

Urgency Ordinance

A


ACCESSORY

D

DWELLING

U

UNITS



An ADU is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons on the same parcel as a primary dwelling.

Background: ADU Ordinances Over Time

- August 2017: Ordinance 17-03
 - Based on 2016 changes in State law
- February 2018 : Ordinance 18-02
 - Based on 2017 changes in State law
- December 2019: Urgency Ordinance 19-11
 - To address 2019 changes in state law that become effective on 1/1/20
 - Will be followed-up with a permanent ordinance

Background: 2019 Legislation

- Existing ordinances “Null and Void” on 1/1/2020 unless consistent with new state laws
- Some areas of discretion:
 - May set a maximum height of 16’ for structures up to 4’ from property line; otherwise, the standard 27’ maximum would apply
 - May set maximum size of 850-1,000 sf for attached and detached ADUs

	Existing Rules	New Rules
Max ADUs per single family lot	1.	2: 1 ADU + 1 Junior ADU (“JADU”).
JADU	N/A (these were previously an optional category).	JADUs are very small ADUs wholly within existing residence.
“Streamlined” ADUs	Only applies to ADUs wholly contained in an existing residence.	Wholly contained in existing residence (including JADU) and smaller detached ADUs.
Design Review?	Only if project will cause the total floor area to go over the maximum FAR.	Streamlined: Never. “Standard” ADUs: still be subject to max FAR trigger.
Maximum ADU size	Detached: 1,200 sf. Attached: 50% of existing home. Inside existing home: no max.	Streamlined: 800 sf max. Standard: 1-bedroom 850 sf, 2-bedroom 1,000 sf (whether or not attached). JADU: 500 sf. Inside existing home: no max.
Minimum Setbacks	As specified in the underlying zone (e.g., side setback of 10’/15’ in RL-20 and rear setback of 15’).	4’ side and rear if not over 16’ in height.

	Existing Rules	New Rules
Maximum Height	27'	27' if compliant with setbacks for underlying zone; otherwise, 16' as close as 4' to the side and rear property line.
Minimum parking	1 parking space in most cases (can be tandem). If spaces are lost to a garage conversion, replacement spaces required.	Streamlined ADUs: No requirement. Standard ADUs: 1 space in most cases. Cannot require replacement of spaces lost due to garage conversion.
Minimum size	Not specified	150 sf
STRs	Allowed in ADUs by City Ordinance.	Prohibited by State law for streamlined ADUs.
Max processing time	120 days (to issuance of building permit).	60 days.
Impact Fees	Transportation, Parks and Impervious Surface Fees apply to all ADUs.	Under 750 sf: No impact fees may be imposed. Over 750 sf: Must be proportional based on size of ADU relative to main house.
Enforcement	Per Title 19 of OMC.	Owner may request a 5-year delay. Granted if City determines enforcement is not necessary to protect health and safety.

What is a JADU?

- Located within an existing residence.
 - addition of up to 150 sf is allowed if needed to provide access.
- Maximum size of 500 sf.
- Kitchen may be 110 voltage.
 - Wet bar with a microwave would count as a “kitchen”.
- Bathroom can be internal to JADU or shared with main house.
- All JADUs fall within “streamlined” category of ADUs.

What is a Streamlined ADU?

- Any of the following qualify as streamlined:
 - JADU.
 - ADU wholly within existing residence.
 - Detached ADU under 800 sf.
- Streamlined benefits:
 - No parking space required.
 - Not subject to Design Review if new square footage exceeds max FAR for lot.
 - Not subject to some other development standards.

Key decision points for Permanent Ordinance

- Whether to apply 16' maximum height to all detached ADUs regardless of property line setback.
 - Existing max is 27' if main setbacks are met
- Whether to allow 1,200 sf detached ADUs (the current maximum).
- Whether to limit attached ADUs to up to 50% of the size of the main residence (as currently allowed).

Next Steps

- Planning Commission
 - Will make recommendations regarding permanent regulations
- City Council
 - Public Hearing and adoption of new permanent regulations

Recommendation

Staff recommends the Council adopt Urgency Ordinance 19-11 and provide direction regarding standards to include in permanent ordinance.