



City of Martinez

Joint City Council/Planning Commission Workshop

Accessory Dwelling Unit Regulations

March 22, 2023

Accessory Dwelling Unit Regulations

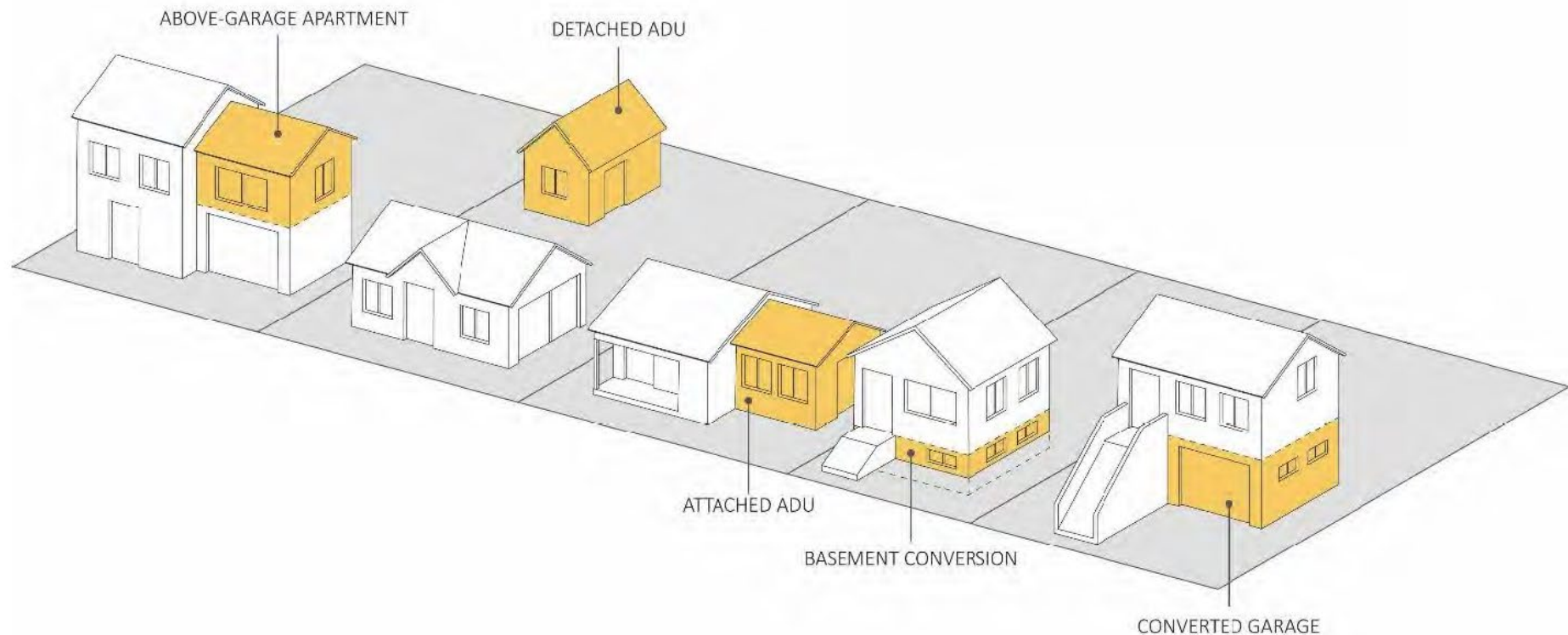


Outline

- Background
- Proposed Revisions
- Recommendation
- Questions For Council/Commission Consideration
- Next Steps



ADUs come in all shapes and sizes





Changing Regulatory Landscape

- The State has removed barriers, streamlined approval, and expanded potential capacity of ADUs and JADUs
- ADU and JADU regulations are governed by Government Code Sections 65852.2 and 65852.22, respectively





What Are We Doing Now

- City's existing regulations for ADUs can be found in MMC Section 22.12.085.
- State-level policy changes have rendered the City's existing ADUs regulations mostly out of compliance.
- Until the City amends its ADU regulations, the City is processing ADUs and JADUs pursuant to State regulations and/or underlying zoning regulations when appropriate.





Proposed Revisions and Intent

Main Goals with Revisions:

1. Increase ease of comprehension
2. Modernize the code and eliminate antiquated requirements
3. Consistency with State regulations



Example of Proposed Revisions (Setbacks)

Standard	Existing City Regulation	State Regulation	Proposed City Regulations
Setbacks	Rear: 5 feet Side: 5 feet Front: Same setback required for the primary residence	Rear: 4 feet Side: 4 feet Front yard setbacks may still apply to ADUs, but cannot preclude an ADU of at least 800 sf. No setback shall be required for an existing living area or accessory structure, or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU.	<i>Revise setback requirements to be consistent with State regulations and not impose additional standards.</i> Rear: 4 feet Side: 4 feet Front: Same as underlying zoning district



Example of Proposed Revisions (Maximum Size)

Standard	Existing City Regulation	State Regulation	Proposed City Regulations
Maximum Size	1,000 sf, excluding garage	<p>ADU: State regulations don't allow local jurisdictions to establish maximums for ADUs less than 850 sf or 1,000 sf for 2+ bedrooms.</p> <p>ADUs attached to a single-family dwelling is limited to 50% of the home's square footage.</p> <p>JADU: 500 sf</p>	<p><i>Revise to be consistent with State minimum requirements</i></p> <p>ADU (all types): 1,000 sf (ADUs attached to a single-family dwelling is limited to 50% of the primary unit's square footage)</p> <p>JADU: 500 sf</p>



Summary of Proposed Revisions (Aesthetics)

Standard	Existing City Regulation	State Regulation	Proposed City Regulations
Privacy	Any window or door of a second story second housing unit shall utilize techniques to lessen the privacy impacts onto adjacent properties. These techniques may include, use of obscured glazing, window placement above eye level, windows and doors located toward the existing on-site residence or screening treatments.	State allows local jurisdictions to implement design standards, but need objective and verifiable thresholds. Subjective design guidelines are not permitted.	<p><i>Revise privacy standards to be objective.</i></p> <p>Any window of a second story ADU or JADU abutting neighboring lots shall be clerestory or shall have permanently obscured glazing to lessen the privacy impacts onto adjacent properties. This requirement shall not apply to any ADU or JADU if the proposed addition complies with the setbacks of the main structure.</p>



Recommendation

Conduct a study session to provide policy recommendations on the proposed revisions to the Accessory Dwelling Unit (ADU) regulations.



Question #1: Maximum Unit Size

Does the Council/Commission want to allow ADUs over 1,000 sf noting that smaller ADUs (limited to 1,000 square feet) are more likely to count as affordable units towards the City's Regional Housing Needs Allocation (RHNA)?



Question #2: Maximum Height

Does the Council/Commission want to streamline heights to allow detached ADUs up to 18 feet regardless of proximity to transit or other exceptions?

Does the Council/Commission want to allow second-story or two-story detached ADUs when additional standards are met to limit privacy impacts on adjacent properties?



Question #3: Parking

Does the Council/Commission want to remove parking standards for ADUs since most ADUs are already exempt?



Question #4: Owner Occupancy

Does the Council/Commission want to permanently codify the prohibition of owner occupancy requirements?



Question #5: Privacy

Does the Council/Commission want to impose design standards related to windows on second stories, balconies, or other design features to address privacy concerns?



Question #6: Design Standards

Does the Council/Commission want to impose any design/aesthetic standards from the existing code (roof decks, breezeways, entrances, etc.), or any other standards beyond those described in this staff report (building materials and privacy)?



Question #7: Building Separation

Does the Council/Commission support maintaining a 10-foot building separation requirement, reducing the requirement to five feet, or eliminating this requirement altogether?



Question #8: Variance/Exception Process

Does the Council/Commission support requiring a variance or an exception, rather than a conditional use permit, to exceed a design or development standard?



Question #9: Exceptions via Affordable Housing

Does the Council/Commission support exceptions/bonuses to design and development standards in exchange for deed restricting ADUs for affordable housing?

Does the Council/Commission have any other ideas for “development bonuses?”



Next Steps

- Draft revised ADU regulations, based on Council/Commission feedback
- Send draft regulations to HCD for review in April 2023
- Planning Commission tentative consideration in May 2023
- City Council tentative consideration and adoption in June and July 2023

Accessory Dwelling Unit Regulations



Questions?

Kat Galileo

From: Breannah Drake <Bdrake@bertolamiengineering.com>
Sent: Wednesday, March 22, 2023 10:46 AM
To: CityClerk
Cc: Racheal Shirley; gwen_bertolami@comcast.net
Subject: City Council ADU meeting 3/22/2023 7PM

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I am a resident of Lafayette and aware of the issues surrounding a push for high density, but also a need to preserve allocated parking. My companies, Bertolami Engineering and Comfort Casitas, are starting to design more ADUs in the Bay Area.

Here in Lafayette, we are about to submit one ADU application to the city for approval. The client wanted to tear down the existing detached garage and build a new garage with storage, with an ADU above. Because of the 16' building height restriction, this option was not possible. We are submitting the project to tear down the garage and build an ADU- which our client is allowed to do. But this design, while consistent with zoning, eliminates two parking spots on the parcel.

Berkeley, Oakland, and San Jose have eased the height restrictions to 18', 20' and 24', respectively, for this exact reason.

We are also informed by the National Association of the Remodeling Industry (NARI) that there are new laws being created at the state level that will relax the parking requirements for building an ADU even further.

As a resident of Lafayette and a designer of ADUs, I would prefer not to see parking options removed. The current zoning creates a barrier to providing parking for all residents on their properties, even when they want to. The net effect is to force more people to park on the street.

I will be speaking at Monday's meeting to ask the Council to consider amending the zoning ordinance to increase the height limitation for projects with a garage/ADU option. I look forward to discussing this matter with you.

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