

# Accessory Dwelling Unit Ordinance Revisions



May 9, 2018  
Planning Division

# Synopsis

## Zone Amendment Local Coastal Program Amendment

- Introduce an ordinance amending Article 30, Section 3006 of the 1992 and Downtown Zoning Ordinance
- Adopt a resolution establishing the amended text of Article 30, Section 3006 as part of the implementing document of the Local Coastal Program
- Establish revised Accessory Dwelling Unit (ADU) regulations conforming to Government Code 65852.2 as amended by SB 229 and AB 494

# Background

- State legislature enacted ADU legislation (SB 1069 and AB 2299) on January 1, 2017
- City Council adopted revised ADU regulations on August 9, 2017 conforming to Government Code Section 65852.2
- Authors of legislation subsequently found language in ADU law was creating confusion regarding significant provisions and hindering implementation
- State legislature enacted SB 229 and AB 494 on October 8, 2017, to provide technical language adjustments and clarifications to Government Code Section 65852.2.

# SB 229 and AB 494

Government Code § 65852.2

- **Effective on January 1, 2018**
- **Intended to Provide Clarifying Changes**
- **Remove Ambiguities**
- **Provide Clear Direction to Local Agencies**
- **Fully Implement ADU Law as Intended**
- **Existing Ordinances Null and Void Unless Fully Compliant Ordinance Adopted**

# Key Revisions

- ADU allowed in any areas zoned to allow a single-family home (Section 3006 (page 1))
- Clarifies replacement parking requirements for garage conversions to ADUs (Section 3006.D.1.e (page 3) & Section 3006.D.4.d (page 5))
- Defines “tandem” parking” (Section 3006.D.c.iii (page 5))
- Parking required shall not exceed 1 space per ADU (Section 3006.D.4.a (page 4))
- No setback required for a portion of a garage converted to an ADU (Section 3006.D.2.b (page 4))
- Expands definition of accessory structures (Section 3006.B.2 (page 2))
- Local Agencies must submit adopted ordinance to HCD within 60 days of adoption. HCD may review and comment.

# Analysis

- Revisions to ADU law are intended to provide clarification and remove ambiguities regarding the implementation of state mandated regulations
- Proposed ZA and LCPA will bring the ADU ordinance into full compliance with state law

# Planning Commission

- The Planning Commission considered the proposed amendments on February 12, 2018.
- Adopted a resolution by a 6-1 vote recommending City Council approval of the proposed amendments.

# Recommendation

Staff recommends the City Council:

- Confirm issuance of a CEQA exemption per Article 18, Section 15282(h) for adoption of an ordinance to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code.
- Introduce an ordinance amending Article 30, Section 3006 of the 1992 and Downtown Zoning Ordinances (ZA18-00001) and;
- Adopt a resolution establishing the amended text of Article 30, Section 3006 as part of the implementing document of the Local Coastal Program (LCPA18-00001) to establish revised Accessory Dwelling Unit (ADU) regulations conforming to the provisions of Government Code Section 65852.2.



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