



City Council Supplemental Report

CITY OF
**PALO
ALTO**

From: Jonathan Lait, Director of Planning & Development Services

Meeting Date: June 5, 2023

Item Number: 11

Report #:2306-1614

TITLE

SECOND READING: Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Amend Requirements Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units (FIRST READING: May 15, 2023, PASSED 7-0)

RECOMMENDATION

Adopt the revised ordinance.

BACKGROUND

Since Council approval the subject accessory dwelling unit ordinance on May 15, 2023, and preparation of the second reading ordinance for the June 5th agenda, staff became aware of a code provision pertaining to refrigerator size that may warrant adjustment. The existing provision requires a minimum 16 cubic feet for a combination refrigerator/freezer for use in accessory dwelling units. A refrigerator of this size can accommodate 3-4 persons. Typically, 4-6 cubic feet is referenced as a reasonable size per person. As the average size of accessory dwelling units in Palo Alto is approximately 550 square feet, establishing a minimize size threshold oriented toward 1 and 2 person households may be more practical. Accordingly, staff recommends the minimize size for a combination refrigerator/freezer be 11 cubic feet; this change has been reflected in the attached ordinance and would be the new standard if Council approves this item on the consent calendar. Importantly, this is a minimum size to establish clear objective standards in accordance with state law and it does not preclude an owner from designing for and installing a larger refrigerator/freezer.

ATTACHMENTS

Attachment A: Revised Ordinance Amending Title 18 of the PAMC Related to J/ADUs

APPROVED BY:

Jonathan Lait, Director of Planning and Development Services

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Title 18 (Zoning) of
the Palo Alto Municipal Code to Amend Requirements Relating to Accessory
Dwelling Units and Junior Accessory Dwelling Units

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations.

- A. The City of Palo Alto has been a leader in promoting the construction of JADUs, including an allowance for reduced setbacks and additional floor area for existing or proposed single family homes to accommodate a proposed JADU.
- B. The City's efforts to promote JADU production using these incentives have been extremely effective. In 2020, the City received one permit application and issued one permit for a JADU. Following adoption of these incentives, in 2021, the City received 25 permit applications and issued nine permits for JADUs. In 2022, the City received 27 permit applications and issued 24 permits for JADUs. In the first five months of 2023, the City has received 15 permit applications and issued nine permits for JADUs.
- C. California Government Code Section 65852.22 defines a JADU as a dwelling unit that is "contained entirely within a single-family residence."
- D. Consistent with this provision of the Government Code, where this ordinance refers to the setback "for a JADU," this refers to the setback that applies to the portion of a single family home that contains or will contain a JADU. Where this ordinance provides a square footage exemption "for a JADU," this refers to a square footage exemption for the portion of a single family home that contains or will contain a JADU.

SECTION 2. Chapter 18.09 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of Title 18 (Zoning) of the Palo Alto Municipal Code ("PAMC") is amended to read as follows (additions underlined and deletions ~~struck through~~):

18.09.010 Purpose

The intent of this Chapter is to provide regulations to accommodate accessory and junior accessory dwelling units (ADU/JADU), in order to provide for variety to the city's housing stock and additional affordable housing opportunities. These units shall be separate, self-contained living units, with separate entrances from the main residence, whether attached or detached. The standards below are provided to minimize the impacts of units on nearby residents and throughout the city, and to assure that the size and location of such dwellings is compatible with the existing or proposed

residence(s) on the site and with other structures in the area.

18.09.020 Applicable Zoning Districts

The establishment of an accessory dwelling unit is permitted in zoning districts when single-family or multi-family residential is a permitted land use. The development of a single-family home, ADU, and/or a JADU on a lot that allows for single-family development shall not be considered a multifamily development pursuant to PAMC Section 18.04.030, nor shall they require Architectural Review pursuant to other sections of Chapter 18.

18.09.030 Units Exempt from Generally Applicable Local Regulations

- (a) Government Code section 65852.2, subdivision (e) provides that certain units shall be approved notwithstanding state or local regulations that may otherwise apply. The following types of units shall be governed by the standards in this section. In the event of a conflict between this section and Government Code section 65852.2, subdivision (e), the Government Code shall prevail.
- i. An ADU and JADU within the existing space of a single-family dwelling or an ADU within the existing space of an accessory structure (i.e. conversion without substantial addition).
 - ii. An ADU and JADU within the proposed space of a single-family dwelling.
 - iii. A detached, new construction ADU on a lot with a proposed or existing single-family dwelling, provided the ADU does not exceed 800 square feet, sixteen feet in height, or four-foot side and rear (i.e. interior) setbacks.
 - iv. ADUs created by conversion of portions of existing multi-family dwellings not used as livable space.
 - v. Up to two detached ADUs on a lot with an existing multi-family dwelling.
- (b) The Development Standards for units governed by this section are summarized in Table 1. Regulations set forth in section 18.09.040 do not apply to units created under 18.09.030. The minimum and maximum sizes indicated in Table 1 do not prohibit units that are greater than 800 square feet. These sizes simply serve to distinguish when a unit transitions from regulations set forth in Table 1 and section 18.09.030 to regulations set forth in Table 2 and section 18.09.040.

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Table 1: Development Standards for Units Described in Government Code Section 65852.2(e)

	Single-Family			Multi-Family	
	Conversion of Space Within the Existing Space of a Single-Family Home or Accessory Structure	Construction of Attached ADU Within the Proposed Space of a Single-Family Home	New Construction of Detached ADU	Conversion of Non-Habitable Space Within Existing Multi-family Dwelling Structure	Conversion or Construction of Detached ⁽⁴⁾ ADU
Number of Units Allowed	1 ADU and 1 JADU			25% of the existing units (at least one)	2
Minimum size ⁽¹⁾	150 sf				
Maximum size ⁽¹⁾	N/A ²		800 sf	N/A	
Setbacks	N/A, if condition is sufficient for fire and safety	Underlying zone standard for Single Family Home (ADU must be within allowable space of Single-Family Home)	4 feet from side and rear lot lines; underlying zoning for front setback	N/A	4 feet from side and rear lot lines; underlying zoning for front setback
Daylight Plane	N/A		N/A		
Maximum Height ⁽³⁾	N/A		16 ⁽⁵⁾	N/A	16 ⁽⁵⁾⁽⁶⁾
Parking	None				
State Law Reference	65852.2(e)(1)(A)	65852.2(e)(1)(A)	65852.2(e)(1)(B)	65852.2(e)(1)(C)	65852.2(e)(1)(D)

- (1) Lofts where the height from the floor level to the underside of the rafter or finished roof surface is 5' or greater shall count towards the unit's floor area.
- (2) New construction must be consistent with allowable space (e.g. FAR, Lot Coverage) of a single family residence, except that up to 150 sf may be added for the purpose of ingress and egress only, without regard to underlying zone standards.
- (3) Units built in a flood zone are not entitled to any height extensions granted to the primary dwelling.
- (4) Units must be detached from existing primary dwellings but may be attached to each other.
- (5) A height of 18 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height shall be provided to accommodate a roof pitch on an ADU that is aligned with the roof pitch of the primary dwelling unit.

- (6) A height of 18 feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling.
- (c) Development standards stated elsewhere in this Section or Title 18, including standards related to FAR, lot coverage, and privacy, are not applicable to ADUs or JADUs that qualify for approval under this section. When there is an ADU or JADU attached to an existing or proposed primary dwelling, the shared wall between these units shall contribute to the maximum allowable Floor Area, Lot Coverage, and Maximum House Size of the primary unit. For a single-family home, this measurement shall be taken to the outside stud wall in accordance with Section 18.04.030(a)(65)(D). For a multi-family dwelling, this measurement shall be taken to the outside surface of exterior walls in accordance with Section 18.04.030(a)(65)(B) and (C).
- (d) The establishment of accessory dwelling units and junior accessory dwelling units pursuant to this section shall not be conditioned on the correction of non-conforming zoning conditions; provided, however, that nothing in this section shall limit the authority of the Chief Building Official to require correction of building standards relating to health and safety.
- (e) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence. Nothing in this section shall preclude the Fire Marshal from accepting fire sprinklers as an alternative means of compliance with generally applicable fire protection requirements.
- (f) Rental of any unit created pursuant to this section shall be for a term of 30 days or more.
- (g) Attached units shall have independent exterior access from a proposed or existing single-family dwelling. Except for JADUs, attached units shall not have an interior access point to the primary dwelling (e.g. hotel door or other similar feature/appurtenance).
- (h) Conversion of an existing accessory structure pursuant to Government Code section 65852.2(e)(1)(A) may include reconstruction in-place of a non-conforming structure, so long as the renovation of reconstruction does not increase the degree of non-compliance, such as increased height, envelope, or further intrusion into required setbacks. Any portion of an ADU that exceeds the envelope of the existing accessory structure shall be subject to Section 18.09.040.
- (i) Street addresses shall be assigned to all units prior to building permit final to assist in emergency response.
- (j) The unit shall not be sold separately from the primary residence.

- (k) Replacement parking is not required when a garage, carport, or covered parking structure is converted to, or demolished in conjunction with the construction of, an ADU.
- (l) JADUs shall comply with the requirements of Section 18.09.050.
- (m) Notwithstanding any contrary provision of Chapter 8.10, to the extent the City's application checklist requires a tree disclosure statement, it may be completed by the property owner.

18.09.040 Units Subject to Local Standards

- (a) This section shall govern applications for ADUs and JADUs that do not qualify for approval under section 18.09.030 and for which the City may impose local standards pursuant to Government Code section 65852.2, subdivisions (a) through (d). Nothing in this section shall be interpreted to prohibit an ADU of up to 800 square feet, at the heights stated in Table 2, with a four foot side and rear setbacks.
- (b) The Development Standards for units governed by this section are provided in Table 2. These regulations do not limit the height of existing structures converted into ADU/JADUs unless the envelope of the building is proposed to be modified beyond any existing legal, non-conforming condition.

Table 2: All other Units

	Attached	Detached	JADU
Number of Units Allowed ¹	1		1
Minimum size	150 sf		
Maximum size	900 sf (1,000 sf for two or more bedrooms); no more than 50% of the size of the single-family home	900 sf (1,000 sf for two or more bedrooms)	500 sf
Setbacks	4 feet from side and rear lot lines; underlying zone standard for front setback		
Daylight Plane	<u>Underlying zone standard per footnote (7)</u>	<u>N/A</u>	<u>Underlying zone standard</u>
Initial Height	8 feet at lot line		
Angle	45 degrees		
Maximum Height ³			<u>Underlying zone</u>

Res. Estate (RE)	30 feet	<u>standard</u>
Open Space (OS)	25 feet	
All other eligible zones	16 feet ⁽⁵⁾⁽⁶⁾⁽⁷⁾	
Parking	None	
Square Footage Exemption <u>when in conjunction with a single family home</u> ⁽⁴⁾	Up to 800 sf ⁽⁴⁾	Up to 500 sf ⁽⁴⁾

- (1) An attached or detached ADU may be built in conjunction with a JADU on a lot with an existing or proposed single family home. One attached or detached ADU may be built in conjunction with an existing or proposed multifamily building.
- (2) Lofts where the height from the floor level to the underside of the rafter or finished roof surface is 5' or greater shall count towards the unit's floor area.
- (3) Units built in a flood zone are not entitled to any height extensions granted to the primary dwelling.
- (4) Lots with both an ADU and a JADU may exempt a maximum combined total of 800 square feet of the ADU and JADU from FAR, Lot Coverage, and Maximum House Size calculations. Any square footage that exceeds this exemption shall contribute to the FAR, Lot Coverage, and (if attached) Maximum House Size calculations for the subject property. This exemption is not afforded to lots with existing or proposed multifamily dwellings.
- (5) A height of 18 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height shall be provided to accommodate a roof pitch on an ADU that is aligned with the roof pitch of the primary dwelling unit.
- (6) A height of 18 feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling.
- (7) A height of 25 feet or the height limitation in the underlying zone district that applies to the primary dwelling, whichever is lower, for an ADU that is attached to a primary dwelling. These ADUs shall not exceed two stories in height.

(c) A single-family dwelling shall exist on the lot or shall be constructed on the lot in conjunction with the construction of an ADU/JADU.

(d) ADU and/or JADU square footage shall not be included in FAR, Lot Coverage, and Maximum House Size calculations for a lot with an existing or proposed single family home, up to the amounts stated in Table 2. ADU and/or JADU square footage in excess of the exemptions provided in Table 2 shall be included in FAR, Lot Coverage, and Maximum House Size calculations for the lot.

~~(d)~~(e) When there is an ADU or JADU attached to an existing or proposed primary dwelling, the shared wall between these units shall contribute to the maximum allowable Floor Area, Lot Coverage, and Maximum House Size of the primary unit.

For a single-family home, this measurement shall be taken to the outside stud wall in accordance with Section 18.04.030(a)(65)(D). For a multi-family dwelling, this measurement shall be taken to the outside surface of exterior walls in accordance with Section 18.04.030(a)(65)(B) and (C).

- ~~(e)~~(f) Attached units shall have independent exterior access from a proposed or existing single-family dwelling. Except for JADUs, attached units shall not have an interior access point to the primary dwelling (e.g. hotel door or other similar feature/appurtenance).
- ~~(f)~~(g) No protected tree shall be removed for the purpose of establishing an accessory dwelling unit except in accordance with Chapter 8.10. Notwithstanding any contrary provision of Chapter 8.10, to the extent the City's application checklist requires a tree disclosure statement, it may be completed by the property owner.
- ~~(g)~~(h) For properties listed in the Palo Alto Historic Inventory, the California Register of Historical Resources, the National Register of Historic Places, or considered a historic resource after completion of a historic resource evaluation, compliance with the appropriate Secretary of Interior's Standards for the Treatment of Historic Properties shall be required.
- ~~(h)~~(i) Noise-producing equipment such as air conditioners, water heaters, and similar service equipment that exclusively serves an ADU/JADU may be located anywhere on the site, provided they maintain the underlying front yard setback requirements of the property and, if the property is a corner lot, a 10-foot street-side setback. ~~shall be located outside of the setbacks for the ADU/JADU.~~ All such equipment shall be insulated and housed, except that the Director may permit installation without housing and insulation, provided that a combination of technical noise specifications, location of equipment, and/or other screening or buffering will assure compliance with the city's Noise Ordinance at the nearest property line. All service equipment must meet the city's Noise Ordinance in Chapter 9.10 of the Municipal Code.
- ~~(i)~~(j) Setbacks
- (1) Detached units shall maintain a minimum three-foot distance from the primary unit, measured from the exterior walls of structures.
 - (2) ~~No~~ A basement or other subterranean portion that serves ~~of~~ an ADU/JADU shall may encroach into a setback required for the primary dwelling provided the following conditions are met:-
 - (A) Newly constructed basement walls are no closer than four feet to an adjacent interior side or rear property line.

- (B) A new lightwell associated with a basement shall not be placed closer than four feet to an adjacent interior property line. When visible from the right of way, these facilities shall be screened from view with vegetation.
- (C) The new basement shall not negatively impact tree roots on the subject property or on adjacent lots such that it would require a protected tree to be removed or cause the protected tree to die.
- (D) Habitable ADU/JADU basements shall contribute toward the unit's total allowable floor area. Any floor area in excess of the exemptions provided in this Section shall contribute to the total allowable limits for the site.

(3) Projections, including but not limited to windows, doors, mechanical equipment, venting or exhaust systems, are not permitted to encroach into the required setbacks, with the exception of a roof eave of up to 2 feet.

(3)(4) For corner lots developed as a single-family home only, when an existing or proposed primary dwelling unit is expanded or constructed simultaneously with the construction of a new ADU/JADU, all structures may be built to a 10-foot street-side setback and a 16-foot front yard setback, regardless of the presence of a special setback, unless a fire or life-safety regulation requires a greater setback.

(4)(5) When an existing, legal, nonconforming structure is converted or reconstructed to create an ADU/JADU, any portion of the ADU/JADU that is in the same location and falls within the building envelope of the original structure shall not be subject to the development standards stated in this Section. Any portion of the ADU/JADU that is in a different location or exceeds the envelope of the original structure shall comply with the development standards stated in this Section.

(5)(6) Notwithstanding the development standards stated in Table 2 and paragraph (5) above, when an existing, legal, non-conforming structure is converted in-place to an ADU/JADU, the envelope of the structure may be modified to encroach further into a setback or daylight plane as follows:

- (A) The height of the existing structure may be increased by no more than one linear foot in height commensurate to the existing roofline of the structure provided the height of the addition does not exceed 12 feet from grade. The roofline shall not be changed to a style other than what currently exists on the structure.
- (B) Each non-conforming wall may be expanded by no more than six inches in thickness based on its existing location and configuration, as

measured to exterior surface of the material, to provide for greater insulation and energy requirements provided that a minimum of one foot is maintained between the addition and an adjacent interior property line. An existing wall of a structure that does not currently have a separation of one foot from a parallel property line shall not be expanded outward.

(C) All other additions not specified here shall follow the standard setbacks for the ADU/JADU identified in Table 2.

(j)(k) Design

(1) Except on corner lots, ~~it shall be encouraged but not required that~~ where feasible, the unit shall not have an entranceway facing the same lot line (property line) as the entranceway to the main dwelling unit unless the entranceway to the accessory unit is located in the rear half of the lot. Exterior staircases to second floor units shall be located toward the interior side or rear yard of the property.

(2) Privacy

(A) Second story doors and decks shall not face a neighboring dwelling unit property line. Second story decks and balconies shall utilize screening barriers to prevent views into towards an adjacent interior property lineies. These barriers shall provide be a minimum five-foot, six-inch height, screen wall from the floor level of the deck or balcony and shall not include perforations of any kind that would allow visibility between properties.

(B) Second story w Windows on a second floor, loft, or equivalent elevated space, excluding those required for egress, shall have a five-foot sill height as measured from the second-finished floor level, or utilize obscured opaque glazing on the entirety of the window when facing any window that faces an adjacent interior property lineies. Second story e Egress windows shall utilize obscured opaque glazing on the entirety of the windows which face that face adjacent interior properties.

(C) Second story w Windows on a second finished floor, loft, or equivalent elevated space, shall be offset from neighbor's windows to maximize privacy.

(D) Where feasible, egress windows on the first and second finished floor of an ADU or JADU shall not face towards an adjacent interior property line. If this is not feasible, then these windows shall utilize opaque glazing on the whole window.

(E) If the first finished floor of an ADU or JADU is two feet or more above grade, then first floor windows shall include the following:

- i. Non-egress, operable windows facing an adjacent interior property line shall have a windowsill(s) that start five feet above the first finished floor for the unit;
 - ii. Non-egress, non-operable windows facing an adjacent interior property line shall have the lower half of window(s) (minimum of five feet above the first finished floor) utilize opaque glazing.
- (F) Where feasible, the use of skylights (whether operable or not) shall be used in lieu of operable windows that face adjacent interior properties
- (G) No exterior lighting shall be mounted above seven feet. All lighting mounted on walls shall be directed downwards and shall not direct light towards adjacent interior property lines. Any ground lighting shall not direct light upwards to the building or sky.

~~(k)~~(l) Parking

- (1) Replacement parking is not required when a garage, carport, or covered parking structure is converted to, or demolished in conjunction with the construction of, an ADU.
- (2) Replacement parking is required when an existing attached garage, carport, or covered parking structure is converted to a JADU or when a required, existing, uncovered parking space is expanded into an ADU/JADU. These replacement spaces may be provided as uncovered spaces in any configuration on the lot including within the front or street side yard setback for the property.
 - (A) The Director shall have the authority to modify required replacement parking spaces by up to one foot in width and length upon finding that the reduction is necessary to accommodate parking in a location otherwise allowed under this code and is not detrimental to public health, safety or the general welfare.
 - (B) Existing front and street side yard driveways may be enlarged to the minimum extent necessary to comply with the replacement parking requirement above. Existing curb cuts shall not be altered except when necessary to promote public health, safety or the general welfare.
- (3) When parking is provided, the unit shall have street access from a driveway in common with the main residence in order to prevent new curb cuts, excessive paving, and elimination of street trees, unless separate driveway

access will result in fewer environmental impacts such as paving, grading or tree removal.

~~(3)~~(4) When a single-family dwelling unit is permitted simultaneously with the construction of new ADU/JADUs, the primary unit's covered parking requirements identified in Chapter 18.10 and 18.12 do not need to be provided. Two uncovered parking spaces shall be provided in any configuration on the lot including within the front or street-side setback for the property.

~~(4)~~(5) If covered parking for a unit is provided in any district, the maximum size of the covered parking area for the accessory dwelling unit is 220 square feet. This space shall count towards the total floor area for the site but does not contribute to the maximum size of the unit unless attached to the unit. Any attached garage shall not have an interior access point to the ADU/JADU (e.g. hotel door or other similar feature/appurtenance).

~~(4)~~(m) Miscellaneous requirements

- (1) Street addresses shall be assigned to all units prior to building permit final to assist in emergency response.
- (2) The unit shall not be sold separately from the primary residence.
- (3) Rental of any unit created pursuant to this section shall be for a term of 30 days or more.
- (4) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence. Nothing in this section shall preclude the Fire Marshal from accepting fire sprinklers as an alternative means of compliance with generally applicable fire protection requirements.

18.09.050 Additional Requirements for JADUs

- (a) A junior accessory dwelling unit may only be created on a lot in a single-family residential zone with an existing or proposed single family residence. A junior accessory dwelling unit shall be attached to or created within the walls of an existing or proposed primary dwelling.
- (b) The junior accessory dwelling unit shall include an efficiency kitchen, requiring the following components: A cooking facility with appliances, and; food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

- i. A cooking facility with appliances shall mean, at minimum a one burner installed range, an oven or convection microwave, a 10 cubic foot refrigerator and freezer combination unit, and a sink that facilitates hot and cold water.
 - ii. A food preparation counter and storage cabinets shall be of reasonable size in relation to a JADU if they provide counter space equal to a minimum 24-inch depth and 36-inch length.
 - ~~iii.~~ JADUs may share sanitation facilities (bathrooms, laundry facilities, etc.) with the primary unit. In this instance, the floor area and lot coverage associated with shared space shall count towards the primary unit's maximum allowances only. The combined sanitation facilities between the units shall include shower, toilet, and sink fixtures at a minimum and shall conform to the minimum requirements specified in the Building Code
- (c) For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit.
- (d) The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a primary residence either the primary dwelling or the junior accessory dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.
- (e) Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, requires owner-occupancy consistent with subsection (d) above, does not permit short-term rentals, and restricts the size and attributes of the junior dwelling unit to those that conform with this section.

18.09.060 Affordable ADU/JADU Pilot Program

- ~~(a) This section shall govern applications for ADUs and JADUs that will be deed restricted for a minimum of 8 years to provide affordable rental units for households earning up to 80% of area median income. These units shall be exempt from all development impact fees, regardless of size, up to a maximum of \$50,000 unit and a Citywide total of \$400,000 per calendar year. To participate in this program, units shall follow the development standards in section 18.09.040 unless otherwise stated here.~~
- ~~(b) The City's affordable housing administrator shall income qualify potential tenants prior to issuing a permit for an affordable ADU/JADU. The property owner shall be responsible for~~

~~paying the City's housing administrator to cover the cost associated with documenting a potential tenants income level as well as annually recertifying the tenant's income.~~

SECTION 3. Subsections (a)(4) and (a)(65) of Section 18.04.030 (Definitions) of Chapter 18.04 (Definitions) of Title 18 (Zoning) of the Palo Alto Municipal Code ("PAMC") is amended to read:

[. . .]

(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 ADU bathroom shall include a shower, toilet, and sink fixture at a minimum and shall conform to the minimum requirements specified in the Building Code. An accessory dwelling unit also includes the following:

[. . .]

(65) "Gross Floor Area" is defined as follows:

[. . .]

(D) Low Density Residential Exclusions: In the RE and R-1 single-family residence districts and in the R-2 and RMD two-family residence districts, "gross floor area" shall not include the following:

[. . .]

(ix) Accessory structures equal to or less than one hundred and twenty square feet in area shall not contribute to floor area provided that any attached porches, patios, or similar features are substantially open;

(E) In all districts, gross floor area shall be calculated to the nearest 1000th decimal point and represented and rounded on plans to the nearest 100th decimal point (e.g. 123.456 sf shall be rounded to 123.46 sf). Standard rounding shall apply such that a number of four or less shall be rounded down and a number of five or more shall be rounded up.

(75) "Kitchen" means a room designed, intended or used for cooking and the preparation of food and dishwashing. Kitchen facilities include the presence of major appliances, utility connections, sink, counter, for storing, preparing, cooking, and cleaning.

(A) For ADUs, major appliances shall mean a minimum two burner installed range, and an oven or convection microwave, as well as a minimum ~~16~~11 cubic foot freezer and refrigerator combination unit. Kitchens shall also include counter space for food preparation equal to a minimum 24-inch depth and 36-inch length, and a sink that facilitates hot and cold water.

SECTION 4. Subsections (b)(5) of Section 18.10.080 (Accessory Uses and Facilities) of Chapter 18.10 (Low-Density Residential) of Title 18 (Zoning) of the Palo Alto Municipal Code (“PAMC”) is amended to read:

[. . .]

(5) ~~When located within a required interior yard as permitted by this section, no such~~ No accessory building shall have more than two plumbing fixtures. Accessory buildings shall not be allowed to be turned into habitable space nor shall these structures be allowed to have showers (indoor or outdoor), gas lines, washer/dryers, and/or cooking facilities to be provided inside or attached to the structure, unless the structure is proposed as an ADU/JADU that satisfies all requirements of the Palo Alto Municipal Code.

[. . .]

SECTION 5. Subsections (b)(5) of Section 18.12.080 (Accessory Uses and Facilities) of Chapter 18.12 (Single-Family Residential District) of Title 18 (Zoning) of the Palo Alto Municipal Code (“PAMC”) is amended to read:

[. . .]

(5) ~~No such~~ accessory building greater than 200 square feet in size shall have more than two plumbing fixtures. Accessory buildings shall not be allowed to be turned into habitable space nor shall these structures be allowed to have showers (indoor or outdoor), gas lines, washer/dryers, and/or cooking facilities to be provided inside or attached to the structure, unless the structure is proposed as an ADU/JADU that satisfies all requirements of the Palo Alto Municipal Code.

[. . .]

SECTION 6. Subsection (b)(5) of 18.40.050 (Location and Use of Accessory Buildings) of Chapter 18.40 (General Standards and Exceptions) of Title 18 (Zoning) of the Palo Alto Municipal Code (“PAMC”) is amended to read:

[. . .]

(5) ~~No such~~ accessory building shall have more than two plumbing fixtures. Accessory

buildings shall not be allowed to be turned into habitable space nor shall these structures be allowed to have showers (indoor or outdoor), gas lines, washer/dryers, and/or cooking facilities to be provided inside or attached to the structure, unless the structure is proposed as an ADU/JADU that satisfies all requirements of the Palo Alto Municipal Code.

[. . .]

SECTION 7. Subsection (a) of Section 18.10.090 (Basements) of Chapter 18.10 (Low Density Residential) of Title 18 (Zoning) of the Palo Alto Municipal Code ("PAMC") is amended to read:

[. . .]

(a) Permitted Basement Area

Basements may not extend beyond the building footprint and basements are not allowed below any portion of a structure that extends into required setbacks, except to the extent that the main residence is permitted to extend into the rear yard setback by other provisions of this code. Basements which serve the primary unit may not extend under an attached ADU or JADU to the extent those secondary units utilize the bonus floor area, lot coverage, and/or maximum house size exemptions identified in Section 18.09.

[. . .]

SECTION 8. Subsection (a) of Section 18.12.090 (Basements) of Chapter 18.13 (Single-Family Residential District) of Title 18 (Zoning) of the Palo Alto Municipal Code ("PAMC") is amended to read:

[. . .]

(a) Permitted Basement Area

Basements may not extend beyond the building footprint and basements are not allowed below any portion of a structure that extends into required setbacks, except to the extent that the main residence is permitted to extend into the rear yard setback by other provisions of this code. Basements which serve the primary unit may not extend under an attached ADU or JADU to the extent those secondary units utilize the bonus floor area, lot coverage, and/or maximum house size exemptions identified in Section 18.09.

[. . .]

SECTION 9. Any provision of the Palo Alto Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 10. If any section, subsection, sentence, clause, or phrase of this Ordinance is for

any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 11. The Council finds that the adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines sections 15061(b)(3), 15301, 15302 and 15305 because it constitutes minor adjustments to the City's zoning ordinance to implement State law requirements related to accessory dwelling units as established in Government Code Section 65852.2, and these changes are also likely to result in few additional dwelling units dispersed throughout the City. As such, it can be seen with certainty that the proposed action will not have the potential for causing a significant effect on the environment.

SECTION 12. This ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning and
Development Services