



City of Palo Alto

City Council Staff Report

(ID # 8048)

Report Type: Consent Calendar

Meeting Date: 5/8/2017

Summary Title: Accessory Dwelling Unit Ordinance Update

Title: SECOND READING: Adoption of an Ordinance Amending Chapter 18 (Zoning) to Implement a new State Law Related to Accessory Dwelling Units and Junior Dwelling Units and to Reorganize and Update the City's Existing Regulations. The Ordinance is Exempt From the California Environmental Quality Act (CEQA) per Public Resource Code Section 21080.17 and CEQA Guideline Sections 15061(b), 15301, 15303 and 15305 (FIRST READING: April 17, 2017 PASSED: 7-2 Holman, Kou no)

From: City Manager

Lead Department: Planning and Community Environment

Recommendation:

Staff recommends that the Council conduct a second reading and adopt the attached Accessory Dwelling Unit Ordinance (Attachment A).

Background:

On April 17, 2017, the Council held a public hearing and approved the draft Accessory Dwelling Unit Ordinance on first reading asking staff to return with modifications to the draft ordinance.

The City Council reviewed draft ordinance and staff report from April 17th meeting; the accompanying report is available online: <http://www.cityofpaloalto.org/civicax/filebank/documents/56870>

Discussion:

Consistent with the Council's motion at the April 17th hearing, staff made the following changes to the ordinance, as shown in ~~strikeout~~/underline in Attachment A, with one notable exception described below:

Adopt the Accessory Dwelling Unit Ordinance amending Palo Alto Municipal Code provisions regarding Accessory Dwelling Units (ADUs) including the following changes:

- i. Limit ADU's to lot sizes of 5,000 square feet or more; ADU conversions and Junior Accessory Dwelling Units (JADUs) would be exempt from this requirement;
- ii. Allow two story ADUs in the Residential Estate (RE) district using existing setbacks; *(no changes were made to the ordinance presented for a first reading on April 17th, see RE District & ADU Setbacks heading below)*
- iii. Clarify that the additional Floor Area Ratio (FAR) should be used within the ADU, not the primary dwelling unit;
- iv. Restore Ordinance language pertaining to doorway orientation;
- v. Remove Lot Coverage requirements for new ADUs on properties that are no smaller than 10 percent smaller than standard lot sizes including those which are standard or larger.

In addition to the ordinance modifications, the Council directed staff to:

- explore options to limit parking permits in Residential Preferential Parking (RPP) districts by lot;
- return with potential Eichler design guidelines relating to ADUs, including lower height limits;
- report back to the City Council on a quarterly basis; and,
- Direct the Planning and Transportation Commission to conduct a Study Session within six months of the implementation of the Accessory Dwelling Unit Ordinance to analyze the results of this Ordinance.

RE District & ADU Setbacks

No changes were made to the ordinance with respect to item (ii) above because the proposed ordinance provides that ADUs shall comply with the underlying zoning district's setbacks unless express exceptions implementing state law requirements apply. Therefore, in the RE district, two-story or second story (Attached) ADUs would be subject to the underlying zoning district's setback requirements, **except** for new ADU construction over a garage – this is the only limited circumstance under which the 5-foot setback from the side and rear lot lines is required under state law. (A “setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.” Government Code section a(1)(D)(vii).) A detached two story ADU is not allowed in the RE district or any other district that permits ADUs, except for the Detached Housing on Small Lots (DHS) zone in the South of Forest Avenue, Phase I, Coordinated Area Plan (SOFA I CAP). The existing SOFA I CAP complies with state law with regard to ADUs and no changes are required or proposed for this area.

Clarifications to Comply with State Law

In two places in the ordinance, language that was shown as deleted between the March 7th and April 17th hearings was restored in order to comply with state law requirements. The first is subsection (a)(3)(ii) of Section 18.42.040 regarding setbacks for an existing garage that is converted to an ADU. State law states that “no setback shall be required for an existing garage that is converted to an accessory dwelling unit”. (Government Code section 65852.2(a)(1)(D)(vii).) The other excerpt that was restored is in subsection (a)(7)(iii) of Section 18.42.040 regarding the maximum increase in the living area by an attached ADU. State law states that the “total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area”. (Government Code section 65852.2(a)(1)(D)(iv).)

Clarifications for Consistency with the Municipal Code

Lot Coverage/Floor Area Exception (Section 20 18.42.040(a)(4)(ii)(b))

Language stating that basement area shall not count towards floor area maximum if the finished level of the first floor is no more than three feet above grade will be carried forward with this section from the original location in the existing Municipal Code. This confirms when basements count towards floor area or not and will bring this proposed code section into consistency with the rest of the Municipal Code. This language was inadvertently left off in the previous draft.

Parking in Front Setback (Section 20 18.42.040(a)(10)(ii))

Language was added to clarify that structures are not permitted within the front setback, consistent with the Municipal Code. Only uncovered parking would be allowed within the front setback.

Timeline:

If adopted on second reading, the ordinance will be effective on June 8th (the 31st day following council action).

Attachments:

Attachment A: Ordinance Accessory Dwelling Unit_Revised (PDF)

Attachment B: 04-17-17 DRAFT Action Minutes (DOCX)

Attachment C: Public Letters to Council (PDF)

Ordinance No. ____

Ordinance of the Council of the City of Palo Alto Amending Chapter 18 (Zoning) of the Palo Alto Municipal Code to Implement New State Law Requirements Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and to Reorganize and Update City's Existing Regulations

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

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

A. Housing in California is becoming increasingly unaffordable. The average California home currently costs about 2.5 times the national average home price and the monthly rent is 50% higher than the rest of the nation. Rent in San Francisco, San Jose, Oakland, and Los Angeles are among the top 10 most unaffordable in the nation. With rising population growth, California must not only provide housing but also ensure affordability.

B. Despite a high median income in Palo Alto, nearly 30 percent of all households overpaid for their housing (more than 30 percent of their income) in 2010;

C. It is estimated that 63 percent of extremely low income renter households and 75 percent of extremely low income owner households overpaid for housing in 2010. Of the estimated 1,520 low income households, 75 percent of renter households and 44 percent of homeowner households paid more than 30 percent of their income for housing.

D. The Palo Alto City Council, recognizing the severity of the regional housing crisis, requested that the Planning and Transportation Commission review constraints affecting the production of second (accessory) dwelling units and recommend modifications to the City's development standards.

E. While existing law enables accessory dwellings as a source of housing, recent studies show that local standards like Palo Alto's, perhaps unintentionally, prevent homeowners from building ADUs with standards like lot coverage, large set-backs, off-street parking, or costly construction requirements.

F. In September 2016, Governor Brown signed into law Senate Bill 1069, Assembly Bill 2299 and Assembly Bill 2406 relating to the creation of accessory dwelling units (ADUs) and junior accessory dwelling units.

G. These new bills were intended to address the housing crisis by easing regulatory barriers for homeowners who choose to build affordable housing in their own backyards.

H. This ordinance is adopted to comply with these new State mandates regarding ADUs and junior accessory dwelling units, and to reduce regulatory constraints affecting their production.

SECTION 2. Section 18.04.030 (Definitions) of Chapter 18.04 (Definitions) of Title 18 (Zoning) is amended to read as follows:

18.04.030 Definitions

...

(4) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

- a. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
- b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

In some instances this Code uses the term second dwelling unit interchangeably with accessory dwelling unit.

~~(46.5) “Dwelling unit, second” means a separate and complete dwelling unit, other than and subordinate to the main dwelling unit, whether a part of the same structure or detached, on the same residential lot.~~

(74.5) “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(132) “Single-family use” means the use of a site for only one dwelling unit and, where permitted, an accessory second dwelling unit or a junior accessory dwelling unit.

...

SECTION 3. In Section 18.10.010 (a) substitute the term “accessory dwelling unit(s)” for “second dwelling unit(s)”.

SECTION 4. Section 18.10.030 Table 1 and Footnote (2) are amended as follows:

**TABLE 1
PERMITTED AND CONDITIONALLY PERMITTED LOW-DENSITY RESIDENTIAL USES
[P = Permitted Use -- CUP = Conditional Use Permit Required]**

	R-E	R-2	RMD	Subject to Regulations in:
ACCESSORY AND SUPPORT USES				
Accessory facilities and uses customarily incidental to permitted uses (no limit on number of plumbing fixtures)	P	P	P	18.10.080
Home Occupations, when accessory to permitted residential uses.	P	P	P	18.42.060
Horticulture, gardening, and growing of food products for consumption by occupants of the site.	P	P	P	
Sale of agricultural products produced on the premises (1)	P			18.10.110

Second-Accessory Dwelling Units	P	p ⁽²⁾	p ⁽²⁾	18.4210.0470
Junior Accessory Dwelling Units	P	p ⁽²⁾	p ⁽²⁾	18.42.040
AGRICULTURE AND OPEN SPACE USES				
Agriculture	P			18.10.110
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES				
Private Educational Facilities	CUP	CUP	CUP	
Religious Congregations and Institutions	CUP	CUP	CUP	
PUBLIC/QUASI-PUBLIC USES				
Community Centers	CUP	CUP	CUP	
Utility Facilities essential to provision of utility services to the neighborhood, but excluding business offices, construction or storage yards, maintenance facilities, or corporation yards.	CUP	CUP	CUP	
RECREATION USES				
Neighborhood Recreational Centers			CUP	
Outdoor Recreation Services	CUP	CUP		
RESIDENTIAL USES				
Single-Family	P	P	P	
Two-Family use, under one ownership		P	P	
Mobile Homes	P	P	P	18.42.100
Residential Care Homes	P	P	P	
RETAIL USES				
Cemeteries	CUP			
Commercial Plant Nurseries	CUP			
SERVICE USES				
Convalescent Facilities	CUP			
Day Care Centers	CUP	CUP	CUP	
Small Adult Day Care Homes	P	P	P	
Large Adult Day Care Homes	CUP	CUP	CUP	
Small Family Day Care Homes	P	P	P	
Large Family Day Care Homes	P	P	P	
Bed & Breakfast Inns			p ⁽³⁾	
P = Permitted Use		CUP = Conditional Use Permit		

	Required
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...

(2) ~~Second Accessory Dwelling Units~~ in R-2 and RMD Zones: An accessory second dwelling unit or a Junior Accessory Dwelling Unit associated with a single-family residence on a lot in the R-2 or RMD zones is permitted, subject to the provisions of Section ~~18.10.070~~18.42.040, and such that no more than two units result on the lot.

...

SECTION 5. Section 18.10.040 (Development Standards) of Chapter 18.10 (Low-Density Residential (RE, R-2 and RMD) Districts) of Title 18 (Zoning) is amended to read as follows:

18.10.040 Development Standards

(a) Site Specifications, Building Size, Height and Bulk, and Residential Density

...

18.10.040(a) Table 2, Footnote

...

(5) Maximum House Size: The gross floor area of attached garages and attached ~~second accessory dwelling units~~ and junior accessory dwelling units are included in the calculation of maximum house size. If there is no garage attached to the house, then the square footage of one detached covered parking space shall be included in the calculation. This provision applies only to single-family residences, not to duplexes allowed in the R-2 and RMD districts.

...

(B) Flag Lot Development Standards

(i) Individual Review

The Individual Review provisions of Section 18.12.110 of the Zoning Ordinance shall be applied to any single-family or two-family residence in the R-2 or RMD districts to those sides of a site that share an interior side lot line with the interior side or rear lot line of a property zoned for or used for single-family or two-family dwellings, ~~except where architectural review board review is required for an accessory second dwelling on an RMD-zoned site.~~ The individual review criteria shall be applied only to the project's effects on adjacent single-family and two-family uses.

SECTION 6. Section 18.10.060 Table 3 is amended as follows:

**TABLE 3
PARKING REQUIREMENTS FOR R-E, R-2 AND RMD USES**

Use	Minimum Off-Street Parking Requirement
Single-family residential use (excluding second <u>accessory</u> dwelling units)	2 spaces per unit, of which one must be covered
Two family (R2 & RMD districts)	3 spaces total, of which at least two must be covered
Second <u>Accessory</u> dwelling unit, attached or detached: >450 sf in size <450 sf in size	2 spaces per unit, of which one must be covered 1 space per unit, which may be covered or uncovered <u>No parking required</u>
<u>Junior accessory dwelling unit</u>	<u>No parking required</u>
Other Uses	See Chapter 18.40

...

SECTION 7. Section 18.10.070 (Second Dwelling Units) of Chapter 18.10 (Low-Density Residential (RE, R-2 and RMD) Districts) of Title 18 (Zoning) is repealed in its entirety and a new 18.10.070 is added to read as follows:

18.10.070 Accessory and Junior Accessory Dwelling Units

Accessory Dwelling Units and Junior Accessory Dwelling Units are subject to the regulations set forth in Section 18.42.040.

SECTION 8. Section 18.10.120 (Architectural Review) of Chapter 18.10 (Low-Density Residential (RE, R-2 and RMD) Districts) of Title 18 (Zoning) is amended to read as follows:

18.10.120 Architectural Review

Architectural review, as required in Section 18.76.020, is required in the R-E, R-2, and RMD districts whenever three or more adjacent residential units are intended to be developed concurrently, whether through subdivision or individual applications. ~~Architectural review is also required for **second dwelling units** of more than 900 square feet, when located in the Neighborhood Preservation Combining District (NP).~~

SECTION 9. Section 18.10.140 (Neighborhood Preservation Combining District (NP)

Standards) of Chapter 18.10 (Low-Density Residential (RE, R-2 and RMD) Districts) of Title 18 (Zoning) is amended to read as follows:

18.10.140 Neighborhood Preservation Combining District (NP) Standards

...

(b)(2) Design Review Required

For properties on which two or more residential units are developed or modified, design review and approval shall be required by the architectural review board in compliance with procedures established in Section 18.76.020 for any new development or modification to any structure on the property and for site amenities. No design review is required for construction of or modifications to single-family structures that constitute the only principal structure on a parcel of land or for accessory dwelling units or junior accessory units.

~~No design review is required for construction of second dwelling units on a parcel except when the second unit exceeds 900 square feet in size.~~

...

SECTION 10. Section 18.10.150(e) (Existing Second Dwelling Units on Substandard Size Lots) is deleted in its entirety and reserved for future use.

...

SECTION 11. Section 18.12.010(a) is amended as follows:

(a) Single Family Residential District [R-1]

The R-1 single family residential district is intended to create, preserve, and enhance areas suitable for detached dwellings with a strong presence of nature and with open area affording maximum privacy and opportunities for outdoor living and children's play. Minimum site area requirements are established to create and preserve variety among neighborhoods, to provide adequate open area, and to encourage quality design. Second-Accessory dwelling units, junior accessory dwelling units and accessory structures or buildings are appropriate. ~~where consistent with the site and neighborhood character.~~ Community uses and facilities, such as churches and schools, should be limited unless no net loss of housing would result.

...

SECTION 12. Section 18.12.030 Table 1, is amended as follows:

**Table 1
PERMITTED AND CONDITIONAL R-1 RESIDENTIAL USES**

	R-1 and all R-1 Subdistricts	Subject to Regulations for:
ACCESSORY AND SUPPORT USES		
Accessory facilities and uses customarily incidental to permitted uses with no more than two plumbing fixtures and no kitchen facility, or of a size less than or equal to 200 square feet	P	18.04.030(a)(3) 18.12.080
Accessory facilities and uses customarily incidental to permitted uses with more than two plumbing fixtures (but with no kitchen), and in excess of 200 square feet in size, but excluding second accessory dwelling units	CUP	18.12.080
Home occupations, when accessory to permitted residential	P	18.42.060
Horticulture, gardening, and growing of food products for consumption by occupants of the site	P	
Second Accessory Dwelling Units	p⁽¹⁾	18.42.040 18.070
<u>Junior Accessory Dwelling Unit</u>	<u>p⁽¹⁾</u>	<u>18.42.040</u>
EDUCATIONAL, RELIGIOUS AND ASSEMBLY USES		
Private Educational Facilities	CUP	
Churches and Religious Institutions	CUP	
PUBLIC/QUASI PUBLIC USES		
Community Centers	CUP	
Utility Facilities essential to provision of utility services to the neighborhood, but excluding business offices, construction or storage yards, maintenance facilities, or corporation yards	CUP	
RECREATION USES		
Outdoor Recreation Services	CUP	
RESIDENTIAL USES		
Single-Family	P	
Mobile Homes	P	18.42.100
Residential Care Homes	P	
SERVICE USES		
Day Care Centers	CUP	
Small Adult Day Care Homes	P	

Large Adult Day Care Homes	CUP	
Small Family Day Care Homes	P	
Large Family Day Care Homes	P	
P = Permitted Use		CUP = Conditional Use Permit Required

(1) An Accessory Dwelling Unit or a Junior Accessory Dwelling Unit associated with a single-family residence on a lot is permitted, subject to the provisions of Section 18.42.040, and such that no more than two total units result on the lot.

SECTION 13. Section 18.12.040 Table 2, footnote (8) is amended as follows:

(8) **Maximum House Size:** The gross floor area of attached garages and attached accessory second dwelling units and junior accessory dwelling units are included in the calculation of maximum house size. If there is no garage attached to the house, then the square footage of one detached covered parking space shall be included in the calculation.

SECTION 14. Section 18.12.060 Table 4 is amended as follows:

Table 4 shows the minimum off-street automobile parking requirements for specific uses in the R-1 district.

Table 4	
Parking Requirements for Specific R-1 Uses	
Use	Minimum Off-Street Parking Requirement
Single-family residential use (excluding second <u>accessory</u> dwelling units)	2 spaces per unit, of which one must be covered.
Second <u>Accessory</u> dwelling unit , attached or detached	2 spaces per unit, of which one must be covered <u>No parking required</u>
<u>Junior Accessory Dwelling Unit</u>	<u>No parking required</u>
Other Uses	See Chs. 18.52 and 18.54

...

SECTION 15. Section 18.12.070 (Second Dwelling Units) of Chapter 18.12 (R-1 Single-Family Residential District) of Title 18 (Zoning) is repealed in its entirety and a new 18.12.070 is added to read as follows:

18.12.070 Accessory and Junior Accessory Dwelling Units

Accessory Dwelling Units and Junior Accessory Dwelling Units are subject to the regulations set forth in Section 18.42.040.

SECTION 16. Section 18.12.090(b)(2) is amended to read as follows:

...

(2) basement area is deemed to be habitable space but the finished level of the first floor is no more than three feet above the grade around the perimeter of the building foundation.

~~Basement space used as a second dwelling unit or portion thereof shall be counted as floor area for the purpose of calculating the maximum size of the unit (but may be excluded from calculations of floor area for the total site). This provision is intended to assure that second units are subordinate in size to the main dwelling and to preclude the development of duplex zoning on the site.~~

...

SECTION 17. Section 18.12.150(d) (Existing Second Dwelling Units on Substandard Size Lots) is deleted in its entirety and reserved for future use.

...

SECTION 18. Section 18.28.040, Table 1, is amended as follows:

**Table 1
Land Uses**

	PF	OS	AC	Subject to Regulations in Chapter:
ACCESSORY AND SUPPORT USES				
Accessory facilities and accessory uses		P		Chs. 18.40 and 18.42
Eating and drinking services in conjunction with a permitted use	CUP ⁽¹⁾			
Retail services as an accessory use to the administrative offices of a non-profit organization, provided that such retail services do not exceed 25% of the gross floor area of the combined administrative office services and retail service uses	CUP ⁽¹⁾			
Retail services in conjunction with a permitted use	CUP ⁽¹⁾			

Sale of agricultural products produced on the premises; provided, that no permanent commercial structure for the sale or processing of agricultural products shall be permitted.			P	
Second <u>Accessory</u> dwelling units, subject to regulations in Section 18.28.070 <u>18.42.040</u>		p ⁽²⁾		18.28.070 18.42.040
<u>Junior Accessory Dwelling Unit</u>		p ⁽²⁾		<u>18.42.040</u>
AGRICULTURAL AND OPEN SPACE USES				
Agricultural Uses, including animal husbandry, crops, dairying, horticulture, nurseries, livestock farming, tree farming, viticulture, and similar uses not inconsistent with the intent and purpose of this chapter		P	P	
Botanical conservatories, outdoor nature laboratories, and similar facilities		P		
Native wildlife sanctuaries		P		
Park uses and uses incidental to park operation	P			
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES				
Business or trade schools	CUP ⁽¹⁾			
Churches and religious institutions	CUP ⁽¹⁾			
Educational, charitable, research, and philanthropic institutions		CUP		
Private educational facilities	CUP ⁽¹⁾			
Public or private colleges and universities and facilities appurtenant thereto	CUP			
Special education classes	CUP ⁽¹⁾			
OFFICE USES				
Administrative office services for non-profit organizations	CUP ⁽¹⁾			
OTHER USES				
Other uses which, in the opinion of the director, are similar to those listed as permitted or conditionally permitted uses	CUP ⁽¹⁾			
PUBLIC/QUASI-PUBLIC FACILITY USES				
All facilities owned or leased, and operated or used, by the City of Palo Alto, the County of Santa Clara, the State of California, the government of the United States, the Palo Alto Unified School District, or any other governmental agency	P			
Communication Facilities		CUP		
Community Centers	CUP ⁽¹⁾			
Utility Facilities	CUP	CUP	CUP	
RECREATIONAL USES				
Neighborhood recreation centers	CUP ⁽¹⁾			

Not Yet Approved

Outdoor recreation services	CUP ⁽¹⁾		CUP	
Recreational uses including riding academies, clubs, stables, country clubs, and golf courses		CUP		
Youth clubs	CUP ⁽¹⁾			
RESIDENTIAL USES				
Single-family dwellings		P		
Manufactured housing (including mobile homes on permanent foundations)		P		18.40.
Guest ranches		CUP		
Residential care facilities, when utilizing existing structures on the site	CUP ⁽¹⁾			
Residential Care Homes		P		
Residential use, and accessory buildings and uses customarily incidental to permitted dwellings; provided, however, that such permitted dwellings shall be for the exclusive use of the owner or owners, or lessee or lessor of land upon which the permitted agricultural use is conducted, and the residence of other members of the same family and bona fide employees of the aforementioned			P	
SERVICE USES				
Animal care, including boarding and kennels		CUP	CUP	
Cemeteries			CUP	
Cemeteries, not including mausolea, crematoria, or columbaria		CUP		
Small day care homes		P		
Large day care homes		CUP		
Day care centers	CUP (1)			
Art, dance, gymnastic, exercise or music studios or	CUP (1)			
Medical Services:				
Hospitals	CUP			
Outpatient medical facilities with associated medical research	CUP			
TEMPORARY USES				
Temporary parking facilities, provided that such facilities	CUP (1)			
TRANSPORTATION USES				
Airports and airport-related uses	CUP (1)			

...

(2) An accessory dwelling unit or a Junior Accessory Dwelling Unit associated with a single-family residence on a lot in the OS District is permitted, subject to the provisions of Section 18.42.040, and such that no more than two total units result on the lot.

SECTION 19. Section 18.28.070(a) (Second Dwelling Units) is amended as follows:

18.28.070 Additional OS District Regulations

The following additional regulations shall apply in the OS district:

(a) ~~Second~~ Accessory Dwelling Units and Junior Accessory Dwelling Units

Accessory Dwelling Units and Junior Accessory Dwelling Units are subject to the regulations set forth in Section 18.42.040.

~~Not more than one attached or detached second dwelling units shall be allowed on a lot in the OS district, and shall be subject to the following regulations:~~

~~———— (1) Second dwelling shall only be permitted on sites with a minimum site area of 10 acres;~~

~~———— (2) Attached second dwelling units shall comply with the OS district height limitation of 25 feet;~~

~~and~~

~~———— (3) Second dwelling units shall follow the standards set forth in the Residential Estate (R-E) District for second dwelling units (18.10.070(b)), with the exceptions outlined in subsections 1 and 2 above.~~

...

SECTION 20. Section 18.42.040 (Accessory and Junior Dwelling Units) is added as follows:

18.42.040 Accessory and Junior Dwelling Units

The following regulations apply to zoning districts where accessory dwelling 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 residence on the site and with other structures in the area.

2. Minimum Lot Sizes

(i) In the R-1 district and all R-1 subdistricts, RE district, R-2 district, and RMD district, the minimum lot size for the development of an accessory dwelling unit is 5,000 square feet.

(ii) In the OS District, the minimum lot size for the development of an accessory dwelling unit is 10 acres.

3. Setbacks and Daylight Plane

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

(ii) Notwithstanding section (i) above, no setback shall be required for an existing garage that is converted to an accessory dwelling unit, except as provided in subsection (a)(5) below.

(iii) In districts permitting second story accessory dwelling units, a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit constructed above a garage.

4. Lot Coverage/FAR

(i) An accessory dwelling unit shall be included in the lot coverage and FAR requirements applicable to the parcel.

(ii) Exceptions:

a. Lot Coverage. When the development of an accessory dwelling unit on a parcel with an existing single family residence 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, 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.

b. Basement FAR. 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

c. FAR. When the development of a new one-story accessory dwelling unit on a parcel with an existing single family residence would result in the parcel exceeding the maximum floor area, an additional 175 square feet of floor area above the maximum amount of floor area otherwise permitted by the underlying zoning district shall be allowed. This additional area shall be permitted only to accommodate the development of the accessory dwelling unit.

5. Conversion of Space in Existing Single Family Residence or Existing Accessory Structure

Notwithstanding the provisions of subsections (a)(2), (a)(3), (a)(4), (a)(7) and (a)(8), in the R-1 district and all R-1 subdistricts and RE district only, an Accessory Dwelling Unit shall be permitted if the unit 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 side and rear setbacks are sufficient for fire safety, and if the accessory dwelling unit conforms with the following:

a. For the purposes of this section, 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.

b. Notwithstanding the allowance in this section, only one accessory dwelling unit or junior accessory dwelling unit may be located on any lot subject to this section.

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

d. The accessory dwelling unit shall comply with the provisions of subsections (a)(6), (a)(9), and (a)(10).

6. Privacy

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.

7. Additional Development Standards for Attached Accessory Dwelling Units

(i) Attached accessory dwelling units are those attached to the main dwelling. All attached accessory dwelling units shall be subject to the additional development requirements specified below.

(ii) Attached unit size counts toward the calculation of maximum house size.

(iii) Unit Size: The maximum size of an attached accessory dwelling unit living area shall not exceed 600 square feet and shall not exceed 50% of the existing living area of the primary existing 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. Any basement space used as an accessory dwelling unit or portion thereof shall be counted as floor area for the purpose of calculating the maximum size of the accessory unit.

(iv) Maximum height (including property in a special flood hazard zone): One story and 17 feet. However, in the RE District attached Accessory Dwelling Units may be two stories and 30 feet. In the OS zone, attached Accessory Dwelling Units may be two stories and 25 feet.

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

(vi) 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.

(vii) 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.

8. Additional Development Standards for Detached Accessory Dwelling Units

(i) Detached accessory dwelling units are those detached from the main dwelling. All detached accessory dwelling units shall be subject to the additional development standards specified below.

(ii) The maximum size of the detached accessory dwelling unit living area shall be 900 square feet.

a. 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.

b. Any basement space used as an accessory dwelling unit or portion thereof shall be counted as floor area for the purpose of calculating the maximum size of the accessory unit.

(iii) Maximum height (including property in a special flood hazard zone): one story and 17 feet.

(iv) Setbacks: notwithstanding section (a)(3)(i), 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 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.

(v) 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.

(vi) There shall be no windows, doors, mechanical equipment, or venting or exhaust systems located within six feet of a property line.

9. Additional Requirements for All Accessory Dwelling Units

(i) Sale of Units: The Accessory dwelling unit shall not be sold separately from the primary residence.

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

(iii) Number of Units Allowed: Only one accessory dwelling unit or junior accessory dwelling unit may be located on any residentially zoned lot.

(iv) 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.

(v) Occupancy: The owner of a parcel proposed for accessory dwelling use shall occupy as a principal 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 sub-leasing the primary dwelling or the accessory dwelling.

(vi) 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)(9)(v) 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.

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

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

(ix) 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, from the street, of a lot division or two-family use.

(x) 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.

(xi) 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.

(xii) 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.

10. Parking

(i) No additional parking shall be required for accessory dwelling units.

(ii) 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, including, but not limited to, within the front setback if on an existing driveway, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. All new parking structures shall comply with development standards of the underlying zoning.

(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:

(i) Number of Units Allowed: 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.

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

(iii) Lot Coverage/FAR:

a. A junior accessory dwelling unit shall be included in the calculation of lot coverage and FAR applicable to the property.

b. A lot 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. This additional area shall be permitted to accommodate the junior accessory dwelling unit.

(iv) Owner Occupancy: The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a principal 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.

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

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

(vii) 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 conversion of an existing bedroom.

(viii) 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.

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

- a. A sink with a maximum waste line diameter of one-and-a-half (1.5) inches,
- b. A cooking facility or appliance which does not require electrical service greater than one hundred and twenty (120) volts, or natural or propane gas, and
- c. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(x) Parking. No additional parking is required beyond that required at the time the existing primary dwelling was constructed.

(xi) 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.

(xii) 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)(iv) 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 21. Section 18.52.040 (6)(c) Table 1, is amended as follows:

**Table 1
Minimum Off-Street Parking Requirements**

Use	Vehicle Parking Requirement (# of spaces)	Bicycle Parking Requirement	
		Spaces	Class ¹ Long Term (LT) and Short Term (ST)
RESIDENTIAL USES			
Single -Family Residential (Primary Unit)	Tandem Parking Allowed		
(a) In the OS district	4 spaces, of which at least one space must be covered	None	
(b) In all other districts	2 spaces, of which at least one space must be covered		

Not Yet Approved

<p>(c) Underground parking for single family uses is prohibited, except pursuant to a variance granted in accordance with the provisions of Chapter 18.76 (Permits and Approvals) of this title, in which case the area of the underground garage shall be counted toward the gross floor area.</p>			
<p><u>Second-Accessory Dwelling Unit</u> <i>(In addition to main dwelling unit requirements)</i> _____ >450 sf in size _____ <450 sf in size</p>	<p>2 spaces, of which at least one must be covered</p> <p>1 space, covered or uncovered</p> <p><u>No parking required</u></p>	None	
<p><u>Junior Accessory Dwelling Units</u></p>	<p><u>No parking required</u></p>	<p><u>None</u></p>	
<p>Two-Family Residential (R-2 & RMD Districts)</p>	<p>1.5 spaces per unit, of which at least one space per unit must be covered</p> <p>Tandem Parking Allowed, with one tandem space per unit, associated directly with another parking space for the same unit</p>	1 space per Unit	100% – LT
<p>Multiple -Family Residential</p>	<p>1.25 per studio unit 1.5 per 1-bedroom unit 2 per 2-bedroom or larger unit At least one space per unit must be covered</p> <p>Tandem parking allowed for any unit requiring two spaces (one tandem space per unit, associated directly with another parking space for the same unit, up to a maximum of 25% of total required spaces for any project with more than four (4) units)</p>	1 per unit	100% – LT

(a) Guest Parking	For projects exceeding 3 units; 1 space plus 10% of total number of units, provided that if more than one space per unit is assigned or secured parking, then guest spaces equal to 33% of all units is required.	1 space for each 10 units	100% – ST
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SECTION 22. In Section 18.76.020 (D), substitute the term “accessory dwelling unit(s)” for “second dwelling unit(s)”.

SECTION 23. 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 24. 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 25. The Council finds that the adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to Public Resources Code section 21080.17 (Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units) and CEQA Guideline sections 15061(b) and 15301, 15303 and 15305 because it simply provides a comprehensive permitting scheme for accessory dwelling units whose construction is exempt from CEQA.

SECTION 26. This ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Senior Asst. City Attorney

City Manager

Director of Planning & Community
Environment



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
April 17, 2017

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:00 P.M.

Present: DuBois, Filseth arrived at 5:05 P.M., Fine, Holman, Kniss, Kou, Scharff, Tanaka, Wolbach

Absent:

Action Items

8A. (Former Agenda Item Number 4) **FIRST READING:** Adoption of an Ordinance Amending Chapter 18 (Zoning) to Implement a new State Law Related to Accessory Dwelling Units and Junior Dwelling Units and to Reorganize and Update the City's Existing Regulations. The Ordinance is Exempt From the California Environmental Quality Act (CEQA) per Public Resource Code Section 21080.17 and CEQA Guideline Sections 15061(b), 15301, 15303 and 15305 and was Recommended for Approval by the Planning and Transportation Commission on November 30, 2016. (**FIRST READING:** March 7, 2017 **PASSED:** 6-2-1 DuBois, Holman no, Kou abstain).

Council took a break from 9:54 P.M. to 10:06 P.M.

MOTION: Council Member DuBois moved, seconded by Council Member Holman to:

- A. Adopt an Ordinance amending Palo Alto Municipal Code provisions regarding Accessory Dwelling Units as recommended by Staff on March 7, 2017; and
- B. Refer Council directed amendments to the Planning and Transportation Commission and Staff for analysis and return to Council as soon as possible; and
- C. Find the Ordinance exempt from review under the California Environmental Quality Act.

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SUBSTITUTE MOTION: Mayor Scharff moved, seconded by Vice Mayor Kniss to:

- A. Adopt an Ordinance amending Palo Alto Municipal Code provisions regarding Accessory Dwelling Units (ADUs); and
- B. Find the Ordinance exempt from review under the California Environmental Quality Act.

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Substitute Motion, "direct Staff to report back to Council on a quarterly basis." (New Part B)

AMENDMENT TO THE SUBSTITUTE MOTION: Council Member DuBois moved, seconded by Council Member Kou to add to the Motion, "limit ADUs to lot sizes of 6,000 square feet or more."

AMENDMENT TO THE SUBSTITUTE MOTION RESTATED AND INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Substitute Motion, "limit ADUs to lot sizes of 5,000 square feet or more." (New Part A.i.)

AMENDMENT TO THE SUBSTITUTE MOTION: Council Member DuBois moved, seconded by Council Member Holman to add to the Motion, "restore Ordinance language pertaining to doorway orientation."

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "limit parking permits in Residential Preferential Parking (RPP) districts by lot." (New Part A.ii.)

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "allow two story ADUs in the Residential Estate (R-E) District using existing." (New Part A.iii.)

AMENDMENT2 TO THE SUBSTITUTE MOTION: Council Member DuBois moved, seconded by Vice Mayor Kniss to add to the Motion, "direct Staff to return with potential Eichler design guidelines relating to ADUs."

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Substitute

DRAFT ACTION MINUTES

Motion, "clarify that the additional Floor Area Ratio (FAR) should be used within the ADU, not the primary dwelling unit." (New Part A.iv.)

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part A.ii., "direct Staff to explore options to" before "limit parking permits."

AMENDMENT TO THE SUBSTITUTE MOTION RESTATED: Council Member DuBois moved, seconded by Council Member Holman to add to the Motion, "restore Ordinance language pertaining to doorway orientation." (New Part A.v.)

AMENDMENT TO THE SUBSTITUTE MOTION PASSED: 6-3 Fine, Tanaka, Wolbach no

INCORPORATED INTO AMENDMENT2 TO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to Amendment2 to the Substitute Motion, "including lower height limits" after "relating to ADUs."

AMENDMENT2 TO THE SUBSTITUTE MOTION AS AMENDED RESTATED: Council Member DuBois moved, seconded by Vice Mayor Kniss to add to the Motion, "direct Staff to return with potential Eichler design guidelines relating to ADUs, including lower height limits." (New Part A.vi.)

AMENDMENT2 TO THE SUBSTITUTE MOTION AS AMENDED PASSED: 9-0

AMENDMENT TO THE SUBSTITUTE MOTION: Council Member Kou moved, seconded by Council Member Filseth to add to the Motion, "restore parking restrictions to the March 7, 2017 Staff recommendation."

AMENDMENT TO THE SUBSTITUTE MOTION FAILED: 4-5 DuBois, Filseth, Holman, Kou yes

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Substitute Motion, "remove Lot Coverage requirements for new ADUs on properties that are no smaller than 10 percent smaller than standard lot sizes including those which are standard or larger." (New Part A.vii.)

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the end of Motion Part A.i., "ADU conversions and Junior Accessory Dwelling Units (JADUs) would be exempt from this requirement."

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AMENDMENT TO THE SUBSTITUTE MOTION: Council Member Filseth moved, seconded by Council Member Holman to add to the Substitute Motion, "add to Municipal Code Section 18.42.040(a)8.(iv), 'Design: The detached accessory dwelling unit shall be similar to the main residence with respect to style, roof pitch, color and materials.'"

AMENDMENT TO THE SUBSTITUTE MOTION FAILED: 4-5 DuBois, Filseth, Holman, Kou yes

AMENDMENT TO THE SUBSTITUTE MOTION: Council Member Fine moved, seconded by Council Member XX to add to the Substitute Motion, "replace in Municipal Code Section 18.42.040(a)8.(iv), 'daylight planes beginning at a height of eight feet (8\'' with 'daylight planes beginning at a height of ten feet (10\''."

AMENDMENT TO THE SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

AMENDMENT TO THE SUBSTITUTE MOTION: Council Member Fine moved, seconded by Council Member XX to add to the Substitute Motion, "update Municipal Code Section 18.42.040(a)8.(vi) to allow windows within six feet of a property line that do not face a side property."

AMENDMENT TO THE SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

AMENDMENT: Council Member Fine moved, seconded by Council Member XX to add to the Motion, "update Municipal Code Section 18.42.040(a)7.iv. to allow 2-story ADUs if attached."

AMENDMENT TO THE SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Substitute Motion, "direct the Planning and Transportation Commission to conduct a Study Session within six months of the implementation of this Ordinance to analyze the results of this Ordinance." (New Part C)

SUBSTITUTE MOTION AS AMENDED RESTATED: Mayor Scharff moved, seconded by Vice Mayor Kniss to:

- A. Adopt an Ordinance amending Palo Alto Municipal Code provisions regarding Accessory Dwelling Units (ADUs) including the following changes; and

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- i. Limit ADUs to lot sizes of 5,000 square feet or more; ADU conversions and Junior Accessory Dwelling Units (JADUs) would be exempt from this requirement; and
 - ii. Direct Staff to explore options to limit parking permits in Residential Preferential Parking (RPP) districts by lot; and
 - iii. Allow two story ADUs in the Residential Estate (R-E) District using existing setbacks; and
 - iv. Clarify that the additional Floor Area Ratio (FAR) should be used within the ADU, not the primary dwelling unit; and
 - v. Restore Ordinance language pertaining to doorway orientation; and
 - vi. Direct Staff to return with potential Eichler design guidelines relating to ADUs, including lower height limits; and
 - vii. Remove Lot Coverage requirements for new ADUs on properties that are no smaller than 10 percent smaller than standard lot sizes including those which are standard or larger; and
- B. Direct Staff to report back to Council on a quarterly basis; and
- C. Direct the Planning and Transportation Commission to conduct a Study Session within six months of the implementation of this Ordinance to analyze the results of this Ordinance; and
- D. Find the Ordinance exempt from review under the California Environmental Quality Act.

SUBSTITUTE MOTION AS AMENDED PASSED: 7-2 Holman, Kou no

Adjournment: The meeting was adjourned at 12:59 A.M.

Carnahan, David

From: Margaret Allen <margaret.e.allen@gmail.com>
Sent: Sunday, April 23, 2017 4:29 PM
To: Council, City
Subject: Accessory Dwelling Units

Dear Palo Alto City Council Members,

I would be very grateful if you would reconsider the 5000 sf minimum lot size for accessory dwelling units, and instead require what was agreed upon March 7th.

I can't help but wonder how the size limit was arrived at. Could you reassure me that this isn't simply an arbitrary figure?

Do you think it is possible that this discriminates against those of us who have smaller lots? Palo Alto used to have an emphasis on enabling older residents to be able to "age in place". This is a worthy philosophy, but it now seems that people like myself, with smaller lots, may be denied the privilege of having an ADU for either themselves or their care givers at some time in the future.

In addition to helping residents with the ever-rising cost of living in our homes, Increasing the housing possibilities in Palo Alto would reduce commuter traffic, relieve the stress of driving long distances to work in this area, and ensure a vibrant diverse mix of people living here.

Please reconsider this decision.

I look forward to hearing back from you.

With best wishes,

Margaret Allen

Carnahan, David

From: Jeffrey Lipkin <repjal@att.net>
Sent: Friday, April 21, 2017 12:09 PM
To: Lydia Kou; Council, City
Subject: Housing and Accessory Dwelling Units (ADUs)

The Council has once again failed to deal with the housing situation in a way that protects the average citizen and makes a real positive difference in solving the housing problem.

As I indicated in my earlier emails, there are two logical places for development of more than token housing - 1. the airport or golf course, and 2. along El Camino (look at what Mountain View has accomplished in this regard).

First, solicit development proposals for the lands that are now a city airport and a city golf course, both underutilized, economically marginal, and playthings. Do this solicitation without any obligation to make an award and without preconditions in order to see what constructive thinking lies outside the council's walls.

Second, rezone all the land along El Camino and back for 100 yards in order to encourage multi-story, multi-family housing with retail inserts.

Jeff Lipkin

Begin forwarded message:

From: Jeffrey Lipkin <repjal@att.net>
Subject: Housing
Date: November 28, 2016 at 10:55:28 AM PST
To: city.council@cityofpaloalto.org, Lydia Kou <lydiakou@lydiakou.emailnb.com>

Maybe with the recent change in council membership you can reconsider why the city needs a city golf course and a city airport when there are serious unmet housing needs.

Why not get a competent developer to see if he or she can make use of this land.

Jeff Lipkin

Begin forwarded message:

From: repjal@att.net

Subject: Re: Housing

Date: August 28, 2016 at 1:10:39 PM PDT

To: Eric Filseth <efilseth@gmail.com>

It's not so hard - include flood control like the Dutch in the former RFQ. In the latter require proof of status. Simple and easy

Sent from my iPhone

On Aug 28, 2016, at 1:06 PM, Eric Filseth <efilseth@gmail.com> wrote:

Not sure about the golf course and airport, which may be under water in a few decades. But El Camino seems generally right; good access to jobs in the Research Park and elsewhere.

One challenge is how do you make sure it actually goes to those groups, vs getting bid out of range by professionals (such as the Facebook expansion in MP which will add over 6,000 tech jobs, with housing for only a fraction). But solve that one and there's potentially a real policy.

Eric

PS - firefighters a special case: because of work rules (few days on, few days off) most of them prefer to live out of town where they can buy a big spread, and just come in once a week. But that's unique to them.

-----Original Message-----

From: Jeffrey Lipkin [mailto:repjal@att.net]

Sent: Sunday, August 28, 2016 12:30 PM

To: city.council@cityofpaloalto.org

Subject: Housing

If this city is serious about encouraging low rent housing for elderly, civil servants, police, firemen, teachers, and poor, it should consider two modest proposals:

First, solicit development proposals for the lands that are now a city airport and a city golf course, both underutilized, economically marginal, and playthings. Do this solicitation without any obligation to make an award and without preconditions in order to see what constructive thinking lies outside the council's walls.

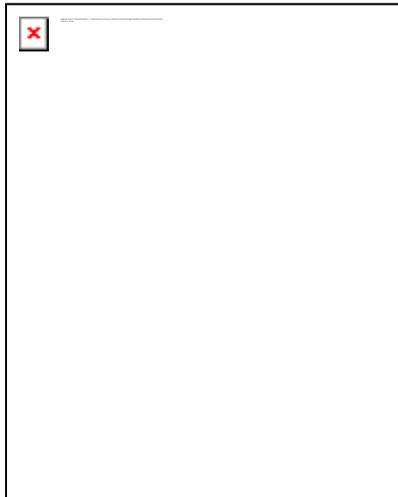
Second, rezone all the land along El Camino and back for 100

yards in order to encourage multi-story, multi-family housing with retail inserts.

On Apr 21, 2017, at 2:23 AM, Lydia Kou <lydiakou@lydiakou.emailnb.com> wrote:



If you have trouble reading this email, click [here](#) to read it in your browser



Dear Residents,

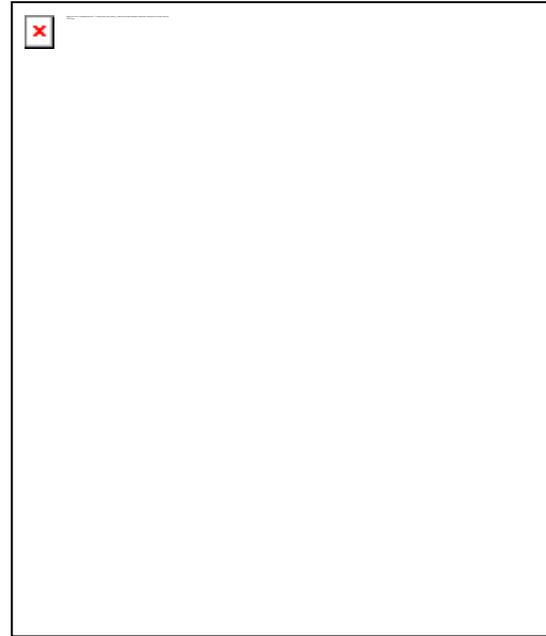
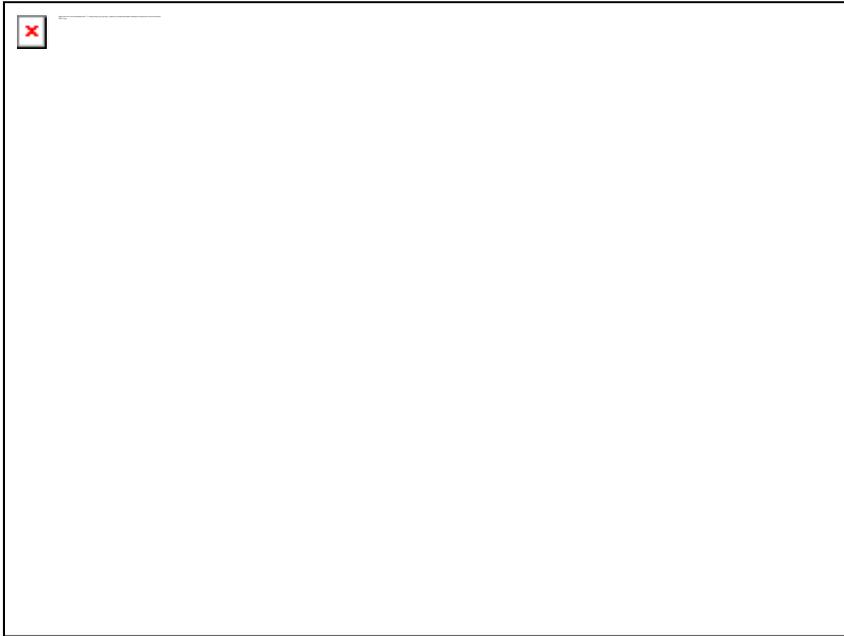
While State law again has made a blanket law allowing ADUs in municipalities without review or study as to the within a neighborhood, parking space availability in neighborhoods, short term rentals, use of the owner for their

I do want to point out that the majority on Council went beyond what State law mandated without any consideration of the sanctity of neighborhoods. Parking is a tremendous issue, with our narrow neighborhood streets, the Safe Routes of Palo Alto's complete and Safe Routes to School streets.

Many concerned citizens mentioned that these new policies promoting growth will be a cause for neighbor with noise, or loss of privacy, etc., yet Mayor Scharff, Vice-Mayor Kniss, Council Members Wolbach, Fine and Tana March 7th recommendation. The Mayor's message and the news media mentions that there was a "compromise." 5,000 sf and re-orienting the ADU door to the side.

Of particular concern are the already heavily impacted areas in which newly built ADUs and JADUs are allowed parking regulations within 0.5 or 0.75 miles from public transportation as show in the diagrams. *However, the C*

Red circle shows area within 0.75 miles of a Caltrain. Green circle shows area within 0.50 miles of public transit



The following chart shows:

1. Current ordinance,
2. State Law,
3. Staff proposed changes in the Staff Report on March 7th,
4. Expanded version passed by the Council on March 7th and
5. Ordinance passed on April 17th.

<p><u>Development Standards</u></p>	<p><u>Current Ordinance (R-1 Standards)*</u></p>	<p><u>State Law Restrictions January 1, 2017</u></p>	
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<p><u>Setbacks</u></p>	<ul style="list-style-type: none"> • Side: 6-ft • Back: 20-ft • 12 feet separation buffer between existing single family home and detached ADU. 	<p>Not stated, Local government may establish for detached ADUs</p> <ul style="list-style-type: none"> • No setbacks required for existing garage converted to an ADU but only apply if existing garage is not needed as required parking for principal dwelling. • Permits construction of an above garage ADU with a maximum side and rear property setback of 5ft. 	<p>No Change Ordinary</p> <ul style="list-style-type: none"> • •
<p><u>Parking</u></p>	<ul style="list-style-type: none"> • 2 parking spaces, /1 covered • Cannot be in front setback 	<ul style="list-style-type: none"> • Not to exceed 1 per unit or per bedroom • May be located in setbacks or tandem, unless special findings • No parking required: <ul style="list-style-type: none"> ○ if ADU is within half mile from public transit ○ Is within an architecturally and historically significant historic district ○ Is part of an existing primary residence or an existing accessory structure. ○ Is in an area where on-street parking permits are required, but not offered to the occupant of the ADU. ○ Is located within one block of a car share area. 	<p>Same as</p> <ul style="list-style-type: none"> •

<p><u>Minimum lot size / Lot Coverage</u></p>	<ul style="list-style-type: none"> • 35% greater than minimum lot size for R-1 lots 	<p>Local government may establish minimum and maximum unit sizes</p>	<p>No Char ordinar</p>
<p><u>ADU Height</u></p>	<ul style="list-style-type: none"> • R-1 zones have height restriction of 17th for both attached and detached ADUS and 1-story. 	<p>Not stated, local government may establish</p>	<ul style="list-style-type: none"> •
<p><u>Smoke Detectors / Carbon Monoxide Detectors</u></p>	<p>Federal and State Law apply.</p>	<p>No fire sprinklers shall not be required if they are not required in the primary residence.</p>	<p>Federa and Ca</p>
<p><u>Fees</u></p>		<p>All impact fees, including water, sewer, park and traffic fees must be charged in accordance with the Fee Mitigation Act,</p>	<ul style="list-style-type: none"> • • •

<u>Other Give-Aways</u>		<ul style="list-style-type: none">• Ministerial approval of ADUs if unit complies with certain parking requirements, the maximum allowable size of attached ADU and setback requirements.• The single-family residence in which the JADU is created or JADU must be occupied by the owner of the residence• The owner must record a deed restriction stating that the JADU cannot be sold separately from the single family residence and restricting the JADU to the size limitations and other requirements of the JADU ordinance.• For ADUs that require an addition or a new accessory structure, development standards such as parking, height, lot coverage, lot size and maximum unit size can be established with certain limitations.	<ul style="list-style-type: none">••••
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For more information, check out Doug Moran's blog <http://www.paloaltoonline.com/blogs/p/2017/03/04/rp>

Lydia Kou

<http://www.lydiakou.com/>

Vote for Lydia Kou · 708 Matadero Ave, Palo Alto, CA 94306, United States

This email was sent to repjal@att.net. To stop receiving emails, [click here](#).

You can also keep up with Lydia Kou on [Twitter](#) or [Facebook](#).

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Carnahan, David

From: Emer Martin <alyekrvwehduakz@ujoin.co>
Sent: Thursday, April 20, 2017 1:25 PM
To: Council, City
Subject: Support Mar 6 Direction for ADUs!

From: martin_emer@hotmail.com <Emer Martin>

Message:

Dear Mayor Scharff, Vice-Mayor Kniss and City Council Members,

I would like to write in support of the ADU Ordinance motion as voted on and approved on Mar 6, 2017. Please do not pull this from the consent calendar on Monday April 17, 2017. Housing is a basic need. Finding ways to expand housing options (like ADUs and JADUs) for our community members is an economic, environmental, social justice and humanitarian issue. ADU's/granny units/secondary dwellings are something that can help our entire community. Through this ordinance, we can help homeowners, our aging community, young millenials starting out, and even families who rent, to find a feasible and timely housing solution that can make a meaningful difference in our community, all with one small policy/ordinance change. Above all, it enables us to continue nurturing the vibrant and diverse community already here in the city we call home, Palo Alto.

In particular, I support the following motions made on March 6, 2017:

- a. Require no more than 6-ft side and rear setback for ADUs;
- b. Allow ADUs on all residential lot sizes;
- c. Allow an additional 175 sq-ft of FAR for an ADU, but not for a two-story ADU;
- d. Allow an additional 50 sq-ft of FAR for a JADU;
- e. Increase the maximum size of attached ADUs to 600 sq-ft;
- f. Remove Lot Coverage requirements for ADUs on properties that are no smaller than 10% smaller than standard lot sizes;
- g. Limit ADUs to 17-ft high and single-story in Single Story Overlay (SSO) neighborhoods, even if the main house is a grandfathered 2-story house;
- h. Remove design review and requirements;
- i. Remove door orientation requirements for ADUs;
- j. ADUs to have the same parking requirements as JADUs; and
- k. Remove requirements for covered parking on properties with an ADU or JADU; and
- l. Allow required replacement parking on an existing driveway within the front setback

Sincerley

Emer Martin

palo alto

California

Carnahan, David

From: Steven Baker <iioigtobuesnxybj@ujoin.co>
Sent: Saturday, April 22, 2017 11:53 AM
To: Council, City
Subject: Support Mar 6 Direction for ADUs!

From: steven.baker@gmail.com <Steven Baker>

Message:

I am personally planning on building an ADU and using it to rent to college students but also let my mother retire in place or stay in the ADU.

Dear Mayor Scharff, Vice-Mayor Kniss and City Council Members,

I would like to write in support of the ADU Ordinance motion as voted on and approved on Mar 6, 2017. Please do not pull this from the consent calendar on Monday April 17, 2017. Housing is a basic need. Finding ways to expand housing options (like ADUs and JADUs) for our community members is an economic, environmental, social justice and humanitarian issue. ADU's/granny units/secondary dwellings are something that can help our entire community. Through this ordinance, we can help homeowners, our aging community, young millenials starting out, and even families who rent, to find a feasible and timely housing solution that can make a meaningful difference in our community, all with one small policy/ordinance change. Above all, it enables us to continue nurturing the vibrant and diverse community already here in the city we call home, Palo Alto.

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- j. ADUs to have the same parking requirements as JADUs; and
- k. Remove requirements for covered parking on properties with an ADU or JADU; and
- l. Allow required replacement parking on an existing driveway within the front setback

Sincerley

Steven Baker

PALO ALTO

California

Carnahan, David

From: Linnea Wickstrom <ljwickstrom@comcast.net>
Sent: Monday, April 24, 2017 6:34 PM
To: Council, City
Subject: Thank you

Honorable Mayor Scharff, Vice Mayor Kniss, and members of the City Council,

This is just a delayed thank you for hearing out all 67! of us at the April 17th Council meeting on ADUs. I admire the effort, time, and thought you put into working for the community.

With appreciation,
Linnea Wickstrom
Monroe Park
Palo Alto