

Code Maintenance 2004: Accessory Structures Amendments

City Council Hearing
October 20, 2004



Development Services

Code Maintenance 2004

- Planning Commission hearings on February 24th and March 9th
- Voted to forward CM package with exception of two items:
 - changes to the regulations on Accessory Structures within side and rear setbacks
 - the application of Design Standards for Accessory Dwelling Units

Code Maintenance 2004

- On May 11, 2004 the Planning Commission held a work session to discuss these two amendments
- Provided additional information on building permits and Adjustment for Accessory Structures
- Voted to forward these amendments with a recommendation for adoption

Public Outreach

- Mailed 536 notices of January and February 2004 hearings
- Held two Open Houses in February 2004
- Special letter to interested parties on June 28, 2004
- Mailed 535 notices of August Council hearing (which was later cancelled)
- Mailed 541 notices of today's hearing
- Provided information to Citywide Land Use Chairs in February, July, and September 2004
- Information on web since January 2004

Existing Regulations: Minimum Setbacks for Accessory Structures

- Currently, the residential zones only allow a detached garage, subject to size and height limitations, to be placed within the required side and rear setbacks
- All other detached accessory structures must be at at least 5' from the side and rear lot lines (10' in R10) unless they are less than 6' high
- A detached Accessory Dwelling Unit can be up to 800 sq. ft. and 18' tall but is not allowed to be placed within the setbacks

Existing Regulations: Minimum Setbacks for Accessory Structures

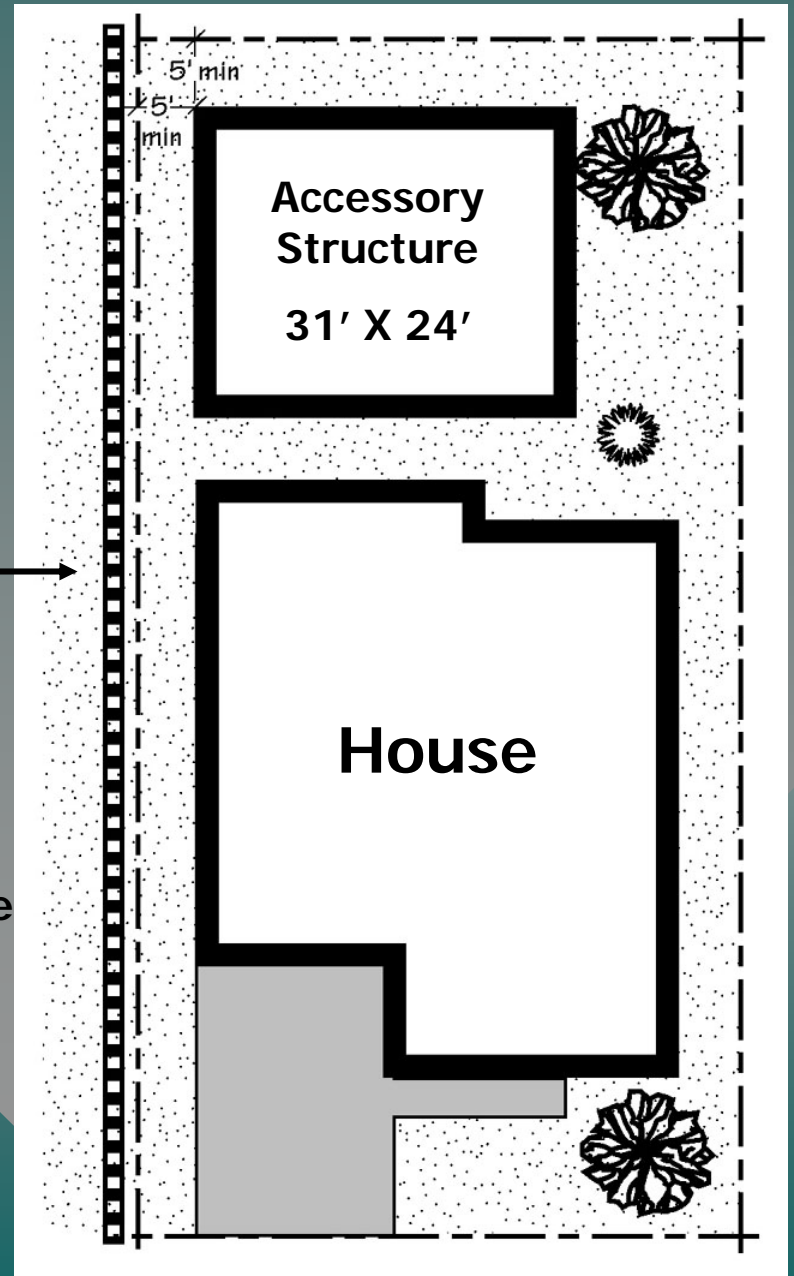
- Garage is defined as a covered structure “designed to provide shelter to a vehicle” that is accessory to a residential use in houses, attached houses, duplexes, mobile homes and houseboats.
- The setback for a detached garage can be as small as zero (i.e. built at the property line) if its dimensions are no larger than 24' X 24' (i.e 526 sq. ft.) and the walls are no taller than 10'

Existing Regulations: Accessory Structures

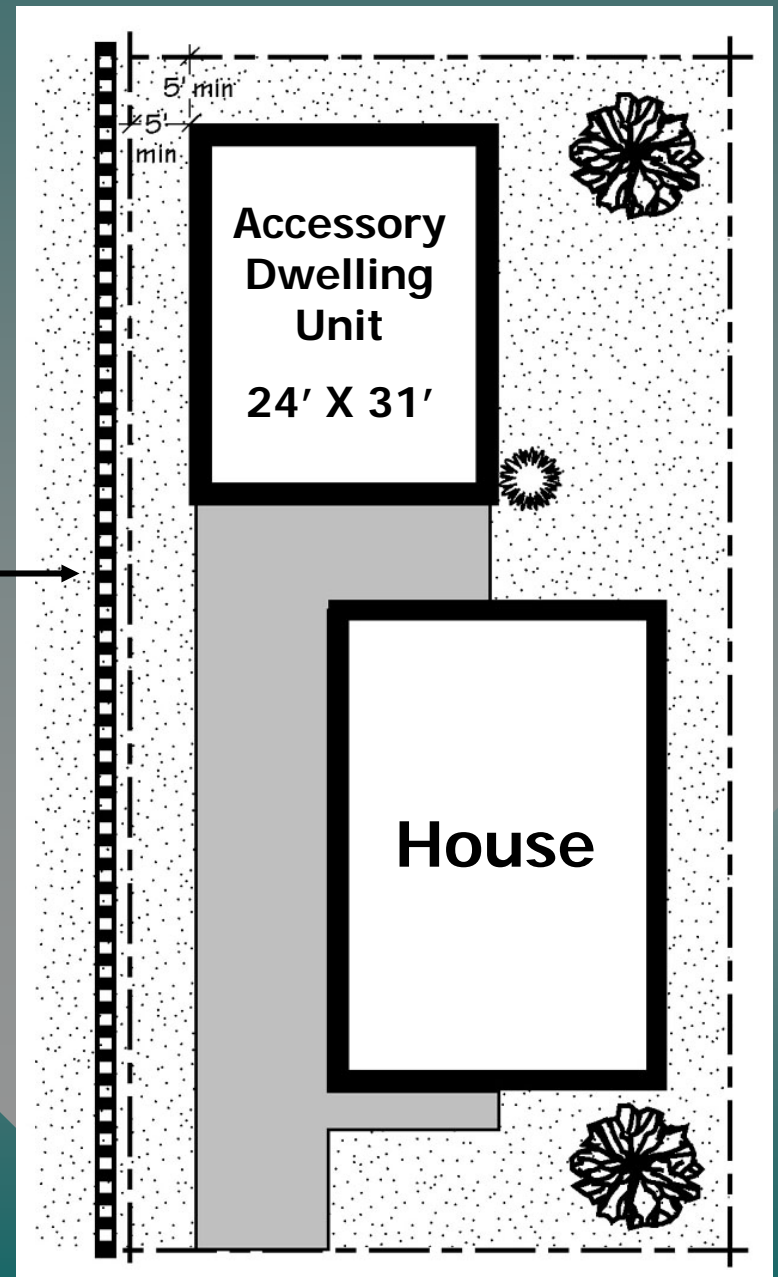
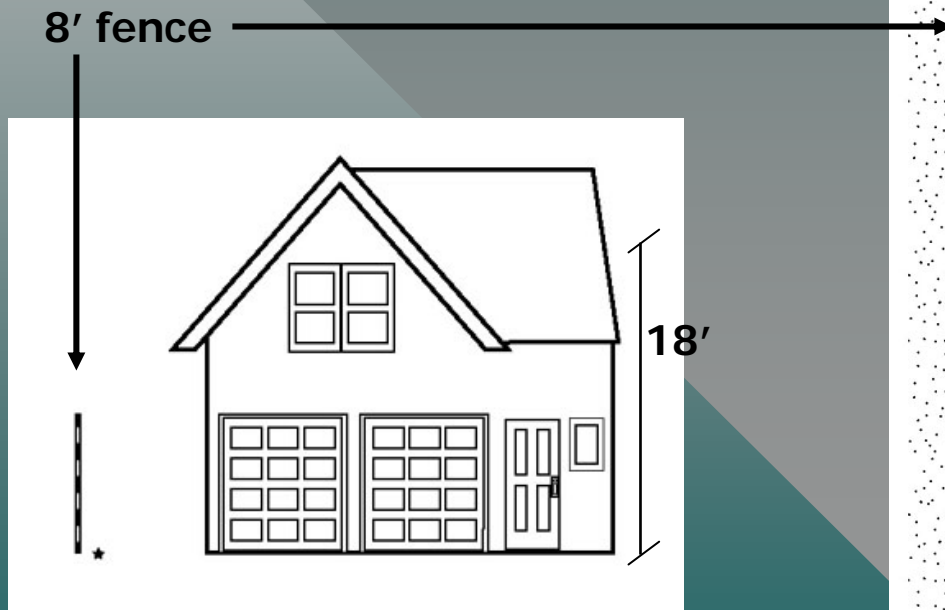
8' fence



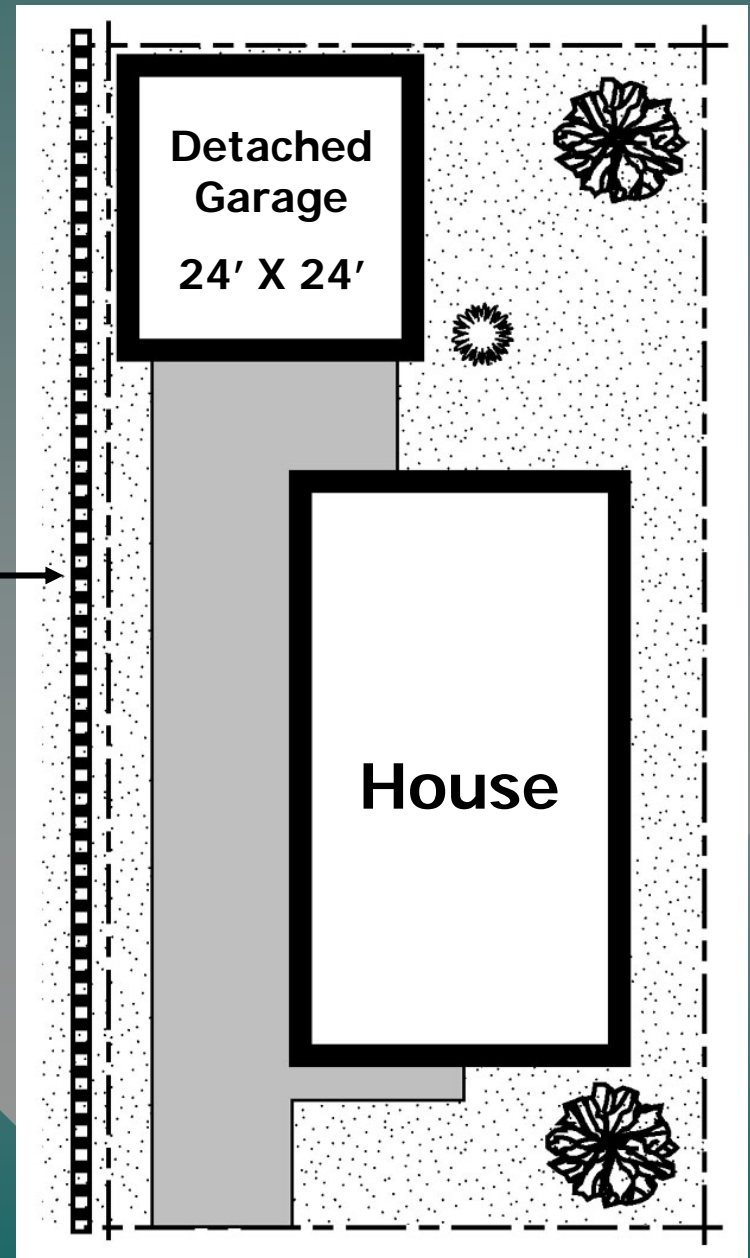
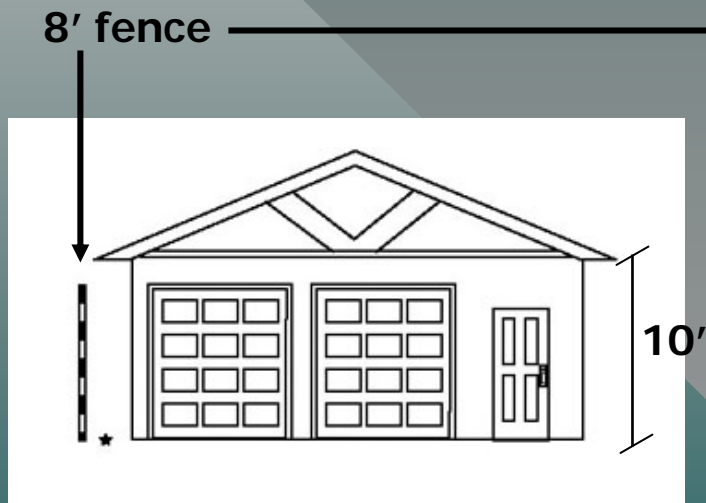
Base Zone
Height
30' to 40'



Existing Regulations: Accessory Dwelling Units



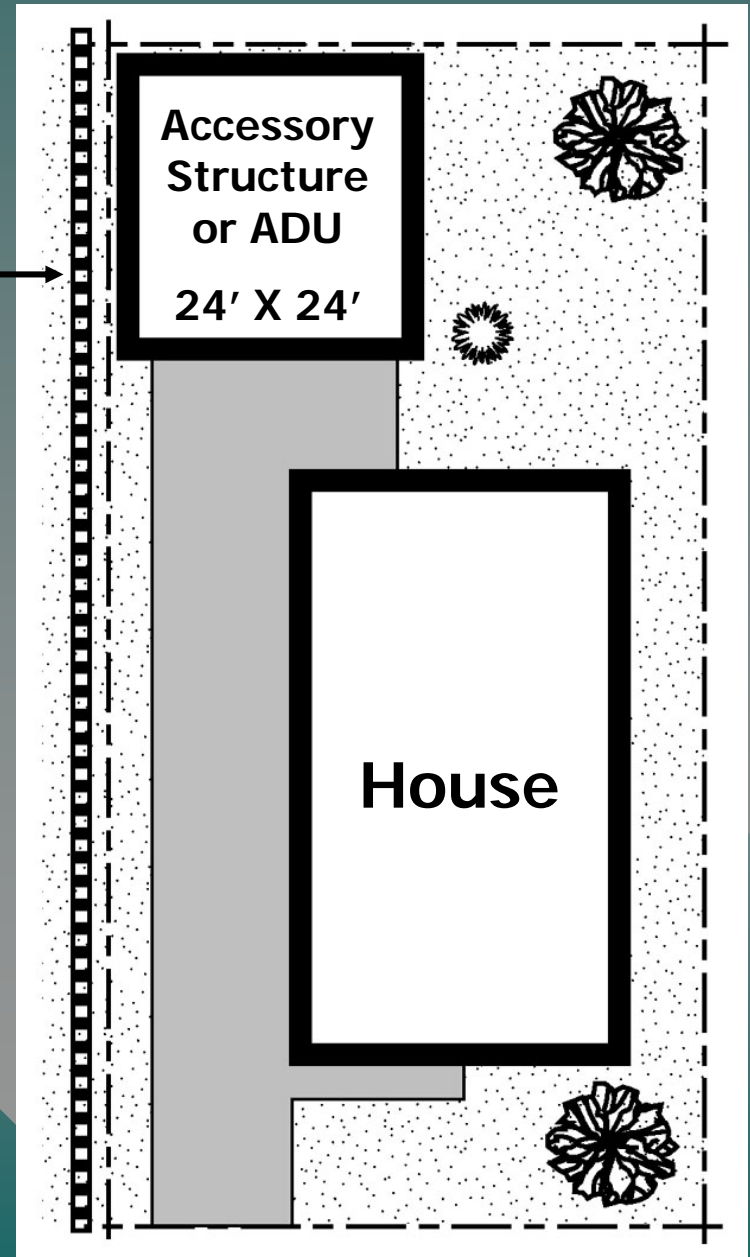
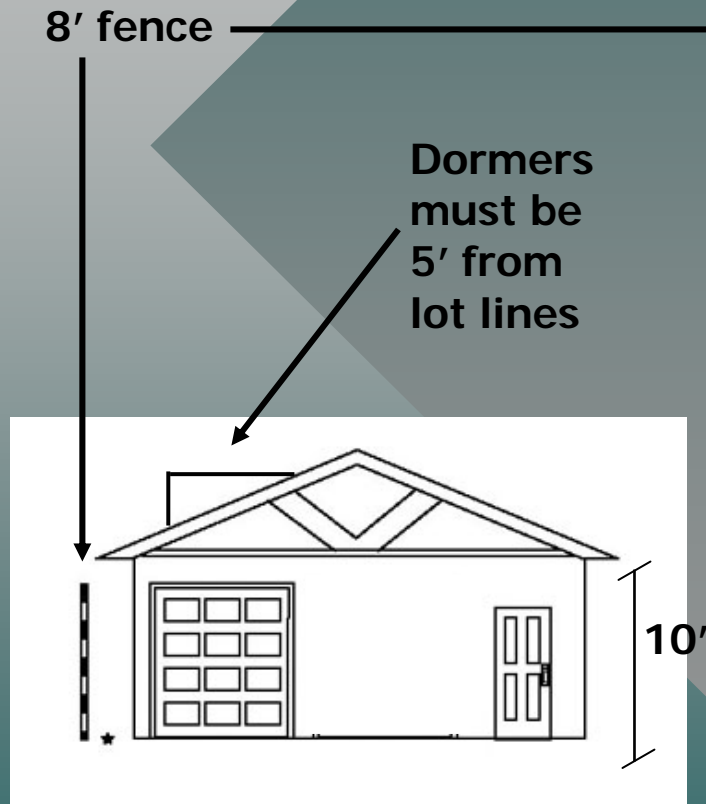
Existing Regulations: Detached Garages



Recommended Changes: Minimum Setbacks for Accessory Structures

- Recommended amendments will:
 - allow all covered accessory structures, including Accessory Dwelling Units, to be placed within the side and rear setbacks
 - retain existing limits on size and height
 - add a new limit on the placement of dormers

Recommended Changes: Minimum Setbacks for Accessory Structures



Why Change the Minimum Setbacks for Accessory Structures?

- People want to expand useable living space while retaining outdoor space in the backyard
 - Inquires about building a detached accessory structure within the setbacks for a variety of living and non-living activities are frequent
 - Inquires about converting existing garages for other activities are also frequent
- Construction is occurring without permits
- Adjustments are routinely approved

2002 and 2003 Building Permits for Garages

- 363 garage permits in data pool
- 346 did not require an Adjustment
- 17 requested an Adjustment related to the setbacks; all were approved

2002 and 2003 Building Permits for Garages

- Of the 346 garage permits w/out Adjustments:
 - 55% (192) were built within either the side or rear setback (i.e. less than 5' from lot line)
 - 47% (163) were built less than 3' from either the side or rear lot line
 - 20% (68) were less than 3' from both the side and rear lot line
 - 16% (56) were built on either the side or rear lot line; 14 had shared side wall with garage on the adjoining lot
 - 5% (17) were built on both the side and rear lot line

2002 and 2003 Building Permits for Garages

- Of the 17 garage permits that required an Adjustment:
 - 71% (12) were built within either the side or rear setback (i.e. less than 5' from lot line)
 - none were built on either the side or rear lot line

2001-2003 Adjustments for non-ADU Accessory Structures

- 41 Adjustments were granted for all non-ADU accessory structures:
 - 5 in 2001; 16 in 2002; 20 in 2003
 - 56% (23) involved garages that exceeded the size limits (6 in 2001, 9 in 2002, 8 in 2003)
 - 27% (11) involved other accessory structures not allowed within the setbacks (i.e. artist studio, home office, etc)
 - 15% (8) involved legalization of construction done without a permit

2001-2003 Adjustments for Accessory Dwelling Units

- 9 Adjustments were granted for an ADU in a structure that was within the side or rear setback. Of these:
 - 67% (6) involved conversion of existing structures; 34% (3) were for new buildings
 - 44% (4) involved legalization of construction done without a permit

Existing Regulations: Design Standards for ADUs

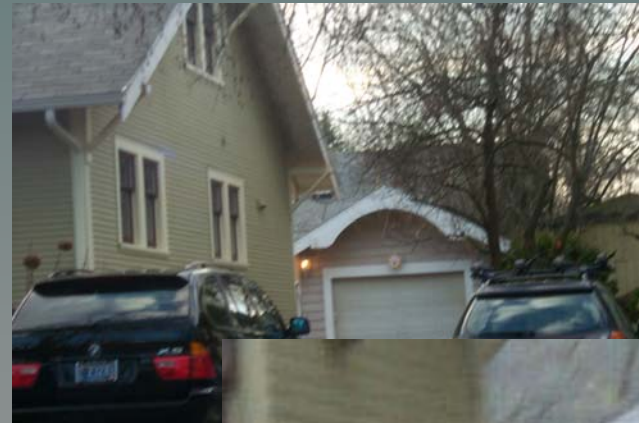
- Currently, new construction and conversion of an existing structure to create an Accessory Dwelling Unit are subject to a number of restrictions including five design compatibility standards

Existing Regulations: Design Standards for ADUs

- These standards require that the following elements on the ADU be the same or visually match the primary structure:
 - exterior finish materials
 - roof pitch
 - trim
 - windows
 - eaves

Why Change the Application of Design Standards for ADUs?

It is not uncommon for one or more of these design elements to be different on an existing accessory structure and the primary structure



Why Change the Application of Design Standards for ADUs?

- Conversion of an existing structure that does not meet these standards requires:
 - replacement of the non-matching element(s); or
 - Adjustment review for non-matching element(s)
- Adjustments are usually approved

Recommended Regulations: Design Standards for ADUs

- Recommended amendments will:
 - continue to apply the standards to new construction
 - exempt existing structures that do not meet the design standards
 - not allow existing structures that meet the standards to move out of conformance (i.e. matching elements must be retained)
 - apply the standards when an existing structure is expanded

Code Maintenance 2004: Accessory Structures Amendments

The public record for this project in its entirety is available at this hearing. The following is a summary of its contents:

- Proposed Code Maintenance 2004 materials: preliminary draft; draft Impact Analysis Report; draft ordinance and findings; preliminary lists
- Background and research materials
- Public outreach materials: mailing lists, notices, web site information, correspondence sent and received
- Planning Commission briefing and review materials and public testimony from hearings