Request for: Zoning Code Amendments relating to Accessory Dwelling Units (ADU) to reduce allowable height for ADUs over detached garages, restrict exterior balconies and windows near rear yards to address privacy concerns, and to consider incentives for one-story ADUs. Incentives include reduced rear yard setbacks and flexibility in location. Other changes include increased size for accessible units and miscellaneous revisions. Amendments involve revisions to Articles 33 (Nonconforming Lots, Uses, Structures and Parking), 36 (Exterior Site Improvements), 37 (Accessory Dwelling Units), and 45 (Architectural Permits).

CEQA: Exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.17 and Section 15061 (b)(3).

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Reason for the Request: Consider revisions to regulations addressing Accessory Dwelling Units (ADU) in response to concerns raised from recent ADU production.

Key Considerations: Height, privacy, setbacks, development barriers, and compliance with state law.

Public Notice: On May 10, 2019, more than ten days before to the hearing date, notice of the Planning Commission hearing was posted on the City’s website, and placed in the San Mateo Daily Journal. Social media outlets were used including the City’s Facebook and Twitter postings. Notification was also posted on the City’s ADU website: www.redwoodcity.org/adu.

Staff Recommendation:

✓ Adopt Resolution 19-06 recommending City Council approve amendments to the Zoning Ordinance to limit height of two story ADUs, incentivize one-story ADUs, and make miscellaneous amendments.
BACKGROUND
On October 26, 2015, the City Council amended the Accessory Dwelling Unit (ADU) regulations, easing restrictions and encouraging the creation of more accessory dwelling units in residentially-zoned areas of Redwood City. These amendments were in response to the affordable housing shortage and the longstanding difficulty in creating accessory dwelling units under the original ordinance. The ADU ordinance has been recognized as an important tool that can address affordable housing issues and support multigenerational living. ADUs also create more options for increasing affordable housing stock in existing residential areas while preserving neighborhood character.

In September 2016, the State passed two new bills requiring cities to further ease restrictions on ADUs. State law restricts what cities may require of new ADUs with the intent of further reducing barriers and streamlining approvals to accommodate the development of ADUs. These rules reduce parking requirements, allow garage conversions by right, and control when fire sprinklers and water meter connections are required (and when they are not). Most importantly, the State requires cities to amend their ordinance to comply with these provisions, otherwise the local ADU ordinance is invalid.

In response to the state law, on March 27, 2017, the City Council amended the Accessory Dwelling Unit ordinance and made consistency changes to other sections of the code. Construction of ADUs has increased since City code amendments were implemented (See Table 1).

![Figure 1 – New ADU Applications](image)

ANALYSIS
During this time, staff and the community have identified potential improvements to the regulations that could address neighborhood concerns while incentivizing further production. One major concern has been detached second story ADUs in the rear yard and the potential negative impacts on privacy and neighborhood character. While these types of units are a small proportion of overall construction, they
represent a large majority of neighborhood concerns. Consistent with state law, the City currently allows detached second-story ADUs above a garage with the same maximum allowable height as a single-family home, but with a reduced 5 ft. rear setback. The current allowances for second story ADUs pose height, massing, and privacy concerns to residential neighborhoods, which have historically not allowed second stories within the rear yard areas.

In addition, several homeowners have expressed concerns with restrictions on one-story ADUs, which in some cases has served as a barrier for these types of units. As described below, the restrictions include inconsistent rear setback requirements for detached accessory buildings, challenges in converting existing structures to ADUs, and rear yard lot coverage requirements. Allowing flexibility in these development standards could further incentivize single-story ADUs instead of more costly and intrusive second-story ADUs.

Second Story Detached ADUs
State law mandates that cities across California allow construction of second story ADUs with 5 ft. side and rear setbacks above a garage, including existing detached garages with nonconforming setbacks. However, state law does not stipulate maximum height or privacy guidelines for second story ADUs, which means that cities may tailor these regulations to fit local values provided that the regulations do not result in prohibiting or burdening ADU construction.

**Height:** In Redwood City, detached one-story ADUs are limited to 14 ft. in height while a second story ADU above a garage is allowed with a maximum height of 28 ft. (consistent with single-family homes). Several factors play into the height of a structure, including lot slope, architectural design, or building code requirements such as crawl spaces, foundation systems, attic ventilation, and minimum ceiling heights for habitable space. The maximum height of 28 ft. is not required to construct a second story ADU above a garage, so it is possible to impose height limits on these ADUs without impeding development of new units. A cap on maximum allowable height or second story plate heights would enable ADUs to remain secondary in nature to the allowable 28 ft. height of a single-family home. Most second story ADUs could be constructed within a maximum allowable height of 22 ft. to 24 ft. with standard 8 ft. plate heights.

**Staff’s Recommendation:** Reduce the maximum building height to 24 ft. and establish a maximum plate height to 8 ft. for second story ADUs.

**Privacy:** The City currently does not have regulations to address privacy for upper story development, such as limiting large windows or orienting balconies away from side and rear yards. However, the City can impose development standards and architectural guidelines, which could address these concerns. Enclosing stairwells, eliminating balconies facing neighbors, and requiring sensitive treatment of side yard windows (size, height, transparency) maintains compliance with state law while protecting neighbor privacy.

**Staff’s Recommendation:** Prohibit open stairways, balconies, and second story decks facing immediately adjacent side and rear yards and limit windows facing immediate adjacent neighbors to opaque or clerestory.

**Roof decks:** Accessory structures, including ADUs, do not contain provisions restricting roof decks. Unenclosed portions of buildings (decks, balconies) are not clearly included in the measurement of building height for accessory structures. Roof decks above one and two-story accessory structures pose privacy
impacts if they are located in the rear yard. Prohibition of second story balconies could result in more roof decks as a private open space alternative.

*Staff’s Recommendation:* Prohibit roof decks above accessory buildings.

**One Story Detached ADUs:**
In addition to addressing privacy impacts of second story ADU’s, staff proposes the following modifications to incentivize one story ADUs.

**Rear Setbacks:** In 2015, the City re-evaluated rear yard setbacks for detached ADUs and reduced the standard from 20 ft. to 10 ft. to promote creation of ADUs while maintaining privacy and mitigating noise impacts. This change in rear setback is one reason for the increase in ADU construction from 2015 to 2016 (7 ADUs to 22 ADUs – see Figure 1 above).

In 2017, state law required cities to allow conversion of existing structures to an ADU, including structures with nonconforming setbacks. Redwood City’s zoning code requires a 6 ft. setback for new detached accessory structures, such as sheds, pool homes, and garages, and has the same development standards as ADUs for height and bulk. The zoning code also allows reconstruction of nonconforming detached structures within the same footprint and location. Consistent with state law, existing structures can be converted into ADU, including a legally nonconforming shed or a detached structure, both of which have smaller rear yard setbacks than new ADUs. Further, a homeowner could build a new detached structure (such as a garage) and then convert it into an ADU. The inconsistency between the two provisions has resulted in a complicated two-step conversion process to circumvent the 10 ft. rear setback requirement for ADUs. This process creates additional financial hardships to residents and time burdens to the City. Changing the rear ADU setback to be consistent with accessory structures could streamline this process and reduce a number of burdens to the community and staff resources. It would also maintain the development pattern historically allowed in rear yard areas and increase the amount of yard space available to construct ADUs (see Fig 2).

*Staff’s Recommendation:* Reduce rear ADU setback from 10 ft. to 6 ft. for one-story detached ADUs.

![Figure 2 – Rear Setbacks](image-url)
Rear Yard Coverage: Redwood City’s zoning code prohibits ADUs from covering more than 50 percent of the required rear yard area. Removal of the 50 percent rear yard lot coverage limit for ADUs would allow for more buildable footprint and could further incentivize single-story ADU construction. Restrictions within the rear yard area could otherwise encourage homeowners to build on the top of existing detached garages. ADUs would still be subject to the overall lot coverage requirement for the entire site.

Staff’s Recommendation: Remove 50 percent rear yard lot coverage limit for ADUs.

Replacement of Detached Garages into ADUs: Conversions of detached garages can result in ADUs at the property line. Most garage conversions usually include additions, which are required to meet current setbacks and can result in odd floor plans to accommodate the discrepancies in existing nonconforming setbacks, garage setbacks, and ADU setbacks. Allowing replacement of detached garages into ADUs would incentivize single-story ADU construction that is compliant with current setbacks. Replacement of a garage would eliminate the possibility of a detached second story ADU.

Staff’s Recommendation: Allow ADUs to replace detached garages with the requirement that the new structure is compliant with all current setback requirements.

ADA compatible ADU: In 2017, the City increased the maximum allowable sizes for both standard ADUs and ADA compatible ADUs to incentivize housing stock for people with disabilities. However to date, no ADA compliant ADUs have been constructed due to strict ADA construction requirements. The extra 100 sq. ft. incentive has been inadequate to promote these units over standard ADUs. Additional square footage may incentivize construction of ADA compliant ADUs.

Staff’s Recommendation: Increase maximum size for ADA compatible ADU from 800 sq. ft. to 1,000 sq. ft.

Hillside ADUs: Construction of one-story ADUs align with the following purpose of hillside regulations: 1) Ensuring that homes are integrated and scaled to the size of the property and 2) allowing reasonably-sized homes can further the goals of neighborhood quality and accommodate diverse family and multi-generational needs. However, one-story ADUs on hillside lots may require an Architectural Permit based on the lot slope or total gross floor area. This process is inconsistent with one-story ADUs elsewhere in Redwood City and has created additional time and cost to process applications for development with minimal impacts.

Staff’s Recommendation: Exempt one-story ADUs from the Hillside Ordinance regulations.

Summary of Recommendations
The modifications to the code are intended to address neighbor character, privacy concerns, and barriers to ADU construction. The proposed modifications address neighborhood concerns while incentivizing further production and flexibility for to incentivize single-story ADU construction instead of more costly and more intrusive second-story ADU construction. Below is a summary of the recommendations:

Second Story ADUs and Privacy:
- Reduce maximum heights for second-story ADUs above garages from 28 ft. to 24 ft. to limit height and mass and to keep units secondary to the single-family home.
• Restrict exterior stairs, balconies, and roof decks facing immediately adjacent neighbors to reduce privacy impacts.
• Require opaque or clerestory windows when facing immediately adjacent side and rear neighbors to reduce privacy impacts.
• Prohibit roof decks above accessory structures to reduce privacy impacts.

One Story ADUs:
• Reduce single-story rear setbacks from 10 ft. to 6 ft. to increase ADU production.
• Exempt ADUs from a 50% rear lot coverage requirement to increase buildable footprint in the rear yard.
• Allow replacement of detached garages into ADUs to incentivize one-story ADU construction and to ensure new structures into compliance with setbacks.
• Increases ADA maximum size from 800 sq. ft. to 1,000 sq. ft. in order to incentivize construction.
• Exempt one-story ADUs from the Hillside Ordinance to reduce further barriers to ADU construction.

GENERAL PLAN CONFORMANCE
The proposed Zoning Amendment would further the City Housing Element’s policies and programs that promote a variety of housing types that are accessible to all income levels.

Program H-12: Second Units. Second units offer an additional source of affordable housing to homeowners and the community. Redwood City’s Zoning Ordinance establishes development standards for second units on lots in residential areas with an existing single-family use. The development of this important housing type should be facilitated, while ensuring compatibility with and limited impact on existing neighborhoods.

Program BE-1: Amend Zoning Ordinance and Map. Update the Zoning Ordinance and Zoning map to reflect the General Plan Land Use Map upon adoption of the General Plan. Create zoning districts as needed to implement the Land Use and Urban Form Chapter. Establish specific development standards for each newly created zoning district.
• Consider modifying second unit standards to facilitate increased density while preserving older structures

ENVIRONMENTAL REVIEW
The adoption of an ordinance to implement Government Code section 65852.2 (the Accessory Dwelling Unit Law) is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.17. The related amendments not specifically related to the state law are considered exempt from CEQA as there is no possibility of a significant impact on the environment, per Section 15061(b)(3), because the proposed zoning amendments are minor changes that would not substantially increase the intensity or the use of the structures.
ALTERNATIVES
1. Alter the proposed ordinance amendments.
2. Deny the proposed ordinance amendments.

ATTACHMENTS
1. Resolution 19-06
2. Detached ADU Standards in Nearby Cities

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