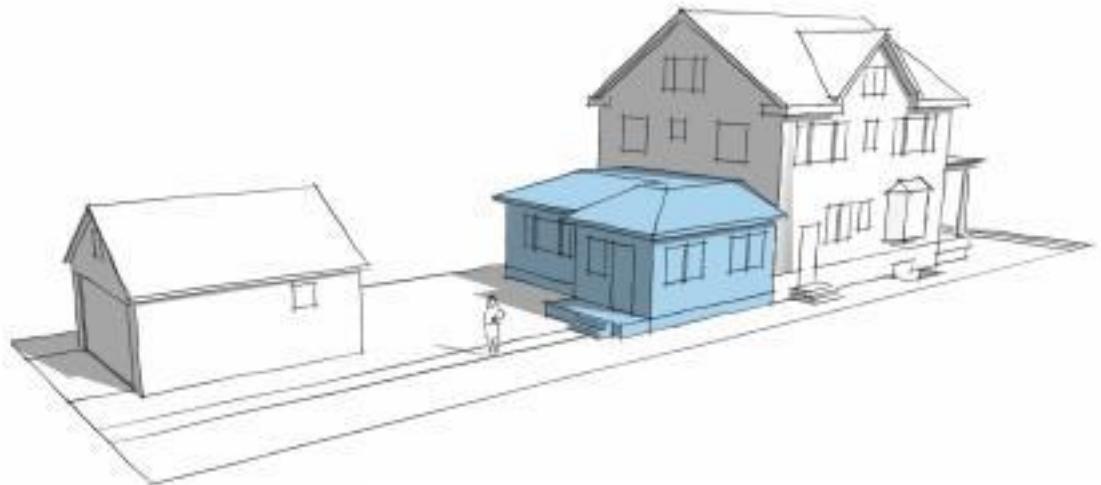
Junior ADU

- Conversion of existing living area located entirely within main SFR dwelling structure
- Must have an efficiency kitchen separate from main dwelling
- May have separate or shared bathroom from main dwelling
- Includes expansion of up to 150 sf to accommodate access - separate entry



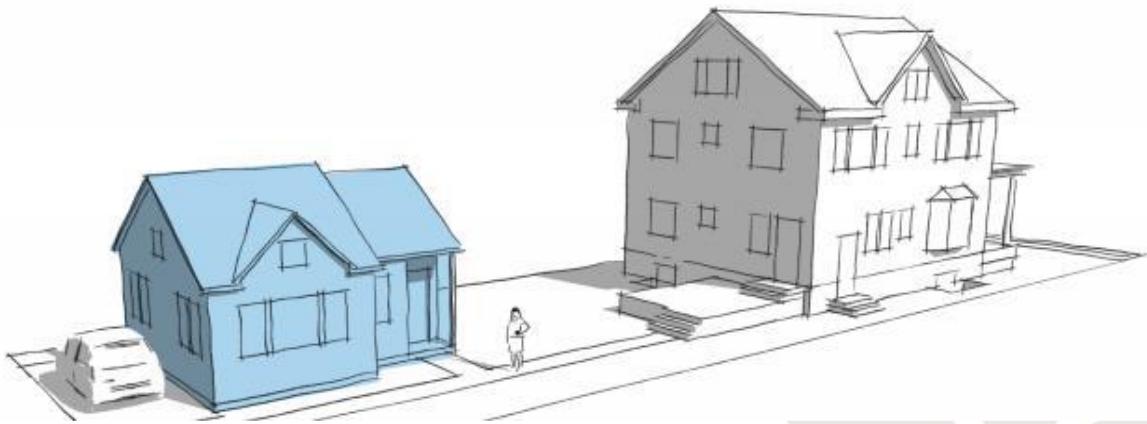
Attached ADU

- Attached to main dwelling
- New construction, conversion of existing living area, and/or conversion of attached garage
- Separate kitchen and bathroom from main dwelling
- Provides independent living - separate entry



Detached ADU

- Not attached to main dwelling
- May be freestanding or attached to a detached garage or other accessory structure
- New construction or conversion of existing or rebuilt accessory structure or garage
- Separate kitchen and bathroom from main dwelling



Background

- State has progressively updated Housing Legislation to create more housing - including changes to promote construction of ADUs
- Changes effective January 1, 2017 to reduce parking and facilitate conversion of existing structures
(Ord. 2017-1445, 7/11/2017)



New Legislation

- Five new bills effective January 1, 2020: AB 68, AB 670, AB671, AB 881, SB 13
- Legislation is complicated: multiple bills adopted when combined create new regulations (Gov't Code Sections 65852.2 and 65852.22)
- Legislation explicitly voids all inconsistent city ordinances effective January 1, 2020 and defaults to State law



Notable Changes to ADU Standards

- Broader location criteria
- Number of ADUs on sites
- ADU size
- Reduced parking
- Reduced setbacks
- Owner occupancy changes



ADU Location

- ADUs must be allowed in all zoning districts that allow single-family residential or multifamily residential development
 - Single-family Residential Zones
 - Multifamily Zones
 - Agricultural Zones
 - Mixed-Use Zones
 - Specific Plan Areas



Number of ADUs on sites

- Properties that allow Single Family Residential uses:
 - 1 ADU and/or
 - 1 Junior ADU
- Properties that allow Multifamily Residential uses:
 - 2 Detached ADUs and
 - Portions of the structure not used as livable area may be converted into attached ADUs



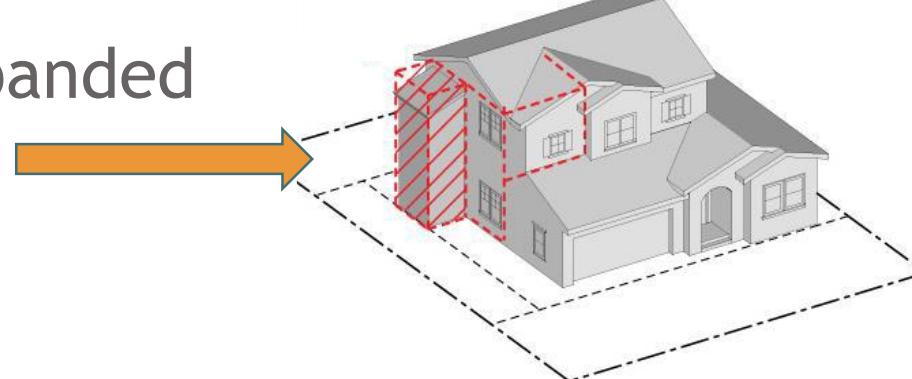
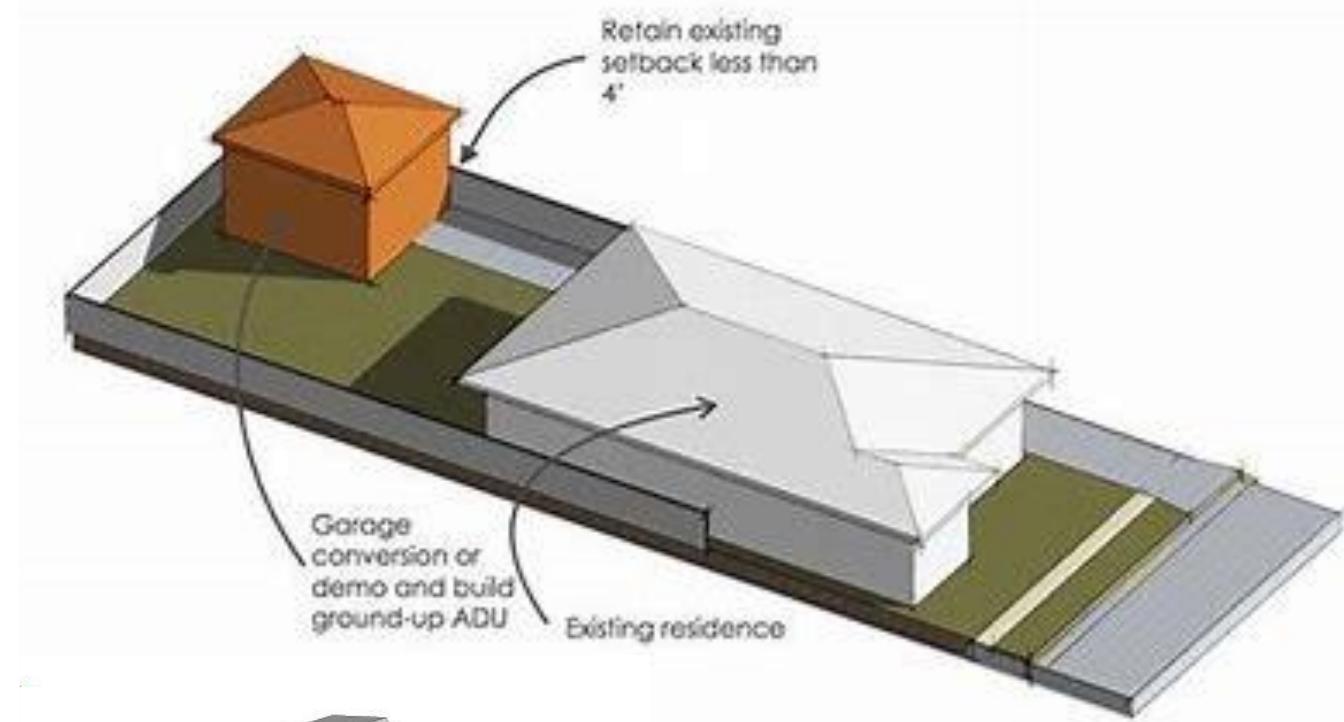
ADU Size

- Junior ADU
 - 500 sf permitted
 - Currently not allowed
- Attached ADU
 - 50% of primary dwelling, no less than 800 sf
 - Existing Ordinance limits ADU to 30% of primary dwelling
- Detached ADU
 - < 1 acre
 - 850 sf for 1 bedroom, 1,000 sf 2 bedroom
 - > 1 acre
 - 1,000 sf
 - Existing Ordinance limits ADU size from 750 sf to 1,000 sf depending on lot size.



Side and Rear Setbacks

- 4-foot side and rear setbacks
- Existing structures may be converted to ADU even if existing setbacks are less than 4 feet
- Structures may be demolished and rebuilt within the same footprint and still qualify within the previous setback
- Structures may be expanded by up to 150 sf to accommodate access



Parking Required

- No ADU parking or replacement parking for main dwelling required for converted garage
 - Any pre-existing driveway parking be maintained
- No parking required for:
 - Junior ADU
 - Existing accessory structure converted to ADU
 - Specific situations including within $\frac{1}{2}$ mile of public transit
- 1 parking space required for new construction ADU
 - Parking may be uncovered and may be tandem in driveway



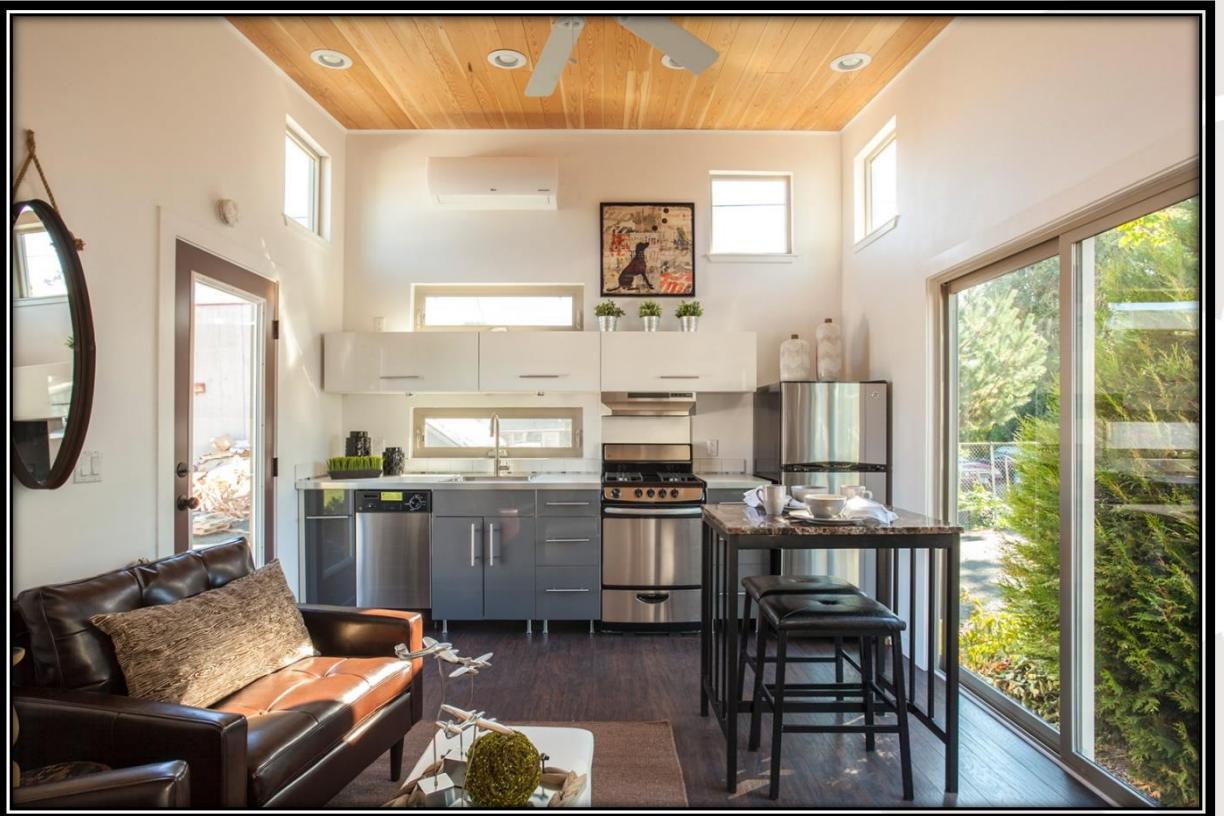
Owner Occupancy

- No owner occupancy required for ADU applications received after January 1, 2020 and before January 1, 2025
- Owner occupancy required for Junior ADU
- Short-term rentals not allowed in ADUs



Other Notable Changes

- 16-foot height limit for detached ADUs - currently 15 feet
- No impact fees for ADUs less than 750 sf; impact fees for larger ADUs proportional to main dwelling
- Maximum 60 days for approval; must be ministerial (no discretion or notice) - currently 120 days
- HOA and CC&R prohibitions on ADUs are void (per AB 670)



Housing & Community Development

- State law requires that ADU Ordinance be sent to HCD within 60-days after local adoption
- HCD agreed to review City Ordinance pre-adoption
- City - HCD review of comments:
 - Clarification regarding ADUs on MFR properties
 - ADUs in front setback when other locations not feasible
 - City cannot regulate “privacy” - discretionary in nature



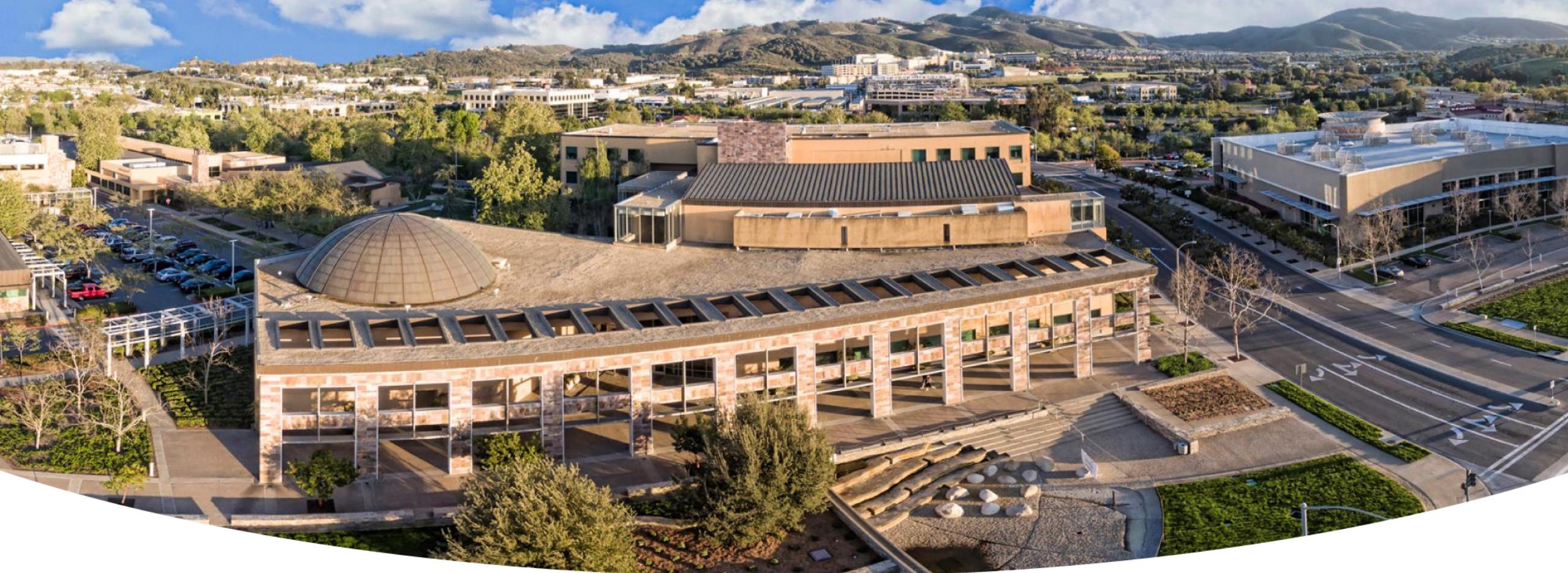
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Staff Recommendation

Recommend to City Council:

- Adopt Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Section 15061(b)(3)
- Adopt Text Amendment (TA 20-0001) with Resolution PC 20-4854





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Efficiency Kitchen



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Bill	AB 68	AB 881	SB 13	AB 670
Parking Requirements	<ul style="list-style-type: none"> No parking replacement required if parking is lot during ADU construction 	<ul style="list-style-type: none"> ½ mile from transit parking exemption is measured in walkable distance. 	<ul style="list-style-type: none"> Prohibits any parking requirements within a half mile walk of a bus stop or train station. Prohibits replacement parking when parking is demolished. 	N/A
Ministerial Approvals	<ul style="list-style-type: none"> Cuts ministerial approval deadline for ADUs from 120 days to 60 days One ADU and one JADU per lot. Allows ADUs in multifamily buildings and 2 detached and multiple interior ADUs 	<ul style="list-style-type: none"> Ministerial approval for garage conversions, ADUs within existing accessory structures, and ADUs on multifamily lots and 	<ul style="list-style-type: none"> Cuts ministerial approval from 120 to 60 days and allow for ADUs in non-residential zones 	N/A
Owner Occupancy Requirements/ HOA	N/A	<ul style="list-style-type: none"> Prohibited until 2025 	<ul style="list-style-type: none"> Owner occupancy prohibited 	<ul style="list-style-type: none"> HOAs must allow ADUs
Development Standards	<ul style="list-style-type: none"> Abolish minimum lot size and lot coverage rules Setback is 4 feet, minimum height limit 16 feet, 800 square feet maximum size restrictions 	N/A	<ul style="list-style-type: none"> Bans minimum unit sizes for efficiency units. Sets lowest maximum size at 850 sqft for 0/1 bedroom units and at 1000 sqft for 2 bedroom units. 	N/A