



City Council Agenda Item

City Council Meeting Date: February 7, 2023

TO: Dean Albro, City Manager

FROM: Brian Halvorson, Planning Manager
b_halvorson@ci.lompoc.ca.us

SUBJECT: Introduction of Ordinance No. 1702(23) Amending the Lompoc Municipal Code Regulations on Accessory Dwelling Units and Junior Accessory Dwelling Units (TA 22-02)

Recommendation:

Staff and the Planning Commission recommend the City Council:

- 1) Hold a public hearing; and
- 2) Introduce, for first reading by title only with further reading waived, Ordinance No. 1702(23) adopting Zoning Code Amendments pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units (TA 22-02) (Attachment 1);
or
- 3) Provide alternative direction.

Background:

In 2016, California passed statewide legislation allowing Accessory Dwelling Units (ADUs). New legislation continues to be added to the original regulations and as recently as late last year additional legislation was adopted effective January 2023. In total, sixteen housing bills have been approved by the State regulating ADUs. A summary of recent changes to ADU laws has been attached to this report (this summary does not include laws that were passed in 2022 such as AB 2221 and SB 897) (Attachment 2).

In short, an ADU is a dwelling unit that is accessory to a primary residence and has complete independent living facilities for one or more persons with a few variations such as the following:

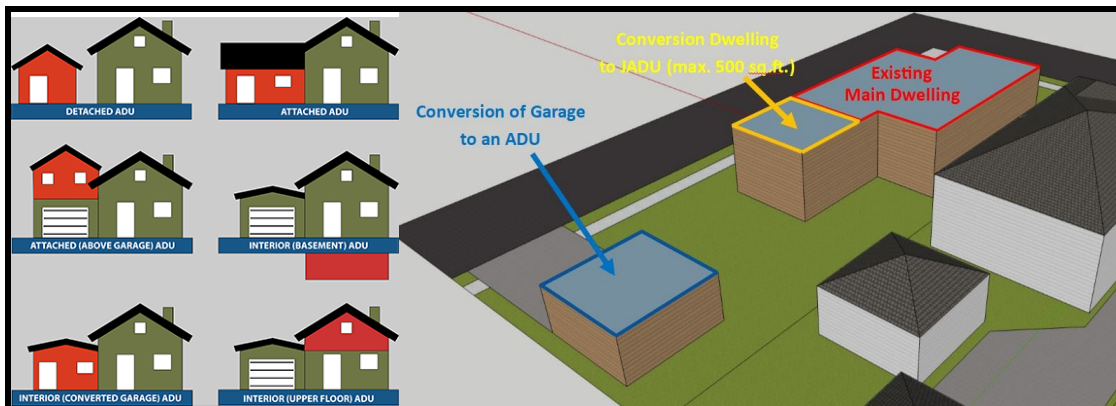
Detached: The unit is separated from the primary structure.

Attached: The unit is attached to the primary structure.

Converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similar use) within a primary residence or accessory structure that is converted into an independent living unit.

JADU: A specific type of accessory unit that is contained entirely within an existing or proposed single-family residence, is limited to 500 square feet, and does not have to include a separate bathroom.

Types of ADUs



To assist staff, the general public, designers, and builders, the California Department of Housing and Community Development (HCD) has published a recent handbook (July/2022) that is available on the HCD website at:

<https://www.hcd.ca.gov/sites/default/files/2022-07/ADUHandbookUpdate.pdf>

On December 17, 2019, the City Council approved a comprehensive update to the Zoning Code (Title 17) which addresses regulations for ADUs. As part of that update, the City's ordinance [Lompoc Municipal Code Section (LMC) 17.404.020] pertaining to ADUs was made compliant with State Housing Laws. Subsequently, following the adoption of those amendments to the LMC, new State legislation regulating ADUs and JADUs was approved and became effective.

Amendments to State law further addressed barriers to the development of ADUs and JADUs and essentially made LMC section 17.404.020 non-compliant. Therefore, staff has had to refer to State regulations when reviewing proposed applications for ADUs and JADUs.

The Planning Commission reviewed a draft ADU ordinance at public hearings held November 9, 2022, and December 14, 2022. Following those public hearings, the Planning Commission recommended approval of the draft ordinance with two edits, which would not require parking for ADUs even if a property is not located within ½ mile walking distance of public transit, and a requirement that, in the event an ADU is separately sold, a separate utility connection (including but not limited to water, sewer, electric, and gas)

between the unit and utility would be required (Attachment 3). Those edits are reflected in the ordinance for City Council consideration.

Discussion:

State Housing Laws continue to encourage and facilitate development of ADUs and JADUs, and continue to further limit the ability of local governments to regulate ADUs and JADUs, due to the extreme shortage of housing in the State of California. ADUs and JADUs can be an innovative and effective option for adding much needed housing in California. In addition, as part of the Regional Housing Needs Allocation (RHNA) mandated by State Housing Laws, the Department of Housing and Community Development (HCD) allows the City to project the number of ADUs and JADUs based on the number of recently permitted ADUs (approximately 8 per year) in the City and count them towards meeting the City's RHNA requirement (estimated at approximately 66 units in the moderate income level) which in turn will assist the City as it is currently updating its Housing Element. Furthermore, it is necessary and important for the City to provide an updated ordinance that can promote a variety of housing options for its existing and future residents. The proposed amendments will bring the City's Zoning Code up to date on all past and current legislation (including laws that took effect in January 2023) so that compliance with State Housing Laws is maintained.

In summary, the following list includes the most significant changes to the City's ordinance:

- Allows JADUs in the RA and R-1 zones;
- Permits ADUs on properties with an existing or proposed multifamily dwelling;
- Updates tables and definitions;
- Increases the number of allowed ADUs (from one to two on a parcel that has one or more proposed or existing multifamily dwellings);
- Reduces required side and rear setbacks (from 5 feet to 4 feet);
- Increases allowable building height for ADUs (height limit is the same as height limit for the primary dwelling);
- Allows concurrent construction of a primary dwelling and an ADU/JADU;
- Revisions to Development Standards (minimum and maximum size, and height limit for 2nd story ADUs);
- Prevents denial of an application based on non-conforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety;
- Requires a deed restriction for JADUs (but not ADUs);
- Allows ADUs to be sold separately from the lot's primary dwelling if specified conditions are met;
- Updates relating to separate utility connections;
- No Development Impact Fees for an ADU of 750 square feet or less, but ADUs greater than 750 square feet shall be charged proportionately in relation to the square footage of the primary dwelling;

- Limits on enforcing standards (e.g., an attached or detached ADU can be located within the front yard setback if enforcing the front yard setback standard would limit the size of the ADU to less than 800 square feet) and;
- Streamlined permit review (from 120 days to 60 days).

The most recent legislation passed last year (Assembly Bill 2221 and Senate Bill 897) which takes effect January 1, 2023, allows ADUs to be taller and potentially closer to the front property line. Under the new laws, ADUs can be located in the front yard setback if that is the only way to enable an ADU that is at least 800 square feet. As mentioned above, another change is that local agencies cannot deny an application to create an ADU solely because corrections are needed to address nonconforming zoning conditions, building code violations, or unpermitted structures elsewhere on the lot that do not present a threat to public health and safety and are not affected by the construction of the ADU. This is only a limit on holding up an ADU to require compliance elsewhere on the property; it does not insulate the property owner from having to come into compliance separately from the ADU. Lastly, the City can only impose objective standards that involve “no personal or subjective judgement by a public official” and that are “uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.”

Review by HCD

Although cities and counties are mandated to permit ADUs and JADUs, they are not required to adopt ADU and JADU ordinances. Adopting an ordinance allows the City to regulate ADUs in ways permitted by state law. Any city/county that does adopt an ADU ordinance must submit the ordinance to HCD for review within 60 days after the ordinance is adopted. Therefore, if the City Council adopts the ordinance, then staff will submit the ordinance to HCD as required.

Environmental Review

The proposed amendments are exempt from California Environmental Quality Act (CEQA) review pursuant to Public Resources Code Section 21080.17 (Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units).

Fiscal Impact:

No funding was allocated in the current budget for the proposed amendments and all work has been completed using existing City staffing.

Conclusion:

The proposed amendments to the Zoning Code related to ADUs and JADUs are necessary to ensure compliance with the most recently adopted State housing laws.

Respectfully submitted,

Brian Halvorson, Planning Manager

APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

Christie Alarcon, Community Development Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Dean Albro, City Manager

Attachments:

1. Ordinance No. 1702(23)
2. Changes to ADU Laws
3. PC Resolution No. 978 (22)