Summary Title: Interim Urgency Ordinance Implementing State ADU Regulations

Title: PUBLIC HEARING: Adoption of an Interim Urgency Ordinance to Implement State Legislation Effective January 2020 Regarding Accessory Dwelling Units and Junior Accessory Dwelling Units Amending Palo Alto Municipal Code Title 18 (Zoning) Section 18.04.030 of Chapter 18.04 (Definitions) and Section 18.42.040 (Accessory and Junior Accessory Dwelling Units) of Chapter 18.42 (Standards for Special Uses). Environmental Assessment: Exempt From Review Under the California Environmental Quality Act (CEQA) Pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Sections 15061(b)(3), 15282(h), 15301, 15302 and 15305

From: City Manager

Lead Department: Planning and Development Services

Recommendation
Staff recommends that Council adopt the attached Interim Urgency Ordinance Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Amend Requirements Relating to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), to be effective upon adoption.

Background
Governor Newsom signed a number of bills related to ADUs and JADUs. These new laws became effective on January 1st and invalidate local ordinances that do not comply with the new standards. The City of Palo Alto’s ADU regulations require an amendment to comply with state law. To minimize the time local regulations are invalidated, staff is recommending the City Council adopt an urgency ordinance. An urgency ordinance requires approval from four-fifths of the Councilmembers present and becomes effective immediately. The urgency ordinance only amends local ADU/JADU standards needed to comply with state law and will be valid for one year.

In the following months, staff intends to prepare another ordinance that will further refine the City’s ADU regulations in the context of these new state mandates and other staff
recommended changes. The permanent ordinance will incorporate public outreach and hearings before the Planning and Transportation Commission (PTC).

Below is a summary of the state-mandated changes and links to the state legislation:

- **AB 68 (Ting) / AB 881 (Bloom) / SB 13 (Wieckowski):** Together these three bills amend existing ADU law as follows:
  - One ADU and one JADU permitted by right on a single-family lot, subject to certain constraints.
  - ADUs allowed by right in multi-family and mixed-use zones. Up to two detached ADUs, plus conversion of uninhabited spaces for multiple ADUs (up to 25% of units in multifamily buildings).
  - No minimum lot size for ADUs.
  - Zero setback if conversion of an existing structure at property line.
  - Maximum 4’ side and rear setbacks for newly constructed ADUs.
  - Lot coverage, floor ratios or open space requirements must allow at least an 800 sf ADU.
  - Minimum 16 ft. height allowed.
  - Cannot set maximum square footage less than 850 for one-bedroom ADU, or 1,000 sf for two+ bedrooms.
  - JADUs are no longer limited to smaller kitchen appliances and sewer connections.
  - 60-day permit processing timeline.
  - No replacement parking for garage conversions.
  - Proximity to transit must be “walkable” to qualify for parking waiver.
  - No impact fees on ADUs less than 750 sf, if larger, impact fees to be proportional to main house.
  - 5-year moratorium on local owner-occupancy restrictions until 1/1/25.
  - 5-year stay of building code enforcement available on unpermitted ADUs if they meet health and safety standards.
  - ADUs count for RHNA.
  - No short-term rentals of ADUs or JADUs.
  - HCD & Attorney General can enforce compliance if new local ordinance is out of compliance, but 30-day right to cure or state findings to support ordinance.

- **AB 670 (Friedman):** Homeowners associations must allow ADUs and JADUs.

- **AB 671 (Friedman):** Housing Elements will need to incentivize and promote the creation of ADUs at all income levels. HCD will develop, and post, a list of existing state grants and financial incentives for ADUs.

- **AB 587 (Friedman):** Allows a non-profit to separately convey title to ADUs.

**Discussion**

While the PTC reviews all changes to Title 18 ordinances, the adoption of an interim ordinance is not subject to PTC review. During the term of the interim ordinance, staff will bring forward a
permanent ordinance to address items not specifically spelled out in the State legislation, and unique to Palo Alto’s code. These items may include codes related to the protection of community character and incentives to promote zoning code compliance.

Overview of Urgency Ordinance
The proposed Interim Urgency Ordinance (Attachment A) includes only those modifications to the Palo Alto Municipal Code Title 18 necessary to comply with state law. Key modifications are as follows:

- Deletes Section 18.42.040(a)(3), regarding minimum lot sizes
- Modifies existing setback regulations throughout the ordinance that exceed the 4-foot setbacks authorized by state law.
- Updates FAR, Lot Coverage, and Maximum House Size regulations in Section 18.42.040(a)(4) [formerly (a)(5)] to permit a minimum 800sf ADU.
- Adds new categories of ADUs that must be ministerially approved: including one JADU + one detached ADU; non-livable space in multifamily buildings; detached ADUs on multifamily lots.
- Updates privacy regulations in Section 18.42.040(a)(6) [formerly (a)(7)] to permit them to be ministerially applied.
- Updates specific regulations in Sections 18.42.040(a)(7) and (a)(8) [formerly (a)(8) and (a)(9)] for both Attached and Detached ADUs conform to state law requirements for minimum and maximum sizes, height, and setback regulations.
- Removes owner-occupancy requirements
- Removes discretionary processes from street access regulations
- Removes the requirement to replace parking eliminated by conversion of a garage.

Timeline
This Urgency Ordinance will go into effect immediately upon adoption.

Resource Impact
There are no significant fiscal or budgetary impacts associated with this action. All costs will be borne through existing city department budgets.

Policy Implications
This ordinance will apply to ADU and JADU applications that have been submitted, but have yet to receive a building permit when the ordinance becomes effective.

Stakeholder Engagement
Each time the State Legislature/Governor adopts legislation regarding ADUs, the Planning and Development Services Director is tasked to modify the City’s Zoning Ordinance. For Urgency Ordinance, outreach is difficult to accomplished. Nevertheless, the Chief Planning Official attended a local gathering on November 19, 2019 regarding the State’s legislation, entitled “Much Ado About ADUs: Planning and Pitfalls” to learn about any community concerns with the
new regulations. Outreach with the community is ongoing; focus group meetings will take place prior to and in conjunction with PTC hearings on a permanent ordinance.

Environmental Review
Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.17, which exempts local ordinances implementing Government Code sections 65852.1 and 65852.2, and CEQA Guidelines sections 15061(b)(3), 15301, 15302 and 15305 because it constitutes minor adjustments to the City’s zoning ordinance to implement State law requirements related to accessory dwelling units as established in Government Code Sections 65852.2 and 65852.22, and these changes are also likely to result in few additional dwelling units dispersed throughout the City. As such, it can be seen with certainty that the proposed action will not have the potential for causing a significant effect on the environment.

Attachments:
- Attachment A: Interim Urgency Ordinance Updating ADU Regulations - Jan 2020
NOT YET ADOPTED

Interim Urgency Ordinance of the Council of the City of Palo Alto Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Amend Requirements Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations

A. Assembly Bills ("ABs") 68, 587, 671, and 881 and Senate Bill ("SB") 13 pertain to accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs") and were approved by the California Legislature on September 13, 2019 and signed by the Governor on October 9, 2019;

B. These bills, codified primarily in California Government Code sections 65952.2 and 65952.22 will become effective January 1, 2020, and provide that local ordinances that do not comply with state law are null and void;

C. The City Council, pursuant to its police powers, has broad authority to maintain public peace, health, and safety of its community and preserving the quality of life for its residents;

D. Palo Alto Municipal Code Section 2.04.270 authorizes the adoption of an urgency ordinance to protect the public peace, health or safety, where there is a declaration of the facts constituting the urgency and the ordinance is adopted by four-fifths of Council Members present;

E. Palo Alto Municipal Code Section 18.80.090 reserves the authority of the City Council to temporarily change any provision of Title 18 upon a determination that the change is necessary for the public health, safety or welfare.

F. This urgency ordinance would update the City’s ADU regulations to unambiguously comply with new state requirements contained in ABs 68, 587, 671, and 881 and SB 13;

G. An urgency ordinance that is effective immediately is necessary to avoid an immediate threat to public peace, health, and safety as failure to adopt this urgency ordinance could result in nullification of the local values expressed in the City’s ADU regulations and result in development inconsistent with such values.

SECTION 2. Section 18.04.030 of Chapter 18.04 (Definitions) of Title 18 (Zoning) of the Palo Alto Municipal Code ("PAMC") is amended to add the following definition:

(94.7) “Maximum house size” means, for the primary residential structure within a single-family residential zone, the maximum allowable amount of total gross floor area, regardless of lot size.

SECTION 3. Section 18.42.040 (Accessory and Junior Accessory Dwelling Units) of Chapter 18.42 (Standards for Special Uses) of Title 18 (Zoning) of the Palo Alto Municipal Code ("PAMC") is amended to read as follows:

18.42.040 Accessory and Junior Accessory Dwelling Units

The following regulations apply to zoning districts where the establishment of accessory dwelling
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units and junior accessory dwelling units are permitted.

(a) Accessory Dwelling Units

(1) Purpose

The intent of this section is to provide regulations to accommodate accessory dwelling units, in order to provide for variety to the city's housing stock and additional affordable housing opportunities. Accessory Dwelling Units shall be separate, self-contained living units, with separate entrances from the main residence, whether attached or detached. The standards below are provided to minimize the impacts of accessory dwelling units on nearby residents and throughout the city, and to assure that the size and location of such dwellings is compatible with the existing or proposed residence on the site and with other structures in the area.

(2) Applicable Zoning Districts

The establishment of an accessory dwelling unit is permitted in the following zoning districts when single-family residential is a permitted land use: Single-Family (R-1), including subdistricts; Two Family Residential (R-2); Residential Estate (RE); Two Unit-Multiple Family Residential (RMD); Open Space (OS); Multiple Family Residential (RM); and Planned Community (PC) zoning districts when single-family or multifamily residential is a permitted land use.

(3) Minimum Lot Sizes

A. In the R-1 district and all R-1 subdistricts, RE district, R-2 district, and RMD district, and properties zoned Planned Community (PC) where single-family residential is an allowed use, there is no minimum lot size for the establishment of an accessory dwelling unit.

B. In the OS District, the minimum lot size for the establishment of an accessory dwelling unit is 10 acres.

(34) Setbacks and Daylight Plane

A. Except as otherwise provided in this section, accessory dwelling units shall comply with the underlying zoning district’s setbacks, including daylight plane requirements.

B. Notwithstanding subsection (a)(4)(A) above, no setback shall be required for an existing garage structure that is converted to an accessory dwelling unit, except as provided in subsection (a)(65) below.

C. In districts permitting second story accessory dwelling units, a setback of at least five-four feet from the side and rear lot lines shall be required for an accessory dwelling unit constructed above a garage.
A. An accessory dwelling unit shall be included in the lot coverage and floor area ratio requirements applicable to the parcel. In the R-E, R-1, R-2 and RMD districts, and in the OS and PC districts when single-family residential is a permitted land use: (i) any covered parking provided for the accessory dwelling unit shall be included in the total floor area for the site, but shall not be included when determining maximum size of the accessory dwelling unit; and (ii) an attached accessory dwelling unit shall count towards the maximum house size for the primary residence on the parcel.

B. Exceptions:

i. Lot Coverage. When the establishment of an accessory dwelling unit on a parcel with a proposed or existing single family residence that was legally permitted and existing or proposed with a valid building permit as of January 1, 2017, would result in the parcel exceeding the lot coverage requirement, the accessory dwelling unit shall not be included in the calculation of lot coverage applicable to the property only to the extent necessary to allow establishment of an 800 square foot accessory dwelling unit, so long as the parcel meets the underlying zoning district’s minimum lot size requirement or is substandard by no more than ten percent (10%) of the underlying zoning district’s minimum lot size requirement.

ii. Basements. In the R-1 district and all R-1 subdistricts, basement space used as an accessory dwelling unit, or portion thereof, shall not be included in the calculation of floor area for the entire site, providing the measurement from first finished floor to grade around the perimeter of the building is no more than three (3) feet.

iii. Additional Floor Area. When the development of a new one-story accessory dwelling unit on a parcel with a proposed or existing single family residence that was legally permitted and existing or proposed with a valid building permit as of January 1, 2017, would result in the parcel exceeding the maximum floor area ratio, an additional 220 square feet of floor area above the maximum amount otherwise permitted by the underlying zoning district shall be allowed only to the extent necessary to allow establishment of an 800 square foot accessory dwelling unit. This additional floor area shall be permitted only to accommodate the development of the accessory dwelling unit and shall not be applied to the primary residence.

iii-iv. Maximum House Size. When the establishment of an attached accessory dwelling unit on a parcel with a proposed or existing single family residence would result in the parcel exceeding the maximum house size, up to 800 square feet of the accessory dwelling unit shall not be included in the...
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calculation of maximum house size applicable to the property only to the extent necessary to allow establishment of an 800 square foot accessory dwelling unit.

(56) Conversion of Space in Existing Single Family Residence or Existing Accessory Structure Required Approval of Certain Accessory Dwelling Units

Notwithstanding the provisions of subsections (a)(3), (a)(4), (a)(56), (a)(7), and (a)(8) and (a)(9), in the R 1 district and all R 1 subdistricts, RE, R2, RMD and OS districts, and properties zoned RM or PC where single-family residential is an allowed use, an the following applications for an accessory dwelling unit or junior accessory dwelling unit within a residential or mixed-use zone shall be ministerially approved if the

A. ADU within Single-Family Residence or Accessory Structure. For a lot with a proposed or existing single-family dwelling, one accessory dwelling unit or junior accessory dwelling unit that is contained within the existing space of a single-family residence or an existing accessory structure, has independent exterior access from the existing residence, and the provides side and rear setbacks are sufficient for fire safety shall be permitted, subject to the following: and if the accessory dwelling unit conforms with the following:

i. A unit proposed in an existing accessory structure under this subsection (a)(5)(A) may include an expansion of not more than 150 square feet beyond the physical dimensions of the existing accessory structure solely for the purposes of accommodating ingress and egress.

ii. For the purposes of this subsection (a)(56)(A), the portion of the single-family residence or accessory structure subject to the conversion shall be legally permitted and existing as of January 1, 2017.

iii. Conversion of an existing accessory structure to an accessory dwelling unit may require rebuilding or substantial renovation to comply with the California Code of Regulations Title 24, as adopted by the City of Palo Alto. In such instances, and where the existing accessory structure does not comply with applicable accessory dwelling unit development standards in the zoning district, the structure may be renovated or rebuilt, provided that:

A. If the existing structure does not comply with the applicable development standards for accessory dwelling units in the zoning district, the renovated or rebuilt structure shall not increase the degree of non-compliance, such as increased height or size, or further intrusion into required setbacks;

B. The renovated or rebuilt structure provides a minimum three foot setback from any interior side and rear lot lines, and 16 foot setback from any street side property line, if applicable; and

C. The renovated or rebuilt structure shall comply with subsection
(a)(67), below, pertaining to privacy requirements.

D. (IV) Nothing in this subsection (a)(66)(A)(i) shall restrict or prevent a renovated or rebuilt structure from being designed to achieve or improve compliance with the development standards applicable to an accessory dwelling unit in the zoning district.

ivii. No new or separate utility connection shall be required between the accessory dwelling unit and utility service, such as water, sewer, and power.

iv. The accessory dwelling unit shall comply with the provisions of subsections (a)(76), (a)(109), and (a)(110).

vi. New floor area may be added to a space converted in accordance with this subsection (a)(65)(A) and, other than the 150 square feet authorized by subsection (a)(5)(A)(i), shall comply with the all regulations set forth in subsection (a), including but not limited to setbacks, maximum accessory dwelling unit size, and height.

B. Single-Family Detached ADU. For a lot with a proposed or existing single-family dwelling, one detached, new construction, accessory dwelling unit that does not exceed 800 square feet, nor 16 feet in height, and that provides at least four-foot side and rear yard setbacks shall be permitted. This detached accessory dwelling unit may be established in addition to a junior accessory dwelling unit established pursuant to subsection (a)(5)(A).

C. Multi-Family Attached ADU. For a lot with an existing multifamily dwelling structure, an accessory dwelling unit shall be permitted within the portions of the existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. The number of dwelling units permitted shall be at least one and up to 25 percent of the existing multifamily dwelling units on the lot.

D. Multi-Family Detached ADU. For a lot that has an existing multifamily dwelling, not more than two detached accessory dwelling units that do not exceed 16 feet in height and that provide at least four-foot side and rear yard setbacks shall be permitted.

E. The establishment of accessory dwelling units and junior accessory dwelling units pursuant to this subsection (a)(5) shall not be conditioned on the correction of non-conforming zoning conditions existing as of January 1, 2020; provided, however, that nothing in this section shall limit the authority of the Chief Building Official to require correction of building standards relating to health and safety.

(76) Privacy

To the extent second story accessory dwelling units are allowed by this Section, second story doors and decks shall not face a neighboring dwelling unit. New
second story windows shall have a minimum five-foot sill height from the second floor level, except when a larger window is required for egress. Any window, door or deck of a second story accessory dwelling unit shall utilize techniques to lessen views onto adjacent properties to preserve the privacy of residents. These techniques may include placement of doors, windows and decks to minimize overview of neighboring dwelling units, use of obscured glazing, window placement above eye level, and screening between the properties.

(87) Additional Development Standards for Attached Accessory Dwelling Units

A. Attached accessory dwelling units are those attached to the primary dwelling. All attached accessory dwelling units, other than those units established pursuant to subsection (a)(5), shall be subject to the additional development requirements specified below.

B. Attached unit size counts toward the calculation of maximum house size.

B. Unit Size: The maximum size of an attached accessory dwelling unit living area, inclusive of a habitable basement, shall not exceed 600-850 square feet for one-bedroom, or 1,000 square feet for more than one bedroom, and shall not exceed 50% of the proposed or existing living area of the primary dwelling unit. The accessory dwelling unit and any covered parking provided for the accessory dwelling unit shall be included in the total floor area for the site, but the covered parking area is not included in the maximum 600 square feet for an attached unit. The minimum unit size shall be 150 square feet established consistent with the Building Code.

C. Maximum height (including property in a special flood hazard zone): One story and 17 feet, or no taller than the primary residence at the area of attachment 16 feet if located in an Eichler Tract identified in the adopted Palo Alto Eichler Neighborhood Design Guidelines. However, in the RE District attached accessory dwelling units may be two stories and 30 feet. In the OS District, attached accessory dwelling units may be two stories and 25 feet.

D. Separate Entry Required for Attached Units: A separate exterior entry shall be provided to serve an accessory dwelling unit.

E. Except on corner lots, the accessory dwelling unit shall not have an entranceway facing the same lot line (property line) as the entranceway to the main dwelling unit unless the second entranceway is located in the rear half of the lot. Exterior staircases to second floor units shall be located toward the interior side or rear yard of the property.

F. If covered parking for an accessory dwelling unit is provided in the RE zone, the maximum size of the covered parking area for the accessory dwelling unit is 200 square feet.

(98) Additional Development Standards for Detached Accessory Dwelling Units
A. Detached accessory dwelling units are those detached from the primary dwelling. All detached accessory dwelling units, other than those units established pursuant to subsection (a)(5), shall be subject to the additional development standards specified below.

B. The maximum size of the detached accessory dwelling unit living area, inclusive of a habitable basement, shall be 900 square feet for one-bedroom, or 1,000 square feet for more than one bedroom and the minimum unit size shall be 150 square feet established consistent with the Building Code.

The accessory dwelling unit and any covered parking shall be included in the total floor area for the site, but the covered parking area is not included within the maximum 900 square feet for detached unit.

C. Maximum height (including property in a special flood hazard zone): one story and 17 feet, or one story and 12-16 feet, if located in an Eichler Tract identified in the adopted Palo Alto Eichler Neighborhood Design Guidelines.

D. Setbacks and Daylight Plane: Notwithstanding subsection (a)(43)(A), a detached accessory dwelling unit may be located in a rear yard, but must maintain a minimum setback of six four feet (6'-4") from the interior side and rear property lines and sixteen feet (16') from a street side yard. No basement shall encroach into a required rear yard setback. No portion of a building may encroach into a daylight plane beginning at a height of eight feet (8') at the property line and increasing at a slope of one foot (1') for every one foot (1') of distance from the property line.

   a. No projections, such as but not limited to windows, doors, mechanical equipment, venting or exhaust systems, shall be permitted to encroach into the required setbacks and daylight plane, with the exception of a roof eave up to two feet.

E. If covered parking is provided for an accessory dwelling unit in the RE District, the maximum size of covered parking area for the detached accessory dwelling unit is 200 square feet.

(409) Additional Requirements for All Accessory Dwelling Units

A. Sale of Units: The accessory dwelling unit shall not be sold separately from the primary residence.

B. Short term rentals. The accessory dwelling unit shall not be rented for periods of less than 30 days.

C. Number of Units Allowed: Except as provided in subsection (a)(5), only one accessory dwelling unit or junior accessory dwelling unit may be located on any residentially zoned lot.

D. Existing Development: An accessory dwelling unit may only be constructed on a lot with a proposed or existing single-family dwelling or, pursuant to
Technical Manual. This subsection shall be supplemented in accordance with the standards in the free

accessory dwelling unit minus the trees is deemed dangerous or constitutes a 

For properties listed in the Palo Alto Historic Inventory, the California Register of Historic Resources, the National Register of Historic Places, or considered a historic resource after completion of a historic resource evaluation, such

determination shall be made by the director upon a

Development shall be required by the director upon a

district. When parking is provided, the accessory dwelling unit shall


Planning Director: Treatment of historic properties shall be required as determined by the

Planning Director, as determined by the appropriate Secretary of Interior's Standards

Planning Director, as determined by the Secretary of Interior's Standards for the

The accessory dwelling to assist in emergency response, street address required: Street addresses shall be assigned to all

The accessory dwelling units shall not be required to provide the sprinklers if they

Section 18.42.140. Conform with this section 18.42.140. Restrictions the size and attributes of the accessory dwelling unit to those that

not permit short-term rentals and with subsection (a)(2)(e) above, does not permit short-term rentals, and

the use of the single-family residence: reigns over the development of the

accessory dwelling unit, accessory dwelling unit shall be subject to the same terms and such terms is prohibited from sub-

accessory dwelling units within the primary dwelling and the accessory
dwelling of the

accessory dwelling units. Leasing the primary dwelling or the accessory dwelling is prohibited.

Occupancy: The number of a parcel proposed for accessory dwelling use shall

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(K) Except as modified by this Section 18.42.040, the accessory dwelling unit shall conform to all requirements of the underlying zoning district, any applicable combining district, and all other applicable provisions of this Title 18.

(B) Parking

A. No additional parking shall be required for accessory dwelling units.

B. If an accessory dwelling unit replaces existing required covered parking, replacement spaces shall be provided. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, any required replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit. To comply with this requirement, replacement parking is not required when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit.

C. Optional parking for accessory dwelling units may be provided by means of uncovered or tandem spaces may be provided on existing driveways within the required front and street side yards; and covered parking and mechanical automobile parking lifts may be located in required side and rear yard setbacks in compliance with Section 18.40.050. All new parking spaces and structures shall comply with development standards of the underlying zoning and the applicable parking design standards in Chapter 18.54, except as provided below:

i. The Director shall have the authority to modify required replacement parking spaces by up to one foot in width and length upon finding that the reduction is necessary to accommodate parking in a location otherwise allowed under this code and is not detrimental to public health, safety or the general welfare.

ii. Existing front and street side yard driveways may be enlarged to the minimum extent necessary to comply with the replacement parking requirement above. Existing curb cuts shall not be altered except when necessary to promote public health, safety or the general welfare.

(b) Junior Accessory Dwelling Units

(1) Purposes:

This Section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing single family structure and requires owner occupancy in the single family residence where the unit is located.
(2) Development Standards. Junior accessory dwelling units shall comply with the following standards:

A. Number of Units Allowed: Except as provided in subsection (a)(5), either one accessory dwelling unit or one junior accessory dwelling unit, may be located on any residentially zoned lot that permits a single-family dwelling except as otherwise regulated or restricted by an adopted Coordinated Area Plan or Specific Plan. A junior accessory dwelling unit shall only be located on a lot which already contains one legal single-family dwelling.

B. Size: A junior accessory dwelling unit shall not exceed 500 square feet in size.

C. Lot Coverage/Floor Area Ratio:

   i. A junior accessory dwelling unit shall be included in the calculation of lot coverage and floor area ratio applicable to the property.

   ii. A primary residence with a junior accessory dwelling unit shall be permitted to develop an additional 50 square feet of floor area above the maximum amount of floor area otherwise permitted by the underlying zoning district.

D. Owner Occupancy: The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a primary residence either the primary dwelling or the junior accessory dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.

E. Sale Prohibited: A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

F. Short term rentals: The junior accessory dwelling unit shall not be rented for periods of less than 30 days.

G. Location of Junior Accessory Dwelling Unit: A junior accessory dwelling unit shall be created within the existing walls of an existing primary dwelling, and shall include, at a minimum, the conversion of an existing bedroom.

H. Separate Entry Required: A separate exterior entry shall be provided to serve a junior accessory dwelling unit, with an interior entry to the main living area. A junior accessory dwelling may include a second interior doorway for sound attenuation.

I. Kitchen Requirements: The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:

   i. A sink with a maximum waste line diameter of one-and-a-half (1½) inches,
ii. A cooking facility or appliance which does not require electrical service greater than one hundred and twenty (120) volts, or natural or propane gas with appliances, and

iii. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

J. Parking. No additional parking is required beyond that required at the time the existing primary dwelling was constructed. Any required parking displaced with the establishment of a junior accessory dwelling unit shall be restored in compliance with Section 18.42.040(a)(11)(B).

K. Fire Protection; Utility Service. For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit.

L. Deed Restriction. Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, requires owner-occupancy consistent with subsection (b)(2)(D) above, does not permit short-term rentals, and restricts the size and attributes of the junior dwelling unit to those that conform with this section.

SECTION 4. Any provision of the Palo Alto Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. The Council finds that the adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.17, which exempts local ordinances implementing Government Code sections 65852.1 and 65852.2, and CEQA Guidelines sections 15061(b)(3), 15301, 15302 and 15305 because it constitutes minor adjustments to the City’s zoning ordinance to implement State law requirements related to accessory dwelling units as established in Government Code Sections 65852.2 and 65852.22, and these changes are also likely to result in few additional dwelling units dispersed throughout the City. As such, it can be seen with certainty that the proposed action will not have the potential for causing a significant effect on the environment.

SECTION 7. This ordinance is adopted for a temporary period pursuant to Palo Alto Municipal Code Section 18.80.090 and as an urgency measure pursuant to Section 2.04.270(d). It shall be
effective upon its adoption by four-fifths of the City Council and shall expire upon adoption of a permanent ordinance or January 31, 2021, whichever is earlier. The provisions of this ordinance shall be applicable to applications for accessory dwelling units and junior accessory dwelling units that have not yet received building permits before its effective date.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

NOT PARTICIPATING:

ATTEST:

__________________________________________
City Clerk

Mayor

__________________________________________
Assistant City Attorney

City Manager

__________________________________________
Director of Planning & Development Services