Accessory Dwelling Units Urgency Ordinance

January 28, 2020
1. Adopt urgency ordinance regulating accessory dwelling units (ADUs)
2. Adopt resolution initiating amendments to the Thousand Oaks Municipal Code concerning ADUs
What is an ADU?

- Independent of the main dwelling unit
- Has a separate kitchen from the main dwelling
- Three types:
  - Junior
  - Attached
  - Detached
Junior ADU

- Conversion of existing living area located entirely within main dwelling structure
- Must have efficiency kitchen (with or without sink) separate from main dwelling
- May have full separate kitchen
- May have separate or shared bathroom from main dwelling
Attached ADU

- Attached to main dwelling
- New construction, conversion of existing living area, and/or conversion of attached garage
- Separate full kitchen and bathroom from main dwelling
Detached ADU

- Not attached to main dwelling
- May be freestanding or attached to garage or other accessory structure
- New construction or conversion of existing or rebuilt accessory structure or garage
- Separate full kitchen and bathroom from main dwelling
Background

- State has progressively restricted cities’ ability to regulate ADUs
- Changes effective January 1, 2017 to reduce parking and facilitate conversion of existing structures
- TO and other cities have seen major increase in public inquiries and ADU applications since 2017; additional interest now with new legislation
  - 53 ADU applications
  - 22 ADUs constructed
New Legislation

- Five new bills effective January 1, 2020: AB 68, AB 671, AB 881, SB 13, SB 587
- Legislation is complicated; multiple bills created conflicts and ambiguities yet to be resolved
- Legislation explicitly voids all inconsistent city ordinances effective January 1, 2020 and defaults to State law
Notable Changes to ADU Standards

- Larger size
- Reduced parking
- Reduced or no impact fees
- Shorter timeframe for City action on ADU applications
- Owner occupancy not required
- ADUs allowed in multi-family zones
- More ADUs allowed per lot
- More flexibility for conversion
Maximum ADU Size

- Junior ADU
  - 500 square feet

- Attached ADU
  - 50% of primary dwelling, no less than 800 square feet

- Detached ADU
  - 850 square feet for studio or 1 bedroom
  - 1,000 square feet for 2+ bedrooms
Parking Required

- No ADU parking or replacement parking for main dwelling required for converted garage
- No parking required for
  - Junior ADU
  - Attached or Detached studio ADU
  - Existing or rebuilt accessory structure converted to ADU
  - Specific situations including within ½ mile of public transit
- 1 parking space required for new construction ADU with 1 or more bedrooms
  - Parking may be uncovered and may be tandem in driveway
Side and Rear Setbacks

- 4-foot side and rear setbacks
- Existing structures may be converted to ADU even if existing setbacks are less than 4 feet
- Structures may be demolished and rebuilt within the same footprint and still qualify with previous setback
- Structures may be expanded by up to 150 s.f. with previous setback
Other Notable Changes

- 16-foot height limit for Detached ADUs
- Owner occupancy not required
- No impact fees for ADUs less than 750 s.f.; impact fees for larger ADUs proportional to main dwelling
- Maximum 60 days for approval; must be ministerial (no discretion or notice)
- 2 ADUs allowed per lot in single-family zones (1 Junior and 1 other)
- Multiple ADUs allowed per lot in multi-family zones
- HOA and CC&R prohibitions on ADUs are void
Urgency Ordinance

- Current City ordinance void due to inconsistency with new laws
- ADU approvals subject only to minimum State standards
- Inability to apply City standards threatens neighborhood character and property values
- Urgency ordinance effective immediately upon adoption by 4/5 vote of City Council
Regular Ordinance

- Council resolution to initiate regular Municipal Code Amendment
- Opportunity to address conflicts and ambiguities once resolved
- Planning Commission public hearing with recommendation to City Council
- City Council public hearing with introduction and second reading
- Effective 31 days after adoption
Recommendation

1. Read ordinance in title only, further reading be waived, and adopt urgency ordinance regulating ADUs (4/5 vote required)

2. Adopt resolution initiating amendments to the Thousand Oaks Municipal Code concerning ADUs