

**CITY COUNCIL MEETING  
TUESDAY, MARCH 14, 2017**

**PRESENTATIONS**

**Item #5 WS 17-009**

**Accessory Dwelling Units**

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# WORK SESSION ON ACCESSORY DWELLING UNITS

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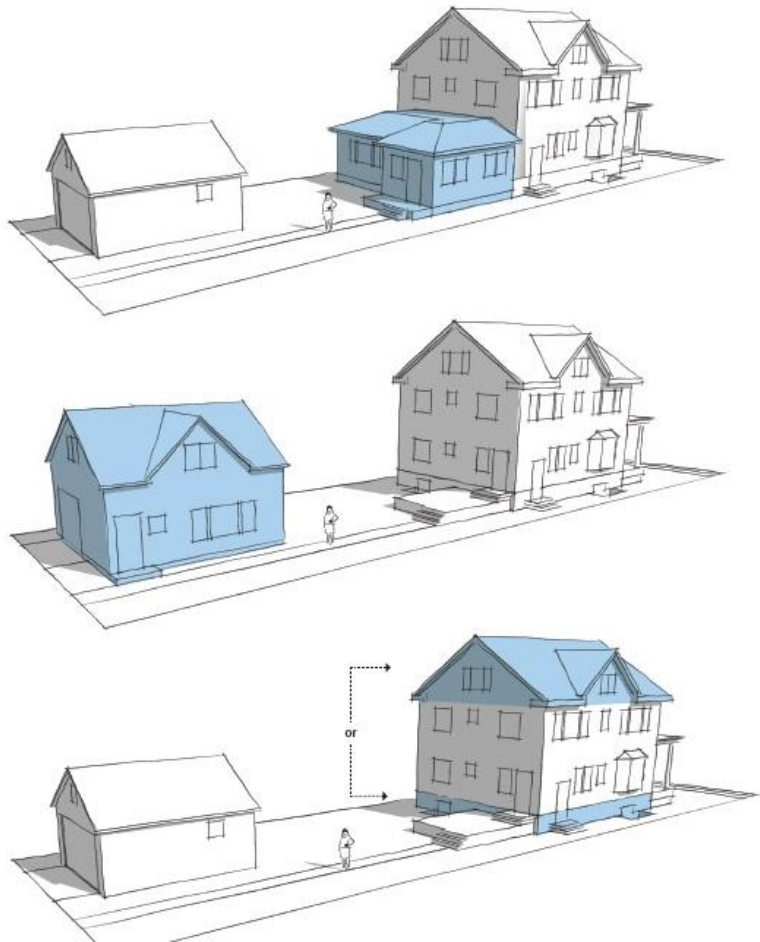
DEVELOPMENT SERVICES DEPARTMENT



MARCH 14, 2017



# INTRODUCTION



**What is an Accessory Dwelling Unit (ADU)?** Also known as “In-Law Units, Granny Units, and Second Dwelling Units”

- Independent dwelling unit with permanent provisions for living, sleeping, eating, cooking, and sanitation located on the same property as a single-family dwelling.
- Three Types of ADUs: Attached, Detached and Internal

**Goal of ADU Work Session:**

- Receive Feedback from City Council to Develop Local Ordinance in Compliance with State Law



# SUMMARY OF NEW STATE LAWS

**January 1, 2017:** State laws regarding Accessory Dwelling Units became effective:

- Renders City's local ordinance **null and void;** and
- Requires City to relax restrictions on the development of ADUs

**Review Process:** Ministerial action required on an ADU application with 120 days of submittal.



# STANDARDS UNDER LOCAL CONTROL

City maintains discretion on the following provisions and development standards:

- Location Criteria
- Required Parking for ADU
- Replacement Parking for ADU
- Maximum Dwelling Unit Sizes
- Limit on Number of Bedrooms for ADU
- Height Restrictions
- Owner Occupancy
- Limit on Quantity of ADUs per Lot



# LOCATION CRITERIA

## State Law – Requires Designation within City for ADUs

- “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 accessory dwelling units on traffic flow and public safety.”
- Limited Discretion on ADUs within Existing Single-Family Residences or Existing Accessory Structures

## Hayward Municipal Code (Voided)

- Permitted ADUs in most single- and multi-family zones, with existing single-family residence on the lot.

## Staff Recommendation

- Allow ADUs in single-family and multi-family zones, with an existing single-family dwelling on the lot.



# REQUIRED PARKING FOR ADU

## State Law

- Maximum of 1 space per unit or bedroom
- Cannot require parking in the following instances:
  1. ADU is located within ½ mile of public transit.
  2. ADU is located within a historically significant historic district.
  3. ADU is part of the existing primary residence or accessory structure.
  4. When on-street parking permits are required but not offered to the occupant of the ADU.
  5. When there is a car share vehicle located within one block of the ADU.

## Staff Recommendation

- Studio/One Bedroom: No Parking Requirement
- Two Bedrooms: One Parking Space per Bedroom on the Lot





# REPLACEMENT PARKING FOR ADU CONVERSIONS

## State Law

- If Required Parking (Garage) for Primary Residence is Converted into ADU
- Replacement Parking Shall be Allowed in Flexible Configuration

## Staff Recommendation

- Allow Replacement Parking to be Uncovered, Covered, or in a Tandem Configuration on the Lot of the ADU
- Shall be Parked on an Improved Paved Surface
- Prohibited Parking on Landscaped Areas



# UNIT SIZE & NUMBER OF BEDROOMS

## Maximum ADU Sizes

- Attached/Internal: Shall not Exceed 50% of the Existing Floor Area of the Residence
- Detached: Shall not Exceed 1,200 Square-Feet

**Staff Recommendation:** Attached and Detached - Shall not Exceed 50% of the Existing Habitable Floor Area of the Main Residential Structure or 1,200 square-feet, whichever is less.

## Number of Bedrooms

- Cities Maintain Discretion on Number of Bedrooms for ADUs
- Maximum 1 Parking Space per Unit or Bedroom

**Staff Recommendation:** Maximum of Two Bedrooms per ADU



# HEIGHT RESTRICTIONS

## State Law

- Allows ADUs to be Constructed Atop of Garages with Minimum 5-Foot Setback from Rear and Side Property Lines

## Staff Recommendation

### Attached to Primary Residence:

- Attached ADUs and ADUs on top of Attached Garages – Subject to Development Standards for the Underlying Zoning District

### Detached ADUs:

- Subject to Hayward Zoning Ordinance for Detached Accessory Structures

### ADUs Atop of Existing Detached Garages:

- Further Study Required due to Conflict with Municipal Code



# NEXT STEPS

## Develop Local Ordinance Based on City Council Feedback and Outreach

- **Outreach Efforts will include:**
  - Surveys (English and Spanish)
  - Interviews
  - Utilization of the Hayward Empathy Action Response Team (HEART)
- **Public Hearings for ADU Ordinance Adoption:**
  - Planning Commission – June 22, 2017 Meeting
  - City Council – July 18, 2017 Meeting
  - Submit ADU Ordinance to State Department of Housing and Community Development



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QUESTIONS?

# CITY COUNCIL POLICY DIRECTION

1. Replacement Parking Configuration on the Lot
2. Amount of Required Parking for New ADUs (Attached and Detached, not Internal)
  - A. Parking per bedroom or unit?
3. Number of Bedrooms Limitation
  - A. How many bedrooms should ADUs be limited to?
4. Maximum Square-Footage for ADUs
5. Height Restriction for ADUs atop of Garages and Detached ADUs
  - A. What is the acceptable height limit? Defer to underlying zoning district for primary structure?
6. Design Standards