



**LEAGUE OF WOMEN VOTERS
of the Los Altos-Mountain View Area**

April 16, 2020

Chair Bressack and Members of the Planning Commission
City of Los Altos
One North San Antonio Road
Los Altos, CA 94022

Re: Planning Commission Meeting April 16th – Draft ADU Ordinance

Dear Chair Bressack and Members of the Planning Commission

The League of Women Voters of the Los Altos-Mountain View Area is pleased to see the City proceeding with adoption of code amendments so that the Los Altos Municipal Code is consistent with new State laws regarding accessory dwelling units (ADUs).

However, we do have some concerns with the daylight plane requirements. We hope the Planning Commission will discuss this issue tonight. We also urge exploration of other possible incentives to encourage homeowners to construct ADUs in a neighbor-friendly manner when the detached units are built close to the property line.

Sue Russell
Co-Chair, Housing Committee, LWV of the Los Altos-Mountain View Area
Cc: Chris Jordan Jon Biggs Guido Persicone

From: [Guido Persicone](#)
To: [Yvonne Dupont](#)
Subject: FW: Proposed ADU ordinance
Date: Wednesday, April 15, 2020 3:17:11 PM

From: hedden <patgaryh@gmail.com>
Sent: Wednesday, April 15, 2020 3:16 PM
To: Jon Biggs <jbiggs@losaltosca.gov>
Cc: Guido Persicone <gpersicone@losaltosca.gov>
Subject: Proposed ADU ordinance

Honorable Jon Biggs,

Thank you for your work to ensure that Los Altos is in compliance with new state laws affecting the development of accessory dwelling units (ADUs) and junior accessory dwelling units. Please inform the Planning Commission of my concern.

One provision of interest is the section on daylight plane. It is entirely reasonable to adopt a daylight plane requirement, however the proposal under consideration -

- 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

is unreasonable. It will have a negative impact on the functionality and appearance of new ADUs, and thus become a barrier to building ADUs by making them impractical and/or unattractive.

Here is daylight plane language that should be considered.

- No portion of a building may encroach into a daylight plane beginning at a height of eight feet (8') at the property line and increasing at a slope of one foot (1') for every one foot (1') of distance from the property line.
- No projections, such as but not limited to windows, doors, mechanical equipment, venting or exhaust systems, shall be permitted to encroach into the required setbacks and daylight plane, with the exception of a roof eave up to two feet.

Please consider examples, drawings or renderings, that show how any of the regulations you consider and eventually propose will impact the design of the ADU.

Thank you,
Gary Hedden



GOLDBAR BUILDERS

April 14, 2020

To: The Planning Commission of the City of Los Altos
Regarding: Proposed Accessory Dwelling Unit Ordinance

Dear Commissioners,

I would like to retract my earlier correspondence regarding the proposed “Accessory Dwelling Unit Ordinance” that you are considering.

In the spirit of SB-13, AB-68 and AB-881, I would like to propose an alternate plan to a daylight plane that is simple, easy for homeowners to understand and provides a buildable, livable and aesthetically pleasing ADU design. This plan is not my own and it is presented below for your consideration.

From a neighboring city’s proposed ADU ordinance:

“No portion of a building may encroach into a daylight plane beginning at a height of eight feet (8’) at the property line and increasing at a slope of one foot (1’) for every one foot (1’) of distance from the property line.

a. No projections, such as but not limited to windows, doors, mechanical equipment, venting or exhaust systems, shall be permitted to encroach into the required setbacks and daylight plane, with the exception of a roof eave up to two feet.”

Sincerely,

Greg Popovich
Goldbar Builders, LLC
Managing Member
209-404-2070



GOLDBAR BUILDERS

April 14, 2020

To: The Planning Commission of the City of Los Altos
Regarding: Proposed Accessory Dwelling Unit Ordinance

Dear Commissioners,

The proposed “Accessory Dwelling Unit Ordinance” that you are considering includes a daylight plane which obstructs the intent of SB-13, AB-68 and AB-881. The intent of the law is clearly written in all three bills (sections attached below) which addresses height, setbacks and size limitations.

Please completely remove the daylight plane from your ordinance to stay in compliance with the intent of the bills.

Sincerely,
Greg Popovich
Goldbar Builders, LLC
Managing Member
209-404-2070

SB-13, AB-68 and AB-881 clearly state the following (text taken directly from bill):

SB-13

SEC. 1.1. Section 65852.2 of the Government Code is amended to read:

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

AB-68

SECTION 1. Section 65852.2 of the Government Code is amended to read:

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

AB-881

SECTION 1. Section 65852.2 of the Government Code is amended to read:

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

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(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

Interest in Building an ADU

Address: 685 Washington St, Los Altos CA 94022

Homeowners: Ting Nie & Wei Wang

Interest: Building an attached loft style ADU that aligns the exterior look of the main house, which is a two-story house with windows only facing the main street and not to the neighbor in the back.

We plan to rent out the space to bring us extra cash flows to the family and help solve the housing crisis in the area. Later on, we would like to use the ADU as an in-law unit to take care of the elderly in our family.



Support:

- There is no limitation in the state regulation related to two-story or loft structure as long as the height requirement of up to 16 ft is met.
- There are ADU's built in nearby cities such as Sunnyvale under the same state regulations, according to our architect.
- The main house is already two-story on a corner lot. Building a loft structure ADU would not pose any additional privacy risk to neighbors if no windows are facing the back neighbors.
- Our land is relatively small (6,800 sqft) which limits the amount of floor space we have for this build-out.

We sincerely hope that Los Altos city would be supportive for our ADU project.

A desired loft structure looks like this. Windows are not necessary on the side. Instead, skylights can provide good lighting to the room:



Please help us out on this project!

Sincerely,

Ting Nie and Wei Wang

Los Altos Residence since 2017

From: Alok Sindher <asindher@gmail.com>
Sent: Sunday, April 12, 2020 1:52 PM
To: Guido Persicone; Jon Biggs; Chris Jordan
Subject: Draft ADU Ordinance
Attachments: ADU_PC_Agenda_Report_4-16-2020_with_Ordinance_Attached.pdf

Chris/Jon/Guido,

First of all, I hope you are all safe and healthy. As a Los Altos homeowner, I appreciate you working on various issues for our city while we are all dealing with these unprecedented times.

I was reviewing the attached draft ADU ordinance and wanted to discuss with you a few concerns I had. I believe the new ADU daylight plane may not be viable under current building codes (and may also not be in the spirit of the new CA ADU laws).

First, building codes typically require 12-18" from grade to finished floor (existing houses are likely a bit lower). It seems your diagram assumes 6" above grade but not sure you can really build a new ADU that way.

Second, your roof thickness looks to be less than 6", maybe 4". That also seems atypical, which I think is normally 8"-12".

Third, you've assumed a 7' 6" interior ceiling height. While this is the required minimum for international standards, 8' is much more typical (8' is typical in Los Altos homes from 1950s onward). And 8' is probably within the spirit of the CA ADU law.

Overall, I think you may need to increase the 7' at edge of property line to more like 8' 6" to be in line with current building standards as well as something that doesn't end up with many legal challenges. Why put yourself through this pain of having to revise this again in 6 months?

Alternatives: I think it's better to allow a more reasonable daylight plane but instead restrict the windows/doors in a manner that protect privacy for neighbors. Or maybe require that folks

plant trees next to the shorter setbacks to create a more pleasant experience for neighbors.

Please keep in mind that these ADUs will help reduce housing shortages in our area.

Lots of teachers/city workers have to travel really long crummy commutes. By artificially controlling the setbacks via an unfair daylight plane rule, we encourage lower quality build for the ADUs vs typical housing in Los Altos. We end up short changing the very people that would benefit from the ADUs.

Thanks again for all your hard work. The rest of current ADU draft ordinance is quite good if the daylight plane can be adjusted.

Best,

Al

-Los Altos Homeowner