



## **CITY COUNCIL STAFF REPORT**

**MEETING DATE:** November 13, 2023

**ITEM TITLE:** Adopt Ordinance 1604 Amending the San Carlos Municipal Code Section 18.23.210 - Accessory Dwelling Units/Junior Accessory Dwelling Units and Sections 18.03 - Rules of Measurement, 18.12 - Hillside Overlay District, 18.29 - Design Review, and 18.40 - Use Classifications.

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### RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance 1604 to amend San Carlos Municipal Code Sections 18.23.210 - Accessory Dwelling Units/Junior Accessory Dwelling Units, and Sections 18.03 - Rules of Measurement, 18.12 - Hillside Overlay District, 18.29 - Design Review, and 18.40 - Use Classifications.

### FISCAL IMPLICATIONS:

There is no fiscal impact and no additional appropriation is needed for this action.

### BACKGROUND:

In 2020, and again in 2022, the City Council adopted updates to the Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Unit (JADU) Ordinance to align with new state laws, and to improve processes for reviewing and approving applications. In the fall of 2022, new state laws for ADUs and JADUs were passed and became effective January 1, 2023. In response, the City will update its ADU Ordinance to comply with state laws, clarify existing text, and update policies.

On September 5, 2023, the Planning and Transportation Commission (PTC) reviewed the proposed changes at a public hearing and recommended that the City Council adopt the proposed Municipal Code changes. These changes were presented to the City Council at a public hearing on October 23, 2023, and the Council voted to introduce the Ordinance with some changes, as shown in Exhibit A to Attachment 1.

### ANALYSIS:

#### **Impact of Proposed Amendments.**

The goal of the amendments is to make the ADU Ordinance consistent and in compliance with new state laws, as well as to encourage ADUs. While some of these changes may impact overall ADU policies, they are necessary to ensure that the ADU Ordinance is up-to-date and functional. These amendments also implement the programs and policies of the San Carlos 2030 General Plan, including Goal HOU-3 of the recently adopted Housing Element.

## **Summaries of Proposed Amendment Sets.**

### **Set 1: Proposed Policy-Related Amendments**

1. Allow ADUs to be located both above and below detached garages.
2. Allow ADUs above or below a detached garage to be located outside of the garage footprint.
3. When built with a detached garage, only allow open stair landings to face rear and side property lines to accommodate minimum ingress and egress.
4. Explicitly allow unenclosed crawlspaces to be converted to JADUs.
5. Remove the requirement that new additions shall not contain JADUs.
6. Require windows on ADUs located above the first floor and within 5' of the side or rear setback to have either a minimum 5' sill height or obscure glass (consistent with Objective Design Standards).
7. Define minimum refrigerator size.
8. Allow ADUs up to the maximum floor area but no greater than 50% of the existing primary dwelling, unless classified as a Statewide Exemption ADU.
9. Allow a maximum height of 20' (18' plus 2' to match roof pitch) for detached ADUs regardless of location to transit.

### **Set 2: Proposed Amendments to "Clean Up" Ordinance**

The proposed "Clean Up" amendments seek to clarify requirements and make the Ordinance internally consistent. The amendments are clerical and not policy related.

1. 18.23.210: Accessory and junior accessory dwelling units:
  - a. Numbers and Location Subsection
  - b. JADU Development Requirements Subsection
  - c. ADU Development Requirements Subsection
2. Other Clarity-Related Amendments:
  - a. Chapter 18.03 Rules of Measurement
  - b. Chapter 18.12 Hillside Overlay District
  - c. Chapter 18.29 Design Review
  - d. Chapter 18.40 Use Classifications

### **Set 3: Proposed Amendments to Address State Laws**

These proposed amendments are required by State Senate Bill 897 and Assembly Bill 2221, which were codified into law within California Government Code Sections 65852.2, 65852.22, and 17980.12 (see Attachment 4 for summaries of SB 897 and AB 2221).

1. Attached Garage Conversion to JADU.
2. Fire Sprinklers
3. Front Setbacks
4. Height
5. JADU Shared Bathrooms
6. Parking Standards
7. Allowable ADU and JADU Locations
8. Second Story Setbacks
9. Percentage of Main Building

## **Objective Design Standards.**

State law requires that local agencies may only review ADUs/JADUs using objective standards and must ministerially approve applications for building permits for statewide exemption ADUs. The new state bills add the definition of “objective standards” to the statute: “Objective standards mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.”

On October 23, 2023, the City Council introduced an Ordinance adopting objective design standards. If adopted on November 13, 2023, these standards will become effective on the same date as the ADU Ordinance amendments.

## **Environmental Determination.**

This project implements the programs and policies of the San Carlos 2030 General Plan, is within the scope of the activities and impacts identified in San Carlos 2030 General Plan Program Environmental Impact Report (EIR) and no new environmental effects have been found and no new mitigation is necessary. Therefore, no additional environmental review is required pursuant to Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Section 15162 and 15168.

## **Next Steps.**

Should the City Council adopt Ordinance 1604 at its November 13, 2023 meeting, the proposed amendments would become effective December 13, 2023. In addition, the City is required to submit the adopted Ordinance to the State Department of Housing and Community Development within 60-days after adoption. If HCD finds that any portion of the Ordinance is not consistent with state law, then the Ordinance can be sent back to the City for changes.

## **ALTERNATIVES:**

The alternatives available to the City Council include:

1. Adopt Ordinance 1604 amending the San Carlos Municipal Code Section 18.23.210 Accessory Dwelling Units/Junior Accessory Dwelling Units and Sections 18.03 (Rules Of Measurement), 18.12 (Hillside Overlay District), 18.29 (Design Review), and 18.40 (Use Classifications); or
2. Do not adopt Ordinance 1604; or
3. Provide staff with alternative direction.

Respectfully submitted by:

Al Savay, Community Development Director

Approved for submission by:



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Jeff Maltbie, City Manager

ATTACHMENT(S):

1. Ordinance 1604  
Exhibit A to Ordinance - Amendment Section 18.23.210  
Exhibit B to Ordinance - Amendments to Other Relevant Code Sections
2. Summary of State Laws Pertaining to ADUs and JADUs