



## MEMORANDUM

DATE: February 10, 2020

TO: Planning Commission

FROM: Kevin Jackson, Planning and Building Director  
Pierce Macdonald-Powell, Senior Planner

SUBJECT: Recommendation to the City Council regarding design standards for Accessory Dwelling Units (ADU and JADU)

### AGENDA ITEM NUMBER 3

#### RECOMMENDATION:

1. Receive a presentation from staff, open the public portion of the hearing, provide all members of the public with an opportunity to be heard, and discuss the proposed Design Guidelines amendments; and
2. Recommend approval to the City Council of the Attached Resolution (Attachment 1 pages 4-10) entitled "A Resolution Adopting Amendments to The Piedmont Design Guidelines for Accessory Dwelling Units."

The Commission may recommend adoption of amendments to the Design Guidelines as proposed in the draft resolution. Alternatively, the Commission may recommend adoption of amendments with modifications identified during the Commission's discussion and specified in the motion for recommendation.

#### PROPOSED REVISIONS TO DESIGN GUIDELINES:

On January 3, 2020, the Planning and Building Department distributed a staff report which outlined comprehensive amendments to the City Code related to State laws related to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). The City Council held the first reading of the ordinance amending the City Code on January 21, 2020, and the second reading is scheduled for February 3, 2020. The new ordinance will take effect as early as 30 days after February 3.

City staff, with the advice of the City Attorney's Office, has developed amendments to the standards for ADUs and JADUs in the Piedmont Design Guidelines, consistent with new State laws. These amendments are scheduled to be considered by the City Council at a public hearing on February 18, 2020.

#### ANALYSIS:

The proposed design standards are intended to describe and clarify requirements for ADUs and JADUs for property owners, architects, and designers, as well as intended to inform the larger Piedmont community of the City requirements. As required by State law, the amendments to the Design Guidelines must be objective and prescriptive, rather than discretionary or flexible, to be consistent with a new ministerial entitlement process for ADUs and JADUs.

The amendments to the Design Guidelines include the following new features:

1. Objective Standards for Architecture and Landscape in General
2. Objective Standards for On-site Architectural Design Compatibility
3. Fire Safe Construction and Fire Marshal Review
4. Building Permit Procedure and Conditions of Approval

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed amendments to the Design Guidelines are deemed exempt from the California Environmental Quality Act (CEQA) because the proposed change is not a project, as defined in Public Resources Code section 21065 and CEQA Guidelines, 14 Cal. Code of Regulations section 15378, and the Design Guidelines are also exempt under CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that the adoption of Design Guidelines may have a significant effect on the environment, and sections 15301(e) and 15303(a) because the Guidelines address the construction of accessory dwelling units and junior accessory dwelling units (second units)

#### CITY CHARTER:

The modifications to the City Code are in conformance with the City Charter, including section 9.02. No zones have been reduced or enlarged, and no zones have been reclassified. City Charter provisions are expressly referred to in City Code division 17.02.C.

#### REVIEW BY CITY ATTORNEY:

The proposed modifications to the Design Guidelines and the CEQA determinations have been reviewed and approved by the City Attorney.

#### PUBLIC PARTICIPATION:

During the meetings at which the Planning Commission and City Council will consider the changes and documents discussed in this report, the public will have the opportunity to address the Commission and Council directly. In addition, members of the public may submit written comments to the Commission and Council in advance of their respective meetings. In an effort to reach out to as many Piedmonsters as possible, staff has assembled a list of residents who wish to receive direct email notices and staff reports regarding revisions to City Code Chapter 17. Anyone who wishes to be added to the list may contact Kevin Jackson by phone, 510-420-3039 or by email, [kjackson@piedmont.ca.gov](mailto:kjackson@piedmont.ca.gov). In addition, notice of this agenda item was placed in local news outlets. This report, information on the proposed changes to the regulations for accessory dwelling units, and methods to submit comments on the proposed design standards can be found on the City's website at:

[https://piedmont.ca.gov/government/city\\_news\\_notifications/accessory\\_dwelling\\_unit\\_changes\\_proposed](https://piedmont.ca.gov/government/city_news_notifications/accessory_dwelling_unit_changes_proposed)

#### COMMISSION ACTION:

The Commission may take action to make a recommendation to the City Council for the adoption of the proposed revisions to the Piedmont Design Guidelines related to accessory dwelling units and junior accessory dwelling units.

CONCLUSION AND NEXT STEPS:

Staff recommends that the Planning Commission make a recommendation to the City Council for the adoption of the proposed amendments to the Piedmont Design Guidelines. The proposed design standards set forth in the amendments will bring the City's regulations for ADUs and JADUs into compliance with State laws while preserving – to the extent possible – the City's rent-restricted ADU program, and the City's ability to regulate ADUs and JADUs. Doing so provides clarity to Piedmonters and their design professionals.

Once the Planning Commission has made a recommendation to the City Council, the recommendation and draft resolution will be considered by the City Council. The tentative date for the Council's hearing is Tuesday, February 18, 2020. The City Council is the decision-making body for the adoption of design guidelines.

ATTACHMENTS:

	<u>Pages</u>	
1	4-10	Resolution adopting amendments to the Piedmont Design Guidelines
2	11-15	Design guidelines for accessory dwelling units (current Chapter 5.03, excerpt)

Separate and available on the City website:

Piedmont General Plan Housing Element available at:

[http://piedmont.hosted.civicle.com/UserFiles/Servers/Server\\_13659739/File/Government/Projects/General%20Plan%20and%20Housing%20Element/housing\\_element.pdf](http://piedmont.hosted.civicle.com/UserFiles/Servers/Server_13659739/File/Government/Projects/General%20Plan%20and%20Housing%20Element/housing_element.pdf)

Piedmont City Code Chapter 17, Planning and Land Use available at:

[https://piedmont.ca.gov/government/charter\\_city\\_code](https://piedmont.ca.gov/government/charter_city_code)

**RESOLUTION No. \_\_\_\_\_****A RESOLUTION ADOPTING AMENDMENTS TO  
THE PIEDMONT DESIGN GUIDELINES FOR  
ACCESSORY DWELLING UNITS**

WHEREAS, Division 17.38 of the Piedmont Municipal Code requires that an accessory dwelling unit or junior accessory dwelling unit comply with the Piedmont Design Guidelines; and

WHEREAS, the City Council initially adopted Design Guidelines in 1988 to provide criteria for the applicant and the appropriate hearing body to determine whether a specific project conforms to the City's design standards; and

WHEREAS, the Piedmont Design Guidelines were last updated by the City Council following a public hearing on June 3, 2019; and

WHEREAS, the City will benefit from objective standards specific to the design of accessory dwelling units and junior accessory dwelling units in Piedmont in conformance with Government Code sections 65852.2 and 65852.22; and

WHEREAS, the 2014-2023 Piedmont Housing Element included policies 1.5, 1.6, and 5.2 and program 1.C which support the construction of accessory dwelling units (second units) to provide housing affordable to a range of income levels; and

WHEREAS, the City Council adopted an update of the Design Guidelines in 2019 as part of a five-phase process to update and modernize the City's land development regulations, including zoning and design review; and

WHEREAS, public input on the Guidelines for Accessory Dwelling Units, including Junior Accessory Dwelling Units, was solicited through public hearings at the Planning Commission and City Council; and

WHEREAS, the revised Guidelines for Accessory Dwelling Units, including Junior Accessory Dwelling Units, were published for public review on January 24, 2020, and have been available for public comment for approximately 24 days; and

WHEREAS, the Planning Commission convened public hearings on the Guidelines on February 10, 2020, and provided an opportunity for public and Commissioner comments at that time; and

WHEREAS, the draft document has been revised to incorporate and respond to public comments; and

WHEREAS, City Council approval of the new Guidelines for Accessory Dwelling Units, including Junior Accessory Dwelling Units, is required before they become effective; and

WHEREAS, after reviewing the revised document, and the testimony and documents received, the Piedmont Planning Commission voted to recommend that the City Council adopt the revised Design Guidelines, finding that:

1. The proposed Guidelines for Accessory Dwelling Units, including Junior Accessory Dwelling Units, are consistent with and will advance the policies and actions of the Piedmont General Plan;
2. The proposed Guidelines for Accessory Dwelling Units, including Junior Accessory Dwelling Units, are consistent with Chapter 17 of the Piedmont Municipal Code;
3. The proposed Guidelines for Accessory Dwelling Units, including Junior Accessory Dwelling Units, will support and improve the City's ability to promote orderly, attractive, safe, and harmonious development that upholds the aesthetic values of the community and ensures excellence of architectural design;

**NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine and order as follows:**

**SECTION 1.** The above recitals are correct and are incorporated into this Resolution as findings of the City Council.

**SECTION 2.** The Design Guidelines specific to Accessory Dwelling Units and Junior Accessory Dwelling Units dated \_\_\_\_, 2020, and attached as Exhibit A, are adopted

**SECTION 3.** The City Council finds the adoption of these Design Guidelines for Accessory Dwelling Units, including Junior Accessory Dwelling Units, is not subject to the California Environmental Quality Act (CEQA) because it is not a project, as defined in Public Resources Code section 21065 and CEQA Guidelines, 14 Cal. Code of Regulations section 15378, and would also be exempt under CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that the adoption of Design Guidelines may have a significant effect on the environment, and sections 15301(e) and 15303(a) because the Guidelines address the construction of accessory dwelling units and junior accessory dwelling units.

**SECTION 4.** All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

[END OF DOCUMENT]

## 5.03 ACCESSORY DWELLING UNITS

### DESIGN STANDARDS:

1. Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations

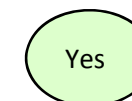
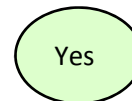
*Ref: Zoning Ordinance, Sec. 17.38*

### 5.03.01 ARCHITECTURAL AND LANDSCAPE DESIGN STANDARDS GENERALLY

1. A solid perimeter fence, exclusive of the street yard setback, at least 6 feet tall, shall be constructed by the developer of any detached ADU along the property lines adjacent to the ADU and the path of travel from the public right-of-way. No street tree may be removed and no new sidewalk curb cut is permitted as part of an ADU or JADU construction.
2. Construction of any new balcony, patio, and/or deck greater than 30 inches above grade is not permitted. Entrances closer than 10 feet measured to a side or rear property line shall be located on a wall facing the public right-of-way or a wall facing the interior of the property, unless the entrance is on an existing structure. New windows within 10 feet of, and on a wall facing, an adjacent dwelling shall have fixed sashes. New windows within 10 feet of, and on a wall facing, an adjacent dwelling shall have frosted and translucent glazing, unless a window is installed so that the height at the top is less than the height of required fencing.
3. Exterior lighting shall be shielded, directed downward, and located only at exterior doors and along the path of travel from the public right-of-way.
4. Mechanical equipment and plumbing, conduit, or cabling for utilities is not permitted on exterior walls of an ADU or JADU, with the exception of meters, electrical panel, and solar installations.

### EXAMPLES:

- A. The example at right follows existing grade with minimal grading or retaining walls. The porch is 30 inches above grade. The entrance and windows face the interior of the property.
- B. This lighting example includes a shielded design so that the source of the light (light bulb) is not visible from 4 feet.



#### PIEDMONT DESIGN GUIDELINES:

#### 5. BUILDING DESIGN: SINGLE-FAMILY RESIDENTIAL: ACCESSORY DWELLING UNITS

## 5.03.02 ON-SITE ARCHITECTURAL DESIGN COMPATIBILITY

1. The architecture of an ADU or JADU must match the existing architectural style of the primary residence. The following building elements shall be replicated to the greatest extent possible:
  - a. use of the same wall material, or wall material that visually appears the same as the existing primary residence, including color and texture;
  - b. use of same trim material and trim profile;
  - c. use of same roof form, roofing material and roof slope to the extent practicable as determined by the Director of Planning & Building;
  - d. use of the same window size, proportion, operation, recess or reveal, divided light pattern (true divided lights or 3-dimensional simulated divided lights), and spacing distance between placements of windows;
  - e. use of same building ornamentation, including exterior trim, and porches;
  - f. use of the same foundation materials and foundation appearance above grade;
  - g. use of the same wall plate height and roof eave height, projection, and materials;
  - h. use of same railing design and materials;
  - i. use of an entry doorway that is not located on the same façade as the entry door to the primary residence and use of an entry door that is the same material, proportion, operation, recess or reveal, and divided light pattern as an original door on the primary residence; and
  - j. use of the same street yard landscape, and any garage apron shall be replaced with landscaping in cases where a garage door is removed.

### EXAMPLES:



- A. This horizontal extension to the primary residence uses the same exterior wall material and ornamentation to unify the main building with the ADU.

Yes



- B. This ADU constructed below the porch matches the building style and ornamentation. The entrance is greater than 10 feet from the shared property line and does not duplicate the house's entry.

Yes



Yes

C. Existing space can be converted to either an ADU or JADU, taking advantage of existing walls, windows, and doors. The egress for this basement studio ADU is the front door which was widened to meet Building Code requirements.



Yes

D. In the example above, the ADU below the kitchen of the primary residence replicates the building's architecture and takes advantage of the existing plumbing layout.



Yes

E. A new patio beside the new entrance for the ADU (inside the existing house) in the example above is limited to 30 inches high. The railing at the new steps matches the existing railing design and materials.



Yes

F. In the photo above, the new ADU window (lower level) matches the placement, proportions, and divided lights of the existing corner window on the upper floor.



No

G. The outline of the previous garage door remains as incongruous exterior trim in the example above. Previous garage driveway apron must be replaced if the garage door is removed. Windows and doors must use 3-dimensional simulated divided lights or true divided lights. ADU walls must match the existing house's wall material and color.



Yes

H. The previous garage apron in the ADU garage conversion example, above, has been replaced with pathway, landscaping, and fence, set 20 feet back from the street yard property line.

### 5.03.03 FIRE SAFE CONSTRUCTION

1. Construction of any ADU or JADU shall be designed to meet fire safe construction and vegetation requirements as determined by the Piedmont Fire Marshal.

### 5.03.04 STANDARD CONDITIONS OF APPROVAL

1. Prior to the start of construction, the developer shall obtain a Building Permit issued by the Building Official. A list of standard conditions of approval required for construction will be maintained by the Planning & Building Director and will be provided along with Accessory Dwelling Unit and Junior Accessory Dwelling Unit application forms.



## 5.03 ACCESSORY DWELLING UNITS

### DESIGN STANDARDS:

1. Accessory Dwelling Unit Regulations

*Ref: Zoning Ordinance, Sec. 17.38*

### 5.03.01 NEIGHBORHOOD AND CONTIGUOUS PARCEL COMPATIBILITY

#### DESIGN GUIDELINE:

1. The siting of a new attached or detached accessory dwelling unit should be visually integrated with the neighborhood and respect adjacent properties.

#### DESIGN COMMENT:

- A. The design and location of a new detached or attached accessory dwelling unit should be sensitive to view, access to sunlight, a feeling of openness and other amenities enjoyed by residences on contiguous parcels. The example at right is set back from side property lines, placing it well within the rear yard landscaping.



Yes

### 5.03.02 ON-SITE AESTHETIC DESIGN COMPATIBILITY

#### DESIGN GUIDELINE:

1. An accessory dwelling unit may be free standing or attached to the primary residence, such as a horizontal addition to the primary residence or a vertical addition above a garage. The style of the accessory dwelling unit should be compatible with the building style of the main residence. In each case, the accessory dwelling unit should have an entry that is compatible with the entry to the primary residence.

## DESIGN COMMENTS:



Yes

- A. A horizontal extension to the primary residence uses the same exterior wall material and ornamentation to unify the main building with the accessory dwelling unit.



Yes

- B. The accessory dwelling unit above a garage respects the building style and roof profile of the existing primary residence. The side stair entrance is visible, but does not compete with the house's entry.



Yes

- C. An accessory dwelling unit above a detached garage located within the street yard setback area creates an entry point for the property.



Yes

- D. An accessory dwelling unit above a detached garage within the interior of the lot uses contemporary building elements, yet is compatible with the original mid-century modern style primary residence.

## 5.04 MISCELLANEOUS ACCESSORY STRUCTURES

### DESIGN STANDARDS:

1. Zone A: Single-family Residential Regulations  
*Ref: Zoning Ordinance Sec. 17.20.040*
2. Zone E: Single-family Residential Estate Regulations  
*Ref: Zoning Ordinance Sec. 17.28.040*

This section covers guidelines for accessory buildings that are neither detached garages nor accessory dwelling units.

### 5.04.01 NEIGHBORHOOD AND CONTIGUOUS PARCEL COMPATIBILITY

#### DESIGN GUIDELINE:

1. The siting of accessory structures should be visually integrated with the neighborhood and respect adjacent properties.

#### DESIGN COMMENT:

- A. This accessory structure sits within a rear yard landscaped garden, set back from side yard setback lines. Its low profile and location on the lot makes it minimally visible from adjacent properties.



Yes

## 5.04.02 ON-SITE AESTHETIC DESIGN COMPATIBILITY

### DESIGN GUIDELINE:

1. An accessory structure should be compatible with the building style of the primary residence.

### DESIGN COMMENTS:



Yes

- A. A pool house and arbor match the architectural vocabulary of the primary residence through: exterior wall and roof materials, window and door design, and decorative elements.



Yes

- B. A rear yard studio maintains a low profile in the rear yard. The style is compatible with the mid-century modern style of the primary residence.

- C. A careful renovation of an existing historic cottage, which is accessory to the larger residence on the estate, maintains its integrity.



Yes

#### PIEDMONT DESIGN GUIDELINES:

#### 5. BUILDING DESIGN: SINGLE-FAMILY RESIDENTIAL: MISCELLANEOUS ACCESSORY STRUCTURES

