

PLANNING COMMISSION

Meeting Date: 11/30/21

ADDITIONAL ITEM ADDED AFTER DISTRIBUTION OF PACKET (# 1)

AGENDA ITEM # 2

Applicant/Project Name: City of San Marcos

Project Number: TA21-0004 SB9 Local Implementation

Brief Description: Errata – Attachments A, B, C: Update to the Two Unit Residential Development Ordinance and associated Objective Standards

Date 11/23/21

Time 5:20 p.m.

CHAPTER 20.470 TWO-UNIT RESIDENTIAL DEVELOPMENTS IN SINGLE-FAMILY ZONES

20.470.010 Purpose.

The purpose of this chapter is to establish objective standards regulating two-unit residential developments in the City, in order to implement California Government Code section 65852.21, as it may be amended from time-to-time, and any successor statute (“Section 65852.21”). Notwithstanding anything contained in this chapter, the City reserves its right to make modifications to these standards, consistent with Section 65852.21.

20.470.020 Application.

- (a) This chapter applies to proposed two-unit residential developments meeting the requirements set forth in Section 65852.21, subsection (a).
- (b) For purposes of this chapter, a “two-unit residential development” is one which proposes no more than two new units, or which proposes to add one new unit to an existing unit.
- (c) A two-unit residential development proposed for development in a single-family residential zone, shall be considered without discretionary review or hearing, and shall be approved ministerially if it meets the requirements of Section 65852.21, and the standards set forth in this chapter.
- (d) Nothing in this chapter shall be applied in a way that would physically preclude: (i) the construction of up to two units; or (ii) either unit of a two-unit residential development from being at least 800 square feet in floor area.

20.470.030 Standards

(a) Accessory Dwelling Units. No more than four units – including primary dwelling units, accessory dwelling units, and/or junior accessory dwelling units in any combination – may be created on a parcel. If a parcel was created subject to the urban lot split provision of Chapter 19.44 and includes an existing or proposed two-unit development, then no accessory dwelling units or junior accessory dwelling units are permitted on the parcel. If a parcel was not created subject to the urban lot split subdivision provisions of Chapter 19.44 and includes an existing or proposed two-unit development, then one accessory dwelling unit may be developed for each primary dwelling unit on the parcel. If a parcel was created subject to the urban lot split subdivision provisions of Chapter 19.44 and includes one primary dwelling unit only, then one accessory dwelling unit or one junior accessory dwelling unit for each primary dwelling unit is permitted.

- (b) Unit Square Footage and Separation.

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1. If a parcel includes an existing single-family home, one additional unit of not more than 800 square feet may be developed pursuant to this chapter. No more than 25 percent of the existing exterior structural walls shall be demolished to create the two-unit residential development, unless the existing single-family home has not been occupied by a tenant in the last three years.
 2. If a parcel does not include an existing single-family home, or if an existing single-family home is proposed to be demolished in connection with the creation of a two-unit residential development, two units of not more than 800 square feet each may be developed pursuant to this chapter.
 3. Each unit in a two-unit residential development shall be separated by a distance of at least ten feet from any other structure on the parcel; however, units may be adjacent or connected if the structures meet building code safety standards and are sufficient to allow separate conveyance.

(c) Setbacks.

Any construction of a two-unit residential development shall conform to all property development regulations of the zone in which the property is located including, but not limited to, height limits, stories, setback, lot coverage, landscape, and floor area ratio, as well as all fire, health, safety and building provisions of this title, subject to the following exceptions:

1. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure. Verification of size and location of the existing and proposed structure by City staff requires the applicant to provide pre- and post-construction surveys by a California licensed land surveyor to the City's satisfaction.
2. For all other dwelling units proposed in connection with a two-unit residential development, a minimum setback of four (4) feet, or the applicable setback for the zone, whichever is less, is required from the rear and side property lines.

(d) Parking.

Each two-unit residential development shall provide a minimum of one off-street parking space for each of the two units, except in either of the following instances:

1. the parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in California Public Resources Code ("PRC") Section 21155(b), or a major transit stop, as defined in PRC Section 21064.3; or
2. there is a car share vehicle located within one block of the parcel.

(e) Percolation Test. For two-unit residential developments to be connected to an onsite wastewater treatment system, the City may require a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(f) Easements. All easements required for the provision of public services and facilities shall be dedicated or conveyed by an instrument in a form acceptable to the City Engineer.

(g) Rentals. The rental of any unit of a two-unit residential development shall be for a period longer than thirty days.

(h) Owner Occupied. For applications that do not involve an urban lot split subdivision pursuant to Chapter 19.44, one of the dwellings on the lot must be the bona fide principal residence of at least one legal owner of the lot containing the dwelling, as evidenced at the time of approval of the two-unit residential development by appropriate documents of title and residency. Prior to the issuance of a building permit, the applicant shall provide evidence that a covenant has been recorded stating that one of the dwelling units on the lot shall remain owner occupied.

(i) Height. Each unit cannot exceed a maximum height of 16 feet. Two-story structures, or units proposed above a detached accessory structure are not permitted.

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3. Each unit in a two-unit residential development shall be separated by a distance of at least ten feet from any other structure on the parcel; however, units may be adjacent or connected if the structures meet building code safety standards and are sufficient to allow separate conveyance.
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1. the parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in California Public Resources Code ("PRC") Section 21155(b), or a major transit stop, as defined in PRC Section 21064.3; or
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Proposed Objective Standards for Two-Unit Residential Developments

Applicable Zones

- R-1-20, R-1-10, R-1.7.5 or R-2 zones

Allowed Sites

- On an existing legal lot with or without existing units

Special Location Considerations

Not allowed in:

- Prime farmland
- Wetlands
- A very high fire hazard severity zone, unless sites are subject to adopted fire hazard mitigation measures pursuant to existing building standards applicable to the development
- A special flood hazard area, unless certain criteria are met
- A regulatory floodway, unless certain criteria are met
- Lands identified for conservation in an adopted natural community conservation plan
- Habitat for protected species
- Lands under conservation easement

Setbacks

Development shall comply with applicable setbacks in the RS Zone, except:

- Interior setbacks may be reduced to 4 feet for one-story buildings
- No setback required to convert or substantially redevelop an existing structure to a two-unit residential development

Design

All two-unit residential development shall blend with any existing primary dwelling unit on the lot and neighborhood residences by incorporating the same or similar architectural features, building materials, and color as the primary dwelling unit on the property. These features shall include roofing material, roof design, fascia, exterior building finish, color, exterior doors and windows (including ratios of window width to height and window area to wall area), garage door, and architectural enhancements.

Maximum Number of Units

- No more than two primary residential units allowed per lot
- One ADU allowed per primary unit on a lot
- Units may be incorporated entirely within an existing unit and/or increase their size
- Units may be attached or detached

Number of Parking Spaces

May require up to one space per unit, except a local agency shall not impose parking requirements in either of the following instances:

- The parcel is located within ½ mile walking distance of either a high-quality transit corridor or a major transit stop.
- There is a car share vehicle located within one block of the parcel.

Rental Restriction

- Rental of any unit must be for a term longer than 30 days.

Effect on Existing Site Development

- Development does not demolish more than 25% of existing exterior structural walls, unless allowed by the San Marcos Municipal Code and/or the structure has been unoccupied by a rental tenant for at least the preceding three years.

Effect of Existing Rental Housing

Development would not require demolition or alteration of the following housing types:

- Restricted affordable housing subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
- Any unit occupied by a rental tenant at any point within the preceding three years.

Location of Parking Spaces

- Off-street parking is subject to Chapter 20.340. Parking is prohibited in the front yard or corner setback subject to Section 20.340.060(F).

Fire Buffers

- Development prohibited within 150 feet of vegetation unless otherwise approved by the San Marcos Fire Department.

Height

- Each unit cannot exceed a maximum height of 16 feet. Two-story structures, or units proposed above a detached accessory structure are not permitted.