RESOLUTION NO. 19-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDWOOD CITY RECOMMENDING THAT THE CITY COUNCIL ADOPT A ZONING ORDINANCE AMENDMENT MODIFYING ARTICLE 33 (NONCONFORMING LOTS, USES, STRUCTURES AND PARKING), ARTICLE 36 (EXTERIOR SITE IMPROVEMENTS), ARTICLE 37 (ACCESSORY DWELLING UNITS), AND ARTICLE 45 (ARCHITECTURAL PERMITS) REGARDING ACCESSORY DWELLING UNIT REQUIREMENTS

WHEREAS, the Planning Commission of the City of Redwood City is empowered to amend Zoning Ordinance Article 37 (Accessory Dwelling Units) to align with State policy and increase affordable housing production. Modifications to Article 37 would further the purposes of the ordinance, including allowing accessory dwelling units on single-family residential properties while respecting the character of the residential neighborhood, increasing the availability of a variety of housing types for all income groups, supporting affordable housing and multi-generational living, encouraging housing construction or alteration to meet the needs of residents with special needs including residents with disabilities, creating flexibility in the design and location of accessory dwelling units, and requiring adequate setback and height requirements; and

WHEREAS, on May 10, 2019, a public hearing notice was published in the San Mateo Daily Journal and mailed to interested parties; and

WHEREAS, on May 21, 2019, the Planning Commission held a duly noticed public hearing, in accordance with all applicable requirements of the Redwood City Zoning Ordinance, to consider amendments to Zoning Ordinance Articles 33 (Nonconforming Lots, Uses, Structures, and Parking), 36 (Exterior Site Improvements), 37 (Accessory Dwelling Units), and 45 (Architectural Permits) (collectively, the “Zoning Ordinance Amendments”); and

WHEREAS, on May 21, 2019, all interested parties were given the opportunity to participate in the public hearing by providing oral testimony and/or submitting written comments; and

WHEREAS, at the May 21, 2019 public hearing, the Planning Commission fully reviewed, considered, and evaluated the staff report, oral and written public testimony, and all other documents and evidence in the public record and continued the public hearing to June 18, 2019; and

WHEREAS, on June 18, 2019, the Planning Commission held a second public hearing where it fully reviewed, considered, and evaluated the staff report, oral and written public testimony, and all other documents and evidence in the public record; and

WHEREAS, on June 18, 2019, the Planning Commission considered whether the Zoning Ordinance Amendments are categorically exempt from the requirements of the California Environmental Quality Act (CEQA), as they relate to implementation of
Government Code section 65852.2 (the Accessory Dwelling Unit Law), pursuant to Public Resources Code Section 21080.17. The related amendments not specifically related to the Accessory Dwelling Unit Law are considered exempt from CEQA as there is no possibility of a significant impact on the environment, under Section 15061(b)(3), as described in the staff report; and

WHEREAS, the Planning Commission determined that the Zoning Ordinance Amendments would further the purposes of and appropriately implement the City of Redwood City General Plan, applicable provisions of the Redwood City Municipal Code, and the Redwood City Zoning Ordinance.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF REDWOOD CITY, AS FOLLOWS:

Section 1. The recitals set forth above are true and correct, and are hereby incorporated herein by this reference as if fully set forth in their entirety.

Section 2. The Planning Commission hereby finds that the proposed Zoning Ordinance Amendments are in the public interest and consistent with the Redwood City General Plan.

Section 3. This proposed Zoning Ordinance Amendments have been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.). Adoption of an ordinance regarding accessory dwelling units in a single-family or multifamily residential zone to implement the provisions of Government Code is an action that is exempt from the provisions of CEQA under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h). The remaining amendments have been evaluated and found to not have an impact on the environment under CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that they will not have an impact on the environment, as described in the staff report.

Section 4. The Planning Commission hereby recommends that the City Council of the City of Redwood City adopt the Zoning Ordinance Amendments as provided in Exhibit A, attached hereto and incorporated by reference, by adding text shown in underline (example) and deleting the text shown in strikeout (example). Wording in brackets ([example]) is informational only and is not to be included in the published ordinance.

Section 5. This Resolution is effective upon its adoption.

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EXHIBIT A
ZONING ORDINANCE AMENDMENTS

[Article 37 is amended as follows]

Article 37 - ACCESSORY DWELLING UNITS

37.1 - Purpose. See page.
The purpose of this section is to:
A. Allow accessory dwelling units on single-family residential properties while respecting the character of the residential neighborhood.
B. Increase the availability of a variety of housing types that is accessible for all income groups.
C. Support affordable housing and multi-generational living.
D. Encourage housing construction or alteration to meet the needs of residents with special needs including residents with disabilities.
E. Create flexibility in the design and location of accessory dwelling units.
F. Maintain adequate setback requirements and height limitations.

37.2 - Definition.
Accessory Dwelling Unit. An accessory dwelling unit, commonly known as a second unit or in-law unit, is an attached or detached dwelling unit that is located on the same lot as a single-family dwelling and provides complete living, sleeping, eating, cooking, and sanitation facilities separate and independent of the main dwelling. A second unit also includes an efficiency unit, as defined in Section 17958.1 of Health and Safety Code and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

37.3 - Development Standards.
An accessory dwelling unit may be constructed on the same lot as an existing or proposed single-family dwelling in the RH, R-1, R-2, R-3, R-4, and R-5 zoning districts, subject to the following development standards:
A. Number and Location.
1. No more than one (1) accessory dwelling unit may be located on the same lot that has an existing or proposed single-family dwelling. Accessory dwelling units are not required to meet the density requirements of the General Plan or zoning ordinance and do not count toward the permissible number of units per acre (or required lot area per dwelling)
2. Accessory dwelling units may be attached to, detached from, or located within the living area of the existing dwelling.
B. Lot Coverage. The maximum allowable lot coverage for all structures on a single-family lot, including an accessory dwelling unit and accessory buildings, shall be limited to the maximum allowable lot coverage of the underlying zoning district.
C. Building Height and Setbacks.
1. Attached Accessory Dwelling Unit. The height and setbacks of an attached accessory dwelling unit are subject to the requirements of the underlying zoning district and the setback requirements in Section 32.3 (Supplemental Setback Requirements) and shall have independent exterior access.
2. **Detached Accessory Dwelling Unit.** The height and setbacks of a detached accessory dwelling unit shall be subject to the requirements of Section 36.5 (Accessory Buildings) with the following exceptions.
   a. **Rear Yard Setback.** A detached accessory dwelling unit shall be set back six (6) ten (10) feet from the rear property line.
   b. **Conversion of Accessory Building.** A legal accessory building may be converted into an accessory dwelling unit provided the side and rear setbacks are sufficient for fire safety. Any expansion of the building shall meet current requirements for an accessory dwelling unit.
   c. **Replacement of Detached Garages.** A detached garage may be replaced by an Accessory Dwelling Unit provided it complies with required setbacks.
   d. **Second Story.** If an accessory dwelling unit is constructed above a garage, the minimum second-story setback is five (5) feet from the rear and side property lines and the maximum height is twenty (20) twenty-eight (28) feet. [State Law and City Zoning Standards]
      1. No more than 280 square feet of the accessory dwelling unit shall be constructed over a detached garage. The remaining allowable square footage may be constructed on the first floor.
      2. Balconies and second story decks shall be prohibited.
      2. Open stairways shall be located interior to the site and not facing the immediately adjacent side or rear yards.
      3. Second story plate height shall be limited to eight (8) feet.
      4. Windows facing immediately adjacent side and rear neighbors shall be made opaque or clerestory.
   e. **Rear Yard Lot Coverage:** A detached one-story accessory dwelling unit shall be exempt from the rear yard coverage limitation in Sections 5.5 and 36.5(G).
3. [Reserved.]
4. [Reserved.]
5. **Square Footage.** The maximum allowable floor area for an accessory dwelling unit shall not exceed the area specified below, provided that in no instance may the size of an attached accessory dwelling unit exceed fifty (50) percent of the existing living area.
   a. **Standard Units.** Accessory dwelling units shall not exceed seven hundred (700) square feet, except as specified in subsections (b) (c) and (d) below.
   b. **Accessible Units.** Units meeting the California Building Code requirements for disabled access are permitted to have up to one thousand (1,000) eight hundred (800) square feet of floor area.
   c. **RH and R-1 Lots Greater Than or Equal to ten thousand (10,000) Square Feet.** For lot sizes greater than or equal to ten thousand (10,000) square feet in the RH and R-1 zoning districts, the maximum allowable floor area for an accessory dwelling unit is nine hundred (900) square feet.
6. **Definition of Floor Area.** For the purposes of this article, floor area for an accessory dwelling unit shall not include garages, carports, and covered porches.

D. **Parking.** No additional parking spaces are required for the accessory dwelling unit. If a garage or carport is converted or demolished in conjunction with the construction of an accessory dwelling unit, the required replacement spaces may be uncovered. Replacement spaces shall be located on any paved area on the lot, including within any setback. Tandem configuration is permitted.

E. **Pervious Area in Front Yard.** The front yard shall be subject to the minimum pervious area and stormwater requirements of the underlying zoning district.
F. **Architectural Standards.** An accessory dwelling unit shall be generally architecturally compatible with the architectural style and exterior paint and materials of the single-family dwelling on the same lot.

G. **Stormwater Treatment.** Accessory dwelling units are subject to the requirements of Section 32.12 (Stormwater Treatment), including creek protection and setbacks.

H. **Passageway.** A passageway is not required in conjunction with the construction of an accessory dwelling unit, unless mandated by the Americans with Disabilities Act or other state or federal safety code or standard. A passageway is a pathway that is unobstructed and clear to the sky that extends from the street to the door of the accessory dwelling unit.

I. **Historic Preservation.** Any accessory dwelling unit located in a historic district or on a site with a historic landmark shall be subject to the requirements of Chapter 40 (Historic Preservation) of the City Code.

37.4 - Application.
An accessory dwelling unit that includes a second-story element shall require approval of an Architectural Permit in accordance with Article 45.

37.5 - Rental Only.
The accessory dwelling unit shall not be intended or offered for sale, nor sold, but may be rented.

37.6 - Homeowner Occupancy.
A. **Occupancy.** The property owner shall live on-site in either the main unit or the accessory dwelling unit.
B. **Exception.** The homeowner may live off-site and rent out both the main house and the ADU if the homeowner has a medical condition that requires residency elsewhere or accepts a job offer outside of the San Francisco Bay Area.
   1. **Process for Review.** Applications for Exception to the Homeowner Occupancy Requirement shall be filed with the Community Development Department by owner of the property affected and shall be reviewed by the Planning Manager or his/her designee. The application shall include pertinent information as may be required by the Planning Manager or his/her designee that demonstrates conformance with the exception criteria described in this subsection B.
   2. **Action.** The Planning Manager may take the following actions within 45-days of application submittal:
      a. Request additional information.
      b. Approve or deny the application.
      c. A written decision will be provided to the applicant.

[Article 45, Section 45.2 is amended as follows]

**Article 45 – ARCHITECTURAL PERMITS**

45.2 - Applicability.
The following projects require an Architectural Permit:
[Subsections A-C are unchanged]

D. Additions on Sloping Lots. One-story new construction, additions, new two-story accessory dwelling units or exterior modifications when the lot has a slope of fifteen (15)
percent or greater and the total gross floor area is three thousand (3,000) square feet or more. If the lot slope is thirty (30) percent or greater, an Architectural Permit is required for changes of any size. These provisions apply to any single-family, duplex or two-story accessory dwelling unit.

[Article 33, Section 33.11 is amended as follows]

**Article 33 – NONCONFORMING LOTS, USES, STRUCTURES, AND PARKING**

**33.11 - Repair of Nonconforming Structures.**
Notwithstanding the provisions of Section 33.10, any nonconforming structure may be repaired and/or altered, provided that:

[Subsections A-C are unchanged]

D. Existing nonconforming accessory structures may be repaired, reconstructed, or converted into accessory dwelling units, provided that there is no increase in the nonconformity caused or created by such structure.

[Article 36, Section 36.5 is amended as follows]

**Article 36 - EXTERIOR SITE IMPROVEMENTS**

**36.5 - Accessory Buildings.**
The requirements of this section apply to all accessory buildings in any zoning district.

[Subsections A-G are unchanged]

**H. Provisions for roof decks.** Roof decks shall be prohibited on top of accessory structures.