

IRMA Glidden

Subject: FW: Proposed changes to Accessory Dwelling Unit (ADU) Ordinance (Item 5-N on City Council's 7-5-17 agenda) - -Additional AAPS comments

Attachments: 2017-7-2ADUsCtyCnclFnl.pdf; ATT00001.htm; 2017-6-19ADUsCtyCnclFnl.pdf; ATT00002.htm; Berkeley Section 23D10040 Accessory Dwelling Unit Standards.pdf; ATT00003.htm; Oakland ADU Summary Sheet 5-12-17.pdf; ATT00004.htm; Piedmont SecondUnitApplication.pdf; ATT00005.htm; San Jose SECOND UNIT REVIEW WORKSHEET 2016 Final_201701041719311066.pdf; ATT00006.htm; San Leandro Zoning Code ADUs (San Leandro, California).pdf; ATT00007.htm; Santa Cruz ADUChanges2017.pdf; ATT00008.htm

From: "Christopher Buckley" <cbuckleyaicp@att.net>

To: "Trish Spencer" <TSpencer@alamedaca.gov>, "Marilyn Ezzy Ashcraft" <MEzzyAshcraft@alamedaca.gov>, "Jim Oddie" <JOddie@alamedaca.gov>, "Frank Matarrese" <FMatarrese@alamedaca.gov>, "Malia Vella" <MVella@alamedaca.gov>

Cc: "DEBBIE POTTER" <DPOTTER@alamedaca.gov>, "ANDREW THOMAS" <ATHOMAS@alamedaca.gov>, "Allen Tai" <ATai@alamedaca.gov>, "LARA WEISIGER" <LWEISIGER@alamedaca.gov>

Subject: Proposed changes to Accessory Dwelling Unit (ADU) Ordinance (Item 5-N on City Council's 7-5-17 agenda) - - Additional AAPS comments

Dear Mayor Spencer and Councilmembers:

The Alameda Architectural Preservation Society plans to present the attached comments at the July 5, 2017 City Council meeting.

Please contact me at (510) 523-0411 or cbuckleyAICP@att.net if you would like to discuss these comments.

Christopher Buckley, Chair
AAPS Preservation Action Committee

07-05-2017
S-N. External
correspondence



July 2, 2017

(By electronic transmission)
Mayor and City Council
City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

Subject: Proposed changes to Accessory Dwelling Unit (ADU) Ordinance (Item 5-N on City Council's 7-5-17 agenda)

Dear Mayor Spencer and Councilmembers:

The Alameda Architectural Preservation Society (AAPS) continues to recommend the following, as stated in our attached June 19, 2017 letter to the City Council:

1. **Do not increase the maximum size of a by-right ADU from the existing 600 SF to 1200 SF except for ADUs contained within existing building envelopes.** Here is a summary of maximum by-right floor areas adopted by neighboring cities in response to the new state statute:

<u>City</u>	<u>Maximum By-Right Floor Area</u>
Berkeley	750 SF
Oakland	800 SF
Piedmont	700 SF
Santa Cruz	10% of lot area
San Jose	Lots 9000 SF or less: 600 SF Lots 9000–10,000 SF: 650 SF Lots Over 10,000 SF: 800 SF Minimum lot size for all ADUs: 5445 SF
San Leandro	Lots less than 7500 SF: 10% of lot area or 750 SF, whichever is less. Maximum percentage limit is reduced for larger lots.
Walnut Creek	700 SF

Alameda (Proposed) 1200 SF

Note: Like Alameda's proposed ordinance, the above maximum ADU floor areas are further limited by other development standards, such as maximum lot coverage, maximum impervious surface coverage, etc.

None of these ordinances allow a by-right ADU over 800 SF and San Jose has adopted AAPS's recommendation of 600 SF for lots less than 9000 SF (which exceeds the size of most Alameda lots) and Santa Cruz and San Leandro limit ADUs to 10% of lot area, limiting ADUs to 600 SF on lots 6000 SF or less.

More information on these ordinances is attached.

2. **Retain existing design standards for detached ADUs.** The existing design standard for detached ADUs reads as follows:

When detached from the primary dwelling, the design of the second unit shall be consistent with that of the primary residence, incorporating the same materials, colors and style as the exterior of the primary dwelling, including roof materials and pitch, eaves, windows, accents, distinctive features, and character defining elements.

The proposed design standard for detached ADUs that are not in front yards or adjacent to a corner lot's street side yard now reads as follows:

The design of a detached accessory dwelling unit shall be subordinate to the primary dwelling in terms of massing, height and building footprint. The detached building shall exhibit residential character and complement the primary dwelling in terms of proportions, roof form, and basic architectural features. Where there is a clearly recognizable architectural style present in its immediate surroundings, the detached building shall have the same architectural style and level of interest as the surrounding buildings. Where the immediate context is eclectic and no particular style of architecture is dominant, a greater degree of architectural variety may be established with the detached building.

As noted in AAPS's June 19, 2017 letter, the above language is too subjective for a ministerial approval.

In response to City Council questions at the June 20, 2017 meeting, staff advised that the City's Design Review Manual would apply to detached ADUs. But the Manual provisions for accessory structures (applicable to detached ADUs, since detached ADUs are defined as accessory structures in the proposed ordinance) on page 56 of the Guide to Residential Design reads as follows:

Accessory Buildings

- Accessory buildings should have the same siding and roof pitch as the main building and should echo its architectural details.
- Windows and doors of the accessory building should be of similar design and materials as those of the main building.
- An accessory building should always be subservient to the main building and should have a smaller footprint as the main building.

The Guide to Residential Design provisions for detached ADUs thus follow very closely the existing ordinance design standards rather than the proposed design standards. We continue to recommend that the existing ordinance design standards be retained for detached ADUs.

See our June 19, 2017 letter for further discussion of the above issues.

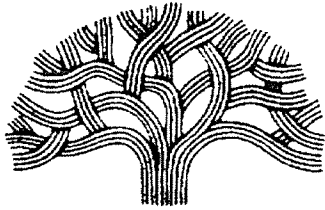
Thank you for the opportunity to comment. Please contact me at (510) 523-0411 or cbuckleyAICP@att.net if you would like to discuss these comments.

Sincerely,

Christopher Buckley, Chair
Preservation Action Committee
Alameda Architectural Preservation Society

Attachments: AAPS 6-19-17 letter to the City Council
ADU ordinance information for Berkeley, Oakland, Piedmont, Santa Cruz, San Jose, San
Leandro and Walnut Creek

cc: Deborah Diamond, Allen Tai, Andrew Thomas and Debbie Potter, Community Development
Department (by electronic transmission)
AAPS Board and Preservation Action Committee (by electronic transmission)



Secondary Units

Zoning regulations for Secondary Units

This handout describes the zoning regulations that apply as of May 12, 2017 to the construction of any new Secondary Unit, the conversion of an existing permitted building into a Secondary Unit, or the legalization of an existing unpermitted Secondary Unit. These draft regulations bring the City's Secondary Unit regulations into compliance with California State Bill (SB) 1069 and Assembly Bill (AB) 2299, which amended Government Code section 65852.2 and became effective as of January 1, 2017.

Definition	A "Secondary unit" (also known as "accessory dwelling unit," "in-law unit", or "granny flat") is an attached or detached accessory dwelling unit that is located on the same lot as an existing One-Family Dwelling facility; provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation; and meets the standards and criteria of Section 17.103.080.
Review procedure	Design Review Exemption, to be processed within 120 days of application receipt. The application will be considered ministerially, without discretionary review or a hearing. No public notice is required, and public input cannot be considered per State law.
Secondary unit types	<p>Category One: Located entirely within the building envelope of a One-Family Dwelling Facility or detached accessory structure legally in existence prior to January 1, 2017; involve no expansion of the existing structure; have independent exterior access; and side and rear setbacks are sufficient for fire safety.</p> <p>Category Two: Involve construction of a new structure, or an exterior addition to an existing structure.</p>
Maximum number of units	Secondary Units are allowed only on lots with an existing One-Family Dwelling Facility (the Primary Dwelling Unit). A total of one Primary Dwelling Unit and one Secondary Dwelling Unit are allowed.
Lot size	No minimum lot size, so long as the property is a legal lot of record.
Occupancy requirements	<p>The property owner is not required to live in either the Primary or Secondary Unit.</p> <p>The Secondary Unit may only be occupied on a 30-day or longer basis.</p>
Rental and sale of unit	The Secondary Unit may be rented, but may not be sold separately from the primary dwelling. The Secondary Unit may only be utilized for Permanent Residential Activities.
Parking location	If a covered parking structure is demolished to construct a Secondary Unit, the replacement parking may be located in any configuration (including covered, uncovered, tandem or mechanical lift).
Fire flow	The fire flow and water pressure on the adjoining streets must meet minimum Fire Marshal requirements.
Fire sprinklers	A Secondary Unit is only required to provide fire sprinklers if sprinklers are required for the Primary Unit.

This handout is informational only and is a general synopsis of the regulations contained within Section 17.103.080.

City of Oakland, Planning and Building Department
250 Frank H. Ogawa Plaza, 2nd floor
Oakland, CA 94612

	<u>Category One</u>	<u>Category Two</u>
Architectural compatibility	No architectural compatibility requirements	Must be clearly subordinate to Primary Dwelling in size and location; exterior materials must match or be visually compatible.
Maximum height	No height restriction	For attached or detached Secondary Units outside required setbacks, height limits are consistent with standards for that zone. For detached Secondary Units within a required side or rear yard, maximum wall height is 10 feet and roof height is 14 feet.
Maximum floor area	No size restriction	May not exceed 800 square feet or 75% of the floor area of the existing One-Family Dwelling, whichever is less.
Emergency Access	No restriction	Not permitted within the S-9 Fire Safety Protection Combining Zone. Outside of the S-9 Zone, not permitted if accessed by a street with pavement less than 20 feet wide or by a dead-end street longer than 600 feet.
Number of required parking spaces	No additional parking required	No additional parking required for Secondary Units located: <ul style="list-style-type: none"> • Within ½ mile of a bus stop, train station or, if appropriate, paratransit stop; • In a historic district; • Where on-street parking permits are required but not offered to the Secondary Unit occupant; • Within one block of a fixed car-share pick-up/drop-off spot. For all other Category Two Secondary Units: <ul style="list-style-type: none"> • One parking space per unit required in zones other than S-11 and S-12. • In S-11, one space per bedroom, up to maximum of 2 per unit. • In S-12, one space per bedroom.
Parking space requirements	No additional parking required	Required parking spaces may be provided as tandem parking on an existing driveway or in required setbacks unless such parking is not feasible based upon specific site or regional topographical, or fire and life safety conditions.
Setbacks	No setback restrictions, other than those sufficient for fire safety	A detached Secondary Unit may extend into a required side and rear setback up to 4 feet from the lot line. No more than 50% of the horizontal area of the required rear yard may be covered by facilities over 6 feet high. A Secondary Unit located above a garage and conforming to maximum height and other applicable regulations is not required to have a side or rear setback of more than 5 feet. All other Secondary Units must meet the setbacks adopted for that zone.
Utility connections	No new or separate utility connection shall be required	A new or separate utility connection may be required, but the connection fee or capacity charge shall be proportionate to the burden of Secondary Unit on the water or sewer system.

23D.10.040 Accessory Dwelling Unit Standards

A. Special Provisions:

1. No subdivision of land, air rights or condominium is allowed so as to enable the sale or transfer of the Accessory Dwelling Unit independently of the main Dwelling Unit or other portions of the property.
2. Prior to issuance of a Building Permit, all owners of record of the subject property shall sign and file a Declaration of Restrictions with the County Recorder, in a form satisfactory to the Zoning Officer, which makes any transfer of the property specifically subject to the restrictions contained in this section, and requires that either the primary Dwelling Unit or the Accessory Dwelling Unit be occupied by the owner of the subject property. Non-occupancy of an owner for periods of up to three years are allowed before the property will be found to be in non-compliance with this requirement.
3. Accessory Dwelling Units shall not be required to provide fire sprinklers, if they are not required for the primary residence, as specified in California Government Code Section 65852.2(e).
4. Accessory Dwelling Units shall not be considered new residential uses for the purposes of calculating utility connection fees or capacity charges.
 - a. An Accessory Dwelling Unit created within the footprint of or by addition to a single family residence:
 - i. may not be required to install a new or separate utility connection between the Accessory Dwelling Unit and the utility, and
 - ii. may not be required to pay a related connection fee or a capacity charge.
 - b. A freestanding Accessory Dwelling Unit may be required to install a separate utility connection between it and the utility, and may be assessed a connection fee or usage charge. However, that fee or charge shall be proportionate to the burden it would create and shall not exceed the reasonable cost of providing that service.

B. Development Standards.

1. The subject lot shall meet the open space and coverage requirements of the applicable zoning district.
2. The gross floor area of an Accessory Dwelling Unit shall be no greater than 750 square feet or 75% of the gross square footage of the primary residence, whichever is less.
3. An Accessory Dwelling Unit may be created by conversion of floor area in a pre-existing primary dwelling unit, or by an addition thereto, subject to providing a separate entrance that is not located on the front of the primary dwelling unit and complying with the requirements of the applicable zoning district for residential additions.
4. An Accessory Dwelling Unit may be created as follows:
 - a. By extending the existing dimensions of the exterior walls and/or roof of an existing legal structure or building (e.g., the building envelope changes) or by constructing a new detached building, except that the following height limits and setback requirements shall apply:
 - i. In no case shall the building be located within the required front yard setback.
 - ii. In no case shall the building be taller than 14 feet maximum height as measured at the highest point of the roof, taller than the main dwelling unit, or have an eave height higher than 10 feet. In the case of a shed or flat roof, no portion of the building may be more than 10 feet in height when measured at the required setback.
 - iii. The building shall be set back four feet from the rear and side property lines.
 - b. Within the existing dimensions of the exterior walls and/or roof of an existing legal structure or building (e.g., the building

envelope does not change).

5. Parking Requirements.

- a. Parking shall not be required for an Accessory Dwelling Unit.
 - b. If an Accessory Dwelling Unit removes a required off-street parking space for the primary dwelling unit, the subject lot shall provide one off-street parking space in conformance with Chapter 23D.12.
 - c. Replacement parking shall not be subject to the applicable standards of Section 23D.12.050 nor Section 23D.12.080, and may be located within the required front and side setbacks when located within an existing driveway that does not comply with these standards.
6. An ADU may only be approved when located on a lot with access from a roadway with a minimum 26 feet in pavement width, unless an AUP is approved. (Ord. 7536-NS § 1, 2017; Ord. 7445-NS § 1 (part), 2015; Ord. 7426-NS § 2 (part), 2015)

[Home](#) [<](#) [>](#)

The Berkeley Municipal Code is current through Ordinance 7546-NS, passed May 30, 2017.

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.cityofberkeley.info/Home.aspx>

Telephone number: (510) 981-6900

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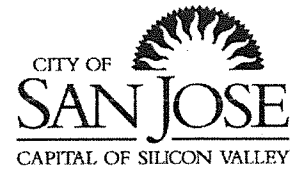
[City Clerk](#), 2180 Milvia Street, Berkeley, CA 94704

Questions or comments? Email: clerk@cityofberkeley.info Phone: (510) 981-6900

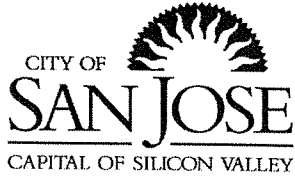
SECONDARY UNIT REVIEW WORKSHEET (Section 20.30.150)

ADDRESS: _____ BLDG. FILE NO. : _____

ZONING: _____ LOT SIZE _____ SqFt UNIT TYPE: Attached / Detached HISTORIC RESOURCE? Yes/ No (If yes, Planning permit needed)



	Project	Municipal Code Requirements	Staff Comment
Zoning		All R-1 Districts ; R-2 District with only a One-Family Dwelling on the lot; PD Districts with R-1 standards and allowed uses	
Lot Size		Minimum 5,445 sq. ft.	
Maximum Floor Area		<ul style="list-style-type: none"> ≤ 9,000 sq.ft. lot – 600 sq.ft. 9,001 to 10,000 lot – 650 sq.ft. > 10,000 lot – 800 sq.ft. 	
		Attached - Maximum 50% of floor area of primary dwelling	
No. of Bedrooms		A studio or only one, maximum 400 sq.ft, bedroom	
Storage/ Closet		60 sq. ft. maximum for the entire unit	
Kitchen / Bath		(a) Kitchen required (sink, food storage, permanent cooking facilities) (b) Maximum one bathroom	
Parking		One space in addition to the required parking spaces for the primary dwelling, unless secondary unit qualifies for exemptions (see following page for list of exemptions)	
		1) The parking space must be located on a mud-free, dust free surface. 2) The parking space must be located outside of the front and side setbacks of the property, except that the parking space may be allowed in the front setback if it is located within a garage driveway apron that is a minimum of 18 feet in length	
Setbacks		Same as the zoning district. Also subject to the provisions below. (20.30.150.J.1)	
		Single-story unit - Rear setback can be reduced to 5 feet, if secondary unit occupies 50% or less of area between 5 feet and required rear setback. (20.30.150.J.1)	
		Attached, above an attached garage –Rear and side setback can be 5 feet (20.30.150.J.1.a).	
		Garage conversion - If an existing legal garage is converted to a secondary unit, no additional setback is required. (20.30.150.J.1.a)	
Height		Attached – Same requirement as the zoning district	
		Detached - One story, 18 feet maximum and 14 feet average (20.30.150.J.5)	
Location		Attached – (1) Share a wall or (2) have integral roof structure with primary residence, and separated by no more than 10 feet. (20.30.150.J.2)	
		Detached - (1) Must be located in the rear yard, with a 6-foot separation from the main residence. (20.30.150.J.3 & 4) (2) May be attached to detached garage, if it meets Building and Fire Code; but may not be attached to other accessory buildings.(20.30.150.J.6)	
Rear Yard Coverage		Cumulative total of the rear yard covered by detached unit, accessory buildings, and accessory structures cannot exceed 40%. (20.30.150.J.7)	
Materials/ Design		Materials, texture and appearance of façade and building elements to be similar, and roof form and pitch to match One-family Dwelling (20.30.150.K1 &2).	
Front Door for Attached Unit		Front door cannot be on same street-facing façade as that of primary residence, unless all other locations for placing front door would require a pathway that is unobstructed, clear to the sky and extending from a street to the front door. (20.30.150.K.3)	



SECONDARY UNIT APPLICATION – PLANNING REVIEW

PLANNING REVIEW INSTRUCTIONS

Planners will review plans for the second unit for consistency with the Zoning Code using the checklist on the next page.

OWNER'S DECLARATION

Complete this Owner's Declaration and attach it with the Building permit application.

I hereby affirm, under penalty of perjury, that I am the owner of the property identified in this application, and that I do not intend the Secondary Dwelling for sale, separate from the primary residence.

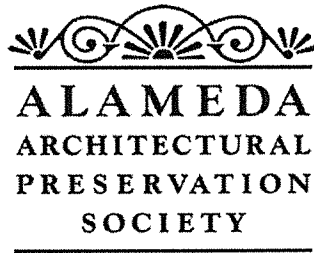
Property owner signature: _____ Date: _____

Name of Property Owner: (Please Print) _____

PARKING EXEMPTION (20.30.150.I):

No additional parking shall be required for a Secondary Dwelling that meets any of the following criteria:

1. The Secondary Dwelling is located within one-half (1/2) mile of, and has a path of travel that is always publicly accessible to a Site containing an existing public rail-transit station or at least one (1) public bus route with a frequency-of-service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods.
2. The Secondary Dwelling is located within a Historic District identified in the City's Historic Resources Inventory as defined in Chapter 13.48 of Title 13 this Municipal Code.
3. The Secondary Dwelling is part of the existing primary residence or part of an existing Accessory Structure.
4. When on-Street parking permits are required but not offered to the occupant of the Secondary Dwelling.
5. When there is a motor vehicle that is operated as part of a regional fleet by a public agency or publicly-leased motor-vehicle-sharing organization and provides hourly and daily service located within one (1) block of the Secondary Dwelling.



June 19, 2017

(By electronic transmission)
Mayor and City Council
City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

Subject: Proposed changes to Second Unit (ADU) Ordinance (Item 6-D on City Council's 6-20-17 agenda)

Dear Mayor Spencer and Councilmembers:

The Alameda Architectural Preservation Society (AAPS) would like to thank staff and the Planning Board for moving forward to bring Alameda's ordinance for by-right second units (called "accessory dwelling units", or ADUs, under the draft ordinance) into conformity with the new State law.

However, we have concerns regarding several of the additional changes that the Planning Board directed staff to include at their April 10, 2017 and May 22, 2017 meetings. As we have repeatedly emphasized, **ADUs are to be permitted BY RIGHT as a ministerial approval with no design review, public notice or other opportunity for public comment** if they meet the standards set forth in the ordinance. The standards therefore need to be very carefully crafted to ensure that there are no unintended consequences resulting from creation of an ADU, including adverse effects on neighborhoods that are not necessary in order to comply with the State statute.

Our concerns include the following:

1. **Do not increase the maximum size of a by-right ADU from the existing 600 sf to 1200 sf except for those contained within existing building envelopes.** An attached or detached 1200 sf structure could measure 30' x 40', which is bigger than many of Alameda's existing one-story single-family houses (SFDs). As noted in our previous correspondence, we are concerned that allowing by-right installation of overly large ADUs either as detached structures or additions to existing buildings will encourage excessive vegetation removal including removal of large trees (although with some protection for coast live oaks which are protected under the city's tree preservation ordinance), and convert pervious to impervious surfaces, resulting in increased stormwater runoff and increased burden on the City's storm water system and other infrastructure.

Under both the State rules and the proposed City rules, an ADU's floor area cannot exceed 1200 sf or 50% of the primary unit's floor area, whichever is less. Although staff notes that only 15% of Alameda's existing SFDs are over 2400 sf, thereby making a 1200 sf ADU possible, and that other rules, such as the maximum impervious surface lot coverage impose further constraints. However, the 50% rule could still allow up to about 1485 ADUs, based on 15% of the approximately 9900

lots with SFDs in Alameda. In addition, even the 600 sf maximum ADU permitted by-right under the existing ordinance (typically measuring 20' x 30') is still very large (equal to the size of a small house) and could have significant adverse impacts. **If an applicant wishes to build an ADU over 600 sf that is not totally contained within the existing building envelope, they should apply for a use permit or design review so that there would be public review and the impacts on the site, adjacent properties and the neighborhood could be evaluated.**

The staff report notes that 58% of Alameda's SFDs are less than 1700 sf and that it is therefore likely that most future ADUs would be 850 sf or less (50% 1700 sf equals 850 sf). This means that about 4158 SFDs (42% of Alameda's approximately 9900 SFDs) could have an ADU of 850 sf or larger. Although most of the ca. 900 SFDs (based on the number of R-1 lots) in South Shore are built up to the rear setback line, making a detached or rear addition ADU impracticable, this still leaves about 3258 SFDs that could develop a by-right attached or detached ADU, which is still a large number.

The staff report also notes that zoning standards will further limit the size of attached or detached ADUs. These standards include:

- a. Maximum lot coverage for main building and portion of attached or detached ADU outside required rear yard setback: 40%.
- b. Maximum coverage of detached ADU within required rear yard setback: 400 sf or 40%, whichever is less.
- c. Side yard setback required for detached ADUs if less than 75' from front lot line.
- d. Maximum lot coverage for all impervious surfaces: 60%.
- e. ADU floor area cannot exceed 50% of main building's habitable (e.g. excluding attached garage) floor area.
- f. 6' minimum separation between main buildings and detached ADU.

AAPS has applied the standards to two typical 5000 sf lots (50' x 100' and 40' x 125'), each containing a two-story SFD with a 1200 sf (30' x 40') footprint, existing detached garage and 2400 sf in floor area, thus potentially allowing a detached ADU up to 1200 sf. Based on these analyses, it appears that the above zoning requirements do not significantly limit the potential for a 1200 sf detached ADU for the 50 X 100 lot and would still allow a 1120 sf detached ADU on the 40 x 125 lot. We are still refining the analysis, but expect to provide it to you prior to the June 20 City Council meeting.

Although many ADUs will probably be located within raised basements and not have the impacts of attached or detached ADUs, most houses built after about 1910 do not have raised basements and are more likely to provide attached or detached ADUs.

The bottom line is that while the exact numbers of SFDs that will provide attached or detached ADUs over the long term is difficult to determine, the number appears substantial and the City should require design review and/or a use permit for all ADUs over 600 sf that are not contained within the existing building envelope.

2. **Retain existing design standards for detached ADUs.** The existing design standard for detached ADUs reads as follows:

When detached from the primary dwelling, the design of the second unit shall be consistent with that of the primary residence, incorporating the same materials, colors and style as the exterior of the primary dwelling, including roof materials and pitch, eaves, windows, accents, distinctive features, and character defining elements.

Public comments at the April 10, 2017 Planning Board meeting urged more flexible design standards for detached ADUs to, among other things, allow relatively inexpensive manufactured units such as the type pictured in Exhibit 1 to the staff report. In response to Planning Board direction based on these comments, the proposed design standard for detached ADUs that are not in front yards or adjacent to a corner lot's street side yard now reads as follows:

The design of a detached accessory dwelling unit shall be subordinate to the primary dwelling in terms of massing, height and building footprint. The detached building shall exhibit residential character and complement the primary dwelling in terms of proportions, roof form, and basic architectural features. Where there is a clearly recognizable architectural style present in its immediate surroundings, the detached building shall have the same architectural style and level of interest as the surrounding buildings. Where the immediate context is eclectic and no particular style of architecture is dominant, a greater degree of architectural variety may be established with the detached building.

This language is overly subjective (including terminology such as “complement”, “immediate surroundings”, “clearly recognizable architectural style”, “eclectic”, and “greater degree of architectural variety”) and therefore inconsistent with a ministerial approval standard. In addition, revision of the standard to allow modernistic designs such as shown in Exhibit 1 could visually disrupt neighborhood character.

The existing design standard should be retained for detached ADUs. If the applicant wishes to construct a manufactured unit or use another design that does not conform with the standard, they should apply for design review.

Although requiring detached ADUs to match the architecture of the primary building to maintain neighborhood character when the ADU is visible from the street (as the draft ordinance does for detached ADUs in front yards and on corner lots), it is also important to not disrupt neighborhood character as seen from properties abutting the detached ADU.

At the Planning Board meetings, concern was expressed about the extra cost to provide pitched roofs on ADUs in order to match a primary building's pitched roof. For rear yard ADUs that are not on corner lots, the option of a flat roof could be provided. Historically, accessory structures such as detached garages often had flat roofs. Flat roofs would also minimize the visibility of the ADU from neighboring properties. Other specific roof styles and/or roof pitches that may differ from those of the primary residence might also be allowed if the style/pitch is expressed as an objective standard.

Finally, the existing design standard could be clarified to state that the ADU exterior surface materials "visually match" rather than be "the same" as the primary building materials. We have always understood visually matching treatments to be the intent of the existing standard, rather

than, for example, requiring an ADU's surface material to be heart redwood if the primary building's surface material is heart redwood.

Thank you for the opportunity to comment. Please contact me at (510) 523-0411 or cbuckleyAICP@att.net if you would like to discuss these comments.

Sincerely,

Christopher Buckley, Chair
Preservation Action Committee
Alameda Architectural Preservation Society

cc: Deborah Diamond, Allen Tai, Andrew Thomas and Debbie Potter, Community Development
Department (by electronic transmission)
AAPS Board and Preservation Action Committee (by electronic transmission)

CITY OF PIEDMONT
120 VISTA AVENUE
PIEDMONT, CA 94611
TEL: (510) 420-3050
FAX: (510) 658-3167

RECEIVED BY _____
FEE PAID _____
DATE FILED _____
NUMBER _____
PLANNER _____
(For staff use only)

ACCESSORY DWELLING UNIT PERMIT APPLICATION

This application was previously called "Second Unit Permit." Please complete this application form and submit a \$750 application fee for construction of an accessory dwelling unit on property with an existing single-family residence. If your project requires design review or variances, staff will advise you of the additional fee(s).

Property Owner Information

Name(s) of Property Owner(s) _____	
Address of Property _____	Zip Code: _____
Mailing Address of Property Owner(s) (if different from above) _____	
City, State, Zip Code: _____	
Telephone Number _____	Preferred Contact Method: _____
Mobile Number _____	Email _____

Design Professional/Property Owner Agent Information

Name of Design Professional/Agent _____	
Address of Design Professional/Agent _____	
City, State, Zip Code: _____	
Telephone Number _____	Preferred Contact Method: _____
Mobile Number _____	Email _____
Professional License Number _____	Expiration Date _____
Piedmont Business License Number _____	Expiration Date _____
(required for all design professionals/contractors/engineers/agents)	
(Please contact the City Clerk at 510-420-3040 for Piedmont Business License information.)	

Detailed Description of Proposed Project: _____

Accessory Dwelling Unit Permit Requirement

An accessory dwelling unit is allowed on any parcel in the City that has a primary residence, subject to the issuance of an Accessory Dwelling Unit Permit. There may be no more than one accessory dwelling unit on a parcel. No subdivision of land is permitted that would result in an accessory dwelling unit being located on a separate parcel, unless each parcel meets all of the zoning requirements of the zoning district in which it is located. All accessory dwelling units require approval and the submittal of a completed Accessory Dwelling Unit Permit Application, but each of the five types of accessory dwelling units requires different review procedures, as follows:

Ministerial Review

- **Accessory dwelling units that meet all of the development standards listed in section 17.38.060.** If your proposed accessory dwelling unit meets all development standards and does not require any variances or exceptions, your application will be reviewed by Planning staff, and *will* be approved without a public hearing (**section 17.38.050.b**). No notice to your neighbors will be required.

Planning Commission Review

- **Accessory Dwelling Unit Permit applications that require a Variance(s) (section 17.38.050.a.1 and 17.38.070.a).** If your application requires a variance from one or more of the development standards in 17.38.060 regulating setbacks, lot coverage, height restriction, and floor area ratio (but not unit size), your application will be reviewed by the Planning Commission at a public hearing after a notice to your neighbors is sent (divisions 17.62 and 17.64). The Planning Commission will review your application to determine if it meets the criteria for approval of a variance in division 17.70 of the Code.
- **Accessory Unit Permit Applications that require an Exception to unit size requirements (section 17.38.070).** If your application does not meet the unit size development standards, your application is eligible for consideration of an exception from those standards pursuant to sections 17.38.050.b.2.a and 17.38.070.c of the Code. Your application will be reviewed by the Planning Commission at a public hearing after a notice to your neighbors is sent. This option is available to property owners who agree to rent-restrict their accessory dwelling units for 10 years in exchange for the exception from the maximum unit size requirement.
- **Applications for a new primary residence and accessory dwelling unit that seek an exception to the floor area ratio requirements (section 17.38.070.b).** If you submit applications seeking to construct a new primary residence and an accessory dwelling unit, then you may request an exemption from the floor area ratio requirements without having to agree to rent restrictions. In such applications the square footage of the accessory dwelling unit will not count toward the total floor area ratio for the property up to 800 square feet or 10% of the lot size, whichever is less (section 17.38.070.b). Your applications, both Design Review Permit Application - New House and Accessory Dwelling Unit Permit Application, will be reviewed by the Planning Commission at a public hearing after a notice to your neighbors is sent.
- **Applications for a pre-existing exempt accessory dwelling unit (section 17.38.050.b.2.b).** If your property contains an accessory dwelling unit that was established before 1930, it may be an Exempt Accessory Dwelling Unit (section 17.38.050.b.2.b). You may seek approval of the accessory dwelling unit by submitting an Accessory Dwelling Unit Application along with sufficient evidence (such as an inspection by City Staff to verify pre-1930 improvements, rental records, City or County records, written or verbal testimony). The application and evidence will be reviewed by the Planning Commission at a public hearing after a notice to your neighbors is sent. An Exempt Accessory Dwelling Unit is not subject to the development standards in section 17.38.060.

Development Standards (Section 17.38.060)

The following are the development standards for an accessory dwelling unit. Please indicate whether the proposed project meets these standards by filling in the blanks and circling "YES" or "NO" for each section. If you answer yes to all of the questions, your application is eligible for ministerial review by staff. If you have answered no to any of the questions, your application will be reviewed by the Planning Commission:

- (a) Size. An attached accessory dwelling unit may not exceed 50% of the existing living area up to a maximum of 800 square feet, subject to the zoning regulations (including floor area ratio). A detached accessory dwelling unit may not exceed 800 square feet, subject to the zoning regulations (including floor area ratio).

What is the size of the proposed accessory dwelling unit? _____ square feet

Does the proposal meet the size standard? YES NO

If no, your application requires an exception from the unit size requirement and review by the Planning Commission under sections 17.38.050.b.2.a and 17.38.070.c. The Planning Commission may grant an exception to the unit size requirement ONLY if the property owner agrees to comply with all the terms of section 17.38.070.c, including rent restrictions as follows:

IF THE LOT SIZE:	THE ACCESSORY DWELLING UNIT MAY BE:	UNIT UP TO 1000 SQ. FT.	UNIT UP TO 1,200 SQ. FT.
is less than the minimum for the zoning district:	only located within an existing building, without expansion of the existing building envelope.	rent restriction for low income housing applies	rent restriction for very low income housing applies
equals or exceeds the minimum for the zoning district:	within existing building, an expansion, or a detached building	rent restriction for low income housing applies	rent restriction for very low income housing applies

- (b) Floor area ratio. The total floor area of ALL habitable structures on the lot (including all habitable floors of the primary residence and proposed accessory dwelling unit, but not including the garage) shall be less than or equal to the following percentages for the following lot sizes in Zone A and Zone E (§17.20.040 and 17.28.040):

55% for 0 - 5,000 sq. ft. lots

50% for 5,001 – 10,000 sq. ft. lots

45% for 10,001 sq. ft. and greater lots

What is the lot size? _____ square feet.

What is the *existing* floor area ratio for the subject property? _____%

What is the *proposed* floor area ratio for the subject property? _____%

Does the *proposal* meet the floor area ratio standard? YES NO

If no, your application requires review under sections 17.38.050.a.1 and 17.38.070.a, UNLESS it is an application for a new accessory dwelling unit that is being constructed along with a new primary residence. Such applications may seek an exception to the floor area ratio limit under review by the Planning Commission per section 17.38.070.b.

Do your applications for Design Review Permit - New House and Accessory Dwelling Unit Permit seek an exception to the floor area ratio limit? YES NO

- (c) Lot coverage. The lot on which the accessory dwelling unit is located must comply with the lot coverage requirements of the zone in which it is located.

In which zone is your property located? Circle one: A B C D or E

A maximum of 40% of the lot may be covered by structures (including the primary residence, accessory dwelling unit, garage, decks, structural stairs, etc. – See definitions for structure and coverage: §17.90.010 and §17.90.020.

What is the *existing* structure coverage for the subject property? _____ %

What is the *proposed* structure coverage for the subject property? _____ %

Does the *proposal* meet the lot coverage/structure standard? YES NO

If no, your application requires review under sections 17.38.050.a.1 and 17.38.070.a.

A minimum of 30% of the lot must be landscaped within Zones A, B, C and D and 40% within Zone E. Landscape is defined in §17.090.010 and includes the planting, irrigation, and maintenance of land with living plants and other organic materials (ponds, bark mulch, etc.).

What is the *existing* landscape coverage for the subject property? _____ %

What is the *proposed* landscape coverage for the subject property? _____ %

Does the *proposal* meet the landscaping coverage standard? YES NO

If no, your application requires review under sections 17.38.050.a.1 and 17.38.070.a.

- (d) Setbacks. For new construction, the dimension of the front yard setback and all setbacks adjacent to a street or alley shall be at least 20 feet, measured from the property line.

What is/are the City street(s), alley(s) or private road adjacent to your property? _____

What is/are the setback dimension(s) measured from the street property line to the closest point of the new construction? _____

Does the proposal meet the front and other street setback standard? YES NO

If no, your application requires review under sections 17.38.050.a.1 and 17.38.070.a.

In Zones A, B, C and D, the dimensions of the side and rear yard setbacks (not adjacent to a street) shall be at least 5 feet. In Zone E, all side and rear yard setbacks shall be at least 20 feet except for setbacks for accessory structures which are 5 feet. What are the side and rear yard setback dimensions measured from the property line to the closest point of existing and proposed construction?

<u>Existing Structures</u>	
Right side yard	_____
Left side yard	_____
Rear yard	_____

<u>Proposed Construction</u>	
Right side yard	_____
Left side yard	_____
Rear yard	_____

Does the *proposal* meet the side and rear yard setback standards? YES NO

If no, your application requires review under sections 17.38.050.a.1 and 17.38.070.a.

- (e) No reduction of existing parking. No person may alter, eliminate, or restrict access to an existing parking space unless the Planning Director first determines that the space is (1) unusable, (2) is to be restored or replaced with a parking space which meets the requirements of this division 17.30, or (3) is permitted with a variance approved by the Planning Commission or City Council (section 17.30.060). However, pursuant to section 17.38.060.B.5.a., when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, any required replacement parking spaces may be located in any configuration on the lot except that the spaces may not be located within the 20-foot street setback.

17.90.010: BEDROOM. A “bedroom” is defined in the Piedmont City Code to mean a room with certain features characteristic of bedrooms generally, which include but are not limited to the following: access to a full bathroom on the same floor or within half a floor, if the house has a split level; access to the bedroom through a common hallway or other common space such as a kitchen, living room and/or dining room; adequate privacy; meets minimum size requirements of the 2016 California Residential Building Code and as amended by the Piedmont Residential Building Code [minimum area of 70 square feet, with a minimum dimension of 7’0” in any horizontal direction and a minimum ceiling height of 7’6”]. A room eligible for use as a bedroom need not have a closet.

Using the above definition, what is the current total number of rooms within the primary residence that are eligible for use as a bedroom? _____

The number of covered, non-tandem parking spaces required for the primary residence is related to the number of rooms eligible for use as a bedroom as follows:

- 0 – 4 rooms eligible for use as a bedroom requires 2 covered, non-tandem parking spaces
- 5 – 6 rooms eligible for use as a bedroom requires 3 covered, non-tandem parking spaces
- 7 – 8 rooms eligible for use as a bedroom requires 4 covered, non-tandem parking spaces

Please indicate the number and interior clearance dimensions of all existing covered, non-tandem parking spaces that are currently on the property that serve the main residential unit:

<u>Space</u>	<u>Width</u>	<u>Depth</u>
1	_____ feet _____ inches	_____ feet _____ inches
2	_____ feet _____ inches	_____ feet _____ inches
3	_____ feet _____ inches	_____ feet _____ inches
4	_____ feet _____ inches	_____ feet _____ inches

Existing number of covered, non-tandem parking spaces: _____
Proposed number of covered, non-tandem parking spaces: _____

- (f) Residential Design Review Guidelines. Pursuant to section 17.38.060.a., if a proposed accessory dwelling unit requires new exterior construction, the applicant must submit a separate application for a design review permit and must comply with the zoning regulations for the district in which it is located. (See divisions 17.20 through 17.28.) The applicant may apply for a variance to these zoning regulations. The design of the structure(s) housing the proposed accessory dwelling unit must meet the design criteria in the Piedmont Design Guidelines. As provided in section 17.66.030.b, an accessory dwelling unit application that proposes only interior remodeling of an existing building and does not propose to change the exterior form of the building is exempt from the design review permit requirement.

APPLICANT'S DESIGN REVIEW FINDINGS

Please describe how the proposed project meets the design criteria of the City's Residential Design Review Guidelines, as well as Chapter 17 of the Piedmont City Code:

Design Review Standards (section 17.66.060)

A. The proposed design is consistent with the City's General Plan and Piedmont Design Guidelines, as follows:

B. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light, as follows:

C. The proposed design does not adversely affect pedestrian or vehicular safety, as follows:

- (g) Owner occupancy. With the exception of Exempt Units, the owner of an accessory dwelling unit must occupy either the Primary Unit or the Accessory Dwelling Unit, if both units are used for habitation. Should the owner gain approval of an Accessory Dwelling Unit Permit with an exception for unit size, then the unit is subject to rent restrictions for a period of ten years, during which the owner may not occupy the Accessory Dwelling Unit. The owner must have submitted the attached signed Declaration of Restrictions, to be recorded before or concurrently with, and as a condition of, issuance of the Accessory Dwelling Unit Permit, reflecting this restriction.

OWNER ACKNOWLEDGEMENTS

Authorization of Accessory Dwelling Unit Permit Application Submittal

My signature below signifies that I:

- Have reviewed the Accessory Dwelling Unit Code (Division 17.38) and have provided all applicable information per the attached Accessory Dwelling Unit Permit Submittal Checklist.
- Have reviewed the legal description on my property deed and indicated all recorded easements and deed restrictions on the submitted site plan (*Please provide a description here of the easements and restrictions that were indicated on your property deed and show on your site plan*) _____
- Believe the information provided in this application is accurate to the best of my knowledge.
- Am aware that City staff and City officials will be on my property to view the proposed construction. (*Please note any special instructions regarding access to your property such as dogs, gates, alarms etc.*) _____
- Understand that if this application is approved, a building permit (issued within one year from the approval date) is required for construction and that no construction may commence prior to the issuance of the building permit. No changes may be made without City approval, and changes may require a new application.
- understand that if there is a third party administrative, legal or equitable action challenging the project approvals, including CEQA issues, that I, the Property Owner, shall defend and indemnify the City against any liability, fees and costs arising out of the defense, including the costs of City's own counsel. If such an action is filed, the Property Owner and City shall then enter into an agreement regarding selection of counsel and other provisions related to the defense. For this purpose, "City" includes the City and its elected and appointed officials, agents, officers and employees.

➤ SIGNATURE(S) OF PROPERTY OWNER(S) _____ date _____
_____ date _____

Agent Authorization

This authorization permits City staff to contact your agent if necessary.

I authorize _____ to act as my agent (architect, contractor, engineer, etc.) in the processing of all matters pertaining to this application.

➤ SIGNATURE(S) OF PROPERTY OWNER(S) _____ date _____
_____ date _____

Pursuant to Section 17.38.070.b, this form only pertains to applications requesting a unit size exception.

APPLICANT'S UNIT SIZE EXCEPTION FINDINGS

In order for the Planning Commission to approve an application requesting an exception from the unit size regulations of the City Code (pursuant to section 17.38.070.b.), required findings must be made. Please describe below how the proposed project meets the criteria of sections 17.38.070.b and 17.38.070.c.1:

- i. The proposed accessory dwelling unit will not create a significant adverse impact on any adjacent property and the surrounding neighborhood.

- ii. The lot and the arrangement of existing and proposed physical improvements on the lot can accommodate the proposed accessory dwelling unit size without adversely affecting the views, privacy, or access to light and air of neighboring properties.

Pursuant to Section 17.38.070.a, this form only pertains to applications requesting a variance.

APPLICANT'S VARIANCE FINDINGS

In order for the Planning Commission to approve an application for a Variance, required findings must be made. Please describe how the proposed project meets the variance criteria of Chapter 17 of the City Code (§17.70).

1. The property and existing improvements present unusual physical circumstances of the property (including but not limited to size, shape, topography, location and surroundings), so that strictly applying the terms of this chapter (development standards) would keep the property from being used in the same manner as other conforming properties in the zone, as follows: (Describe specific, unique problems with the property, such as location, surroundings, mature trees, natural obstacles or formations, and explain why the improvements cannot be made in conformity with codes and regulations. Issues of personal hardships -- such as family size, finances, and medical condition -- should not be considered.)

2. The project is compatible with the immediately surrounding neighborhood and the public welfare as follows: (Explain why, without the variance, the owner cannot use the property in the same manner as others in the same zone, and explain how the variance will not give the owner an advantage over others in the same zone.)

3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction as follows: ("Unreasonable hardship" for purposes of this subsection refers to the unusual physical characteristics of the underlying lot and existing improvements on the lot which prohibit development of the lot in a manner consistent with lots conforming to City standards. "Unreasonable hardship" shall not refer to any conditions personal to the applicant.)

ACCESSORY DWELLING UNIT PERMIT SUBMITTAL CHECKLIST

- ___ Application form signed by property owner(s)
- ___ \$750 Fee + any additional fees advised by staff (cash or check only)

2 sets of plans must be submitted with this application for an initial staff review for completeness.

8 additional sets of plans must be submitted at least 12 calendar days prior to the Planning Commission meeting if your application is scheduled on the agenda. Please submit 8 copies only after your plans are deemed complete by staff.

Plans must be folded, no larger than 24"x 36", and to scale. Unless otherwise determined by staff, plans submitted for ACCESSORY DWELLING UNIT PERMIT must include:

Please label all drawings and supporting documents with the property's address.

- ___ **Existing Site Plan** (preferred scale at least 1/8" = 1')
Please indicate the location of all existing structures, hard-surface areas, property lines, and easements. Provide setback dimensions from all existing construction to property lines (setbacks are measured from the property line to the nearest point of the structure including all eaves, sills, cornices and/or other architectural projections). Please show a North arrow, label adjacent streets, and call out existing features.
- ___ **Proposed Site Plan** (preferred scale at least 1/8" = 1')
Please indicate the location of all existing and proposed structures, hard-surface areas, property lines, and easements. Provide setback dimensions from all proposed construction to property lines (setbacks are measured from the property line to the nearest point of the structure including all eaves, sills, cornices and/or other architectural projections). Please show a North arrow, label adjacent streets, and call out proposed modifications.

For any application that seeks to construct a new structure or make a building footprint expansion, please include the footprints of all adjacent structures within 20 feet of the proposed new construction in Zone A (50 feet in zone E), excluding structures across the street. The adjacent structures may be indicated with a solid or dotted line that outlines the footprints of the structures, including decks and structural stairs. Please identify the structures by use (i.e. "residence", "deck", "stairs", and "garage", etc.), and indicate the dimensions between the closest point of any adjacent structure and the proposed construction.
- ___ **Roof Plans (Existing and Proposed)** (preferred scale at least 1/8" = 1')
Roof plans should include the materials, pitch, overhangs, skylights, chimneys, vents, and gutters. They may be shown on the existing and proposed site plans.
- ___ **Existing Floor Plans** (preferred scale at least 1/4" = 1')
Please provide plans for all floor levels of the primary residence, including basements and attics, and indicate room names, window and door locations, built-in cabinet, appliance and fixture locations, ceiling heights, and parking space dimensions in attached or detached garages. Please show a North arrow and label the floor level.
- ___ **Proposed Floor Plans** (preferred scale at least 1/4" = 1')
Please provide plans for all floor levels of both the primary residence and proposed accessory dwelling unit, including basements and attics, and indicate room names, window and door locations, built-in cabinet, appliance and fixture locations, ceiling heights, and parking space dimensions in attached or detached garages. Please show a North arrow, label the floor level. And call out proposed modifications.

_____ **Existing Elevations** (preferred scale at least 1/4" = 1')

North, South, East and West elevations (proposed to be changed or affected by new construction) including all existing materials, styles and operational characteristics of windows and doors, and roof slopes. Additionally, if the height of the building is changing, please show the average existing building height. Please do not abbreviate architectural terms. If the accessory dwelling unit is proposed to be a separate structure, you may provide photographs (at least 8"x10") of all elevations of the primary residence, along with a list of all existing building materials (walls, roof, windows, doors, railings, etc.). Label each elevation as "existing" and indicate the direction of view (i.e. north, south, east, west or front, rear, left side, or right side).

_____ **Proposed Elevations** (preferred scale at least 1/4" = 1')

North, South, East and West elevations (proposed to be changed or affected by new construction) including all proposed materials, styles and operational characteristics of windows and doors, and roof slopes. Please include exterior vents, downspouts, gutters and exterior light fixtures. Additionally, if the height of the building is changing, please show the average proposed building height. Please do not abbreviate architectural terms. If the accessory dwelling unit is proposed to be a separate structure, please show the relationship of the unit to the primary residence. Label each elevation as "proposed" and indicate the direction of view (i.e. north, south, east, west or front, rear, left side, or right side).

_____ **Window Schedule**

If your proposed project includes window and/or door modifications, please submit a window and door schedule which notes existing and proposed window size, material, operation, sash dimension, recess dimension, and divided lite type (i.e. true divided lites or three-dimensional simulated divided lites).

_____ **Graphic Calculations (2 sets)**

Please submit plans which graphically illustrate the required calculations with an itemized list of existing and proposed structures and hardscape surfaces. Calculations are expressed as percentages and are recorded on the attached Zone A or E sheet. Please request a graphic calculations sample for your reference. Separate graphic calculations are to be submitted, as follows:

_____ **Existing and Proposed Lot Coverage/Structures** equals the number of square feet of structures covering the lot divided by the number of square feet in the lot. (Eaves are not included in this calculation, while decks are.) For a complete definition of structure coverage, please see Piedmont City Code §17.2.66.

_____ **Existing and Proposed Lot Coverage/Hardscape Surfaces** equals the number of square feet of structures plus the number of square feet of paving, all divided by the number of square feet in the lot. For a complete definition of hardscape surfaces, please see Piedmont City Code §17.2.34.

_____ **Existing and Proposed Floor Area Ratio** equals the number of square feet of floor area divided by the number of square feet in the lot. Floor area is defined as the sum of the gross horizontal area of the several floors of a building including: (a) basement space being used for habitation or having characteristics which meet the requirements of the Uniform Building Code; (b) elevator shafts and stairwells at each floor; (c and d) floor space for mechanical equipment or attic floor space where the structural headroom exceed seven and one-half feet; and (e) enclosed porches and lanais. Interior spaces which are actually used for habitation even though they do not meet the requirements of the Uniform Building Code are also included in the floor area calculation. For a complete definition of floor area ratio, please see Piedmont City Code §17.2.27.

_____ **Landscape Plans** when required by section 17.34 of the Piedmont City Code. Landscape Plans should include property lines, the location of all structures impervious surfaces, irrigation, and a plant list including the size and spacing of plants to be installed and the location of proposed planting.

___ **Story Pole Certification** (when required). Please see attached Policy.

___ **Applicant's Variance Findings**

___ **Applicant's Exception Findings**

Prior to Submitting an Application

If you believe that any of the above requirements do not pertain to your project, please call the Planning Department at (510) 420-3050 and make an appointment to meet with a planner. Applicants and their agents (architect, contractor, engineer, etc.) are encouraged to discuss the application with the Planning staff early in the planning process. Planning staff will be happy to review all procedures with you and answer any questions you have. There is no fee charged for any meetings or discussions prior to the submittal of an application fee.

Upon approval, the following documents will be required:

___ **Notarized Declaration of Owner Occupancy** (for all applications)

___ **Notarized Declaration of Rent Restrictions** (for discretionary applications pursuant to section 17.38.070.c.2)

___ **Affordable Rent Certification** (for discretionary applications pursuant to section 17.38.070.c.2)

PIEDMONT PLANNING COMMISSION

APPLICATION DUE DATES AND MEETING DATES FOR 2016-2017

APPLICATION DUE DATES:

Planning Commission applications must be submitted to the Department of Public Works, 120 Vista Avenue, by **4:30 pm**, 30 days prior to the meeting.

FRIDAY, OCTOBER 14, 2016

THURSDAY, NOVEMBER 10, 2016

FRIDAY, DECEMBER 9, 2016

FRIDAY, JANUARY 13, 2017

FRIDAY, FEBRUARY 10, 2017

FRIDAY, MARCH 10, 2017

FRIDAY, APRIL 7, 2017

FRIDAY, MAY 12, 2017

FRIDAY, JUNE 9, 2017

FRIDAY, JULY 14, 2017

FRIDAY, AUGUST 11, 2017

FRIDAY, SEPTEMBER 8, 2017

FRIDAY, OCTOBER 13, 2017

THURSDAY, NOVEMBER 9, 2017

FRIDAY, DECEMBER 8, 2017

MEETING DATES:

The Planning Commission meets on the **second Monday of each month at 5 pm**, Piedmont City Hall, 120 Vista Avenue, in the Council Chambers.

MONDAY, NOVEMBER 14, 2016

MONDAY, DECEMBER 12, 2016

MONDAY, JANUARY 9, 2017

MONDAY, FEBRUARY 13, 2017

MONDAY, MARCH 13, 2017

MONDAY, APRIL 10, 2017

MONDAY, MAY 8, 2017

MONDAY, JUNE 12, 2017

MONDAY, JULY 10, 2017

MONDAY, AUGUST 14, 2017

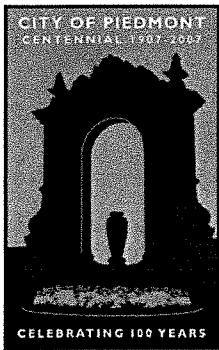
MONDAY, SEPTEMBER 11, 2017

MONDAY, OCTOBER 9, 2017

MONDAY, NOVEMBER 13, 2017

MONDAY, DECEMBER 11, 2017

MONDAY, JANUARY 8, 2018



City of Piedmont CALIFORNIA

Stormwater Requirements Checklist for Small Projects

- All applicants for Staff or Planning Commission Design Review must complete and submit this form.

Municipal Regional Stormwater Permit (MRP)

Order No. R2-2009-0074 ; Order No. R2-2011-0083; NPDES No. CAS612008

Purpose: The Alameda Countywide National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, which is issued and enforced by the San Francisco Regional Water Quality Control Board, requires that the City of Piedmont, as a member agency of the Alameda Countywide Clean Water Program, track and report the development of impervious surfaces.

Impervious Surfaces include any surface that cannot be effectively (easily) penetrated by water, thereby resulting in runoff. Examples: pavement (asphalt, concrete, etc.), buildings/structures, decks, driveways, swimming pools, and on-grade paths.

Permeable Surfaces include pervious concrete, porous asphalt, sand-set unit pavers, and granular materials.

A. Applicant Information

A.1 Property Owner Name: _____

A.2 Project Address: _____
Number Street City Zip Code

A.3 Mailing Address: _____
(If different from above) Number Street City State Zip Code

A.4 Property Owner Phone Number: _____ Email Address: _____

A.5 Architect/Contractor: _____
Name Phone Number

Address City Zip Code Email Address

B. Project Information

B.1 Total Lot Area in Sq. Ft.: _____ APN #: _____

B.2 Please select the correct description of the project from one of the six selections below:

- | Yes | No | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | B.2.a The project proposes no disturbance to the site (only changes to the interior, existing roof and/or existing walls). (MRP Provision C.3.b.ii.(1)(b) and C.3.b.ii.(3))
⇒ The project is exempt from MRP provisions. Please complete section F of this form. |
| <input type="checkbox"/> | <input type="checkbox"/> | B.2.b The project proposes to disturb the site and will create and/or replace less than 2,500 square feet of impervious surface. (MRP Provision C.3.i.i)
⇒ The project is exempt from MRP provisions but you are encouraged to incorporate into your plans one or more of the design measures listed under section C of this form. Please complete section E of this form, which notes Construction Site Control requirements. |
| <input type="checkbox"/> | <input type="checkbox"/> | B.2.c The project is a new or existing single-family home project that proposes to create and/or replace 2,500 square feet or more of impervious surface. (MRP Provision C.3.i.i)
⇒ Please complete sections C and E of this form, both of which note the stormwater protection requirements for the project. |
| <input type="checkbox"/> | <input type="checkbox"/> | B.2.d The project is commercial, industrial, multi-family (town homes, condominiums, and/or apartments), mixed-use, and/or public project that proposes to create and/or replace 2,500 square feet or more of impervious surface but less than 10,000 square feet of impervious surface. (MRP Provision C.3.i.i)
⇒ Please complete sections C and E of this form, both of which note the stormwater protection requirements for the project. |

- ☐ ☐ B.2.e The project proposes to create and/or replace 5,000 square feet or more of impervious surface (collectively over the entire project site) and is a restaurant, auto service facility, retail gasoline outlet, or uncovered parking lot. (MRP Provision C.3.b.ii(1))
 ⇒ The project is regulated. Please complete sections D and E of this form, both of which note the stormwater protection requirements for Regulated Projects.
- ☐ ☐ B.2.f The project is a commercial, industrial, multi-family (town homes, condominiums, and/or apartments), mixed-use, and/or public project that proposes to create and/or replace 10,000 square feet or more of impervious surface (collectively over the entire project site). (MRP Provision C.3.b.ii(2 and 3))
 ⇒ The project is regulated. Please complete sections D and E of this form, both of which note the stormwater protection requirements for Regulated Projects.

C. Small Projects and Single-Family Home Projects

MRP Provision C.3.i requires single-family home projects that create and/or replace 2,500 square feet or more of impervious surface; and all commercial, industrial, multi-family (town homes, condominiums, and/or apartments), mixed-use, and/or public projects, which create and/or replace 2,500 square feet or more of impervious surface but less than 10,000 square feet of impervious surface, to install **one** or more of the site design measures listed under C.2.

C.1 The project proposes to create and/or replace _____ square feet of impervious surface.

C.2 Please indicate which of the following six site design measures are incorporated into the project plans:

Yes No Plan Sheet # Site Design Measure

- ☐ ☐ _____ Direct roof runoff into cisterns or rain barrels for reuse.
- ☐ ☐ _____ Direct roof runoff onto vegetated areas.
- ☐ ☐ _____ Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
- ☐ ☐ _____ Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
- ☐ ☐ _____ Construct sidewalks, walkways, and/or patios with permeable surfaces.
- ☐ ☐ _____ Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

D. Regulated Projects

MRP Provision C.3.b requires Regulated Projects to implement Low Impact Development (LID) source control, site design, and stormwater treatment onsite or at a joint stormwater treatment facility in accordance with MRP Provisions C.3.c and C.3.d, unless the Provision C.3.e alternate compliance options are evoked.

D.1 The project proposes to create and/or replace _____ square feet of impervious surface.

D.2 Please contact City staff for a Stormwater Requirements Checklist for Regulated Projects, which you must complete and submit.

Yes

- ☐ I have completed and attached a Stormwater Requirements Checklist for Regulated Projects

E. Construction Site Best Management Practices and Control Measures

Yes No

- ☐ ☐ I understand that because the project proposes to disturb the site, the Chief Building Official may require the implementation of appropriate and effective erosion and other construction pollutant controls (Best Management Practices, BMPs) by the project's construction site operators/developers as outlined under MRP Provision C.6.

F. Owner Signature

I declare under penalty of perjury, that to the best of my knowledge, the information presented herein is accurate and complete. Incorrect information may delay my project application(s) and/or permit(s).

Signature of Property Owner

Date

More information on the Alameda County Clean Water Program and additional literature such as *Stormwater Requirements Checklist for Regulated Projects*, *C3 Builder's Outreach 2012 Update*, *C3 Technical Guidance Manual*, and *Construction Best Management Practices* are available at www.ci.piedmont.ca.us and <http://cleanwaterprogram.org>.

CITY OF PIEDMONT
POLICIES AND PROCEDURES

SUBJECT: Story Poles
SECTION: Planning

PURPOSE: The purpose of this policy is to enable neighbors, Planning Commissioners and staff to envision the proposed construction of design review applications and ensure the accuracy of the story pole representations, in accordance with Piedmont City Code.

POLICY: It is the policy of the Department of Public Works and Planning Department to require the installation and verification of story poles for design review applications when:

1. A new residence and/or any other detached structure requiring design review is proposed;
2. An upper level expansion of an existing residence (including decks and dormers) is proposed, when a neighboring property's light, view and/or privacy is in question; and
3. As needed by the staff or Planning Commission to assess the proposed height and/or bulk of large single story expansions or any other proposed expansions.

PROCEDURES: Unless otherwise directed by the Director of Public Works or his/her designee, story poles are to be erected by the applicant or the applicant's representative and verified by a California Licensed Land Surveyor or Licensed California Civil Engineer. Verification must be in the form of a completed Story Pole Certification form that is stamped and signed by the licensed professional along with photographs of the story poles. The Certification form, the format of which shall be determined by the Director of Public Works, shall state that the story poles are in compliance with the proposed application.

The verification shall be submitted to the Department of Public Works no later than 12:00 noon, 14 days before a scheduled Planning Commission hearing in accordance with the schedule attached to this policy. **Without exception, applications that do not have verification received by noon on the required deadline date will not be eligible for the Planning Commission agenda.** For Staff Design Review applications, staff will not consider the application to be complete or send the required notice to neighbors until verification is received, and will not take action on the application until at least 14 days from the receipt of the story pole verification. Applicants are encouraged to install and verify well in advance of the deadline to avoid problems with weather and surveyor scheduling.

Story poles shall be installed to define the outlines of the proposed construction in order to show the proposed height and mass of the construction. Typically there will be a pole at every proposed corner to indicate the wall planes, and poles that represent roof points, with tape or strings that connect the poles to indicate the roof height, ridges, slopes and relationship to the walls. There are no required materials for the poles, but the poles must be clearly visible and stable (wood and aluminum stud framing and rigid PVC pipes are typical materials), and the tape or strings should be brightly colored, clearly visible and strongly attached. Staff and the Planning Commission may require colored flags or plastic construction netting to help understand the proposed construction. Please contact staff if you have questions about a specific project.

INITIATED: Planning Commission
COMPUTER FILE: f:\planning\policies\story pole.904

STORY POLE VERIFICATION DEADLINE SCHEDULE

APPLICATIONS SUBJECT TO PLANNING COMMISSION REVIEW

Verification from a California Licensed Surveyor or California Licensed Civil Engineer shall be received in writing to the Department of Public Works no later than 12:00 noon, 14 days before the scheduled hearing in accordance with the Story Pole Policy and Procedures on the reverse side of this schedule. *Without exception, applications that do not have written verification received by noon on the required deadline date will not be eligible for the Planning Commission agenda.* Applicants are encouraged to install and verify well in advance of the deadline to avoid problems with weather and surveyor scheduling.

<u>MEETING DATES</u> For the meeting of:	<u>VERIFICATION RECEIPT DEADLINE</u> Verification must be received by:
MONDAY, DECEMBER 14, 2015	NOON, MONDAY, NOVEMBER 30, 2015
MONDAY, JANUARY 11, 2016	NOON, MONDAY, DECEMBER 28, 2015
MONDAY, FEBRUARY 8, 2016	NOON, MONDAY, JANUARY 25, 2016
MONDAY, MARCH 14, 2016	NOON, MONDAY, FEBRUARY 29, 2016
MONDAY, APRIL 11, 2016	NOON, MONDAY, MARCH 28, 2016
MONDAY, MAY 9, 2016	NOON, MONDAY, APRIL 25, 2016
MONDAY, JUNE 13, 2016	NOON, FRIDAY, MAY 27, 2016
MONDAY, JULY 11, 2016	NOON, JUNE 27, 2016
MONDAY, AUGUST 8, 2016	NOON, MONDAY, JULY 25, 2016
MONDAY, SEPTEMBER 12, 2016	NOON, MONDAY, AUGUST 29, 2016
MONDAY, OCTOBER 10, 2016	NOON, MONDAY, SEPTEMBER 26, 2016
MONDAY, NOVEMBER 14, 2016	NOON, MONDAY, OCTOBER 24, 2016
MONDAY, DECEMBER 12, 2016	NOON, MONDAY, NOVEMBER 28, 2016

APPLICATIONS SUBJECT TO STAFF REVIEW

Staff will not consider an application to be complete or take action on the application until at least 14 days from the receipt of the story pole verification from a California Licensed Surveyor or California Licensed Civil Engineer.

City of Piedmont
California

City use only
Date Received _____
Time Received _____



STORY POLE CERTIFICATION
(Must be prepared by a California Licensed Surveyor or Civil Engineer)

On _____, I surveyed the story poles located at
date
_____, Piedmont, Ca., related to plans
property address
submitted as part of design review application _____.
application number

I have determined that the story poles are in substantial compliance with the plans dated
_____, and accurately represent the proposed
plan date or City date-stamp date
construction in terms of dimensions, corner/wall locations, and ridge heights/locations.

PLEASE STAMP AND SIGN BELOW

name (please print)

company

address

_____ *phone* *fax*

Piedmont Business License #

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RECORDING REQUESTED BY And when recorded return to: Director of Public Works City of Piedmont 120 Vista Avenue Piedmont, CA 94611	
GOV. CODE: 27383 – NO FEE	ADDRESS: _____ Piedmont, CA _____ APN: _____

DECLARATION OF RESTRICTIONS

Owner Occupancy for Property With Approved Accessory Dwelling Unit

Property address: _____, Piedmont, California, zip code _____ Alameda County

APN # _____

Property description attached as Exhibit A

A. Background. I am/We are the owner(s), _____ ("Owner") of real property described above and in Exhibit A, attached. Owner applied to the City for an Accessory Dwelling Unit permit under Section 17.38 of the Piedmont Municipal Code. The City approved Owner's application # _____ subject to certain conditions of approval and the recording of this Declaration in the Office of the County Recorder of Alameda County.

The Owner wishes to impose on the Property the beneficial restrictions contained in this Declaration for the benefit of the Property and its present and future owners.

B. Owner occupancy requirement. Owner declares that the Property described in Exhibit A shall be held, conveyed, leased, rented, used, occupied and improved in accordance with Chapter 17 of the City Code, subject to the following restrictions:

1. If both the primary unit and the accessory dwelling unit on the Property are used for habitation, Owner must occupy one of the units, in accordance with P.M.C. Section 17.38 and the conditions of approval for Owner's application. If Owner does not reside at the Property, only one of the units may be inhabited.
2. These restrictions shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in the Property.
3. Any amendment or cancellation of this Declaration must first be approved by the City of Piedmont.

Property Owner Signature: _____

Date: _____

Print Name: _____

Property Owner Signature: _____

Date: _____

Print Name: _____

(Signatures must be notarized)

Exhibit "A"

Description

All that certain real property situated in the City of Piedmont, County of Alameda, State of California described as follows:

Commonly known as:

Alameda County APN Number:

City of Piedmont
RENT-RESTRICTED ACCESSORY DWELLING UNIT
ANNUAL AFFORDABLE RENT CERTIFICATION

This Certification is to be completed on an annual basis, effective each December 31 and submitted by the Owner concurrently with the Owner's application for and/or renewal of the City's business license, and upon any change in occupancy or any change in the composition of the accessory dwelling unit household. Please provide all required information below.

Primary Unit Address: _____

Rent-Restricted Accessory Dwelling Unit for (please check one):

☐ Low Income Households ☐ Very Low Income Households ☐ Extremely Low Income Households

Accessory Dwelling Unit Type (please check one):

☐ Studio ☐ 1-Bedroom ☐ 2-Bedroom ☐ 3-Bedroom

Owner's Name: _____

Owner's Mailing Address: _____

Is accessory dwelling unit currently occupied? Yes _____ No _____

If the accessory dwelling unit is rented, date current lease expires _____

Please provide a copy of the written lease agreement, if any.

Monthly Rent for the Accessory Dwelling Unit*: \$ _____

Utilities Provided by Owner, the cost of which is Included in the Monthly Rent:

_____ Electricity

_____ Gas

_____ Water and Sewer Service

_____ Garbage Collection

I declare, under penalty of perjury under the laws of the State of California, that the foregoing statements are true of my own knowledge.

Signature of Owner(s)

Date

* As per your Declaration of Rent Restrictions, the accessory dwelling unit must be rented to an extremely low, very low or low income household at an affordable rent level. The California Department of Housing and Community Development defines these income categories and establishes State Income Limits on an annual basis. Please see the Planning Staff for a copy of current State Income Limits and a schedule of Maximum Affordable Rent Levels.

Tenant's Name (if applicable): _____

Accessory Dwelling Unit Occupants' Mailing Address: _____

Number of Occupants in the Accessory Dwelling Unit: _____

Occupants:

	Name	Age
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

Accessory Dwelling Unit Household's Gross Annual Income
Include only income from occupants age 18 and over.

	Occupant 1	Occupant 2	Occupant 3
Wages	_____	_____	_____
Child/Spousal Support (deduct if paid out)	_____	_____	_____
Social Security Benefits	_____	_____	_____
Pensions and Annuities	_____	_____	_____
Unemployment Compensation	_____	_____	_____
Welfare	_____	_____	_____
Disability Benefits	_____	_____	_____
VA Benefits	_____	_____	_____
IRA Distributions	_____	_____	_____
Interest and Dividends	_____	_____	_____
Business Net Income	_____	_____	_____
Capital Gains	_____	_____	_____
Other Income	_____	_____	_____
TOTAL	_____	_____	_____

I declare, under penalty of perjury under the laws of the State of California, that the foregoing statements are true of my own knowledge.

Signature of Accessory Dwelling Unit Occupant

Date

RECORDING REQUESTED BY And when recorded return to: Director of Public Works City of Piedmont 120 Vista Avenue Piedmont, CA 94611	
GOV. CODE: 27383	ADDRESS: APN:

DECLARATION OF RENT RESTRICTIONS

FOR A _____ INCOME ACCESSORY DWELLING UNIT AT _____, PIEDMONT,
CALIFORNIA

Property address:

APN #

Unit type: Income

Property description attached as Exhibit A

A. Background. I am/We are the owners ("Owner") of real property described above and in Exhibit A. Owner applied to the City for an accessory dwelling unit permit under Chapter 17.38 of the Piedmont Municipal Code. The City approved Owner's application No. _____ with a unit size exception, under Piedmont Municipal Code section 17.38.070.c.2, subject to certain conditions of approval and the signing and recording of this Declaration in the Office of the County Recorder of Alameda County.

Condition of Approval No. _____ states:

[state condition related to rent restriction. Condition should be drafted to include the key requirements, though you can refer to the Code for definitions, so as not to unnecessarily lengthen this document.]

B. Ten-year term. This restriction remains in effect for ten years from the date of recordation and is then automatically terminated.

C. Rent Restriction. Owner agrees to restrict the rental or occupancy of the accessory dwelling unit to households that qualify as _____, as that term is defined in Piedmont Municipal Code section 17.38.020. If rent is charged for the accessory dwelling unit, the monthly rent and all utilities (electricity, gas, water, sewer service, garbage collection) for the accessory dwelling unit shall not exceed the maximum affordable rent level. If all utilities for the accessory dwelling unit are separately metered and billed to the tenant, the maximum rent may not exceed 90% of the maximum affordable rent level.

D. Binding on successors. Owner voluntarily requested approval of the accessory dwelling unit subject to these rent restrictions, and understands that the recording of this Declaration allows Owner to construct and maintain the accessory dwelling unit in the City. Owner declares that the Property shall be held and conveyed subject to these restrictions. These restrictions shall run with the land and are binding on successors in interest to the Property.

E. Annual Affordable Rent Certification. During the ten years this Declaration is in effect, Owner agrees to submit an annual Affordable Rent Certification to the City by each December 31st, as required by Municipal Code section 17.40.7.c.iii.a.ii.

F. Enforcement; Costs; Penalties. Owner agrees that if Owner violates the terms of this Declaration, the City may pursue any remedies permitted by law. The City may recover reasonable attorney's fees and costs incurred in bringing legal action to enforce this Declaration. It may also recover from Owner any rents received during any unauthorized occupancy of the accessory dwelling unit. Owner remains subject to section 17.38, the Accessory Dwelling Unit Ordinance and if Owner does not comply with the rent restrictions in this Declaration, Owner may be required to modify the Property so as to remove the accessory dwelling unit.

G. No amendment. Any amendment or cancelation of this Declaration before the ten-year term has expired is subject to the written approval of the City.

*Property Owner Signature

*Property Owner Signature

Print Name

Print Name

Date

Date

*Owner signature(s) must be acknowledged before a notary public.

Exhibit "A"

Description

All that certain real property situated in the City of Piedmont, County of Alameda, State of California described as follows:

Commonly known as:

Alameda County APN Number:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____
Date Here Insert Name and Title of the Officerpersonally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public*Place Notary Seal Above***OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

IRMA Glidden

Subject: FW: We propose moderating the ordinance on ADUs- on July 5 City Council agenda item 5N

From: "Elizabeth Krase" <ekrase@all2easy.net>

To: "Trish Spencer" <TSpencer@alamedaca.gov>, "Frank Matarrese" <FMatarrese@alamedaca.gov>, "Marilyn Ezzy Ashcraft" <MEzzyAshcraft@alamedaca.gov>, "Malia Vella" <MVella@alamedaca.gov>, "Jim Oddie" <JOddie@alamedaca.gov>

Cc: "ANDREW THOMAS" <ATHOMAS@alamedaca.gov>, "Allen Tai" <ATai@alamedaca.gov>, "Deborah Diamond" <DDiamond@alamedaca.gov>, "LARA WEISIGER" <LWEISIGER@alamedaca.gov>

Subject: We propose moderating the ordinance on ADUs- on July 5 City Council agenda item 5N

Dear Mayor Spencer and Council members:

My husband and I are very concerned about the proposed zoning ordinance to have its final consideration on July 5 (item 5N on the agenda). This proposed change would allow by-right Accessory Dwelling Units (ADUs) up to 1200 square feet on lots zoned for single-family residential use, without public notice, comment or design review.

While I understand the need to comply with state law, as well as the need to increase housing availability in the Bay Area, we are in favor of modifying the upper size limit and requiring public notice, comment, and design review for new ADUs.

We live in a house that's slightly under 1200 square feet. Our house has a graciously-sized living room and dining room, two ample bedrooms, a large kitchen, and a one bathroom. It is completely sufficient for two people, and previous owners of our house raised their families in it. Our point is that 1200 square feet is NOT a small in-law cottage. We invite any of you to drive by our house to see how large a 1200 square foot house would be. An ADU built to that maximum size could overwhelm the many smaller houses in Alameda, whether built on the same lot or an adjacent lot. Such large ADUs would also cause removal of landscaping and trees in side and back yards.

Please consider how a house built to that maximum size would affect our neighborhoods. A size limit of 600 square feet would be much more reasonable, while still preserving our neighborhood quality and providing small housing units. As Chris Buckley indicates in his July 2, 2017 letter to the Council, such a large maximum is well beyond what our neighboring communities in the East Bay allow.

Furthermore, the ordinance must be revised to require public notice and comment and design review. To allow ADUs without public notice or design review will adversely affect the look of our neighborhoods. Although Alameda must respond to the new state requirements, we encourage you to moderate the ordinance to preserve the charming quality of Alameda's neighborhoods.

Elizabeth Krase Greene
Wade C. Greene, Jr.
2520 Chester Street, Alameda

