

**CALISTOGA PLANNING COMMISSION
STAFF REPORT**

To: Chair Coates and Members of the Planning Commission
From: Lynn Goldberg, Planning & Building Director
Meeting Date: November 13, 2019
Subject: **Zoning Code Amendments Related to Accessory Dwelling Units (ZOA 2019-2)**

1 **ITEM**

2 Consideration of a recommendation to the City Council regarding proposed
3 amendments to Calistoga Municipal Code Title 17, Zoning, to revise the regulations for
4 accessory dwelling units (ADUs)

5 **BACKGROUND**

6 Current ADU provisions

7 State law requires the City to allow the development of an independent living unit that is
8 subordinate to the main dwelling on a lot that is zoned for one-family dwellings.

9 Accessory dwelling units may be created on a lot with an existing one-family dwelling
10 unit in two primary ways:

- 11 • New construction
 - 12 - The construction of a structure to house an ADU that is separate from the
 - 13 main one-family dwelling unit
 - 14 - The construction of an addition to a one-family dwelling to house an ADU
- 15 • The conversion of existing space
 - 16 - The conversion of an existing accessory structure
 - 17 - The conversion of a portion of an existing one-family dwelling (e.g., master
 - 18 bedroom or garage)

19 In 2017, Calistoga Municipal Code (CMC) Chapter 17.37, Accessory Dwelling Units
20 (Attachment 2) was amended in response to state legislation that was intended to
21 reduce barriers to accommodate the development of ADUs. The City Council also
22 eliminated the parking requirement for all ADUs in 2017, including those developed
23 through new construction, because those units were unlikely to be constructed in areas
24 with limited on-street parking (such as the downtown) due to regulatory constraints such
25 as minimum setbacks and maximum lot coverage.

26 Recent state legislation

27 A number of bills enacted in the recent state legislative session were directed at further
28 promoting the development of ADUs. They are effective January 1, 2020 and will sunset
29 on January 1, 2025.

31 The most-significant mandated changes are summarized below.

- 32 • Maximum ADU size The CMC currently limits ADUs to 750 square feet and one
33 bedroom. The City must now allow studio and one-bedroom ADUs of up to 850
34 square feet, and ADUs with more than one bedroom of up to 1,000 square feet.
- 35 • Replacement parking The CMC currently requires the provision of replacement
36 parking if parking required for the single-family dwelling is lost through the
37 creation of an ADU (e.g., through a garage conversion). The City can no longer
38 require replacement parking.
- 39 • Junior ADUs A “junior” ADU (JADU) is an ADU that is less than 500 square feet
40 and contained entirely within a single-family dwelling. It does not have to include
41 separate sanitation facilities. The City has allowed these in the past through a
42 routine building permit because cooking facilities were generally limited to
43 appliances that required only a 110 volt-service. These limitations on the type of
44 cooking appliance or electric service, or the size of the cooking area’s waste line
45 no longer apply. However, the City must require a separate entrance for the
46 JADU, as well as owner-occupancy of the single-family dwelling or the JADU.
- 47 • Expansion for access If an ADU or JADU is created through the conversion of
48 existing space, the City must now allow a related building expansion of up to 150
49 square feet for ingress and egress
- 50 • ADUs as part of multi-family dwelling structures (i.e., apartment buildings with 3
51 or more dwelling units, condominiums with 4 or more dwelling units) The City
52 must allow:
 - 53 - At least one ADU and up to 25% of the existing multifamily dwelling units
54 through the conversion of portions of existing multi-family structures not used
55 as livable space
 - 56 - Construction of up to 2 detached ADUs located on the multi-family lot, subject
57 to the height limit and minimum setbacks
- 58 • Impact and connection fees
 - 59 - The City may not charge impact fees (e.g., transportation, recreation) for an
60 ADU that is less than 750 square feet.
 - 61 - Any impact fees charged for an ADU exceeding 750 square feet must be
62 charged proportionately in relation to the square footage of the primary
63 dwelling unit.
 - 64 - The City cannot impose a connection fee for an ADU unless it is constructed
65 with a new single-family dwelling.

66 **DISCUSSION**

67 Effects of code amendments

68 The proposed code amendments would bring the Municipal Code into compliance with
69 the new state laws and further facilitate the development of ADUs and JADUs by:

- 70 • Specifically allowing both types of units on a single property, in addition to a
71 single-family dwelling
- 72 • Increasing their maximum size and allowing units with more than one bedroom
- 73 • Allowing the conversion of garages and carports without having to provide
74 replacement parking
- 75 • Allowing them in multi-family structures through the conversion of existing space
76 and allowing the construction of additional units on-site

77 The amendments, coupled with fee waivers, may also encourage property owners with
78 illegally-constructed ADUs or JADUs to apply for a building permit to legalize them.
79 State law provides the City's Building Official may inspect an ADU and apply the
80 building standards that were in effect at the time the unit was constructed.

81 Parking

82 As mentioned above, the City Council eliminated the parking requirement for all ADUs
83 in 2017. Now that state law allows the construction of ADUs as separate structures on
84 an existing multi-family site, Staff recommends requiring one parking space per ADU or
85 JADU in this situation.

86 Design standards

87 The design standards contained in Chapter 17.37 will continue to be applied during the
88 building permit application review process in order to ensure that ADUs are compatible
89 with the design of the primary dwelling unit, minimize privacy intrusion for dwellings on
90 adjacent properties, and minimize impacts on neighboring properties' scenic views of
91 ridge lines and hilltop areas.

92 **ENVIRONMENTAL REVIEW**

93 The proposed amendments would implement new State law requirements related to
94 accessory dwelling units as established in Government Code Section 65852.2. The
95 ordinance is therefore statutorily exempt from review under the California Environmental
96 Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which states
97 that CEQA does not apply to a city's adoption of an ordinance to implement the
98 provisions of Government Code Section 65852.2.

99 **RECOMMENDATION**

100 Adopt a resolution recommending to the City Council approval of amendments to the
101 Zoning Code related to accessory dwelling units.

ATTACHMENTS

1. Draft resolution
2. Proposed amendments with tracked changes