



Legislation Details (With Text)

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Title: Public hearing and first reading of Ordinance Nos. 2024-15 and 2024-16 to adopt Zoning Text Amendment No. 2024-03: A request by the City of Visalia to add to and amend regulations within the Visalia Municipal Code Title 17 (Zoning Ordinance) pertaining to Accessory Dwelling Units and to Single-Family Residential Objective Design standards and Planned Residential Development standards applicable to new single-family residential developments. The regulations will apply Citywide to properties within the city limits of the City of Visalia. Environmental Assessment Status: The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and Code of Regulations Section 15061(b)(3).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance 2024-15 for ZTA 2024-03 ADU, 2. Ordinance 2024-16 for ZTA 2024-03 ODS, 3. Attachment 1 - Accessory Dwelling Unit Ordinance, 4. Attachment 2 - Design Standards Ordinance, 5. Attachment 3 - Revisions to Small Lot Ordinance, 6. Attachment 4 - State ADU Law - Areas of Local Discretion, 7. Attachment 5 - Changes to Existing ADU Regulations Table, 8. Attachment 6 - Stakeholder Interview Summary, 9. Attachment 7 - Comment HPAC 12-11-2024

Date	Ver.	Action By	Action	Result
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Agenda Item Wording:

Public hearing and first reading of Ordinance Nos. 2024-15 and 2024-16 to adopt **Zoning Text Amendment No. 2024-03**: A request by the City of Visalia to add to and amend regulations within the Visalia Municipal Code Title 17 (Zoning Ordinance) pertaining to Accessory Dwelling Units and to Single-Family Residential Objective Design standards and Planned Residential Development standards applicable to new single-family residential developments. The regulations will apply Citywide to properties within the city limits of the City of Visalia. Environmental Assessment Status: The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and Code of Regulations Section 15061(b)(3).

Deadline for Action: 12/16/2024

Submitting Department: Community Development

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Department Recommendation:

Staff recommends that the City Council hold a public hearing and introduce the first reading of:

- Ordinance No. 2024-15, to amend portions of Municipal Code Title 17 (Zoning Ordinance)

pertaining to Accessory Dwelling Units; and,

- Ordinance No. 2024-16, to amend portions of Municipal Code Title 17 (Zoning Ordinance) pertaining to Single-Family Residential Objective Design standards and Planned Residential Development standards applicable to new single-family residential developments.

However, the City Council may, in lieu of the recommended motion for the Objective Design Standards ordinance as specified above, consider any of the following alternative motions:

1. Adopt the Single-Family Residential Objective Design standards and Planned Residential Development standards applicable to new single-family residential developments by resolution rather than by ordinance (*adoption by resolution could allow for these design standards to be modified / revised in the future without holding multiple public hearings*); or
2. Direct staff to conduct further outreach to stakeholders and interested individuals which could result in modifications to the residential objective design standards as proposed, and direct that any revised objective design standards be reconsidered in a public hearing before the Planning Commission and City Council; or
3. Refer the matter back to Planning Commission for further evaluation based on comments received by the City Council.

Background Discussion:

Zoning Text Amendment (ZTA) No. 2024-03 is a city-initiated request to prepare updates to the Visalia Municipal Code Title 17 (Zoning Ordinance) pertaining to development standards for residential uses, specifically applicable to accessory dwelling units and toward new single-family residential developments throughout the City.

The updates are needed for the City's Zoning Ordinance in response to new and significantly increased state legislation in recent years which have made the City's ordinances outdated in addressing emerging topics of both the addition of dwelling units on a parcel with new or existing residential uses and to the applicability of defined objective standards (as opposed to subjective standards) toward new residential uses.

The Accessory Dwelling Unit (ADU) Ordinance Update will amend the City's existing ordinance to ensure compliance with state law commencing in Government Code Section 66310. As proposed, this ordinance will meet the requirements for state law. The Update also provides the City with the opportunity to reconsider its own local standards in response to both state legislation that streamlines requirements for ADUs and the increased interest by property owners to construct additional housing units on their property. Legislation has greatly expanded upon various aspects of ADUs and their development standards, including the types and number of units allowed on a property. State law has also created provisions for a relatively new type of unit called Junior Accessory Dwelling Units (JADU) which is currently not addressed in the City's ordinance. With the adoption of an updated ADU ordinance, together with other recent efforts such as the creation of permit-ready ADU plan sets, the City will be in an improved position to both encourage construction of new ADUs and ensure that such uses are compatible with other surrounding residential uses.

The Single-Family Residential Objective Design standards and Planned Residential Development standards largely responds to current growth trends where developers have been utilizing smaller lot sizes and new design techniques. As the City has had to respond to more forms of non-traditional single-family residential neighborhoods over the years, developers have desired a set of reliable codified objective design standards in keeping with the City's Single-Family Residential and Planned Residential Development objectives upon which developers can utilize to plan new neighborhoods

and with City staff can comfortably support based on compliance with the Municipal Code. The standards address a range of topics that include appearance, landscaping, fences, off-street parking, and common open space areas within planned residential developments.

The Zoning Text Amendment is further being carried out in fulfillment of certain implementation programs in the City's Housing Element of the General Plan. Specifically, Housing Element Program 3.15 (Promoting Accessory Dwelling Units) includes an action that requires the city to update its Ordinance to integrate changes in state housing law. Failure to update the ADU ordinance to be consistent with state law may result in the state taking action to decertify the Housing Element. Also, Housing Element Program 2.7 (Missing Middle) includes an action to review and amend residential development standards for a mix of dwelling unit types (including various types of multi-family units, which will occur in 2025).

Analysis: Accessory Dwelling Units

History

An ADU, which refers to an accessory dwelling unit and can be also called a second dwelling unit or granny flat, is a secondary residential unit that shares a lot with an existing residence.

A JADU or junior accessory dwelling unit is an ADU created within the walls of a proposed or existing single-family home and may be no larger than 500 square feet. JADUs have been introduced into state law only in recent years and are not currently addressed in Visalia's code.

In response to the state housing crisis, the California legislature in 2019 passed six bills (SB 13, AB 68, AB 587, AB 670, AB 671, AB 881) that collectively addressed state regulation toward ADUs. Additional bills, including AB 2221 and SB 897, both passed in 2022, further amended Government Code sections 65852.2 and 65852.22 and provided clarification on number of units allowed. These code sections have since been renumbered to begin at Government Code section 66310.

This new state legislation preempts all local ordinances that do not comply with the new standards. Cities are expected to update their local ordinances to comply with the state legislation. If cities fail to do so, the new state laws automatically apply, and applicants are permitted to develop ADUs and JADUs under the state legislation. Since the change in state law, Visalia has regulated ADUs and JADUs in accordance with state law since the current municipal ordinance is not consistent with the new state law requirements.

Visalia has not updated its ADU ordinance since legislation was passed in 2019. Its last amendment processed in 2017 pertained to parking standards that were also based on state legislation. Local jurisdictions now have very limited authority to adopt local regulations and restrictions for typical land development standards such as unit size, number, height, setback and parking. However, the city does retain limited discretion to apply land use regulations as it deems appropriate, such as imposing a height limit of 16 feet and imposing certain objective design standards to prevent impacts to historic resources but a revised ordinance must be approved before these allowed types of regulations would be allowed.

Proposed Amendments

This Zoning Text Amendment proposes to remove in its entirety the current City ordinance pertaining to ADUs that commences in Article 2 of Chapter 17.12 pertaining to the Single-family Residential Zone. A newly written code is proposed to be located as a new stand-alone chapter, Chapter 17.14, which is currently unused. The rationale behind moving the code away from the Single-family Residential Zone chapter is in recognition that ADU's, in accordance with state law, are now

permitted in any residential or mixed-use zone, as well in zones where residential uses are conditionally allowed (ref. Section 17.14.040). The ZTA further updates references to the ADU ordinance that are found in other chapters of the ordinance.

The proposed amendments are provided in the attached Ordinance No. 2024-15 and in Attachment 1. Highlights of the proposed changes are as follows.

- Number of Units (Section 17.14.070). In compliance with state law, lots that are zoned Single-Family Residential are permitted to have one ADU and one JADU within the space of an existing dwelling or accessory structure meeting specified requirements, plus one ADU that is detached new construction. This accounts for potentially four units on one lot, as required by state law, provided that the owner resides on the property. Only inclusion of the JADU requires the owner to reside on-site.

For newly created attached or detached units:

- Size (17.14.090(A)). An ADU may not exceed 850 square feet if it has fewer than two bedrooms or 1,200 square feet if it has two or more bedrooms. An attached accessory dwelling unit shall not exceed 50 percent of the floor area of the primary dwelling.
- Height limitations (17.14.090(B)). For ADUs located within a rear yard setback which the City has limited to a 12-foot height limit, a 16 foot maximum height limit with allowance to 18 feet if located within a half-mile of a major transit stop or high-quality transit corridor (or 20 feet to accommodate a matching roof pitch with the primary dwelling unit).
- Front yard setback (17.14.090(D)). The City's code mandates that an ADU be subject to the same front yard setback requirement applicable to the primary dwelling unit, unless it precludes development of an accessory dwelling unit that is at least 800 square feet.
- Side and rear yard setback (17.14.090(D)). An ADU shall have a minimum setback of four feet from these property lines, consistent with the state's allowance of an ADU no larger than 800 square feet to be placed no closer than four feet from property line.
- Design standards for historic-designated properties (17.14.090(E)). Objective design standards have been added for properties located within the Historic Preservation District and/or the Local Register of Historic Structures. This is to ensure that such properties have defined parameters to maintain a character that is historic in nature, since state law prohibits jurisdictions from imposing subjective standards upon ADUs, even if imposed by a review committee.
- Standards for Junior Accessory Dwelling Units (17.14.110).

For additional information, Attachment 4 provides a summary of the level of discretion that a city can apply to local land development standards on ADUs and JADUs and Attachment 5 provides a table summarizing the city's existing ADU requirements, state law requirements, and staff's recommended revisions to comply with state law.

The state legislature has made several modifications to ADU law to encourage more affordable housing development over the past several years, and more changes can be expected in the coming years. While such state-initiated modifications might further require regular updates to local ordinances, the City cannot simply defer to state law for all regulation toward ADUs and JADUs. Jurisdictions are expected to update their ordinances. This is good for local ordinances as it provides greater clarity to residents on the allowances and limitations. In addition, as addressed in Attachment

4, a local ordinance can still exercise some level of discretion towards ADU regulation.

Consistency with State Law and General Plan Policies and Local Law

The proposed amendments are consistent with California Government Code sections 65852.2 and 65852.22 (now renumbered as Government Code section 66310) and the changes to state law that are now currently in effect.

The proposed amendments are consistent with the residential density ranges of the General Plan Land Use Element in that, pursuant to state law, an ADU or JADU shall not be considered to exceed the allowable density for the lot upon which it is located.

Additionally, the proposed amendments implement the following General Plan goals, policies, and programs:

LU-O-23 - Provide a range of housing types and prices within new neighborhoods to meet the needs of all segments of the community.

LU-P-50 - Provide development standards to ensure that a mix of detached and attached single-family and multi-family housing types can be compatible in a single development.

HE Policy 1.4 - The City shall encourage a mix of residential development types in the city, including single family homes, on a variety of lot sizes, as well as townhomes, row houses, live-work units, planned unit developments, accessory dwelling units, and multi-family housing.

HE Policy 3.11 - The City shall continue to support, facilitate the construction, and provide for the development of accessory dwelling units on parcels with single-family and multi-family units while protecting the character of neighborhoods and zoned parcels as a means of providing affordable housing.

HE Program 3.15 Promoting Accessory Dwelling Units. - The City shall promote the development of ADUs, prioritizing the higher resource areas. The City shall:

- By June 2024, compile and publish information regarding permit requirements, changes in State law, the Permit Ready ADU program, available incentives (such as fee waivers; see Program 3.12) and the benefits of accessory dwelling units; information shall be published on the City website, and advertised through City social media outlets and email lists at least twice a year.

To date, the changes in State law is the last major component of this program needing to be accomplished. Currently the Planning Division has websites dedicated to ADUs and to the Permit Ready ADUs. In the past year, the City has engaged the public through social media and email as it has sought to update its ADU ordinance, and has engaged with the public on ADUs at in-person events such as the twice-a-year Home Expo show.

Community Engagement

The City released a draft of the ADU ordinance together with the Single Family Residential Objective Design Standards ordinance for a public review period from August 30 to September 30, 2024 (32 days total). Announcement for the public review period was conducted via an email blast to stakeholders and interested people (signed up through www.housevisalia.com <<http://www.housevisalia.com>>) and through multiple City of Visalia social media announcements. One public comment was received during the public review period on behalf of the Historic Preservation Advisory Committee regarding the design requirements listed in Section 17.14.090.

The comment sought to clarify terminology and add additional examples of window and door treatments.

An additional public comment was received on behalf of the Historic Preservation Advisory Committee on December 11, 2024, included as Attachment 7. The comments recommend correcting spelling and adding the phrase “e.g.” in one section, which staff considers as grammatical changes which will be addressed in the 2nd (final) reading.

Action by Planning Commission

On November 12, 2024, the Planning Commission voted 4-1 (Norman: no) to recommend approval of Zoning Text Amendment No. 2024-03 as presented by staff. During the public comment period of the agenda item, one person spoke on the item. Dolores Taylor, representing the Building Industry Association of Tulare / Kings Counties, Inc., in addressing concerns regarding the proposed Objective Design Standards ordinance (refer to the Analysis section of the Objective Design Standards ordinance below), stated that the two ordinances did not seem compatible, wherein the ODS ordinance was for beautifying while the ADU ordinance was for intensifying.

Objective Design Standards

History

Staff led three City Council work sessions between 2020 and 2022 to discuss concerns regarding single-family residential subdivision design, particularly directed toward developments with lots less than 5,000 square feet, planned unit developments, and the 5-pack / cluster design housing. The concerns led toward direction for the City to develop an ordinance that gives explicit codified standards on public open space, off-street parking, and structure design. Separately, the City applied for and received a State Housing and Community Development (HCD) grant to fund three development activities, including an update of the Planned Unit Residential Ordinance and the Accessory Dwelling Unit Ordinance. The grant allowed the City to request proposals for preparation of ordinance updates, which was awarded to Mintier Harnish in August 2022.

In February 2024, the City Council authorized expanding the scope of the contract with Mintier Harnish to prepare objective design standards for single-family residential development in the City. The desire to expand the scope of work was based upon the necessity to establish clear codified standards for traditional single-family residential development in response to state legislation allowing ministerial approvals of residential development (such as SB 9 adopted in 2021 and SB 35 adopted in 2017), and based upon a desire to have improved design standards toward traditional subdivisions, including those with lot sizes below 5,000 square feet. The task for preparation of objective design standards was folded into the contract with Mintier Harnish based upon the similarity in nature to the ongoing Zoning Ordinance updates.

Having a clear and dedicated set of objective design standards has become a topic of interest for the City due to the increase of State mandates and regulations on permitting housing, thereby reducing the City’s ability to enact design considerations if a City does not have adopted/codified objective design standards. Legislation such as SB 35 provides a ministerial process for facilitating housing development that removes any ability for a jurisdiction to impose conditions or design features that are not already explicitly stated in an ordinance. Such examples of design features that the City has required in the past has included adhering to a higher standard of facades or building elevations on the front or on all sides of the structure, inclusion of common open space areas, and inclusion of off-street guest parking stalls within planned unit developments. In response to current State legislation and more that is expected to come in forthcoming years, many jurisdictions in California are moving towards adopting a set of objective design standards to retain local control on the design of housing developments within their communities.

Proposed Amendments

The resulting ordinance, now collectively referred to as the Single-Family Residential Objective Design standards (ODS), is intended to apply toward all new single-family residential construction within the city boundaries on any lot regardless of parcel size, except ADUs and properties within the Historic District or Local Register of Historic Structures.

This Zoning Text Amendment proposes a newly written code commencing in Article 2 of Chapter 17.12 (Single-family Residential Zone Ordinance), which would be the former location of the ADU Ordinance.

The proposed ODS ordinance will work in tandem with other existing objective standards that address residential development standards (i.e. setback requirements, height limits), which already exist in Chapter 17.12 Article 1, and for lots below 5,000 square feet in size, in Section 17.12.135(B). However, most standards found in Section 17.12.135 that were intended to apply exclusively to lot sizes below 5,000 square feet are being replaced with the proposed ODS standards now applicable to all development in Single-family Residential zone districts (see Exhibit “C” for standards being removed from Section 17.12.135).

Additionally, the proposed ODS standards will work in tandem with the Planned Development (i.e. PUD) Ordinance, found in Chapter 17.26, and will not require any changes to the PUD Ordinance. This is because the PUD Ordinance provides more broad parameters on design considerations and outlines procedures for processing planned developments, which are not limited to residential uses alone. The proposed ODS standards that specifically apply to PUDs are off-street guest parking facilities, usable common open space areas, and sidewalks.

The objective design standards will help expedite a development’s ministerial review process. This is done by providing more narrowly defined expectations up-front to ensure that new single-family residential development is compatible with Visalia’s existing community character while complying with both state and local regulations. Builders will have access to these regulations through the City’s Municipal Code and can apply the regulations to development prior to any preliminary or formal review process conducted by the City. The implementation of the project will also satisfy the terms of the State HCD Grant that was awarded to the city to fund the Citywide Objective Design Standards project that will help accelerate housing development.

The proposed performance standards are provided in the attached Ordinance and in Attachment 2. Sections of the proposed ordinance are outlined below, *with general descriptions provided in italics*. These standards may be used as guidelines for the development of single-family dwellings in multi-family residential and non-residential zones.

17.12.140 Purpose and Applicability

17.12.150 Site Planning

A. Site Placement

Developments with two or more structures shall be staggered with a minimum of two-foot variation measured from the front setback

B. Site Development

Front entryways on all units shall include one or more front windows, a covered porch, and a pedestrian walkway leading directly to the sidewalk.

17.12.160 Structure Design Standards

A. Massing

Primary elevations wider than 25 feet shall incorporate at least one of the following massing elements for every 15 feet: Projection, Recession, Second Floor Step Back, Bay Window.

B. Articulation

Structures shall be vertically (height) and horizontally (depth) articulated along the primary elevations.

C. Fenestration

All windows and doors shall include a recess and/or a trim. Shutters if used shall be sized to the window shape.

D. Balconies

No portion of a second floor balcony shall be within 20 feet of the adjacent property line except when screening is incorporated.

E. Design Details

Regulations are provided for the use and number of Materials and Colors. Accessory Structures, when constructed simultaneously, shall match the details.

17.12.170 Landscaping

Regulations are provided which require landscaping, utilization of state or local Water Efficient Landscape Ordinance requirements, street trees, and limitation of pavement / hardscape.

17.12.180 Fences, Walls, and Hedges

A. Height

Restatement of existing City of Visalia fence standards.

B. Materials

Use of barbed wire, electric charged fencing, corrugated paneling, and chain link (except in street fronting setbacks) is prohibited.

17.12.190 Exterior Lighting

Entryways, porch areas, pedestrian pathways, and gates shall include lighting for safety and security, subject to standards.

17.12.200 Off-Street Parking Facilities

Regulations are specified for the use of garages as covered parking and limitations on uncovered parking areas. Regulations include off-street guest parking facilities for Planned Unit Developments.

17.12.210 Useable Common Open Space Areas for Planned Unit Developments

Requirements are specified for usable common open space, including passive and/or active recreational amenities, as required in Table 1 specified in the code.

17.12.220 Sidewalks for Planned Unit Developments

Sidewalks shall be a minimum of five feet width and shall implement City standards.

17.12.230 Exception Powers of the Planning Commission

Specifies that an applicant may request an exception to one or more of the ODS regulations by following the Variance entitlement procedures wherein the Commission must make a specialized finding.

Applicability

If adopted, the new ordinance will apply to any new development project that is submitted for entitlement application following the effective date of the ordinance, which would be 30 days after a second reading of the ordinance. The new standards will not apply to previously approved projects (i.e. projects having received tentative map approval) or projects have been submitted and are in process of being deemed for completeness or are being prepared for public hearing.

Community Engagement

Engagement began early in the update process through the conducting of stakeholder interviews by the consultant. In April 2023, one-on-one interviews were conducted with three local stakeholders to gain feedback on the City's residential development regulations and review processes (a list of fifteen stakeholders was compiled, though only three responded for interviews). A summary and key takeaways statement was prepared and is included as Attachment 6. Findings from these interviews were taken into consideration in the preparation of the ordinance.

The City released a draft of the ODS ordinance together with the ADU ordinance for a public review period from August 30 to September 30, 2024 (32 days total). Announcement for the public review period was conducted via an email blast to stakeholders and interested people (signed up through www.housevisalia.com <<http://www.housevisalia.com>>) and through multiple City of Visalia social media announcements.

One public comment was received during the public review period on behalf of San Joaquin Valley Homes. In response to these comments, staff made the following changes to the Public Review Draft, which are now incorporated in the draft being proposed for adoption:

- 17.12.150.A.2.b - The term "front door" has replaced "primary entrance".
- 17.12.150.A.2.c - The garage section's description of its placement with regard to the primary elevation has been changed, and the maximum width of the primary elevation has been increased from 50% to 60%.
- 17.12.150.B.3.e - Clarification that an optional pedestrian pathway from the front entry to the driveway is also allowed in addition to the pathway from the front entry to the sidewalk.
- 17.12.200.B - Clarification of carport standards. In lieu of prohibiting carports, standard now reads that carports are allowed only if they do not serve as the required covered parking (e.g., porte cocheres, carports in front of garages).
- 17.12.200.C - Clarification of uncovered parking areas, stating that such areas shall be paved with concrete or a permeable or impermeable surface.
- 17.12.210.B - Clarification made to recreational amenities, stating that they may be either passive or active.

An additional public comment was received on behalf of the Historic Preservation Advisory Committee on December 11, 2024, included as Attachment 7. The comment recommends also

excluding properties in the Historic District from the ODS in addition to sites on the Local Register of Historic Structures, which are already excluded.

Consistency with State Law and General Plan Policies and Local Law

The proposed amendments are consistent with California legislation that facilitates a streamlined review preprocess subject to objective regulatory standards and affordable housing requirements, whether ministerial or discretionary. Specific legislation includes the Housing Accountability Act (1982, amended 2018; Government Code Section 65589.5), SB 35 a.k.a. Housing Accountability & Affordability Act (2017), and the Housing Crisis Act of 2019 a.k.a. SB 330 (2019) and SB 8 (2020).

Additionally, the proposed amendments implement the following General Plan goals, policies, and programs:

LU-O-21 - Preserve and enhance the character of residential neighborhoods while facilitating infill development.

LU-P-49 - Preserve established and distinctive neighborhoods throughout the City by maintaining appropriate zoning and development standards to achieve land use compatibility in terms of height, massing and other characteristics; providing design guidelines for high-quality new development; supporting housing rehabilitation programs; and other means.

LU-P-50 - Provide development standards to ensure that a mix of detached and attached single-family and multi-family housing types can be compatible in a single development.

HE Program 2.7 Missing Middle: The City will review and amend residential development standards to allow for and promote a mix of dwelling types and sizes, specifically missing middle-density housing types (e.g., duplexes, triplexes, courtyard buildings, townhomes) to encourage the development of housing types affordable to the local workforce.

Specifically, the City shall evaluate zoning standards related to minimum lot size and width, maximum lot coverage, required setbacks, open space and landscaping requirements, and parking ratios, particularly in high resource, low-density, infill parcels. The City shall meet with local developers, property owners, and non-profits agencies to identify constraints and potential incentives to infill and missing middle development in 2024 and shall adopt revised standards for such projects in 2025.

Action by Planning Commission

On November 12, 2024, the Planning Commission voted 4-1 (Norman: no) to recommend approval of Zoning Text Amendment No. 2024-03 as presented by staff. At the request of staff, the motion included a request for staff to bring the ordinance back to the Commission on November 25, 2024, to add an appeal provision to the ODS ordinance. The new section, included as Section 17.12.230, was accepted by the Commission without further discussion.

During the public comment period of the agenda item, one person spoke on the item. Dolores Taylor, representing the Building Industry Association of Tulare / Kings Counties, Inc., voiced concerns that the proposed ODS ordinance would raise construction costs resulting in making housing less affordable, and would impose additional regulations that would require additional City staff time during project review.

The Commission felt that the ODS ordinance would help put the City in a better position to impose standards upon any future ministerial project.

In providing dissenting comments prior to a motion, Commissioner Norman expressed concern in imposing additional regulations upon residential developments that seem to be coming from the State

which contributes toward increasing the cost of housing upon the buyer.

Fiscal Impact:

None.

Prior Council Action: None.

Recommended Motion (and Alternative Motions if expected):

I move to introduce for first reading Ordinance No. 2024-15 for Zone Text Amendment No. 2024-05 to amend portions of Municipal Code Title 17 (Zoning Ordinance) pertaining to Accessory Dwelling Units; and,

I move to introduce for first reading Ordinance No. 2024-16 for Zone Text Amendment No. 2024-05, to amend portions of Municipal Code Title 17 (Zoning Ordinance) pertaining to Single-Family Residential Objective Design standards.

Environmental Assessment Status:

The Zoning Ordinance amendment for the proposed ADU ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 which specifically exempts the adoption of an updated ADU ordinance. The Zoning Ordinance amendment for the proposed ODS ordinance is exempt from CEQA per the CEQA Common Sense Exemption Section 15061(b)(3) that applies to projects which clearly do not have the potential for causing a significant effect on the environment. The project, in itself, does not allow construction of any building or structure, but sets forth design regulations that shall be followed. The regulations do not change allowable uses or building intensities. It can be seen with certainty that there is no possibility that the project may have a significant effect on the environment, and thus is not subject to CEQA review.

CEQA Review:

The Zoning Ordinance amendment for the proposed ADU ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 which specifically exempts the adoption of an updated ADU ordinance. The Zoning Ordinance amendment for the proposed ODS ordinance is exempt from CEQA per the CEQA Common Sense Exemption Section 15061(b)(3) that applies to projects which clearly do not have the potential for causing a significant effect on the environment. The project, in itself, does not allow construction of any building or structure, but sets forth design regulations that shall be followed. The regulations do not change allowable uses or building intensities. It can be seen with certainty that there is no possibility that the project may have a significant effect on the environment, and thus is not subject to CEQA review.

Attachments:

1. Ordinance No. 2024-15 for Accessory Dwelling Units
2. Ordinance No. 2024-16 for Objective Design Standards, with addition of an appeals provision, Section 17.12.240
3. Attachment 1 - Revised Public Review Draft, Accessory Dwelling Unit Ordinance
4. Attachment 2 - Revised Public Review Draft, Single-Family Residential Objective Design Standards Ordinance
5. Attachment 3 - Revisions to Section 17.12.135, (Standards for) Lot area less than 5,000 square feet
6. Attachment 4 - Table of State Accessory Dwelling Unit Law - Areas of local discretion

7. Attachment 5 - Summary of changes to existing ADU regulations
8. Attachment 6 - Stakeholder Interview Summary
9. Attachment 7 - Correspondence from Historic Preservation Advisory Committee, December 11, 2024