



ACCESSORY DWELLING UNITS/JUNIOR ACCESSORY DWELLING UNITS, FAMILY DAY CARE HOMES & TINY HOMES P20-0068 (Zoning Code Amendment)

Community & Economic Development Department

City Council
May 19, 2020

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1

OVERVIEW

New legislation related to housing affordability and opportunity affects local residential land use regulation:

1. Assembly Bills 68 and 881: Accessory Dwelling Units
2. Senate Bill 234: Family Day Care Homes
3. Invest Health Grant



**Accessory Dwelling Units and
Junior Accessory Dwelling Units**



Family Day Care Homes



**Tiny Homes and Tiny
Home Communities**



2

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2

PART A: Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)



3

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3

PART A: BACKGROUND

ADUs and JADUs: Opportunity to create low-impact, low-cost infill housing in established neighborhoods

1. **December 2017:** City Council approves Housing Element Implementation Program (compliance with AB 2299 and SB 1069)
2. State adopted new ADU laws (SB 229 & AB 494)
3. **February 2019:** City Council approved amendments to the ADU regulations to comply with State law
4. **October 2019:** State amended laws to eliminate barriers to constructing ADUs and JADUs



Image Credit: maxable.com

4



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4

PART A: PROPOSED AMENDMENT



Photo Credit: Lina Menard, accessorydwelling.org, Evelyn Brom and AARP

Proposed amendments to the Zoning Code:

1. **Chapter 19.442** – Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)
2. **Table 19.150.020.B** – Incidental Land Uses
3. **Chapter 19.080** – Nonconformities
4. **Section 19.580.050** – Parking Requirements
5. **Chapter 19.910** – Definitions



5

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5

PART A: PROPOSED AMENDMENT

Chapter 19.442 – Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)’s

1. **General Requirements**
 - a. Short-term rental, sale, lot size, etc.
2. **Location**
 - a. Attached, detached, internal
3. **Setbacks**
4. **Unit Size**
5. **Building Height**

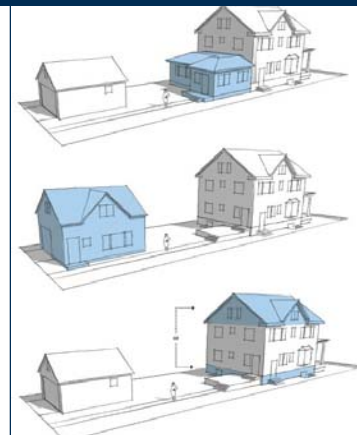


Image Credit: City of St. Paul, Minnesota 6

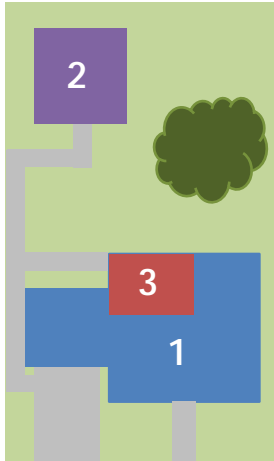


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6

PART A: PROPOSED AMENDMENT

Chapter 19.442 (continued)



1. **Number of Units**
 - a. Single-family and multi-family
2. **Owner Occupancy**
3. **Parking**
4. **Utilities**
 - a. New/existing connections
5. **Fees**



7

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7

PART A: PROPOSED AMENDMENT

Table 19.150.020.B – Incidental Land Uses Table



1. Allow ADUs in all residential zones including all mixed-use zones
2. ADUs allowed on lots developed with single- or multi-family units
3. JADUs allowed within the walls of an existing or proposed primary dwelling



Image Credit: LA-Más

8

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8

PART A: PROPOSED AMENDMENT

Section 19.080.070 – Modification or expansion of nonconforming structures

1. Exclude ADUs and JADUs from required finding of no increase in dwelling units

Section 19.580.050 – Parking Requirements

1. Update to reflect changes in law and in 19.442

Chapter 19.910 - Definitions

1. "Dwelling unit, accessory"
2. "Dwelling unit, junior accessory"



9

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9

PART B: Family Day Care Homes



10

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10

PART B: BACKGROUND

Keeping Kids Close to Home Act

1. Family Day Care Homes (up to 14 children) licensed and regulated by California Department of Social Services
2. **September 2019:** SB 234 ("Keeping Kids Close to Home Act") signed into law
3. **January 2020:** Local jurisdictions must treat family day care homes for up to 14 children as any other residential use.



11

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11

PART A: PROPOSED AMENDMENT

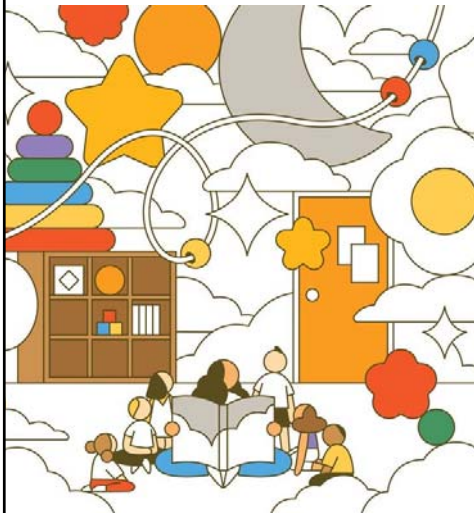


Image Credit: Rose Wong/NYTimes

Proposed amendments to the Zoning Code:

- **Chapter 19.100** – Residential Zones
- **Chapter 19.150** – Base Zones Permitted Land Uses;
- **Chapters 19.240, 19.350 and 19.405;**
- **Chapter 19.470** – Day Care Homes – Family;
- **Chapter 19.580** – Parking and Loading;
- **Chapter 19.640** – General Permit Provisions;
- **Chapter 19.650** – Approving and Appeal Authority;
- **Chapter 19.860** – Day Care Permit – Large Family; and
- **Chapter 19.910** – Definitions.

12

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12

PART B: PROPOSED AMENDMENT

Chapter 19.100 – Residential Zones and Chapter 19.150 – Base Zones Permitted Land Uses

1. Update to reflect family day care homes as permitted anywhere residential dwellings are permitted
2. “Day care center” still listed as conditionally permitted use in commercial zones

Chapters 19.240 – Adult-Oriented Businesses, 19.350 – Parolee/Probationer Home and 19.405 – Tattoo and Body Piercing Parlors

1. Chapters updated to reference term “family day care home”
2. No change to existing distance separation requirement



13

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13

PART B: PROPOSED AMENDMENT

Chapter 19.470 – Day Care Homes – Family

1. Chapter deleted in entirety – day care homes are regulated as residential uses in zones where residential uses are allowed

Chapter 19.580 – Parking and Loading

1. Table 19.580.060 (Required Parking) updated to clarify that Day Care Facilities do not include family day care homes

Chapter 19.640 – General Permit Provisions

1. Day Care Permit is deleted from Section 19.640.040 – Discretionary permits and actions



14

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14

PART B: PROPOSED AMENDMENT

Chapter 19.650 – Approving and Appeal Authority

1. Large Family Home Day Care removed as a use approved by the Community & Economic Development Director

Chapter 19.860 – Day Care Permit – Large Family

1. Chapter deleted in its entirety

Chapter 19.910 – Definitions

1. Deleted “Day Care Home, Family,” “Day Care Home, large family” and “Day Care Home, small family” are deleted
2. Added a “Family Day Care home”



15

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15

PART C: Tiny Homes and Tiny Home Communities



16

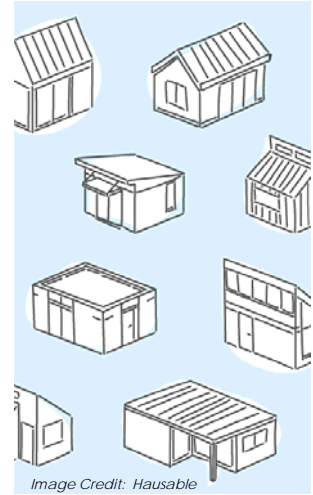
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16

PART C: BACKGROUND

Tiny Homes and Tiny Home Communities

1. Tiny Homes narrowly defined and allowed in limited circumstances under current Zoning Code
2. **December 2017:** City Council approves Housing Element Implementation, but asks for more information on tiny homes and tiny home communities
3. **March 2019:** Council receives update and requests visual examples, pilot/demonstrations and proof-of-concept
4. Tiny homes provide an opportunity to increase the City's affordable housing options



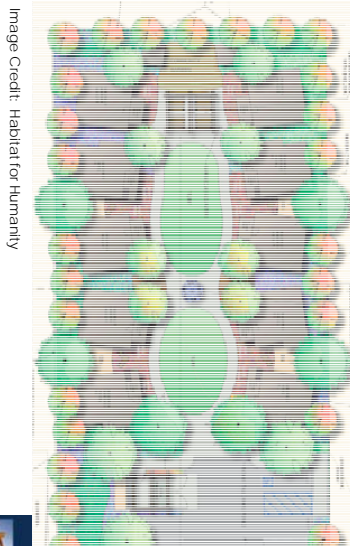
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17

PART C: PROPOSED AMENDMENT

Proposed amendments to the Zoning Code:

- **Chapter 19.100** - Residential Zones;
- **Chapter 19.150** – Base Zones Permitted Land Uses;
- **Chapter 19.210** – Mobile Home Park Overlay Zone (MH);
- **Chapter 19.340** – Manufactured Dwellings;
- **Chapter 19.580** – Parking and Loading;
- **Chapter 19.710** – Design Review;
- **Chapter 19.780** – Planned Residential Development Permit; and
- **Chapter 19.910** – Definitions.



18

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18

PART C: PROPOSED AMENDMENT

Chapter 19.100 – Residential Zones and Chapter 19.150 – Base Zones Permitted Land Uses

1. Allow tiny home communities (foundation) in multi-family (MF) zones
2. 5 foot minimum distance between buildings in MF zones
3. Minimum unit size per California Residential Building Code
4. Allow manufactured dwellings in MF zones



Image Credit: The Daily Californian/University of San Francisco



19

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19

PART C: PROPOSED AMENDMENT

Chapter 19.210 – Mobile Home Park Overlay Zone (MH)



Image Credit: Edmonton Journal/Homes for Heroes Foundation

1. Allow MH overlay zone in any R1 zone
2. Add Tiny Home Communities (chassis)
 - A. Establish maximum density of 20 units/acre
 - B. Set minimum site area to match underlying zone
 - C. Set maximum tiny home size of 400 square feet



20

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20

PART C: PROPOSED AMENDMENT

Chapter 19.340 – Manufactured Dwellings

1. Manufactured dwellings and tiny homes on chassis permitted in multi-family zones
2. CEDD Director approval for manufactured dwelling design

Chapter 19.710 – Design Review

1. Remove Design Review requirement for manufactured dwellings

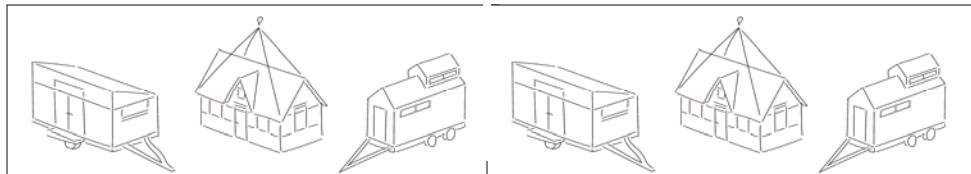


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21



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21

PART C: PROPOSED AMENDMENT

Chapter 19.580 – Parking and Loading

1. One space required per unit for tiny homes

Chapter 19.780 – Planned Residential Development Permit (PRD)

1. Allow Tiny Home Communities (foundation) with PRD permit, except in RC Zone

Chapter 19.910 – Definitions

1. "Dwelling unit, manufactured" – excludes mobile homes
2. "Tiny home community" include on chassis and foundations
3. "Tiny home" definition bifurcated:
 - A. "Tiny home (foundation)"
 - B. "Tiny home (chassis)"

22



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22

RECOMMENDATIONS

That the City Council:

1. Determine that Planning Case P20-0068 (Zoning Code Amendment) is exempt from the provisions of CEQA pursuant to Section 15282(h) of the CEQA Guidelines as amendments to the Municipal Code to implement Sections 65852.1 and 65852.2 of the California Government Code are statutorily exempt from CEQA; and further determine that the project is exempt from CEQA per CEQA Guidelines Section 15061(b)(3), as it can be seen with certainty that the code amendment does not have the potential to cause a significant effect on the environment (General Rule);



23

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23

RECOMMENDATIONS (CONT.)

2. Approve Planning Case P20-0068 (Zoning Code Amendment) based on the findings attached to this staff report; and
3. Introduce and subsequently adopt an ordinance amending the Accessory Dwelling Unit, Family Day Care Homes and Tiny Home provisions of the Municipal Code.



24

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24