

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Luke Watson, Director of Community Development

DATE: April 28, 2020

SUBJECT: Adopt Ordinance Amending Title 17 of the Temecula Municipal Code Pertaining to the Accessory Dwelling Units

PREPARED BY: Dale West, Associate Planner II

RECOMMENDATION: That the City Council introduce and read by title only an ordinance entitled:

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLE 17 OF THE TEMECULA MUNICIPAL CODE TO DELETE CERTAIN SUBSECTIONS OF SECTION 17.06.050 PERTAINING TO ACCESSORY DWELLING UNITS, ESTABLISHING A NEW CHAPTER 17.23 PERTAINING TO ACCESSORY DWELLING UNITS, AMENDING TABLE 17.24.040 REGARDING PARKING REQUIREMENTS, AND FINDING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

SUMMARY OF

ORDINANCE: An amendment to Title 17 of the Temecula Municipal Code to establish a new chapter pertaining to Accessory Dwelling Units, and amending chapter 17.24.040 regarding parking requirements for Accessory Dwelling Units.

BACKGROUND: Over the past several years, there has been considerable discussions throughout the State regarding the housing crisis in California, which is associated with rising housing costs and a shortage of affordable housing options. In recognition of the housing crisis, Governor Newsom signed a series of bills into law in October 2019 to address the housing crisis, including AB 881, AB 68, SB 13, AB 587, and AB 670, to remove barriers to the construction of Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”).

Specifically, AB 881 and AB 68 amend the Government Code to impose restrictions on the types of development standards, use restrictions and fees that cities may apply to ADUs, and further streamline the application approval process. These bills also allow for ADUs within multi-family zones. AB 587 authorizes cities to allow a deed-restricted, affordable ADU constructed by a non-profit to be sold separately from the primary residence. AB 670 invalidates covenants, conditions, or restrictions that would prohibit or unreasonably restrict an ADU or JADU on a single-family residential lot. Finally, SB 13 allows an ADU owner to request a delay in enforcement of certain building code violations, provided that correction of the violation is not necessary for health and safety reasons. The above-referenced bills will be referred to collectively as “ADU Bills.”

These laws became effective January 1, 2020. As such, staff is proposing to amend the City’s existing ADU Ordinance, and other applicable sections of the Municipal Code, in order to align with the amended Government Code.

ANALYSIS:

Building Permit Only ADUs

Pursuant to the ADU Bills, jurisdictions must allow at least one ADU and one JADU per lot under the streamlined “building-permit-only” process, using the following standards:

Single-Family Lots

- ADUs and JADUs must provide complete independent living facilities for one or more persons.
- One attached or detached ADU and one JADU on a single-family lot with an existing or proposed single-family dwelling.
- A JADU that is between 250 to 500 square feet.
- ADUs and JADUs may have a setback of no less than four feet from side and rear property lines.
- An existing accessory structure or garage that is converted to an ADU may not exceed 1,200 square feet.
- An attached ADU may not exceed 50% of the square footage of the primary structure.
- A new detached ADU may not be more than 800 square feet and 16 feet in height.
- All ADUs and JADUs must have their own private entrance.
- JADUs may share bathroom facilities with the primary structure.

Multi-Family Lots

- ADUs are allowed within portions of existing multi-family dwellings, in spaces not used as livable space. Examples of spaces that can be converted include storage rooms, boiler rooms, attics, basements, and garages, but each unit must comply with building code

standards. The number of ADUs that may be created in a multi-family dwelling is equal to 25% of the number of existing units, or one ADU, whichever is greater.

- Not more than two detached ADUs, on a lot with an existing multifamily dwelling. The ADUs must maintain at least 4-foot rear and side yard setbacks, and may not exceed 800 square feet in size and 16 feet in heights.

Local Ordinance Requirements

Cities are allowed, but are not required, to adopt an ordinance regulating ADUs that do not qualify for the building permit only process set forth above. If the City does not adopt a local ordinance, the City would be required to approve ADUs through a ministerial approval process in accordance with the minimal standards set forth in Government Code 65852.2(a). In adopting local standards, however, the City's ability to use floor area ratio or lot coverage, height, open space, or other requirements to limit the size of ADUs is significantly limited. The following summarizes the notable changes to the local standards section of the City's ADU Ordinance:

- No on-site parking is required for a JADU.
- No on-site parking is required for an ADU that is: 1) constructed within the existing primary structure; 2) converted from an existing accessory structure; 3) garage conversion; or 4) within one-half mile from public transit.
- An ADU that is less than 750 square feet is not subject to the City's Development Impact Fee ("DIF"); however, an ADU that is 750 square feet or greater will be charged DIF proportional to the primary dwelling.
- A declaration of restrictions shall be recorded on the property that includes: 1) the ADU may only be rented for 31 days or longer; and 2) the ADU may not be sold or conveyed separately from the primary dwelling.
- The City is retaining the provisions in the ADU ordinance that require the ADU have the same design, architecture, colors and materials of the primary dwelling unit.

FISCAL IMPACT: Development Impact Fees (DIF) for Accessory Dwelling Units (ADUs) are determined by State Law. No impact fees can be imposed on ADUs smaller than 750 square feet, and any impact fees assessed for larger ADUs must be proportional to the square footage of the primary residence.

ATTACHMENTS:

1. Ordinance
2. Planning Commission Agenda Report
3. Notice of Public Hearing