



**City of St. Helena
Planning Commission
Regular Meeting
Tuesday, May 2, 2017 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena**

PLEASE NOTE: Any person who wishes to speak regarding an item on the agenda or make a comment under the "Oral Communication" portion of the agenda may do so, but please observe the time limit of three minutes.

Page

1. PLEDGE OF ALLEGIANCE
2. CALL TO ORDER AND ROLL CALL
Chairperson: Grace Kistner
Vice Chair: Sarah Parker
Commissioners: David Knudsen, Bobbi Monnette and Tracy Sweeney
City staff present at the meeting will be noted in the minutes.
3. PUBLIC FORUM:
This is an opportunity for the public to address the Commission on items of interest to the public that are NOT listed on the agenda. Because of restrictions imposed by the Brown Act, the Commission may not engage in discussion nor take action on matters not described on the agenda. **Please observe the time limit of three minutes.**
4. CONSENT ITEMS
Members of the Commission or the public may ask that any items be considered individually for purposes of considering alternative action, for extended discussion, or for public comment. Unless that is done, one motion may be used to adopt all recommended actions. (Roll Call Vote)
 - 4.1. Approval of Minutes April 18, 2017 5 - 10
[COMMISSION MINUTES 4-18-17](#)
5. PUBLIC HEARINGS
 - 5.1. 1335 Main Street Restoration Design Review 11 - 40

CEQA Determination: Exempt from the requirements of CEQA pursuant to Section 15331
Prepared By: Lilly Bianco, Contract Planner
Recommendation: The Planning and Community Improvement Department recommends that the Planning Commission:
 1. Determine that the project is exempt from the requirements of CEQA pursuant to CEQA Section 15331 as the rehabilitation of a historic resources in a manner consistent with the Secretary of the Interior's Standards for the treatment of Historic Properties,
 2. Accept the required findings and approve design review for the modifications to the "Ritchie Block" building at 1327 and 1331 Main Street.
[1335 Main Staff Report](#)

[1335 Main Street ATTCH 1. Resolution](#)
[1335 Main Street ATTCH 2. APN Map](#)
[1335 Main Street ATTCH 3. Aerial View](#)
[1335 Main Street ATTCH 4. Project Plans](#)
[1335 Main Street ATTCH 5. Historical Review](#)

- 5.2. Review of an Ordinance proposing Zoning Text Amendments to St. Helena Municipal Code Title 17 as required to update and modify existing zoning code regulations governing the development of Accessory Dwelling Units and to establish consistency with recent amendments adopted for California Government Code Section 65852.2 pursuant to AB 2299 and SB 1069.

41 - 119

CEQA Determination: Exempt pursuant to CEQA Section 15282(H)

Prepared By: Lilly Bianco, Contract Planner

Presented by: Noah Housh, Planning Director

Recommendation: Staff recommends that the Planning Commission review the Draft Ordinance and proposed text amendments to the Accessory Dwelling Units Ordinance and recommend the following:

1. Determine that the proposed text amendments are statutorily exempt pursuant to CEQA Guidelines Section 15282(h) and 15061(b)(3)
2. Review and accept the Draft Ordinance and proposed text amendments to St. Helena Municipal Code Title 17, Section 17.20.020(D), Sections 17.32.020(G), 17.32.040, 17.32.060(E)(3), 17.32.070(C); Section 17.36.020(F); Sections 17.40.020(G); 17.40.040, 17.40.060(E)(3), 17.40.070(B); Sections 17.44.020(H), 17.44.040, 17.44.060(C)(3), 17.44.070(B); Sections 17.64.030(B), 17.64.040; and Section 17.116.030 and recommend that the City Council approve the proposed Ordinance in order to update and modify existing zoning code regulations governing the development of Accessory Dwelling Units and establish compliance with California Government Code Section 65852.2.

[ADU Planning Commission Staff Report](#)

[ADU ATTCH 1 Resolution](#)

[ADU ATTCH 2 Ordinance](#)

[ADU ATTCH 3. Amended Gov. Code Section 65852.2](#)

[ADU ATTCH 4. HCD Memorandum](#)

[ADU ATTCH 5. Track Change Version Code Section 17.116.030](#)

6. SCHEDULED MATTERS

- 6.1. Discussion of Discretionary Project Development Review Process

121 - 124

CEQA Determination: Not a CEQA project

Prepared By: Noah Housh, Planning Director

Recommendation: It is recommended by the Planning and Community Improvement Department that the Planning Commission:

1. Review the provided information, consider its implications on the overall development review process for private development within St Helena, and provide comments and input as needed for any suggestions or considerations as to how the process may be improved to benefit the community.

[PC TENTATIVE AGENDA April 27 2017 Update](#)

- 6.2. Discussion and direction prioritizing agenda forecast projects

125 - 128

CEQA Determination: Not a CEQA project

Prepared By: Noah Housh, Planning Director

Recommendation: Provide direction

[PC TENTATIVE AGENDA April 27 2017 Update](#)

7. DEPARTMENT REPORTS

This is an opportunity for staff to report on or update the Commission on any relevant matters.

8. AGENDA FORCAST

Attached is a summary document of pending projects and up coming and items of priority and interest that will be placed on future agendas. This is also an opportunity for the Commission as a whole to request items be placed on future agendas for discussion. These items should be consistent with, and work to implement adopted Council Goals.

9. ADJOURNMENT

The next Regular Planning Commission meeting is scheduled for May 16, 2017, at 6:00 p.m. in the Vintage Hall Board Room located at 465 Main Street.

This agenda was posted at City Hall, 1480 Main Street, and at Vintage Hall, 465 Main Street, St. Helena, California on April 28, 2017.



Noah Housh, Planning Director

Appeal. A person who is dissatisfied with a decision of the Planning Commission may appeal that decision to the City Council pursuant to Municipal Code Section 17.08.180, Appeal procedure. Actions of the Planning Commission will be listed on the City Council agenda the following Tuesday to give the City Council opportunity to review the Planning Commission's decision. Absent of an appeal by the City Council or by a citizen, the appeal period will terminate two weeks after the Planning Commission hearing.

Special Assistance for the Disabled. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Clerk's Office (707) 967-2792. Notification 48 hours prior to the meeting will enable City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR35.102-35.104 ADA Title II). However, City staff will attempt to assist at any time with accessibility. The City Clerk has equipment to assist those with a hearing impairment.

PUBLIC TESTIMONY PROCEDURES

Pursuant to the Government Code Section 54954.3, the public may address

the Commission on each agenda item during the Commission's consideration of that item. Each speaker has the option to state his or her name for the record before testifying. Depending on the number of speakers or the interest of the item, the Planning Commission Chairman may also restrict, at his/her discretion, the speaker's time to three minutes. The Chairman may also restrict public comments if they become irrelevant to the agenda item or repetitious of prior comments. All persons interested may appear and be heard or submit written statements prior to the Planning Commission meeting. Please note that if you challenge the City's decision on any of these matters in court, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered to the City at, or prior to, the meeting.

CHALLENGING DECISIONS OF CITY ENTITIES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of St. Helena is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government Code section 65009 applicable to many land use and zoning decisions, Government Code section 66499.37 applicable to the Subdivision Map Act, and Public Resources Code section 21167 applicable to the California Environmental Quality Act (CEQA). Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. Government Code section 65009 and 66499.37, and Public Resources Code section 21167, impose shorter limitations periods and requirements, including timely service in addition to filing.

If a person wishes to challenge the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of St. Helena, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the Planning Commission regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the Planning Department's Office located at 1480 Main Street, St. Helena, California, during normal business hours. In addition, such writings or documents will be made available on the City's web site at <http://cityofstheleena.org> and will be available for public review at the respective meeting.



**Action Minutes
City of St. Helena
Planning Commission
Regular Meeting
Tuesday, April 18, 2017 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena**

-
1. PLEDGE OF ALLEGIANCE
 2. CALL TO ORDER AND ROLL CALL
Chairperson: Grace Kistner
Commissioners: Bobbi Monnette, Tracy Sweeney, David Knudsen
Absent: Sarah Parker
Staff Present: Noah Housh, Planning and Community Improvement Director, Aaron Hecock, Senior Planner, Lilly Bianco, Contract Planner, Erica Smithies, Public Works Director, Thomas B. Brown, City Attorney, Xinia Gamero, Administrative Assistant.
 3. PUBLIC FORUM:
This is an opportunity for the public to address the Commission on items of interest to the public that are NOT listed on the agenda. Because of restrictions imposed by the Brown Act, the Commission may not engage in discussion nor take action on matters not described on the agenda. **Please observe the time limit of three minutes.**

No Public Comment received.
 4. CONSENT ITEMS
 - 4.1. Approval of Minutes
[COMMISSION MINUTES 4-4-17](#)
 - 4.2. **FILE NUMBER:** PL17-011
LOCATION OF PROPERTY: 2140 Dean York Lane
PROJECT DESCRIPTION: Applicant is seeking design review approval in order to construct a 150-sf bathroom addition on their existing single-family home on Dean York Drive.

CEQA Determination: The project is exempt from the requirements of CEQA pursuant to Section 15301, which exempts the minor alteration of existing private structures and Section 15303, which exempts the construction or conversion of small structures including single-family residences, garages, pools, etc.
Prepared By: Aaron Hecock, Senior Planner
Recommendation:
Staff finds that the proposed bathroom addition raises no design issues and recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA pursuant to Section 15301, which exempts the minor alteration of existing private structures and Section 15303, which exempts the construction or conversion of small structures including single-family residences, garages, pools, etc.; and
2. Accept the required findings and approve design review for the bathroom addition to the home at 2140 Dean York Lane.

MOTION: Commissioner Sweeney moved to approve the Minutes from the April 4, 2017 meeting on the Consent Calendar. The motion was seconded by Commissioner Knudsen and roll call carried by the following vote:

AYES: Commissioner Sweeney, Knudsen and Kistner

NOES: None

ABSENT: Vice-Chair Parker

ABSTAIN: Commissioner Monnette

MOTION: Commissioner Monnette moved to approve Item 4.2 on the Consent Calendar. The motion was seconded by Commissioner Sweeney and roll call carried by the following vote:

AYES: Commissioner Monnette, Sweeney, Knudsen and Kistner

NOES: None

ABSENT: Vice Chair Parker

ABSTAIN: None

5. PUBLIC HEARINGS

5.1. **FILE NUMBER:** PL17-017

LOCATION OF PROPERTY: 995 Vintage Avenue

PROJECT DESCRIPTION: Applicant, Matt Cia, is requesting a use permit to operate a CrossFit based fitness facility; it would serve as a community oriented program with a focus on fitness, nutrition and healthy lifestyle.

CEQA Determination: The project is categorically exempt in accordance with CEQA Section 15301 "existing facilities" as the operation of an existing private structure involving a negligible expansion of use beyond that existing at the time of the lead agency's determination.

Prepared By: Lilly Bianco, Contract Planner

Recommendation:

The Planning and Community Improvement Department recommends that the Planning Commission:

1. Determine that the project is categorically exempt from the requirements of CEQA pursuant to CEQA Section 15301 "existing facilities" as the operation of a business within an

existing private structure involving a negligible expansion of use beyond that existing at the time of the lead agency's determination.

2. Accept the required findings enumerated in Municipal Code Section 17.168. 040 and adopt a resolution approving a Use Permit for the proposed Crush St.Helena -Fitness Facility.

Contract Planner Lilly Bianco reported on Item.

Applicant Matt Cia addressed the Commission.

Chair Kistner opened Public Comment.

No Public Comment received.

Chair Kistner closed Public Comment.

MOTION: Commissioner Monnette moved to approve staff's recommendation. The motion was seconded by Commissioner Knudsen and roll call carried by the following vote:

AYES: Commissioner Monnette, Knudsen, Sweeney and Kistner

NOES: None

ABSENT: Vice Chair Parker

ABSTAIN: None

Prior to the hearing of Item 5.2 Commissioner Sweeney recused herself due to a conflict; she works for Treasury Wine Estates.

5.2. **FILE NUMBER:** PL17-014

LOCATION OF PROPERTY: 1000 Pratt Avenue

PROJECT DESCRIPTION: Applicant, Scott Bartley, on behalf of Treasury Wine Estates, America, is requesting Design Review approval to replace eight (8) large format wine fermentation tanks with 130 smaller format wine fermentation tanks to encourage a higher level of quality.

CEQA Determination: The project is exempt from the requirements of CEQA pursuant to Section 15301, which exempts the minor alteration of existing private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Prepared By: Lilly Bianco, Contract Planner

Recommendation:

The Planning and Community Improvement Department recommends that the Planning Commission adopt a resolution finding that:

1. The project is exempt from the requirements of CEQA pursuant to CEQA Section 15301.

2. Accepts the required findings and approves the requested Design Review for the Beringer ICON III Project to replace eight (8) large

format wine fermentation tanks with 130 smaller format wine fermentation tanks to encourage a higher level of quality, introduce of a new forklift path/ramp, relocate and redesign the existing receiving station and press pit, redesign the existing weigh station and central scale house in an effort to improve traffic flow and simplify operations, and supplement landscaping along the property street frontages, and reuse 10 existing 12,000 gallon tanks for rainwater capture.

Contract Planner Lilly Bianco reported on Item.

Architect Scott Bartley and General Manager Eric Gilliland addressed the Commission.

Chair Kistner opened Public Comment.

Mike Quaglia, Mike Griffin, Anthony Micheli and Jose Martin addressed the Commission.

Chair Kistner closed Public Comment.

Debra Dommen addressed the Commission.

Commissioner Knudsen disclosed touring project site prior to Public Hearing of Item.

MOTION: Commissioner Knudsen moved staff's recommendation to approve Design Review. The motion was seconded by Chair Kistner and roll call carried by the following vote:

AYES: Commissioner Knudsen and Kistner

NOES: None

ABSENT: Vice Chair Parker

ABSTAIN: Commissioner Monnette

RECUSED: Commissioner Sweeney

Commissioner Sweeney returned to the dais at 7:08 pm.

Commissioner Knudsen recused himself due to a potential conflict; having former interest in the subject property.

5.3. **FILE NUMBER:** PL17-012

LOCATION OF PROPERTY: 1230 Allyn Avenue

PROJECT DESCRIPTION: Tom and Gale Trainor request design review approval for a remodel and addition to their existing single-family home located at 1230 Allyn Avenue in the Medium Density Residential district (MR).

CEQA Determination: Staff has conducted the requisite analysis and concluded that the project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301

which exempts the minor alteration of existing private structures and Section 15303, which exempts the construction or conversion of small structures including single-family residences, garages, pools, etc.

Prepared By: Aaron Hecock, Senior Planner

Recommendation:

Staff finds that the proposed remodel and addition raises no adverse design issues and recommends that the Planning Commission:

1. Find that the project is exempt from the requirements of CEQA pursuant to Section 15301 which exempts the minor alteration of existing private structures; and
2. Accept the required findings and approve design review for the proposed remodel and addition to the home at 1230 Allyn Avenue.

Senior Planner Aaron Hecock reported on Item.

Applicant Tom Trainor addressed the Commission.

Chair Kistner opened Public Comment.

No Public Comment received.

Chair Kistner closed Public Comment.

MOTION: Commissioner Sweeney moved to approve staff's recommendation. The motion was seconded by Commissioner Monnette and roll call carried by the following vote:

AYES: Commissioner Sweeney, Monnette and Kistner

NOES: None

ABSENT: Vice Chair Parker

RECUSED: Commissioner Knudsen

Commissioner Knudsen returned to the dais at 7:17pm.

6. NEW BUSINESS

- 6.1. **SUBJECT:** Consideration and proposed approval of a resolution approving and recommending City Council adoption of the City of St. Helena Component of the Napa Countywide Pedestrian Plan.

CEQA Determination: Mitigated Negative Declaration, July 2016

Prepared By: Erica Ahmann Smithies, Acting Public Works Director/City Engineer

Recommendation:

Resolution Approving and Recommending City Council Adoption of the City of St. Helena Component of the Napa Countywide Pedestrian Plan.

Public Works Director Erica Smithies reported on Item.

Chair Kistner Opened Public Comment.

No Public Comment received.

Chair Kistner closed Public Comment.

MOTION: Commissioner Sweeney moved to recommend to City Council the approval and adoption of the City of St. Helena Component of the Napa Countywide Pedestrian Plan. The motion was seconded by Chair Kistner and roll call carried by the following vote:

AYES: Commissioner Sweeney, Kistner, Monnette and Knudsen

NOES: None

ABSENT: Vice Chair Parker

RECUSED: None

7. SCHEDULED MATTERS

8. DEPARTMENT REPORTS

This is an opportunity for staff to report on or update the Commission on any relevant matters.

8.1. Department Report

8.2. CIA Denial Resolution

Planning Director Noah Housh reported on Items.

9. AGENDA FORCAST

9.1. Agenda Forecast Updated April 2017

10. ADJOURNMENT: Chair Kistner adjourned the meeting at **7:44 p.m.**

APPROVED: The April 18, 2017 Minutes were approved at the Planning Commission meeting of _____.

ATTEST:

Grace Kistner
Chair, Planning Commission

Noah Housh
Planning and Community
Improvement Director

**CITY OF ST. HELENA
PLANNING DEPARTMENT 1480 MAIN STREET- ST. HELENA, CA 94574
PLANNING COMMISSION**

May 2, 2017

AGENDA ITEM: #

FILE NUMBER: PL17-003

SUBJECT: 1335 Main Street Restoration Design Review

PREPARED BY: Lilly Bianco, Contract Planner

REVIEWED BY: Noah Housh, Planning Director

APPLICATION FILED: 01/09/17

ACCEPTED AS COMPLETE 04/14/17

LOCATION OF PROPERTY: Ritchie Building: 1327, 1331 and 1337 Main Street

APPLICANT: St. Helena Masonic Temple

PHONE: (707) 321-3168

APN: 009-240-009

GENERAL PLAN/ZONING: Central Business District (CB)

PROPERTY DESCRIPTION: The subject property includes the "Ritchie Block" building; a Queen Anne style commercial style building designed by Luther Turton and built in 1892. The building is listed on the National Register of Historic Places as a contributor to the St. Helena Historic Commercial District and described in the National Register Nomination as follows:

...This two-story building has a facade of brick and other walls of uncoursed pitch-faced stone. A classical parapet with banded cornice, curved brackets, and paneled frieze tops the front elevation. From its center rises the mansard roof of a short tower capped by a belvedere. A nameplate with "Richie Block 1892" extends from the roof. On the wall below is the Masonic symbol. Further down is the center of three box windows that are joined by a balcony with bent wood openings, lattice spandrels, and a low balustrade. Segmentally arched window pairs look out on the balcony. Atop the flanking box windows are hipped roofs and bracketed cornices. The ground floor has three storefronts separated by pilasters. The wide center storefront, which is recessed behind a pair of columns, has a set of anodized aluminum display windows that were installed around 1975. The adjoining storefronts have also been altered. The building has housed a Masonic hall for over a century. Its striking combination of features above the storefronts makes it a strong contributor to the historic character of the District.

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As detailed above and in the Historic Review (Attachment 5), the first story storefronts underwent a series of incompatible alterations in the 1970s that included covering the transom windows with a wooden applique'. Nonetheless, the building continues to exhibit a high degree of integrity.

PROJECT DESCRIPTION

Applicant, St. Helena Masonic Temple, is requesting Design Review approval to perform minor exterior modifications to the main street façade of the Ritchie Building and which are consistent with the Secretary of the Interior's Standards for Rehabilitation (Attachment 5). Proposed modifications are as follows:

1327 Main Street: Realign the front wall and door to be parallel to Main Street and reintroduce transom windows

1331 Main Street: Remove the applique above the doors and reintroduce transom windows

Replace the central, single glass door and sidelights with a pair of wood and glass doors and reconfigure the remaining windows.

Reintroduce transom windows above door to stairwell that leads to upper levels

Note: all new transom windows are to be consistent with those located at Pennyweight (1337 Main)

1337 Main Street: No modifications proposed

ANALYSIS

GENERAL PLAN

The subject property exhibits a General Plan Land Use Designation of Central Business. The City of St. Helena General Plan (1993) states that the Central Business land use designation provides for retail, personal service uses, offices, restaurants, hotels/motels, service stations, public and quasi-public uses, and similar and compatible uses that serve local residents and the surrounding area. Emphasis is on pedestrian oriented retail and service uses.

General Plan policies applicable to the proposed project include:

4.3.6 Preserve historic and cultural resources because of their special contribution to the character and quality of life of St. Helena

7.5.1 Preserve the City's historic and cultural resources as they contribute to the special character and quality of the City and help support its economic base

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As a rehabilitation project consistent with the Secretary of the Interiors Standards for the Treatment of Historic Properties (SOIS), the project is not expected to negatively impact the integrity of the Ritchie Building. Accordingly, the project will preserve an important historic resource which contributes to the established character of the commercial district and will allow the building to accommodate modern uses which will contribute to the City's economic base.

ZONING

Consistent with the Central Business Land Use Designation, the site exhibits a zoning designation of CB: Central Business providing for retail, personal service uses, offices, restaurants, hotels/motels, and similar and compatible uses. Emphasis is on pedestrian-oriented retail and service uses on the ground floor level, with office and residential uses on the upper levels. The exterior modifications proposed for the Ritchie building do not involve any changes to height, floor area, or setback and as such, the building will continue to conform to the development standards prescribed by Code Section 17.48.070 and for buildings within the CB District.

HP: HISTORIC PRESERVATION OVERLAY

The HP overlay is intended to preserve the unique architectural character of resources which have contributed to the City's historic development. The HP overlay is applied to properties listed on the City's Historic Resource Inventory, which includes, amongst others, those properties listed on the National Register of Historic Places, as individual resources or as contributors to a historic district.

The "Richie Block" is listed as a major contributor to the St. Helena historic Commercial District and is therefore subject to the provisions of Zoning Code Chapter 17.92. The District is significant in that it serves as a good example of commercial architecture in the City of St. Helena from approximately 1870 to 1947. It also constitutes Napa County's largest collection of commercial buildings constructed before 1948. Last, it is notable also for the uniformity of scale of the buildings, none of which exceeds two stories, and for the widespread use of stone construction.

In order to approve a permit for modifications to properties within the HP overlay, the Planning Commission must find that the proposed changes would not adversely impact the integrity of the resource(s) as enumerated below. To support their application, the applicant has provided a Consistency Analysis prepared by a qualified historic architect that considers the project against the Secretary of the Interior's Standards for Rehabilitation (Attachment 5). A consistency finding generally indicates that a project would have a negligible impact to the integrity of a resource. Below, is a list of the required findings followed by Staff's analysis.

Findings required for the approval of exterior alterations to a historic resource....

1. *That the alteration is compatible with the architectural style of the existing structures*

2. *That the alteration does not eliminate elements that are required to maintain the essential form and character of the structure.*
3. *That the alteration is compatible with adjoining structures.*

Staff Analysis:

As detailed in the Historic Review, prepared by Juliana Inman, November 18, 2016 (Attachment 5), Since the District was listed in the National Register, there have been some alterations to the façade, some of which were inappropriate, like the 1975 covering of the transom windows in the original storefront. The Historical Review indicated that, under the Secretary of the Interior's Standards for Rehabilitation, the removal of non-historic storefront elements and reintroduction of historic features based on physical and photographic evidence, such as the replacement of the former transom band, should be encouraged. Recognizing that, the alterations proposed by the applicant which include realigning the front wall and door to be parallel to Main Street and reintroduce transom windows at 1327 Main Street and removing the applique above the doors and reintroducing transom windows, replacing the central, single glass door and sidelights with a pair of wood and glass doors and reconfigure the remaining windows, and reintroducing transom windows above door to stairwell at 1331 Main Street are not expected to eliminate essential character defining features and further is expected to be compatible with the overall character of the building and would likewise, ensure the building continues to be compatible with adjoining structures. For those reasons, the proposed storefront modifications appear consistent with the required findings needed to approve exterior alterations to a historic resource.

DESIGN REVIEW

The purpose of design review is to, among other things, promote the qualities that bring value to the community and foster attractiveness and functional utility of the community as a place to live and work. To obtain design review approval, a project must be obviously consistent with the design criteria prescribed by Section 17.164.030 and exhibit a quality of design that is compatible with adjacent development, features a siting, scale, massing and architectural style that is generally consistent with the predominant development patterns, and that does not otherwise detract or negatively affect the established character of the surrounding neighborhood.

Below is staff's analysis which considers the project's ability to meet the applicable design criteria:

1. Consistency and compatibility with applicable elements of the general plan;

As a rehabilitation project consistent with the Secretary of the Interiors Standards for the Treatment of Historic Properties (SOIS), the project is not expected to negatively impact the integrity of the Ritchie Building. Accordingly, the project will preserve an important historic resource which contributes to the established character of the commercial district and will allow the building to accommodate modern uses which will contribute to the City's economic base thereby complying with GP Policies 4.3.6 and 7.5.1.

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2. Compatibility of design with the immediate environment of the site;
The proposed storefront modifications will remain consistent with the overall character of the Ritchie building and would extend the design elements exhibited by 1337 Main, thereby restoring a historical building element and would remain compatible with the immediate environment of the site.
3. Relationship of the design to the site;
The proposed work will not alter the buildings relationship to the site.
4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;
The project's consistency with the SOIS for Rehabilitation ensures that the proposed work would not adversely impact the integrity of the building or character of the rest of the historic district.
5. Whether the design promotes harmonious transition in scale and character in areas between different designated land uses;
The work would not affect the transition or scale between different land uses.
6. Compatibility with future construction both on and off the site;
The proposed work will be consistent with the existing historic character of the building and would be compatible with future construction on and off site.
7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;
As detailed in the attached Historical Review, the proposed work is architecturally compatible and functional.
8. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;
The proposed work would not alter the location of any building functions.
9. Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;
No landscaping is proposed as part of this project.
10. Whether sufficient ancillary functions are provided to support the main functions of the project and whether they are compatible with the project's design concept;
The proposed work would not change the use or function of the building and therefore there are no related ancillary functions.
11. Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;
The proposed project does not involve any significant changes to access or circulation systems.

12. Whether natural features are appropriately preserved and integrated with the project;
No natural features are affected by the project.
13. Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structure and functions;
As detailed in the Historical Review, the proposed work is found to be consistent with the character of the Ritchie Building and would therefore be compatible with the character of the affected building and surrounding buildings.
14. In areas considered by the board as having a unified design character or historical character, whether the design is compatible with such character;
As detailed in the Historical Review, the proposed work would be compatible with the character of the Ritchie Building and would not adversely impact its integrity or the integrity of the greater District.
15. Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;
No landscaping is proposed as part of the project.
16. Whether plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which is suitable to the climate of St. Helena;
No landscaping is proposed as part of this project.
17. Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.
The proposed project consists of storefront rehabilitation which will encourage the on-going use of an existing building and therefore promotes the efficient use of resources.

CEQA

The project is exempt from the requirements of CEQA pursuant to Section 15331, which exempt projects involving work to historic resources insofar as the proposed work is determined to be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. Further, the proposed project is not subject to any of the exceptions to the use of a categorical exemption as outlined in CEQA Section 15300.2. The project site is not located on or near an environmentally sensitive area, is not visible from a scenic highway, is not included on a hazardous waste site, and will not adversely impact historic resources or otherwise generate or contribute to any potentially significant impacts.

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STAFF RECOMMENDATION

The Planning and Community Improvement Department recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA pursuant to CEQA Section 15331 as the rehabilitation of a historic resources in a manner consistent with the Secretary of the Interior's Standards for the treatment of Historic Properties,
2. Accept the required findings and approve design review for the modifications to the "Ritchie Block" building at 1327 and 1331 Main Street.

ATTACHMENTS

1. Resolution / Conditions of Approval
2. APN Map
3. Aerial View
4. Project Plans
5. Historical Review, November 18, 2016

CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION PC20xx-xx

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ST. HELENA
GRANTING DESIGN REVIEW APPROVAL
FOR THE 1335 MAIN STREET RESTORATION**

PROPERTY OWNER: St. Helena Masonic Temple

APN: 009-240-009

Recitals

A. Whereas, The St. Helena Masonic Temple submitted an application for Design Review to perform minor exterior modifications to the main street façade of the Ritchie Building including realigning the front wall and door to be parallel to Main Street and front of building and restoring transom windows at 1327 Main Street; restoring transom windows, replace the central, single glass door and sidelights with a pair of wood and glass doors and reconfigure the remaining windows, at the stairwell leading to the upper levels, and replacing the applique above the existing double doors with transom windows at 1331 Main and in the Central Business District.

B. Whereas, the Planning Commission of the City of St. Helena, State of California, considered the project, staff report, and all testimony, written and spoken, at a duly noticed public hearing on May 2, 2017.

C. Now, therefore let it be found that, the Planning Commission approves the requested Design Review on the following basis:

Resolution

A. The Planning Commission hereby finds that this project qualifies for a Class 1 Categorical Exemption pursuant to Section 15331, of the California Environmental Quality Act (CEQA).

B. The Planning Commission has considered the Design Review design criteria identified in Municipal Code Section 17.164.030 to support the motion to approve the Design Review given that the project has been found to demonstrate:

1. Consistency and compatibility with applicable elements of the general plan;

As a rehabilitation project consistent with the Secretary of the Interiors Standards for the Treatment of Historic Properties (SOIS), the project is not expected to negatively impact the integrity of the Ritchie Building. Accordingly, the project will preserve an important historic resource which contributes to the established character of the commercial district and will allow the building to accommodate

modern uses which will contribute to the City's economic base thereby complying with GP Policies 4.3.6 and 7.5.1.

2. Compatibility of design with the immediate environment of the site;
The proposed storefront modifications will remain consistent with the overall character of the Ritchie building and would extend the design elements exhibited by 1337 Main, thereby restoring a historical building element and would remain compatible with the immediate environment of the site.
3. Relationship of the design to the site;
The proposed work will not alter the buildings relationship to the site.
4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;
The project's consistency with the SOIS for Rehabilitation ensures that the proposed work would not adversely impact the integrity of the building or character of the rest of the historic district.
5. Whether the design promotes harmonious transition in scale and character in areas between different designated land uses;
The work would not affect the transition or scale between different land uses.
6. Compatibility with future construction both on and off the site;
The proposed work will be consistent with the existing historic character of the building and would be compatible with future construction on and off site.
7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;
As detailed in the attached Historical Review, the proposed work is architecturally compatible and functional.
8. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;
The proposed work would not alter the location of any building functions.
9. Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;
No landscaping is proposed as part of this project.
10. Whether sufficient ancillary functions are provided to support the main functions of the project and whether they are compatible with the project's design concept;
The proposed work would not change the use or function of the building and therefore there are no related ancillary functions.
11. Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;
The proposed project does not involve any significant changes to access or circulation systems.

12. Whether natural features are appropriately preserved and integrated with the project;

No natural features are affected by the project.

13. Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structure and functions;

As detailed in the Historical Review, the proposed work is found to be consistent with the character of the Ritchie Building and would therefore be compatible with the character of the affected building and surrounding buildings.

14. In areas considered by the board as having a unified design character or historical character, whether the design is compatible with such character;

As detailed in the Historical Review, the proposed work would be compatible with the character of the Ritchie Building and would not adversely impact its integrity or the integrity of the greater District.

15. Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;

No landscaping is proposed as part of the project.

16. Whether plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which is suitable to the climate of St. Helena;

No landscaping is proposed as part of this project.

17. Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.

The proposed project consists of storefront rehabilitation which will encourage the on-going use of an existing building and therefore promotes the efficient use of resources.

C. Now, therefore be it resolved that the Planning Commission, in keeping with Zoning Code Section 17.92.050, identifies that the requested Design Review meets the requirements for modification of structures within the -Historic Preservation (-HP) Overlay District and finds that:

1. That the alteration is compatible with the architectural style of the existing structures.
2. That the alteration does not eliminate elements that are required to maintain the essential form and character of the structure.

3. That the alternation is compatible with adjoining structures and the use of such structures.

As detailed in the Historic Review, prepared by Juliana Inman, November 18, 2016 (Attachment 5), Since the District was listed in the National Register, there have been some alterations to the façade, some of which were inappropriate, like the 1975 covering of the transom windows in the original storefront. The Historical Review indicated that, under the Secretary of the Interior's Standards for Rehabilitation, the removal of non-historic storefront elements and reintroduction of historic features based on physical and photographic evidence, such as the replacement of the former transom band, should be encouraged. Recognizing that, the alterations proposed by the applicant which include realigning the front wall and door to be parallel to Main Street and reintroduce transom windows at 1327 Main Street and removing the applique above the doors and reintroducing transom windows, replacing the central, single glass door and sidelights with a pair of wood and glass doors, reconfiguring the remaining windows, and reintroducing transom windows above door to stairwell at 1331 Main Street are not expected to eliminate essential character defining features and further are expected to be compatible with the overall character of the building and would likewise, ensure the building continues to be compatible with adjoining structures. For those reasons, the proposed storefront modifications appear consistent with the required findings needed to approve exterior alterations to a historic resource.

D. Now therefore be it further resolved that, the Design Review for the above described project is granted subject to compliance with all applicable provisions of the Zoning Code subject to each of the following conditions. Permit shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

Conditions of Approval

1. The Design Review shall be vested within one (1) year from the date of approval. A building permit for the use allowed under this approval shall have been obtained within one (1) year from the effective date of the Design Review decision or these approvals shall expire; provided however that the approved Design Review may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code, Section 17.08.030, Extension of Permits and Approvals.
2. This approval is limited to the following exterior modifications:

<u>1327 Main Street:</u>	Realignment of the front wall and door to be parallel to Main Street and reintroduction of transom windows
<u>1331 Main Street:</u>	Removal of the applique above the doors and reintroduction of transom windows

Replacement of the central, single glass door and sidelights with a pair of wood and glass doors and reconfiguration of the remaining windows.

Reintroduction of transom windows above door to stairwell that leads to upper levels

1337 Main Street: No modifications

3. The plans submitted for building permit shall be in substantial conformance with those plans on file in the Planning Department and reviewed and approved by the Planning Commission on May 2, 2017, except as modified by the following conditions.
4. The Design Review shall not become effective until fourteen (14) calendar days after approval, providing that the action is not appealed by the City Council or any other interested party within that 14 day period.
5. Any request for an extension of the Use Permit or Design Review must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
6. All required fees, including planning fees, development impact fees, building fees, retrofit fees, and St. Helena Unified School District fees shall be paid prior to issuance of building permit.
7. Compliance with all permit conditions shall be clearly identified on all plans submitted for building permit approval, shall occur in accordance with specific regulations but in all cases no later than prior to occupancy or initiation of use unless another time is set by law or by this approval. Occupancy or final inspection of a project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.
8. The applicant will defend and indemnify and hold the City, its agents, officers, and employees harmless of any claim, action or proceedings to attack, set aside, void or annul an approval so long as the City promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
9. Provided they are in general compliance with the approved Design Review, minor modifications found to be in substantial conformance with the approved design may be approved by the Planning Director.
10. This Design Review shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.
11. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The owner/applicant is responsible for meeting with the Building Official / Fire Inspector to review compliance with Building and Fire Codes, including fire protection systems and the accessibility standards of Title 24.

12. Construction documents shall be in compliance with approved plans and exhibits.
13. All new windows, doors, and trim materials are shall be constructed of natural wood and shall not feature cladding or extruded materials of any kind.

Public Works Department Conditions of Approval

14. Approval of this project shall be subject to the requirements of, and all improvements shall be designed and constructed in accordance with, the most current version at the time of improvement plan submittal, Caltrans Standards and Specifications, the City of St. Helena Municipal Code, the St. Helena Water and Sewer Standards, the St. Helena Street, Storm Drain and Sidewalk Standards, and all current federal, state and county codes governing such improvements
15. The applicant shall repair all public improvements that are damaged by the construction process in accordance with the City Water/Sewer/Street/Storm Drain/Sidewalk Standards prior to Certificate of Occupancy.
16. Any missing or broken curb, gutter and/or sidewalk along the project frontage shall be installed or replaced per City specifications prior to Certificate of Occupancy, extent to be determined by the Public Works Department.
17. An encroachment permit shall be required for any work performed in the public right of way.

Building Department Conditions of Approval

18. A building permit is required for all onsite demolition, construction and/or change of occupancy.
19. The applicant will be required to comply with the codes adopted at the time the applicant applies for a building permit. At this time the City of St. Helena utilizes the 2016 Title 24 codes.
20. When submitting plans for a building permit, the plans shall include all documentation listed on the building permit application checklist.
21. The applicant shall provide a construction waste management plan with the building permit application.
22. The plans for construction shall include a checklist for compliance with the California Green Buildings Standards Code, mandatory measures. Provide a reference on the checklist indicating where the mandatory measures can be found on the plans.
23. When submitting plans, the title page shall include all information referenced on the building permit application checklist Title Page requirements.
24. Building Permit application materials and plans shall include any documentation pertaining to special loads applicable to the design and the specified section of the

code that addresses the condition; special inspections for any systems or components requiring special inspection; requirements for seismic resistance; and a complete list of deferred submittals at time of application. Any deferral of the required submittal items shall have prior approval of the Building Official however deferral of fire sprinkler design is not allowed.

25. Properties which are on septic systems and proposing substantial renovations may require approval from the Napa County Environmental Health Department. Applicants are encouraged to engage with the County early in the building permit review process to reduce the potential for delay.

I HEREBY CERTIFY that the foregoing Design Review was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on May 2, 2017, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Grace Kistner
Chair, Planning Commission

Noah Housh,
Planning and Community
Improvement Director

POR. RANCHO CARNE HUMANA

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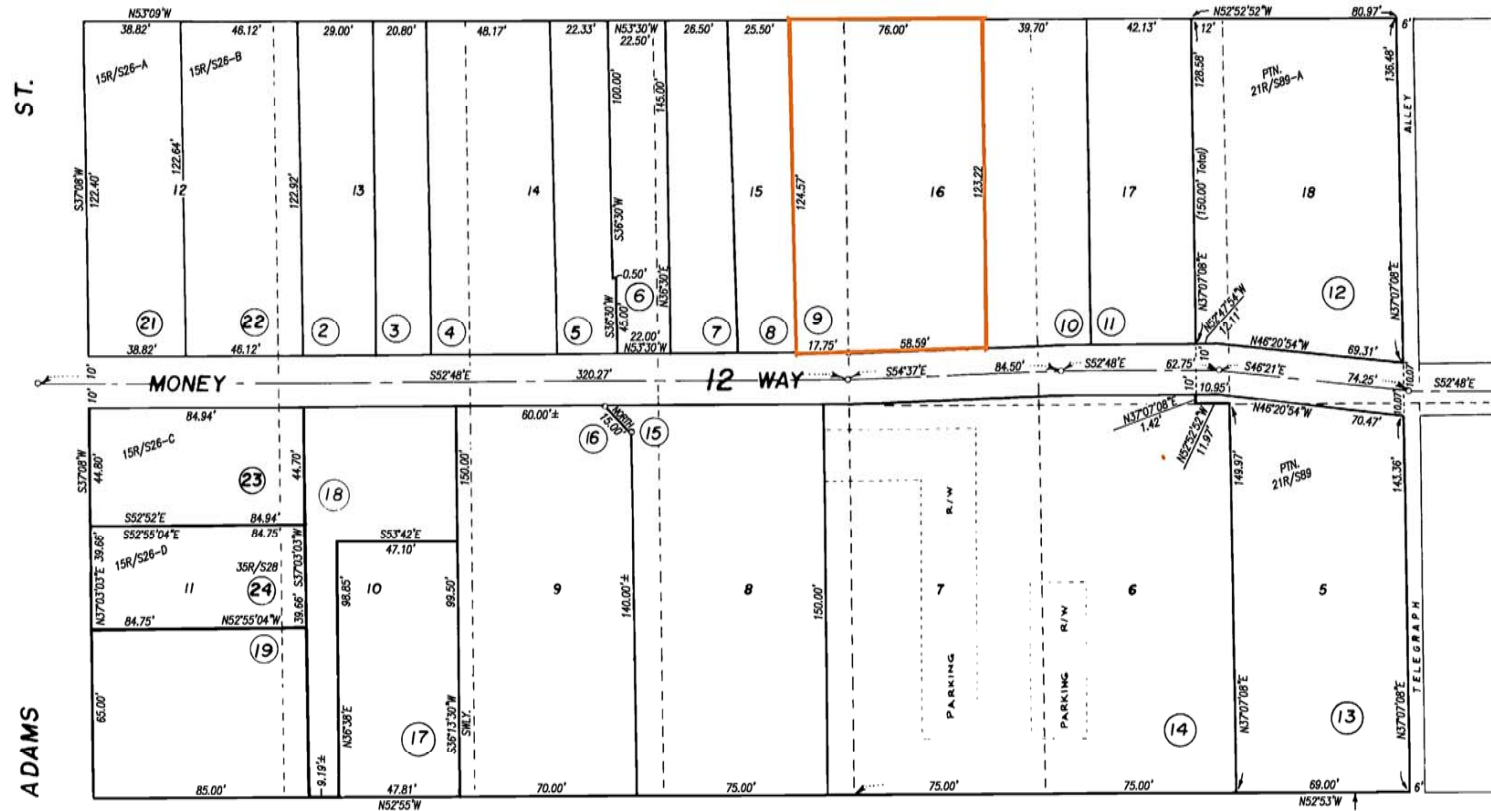
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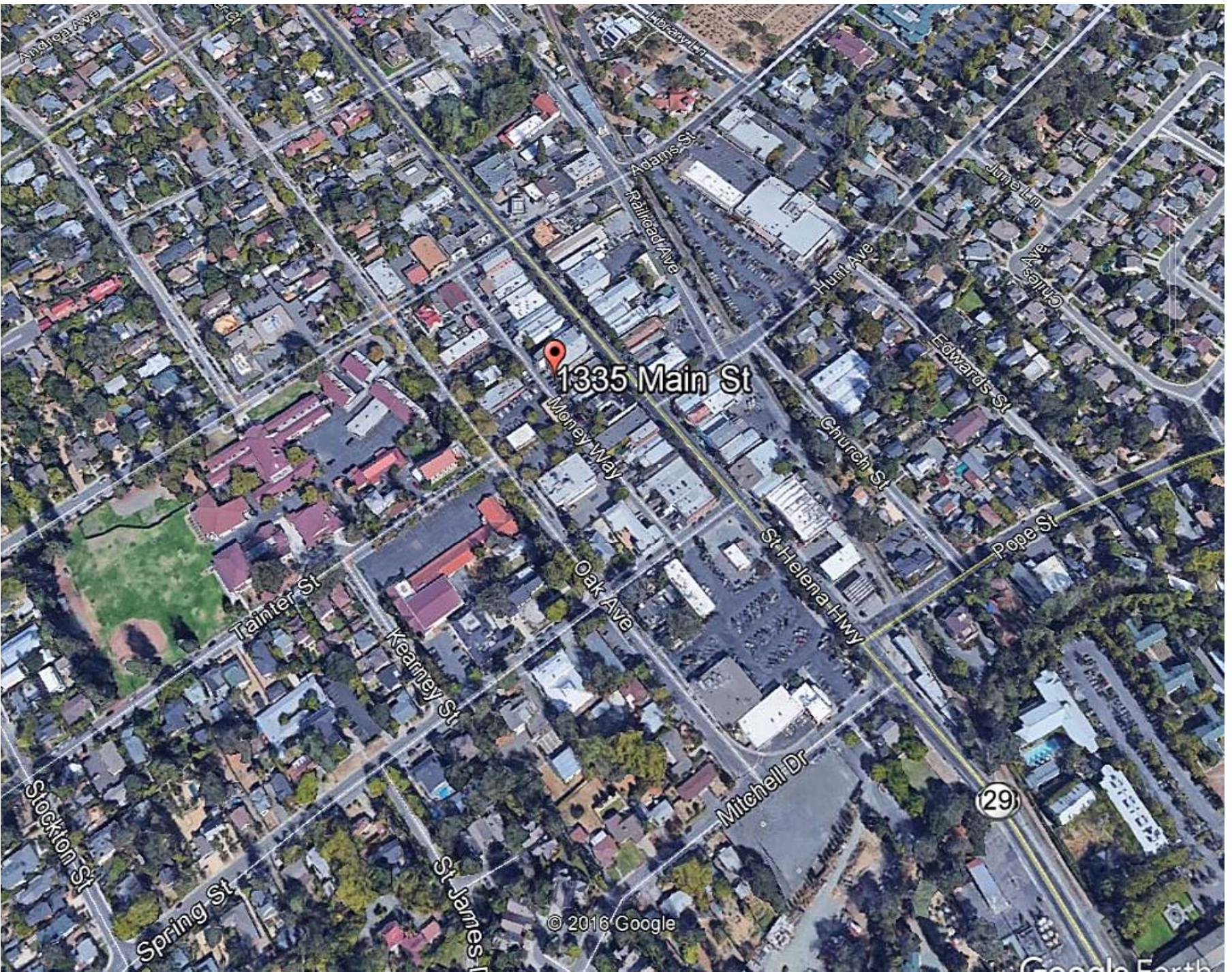
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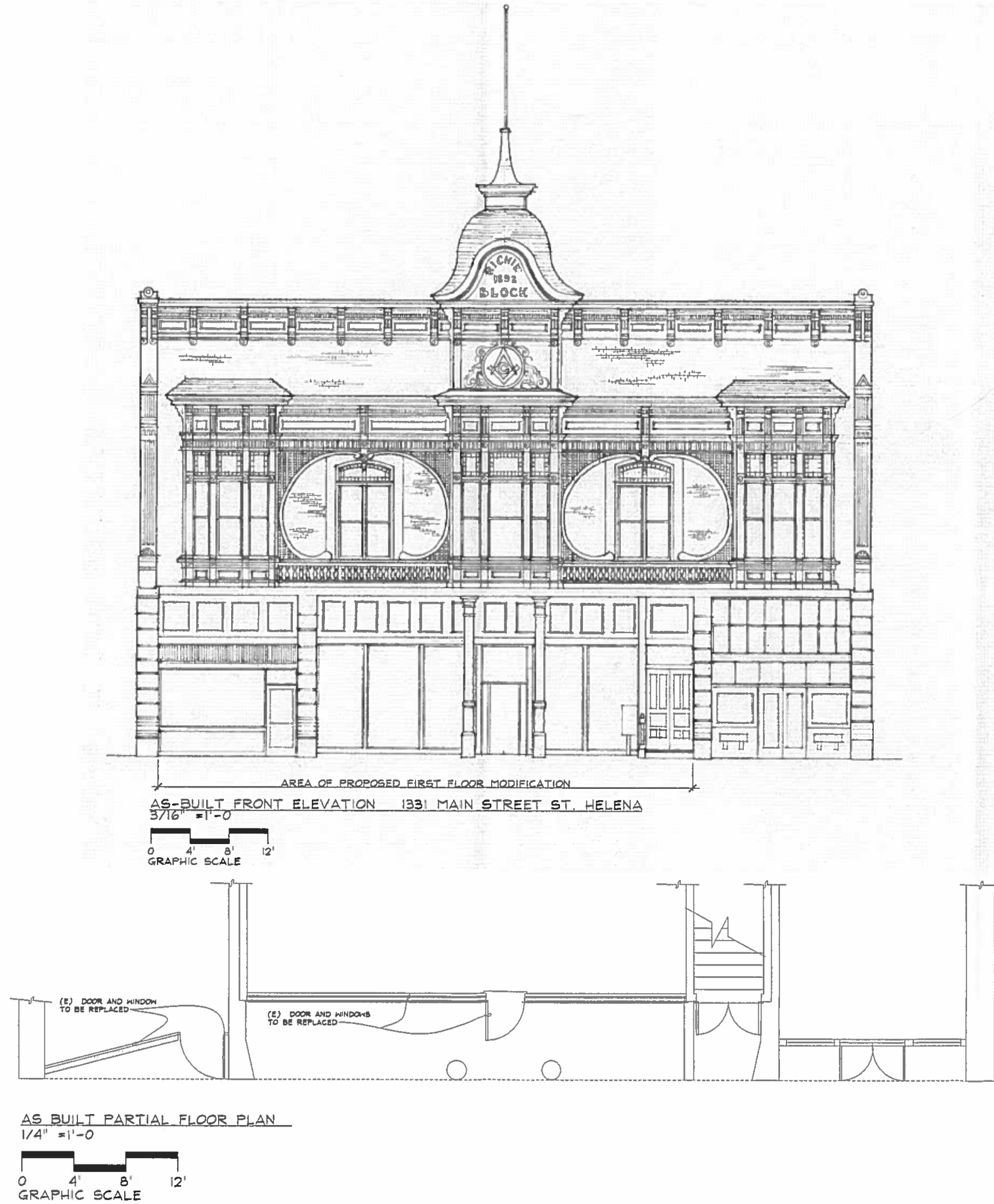
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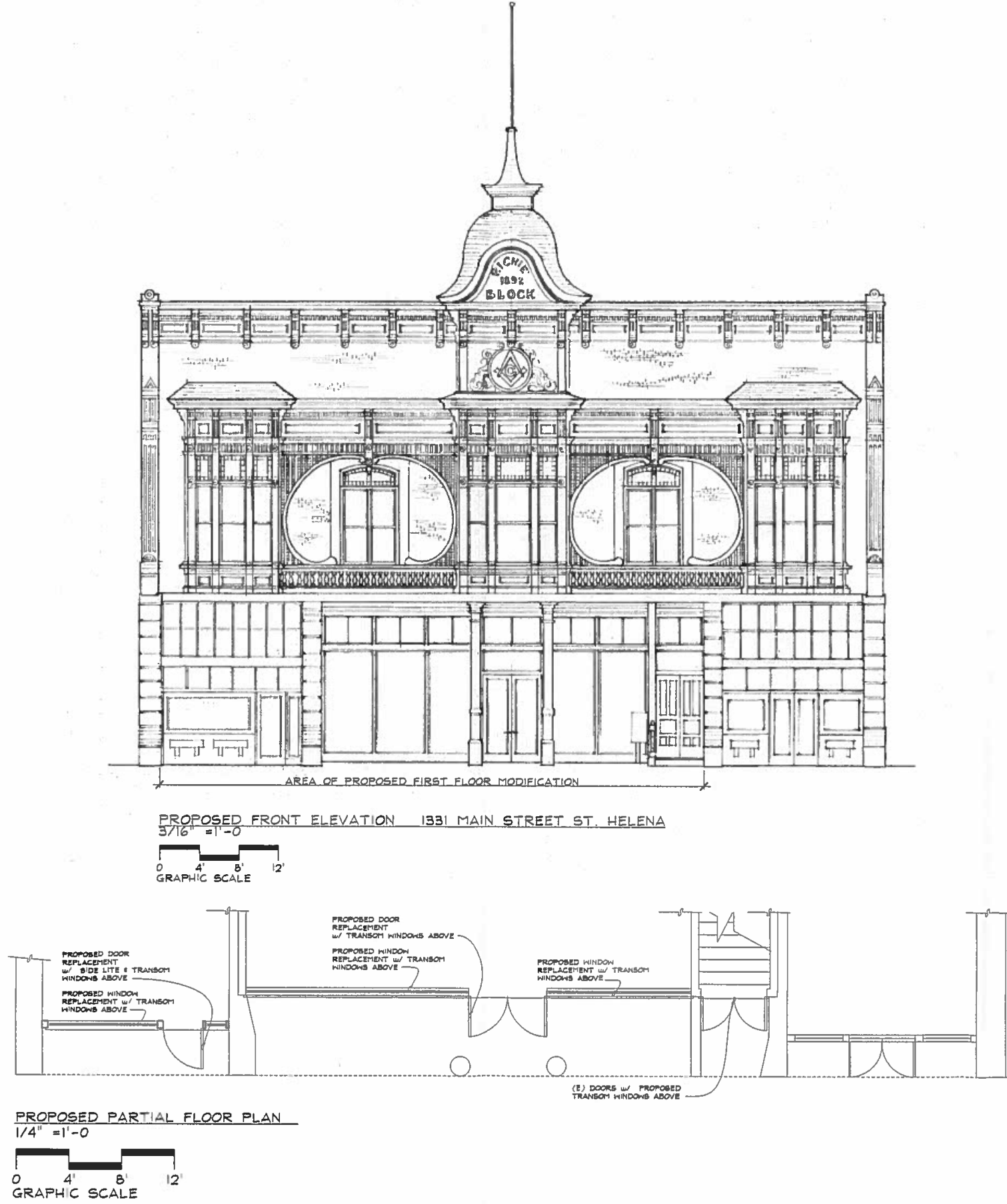
CITY OF ST. HELENA
Assessor's Map Bk. 9 -Pg
County of Napa, Ca
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NOTE: This Map Was Prepared For
Assessment Purposes Only. No
Warranty Is Assumed For The
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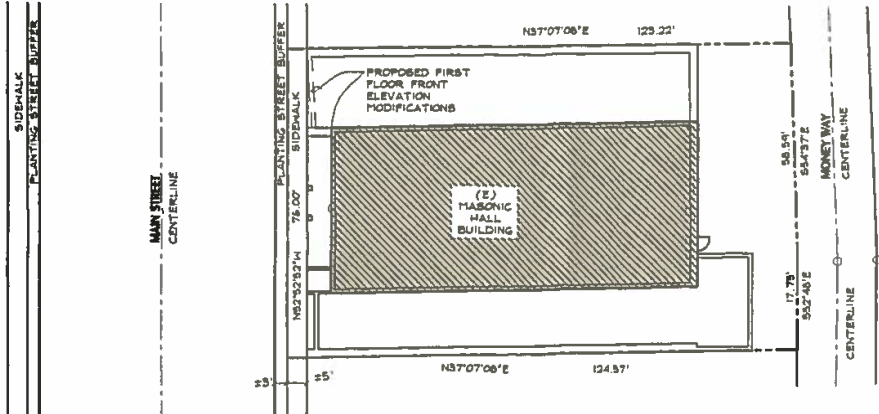


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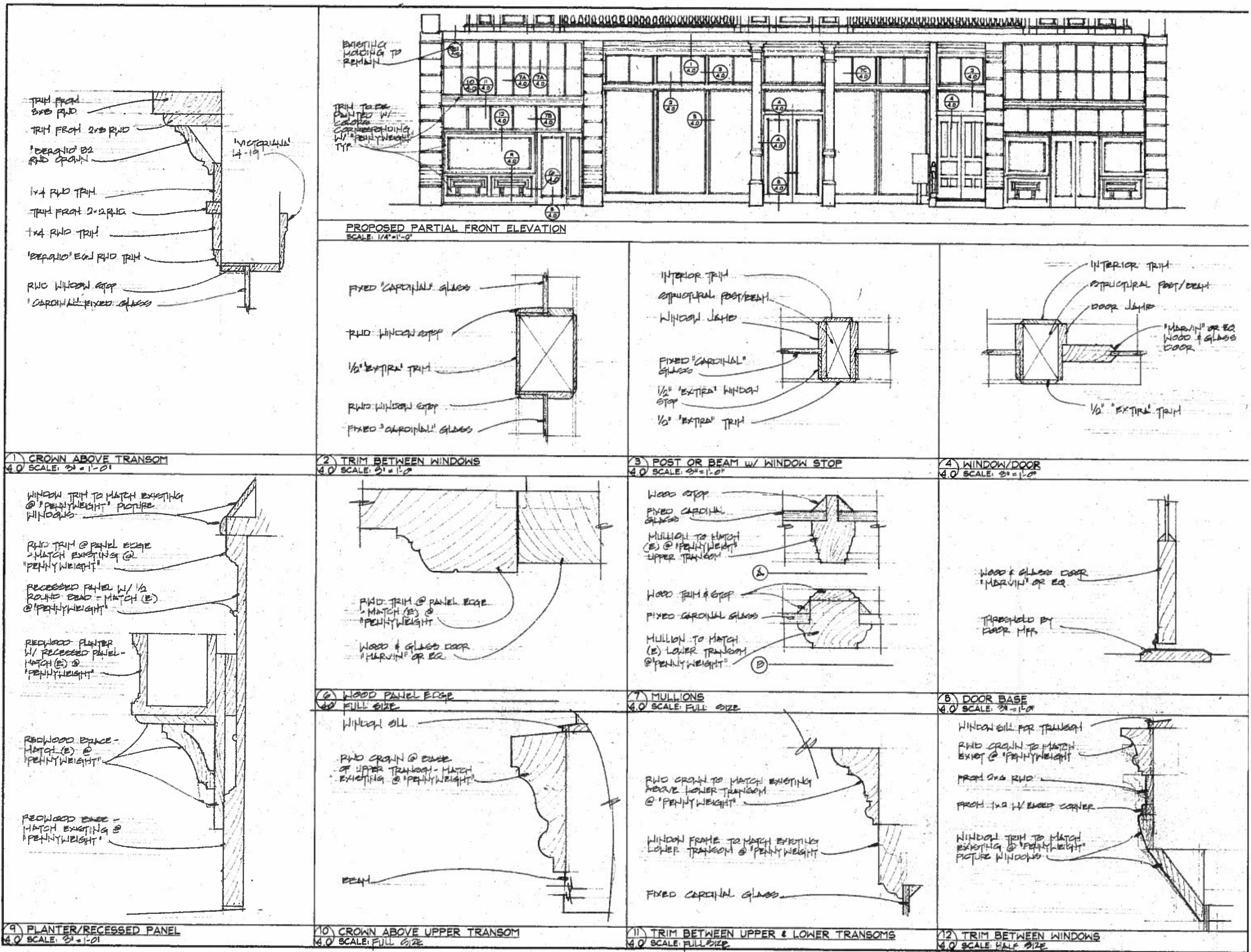
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SITE PLAN



VICINITY MAP





Juliana Inman
ARCHITECT

18 November 2016

Aaron Hecock, Planner
Planning and Building Department
1480 Main Street
St. Helena, CA 94574

RECEIVED
PLANNING DEPARTMENT

JAN 09 2017

City of St. Helena

Re: 1327-1337 Main Street
Richie Block
Historical Review
St. Helena, CA

Via email to: aaronh@cityofsthelema.org

Dear Mr. Hecock,

I was requested to review plans for rehabilitation of the "Richie Block" located at 1327-37 Main Street to determine if the work meets the Secretary of the Interior Standards, and whether the property retains integrity under the California Environmental Quality Act (CEQA) regulations. The Architect for the project is Mary Sykes, experienced in historical restoration and rehabilitation projects. Below is a discussion of the Standards, the building's "integrity", and the California Environmental Quality Act. I reviewed resources at Napa County Landmarks, Inc. (1978 Survey), the St. Helena Commercial District National Register Nomination, and City of St. Helena Historic Resource Inventory and General Plans (Appendix A for the 1993 General Plan and Historical Resource Element for the current draft General Plan). According to the National Register Nomination #97001661 listed on January 23, 1998:

1327-37 Main Street Contributing Building, built 1892: This two-story building has a facade of brick and other walls of uncoursed pitch-faced stone. A classical parapet with banded cornice, curved brackets, and paneled frieze tops the front elevation. From its center rises the mansard roof of a short tower capped by a belvedere. A nameplate with "Richie Block 1892" extends from the roof. On the wall below is the Masonic symbol. Further down is the center of three box windows that are joined by a balcony with bent wood openings, lattice spandrels, and a low balustrade. Segmentally arched window pairs look out on the balcony. Atop the flanking box windows are hipped roofs and bracketed cornices. The ground floor has three storefronts separated by pilasters. The wide center storefront, which is recessed behind a pair of columns, has a set of anodized aluminum display windows that were installed around 1975. The adjoining storefronts have also been altered. The building has housed a Masonic hall for over a century. Its striking combination of features above the storefronts make it a strong contributor to the historic character of the district.

Since the District was listed in the National Register, there have been few changes to the facade of this Luther M. Turton designed building. Interior seismic retrofitting has been done. The building has been altered over time, and some of the alterations are inappropriate, such as covering the transom windows in the original storefront. This alteration appears to date from the 1970's and is does not contribute to the historic character of the building.

2133 FIRST STREET, NAPA, CALIFORNIA 94559 (707) 226-5304
email: julinaia@comcast.net

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1327-1337 Main St
18 November 2016

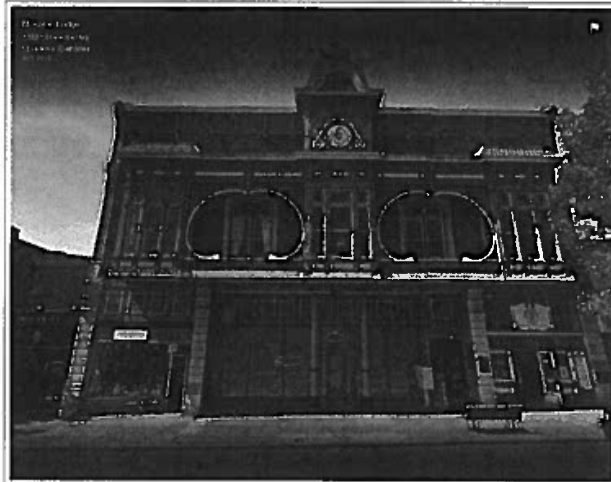
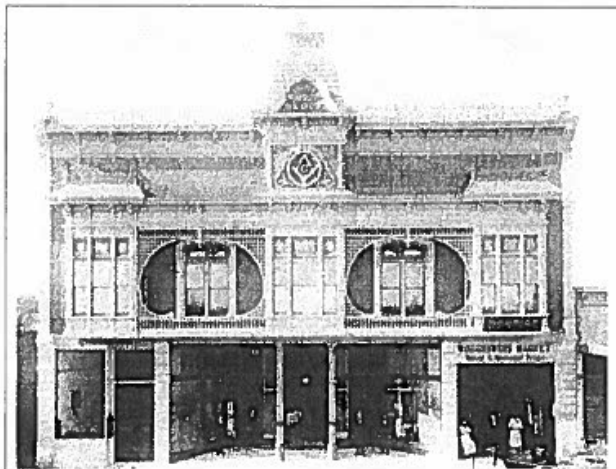


Figure 1. Front elevation.



The Ritchie Building
Meeting Place since 1893

Figure 2. Historical photo, undated.

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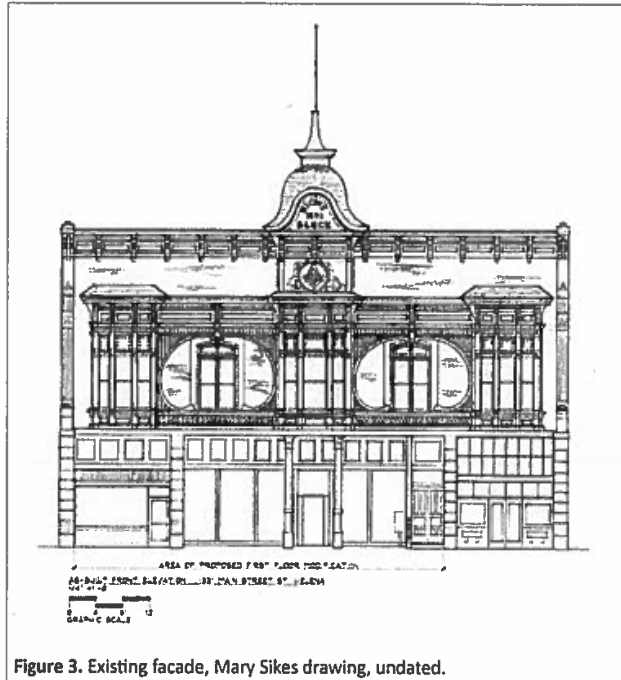


Figure 3. Existing facade, Mary Sikes drawing, undated.

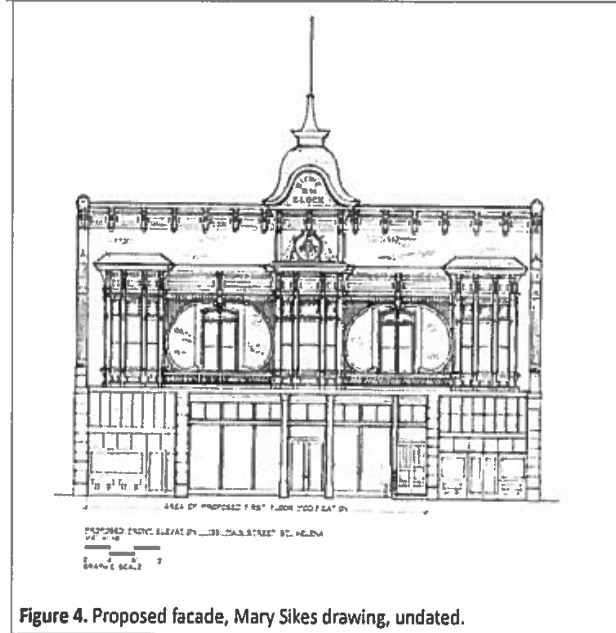


Figure 4. Proposed facade, Mary Sikes drawing, undated.

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Supporting information

California Environmental Quality Act (CEQA):

The California Register regulations define "integrity" as "the authenticity of an historic resource's physical identity, evidenced by the survival of characteristics that existed during the resource's period of significance" (State Office of Historic Preservation, 1997). These regulations specify that integrity is a quality that applies to historic resources in seven ways: **location, design, setting, materials, workmanship, feeling and association**. A property must retain most of these qualities to possess integrity.

The building on this site retains integrity of **location**. Though there have been some street level storefront changes over time, the Richie Block retains integrity of all seven qualities - **design, workmanship, location, setting, materials, feeling and association**.

Overall the building retains integrity and remains a contributor to the National Register District.

According to CEQA regulation:

Title 14. California Code of Regulations, Chapter 3. Guidelines for Implementation of the California Environmental Quality Act Article 5. Preliminary Review of Projects and Conduct of Initial Study, Section 15064.5. Determining the Significance of Impacts to Archeological and Historical Resources:

(3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

Secretary of the Interior Standards:

The City of St. Helena references compliance with The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, in the design review conditions and/or negative declaration for projects containing historic resources. Compliance with these guidelines avoids any negative impacts on the existing building.

Some work done in prior modifications to the property do not conform to *The Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Buildings*. This work includes inappropriate alterations to the street level storefront. Proposed restoration/rehabilitation work in the project is discussed in each numbered bullet. Rehabilitation of the storefront to re-open the transom window band is a primary design element of the proposed project. Included with the comment is a citation of the Standard or guideline language involved, and specific findings are in **boldface**:

1. ***Standard 1** A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

Use has continued as a commercial building.
2. ***Standard 2** The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

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18 November 2016

The building has been altered over time. Some of the non-historic alterations are inappropriate. Removal of non-historic storefront elements and restoration of the historic features such as the transom band should be encouraged.

3. *Standard 3 Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

The building does not have features added from other buildings.

4. *Standard 4 Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

Non-historic changes such as the transom band enclosure will be removed and restored according to Standard 6.

5. *Standard 5 Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*

Distinctive features and finishes will remain.

6. *Standard 6 Deteriorated historic features shall be repaired rather than replaced. Where severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

There is no plan to remove or replace historic aspects of the building. Replacement of the historic transom band uses physical evidence and photographic evidence of this removed element. Door locations will remain in the current locations.

7. *Standard 7 Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*

Historic materials remain and no sandblasting will be done.

8. *Standard 8 Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures must be taken.*

St. Helena standard archeological mitigation measures should apply to all ground disturbing activities on the site.

9. *Standard 9 New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, scale, and architectural features to protect the historic integrity of the property and its environment.*

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New construction should be respectful of the historic building, while at the same time avoiding creating a false sense of what is historic on the site. The standards and guidelines allow for a wide range of design options and styles.

According to the Guidelines, "...additions should be designed and constructed so that the character-defining features of the historic building are not radically changed, obscured, damaged, or destroyed in the process of rehabilitation. New design should always be clearly differentiated so that the addition does not appear to be part of the historic resource." The Guidelines further recommend:

- Constructing a new addition so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed.
- Designing new additions in a manner that makes clear what is historic and what is new.
- Design for the new work may be contemporary or may reference design motifs from the historic building. In either case, it should always be clearly differentiated from the historic building and be compatible in terms of mass, materials, relationship of solids to voids, and color.
- Placing new additions such as balconies and greenhouses on non-character-defining elevations and limiting and size and scale in relationship to the historic building.

Alterations to the non-historic storefront transom cover and rehabilitation of the transom band will not damage the historic features or finishes of the building.

- 10. Standard 10** *New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Rehabilitation of the transom band and rehabilitation of the storefront will not damage to essential form and integrity of the building.

Conclusions:

Proposed work on the property meets the Secretary of the Interior's Standards.

Regards,



Juliana Inman

**CITY OF ST. HELENA
PLANNING DEPARTMENT 1480 MAIN STREET- ST. HELENA, CA 94574
PLANNING COMMISSION**

May 2, 2017

AGENDA SECTION: Public Hearing

SUBJECT: Review of an Ordinance proposing Zoning Text Amendments to St. Helena Municipal Code Title 17 as required to update and modify existing zoning code regulations governing the development of Accessory Dwelling Units and to establish consistency with recent amendments adopted for California Government Code Section 65852.2 pursuant to AB 2299 and SB 1069.

PREPARED BY: Lilly Bianco, Contract Planner

REVIEWED BY: Noah Housh, Planning Director

APPLICATION FILED: N/A

ACCEPTED AS COMPLETE: N/A

LOCATION OF PROPERTY: All zoning districts in which residential uses are allowed, Citywide.

APPLICANT: City of St. Helena

PHONE (707) 967-2792

APN: Citywide

GENERAL PLAN/ZONING: All zoning districts in which residential uses are allowed, Citywide.

PROJECT DESCRIPTION

The project includes an Ordinance proposing text amendments to St. Helena Municipal Code Title 17 so as to reduce barriers to the construction of Accessory Dwelling Units by further limiting the regulatory authority exercised by municipalities to establish compliance with California Government Code Section 65852.2 as amended by AB 2299 and SB 1069. The Sections to be amended include the following:

(Definitions)	Section 17.04.160(B)
(A-20)	Section 17.20.020(D)
(LDR)	Sections 17.32.020(G), 17.32.040, 17.32.060(E)(3);17.32.070(C)
(LR1A)	Section 17.36.020(F)
(MDR)	Sections 17.40.020(G); 17.40.040, 17.40.060(E)(3); 17.40.070(B)
(HD)	Sections 17.44.020(H), 17.44.040, 17.44.060(C)(3), 17.44.070(B)

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May 2, 2017
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(WW)	Sections 17.64.030(B), 17.64.040
(ADU)	Section 17.116.030
(DESIGN REV.)	Section 17.164.050(F)

BACKGROUND

With the intent of making it easier for property owners to create Accessory Dwelling Units (ADUs), Governor Brown signed AB 2299 and SB 1069 into law, thereby amending Government Code Section 65852.2. Prior to passage of this legislation, the state law provided for a greater level of flexibility in how cities regulated the development of ADUs. As amended, Government Code Section 65852.2 further limits public agencies ability to regulate Accessory Dwelling Units.

To the extent that a City's ordinance imposes requirements beyond those enumerated in the state law, those local provisions are preempted as of January 1, 2017, and only state standards may be enforced. If a local agency fails to adopt an ordinance in accordance with state law, the local agency is required to approve or disapprove an ADU application ministerially, applying only the standards specified in Government Code section 65852.2. Accordingly, the City of St. Helena should update applicable code sections to come into compliance with applicable state law. Once the text amendments are adopted, the City must submit a copy of the ADU ordinance to the Department of Housing and Community Development within 60 days of adoption.

The substantive changes to California Government Code Section 65852.2 include the following (shown in *italic* typeface):

- 1) *Replaces "second units" with "ADUs" throughout Chapter 17.*
- 2) *Provides that a local government may adopt an ordinance allowing ADUs in single-family and multifamily residential zones, and the ordinance must do all of the following:*
 - a. *Designate areas where ADUs may be permitted based on criteria that may include the adequacy of water and sewer services and the impact on traffic flow and public safety.*
 - b. *Impose parking, height, setback, lot coverage, landscape, architectural review, maximum unit size and standards that prevent adverse impacts on any property listed in the California Register of Historic Places.*
 - c. *Reduce or eliminate parking requirements, if a local government so chooses.*
 - d. *Provide that ADUs do not exceed the allowable density for the lot on which it is located and that ADUs are a residential use that is consistent with the existing general plan and zoning designation on a lot.*
 - e. *Require the ADUs to comply with all of the following:*

ADU Ordinance Update
May 2, 2017
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- i. *The unit is not intended for sale separate from the primary residence and may be rented.*
 - ii. *The lot is zoned for single-family or multifamily use.*
 - iii. *The ADU is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.*
 - iv. *The increased floor area of an attached ADU shall not exceed 50% of the existing living area.*
 - v. *The total area of floorspace for a detached ADU shall not exceed 1,200 square feet.*
 - vi. *No passageway shall be required in conjunction with the construction of an ADU.*
 - vii. *No setback shall be required for an existing garage that is converted to an ADU and a setback of no more than five feet from the side and rear lot lines shall be required for an ADU that is constructed above a garage.*
 - viii. *Local building code requirements that apply to detached dwellings, as appropriate.*
 - ix. *Approval by the local health officer where a private sewage disposal system is being used, if required.*
 - x. *Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.*
 - xi. *Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.*
 - xii. *When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, and the local agency requires that those off-street parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the ADU, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.*
3. *Requires a local agency that has not adopted an ADU ordinance to review ADU permit applications pursuant to the above-listed standards.*
4. *Provides that a local agency must ministerially review and approve or disapprove ADU permits within 120 days after receiving an application. Any existing ordinance governing the creation of ADUs by a local agency or any such ordinance subsequently adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of ADUs and shall not include any discretionary processes, provisions, or requirements for those units except as otherwise provided in this subdivision.*

5. *Specifies that in the event that a local agency has an existing ADU ordinance that fails to meet the requirements of state law, that ordinance shall be null and void and that agency shall thereafter apply the standards established in state law for the approval of ADUs, unless and until the agency adopts an ordinance that complies with this section.*
6. *Removes the provision permitting additional parking upon a finding that additional parking is required related to the use of the ADU and consistent with existing neighborhood standards.*
7. *Deletes language from existing law that prohibits local agencies from adopting an ordinance, which totally precludes ADUs, unless the ordinance contains specified findings.*
8. *Defines "passageway" as a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU.*
9. *Makes numerous technical, clarifying changes.*
10. *Incorporates amendments to avoid chaptering conflicts with SB 1069 (Wieckowski) of the current legislative session.*

PROJECT

As stated above, to the extent that a City's ordinance imposes requirements beyond those prescribed the amended state law, those local provisions are preempted as of January 1, 2017, and only state standards may be enforced. Therefore, to come into compliance with State Law, the City must remove or amend those provisions which are not readily consistent with State Law.

In review of the existing ordinance and related code sections, and acknowledging the substantive changes enumerated above, it was found that the following local standards and/or references are **INCONSISTENT** with state law and shall be updated as described below:

1. *Accessory dwellings must fall within one of four development categories.*

The state laws do not limit development of ADUs to these categories and the City's ordinance is thus more restrictive than and inconsistent with the new state law. Accordingly, the limitations on types of accessory dwelling units has been removed.

2. *The floor area of second units shall not exceed 850 square feet.*

The state laws provide that the increased floor area of attached Accessory Dwelling units may not exceed 50% of the existing living area, with a maximum increase in floor area of 1,200 square feet, and the increased floor area of detached ADUs may not exceed 1,200 square feet. To address this discrepancy and comply with the intent of the amended state law, the language has been

updated to allow for an increase in floor area of no more than 50 percent and up to 1200 feet.

3. *Accessory buildings or structures which do not meet the definition of an ADU with toilet plumbing and/or cooking facilities may not be rented or leased.*

The state laws do not expressly permit cities to prohibit ADUs from being rented or leased and this language could be construed to address ADUs, given the reference to cooking facilities. Given that the general intent of the state law is to facilitate more affordable housing in areas already zoned for residential uses, it appears that the existing provision runs counter to the basic intent of the state law, should it be applied to a ADU and therefore has been modified.

4. *There shall be no more than one second unit per lot.*

The amended State law provisions applicable to detached ADUs and additions to existing primary dwelling units do not expressly limit the number of units per residential lot and it remains ambiguous as to whether or not the above provision limiting the number of Accessory Dwellings per lot is or is not inconsistent.

The California Department of Housing and Community Development ("HCD") has provided its interpretation of the State law. Based on this interpretation, it is recommended by City Planning staff that the City retain the current limit on the number of ADUs allowed per lot (currently set at one) until HCD. The retention of this regulation does carry the risk that, if determined that limiting the number of units is indeed inconsistent with the law, it may invalidate the City's ordinance given that the ordinance would contain a provision found to be inconsistent with the State laws. Nonetheless, it is thought by staff that a limit on the number of Accessory Dwelling Units per lot is important to balance the need for more affordable housing with the need to protect the established character of neighborhoods and agricultural areas. As such, until determined otherwise, Staff recommends this provision remain.

5. *In addition to the required parking for the primary residence, one parking space, covered or uncovered, shall be provided on site for each second unit.¹*

This standard is more restrictive than the parking standards set forth in the State laws which prohibit the imposition of any parking requirements in certain instances. To address this, the City has added an exception for those instances named in the new state law.

6. *Conditionally allow an accessory building or structure with toilet plumbing and/or cooking facilities, and consistent with the provision of Section 17.116.030;*

Given that the new law stipulates that accessory dwellings be ministerially approved if they meet the standards enumerated in Code Section 17.116.030, any provision requiring conditional review and approval would be inconsistent,

references to conditional approval of accessory dwellings and/or second units (explicit or implicit) shall be removed.

7. *Definition of Accessory Dwelling Units*

As amended, California Government Code Section 65852.2 replaces “Second unit” with “accessory Dwelling Unit”. To ensure compliance with the amended law and prevent any confusion, references to “*second units*” or “*accessory building or structure with toilet plumbing and/or cooking facilities*” shall be revised to read “accessory dwelling unit”.

In addition to the required changes enumerated above, there are a number of new standards established by the amended state law. The following **NEW** state law standards that must be added to the updated ordinance are as follows.

1. Review of ADUs must be ministerial and the City may not utilize any discretionary review processes, provisions or requirements in approving an ADU.
2. ADUs contained within the existing space of a residence shall be permitted in all residential zones within the City.
3. The ADU must have independent exterior access from the existing residence.
4. The side and rear setbacks shall be sufficient for fire safety.
5. The City *may not* impose any parking standards for construction of ADUs in existing structures.
6. The City *may not* require the installation of a new or separate utility connection directly between the ADU and the utility or impose a related connection fee or capacity charge.
7. The City *may not* require that ADUs provide fire sprinklers if fire sprinklers are not required for the primary residence.
8. Permit applications must be reviewed and approved or disapproved within 120 days after receiving the application.
9. The ADU is not intended for sale separate from the primary residence and may be rented.
10. The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.
11. The ADU is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
12. The increased floor area of an attached ADU shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

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The total area of floor-space for a detached ADU shall not exceed 1,200 square feet.

13. No passageway shall be required in conjunction with the construction of an ADU.
14. No setback shall be required for an existing garage that is converted to an ADU, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
15. Approval by the local health officer where a private sewage disposal system is being used, if required.
16. Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.
17. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the City's current parking standards would require those off-street parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the ADU, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
18. The City *may not* impose the above described parking standards or any other local parking standards in any of the following instances (in other words, where any of the following instances exist, no parking standards at all may be applied when reviewing and/or approving an ADU):
 - The ADU is located within ½ mile of public transit.
 - The ADU is located within an architecturally and historically significant historic district.
 - When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - When there is a car share vehicle located within one block of the ADU.
19. The City *may not* require that ADUs provide fire sprinklers if fire sprinklers are not required for the primary residence.
20. The City *may not* limit ADUs or impose review criteria based upon density standards for the lot upon which the ADU is proposed.
21. The City may require a new or separate utility connection directly between the accessory dwelling unit and the utility. The connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the

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proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

DISCUSSION

Amendments are governed by Municipal Code Chapter 17.12 and by Government Code Section 65853. Municipal Code Chapter 17 stipulates that text amendments may be recommended by the Planning Commission for approval by the City Council insofar as the Planning Commission finds the proposed amendments are in conformance with the General Plan and consistent with the public necessity, convenience, general welfare, and good zoning practice.

General Plan Consistency

The proposed text amendments are intended to more fully promote the opportunity for Accessory Dwelling Units and work towards alleviating the issues related to lack of adequate housing and affordability. The main goal of the text amendments is to establish consistency with the amended state law and facilitate the construction of Accessory Dwelling Units; this is however, balanced by the acknowledgement that construction of said units should be deferential to the established character of neighborhoods and streetscapes and respond to people's general welfare. As such, the proposed text amendments are found to be Consistent with the following policies enumerated in the City of St. Helena General Plan and Housing Element including:

- 2.6.4 Permit infill development and higher densities within currently developed areas wherever possible to minimize and postpone the need for expansion of the Urban Service Area.
- 2.6.14 Encourage a mix of housing types and price ranges to allow choice for current and future generations of St. Helenans.
- 2.6.15 Encourage new residential development in all density ranges that is consistent with scale and character' of the older residential districts of the City, particularly the neighborhoods west of Main Street
- 2.6.16 Encourage the development of higher density housing in areas near the center of town and close to recreation and services.
- HE1.1 Ensure that the General Plan's Growth Management Policies do not limit our ability to meet regional housing needs
- HE1.3 Encourage the development of affordable housing and remove development constraints as feasible.
- HE1.5 Encourage innovative housing types and designs.
- HE1.A Continue to exempt permits for regulated affordable units as well as second units from the Growth Management System.

General Welfare Provisions

As detailed under Municipal Code Section 17.12.080, the City Council may, by ordinance, approve Code amendments whenever the public necessity, the general community welfare, and good zoning practice warrant such amendment. Accordingly, the proposed text amendments would further the public necessity, convenience, and general welfare of St. Helena Residents by promoting opportunities to introduce a greater number of housing units and improve the affordability of housing within the City of St. Helena.

CEQA

This project is statutorily exempt pursuant to CEQA Section 15282(H) which exempts the adoption of an ordinance regarding second units (Accessory Dwelling Units) in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code. Similarly, the proposed Ordinance is exempt pursuant to the General Rule in CEQA Guidelines Section 15061(b)(3) which specifies that CEQA applies only to a project with the potential to cause a significant impact to the environment.

PUBLIC COMMENT AND NOTICING

The project was noticed on April 21, 2017. As of the writing of this staff report, the City has received no comments.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the Draft Ordinance and proposed text amendments to the Accessory Dwelling Units Ordinance and recommend the following:

1. Determine that the proposed text amendments are statutorily exempt pursuant to CEQA Guidelines Section 15282(h) and 15061(b)(3)
2. Review and accept the Draft Ordinance and proposed text amendments to St. Helena Municipal Code Title 17, Section 17.20.020(D), Sections 17.32.020(G), 17.32.040, 17.32.060(E)(3), 17.32.070(C); Section 17.36.020(F); Sections 17.40.020(G); 17.40.040, 17.40.060(E)(3), 17.40.070(B); Sections 17.44.020(H), 17.44.040, 17.44.060(C)(3), 17.44.070(B); Sections 17.64.030(B), 17.64.040; and Section 17.116.030 and recommend that the City Council approve the proposed Ordinance in order to update and modify existing zoning code regulations governing the development of Accessory Dwelling Units and establish compliance with California Government Code Section 65852.2.

ATTACHMENTS

1. Resolution
2. Draft Ordinance
3. Government Code Section 65852.2, as amended.
4. Accessory Dwelling Unit Memorandum, California Department of Housing and Community Development, December 2016

CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION PC2017-XX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ST. HELENA RECOMMENDING TO THE CITY COUNCIL ADOPTION OF THE ATTACHED ORDINANCE (EXHIBIT 1) AMENDING MUNICIPAL CODE TITLE 17 TO UPDATE AND MODIFY EXISTING ZONING CODE REGULATIONS GOVERNING THE DEVELOPMENT OF ACCESSORY DWELLING UNITS AND TO ESTABLISH CONSISTENCY WITH CALIFORNIA GOVERNMENT CODE SECTION 65852.2 AS AMENDED BY AB 2299 AND SB 1069.

Recitals

A. Whereas, The City of St. Helena adopted an ordinance regulating the construction of Accessory Dwelling Units consistent with California Government Code Section 65852.2;

B. Whereas, On September 27, 2016, Governor Brown signed AB 2299 and SB 1069 into law, thereby amending Government Code Section 65852.2, effective January 1, 2017, to limit public agencies ability to regulate Accessory Dwelling Units and make it easier for property owners to introduce Accessory Dwellings on their property;

C. Whereas, To facilitate compliance with State law, the City prepared draft text amendments to remove and/or amend provisions not readily consistent with the new State law;

D. Whereas, the proposed text amendments are consistent with the goals and objectives of the General Plan;

E. Whereas, the proposed text amendments are consistent with public necessity, convenience, general welfare, and good zoning practice; and

F. Whereas, the Planning Commission of the City of St. Helena held a duly noticed Public Hearing to review the proposed text amendments on May 2, 2017 , at which time all interested parties had the opportunity to be heard.

Resolution

G. Now, therefore let it be resolved that, the Planning Commission finds that the action to adopt this Ordinance to amend St. Helena Municipal Code Title 17 is statutorily exempt pursuant to CEQA Section 15282(h) which exempts the adoption of an ordinance regarding second units (Accessory Dwelling Units) in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public

Resources Code. Similarly, the proposed Ordinance is exempt pursuant to the General Rule in CEQA Guidelines Section 15061(b)(3) which specifies that CEQA applies only to a project with the potential to cause a significant impact to the environment.

H. Now, therefore be it further resolved that the Planning Commission recommends that the City Council adopt the Ordinance attached hereto as **Exhibit 1.**, modifying existing zoning code regulations governing the development of Accessory Dwelling Units and to establish consistency with California Government Code Section 65852.2, as amended by AB 2299 and SB 1069.

I HEREBY CERTIFY that the foregoing recommendation to the City Council was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on May 2, 2017 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Grace Kistner
Chair, Planning Commission

Noah Housh,
Planning and Community
Improvement Director

CITY OF ST. HELENA

ORDINANCE NO. 2017-

AMENDING ST.HELENA MUNICIPAL CODE CHAPTER 17.04 “GENERAL PROVISIONS AND DEFINITIONS”, CHAPTER 17.20 “TWENTY-ACRE AGRICULTURE DISTRICT”, CHAPTER 17.32 “LOW DENSITY RESIDENTIAL DISTRICT”, CHAPTER 17.36 “ LOW DENSITY RESIDENTIAL ONE-ACRE MINIMUM DISTRICT,” CHAPTER 17.40 “ MEDIUM DENSITY RESIDENTIAL DISTRICT”, CHAPTER 17.44 “HIGH DENSITY RESIDENTIAL DISTRICT,” AND CHAPTER 17.64 “ WOODLAND AND WATERSHED (WW) DISTRICT TO REPLACE REFERENCES TO “SECOND UNITS” WITH “ACCESSORY DWELLING UNITS”, REPEALING SECTION 17.116.030 “ACCESSORY DWELLINGS” IN ITS ENTIRETY AND REPLACING IT IN ITS ENTIRETY WITH A NEW SECTION TITLED, “ACCESSORY DWELLING UNITS” AND AMENDING CHAPTER 17.164 “DESIGN REVIEW” TO EXCLUDE ACCESSORY DWELLING UNITS FROM DESIGN REVIEW REQUIREMENTS TO ESTABLISH COMPLIANCE WITH GOVT.CODE SECTION 65852.2, EFFECTIVE JANUARY 1, 2017.

The City Council of the City of the City of St. Helena does hereby ordain as follows:

SECTION 1. Findings. In adopting the Ordinance, the City Council finds:

- A. The proposed amendments are consistent with the General Plan in that they will encourage infill development within currently developed areas (policy 2.6.4), encourage a mix of housing types and price ranges (policy 2.6.14), encourage development that is consistent with scale and character of older neighborhoods (policy 2.6.15) and encourage the development of affordable housing and remove development constraints (HE policy 1.3) amongst others.
- B. The proposed amendments would further the public necessity, convenience, and general welfare of St. Helena Residents by promoting opportunities to introduce a greater number of housing units and improve the affordability of housing within the City of St. Helena while at the same time imposing performance standards to regulate Accessory Dwelling Units in accordance with State Law.

SECTION 2. Amendment. SHMC Chapter 17.04 “General Provisions and Definitions” is hereby amended by replacing the definition for “Accessory dwelling unit” with the California State definition promulgated by Section 65852.2 of the California Government Code and deleting the definition of “Second Unit” in subsection 17.04.160(B) “Definitions.”

SECTION 3. Amendment. SHMC Chapter 17.20 “Twenty-Acre Agriculture District” is hereby amended by deleting the reference to “Second unit” in subsubsection 17.20.020(D) “Permitted uses” and replacing it with “Accessory Dwelling Unit.”

SECTION 4. Amendment. SHMC Chapter 17.32 “Low Density Residential District” is hereby amended by deleting the reference to “Second unit” in subsection 17.32.020(G) “Permitted uses” and replacing it with “Accessory dwelling unit.”

SECTION 5. Amendment. SHMC Chapter 17.36 “ Low Density Residential One-Acre Minimum District” is hereby amended by deleting the reference to “Second unit” in subsection 17.36.020 “Permitted uses” and replacing it with “Accessory Dwelling unit.”

SECTION 6. Amendment. SHMC Chapter 17.40 “ Medium Density Residential District” is hereby amended by deleting the reference to “Second unit” in subsections 17.40.020(G) “Permitted uses,” Section 17.40.040 “Design Review Required,” Section 17.40.060 (E)(3) “Development Standards,” and Section 17.40.070(B) “Other uses, standards, and requirements,” and replacing it with “Accessory dwelling unit.”

SECTION 7. Amendment. SHMC Chapter 17.44 “High Density Residential District” is hereby amended by deleting the reference to “Second unit” in subsections 17.44.020 (H) “Permitted uses,” Section 17.44.040 “Design Review Required,” subsection 17.44.060 (C)(3) “Development Standards,” and subsection 17.44.070(B) “Other uses, standards, and requirements,” and replacing it with “Accessory dwelling unit.”

SECTION 8. Amendment. SHMC Chapter 17.64 “ Woodland and Watershed (WW) District” is hereby amended by deleting the reference “Second unit” in subsections 17.64.020(C),” Permitted uses,” subsection 17.64.030 (B) “ Conditional uses,” and Section 17.64.040 “Design review required”, and replacing it with “Accessory dwelling unit.”

SECTION 9. Amendment. SHMC Chapter 17.116 “Accessory Buildings, Structures, Dwellings and Uses,” is hereby amended by repealing Section 17.116.030 “Accessory dwellings” in its entirety and by replacing it with the revised language as set forth below.

17.116.030 Accessory dwellings units.

A. An accessory dwelling unit shall meet the design and development criteria described below:

1. Accessory dwelling units are allowed in any zoning district that allows residential uses insofar as there is an existing single-family residence on the lot;
2. Each accessory dwelling unit shall meet the requirements for building height, setbacks, yards and lot coverage for principal buildings of the zoning district in which it is located, except that a detached accessory dwelling unit may exhibit a minimum side yard and rear yard setback of five feet.
3. The design of the accessory dwelling unit shall employ a design compatible with the principal dwelling and shall be consistent with the principal dwelling in terms of form, massing, scale, and level of articulation.

4. Any window or door on a 2nd story shall be located and designed utilizing techniques that lessen the impacts on the privacy of adjacent properties. These techniques may include use of obscured glazing, window placement above eye level, windows and doors located toward the existing on-site residence or screening treatments;
 5. Accessory dwelling units are required to follow the same building and safety requirements as the principal dwelling.
 6. Accessory dwelling units are required to provide fire sprinklers only insofar as they are required for the principal dwelling.
 7. There shall be a minimum five (5) foot separation between a detached accessory dwelling and any adjacent structure or building.
 8. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
 9. The introduction of an accessory dwelling unit shall be subject to review and approval by the local health officer where a private sewage disposal system is proposed.
 10. Accessory dwelling units located on property listed on the City of St. Helena Historic Resources Master List and/or the California Register of Historic Resources (CRHR) and/or National Register of Historic Places (NRHP) shall exhibit compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties for Rehabilitation and shall further be subject to the standards enumerated in Municipal Code Chapter 17.92, if applicable. At the determination of the Planning Director, any application for an accessory dwelling unit located on a property listed in the City of St. Helena Historic Resources Master List, identified as potentially eligible for listing or previously listed in the CRHR or NRHP (except for those contained entirely within an existing structure) may be required to provide a Historic Resource Evaluation and/or Consistency Analysis prepared by a qualified architectural historian to determine compliance with applicable standards.
- B. In addition to the standards noted in subsection A of this section, accessory dwelling units shall also conform to the following design and development standards:
1. The floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area up to a maximum of 1200 square feet. The total floor area of a detached accessory dwelling shall not exceed 1200 square feet. The property owner shall occupy either the principal dwelling or the second unit;

2. The accessory dwelling unit shall not be sold separate from the principal dwelling and shall not be rented, leased or let for periods of time less than thirty (30) days;
3. There shall be no more than one accessory dwelling unit per lot;
4. An accessory dwelling unit is exempt from the density limits of this title and the General Plan;
5. An attached accessory dwelling unit shall have independent exterior access from the existing residence with direct access from the front or side setback area.
6. No setback shall be required for an existing garage that is converted to an accessory dwelling unit and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
7. Accessory dwelling units completely contained within an existing footprint are not considered new residential uses for the purpose of calculating local agency connection fees or capacity charges for utilities including water and sewer service.
8. The City may require a new or separate utility connection directly between the accessory dwelling unit and the utility. The connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
9. In addition to the required parking for the primary residence, one parking space, covered or uncovered, shall be provided on site for each ~~second unit~~ accessory dwelling, with the exception that no parking shall be required for a new accessory dwelling in the following instances:
 - a. The accessory dwelling unit is located within ½ mile of public transit
 - b. The accessory dwelling unit is located within a historic district
 - c. The accessory dwelling unit is part of the existing principal residence or an existing accessory structure
 - 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 vehicle located within one block of the accessory dwelling and that is available for use by the occupant(s) of said dwelling.
10. Off-street parking shall be permitted through tandem parking or in setback areas, unless it is determined that parking in setback areas or tandem parking is not feasible based upon specific site or regional, topographical, or fire and life safety conditions.

11. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, parking spaces shall be replaced. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit.
- C. Notwithstanding the provisions of this subsection, one accessory dwelling unit per property shall be ministerially approved if all of the following apply:
1. The unit is located in a single-family residential zone,
 2. It is contained within the existing space of a single-family residence or existing accessory structure, and
 3. It has independent exterior access, and
 4. The side and rear setbacks are sufficient for fire safety.
- D. Accessory dwelling units shall be ministerially approved or disapproved in compliance with this Section and within 120 days of application. The Planning Director shall issue a building permit or zoning certificate to establish an accessory dwelling unit in compliance with this section if all applicable requirements are met.
- E. Accessory buildings or structures which do not meet the definition of an ADU may not be rented or leased.

SECTION 10. Amendment. SHMC Chapter 17.164 “Design Review” is hereby amended to exclude “accessory dwelling units from Design Review pursuant to subsection 17.164.050(F) “Applicability” and shall be revised to add “ 3. An accessory dwelling unit that meets the requirements of Section 17.116.030”

SECTION 11. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance to amend Title 17 of the St. Helena Municipal Code is statutorily exempt pursuant to CEQA Section 15282(h) which exempts the adoption of an ordinance regarding second units (Accessory Dwelling Units) in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code. Similarly, the proposed Ordinance is exempt pursuant to the General Rule in CEQA Guidelines Section 15061(b)(3) which specifies that CEQA applies only to a project with the potential to cause a significant impact to the environment.

SECTION 12. Severability. The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 13. Effective Date. This ordinance shall take effect and be in force 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the city of St. Helena.

SECTION 14. Amendment Declarative Of Existing Law. The City Council finds that the amendment of Title 17 by this ordinance with respect to the imposition of civil penalties, and the right of the City to seek and obtain civil penalties by civil action, is intended to be declarative of existing law.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the ___th day of _____ 2017, and was adopted at a regular meeting of the St. Helena City Council on the ___th day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Alan Galbraith, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Black, City Clerk

I, CINDY BLACK, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the ___the day of _____, 2017. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ___the day of _____, 2017 by the following vote:

AYES:

NOES:

ABSENT:

Assembly Bill No. 2299

CHAPTER 735

An act to amend Section 65852.2 of the Government Code, relating to land use.

[Approved by Governor September 27, 2016. Filed with Secretary of State September 27, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2299, Bloom. Land use: housing: 2nd units.

The Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the intensity of land use, and also authorizes a local agency to provide by ordinance for the creation of 2nd units in single-family and multifamily residential zones, as specified. Existing law authorizes the ordinance to designate areas within the jurisdiction of the local agency where 2nd units may be permitted, to impose specified standards on 2nd units, and to provide that 2nd units do not exceed allowable density and are a residential use, as specified.

This bill would replace the term “second unit” with “accessory dwelling unit.” The bill would, instead, require the ordinance to include the elements described above and would also require the ordinance to require accessory dwelling units to comply with specified conditions. This bill would require ministerial, nondiscretionary approval of an accessory dwelling unit under an existing ordinance. The bill would also specify that a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

Existing law requires that parking requirements for 2nd units not exceed one parking space per unit or per bedroom. Under existing law, additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the 2nd unit and are consistent with existing neighborhood standards applicable to residential dwellings.

This bill would delete the above-described authorization for additional parking requirements.

By increasing the duties of local officials with respect to land use regulations, this bill would impose a state-mandated local program.

This bill would incorporate additional changes in Section 65852.2 of the Government Code proposed by SB 1069 that would become operative only if SB 1069 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Notwithstanding subparagraph (B), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(D) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(E) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of accessory dwelling units.

(4) Any existing ordinance governing the creation of accessory dwelling units by a local agency or any such ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed accessory dwelling units on lots zoned for residential use that contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of accessory dwelling units if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for a accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards.

(d) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000).

(e) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of accessory dwelling units, provided those requirements comply with subdivision (a).

(f) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(g) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(C) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(h) 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 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 1.5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a

local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) 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 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Senate Bill 1069. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Senate Bill 1069, in which case Section 1 of this bill shall not become operative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



Courtesy of Karen Chapple, UC Berkeley

California Department of Housing and Community Development
Where Foundations Begin

Accessory Dwelling Unit Memorandum

December 2016



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Understanding Accessory Dwelling Units and Their Importance



Courtesy of Karen Chapple, UC Berkeley

California's housing production is not keeping pace with demand. In the last decade less than half of the needed housing was built. This lack of housing is impacting affordability with average housing costs in California exceeding the rest of the nation. As affordability becomes more problematic, people drive longer distances between a home that is affordable and where they work, or double up to share space, both of which reduces quality of life and produces negative environmental impacts.

Beyond traditional market-rate construction and government subsidized production and preservation there are alternative housing models and emerging trends that can contribute to addressing home supply and affordability in California.

One such example gaining popularity are Accessory Dwelling Units (ADUs) (also referred to as second units, in-law units, or granny flats).

What is an ADU

An ADU is a secondary dwelling unit with complete independent living facilities for one or more persons and generally takes three forms:

- *Detached*: The unit is separated from the primary structure
- *Attached*: The unit is attached to the primary structure
- *Repurposed Existing Space*: Space (e.g., master bedroom) within the primary residence is converted into an independent living unit
- *Junior Accessory Dwelling Units*: Similar to repurposed space with various streamlining measures

ADUs offer benefits that address common development barriers such as affordability and environmental quality. ADUs are an affordable type of home to construct in California because they do not require paying for land, major new infrastructure, structured parking, or elevators. ADUs are built with cost-effective one- or two-story wood frame construction, which is significantly less costly than homes in new multifamily infill buildings. ADUs can provide as much living space as the new apartments and condominiums being built in new infill buildings and serve very well for couples, small families, friends, young people, and seniors.

ADUs are a different form of housing that can help California meet its diverse housing needs. Young professionals and students desire to live in areas close to jobs, amenities, and schools. The problem with high-opportunity areas is that space is limited. There is a shortage of affordable units and the units that are available can be out of reach for many people. To address the needs of individuals or small families seeking living quarters in high opportunity areas, homeowners can construct an ADU on their lot or convert an underutilized part of their home like a garage

into a junior ADU. This flexibility benefits not just people renting the space, but the homeowner as well, who can receive an extra monthly rent income.

ADUs give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care and helping extended families to be near one another while maintaining privacy.

Relaxed regulations and the cost to build an ADU make it a very feasible affordable housing option. A UC Berkeley study noted that one unit of affordable housing in the Bay Area costs about \$500,000 to develop whereas an ADU can range anywhere up to \$200,000 on the expensive end in high housing cost areas.

ADUs are a critical form of infill-development that can be affordable and offer important housing choices within existing neighborhoods. ADUs are a powerful type of housing unit because they allow for different uses, and serve different populations ranging from students and young professionals to young families, people with disabilities and senior citizens. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education and services for many Californians.

Summary of Recent Changes to ADU Laws



Courtesy of Karen Chapple, UC Berkeley

The California legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in single family and multifamily zones provides additional rental housing and are an essential component in addressing housing needs in California. Over the years, ADU law has been revised to improve its effectiveness such as recent changes in 2003 to require ministerial approval. In 2017, changes to ADU laws will further reduce barriers, better streamline approval and expand capacity to accommodate the development of ADUs.

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, the disabled,

and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the Department has prepared this guidance to assist local governments in encouraging the development of ADUs. Please see Attachment 1 for the complete statutory changes. The following is a brief summary of the changes for each bill.

SB 1069 (Wieckowski)

S.B. 1069 (Chapter 720, Statutes of 2016) made several changes to address barriers to the development of ADUs and expanded capacity for their development. The following is a brief summary of provisions that go into effect January 1, 2017.

Parking

SB 1069 reduces parking requirements to one space per bedroom or unit. The legislation authorizes off street parking to be tandem or in setback areas unless specific findings such as fire and life safety conditions are made. SB 1069 also prohibits parking requirements if the ADU meets any of the following:

- Is within a half mile from public transit.
- Is within an architecturally and historically significant historic district.
- Is part of an existing primary residence or an existing accessory structure.
- Is in an area where on-street parking permits are required, but not offered to the occupant of the ADU.
- Is located within one block of a car share area.

Fees

SB 1069 provides that ADUs shall not be considered new residential uses for the purpose of calculating utility connection fees or capacity charges, including water and sewer service. The bill prohibits a local agency from requiring an ADU applicant to install a new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory structure. For attached and detached ADUs, this fee or charge must be proportionate to the burden of the unit on the water or sewer system and may not exceed the reasonable cost of providing the service.

Fire Requirements

SB 1069 provides that fire sprinklers shall not be required in an accessory unit if they are not required in the primary residence.

ADUs within Existing Space

Local governments must ministerially approve an application to create within a single family residential zone one ADU per single family lot if the unit is:

- contained within an existing residence or accessory structure.
- has independent exterior access from the existing residence.
- has side and rear setbacks that are sufficient for fire safety.

These provisions apply within all single family residential zones and ADUs within existing space must be allowed in all of these zones. No additional parking or other development standards can be applied except for building code requirements.

No Total Prohibition

SB 1069 prohibits a local government from adopting an ordinance that precludes ADUs.

AB 2299 (Bloom)

Generally, AB 2299 (Chapter 735, Statutes of 2016) requires a local government (beginning January 1, 2017) to ministerially approve ADUs if the unit complies with certain parking requirements, the maximum allowable size of an attached ADU, and setback requirements, as follows:

- The unit is not intended for sale separate from the primary residence and may be rented.
- The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.
- The unit is either attached to an existing dwelling or located within the living area of the existing dwelling or detached and on the same lot.
- The increased floor area of the unit does not exceed 50% of the existing living area, with a maximum increase in floor area of 1,200 square feet.
- The total area of floorspace for a detached accessory dwelling unit does not exceed 1,200 square feet.
- No passageway can be required.
- No setback can be required from an existing garage that is converted to an ADU.

- Compliance with local building code requirements.
- Approval by the local health officer where private sewage disposal system is being used.

Impact on Existing Accessory Dwelling Unit Ordinances

AB 2299 provides that any existing ADU ordinance that does not meet the bill's requirements is null and void upon the date the bill becomes effective. In such cases, a jurisdiction must approve accessory dwelling units based on Government Code Section 65852.2 until the jurisdiction adopts a compliant ordinance.

AB 2406 (Thurmond)

AB 2406 (Chapter 755, Statutes of 2016) creates more flexibility for housing options by authorizing local governments to permit junior accessory dwelling units (JADU) through an ordinance. The bill defines JADUs to be a unit that cannot exceed 500 square feet and must be completely contained within the space of an existing residential structure. In addition, the bill requires specified components for a local JADU ordinance. Adoption of a JADU ordinance is optional.

Required Components

The ordinance authorized by AB 2406 must include the following requirements:

- Limit to one JADU per residential lot zoned for single-family residences with a single-family residence already built on the lot.
- The single-family residence in which the JADU is created or JADU must be occupied by the owner of the residence.
- The owner must record a deed restriction stating that the JADU cannot be sold separately from the single-family residence and restricting the JADU to the size limitations and other requirements of the JADU ordinance.
- The JADU must be located entirely within the existing structure of the single-family residence and JADU have its own separate entrance.
- The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. No gas or 220V circuits are allowed.
- The JADU may share a bath with the primary residence or have its own bath.

Prohibited Components

This bill prohibits a local JADU ordinance from requiring:

- Additional parking as a condition to grant a permit.
- Applying additional water, sewer and power connection fees. No connections are needed as these utilities have already been accounted for in the original permit for the home.

Fire Safety Requirements

AB 2406 clarifies that a JADU is to be considered part of the single-family residence for the purposes of fire and life protections ordinances and regulations, such as sprinklers and smoke detectors. The bill also requires life and protection ordinances that affect single-family residences to be applied uniformly to all single-family residences, regardless of the presence of a JADU.

JADUs and the RHNA

As part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a JADU toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit which is fairly flexible. Local government count units as part of reporting to DOF. JADUs meet these definitions and this bill would allow cities and counties to earn credit toward meeting their RHNA allocations by permitting residents to create less costly accessory units. See additional discussion under JADU frequently asked questions.

Frequently Asked Questions: Accessory Dwelling Units

Should an Ordinance Encourage the Development of ADUs?

Yes, ADU law and recent changes intend to address barriers, streamline approval and expand potential capacity for ADUs recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment and implementation of local ADU ordinances must be carried out consistent with Government Code Section 65852.150:

(a) The Legislature finds and declares all of the following:

- (1) Accessory dwelling units are a valuable form of housing in California.*
 - (2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.*
 - (3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.*
 - (4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.*
 - (5) California faces a severe housing crisis.*
 - (6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.*
 - (7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.*
 - (8) Accessory dwelling units are, therefore, an essential component of California's housing supply.*
- (b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.*

Are Existing Ordinances Null and Void?



Yes, any local ordinance adopted prior to January 1, 2017 that is not in compliance with the changes to ADU law will be null and void. Until an ordinance is adopted, local governments must apply “state standards” (See Attachment 4 for State Standards checklist). In the absence of a local ordinance complying with ADU law, local review must be limited to “state standards” and cannot include additional requirements such as those in an existing ordinance.

Are Local Governments Required to Adopt an Ordinance?

No, a local government **is not required** to adopt an ordinance. ADUs built within a jurisdiction that lacks a local ordinance must comply with state standards (See Attachment 4). Adopting an ordinance can occur through different forms such as a new ordinance, amendment to an existing ordinance, separate section or special regulations within the zoning code or integrated into the zoning code by district. However, the ordinance should be established legislatively through a public process and meeting and not through internal administrative actions such as memos or zoning interpretations.

Can a Local Government Preclude ADUs?

No local government cannot preclude ADUs.

Can a Local Government Apply Development Standards and Designate Areas?

Yes, local governments may apply development standards and may designate where ADUs are permitted (GC Sections 65852.2(a)(1)(A) and (B)). However, ADUs within existing structures must be allowed in all single family residential zones.

For ADUs that require an addition or a new accessory structure, development standards such as parking, height, lot coverage, lot size and maximum unit size can be established with certain limitations. ADUs can be avoided or allowed through an ancillary and separate discretionary process in areas with health and safety risks such as high fire hazard areas. However, standards and allowable areas must not be designed or applied in a manner that burdens the development of ADUs and should maximize the potential for ADU development. Designating areas where ADUs are allowed should be approached primarily on health and safety issues including water, sewer, traffic flow and public safety. Utilizing approaches such as restrictive overlays, limiting ADUs to larger lot sizes, burdensome lot coverage and setbacks and particularly concentration or distance requirements (e.g., no less than 500 feet between ADUs) may unreasonably restrict the ability of the homeowners to create ADUs, contrary to the intent of the Legislature.

Requiring large minimum lot sizes and not allowing smaller lot sizes for ADUs can severely restrict their potential development. For example, large minimum lot sizes for ADUs may constrict capacity throughout most of the community. Minimum lot sizes cannot be applied to ADUs within existing structures and could be considered relative to health and safety concerns such as areas on septic systems. While larger lot sizes might be targeted for various reasons such as ease of compatibility, many tools are available (e.g., maximum unit size, maximum lot coverage, minimum setbacks, architectural and landscape requirements) that allows ADUs to fit well within the built environment.

Can a Local Government Adopt Less Restrictive Requirements?

Yes, ADU law is a minimum requirement and its purpose is to encourage the development of ADUs. Local governments can take a variety of actions beyond the statute that promote ADUs such as reductions in fees, less restrictive parking or unit sizes or amending general plan policies.

Santa Cruz has confronted a shortage of housing for many years, considering its growth in population from incoming students at UC Santa Cruz and its proximity to Silicon Valley. The city promoted the development of ADUs as critical infill-housing opportunity through various strategies such as creating a manual to promote ADUs. The manual showcases prototypes of ADUs and outlines city zoning laws and requirements to make it more convenient for homeowners to get information. The City found that homeowners will take time to develop an ADU only if information is easy to find, the process is simple, and there is sufficient guidance on what options they have in regards to design and planning.

The city set the minimum lot size requirement at 4,500 sq. ft. to develop an ADU in order to encourage more homes to build an ADU. This allowed for a majority of single-family homes in Santa Cruz to develop an ADU. For more information, see <http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program>.

Can Local Governments Establish Minimum and Maximum Unit Sizes?

Yes, a local government may establish minimum and maximum unit sizes (GC Section 65852.2(c)). However, like all development standards (e.g., height, lot coverage, lot size), unit sizes should not burden the development of ADUs. For example, setting a minimum unit size that substantially increases costs or a maximum unit size that unreasonably restricts opportunities would be inconsistent with the intent of the statute. Typical maximum unit sizes range from 800 square feet to 1,200 square feet. Minimum unit size must at least allow for an efficiency unit as defined in Health and Safety Code Section 17958.1.

ADU law requires local government approval if meeting various requirements (GC Section 65852.2(a)(1)(D)), including unit size requirements. Specifically, attached ADUs shall not exceed 50 percent of the existing living area or 1,200 square feet and detached ADUs shall not exceed 1,200 square feet. A local government may choose a maximum unit size less than 1,200 square feet as long as the requirement is not burdensome on the creation of ADUs.

Can ADUs Exceed General Plan and Zoning Densities?

An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Minimum lot sizes must not be doubled (e.g., 15,000 square feet) to account for an ADU. Further, local governments could elect to allow more than one ADU on a lot.

New developments can increase the total number of affordable units in their project plans by integrating ADUs. Aside from increasing the total number of affordable units, integrating ADUs also promotes housing choices within a development. One such example is the Cannery project in Davis, CA. The Cannery project includes 547 residential units with up to 60 integrated ADUs. ADUs within the Cannery blend in with surrounding architecture, maintaining compatibility with neighborhoods and enhancing community character. ADUs are constructed at the same time as the primary single-family unit to ensure the affordable rental unit is available in the housing supply concurrent with the availability of market rate housing.

How Are Fees Charged to ADUs?

All impact fees, including water, sewer, park and traffic fees must be charged in accordance with the Fee Mitigation Act, which requires fees to be proportional to the actual impact (e.g., significantly less than a single family home).

Fees on ADUs, must proportionately account for impact on services based on the size of the ADU or number of plumbing fixtures. For example, a 700 square foot new ADU with one bathroom that results in less landscaping should be charged much less than a 2,000 square foot home with three bathrooms and an entirely new landscaped parcel which must be irrigated. Fees for ADUs should be significantly less and should account for a lesser impact such as lower sewer or traffic impacts.

What Utility Fee Requirements Apply to ADUs?

Cities and counties cannot consider ADUs as new residential uses when calculating connection fees and capacity charges.

Where ADUs are being created within an existing structure (primary or accessory), the city or county cannot require a new or separate utility connections for the ADU and cannot charge any connection fee or capacity charge.

For other ADUs, a local agency may require separate utility connections between the primary dwelling and the ADU, but any connection fee or capacity charge must be proportionate to the impact of the ADU based on either its size or the number of plumbing fixtures.

What Utility Fee Requirements Apply to Non-City and County Service Districts?

All local agencies must charge impact fees in accordance with the Mitigation Fee Act (commencing with Government Code Section 66000), including in particular Section 66013, which requires the connection fees and capacity charges to be proportionate to the burden posed by the ADU. Special districts and non-city and county service districts must account for the lesser impact related to an ADU and should base fees on unit size or number of plumbing fixtures. Providers should consider a proportionate or sliding scale fee structures that address the smaller size and lesser impact of ADUs (e.g., fees per square foot or fees per fixture). Fee waivers or deferrals could be considered to better promote the development of ADUs.

Do Utility Fee Requirements Apply to ADUs within Existing Space?

No, where ADUs are being created within an existing structure (primary or accessory), new or separate utility connections and fees (connection and capacity) must not be required.

Does “Public Transit” Include within One-half Mile of a Bus Stop and Train Station?

Yes, “public transit” may include a bus stop, train station and paratransit if appropriate for the applicant. “Public transit” includes areas where transit is available and can be considered regardless of tighter headways (e.g., 15 minute intervals). Local governments could consider a broader definition of “public transit” such as distance to a bus route.

Can Parking Be Required Where a Car Share Is Available?

No, ADU law does not allow parking to be required when there is a car share located within a block of the ADU. A car share location includes a designated pick up and drop off location. Local governments can measure a block from a pick up and drop off location and can decide to adopt broader distance requirements such as two to three blocks.

Is Off Street Parking Permitted in Setback Areas or through Tandem Parking?

Yes, ADU law deliberately reduces parking requirements. Local governments may make specific findings that tandem parking and parking in setbacks are infeasible based on specific site, regional topographical or fire and life safety conditions or that tandem parking or parking in setbacks is not permitted anywhere else in the jurisdiction. However, these determinations should be applied in a manner that does not unnecessarily restrict the creation of ADUs.

Local governments must provide reasonable accommodation to persons with disabilities to promote equal access housing and comply with fair housing laws and housing element law. The reasonable accommodation procedure must provide exception to zoning and land use regulations which includes an ADU ordinance. Potential exceptions are not limited and may include development standards such as setbacks and parking requirements and permitted uses that further the housing opportunities of individuals with disabilities.

Is Covered Parking Required?

No, off street parking must be permitted through tandem parking on an existing driveway, unless specific findings are made.

Is Replacement Parking Required When the Parking Area for the Primary Structure Is Used for an ADU?

Yes, but only if the local government requires off-street parking to be replaced in which case flexible arrangements such as tandem, including existing driveways and uncovered parking are allowed. Local governments have an opportunity to be flexible and promote ADUs that are being created on existing parking space and can consider not requiring replacement parking.

Are Setbacks Required When an Existing Garage Is Converted to an ADU?

No, setbacks must not be required when a garage is converted or when existing space (e.g., game room or office) above a garage is converted. Rear and side yard setbacks of no more than five feet are required when new space is added above a garage for an ADU. In this case, the setbacks only apply to the added space above the garage, not the existing garage and the ADU can be constructed wholly or partly above the garage, including extending beyond the garage walls.

Also, when a garage, carport or covered parking structure is demolished or where the parking area ceases to exist so an ADU can be created, the replacement parking must be allowed in any "configuration" on the lot, "...including,

but not limited to, covered spaces, uncovered spaces, or tandem spaces, or....” Configuration can be applied in a flexible manner to not burden the creation of ADUs. For example, spatial configurations like tandem on existing driveways in setback areas or not requiring excessive distances from the street would be appropriate.

Are ADUs Permitted in Existing Residence or Accessory Space?

Yes, ADUs located in single family residential zones and existing space of a single family residence or accessory structure must be approved regardless of zoning standards (Section 65852.2(a)(1)(B)) for ADUs, including locational requirements (Section 65852.2(a)(1)(A)), subject to usual non-appealable ministerial building permit requirements. For example, ADUs in existing space does not necessitate a zoning clearance and must not be limited to certain zones or areas or subject to height, lot size, lot coverage, unit size, architectural review, landscape or parking requirements. Simply, where a single family residence or accessory structure exists in any single family residential zone, so can an ADU. The purpose is to streamline and expand potential for ADUs where impact is minimal and the existing footprint is not being increased.

Zoning requirements are not a basis for denying a ministerial building permit for an ADU, including non-conforming lots or structures. The phrase, “..within the existing space” includes areas within a primary home or within an attached or detached accessory structure such as a garage, a carriage house, a pool house, a rear yard studio and similar enclosed structures.

Are Owner Occupants Required?

No, however, a local government can require an applicant to be an owner occupant. The owner may reside in the primary or accessory structure. Local governments can also require the ADU to not be used for short term rentals (terms lesser than 30 days). Both owner occupant use and prohibition on short term rentals can be required on the same property. Local agencies which impose this requirement should require recordation of a deed restriction regarding owner occupancy to comply with GC Section 27281.5

Are Fire Sprinklers Required for ADUs?

Depends, ADUs shall not be required to provide fire sprinklers if they are not or were not required of the primary residence. However, sprinklers can be required for an ADU if required in the primary structure. For example, if the primary residence has sprinklers as a result of an existing ordinance, then sprinklers could be required in the ADU. Alternative methods for fire protection could be provided.

If the ADU is detached from the main structure or new space above a detached garage, applicants can be encouraged to contact the local fire jurisdiction for information regarding fire sprinklers. Since ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, students, the elderly, in-home health care providers, the disabled, and others, the fire departments want to ensure the safety of these populations as well as the safety of those living in the primary structure. Fire Departments can help educate property owners on the benefits of sprinklers, potential resources and how they can be installed cost effectively. For example, insurance rates are typically 5 to 10 percent lower where the unit is sprinklered. Finally, other methods exist to provide additional fire protection. Some options may include additional exits, emergency escape and rescue openings, 1 hour or greater fire-rated assemblies, roofing materials and setbacks from property lines or other structures.

Is Manufactured Housing Permitted as an ADU?

Yes, an ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes an efficiency unit (Health and Safety Code Section 17958.1) and a manufactured home (Health and Safety Code Section 18007).

Health and Safety Code Section 18007(a) **“Manufactured home,”** for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

Can an Efficiency Unit Be Smaller than 220 Square Feet?

Yes, an efficiency unit for occupancy by no more than two persons, by statute (Health and Safety Code Section 17958.1), can have a minimum floor area of 150 square feet and can also have partial kitchen or bathroom facilities, as specified by ordinance or can have the same meaning specified in the Uniform Building Code, referenced in the Title 24 of the California Code of Regulations.

The 2015 International Residential Code adopted by reference into the 2016 California Residential Code (CRC) allows residential dwelling units to be built considerably smaller than an Efficiency Dwelling Unit (EDU). Prior to this code change an EDU was required to have a minimum floor area not less than 220 sq. ft unless modified by local ordinance in accordance with the California Health and Safety Code which could allow an EDU to be built no less than 150 sq. ft. For more information, see HCD’s Information Bulletin at <http://www.hcd.ca.gov/codes/manufactured-housing/docs/ib2016-06.pdf>.

Does ADU Law Apply to Charter Cities and Counties?

Yes. ADU law explicitly applies to “local agencies” which are defined as a city, county, or city and county whether general law or chartered (Section 65852.2(i)(2)).

Do ADUs Count toward the Regional Housing Need Allocation?

Yes, local governments may report ADUs as progress toward Regional Housing Need Allocation pursuant to Government Code Section 65400 based on the actual or anticipated affordability. See below frequently asked questions for JADUs for additional discussion.

Must ADU Ordinances Be Submitted to the Department of Housing and Community Development?

Yes, ADU ordinances must be submitted to the State Department of Housing and Community Development within 60 days after adoption, including amendments to existing ordinances. However, upon submittal, the ordinance is not subject to a Department review and findings process similar to housing element law (GC Section 65585)

Frequently Asked Questions: Junior Accessory Dwelling Units

Is There a Difference between ADU and JADU?



Courtesy of Lilypad Homes and Photo Credit to Jocelyn Knight

Yes, AB 2406 added Government Code Section 65852.22, providing a unique option for Junior ADUs. The bill allows local governments to adopt ordinances for JADUs, which are no more than 500 square feet and are typically bedrooms in a single-family home that have an entrance into the unit from the main home and an entrance to the outside from the JADU. The JADU must have cooking facilities, including a sink, but is not required to have a private bathroom. Current law does not prohibit local governments from adopting an ordinance for a JADU, and this bill explicitly allows, not requires, a local agency to do so. If the ordinance requires a permit, the local agency shall not require additional parking or charge a fee for a water or sewer connection as a condition of granting a permit for a JADU. For more information, see below.

ADUs and JADUs

REQUIREMENTS	ADU	JADU
Maximum Unit Size	Yes, generally up to 1,200 Square Feet or 50% of living area	Yes, 500 Square Foot Maximum
Kitchen	Yes	Yes
Bathroom	Yes	No, Common Sanitation is Allowed
Separate Entrance	Depends	Yes
Parking	Depends, Parking May Be Eliminated and Cannot Be Required Under Specified Conditions	No, Parking Cannot Be Required
Owner Occupancy	Depends, Owner Occupancy May Be Required	Yes, Owner Occupancy Is Required
Ministerial Approval Process	Yes	Yes
Prohibition on Sale of ADU	Yes	Yes

Why Adopt a JADU Ordinance?

JADUs offer the simplest and most affordable housing option. They bridge the gap between a roommate and a tenant by offering an interior connection between the unit and main living area. The doors between the two spaces can be secured from both sides, allowing them to be easily privatized or incorporated back into the main living area. These units share central systems, require no fire separation, and have a basic kitchen, utilizing small plug in appliances, reducing development costs. This provides flexibility and an insurance policy in homes in case additional income or housing is needed. They present no additional stress on utility services or infrastructure because they simply repurpose spare bedrooms that do not expand the homes planned occupancy. No additional address is required on the property because an interior connection remains. By adopting a JADU ordinance, local governments can offer homeowners additional options to take advantage of underutilized space and better address its housing needs.

Can JADUs Count towards the RHNA?

Yes, as part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, a JADU, including with shared sanitation facilities, that meets the census definition and is reported to the Department of Finance as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. Local governments can track actual or anticipated affordability to assure the JADU is counted to the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit application.

A housing unit is a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied, or, if vacant, is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.

Can the JADU Be Sold Independent of the Primary Dwelling?

No, the JADU cannot be sold separate from the primary dwelling.

Are JADUs Subject to Connection and Capacity Fees?

No, JADUs shall not be considered a separate or new dwelling unit for the purposes of fees and as a result should not be charged a fee for providing water, sewer or power, including a connection fee. These requirements apply to all providers of water, sewer and power, including non-municipal providers.

Local governments may adopt requirements for fees related to parking, other service or connection for water, sewer or power, however, these requirements must be uniform for all single family residences and JADUs are not considered a new or separate unit.

Are There Requirements for Fire Separation and Fire Sprinklers?

Yes, a local government may adopt requirements related to fire and life protection requirements. However, a JADU shall not be considered a new or separate unit. In other words, if the primary unit is not subject to fire or life protection requirements, then the JADU must be treated the same.

Resources



Courtesy of Karen Chapple, UC Berkeley

Attachment 1: Statutory Changes (Strikeout/Underline)

Government Code Section 65852.2

(a) (1) ~~Any~~ A local agency may, by ordinance, provide for the creation of ~~second-accessory dwelling~~ units in single-family and multifamily residential zones. The ordinance ~~may shall~~ do any all of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second-accessory dwelling~~ units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second-accessory dwelling~~ units on traffic ~~flow~~. flow and public safety.

(B) (i) Impose standards on ~~second-accessory dwelling~~ units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that ~~second-accessory dwelling~~ units do not exceed the allowable density for the lot upon which the ~~second-accessory dwelling~~ unit is located, and that ~~second-accessory dwelling~~ units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. ~~Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of ADUs.~~ permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ~~ADUs.~~ an accessory dwelling unit.

~~(b) (4) (1) An~~ When existing ordinance governing the creation of an accessory dwelling unit by a local agency which has not adopted an ordinance governing ADUs in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision ~~unless it~~ or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a ADU if the ADU complies with all of the following: that complies with this section.

~~(A) The unit is not intended for sale and may be rented.~~

~~(B) The lot is zoned for single family or multifamily use.~~

~~(C) The lot contains an existing single family dwelling.~~

~~(D) The ADU is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~

~~(E) The increased floor area of an attached ADU shall not exceed 30 percent of the existing living area.~~

~~(F) The total area of floorspace for a detached ADU shall not exceed 1,200 square feet.~~

~~(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.~~

~~(H) Local building code requirements which apply to detached dwellings, as appropriate.~~

~~(I) Approval by the local health officer where a private sewage disposal system is being used, if required.~~

~~(2)~~ (5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

~~(3)~~ (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate ~~proposed ADUs on lots a proposed accessory dwelling unit on a lot~~ zoned for residential use ~~which contain~~ that contains an existing single-family dwelling. No additional standards, other than those provided in this ~~subdivision or subdivision~~ subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an ~~owner-occupant~~ owner-occupant or that the property be used for rentals of terms longer than 30 days.

~~(4)~~ (7) ~~No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any A~~ local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ADUs an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

~~(5)~~ (8) ~~A ADU which conforms to the requirements of An accessory dwelling unit that conforms to~~ this subdivision shall ~~be deemed to be an accessory use or an accessory building and shall~~ not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use ~~which that is~~ consistent with the existing general plan and zoning designations for the lot. The ~~ADUs~~ accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(6)~~ (b) ~~No When a~~ local agency shall adopt an ordinance which totally precludes ADUs within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing ADUs within single-family and multifamily zoned areas justify adopting the ordinance. that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

~~(d)~~ (c) A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second~~ accessory dwelling units. No minimum or maximum size for ~~a second~~ an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings ~~which that~~ does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

~~(e) Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the~~

~~use of the ADU and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~

(f) (1) Fees charged for the construction of second-accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000), 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ~~ADUs~~. an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ~~ordinances~~ ordinance adopted pursuant to subdivision (a) ~~or (e)~~ to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) ~~“Living area,”~~ “area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) ~~“Second-”~~“Accessory dwelling” unit means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A second- An~~ accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) 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 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for ~~second-accessory dwelling~~ units.

Government Code Section 65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A sink with a maximum waste line diameter of 1.5 inches.

(B) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.

(C) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a

permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Attachment 2: Sample ADU Ordinance

Section XXX1XXX: Purpose

This Chapter provides for accessory dwelling units on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings contribute needed housing to the community's housing stock. Thus, accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities, including near transit on single family lots.

Section XXX2XXX: Applicability

The provisions of this Chapter apply to all lots that are occupied with a single family dwelling unit and zoned residential. Accessory dwelling units do exceed the allowable density for the lot upon which the accessory dwelling unit is located, and are a residential use that is consistent with the existing general plan and zoning designation for the lot.

Section XXX3XXX: Development Standards

Accessory Structures within Existing Space

An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standards within the Chapter if complying with:

1. Building and safety codes
2. Independent exterior access from the existing residence
3. Sufficient side and rear setbacks for fire safety.

Accessory Structures (Attached and Detached)

General:

1. The unit is not intended for sale separate from the primary residence and may be rented.
2. The lot is zoned for residential and contains an existing, single-family dwelling.
3. The accessory dwelling unit is either attached to the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
4. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.
5. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.
6. Local building code requirements that apply to detached dwellings, as appropriate.
7. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
8. No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
9. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.

Parking:

1. Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.
2. Parking is not required in the following instances:
 - The accessory dwelling unit is located within one-half mile of public transit, including transit stations and bus stations.

- The accessory dwelling unit is located in the WWWW Downtown, XXX Area, YYY Corridor and ZZZ Opportunity Area.
 - The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - When there is a car share vehicle located within one block of the accessory dwelling unit.
3. 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 parking shall not be required and may be located in any configuration on the same lot as the accessory dwelling unit.

Section XXX4XXX: Permit Requirements

ADUs shall be permitted ministerially, in compliance with this Chapter within 120 days of application. The Community Development Director shall issue a building permit or zoning certificate to establish an accessory dwelling unit in compliance with this Chapter if all applicable requirements are met in Section XXX3XXXXX, as appropriate. The Community Development Director may approve an accessory dwelling unit that is not in compliance with Section XXX3XXXXX as set forth in Section XXX5XXXXX. The XXXX Health Officer shall approve an application in conformance with XXXXXX where a private sewage disposal system is being used.

Section XXX5XXX: Review Process for Accessory Structure Not Complying with Development Standards

An accessory dwelling unit that does not comply with standards in Section XXX3XX may be permitted with a zoning certificate or an administrative use permit at the discretion of the Community Development Director subject to findings in Section XXX6XX.

Section XXX6XXX: Findings

A. In order to deny an administrative use permit under Section XXX5XXX, the Community Development Director shall find that the Accessory Dwelling Unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors.

B. In order to approve an administrative use permit under Section XXX5XXX to waive required accessory dwelling unit parking, the Community Development Director shall find that additional or new on-site parking would be detrimental, and that granting the waiver will meet the purposes of this Chapter.

Section XXX7XXX: Definitions

(1) "Living area means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(3) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(4) (1) "Existing Structure" for the purposes of defining an allowable space that can be converted to an ADU means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

Attachment 3: Sample JADU Ordinance

(Lilypad Homes at <http://lilypadhomes.org/>)

Draft Junior Accessory Dwelling Units (JADU) – Flexible Housing

Findings:

1. Causation: Critical need for housing for lower income families and individuals given the high cost of living and low supply of affordable homes for rent or purchase, and the difficulty, given the current social and economic environment, in building more affordable housing
2. Mitigation: Create a simple and inexpensive permitting track for the development of junior accessory dwelling units that allows spare bedrooms in homes to serve as a flexible form of infill housing
3. Endangerment: Provisions currently required under agency ordinances are so arbitrary, excessive, or burdensome as to restrict the ability of homeowners to legally develop these units therefore encouraging homeowners to bypass safety standards and procedures that make the creation of these units a benefit to the whole of the community
4. Co-Benefits: Homeowners (particularly retired seniors and young families, groups that tend to have the lowest incomes) – generating extra revenue, allowing people facing unexpected financial obstacles to remain in their homes, housing parents, children or caregivers; Homebuyers - providing rental income which aids in mortgage qualification under new government guidelines; Renters – creating more low-cost housing options in the community where they work, go to school or have family, also reducing commute time and expenses; Municipalities – helping to meet RHNA goals, increasing property and sales tax revenue, insuring safety standard code compliance, providing an abundant source of affordable housing with no additional infrastructure needed; Community - housing vital workers, decreasing traffic, creating economic growth both in the remodeling sector and new customers for local businesses; Planet - reducing carbon emissions, using resources more efficiently;
5. Benefits of Junior ADUs: offer a more affordable housing option to both homeowners and renters, creating economically healthy, diverse, multi-generational communities;

Therefore the following ordinance is hereby enacted:

This Section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit, permitted as set forth under State Law AB 1866 (Chapter 1062, Statutes of 2002) Sections 65852.150 and 65852.2 and subject to different provisions under fire safety codes based on the fact that junior accessory dwelling units do not qualify as “complete independent living facilities” given that the interior connection from the junior accessory dwelling unit to the main living area remains, therefore not redefining the single-family home status of the dwelling unit.

- A) *Development Standards.* Junior accessory dwelling units shall comply with the following standards, including the standards in Table below:
- 1) *Number of Units Allowed.* Only one accessory dwelling unit or, junior accessory dwelling unit, may be located on any residentially zoned lot that permits a single-family dwelling except as otherwise regulated or restricted by an adopted Master Plan or Precise Development Plan. A junior accessory dwelling unit may only be located on a lot which already contains one legal single-family dwelling.
 - 2) *Owner Occupancy:* The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the accessory dwelling, except when the home is held by an agency such as a land trust or housing organization in an effort to create affordable housing.
 - 3) *Sale Prohibited:* A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

- 4) *Deed Restriction:* A deed restriction shall be completed and recorded, in compliance with Section B below.
- 5) *Location of Junior Accessory Dwelling Unit:* A junior accessory dwelling unit must be created within the existing walls of an existing primary dwelling, and must include conversion of an existing bedroom.
- 6) *Separate Entry Required:* A separate exterior entry shall be provided to serve a junior accessory dwelling unit.
- 7) *Interior Entry Remains:* The interior connection to the main living area must be maintained, but a second door may be added for sound attenuation.
- 8) *Kitchen Requirements:* The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
 - a) A sink with a maximum waste line diameter of one-and-a-half (1.5) inches,
 - b) A cooking facility with appliance which do not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas, and
 - c) A food preparation counter and storage cabinets that are reasonable to size of the unit.
- 9) *Parking:* No additional parking is required beyond that required when the existing primary dwelling was constructed.

Development Standards for Junior Accessory Dwelling Units

SITE OR DESIGN FEATURE	SITE AND DESIGN STANDARDS
Maximum unit size	500 square feet
Setbacks	As required for the primary dwelling unit
Parking	No additional parking required

- B) *Deed Restriction:* Prior to obtaining a building permit for a junior accessory dwelling unit, a deed restriction, approved by the City Attorney, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Department stating that:
 - 1) The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit;
 - 2) The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;
 - 3) The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing;
 - 4) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.
- C) *No Water Connection Fees:* No agency should require a water connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.
- D) *No Sewer Connection Fees:* No agency should require a sewer connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard

may be assessed.

- E) *No Fire Sprinklers and Fire Attenuation*: No agency should require fire sprinkler or fire attenuation specifications for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.

Definitions of Specialized Terms and Phrases.

“Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

- (1) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
- (2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

“Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Attachment 4: State Standards Checklist (As of January 1, 2017)

YES/NO	STATE STANDARD*	GOVERNMENT CODE SECTION
	Unit is not intended for sale separate from the primary residence and may be rented.	65852.2(a)(1)(D)(i)
	Lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.	65852.2(a)(1)(D)(ii)
	Accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.	65852.2(a)(1)(D)(iii)
	Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.	65852.2(a)(1)(D)(iv)
	Total area of floor space for a detached accessory dwelling unit does not exceed 1,200 square feet.	65852.2(a)(1)(D)(v)
	Passageways are not required in conjunction with the construction of an accessory dwelling unit.	65852.2(a)(1)(D)(vi)
	Setbacks are not required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines are not required for an accessory dwelling unit that is constructed above a garage.	65852.2(a)(1)(D)(vii)
	(Local building code requirements that apply to detached dwellings are met, as appropriate.	65852.2(a)(1)(D)(viii)
	Local health officer approval where a private sewage disposal system is being used, if required.	65852.2(a)(1)(D)(ix)
	Parking requirements do not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.	65852.2(a)(1)(D)(x)

* Other requirements may apply. See Government Code Section 65852.2

Attachment 5: Bibliography

Reports

[ACCESSORY DWELLING UNITS: CASE STUDY](#) (26 pp.)

By United States Department of Housing and Urban Development, Office of Policy Development and Research. (2008)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

[THE MACRO VIEW ON MICRO UNITS](#) (46 pp.)

By Bill Whitlow, et al. — Urban Land Institute (2014)
Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

[RESPONDING TO CHANGING HOUSEHOLDS: Regulatory Challenges for Micro-units and Accessory Dwelling Units](#) (76 pp.)

By Vicki Been, Benjamin Gross, and John Infranca (2014)
New York University: Furman Center for Real Estate & Urban Policy
Library Call # D55 3 I47 2014

This White Paper fills two gaps in the discussion regarding compact units. First, we provide a detailed analysis of the regulatory and other challenges to developing both ADUs and micro-units, focusing on five cities: New York; Washington, DC; Austin; Denver; and Seattle. That analysis will be helpful not only to the specific jurisdictions we study, but also can serve as a model for those who want to catalogue regulations that might get in the way of the development of compact units in their own jurisdictions. Second, as more local governments permit or encourage compact units, researchers will need to evaluate how well the units built serve the goals proponents claim they will.

[SCALING UP SECONDARY UNIT PRODUCTION IN THE EAST BAY: Impacts and Policy Implications](#) (25 pp.)

By Jake Webmann, Alison Nemirow, and Karen Chapple (2012)
UC Berkeley: Institute of Urban and Regional Development (IURD)
Library Call # H44 1.1 S33 2012

This paper begins by analyzing how many secondary units of one particular type, detached backyard cottages, might be built in the East Bay, focusing on the Flatlands portions of Berkeley, El Cerrito, and Oakland. We then investigate the potential impacts of scaling up the strategy with regard to housing affordability, smart growth, alternative transportation, the economy, and city budgets. A final section details policy recommendations, focusing on regulatory reforms and other actions cities can take to encourage secondary unit construction, such as promoting carsharing programs, educating residents, and providing access to finance.

[SECONDARY UNITS AND URBAN INFILL: A literature Review \(12 pp.\)](#)

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

[YES, BUT WILL THEY LET US BUILD? The Feasibility of Secondary Units in the East Bay \(17 pp.\)](#)

By Alison Nemirow and Karen Chapple (2012)
UC Berkeley: IURD
Library Call # H44.5 1.1 Y47 2012

This paper begins with a discussion of how to determine the development potential for secondary units, and then provides an overview of how many secondary units can be built in the East Bay of San Francisco Bay Area under current regulations. The next two sections examine key regulatory barriers in detail for the five cities in the study (Albany, Berkeley, El Cerrito, Oakland, and Richmond), looking at lot size, setbacks, parking requirements, and procedural barriers. A sensitivity analysis then determines how many units could be built were the regulations to be relaxed.

[YES IN MY BACKYARD: Mobilizing the Market for Secondary Units \(20 pp.\)](#)

By Karen Chapple, J. Weigmann, A. Nemirow, and C. Dentel-Post (2011)
UC Berkeley: Center for Community Innovation.
Library Call # B92 1.1 Y47 2011

This study examines two puzzles that must be solved in order to scale up a secondary unit strategy: first, how can city regulations best enable their construction? And second, what is the market for secondary units? Because parking is such an important issue, we also examine the potential for secondary unit residents to rely on alternative transportation modes, particular car share programs. The study looks at five adjacent cities in the East Bay of the San Francisco Bay Area (Figure 1) -- Oakland, Berkeley, Albany, El Cerrito, and Richmond -- focusing on the areas within ½ mile of five Bay Area Rapid Transit (BART) stations.

Journal Articles and Working Papers:

[BACKYARD HOMES LA \(17 pp.\)](#)

By Dana Cuff, Tim Higgins, and Per-Johan Dahl, Eds. (2010)
Regents of the University of California, Los Angeles.
City Lab Project Book.

[DEVELOPING PRIVATE ACCESSORY DWELLINGS \(6 pp.\)](#)

By William P. Macht. Urbanland online. (June 26, 2015)
Library Location: Urbanland 74 (3/4) March/April 2015, pp. 154-161.

[GRANNY FLATS GAINING GROUND](#) (2 pp.)

By Brian Barth. Planning Magazine: pp. 16-17. (April 2016)
Library Location: Serials

["HIDDEN" DENSITY: THE POTENTIAL OF SMALL-SCALE INFILL DEVELOPMENT](#) (2 pp.)

By Karen Chapple (2011)
UC Berkeley: IURD Policy Brief.
Library Call # D44 1.2 H53 2011

California's implementation of SB 375, the Sustainable Communities and Climate Protection Act of 2008, is putting new pressure on communities to support infill development. As metropolitan planning organizations struggle to communicate the need for density, they should take note of strategies that make increasing density an attractive choice for neighborhoods and regions.

[HIDDEN DENSITY IN SINGLE-FAMILY NEIGHBORHOODS: Backyard cottages as an equitable smart growth strategy](#) (22 pp.)

By Jake Wegmann and Karen Chapple. Journal of Urbanism 7(3): pp. 307-329. (2014)

Abstract (not available in full text): Secondary units, or separate small dwellings embedded within single-family residential properties, constitute a frequently overlooked strategy for urban infill in high-cost metropolitan areas in the United States. This study, which is situated within California's San Francisco Bay Area, draws upon data collected from a homeowners' survey and a Rental Market Analysis to provide evidence that a scaled-up strategy emphasizing one type of secondary unit – the backyard cottage – could yield substantial infill growth with minimal public subsidy. In addition, it is found that this strategy compares favorably in terms of affordability with infill of the sort traditionally favored in the 'smart growth' literature, i.e. the construction of dense multifamily housing developments.

[RETHINKING PRIVATE ACCESSORY DWELLINGS](#) (5 pp.)

By William P. Macht. Urbanland online. (March 6, 2015)
Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

[ADUS AND LOS ANGELES' BROKEN PLANNING SYSTEM](#) (4 pp.)

By CARLYLE W. Hall. The Planning Report. (April 26, 2016).
Land-use attorney Carlyle W. Hall comments on building permits for accessory dwelling units.

News:

[HOW ONE COLORADO CITY INSTANTLY CREATED AFFORDABLE HOUSING](#)

By Anthony Flint. The Atlantic-CityLab. (May 17, 2016).

In Durango, Colorado, zoning rules were changed to allow, for instance, non-family members as residents in already-existing accessory dwelling units.

[NEW HAMPSHIRE WINS PROTECTIONS FOR ACCESSORY DWELLING UNITS](#) (1 p.)

NLIHC (March 28, 2016)

Affordable housing advocates in New Hampshire celebrated a significant victory this month when Governor Maggie Hassan (D) signed Senate Bill 146, legislation that allows single-family homeowners to add an accessory

dwelling unit as a matter of right through a conditional use permit or by special exception as determined by their municipalities. The bill removes a significant regulatory barrier to increasing rental homes at no cost to taxpayers.

[NEW IN-LAW SUITE RULES BOOST AFFORDABLE HOUSING IN SAN FRANCISCO](#). (3 pp.)

By Rob Poole. Shareable. (June 10, 2014).

The San Francisco Board of Supervisors recently approved two significant pieces of legislation that support accessory dwelling units (ADUs), also known as “in-law” or secondary units, in the city...

[USING ACCESSORY DWELLING UNITS TO BOLSTER AFFORDABLE HOUSING](#) (3 pp.)

By Michael Ryan. Smart Growth America. (December 12, 2014).

Chapter 17.116
ACCESSORY BUILDINGS, STRUCTURES, DWELLINGS AND USES

Sections:

[17.116.010 Accessory buildings and structures.](#)

[17.116.030 Accessory dwellings.](#)

[17.116.040 Home occupations.](#)

[17.116.045 Cottage food operations.](#)

[17.116.050 Requirements for small recycling centers.](#)

17.116.010 Accessory buildings and structures.

The location of an accessory building or structure that does not have toilet plumbing or cooking facilities shall be subject to the following provisions:

- A. An accessory building or structure shall not be located in any required setback fronting a public or private street nor in that portion of a required side yard adjacent to the main building on the adjacent parcel(s);
- B. No fences over three and one-half (3.5) feet in height or more than one accessory building or structure shall be located in front of the most forward portion of the front elevation of the main house. The intent of this provision is to discourage the construction of walls and accessory buildings or structures that obscure the visibility of the main house from the street;
- C. An accessory building or structure may be located in a required rear yard and that portion of a side yard not adjacent to the main building on the adjacent parcel(s) subject to the following provisions:
 - 1. The maximum coverage of a required yard shall not exceed fifty percent (50%);
 - 2. The maximum height shall be that allowed for an accessory building or structure by the zoning district in which the accessory building or structure is located;
 - 3. A minimum three feet distance shall be provided from the property line to the accessory building or structure;
- D. An accessory building or structure shall be separated from a principal building on the same lot subject to the following provisions:

1. The minimum separation shall be eight feet if any portion of an accessory building or structure is located within a required yard;
2. If no portion of an accessory building or structure is located within a required yard there may be no minimum separation subject to the following conditions:
 - a. Drainage and fire containment are addressed to the satisfaction of the public works director;
 - b. If the chief building official determines that the separation between an accessory building or structure that is habitable as defined by this code and a principal building may be reduced to zero feet, then the accessory building or structure shall be connected to the principal building by a doorway providing direct access between the accessory building or structure and the principal building;
 - c. If the chief building official determines that the separation between an accessory building or structure that is habitable as defined by this code and a principal building may be reduced to less than three feet but more than zero feet, then approval of a use permit shall be required prior to the issuance of a building permit. (Ord. 03-4 § 21: Ord. 00-5 § 6: prior code § 27.230)

17.116.030 Accessory dwellings units.

A. ~~An accessory dwelling unit second unit or an accessory building or structure with toilet plumbing and/or cooking facilities~~ shall meet the design and development criteria described below:

1. Accessory dwelling units are allowed in any zoning district that allows residential uses insofar as ~~there must be~~ is an existing single-family residence on a the lot;
2. Each ~~structure~~ accessory dwelling unit shall meet the requirements for building height, setbacks, yards and lot coverage for principal buildings of the zoning district in which it is located, except that a detached accessory dwelling unit may exhibit a minimum side yard and rear yard setback of five feet.
3. The design of the ~~structure~~ accessory dwelling unit ~~shall be substantially similar to the existing residence on the lot and neighborhood residences~~ employ a design compatible with the principal dwelling and shall be consistent with the principal dwelling in terms of form, massing, scale, and level of articulation. ~~The planning director shall make this determination based on architectural use of building forms, height, materials, colors and landscaping;~~

4. Any window or door on a 2nd story shall be located and designed utilizing techniques that lessen the impacts on the privacy of adjacent properties. These techniques may include use of obscured glazing, window placement above eye level, windows and doors located toward the existing on-site residence or screening treatments;

5. ~~State and local building code requirements shall apply to all second units and accessory building or structures with toilet plumbing and/or cooking facilities.~~ Accessory dwelling units are required to follow the same building and safety requirements as the principal dwelling.

6. Accessory dwelling units are required to provide fire sprinklers only insofar as they are required for the principal dwelling.

7. There shall be a minimum five (5) foot separation between a detached accessory dwelling and any adjacent structure or building.

8. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

9. The introduction of an accessory dwelling unit shall be subject to review and approval by the local health officer where a private sewage disposal system is proposed.

10. Accessory dwelling units located on property listed on the City of St. Helena Historic Resources Master List and/or the California Register of Historic Resources (CRHR) and/or National Register of Historic Places (NRHP) shall exhibit compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties for Rehabilitation and shall further be subject to the standards enumerated in Municipal Code Chapter 17.92, if applicable. At the determination of the Planning Director, any application for an accessory dwelling unit located on a property listed in the City of St. Helena Historic Resources Master List, identified as potentially eligible for listing or previously listed in the CRHR or NRHP (except for those contained entirely within an existing structure) may be required to provide a Historic Resource Evaluation and/or Consistency Analysis prepared by a qualified architectural historian to determine compliance with applicable standards.

B. In addition to the standards noted in subsection A of this section, ~~second~~ accessory dwelling units shall also conform to the following design and development standards:

1. ~~A second unit may be established by:~~

a. ~~The revision of a single family unit;~~

b.—The conversion of an attic, basement, garage or other previously uninhabited portion of a single-family unit; provided, that the conversion shall not result in a violation of the requirements of this title (i.e., the conversion of a required garage);

c.—The creation of a separate structure on the lot in addition to the existing principal single-family unit; or

d.—The creation of an attached structure on the lot in addition to the existing principal single-family unit;

2. 1. The floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area up to a maximum of 1200 square feet eight hundred and fifty (850) square feet. The total floor area of a detached accessory dwelling shall not exceed 1200 square feet. The property owner shall occupy either the principal dwelling or the second unit;

3. 2. The second-unit accessory dwelling unit shall not be sold separate from the principal dwelling and shall not be rented, leased or let for periods of time less than thirty (30) days;

4. 3. There shall be no more than one-second-unit accessory dwelling unit per lot;

5. 4. An accessory dwelling unit second-unit is exempt from the density limits of this title and the General Plan;

6. 5. An attached accessory dwelling unit shall have independent exterior access from the existing residence with direct access from the front or side setback area.

6. No setback shall be required for an existing garage that is converted to an accessory dwelling unit and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

7. Accessory dwelling units completely contained within an existing footprint are not considered new residential uses for the purpose of calculating local agency connection fees or capacity charges for utilities including water and sewer service.

8. The City may require a new or separate utility connection directly between the accessory dwelling unit and the utility. The connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

6. 9. In addition to the required parking for the primary residence, one parking space, covered or uncovered, shall be provided on site for each second-unit accessory dwelling, with the exception that no parking shall be required for a new accessory dwelling in the following instances:

- a. The accessory dwelling unit is located within ½ mile of public transit
- b. The accessory dwelling unit is located within a historic district
- c. The accessory dwelling unit is part of the existing principal residence or an existing accessory structure

- 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 vehicle located within one block of the accessory dwelling and that is available for use by the occupant(s) of said dwelling.

10. Off-street parking shall be permitted through tandem parking or in setback areas, unless it is determined that parking in setback areas or tandem parking is not feasible based upon specific site or regional, topographical, or fire and life safety conditions.

11. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, parking spaces shall be replaced. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit.

C. Notwithstanding the provisions of this subsection, one accessory dwelling unit per property shall be ministerially approved if all of the following apply:

- 1. The unit is located in a single-family residential zone.
- 2. It is contained within the existing space of a single-family residence or existing accessory structure, and
- 3. It has independent exterior access, and
- 4. The side and rear setbacks are sufficient for fire safety.

D. Accessory dwelling units shall be ministerially approved or disapproved in compliance with this Section and within 120 days of application. The Planning Director shall issue a building permit or zoning certificate to establish an accessory dwelling unit in compliance with this section if all applicable requirements are met.

E. Accessory buildings or structures which do not meet the definition of an ADU with toilet plumbing and/or cooking facilities may not be rented or leased.

D. ~~It is not the intent of this section to override lawful use restrictions as set forth in CC&R's (conditions, covenants and restrictions). (Ord. 03-4 § 23; prior code § 27.232)~~

17.116.040 Home occupations.

A home occupation is an accessory use of a residential property for gainful employment by the resident of a dwelling, customarily carried on within the living area or accessory building on a residential property or its adjacent swimming pool, which does not change the residential character of the dwelling unit. A business may be conducted at locations other than the site of the home occupation, as long as that part of the business conducted at the site of the home occupation complies with subsection A or B of this section. A site plan, floor plan and written consent of the property owner shall be submitted as part of the home occupation permit application. A home occupation permit issued by the planning director shall be required prior to the establishment of a home occupation. A home occupation permit is required whenever a business license is required and the home is the principal place of business.

A. Home occupations meeting the following standards are permitted in conjunction with a residential use of a dwelling and shall be issued a home occupation permit:

1. Is confined to a cumulative area of not more than six hundred (600) square feet in the principal dwelling, attached garage and/or detached accessory buildings. An attached or detached garage may be used for storage or work space as long as one garage parking space is maintained at all times for the dwelling and as long as sufficient parking spaces are available on the property to meet the current code requirements;
2. Does not occupy any open space, yard or setback;
3. Is carried on by the resident members of the household and one employee;
4. Does not generate customer or client traffic, deliveries by commercial vehicles other than pickup trucks or panel delivery trucks, or have any customers or clients coming to the premises as a place of business, with the following exceptions:
 - a. Delivery to the customer or client of merchandise produced on the premises,
 - b. No more than two clients may visit the premises on any one day,
 - c. Swimming lessons to no more than two persons at any one lesson with no more than six lessons in any one week,
 - d. Other uses which in the opinion of the planning director are similar to the above uses with the same or similar restrictions listed in this section;
5. Creates no noise, odor, glare, dust, vibrations, fumes or smoke readily discernible at the exterior boundaries of the parcel on which the home occupation is situated;
6. Produces no advertising or evidence of its existence except for a post office box, a telephone listing and signs limited to a total of four square feet permanently affixed to a vehicle. No advertising, telephone listing, signs or printed material may list the street address of the dwelling;
7. Involves the on-site parking or storage of no more than one commercial vehicle, as long as the commercial vehicle parks inside the garage or covered parking at all times.

B. Exceptions to the above standards may be granted by the planning commission with the approval of a use permit for an expanded type of home occupation. In approving a use permit for an expanded home occupation the planning commission must make the following findings:

1. The establishment of an expanded home occupation is compatible with and will not be detrimental to the residential character of the neighborhood and surrounding uses;
2. The establishment of an expanded home occupation will not result in or contribute to an unacceptable concentration of nonresidential uses in the neighborhood where it has been proposed; and
3. The establishment of an expanded home occupation will not result in excessive noise, traffic and parking congestion. (Ord. 09-5 § 2 (Exh. A): prior code § 27.233)

17.116.045 Cottage food operations.

A. Purpose. The purposes of this section are to: implement requirements of Assembly Bill 1616 which amended state law to require municipalities to allow for cottage food operation within residences; establish reasonable standards allowed by state law to provide that cottage food operations within residences do not create unreasonable impacts or endanger public health, safety or welfare; and ensure compatibility of cottage food operations with the residential character of the neighborhoods in which cottage food operations are located.

B. Definition. A cottage food operation is an enterprise within the registered or permitted area of a dwelling unit where the cottage food operator, as defined by California Health and Safety Code Section [113758](#), resides and where cottage food products pursuant to California Health and Safety Code Section [113758](#) are prepared or packaged for direct, indirect, or direct and indirect sale to consumers.

C. Applicability. A cottage food operation is an accessory use permitted in any legally established dwelling, subject to standards in subsections D and E of this section, and is a distinct use from a home occupation. This section only applies to cottage food operations and is not applicable to home occupations as defined in Section [17.116.040](#).

D. Standards. Cottage food operations are permitted accessory uses to residences provided that all of the following standards are met:

1. The use shall be conducted within the kitchen of the subject dwelling unit except for attached rooms within the dwelling that are used exclusively for storage or bookkeeping. No greater than twenty-five percent (25%) of the dwelling may be used for the cottage food operations, and it shall not be conducted within an accessory building.
2. The use is carried on only by a family member or household member occupying the dwelling, with no other person employed.

3. The cottage food operation shall not invite customers to the residence and the operation shall not transact business with customers at the residence.
 4. No signage or advertisement identifying the cottage food operation shall be permitted at the premises.
 5. There shall be no change in the outside appearance of the dwelling unit or premises, or other visible evidence of the conduct of such cottage food operation.
 6. Except for vehicle parking, no outdoor portions of the premises shall be utilized for cottage food operation.
 7. Vehicles displaying advertising or signs must be parked inside a garage at all times while at the premises.
 8. The cottage food operation shall be registered or permitted by the Napa County Environmental Health Officer in accordance with Section [114365](#) of the California Health and Safety Code. Cottage food operations shall comply with all California Health and Safety Code requirements.
 9. The cottage food operator shall furnish to the city evidence of the application for or issuance of the necessary permits and/or registration of cottage food operations from the county of Napa.
- E. Expanded Cottage Food Operations. Exceptions to the standards established in subsections (D)(2) and (D)(3) of this section may be granted with the approval of an administrative permit for an expanded cottage food operation; provided, that all of the following standards are met:
1. The applicant for the cottage food operation permit shall be the individual who conducts the cottage food operation from his or her private dwelling unit and is the owner of the cottage food operation. The permit shall not be transferable to another operator, nor transferable to another site.
 2. The use shall be conducted within the kitchen of the subject dwelling unit except for attached rooms within the dwelling that are used exclusively for storage or bookkeeping. No greater than twenty-five percent (25%) of the dwelling may be used for the cottage food operations, and it shall not be conducted within an accessory building.
 3. One cottage food employee, as defined by California Health and Safety Code Section [113758\(b\)\(1\)](#), is permitted to be employed by the cottage food operation in addition any family member or household member occupying the dwelling.

4. One sign affixed near the entrance of the dwelling and no greater than one square foot in size may be permitted.
5. Except for vehicle parking, no outdoor portions of the premises shall be utilized for cottage food operation including outdoor sales and visitation.
6. Direct sales of products from the site of the cottage food operation shall be conducted by prior appointment only, and shall not exceed more than ten (10) visitors in any single day. No customers of the cottage food operation shall be permitted to dine at the premises.
7. No greater than one visitor's vehicle and one non-resident employee's vehicle shall be parked on site at any time.
8. Vehicles displaying advertising or signs must be parked inside a garage at all times while at the premises.
9. Direct sales and cottage food operation related deliveries shall not occur between the hours of six p.m. and eight a.m.
10. The cottage food operation shall be registered or permitted by the Napa County Environmental Health Officer in accordance with Section [114365](#) of the California Health and Safety Code. Cottage food operations shall comply with all California Health and Safety Code requirements.
11. The applicant shall furnish to the city evidence of the application for or issuance of the necessary permits and/or registration of cottage food operations from the county of Napa.
12. A business license is required for all cottage food operators.
13. All property owners within three hundred (300) feet of the cottage food operation shall be notified upon permit issuance. (Ord. 16-3 § 2)

17.116.050 Requirements for small recycling centers.

The planning director, or at his or her discretion the planning commission, shall issue a permit for the establishment of a small recycling center which shall be conditioned upon compliance with the following requirements:

- A. Only glass, metals, plastic containers and paper may be accepted at a small recycling center. Motor oil may not be collected for recycling at a small recycling center.

- B. No power-driven processing equipment may be used except for reverse vending machines.
- C. Containers used for the collection and storage of recyclable materials shall be constructed of a durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected between collection schedules.
- D. The site shall be maintained free of litter and any other undesirable materials, and shall be picked up and cleaned on a daily basis.
- E. A small recycling center shall not be located in any required setback or yard, and shall be screened from the public right-of-way by landscaping (fences or walls fence may be used if located outside a required setback). The landscaping shall generally be planned and installed in accordance with the city's Standards for Landscaping, adopted by resolution. Any impairment of existing landscaping or landscaping required pursuant to this title shall be mitigated by installing a similar amount of landscaping.
- F. Attended facilities located within one hundred (100) feet of property zoned or occupied for residential use shall operate only during the hours between nine a.m. and seven p.m. Containers for the twenty-four (24) hour donation of materials shall be located at least five hundred (500) feet from any property zoned or occupied for residential use unless there is acoustical shielding between the containers and residential use. In no event shall the containers for the twenty-four (24) hour donation of materials be located less than thirty (30) feet from property zoned for residential use.
- G. Containers shall be clearly marked to: (1) identify the type of material which may be deposited in each container; (2) the name and telephone number of the operator and hours of operation; and (3) shall display a notice stating that no material is to be left outside the recycling enclosure or containers.
- H. Signs shall comply with the following:
 - 1. A recycling facility may have identification signs with a maximum of thirty-five (35) percent per side or nine square feet (whichever is smaller) per container with a total area of forty (40) square feet for all containers. These may be in addition to the informational signs required by subsection G of this section. In the case of a wheeled facility, the side will be measured from the pavement to the top of the container;
 - 2. On-site directional signs, bearing no advertising message, may be installed with the approval of the planning director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way; and

3. Any signs installed must be consistent with the character of the buildings, structures and signs of the property on which it is located.
 4. These regulations are in-lieu of and shall act as a substitute for Chapter [17.140](#) the provision of which shall not apply to a recycling facility.
- I. No additional parking spaces shall be required for a small recycling center, over and above those required for the principal use. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during the hours mobile unit is to be present.
- J. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the principal use unless the facility is located in a convenience zone as designated by the California Department of Conservation.
- K. The permit for a small recycling center shall be valid for a period of time not to exceed five years. After which time it may be reviewed for another five years. If at any time the small recycling center is not in use for six months or more, it shall be immediately removed from the site and the planning director notified.
- L. Applicants seeking approval for a small recycling center shall submit plans and other information sufficient to demonstrate compliance with the above requirements including the name, address and telephone number of the person responsible for the daily maintenances and periodic collection of recyclable materials and written approval from the property owner.
- M. The above requirements may be waived or modified by the planning director if the result is to improve the overall function, site operation or appearance of the small recycling center; or that the design and/or location of the small recycling center makes the above unnecessary. (Prior code § 27.234)

Tentative Planning Commission Agenda Updated: April 27, 2017

CURRENT AND PENDING MATTERS

Anticipated April/May Planning Commission (PC) and City Council (CC):	
1.	PL17-003 1335 Main Street- "Richie Building" Design Review-Lilly Bianco
2.	Discretionary Review Process Discussion with PC-Noah Housh, May 2, 2017
3.	Zoning Code Update to Address Changes in State Law-Second Dwelling Units-Noah Housh-PC May 2, 2017
4.	Review of Tentative Agenda to Prioritize PC/CC Assignments to Staff
5.	Zoning Code Update to address changes in State Law-Recreational Marijuana-In Process-Noah Housh PC Recommended-April 28, 2017; CC to Review May 9, 2017
6.	PL17-025 2555 Main St Appeal of DR and UP Denial-Under Review May 9, 2017 CC Date-Lilly Bianco
7.	1764 Spring St STR Permit-Aaron Hecock May 16, 2017 PC Review
8.	1351 Main St Use Permit-Eating and Drinking Establishment Aaron Hecock, May 16, 2017 PC Review
9.	PL16-074 Money Way Bathrooms-Aaron Hecock/Tobias Barr May 16, 2017
Active/Pending Projects	
1.	TSM 2010-40 Vacant Parcel-2010-40 Hunter Subdivision and EIR-Noah Housh
2.	PL14-041 741 McCorkle-Tentative Map and Use Permit-Under Review-Aaron Hecock
3.	PL14-10 1701 Madrona-Final Map and Tentative Map Extension-Frozen by Applicant
4.	PL16-012 633 Main St-UP to convert existing SFD into 2-room Hotel-Frozen by Applicant-Noah Housh
5.	PL16-043 830 Pratt Ave CIA DR, Variance and CUP for Dormitory Expansion-PC Review date Feb 21, 2017-Lilly Bianco-Denied by PC; Appealed to CC 05-09-17 Anticipated PH
6.	PL16-081 thru -083 1003 Charter Oak Subdivision and 2 SFDs; Under Review -Aaron Hecock
7.	PL16-097 563 Main St Admin Determination; Frozen by Applicant-Noah Housh
8.	PL16-025 661 Main St LLA-Frozen by Applicant-Noah Housh
9.	PL16-018 & -094 420 Lafata (Previously 890 Dowdell Ln)-Custom Crush Facility-UP and Design Review- Resubmittal Under Review; CEQA In Process-Noah Housh
10.	PL16-048 576 Pope St-DR for new SFD-Frozen by Applicant
11.	PL17-006 1000 Mills Ln Farmstead Hotel-Aaron Hecock
12.	PL17-007 1178 Hudson Design Review Aaron Hecock
13.	PL17-009 1380 Main St Sign Permit-Under Review Aaron Hecock
14.	PL17-010 609 McCorkle DR for Pool House Aaron Hecock
15.	PL17-011 2140 Dean York DR for Bathroom Addition Aaron Hecock
16.	PL17-012 1230 Allyn Avenue DR for Addition to Existing Home Aaron Hecock
17.	PL17-013 1915 Main St DR for Bridge-Lilly Bianco
18.	PL17-014 1000 Pratt Ave, DR for Beringer Winery Production Modifications April 18, 2017 Lilly Bianco

19. PL17-015 1136 Main TPM Extension
20. PL17-016 1136 Main St Sign Permit
21. PL17-017 995 Vintage Ave, Suite 100 Use Permit
22. PL17-018 1050 Charter Oak Sign Permit
23. PL17-019 1734 Scott St DR for Home and Second Unit Remodel-Lilly Bianco
24. PL17-020 1727 Scott St DR & Demolition for New SFD and Second Unit-Lilly Bianco
25. PL17-021 1764 Spring St New Short Term Rental-Aaron Hecock
26. PL17-022 1351 Main St Use Permit Amendment-
27. PL17-023 1237 Main St New Short Term Rental Renewal
28. PL17-024 1830 Main St Remodel and Addition to a Historic Home-Lilly Bianco
29. PL17-025 2555 Main St Appeal of DR and UP Denial
30. General Plan Update EIR-In Process-Noah Housh
31. General Plan Update-In Process-Noah Housh
32.
Citywide PC/CC Assignments Prioritized by Staff:
1. General Plan Update and General Plan EIR-On Going
2. Manage Adams St RFP Responses and Candidate Selection-On Going
3. Code Enforcement Policy and Procedures Update
4. Initiate Creation and Implementation of Design Guidelines
5. Comprehensive Zoning Code Update-Following General Plan Adoption
6. F.A.R. Review-To be conducted with Zoning Code Update
7. Pre-Application/Concept Design Review Meeting prior to Submittal (CC Assigned 3/28/17)
8. Demolition Permit Review/ Limit on Demolition Permits
9. Noise Ordinance Review (CC Assigned 3/28/17)
10. Temporary Use Permit-Create Process-Ordinance and ZC Amendments
11. Update Daycare Zoning Regs-Consistent with State Law
12. Food Truck Ordinance
13. Plan Improvements, Additional Requirements, Application Checklist
14. Pools-Drought Policy Changes. Phase 1?
Pending PC/CC Assignments for Planning Department
1. OTSH Concept for Affordable Housing on Railroad Property (CC Assigned 3/28/17)
2. Water Update/Report from PW
Other Items of Interest to Planning Commission
1.

Required & On Going Items and Issues of Interest to Staff
1. Calderon Settlement Agreement Implementation and Monitoring-On Going
2. Manage Adams St RFP Responses and Candidate Selection-On Going
3. Short-Term Rental Ordinance Update Implementation and Enforcement
4. Code Enforcement-On Going
5. PG&E Parking Lot Negotiation-On Going
6. Cell Towers Ordinance-Update Current Code -State and Fed Laws
7. Growth Management Code Language Update and Annual Review (Sept)
8. Fee Study-Pending
9. Review and Comment-Draft Tree Ordinance
10. AB 52 CEQA Process Implementation-Native American Consultation-On Going
12. PW & Planning - Ordinance to Amend Municipal Code Related to Exterior Fire Sprinklers
Recent Actions
1. 684 McCorkle OTSH-8 Unit Affordable Multi-Family-UP, Design Review, Demo and T-Map-Under Review-Approved November 15, 2016
2. 632 McCorkle-8-Unit Multi-Family Residential-Design Review and Demolition-PC Approved 12-6-16; Appealed to CC; Appeal Denied January 24, 2017
3. Building and Fire Code Update - Ordinance to Amend Municipal Code-CC Approved Nov. 2017
4. 574 Pope St-DR, UP & T-Map-Withdrawn
6. Design Review Submittal Requirements-PC Discussion
7. 1210 Greyson-Davies Winery Signs-PC Approved Sept. 20, 2016-Appealed to CC, Appeal Denied December 2016
8. PL16-087 1234 Adams Street Wine Tasting PC Approved 12-20-16; Appealed to CC- Appeal Supported 1-24-17,
10. PL16-086 1367 Main St Woodhouse Bar-B-Q Use Permit Feb 7, 2017
10.PL16-084 1425 Oak Ave DR Playground Shade at Montessori Pre School- Feb 7, 2017
11. 1045 Pratt-DR for new SFD- Feb. 7, 2017
12.PL16-080 1405 Adams St New SFD w/ Attached Garage –Feb 7, 2017
13. 1105 Turley Flats Affordability and Loan Agreements- CC Approved Jan. 31, 2017
14.PL16-099 1475 Main Rianda House New Sign-Feb 7, 2017
15.PL16-058 1111 Main St-DR and Master UP for Commercial Land Uses-Under Review-Aaron Hecock
16.PL16-042 2555 Main St CIA DR, Variance and CUP for Educational Expansion-PC Review date Feb 21, 2017-Lilly Bianco-Denied; Appealed to CC
17.PL16-043 830 Pratt Ave CIA DR, Variance and CUP for Dormitory Expansion-PC Review date Feb 21, 2017-Lilly Bianco-Denied; Appealed to CC
18.PL16-090 2000 Main St Beringer Winery Design Review-Withdrawn by Applicant and superseded by PL17-014
19.PL17-012 1230 Allyn Avenue DR for Addition to Existing Home, April 18, 2017 PC

Aaron Hecock-Approved
20. PL15-049 837 Signorelli Cir-Garage-DR Exemption-Pending Resubmittal-Aaron Hecock-Withdrawn
21. PL17-011 2140 Dean York DR for Bathroom Addition, April 18, 2017 PC Aaron Hecock-Approved
22. Napa Countywide Pedestrian Plan PC Review and Recommendation April 18, 2017 Erica Ahmann-Smithies-PC Recommended Approval to CC
23. PL16-058 1111 Main St-DR and Master UP for Commercial Land Uses-Under Review-Aaron Hecock-PC Approved Feb 21, 2017
24. PL17-017-995 Vintage Ave. UP for Crush Fitness-April 18, 2017 PC Lilly Bianco-Approved
25. PL17-014 1000 Pratt Ave, DR for Beringer Winery Production Modifications April 18, 2017 Lilly Bianco-Approved
26. PL16-093 2600 Sulphur Springs Admin Determination Side Setback-Noah Housh-Approved Feb 17, 2017
27. PL16-096 800 Crane Ave DR Exemption for Equipment Install- PC Approved Noah Housh
28. PL16-095 1827 Vineyard Ave Demo and DR SFD – Aaron Hecock-Withdrawn
29. PL17-005 1380 Main #103 Use Permit for Retail Store-Aaron Hecock-Approved

*This document is intended as a courtesy and is only updated periodically. Therefore it may not reflect the most current project status. Please contact planning staff with questions about specific projects or properties at 707-967-2792.

Tentative Planning Commission Agenda Updated: April 27, 2017

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5.	PL16-043 830 Pratt Ave CIA DR, Variance and CUP for Dormitory Expansion-PC Review date Feb 21, 2017-Lilly Bianco-Denied by PC; Appealed to CC 05-09-17 Anticipated PH
6.	PL16-081 thru -083 1003 Charter Oak Subdivision and 2 SFDs; Under Review -Aaron Hecock
7.	PL16-097 563 Main St Admin Determination; Frozen by Applicant-Noah Housh
8.	PL16-025 661 Main St LLA-Frozen by Applicant-Noah Housh
9.	PL16-018 & -094 420 Lafata (Previously 890 Dowdell Ln)-Custom Crush Facility-UP and Design Review- Resubmittal Under Review; CEQA In Process-Noah Housh
10.	PL16-048 576 Pope St-DR for new SFD-Frozen by Applicant
11.	PL17-006 1000 Mills Ln Farmstead Hotel-Aaron Hecock
12.	PL17-007 1178 Hudson Design Review Aaron Hecock
13.	PL17-009 1380 Main St Sign Permit-Under Review Aaron Hecock
14.	PL17-010 609 McCorkle DR for Pool House Aaron Hecock
15.	PL17-011 2140 Dean York DR for Bathroom Addition Aaron Hecock
16.	PL17-012 1230 Allyn Avenue DR for Addition to Existing Home Aaron Hecock
17.	PL17-013 1915 Main St DR for Bridge-Lilly Bianco
18.	PL17-014 1000 Pratt Ave, DR for Beringer Winery Production Modifications April 18, 2017 Lilly Bianco

19. PL17-015 1136 Main TPM Extension
20. PL17-016 1136 Main St Sign Permit
21. PL17-017 995 Vintage Ave, Suite 100 Use Permit
22. PL17-018 1050 Charter Oak Sign Permit
23. PL17-019 1734 Scott St DR for Home and Second Unit Remodel-Lilly Bianco
24. PL17-020 1727 Scott St DR & Demolition for New SFD and Second Unit-Lilly Bianco
25. PL17-021 1764 Spring St New Short Term Rental-Aaron Hecock
26. PL17-022 1351 Main St Use Permit Amendment-
27. PL17-023 1237 Main St New Short Term Rental Renewal
28. PL17-024 1830 Main St Remodel and Addition to a Historic Home-Lilly Bianco
29. PL17-025 2555 Main St Appeal of DR and UP Denial
30. General Plan Update EIR-In Process-Noah Housh
31. General Plan Update-In Process-Noah Housh
32.
Citywide PC/CC Assignments Prioritized by Staff:
1. General Plan Update and General Plan EIR-On Going
2. Manage Adams St RFP Responses and Candidate Selection-On Going
3. Code Enforcement Policy and Procedures Update
4. Initiate Creation and Implementation of Design Guidelines
5. Comprehensive Zoning Code Update-Following General Plan Adoption
6. F.A.R. Review-To be conducted with Zoning Code Update
7. Pre-Application/Concept Design Review Meeting prior to Submittal (CC Assigned 3/28/17)
8. Demolition Permit Review/ Limit on Demolition Permits
9. Noise Ordinance Review (CC Assigned 3/28/17)
10. Temporary Use Permit-Create Process-Ordinance and ZC Amendments
11. Update Daycare Zoning Regs-Consistent with State Law
12. Food Truck Ordinance
13. Plan Improvements, Additional Requirements, Application Checklist
14. Pools-Drought Policy Changes. Phase 1?
Pending PC/CC Assignments for Planning Department
1. OTSH Concept for Affordable Housing on Railroad Property (CC Assigned 3/28/17)
2. Water Update/Report from PW
Other Items of Interest to Planning Commission
1.

Required & On Going Items and Issues of Interest to Staff
1. Calderon Settlement Agreement Implementation and Monitoring-On Going
2. Manage Adams St RFP Responses and Candidate Selection-On Going
3. Short-Term Rental Ordinance Update Implementation and Enforcement
4. Code Enforcement-On Going
5. PG&E Parking Lot Negotiation-On Going
6. Cell Towers Ordinance-Update Current Code -State and Fed Laws
7. Growth Management Code Language Update and Annual Review (Sept)
8. Fee Study-Pending
9. Review and Comment-Draft Tree Ordinance
10. AB 52 CEQA Process Implementation-Native American Consultation-On Going
12. PW & Planning - Ordinance to Amend Municipal Code Related to Exterior Fire Sprinklers
Recent Actions
1. 684 McCorkle OTSH-8 Unit Affordable Multi-Family-UP, Design Review, Demo and T-Map-Under Review-Approved November 15, 2016
2. 632 McCorkle-8-Unit Multi-Family Residential-Design Review and Demolition-PC Approved 12-6-16; Appealed to CC; Appeal Denied January 24, 2017
3. Building and Fire Code Update - Ordinance to Amend Municipal Code-CC Approved Nov. 2017
4. 574 Pope St-DR, UP & T-Map-Withdrawn
6. Design Review Submittal Requirements-PC Discussion
7. 1210 Greyson-Davies Winery Signs-PC Approved Sept. 20, 2016-Appealed to CC, Appeal Denied December 2016
8. PL16-087 1234 Adams Street Wine Tasting PC Approved 12-20-16; Appealed to CC- Appeal Supported 1-24-17,
10. PL16-086 1367 Main St Woodhouse Bar-B-Q Use Permit Feb 7, 2017
10.PL16-084 1425 Oak Ave DR Playground Shade at Montessori Pre School- Feb 7, 2017
11.1045 Pratt-DR for new SFD- Feb. 7, 2017
12.PL16-080 1405 Adams St New SFD w/ Attached Garage –Feb 7, 2017
13.1105 Turley Flats Affordability and Loan Agreements- CC Approved Jan. 31, 2017
14.PL16-099 1475 Main Rianda House New Sign-Feb 7, 2017
15.PL16-058 1111 Main St-DR and Master UP for Commercial Land Uses-Under Review-Aaron Hecock
16.PL16-042 2555 Main St CIA DR, Variance and CUP for Educational Expansion-PC Review date Feb 21, 2017-Lilly Bianco-Denied; Appealed to CC
17.PL16-043 830 Pratt Ave CIA DR, Variance and CUP for Dormitory Expansion-PC Review date Feb 21, 2017-Lilly Bianco-Denied; Appealed to CC
18.PL16-090 2000 Main St Beringer Winery Design Review-Withdrawn by Applicant and superseded by PL17-014
19.PL17-012 1230 Allyn Avenue DR for Addition to Existing Home, April 18, 2017 PC

Aaron Hecock-Approved
20. PL15-049 837 Signorelli Cir-Garage-DR Exemption-Pending Resubmittal-Aaron Hecock-Withdrawn
21. PL17-011 2140 Dean York DR for Bathroom Addition, April 18, 2017 PC Aaron Hecock-Approved
22. Napa Countywide Pedestrian Plan PC Review and Recommendation April 18, 2017 Erica Ahmann-Smithies-PC Recommended Approval to CC
23. PL16-058 1111 Main St-DR and Master UP for Commercial Land Uses-Under Review-Aaron Hecock-PC Approved Feb 21, 2017
24. PL17-017-995 Vintage Ave. UP for Crush Fitness-April 18, 2017 PC Lilly Bianco-Approved
25. PL17-014 1000 Pratt Ave, DR for Beringer Winery Production Modifications April 18, 2017 Lilly Bianco-Approved
26. PL16-093 2600 Sulphur Springs Admin Determination Side Setback-Noah Housh-Approved Feb 17, 2017
27. PL16-096 800 Crane Ave DR Exemption for Equipment Install- PC Approved Noah Housh
28. PL16-095 1827 Vineyard Ave Demo and DR SFD – Aaron Hecock-Withdrawn
29. PL17-005 1380 Main #103 Use Permit for Retail Store-Aaron Hecock-Approved

*This document is intended as a courtesy and is only updated periodically. Therefore it may not reflect the most current project status. Please contact planning staff with questions about specific projects or properties at 707-967-2792.