

**PLANNING COMMISSION MEETING
THURSDAY, JULY 27, 2017**

PRESENTATIONS

STAFF PRESENTATION

**ITEM #1 PUBLIC HEARING
PH#17-072**

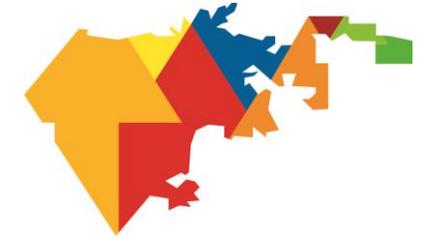
ACCESSORY DWELLING UNITS

**MARCUS MARTINEZ
ASSISTANT PLANNING**

ZONING TEXT AMENDMENT FOR ACCESSORY DWELLING UNIT REGULATIONS

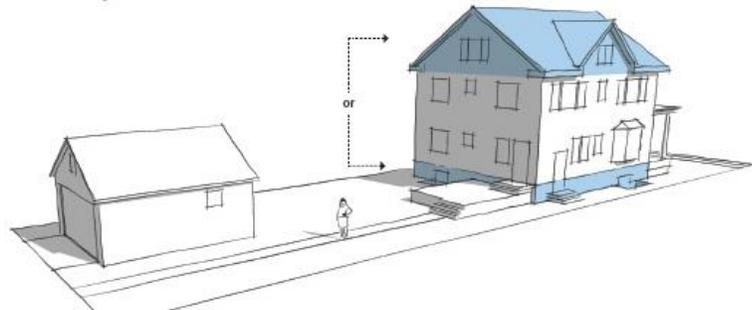
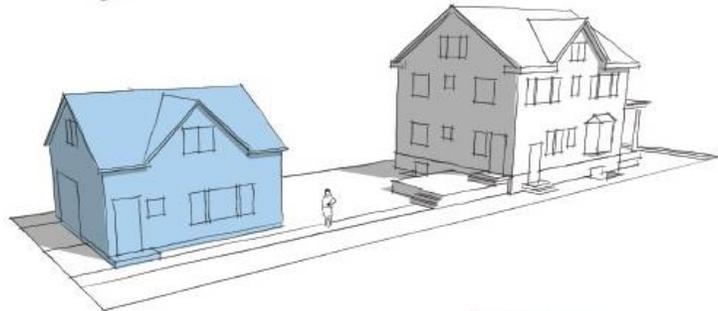
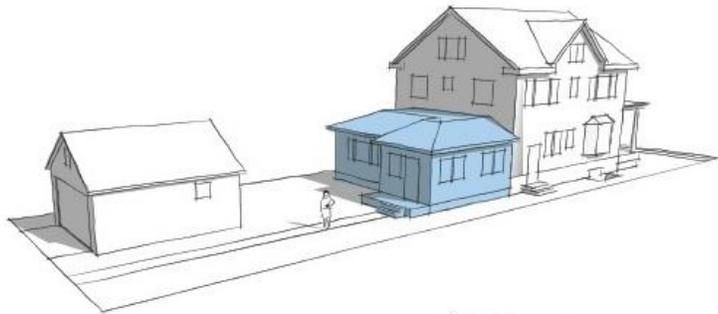
PLANNING COMMISSION

MARCUS MARTINEZ, ASSISTANT PLANNER



JULY 27, 2017

INTRODUCTION



What is an Accessory Dwelling Unit (ADU)?

Also known as “In-Law Units, Granny Flats, 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



BACKGROUND OF NEW STATE LAWS

September 27, 2016: Governor Jerry Brown signed Assembly Bill 2299 and Senate Bill 1069 into law.

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

- Renders local ordinances not consistent with State law **null and void** until City adopts compliant provisions;
- Requires City to relax restrictions on the development of ADUs; and
- Encourages the development of ADUs



CITY COUNCIL WORK SESSION

Work Session: On March 14, 2017, City Council held a Work Session to:

- Evaluate new State laws regarding ADUs;
- Review staff's recommended Ordinance provisions; and
- Provide policy direction to City staff regarding certain Ordinance provisions.

Key Concerns:

- Conflict between State legislation and HOA **CC&Rs**;
- **On-street parking** impacts in congested neighborhoods;
- **Notification** of proposed ADUs to adjacent properties; and
- ADUs as **short-term rentals** instead of long-term housing stock.



EMPATHY OUTREACH

Hayward Empathy Action Response Team (HEART)

- City staff visited nine residential areas across the City
- Conducted in-person door-to-door surveys regarding ADUs
- Left door hangers at properties that referred residents to online survey

Key Takeaways:

- Motivator: Additional Income or Extended Family
- Obstacle: Project Costs and Unfamiliarity with Permitting Process
- Biggest Resident Concern: On-Street Parking Congestion



STANDARDS UNDER LOCAL CONTROL

City maintains discretion on the following provisions and development standards:

- Location Criteria
- Parking Requirements for ADU
- Maximum Dwelling Unit Sizes
- Limit on Number of Bedrooms for ADU
- Height Restrictions
- Owner Occupancy



LOCATION CRITERIA

State Law – Requires Designation within City for ADUs

- Cities cannot prohibit ADUs, but may designate zoning districts

Hayward Municipal Code (Voided)

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

Proposed Ordinance

- Allow ADUs in the following zoning districts, provided an existing single-family residence exists:
 - Agricultural (A)
 - Single-Family Residential (RS)
 - Medium-Density Residential (RM)
 - Residential Nature Preserve (RNP)
 - Suburban Transect Zone (T3) within Mission Boulevard Form Based Code



REQUIRED PARKING FOR ADU

State Law

- Maximum of 1 space per unit or bedroom
- Shall be allowed in flexible configuration: uncovered, covered, tandem
- Cannot require parking in the following instances:
 1. ADU is located within 1/2 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 there is a car share vehicle located within one block of the ADU.

Proposed Ordinance

- Studio/One Bedroom: One (1) Parking Space
- Two Bedrooms: Two (2) Parking Spaces



REQUIRED PARKING FOR GARAGE CONVERSIONS

State Law

- Required Parking Facilities (i.e. garages) are Permitted to be Converted into ADUs
- Replacement Parking Shall be Allowed in Flexible Configuration

Proposed Ordinance

- Replacement Parking may 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 Required 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

Proposed Ordinance: Regardless of Configuration - 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

Proposed Ordinance: 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

Proposed Ordinance

Attached ADUs:

- Subject to Development Standards for the Underlying Zoning District

Detached ADUs:

- Subject to Development Standards for the Underlying Zoning District for Detached Accessory Structures

ADUs Atop of Existing Detached Garages:

- Site Plan Review Required (Non-Ministerial)
- Shall Not Exceed Maximum Permitted Height for Primary Structure



OWNER OCCUPANCY

State Law

- Local Agencies have Discretion to Require Owner Occupancy

Proposed Ordinance

- Legal Property Owner shall be Required to Reside in Either Primary Residence or ADU
- ADU and/or Primary Residence cannot be used at Short-Term Rental (less than 30 days).
- Both Units shall Not be Rented Separately
- Deed Restriction shall be Required to be Recorded with the Alameda County Recorder prior to Building Permit



ZONING CONFORMANCE PERMIT

Zoning Conformance Permit for ADUs

- Ministerial Review of ADU to Ensure Compliance Prior to Building Permit Submittal
- Review of Deed Restriction
- Maintain Record of ADUs as Rentable Housing Stock for City's RHNA
- Maintain Record for Code Enforcement Rental Inspection Program

Proposed New Fee to Master Fee Schedule

- \$328 Flat Fee (Two Hours of Staff Time)
- Cost Recovery for Staff Time to Review ADU



STAFF RECOMMENDATION

That the Planning Commission recommend to the City Council:

- ✓ **Adoption** of the Zoning Text Amendment to Chapter 10 of the Hayward Municipal Code for Accessory Dwelling Units based on the required Findings; and
- ✓ **Adoption** of the Amendment to the City's Master Fee Schedule to establish a New Fee for Zoning Conformance Permits.



QUESTIONS?

