

**ORDINANCE NO.:** \_\_\_\_\_

**AN ORDINANCE AMENDING TITLES 12 AND 17 OF THE ALAMEDA COUNTY GENERAL ORDINANCE CODE, FAIRVIEW AREA SPECIFIC PLAN, LITTLE VALLEY SPECIFIC PLAN AND MADISON AVENUE SPECIFIC PLAN REGARDING ACCESSORY DWELLING UNITS**

The Board of Supervisors of the County of Alameda, State of California, does ordain as follows:

**SECTION I**

The Board of Supervisors makes the following findings in support of this Ordinance:

1. In September 2016, the State of California passed AB 2299 and SB 1069, amending Government Code section 65852.2 regarding the regulation of accessory dwelling units; and
2. State law, as revised, restricts the manner in which local agencies can regulate accessory dwelling units; and
3. The General Ordinance Code of the County of Alameda regulates accessory dwelling units and fees applicable to accessory dwelling units, including Sections 12.20.050 and 12.20.120 of Title 12 of the Alameda County General Ordinance Code related to Park Dedication Fees, Sections 17.04.010, 17.30.110, .120 and .130, 17.52.780, 17.54.225 and 17.60.050 of Title 17 of the Alameda County General Ordinance Code related to Zoning, and various sections of the Fairview Area Specific Plan, Little Valley Specific Plan and Madison Avenue Specific Plan; and
4. The amendments to the General Ordinance Code set forth herein are made to conform to the new State law regarding accessory dwelling units; and
5. The Alameda County Board of Supervisors did consider amending Sections 12.20.050 and 12.20.120 of Title 12 of the Alameda County General Ordinance Code related to Park Dedication Fees and Sections 17.04.010, 17.30.110, .120 and .130, 17.52.780, 17.54.225 and 17.60.050 of Title 17 of the Alameda County General Ordinance Code related to Zoning and various sections of the Fairview Area Specific Plan, Little Valley Specific Plan and Madison Avenue Specific Plan; and
6. Notice of public hearing was given as required by law; and
7. The Planning Commission did hold a public hearing on said proposed amendment at the hour of 6:00 p.m. on Monday, February 6, 2017; and
8. This Board did hold a public hearing on said proposed amendment at the hour of 1:00 p.m. on Tuesday, April 25, 2017; and
9. The Board does find that the amendments to the Alameda County General Ordinance Code have been reviewed in accordance with the provisions of the California Environmental Quality Act (CEQA) and the proposed amendments have been found to be exempt from further environmental review pursuant to CEQA Guidelines Section 15282(h) and Public Resources Code Section 21080.17 which exempt the local adoption of ordinances regarding second units in a single-family or multifamily residential zone to implement Government Code section 65852.2 and pursuant to the general rule in CEQA Guidelines section 15061(b)(3), which specifies that CEQA applies only to any project with the potential to cause a significant impact on the environment; and

10. The Board finds that the amendments incorporate revisions to the General Ordinance Code of the County of Alameda prompted by passage of California State Senate Bill 1069 (Wieckowski) and California State Assembly Bill 2299 (Bloom), which amended California Government Code Section 65852.2 starting on January 1, 2017, to address the shortage of affordable housing by modifying the development standards and process by which cities and counties review and permit accessory dwelling units; and
11. The California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, welfare, and morals of their citizens.

## SECTION II

### Part 1. Title 12 Amendments

Section 12.20.050 of the Alameda County General Code is hereby amended to insert the following definition of "Agricultural Caretaker's Unit" in alphabetical order, and to delete the definition of "Secondary unit" and replace it with the following definition of "Secondary (or Accessory Dwelling) Unit":

#### **Section 12.20.050 - Definitions.**

"Agricultural Caretaker's Unit" means an agricultural caretaker's unit as defined in the Zoning Ordinance or any second or subsequent unit including but not limited to additional dwellings for persons employed in the agricultural use on the property under Section 17.06.040(A) of the Zoning Ordinance and occupancy of a mobile home by persons directly related to an on-site agricultural use or for security purposes under Section 17.06.040(M).

"Secondary (or Accessory Dwelling) Unit" means, for the purpose of this chapter, a second or secondary unit as allowed under the Zoning Ordinance or other adopted county policy regarding such units, which is either attached or detached and which is not fully contained within the existing space of an existing single family residence or accessory structure. "Accessory Dwelling Unit" does not mean an agricultural caretaker's unit.

The final table only of Section 12.20.120 of the Alameda County General Code is hereby amended to read as follows; the remainder of Section 12.20.120 remains:

#### **Section 12.20.120 - Standards.**

Subsequent to July 1, 2006, the requirement shall be as follows:

Type of Unit	Sq. ft. / Unit	\$ In-Lieu Fee	
		Total	Development Increment
Single Family	628	\$11,550.00	\$2,175.00

Multiple	555	10,200.00	1,900.00
Secondary Unit	314	5,775.00	1,075.00
Agricultural Caretaker's Unit	314	5,775.00	1,075.00
Mobilehome	434	7,975.00	1,500.00

Part 2. Title 17 Amendments

Section 17.04.010 of the Alameda County General Code is hereby amended to insert the following definition in alphabetical order:

**17.04.010 - Definitions.**

"Secondary (or Accessory Dwelling) Unit" means an accessory, second or secondary unit that is an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as one single family dwelling is situated. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Section 17.30.100 of the Alameda County General Code is hereby amended to read as follows:

**17.30.100 - Combining SU District—Intent.**

The district, hereinafter designated as combining SU (secondary unit) district, is established to be combined with residential districts which are characterized by lot sizes, parking areas, street improvements, public utilities, and other residential support systems which can best accommodate them.

Section 17.30.110 of the Alameda County General Code is hereby amended to read as follows:

**17.30.110 - SU Combining District—Permitted uses.**

In addition to those uses permitted in this district with which it is combined, one secondary dwelling unit per building site is permitted subject to the following requirements:

**A. Parking:**

1. One parking space per unit or per bedroom, available for tenant and visitor parking and having a nine-foot minimum width, an eighteen (18) foot minimum depth, and an area not less than one hundred eighty (180) square feet, or be designed as specified in the Alameda County Residential Design Guidelines, must be present on the property. Such parking may be provided on an existing driveway or within a required setback and may be tandem.

2. No additional parking for the secondary unit is required when:
    - a. the property is located within one half mile of public transit;
    - b. the property is located within an architecturally and historically significant historic district;
    - c. the property is entirely within the existing space of the existing primary residence or an existing accessory structure;
    - d. on street parking permits are required but not offered to the occupant of the accessory dwelling unit; or,
    - e. there is a car share vehicle located within one block of the accessory dwelling unit.
  3. Except for secondary units described in subsection 17.30.110(A)(2), when a garage, carport, or covered parking space is eliminated in conjunction with the construction of a secondary unit, the eliminated off street parking spaces shall be replaced on-site. The replacement space(s) may be located in any configuration on the same lot as the secondary unit and may be covered, uncovered spaces, tandem spaces, or accessible by the use of mechanical automobile parking lifts.
- B. The attached secondary unit shall have a direct external entry and shall be limited to a maximum size of 50% of the existing living area or six hundred forty (640) square feet, whichever is less. In all other respects the regulations of the district within which the SU district is combined shall remain the same, except as follows:
- a. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, except as required by Fire or Building Codes.
  - b. Units contained within the existing space of a single-family residence or accessory structure need only have side and rear setbacks sufficient to ensure fire safety.
- C. The detached secondary dwelling shall be clearly subordinate to the existing single family dwelling by size and appearance. A detached secondary unit shall be limited to one story, fifteen (15) feet in height, a maximum size of 50% of the existing living area or six hundred forty (640) square feet, whichever is less, a minimum of ten feet from the existing dwelling, and located to the rear of the existing dwelling. In all other respects the regulations of the district with which the SU district is combined shall remain the same.
- D. The secondary unit shall not be sold separately from the primary residence.
- E. The secondary unit shall not be rented for a period of less than 30 days.
- F. The property must be owner occupied.

Section 17.30.120, Section 17.30.130, and the heading "Article V – Combining CSU Districts" of the Alameda County General Code are hereby deleted in their entirety.

Section 17.52.780 of the Alameda County General Code is hereby amended to read as follows:

**Section 17.52.780 - Parking spaces—Size and location.**

Except as provided for in Section 17.30.110, concerning secondary units, every required parking space shall have an area not less than one hundred eighty (180) square feet and shall have a width not less than nine feet, and a length of not less than eighteen (18) feet, or be designed as specified in the Alameda County Residential Design Guidelines, exclusive of maneuvering space and driveways which shall be provided as required to make each parking space independently accessible from the street at all times. No required parking space shall

occupy any required front yard or any required street side yard of a corner lot, or any required setback from a driveway or any part of a required loading space. All required parking spaces shall be provided on the same building site as the use of building for which they are required.

Section 17.54.225 of the Alameda County General Code is hereby amended to read as follows:

**Section 17.54.225 - Site development review for garage conversions—Applications.**

Applications for garage conversions shall include the materials required pursuant to "Site Development Review—Applications" Section 17.54.230, except that site development reviews for garage conversions shall also include:

- A. Elevations of all exterior wall surfaces of the existing on-site primary structure(s), and of the proposed garage conversion;
- B. Annotated photographs of all street-facing exterior wall surfaces of the five neighboring properties at either side of the subject site, and of the ten closest properties across the street from the subject site;
- C. Floor plans of all of the on-site primary structures and of the proposed garage conversion; and
- D. Site plans showing the entire subject property and all structures therein, including the replacement storage space, the proposed on-site parking spaces, and showing site plans for all adjacent parcels that share property lines with the subject parcel, including their curb-cuts and driveways, and locations of all structures.
- E. Site Development Review shall not be required for garage conversions when the purpose of the conversion is to create a new secondary unit within the space of an existing attached or detached garage, and the new unit meets the requirements contained in Section 17.30.110, concerning secondary units.

Paragraph A of Section 17.60.050 of the Alameda County General Code is hereby amended to delete the phrase "for a secondary unit".

**Part 3. Specific Plan Amendments**

The Fairview Area Specific Plan is hereby amended as follows:

Section III(B)(8) is hereby amended to read as follows:

**8. Secondary Units**

Secondary units shall be allowed only as permitted and regulated within the SU (Secondary Unit) Combining District.

The Little Valley Specific Plan is hereby amended as follows:

A new subparagraph "g." is added to Chapter IV, Section B, Paragraph 1 and shall read as follows:

g. Secondary units shall be allowed only as permitted and regulated within the SU (Secondary Unit) Combining District.

Subparagraph "f." of Chapter IV, Section B, Paragraph 2, is deleted in its entirety.

The Madison Avenue Specific Plan is hereby amended as follows:

Regulations and Required Improvements, Page 9, Paragraph 1, delete the phrase "secondary units" from the first bullet-point paragraph.

### SECTION III

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the 25th day of April 2017, by the following called vote:

AYES:

NOES:

EXCUSED:

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Wilma Chan, President of the Board of Supervisors  
of the County of Alameda,  
State of California

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Anika Campbell-Belton, Clerk of the Board of Supervisors  
of the County of Alameda,  
State of California

Approved as to Form:

Donna R. Ziegler, County Counsel

By: \_\_\_\_\_  
Heather Littlejohn  
Deputy County Counsel