



Town of Atherton

ADU Ordinance Update

City Council

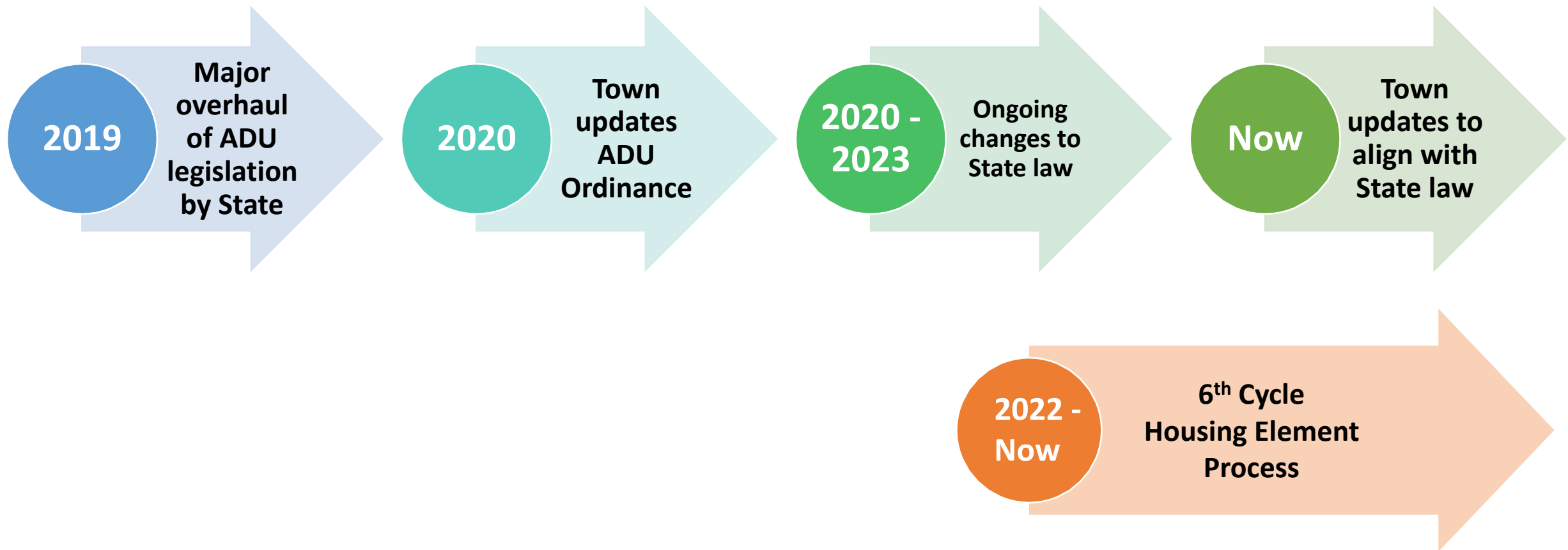
November 15, 2023

Recommendation

Staff recommends that City Council conduct a public hearing to introduce an ordinance to:

- repeal and replace Chapter 17.52 “Accessory Dwelling Units,” and
- amend Chapter 17.36 “Public Facilities and Schools District (PFS)” and Chapter 17.60 “Definitions.”

Background



Areas of Change

- Definitions
- Accessory Dwelling Use
- Maximum Number of Units
- Floor Area Requirements
- Exemptions from Maximum Floor Area Requirements
- Basements
- Setback Requirements
- Height
- Heritage Trees
- Privacy, Screening and Landscaping
- Parking Requirements
- Owner Occupancy
- Passageways and Internal Connections
- Compliance with Applicable Requirements
- Impact Fees
- Utilities
- Certificate of Occupancies
- Code Enforcement
- Public Facilities and School Districts (PFS) Zoning Controls
- “Kitchen” and “Efficiency Kitchen” Definitions

Areas of Change – Per State Law

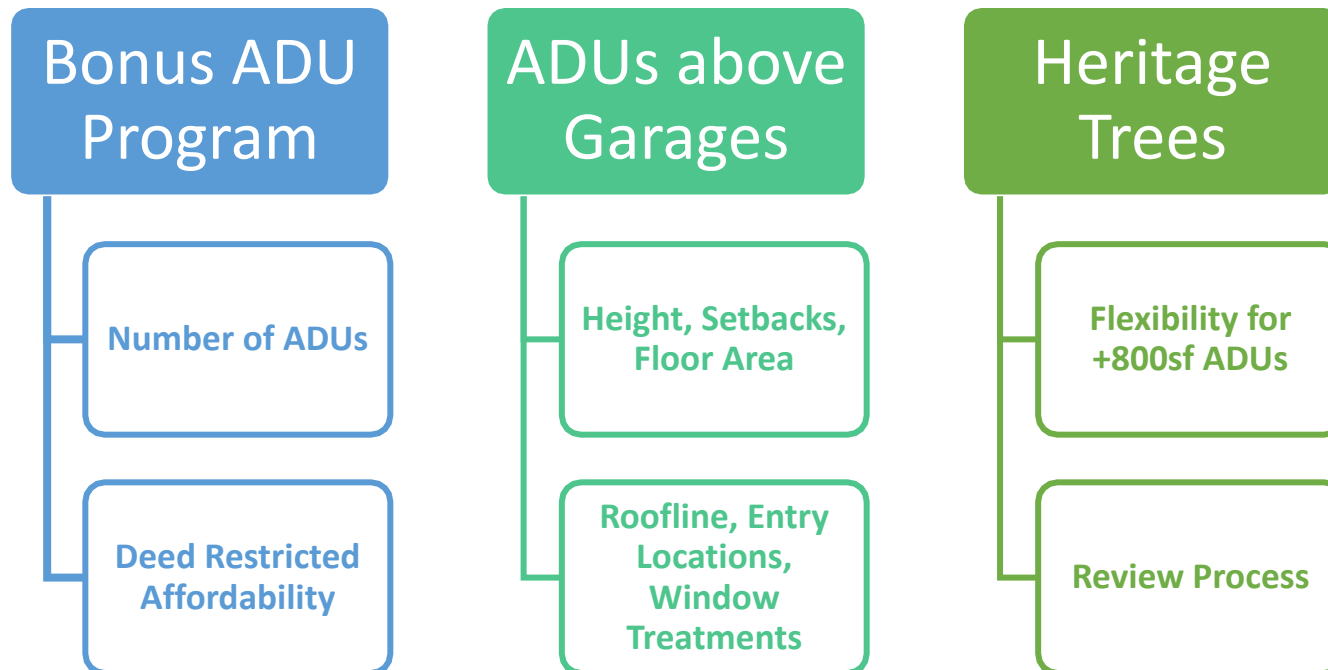
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(Changes required by State law)

Inserting Town Influence

Town Objectives:

- 1) Incentivize compliance with Town's standards
- 2) Incentivize ADU development to meet the Town's RHNA objectives



Maximum Number of Units

State Law (how it used to be):

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply...

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A)...

+ **1 ADU or 1 JADU** (subject to conditions)
+ **1 detached, new construction, ADU**

= 2 units

Maximum Number of Units

State Law (now):

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply...

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A)...

$$\begin{array}{r} 1 \text{ ADU (subject to conditions)} \\ + 1 \text{ JADU (subject to conditions)} \\ + 1 \text{ detached, new construction, ADU} \\ \hline = 3 \text{ units} \end{array}$$

Bonus ADU Program

Housing Element Program 3.812(F):

*Allow the zoning code to allow **two** ADUs to be constructed on properties two acres or greater than area.*

$$\begin{array}{rcl} & + & \text{1 ADU (subject to conditions)} \\ & + & \text{1 JADU (subject to conditions)} \\ & + & \text{1 detached, new construction, ADU} \\ \hline = & 3 & \text{units} \end{array} \quad + \quad \begin{array}{l} \text{1 BONUS ADU} \\ \text{(+2 ACRE LOTS} \\ \text{ONLY)} \end{array}$$

Deed Restriction Component:

- Timeframe: 15 years
- Affordability level: “Low-Income”

ADUs Above Garages

Objective:

Incentivize compliance with Town's setbacks by allowing ADUs above existing or proposed detached garages

Height	Floor Area Exemptions	Privacy
<ul style="list-style-type: none">• Maximum height of structure (including garage and ADU)• Roof form	<ul style="list-style-type: none">• Ground level entry• Enclosed stairs	<ul style="list-style-type: none">• No balconies/decks• Window standards• 8 foot fencing• Landscaping

Heritage Trees

Objective:

Incentivize compliance with Town's setbacks by providing greater flexibility with Heritage Tree Ordinance for larger, setback compliant ADUs

TPZ Exceptions

- Administrative up to 6x in the R1-A

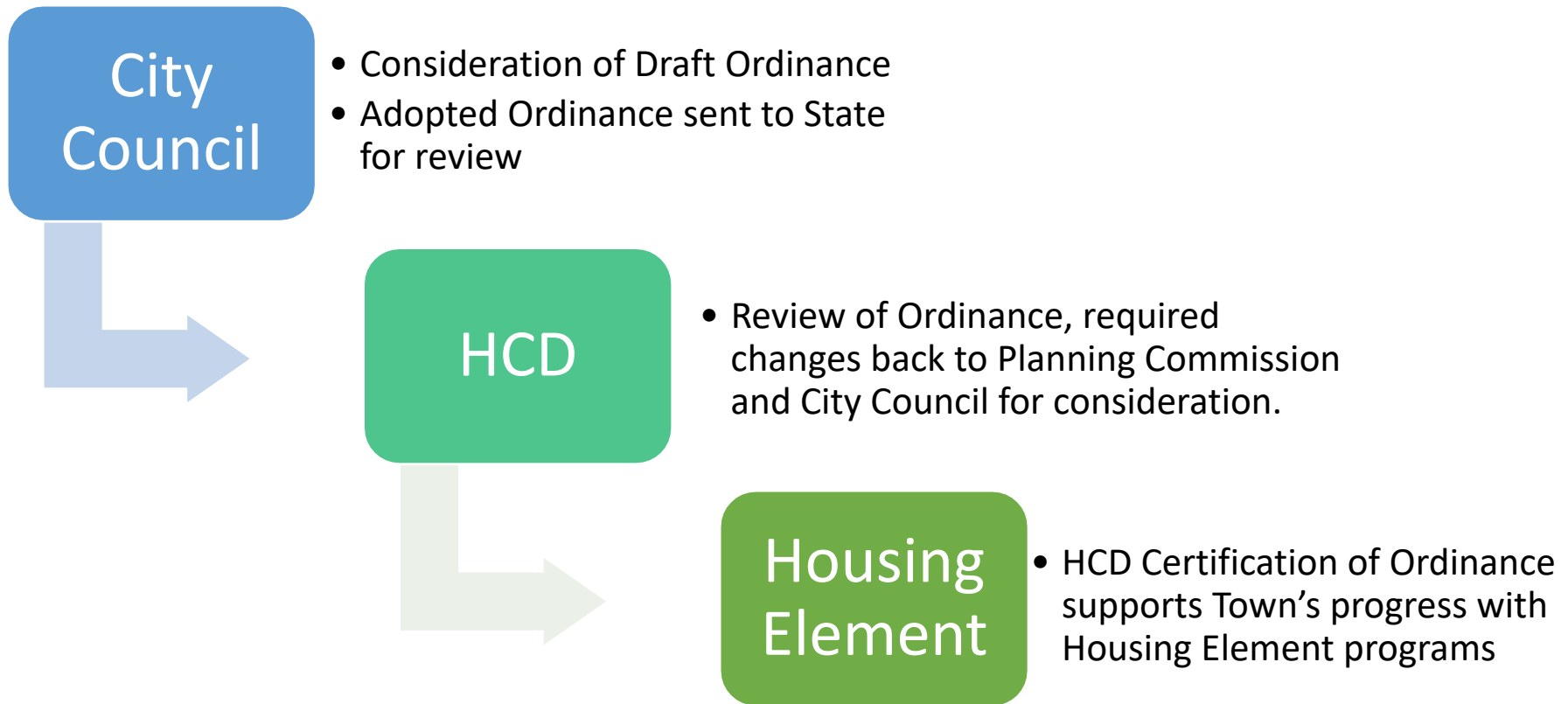
Review Process

- Reviewed during Planning consideration
- 6x would require information at submittal of application

Good Faith Removal

- Asserts timeline requirements for ADU construction
- Asserts potential penalties

Next Steps



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Thank you

