

Draft Accessory Dwelling Unit Amendments

July 8, 2019 Planning Board Study Session

AMC Chapter 30 (Development Regulations)

Article I. Zoning Districts and Regulations

Section 30-5.18 - Accessory Dwelling Units

- a. *Purpose.* This Section provides for the creation of accessory dwelling units on lots developed or proposed to be developed with ~~one~~ single-family or multi-family dwellings ~~per lot~~ under Government Code Sections 65852.150 and 65852.2~~2~~, and junior accessory dwelling units in single-family residential zones under Government Code Section 65852.22. Such accessory dwelling units contribute needed housing to the community while maintaining neighborhood character, support affordable housing and multigenerational living, and enhance housing opportunity near transit. An accessory dwelling unit that conforms to this section shall:
 1. Be deemed an accessory use and not be considered to exceed the allowable density for the lot upon which it is located;
 2. Be deemed a residential use that is consistent with the allowable density for the lot upon which it is located;
 3. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and
 4. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.
- b. *Applicability.*
 1. The provisions of this section apply to all legal lots in any residential zoning district where a primary single-family or multifamily dwelling has been previously established or is proposed to be established in conjunction with construction of the accessory dwelling unit.
- c. *Development Standards.* An accessory dwelling unit may be constructed within the existing building envelope of a dwelling or accessory structure, added to the existing dwelling or accessory structure, or constructed as a detached structure.
 1. *Number Allowed:* Only one (1) accessory dwelling unit is permitted per lot that contains or is proposed to contain one (1) primary dwelling.
 2. *Maximum Size:* The size of the accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet or more than fifty (50) percent of the floor area of the primary dwelling, whichever is less.
 - (a) As an exception to the above, attached accessory dwelling units created in the existing basement of a primary dwelling may exceed fifty (50) percent of the primary dwelling floor area in order to utilize the entire floor area of the existing basement, but in no case shall such accessory dwelling unit exceed 1,200 square feet. For this exception to apply, the accessory dwelling unit cannot be combined with any proposal to expand the basement beyond the existing building footprint. Accessory dwelling units established under this exception shall not be subsequently enlarged beyond the established floor area.

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3. *Attached Accessory Dwelling Units:* An accessory dwelling unit that is attached to or created within an existing primary dwelling shall comply with all height, building coverage, yard areas, and setback requirements for the primary dwelling.
 - (a) *Independent Access:* Exterior access shall be provided independently from the primary dwelling.
 - (b) *Unit Separation:* Attached units and units that are within the primary dwelling may maintain an interior connection to the primary dwelling provided there is a fire-rated door separating the units that is lockable on both sides.
 - (c) *Aggregate Lot Coverage:* The aggregate lot coverage of all building footprint(s) and nonpermeable surfaces on the lot shall not exceed sixty (60%) percent.
4. *Detached Accessory Dwelling Units:* An accessory dwelling unit that is constructed as a detached structure or created through the conversion of an existing accessory structure shall comply with the requirements in Section 30-5.7(f) Accessory Buildings. Notwithstanding Section 30-5.7(f), no setback shall be required for an existing garage that is converted to an accessory dwelling unit. The aggregate lot coverage of all building footprint(s) and nonpermeable surfaces on the lot shall not exceed sixty (60%) percent. Utilities extended to a detached accessory dwelling unit shall be underground.
5. *Design Standards:*
 - (a) *Attached Unit:* The design of an attached accessory dwelling unit shall appear as an integral part of the primary dwelling and incorporate 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. Creation of the accessory dwelling unit shall not involve any changes to existing street-facing walls nor to existing floor and roof elevations.
 - (b) *Detached Unit in the Side or Rear Yard:* The design of a detached accessory dwelling unit that is located in the side or rear yard shall be subordinate to the primary dwelling in terms of massing, height and building footprint. Detached units that are in the side or rear yard may use sustainable building materials and incorporate energy efficient design even if the resulting exterior appearance does not match the primary dwelling. 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 immediately surrounding buildings. Where the immediate surroundings is eclectic and no particular style of architecture is dominant, a greater degree of architectural variety may be established with the detached accessory dwelling unit.
 - (c) *Detached Unit in the Front Yard or Adjacent to a Street Side Yard of a Corner Lot:* The design of a detached accessory dwelling unit shall be subordinate to the primary dwelling in terms of massing, height and building footprint. The design shall incorporate 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.
6. *Junior Accessory Dwelling Units:* One junior accessory dwelling unit shall be permitted ministerially if complying with the standards of subsection c.1., c.3(a), and c.3(b) above, and the following:

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- (a) The junior accessory dwelling unit shall be fully located within an existing primary dwelling in the R-1 District.
 - (b) The unit shall be created from the conversion of an existing bedroom in the primary dwelling.
 - (c) The unit shall be no larger than five hundred (500) square feet in floor area.
 - (d) The unit shall maintain an interior connection to the primary dwelling.
 - (e) The unit may contain separate sanitation facilities or may share with the primary dwelling.
 - (f) The unit shall include an efficiency kitchen that shall include the following components:
 - (1) ~~A sink with a maximum waste line diameter of one and one half (1.5") inches;~~
 - (2) Cooking appliances that do not require electrical service greater than one hundred twenty (120) volts, or natural or propane gas; and
 - (3) A food preparation counter and storage cabinets.
- d. *Parking:* The parking requirement for an accessory dwelling unit shall be one off-street parking space per unit. This space shall comply with all requirements set forth in Section 30-7 Off-Street Parking and Loading Space Regulations. Notwithstanding Section 30-7, this space may be provided as tandem parking, including on an existing driveway or in a side or rear yard area, unless specific findings are made by the [Community Development Planning](#) Director that parking in setback areas or tandem parking is not feasible based upon fire and life safety conditions.
- 1. *Exceptions.* Notwithstanding the parking requirement in this section, no off-street parking shall be required for an accessory dwelling unit in any of the following instances:
 - (a) The accessory dwelling unit is within ~~a~~ [proposed or](#) existing primary dwelling or an existing accessory structure.
 - (b) The accessory dwelling unit is located within one-half (½) mile of a public transit stop or station.
 - (c) The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - (d) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (e) When there is a car-share rental service pick-up/drop-off location within one (1) block of the accessory dwelling unit.
 - 2. *Replacement Parking:* When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement of the parking space(s) meeting the requirements of Section 30-7 Off-Street Parking and Loading Space Regulations shall be required. Notwithstanding Section 30-7, such replacement parking may be located in any configuration on the same lot, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, including on an existing driveway or in a side or rear yard area, unless specific findings are made by the [Community Development Planning](#) Director that parking in setback areas or tandem parking is not feasible based upon fire and life safety conditions.
- e. *Rental and Sale Limitations.* Before issuing a building permit for an accessory dwelling unit or junior accessory dwelling unit, the property owner shall file with the county recorder a declaration or

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an agreement of restrictions, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

1. The accessory dwelling unit or junior accessory dwelling unit shall not be sold separately from the primary dwelling or rented for a period of less than thirty (30) days.
2. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.

f. *Application and Review Process.*

1. *Ministerial Review.* Except as provided below, application for an accessory dwelling unit shall be permitted-considered ministerially within one hundred-twenty-sixty (12060) days without discretionary review or public hearing when in compliance with the development standards of this section. Prior to issuance of a building permit for an accessory dwelling unit, the Community Development Director shall issue a zoning clearance which establishes that all applicable development standards of this Section are met.

2. Occupancy. The applicant for an accessory dwelling unit shall be a current owner-occupant of the property.

- 3- *Exceptions to Ministerial Review.* Discretionary design review as provided by Section 30-36 shall be required for accessory dwelling units that involve any of the following:

- (a) An addition to the primary dwelling involving a second story or above;
- (b) A change in floor level in the primary dwelling, such as when the building is lifted to create a new lower floor. This does not include basement excavation where the exterior building proportions remain the same;
- (c) Accessory dwelling units that do not meet the Design Standards provided in subsection (c) above.

43. *Exceptions to Development Standards.* Accessory dwelling units that do not conform to the following development standards, as provided by subsection (c) above, may be approved with a use permit and design review:

- (a) Maximum unit, size up to one thousand two hundred (1,200) square feet;
- (b) Setbacks and lot coverage;
- (c) Parking requirements.

54. *Combination permits.* For applications that combine a new accessory dwelling unit with improvements other than for the accessory dwelling unit, the application shall be subject to design review if said improvement is not exempt from design review as provided by Section 30-37.2.

65. *Vacant Lots.* A single-family dwelling must exist on the lot. If the lot is undeveloped, then the applicant will be subject to discretionary review for construction of the primary dwelling.

- g. The accessory dwelling unit shall meet the requirements of the building and housing code, as adopted and amended by the Alameda Building Code, that apply to detached dwellings, as appropriate. Except that fire sprinklers or fire attenuation shall not be required for an accessory dwelling unit if not required for the primary residence.

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- h. No protected tree(s) shall be removed to accommodate an accessory dwelling unit except with the recommendation of a certified arborist and approval procedures set forth in Section 13-21 of Chapter XIII of the Alameda Municipal Code.
- i. Nothing in this section supersedes requirements for obtaining development permits pursuant to this chapter or for properties subject to the preservation of historical and cultural resources set forth in Section 13-21 of Chapter XIII of the Alameda Municipal Code.

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