

# City Council Public Hearing Accessory Dwelling Unit Ordinance Update

Community Development  
Department  
December 10, 2024



# Background

- ▶ State legislation to increase ADU development by reducing local control began in 2016
- ▶ City adopted first ADU ordinance in 2020; mirrored State law
- ▶ Multiple changes in state law = Cotati's ADU ordinance is now inconsistent
- ▶ More updates to state ADU law are likely, meaning:
  - ▶ Increasing inconsistency of City ordinance
  - ▶ More staff and decisionmaker time devoted to regular updates of ordinance
- ▶ Adopting a revised, simplified ADU ordinance may alleviate this



# State ADU law changes since 2020

- ▶ Lowest allowable height limit is 18' for detached ADUs within ½ mile of SMART or on MF properties
- ▶ Lowest allowable height limit 25' for attached ADUs
- ▶ Front setback requirements may no longer preclude a detached 800 sqft ADU on any property
- ▶ 3 ADUs allowed per SF property: 1 JADU, 1 “interior” ADU, and 1 detached ADU of up to 800 sqft
- ▶ Amnesty for unpermitted/nonconforming ADUs
- ▶ Owner occupancy no longer mandatory
- ▶ Stricter timelines for City approval



# State ADU laws changing Jan 1, 2025

## ► SB 1211

- Raises number of detached ADUs on existing multifamily properties from 2 to 8
- Uncovered offstreet parking spaces removed for ADU development do not need to be replaced



## ► AB 2533

- Extends unpermitted amnesty to JADUs
- Changes construction cut-off date for amnesty from Jan 2018 to Jan 2020





# What DOES State Law Allow City to Regulate?

- ▶ Limits on ADU size
  - ▶ May limit to 50% of sqft of primary dwelling (to 800 sqft)
  - ▶ May limit studio or 1br ADUs to 850 sqft; 2+ br ADUs to 1,000 sqft
  - ▶ May set maximum cap of 1,200 sqft for all ADUs
  - ▶ May cap ADUS at 2 stories
- ▶ May regulate parking in setbacks
- ▶ May set minimum rental period of 30 days
- ▶ Setbacks and heights—within strict state limits
- ▶ These are objective standards for review purposes



# Recommended Approach

- ▶ Repeal existing ordinance
- ▶ Adopt a new, streamlined ordinance
- ▶ Only includes standards over which the City has some control or are legally necessary
- ▶ Simplified ordinance more likely to remain current as State ADU law changes over time, easier to update when needed
- ▶ Handout summarizing all state and City ADU standards—can be updated at any time



# Proposed Ordinance Update

- ▶ Reference to state ADU law as basis
- ▶ Confirmation of ministerial, non-discretionary review
  - ▶ Discretionary design review would be available for ADUs that do not meet state law
- ▶ Limit ADUs in front setback to 800 sqft
- ▶ Square footage limits as allowed by state law



# Proposed Ordinance Update

- ▶ Setbacks and heights as allowed by state law
- ▶ Two-story height limit
- ▶ Minimum 30-day rental
- ▶ Definition amendments:
  - ▶ ADUs are not included in unit count, density calculation, or site coverage
  - ▶ ADUs do not classify a single-family property as multifamily





# Potential Policy Changes for Ordinance

## ▶ Height of Detached ADUs

- ▶ Maximum is 16' if located in side or rear setback (up to 4')
- ▶ Except within ½ mile of SMART or on multifamily property—then 18'
- ▶ Make height limit 18' for all citywide?

## ▶ Parking

- ▶ City can require 1 space per ADU
- ▶ Except within ½ mile of transit and JADUs
- ▶ Remove parking requirement citywide?

# Planning Commission Recommendation

- ▶ Public hearing on November 18, 2024
- ▶ Unanimous recommendation of new ADU ordinance
- ▶ Including consistent 18' height limit for all detached ADUs and removal of parking requirement

# Recommendation

The Community Development Department recommends that the City Council hold a public hearing and introduce an ordinance amending Title 17 (Land Use) of the CMC in accordance with State law by repealing and replacing Section 17.42.170 and amending Chapter 17.90.



# Questions?