



Town of Atherton

Introduction of Atherton Municipal Code Amendments

Ch. 17.52 Accessory Dwelling Units

Ch. 17.60 Definitions

Public Hearing

City Council Meeting

September 16, 2020

Background

- **In October 2019 the Governor signed into law a number of bills to impose new limits to regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)**
 - Restricts what cities may require with new ADUs with the intent of easing restrictions, reducing barriers and streamlining approvals.
- **State laws became effective on January 1, 2020.**
 - If Town's Ordinance does not comply with the new ADU laws, it becomes null and void.
 - ✓ Would allow ADUs to occur under state's more permissive guidelines with regard to local law.
 - Cities more accountable to State Housing & Community Development Dept. (HCD).
 - Violations can be referred to Attorney General.
- **On August 26, 2020 Planning Commission voted 3-1 to recommend City Council reject amendments.**
 - Not in opposition with amendments as presented but opposition to this type of state mandate.

Proposed Amendments – ADU Ordinance

- Amendments proposed to meet minimum compliance with more permissive state regulations but also attempt to address local conditions to the extent legally feasible.
 - Early consultation with State HCD and City Attorney offices.

ADU Ordinance – No Changes

The following provisions are not proposed to be amended and remain the same as existing regulations.

- Location: Attached to main residence or detached, but on the same lot.
- Floor Area Maximum: Maximum of 1,200 square feet.
- Front Yard Setback: Attached – same as main residence.
Detached – 120 feet from front property line or 30 feet behind front line of main residence , which ever is less.

Proposed Amendments – ADU Ordinance

1. **Maximum # of ADUs:** All properties that allow single family residential uses shall be allowed both one ADU and one Junior Accessory Dwelling Unit (JADU).
 - *Existing:* 1 ADU/lot
2. **Replacement Unit:** Any existing legal non-conforming building can be demolished and rebuilt to same non-conforming conditions if an ADU.
 - *Existing:* Would need to be rebuilt to current regulations.
3. **Owner Occupancy:** Requires property owner to occupy main residence, ADU, or JADU but shall not be imposed for five years (until 2025).
 - *Existing:* Requires property owner occupancy at time of final approval, prior to occupancy.

Proposed Amendments – ADU Ordinance

4. **Height:** Detached ADUs may be constructed up to 16' max.
 - *Existing:* 15' height max.
5. **Parking:** 1 space per ADU unless (a) proximity to car-share (b) on-street parking permits (c) proximity to public transit (d) ADU part of existing building.
 - *Existing:* 1 space per ADU unless (c) or (d) is met.
6. **Process Timing:** 60 days to approve a complete application.
 - *Existing:* 120 days from application submittal.

Proposed Amendments – ADU Ordinance

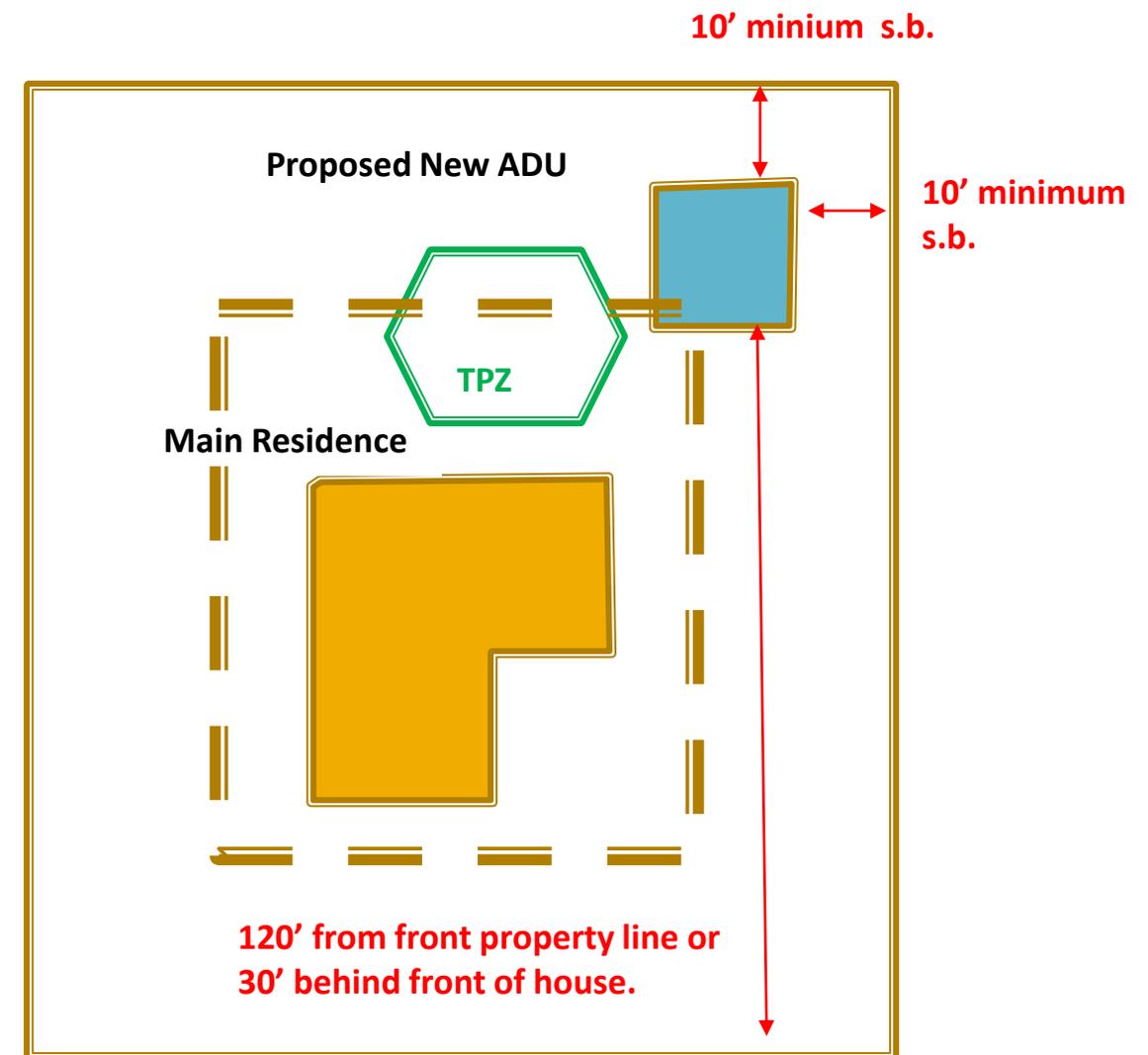
7. **Setbacks, Side & Rear:** Required setbacks reduced to 4' from side and rear property lines.
- *Existing:*
 - ❖ Attached = Same as main residence, but can encroach up to 20%.
 - ❖ Detached = In main building area, but can encroach up to 20%.
 - Heritage Tree Protection Zones (TPZs) still need to be met.
 - Staff proposes additional floor area exemption allowance to encourage larger setbacks.

Proposed Amendments – ADU Ordinance

8. **Floor Area Exemption:** Every property allowed 1 ADU up to 800 SF, regardless of floor area ratio.
- *Existing:* 1,200 SF max; exemption cannot exceed 10% of allowed floor area max.
 - Staff proposes additional floor area exemption allowance to encourage larger setbacks.
 - Staff proposing additional floor exemption if (a) detached ADU meets/exceeds minimum 10' side and rear setbacks & (b) attached ADU located in main building setbacks with 20% encroachment.
 - ❖ Setbacks - Consistent with existing ADU & Accessory Building regulations.
 - ❖ Floor Area Exemption - Consistent with existing ADU regulations.

EXAMPLE (Detached ADU)- Proposed Regulations: Larger setbacks with additional Floor Area Exemption

- Doesn't encroach into a TPZ.
- Proposes have 10' side and rear setbacks.
- Needs to be 120' from front p.l. or 30' behind front of main residence.
- Proposed new ADU allowed up to 1,200 square feet.
- 8,00 square feet is exempt **plus** and additional 400 square feet **exempt** from counting towards site's overall maximum Floor Area Threshold.



Proposed Amendments – Definition Ordinance

Amending Definitions Chapter of AMC for terms of “ADU” and “JADU” for internal consistency.

Public Comment

- Notice was posted in Almanac, at Town, and online.
- Interested parties list were notified.
- No formal comments received.

Recommendation

Introduce Municipal Code Ordinance amendments to Chapter 17.52 Accessory Dwelling Units and Chapter 17.60 Definitions.