



CITY OF CARMEL-BY-THE-SEA

Accessory Dwelling Unit (ADU) Workshop

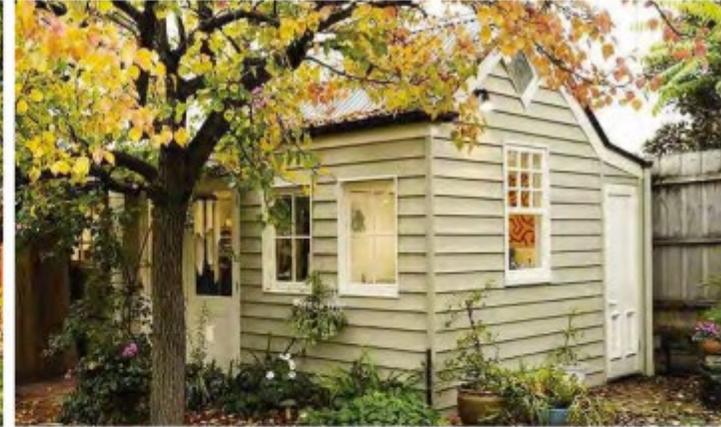
Planning Commission Special Meeting
November 15, 2023



Background

Workshop Purpose

- Gather early feedback on a draft ADU ordinance
 - Overall format and usability
 - High level policy direction
 - Design Standards
 - Additional feedback
 - Workshop
- No decisions or formal recommendations are being made at this meeting





What is an ADU?

An ADU is...

- “An attached or a detached residential dwelling unit that provides **complete independent living facilities** for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include **permanent provisions for living, sleeping, eating, cooking, and sanitation** on the same parcel as the single-family or multifamily dwelling is or will be situated.”
 - aka second unit, in-law unit or granny flat
 - Effectively a second unit or apartment on a parcel.
- ADUs can be constructed new or converted from existing space, and come in many varieties:
 - Detached structure
 - Attached to the main house
 - Conversion of existing accessory structure (e.g. garage conversion)
 - Conversion of existing space within the main house





What is an ADU not?

An ADU is not...

- A dwellings licensed by the DMV:
 - A tiny home;
 - A Recreational Vehicle.

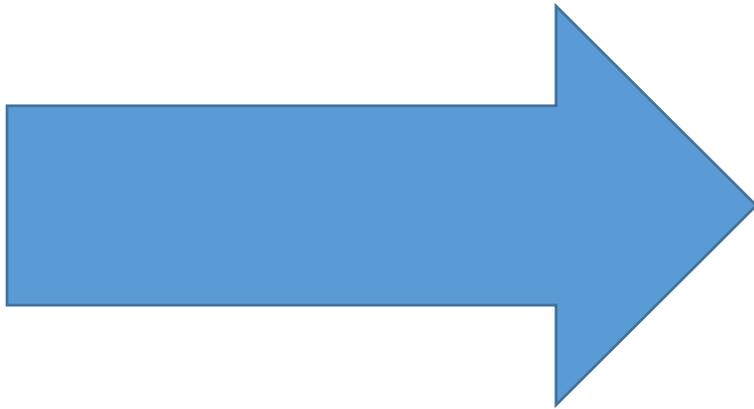


Manufactured homes meeting the requirements of Health and Safety Code Section 18007 are considered ADUs.



Legislative Background

- 2017
 - SB 229
 - SB 1069
- 2019
 - SB 13
 - AB 68
 - AB 881
 - AB 587
 - AB 670
 - AB 671
- 2020
 - AB 3182
- 2021
 - AB 345
- 2022
 - SB 897
 - AB 2221
- 2023
 - AB 1033
 - AB 976
 - AB 1332



State law(s) pertaining to ADUs



Process

Primary Sources

- Government Code Section 65852.2 & 65852.22
 - ADU & JADU development regulations
- CA Housing & Community Dev. ADU Handbook – July 2022
- Coastal Commission Memo – January 2022
- Carmel-by-the-Sea Planning Doc.
 - General Plan/Land Use Plan/Zoning Code

Secondary Sources

- Preliminary Meeting with Coastal Commission
 - Still need to meet with HCD
- Coastal cities adopted ADU Ordinances
- Non-Coastal cities adopted ADU Ordinances



Carmel-by-the-Sea LCP

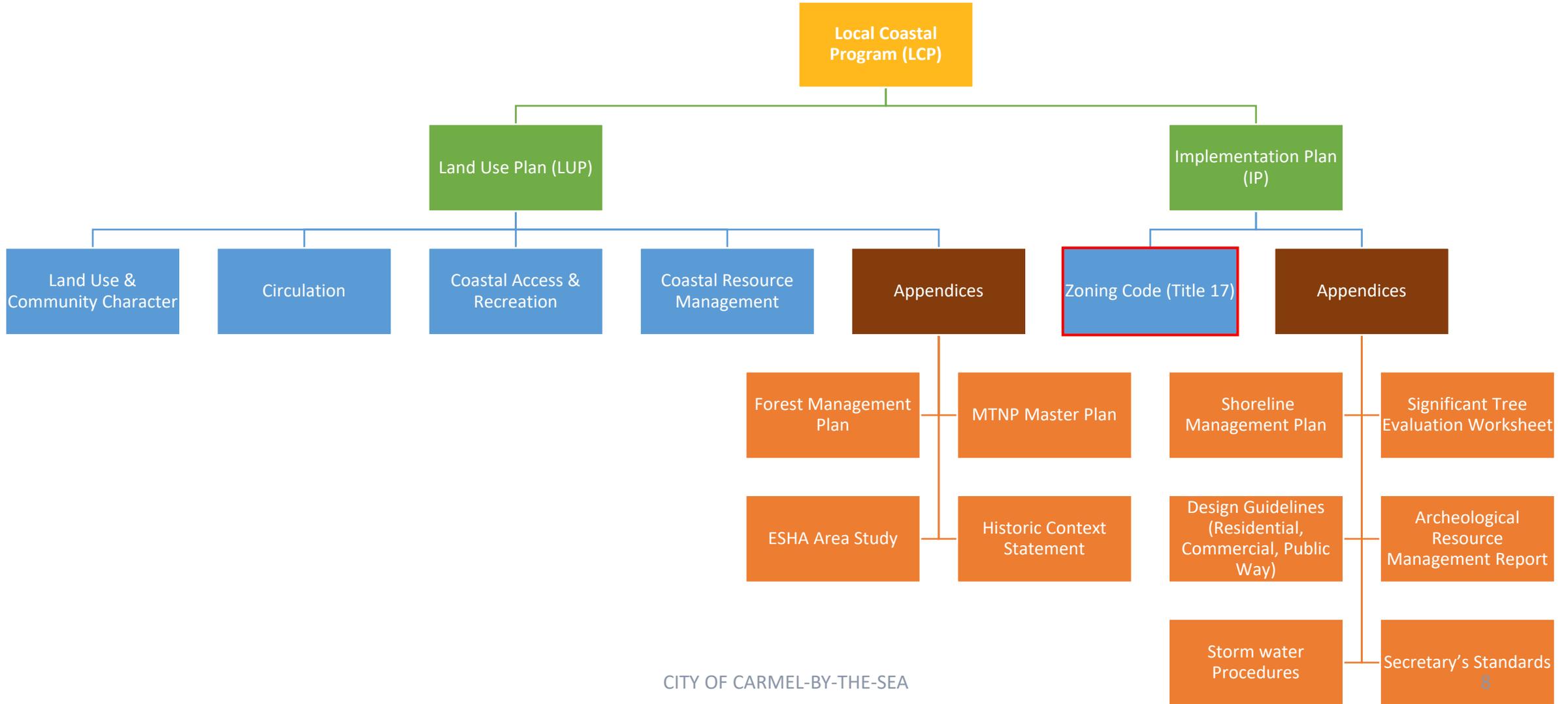
Do the new ADU laws apply to jurisdictions located in the California Coastal Zone?

- **Yes, however....**

- *From State ADU Handbook:*
 - *ADU laws do not necessarily alter or lessen the effect or application of Coastal Act resource protection policies*
 - *Where appropriate, localities should amend Local Coastal Programs for California Coastal Commission review to comply with the California Coastal Act and new ADU laws.*
- *From Coastal Commission Memo:*
 - *Coastal Commission strongly encourages local governments to update their LCPs with J/ADU provisions in a manner that harmonizes the State's housing laws with the Coastal Act*
- *From ADU Law:*
 - **Gov. Code, § 65852.22, subd. (I):** *Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976, except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.*



Carmel-by-the-Sea LCP





Ordinance Overview – Development Standards

Single-Family - Proposed Ord.

- Max 1 ADU and 1 JADU per lot
- ADU may be attached, detached or located within the primary dwelling, or converted from an existing accessory structure
- Floor Area: Underlying Zoning
- Height and setbacks: Underlying Zoning
 - Some exceptions for height (increased to 16' from 15')
 - Composite setback waived for detached.
- Parking: No Parking required except in “Coastal Access Parking Area”
 - Parking required by Coastal Commission

Current Procedures

- Max 1 ADU and 1 JADU per lot
- ADU may be attached, detached or located within the primary dwelling, or converted from an existing accessory structure
- Floor Area: Up to 800 sf exempt from floor area requirements
- Height and setbacks:
 - Height varies; 16' typical
 - Setbacks varies; 4' typical
- Parking: None required



Ordinance Overview – Development Standards

Multi-Family/Commercial

- Up to 25% of existing multi-family units, and up to 2 detached units
- Converted from the portion of existing multi-family dwelling that are not used as livable space (storage rooms, passageways, attics, basements), or detached.
- Counts as floor area
- Height limit: 16' – 18'
- Setbacks: underlying zoning
- No Parking required except in “Coastal Access Parking Area”
 - Parking required by Coastal Commission

Current Procedures

- No proposals for Multi-Family ADUs
- Draft Ordinance codifies what is allowed by-right per state law.



Ordinance Overview – Process

- Ministerial process for ADU/JADUs that do not require a Coastal Development Permit (CDP)
 - Building Permit Only
- Created a streamlined administrative review for all ADU/JADUs requiring a CDP
 - Staff level review; all public hearings waived regardless of square footage of ADU
 - **Objective Design Standards**
 - Historic/Archeological/Biological Review may still be required (if in overlay/historic resource)
- 60 day approval for ministerial permits (from submittal of complete application); 60 day approval to the greatest extent feasible for CDPs.
- Voluntary Discretionary Review Track
 - Request for exception from prohibited design features (considered under “Design Guidelines” as opposed to “Design Standards”)
 - Request for concurrent processing with other improvements.



Ordinance Structure

Ordinance Outline

- Purpose, Intent and Findings.
- Applicable Zoning Districts.
- Development Standards for ADUs of Single Family Properties.
- Development Standards for ADUs of Multi-Family Properties.
- Junior Accessory Dwelling Units
- Design Review.
- Accessory Dwelling Units, General.
- Application and Review Procedure.
- Definitions.



Ordinance Structure: Examples

17.ADU.030 Development Standards for ADUs on Single Family Properties.

- A. Location – Single Family.
- B. Floor Area – Single Family.
- C. Unit Size – Single Family.
- D. Height Limits – Single Family.
- E. Setbacks – Single Family.
- F. Parking – Single Family.
- G. Design Review – Single Family.



Ordinance Structure: Examples

17.ADU.030 Development Standards for ADUs on Single Family Properties.

The following standards apply to ADUs and JADUs developed on all properties within the single family (R-1) zoning district, or any district developed with an existing or proposed single family dwelling.

A. Location – Single Family.

1. Number of ADUs. A maximum of one (1) ADU, and one (1) JADU shall be allowed on a single-family property.

a. JADUs may be allowed consistent with section 17.ADU.050.

2. Location on site. An ADU may be attached, detached, or located within the primary dwelling on the same lot. An ADU may be converted from a garage or other existing accessory structure.

17.ADU.040 Development Standards for ADUs on Multi-Family Properties.

The following standards apply to ADUs and JADUs developed on multi-family residential properties or mixed-used developments at any density:

A. Location – Multi-Family.

1. Number of ADUs. For all existing multi-family or mixed-use developments, both subsections (a) and (b) below shall apply.

- a. ADUs contained within the portion of existing multi-family dwelling structures that are not used as livable space:
- i. The equivalent number of twenty-five (25%) percent of the existing multi-family dwelling units (no less than one (1) unit).

5

- b. ADUs detached from existing or proposed multi-family dwelling structures (The provisions of this subsection shall apply to a newly-constructed ADU that is detached from an existing multi-family dwelling structure and all accessory structures including, without limitation, garages and storage areas on the same site):

i. Up to two (2) ADUs

2. Location on site.

- a. ADUs may be located within the portion of existing multi-family dwelling structures that are not used as livable space including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

i. In mixed-use buildings, the non-livable space used to create an ADU or ADUs shall be limited to the residential areas of a mixed-use development, and not the areas used for commercial or other activities. The parking and storage areas for these non-residential uses shall also be excluded from potential ADU development.

- b. ADUs may be detached from an existing or proposed multi-family dwelling structure and all accessory structures including, without limitation, garages and storage areas on the same site



Ordinance Structure



Ordinance Outline

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- Development Standards for ADUs of Single Family Properties.
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- Design Review.
- Accessory Dwelling Units, General.
- Application and Review Procedure.
- Definitions.

Requested Feedback

The ordinance is generally organized into ADU regulations on “single-family properties,” “multi-family properties,” and “JADUs”. How does the Commission feel about this approach?



Policy Discussion/Questions Summary

Previous Planning Commission meetings/discussions:

- Concerns regarding total floor area/size of units,
- Timing of approval relative to the single-family residence,
- Inter-accessibility with the main house, and
- Design standards.



Policy Discussion/Questions

Concerns regarding total floor area/size of units:

Draft Ordinance

CMC 17.ADU.030.B.1

Floor area of an Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit is included in the total floor area of the site

Land Use Plan/General Plan Policy

P1-49 Limit above-grade floor area on 4,000 square foot lots to a maximum of 1,800 square feet. Projects with less above-grade square footage shall be preferred. Structural coverage shall not exceed 45% of the site. Total site coverage (structural and other impermeable coverage) on 4,000 square foot lots shall not exceed 55% of the site. Locate open space so that it visually links with adjacent properties. (LUP)

Current Practice:

800 square feet of floor area exempt.



Policy Discussion/Questions

Timing of approval relative to the single-family residence:

Draft Ordinance

CMC 17.ADU.030.B.3

- The floor area of an existing ADU shall be counted in the calculation of the property's total floor area ratio.

CMC 17.ADU.080.B.1

- The city may delay acting on the permit application for the ADU until the permitting agency acts on the permit application to create the new single-family dwelling

Design Standards

- Standards TBD – but will be required to match **existing** or (concurrently) proposed dwelling

Current Practice:

No regulation in respect to timing of application.

City has begun to implement requirement outlined in CMC 17.ADU.030.B.3 based on new interpretation on state law.



Policy Discussion/Questions

Inter-accessibility with the main house

Draft Ordinance

CMC 17.ADU.070.P.2

Inter-accessibility prohibition codified.

Current Practice:

No change to current practice, just codified.



Policy Discussion/Questions

Parking

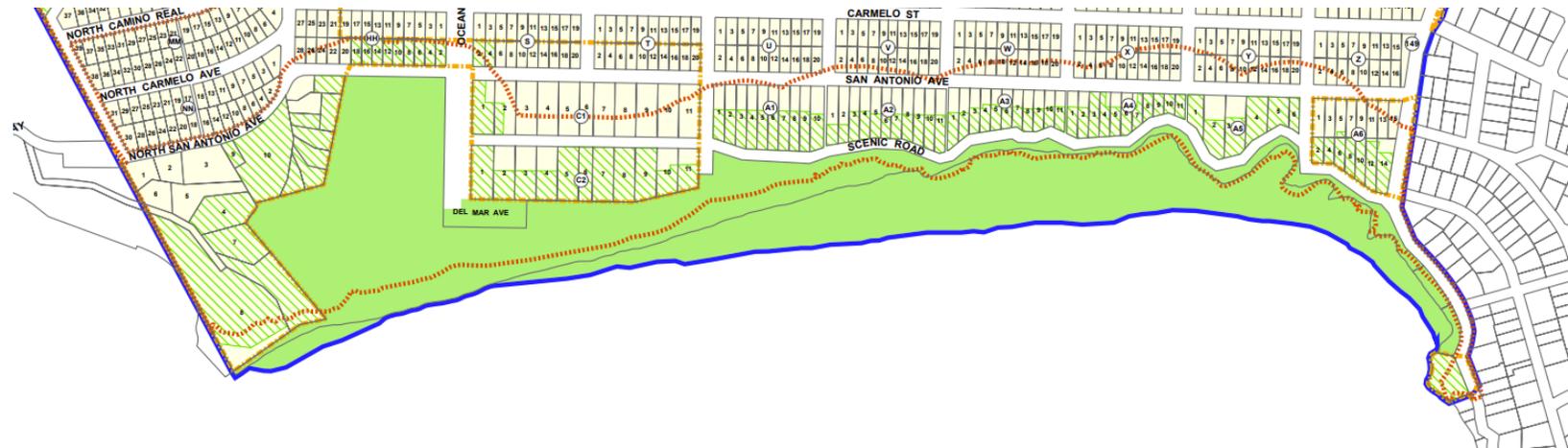
- Primarily Waived for most of city
 - Staff recommendation
- Replacement Parking not required if garage demolished or converted
 - Option to replace with permeable parking pad
- Coastal Commission Requirement*
 - Coastal Act objectives and policies to protect and provide maximum coastal access opportunities sufficient public coastal parking.
 - Local governments are encouraged to work with Commission staff to identify or map specific neighborhoods and locations where there is high visitor demand for public on-street parking needed for coastal access

Current Practice:

No parking required for ADUs

*Coastal Access Parking Area

- All properties located within the Beach and Riparian (BR) Overlay District located west of Carmelo Street and west of North San Antonio Street
- All properties with street frontages located on San Antonio Avenue or North San Antonio Avenue.
- Parking Requirements
 - 1 space per ADU
 - replacement parking required for primary dwelling if garage converted or demolished





Design Standards

Draft Ordinance

17.ADU.060 Design Review.

- PC to adopt objective Design Standards
- Prior to adoption/absence of standards
 - The accessory dwelling shall match the appearance of the primary dwelling



Design Standards

Draft Design Review Procedures

Objective Design Standards

Complies?

No

Yes

Can be requested at application submittal or if found inconsistent with Design Standards

Applicant Election to Discretionary Track

Corrections and Revise to Comply

Residential Design Guidelines

Deny if inconsistent

Continue with processing if standards met

Develop a Yes/No checklist to review materials, finishes, site design, privacy, mass/bulk, etc.

Drafts concepts:

- **Windows.**
 - Locations:
 - Windows located in portions of an ADU where there finished floor level of an ADU is five or more feet above the existing or finished grade, whichever is more restrictive, shall:
 - Have a sill height of no less than six feet above the finished floor adjacent to the window, or
 - Have a permanent opaque glazing.
 - Design and Materials:
 - No new window shall be greater than 12 square feet in area.
 - Materials and finishes for all attached, detached, and conversion ADUs where new windows are proposed shall match the material and appearance of the existing or proposed primary dwelling. If the primary dwelling consists of multiple window styles or materials, the following shall be used in determining the appropriate window style and material:
 - Criteria TBD
 - Specialty Windows
 - One bay or oriel window not exceeding 24 square feet in area may be allowed provided it does not face directly onto the street, and complies with the applicable requirements of section (A)(2) in addition to the applicable requirements of the municipal code.



Design Standards

Source: City of South Pasadena Design Guidelines for ADU Development on Historic Properties

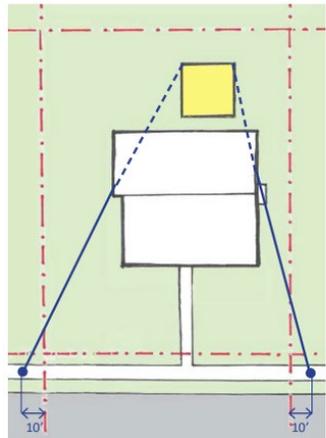
Visibility

Visibility from the Public Right-of-Way

For the purposes of the ADUs Design Standards and Design Guidelines for Historic Properties, visibility from the public right-of-way means the following:

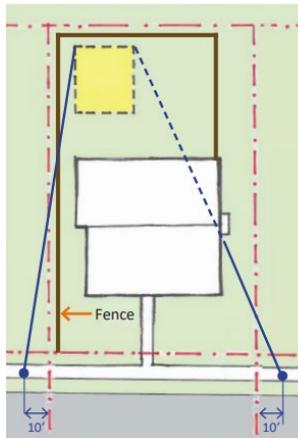
- Visibility of the structure from the street immediately in front of and within 10 feet on either side of any street-adjacent property line(s). This includes both adjacent streets for corner properties. Alleys are not considered public right-of-way for this purpose.
- Vegetation, gates, fencing, and any other landscaping elements shall not be considered in determining visibility from the public right-of-way.

Not Visible



This ADU is not visible from the public right-of-way immediately in front of and within 10 feet of the side property lines.

Visible



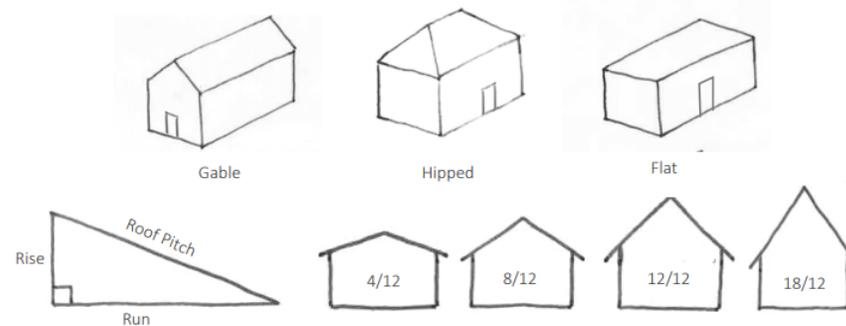
This ADU is visible from the public right-of-way on the left side of the dwelling. Note that fences, gates, vegetation, and any other landscaping elements shall not be considered in determining visibility from the public right-of-way.

Design Elements

Roofs and Wall Cladding

Roofs

- The ADU roof type must match the roof type of the primary dwelling or existing accessory structure (if attached to the accessory structure). The roof pitch must be similar to the primary dwelling/accessory structure and within the roof pitch range that is appropriate for the architectural style of the dwelling/structure. Refer to Chapter 4 for information on acceptable roof pitches by style. Following are the roof types and pitches most commonly found on South Pasadena's historic residential properties.



- In most instances, the ADU roof material should match the primary dwelling/accessory structure. Exceptions include the following:
 - Composition shingle roofing is an acceptable alternative to wood shingle.
 - Cement tile roofing is an acceptable alternative to clay tile.
 - Solar shingle roofing is an acceptable alternative to asphalt composition or wood shingle roofing.
- Vinyl tiles and cement shakes are prohibited.

Design Elements

Doors

Doors

- ADU doors must be made of the same or similar materials as those of the primary dwelling or the existing accessory structure (if attached to the accessory structure).
 - Wood-clad, clad-wood, and composite wood doors are acceptable.
- Doors may or may not incorporate glazing. While simple paneling is acceptable, avoid any highly decorative design elements applied to or carved into the door or glazing.
- Garage doors may be replaced with new doors or infilled, provided that the framing to the original opening is preserved.



Paneled wood door



Paneled wood door with glazing



Existing (non-historic) garage doors on accessory structure



ADU conversion with French door infill retaining original garage door opening



Policy Discussion/Questions



Other Policy Questions

- Owner occupancy?
 - Property owner would need to live in the primary dwelling or ADU.
 - Currently cannot be imposed but can be enforced starting in 2025.
- Deed Restrictions?
 - Already required for JADUs (per state law).
 - Should similar requirement be required for ADUs?
 - Could include:
 - A restriction on the size and attributes of the unit that conforms with this ordinance;
 - Prohibition on the sale of the unit (except as allowed by state law);
 - Owner occupancy requirement (see above).
- How should view impacts be addressed? Should view impacts be addressed?
 - Is FAR/Height limitations enough of a control?
 - Through Design Standards?
 - Some other mechanism as part of application?

Requested Feedback

Are there other policy items that should be discussed, considered, or evaluated?

What are the important Design Review Criteria and Elements to be considered?



Commissioner's Questions – 1 of 3

- **What are Section 65852.2 and 65852.22 of the Government Code?**
 - Section 65852.2 = State Legislature pertaining to ADU Development
 - Section 65852.22 = State Legislature pertaining to JADU Development
- **The term “allowable density” is not defined in Definitions. Does it have a definition?**
 - CMC 17.70 Base Density. The number of dwelling units on a particular parcel of land that is in conformance with the general plan and zoning code.
- **Just to clarify that a single family property may have an ADU and a JADU?**
 - Yes, single-family properties may have one ADU and one JADU.
- **Height Limits – what is the rationale for the 16’ and 12’ maximums?**
 - 16’ = minimum height prescribed in state law
 - 12’ = one-story plate height from R-1 Zone District (objective standard)



Commissioner's Questions – 2 of 3

- Multi-Family... 25% of the existing multi family dwelling units – that seems about right to me. If there are 8, you can add up two more. Similarly on page 6 (top of page)the limit of 2 ADU's seems about right.
 - **How does space defined as "not used as livable space" factor into this?**
 - That is the portion of a multi-family building that is allowed to be converted to an ADU as outlined in the state law. Staff's understanding is that it is intended to not interfere with existing dwelling units.
 - **But what if a specific property clearly has the capacity for more than these limits? Would that be a variance granted by the Planning Commission?**
 - The property owner can apply to add the additional units through the standard Planning process. Depending on the density, affordability requirements may be required.
- **Design Review. Will these design standards need to be Objective?**
 - Yes, while the city has some leeway due to our LCP, the adoption/creation of objective design standards would be a reasonable LCP update to harmonize with state ADU law to expedite the review process.
- **Is the 60 day approval required by the State?**
 - Yes



Commissioner's Questions – 3 of 3

- **When will an ADU application come to the PC?**
 - There is no change to how ADUs are currently reviewed/processed. Only clarification/codification regarding the staff approval process.
 - The new exception is if the applicant requests the discretionary review track.
- **How will Staff detect that the applicant intends to remodel the primary dwelling after the ADU application is approved?**
 - Staff would only know if this information is disclosed or shown on the plans. There is no change to how applications are processed.
 - This is intended to prevent ADUs being constructed ahead of new dwellings.
 - ADUs built prior to a new dwelling would need to match the **existing dwelling's** materials, finishes, etc

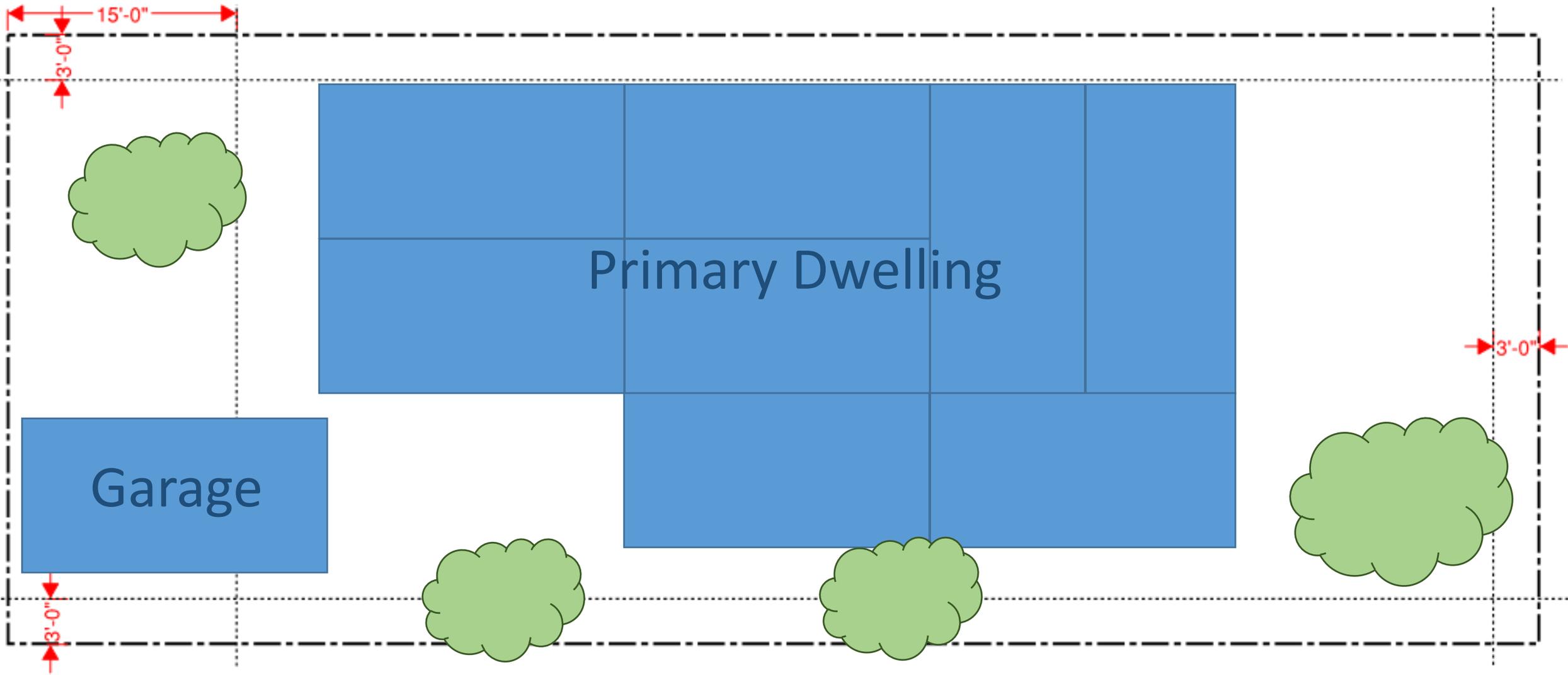


Next Steps

- Receive Feedback and Workshop
- Revise ordinance and develop design standards
 - Draft Supplemental Documents:
 - ADU Specific Application
 - Submittal Checklist
 - Technical/Guidance Manual
- Return to PC/CC

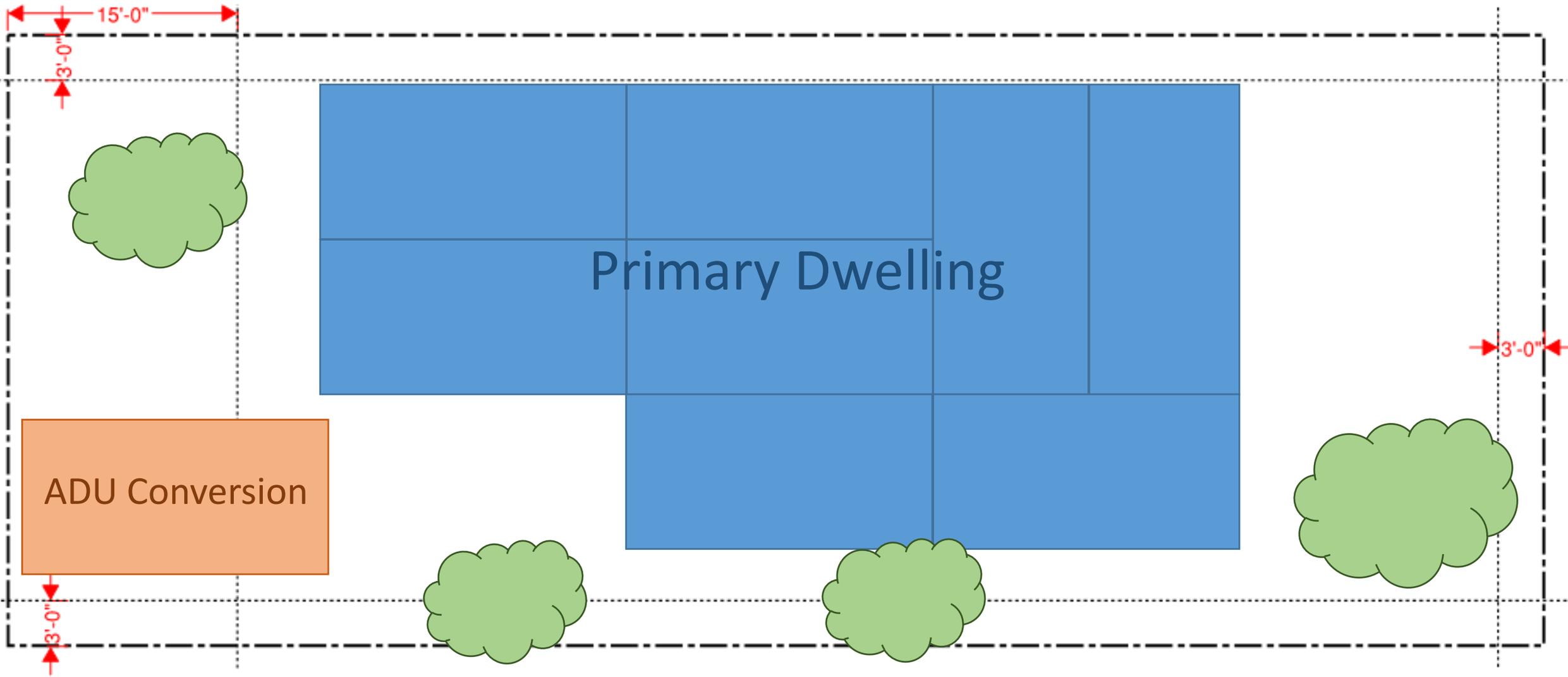


Scenario 1



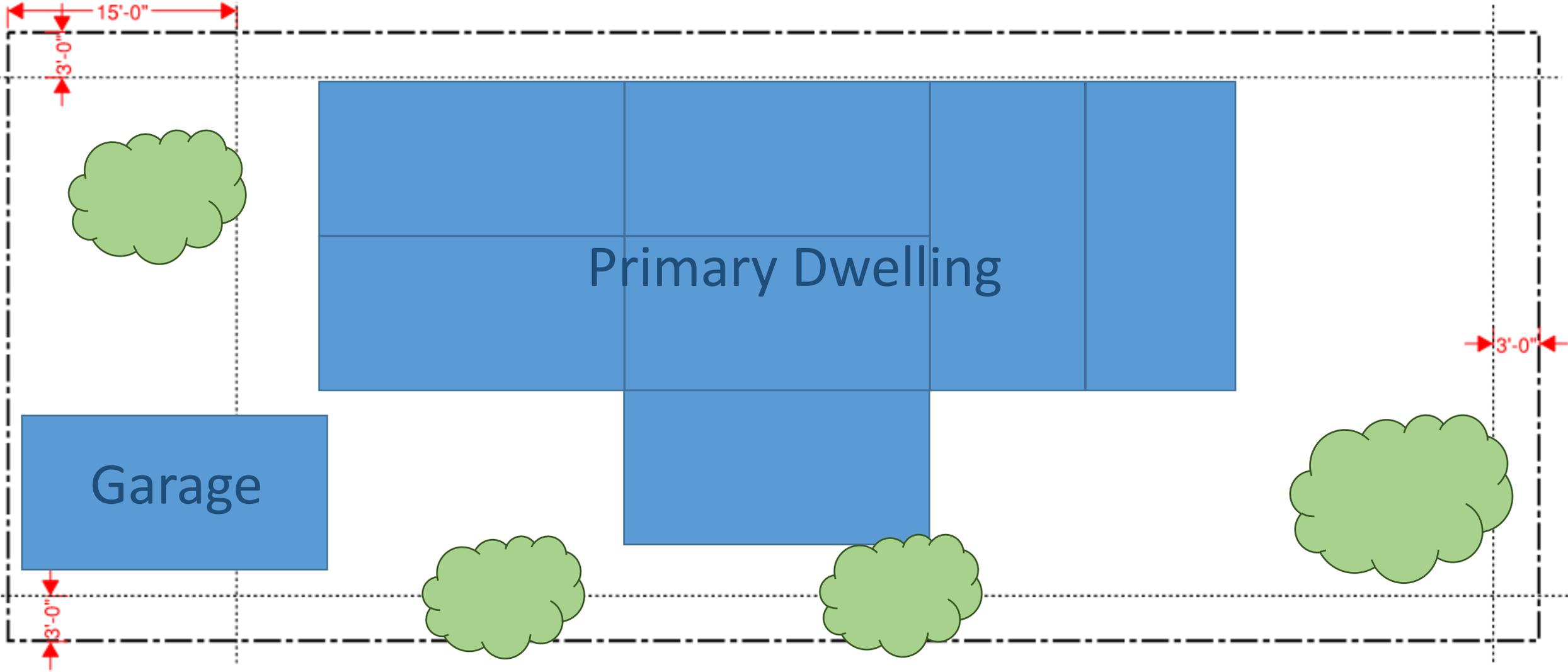


Scenario 1



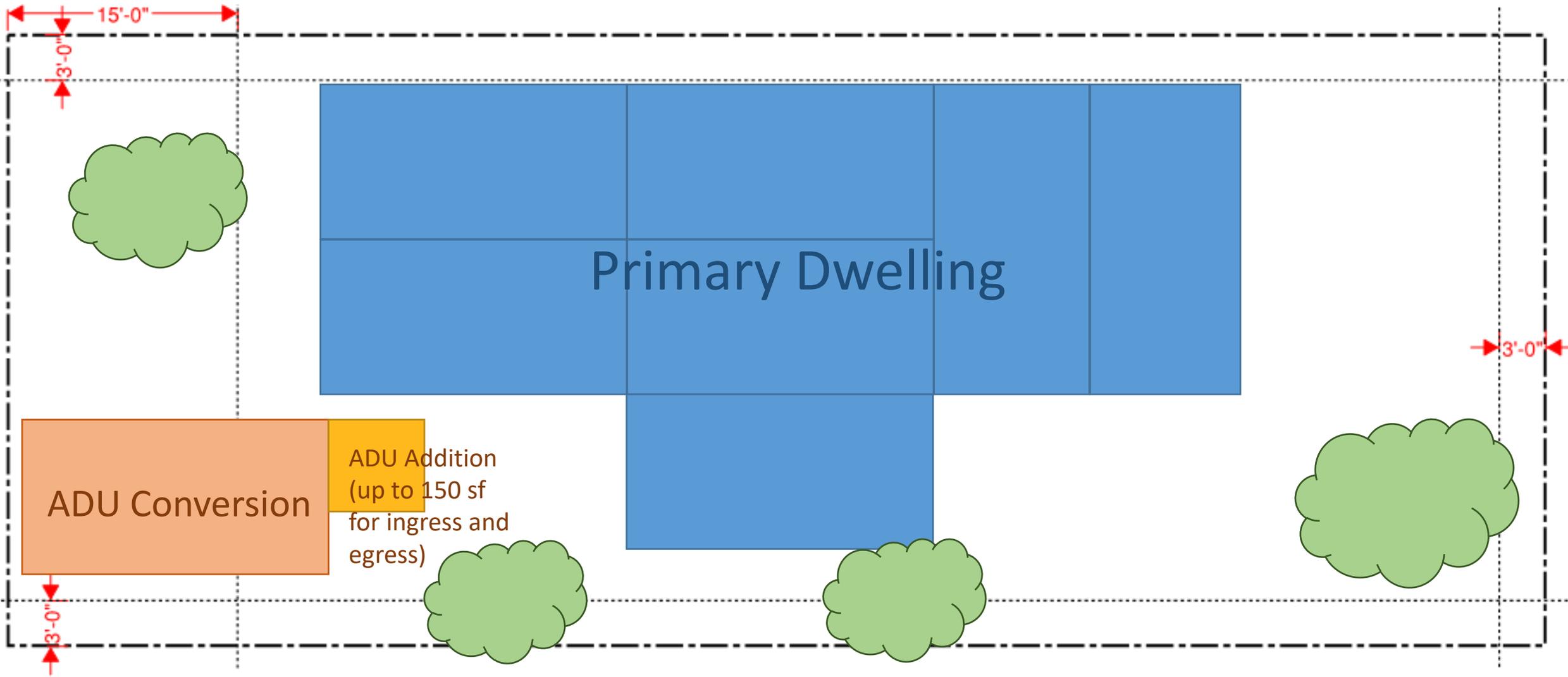


Scenario 2



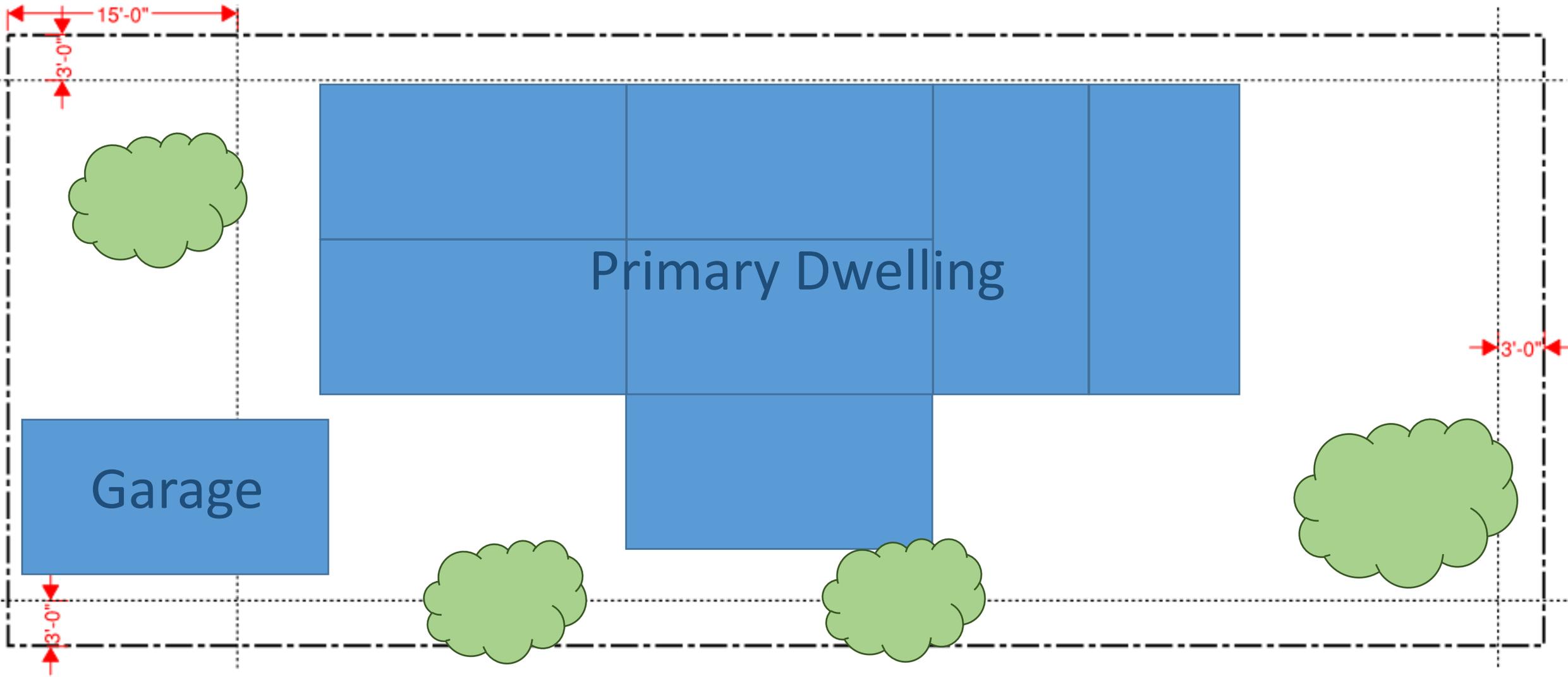


Scenario 2



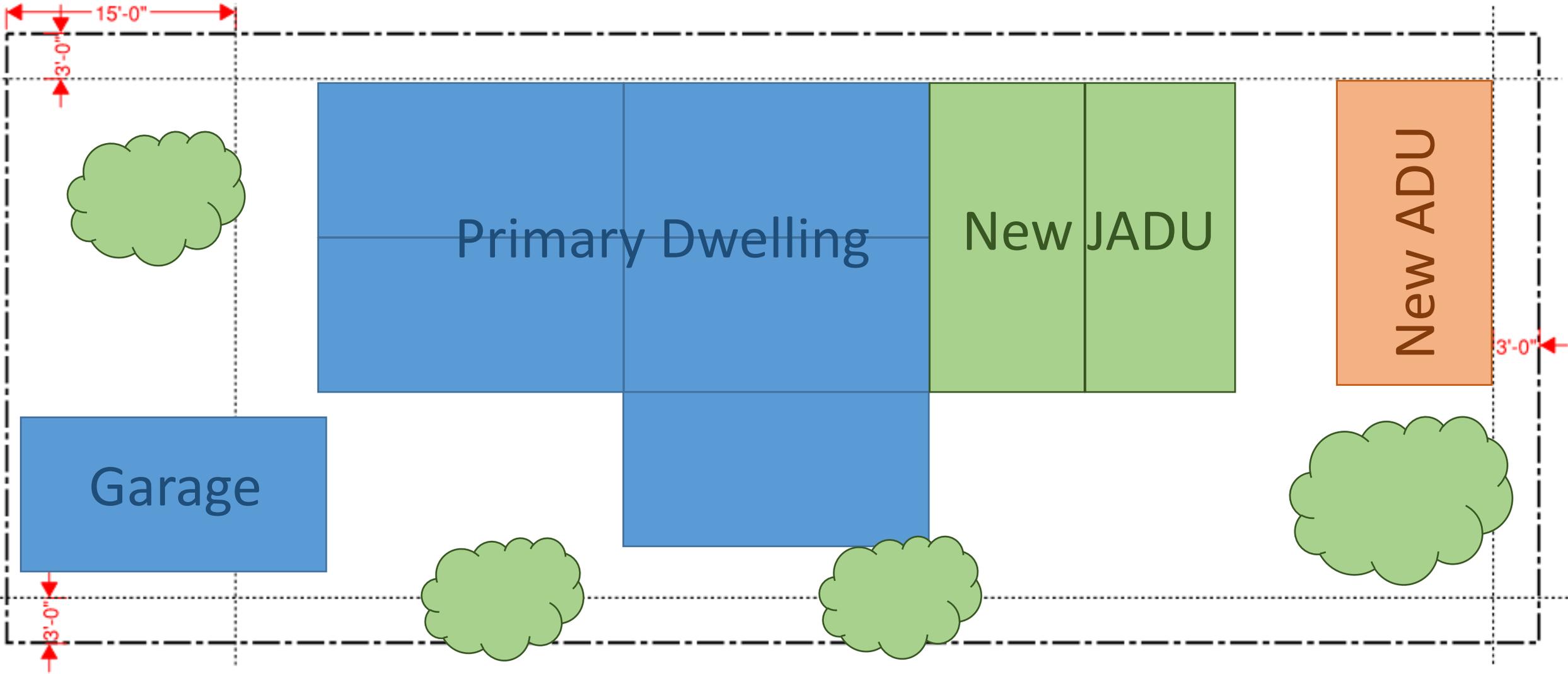


Scenario 3



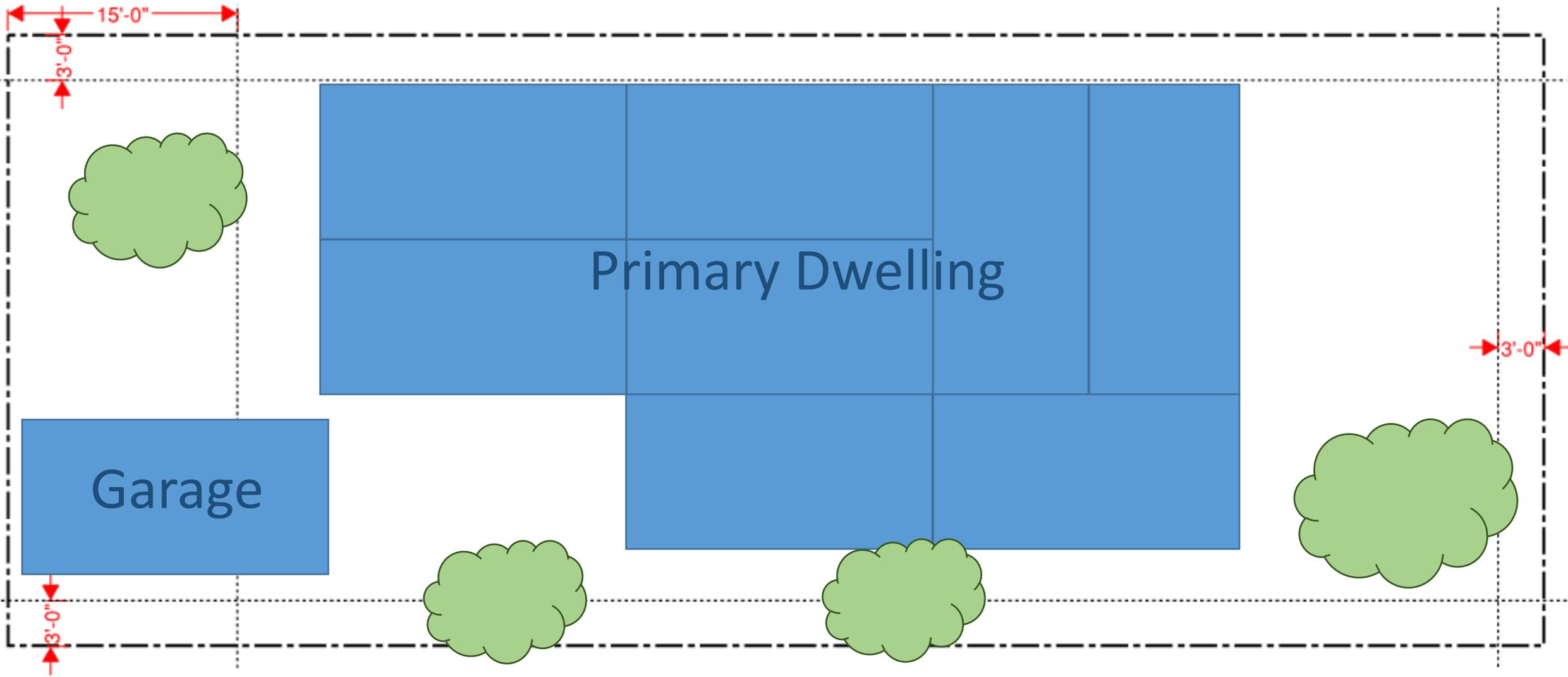


Scenario 3



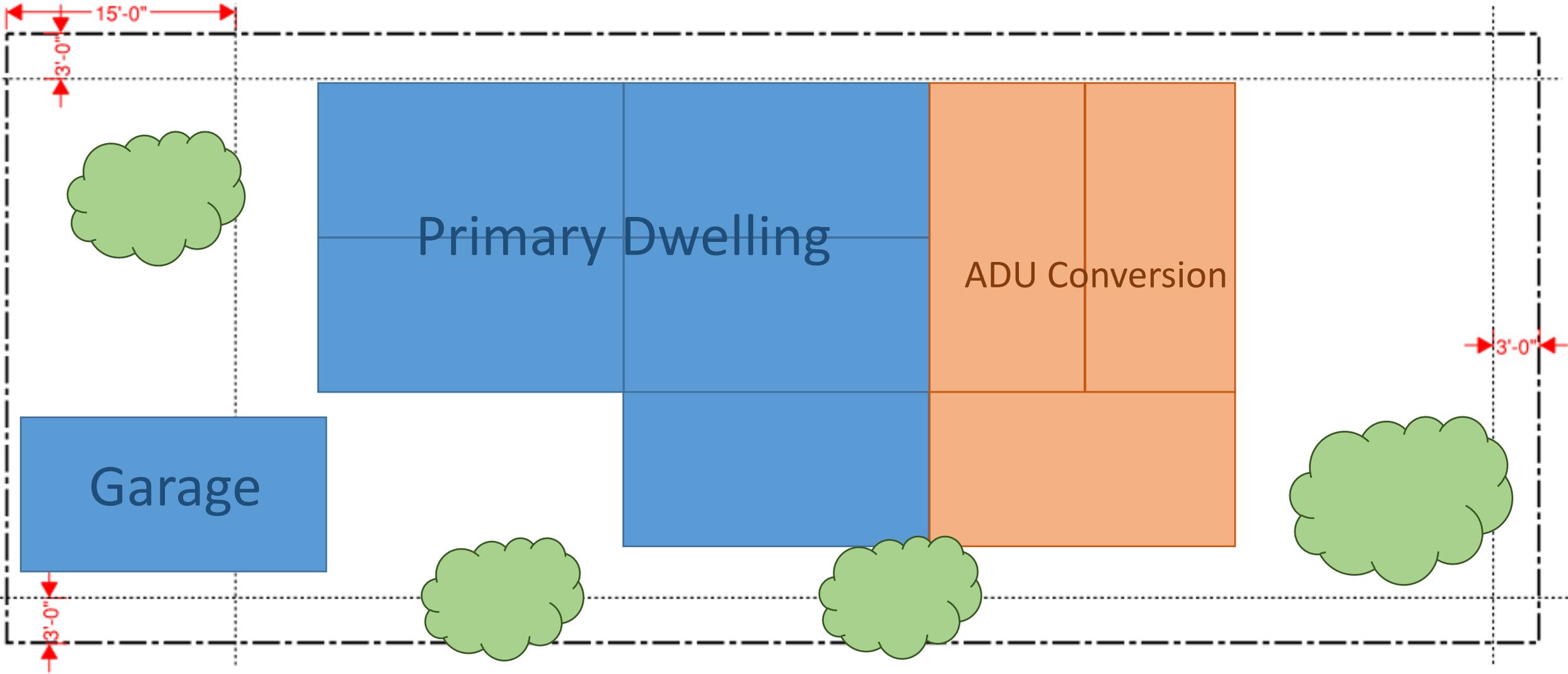


Scenario 4



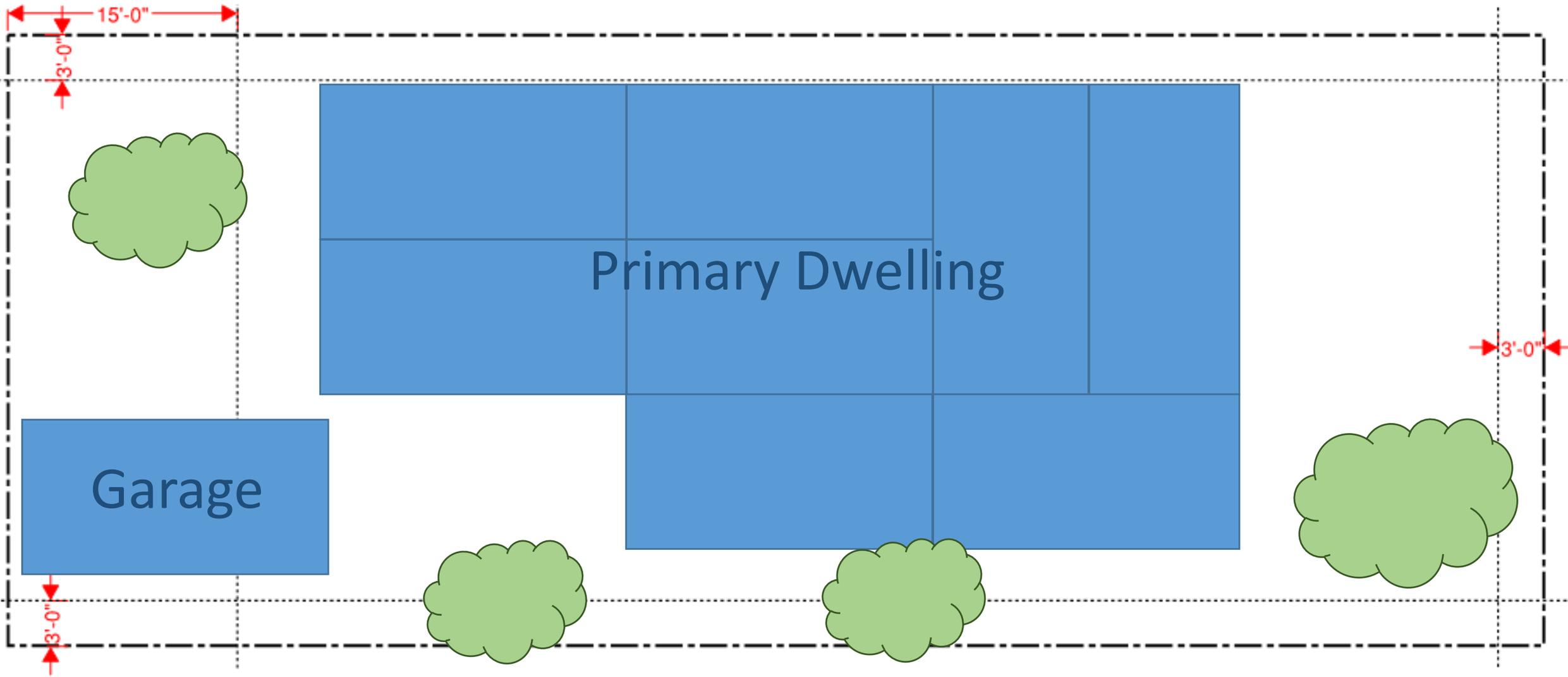


Scenario 4



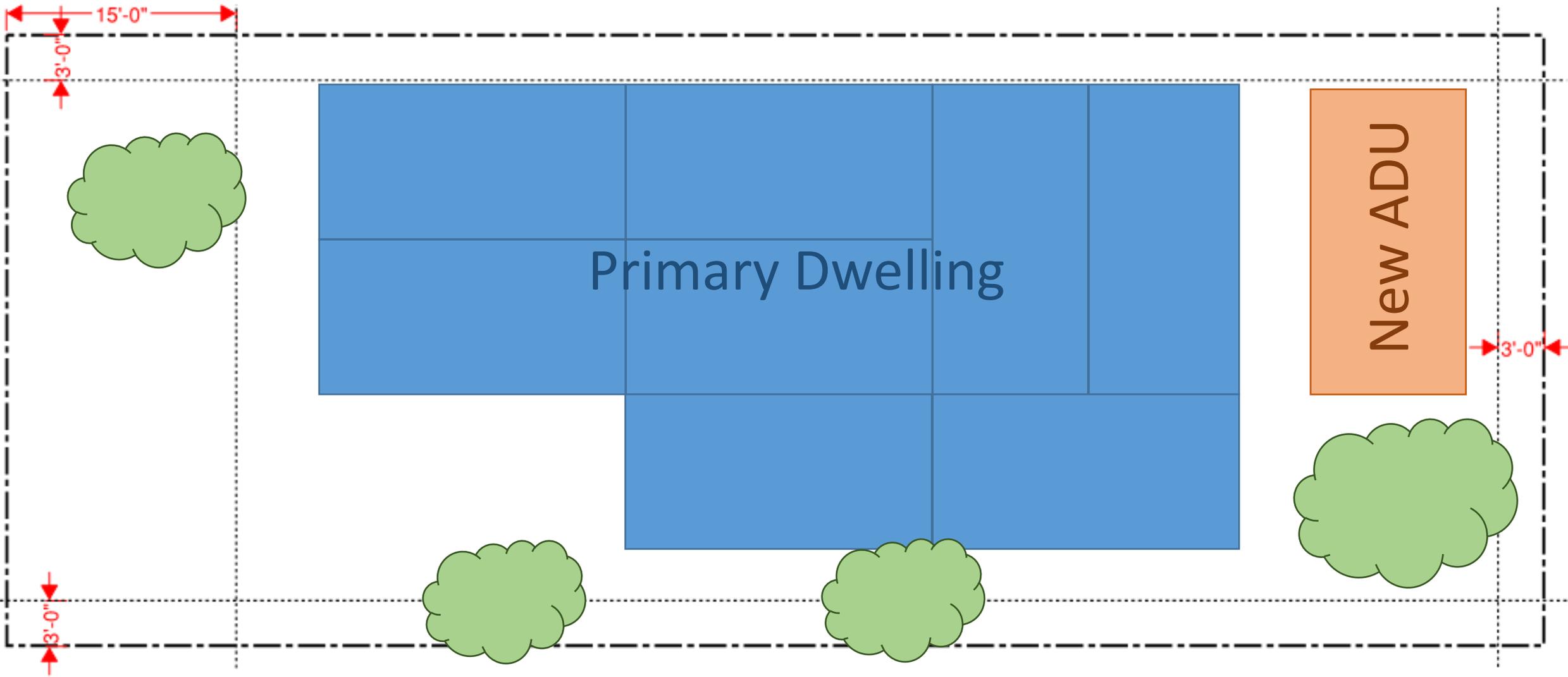


Scenario 5



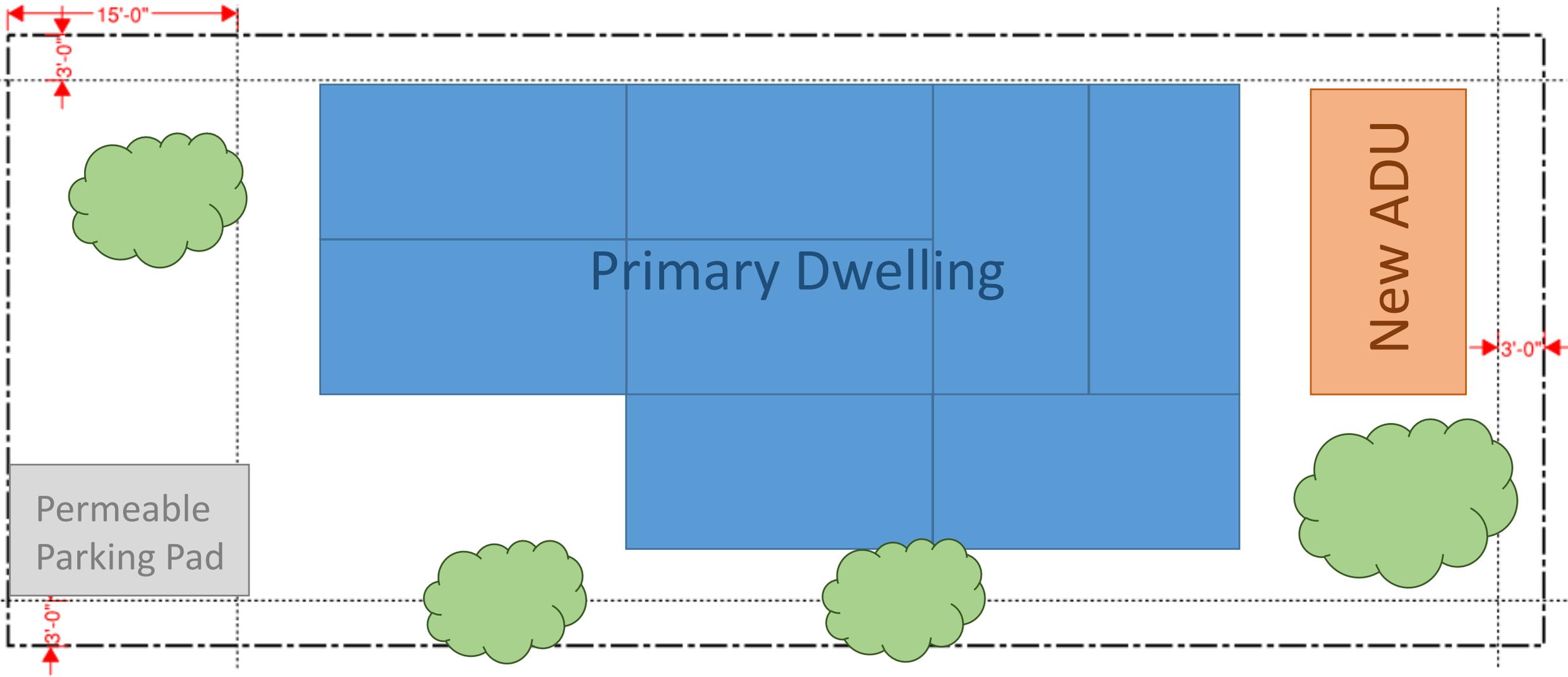


Scenario 5



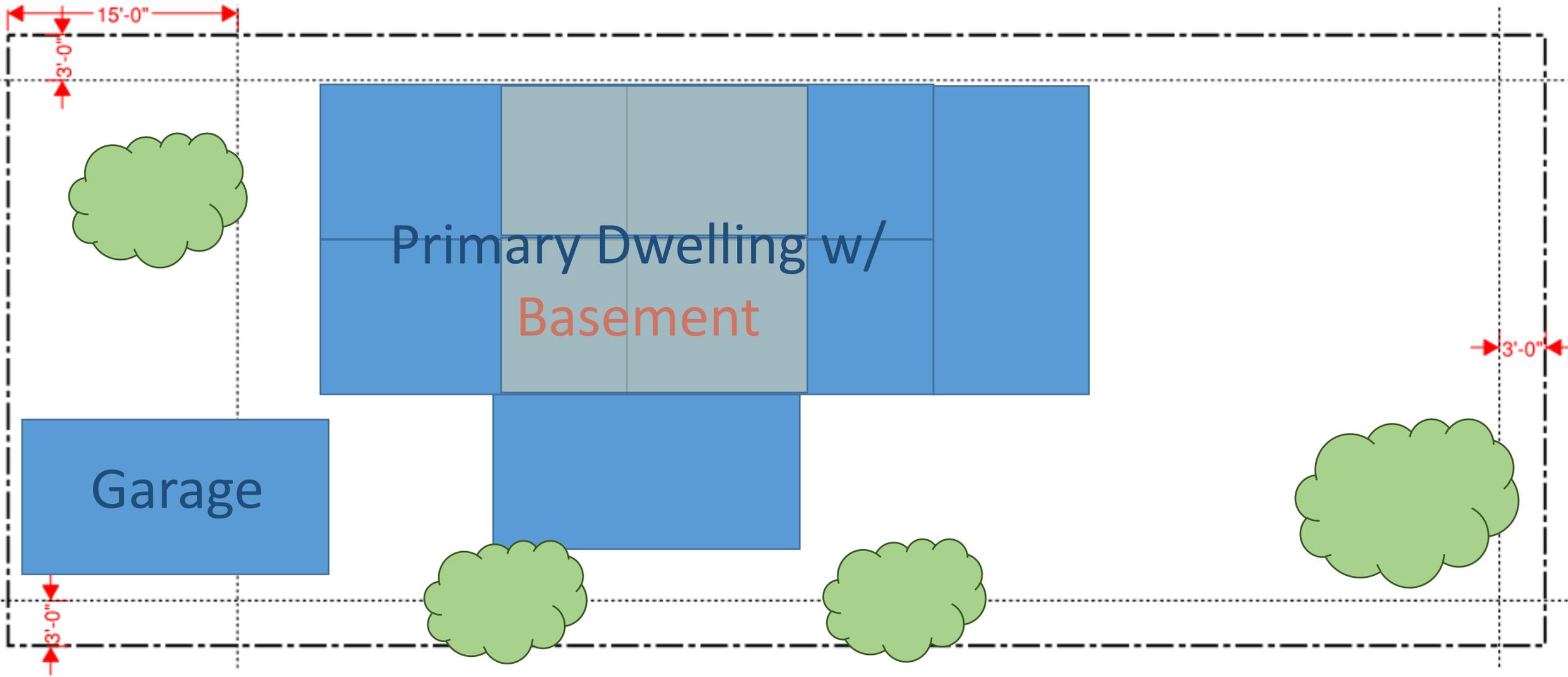


Scenario 5b



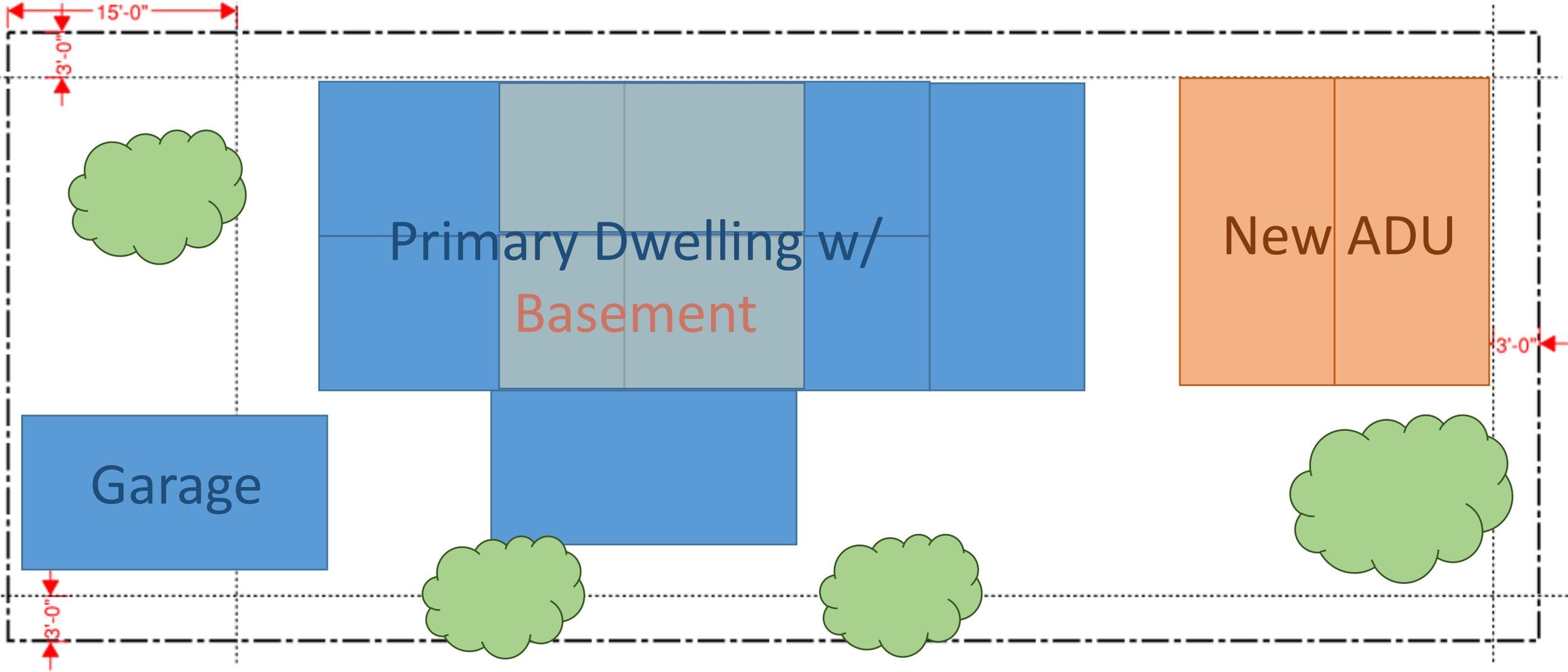


Scenario 6



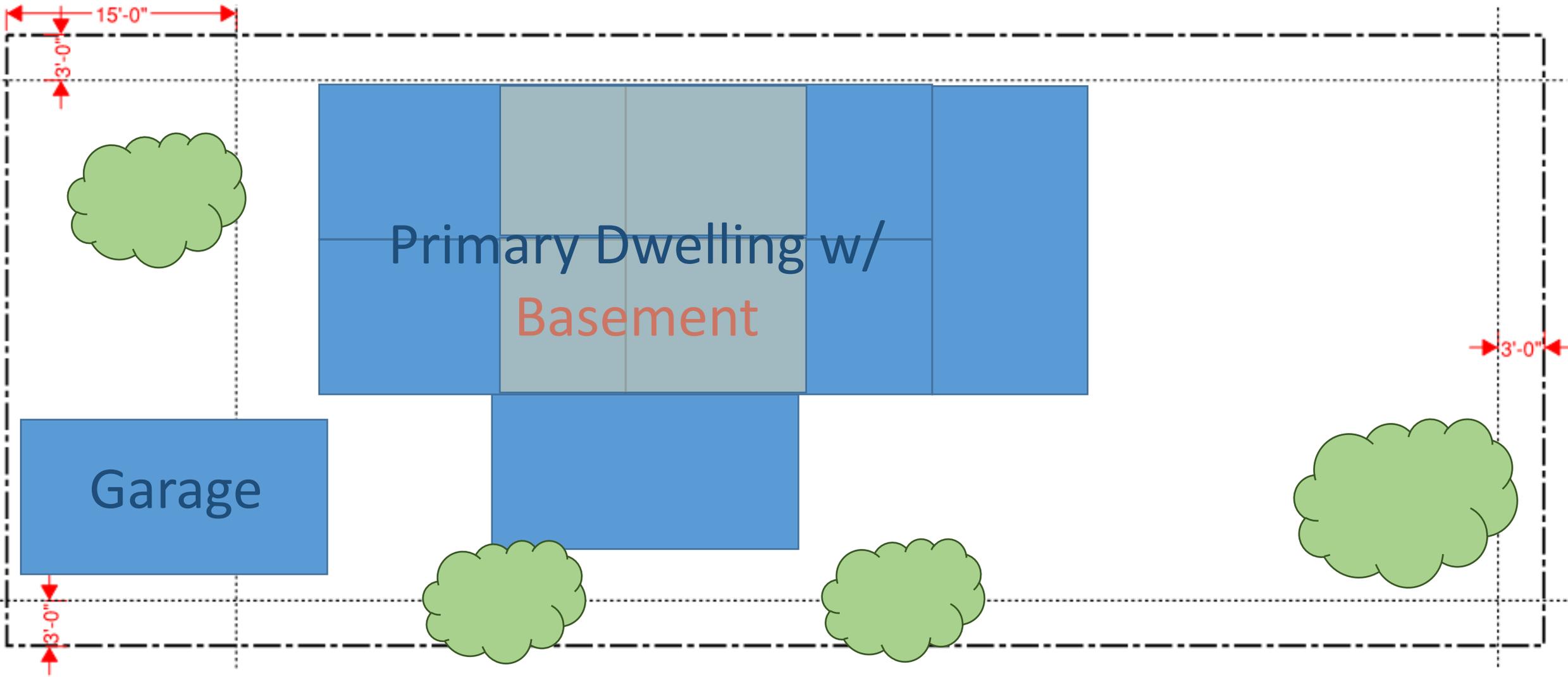


Scenario 6



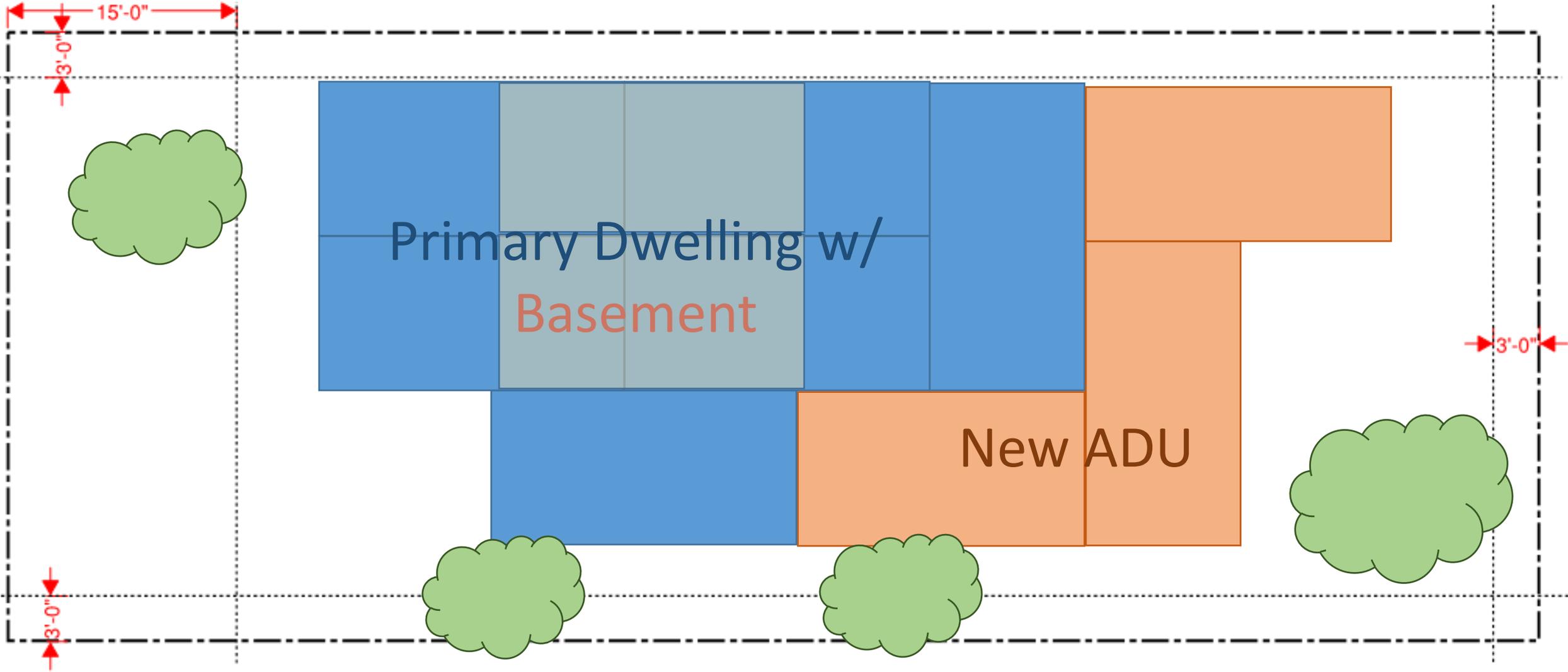


Scenario 7





Scenario 7





Workshop

Comments/Questions/Feedback