

Appendix - ADU Ordinance Points

65852.150. (a) The Legislature finds and declares all of the following:

(8)(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

Topic with (<i>State Code Reference</i>)	Palo Alto Municipal Code Section	Minimum Standard (MUST HAVE)	Recommended Standard (NICE TO HAVE - REACH OPTION)
1. Lot Size	18.42.040.2	<p>Any lot which meets the zoning minimum area for lot size is eligible.</p> <p><i>Remove the “35% over minimum” rule.</i></p>	<p>Option 1: Any lot which meets the zoning minimum area for lot size is eligible. Lots which are no more than 5% smaller than the zoning minimum area for lot size are eligible but the allowable FAR for the ADU shall be reduced by 5% from the standard.</p> <p><i>Many lots in Palo Alto are slightly smaller than the minimum. This can occur because of eminent domain, creek easement, etc. Could add an exclusion for non-conforming lots where the main residence has a basement.</i></p> <p>Option 2: Any lot is eligible if there is available FAR. Use FAR to regulate size, up to the maximum allowed, for any lot.</p> <p><i>Having the FAR distributed between a Main Residence and an ADU will always create a more pleasant and less intense massing at the street frontage. Using FAR to regulate is much more consistent overall.</i></p>

<p>2. ADU Size 65852.2 (b)(1)(F)</p>	<p>18.42.040.8(ii)</p>	<p>900 SF maximum</p>	<p>If lot size is larger than the minimum for the zone, the ADU FAR can increase by a percentage to match the increased lot area up to a maximum of 1,200 SF (A 10,659 sf lot in a zone with a minimum of 8,000 sf is 33% over the minimum. The 900 SF ADU limit could increase by 33% to 1,200 sf)</p>
<p>3. Transit Proximity 65852.2 (a)(1)(8)(d)(1)</p>	<p>18.42.040.10(iii)a</p>	<p>Refer to the HUD interpretation of State Code (<i>essentially all available public transportation options for train and bus routes</i>) and increase to include all options within 0.75 miles</p> <p><i>All motorized transit modes should be considered. State Code describes 0.5 mile radius</i></p>	<p>Match the transit options used in the Comp Plan Transportation Element Update. Include all options within 1.0 miles</p> <p><i>Include all Public and Private funded options including PA Shuttle, Marguerite, etc.</i></p>
<p>4. Parking – JADU’s 65852.22 (b)(1)</p>	<p>18.42.040.10(iv)</p>	<p>State Code stipulates no additional parking required.</p>	<p>Allow parking in front setback area.</p> <p><i>This could occur as a result of the JADU taking the place of one covered space in a garage requiring the relocation of the 2nd stall. Encourage the use of side-yard area for entryway and outdoor open-space for the JADU.</i></p> <p><i>Redwood City and Mountain View permit this.</i></p>

<p>4. Parking – ADU’s</p> <p>65852.2 (b)(5)(d)</p>	<p>18.42.040.10(ii)</p>	<p>Additional required parking should be permitted to be uncovered and may be located in the front setback area.</p> <p><i>Benefits of allowing parking to be located in the front setback include: Increased area for trees/urban canopy, Landscaping and garden opportunities (200 sf = 25% of food for 1 person for a year), Emissions from vehicle located at street area vs. adjacent to rear play or neighbor’s outdoor space, increased pervious surface.</i></p> <p><i>Additional benefit - Simplifies design. Parking behind the front setback often forces challenges for house design and site planning - massing/placement relative to privacy at adjacent structures if house pushed to one side.</i></p>	<p>Match JADU regulation.</p> <p><i>No rationale for different rules when the use is the same.</i></p>
<p>5. Utilities – JADU’s</p> <p>65852.2 (g)(2)(A) 65852.22 (b)(2)(e)</p>	<p>18.42.040.5 (d)</p>	<p>Consistent with State Code. No additional requirements. Single meter/connection for the parcel. Not considered a separate or new dwelling unit.</p>	<p>No extra Public Works constraints or obligations. For example, no new sewer connection lateral, upgraded gas meter or other ‘automatic’ requirement unless warranted by demand.</p>

<p>5. Utilities – ADU’s 65852.2 (g)(2)(B)</p>	<p>None</p>	<p>Match JADU regulations. Single meter/connection for the parcel.</p> <p><i>Decision to just prorate costs of the utilities or to have a separate service should be left to the property owner. It comes down to single ownership/responsibility ultimately.</i></p>	<p>Cost and requirements for any Public Works upgrades should be relative to the cost of the work. The option to maintain a Single meter/connection for the parcel should be offered at the Owner’s discretion.</p> <p><i>The State describes: Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.</i></p>
<p>6. Entitlements and Permits – JADU’s 65852.2 (f) 65852.22 (c)</p>	<p>18.42.040.7(vi)</p>	<p>Ministerial approval required. No entitlement process. Plan review conducted as an over-the-counter appointment. (2 hrs total for all departments) No design restrictions.</p> <p><i>Door placement or other design restrictions should all be removed.</i></p>	

<p>6. Entitlements and Permits – ADU’s 65852.2 (f)</p>	<p>18.42.040.8(iv)</p>	<p>Ministerial approval required. No entitlement process. Plan review conducted as an expedited process (2 weeks maximum) Design restrictions should all be removed.</p> <p><i>Palo Alto does not have single-family design review and ADU regulations should <u>not</u> become an excuse to over-reach. Door placement, consistency of style or other design restrictions should all be removed. Having an ADU match style could be counter-productive.</i></p> <p><i>Note: Individual review cannot be applied to ADU’s. State Code requires “ministerial review” which means if the design conforms to standard zoning regulations, approval must be granted.</i></p>	<p>Pre-approved designs (possibly 3-4 options) with the inclusion of a site-specific site plan can be offered for over-the-counter permit.</p> <p><i>Ministerial describes an act or a function that <u>conforms to an instruction or a prescribed procedure</u>. A ministerial act or duty <u>is a function performed without the use of judgment by the person performing the act or duty.</u></i></p>
---	------------------------	--	---

<p>7. Height</p>	<p>18.42.040.8(iii) 18.42.040.8(vi)</p>	<p>2-story ADU maximum height should be 25' and structure should be consistent with side-yard daylight plane regulations. Rear yard daylight plane restrictions should be modified to match side yard restriction. No IR since approval is required to be ministerial.</p> <p>Windows at 2nd story on sides facing neighbors, when less than 12' from property line shall be limited to protect privacy (Sill height >5' or obscure glazing) Openings not more than 7' above grade could be allowed when facing adjacent property lines.</p> <p>65852.2 (b)(1)(G) - From State Code <i>Requirements relating to <u>height</u>, <u>setback</u>, <u>lot coverage</u>, <u>architectural review</u>, <u>site plan review</u>, <u>fees</u>, <u>charges</u>, and other zoning requirements <u>generally applicable to residential construction in the zone in which the property is located</u>.</i></p>	<p>2-story ADU should be consistent with State Code (no setback for single-story, 5' min. setback for 2nd story. Side yard daylight plane restrictions apply to ADU's and rear yard daylight plane restrictions should be modified to match side yard restriction) Maximum height should be 25'</p> <p>Windows at 2nd story on sides facing neighbors, when less than 12' from property line shall be limited to protect privacy (Sill height >5' or obscure glazing)</p>
-------------------------	---	---	--

8. Existing Non-permitted ADU/JADU - Grandfathering	18.42.040.5b	<p>For a period of 24 months, beginning (date of ordinance adoption) the Owner of a non-permitted Accessory Dwelling Unit may request review by a Building Inspector in regard to Building Code mandated life-safety topics such as: utilities, construction standards, light, ventilation, and egress. An Accessory Dwelling Unit in place as of (date of ordinance adoption) shall not be required to be removed solely on the basis of zoning conformance. If a non-permitted Accessory Dwelling Unit is deemed uninhabitable and the necessary corrections would require substantially replacing the structural elements, the Building Official and Planning Director together shall issue a decision regarding the ability of the Owner to make repairs or for removal.</p>	
--	--------------	--	--