TO:       HONORABLE CITY COUNCIL
FROM:    ED SHIKADA, CITY MANAGER
DATE:    JANUARY 13, 2020

SUBJECT: AGENDA ITEM NUMBER 8 – ID #10953 - 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

The attached revised interim urgency ordinance includes further modifications needed to ensure compliance with State laws. The modifications are shown in double underline format. Specific code sections are addressed as follows, to address issues as noted below:

- **Section 18.42.040(a)(5)(A)(ii):** as currently written, the urgency ordinance would limit the application only to spaces that existed as of January 1, 2017. This limitation was inadvertently left retained from earlier versions of the ADU law; Government Code Section 65852.2(e)(1)(A) now clearly applies to any proposed or existing space.

- **Section 18.42.040(a)(5)(E):** as currently written, the urgency ordinance only permits property owners to retain non-conforming zoning conditions that exist as of January 1, 2020. Staff initially proposed this limitation to prevent a loophole that would allow an unscrupulous property owner from intentionally creating a nonconforming condition to circumvent otherwise valid ADU regulations. In an abundance of caution, however, staff now recommend eliminating this language, as the state law can be read to apply to a much broader set of potential non-conformities, which do not carry such unintended consequences.
• **Sections 18.42.040(a)(5)(A)(ii) and 18.42.040(a)(8)(D):** references to a 16-foot “street side yard” setback are deleted. The state law is arguably ambiguous in limiting required setbacks to four feet for “rear and side” lot lines, and staff had initially interpreted this not to apply to street side lot lines. Again, in an abundance of caution, staff now recommend applying the four-foot setback to all “side” lot lines.

• **Sections 18.42.040(a)(3)(A) and 18.42.040(a)(8)(D):** references to the daylight plane requirement are clarified to ensure that the daylight plane will not preclude construction of an ADU that reaches 16 feet in height.

• **Section 18.42.040(a)(3)(B) and 18.42.040(a)(5)(A)(ii):** The ordinance now clarifies that no setback applies to existing structures that are rebuilt in place as ADUs, in addition to conversions that do not require substantial reconstruction.

• **Section 18.42.040(b)(2):** Regulations relating to JADUs have been updated to reflect changes in state law by:
  - Clarifying that JADUs may be built in any lot zoned for single family residences with an existing or proposed single family residence (regardless of the existence of a Coordinated Area Plan or Specific Plan);
  - Eliminating requirements for interior access or conversion of an existing bedroom;
  - Clarifying that no parking is required as a result of creation of a JADU.

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Jonathan Lait  
Director  
Planning & Development Services

Ed Shikada  
City Manager
NOT YET ADOPTED

Ordinance No.

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. 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;

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

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 unit 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 units and junior accessory dwelling units are permitted.
NOT YET ADOPTED

(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, except to the extent daylight plane requirements would preclude an accessory dwelling unit from reaching a height of 16 feet.

B. Notwithstanding subsection (a)[4](A) above, no setback shall be required for an existing garage structure that is converted to, or reconstructed in-place as 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.
NOT YET ADOPTED

(54) Lot Coverage/Floor Area Ratio/Maximum House Size

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, up to 800 square feet of the accessory dwelling unit shall not be included in the calculation of lot coverage applicable to the property, 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 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 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. The additional floor area allowed shall be the minimum amount required for establishment of an 800 square foot accessory dwelling unit, or 220 square feet, whichever is greater. 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

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NOT YET ADOPTED

square feet of the accessory dwelling unit shall not be included in the calculation of maximum house size applicable to the property.

(56) Conversion of Space in Existing Single-Family Residence or ExistingAccessory-StructureMinisterial Approval of Certain Accessory Dwelling Units

Notwithstanding the provisions of subsections (a)(3), (a)(4), (a)(57), 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 permitted if the unit:

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 accessory dwelling unit conforms with the following:

i. A unit proposed in an existing accessory structure subject to the conversion shall be permitted and existing as of January 1, 2017.

ii. 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.(i) 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.(ii) 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.(ii) The renovated or rebuilt structure shall comply with subsection (a)(57), below, pertaining to privacy requirements.
NOT YET ADOPTED

D. (III) Nothing in this subsection (a)(56)(A)(ii) 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.

iii. 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).

v. New floor area may be added to a space converted in accordance with this subsection (a)(56)(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

Second story doors and decks shall not face a neighboring dwelling unit and second story windows be placed above eye-level or obscured glazing. Where feasible, screening features, including landscaping, shall be installed between an two-story ADU and a neighboring dwelling. 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 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 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 feet (6') 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, except that the beginning height shall be increased to the extent necessary to allow an accessory dwelling unit to reach a height of sixteen feet (16').

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.

(403) 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.
NOT YET ADOPTED

D. Existing Development: A single-family dwelling shall exist on the lot or shall be constructed on the lot in conjunction with the construction of the accessory dwelling unit.

E. Occupancy: The owner of a parcel proposed for accessory dwelling use shall occupy as a principal primary residence: either the primary dwelling or the accessory dwelling, unless both the primary dwelling and the accessory dwelling are rented to the same tenant and such tenant is prohibited from subleasing the primary dwelling or the accessory dwelling.

F. Prior to issuance of a building permit for the 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 accessory dwelling unit separate from the sale of the single-family residence; requires owner occupancy consistent with subsection (a)(10)(E) above; does not permit short-term rentals; and restricts the size and attributes of the accessory dwelling unit to those that conform with this Section 18.42.040.

G. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

H. Street Address Required: Street addresses shall be assigned to all accessory dwellings to assist in emergency response.

I. Street Access: When parking is provided, the accessory dwelling unit shall have street access from a driveway in common with the main residence in order to prevent new curb cuts, excessive paving, and elimination of street trees, unless separate driveway access is permitted by the director upon a determination that separate access will result in fewer environmental impacts such as excessive paving, unnecessary grading or unnecessary tree removal, and that such separate access will not create the appearance of a lot division or two-family use.

J. For properties listed in the Palo Alto Historic Inventory, the California Register of Historical Resources, the National Register of Historic Places, or considered a historic resource after completion of a historic resource evaluation, compliance with the appropriate Secretary of Interior’s Standards for the Treatment of Historic Properties shall be required, as determined by the Planning Director.

K. No protected tree shall be removed for the purpose of establishing an accessory dwelling unit unless the tree is dead, dangerous or constitutes a nuisance under Section 8.04.050. Any protected tree removed pursuant to this subsection shall be replaced in accordance with the standards in the Tree Technical Manual.

L. 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.
(1110) 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 or proposed 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:
NOT YET ADOPTED

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 or where a new
single-family dwelling is proposed.

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 or proposed 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 an interior entry to the main living area
and 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 (1 1/2) inches;
NOT YET ADOPTED

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 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 shall be effective upon its adoption by four-fifths of the City Council.

INTRODUCED: