



MEMORANDUM CITY OF SAUSALITO

TO: ADU Working Group

FROM: Lilly Schinsing, Associate Planner

DATE: July 30, 2012

SUBJECT: Topics for Discussion—July 30, 2012

Regulations for Existing ADUs

- 1- Deed Restriction- Existing Units. The Working Group directed staff to remove the deed restriction requirement for existing ADUs exceeding 700 square feet.

Staff Comment: *Requested changes made to draft regulations.*

- 2- Access. The Working Group directed staff to include language which would allow for the ADU to be accessed through a foyer.

Staff Comment: *The following proposed language has been added to the draft regulations: "Access and Facilities. All new attached or detached Accessory Dwelling Units shall have a separate entrance. An entrance leading to a foyer with entrances leading from the foyer to the main dwelling unit(s) and the accessory dwelling unit is permitted."*

Regulations for New ADUs

- 3- Access. The Working Group directed staff to include language which would allow for the ADU to be accessed through a foyer.

Staff Comment: *The following proposed language has been added to the draft regulations: "Access and Facilities. All new attached or detached Accessory Dwelling Units shall have a separate entrance. An entrance leading to a foyer with entrances leading from the foyer to the main dwelling unit(s) and the accessory dwelling unit is permitted."*

- 4- Owner Restriction. Staff recommends that the period for a owner occupying either the primary unit or ADU should be up to 12 consecutive months during any 24 month period. Staff has modified the working draft of the regulations accordingly.
- 5- Height—Detached Units. The Working Group directed staff to remove language establishing different height requirements for differently sloped lots. Additionally, the Working Group directed staff to add a CUP requirement for an exception to the detached ADU height requirements.

Staff Comment: *Requested changes made to draft regulations.*

- 6- Deed Restriction- New Units. The Working Group directed staff to include language which would require a deed restriction for new ADUs greater than 700 square feet. The City Attorney has opined that the deed restriction is an exaction and as a result, the deed restriction must be optional and the City should provide a benefit to the applicant in exchange for consenting to a deed restriction. Staff examined the parking requirements to identify opportunities for a deed restriction exchange.

New ADUs – Parking Requirements			
ADU Size	Parking Rqmt	Options for Compliance	
		Draft Regulations	Proposed Regulations
700 sf and less	1 Space	Tandem or Parking Study	Tandem or Parking Study
Greater than 700 sf	2 Spaces	Tandem or Parking Study	Deed Restriction (for 1 space) and: Tandem or Parking Study

Staff Comment: *Staff recommends that the parking language is modified such that a deed restriction would be required for new units greater than 700 square feet in exchange for relief from one parking space. If the owner decided to not deed restrict, the ADU would be required to provide two parking spaces (unless waiver granted).*

The following proposed language has been added to the draft regulations:

“Accessory Dwelling Units greater than 700 square feet. Two off-street parking spaces shall be provided for the Accessory Dwelling Unit.

- a. Relief from one off-street parking space, for a total requirement of one off-street parking space, may be granted if the Accessory Dwelling Unit is deed restricted as an Affordable Rent Unit.
 - i. Prior to deed restriction as an Affordable Rent Unit, the property owner shall select the level of affordability and associated period of deed restriction:

Period of Restriction	Affordability
10 years 20 years	Very Low – Affordable Rent
15 years	Low– Affordable Rent
20 years	Moderate – Affordable Rent

- ii. If the Accessory Dwelling Unit is removed or converted pursuant to xx.050.P the deed restriction shall be rescinded.
- b. If it can be demonstrated that it is not feasible to accommodate an unobstructed 9-foot by 20-foot parking space on the parcel,

tandem will be allowed without a Conditional Use Permit subject to the following conditions:

- i. The tandem space shall not be located on a shared driveway.
 - ii. The design of the tandem space shall be reviewed by the City Engineer in order to verify that it is provided safely.
 - iii. No portion of the tandem space shall be located in the public right of way.
- c. If it can be demonstrated that it is not feasible to accommodate a parking space on the parcel, the applicant may submit a parking study that shows the availability of on-street parking during daytime and nighttime hours. If it is demonstrated that there is adequate on-street parking, the parking requirement may be relieved without a Variance, subject to the condition that the main unit(s) must meet all applicable parking requirements.
- d. Any off-street parking for Accessory Dwelling Units may be located in required yard areas regardless of structure height.

7- Item For Additional Discussion - Parking

- Parking: Section xx.050.N.1.b and xx.050.N.2.c does not specify if the exception to the parking requirement (with a parking study) would be reviewed at the staff level or the Planning Commission level. Additionally, the condition specified for a parking exception requires that the main unit meet all “current” parking requirements.
- Staff recommends that the waiver be reviewed at the Planning Commission level with a Conditional Use Permit.
- Staff recommends that the main units meet all “applicable” parking requirements (allowing for a grandfathered parking situation to remain).
- Recommended modified language (not incorporated into working draft 7/30/12):

If it can be demonstrated that it is not feasible to accommodate ~~a on-site parking space on the parcel, the applicant may submit a parking study that shows the availability of on-street parking during daytime and nighttime hours. If it is demonstrated that there is adequate on-street parking, the parking requirement may be relieved~~ apply for a Conditional Use Permit for relief from the on-site parking requirement. The Planning Commission may grant a parking exception enumerated if the Planning Commission makes the following findings without a Variance, subject to the condition that the main unit(s) must meet all applicable parking requirements.

a. A parking study, which shows the availability of on-street parking during daytime and nighttime hours, demonstrates that there is adequate on-street parking in the immediate neighborhood.

b. The main unit(s) meets all applicable parking requirements.