CITY OF LOS ALAMITOS  
3191 Katella Avenue  
Los Alamitos, CA 90720

AGENDA  
PLANNING COMMISSION  
REGULAR MEETING  
Monday, February 27, 2017 – 7:00 PM

NOTICE TO THE PUBLIC
This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the Development Services Department or on the City’s website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Development Services Department, 3191 Katella Ave., Los Alamitos CA 90720, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the Development Services Department at (562) 431-3538, extension 303, 48 hours prior to the meeting so that reasonable arrangements may be made. Assisted listening devices may be obtained from the Planning Secretary at the meeting for individuals with hearing impairments.

Persons wishing to address the Planning Commission on any item on the Planning Commission Agenda shall sign in on the Oral Communications Sign In sheet which is located on the podium once the item is called by the Chairperson. At this point, you may address the Planning Commission for up to FIVE MINUTES on that particular item.

1. CALL TO ORDER

2. ROLL CALL  
Chair Mary Anne Culity  
Vice Chair Larry Andrade  
Commissioner DeBolt  
Commissioner Grose  
Commissioner Loe  
Commissioner Riley  
Commissioner Sofelkanik

3. PLEDGE OF ALLEGIANCE
4. **ORAL COMMUNICATIONS**
At this time any individual in the audience may address the Planning Commission and speak on any item within the subject matter jurisdiction of the Commission. If you wish to speak on an item listed on the agenda, please sign in on the Oral Communications Sign In sheet located on the podium. *Remarks are to be limited to not more than five minutes.*

5. **PLANNING COMMISSION REORGANIZATION**
This report provides relevant information for the Planning Commission’s annual reorganization, by the election of Chair and Vice Chair.

Recommendation: Nominate and elect the following officers:
1. Chair
2. Vice Chair

6. **APPROVAL OF MINUTES**
A. Approve the Minutes for the Regular Meeting of November 16, 2016.

7. **CONSENT CALENDAR**
None.

8. **PUBLIC HEARINGS**
A. **Four Residential Apartment Units on One Parcel**
Site Plan Review (SPR) 16-10
Consideration of a four-unit, residential apartment project in two structures at 10922 Walnut Street (APN 242-202-07) on a 7,375 square foot parcel in the Multiple Family Residential (R-3) Zoning District. The project requires a Site Plan Review (Applicants: Mike Garnica and Ron Wikstrom).

Recommendation:
1. Open the Public Hearing; and, if appropriate,
2. Determine that the proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects; and,
3. Adopt Resolution No. PC 17-01, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR) 16-10 TO DEMOLISH A SINGLE FAMILY RESIDENCE AND ALLOW CONSTRUCTION OF FOUR RESIDENTIAL APARTMENT UNITS IN TWO STRUCTURES ON ONE LOT AT 10922 WALNUT STREET, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 242-202-07, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: MIKE GARNICA AND RON WIKSTROM).”
9. STAFF REPORTS
A. Post-Construction update on the McDonald's Drive-Thru
   Post construction update of the McDonald's drive through at 3562 Katella Avenue, APN 222-019-20 (Applicant: Kevin Kasha – McDonald’s).

   Recommendation: The Business Owner of McDonald's, Kevin Kasha, will update the Commission concerning the modified drive-through post-construction.

B. Resolution of Intention 17-02
   Amending Regulations for Accessory Dwelling Units in the Residential Zones in the City to Comply with New State Legislation
   Consideration of a Resolution of Intention to amend the Los Alamitos Municipal Code to comply with new state legislation concerning Accessory Dwelling Units (ADU’s).

   Recommendation:

   1. Adopt Resolution No. 17-02 entitled, “A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF LOS ALAMITOS, CALIFORNIA, TO OPEN A DISCUSSION OF POSSIBLE MUNICIPAL CODE CHANGES CONCERNING ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES IN THE CITY TO COMPLY WITH NEW STATE LEGISLATION (CITY INITIATED).”

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

11. COMMISSIONER REPORTS

12. ADJOURNMENT

APPEAL PROCEDURES
Any final determination by the Planning Commission may be appealed to the City Council, and must be done so in writing at the Community Development Department, within twenty (20) days after the Planning Commission decision. The appeal must include a statement specifically identifying the portion(s) of the decision with which the appellant disagrees and the basis in each case for the disagreement, accompanied by an appeal fee of $1,000.00 in accordance with Los Alamitos Municipal Code Section 17.68 and Fee Resolution No. 2008-12.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the following locations: Los Alamitos City Hall, 3191 Katella Ave.; Los Alamitos Community Center, 10911 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Blvd.; not less than 72 hours prior to the meeting.

Tom Oliver
Associate Planner

Date 2/21/17

Planning Commission Meeting
February 27, 2017
Page 3 of 3
MINUTES OF PLANNING COMMISSION / SUBDIVISION COMMITTEE MEETING OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – November 16, 2016

1. CALL TO ORDER
The Planning Commission and Subdivision Committee met in Regular session at 7:02 PM Wednesday, November 16, 2016, in the Council Chamber, 3191 Katella Avenue; Chair Cuilty presiding.

2. ROLL CALL
Present: Commissioners:
   Chair Mary Anne Cuilty
   Vice Chair Larry Andrade
   Commissioner Art DeBolt
   Commissioner Wendy Grose
   Commissioner John Riley
   Commissioner Victor Sofelkanik

Absent:
   Commissioner Gary Loe

Staff:
   Development Services Director Steven Mendoza
   Associate Planner Tom Oliver
   Assistant City Attorney Lisa Kranitz
   Department Secretary Dawn Sallade
   MIG Project Manager Jose Rodriguez

3. PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was led by Chair Cuilty.

4. ORAL COMMUNICATION
Chair Cuilty opened the meeting for Oral Communication for items not on the agenda. There being no speakers, Chair Cuilty closed Oral Communication.

5. APPROVAL OF MINUTES
   A. Approve the Minutes for the Regular Meeting of October 26, 2016.
      Motion/Second: Grose/Andrade
      Carried 6/0/0 (Loe absent): The Planning Commission approved the Minutes of the Regular meeting of October 26, 2016, as written.

6. CONSENT CALENDAR
   None

7. PUBLIC HEARINGS
   A. Consideration of a 113,880-square foot Shopping Center Development Application for a Site Plan Review; Vesting Tentative Map; six Conditional use Permits for (2) Drive-Through Facilities, (3) Large Outside Seating Areas, and (1) Alcoholic Beverage Sales; a Variance for
a Freeway Pylon Sign; Planned Sign Program; and an Environmental Impact Report Addendum.
This report is for the consideration of up to a 113,880-square-foot retail shopping center proposed on 9.56 acres at 3131 Katella Avenue. The proposed project will involve the demolition of two existing office buildings, minor grading of the property site, and the construction of a shopping center consisting of seven buildings suited for major and minor retail, commercial services, and restaurant tenants. Development Services Director Steven Mendoza summarized the Staff report, referring to the information contained therein, and indicated he is prepared to answer questions from the Commission.

Chair Cuitly opened the Public hearing.

The following people spoke against the project:

- George Pardon, Cypress resident
- Douglas Smith, Rossmoor resident
- Michael Jolly, Rossmoor resident
- Dave Burgess, Rossmoor resident
- Susan Roth, Seal Beach resident but husband owns coffee shop on Katella
- John Kourey, Rossmoor resident

Issues cited by the speakers were:

- Traffic congestion
- Pylon sign is much too high and will look tacky
- Safety of the children walking to and from school
- Emissions from increased traffic and delivery trucks
- Wall height along rear property line and the fear that children will climb the wall
- Possibility that the 605 on and off ramps will be backed up due to increased traffic
- Removal of the green belt on Katella

Parke Miller, Applicant/Developer, Lincoln Properties, indicated he understands the concerns of the people that spoke and explained how the project came about. He explained that the traffic for this project will be less impactful / less intense than was previously zoned on the property.

John Bishop, JV 3-D Lighting, designing firm on signage, went over the challenges were with regard to the freeway. The pylon sign has a self dimming feature and at night will dim so as not to impact the surrounding houses. He said the sign will not be cheesy but will be very tasteful.
Richard Baretto, Traffic Engineer for the project, went over the traffic issues in detail.

Commissioner Grose asked for clarification of the removal of the green belt.

Mr. Mendoza explained that this project will not change the green belt at all.

Mr. Baretto explained that with regard to peak hours, an office building’s peak hours are in the AM and then again at around 5:00 PM as opposed to a shopping center where the peak times are spread out throughout the day.

Commissioner DeBolt inquired as to the issue of children crossing the street as they go to Oak Middle School, etc.

Mr. Baretto indicated there will be no change on Katella Ave. with regards to the school children when the project goes in.

Mr. Mendoza explained that a bridge over Katella Ave. is Staff’s dream project and Associate Planner Oliver continues to file for grants to make this happen without success but he will continue to try.

Vice Chair Andrade spoke about the entrance to the 605 and felt that eliminating the second lane (as a car pool lane) would help traffic immensely.

Mr. Mendoza indicated that Caltrans is currently conducting a study of the area but they indicated it would probably be 10 years down the road before any construction can begin. Caltrans will be giving a presentation in January to the City Council and will give them an update.

Chair Culity thought perhaps a “Keep Clear” road sign could be painted on Katella Avenue at the western exit of the shopping center.

Vice Chair Andrade inquired as to the parking arrangement for the City to park in the shopping center parking lot.

Mr. Mendoza explained that Condition #11 is to be changed to read “reciprocal” instead of “shared” so that there is no turf war with the parking and City employees can park at the center and the people at the center can park at the City.

Commissioner Grose suggested that since there will be an issue with parents dropping off their children for school and using the shopping center to do this, the applicant should work with the City and the school district and resolve this via communication.
Commissioner DeBolt suggested that either the Chair or Vice Chair attend the presentation in January at the Council meeting to express concerns of the Planning Commission.

Bill Halligan, CEQA Consultant from PlaceWorks and author of the Addendum, spoke to the concerns of delivery truck emissions and indicated the emissions coming from the 605 are much worse. Spoke about the number of trucks that will be delivering to the shopping center.

There being no further speakers, Chair Cuilty closed the item for public comment and brought it back to the Commission for their comments and action.

Mr. Mendoza reported that Staff had received comments prior to the meeting tonight from Caltrans and Commissioner Loe.

Assistant City Attorney Lisa Kranitz walked the Planning Commission through the requested changes in Conditions 11, 88, 91 and the addition of 92A and then went over the change to the Vested Tentative Map Condition 10 for Resolution 16-20.

Motion/Second: Grose/Sofelkanik
Carried 6/0/0 (Loe absent): The Planning Commission adopted Resolution No. PC 16-18, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING AN ADDENDUM TO THE PREVIOUSLY-CERTIFIED LOS ALAMITOS GENERAL PLAN UPDATE PROGRAM ENVIRONMENTAL IMPACT REPORT TO ALLOW CONSTRUCTION AND OPERATION OF UP TO A 113,880 SQUARE FOOT RETAIL SHOPPING CENTER AT 3131 KATELLA AVENUE, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-212-09, MAKING FINDINGS THAT SUCH RETAIL SHOPPING CENTER PROJECT IS WITH THE SCOPE OF THE GENERAL PLAN UPDATE PROGRAM ENVIRONMENTAL IMPACT REPORT AND THAT NO SUPPLEMENTAL OR SUBSEQUENT EIR IS REQUIRED PURSUANT TO CEQA GUIDELINES 15162, 15164 AND 15168 (APPLICANT: KATELLA PROPERTY OWNER, LLC), with corrections.

Motion/Second: Grose/Sofelkanik
Motion/Second: Grose/DeBolt
Carried 6/0/0 (Loe absent): The Planning Commission adopted Resolution No. PC 16-21, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP 16-08) TO ALLOW A RESTAURANT DRIVE-THROUGH FACILITY WITH 24-HOUR OPERATIONS ON PAD A IN A SHOPPING CENTER PROJECT LOCATED AT 3131 KATELLA AVENUE, APN 242-212-09 (APPLICANT: KATELLA PROPERTY OWNER, LLC).

Motion/Second: Grose/DeBolt

Motion/Second: Grose/Andrade
Carried 6/0/0 (Loe absent): The Planning Commission adopted Resolution No. PC 16-23, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP 16-10) TO ALLOW A LARGE OUTSIDE SEATING AREA FOR A RESTAURANT USE ON PAD A IN A SHOPPING CENTER PROJECT LOCATED AT 3131 KATELLA AVENUE, APN 242-212-09 (APPLICANT: KATELLA PROPERTY OWNER, LLC).

Motion/Second: Grose/Andrade

Motion/Second: Grose/Andrade
Carried 6/0/0 (Loe absent): The Planning Commission adopted Resolution No. PC 16-25, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP 16-12) TO ALLOW A LARGE OUTSIDE SEATING AREA IN FRONT OF SHOPS 1 IN A
SHOPPING CENTER PROJECT LOCATED AT 3131 KATELLA AVENUE, APN 242-212-09 (APPLICANT: KATELLA PROPERTY OWNER, LLC).

Motion/Second: Grose/DeBolt

Motion/Second: Grose/DeBolt

Motion/Second: Grose/DeBolt

Chair Cuilty recessed the Planning Commission meeting at 8:37 PM.

Chair Cuilty convened the Subdivision Committee meeting at 8:37 PM.

Motion/Second: Grose/Sofelkanik

Chair Cuilty adjourned the Subdivision Committee meeting at 8:38 PM.
Chair Cuytly reconvened the Planning Commission meeting at 8:38 PM.

A break was called at 8:38 PM and reconvened at 8:47 PM.

B. Conditional Use Permit (CUP) 16-14 – Wrought-Iron Fences in the Community Facilities (C-F) Zone around St. Hedwig School
Consideration of a Conditional Use Permit to allow seven foot tall wrought-iron fences with stacked stone columns to be constructed around St. Hedwig School for safety and security purposes, located at 3591 Orangewood Avenue, (APN 130-741-11) in the Community Facilities (C-F) Zoning District (Applicant: Erin Rucker, St. Hedwig School).

Chair Cuytly indicated she’s recusing herself from this item as she and her children have attended St. Hedwig’s School.

Associate Planner Tom Oliver summarized the Staff report, referring to the information contained therein, and indicated he is prepared to answer questions from the Commission.

Vice Chair Andrade opened the Public hearing.

Erin Rucker, Principal and resident, indicated they want to erect this fence as a security measure for the children.

There being no further speakers, Vice Chair Andrade closed the Public hearing.

Motion/Second: DeBolt/Sofelkanik
Carried 5/0/1 (Cuytly abstained and Loe absent): The Planning Commission adopted Resolution No. PC 16-29, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING WITH CONDITIONS A CONDITIONAL USE PERMIT (CUP 16-14) FOR SEVEN FOOT TALL WROUGHT-IRON FENCES WITH STACKED STONE COLUMNS TO BE CONSTRUCTED AROUND ST. HEDWIG SCHOOL FOR SAFETY AND SECURITY PURPOSES ON A 7.58 ACRE PARCEL AT 3591 ORANGEWOOD AVENUE (APN NO. 130-741-11) IN THE COMMUNITY FACILITIES (C-F) ZONING DISTRICT AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: ERIN RUCKER, ST. HEDWIG SCHOOL)."

Chair Cuytly returned to the Chamber.

8. STAFF REPORTS
None
9. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
Mr. Mendoza reminded the Commissioners of the Holiday Dinner on December 6, 2016.

10. COMMISSIONER REPORTS
None

11. ADJOURNMENT
The Planning Commission adjourned at 9:54 PM. to the regularly scheduled meeting of the Planning Commission on January 25, 2017 at 7:00 PM.

Mary Anne Culity, Chair

ATTEST:

______________________________
Steven Mendoza, Secretary
City of Los Alamitos
Planning Commission

Agenda Report
Public Hearing
February 27, 2017
Item No: 8A

To: Chair and Members of the Planning Commission

From: Steven A. Mendoza, Development Services Director

Subject: Four Residential Apartment Units on One Parcel
Site Plan Review (SPR) 16-10

Summary: Consideration of a four-unit, residential apartment project in two structures at 10922 Walnut Street (APN 242-202-07) on a 7,375 square foot parcel in the Multiple Family Residential (R-3) Zoning District. The project requires a Site Plan Review (Applicants: Mike Garnica and Ron Wikstrom).

Recommendation:

1. Open the Public Hearing; and, if appropriate,

2. Determine that the proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects; and,

3. Adopt Resolution No. PC 17-01, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR 16-10) TO DEMOLISH A SINGLE FAMILY RESIDENCE AND ALLOW CONSTRUCTION OF FOUR RESIDENTIAL APARTMENT UNITS IN TWO STRUCTURES ON ONE LOT AT 10922 WALNUT STREET, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 242-202-07, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: MIKE GARNICA AND RON WIKSTROM)."

Applicant: Mike Garnica and Ron Wikstrom

Project Location: 10922 Walnut St. (APN 242-202-07)

Notice: On February 15, 2017, the Notice of Public Hearing was posted at City Hall, the Community Center, the Los Alamitos
Museum. Additionally, it was published in the News Enterprise and public notices were mailed out to all property owners and tenants within 500 feet of the property on this date.

Environmental: The proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Class 32) - In-Fill Development Projects.

Background

Mike Garnica and Ron Wikstrom submitted an application on December 13, 2016 for a Site Plan Review (SPR 16-10) to demolish a single family residence (built in 1910) and to construct four apartment units in two structures on a 7,375 sq. ft. property. Two-and-a-half (2.5) feet of the eastern portion of the parcel will be dedicated to the City to widen the alley. This will allow accommodation of the large trash trucks that utilize the alley to service the property. The project, proposed for 10922 Walnut St. (APN 242-202-07) in Old Town West, will consist of two 2-story buildings, with four enclosed garages, four carport spaces, and one open parking space, all on the first story. The structures are designed in a semi-craftsman style. Building 1 will contain three units and building 2 will have one unit. The three units in the front structure are two-bedroom, and the one unit in the back is a three bedroom unit. The units will share a laundry facility and all have private storage space. The ground floor unit has a private yard and the three upstairs units have private decks.

Project Location

The existing property is shown below.
### Surrounding Zoning and Uses

<table>
<thead>
<tr>
<th>Location</th>
<th>Zoning District</th>
<th>General Plan Designation</th>
<th>Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Site</td>
<td>Existing</td>
<td>Multiple Family (R-3)</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td></td>
<td>Proposed</td>
<td>Multiple Family (R-3)</td>
<td>MF Residential</td>
</tr>
<tr>
<td>North of Site</td>
<td>Multiple Family (R-3)</td>
<td>Multiple Family Residential</td>
<td>Empty lot</td>
</tr>
<tr>
<td>East of Site</td>
<td>Multiple Family (R-3)</td>
<td>Multiple Family Residential</td>
<td>MF Residential</td>
</tr>
<tr>
<td>West of Site</td>
<td>Multiple Family (R-3)</td>
<td>Multiple Family Residential</td>
<td>MF Residential</td>
</tr>
<tr>
<td>South of Site</td>
<td>Multiple Family (R-3)</td>
<td>Multiple Family Residential</td>
<td>MF Residential</td>
</tr>
</tbody>
</table>
Here are photos of the existing property:

Front View:

Alley View:

Site Plan Review (SPR 16-06)

Section 17.50.020 Applicability, in the Zoning Code, states:

"A commercial or industrial site development, tentative parcel map, residential development plan, conditional use permit, or the addition of square footage to an existing multiple-family residential, commercial, or industrial structure shall be subject to the site plan review process."

This project is presented as a multiple-family residential development plan which requires this Site Plan Review (SPR). A larger site plan is attached to this report as an exhibit of the approving resolution.
**Analysis**

- **Development Standards**

Located in the R-3 (Multiple Family) Residential Zoning District, the proposed project is designed as multiple-family housing. The types of permitted development allowed in the district are multiple dwelling structures of four or more units, as well as less intensive residential developments that are allowed in the R-1 and R-2 zoning districts, which includes single-family dwelling units. The maximum density allowed is up to thirty (30) dwelling units per acre. The R-3 zoning district is consistent with the “Multiple-Family Residential” land use designation of the General Plan. In addition to the zoning standards, the General Plan requires that development in the Multiple Family Residential land use designation be a minimum of twenty (20) dwelling units per acre. Table 2 identifies the development features that are required under Section 17.08.030 Table 2-03 (Residential Zoning Districts General Development Standards).

### R-3 Residential Development Standards

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed Project</th>
<th>Requirement Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel Area</td>
<td>7,200 sq. ft.</td>
<td>7,375 sq. ft.</td>
<td>Yes</td>
</tr>
<tr>
<td>Parcel Width (Interior Parcel)</td>
<td>60 ft., 70 ft. for corner parcel</td>
<td>50 ft.</td>
<td>No – Legal Nonconforming Parcel</td>
</tr>
<tr>
<td>Parcel Depth</td>
<td>100 ft.</td>
<td>147.50 ft.</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>30 du/ac</td>
<td>23 du/ac</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Density</td>
<td>20 du/ac</td>
<td>23 du/ac</td>
<td>Yes</td>
</tr>
<tr>
<td>Dwelling Unit Density</td>
<td>1,750 sq. ft. per unit</td>
<td>1,843 sq. ft. per unit</td>
<td>Yes</td>
</tr>
<tr>
<td>(Gross Land Area per Dwelling Unit)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum dwelling area (gross floor area)</td>
<td>2 + bedrooms - 800 sq. ft.</td>
<td>Unit A: 2 bed, 996 sq. ft. Unit B &amp; Br: 2 bed, 941 sq. ft. Unit C: 3 bed, 1492 sq. ft.</td>
<td>Yes</td>
</tr>
<tr>
<td>(Not including garage)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Maximum Height Limit – Main Structures</td>
<td>3 Stories or 35 ft.</td>
<td>2 Stories (Bldg. 1 = 27 ft.)(Bldg. 2 = 26 ft.)</td>
<td>Yes</td>
</tr>
<tr>
<td>Setbacks:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>20 ft.</td>
<td>18 ft.</td>
<td>No – but will be conditioned to 20 feet*</td>
</tr>
</tbody>
</table>

*Four Residential Apartment Project*

February 27, 2017

Page 5 of 12
<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed Project</th>
<th>Requirement Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side</td>
<td>Required</td>
<td>Yes</td>
</tr>
<tr>
<td>Rear</td>
<td>Required</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Site Coverage</td>
<td>Required</td>
<td>Yes</td>
</tr>
<tr>
<td>Outdoor Living Space</td>
<td>200 sq. ft. per dwelling (800 sq. ft. total)</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Private space. No dimension less than 10 ft.</td>
<td></td>
</tr>
<tr>
<td>Distance between structures (ft.) on one parcel</td>
<td>10 ft.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>28 ft. between structures 1 and 2.</td>
<td></td>
</tr>
<tr>
<td>Storage Space</td>
<td>200 cubic feet per unit</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>200+ cubic feet per unit</td>
<td></td>
</tr>
</tbody>
</table>

*The projections into the front setback surrounding the doorway cause this proposed structure to be only 18 feet from the parcel line. Therefore, Staff will condition the project to be revised to a twenty-foot setback (Condition 7).

In addition to the requirements set forth above, there are specific requirements that are set forth elsewhere in the Los Alamitos Municipal Code.

- **Parking**

This project will have 9 spaces total; 4 in garages, 4 in carport spaces, and 1 open space.

Parking requirements in the Residential Zoning District (R-3) require two spaces for the first two bedrooms of each dwelling unit. For rooms that can readily be utilized as bedrooms (i.e., bedrooms, dens, and offices) an additional ½ space is required for each room in excess of the first two bedrooms. One of the required parking spaces for each dwelling unit shall be located in an enclosed garage. The following table identifies the required parking spaces for the proposed project.

**R-3 Parking Requirements**

<table>
<thead>
<tr>
<th>Required Spaces</th>
<th>Required §17.26.040 Parking Space Requirements</th>
<th>Proposed Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
<td>Two spaces for the first two bedrooms of each dwelling unit; plus one-half space for each bedroom or other room that can readily be used</td>
<td>3 - 2 bed units @ 2 spaces each = 6 spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 - 3 bed unit @ 3 spaces = 3 (2 ½ rounded up) spaces</td>
</tr>
</tbody>
</table>

Total = 9 spaces
### Required

<table>
<thead>
<tr>
<th>§17.26.040 Parking Space Requirements</th>
<th>Proposed Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>as in excess of the first two bedrooms</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Provided Spaces</th>
<th>9 spaces</th>
<th>9 spaces</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Garage Spaces</th>
<th>4 in garages</th>
<th>4 in garages</th>
</tr>
</thead>
</table>

- **Circulation**

Vehicular access will be provided along the alley, and through one private driveway with ingress and egress from the alley. The width of the driveway in the narrowest place is 12 feet wide. All of the garages have enough room to accommodate the 28-foot turning radius required in the zoning code.

As part of the project, the applicant will remove the front driveway, and the driveway approach. The current driveway curb cut is shared by this property and the neighboring property because there is a utility access in the way of a straight driveway from the neighboring property. Staff has conditioned in the resolution for the Applicant to coordinate with the neighbor at 10932 Walnut Street to relocate and replace their driveway approach (curb cut) per City standards. If required, the applicant will be required to relocate this utility access; this is included as a condition of approval (condition 44).

- **Architecture**

The proposed architectural style displays a few elements of interest including a small porch, siding, and a bit of rock element on the street face. The project only faces the public street on the west side of building 1, and also has a short (3 foot tall) fence enclosing a front yard for the first floor unit in the front structure. The building’s front façade will include a combination of stucco, siding, and stone. Window trim is included on all windows, and some of those windows will also include shutters. Roofing material will consist of shingles in colors that will complement the building façade colors.

Both proposed buildings will include additional enhanced architectural elements on all sides of the building in addition to the front architectural elements. Enhancements include a bit of siding and shutters to add additional elements of architectural interest. The Applicant anticipates the shutters to be vinyl painted the color indicated on the attached color board.

The drawing below shows the proposed view of the project from Walnut Street, on the West side of building 1:
This is the building 2 shown on the East Side toward the alley:
- **Landscaping**

LAMC Section 17.20.030 (Landscape Area Requirements) speaks to landscaping requirements that multi-family uses shall provide. The Applicant must maintain a minimum 15 percent of the site in landscaped areas. According to the plans the setback areas, common areas, and the private yard area will include landscape areas that total approximately 17.2 percent of the total site area, thereby meeting this requirement. The Applicant proposes to install trees on the parcel as shown on the landscape plan in the attached plans. This project will be required to comply with Chapter 13.05 “Water Efficient Landscaping,” and Chapter 13.04 “Water Conservation”, of the Los Alamitos Municipal Code. This has been noted by Staff in the conditions.

- **Fencing and Walls**

There is currently a stretch of existing chain link fencing with privacy slats on the south side property line. The applicant plans to keep this fence and add a similar fence to the north side. The chain link fencing will not extend into the front setback as conditioned by Staff. In the front setback, there will be a small, two-foot tall vinyl fencing around the private outdoor space for the lower unit.

- **Lighting**

The building will include exterior light fixtures located on all four sides of the structures. These lights have been conditioned by Staff in the resolution to direct light only on the subject property.

**Required Findings**

In order to approve a Site Plan Review, the following findings must be made in accordance with Section 17.50.040 of the LAMC:

1. **The design and layout of the proposed development are consistent with the development and design standards/guidelines of the applicable zoning district:** The design and layout of the four residential apartments on one lot at 10922 Walnut Street, as conditioned, is consistent with the development and design standards/guidelines of the Multiple Family (R-3) Residential Zoning District. As shown above, the development meets, or will be conditioned to meet, all requirements except for the width of the property and it is excused from the requirement as a nonconforming lot.

2. **The design and layout of the proposed development are consistent with the use and enjoyment of neighboring existing or future developments, and would not create traffic or pedestrian hazards:** The design and layout of the four residential apartments at 10922 Walnut Street would not interfere with the use and enjoyment of neighboring residential developments, as the immediately surrounding uses are multi-family.
residential, and an empty lot to the north. The approved location is appropriate for a four unit residential apartment development. The location of the private driveway ingress/egress access to the alley would not create traffic or pedestrian hazards and would create a safer environment along Walnut Street by having less curb cuts. The property is zoned for this type of development.

3. **The design of the proposed development would maintain and enhance the attractive, harmonious, and orderly development contemplated by this chapter:** The design of the four residential apartments would maintain and enhance the attractive, harmonious, and orderly development of the property. The design is in harmony with surrounding development and improves upon the architecture of the neighborhood with an updated residential building design, landscaping.

4. **The design of the proposed development would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, texture, and color, and would remain aesthetically appealing and retain an appropriate level of maintenance:** The design of the four residential apartments would provide a desirable environment for its occupants, visiting public, and its neighbors through good aesthetic use of materials, texture, landscaping, and color as described in the color board.

5. **The proposed development would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity:** The four residential apartments provide for public health, safety, and welfare of the residential community by improving an underused home site with housing that meets the development standards of the General Plan and zoning code rather than causing sprawl elsewhere. The building will meet all building code requirements.

6. **The proposed development would not substantially depreciate property values in the vicinity:** The four residential apartments would not depreciate property values in the vicinity, as the area is zoned for this type of use and it will improve the aesthetics.

**General Plan Compatibility & Staff Recommendation**

Staff believes that the proposed project is compatible with the surrounding land uses as it is immediately adjacent to similar high-density residential apartments and condominiums. The project would implement the City’s General Plan, and specifically the ones shown in the table below:
<table>
<thead>
<tr>
<th>Applicable General Plan Implementing Goals and Policies</th>
<th>Consistency of Proposed Project</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use Element</strong></td>
<td></td>
</tr>
<tr>
<td>Goal 4: Neighborhoods and buildings that are well maintained and demonstrate a sense of pride and identity.</td>
<td>These will be new, well designed buildings in the neighborhood which will encourage neighbors to take a look at their own homes for improvement.</td>
</tr>
<tr>
<td>Policy 4.1 Pride and identity. Enhance the sense of identity and increase the feeling of pride among Los Alamitos residents, business owners, employees, and visitors through excellent physical design and continual property maintenance and improvements.</td>
<td>These will be new, well designed buildings in the neighborhood which will encourage neighbors to take a look at their own homes.</td>
</tr>
<tr>
<td>Policy 4.4 Scale and Character. Ensure that all new development in residential neighborhoods is compatible with the scale and character of the surrounding neighborhood.</td>
<td>This project will be in the multi-family residential neighborhood and meets or exceeds all development standards, except for the width which is excused as a legal non-conforming lot. The design of the project will add to the character of the neighborhood.</td>
</tr>
<tr>
<td>Action 4.5 Development standards. Review development standards in residential zoning districts to provide specific guidance on maximum development intensity, minimum open space, and minimum setback standards to ensure that all new development in residential neighborhoods is compatible with the surrounding scale and character.</td>
<td>This project has been compared to the development standards of the multi-family residential zone and has been found to be compliant. Additionally, the density meets the requirements of the General Plan.</td>
</tr>
<tr>
<td><strong>Open Space, Recreation, and Conservation Element</strong></td>
<td></td>
</tr>
<tr>
<td>Goal 4: Air, water, and energy resources that are protected from pollution and overuse.</td>
<td>This is a residential infill project that will take the place of sprawl that would be built on the fringes of this metropolitan area.</td>
</tr>
<tr>
<td>Action 4.2 Construction activities. Encourage the use of best management practices during construction activities to reduce emissions of criteria pollutants as outlined by the SCAQMD.</td>
<td>BMP’s are required for the construction of this project in the conditions of approval.</td>
</tr>
<tr>
<td><strong>Mobility and Circulation Element</strong></td>
<td></td>
</tr>
<tr>
<td>Policy 1.6 Access management. Minimize access points and curb cuts along arterials and within 200 feet of an intersection to improve traffic flow and safety. Eliminate and/or consolidate driveways when new development occurs or when traffic operation or safety warrants.</td>
<td>This project will eliminate a driveway on Walnut as it provides access the site from an existing alleyway.</td>
</tr>
<tr>
<td><strong>Public Facilities and Safety Element</strong></td>
<td></td>
</tr>
<tr>
<td>Action 4.5 Construction activity. Require that construction vehicles and equipment (fixed or mobile) be equipped with properly operating and maintained mufflers. Place stock piling and/or vehicle-staging areas as far as practical from residential homes. Replace backup audible warning devices with backup strobe lights or other warning devices during evening construction activity to the extent permitted by the California Division of Occupational Safety and Health.</td>
<td>These are Best Management Practices (BMP) requirements that are a part of the conditions of approval for the project.</td>
</tr>
</tbody>
</table>

And while no specific policy actions of the Housing Element are fulfilled through this project, it does strive for offering products of housing that cost less than buying a home in the City. Here is a goal of the Housing Element:

**Housing Strategy Area 4: Adequate Housing Supply**
The City strives to ensure an adequate supply of housing is available to meet future and existing housing needs of all economic segments of the community.

**Staff Conclusion**

Staff has reviewed the proposed project and application materials and finds that the proposed project design and layout meet the minimum standards of the R-3 zoning district, including Section 17.08.030 (Property Development Standards), Section 17.16.040 (Architectural Design), and Chapter 17.20 (Landscaping) and that all of the findings can be made as set forth in attached Resolution PC 17-01.

Staff supports approval of SPR (Site Plan Review) 16-10 due to what appears to be exceptional layout, design, and architecture of the project.

**Attachments:**
1) Site Plan Review Resolution No. PC 17-01
2) Color Board

**Exhibits:**
A. Conditions of Approval
B. Site Plans
RESOLUTION NO. PC 17-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR 16-10) TO DEMOLISH A SINGLE FAMILY RESIDENCE AND ALLOW CONSTRUCTION OF FOUR RESIDENTIAL APARTMENT UNITS IN TWO STRUCTURES ON ONE LOT AT 10922 WALNUT STREET, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 242-202-07, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: MIKE GARNICA AND RON WIKSTROM).

WHEREAS, a completed application for a Site Plan Review was submitted by Mike Garnica and Ron Wikstrom on December 13, 2016, requesting approval for demolition of an existing SFR, and construction of four (4) residential apartment units at 10922 Walnut Street, APN 242-202-07; and,

WHEREAS, the verified application constitutes a request as required by Section 17.50.030 (Site Plan Review) and Section 17.10.020 Table 2-01 (Allowed Uses and Permit Requirements for Residential Zoning Districts) of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission reviewed the application for Site Plan Review at a duly noticed public hearing on February 27, 2017, at which time it considered all of the evidence presented, both written and oral.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Los Alamitos, California finds that the above recitals are true and correct.

SECTION 2. The Planning Commission hereby makes the following findings which is based on all of the evidence presented, both written and oral; the Staff report is incorporated by reference:

1. The design and layout of the proposed development are consistent with the development and design standards/guidelines of the applicable zoning district: The design and layout of the four residential apartments on one lot at 10922 Walnut Street, as conditioned, is consistent with the development and design standards/guidelines of the Multiple Family (R-3) Residential Zoning District. As shown in the staff report, the development meets, or will be conditioned to meet, all requirements with the exception of the width of the site. The reduced width is allowed as this is a legal, non-conforming lot.
2. The design and layout of the proposed development are consistent with the use and enjoyment of neighboring existing or future developments, and would not create traffic or pedestrian hazards: The design and layout of the four residential apartments at 10922 Walnut Street would not interfere with the use and enjoyment of neighboring residential developments, as the immediately surrounding uses are multi-family residential and a vacant lot. The approved location is appropriate for a four unit residential apartment development. Moving the location of the private driveway ingress/egress access to the alley would not create traffic or pedestrian hazards and would create a safer environment along Walnut Street by having one less curb cut. The property is zoned for this type of development.

3. The design of the proposed development would maintain and enhance the attractive, harmonious, and orderly development contemplated by this chapter: The design of the four residential apartments would maintain and enhance the attractive, harmonious, and orderly development of the property. The design is in harmony with surrounding development and improves upon the City’s architecture of the neighborhood with an updated residential building design and landscaping.

4. The design of the proposed development would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, texture, and color, and would remain aesthetically appealing and retain an appropriate level of maintenance: The design of the four residential apartments would provide a desirable environment for its occupants, visiting public, and its neighbors through good aesthetic use of materials, texture, landscaping, and color as described in the color board.

5. The proposed development would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity: The four residential apartments provide for public health, safety, and welfare of the residential community by improving an underused home site with housing that meets the development standards of the General Plan and zoning code rather than causing sprawl elsewhere. The building will meet all building code requirements.

6. The proposed development would not substantially depreciate property values in the vicinity: The four residential apartment units would not depreciate property values in the vicinity, as the area is zoned for this type of use and it will improve the aesthetics.

7. The proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – In-Fill Development Projects. There are no unique circumstances which would trigger an exception to the exemption.
SECTION 3. Based upon such findings and determinations, the Planning Commission hereby approves Site Plan Review SPR16-10, as represented by the plans and elevations in “Exhibit B” and subject to the conditions located in “Exhibit A.”

SECTION 4. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same, and Staff shall file a Notice of Exemption with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 27th day of February, 2017, by the following vote:

ATTEST: 

Mary Anne Cuilty, Chair

Steven A. Mendoza, Secretary

APPROVED AS TO FORM:

Lisa Kranitz, Assistant City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE    ) ss 
CITY OF LOS ALAMITOS )

PC RESO 17-01
Page 3 of 12
I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 27th day of February, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____________________________
Steven A. Mendoza, Secretary
GENERAL CONDITIONS

1. Approval of this application is to build a four-unit, residential apartment project in two structures at 10922 Walnut Street (APN 242-202-07) with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of a Site Plan Review, noted thereon, and on file in the Development Services Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code and any applicable state law. If any changes are proposed regarding the location or alteration of the plans dated February 11, 2017 (as amended during the hearing), a request for an amendment of this approval must be submitted to the Development Services Director. If the Development Services Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Development Services Director without requiring a public meeting.

2. The Applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers the subject application. The City will promptly notify the Applicant of any such claim, action or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City’s associated legal costs, or will advance funds to pay for defense of the matter by the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant’s consent, but should it do so, the City shall waive the indemnification herein, except the City’s decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

3. The Applicant shall file an Acknowledgment of Conditions of Approval with the Community Development Department within 30 days of final approval of all resolutions. The property Applicant shall be required to record the Acknowledgment of these Conditions of Approval with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Development Services Department.

4. In case of violation of any of the conditions of approval or applicable law, the property owner and tenant will be issued a Notice of Correction if said violation is...
not remedied within a reasonable period of time and/or subsequent violations of the conditions of approval and/or City law occurs within ninety days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all Staff time directly attributable to enforcement of the conditions of approval, mitigation measures, and/or City law including but not limited to, revocation of the herein approvals.

5. Project plans for the apartment development shall be subject to a complete code compliance review with the Development Services Department when the apartment plans are submitted for plan check and shall comply with all applicable City of Los Alamitos ordinances, regulations, and policies prior to building permit issuance, including, but not limited to, the requirements established or authorized by Title 15, 16, and 17 of the City of Los Alamitos Municipal Code.

6. Approval of Site Plan Review 16-10 shall be valid for a period of twelve (12) months from the date the site plan was approved. If construction is commenced within this twelve (12) month period and construction is being pursued diligently toward completion, the approvals shall stay in full force and effect.

7. The projections on the street facing structure shall be revised in the plans to show a twenty-foot front yard setback.

**LANDSCAPE**

8. A Landscape Irrigation Plan prepared by a licensed landscape architect shall be submitted to the Development Services Department prior to the issuance of building permits. The Irrigation Plan shall include an irrigation system layout with the location of controllers and points of connection with data on valve sizes and gallons per minute (G.P.M.), the size and location of sleeves and all spray heads, including the location of conventional systems and drip systems; an irrigation legend with complete specifications; irrigation notes and construction details of all assemblies and components; a recommended irrigation schedule, preferably on an annual basis; and a summary block on the initial page of submitted plans that will present the above information clearly and accurately. The City reserves the right to require subsequent checks, or approval of the landscape plans prior to issuance of a grading permit.

9. Landscaping shall comply with the City’s water conservation ordinances in accordance with Chapter 13.04 (Water Conservation) and Chapter 13.05 (Water Efficient Landscaping) of the Los Alamitos Municipal Code.

10. Front-yard landscaping shall be installed prior to occupancy of any apartment units.

11. Trees shall be planted outside of any Sight Safety Triangle or be trimmed to eight feet from above the adjacent top of curb.
LIGHTING

12. Prior to permit issuance, Applicant shall submit a lighting plan to the Development Services Department to the satisfaction of the Development Services Director.

13. The Applicant shall provide adequate exterior lighting for each residential unit that maintains performance standards as described in Chapter 8.48 Lighting Performance Standards in the Los Alamitos Municipal Code. All lighting structures shall be placed so as to confine direct rays to the subject property.

14. The Applicant shall provide an illuminated uniform address number near the entryway of each unit, or other location acceptable to the Development Services Director.

UTILITIES

15. The Applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Development Services Department for review and approval prior to the Building and Safety Division Plan check.

16. All utility service lines shall be placed underground.

17. All utility meters, when not enclosed in a cabinet, shall be screened from view from any place on or off site, by either plant materials or decorative screen, while allowing sufficient access for reading. Each unit shall be separately metered.

CONSTRUCTION

18. During construction, the Applicant will display a sign visible to the public from Walnut Street with a contact number of the construction superintendent to address any questions or concerns about demolition, grading, and construction activities.

19. Hours and days of demolition, grading, and construction operations shall be prohibited between the hours of 8:00 P.M. and 7:00 A.M. on weekdays and Saturday. There shall be no construction activities on Sunday or a Federal holiday celebrated by the City of Los Alamitos without express approval by the Development Services Director.

20. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of an existing dwelling shall be equipped with properly operating and maintained mufflers.
21. Replace backup audible warning devices with backup strobe lights or other warning devices during evening construction activity to the extent permitted by the California Division of Occupational Safety and Health.

22. Stock piling and/or vehicle-staging areas shall be placed as far as practical from residential homes.

23. The Applicant shall have rodent and pest controls on site during demolition and grading activities to mitigate impacts to the surrounding properties and neighborhood.

24. Prior to demolition and construction, a perimeter security fence not exceeding seven feet in height, shall be installed around the project site. The fencing shall include a green screen material or approved equivalent. The fence/screen material shall be properly maintained and be free of rips, tears, fraying, graffiti, and any other damage or vandalism.

25. During construction the site shall be maintained and kept clear of all trash, weeds, and overgrown vegetation.

TRASH

26. The applicant shall provide, as a minimum, a trash enclosure to hold two standard dumpsters for solid waste and recycling, with five (5) foot by eight (8) foot clear interior dimension for each dumpster, including a solid roof designed to the satisfaction of the Director of Community Development. Walls shall be a minimum of five (5) feet high and constructed of reinforced masonry or similar material. The enclosure shall be constructed with a roof made of solid material, such as that provided by a standing-seam metal roof. Wrought iron or equivalent gates with latch shall be provided. The top one-foot of the gates shall be open work with screening; the remaining section of the gates shall have solid metal backing. Enclosures shall have an interior six-inch curb bumper. This area shall accommodate receptacles sufficient to meet the solid waste and recycling needs of the development project.

OTHER

27. The units shall be constructed with 200 cubic feet of storage space for each unit (LAMC 17.08.030).

28. The air conditioner units shall be installed in accordance with LAMC 17.16.100.D.

29. There shall be no chain link fence installed within the front setback.
30. A Water Quality Management Plan (WQMP) is required to be processed for this project.

31. The common open space area improvements shall be reviewed and approved by the Development Services Department prior to issuance of building permits.

ENGINEERING

32. The Applicant shall submit Improvement Plans prepared by a Registered Civil Engineer for public works (off-site) improvements, and on-site improvements. Plan check fees shall be paid in advance.

33. An on-site grading and drainage plan shall be prepared and submitted to the City Engineer for approval. Plan shall be 24" x 36", with elevations to nearest 0.01 foot, minimum scale 1" = 20'. Plan shall be prepared by Registered Civil Engineer. Public works improvements may be shown on this plan. Grading plan check fees must be paid in advance.

34. Hydrologic and hydraulic calculations demonstrating adequate site drainage from a 10-year return frequency storm (25-year frequency in sump areas) prepared by a Registered Civil Engineer shall be submitted with the Grading Plan.

35. Driveway slope shall be a minimum slope of one (1) percent for asphalt and .5% for concrete.

36. If utility cuts in the street are excessive, the street must have a grid and overlay placed on it per the satisfaction of the City Engineer.

37. All existing off-site public improvements (sidewalk, curb and gutter, driveways, and street paving) at the development site which are in a damaged condition or demolished due to the proposed work shall be reconstructed to the satisfaction of the City Engineer, and per OCPFRD Standard Plan.

38. A City Public Works permit shall be taken out for all work in public right-of-way prior to start of work. All work shall be done in accordance with APWA Standards and to the satisfaction of the City Engineer and must be completed before issuance of Certificate of Occupancy.

39. A bond or surety device shall be posted with the City in an amount and type sufficient to cover the amount of off-site and on-site work to be done, as approved by the City Engineer.

40. Pad certification by the Design Civil Engineer and Soil Engineer is required prior to the commencement of structural construction.
41. Final compaction report prepared by a qualified Soil Engineer shall be submitted to the City Engineer for review and approval prior to the commencement of structural construction.

42. The Applicant shall dedicate 2½ feet of the property to the City to widen the alley by occupancy of the units.

43. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Final Water Quality Management Plan (WQMP) that:

   - Addresses Site Design BMPs (Best Management Practices) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.

   - Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.

   - Incorporates Treatment Control BMPs as defined in the DAMP.

   - Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.

   - Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.

   - Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.

44. Reconstruct driveway at 10932 Walnut to match exist driveway width (14 feet). Relocate or provide Traffic load water meters as required by Golden State Water District for that property.

PUBLIC WORKS

45. The Applicant shall install new sidewalk on Walnut Street, in front of the entire subject parcel.

46. The Applicant shall remove the existing drive approach (curb cut) to the property on Walnut Street and replace with a new curb and gutter per City standards.

47. The Applicant shall coordinate with the neighbor at 10932 Walnut Street to relocate and replace their driveway approach (curb cut) per City standards.
48. If a utility cut is made in the alley, the Applicant shall replace the concrete panel entirely to the satisfaction of the City Engineer.

49. The Applicant shall provide sidewalks and gutters with the latest handicap accessibility features required by state and federal law.

50. The Applicant shall install 1 new tree on Walnut Street evenly spaced in the parkway in front of the subject parcel. Please call the Public Works Superintendent at 562-431-3538 for type and specifications.

51. The Applicant shall install irrigation to each of the City trees planted. The irrigation shall be a bubbler sprinkler NOT a tree well type of bubbler sprinkler.

**ROSSMOOR/LOS ALAMITOS SEWER DISTRICT**

52. The Applicant shall provide the Sewer District with the engineering plans and proposed sewage flow for the project before connecting to the District’s sewer.

53. The Applicant shall comply with all requirements of the Rossmoor/Los Alamitos Area Sewer District for sewer connections and sewer improvements.

54. The Applicant shall pay all applicable Sewer District connection, permit, plan check and inspection fees.

**BUILDING AND SAFETY DIVISION**

55. The Applicant must comply with all current California Building Codes in effect at the time that the plans are submitted.

56. The Applicant shall submit three (3) sets of complete building plans to the Building and Safety Department for review.

57. Prior to obtaining grading permits, the Applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the Building and Safety Division.

58. Provide asbestos report for demo permit and submit to AQMD if asbestos is found.

59. For demo and construction, project must recycle 60% of material and submit a waste management plan.

**ORANGE COUNTY FIRE AUTHORITY (OCFA)**

60. **Plan Submittal:** The Applicant or responsible party shall submit the plan(s) listed below to the Orange County fire Authority for review. Approval shall be obtained
on each plan prior to the event specified. If you need additional information or clarification, please contact me by phone at (714) 573-6133, by fax at (714) 368-8843, or by email: lynnepivaroff@ocfa.org.

Prior to issuance of a building permit if a grading permit is not required:

- fire master plan (service code PR145)

Prior to issuance of a building permit:

- fire sprinkler system (service codes PR400)

- Lumber-drop Inspection: After installation of required fire access roadways and hydrants, the Applicant shall receive clearance from the OCFA prior to bringing combustible building materials on-site. Call OCFA Inspection Scheduling at 714-573-6150 with the Service Request number of the approved fire master plan at least two days in advance to schedule the lumber drop inspection.
City of Los Alamitos  
Planning Commission  

**Agenda Report**  
**Staff Report**  
**February 27, 2017**  
**Item No: 9A**

To: Chair and Members of the Planning Commission  
Via: Tom Oliver, Associate Planner  
From: Steven A. Mendoza, Development Services Director  
Subject: Post-Construction update on the McDonald’s Drive-Thru

**Summary:** Post construction update of the McDonald’s drive through at 3562 Katella Avenue, APN 222-019-20 (Applicant: Kevin Kasha – McDonald’s).

**Recommendations:** The Business Owner of McDonald’s, Kevin Kasha, will update the Commission concerning the modified drive-through post-construction.

**Applicant:** Kevin Kasha – McDonald’s Restaurant  
**Location:** 3562 Katella Avenue, APN 222-019-20  
**Noticing:** No notice required.

**Background**

The Los Alamitos McDonald’s location has had occasions over the past five years when traffic has filled the drive-thru lanes, causing a back up into the traffic on Katella. McDonald’s met with Staff on several occasions concerning this issue; the business owner, Kevin Kasha, filed an application for the consideration of a drive-thru modification. This request asked to allow drive-thru upgrades at the existing McDonald’s. The single lane drive-thru was upgraded to what the Applicant calls a double lane “side-by-side” drive-thru. As part of the change, the existing curb and landscape was modified as well as the replacement of the drive-thru pavement with new concrete pavement.
Recommendation

The Planning Commissioners asked Staff and Mr. Kasha, the McDonald’s Owner, to return to a Commission meeting after the project is complete to discuss the project results thus far. From City Staff perspective, with just over a month of experience with the new drive through configuration changes, Planning Staff has received no phone calls concerning the drive through traffic backing up onto Katella. The Police Department notes that they have not received any calls concerning this new layout.

Staff recommends that the Planning Commission take no further action concerning this project, given that the modification has been a success thus far.
City of Los Alamitos
Planning Commission

Agenda Report
Staff Report
February 27, 2017
Item No: 9B

To: Chair and Members of the Planning Commission
Via: Steven Mendoza, Development Services Director
From: Tom Oliver, Associate Planner
Subject: Resolution of Intention 17-02
Amending Regulations for Accessory Dwelling Units in the Residential Zones in the City to Comply with New State Legislation

Summary: Consideration of a Resolution of Intention to amend the Los Alamitos Municipal Code to comply with new state legislation concerning Accessory Dwelling Units (ADU's).

Recommendation: Adopt Resolution No. 17-02 entitled, “A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF LOS ALAMITOS, CALIFORNIA, TO OPEN A DISCUSSION OF POSSIBLE MUNICIPAL CODE CHANGES CONCERNING ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES IN THE CITY TO COMPLY WITH NEW STATE LEGISLATION (CITY INITIATED).”

Applicant: City Initiated, per State Regulation
Location: All residential zoning districts

Approval Criteria: Section 17.70.020 of the Los Alamitos Municipal Code (LAMC) requires that any discussion of proposed Zoning Ordinance Amendments begin with the adoption of a resolution of Intention.

Discussion

In late September, Governor Brown signed Assembly Bill (AB) 2299 and Senate Bill (SB) 1069, amending the Government Code as it relates to second dwelling units. The new legislation was written with the intent to increase the housing supply in California by facilitating the creation of new second dwelling units. The legislation further limits the ability of local jurisdictions to regulate second dwelling units (now described as "accessory dwelling units" or "ADUs"). Additionally, this became effective on January 1, 2017. Local jurisdictions are now required to ministerially approve accessory dwelling units that meet minimal state criteria if the jurisdiction does not have an ordinance in place that is compliant with all new standards set forth in AB 2299 and SB 1069. The
new legislation also places some additional restrictions on the ability of cities to regulate accessory dwelling units. All cities in the state will need to modify their existing zoning ordinances to meet the new standards that have been adopted by the legislation.

Attachments:  
1) Resolution of Intention No. 17-02  
2) Accessory Dwelling Unit Memorandum
RESOLUTION NO. 17-02

A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF LOS ALAMITOS, CALIFORNIA, TO OPEN A DISCUSSION OF POSSIBLE MUNICIPAL CODE CHANGES CONCERNING ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES IN THE CITY TO COMPLY WITH NEW STATE LEGISLATION (CITY INITIATED).

WHEREAS, the Planning Commission is interested in reevaluating Chapter 17 of the Los Alamitos Municipal Code as it relates to Accessory Dwelling Units (ADU’s); and,

WHEREAS, Los Alamitos Municipal Code Section 17.70.020 requires that the Planning Commission begin this process through adopting a Resolution of Intention; and,

WHEREAS, the Planning Commission considered this item on February 27, 2017.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Los Alamitos, California finds that the above recitals are true and correct.

SECTION 2. The Planning Commission resolves to initiate conversation of possible Zoning Ordinance Amendments concerning Accessory Dwelling Units, and directs Staff to return to the Planning Commission with recommendations of possible municipal code changes to expedite the discussion of this subject.

PASSED, APPROVED, AND ADOPTED this 27th day of February, 2017.

______________________________
Chair

ATTEST:

______________________________
Steven Mendoza, Secretary
STATE OF CALIFORNIA  )
COUNTY OF ORANGE   ) ss
CITY OF LOS ALAMITOS )

I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 27th day of February, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Mendoza, Secretary
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Understanding Accessory Dwelling Units and Their Importance

California’s housing production is not keeping pace with demand. In the last decade less than half of the needed housing was built. This lack of housing is impacting affordability with average housing costs in California exceeding the rest of the nation. As affordability becomes more problematic, people drive longer distances between a home that is affordable and where they work, or double up to share space, both of which reduces quality of life and produces negative environmental impacts.

Beyond traditional market-rate construction and government subsidized production and preservation there are alternative housing models and emerging trends that can contribute to addressing home supply and affordability in California.

One such example gaining popularity are Accessory Dwelling Units (ADUs) (also referred to as second units, in-law units, or granny flats).

What is an ADU

An ADU is a secondary dwelling unit with complete independent living facilities for one or more persons and generally takes three forms:

- *Detached:* The unit is separated from the primary structure
- *Attached:* The unit is attached to the primary structure
- *Repurposed Existing Space:* Space (e.g., master bedroom) within the primary residence is converted into an independent living unit
- *Junior Accessory Dwelling Units:* Similar to repurposed space with various streamlining measures

ADUs offer benefits that address common development barriers such as affordability and environmental quality. ADUs are an affordable type of home to construct in California because they do not require paying for land, major new infrastructure, structured parking, or elevators. ADUs are built with cost-effective one- or two-story wood frame construction, which is significantly less costly than homes in new multifamily infill buildings. ADUs can provide as much living space as the new apartments and condominiums being built in new infill buildings and serve very well for couples, small families, friends, young people, and seniors.

ADUs are a different form of housing that can help California meet its diverse housing needs. Young professionals and students desire to live in areas close to jobs, amenities, and schools. The problem with high-opportunity areas is that space is limited. There is a shortage of affordable units and the units that are available can be out of reach for many people. To address the needs of individuals or small families seeking living quarters in high opportunity areas, homeowners can construct an ADU on their lot or convert an underutilized part of their home like a garage.
into a junior ADU. This flexibility benefits not just people renting the space, but the homeowner as well, who can receive an extra monthly rent income.

ADUs give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care and helping extended families to be near one another while maintaining privacy.

Relaxed regulations and the cost to build an ADU make it a very feasible affordable housing option. A UC Berkeley study noted that one unit of affordable housing in the Bay Area costs about $500,000 to develop whereas an ADU can range anywhere up to $200,000 on the expensive end in high housing cost areas.

ADUs are a critical form of infill-development that can be affordable and offer important housing choices within existing neighborhoods. ADUs are a powerful type of housing unit because they allow for different uses, and serve different populations ranging from students and young professionals to young families, people with disabilities and senior citizens. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education and services for many Californians.
Summary of Recent Changes to ADU Laws

The California legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in single family and multifamily zones provides additional rental housing and are an essential component in addressing housing needs in California. Over the years, ADU law has been revised to improve its effectiveness such as recent changes in 2003 to require ministerial approval. In 2017, changes to ADU laws will further reduce barriers, better streamline approval and expand capacity to accommodate the development of ADUs.

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, the disabled, and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the Department has prepared this guidance to assist local governments in encouraging the development of ADUs. Please see Attachment 1 for the complete statutory changes. The following is a brief summary of the changes for each bill.

SB 1069 (Wieckowski)

S.B. 1069 (Chapter 720, Statutes of 2016) made several changes to address barriers to the development of ADUs and expanded capacity for their development. The following is a brief summary of provisions that go into effect January 1, 2017.

Parking

SB 1069 reduces parking requirements to one space per bedroom or unit. The legislation authorizes off street parking to be tandem or in setback areas unless specific findings such as fire and life safety conditions are made. SB 1069 also prohibits parking requirements if the ADU meets any of the following:

- Is within a 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.
Fees

SB 1069 provides that ADUs shall not be considered new residential uses for the purpose of calculating utility connection fees or capacity charges, including water and sewer service. The bill prohibits a local agency from requiring an ADU applicant to install a new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory structure. For attached and detached ADUs, this fee or charge must be proportionate to the burden of the unit on the water or sewer system and may not exceed the reasonable cost of providing the service.

Fire Requirements

SB 1069 provides that fire sprinklers shall not be required in an accessory unit if they are not required in the primary residence.

ADUs within Existing Space

Local governments must ministerially approve an application to create within a single family residential zone one ADU per single family lot if the unit is:

- contained within an existing residence or accessory structure.
- has independent exterior access from the existing residence.
- has side and rear setbacks that are sufficient for fire safety.

These provisions apply within all single family residential zones and ADUs within existing space must be allowed in all of these zones. No additional parking or other development standards can be applied except for building code requirements.

No Total Prohibition

SB 1069 prohibits a local government from adopting an ordinance that precludes ADUs.

AB 2299 (Bloom)

Generally, AB 2299 (Chapter 735, Statutes of 2016) requires a local government (beginning January 1, 2017) to ministerially approve ADUs if the unit complies with certain parking requirements, the maximum allowable size of an attached ADU, and setback requirements, as follows:

- The unit is not intended for sale separate from the primary residence and may be rented.
- The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.
- The unit is either attached to an existing dwelling or located within the living area of the existing dwelling or detached and on the same lot.
- The increased floor area of the unit does not exceed 50% of the existing living area, with a maximum increase in floor area of 1,200 square feet.
- The total area of floorspace for a detached accessory dwelling unit does not exceed 1,200 square feet.
- No passageway can be required.
- No setback can be required from an existing garage that is converted to an ADU.
• Compliance with local building code requirements.
• Approval by the local health officer where private sewage disposal system is being used.

Impact on Existing Accessory Dwelling Unit Ordinances
AB 2299 provides that any existing ADU ordinance that does not meet the bill’s requirements is null and void upon the date the bill becomes effective. In such cases, a jurisdiction must approve accessory dwelling units based on Government Code Section 65852.2 until the jurisdiction adopts a compliant ordinance.

AB 2406 (Thurmond)
AB 2406 (Chapter 755, Statutes of 2016) creates more flexibility for housing options by authorizing local governments to permit junior accessory dwelling units (JADU) through an ordinance. The bill defines JADUs to be a unit that cannot exceed 500 square feet and must be completely contained within the space of an existing residential structure. In addition, the bill requires specified components for a local JADU ordinance. Adoption of a JADU ordinance is optional.

Required Components
The ordinance authorized by AB 2406 must include the following requirements:
• Limit to one JADU per residential lot zoned for single-family residences with a single-family residence already built on the lot.
• 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.
• The JADU must be located entirely within the existing structure of the single-family residence and JADU have its own separate entrance.
• The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. No gas or 220V circuits are allowed.
• The JADU may share a bath with the primary residence or have its own bath.

Prohibited Components
This bill prohibits a local JADU ordinance from requiring:
• Additional parking as a condition to grant a permit.
• Applying additional water, sewer and power connection fees. No connections are needed as these utilities have already been accounted for in the original permit for the home.
Fire Safety Requirements

AB 2406 clarifies that a JADU is to be considered part of the single-family residence for the purposes of fire and life protections ordinances and regulations, such as sprinklers and smoke detectors. The bill also requires life and protection ordinances that affect single-family residences to be applied uniformly to all single-family residences, regardless of the presence of a JADU.

JADUs and the RHNA

As part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a JADU toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit which is fairly flexible. Local government count units as part of reporting to DOF. JADUs meet these definitions and this bill would allow cities and counties to earn credit toward meeting their RHNA allocations by permitting residents to create less costly accessory units. See additional discussion under JADU frequently asked questions.
Frequently Asked Questions: Accessory Dwelling Units

Should an Ordinance Encourage the Development of ADUs?

Yes, ADU law and recent changes intend to address barriers, streamline approval and expand potential capacity for ADUs recognizing their unique importance in addressing California’s housing needs. The preparation, adoption, amendment and implementation of local ADU ordinances must be carried out consistent with Government Code Section 65852.150:

(a) The Legislature finds and declares all of the following:

1. Accessory dwelling units are a valuable form of housing in California.

2. Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

3. Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

4. Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

5. California faces a severe housing crisis.

6. The state is falling far short of meeting current and future housing demand with serious consequences for the state’s economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

7. Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

8. Accessory dwelling units are, therefore, an essential component of California’s housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

Are Existing Ordinances Null and Void?

Yes, any local ordinance adopted prior to January 1, 2017 that is not in compliance with the changes to ADU law will be null and void. Until an ordinance is adopted, local governments must apply "state standards" (See Attachment 4 for State Standards checklist). In the absence of a local ordinance complying with ADU law, local review must be limited to "state standards" and cannot include additional requirements such as those in an existing ordinance.
Are Local Governments Required to Adopt an Ordinance?

No, a local government is not required to adopt an ordinance. ADUs built within a jurisdiction that lacks a local ordinance must comply with state standards (See Attachment 4). Adopting an ordinance can occur through different forms such as a new ordinance, amendment to an existing ordinance, separate section or special regulations within the zoning code or integrated into the zoning code by district. However, the ordinance should be established legislatively through a public process and meeting and not through internal administrative actions such as memos or zoning interpretations.

Can a Local Government Preclude ADUs?

No local government cannot preclude ADUs.

Can a Local Government Apply Development Standards and Designate Areas?

Yes, local governments may apply development standards and may designate where ADUs are permitted (GC Sections 65852.2(a)(1)(A) and (B)). However, ADUs within existing structures must be allowed in all single family residential zones.

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. ADUs can be avoided or allowed through an ancillary and separate discretionary process in areas with health and safety risks such as high fire hazard areas. However, standards and allowable areas must not be designed or applied in a manner that burdens the development of ADUs and should maximize the potential for ADU development. Designating areas where ADUs are allowed should be approached primarily on health and safety issues including water, sewer, traffic flow and public safety. Utilizing approaches such as restrictive overlays, limiting ADUs to larger lot sizes, burdensome lot coverage and setbacks and particularly concentration or distance requirements (e.g., no less than 500 feet between ADUs) may unreasonably restrict the ability of the homeowners to create ADUs, contrary to the intent of the Legislature.

Requiring large minimum lot sizes and not allowing smaller lot sizes for ADUs can severely restrict their potential development. For example, large minimum lot sizes for ADUs may constrict capacity throughout most of the community. Minimum lot sizes cannot be applied to ADUs within existing structures and could be considered relative to health and safety concerns such as areas on septic systems. While larger lot sizes might be targeted for various reasons such as ease of compatibility, many tools are available (e.g., maximum unit size, maximum lot coverage, minimum setbacks, architectural and landscape requirements) that allows ADUs to fit well within the built environment.

Can a Local Government Adopt Less Restrictive Requirements?

Yes, ADU law is a minimum requirement and its purpose is to encourage the development of ADUs. Local governments can take a variety of actions beyond the statute that promote ADUs such as reductions in fees, less restrictive parking or unit sizes or amending general plan policies.
Santa Cruz has confronted a shortage of housing for many years, considering its growth in population from incoming students at UC Santa Cruz and its proximity to Silicon Valley. The city promoted the development of ADUs as critical infill-housing opportunity through various strategies such as creating a manual to promote ADUs. The manual showcases prototypes of ADUs and outlines city zoning laws and requirements to make it more convenient for homeowners to get information. The City found that homeowners will take time to develop an ADU only if information is easy to find, the process is simple, and there is sufficient guidance on what options they have in regards to design and planning.

The city set the minimum lot size requirement at 4,500 sq. ft. to develop an ADU in order to encourage more homes to build an ADU. This allowed for a majority of single-family homes in Santa Cruz to develop an ADU. For more information, see [http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program](http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program).

Can Local Governments Establish Minimum and Maximum Unit Sizes?

Yes, a local government may establish minimum and maximum unit sizes (GC Section 65852.2(c). However, like all development standards (e.g., height, lot coverage, lot size), unit sizes should not burden the development of ADUs. For example, setting a minimum unit size that substantially increases costs or a maximum unit size that unreasonably restricts opportunities would be inconsistent with the intent of the statute. Typical maximum unit sizes range from 800 square feet to 1,200 square feet. Minimum unit size must at least allow for an efficiency unit as defined in Health and Safety Code Section 17958.1.

ADU law requires local government approval if meeting various requirements (GC Section 65852.2(a)(1)(D)), including unit size requirements. Specifically, attached ADUs shall not exceed 50 percent of the existing living area or 1,200 square feet and detached ADUs shall not exceed 1,200 square feet. A local government may choose a maximum unit size less than 1,200 square feet as long as the requirement is not burdensome on the creation of ADUs.

Can ADUs Exceed General Plan and Zoning Densities?

An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Minimum lot sizes must not be doubled (e.g., 15,000 square feet) to account for an ADU. Further, local governments could elect to allow more than one ADU on a lot.

New developments can increase the total number of affordable units in their project plans by integrating ADUs. Aside from increasing the total number of affordable units, integrating ADUs also promotes housing choices within a development. One such example is the Cannery project in Davis, CA. The Cannery project includes 547 residential units with up to 60 integrated ADUs. ADUs within the Cannery blend in with surrounding architecture, maintaining compatibility with neighborhoods and enhancing community character. ADUs are constructed at the same time as the primary single-family unit to ensure the affordable rental unit is available in the housing supply concurrent with the availability of market rate housing.
How Are Fees Charged to ADUs?

All impact fees, including water, sewer, park and traffic fees must be charged in accordance with the Fee Mitigation Act, which requires fees to be proportional to the actual impact (e.g., significantly less than a single family home).

Fees on ADUs, must proportionately account for impact on services based on the size of the ADU or number of plumbing fixtures. For example, a 700 square foot new ADU with one bathroom that results in less landscaping should be charged much less than a 2,000 square foot home with three bathrooms and an entirely new landscaped parcel which must be irrigated. Fees for ADUs should be significantly less and should account for a lesser impact such as lower sewer or traffic impacts.

What Utility Fee Requirements Apply to ADUs?

Cities and counties cannot consider ADUs as new residential uses when calculating connection fees and capacity charges.

Where ADUs are being created within an existing structure (primary or accessory), the city or county cannot require a new or separate utility connections for the ADU and cannot charge any connection fee or capacity charge.

For other ADUs, a local agency may require separate utility connections between the primary dwelling and the ADU, but any connection fee or capacity charge must be proportionate to the impact of the ADU based on either its size or the number of plumbing fixtures.

What Utility Fee Requirements Apply to Non-City and County Service Districts?

All local agencies must charge impact fees in accordance with the Mitigation Fee Act (commencing with Government Code Section 66000), including in particular Section 66013, which requires the connection fees and capacity charges to be proportionate to the burden posed by the ADU. Special districts and non-city and county service districts must account for the lesser impact related to an ADU and should base fees on unit size or number of plumbing fixtures. Providers should consider a proportionate or sliding scale fee structures that address the smaller size and lesser impact of ADUs (e.g., fees per square foot or fees per fixture). Fee waivers or deferrals could be considered to better promote the development of ADUs.

Do Utility Fee Requirements Apply to ADUs within Existing Space?

No, where ADUs are being created within an existing structure (primary or accessory), new or separate utility connections and fees (connection and capacity) must not be required.

Does “Public Transit” Include within One-half Mile of a Bus Stop and Train Station?

Yes, “public transit” may include a bus stop, train station and paratransit if appropriate for the applicant. “Public transit” includes areas where transit is available and can be considered regardless of tighter headways (e.g., 15 minute intervals). Local governments could consider a broader definition of “public transit” such as distance to a bus route.
Can Parking Be Required Where a Car Share Is Available?

No, ADU law does not allow parking to be required when there is a car share located within a block of the ADU. A car share location includes a designated pick up and drop off location. Local governments can measure a block from a pick up and drop off location and can decide to adopt broader distance requirements such as two to three blocks.

Is Off Street Parking Permitted in Setback Areas or through Tandem Parking?

Yes, ADU law deliberately reduces parking requirements. Local governments may make specific findings that tandem parking and parking in setbacks are infeasible based on specific site, regional topographical or fire and life safety conditions or that tandem parking or parking in setbacks is not permitted anywhere else in the jurisdiction. However, these determinations should be applied in a manner that does not unnecessarily restrict the creation of ADUs.

Local governments must provide reasonable accommodation to persons with disabilities to promote equal access housing and comply with fair housing laws and housing element law. The reasonable accommodation procedure must provide exception to zoning and land use regulations which includes an ADU ordinance. Potential exceptions are not limited and may include development standards such as setbacks and parking requirements and permitted uses that further the housing opportunities of individuals with disabilities.

Is Covered Parking Required?

No, off street parking must be permitted through tandem parking on an existing driveway, unless specific findings are made.

Is Replacement Parking Required When the Parking Area for the Primary Structure Is Used for an ADU?

Yes, but only if the local government requires off-street parking to be replaced in which case flexible arrangements such as tandem, including existing driveways and uncovered parking are allowed. Local governments have an opportunity to be flexible and promote ADUs that are being created on existing parking space and can consider not requiring replacement parking.

Are Setbacks Required When an Existing Garage Is Converted to an ADU?

No, setbacks must not be required when a garage is converted or when existing space (e.g., game room or office) above a garage is converted. Rear and side yard setbacks of no more than five feet are required when new space is added above a garage for an ADU. In this case, the setbacks only apply to the added space above the garage, not the existing garage and the ADU can be constructed wholly or partly above the garage, including extending beyond the garage walls.

Also, when a garage, carport or covered parking structure is demolished or where the parking area ceases to exist so an ADU can be created, the replacement parking must be allowed in any “configuration” on the lot, including...
but not limited to, covered spaces, uncovered spaces, or tandem spaces, or...” Configuration can be applied in a flexible manner to not burden the creation of ADUs. For example, spatial configurations like tandem on existing driveways in setback areas or not requiring excessive distances from the street would be appropriate.

Are ADUs Permitted in Existing Residence or Accessory Space?

Yes, ADUs located in single family residential zones and existing space of a single family residence or accessory structure must be approved regardless of zoning standards (Section 65852.2(a)(1)(B)) for ADUs, including locational requirements (Section 65852.2(a)(1)(A)), subject to usual non-appealable ministerial building permit requirements. For example, ADUs in existing space does not necessitate a zoning clearance and must not be limited to certain zones or areas or subject to height, lot size, lot coverage, unit size, architectural review, landscape or parking requirements. Simply, where a single family residence or accessory structure exists in any single family residential zone, so can an ADU. The purpose is to streamline and expand potential for ADUs where impact is minimal and the existing footprint is not being increased.

Zoning requirements are not a basis for denying a ministerial building permit for an ADU, including non-conforming lots or structures. The phrase, “...within the existing space” includes areas within a primary home or within an attached or detached accessory structure such as a garage, a carriage house, a pool house, a rear yard studio and similar enclosed structures.

Are Owner Occupants Required?

No, however, a local government can require an applicant to be an owner occupant. The owner may reside in the primary or accessory structure. Local governments can also require the ADU to not be used for short term rentals (terms lesser than 30 days). Both owner occupant use and prohibition on short term rentals can be required on the same property. Local agencies which impose this requirement should require recordation of a deed restriction regarding owner occupancy to comply with GC Section 27281.5

Are Fire Sprinklers Required for ADUs?

Depends, ADUs shall not be required to provide fire sprinklers if they are not or were not required of the primary residence. However, sprinklers can be required for an ADU if required in the primary structure. For example, if the primary residence has sprinklers as a result of an existing ordinance, then sprinklers could be required in the ADU. Alternative methods for fire protection could be provided.

If the ADU is detached from the main structure or new space above a detached garage, applicants can be encouraged to contact the local fire jurisdiction for information regarding fire sprinklers. Since ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, students, the elderly, in-home health care providers, the disabled, and others, the fire departments want to ensure the safety of these populations as well as the safety of those living in the primary structure. Fire Departments can help educate property owners on the benefits of sprinklers, potential resources and how they can be installed cost effectively. For example, insurance rates are typically 5 to 10 percent lower where the unit is sprinklered. Finally, other methods exist to provide additional fire protection. Some options may include additional exits, emergency escape and rescue openings, 1 hour or greater fire-rated assemblies, roofing materials and setbacks from property lines or other structures.
Is Manufactured Housing Permitted as an ADU?

Yes, an ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes an efficiency unit (Health and Safety Code Section 17958.1) and a manufactured home (Health and Safety Code Section 18007).

Health and Safety Code Section 18007(a) “Manufactured home,” for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

Can an Efficiency Unit Be Smaller than 220 Square Feet?

Yes, an efficiency unit for occupancy by no more than two persons, by statute (Health and Safety Code Section 17958.1), can have a minimum floor area of 150 square feet and can also have partial kitchen or bathroom facilities, as specified by ordinance or can have the same meaning specified in the Uniform Building Code, referenced in the Title 24 of the California Code of Regulations.

Does ADU Law Apply to Charter Cities and Counties?

Yes. ADU law explicitly applies to “local agencies” which are defined as a city, county, or city and county whether general law or chartered (Section 65852.2(i)(2)).
Do ADUs Count toward the Regional Housing Need Allocation?
Yes, local governments may report ADUs as progress toward Regional Housing Need Allocation pursuant to Government Code Section 65400 based on the actual or anticipated affordability. See below frequently asked questions for JADUs for additional discussion.

Must ADU Ordinances Be Submitted to the Department of Housing and Community Development?
Yes, ADU ordinances must be submitted to the State Department of Housing and Community Development within 60 days after adoption, including amendments to existing ordinances. However, upon submittal, the ordinance is not subject to a Department review and findings process similar to housing element law (GC Section 65585)
Frequently Asked Questions: Junior Accessory Dwelling Units

Is There a Difference between ADU and JADU?

Yes, AB 2406 added Government Code Section 65852.22, providing a unique option for Junior ADUs. The bill allows local governments to adopt ordinances for JADUs, which are no more than 500 square feet and are typically bedrooms in a single-family home that have an entrance into the unit from the main home and an entrance to the outside from the JADU. The JADU must have cooking facilities, including a sink, but is not required to have a private bathroom. Current law does not prohibit local governments from adopting an ordinance for a JADU, and this bill explicitly allows, not requires, a local agency to do so. If the ordinance requires a permit, the local agency shall not require additional parking or charge a fee for a water or sewer connection as a condition of granting a permit for a JADU. For more information, see below.

ADUs and JADUs

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>ADU</th>
<th>JADU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Unit Size</td>
<td>Yes, generally up to 1,200 Square Feet or 50% of living area</td>
<td>Yes, 500 Square Foot Maximum</td>
</tr>
<tr>
<td>Kitchen</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Bathroom</td>
<td>Yes</td>
<td>No, Common Sanitation is Allowed</td>
</tr>
<tr>
<td>Separate Entrance</td>
<td>Depends</td>
<td>Yes</td>
</tr>
<tr>
<td>Parking</td>
<td>Depends, Parking May Be Eliminated and Cannot Be Required Under Specified Conditions</td>
<td>No, Parking Cannot Be Required</td>
</tr>
<tr>
<td>Owner Occupancy</td>
<td>Depends, Owner Occupancy May Be Required</td>
<td>Yes, Owner Occupancy Is Required</td>
</tr>
<tr>
<td>Ministerial Approval Process</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Prohibition on Sale of ADU</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Why Adopt a JADU Ordinance?

JADUs offer the simplest and most affordable housing option. They bridge the gap between a roommate and a tenant by offering an interior connection between the unit and main living area. The doors between the two spaces can be secured from both sides, allowing them to be easily privatized or incorporated back into the main living area. These units share central systems, require no fire separation, and have a basic kitchen, utilizing small plug in appliances, reducing development costs. This provides flexibility and an insurance policy in homes in case additional income or housing is needed. They present no additional stress on utility services or infrastructure because they simply repurpose spare bedrooms that do not expand the homes planned occupancy. No additional address is required on the property because an interior connection remains. By adopting a JADU ordinance, local governments can offer homeowners additional options to take advantage of underutilized space and better address its housing needs.

Can JADUs Count towards the RHNA?

Yes, as part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, a JADU, including with shared sanitation facilities, that meets the census definition and is reported to the Department of Finance as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. Local governments can track actual or anticipated affordability to assure the JADU is counted to the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit application.

A housing unit is a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied, or, if vacant, is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.

Can the JADU Be Sold Independent of the Primary Dwelling?

No, the JADU cannot be sold separate from the primary dwelling.

Are JADUs Subject to Connection and Capacity Fees?

No, JADUs shall not be considered a separate or new dwelling unit for the purposes of fees and as a result should not be charged a fee for providing water, sewer or power, including a connection fee. These requirements apply to all providers of water, sewer and power, including non-municipal providers.

Local governments may adopt requirements for fees related to parking, other service or connection for water, sewer or power, however, these requirements must be uniform for all single family residences and JADUs are not considered a new or separate unit.
Are There Requirements for Fire Separation and Fire Sprinklers?

Yes, a local government may adopt requirements related to fire and life protection requirements. However, a JADU shall not be considered a new or separate unit. In other words, if the primary unit is not subject to fire or life protection requirements, then the JADU must be treated the same.
Resources

Courtesy of Karen Chapple, UC Berkeley
Attachment 1: Statutory Changes (Strikeout/Underline)

Government Code Section 65852.2

(a) (1) Any local agency may, by ordinance, provide for the creation of second accessory dwelling units in single-family and multifamily residential zones. The ordinance may shall do any all of the following:

(A) Designate areas within the jurisdiction of the local agency where second accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of second accessory dwelling units on traffic flow flow and public safety.

(B) (i) Impose standards on second accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that second accessory dwelling units do not exceed the allowable density for the lot upon which the second accessory dwelling unit is located, and that second accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and 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.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).
(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of ADUs—permits within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ADUs. an accessory dwelling unit.

(b) (d) (4) A When existing ordinance governing the creation of an accessory dwelling unit by a local agency which has not adopted an ordinance governing ADUs in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a ADU if the ADU complies with all of the following: that complies with this section.

(A) The unit is not intended for sale and may be rented.

(B) The lot is zoned for single-family or multifamily use.

(C) The lot contains an existing single-family dwelling.

(D) The ADU is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached ADU shall not exceed 30 percent of the existing living area.

(F) The total area of floor space for a detached ADU shall not exceed 1,200 square feet.

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements which apply to detached dwellings, as appropriate.

(I) Approval by the local health officer where a private sewage disposal system is being used, if required.
(2) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(3) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed ADUs on lots a proposed accessory dwelling unit on a lot zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(4) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ADUs an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(5) A ADU which conforms to the requirements of An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The ADUs accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(c) No When a local agency shall adopt an ordinance which totally precludes ADUs within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing ADUs within single-family and multifamily zoned areas justify adopting the ordinance. that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(d) A local agency may establish minimum and maximum unit size requirements for both attached and detached second accessory dwelling units. No minimum or maximum size for a second accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

1. The accessory dwelling unit is located within one-half mile of public transit.

2. The accessory dwelling unit is located within an architecturally and historically significant historic district.

3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

5. When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the
use of the ADU and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) Fees charged for the construction of second accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000), 66000 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs: an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinances ordinance adopted pursuant to subdivision (a) or (e) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) “Living area.” area means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) “Second-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. A second-Accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for second accessory dwelling units.

**Government Code Section 65852.22.**

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.

(5) Require a permitted junior accessory dwelling unit to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A sink with a maximum waste line diameter of 1.5 inches.

(B) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.

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

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a
permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contains 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.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.
Attachment 2: Sample ADU Ordinance

**Section XXX1XXX: Purpose**

This Chapter provides for accessory dwelling units on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings contribute needed housing to the community’s housing stock. Thus accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities, including near transit on single family lots.

**Section XXX2XXX: Applicability**

The provisions of this Chapter apply to all lots that are occupied with a single family dwelling unit and zoned residential. Accessory dwelling units do exceed the allowable density for the lot upon which the accessory dwelling unit is located, and are a residential use that is consistent with the existing general plan and zoning designation for the lot.

**Section XXX3XXX: Development Standards**

**Accessory Structures within Existing Space**

An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standards within the Chapter if complying with:

1. Building and safety codes
2. Independent exterior access from the existing residence
3. Sufficient side and rear setbacks for fire safety.

**Accessory Structures (Attached and Detached)**

**General:**

1. The unit is not intended for sale separate from the primary residence and may be rented.
2. The lot is zoned for residential and contains an existing, single-family dwelling.
3. The accessory dwelling unit is either attached to the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
4. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.
5. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.
6. Local building code requirements that apply to detached dwellings, as appropriate.
7. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
8. No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and 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.
9. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.

**Parking:**

1. Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.
2. Parking is not required in the following instances:
   - The accessory dwelling unit is located within one-half mile of public transit, including transit stations and bus stations.
The accessory dwelling unit is located in the WWWW Downtown, XXX Area, YYY Corridor and ZZZ Opportunity Area.

The accessory dwelling unit is located within an architecturally and historically significant historic district.

When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

When there is a car share vehicle located within one block of the accessory dwelling unit.

3. Replacement Parking: When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking shall not be required and may be located in any configuration on the same lot as the accessory dwelling unit.

Section XXX4XXX: Permit Requirements

ADUs shall be permitted ministerially, in compliance with this Chapter within 120 days of application. The Community Development Director shall issue a building permit or zoning certificate to establish an accessory dwelling unit in compliance with this Chapter if all applicable requirements are met in Section XXX3XXX, as appropriate. The Community Development Director may approve an accessory dwelling unit that is not in compliance with Section XXX3XXX as set forth in Section XXX5XXX. The XXX Health Officer shall approve an application in conformance with XXXXXX where a private sewage disposal system is being used.

Section XXX5XXX: Review Process for Accessory Structure Not Complying with Development Standards

An accessory dwelling unit that does not comply with standards in Section XXX3XX may permitted with a zoning certificate or an administrative use permit at the discretion of the Community Development Director subject to findings in Section XXX6XX

Section XXX6XXX: Findings

A. In order to deny an administrative use permit under Section XXX5XXX, the Community Development Director shall find that the Accessory Dwelling Unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors.

B. In order to approve an administrative use permit under Section XXX5XXX to waive required accessory dwelling unit parking, the Community Development Director shall find that additional or new on-site parking would be detrimental, and that granting the waiver will meet the purposes of this Chapter.

Section XXX7XXX: Definitions

(1) “Living area means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “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 Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(3) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
(4) (1) "Existing Structure" for the purposes of defining an allowable space that can be converted to an ADU means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.
Attachment 3: Sample JADU Ordinance

(Lilypad Homes at http://lilypadhomes.org)

Draft Junior Accessory Dwelling Units (JADU) – Flexible Housing

Findings:
1. Causation: Critical need for housing for lower income families and individuals given the high cost of living and low supply of affordable homes for rent or purchase, and the difficulty, given the current social and economic environment, in building more affordable housing
2. Mitigation: Create a simple and inexpensive permitting track for the development of junior accessory dwelling units that allows spare bedrooms in homes to serve as a flexible form of infill housing
3. Endangerment: Provisions currently required under agency ordinances are so arbitrary, excessive, or burdensome as to restrict the ability of homeowners to legally develop these units therefore encouraging homeowners to bypass safety standards and procedures that make the creation of these units a benefit to the whole of the community
4. Co-Benefits: Homeowners (particularly retired seniors and young families, groups that tend to have the lowest incomes) – generating extra revenue, allowing people facing unexpected financial obstacles to remain in their homes, housing parents, children or caregivers; Homebuyers - providing rental income which aids in mortgage qualification under new government guidelines; Renters – creating more low-cost housing options in the community where they work, go to school or have family, also reducing commute time and expenses; Municipalities – helping to meet RHNA goals, increasing property and sales tax revenue, insuring safety standard code compliance, providing an abundant source of affordable housing with no additional infrastructure needed; Community - housing vital workers, decreasing traffic, creating economic growth both in the remodeling sector and new customers for local businesses; Planet - reducing carbon emissions, using resources more efficiently;
5. Benefits of Junior ADUs: offer a more affordable housing option to both homeowners and renters, creating economically healthy, diverse, multi-generational communities;

Therefore the following ordinance is hereby enacted:

This Section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit, permitted as set forth under State Law AB 1866 (Chapter 1062, Statutes of 2002) Sections 65852.150 and 65852.2 and subject to different provisions under fire safety codes based on the fact that junior accessory dwelling units do not qualify as “complete independent living facilities” given that the interior connection from the junior accessory dwelling unit to the main living area remains, therefore not redefining the single-family home status of the dwelling unit.

A) Development Standards. Junior accessory dwelling units shall comply with the following standards, including the standards in Table below:
1) Number of Units Allowed. Only one accessory dwelling unit or, 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 Master Plan or Precise Development Plan. A junior accessory dwelling unit may only be located on a lot which already contains one legal single-family dwelling.
2) 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 accessory dwelling, except when the home is held by an agency such as a land trust or housing organization in an effort to create affordable housing.
3) Sale Prohibited: A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
4) **Deed Restriction:** A deed restriction shall be completed and recorded, in compliance with Section B below.

5) **Location of Junior Accessory Dwelling Unit:** A junior accessory dwelling unit must be created within the existing walls of an existing primary dwelling, and must include conversion of an existing bedroom.

6) **Separate Entry Required:** A separate exterior entry shall be provided to serve a junior accessory dwelling unit.

7) **Interior Entry Remains:** The interior connection to the main living area must be maintained, but a second door may be added for sound attenuation.

8) **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 with appliance which do 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 reasonable to size of the unit.

9) **Parking:** No additional parking is required beyond that required when the existing primary dwelling was constructed.

### Development Standards for Junior Accessory Dwelling Units

<table>
<thead>
<tr>
<th>SITE OR DESIGN FEATURE</th>
<th>SITE AND DESIGN STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum unit size</td>
<td>500 square feet</td>
</tr>
<tr>
<td>Setbacks</td>
<td>As required for the primary dwelling unit</td>
</tr>
<tr>
<td>Parking</td>
<td>No additional parking required</td>
</tr>
</tbody>
</table>

B) **Deed Restriction:** Prior to obtaining a building permit for a junior accessory dwelling unit, a deed restriction, approved by the City Attorney, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Department stating that:

1) The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit;

2) The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;

3) The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing;

4) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

C) **No Water Connection Fees:** No agency should require a water connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.

D) **No Sewer Connection Fees:** No agency should require a sewer connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard
may be assessed.

E) No Fire Sprinklers and Fire Attenuation: No agency should require fire sprinkler or fire attenuation specifications for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.

Definitions of Specialized Terms and Phrases.

“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:

(1) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

“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.
## Attachment 4: State Standards Checklist (As of January 1, 2017)

<table>
<thead>
<tr>
<th>YES/NO</th>
<th>STATE STANDARD*</th>
<th>GOVERNMENT CODE SECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unit is not intended for sale separate from the primary residence and may be rented.</td>
<td>65852.2(a)(1)(D)(i)</td>
</tr>
<tr>
<td></td>
<td>Lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.</td>
<td>65852.2(a)(1)(D)(ii)</td>
</tr>
<tr>
<td></td>
<td>Accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.</td>
<td>65852.2(a)(1)(D)(iii)</td>
</tr>
<tr>
<td></td>
<td>Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.</td>
<td>65852.2(a)(1)(D)(iv)</td>
</tr>
<tr>
<td></td>
<td>Total area of floor space for a detached accessory dwelling unit does not exceed 1,200 square feet.</td>
<td>65852.2(a)(1)(D)(v)</td>
</tr>
<tr>
<td></td>
<td>Passageways are not required in conjunction with the construction of an accessory dwelling unit.</td>
<td>65852.2(a)(1)(D)(vi)</td>
</tr>
<tr>
<td></td>
<td>Setbacks are not required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines are not required for an accessory dwelling unit that is constructed above a garage.</td>
<td>65852.2(a)(1)(D)(vii)</td>
</tr>
<tr>
<td></td>
<td>(Local building code requirements that apply to detached dwellings are met, as appropriate.</td>
<td>65852.2(a)(1)(D)(vii)</td>
</tr>
<tr>
<td></td>
<td>Local health officer approval where a private sewage disposal system is being used, if required.</td>
<td>65852.2(a)(1)(D)(ix)</td>
</tr>
<tr>
<td></td>
<td>Parking requirements do not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.</td>
<td>65852.2(a)(1)(D)(x)</td>
</tr>
</tbody>
</table>

* Other requirements may apply. See Government Code Section 65852.2
Reports

ACCESSORY DWELLING UNITS: CASE STUDY (26 pp.)


Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

THE MACRO VIEW ON MICRO UNITS (46 pp.)

Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

RESPONDING TO CHANGING HOUSEHOLDS: Regulatory Challenges for Micro-units and Accessory Dwelling Units (76 pp.)

By Vicki Been, Benjamin Gross, and John Infranca (2014)
New York University: Furman Center for Real Estate & Urban Policy
Library Call #: D55 3 I47 2014

This White Paper fills two gaps in the discussion regarding compact units. First, we provide a detailed analysis of the regulatory and other challenges to developing both ADUs and micro-units, focusing on five cities: New York; Washington, DC; Austin; Denver; and Seattle. That analysis will be helpful not only to the specific jurisdictions we study, but also can serve as a model for those who what to catalogue regulations that might get in the way of the development of compact units in their own jurisdictions. Second, as more local governments permit or encourage compact units, researchers will need to evaluate how well the units built serve the goals proponents claim they will.

SCALING UP SECONDARY UNIT PRODUCTION IN THE EAST BAY: Impacts and Policy Implications (25 pp.)

By Jake Webmann, Alison Nemirow, and Karen Chapple (2012)
UC Berkeley: Institute of Urban and Regional Development (IURD)
Library Call #: H44 1.1 S33 2012

This paper begins by analyzing how many secondary units of one particular type, detached backyard cottages, might be built in the East Bay, focusing on the Flatlands portions of Berkeley, El Cerrito, and Oakland. We then investigate the potential impacts of scaling up the strategy with regard to housing affordability, smart growth, alternative transportation, the economy, and city budgets. A final section details policy recommendations, focusing on regulatory reforms and other actions cities can take to encourage secondary unit construction, such as promoting carsharing programs, educating residents, and providing access to finance.
SECONDARY UNITS AND URBAN INFILL: A literature Review (12 pp.)

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

YES, BUT WILL THEY LET US BUILD? The Feasibility of Secondary Units in the East Bay (17 pp.)

By Alison Nemirow and Karen Chapple (2012)
UC Berkeley: IURD
Library Call # H44.5 1.1 Y47 2012

This paper begins with a discussion of how to determine the development potential for secondary units, and then provides an overview of how many secondary units can be built in the East Bay of San Francisco Bay Area under current regulations. The next two sections examine key regulatory barriers in detail for the five cities in the study (Albany, Berkeley, El Cerrito, Oakland, and Richmond), looking at lot size, setbacks, parking requirements, and procedural barriers. A sensitivity analysis then determines how many units could be built were the regulations to be relaxed.

YES IN MY BACKYARD: Mobilizing the Market for Secondary Units (20 pp.)

By Karen Chapple, J. Wegmann, A. Nemirow, and C. Dentel-Post (2011)
UC Berkeley: Center for Community Innovation.
Library Call # B92 1.1 Y47 2011

This study examines two puzzles that must be solved in order to scale up a secondary unit strategy: first, how can city regulations best enable their construction? And second, what is the market for secondary units? Because parking is such an important issue, we also examine the potential for secondary unit residents to rely on alternative transportation modes, particular car share programs. The study looks at five adjacent cities in the East Bay of the San Francisco Bay Area (Figure 1) -- Oakland, Berkeley, Albany, El Cerrito, and Richmond -- focusing on the areas within ½ mile of five Bay Area Rapid Transit (BART) stations.

Journal Articles and Working Papers:

BACKYARD HOMES LA (17 pp.)

Regents of the University of California, Los Angeles.
City Lab Project Book.

DEVELOPING PRIVATE ACCESSORY DWELLINGS (6 pp.)

By William P. Macht. Urbanland online. (June 26, 2015)
**GRANNY FLATS GAINING GROUND** (2 pp.)

By Brian Barth. Planning Magazine: pp. 16-17. (April 2016)
Library Location: Serials

**"HIDDEN" DENSITY: THE POTENTIAL OF SMALL-SCALE INFILL DEVELOPMENT** (2 pp.)

By Karen Chapple (2011)
UC Berkeley: IURD Policy Brief.
Library Call # D44 1.2 H53 2011

California’s implementation of SB 375, the Sustainable Communities and Climate Protection Act of 2008, is putting new pressure on communities to support infill development. As metropolitan planning organizations struggle to communicate the need for density, they should take note of strategies that make increasing density an attractive choice for neighborhoods and regions.

**HIDDEN DENSITY IN SINGLE-FAMILY NEIGHBORHOODS: Backyard cottages as an equitable smart growth strategy** (22 pp.)


Abstract (not available in full text): Secondary units, or separate small dwellings embedded within single-family residential properties, constitute a frequently overlooked strategy for urban infill in high-cost metropolitan areas in the United States. This study, which is situated within California’s San Francisco Bay Area, draws upon data collected from a homeowners’ survey and a Rental Market Analysis to provide evidence that a scaled-up strategy emphasizing one type of secondary unit — the backyard cottage — could yield substantial infill growth with minimal public subsidy. In addition, it is found that this strategy compares favorably in terms of affordability with infill of the sort traditionally favored in the ‘smart growth’ literature, i.e. the construction of dense multifamily housing developments.

**RETHINKING PRIVATE ACCESSORY DWELLINGS** (5 pp.)

By William P. Macht. Urbanland online. (March 6, 2015)
Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

**ADUS AND LOS ANGELES’ BROKEN PLANNING SYSTEM** (4 pp.)


Land-use attorney Carlyle W. Hall comments on building permits for accessory dwelling units.

**News:**

**HOW ONE COLORADO CITY INSTANTLY CREATED AFFORDABLE HOUSING**

By Anthony Flint. The Atlantic-CityLab. (May 17, 2016).

In Durango, Colorado, zoning rules were changed to allow, for instance, non-family members as residents in already-existing accessory dwelling units.

**NEW HAMPSHIRE WINS PROTECTIONS FOR ACCESSORY DWELLING UNITS** (1 p.)

NLIHC (March 28, 2016)

Affordable housing advocates in New Hampshire celebrated a significant victory this month when Governor Maggie Hassan (D) signed Senate Bill 146, legislation that allows single-family homeowners to add an accessory
dwelling unit as a matter of right through a conditional use permit or by special exception as determined by their municipalities. The bill removes a significant regulatory barrier to increasing rental homes at no cost to taxpayers.

**NEW IN-LAW SUITE RULES BOOST AFFORDABLE HOUSING IN SAN FRANCISCO** (3 pp.)

By Rob Poole. Shareable. (June 10, 2014).

The San Francisco Board of Supervisors recently approved two significant pieces of legislation that support accessory dwelling units (ADUs), also known as “in-law” or secondary units, in the city...

**USING ACCESSORY DWELLING UNITS TO BOLSTER AFFORDABLE HOUSING** (3 pp.)

By Michael Ryan. Smart Growth America. (December 12, 2014).