KING CITY
CALIFORNIA

ITEM 7 (B)

REPORT TO THE PLANNING COMMISSION

DATE: **AUGUST 4, 2020**

TO: **HONORABLE CHAIRPERSON NUCK AND MEMBERS OF THE PLANNING COMMISSION**

FROM: **DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR**

BY: **ERIK BERG-JOHANSEN, PLANNER**

RE: **REVIEW OF LAND USE ELEMENT COMMUNITY SURVEY RESULTS**

RECOMMENDATION:

It is recommended that the Planning Commission review the information and provide staff comments on the Community Survey results.

BACKGROUND:

In 2019, the City secured a grant (SB 2 funding) from the State to update the Land Use Element ("LUE") of the General Plan. The grant amount is for $160,000 and requires the City address the growing need for housing. As part of the proposal, the City would adopt an Accessory Dwelling Unit ("ADU") ordinance.

The first primary step of this process was sending out a community survey to every household in King City. The purpose for the community survey is to help guide the LUE update. The results of this survey and next steps are summarized below.

DISCUSSION:

On **March 19, 2020**, LUE Community Surveys (Surveys) were mailed to 4,881 homes in King City. Community surveys were sent via mail in English and Spanish. Responses could be provide either by mail or on the City's website. The responses were due **April 7, 2020**.

The primary purpose of the Survey is to help direct the LUE update by gauging the community's support of increased density, increased building height and mixed-use opportunities that all lead to generation of additional housing, and particularly affordable housing.

The City collected 441 responses, which is a response rate of about 9%. The Surveys were collected in three ways:

1) hard copy dropped off at City Hall;
2) hard copy mailed back to the City with a pre-paid envelope; and
3) responses using the ZOHO online survey interface.

The Survey was provided to every household in both English and Spanish, and included a map showing "Opportunity Areas" and the boundaries of different King City neighborhoods. (The boundaries were created by staff to collect information on the geographic location of Survey respondents.) Considering the number of residents we would expect to attend outreach events or workshops, and now knowing these events may not be possible due to COVID-19, staff is very satisfied with the relatively large number of responses.

Demographics

- Sixty-four percent of respondents had a person in their household over 50 years of age.
- According to the US Census 2018 ACS 5-Year estimates, approximately 18% of residents in King City are 45 or older. And the median age in King City is 28 years (compared to 38 which is the National median age). This means King City is a very young City, relatively speaking.
- While it is understood that respondents over 50 years of age may live in a household with younger family members, we believe that these results show that residents over 50 years of age had a much higher response rate than younger households.
- The 2018 ACS 5-Year estimates also report the following regarding owner occupancy:
  - 5,471 residents in owner occupied homes (40%)
  - 8,299 residents in tenant occupied homes (60%)
- Sixty-three percent of Survey respondents reported they own their home, which means there was a higher response rate among homeowners and a lower response rate among renters.

As we analyze these Survey results, it is important to recognize the majority of respondents are older property owners in a community comprised primarily of younger renters.

Community Challenges

Respondents identified the following community challenges:

1. Availability of affordable housing (more than half of all Survey respondents identified this). This solidifies that residents would like to see an increase in affordable housing options.
2. In second place was "Availability of jobs."
3. The third most popular choice was "Lack of retail stores" with 49% of residents selecting this option. In addition, more than 15 residents selected "Other" and a comment was made about the City needing more retail stores or something other than Safeway as a main grocery store (e.g., Target, Walmart, Trader Joe's).

Specific Issues

1. Mixed-Use Development

   - Thirty-six (36%) percent of respondents are opposed to increasing the amount of land available for mixed-use zoning.
   - Sixty-four (64%) percent of respondents were either supportive of mixed-use, or had no preference.

   Diving a little deeper into these findings, staff ran a cross report on home ownership vs. support for mixed-use:

   - Thirty-nine (39%) percent of respondents who own their own home were opposed to mixed-use.
   - Twenty-nine (29%) percent of respondents who rent were opposed to mixed-use.

2. Three to Four Story Buildings

   - Fifty-six (56%) percent of respondents were supportive of 3-4 story buildings in at least one of the Opportunity Areas.
   - Overall, there was more support for 3-4 story buildings in Opportunity Area #2 (1st Street/Highway 101) than in Opportunity Area #1 (West Broadway).

3. Affordable Median Rent Amounts

Respondents were able to input any amount they thought was "affordable" for each type of home. This information will be helpful when speaking with developers who are interested in building affordable housing in King City. It may also help inform decisions around new zoning code standards for mixed use developments (e.g. imposing too many stringent design requirements may lead to construction costs that would make affordable rents infeasible).

- One-bedroom apartment: **$800/month**
- Two-bedroom apartment: **$1000/month**
- Three-bedroom apartment: **$1200/month**
- Single-family home: **$1500/month**

4. Housing Types

Respondents were asked which type of housing the City was in most need of:

- The most popular choice for this was single-family homes with forty-eight (48%) percent of the vote.
- Apartments, townhomes, and manufactured homes gained forty-two (42%) percent of the vote, which implies that many respondents are supportive of more affordable housing types.
- Ten (10%) percent of the respondents selected "Other" and provided a custom response. Senior Housing and Affordable Housing were popular choices. Some respondents also stated "None" indicating they do not want to see any growth.

Staff Recommendations for Planning Documents and Studies

- Incorporate policies and programs in the updated LUE that recommend 3 or 4 story buildings and new zoning in certain areas for mixed-use development that will work to generate affordable housing options.
- Develop plans to implement these policies and programs through changes to the Zoning Map, Municipal Code, Public Improvement Plans (e.g. road improvements) and through new or revised Specific Plans.
- Incorporate policies and programs in the updated LUE that will work to improve health and wellbeing throughout the community.

The map used as part of the Survey is included as **Exhibit 1.** The full summary of the survey results is included as **Exhibit 2.**

ENVIRONMENTAL REVIEW:

An environmental determination has been made that the Community Survey is considered a Class 6 Categorical Exemption. Class 6 Categorical Exemptions consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

COST ANALYSIS:

There are no costs associated with this action.

ALTERNATIVES:

The following recommendations are provided for Planning Commission consideration:

1. Review the Survey results and provide comments to staff.

Exhibits:

Exhibit 1: Community Survey Map
Exhibit 2: Survey Summary Results

Submitted by: _____
Erik Berg-Johansen, City Planner

Approved by: _____
Doreen Liberto, AICP, Community Development Director

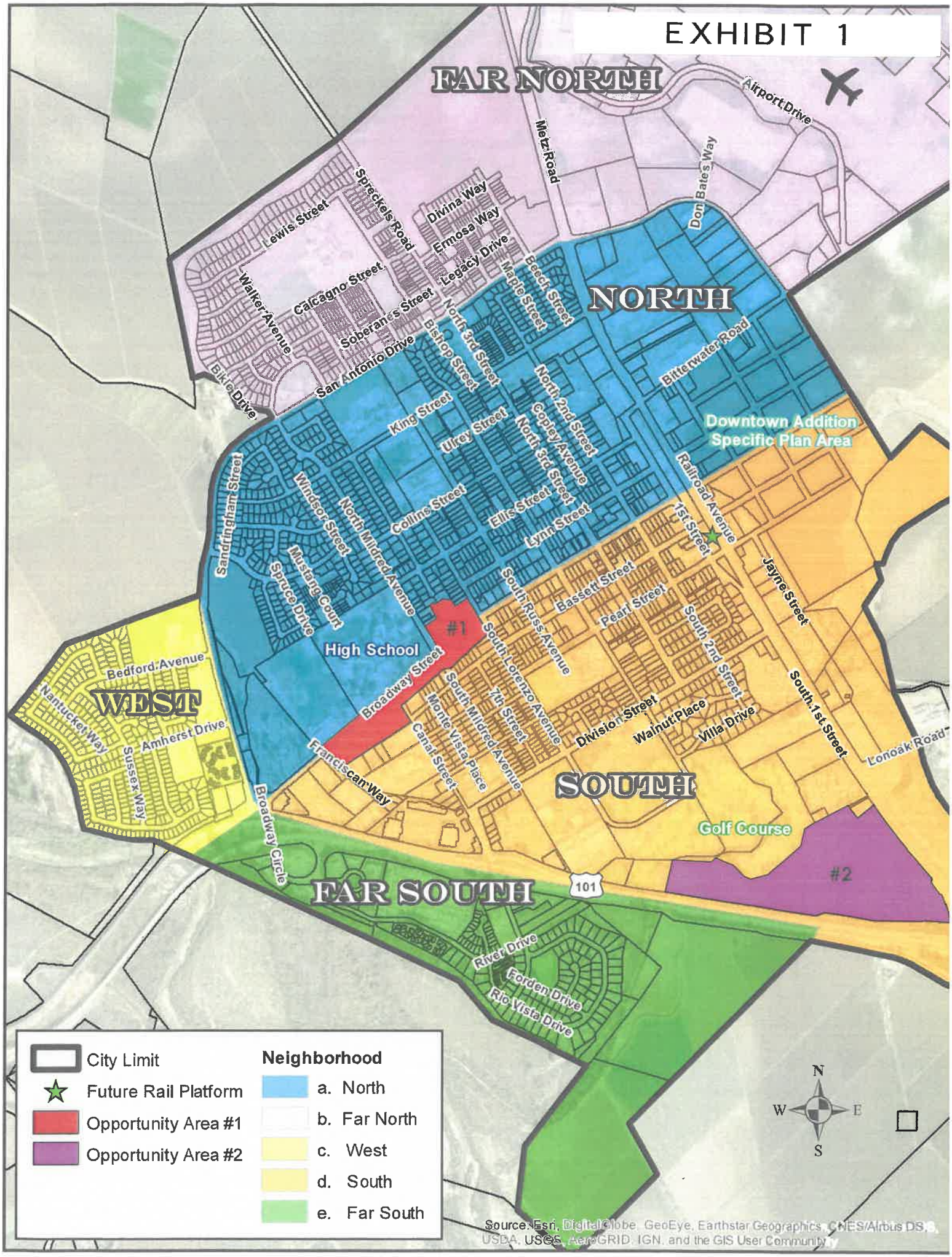


EXHIBIT 1
FAR NORTH
NORTH
WEST
SOUTH
FAR SOUTH
Airport Drive
Metz Road
Don Bates Way
Spreckels Road
Divina Way
Ermosa Way
Legacy Drive
Lewis Street
Walker Avenue
Calcagno Street
Soberanes Street
San Antonio Drive
Bike Drive
Bishop Street
North 3rd Street
Maple Street
Beech Street
Bitterwater Road
King Street
Ulrey Street
North 2nd Street
Copley Avenue
North 3rd Street
Downtown Addition Specific Plan Area
Railroad Avenue
Sandringham Street
Windsor Street
North Mildred Avenue
Collins Street
Ellis Street
Lynn Street
1st Street
Mustang Court
Spruce Drive
South Russ Avenue
Bassett Street
Pearl Street
Jayne Street
#1
High School
Broadway Street
South Lorenzo Avenue
South 2nd Street
Bedford Avenue
Nantucket Way
Amherst Drive
Sussex Way
Monte Vista Place
South Mildred Avenue
7th Street
Canal Street
Division Street
Walnut Place
Villa Drive
South 1st Street
Lonoak Road
Franciscan Way
Broadway Circle
Golf Course
#2
101
River Drive
Forden Drive
Rio Vista Drive
City Limit
Future Rail Platform
Opportunity Area #1
Opportunity Area #2
Neighborhood
a. North
b. Far North
c. West
d. South
e. Far South
N
W
E
S
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

EXHIBIT 2

2020 General Plan Update - English

441
Total Responses

441 Completed Responses

0 Partial Responses

475
Survey Visits

Page 1

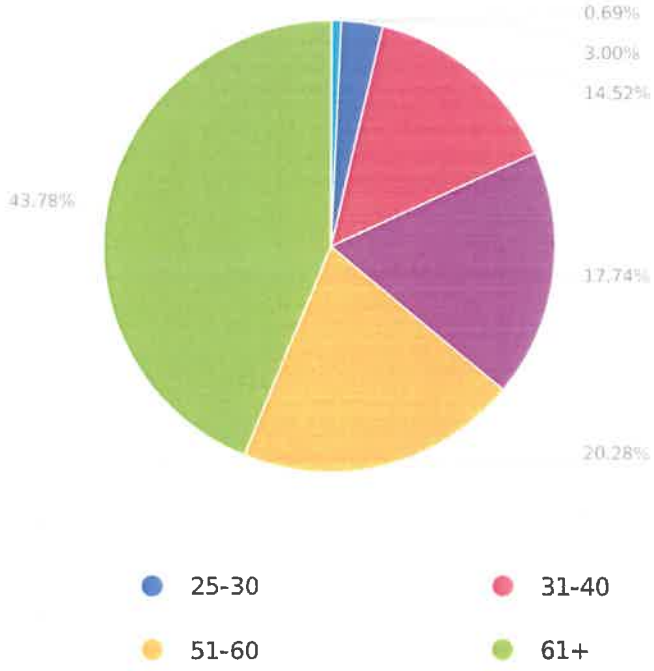
Community Survey

The City of King is currently updating the "General Plan." a document that guides the City as it continues to grow, change, and develop. The City is collecting public opinion data to assist with this process. By filling out this anonymous survey, you will help the City and it's elected officials make decisions on important land use issues. Your opinion is important.

Q1

What is the age of the oldest person in your home?

Answered: 434 Skipped: 7

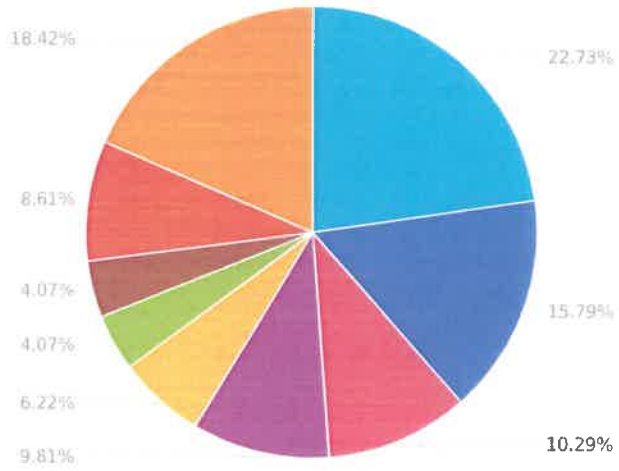


Choices	Response percent	Response count
18-24	0.69%	3
25-30	3.00%	13
31-40	14.52%	63
41-50	17.74%	77
51-60	20.28%	88
61+	43.78%	190

Q2

What is the age of youngest person in your home?

Answered: 418 Skipped: 23



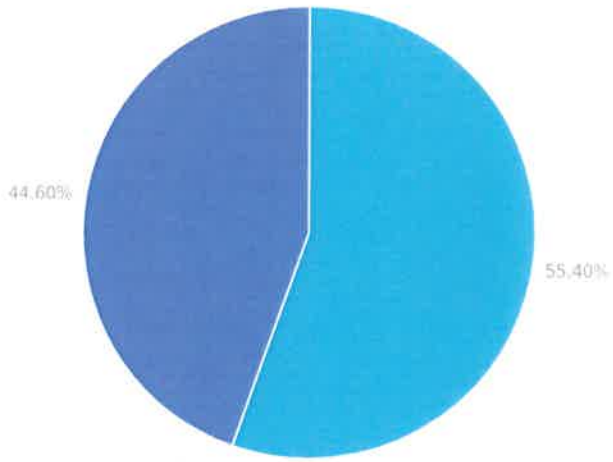
- 0-5
- 6-12
- 13-17
- 18-24
- 25-30
- 31-40
- 41-50
- 51-60
- 61+

Choices	Response percent	Response count
0-5	22.73%	95
6-12	15.79%	66
13-17	10.29%	43
18-24	9.81%	41
25-30	6.22%	26
31-40	4.07%	17
41-50	4.07%	17
51-60	8.61%	36
61+	18.42%	77

Q3

How many people live in your household?

Answered: 426 Skipped: 15



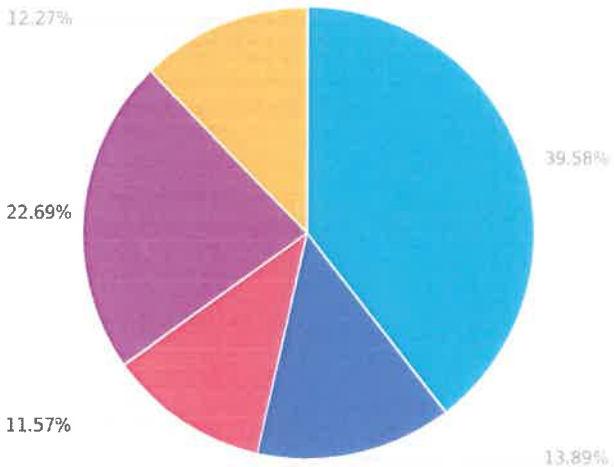
1-3 4+

Choices	Response percent	Response count
1-3	55.40%	236
4+	44.60%	190

Q4

In what area of town do you live? Please review the **attached map** to find your neighborhood.

Answered: 432 Skipped: 9



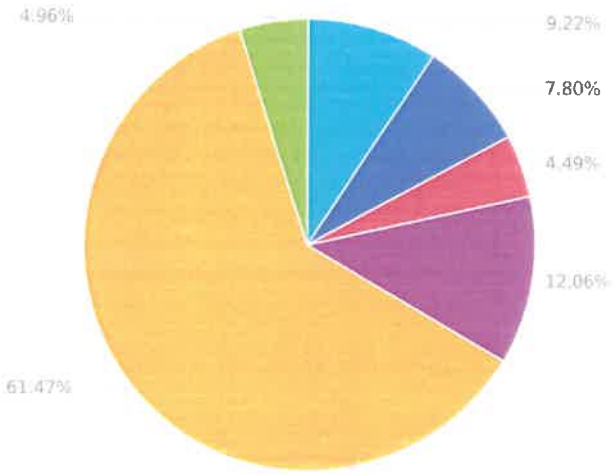
North
Far North
West
South
Far South

Choices	Response percent	Response count
North	39.58%	171
Far North	13.89%	60
West	11.57%	50
South	22.69%	98
Far South	12.27%	53

Q5

What type of home do you live in?

Answered: 423 Skipped: 18



- Apartment in large complex (more than 15 units)
- Apartment in small complex (less than 15 units)
- Duplex or Triplex
- Manufactured home
- Single-family detached home
- Other (Please specify)

Choices	Response percent	Response count
Apartment in large complex (more than 15 units)	9.22%	39
Apartment in small complex (less than 15 units)	7.80%	33
Duplex or Triplex	4.49%	19
Manufactured home	12.06%	51
Single-family detached home	61.47%	260
Other (Please specify)	4.96%	21

Q6

Do you own your home?

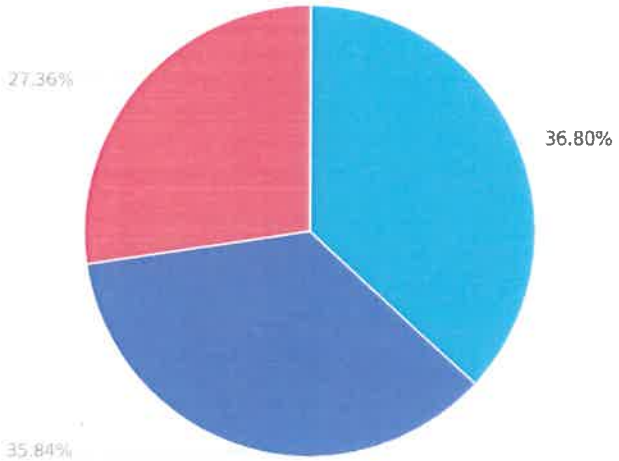
Answered: 430 Skipped: 11

Choices	Response percent	Response count
Yes	63.49%	273
No	36.51%	157

Q7

Should the City increase the amount of land available for developments that combine residential, commercial and offices together on one property? This is also known as "mixed-use zoning." An example is a building that has a restaurant on the first floor and apartments on the second floor.

Answered: 413 Skipped: 28



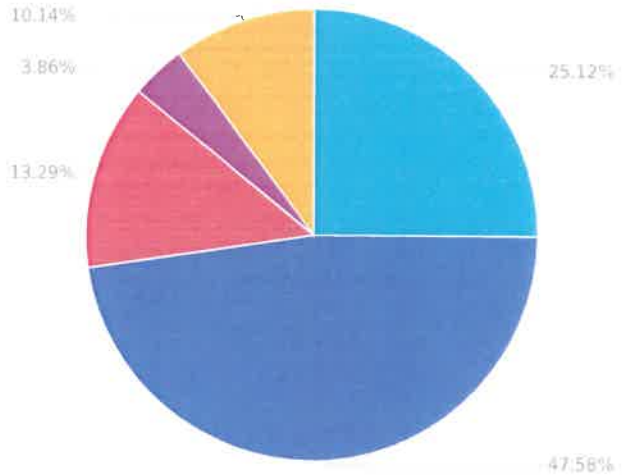
- Yes, I would like to see more of this type of development
- No, this type of building is not desirable in King City
- No preference

Choices	Response percent	Response count
Yes, I would like to see more of this type of development	36.80%	152
No, this type of building is not desirable in King City	35.84%	148
No preference	27.36%	113

Q8

The City is in most need of the following housing options:

Answered: 414 Skipped: 27



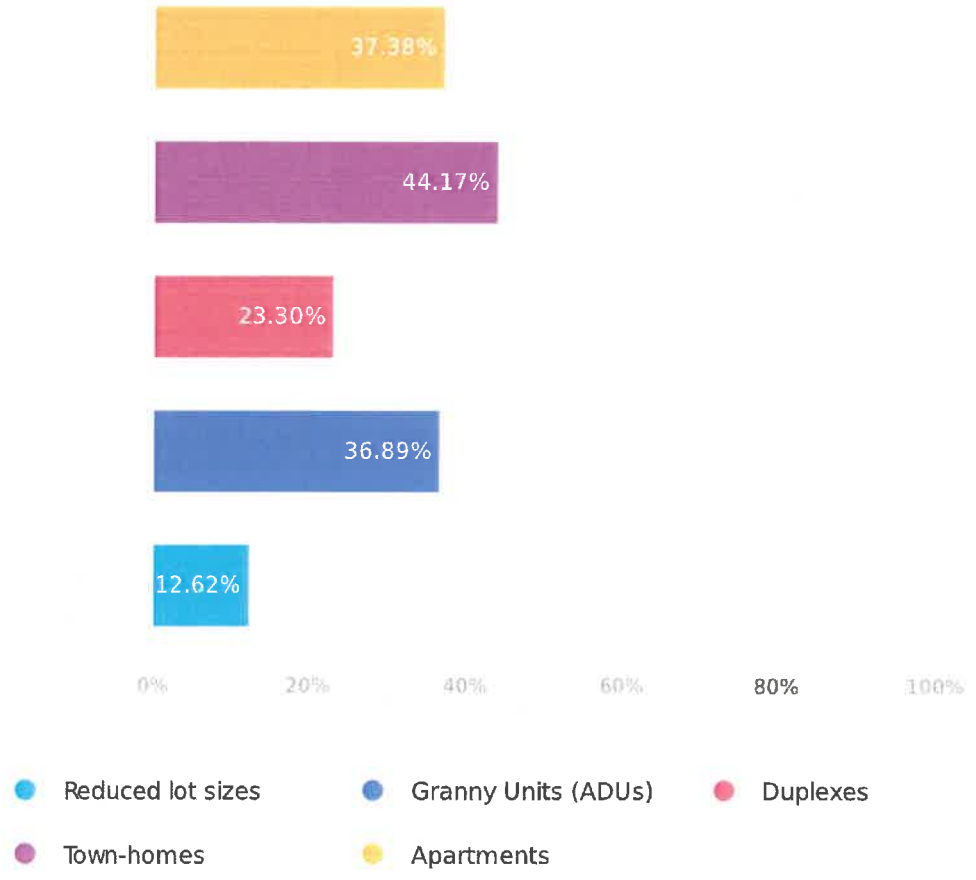
Apartments
single-family homes
Town-homes and Duplexes
Manufactured homes
Other (Please specify)

Choices	Response percent	Response count
Apartments	25.12%	104
single-family homes	47.58%	197
Town-homes and Duplexes	13.29%	55
Manufactured homes	3.86%	16
Other (Please specify)	10.14%	42

Q9

Should the City allow more homes in your neighborhood? If yes, check all the housing types you support.

Answered: 206 Skipped: 235



Choices	Response percent	Response count
Reduced lot sizes	12.62%	26
Granny Units (ADUs)	36.89%	76
Duplexes	23.30%	48
Town-homes	44.17%	91
Apartments	37.38%	77

Q10

What is the maximum monthly rent amount that you consider to be affordable for a **1-bedroom apartment**?

Answered: 335 Skipped: 106

Mean	Median	Total	Standard deviation	Variance
30607.44	800	1.02E7	545566.6	2.97E11

Q11

What is the maximum monthly rent amount that you consider to be affordable for a **2-bedroom apartment**?

Answered: 331 Skipped: 110

Mean	Median	Total	Standard deviation	Variance
1014.4	1000	335765	306.21	93762.78

Q12

What is the maximum monthly rent amount that you consider to be affordable for a **3-bedroom apartment**?

Answered: 338 Skipped: 103

Mean	Median	Total	Standard deviation	Variance
1272.93	1200	430250	374.2	140027.37

Q13

What is the maximum monthly rent amount that you consider to be affordable for a **single-family home**?

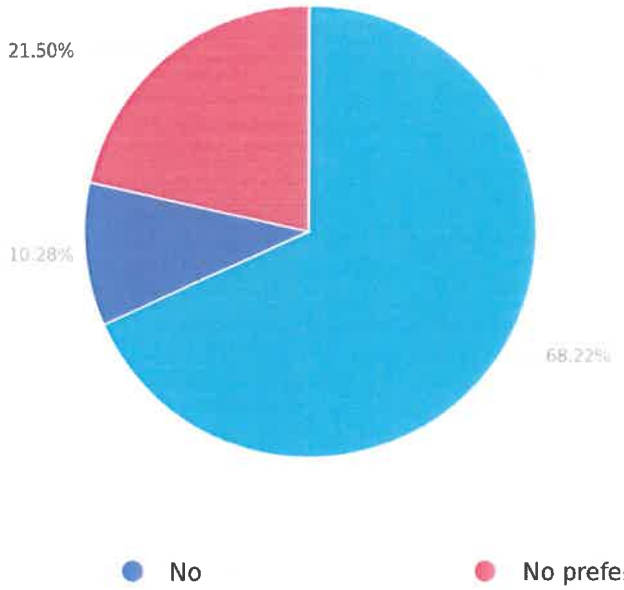
Answered: 325 Skipped: 116

Mean	Median	Total	Standard deviation	Variance
1516.17	1500	492755	465.19	216397.09

Q14

Should an additional parking space be required for new Accessory Dwelling Units (also known as granny units)?

Answered: 428 Skipped: 13

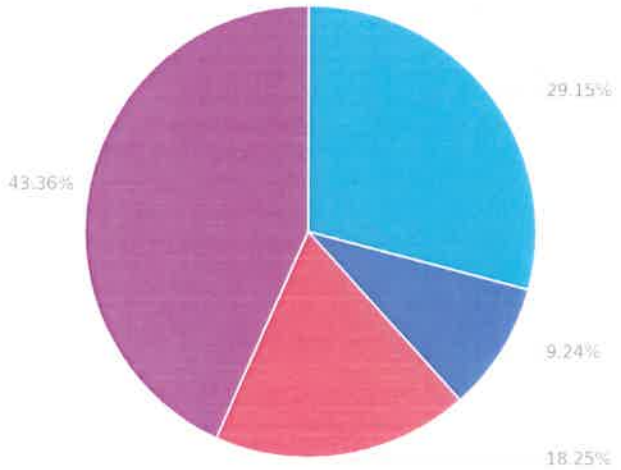


Choices	Response percent	Response count
Yes	68.22%	292
No	10.28%	44
No preference	21.50%	92

Q15

Can you envision three (3) or four (4) story buildings at any of the following locations on the **map included with your survey?**

Answered: 422 Skipped: 19



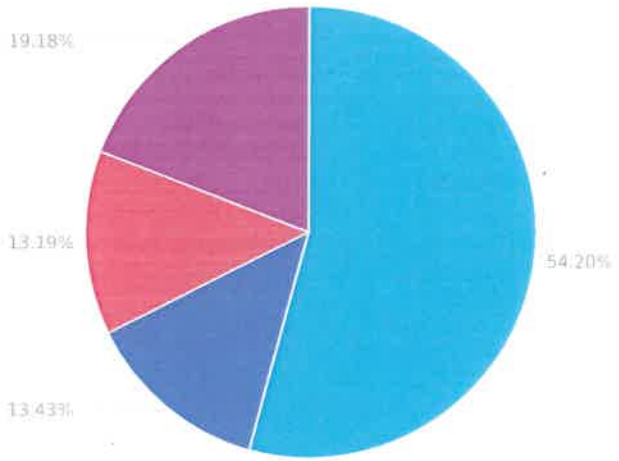
- Both Opportunity Area #1 and #2
- Opportunity Area #1
- Opportunity Area #2
- I do not think 3 or 4 story buildings should be built anywhere in King City

Choices	Response percent	Response count
Both Opportunity Area #1 and #2	29.15%	123
Opportunity Area #1	9.24%	39
Opportunity Area #2	18.25%	77
I do not think 3 or 4 story buildings should be built anywhere in King City	43.36%	183

Q16

Would you like to see Opportunity Area #2 developed with mixed uses including apartments, commercial, and offices?

Answered: 417 Skipped: 24



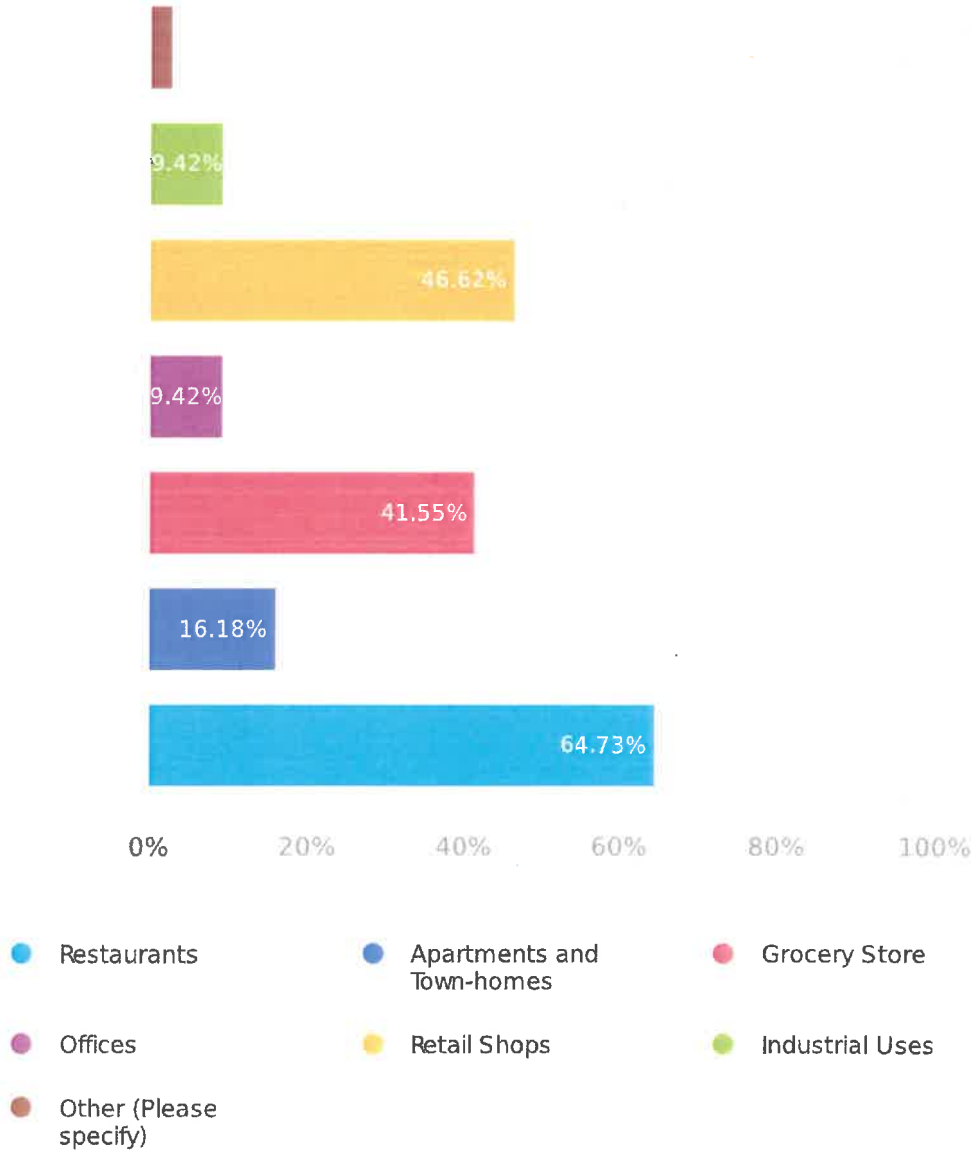
- Yes, this is a good place for a mix of uses.
- This area should be residential only.
- This area should be commercial only.
- This area should remain primarily as agricultural land.

Choices	Response percent	Response count
Yes, this is a good place for a mix of uses.	54.20%	226
This area should be residential only.	13.43%	56
This area should be commercial only.	13.19%	55
This area should remain primarily as agricultural land.	19.18%	80

Q17

If King City builds a train platform (near First Street and Pearl Street) and offers rail service, what types of uses do you think are most important to have nearby? Select two from the following list:

Answered: 414 Skipped: 27

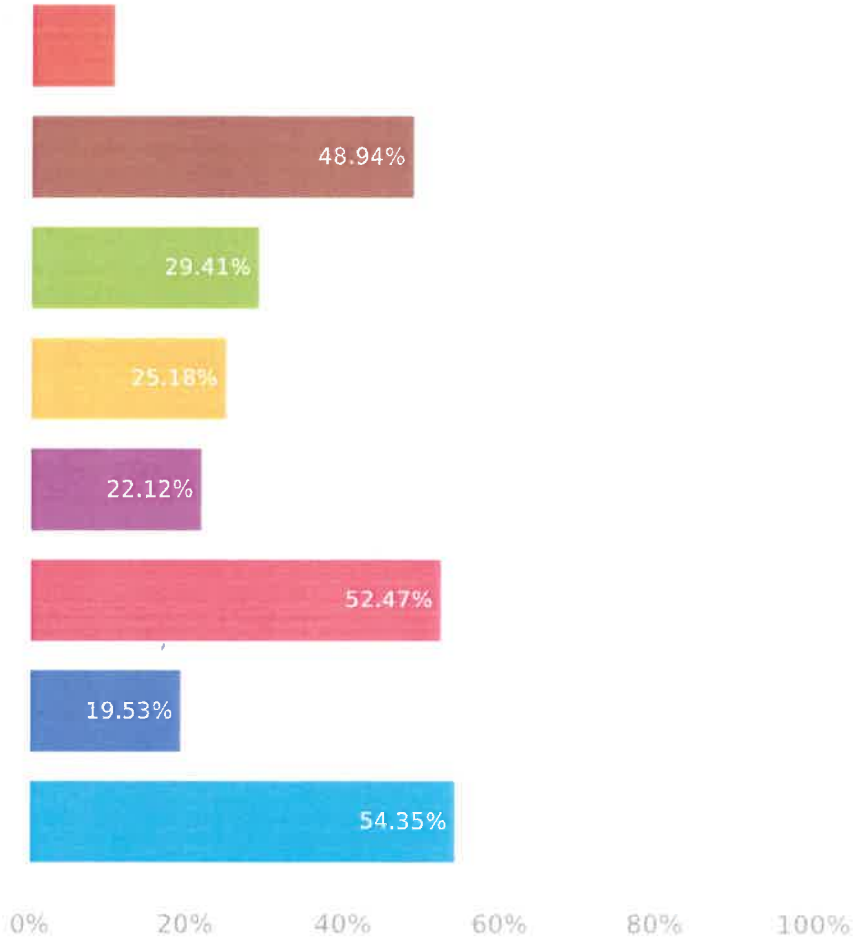


Choices	Response percent	Response count
Restaurants	64.73%	268
Apartments and Town-homes	16.18%	67
Grocery Store	41.55%	172
Offices	9.42%	39
Retail Shops	46.62%	193
Industrial Uses	9.42%	39
Other (Please specify)	2.90%	12

Q18

What do you believe are King City's greatest challenges? (Check all that apply)

Answered: 425 Skipped: 16



- Availability of affordable housing
- Availability of market rate housing
- Availability of jobs
- Homelessness
- Crime
- Quality of schools
- Lack of retail stores
- Other (Please specify)

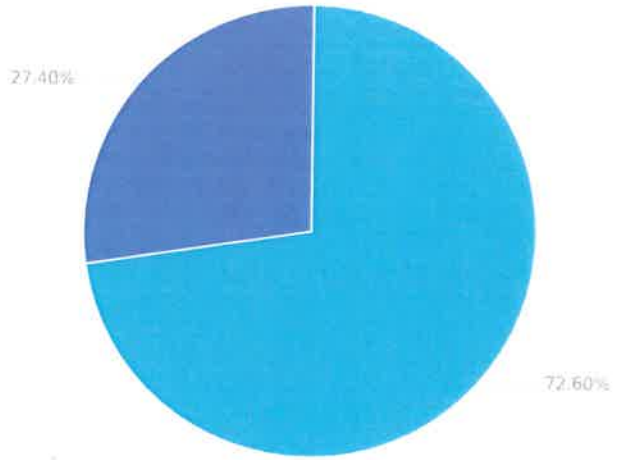
Choices	Response percent	Response count
(1) Availability of affordable housing	54.35%	231
(2) Availability of market rate housing	19.53%	83
(3) Availability of jobs	52.47%	223
(4) Homelessness	22.12%	94
(5) Crime	25.18%	107
(6) Quality of schools	29.41%	125
(7) Lack of retail stores	48.94%	208
Other (Please specify)	10.82%	46

Mean	Median	Standard deviation	Variance
4.07	4	2.29	5.24

Q19

Are you aware the City is making efforts to improve the historic downtown?

Answered: 427 Skipped: 14



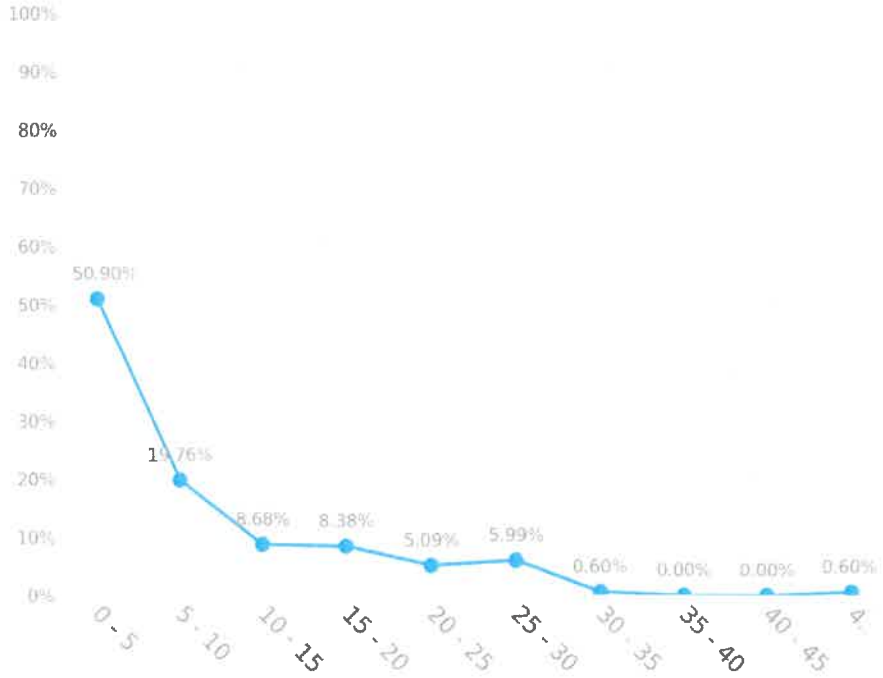
Yes No

Choices	Response percent	Response count
Yes	72.60%	310
No	27.40%	117

Q20

How many times do you come to the historic downtown each month?

Answered: 334 Skipped: 107

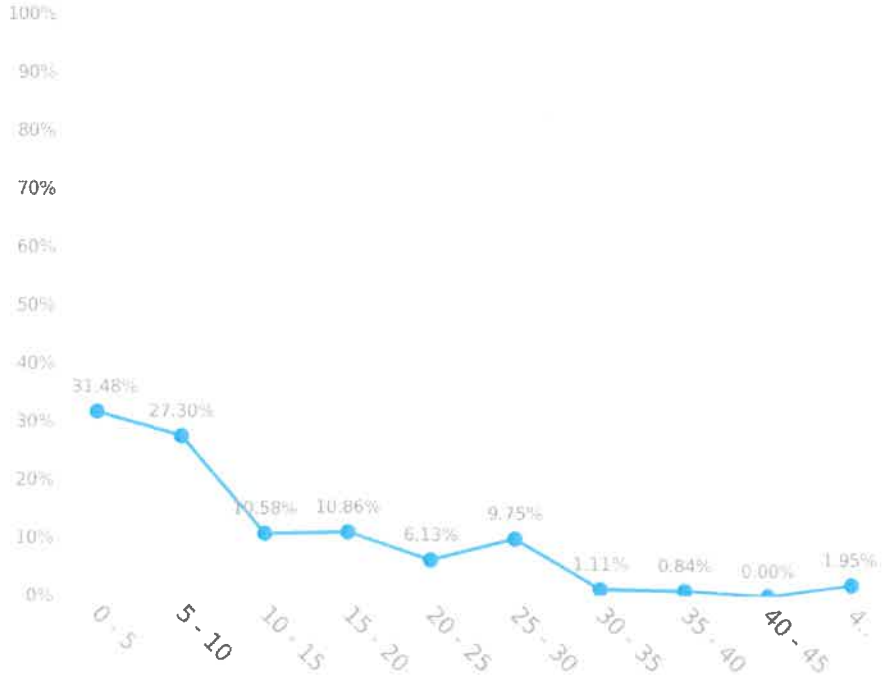


Choices	Response percent	Response count
0 - 5	50.90%	170
5 - 10	19.76%	66
10 - 15	8.68%	29
15 - 20	8.38%	28
20 - 25	5.09%	17
25 - 30	5.99%	20
30 - 35	0.60%	2
35 - 40	0.00%	0
40 - 45	0.00%	0
45 - 50	0.60%	2

Q21

How many times do you think you would come to the historic downtown each month after improvements are made to the downtown, new businesses and restaurants open, and a new plaza/park and visitor and history center are built?

Answered: 359 Skipped: 82

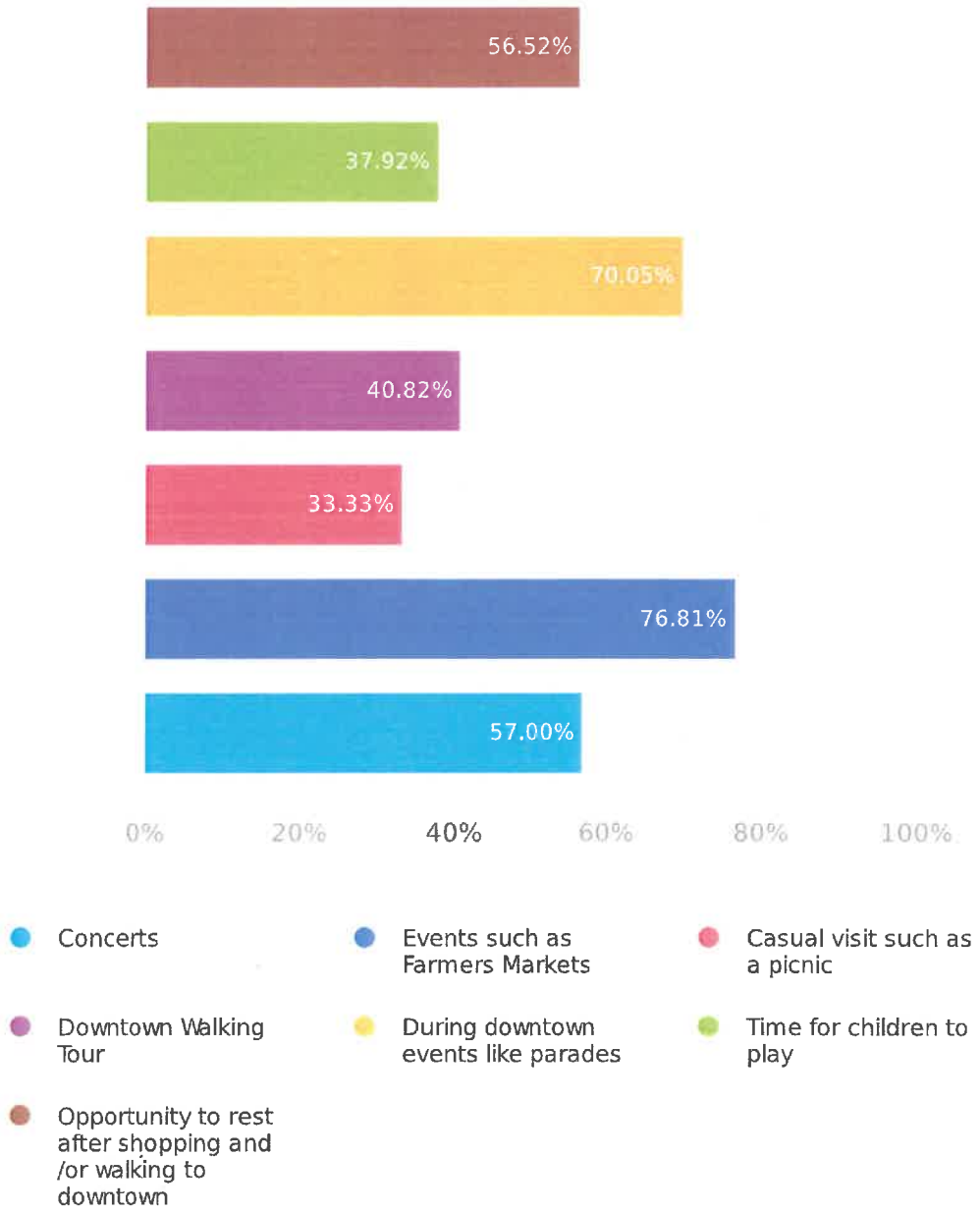


Choices	Response percent	Response count
0 - 5	31.48%	113
5 - 10	27.30%	98
10 - 15	10.58%	38
15 - 20	10.86%	39
20 - 25	6.13%	22
25 - 30	9.75%	35
30 - 35	1.11%	4
35 - 40	0.84%	3
40 - 45	0.00%	0
45 - 50	1.95%	7

Q22

Would you visit the new plaza/park to participate in any of the following? (Check all that apply)

Answered: 414 Skipped: 27

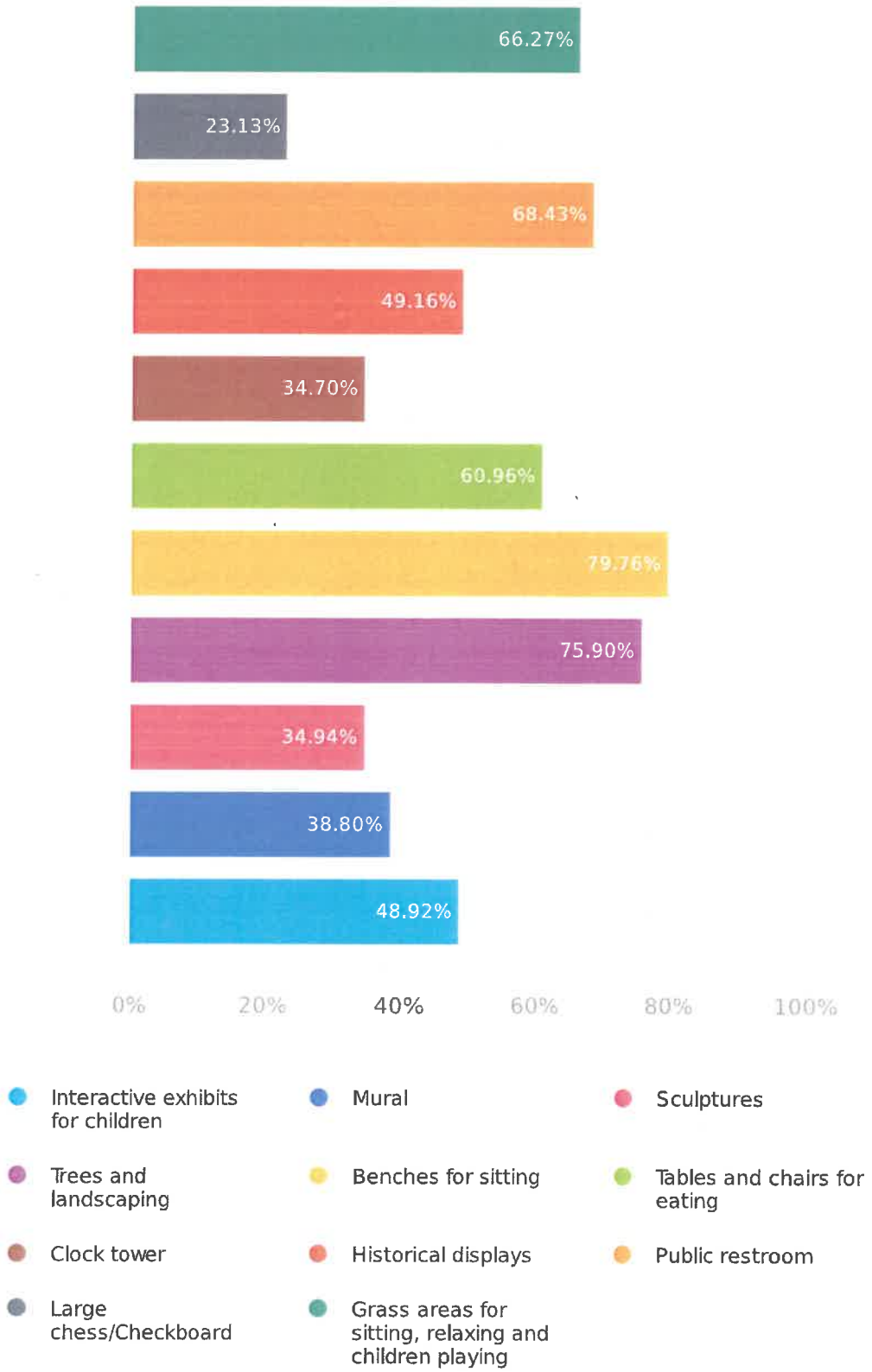


Choices	Response percent	Response count
Concerts	57.00%	236
Events such as Farmers Markets	76.81%	318
Casual visit such as a picnic	33.33%	138
Downtown Walking Tour	40.82%	169
During downtown events like parades	70.05%	290
Time for children to play	37.92%	157
Opportunity to rest after shopping and /or walking to downtown	56.52%	234

Q23

What features would you like to see in the plaza/park and visitor and history center? (Check all that apply)

Answered: 415 Skipped: 26



Choices	Response percent	Response count
Interactive exhibits for children	48.92%	203
Mural	38.80%	161
Sculptures	34.94%	145
Trees and landscaping	75.90%	315
Benches for sitting	79.76%	331
Tables and chairs for eating	60.96%	253
Clock tower	34.70%	144
Historical displays	49.16%	204
Public restroom	68.43%	284
Large chess/Checkboard	23.13%	96
Grass areas for sitting, relaxing and children playing	66.27%	275

Q24

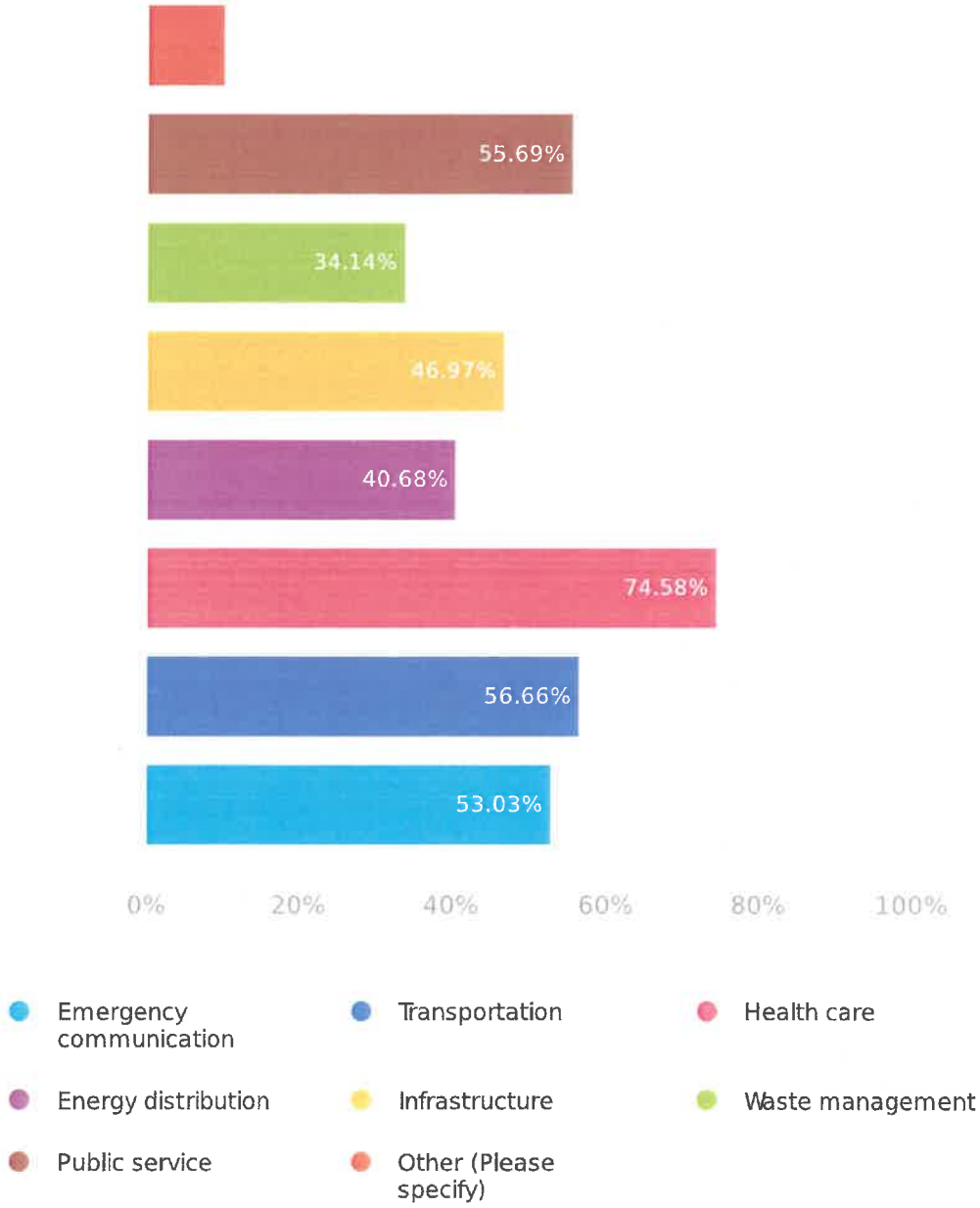
Do you have any other ideas you would like the City to include in the plaza/park or visitor and history center?

Answered: 129 Skipped: 312

Q25

Over the next 10-30 years, should the City invest in technologies to improve any of the following? (Check all that apply)

Answered: 413 Skipped: 28

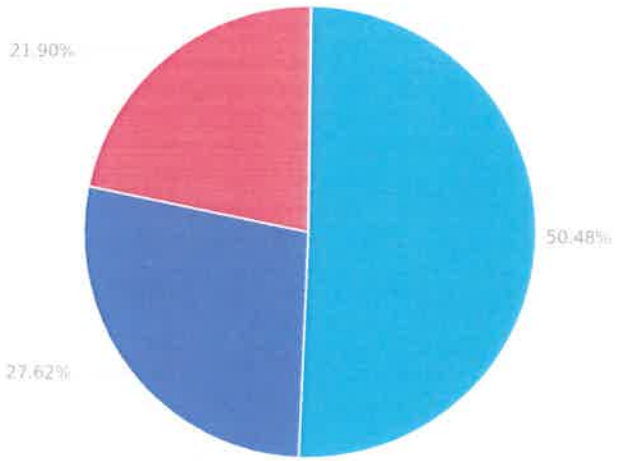


Choices	Response percent	Response count
Emergency communication	53.03%	219
Transportation	56.66%	234
Health care	74.58%	308
Energy distribution	40.68%	168
Infrastructure	46.97%	194
Waste management	34.14%	141
Public service	55.69%	230
Other (Please specify)	10.17%	42

Q26

SPANISH #9 Should the city increase the density allowed in residential neighborhoods? A higher density means there may be more houses built per acre of land.

Answered: 105 Skipped: 336



A. Yes B. No C. Undecided

Choices	Response percent	Response count
A. Yes	50.48%	53
B. No	27.62%	29
C. Undecided	21.90%	23

KING CITY
CALIFORNIA

ITEM 8 (A)

REPORT TO THE PLANNING COMMISSION

DATE: **AUGUST 4, 2020**

TO: **HONORABLE CHAIRPERSON NUCK AND MEMBERS OF THE PLANNING COMMISSION**

FROM: **DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR**

BY: **ERIK BERG-JOHANSEN, PLANNER**

RE: **CONSIDERATION OF ACCESSORY DWELLING UNIT ORDINANCE**

RECOMMENDATION:

It is recommended that the Planning Commission adopt Resolution No. 2020-283, which recommends the City Council adopt an Accessory Dwelling Unit ("ADU") Ordinance.

BACKGROUND:

In 2019, the City secured a grant (SB 2 funding) from the State to update the Land Use Element ("LUE") of the General Plan. The grant amount is for $160,000 and requires the City address the growing need for housing. As part of the proposal, the City would adopt an Accessory Dwelling Unit ("ADU") ordinance.

The State of California is experiencing a housing crisis, especially in regard to the provision of affordable housing options. In early 2020, the State enacted legislation to encourage the construction of ADU, which includes new standards that limit how municipalities can regulate the permitting and development of ADU. All municipalities in California are required to adopt ADU ordinances that are consistent with State ADU legislation. ADU, sometimes referred to as secondary dwellings or granny flats, provide an alternative type of affordable housing for residents. The new ADU ordinance would replace the existing code regulating "Second Residential Units."

The proposed updates are summarized as follows:

- §17.12.020 (b): Replace Second Residential Units with Accessory Dwelling Units (ADU)
- §17.14.020 (2): Replace Second Residential Units with Accessory Dwelling Units (ADU)
- §17.16.020 (3): Replace Second Residential Units with Accessory Dwelling Units (ADU).
- §17.18.020 (1): Replace Second Residential Units with Accessory Dwelling Units (ADU).
- Repeal Chapter 17.47 Second Residential Units and replace with Chapter 17.47 Accessory Dwelling Units (ADU).

DISCUSSION:

ADUs have been known by many names: granny flats, in-law units, backyard cottages, secondary units and more. They are intended to provide an additional type of housing. Under the State legislation, ADUs may be attached or detached. ADUs must be permitted in any zone that allows residential uses.

There are two types of ADUs: Accessory Dwelling Units and Junior Accessory Dwelling Units. An ADU is no larger than 1,000 square feet and a Junior ADU is not larger than 500 square feet and must be contained entirely within a single-family resident. **Table 1** provides an overview of the differences and requirements for ADUs and Junior ADUs.

Table 1
Some ADU and Junior ADU Requirements

Requirement	ADU	Junior ADU
Maximum Size	1,000 SF	500 SF
Location	Conversion of garage, detached, or added on to existing home	Generally conversion of existing bedroom with up to 150 SF addition
Parking Spaces	None required	None required
Bathroom	Private bathroom required	Bathroom can be shared
Kitchen	Full kitchen required	Must be "Efficiency Kitchen" with no gas appliances
Entrance	Exterior access required	Exterior access required

ADU Impacts

The proposed amendments to Municipal Code Sections 17.12.020 (b), 17.14.020 (2), 17.16.020 (3), and 17.18.020 (1) would remove the references to "Second Residential Units" and replace with "ADU".

Municipal Code Chapter 17.47 would be repealed and replaced with new ADU requirements. As mentioned above, the State of California enacted new legislation that effectively requires jurisdictions to remove barriers and make it easier for property owners to construct ADU. While this will create opportunities for affordable housing options, it is recognized that increasing density within existing neighborhoods can generate impacts related to increased parking demand and noise.

While some of these impacts cannot be avoided due to the state's requirements, one proposal is to require that existing garages be maintained for vehicle parking use where a new ADU is proposed. Unfortunately, the City cannot require replacement parking where an existing legal garage is converted into an ADU. Therefore, the City would like to promote new detached ADU in backyards so that existing onsite parking can be maintained for residents. For health and safety reasons, it is also proposed that a sewer inspection be required for ADU proposals to ensure the existing lines are not damaged or overwhelmed.

Junior ADU

Another important distinction is the difference between an ADU and a Junior ADU. The main difference is that an ADU is a living unit established in newly constructed space, or in space that is converted from unhabitable space (e.g. a workshop) into habitable space. A Junior ADU is established within existing habitable space. The most common example would be converting an existing bedroom into another living space. Junior ADU have a kitchenette and an exterior entrance but can share restrooms with residents in the primary home.

Based on review of the State's Junior ADU standards and discussion with other jurisdictions, the City does not propose interpreting these standards and placing them in the ordinance; instead, Junior ADU would follow the standards outlined in Government Code section 65852.2 (e). This subsection also regulates ADU proposed on multi-family properties (e.g. properties with apartment buildings).

Other Notable Changes

Other important changes are a reduced building setback (four feet), waiving of impact fees for ADU less than 750 square feet in size, and ministerial approval with just a building permit. In regard to ministerial approval, this means the City cannot require a more involved review process with public notice, public hearings, etc. for ADUs.

The state has also required jurisdictions to remove owner occupancy restrictions. Many cities required that an ADU may only be used if either the ADU or primary residence was occupied by the property owner. Based on new State law, the City cannot prohibit owners from leasing out both the primary residence and the ADU.

The details of the proposed ADU standards are included in the attached ordinance.

ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality Act ("CEQA"), this matter is not a "project" for the purposes of CEQA Guidelines Section 15378 as there is no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In the alternative, the City has also performed a preliminary environmental assessment of this project pursuant to CEQA and, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this matter may have a significant impact on the environment because it involves implementation of various standards that are required by state law to ensure the provision of alternative affordable housing opportunities, and approved applications to construct ADUs will be reviewed for compliance with the Municipal Code and California Building Code.

COST ANALYSIS:

There are no costs associated with this action.

ALTERNATIVES:

The following recommendations are provided for Planning Commission consideration:

1. Adopt the Resolution recommending the City Council adopt the Ordinance;
2. Direct staff to modify the Ordinance;
3. Do not recommend the City Council adopt the Ordinance;
4. Request additional information; or
5. Provide staff other direction.

Exhibits:

Exhibit 1: Planning Commission Resolution No. 2020-283
Exhibit 2: Draft City Council Ordinance

Submitted by: MA FOR ERIK Berg Johansen
Erik Berg-Johansen, City Planner

Approved by: MA FOR Doreen Liberto
Doreen Liberto, AICP, Community Development Director

EXHIBIT 1

RESOLUTION NO. 2020-283

RESOLUTION OF THE CITY OF KING PLANNING COMMISSION RECOMMENDING THE CITY OF KING CITY COUNCIL REPEAL TITLE 17, CHAPTER 17.47, OF THE KING CITY MUNICIPAL CODE AND REPLACE WITH A NEW CHAPTER 17.47 REGULATING THE DEVELOPMENT OF ACCESSORY DWELLING UNITS CONSISTENT WITH STATE LAW

WHEREAS, pursuant to Article XI, Section 7, of the California Constitution, the City of King ("City") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s) and the Zoning Ordinance; and

WHEREAS, the State of California is experiencing a housing supply crisis, with housing demand far outstripping supply; and

WHEREAS, the State has enacted legislation to encourage the construction of Accessory Dwelling Units ("ADU"), which includes new standards that limit how municipalities can regulate the permitting and development of ADU; and

WHEREAS, the Government Code Section 65852.2 requires cities to adopt ADU regulations consistent with the new legislation, and if cities fail to adopt these regulations the state law provisions can override a city's existing ADU code; and

WHEREAS, it is in the City's best interest to adopt a new ordinance regulating ADU that is consistent with state law; and

WHEREAS, the Planning Commission ("Commission") recognizes that ADUs can provide additional affordable housing opportunities in the City; and

WHEREAS, the Commission finds that it is appropriate to repeal the existing code regarding "Second Dwelling Units" and replace this code with new standards for ADUs; and

WHEREAS, on August 4, 2020 the City of King Planning Commission ("Commission") conducted a public hearing to consider the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to the support the ordinance, the Commission recommended the Council [approve/deny] the proposed ordinance; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), this matter is not a "project" for the purposes of CEQA Guidelines Section 15378 as there is no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In the alternative, the City has also performed a preliminary environmental assessment of this project

pursuant to CEQA and, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this matter may have a significant impact on the environment because it involves implementation of various standards that are required by state law to ensure the provision of alternative affordable housing opportunities, and approved applications to construct ADUs will be reviewed for compliance with the Municipal Code and California Building Code; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission of the City of King recommends that the City Council consider the comments from the public hearing and adopt the amendment to Chapter 17 of the City Municipal Code.

This resolution was passed and adopted this **4th day of August 2020**, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

_____

DAVID NUCK, CHAIRPERSON

ATTEST:

_____

Erica Sonne, Deputy City Clerk

EXHIBIT 2

DRAFT (4 August 2020)

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING REPEALING TITLE 17, CHAPTER 17.47, OF THE KING CITY MUNICIPAL CODE AND REPLACING WITH A NEW CHAPTER 17.47 REGULATING THE DEVELOPMENT OF ACCESSORY DWELLING UNITS CONSISTENT WITH STATE LAW

WHEREAS, pursuant to Article XI, Section 7, of the California Constitution, the City of King ("City") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the proposed ordinance is consistent with the General Plan and any applicable Specific Plan(s) and the Zoning Ordinance; and

WHEREAS, the State of California is experience a housing supply crisis, with housing demand far outstripping supply; and

WHEREAS, the State has enacted legislation to encourage the construction of Accessory Dwelling Units ("ADU"), which includes new standards that limit how municipalities can regulate the permitting and development of ADU; and

WHEREAS, the Government Code Section 65852.2 requires cities to adopt ADU regulations consistent with the new legislation, and if cities fail to adopt these regulations the state law provisions can override a city's existing ADU code; and

WHEREAS, it is in the City's best interest to adopt a new ordinance regulating ADU that is consistent with state law; and

WHEREAS, the City Council ("Council") recognizes that ADU can provide additional affordable housing opportunities in the City; and

WHEREAS, the Council finds that it is appropriate to repeal the existing code regarding "Second Dwelling Units" and replace this code with new standards for ADU; and

WHEREAS, on August 4, 2020 the City of King Planning Commission ("Commission") conducted a public hearing to consider the proposed ordinance, and after considering public testimony, the staff report and all submitted evidence to the support the ordinance, the Commission recommended the Council [approve/deny] the proposed ordinance; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), this matter is not a "project" for the purposes of CEQA Guidelines Section 15378 as there is no potential for resulting in either a direct physical change in the environment, or a

reasonably foreseeable indirect physical change in the environment. In the alternative, the City has also performed a preliminary environmental assessment of this project pursuant to CEQA and, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this matter may have a significant impact on the environment because it involves implementation of various standards that are required by state law to ensure the provision of alternative affordable housing opportunities, and approved applications to construct ADUs will be reviewed for compliance with the Municipal Code and California Building Code; and

WHEREAS, on August 25, 2020, the Council conducted a public hearing to consider the Commission's recommendation, and after considering public testimony, the staff report and all submitted evidence, the Council now desires to approve the proposed ordinance.

NOW THEREFORE, the City Council of the City of King does hereby ordain as follows:

SECTION 1. The above recitals are incorporated hereby by reference.

SECTION 2. The City Council has reviewed the proposed ordinance and hereby finds that it is consistent with the General Plan and all applicable Specific Plan(s).

SECTION 3. The City Council, based upon its own independent judgement, finds that the proposed ordinance promotes and protects the health, safety, welfare and quality of life of the City of King residents.

SECTION 4. The City Council finds that pursuant to the California Environmental Quality Act ("CEQA"), this matter is not a "project" for the purposes of CEQA Guidelines Section 15378 as there is no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In the alternative, the City Council further finds that a preliminary environmental assessment of this project pursuant to CEQA has been performed and, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this matter may have a significant impact on the environment because it involves implementation of various standards that are required by state law to ensure the provision of alternative affordable housing opportunities, and applications to construct ADUs will be reviewed for compliance with the Municipal Code and California Building Code. Therefore, the Council finds this project is not subject to CEQA.

SECTION 5. Chapter 17.12.020, of Title 17 of the King City Municipal Code is hereby amended as follows:

Title 17 Zoning
Chapter 17.12 R-1 – Single Family Residential District

17.12.020 Uses Permitted

(a) Single-family dwellings one per building site.

~~(b) Second residential units, as defined in Section 17.47.015, in conformance with the criteria and standards of Section 17.47.015.~~ **Accessory Dwelling Units (ADU), as defined in Section 17.47.005, in conformance with the standards of Section 17.47.**

(c) Home occupation permits, subject to an administrative hearing and pursuant to Chapter 17.77.

SECTION 6. Chapter 17.14.020, of Title 17 of the King City Municipal Code is hereby amended as follows:

Title 17 Zoning
Chapter 17.14 R-2 – Medium Density Residential District

17.14.020 Uses permitted.

The following uses are permitted:

1. Single-family dwellings;
2. ~~Second residential units in conformance with the criteria and standards of Section 17.47.015~~ **Accessory Dwelling Units (ADU), as defined in Section 17.47.005, in conformance with the standards of Section 17.47;**
3. Duplexes;
4. Triplexes;
5. Single structures; and
6. Home occupation permits, subject to an administrative hearing and pursuant to Chapter 17.77.

SECTION 7. Chapter 17.16.020, of Title 17 of the King City Municipal Code is hereby amended as follows:

Title 17 Zoning
Chapter 17.16 R-3 – Medium High Density Residential District

17.16.020 Uses permitted.

The following uses are permitted:

1. Single-family dwellings;
2. Duplexes, triplexes, multiple-family uses and apartments (single structure). Town houses, if not more than six units per structure;

3. ~~Second residential units in conformance with the criteria and standards of Section 17.47.015;~~ **Accessory Dwelling Units (ADU), as defined in Section 17.47.005, in conformance with the standards of Section 17.47;**
4. Home occupation permits, subject to an administrative hearing and pursuant to Chapter 17.77.

SECTION 8. Chapter 17.18.020, of Title 17 of the King City Municipal Code is hereby amended as follows:

Title 17 Zoning
Chapter 17.18 Accessory Dwelling Units

17.18.020 Uses permitted.

Uses permitted are as follows:

1. Single family dwellings, ~~second residential units in conformance with the criteria and standards of Section 17.47.015,~~ duplexes, multiple family dwellings and apartment houses of less than twenty-two units per acre;
2. Public or parochial schools accredited to the state school system, churches, public buildings, hospitals (not including convalescent hospitals, rest homes), parks and playgrounds;
3. Boarding houses, fraternities and child nurseries.
4. **Accessory Dwelling Units (ADU), as defined in Section 17.47.005, in conformance with the standards of Section 17.47;**

SECTION 9. Chapter 17.47, of Title 17 of the King City Municipal Code is hereby repealed in its entirety and replaced as follows:

Chapter 17.47
Accessory Dwelling Units

Section 17.47.005 Purpose and Definition

The provisions in this subsection shall apply to accessory dwelling units as defined below.

(a) **Purpose.** The purpose of this Chapter is to provide for the creation of accessory dwelling units in a manner that is consistent with requirements identified in Government Code section 65852.2, as amended from time to time. Implementation of this section is meant to expand housing opportunities by increasing the number of smaller units available within existing neighborhoods.

(b) **Definition.** "Accessory dwelling unit" means an attached or a 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 the 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 17.47.010 General Requirements.

(a) Application. Where this section does not contain a particular type of standard or procedure, conventional zoning standards and procedures shall apply.

(b) **Areas Where Accessory Dwelling Units Are Allowed.** Upon meeting the requirements of this section, accessory dwelling units may be established in any zone that allows residential uses.

1. **Unit Types Allowed.** An accessory dwelling unit may be either attached or detached from the primary single-unit residential dwelling on the lot.
   A. An attached accessory dwelling unit shall be defined as either attached to (by a minimum of one shared wall), or completely contained within, the primary legal existing space of the single-unit residential dwelling unit or legal existing accessory structure.
   B. A detached accessory dwelling unit shall be defined as new residential square footage not attached or sharing any walls with the primary legal existing single-unit residential dwelling unit.
   C. A junior accessory dwelling unit is an accessory dwelling unit established within the walls of an existing or new primary dwelling unit.
2. **Limitation on Number.** One (1) attached or detached accessory dwelling unit and one (1) junior accessory dwelling unit is allowed per parcel.

Section 17.47.015 Performance Standards and Compatibility.

(a) Design Standards – Standard ADU. Accessory dwelling units shall conform to all applicable development standards of the underlying zone unless superseded by the standards below. An accessory dwelling unit that conforms to this section shall not be considered a dwelling unit for the purpose of calculating density.

1. Accessory dwelling units shall conform to all applicable building and construction codes.
2. Accessory dwelling units shall not be required to provide fire sprinklers if fire sprinklers are not required for the primary residence.
3. No setback shall be required for a legal existing garage or legal accessory building that is converted to an accessory dwelling unit.
4. No setback shall be required for an ADU built in the same location and dimensions as a legal existing building.
5. A setback of no more than four (4') feet from the side and rear lot lines shall be required for an accessory dwelling unit, including accessory dwelling units constructed above a legal garage.

6. The maximum height is sixteen (16') feet.
7. Minimum Size: 150 square feet.
8. Maximum Size: 850 square feet for studio or one-bedroom, and 1,000 square feet for ADU with two or more bedrooms.

(b) **Parking Required.**

1. Prior to the issuance of building permits for an accessory dwelling not established within a legal existing parking area, a covenant agreement shall be recorded which requires that any legal existing garage, carport or driveway on the property remain clear for parking uses. This agreement shall be recorded in the office of the County Recorder to provide constructive notice to all future owners of the property.
2. When a legal garage, carport, or covered parking structure is converted to an accessory dwelling unit, there is no requirement that off-street parking spaces be replaced.

(c) **Architectural Compatibility.** Accessory dwelling units shall be architecturally and functionally compatible with the primary residence. The accessory dwelling unit shall comply with the following design standards:

1. Architectural Style and Form. Architectural style and form shall match or be compatible with the style and form of the primary residence on the property.
2. Materials. The color and materials of the accessory dwelling unit shall match the materials of the primary residence on the property.

(d) **Historic Resources.** Accessory dwelling units on listed historic properties and in historic districts shall be found consistent with the historic preservation ordinance, including historic preservation guidelines and Secretary of the Interior standards for the treatment of historic properties.

(e) **Utility Connection Fees.** Where an accessory dwelling unit is created within an existing structure (primary or accessory), no new utility connection or payment of impact fees shall be required.

(f) **Sewer Inspection.** Prior to issuance of a building permit, a video of the sewer lines shall be conducted to show there are no sewer line constraints, as determined by the City Engineer.

(g) **Impact Fees:** No impact fee shall be imposed for an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(h) **Occupancy:** A certificate of occupancy for an accessory dwelling unit shall not be issued before the local agency issues a certificate of occupancy for the primary dwelling.

Section 17.47.020 Procedure Requirements. An accessory dwelling unit that meets the standards contained in this section shall be subject to building permit processing without

public notice or public hearing. Within sixty (60) days of receiving a complete application, the City shall approve any such application which complies with all applicable requirements and development standards identified in this Chapter.

Section 17.47.025 State Mandated ADU approvals. ADUs that are entirely consistent with Government Code section 65852.2, subdivision (e) and all applicable provisions of this Chapter shall also receive ministerial approval.

Section 17.47.030 Violations. Violation of any of the provisions shall be subject to code enforcement actions pursuant to Chapter 7.51 Nuisances.

Section 17.47.035 Severability. If any section, subsection, sentence, clause, phrase, or portion of this Chapter, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the application of any other section, subsection, sentence, clause, phrase, or portion of this Chapter, and to this end the invalid or unconstitutional section, subsection, sentence, clause, phrase of this Chapter are declared to be severable. The City of King City Council hereby declares that it would have adopted this Chapter and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 11. This ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the ordinance, or a summary of the ordinance, shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing ordinance was introduced by the City Council after waiving the reading, except by Title, at a regular meeting thereof held on the 25th day of August 2020, and adopted the ordinance after the second reading at a regular meeting held on the 8th day of September 2020, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST

_____
STEVEN ADAMS, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By: _____
ROY C. SANTOS, City Attorney
Aleshire & Wynder, LLP

I, _____, City Clerk of the City of King, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the ordinance passed and adopted by the City Council of the City of King on the date and by the vote indicted herein.