ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AMENDING ZONING ORDINANCE ARTICLE 31 (SPECIAL USES – SHORT-TERM RENTALS), ARTICLE 33 (NONCONFORMING LOTS, USES, STRUCTURES, AND PARKING), ARTICLE 36 (EXTERIOR SITE IMPROVEMENTS), ARTICLE 37 (ACCESSORY DWELLING UNITS), ARTICLE 45 (ARCHITECTURAL PERMITS) AND ARTICLE 48 (FLOOR AREA RATIO FOR SINGLE-FAMILY HOMES) REGARDING ACCESSORY DWELLING UNITS

WHEREAS, the City Council of the City of Redwood City is empowered to amend Zoning Ordinance Article 37 (Accessory Dwelling Units) to align with State policy and increase affordable housing production. Modifications to Article 37 would further the purposes of the ordinance, including allowing accessory dwelling units on residential properties (namely, single-family and multifamily properties), increasing the availability of a variety of housing types for all income groups, supporting affordable housing and multi-generational living, encouraging housing construction or alteration to meet the needs of residents with special needs including residents with disabilities, creating flexibility in the design and location of accessory dwelling units, and establishing adequate setback and height requirements; and

WHEREAS, Assembly Bills 68, 587, 670, 671, and 881 and Senate Bill 13 pertain to accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”). These bills were approved by the California Legislature and signed by the Governor in 2019, and became effective on January 1, 2020. Codified primarily in California Government Code sections 65852.2 and 65852.22, this legislation requires local ADU ordinances to include specified requirements; and

WHEREAS, on August 18, 2020, the Planning Commission held a duly noticed public hearing, in accordance with all applicable requirements of the Redwood City Zoning Ordinance, to consider amendments to Zoning Ordinance Articles 31 (Special Uses), 33 (Nonconforming Lots, Uses, Structures, and Parking), 36 (Exterior Site Improvements), 37 (Accessory Dwelling Units), 45 (Architectural Permits) and 48 (Floor Area Ratio For Single-Family Homes) (collectively, the “Zoning Ordinance Amendments”); and

WHEREAS, on October 12, 2020, the City Council held a duly noticed public hearing, in accordance with all applicable requirements of the Redwood City Zoning Ordinance, to consider the Zoning Ordinance Amendments.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF REDWOOD CITY DOES ORDAIN AS FOLLOWS:

Section 1. The recitals set forth above are true and correct, and are hereby incorporated herein by this reference as if fully set forth in their entirety.

Section 2. The City Council hereby finds that the proposed Zoning Ordinance Amendments are in the public interest and consistent with the Redwood City General Plan.
Section 3. The City Council of the City of Redwood City hereby adopts the Zoning Ordinance Amendments as provided in Exhibit “A”, attached hereto and incorporated by reference, by adding the text shown in underline (example) and deleting the text shown in strikeout (example). Wording in brackets ([example]) is informational only and is not to be included in the published ordinance.

Section 4. The proposed Zoning Ordinance Amendments have been reviewed with respect to applicability of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.). Adoption of an ordinance regarding accessory dwelling units in a single-family or multifamily residential zone to implement the provisions of Government Code is an action that is exempt from the provisions of CEQA under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h). The remaining amendments have been evaluated and found to not have an impact on the environment under CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that they will not have an impact on the environment, as described in the staff report.

Section 5. The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

Section 6. Applicability. The Zoning Ordinance Amendments shall not apply to building permit applications that are submitted prior to the Zoning Ordinance Amendments’ effective date. Accessory dwelling units shall be used in accordance with the provisions of the Zoning Ordinance Amendments upon their effective date.

Section 7. The City Clerk is directed to cause this ordinance to be published in the manner required by law.

Section 8. This ordinance shall go into effect 30 days following its adoption.

* * *
EXHIBIT “A”

ZONING ORDINANCE AMENDMENTS

[Article 37 is amended as follows]

Article 37 - ACCESSORY DWELLING UNITS

37.1 - Purpose.

The purpose of this section is to:

A. Allow accessory dwelling units on single-family residential properties while respecting the character of the residential neighborhood.
B. Increase the availability of a variety of housing types that is accessible for all income groups.
C. Support affordable housing and multi-generational living.
D. Encourage housing construction or alteration to meet the needs of residents with special needs including residents with disabilities.
E. Create flexibility in the design and location of accessory dwelling units.
F. Maintain adequate setback requirements and height limitations.

37.2 - Definitions.

Accessory Dwelling Unit. An accessory dwelling unit, commonly known as a second unit or in-law unit, is an attached or detached dwelling unit that is located on the same lot as a single-family dwelling, duplex, or multiple dwelling and provides complete living, sleeping, eating, cooking, and sanitation facilities separate and independent of the main dwelling. A second unit also includes an efficiency unit, as defined in Section 17958.1 of Health and Safety Code and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

Junior Accessory Dwelling Unit. An accessory dwelling unit that is no more than 500 square feet in size and contained entirely within an existing single-family residence with a separate exterior entrance. A junior accessory dwelling unit may include a kitchen or efficiency kitchen and a bathroom, or may share a bathroom with the existing or proposed single-family residence.

37.3 - Development Standards.

An accessory dwelling unit may be constructed on the same lot as an existing or proposed single-family dwelling, duplex, or multiple dwelling in residential or mixed-use zoning districts, and in precise plan in the RH, R-1, R-2, R-3, R-4, and R-5 zoning districts that allow residential uses, subject to applicable building code requirements and the following development standards:

A. Number and Location.
1. **Single Family Dwelling – Number.** No more than one (1) accessory dwelling unit and one (1) junior accessory dwelling unit may be located on the same lot that has an existing or proposed single-family dwelling. Accessory dwelling units are not required to meet the density requirements of the General Plan or zoning ordinance and do not count toward the permissible number of units per acre (or required lot area per dwelling).

2. **Duplex and Multiple Dwelling – Number.** At least one (1) accessory dwelling unit within an existing duplex or multiple dwelling is permitted and additional dwelling units of up to twenty-five (25) percent of the existing multiple dwelling units. Accessory dwelling units shall be located in conversions of areas that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. Not more than two (2) accessory dwelling units detached from that multiple dwelling unit are permitted per lot, and are subject to a height limit of 16 feet and four-foot (4) rear yard and side setbacks.

3. **Density.** Accessory dwelling units and junior accessory dwelling units do not count toward the allowed density for the lot upon which the unit is located. Accessory dwelling units and junior accessory dwelling units approved in compliance with this article are a residential use that is consistent with the requirements of the General Plan and zoning ordinance.

24. **Location.** Accessory dwelling units may be attached to, detached from, or located within the living area of the an existing dwelling. Junior accessory dwelling units must be located within the single-family home.

**B. Lot Coverage.** The maximum allowable lot coverage for all structures on a single-family lot, including an accessory dwelling unit and accessory buildings, shall be limited to the maximum allowable lot coverage of the underlying zoning district. **Accessory Dwelling Units** shall be exempt from the maximum lot coverage requirements of the underlying zoning district. Accessory dwelling units shall be exempt from lot coverage requirements of the underlying zoning district and rear yard coverage limitation in Section 5.5 and Section 36.5(G). For the purposes of this article, attached garages, carports, and covered porches shall count towards lot coverage.

**C. Building Height and Setbacks.**

1. **Setbacks.** A four-foot side and rear yard setback is required for accessory dwelling units. Except however, no setback is required for an accessory dwelling unit located within existing living area or an existing accessory structure, or an accessory dwelling unit that replaces an existing structure and is located in the same location and to the same dimensions as the structure being replaced. A legal accessory building (including a detached garage) may be converted into an accessory dwelling unit provided the side and rear setbacks are sufficient for fire safety.

4. **Attached Accessory Dwelling Unit.** The height and setbacks of an attached accessory dwelling units are subject to the requirements of the underlying zoning district and the setback requirements in Section 32.3 (Supplemental Setback Requirements) and shall have independent exterior access.
2. **Detached Accessory Dwelling Unit.** The height and setbacks of a detached accessory dwelling unit shall be subject to the requirements of Section 36.5 (Accessory Buildings) with the following exceptions:

   a. **Rear Yard Setback.** A detached accessory dwelling unit shall be set back six (6) feet from the rear property line.

2b. **Conversion Expansion of Converted Structures - Accessory Building.** A legal accessory building may be converted into an accessory dwelling unit provided the side and rear setbacks are sufficient for fire safety. An accessory dwelling unit converted from a legal accessory building or primary dwelling may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory building. An expansion beyond the physical dimensions of the existing accessory building shall be limited to accommodating ingress and egress. Any further expansion of the building shall meet current requirements for an accessory dwelling unit.

   c. **Replacement of Detached Garages.** A detached garage may be replaced by an accessory dwelling unit provided it complies with required setbacks.

3d. **Height Second Story.**

   a. **Attached Accessory Dwelling Unit.** Maximum height is subject to the requirements of the underlying zoning district, except that the height of ADUs within rear yard setback shall not exceed 16 feet.

   b. **Detached Accessory Dwelling Unit.** If an accessory dwelling unit is constructed above a garage, the minimum second-story setback is five (5) feet from the rear and side property lines and the maximum height is sixteen (16) twenty (20) feet, with additional roof height that complements the roof pitch of the main single-family dwelling, as determined by the Zoning Administrator, subject to the following:

      i. No more than five hundred and seventy-six (576) square feet of the accessory dwelling unit shall be constructed over a detached garage. The remaining allowable square footage may be constructed on the first floor.

      ii. Balconies and second-story decks shall be prohibited.

      iii. Open stairways shall be located interior to the site and not facing the immediately adjacent side or rear yards.

      iv. Second story plate height shall be limited to eight (8) feet.

      v. Windows facing immediately adjacent side and rear neighbors shall be made opaque or clerestory.

   e. **Rear Yard Lot Coverage:** A detached one-story accessory dwelling unit shall be exempt from the rear yard coverage limitation in Sections 5.5 and 36.5(G).

4. **Access.** An accessory dwelling unit shall have independent exterior access.

3. [Reserved.]

4. [Reserved.]
5. **Square Footage.** The maximum allowable floor area for an accessory dwelling unit shall not exceed the area specified below, provided that in no instance may the size of an attached accessory dwelling unit exceed fifty (50) percent of the existing living area. Notwithstanding the foregoing, attached accessory dwelling units subject to Section 37.4 (Streamlined Accessory Dwelling Units) may exceed fifty (50) percent of the existing living area. For the purposes of this article, floor area for an accessory dwelling unit shall not include garages, carports, and covered porches.

   a. **Standard Units.** Accessory dwelling units shall not exceed seven eight hundred and fifty (850)(700) square feet, except as specified in subsections (b) and (c) and (d) below.

   b. **Multiple Bedroom Units.** Accessory dwelling units that include more than one bedroom shall not exceed one thousand (1,000) square feet.

   c. **Accessible Units.** Units meeting the California Building Code requirements for disabled access are permitted to have up to one thousand (1,000) one thousand two hundred (1,200) square feet of floor area.

   d. **RH and R-1 Lots Greater Than or Equal to ten thousand (10,000) Square Feet.** For lot sizes greater than or equal to ten thousand (10,000) square feet in the RH and R-1 zoning districts, the maximum allowable floor area for an accessory dwelling unit is one thousand (1,000) nine hundred (900) square feet.

6. **Definition of Floor Area.** For the purposes of this article, floor area for an accessory dwelling unit shall not include garages, carports, and covered porches.

D. **Parking.** No additional parking spaces are required for the accessory dwelling units or junior accessory dwelling units. No replacement parking spaces are required if an existing garage is converted to an accessory dwelling unit. If a garage or carport is converted or demolished in conjunction with the construction of an accessory dwelling unit, the required replacement spaces may be uncovered. Replacement spaces shall be located on any paved area on the lot, including within any setback. Tandem configuration is permitted.

E. **Pervious Area in Front Yard.** The front yard shall be subject to the minimum pervious area and stormwater requirements of the underlying zoning district.

F. [Reserved]

G. **Architectural Standards.** An accessory dwelling unit shall be generally compatible with the style and exterior paint and materials of the single-family dwelling on the same lot.

G. **Stormwater Treatment.** Accessory dwelling units are subject to the requirements of Section 32.12 (Stormwater Treatment), including creek protection and setbacks, except that no Use Permit shall be required in accordance with Article 42.

H. **Passageway.** A passageway is not required in conjunction with the construction of an accessory dwelling unit, unless mandated by the Americans with Disabilities Act or other state or federal safety code or standard. A passageway is a pathway that is
unobstructed and clear to the sky that extends from the street to the door of the accessory dwelling unit.

I. Historic Preservation. Any accessory dwelling unit located in a historic district or on a site with a historic landmark shall be subject to the requirements of Chapter 40 (Historic Preservation) of the City Code.

J. Junior Accessory Dwelling Units. If a junior accessory dwelling unit is proposed, it shall comply with the requirements of California Government Code section 65852.22, including but not limited to the following.

1. A junior accessory dwelling unit shall not exceed 500 square feet in size and contained entirely within a single family home.
2. No junior accessory dwelling unit shall be smaller than the size required to allow an efficiency unit pursuant to Health and Safety Code Section 17958.1.
3. A junior accessory dwelling unit shall be contained entirely within the walls of a single-family residence, and shall contain a kitchen or an efficiency kitchen that includes cooking appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.
4. A junior accessory dwelling unit may share a bathroom with the single-family home.
5. A junior accessory dwelling unit shall provide a separate exterior entrance from the single-family home.
6. Owner-occupancy is required. The owner may reside in either the single-family residence or the newly created junior accessory dwelling unit.
7. A deed restriction shall be recorded providing for a prohibition on the sale of the junior accessory dwelling unit separate from the single-family residence, including a statement that the deed restriction may be enforced against future purchasers, and a restriction on the size and attributes of the junior accessory dwelling unit that conforms with the requirements of Government Code Section 65852.22. Only one junior accessory dwelling unit is allowed per lot.

K. Building and Fire Code Compliance. Accessory dwelling units shall comply with all applicable building and fire code requirements. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. Except however, fire sprinklers may be allowed to address fire code compliance as needed.

37.4 - Streamlined Accessory Dwelling Units Application.

The new construction of one detached accessory dwelling unit that does not exceed eight hundred (800) square feet and sixteen (16) feet in height with minimum four (4) foot side and rear yard setbacks within a residential or mixed-use zone on a lot with a single-family dwelling shall be allowed with a building permit. The detached accessory dwelling unit may be combined with a junior accessory dwelling unit when constructed within the single-family home. An accessory dwelling unit that includes a second-story element shall require approval of an Architectural Permit in accordance with Article 45.

37.5 - Long-Term Rental Only.
The accessory dwelling units shall not be intended or offered for sale, nor sold, but may be rented for terms longer than thirty (30) days. The short-term rental of accessory dwelling units is not permitted.

37.6 - Application Review Process Homeowner Occupancy.

A. **Application Occupancy.** A complete building permit application for the accessory dwelling unit shall be submitted along with a checklist that demonstrates compliance with accessory dwelling unit requirements. The application shall include plans showing the details of the proposed accessory dwelling unit under submittal guidelines established by the Community Development Director. The property owner shall live on-site in either the main unit or the accessory dwelling unit.

B. **Compliance Determination; No Appeals Exception.** The Community Development Director or his or her designee shall make a determination of compliance with this article prior to issuance of the building permit for the accessory dwelling unit. The determination of the Community Development Director is final and not subject to appeal. The homeowner may live off-site and rent out both the main house and the ADU if the homeowner has a medical condition that requires residency elsewhere or accepts a job offer outside of the San Francisco Bay Area.

1. **Process for Review.** Applications for Exception to the Homeowner Occupancy Requirement shall be filed with the Community Development Department by owner of the property affected and shall be reviewed by the Planning Manager or his/her designee. The application shall include pertinent information as may be required by the Planning Manager or his/her designee that demonstrates conformance with the exception criteria described in this subsection B.

2. **Action.** The Planning Manager may take the following actions within 45-days of application submittal:
   a. Request additional information.
   b. Approve or deny the application.
   c. A written decision will be provided to the applicant.

C. **Ministerial Review.** All applications for accessory dwelling units that comply with the requirements under this article shall be approved without discretionary review or a hearing within sixty (60) days after receipt of a substantially complete application. The application shall be denied if the proposed accessory dwelling unit does not comply with all applicable requirements of this article.

[Article 31, Section 31.3 is amended as follows]

**Article 31 – SPECIAL USES**

31.3 - Short-Term Rental Use Incidental to a Primary Residence.

[Subsection A is unchanged]

B. Definitions. For purposes of this section, the following definitions shall apply:
4. Primary Residence. A primary residence is a dwelling unit where a person has been physically present and that the person regards as home. A person may only have one primary residence at any given time. Evidence of a person’s primary residence includes, but is not limited to, documentation from income tax statements or a driver’s license. If a property has multiple dwelling units, including an accessory dwelling unit or apartment complex, each dwelling unit and accessory dwelling unit shall be considered a separate residence subject to the primary residence requirement. Accessory dwelling units shall not be considered a primary residence for purposes of Section 31.3.

C. Permitted Use. Short-term rental uses shall be permitted in any primary residence subject to the requirements of this section, including compliance with the operating standards, registration, Transient Occupancy Tax payments, and recordkeeping obligations. Except as provided for in this section, all other short-term rental uses shall be prohibited, including the short-term rental of accessory dwelling units.

D. Additions on Sloping Lots. One-story new construction, additions, new two-story accessory dwelling units or exterior modifications when the lot has a slope of fifteen (15) percent or greater and the total gross floor area is three thousand (3,000) square feet or more. If the lot slope is thirty (30) percent or greater, an Architectural Permit is required for changes of any size. These provisions apply to any single-family, or duplex or two-story accessory dwelling unit.

Article 36, Section 36.5 is amended as follows

Article 36 - EXTERIOR SITE IMPROVEMENTS

36.5 - Accessory Buildings.
The requirements of this section apply to all accessory buildings in any zoning district.

[Subsections A-B are unchanged]
C. Location. An accessory building shall not project beyond the front wall line of a main building and shall meet the following setback requirements:

1. Front Yard. An accessory building shall comply with the minimum front yard setback of the underlying zoning district.

2. Side Yard. For both interior and exterior street side yard setbacks, the accessory building shall meet the minimum side yard setbacks of the main building (refer to individual zoning district articles for further information).

3. Rear Yard. An accessory building shall have a minimum rear yard setback of six (6) feet.

4. Setback from Other Buildings. The accessory building shall be set back at least six (6) feet from other buildings on the same lot.

D. Height. The total height of an accessory building is limited to fourteen sixteen (16) feet and the wall height is limited to nine (9) feet for flat or shed roofs adjacent to the side and rear property line.

[Subsections E-F are unchanged]

G. Total Amount of Accessory Buildings. Any combination of accessory buildings or an accessory dwelling unit shall not cover more than fifty (50) percent of the required rear yard area.

[Subsection H is unchanged]

[Article 48, Sections 48.2 and 48.3 are amended as follows]

Article 48 – Floor Area Ratio for Single-Family Homes

48.2 - Applicability.
This Article shall apply to all Architectural Permit applications for single-family dwellings in any zoning district, including single-family dwellings with an accessory dwelling unit, except as described below. This Article shall not apply to accessory dwelling units and junior accessory dwelling units.

A. Ground floor additions; or
B. New single-family dwellings or additions built on a lot that is less than 5,000 square feet; or
C. Second story additions of one hundred (100) square feet or less.

48.3 — Definitions.
For the purposes of this Article, the following words and phrases shall have the following meanings:

A. “Gross Floor Area” means the total covered area of all floors of a single—family dwelling which includes attached garages, measured to the outside of stud walls except as described below:

1. Basements that are no more than twenty—four inches above average finished grade; and
2. Detached structures including: Accessory Buildings and Accessory Dwelling Units; and
3. Features as described in Section 32.3 E (Architectural Features); and
4. Attached Accessory Dwelling Units and Junior Accessory Dwelling Units.

[Article 33, Sections 33.16, 33.17, and 33.18 are amended as follows]

Article 33 –Nonconforming Lots, Uses, Structures, and Parking

33.16 – Nonconforming Parking – Single-Family Residential

A. A single-family use or structure that is nonconforming due to the number of parking spaces, may be enlarged, provided:
   1. The addition does not occupy existing available parking area;
   2. The structure is located in the RH, R-1, R-2, R-3, R-4, or R-5 Zoning Districts;
   3. The structure will not exceed two thousand (2,000) square feet in total living area after the enlargement is completed, except as provided in subsection 5;
   4. The driveway meets the standards of Section 30.9 (Access Drives); and parking access and backup constraints do not prohibit use of the existing space(s);
   5. The square footage limitation of two thousand (2,000) square feet may be exceeded where a Use Permit is approved, subject to meeting the following additional criteria:
      a. That the total net enlargement will not exceed two hundred (200) square feet (gross) over the life of the subject property;
      b. That the enlargement not require a variance or other additional special exception other than for the existing nonconforming parking condition;

B. A single-family use or structure that is nonconforming due only to the size or location of parking spaces (but has an adequate number of spaces), and/or the size and location of its garage or carport (or related design criteria for driveway access or parking backup area), may be enlarged, provided:
   1. The addition does not occupy existing available parking area;
   2. Any driveway meets the standards of Section 30.9 (Access Drives); and parking access and backup constraints do not prohibit use of the existing spaces.

C. Accessory dwelling units are not subject to this section.

33.17 - Nonconforming Parking—Two-Family (Duplex) and Three-Family (Triplex) Residential.

A. A two-family (duplex) or three-family (triplex) use or structure that is nonconforming due to the number of parking spaces, may be enlarged, provided:
   1. The addition does not occupy existing available parking area;
   2. The structure is located in the R-2, R-3, R-4, or R-5 Zoning Districts;
   3. At least one additional covered parking space is provided per unit to be enlarged, that reduces or eliminates the parking nonconformity;
   4. Additional square footage does not exceed two hundred fifty (250) square feet, and not more than one additional bedroom is added, per living unit;
   5. Existing parking spaces on the site are covered and were legally established at their current dimensions; and
   6. A minimum driveway width of ten (10) feet is provided, or a lesser width is provided where existing and legally established at that width; and access and backup constraints do not restrict use of the existing spaces.
B. A two-family (duplex) or three-family (triplex) use or structure that is nonconforming due only to the size or location of parking spaces (but has an adequate number of spaces), and/or the size and location of its garage or carport (or related design criteria for driveway access or parking backup area), may be enlarged, provided:

1. The addition does not occupy existing available parking area;
2. Existing parking spaces on the site are covered and were legally established at their current dimensions;
3. A minimum driveway width of ten (10) feet is provided, or a lesser width is provided where existing and legally established at that width; and

C. Accessory dwelling units are not subject to this section.

33.18 - Nonconforming Parking—Multi-Family Residential.
A multi-family residential use or structure that is nonconforming due to the number, size or location of parking spaces, (or related design criteria for driveway access or parking backup area), may not be enlarged unless parking for the entire project is brought into compliance with the provisions of this article. Accessory dwelling units are not subject to this section.