



Agenda Report

18-1262

Agenda Date: 10/24/2018

REPORT TO PLANNING COMMISSION

SUBJECT

Public Hearing: Action on Amendment of Zoning Code Chapters 18.14, 18.16, 18.18, and 18.20 to allow Accessory Units in Multi-family Zoning Districts

BACKGROUND

In 2017, the City of Santa Clara adopted amendments to the Zoning Ordinance, City Code Title 18, to comply with Senate Bill 1069 (SB 1069) and Assembly Bill 2299 (AB 2299) updating the City's Accessory Unit (ADU) development standards. SB 1069 and AB 2299 mandate that jurisdictions must review accessory dwelling units through a ministerial process, and adopt development standards for accessory units, and requires that ADUs be allowed on lots zoned for single-family or multifamily use that contain an existing single-family dwelling and comply with certain criteria in the State's newly adopted legislation. The City's 2017 ordinance amendments modified the allowable square-footage for attached and detached accessory units, lowered the lot size requirements to allow ADUs, reduced parking, and decreased the setback requirements for the units. The residential zoning districts that were amended included the R1-8L Single-Family, Larger Lot Area Zoning Districts (Chapter 18.10) and the R1-6L Single-Family Zoning Districts (Chapter 18.12). The City's 2017 zoning amendments did not include the multi-family residential zoning districts which permit single family dwellings as allowed uses.

The City of Santa Clara Zoning Code contains four multi-family zoning districts that also allow single-family residential dwellings as permitted uses. Subsequent to adoption of the ADU code amendments the City received applications for ADUs on properties zoned as multi-family that contained a single family residential dwelling as a primary use.

The City's multi-family zoning districts allow primary dwellings, private garages and accessory buildings (non-habitable) to be developed as permitted uses in accordance with the single-family residential zoning standards but unlike the City's single-family zoning districts do not include provisions for the development of ADUs.

The City currently has many multi-family zoned properties that were developed with single-family dwellings and which have been maintained as such for many years. AB 2299 expressly states that cities must allow ADUs for any lot that is zoned for single-family or multi-family use that contains an existing or proposed single-family dwelling. Two additional bills, SB 229 and AB 494, were passed by the State and went into effect as of January 2018. These Bills respectively broadly allow ADUs to be built consistent with the General Plan densities allowed for a subject property and provide for less restrictive setbacks for garage conversions. Each of these Bills also reiterates that ADUs must be permitted on properties with multi-family zoning designations if they contain a single-family dwelling or if one is proposed.

Therefore, to conform to State law, the City needs to amend its Zoning Code to allow construction of an ADU on properties zoned as multi-family with existing or proposed single-family dwellings.

DISCUSSION

The proposed code amendments accompanying this report would permit properties with multi-family zoning designations to develop accessory dwellings consistent with the development standards for ADUs adopted in 2017 for single-family residential zoning districts and thus bring the City's remaining residential zoning districts into conformance with the intent and provisions of Senate Bill 1069 and Assembly Bill 2299.

The City's current ordinance allowing ADUs within the two existing single-family residential zoning districts complies with state law in terms of size, parking, and ministerial approval process. The four Zoning Code Chapters that need to be amended are: 18.14 (R2-7L Duplex Zoning Districts), 18.16 (R3-18D Low Density Multiple-Dwelling Zoning Districts), 18.18 (R3-25D Moderate-Density Multiple-Dwelling Zoning Districts), and 18.20 (R3-36D Medium-Density Multiple-Dwelling Zoning Districts).

General Plan Conformance: The proposed project is consistent with the Housing Element of the General Plan, in that the proposed modifications will promote the construction of accessory units as an alternative source of affordable housing.

ENVIRONMENTAL REVIEW

The project is consistent with the certified General Plan Environmental Impact Report (EIR), in that the project is consistent with the General Plan Housing Element, which anticipates the creation of accessory dwelling units on single-family lots, and by extension lots with single family residential development, and does not involve new significant effects beyond those analyzed in the EIR.

FISCAL IMPACT

There is no additional cost to the City other than administrative staff time and expense.

COORDINATION

This report was coordinated with the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

The City conducted significant public outreach for the previous Code Amendments establishing provisions for ADUs within single-family districts. The proposed amendments would apply the same standards for single-family residences within multi-family zoning districts.

ALTERNATIVES

1. Recommend that the City Council adopt the proposed Zoning Code Amendments allowing accessory units to Chapters 18.14, 18.16, 18.18, 18.20, of the Zoning Ordinance of the City Code.

2. Other Action taken by the Planning Commission.

RECOMMENDATION

1. Recommend that the Planning Commission Adopt a Resolution recommending that the City Council Approve the proposed Zoning Code Amendments allowing accessory units to Chapters 18.14, 18.16, 18.18, 18.20, of the Zoning Ordinance of the City Code.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Ordinance
2. Code Amendment Excerpt/Summary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING CHAPTERS 18.14 (“REGULATIONS FOR R2-7L – DUPLEX ZONING DISTRICTS”), 18.16 (“REGULATIONS FOR R3-18D – LOW DENSITY MULTIPLE-DWELLING ZONING DISTRICTS”), 18.18 (“REGULATIONS FOR R3-25D – MODERATE DENSITY MULTIPLE-DWELLING ZONING DISTRICTS”) AND 18.20 (“REGULATIONS FOR R3-36D – MEDIUM DENSITY MULTIPLE-DWELLING ZONING DISTRICTS”) OF TITLE 18 (“ZONING”) OF “THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA,” RELATED TO ACCESSORY DWELLING UNITS.

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City of Santa Clara has adopted accessory unit development standards for single-family zoning districts, contained in Sections 18.10.030(d) and 18.12.030(d) of the Zoning Ordinance; and

WHEREAS, Senate Bill (SB) 1069 and Assembly Bill (AB) 2299 were adopted by the State on September 27, 2016. The bills mandate that jurisdictions ministerially approve accessory dwelling units, and that such accessory units comply with certain criteria in the State’s newly adopted legislation; and

WHEREAS, in order to comply with SB 1069 and AB 2299, the purpose of this ordinance is to permit accessory units by right in multiple-dwelling zoning districts with an existing or proposed single family residence on the property, provided that the accessory units meet the requirements of SCCC Section 18.10.030(d); and

WHEREAS, the City of Santa Clara has determined that the proposed amendments to Title 18 of the City Code are within the scope of the previously approved General Plan EIR adopted November 16, 2010, which contemplated the development of accessory units on lots containing single-family residences.

**NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA
AS FOLLOWS:**

SECTION 1. A new subsection “(g)” is hereby added to Section 18.14.030 (“Permitted Uses”) of Chapter 18.14 (“Regulations for R2-7L – Duplex Zoning Districts”) of Title 18 (“Zoning”) of “The Code of the City of Santa Clara, California” to read as follows:

“(g) One accessory unit, as defined under SCCC 18.06.010(a), on a lot that has an existing single-family dwelling, subject to the requirements of SCCC18.10.030(d).”

SECTION 2. A new subsection “(i)” is hereby added to Section 18.16.030 (“Permitted Uses”) of Chapter 18.16 (“Regulations for R3-18D – Low-Density Multiple-Dwelling Zoning Districts”) of Title 18 (“Zoning”) of “The Code of the City of Santa Clara, California” to read as follows:

“(i) One accessory unit, as defined under SCCC 18.06.010(a), on a lot that has an existing single-family dwelling, subject to the requirements of SCCC18.10.030(d).”

SECTION 3. A new subsection “(i)” is hereby added to Section 18.18.030 (“Permitted Uses”) of Chapter 18.18 (“Regulations for R3-25D – Moderate-Density Multiple-Dwelling Zoning Districts”) of Title 18 (“Zoning”) of “The Code of the City of Santa Clara, California” to read as follows:

“(i) One accessory unit, as defined under SCCC 18.06.010(a), on a lot that has an existing single-family dwelling, subject to the requirements of SCCC18.10.030(d).”

SECTION 4. A new subsection “(i)” is hereby added to Section 18.20.030 (“Permitted Uses”) of Chapter 18.20 (“Regulations for R3-36D – Medium-Density Multiple-Dwelling Zoning Districts”) of Title 18 (“Zoning”) of “The Code of the City of Santa Clara, California” to read as follows:

“(i) One accessory unit, as defined under SCCC 18.06.010(a), on a lot that has an existing single-

family dwelling, subject to the requirements of SCCC18.10.030(d).”

SECTION 5. Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this ____ day of _____, 2018, by the following vote:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

ATTEST:

 JENNIFER YAMAGUMA
 ACTING CITY CLERK
 CITY OF SANTA CLARA

Attachments incorporated by reference: None

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Chapter 18.14

REGULATIONS FOR R2-7L – DUPLEX ZONING DISTRICTS

18.14.030 Permitted uses.

- (a) Single-family dwellings.
- (b) Two-family dwellings.
- (c) Private garages and accessory buildings (see Chapter [18.66](#) SCCC) customarily appurtenant to the permitted use.
- (d) Home occupation as defined under Chapter [18.06](#) SCCC.
- (e) Supportive housing, subject to the same standards and restrictions as other dwelling units under this chapter.
- (f) Transitional housing, subject to the same standards and restrictions as other dwelling units under this chapter.
- (g) One accessory unit, as defined under SCCC 18.06.010(a), on a lot that has an existing single-family dwelling, subject to the requirements of SCCC Section 18.10.030(d).

Chapter 18.16

REGULATIONS FOR R3-18D –

LOW-DENSITY MULTIPLE-DWELLING ZONING DISTRICTS

18.16.030 Permitted uses.

- (a) Single-family dwellings (subject to the restrictions of Chapter [18.12](#) SCCC).
- (b) Two-family dwellings.
- (c) Dwelling groups.
- (d) Multiple-family dwellings.
- (e) Private garages and accessory buildings (see Chapter [18.66](#) SCCC) customarily appurtenant to the permitted use.
- (f) Home occupation as defined under Chapter [18.06](#) SCCC.
- (g) Supportive housing, subject to the same standards and restrictions as other dwelling units under this chapter.
- (h) Transitional housing, subject to the same standards and restrictions as other dwelling units under this chapter.
- (i) One accessory unit, as defined under SCCC 18.06.010(a), on a lot that has an existing single-family dwelling, subject to the requirements of SCCC 18.10.030(d).

Chapter 18.18

REGULATIONS FOR R3-25D – MODERATE-DENSITY MULTIPLE-DWELLING ZONING DISTRICTS

18.18.030 Permitted uses.

- (a) Single-family dwellings (subject to the restrictions of Chapter [18.12](#) SCCC).
- (b) Two-family dwellings.
- (c) Dwelling groups.
- (d) Multiple-family dwellings.
- (e) Private garages and accessory buildings (see Chapter [18.66](#) SCCC) customarily appurtenant to the permitted use.
- (f) Home occupation as defined under Chapter [18.06](#) SCCC.
- (g) Supportive housing, subject to the same standards and restrictions as other dwelling units under this chapter.
- (h) Transitional housing, subject to the same standards and restrictions as other dwelling units under this chapter.
- (i) One accessory unit, as defined under SCCC 18.06.010(a), on a lot that has an existing single-family dwelling, subject to the requirements of SCCC 18.10.030(d).

Chapter 18.20
REGULATIONS FOR R3-36D –
MEDIUM-DENSITY MULTIPLE-DWELLING ZONING DISTRICTS

18.20.030 Permitted uses.

- (a) Single-family dwellings (subject to the restrictions of Chapter [18.12](#) SCCC).
- (b) Two-family dwellings.
- (c) Dwelling groups.
- (d) Multiple-family dwellings.
- (e) Private garages and accessory buildings (see Chapter [18.66](#) SCCC) customarily appurtenant to the permitted use.
- (f) Home occupation as defined under Chapter [18.06](#) SCCC.
- (g) Supportive housing, subject to the same standards and restrictions as other dwelling units under this chapter.
- (h) Transitional housing, subject to the same standards and restrictions as other dwelling units under this chapter.
- (i) One accessory unit, as defined under SCCC 18.06.010(a), on a lot that has an existing single-family dwelling, subject to the requirements of SCCC 18.10.030(d).