



## Legislation Text

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Report regarding proposed amendments to Title 20 of the South San Francisco Municipal Code to modify regulations pertaining to Accessory Dwelling Units, and determination that the proposed amendments are statutorily exempt from the California Environmental Quality Act (CEQA). (*Gaspare Annibale, Associate Planner & Stephanie Skangos, Associate Planner*)

### **RECOMMENDATION**

**Staff recommends that the City Council introduce an Ordinance amending Title 20 (“Zoning”) of the South San Francisco Municipal Code to modify regulations pertaining to accessory dwelling units and waive further reading, and determine that the amendments are statutorily exempt from CEQA.**

### **BACKGROUND**

On January 1, 2020, several bills were signed into law that changed regulations on Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). The three laws that have the most impact on ADU development are Assembly Bill (AB 881), Senate Bill 13 (SB 13), and Assembly Bill 68 (AB 68). The new laws touch on multiple aspects of the local regulation of ADUs and JADUs, and they require the City to modify its current zoning regulations, found in section 20.350.035 of the Zoning Ordinance. Local ordinances that do not conform to the State laws are null and void. The City’s current ordinance contains provisions that are not consistent with the mandatory elements of the new laws, and, therefore, the City’s ordinance will need to be amended in order for the City to enforce its local regulations.

### **DISCUSSION**

The South San Francisco Municipal Code (SSFMC) regulates accessory dwelling units and junior accessory dwelling units in Section 20.350.035. An ADU is an attached, detached, or converted residential unit that provides complete independent living facilities for one or more persons and is located on a lot with an existing or proposed single or multi-unit dwelling; a JADU is a residential unit that is no more than 500 square feet in size and contained entirely within a single-unit dwelling. Section 20.350.035 regulates the development of these secondary dwelling units with regard to location, development standards, parking requirements, and deed restrictions.

The previous regulations included the following:

- **Review Period:** 120 days
- **Eligible Site:** Lot containing single-family dwelling unit.
- **Maximum Number of ADUs Allowed:** 1 ADU or Junior ADU (JADU)
- **Maximum Lot Coverage:** Lot coverage requirement of the zoning district.
- **Maximum Floor Area:**

- FAR requirement of the zoning district
  - Limit to 50% of primary unit floor area, with a max of 900 sq. ft.
- **Maximum Height:** 12-15 feet, depending on construction type.
- **Minimum Setback:**
  - Rear: 5 feet
  - Interior Side: 5 feet
  - Street Side: Setback requirement of zoning district
  - Distance from primary dwelling unit: 6 feet
  - Garage converted to ADU: No setback requirement
- **Parking Requirement:** 1 space for the ADU; ADU parking waived if:
  - ½ mile from transit,
  - In historic district,
  - On-street parking permit required and not offered to ADU, or
  - 1 block from car share.
- **Parking Replacement:** Provide replacement parking, in any configuration, when an ADU/JADU replaces required parking for the primary residence.
- **Occupancy:** The owner must occupy the primary residence or ADU/JADU.

### **Proposed Amendments to the Zoning Ordinance to Comply with State Legislation**

AB 68 and 881 - which went into effect on January 1, 2020 - set forth new laws governing ADUs and JADUs. In response to the State legislation, staff has prepared changes to SSFMC Section 20.350.035 in order to bring the Municipal Code into compliance with new State ADU and JADU legislation.

Attachment 3 (Presentation) summarizes these changes, and includes a side-by-side comparison of how the new State Legislation changes each parameter of the City's previous zoning requirements for ADUs and JADUs. In addition, the proposed changes are summarized in the discussion below, and full details are included in the proposed Ordinance.

- **Review Period:** For all types of ADUs (Detached, Attached, or Within an Existing Structure), and JADUs, the review period is 60 days from the date of deeming an application for an ADU/JADU as complete.
- **Eligible Site:** For all types of ADUs, an eligible site includes a lot that allows single and/or multi-family housing. A JADU is permitted on a lot that allows single-family housing.
- **Maximum Number of Units Allowed:**

For all types of ADUs, a lot with an existing or proposed single-unit dwelling permits:

  - 1 ADU or JADU within the proposed or existing space of the dwelling or an accessory structure; or
  - 1 Detached, new construction ADU plus 1 JADU within a proposed or existing dwelling; or
  - 1 Detached ADU; or

- 1 Attached ADU.

For all types of ADUs, a lot with an existing multi-unit dwelling permits:

- 25% of the existing units for ADUs or 1 ADU, whichever is greater, within existing areas not currently used as livable space; plus 2 Detached ADUs. Indoor covered parking, for example, would be eligible for conversion to an ADU.

For JADUs: one JADU is permitted per lot only within existing or proposed space of a single-unit dwelling.

- **Maximum Lot Coverage:** The maximum lot coverage requirement for all types of ADUs is the requirement of the zoning district. However, 800 sq. ft. shall be permitted even if the ADU exceeds lot coverage requirements. This does not apply to JADUs.

- **Maximum Floor Area:**

Detached and Attached ADUs:

- The Floor Area Ratio (FAR) requirement is the standard of the zoning district; however, 800 sq. ft. shall be permitted even if the ADU exceeds FAR. Furthermore, the maximum floor area for Attached ADUs is 50% of the primary unit floor area or 800 sq. ft., whichever is greater.
- Studio/1-bedroom is limited to a maximum of 850 sq. ft.
- 2+ bedroom is limited to a maximum of 1,000 sq. ft.

ADUs Within an Existing Structure:

- Conform to the footprint of the existing structure and also an expansion of up to 150 sq. ft. to accommodate ingress and egress is permitted if the ADU is created within an existing accessory structure.

JADUs:

- The maximum floor area for a JADU is 500 sq. ft.

- **Maximum Height:**

- Detached ADU: 16 feet
- Attached ADU and ADU Within an Existing Structure: height requirement of the zoning district
- This does not apply to JADUs as this is a conversion within an existing space

- **Minimum Setbacks:** The minimum setback for all types of ADUs, excluding JADUs:

- Front: setback requirement of the zoning district
- Interior/Street Side: 4 feet
- Rear: 4 feet
- Distance between structures: 6 feet
- Existing living area or accessory structure converted to ADU: no setback requirement

- **Entry Requirement:** Access is required for all types of ADUs and JADUs; however, for JADUs interior entry to the primary dwelling unit is required if separate sanitation facilities are not provided for the JADU.

- **Parking Requirement:** The parking requirement for all types of ADUs, excluding JADUs, is 1 space per ADU or per bedroom, whichever is less. This may be provided as tandem parking on a driveway. However, ADU parking is waived if:
  - Within ½ mile walking distance from transit;
  - Within a historic district;
  - On-street parking permit is required and not offered to the ADU; or
  - Located within 1 block from car share.
- **Parking Replacement:** Replacement parking is not required when an ADU or JADU replaces required parking for the primary residence.
- **Occupancy:** Owner occupancy requirements are not permitted from 2020-2025 for ADUs; however, for a JADU, the owner must occupy the primary residence or JADU.
- **Fees:**
  - ADUs are exempt from utility connection fees and capacity charges unless they are constructed with a new single family home, or if the homeowner requests to install a separate connection for the ADU.
  - Impact fees cannot be charged for ADUs less than 750 sq. ft. Any impact fees charged for an ADU of 750 sq. ft. or more can be charged proportionately in relation to the square footage of the primary dwelling unit.

#### PLANNING COMMISSION

The Planning Commission reviewed the proposed Zoning Text Amendments pertaining to accessory dwelling unit regulations at the April 16, 2020 Planning Commission Hearing, and recommended approval to the City Council. The meeting minutes are included as an attachment to this staff report (Attachment 1).

#### ENVIRONMENTAL REVIEW

The proposed Zoning Text Amendments are statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code and Section 15282(h) of the CEQA Guidelines because it is an accessory dwelling unit ordinance that is implementing the provisions of Government Code Sections 65852.1 and 65852.2.

#### FISCAL IMPACT

The proposed Zoning Text Amendments will not have a direct fiscal impact on the City. However, as discussed above, the new State laws prohibit cities from collecting utility connection fees and capacity charges unless the ADU is constructed with a newly constructed primary dwelling, and they also significantly restrict the cases where cities can charge impact fees, for new ADUs and JADUs. As a result, there may be indirect fiscal impacts in the future, although these impacts would be difficult to quantify.

#### RELATIONSHIP TO STRATEGIC PLAN

The proposed Zoning Text Amendments help to achieve the following priority of the City's Strategic Plan:

##### **Priority #2: Quality of Life, Initiative 2.3 - Promote a balanced mix of housing options.**

The proposed Zoning Text Amendments pertaining to accessory dwelling unit regulations will promote the construction of additional residential units, adding to the City's diverse housing stock and providing more

housing options.

### CONCLUSION

These proposed Zoning Text Amendments are intended to bring the City's accessory dwelling unit regulations and development standards into compliance with new State law governing accessory dwelling units that became effective on January 1, 2020.

Staff recommends that the City Council waive further reading and introduce an ordinance amending Title 20 ("Zoning") of the South San Francisco Municipal Code relating to Accessory Dwelling Unit regulations.

### Attachments:

1. Draft Planning Commission Minutes for April 16, 2020
2. Planning Commission Resolution No. 2852-2020
3. City Council Presentation for May 13, 2020