



_____ CALENDAR Agenda Item # _____
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**AGENDA REPORT SUMMARY**

**Meeting Date:** April 16, 2020

**Subject:** Repeal and Replace Chapter 14.14 of the Los Altos Municipal Code (Accessory and Junior Dwelling Units)

**Prepared by:** Guido F. Persicone, Planning Services Manager, AICP

**Review by:** Jon Biggs, Community Development Director

**Approved by:** Chris Jordan, City Manager

**Attachment(s):**

A. Draft ADU Ordinance

**Initiated by:**

City staff

**Previous Council Consideration:**

2018

**Fiscal Impact:**

No direct fiscal impact is anticipated

**Environmental Review:**

Adoption of an accessory dwelling unit ordinance is subject to a statutory exemption from environmental review (Public Resource Code Section 15282(h)). In addition, the action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Projects that are subject to the ADU regulations will be evaluated pursuant to CEQA on an individual basis. However, ADUs are generally exempt from CEQA review under CEQA Guidelines Section 15301 (Existing Facilities) and/or Section 15303 (New Construction or Conversion of Small Structures).

**Policy Question(s) for Council Consideration:**

- Do the proposed code amendments ensure the Los Altos Municipal Code is consistent with recent changes to state law?



**Subject:** Proposed Amendments to the Chapter 14.14 (Accessory Dwelling Unit) Ordinance

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**Summary:**

- The ordinance repeals and replaces Chapter 14.14, Accessory Dwelling Units, to ensure consistency with State law.

**Staff Recommendation:**

Staff suggests that the Planning Commission recommend adoption of the proposed ordinance to the City Council.

**Purpose**

The purpose of the proposed amendments is to ensure compliance with new state laws affecting the development of accessory dwelling unit and junior accessory dwelling units in the residential zone districts of the City.

**Background**

Prior to 2016, cities could regulate and permit Accessory Dwelling Units (ADU) based on local preferences. State legislation passed between 2015-2019 has removed most local control on ADUs and requires jurisdictions to allow ADUs in most single-family zoning districts, and now in multifamily zoning districts as well. Additionally, there are now several circumstances where “by-right” ADUs must be allowed through the issuance of a building permit only. The City’s Zoning Code has been amended several times since 2016 to address past changes in State law, and these proposed amendments are for the same purpose.

Staff has performed a consistency review of the Zoning Code (Title 14 of the Los Altos Municipal Code (LAMC) in comparison to the new legislation (AB 881, AB 68, and SB 13) and has identified necessary modifications to bring the zoning code into conformance resulting in a new LAMC Section 14.14 (Accessory Dwelling Units And Junior Dwelling Units). The major changes as a result of the state legislation include:

**JADUs.** Cities are now required to allow Junior ADUs (JADUs), which are small ADUs (up to 500 square feet) within an existing or proposed single-family dwelling.<sup>1</sup> JADUs are not considered separate dwellings for purposes of fire and life safety requirements that would otherwise apply to standard ADUs. The proposed ordinance creates new definitions for “standard accessory dwelling units” and “junior accessory dwelling units”.

**Streamlined Approval of Certain ADUs/JADUs.** The legislature expanded the categories of ADUs that must be approved with a building permit only. These include “interior space conversions” in both single-family dwellings and multi-family structures, and detached units up to

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<sup>1</sup> The JADU can be within the confines of a proposed house per GC section 65852.2



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800 square feet in size and 16 feet in height with minimum 4-foot side and rear yard setbacks. The setbacks may be less than 4 feet if the ADU replaces and exactly replicates the size and footprint of an existing structure that was demolished to build the ADU.

**Multi-family Dwellings.** A lot containing an existing multifamily dwelling structure can include two detached ADUs up to 800 square feet in size and 16 feet in height. In addition, non-livable space within the multifamily structure can be converted to ADUs equal to 25% of the number of existing dwelling units in the structure, as long as the ADUs can be constructed to meet building codes<sup>2</sup>.

**JADU + Detached ADU.** One JADU can now be combined with one detached ADU on a single-family lot, meeting certain requirements, resulting in 3 dwelling units on a site with one single-family dwelling.

**No Owner-Occupancy Restrictions.** The legislation invalidates owner-occupancy restrictions on standard ADUs until 2025, but owner-occupancy restrictions are mandatory for JADUs (this is a potential conflict between the statutes that might be further clarified with clean-up legislation).

**Use of ADUs as Short-Term Rentals.** The legislation prohibits ADUs from being used as short-term rentals (STRs), which is less than 30 days.

**Parking.** The City can no longer require replacement parking when a garage or carport is demolished to create an ADU. In addition, no off-street parking is required for JADUs or ADUs that qualify for streamlined approval. Finally, no parking is required of any ADU that meets various statutory exceptions, including an ADU within ½ mile walking distance of any bus stop

**Correction of Zoning Violations.** The City cannot require that the applicant correct existing zoning violations on the property as a condition of granting a permit to build an ADU. Independent of issuing the permit for the ADU the City can still pursue code enforcement of zoning violations.

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<sup>2</sup> GC Section 65852.2 (ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units. (D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.



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**Timing.** The City must act on ADU applications within 60 days of the project being deemed complete by the City.

**Utilities and Impact Fees.** Separate utility connections and associated fees and charges cannot be imposed on JADUs or standard ADUs converted from existing interior space, unless the ADU is proposed as part of a new single-family dwelling. All impact fees must be proportional to the size of the ADU. In addition, ADUs up to 750 square feet are exempt from impact fees, including traffic impact fees.

**Delay of Building Permit Enforcement.** Until 2030, owners of existing ADUs may request a 5-year delay in enforcement of building codes applicable to an ADU. This request must be granted unless the building standard is necessary to protect life and safety.<sup>3</sup>

### **Discussion/Analysis**

Due to the wide breadth of changes required by state law, including provisions of Junior ADUs (JADUs) and the fact that the current ordinance does not actually provide setback or daylight plane provisions for ADUs but rather relies on the Accessory Structure Ordinance, City staff are recommending that the entire ordinance be repealed and replaced. Please note that the City Attorney is currently reviewing the draft ordinance. Additional edits are forthcoming and will be provided to the Planning Commission and interested parties prior to the meeting.

### **Los Altos General Plan Conformance**

*General Plan Land Use Goal 2:* Review and amend (as needed) the Zoning Ordinance to provide consistency with new state legislation and court decisions. Consider Zoning Ordinance amendments that implement the use and development of goals, policies and plan objectives for the identified planning areas (Downtown, El Camino Real Corridor, and Foothill Plaza).

*Housing Element Policy 4.2:* The City will encourage the development of affordable second dwelling units that conform to zoning regulations.

Program 4.2.1 – Facilitate new construction of second dwelling units.

Program 4.2.2-Study the feasibility of reducing minimum lot sizes for second living units.

### **Options**

- 1) Recommend approval of the draft ordinance to the City Council.

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<sup>3</sup> HSC 17980.12 (ii) 17980.12. (a) (1)



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**Advantages:** Ensure compliance with new state laws.

**Disadvantages:** Results in less control over accessory dwelling units in Los Altos.

2) Recommend denial of the draft ordinance to the City Council

**Advantages:** There is no advantage to denying this ordinance as noncompliance with State law is not a viable position for a municipal agency to be in.

**Recommendation**

The staff recommends Option 1.

**ORDINANCE NO. 2020-\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
REPEALING AND REPLACING THE ACCESSORY DWELLING UNIT  
ORDINANCE AND MAKING FINDINGS OF CEQA EXEMPTION**

**WHEREAS**, the State Legislature has found that accessory dwelling units are a necessary and valuable form of housing in California; and

**WHEREAS**, accessory dwelling units help diversify the City's housing stock and help provide rental units that are affordable; and

**WHEREAS**, accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting neighborhood character; and

**WHEREAS**, accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others within existing neighborhoods; and

**WHEREAS**, it is the intent of this ordinance to allow and promote the development of accessory dwelling units; and

**WHEREAS**, this Ordinance implements Program 4.2.1 and Program 4.2.2 of the City's 2015-2023 Housing Element by facilitating the development of new accessory dwelling units; and

**WHEREAS**, this Ordinance is exempt from environmental review pursuant to Section 15061 and Section 15301 of the California Environmental Quality Act Guidelines, as amended.

**NOW THEREFORE**, the City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1. AMENDMENT OF CODE:** Chapter 14.14 of Title 14 of the Los Altos Municipal Code is hereby repealed in its entirety and replaced with the new standards and shall read as follows:

**Section 14.14.010 Purpose and Intent.**

The intent of this chapter is to provide for accessory dwelling units and junior accessory dwelling units, collectively known as an accessory dwelling, on lots zoned to allow single-family or multifamily dwelling residential use that include a proposed or existing dwelling. Accessory dwelling units contribute needed housing to the City of Los Altos housing stock and enhance housing opportunities. An accessory dwelling unit is considered a residential use

that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit is not included in calculation of residential density for the purposes of determining general plan conformance.

#### **14.14.020 Definitions.**

As used in this section, the following terms mean:

“Accessory dwelling unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

“Attached accessory dwelling unit” means a residential dwelling unit that is created as a result of internal conversion, addition, or combination thereof made to the primary residential dwelling unit.

“Multi-family housing” means a dwelling unit or group of dwelling units on one site that contains separate living units for two or more families that may have joined services or facilities or both.

“Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size, includes an efficiency kitchen consistent with building code standards, is contained entirely within the walls of a single-family residence or multi-family building, and may include separate sanitation facilities or may share sanitation facilities with the existing structure or unit.

“Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

“Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.

“Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

“Tandem parking” means that two or more automobiles are parked in any location on a lot and lined up behind one another.

#### **Section 14.14.030 Location Permitted**

Accessory dwelling units may be permitted in the following zones:

1. Single-family district (R1-10);
2. Single-family district (R1-H);
3. Single-family district (R1-20);
4. Single-family district (R1-40);
5. Multiple-family district (R3-4.5);
6. Multiple-family district (R3-5);
7. Multiple-family district (R3-3);
8. Multiple-family district (R3.1.8); and
9. Multiple-family district (R3-1).
10. Properties zoned for mixed uses (CD/R3)

B. Nothing in this chapter shall be construed to authorize construction of new single-family residences in multiple-family districts where such single-family residential use is not otherwise allowed.

#### **14.14.040 General Requirements.**

Notwithstanding any local ordinance regulating the issuance of variances or special use permits, or regulations adopted herein to the contrary, an application for a building permit to construct an accessory dwelling unit, or junior accessory dwelling unit, or efficiency unit (“accessory dwelling”) shall be approved or denied ministerial without discretionary review or hearing within sixty (60) days from the date the city receives a completed application if there is an existing single-family or multifamily structure on the lot. The following requirements apply to all accessory dwellings:

- (a) An accessory dwelling shall not be rented for periods less than thirty (30) days. Short term rentals are prohibited.
- (b) Except for a Junior Accessory dwelling unit as allowed by State law, an accessory dwelling shall not be sold or have its title transferred separately from the primary residential structure.
- (c) Deed Restriction. Prior to the issuance of the building permit for the accessory dwelling unit, the owner must record a deed restriction stating that the accessory dwelling unit may not be rented for periods less than thirty (30) days, that it may not be transferred or sold separate from the primary residential structure,
- (d) The installation of fire sprinklers shall not be required for an accessory dwelling if sprinklers are not required for the primary residence.
- (e) Accessory dwellings are subject to the design standards and other zoning requirements of the zoning district in which the existing single-family dwelling is located and must be built in accordance with the building code set forth in Chapter 6 of the Los Altos Municipal Code, except for those design, zoning, and building standards inconsistent with state requirements under California Government Code Section 65852.2.

- (f) An accessory dwelling is not subject to residential accessory structure regulations.
- (g) An accessory dwelling will not be subject to any charges and fees other than building permit fees generally applicable to residential construction in the zone in which the property is located, except as otherwise provided herein.
- (h) Any connection fees and capacity charges that may be required must be assessed in compliance with the provisions of State Government Code Section 65852.2 and 65852.22, and as the sections may be amended over time by the State.
- (i) The accessory dwelling must contain water, sewer and gas and/or electric utility connections that are in working condition upon its occupancy. The accessory dwelling may be serviced by the primary residence or may have separate utility meters. The accessory dwelling will not be considered a new residential use for the purpose of calculating connection fees or capacity charges for these utilities.
- (j) An accessory dwelling unit must have an independent electrical sub-panel, water heating and space heating equipment within the unit or be readily accessible to the occupant on the exterior of the unit.
- (k) Ministerial approval of a permit for creation of an accessory dwelling shall not be conditioned on the correction of pre-existing nonconforming zoning conditions.
- (l) A certificate of occupancy for any accessory dwelling shall not be issued before the local agency issues a certificate of occupancy for the primary dwelling.
- (m) If the applicant requests a delay in processing, the 60-day time period shall be tolled for the period of the delay.

#### **14.14.050 Single-Family Residential Accessory Dwelling Unit Standards**

Notwithstanding any other provisions of this chapter to the contrary, a single-family residential accessory dwelling unit shall be a permitted as a single-family residential use that shall comply with the following:

- (a) Zoning. A single-family residential accessory dwelling unit shall be located in a residential or mixed-use zone district that permits single-family residential development of the lot.
- (b) Number. Only one (1) detached single-family residential accessory dwelling unit may be permitted on a parcel that contains not more than one existing or proposed single-family residence.
- (c) Relationship to Primary Dwelling. A single-family residential accessory dwelling unit may be within, attached to, or detached from, the proposed or existing primary dwelling, provided that:

(1) A single-family residential accessory dwelling unit contained within or attached to an existing primary dwelling unit shall have independent exterior access from the existing residence; and

(2) A detached single-family residential accessory dwelling unit must be located at least five (5) feet from the proposed primary dwelling.

(d) Size.

(1) A studio or one (1) bedroom, attached or detached single-family residential accessory dwelling unit shall be permitted, and limited to eight hundred (800) square feet in floor area, garage areas excluded.

(2) An attached or detached single-family residential accessory dwelling unit with more than one bedroom shall be permitted, and limited to twelve hundred (1,200) square feet in floor area, garage areas excluded.

i. The total floor area for an attached accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet, excluding the basement areas, and shall not be more than fifty (50) percent of the floor area of the existing or proposed principal residence.

ii. The total floor area for a detached accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet, including basement areas, and shall not be more than fifty (50) percent of the floor area of the existing or proposed principal residence.

(3) Notwithstanding the size restrictions provided above, the total floor area of an attached single-family residential accessory dwelling unit, including internal conversions of existing primary living space, shall not exceed fifty (50) percent of the existing or proposed primary dwelling gross floor area, not including the garage. For internal conversions, the accessory dwelling unit floor area shall not exceed fifty (50) percent of the primary residential living space, after conversion.

(e) Height.

(1) The maximum height for a detached single-family residential accessory dwelling unit shall be one-story and sixteen (16) feet.

(2) The maximum height of a single-family residential accessory dwelling unit that is proposed to be constructed above a detached garage shall be twenty-four (24) feet.

(3) Attached single-family residential accessory dwelling units shall comply with the height limits established for the primary residential structure.

(f) Setbacks. A single-family residential accessory dwelling unit is subject to the design criteria and zoning requirements of the district in which the existing single-family dwelling is located and as follows:

(1) A single-family residential accessory dwelling unit must not encroach upon the required front or street side yard area.

(2) A setback of four (4) feet from the interior side and rear lot lines shall be required for a newly constructed, detached single-family residential accessory dwelling unit that is not constructed in the same location and to the same dimensions as an existing structure. Proposed structures that are four (4) feet or less from the property line shall be required to provide a record survey to the City for proof of setbacks and existing property lines.

(3) The side yard setback shall be no less than 12 feet for an attached or detached accessory dwelling unit that is abutting a city street or alleyway.

(4) The separation from the main house and any other accessory structure on the lot shall be at least five (5) feet unless implementation of this requirement would prohibit the construction of an 800 square foot detached accessory dwelling unit, in which case this requirement shall be waived to be no less than three feet (3).

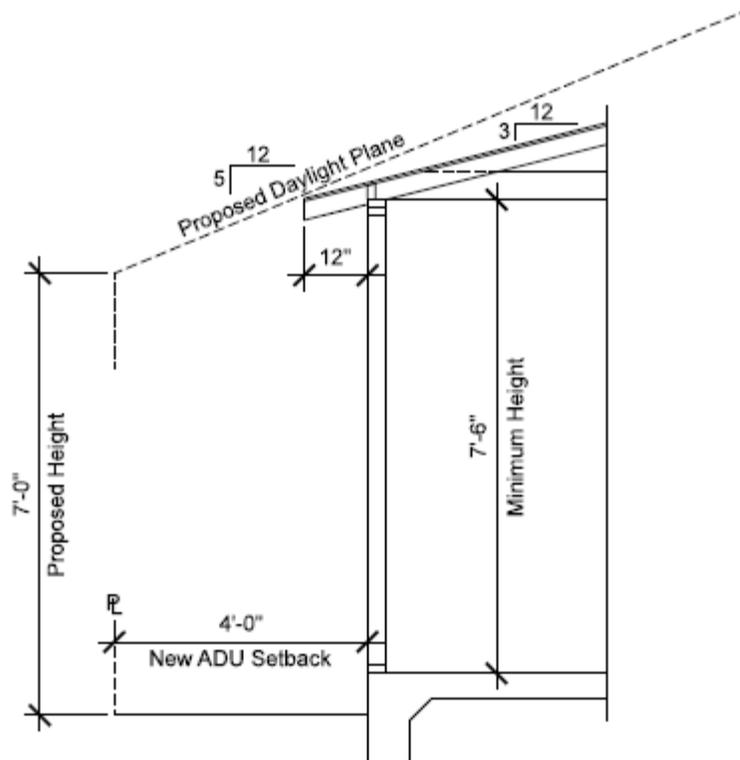
(5) No additional zoning setback is required for conversion of an existing permitted accessory structure, living area, or garage space, or conversion of a structure that is constructed in the same location and to the same dimensions as the existing structure.

(g) Detached Accessory Dwelling Unit Daylight Plane

(1) No portion of an attached or detached accessory dwelling unit shall extend above or beyond a daylight plane as follows:

(2) The daylight plane starts at a height of seven feet at the property line and proceeds inward at a 5:12 slope to a distance of ten (10) feet from the side and rear property lines. All appurtenances, including chimneys, vents and antennas, shall be within the daylight plane. The daylight plane is not applied to a side or rear property line when it abuts a public alley or public street. However, the accessory dwelling unit (ADU) daylight plane shall not be enforced if it prohibits the development of an 800 square foot ADU which is required by state law.

(3) Daylight plane shall not be enforced for an ADU if the structure abuts a city street or alleyway in the rear of the property.



(h) A single-family residential accessory dwelling unit must be built in accordance with the building code set forth in Chapter 6, except that any design, zoning, and building standards inconsistent with state requirements under California Government Code Section 65852.2 shall not apply.

(i) Parking. One (1) additional parking space shall be required for a newly constructed single-family residential accessory dwelling unit, which may be located within the front setback, in tandem and in an existing driveway. Notwithstanding the above, a parking stall will not be required for a residential accessory dwelling unit that meets any of the following criteria:

(1) The single-family residential accessory dwelling unit is created as a result of the conversion of existing area of the single-family residence or existing permitted residential accessory structure.

(2) An existing garage, carport or parking structure is converted or demolished to accommodate a single-family residential accessory dwelling unit in the same location. If the required parking for the main single-family residence is removed the property owner must submit a letter to the City acknowledging removal of said parking could create a nonconformity for future expansions of the single-family dwelling.

(3) The single-family residential accessory dwelling unit is within one-half (1/2) mile walking distance of a public transit station, such as a bus stop or train station.

(4) The property is within an architecturally and historically significant historic district.

(5) On-street parking permits are required in the area but not offered to the occupant of the residential accessory dwelling unit.

(6) A vehicle share site is located within one (1) block of the single-family residential accessory dwelling unit.

(j) Design Standards. Architectural review of attached or detached single-family residential accessory dwelling units will be limited to the following:

(1) The architectural features, window styles, roof slopes, exterior materials, colors, appearance, and design of the single-family residential accessory dwelling unit must be compatible with the existing single-family dwelling.

(2) Any window, door or deck of a single-family residential accessory dwelling unit must utilize design techniques to lessen views onto adjacent properties to preserve the privacy of residents.

(3) A single-family residential accessory dwelling unit located within a historic site or neighborhood combining district will be subject to ministerial review for compliance with the design review criteria set forth in section Chapter 12.44 of the Los Altos Municipal Code and must be consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties.

(4) Outside stairways serving a second story single-family residential accessory dwelling unit shall not be constructed on any building elevation facing a public street.

(5) No passageway will be required in conjunction with the construction of any single-family residential accessory dwelling unit.

(k) Streamlined Approval of Accessory Dwelling Units. Notwithstanding the restrictions above, a building permit application for a detached, single-family residential accessory dwelling unit within a residential or mixed-use zone must be ministerially approved if it is:

(1) Setback four (4) feet from the interior side and rear lot lines; except for properties on a corner lot in which case the street side setback shall be at least twelve (12) feet.

(2) eight hundred (800) square feet in floor area; and

(3) sixteen (16) feet in height.

**14.14.060 Junior accessory dwelling unit standards.**

Notwithstanding any other provisions in this Article or of this chapter to the contrary, a junior accessory dwelling unit shall be permitted and comply with the following:

(a) Owner-occupancy of the property shall be required for junior accessory dwelling units. The owner may reside in the primary residence, junior accessory dwelling unit or separate residential accessory dwelling unit constructed on the property in compliance with this Article.

(b) One (1) junior accessory dwelling unit may be permitted per residential lot zoned for a single-family residential use, provided that the lot has not more than one (1) existing or proposed single-family residence, and not more than one (1) attached or detached, residential accessory dwelling unit.

(c) The unit must be constructed within the existing walls of a single-family dwelling or accessory structure, except that an expansion of 150 square feet beyond the existing physical dimensions of the accessory structure may be permitted to accommodate required ingress and egress.

(d) The square footage of the unit shall be at least the minimum size (150 square feet) required for an efficiency unit, up to a maximum size of five hundred (500) square feet in floor area, and must include one bedroom or studio sleeping area.

(e) The unit shall provide side and rear setbacks sufficient for fire and safety.

(f) A separate entrance from the unit to the exterior of the residence, and an interior connection to the main living area shall be provided. A second interior doorway for sound attenuation may also be permitted.

(g) At least an efficiency kitchen must be provided in the unit which shall include all of the following:

(1) A cooking facility with appliances.

(2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(h) The unit may include separate bathroom facilities or may share bathroom facilities contained within the primary residence.

(i) No separate utility connection, connection fee or capacity charge, or parking space shall be required for a junior accessory dwelling unit.

(j) a deed restriction shall be required for junior accessory dwelling units and must include the following stipulations:

(1) prohibition on the sale of the JADU separate from the sale of the single family residence

(2) if a JADU is rented, the unit shall not be rented for a period of less than thirty (30) consecutive days

(3) owner occupancy is required for the JADU, unless the owner is another government agency, land trust or housing organization as allowed by State Law.

**14.14.070 Multi-family accessory dwelling unit standards.**

Notwithstanding any other provisions of this chapter to the contrary, multi-family accessory dwelling units shall be permitted and comply with the following:

(a) Portions of existing multi-family dwelling structures that are not used as livable space (including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages), but excluding any residential amenities required to be provided for the facility by the zoning ordinance, or as a condition of project approval, may be converted for use as accessory dwelling units provided that total number of units must not exceed twenty-five (25) percent of the existing multi-family dwelling units or one (1) unit, whichever is greater.

(b) An owner may also construct up to a maximum of two detached accessory dwelling units on a lot that has an existing multifamily dwelling, subject to a height limit of sixteen (16) feet and four (4) foot rear yard and side setbacks.

(c) Accessory dwelling units in multi-family zone districts shall comply with all the standards of the zone district they are located in except for the standards provided in this Chapter.

**14.14.080 Additional Setback Fee Waiver Requirement**

For a detached accessory structure the minimum setbacks shall be five feet (5) from the house, and four feet (4) from the interior side and rear yard setbacks. If the property is a corner lot the street side setback shall be twelve feet (12). However, so as to reduce the privacy impacts to neighbors if an applicant voluntarily increases the setbacks to be ten (10) feet from the rear yard and eight feet (8) from the interior side yard the Building Division will expediate the plan check review for this building permit application

**SECTION 2. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**SECTION 3. CEQA.** The City Council finds the adoption of this ordinance to be statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code because it is an ordinance regarding second units in single-family and multifamily residential zones to implement the provisions of Government Code Section 65852.2.

**SECTION 4. PUBLICATION.** This ordinance shall be published as provided in Government Code section 36933. Within 15 days of the passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Council members

voting for and against the ordinance, to be published in an adjudicated newspaper. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Council members voting for and against the ordinance, to be published in an adjudicated newspaper, and shall post in the office of the City Clerk a certified copy of the full text of the ordinance, along with the names of those City Council members voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code Section 36933(c)(1) are met.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

**SECTION 6. TRANSMISSION TO HCD.** The City Clerk shall send a certified copy of this ordinance to the Department of Housing and Community Development (HCD) within sixty (60) days after adoption, as required by state law.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on \_\_\_\_\_, 2020 and was thereafter, at a regular meeting held on \_\_\_\_\_, 2020 passed and adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Janis C. Pepper, MAYOR

Attest:

\_\_\_\_\_  
Jon Maginot, CMC, CITY CLERK