

COUNCIL AGENDA REPORT

TO: City Council

FROM: Interim City Manager Alex Posada

BY: Interim Assistant City Manager / Director of Community Development
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**SUBJECT: Zoning Text Amendments for Accessory Dwelling Units, Title 12 of the
City of Santa Maria Municipal Code**

Description:

The City Council will consider the adoption of Zoning Text Amendments (Z2023-0001) to amend Chapter 12-56, Accessory Dwelling Units, of Title 12 – Zoning, of the City of Santa Maria Municipal Code.

Environmental Notice: The proposed Zoning Text Amendments are statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) per Public Resources Code Section 21080.17.

RECOMMENDATION:

Introduce an Ordinance for the first reading and continue to a future meeting for the second reading and adoption, amendments to Chapter 12-56, Accessory Dwelling Units of Title 12 – Zoning, of the City of Santa Maria Municipal Code.

BACKGROUND:

On October 9, 2019, Governor Newsom signed three bills (AB 68, AB 881, and SB 13, codified in Government Code Sections 65852.2 and 65852.22) into law to further streamline the permitting process for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) located in residential zones. These bills became effective on January 1, 2020. To comply with the updated State law requirements, staff completed Zoning Text Amendments to Chapter 12-56 of Title 12 (Accessory Dwelling Units) and the amendments went into effect on June 17, 2021. Chapter 12-56 was most recently updated on July 7, 2022, to clarify that except as provided in Government Code Section 65852.26, ADUs shall not be sold separately from the primary dwelling unit.

On September 28, 2022, Assembly Bill (AB) 2221 and Senate Bill (SB) 897 amended Government Code Sections 65852.2 and 65852.22 for ADUs and JADUs. These bills became effective on January 1, 2023, at which time certain provisions of the City's Municipal Code, Chapter 12-56, for permitting ADUs and JADUs became inconsistent with State law. The new legislation permits certain types of ADUs to have increased height allowances, allows greater flexibility in the number of ADUs and their placement on the

property, and streamlines the process of obtaining an ADU permit with a 60-day turnaround timeline. The proposed Amendments include revisions to address the current legislation and serve to reorganize and refine Chapter 12-56 for permitting ADUs and JADUs.

Planning Commission Review

The Planning Commission reviewed the proposed text amendments at the November 1, 2023, public hearing. At this hearing, the Commissioners had questions regarding height limits for detached ADUs, front yard setbacks, and proposed development standards regarding landscaping and income reporting. The Planning Commission continued the item to a future hearing date and requested that the item be reviewed at a study session before the next hearing. A study session was held on December 7, 2023, where staff clarified the Commissioner's questions regarding height limitations and front yard setback requirements. The Planning Commission reviewed the item at the January 17, 2024, public hearing, and recommended approval of the subject text amendments to the City Council.

DISCUSSION:

The proposed amendments to Chapter 12-56 follow State legislation for the development of ADUs and JADUs on residentially zoned lots in the City of Santa Maria. The following provides a detailed discussion of the proposed amendments.

ADU Building Height

Detached ADUs located on a lot with an existing single-family dwelling currently may not exceed the height that is permitted in the applicable zone district (for example, 25 feet in the R-1 zone). Under the current State legislation, jurisdictions may adopt a lower height limit, if it is no lower than 16 feet. Therefore, staff is recommending that the proposed ordinance be amended to limit the maximum building height for detached ADUs in single-family residential zones to be 18 feet. Attached ADUs may continue to be up to 25 feet in height and may not exceed two stories.

ADU Building Size

Detached ADUs on single-family lots currently may not exceed 1,200-square-feet in size. The proposed amendments would lower the allowable size of detached ADUs to 850-square-feet for a studio or one bedroom, and 1,000-square-feet for an ADU with two or more bedrooms. Attached ADUs would be limited to 50 percent of the floor area of the primary residence.

Front Yard Setbacks

The current State legislation permits new construction attached and detached ADUs to encroach into the front yard setback of the underlying zone district if complying with the setback prevents the construction of an ADU that is at least 800-square-feet in size. The proposed ordinance includes a provision that ADUs proposed to be located within the front yard setback area be limited to 800-square-feet in size. ADUs located within the front yard setback area must comply with all building codes and site distance requirements for safety.

ADUs and JADUs permitted under Government Code Section 65852.2(e)(1)

This subdivision of State law requires the ministerial approval of ADUs within residential zones. These types of ADUs are not subject to other specified areas of State ADU law such as zoning and development standards (ex. lot coverage, setbacks, heights, and unit sizes). ADUs under this section must meet the building code and health and safety requirements. The City's ordinance has been updated to be consistent with this subdivision and includes the following four categories:

1. One ADU and one JADU are permitted per lot within the existing space of a single-family dwelling or accessory structure.
2. One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. May be combined on the same lot with a JADU if the ADU does not exceed 800 square feet and 16 feet in height.
3. Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.
4. Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and four-foot rear and side yard setbacks.

Time Limits for Permit Approval

The current State legislation requires that jurisdictions approve or deny ADUs and JADUs within 60 days of a complete application. If the complete application has not been approved or denied within 60 days, the application shall be deemed approved. If an application for an ADU or JADU is denied, the City shall provide within 60 days a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the applicant can be remedied. If an ADU or JADU is submitted along with a new single-family or multi-family dwelling, the City may delay approving the ADU or JADU until the single-family or multi-family dwelling is approved.

Objective Design Standards

The ordinance amendments include the addition of new objective design standards applicable to ADUs that do not comply with Subdivision (e)(1) above. The types of ADUs subject to these standards would typically exceed 800-square-feet and would be new-construction ADUs. The proposed objective design standards address architectural style and roof pitch, private open space, lot coverage, privacy to neighboring properties, lighting, and access. These standards will assist in ensuring that proposed ADUs are compatible with the existing primary dwelling and character of the neighborhood.

Alternative(s)

As an alternative to approving the recommended zoning text amendments, the City Council could reject the Planning Commission's recommendations and not move forward with the recommended amendments. In that case, the provisions of the State legislation would continue to apply to the City's review and permitting of ADUs and JADUs. Staff recommends that if the City Council does not approve the proposed zoning text amendments, staff be directed to prepare an ordinance repealing Municipal Code Title 12

Chapter 12-56, as this Chapter would be superseded by the State law and no longer applicable to permitting ADUs and JADUs in the City of Santa Maria.

Environmental Review

Under California Public Resources Code Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 of the Government Code, which is California's ADU law, and which also regulates JADUs, as defined by Section 65852.22. Therefore, the Ordinance is statutorily exempt from CEQA in that the Ordinance implements the State's ADU law.

Fiscal Considerations

The proposed amendments will permit ADUs on residentially zoned lots within the city. The construction of new attached and detached ADUs will generate some additional property taxes for the City, however, the inability to collect development impact fees for ADUs less than 750 square feet, as required by state statute, hinders the City's ability to collect sufficient funds to provide public services for the additional residents.

Impact to the Community

The amended regulations will result in properly regulated ADUs and JADUs consistent with State law requirements and will allow the City of Santa Maria to continue to provide a wider range of housing options for families and individuals of various income levels. The increased density resulting from the construction of new ADUs and JADUs will result in an increase in the use of existing City utility infrastructure. Additional State exemptions to the parking requirements could result in impacts to available street parking in some neighborhoods. However, the amended Ordinance meets the minimum State law requirements for the number of ADUs and JADUs permitted on residentially zoned lots. When properly permitted, these units will not pose a threat of a public nuisance or have an adverse impact on public safety, health, or welfare.

ATTACHMENTS

A: Planning Commission Resolution