

**ORDINANCE NO. 1130-385**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AMENDING ZONING ORDINANCE ARTICLE 31 (SPECIAL USES – SHORT-TERM RENTALS), ARTICLE 33 (NONCONFORMING LOTS, USES, STRUCTURES, AND PARKING), ARTICLE 36 (EXTERIOR SITE IMPROVEMENTS), ARTICLE 37 (ACCESSORY DWELLING UNITS), ARTICLE 45 (ARCHITECTURAL PERMITS) AND ARTICLE 48 (FLOOR AREA RATIO FOR SINGLE-FAMILY HOMES) REGARDING ACCESSORY DWELLING UNITS**

**WHEREAS**, the City Council of the City of Redwood City is empowered to amend Zoning Ordinance Article 37 (Accessory Dwelling Units) to align with State policy and increase affordable housing production. Modifications to Article 37, along with conforming amendments to Articles 31, 33, 36, 45 and 48, would further the purposes of the ordinance, including allowing accessory dwelling units on residential properties (namely, single-family and multifamily properties), increasing the availability of a variety of housing types for all income groups, supporting affordable housing and multi-generational living, encouraging housing construction or alteration to meet the needs of residents with special needs including residents with disabilities, creating flexibility in the design and location of accessory dwelling units, and establishing adequate setback and height requirements; and

**WHEREAS**, Assembly Bills 68, 587, 670, 671, and 881 and Senate Bill 13 pertain to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). These bills were approved by the California Legislature and signed by the Governor in 2019, and became effective on January 1, 2020. Assembly Bill 3182 builds upon these recent changes to ADU law and became effective January 1, 2021. Codified primarily in California Government Code sections 65852.2 and 65852.22, this legislation requires local ADU ordinances to include specified requirements; and

**WHEREAS**, on August 18, 2020, the Planning Commission held a duly noticed public hearing, in accordance with all applicable requirements of the Redwood City Zoning Ordinance, to consider amendments to Zoning Ordinance Articles 31 (Special Uses), 33 (Nonconforming Lots, Uses, Structures, and Parking), 36 (Exterior Site Improvements), 37 (Accessory Dwelling Units), 45 (Architectural Permits) and 48 (Floor Area Ratio For Single-Family Homes) (collectively, the Zoning Ordinance Amendments); and

**WHEREAS**, on March 8, 2021, the City Council held a duly noticed public hearing, in accordance with all applicable requirements of the Redwood City Zoning Ordinance, to consider the Zoning Ordinance Amendments; and

**WHEREAS**, on April 12, 2021, the City Council held a duly noticed public hearing, in accordance with all applicable requirements of the Redwood City Zoning Ordinance, to consider the Zoning Ordinance Amendments; and

**WHEREAS**, on June 15, 2021, the Planning Commission held a duly noticed public hearing, in accordance with all applicable requirements of the Redwood City Zoning Ordinance, to consider the Zoning Ordinance Amendments; and

**WHEREAS**, on August 23, 2021, the City Council held a duly noticed public hearing, in accordance with all applicable requirements of the Redwood City Zoning Ordinance, to consider the Zoning Ordinance Amendments; and

**WHEREAS**, at each of these public hearings the City Council considered the whole of the record including the Planning Commission recommendation and materials, staff report and presentation, public correspondence, and public comments received.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF REDWOOD CITY DOES ORDAIN AS FOLLOWS:**

**Section 1. Recitals.** The recitals set forth above are true and correct, and are hereby incorporated herein by this reference as if fully set forth in their entirety.

**Section 2. Findings.** The City Council hereby finds that the proposed Zoning Ordinance Amendments are in the public interest and consistent with the Redwood City General Plan.

**Section 3. Adoption of Ordinance.** The City Council of the City of Redwood City hereby adopts the Zoning Ordinance Amendments as provided in Exhibit "A", attached hereto and incorporated by reference, by: (a) deleting Article 37 (Accessory Dwelling Units) in its entirety and replacing it with the text shown therein, and (b) amending Articles 31, 33, 36, 45 and 48 by adding the text shown in underline (example) and deleting the text shown in ~~strikeout (example)~~. Wording in brackets ([example]) is informational only and is not to be included in the published ordinance.

**Section 4. Compliance with CEQA.** The proposed Zoning Ordinance Amendments have been reviewed with respect to applicability of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.). Adoption of an ordinance regarding accessory dwelling units in a single-family or multifamily residential zone to implement the provisions of Government Code is an action that is exempt from the provisions of CEQA under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h). The remaining amendments have been evaluated and found to not have an impact on the environment under CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that they will not have an impact on the environment, as described in the staff report.

**Section 5. Severability.** The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

**Section 6. Applicability.** The Zoning Ordinance Amendments shall not apply to building permit applications that are submitted prior to the Zoning Ordinance Amendments' effective date. Accessory dwelling units shall be used in accordance with the provisions of the Zoning Ordinance Amendments upon their effective date.

**Section 7.** **Publication.** The City Clerk is directed to cause this ordinance to be published in the manner required by law.

**Section 8.** **Effective Date.** This ordinance shall go into effect 30 days following its adoption.

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## EXHIBIT "A"

### ZONING ORDINANCE AMENDMENTS

[Article 37 is amended in its entirety to read as follows]

#### **Article 37 - ACCESSORY DWELLING UNITS**

##### **37.1 - Purpose.**

The purpose of this section is to:

- A. Allow accessory dwelling units on residential properties while respecting the character of the residential neighborhood.
- B. Increase the variety of housing types that are accessible for all income groups.
- C. Support affordable housing and multi-generational living.
- D. Encourage housing construction or alteration to assist residents with special needs including residents with disabilities.
- E. Create flexibility in the design and location of accessory dwelling units.
- F. Maintain adequate setback requirements and height limitations.
- G. Achieve conformity with state law, which has been revised over the years to reduce barriers in the approval process and create more housing units.

##### **37.2 - Definitions.**

**Accessory Dwelling Unit.** An accessory dwelling unit, commonly known as a second unit or in-law unit, is an attached or detached residential dwelling unit that is located on the same parcel as an existing or proposed single-family dwelling, duplex, or multifamily dwelling and provides permanent provisions for complete independent living, sleeping, eating, cooking, and sanitation facilities. An accessory dwelling unit also includes an efficiency unit, as defined in Section 17958.1 of Health and Safety Code and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

**Junior Accessory Dwelling Unit.** A junior accessory dwelling unit is an accessory dwelling unit that is no more than five hundred (500) square feet in size and contained entirely within an existing or proposed single-family residence with a separate exterior entrance. A junior accessory dwelling unit shall include a kitchen or efficiency kitchen, as defined in Government Code Section 65852.22, and may include a bathroom, or may share a bathroom with the existing or proposed single-family residence.

##### **37.3 - Development Standards.**

An accessory dwelling unit may be constructed on the same lot as an existing or proposed single-family dwelling, duplex, or multifamily dwelling in residential or mixed-use zoning districts and in precise plan zoning districts that allow residential uses, subject only to applicable building code requirements and the following development standards:

## **A. Number, Density and Location.**

1. **Single Family Dwelling – Number.** No more than one (1) accessory dwelling unit and one (1) junior accessory dwelling unit shall be permitted to be located on the same lot that has an existing or proposed single-family dwelling. An accessory dwelling unit and junior accessory dwelling unit may be located in the same primary dwelling.

2. **Duplex and Multifamily Dwelling – Number.** No more than two (2) accessory dwelling units detached from an existing multifamily dwelling unit shall be permitted to be located on the same lot. At least one accessory dwelling unit and up to twenty-five (25) percent of the total number of existing multifamily dwelling units shall be permitted to be converted from existing non-livable space including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

3. **Density.** Accessory dwelling units and junior accessory dwelling units shall not count toward the allowed density for the lot upon which the unit is located. Accessory dwelling units and junior accessory dwelling units approved in compliance with this article shall be considered a residential use that is consistent with the requirements of the General Plan and zoning ordinance.

4. **Location.** Accessory dwelling units may be attached to, detached from, or located within an existing dwelling. Junior accessory dwelling units shall be located within the single-family dwelling.

**B. Lot Coverage.** Accessory dwelling units shall be exempt from lot coverage calculations of the underlying zoning district. For the purposes of this article, attached garages, carports, and covered porches associated with an accessory dwelling unit shall count towards lot coverage.

## **C. Building Height and Setbacks.**

### **1. Setbacks.**

a. A four (4) foot side and rear yard setback shall be required. Accessory dwelling units shall be subject to front yard setbacks applicable to the primary dwelling unless such a requirement would preclude the construction of a Statewide Exemption Accessory Dwelling Unit as is described in Section 37.4.B.

b. No setback shall be required for an accessory dwelling unit located within the existing living area or an existing accessory structure, or an accessory dwelling unit that replaces an existing structure and is located in the same location and to the same dimensions as the structure being replaced. A legal accessory building (including a detached garage) may be converted into an accessory dwelling unit provided the side and rear setbacks are sufficient for fire safety.

2. **Conversion and Expansion of Converted Structures.** Any expansion of an accessory dwelling unit converted from a legal accessory building or primary dwelling shall be subject to Section 37.3(Development Standards) requirements for an accessory dwelling unit.

### 3. Height.

#### a. Attached Accessory Dwelling Unit.

- i. Accessory dwelling units attached to an existing or proposed primary dwelling that comply with the setback requirements for the primary dwelling as set by the underlying zoning district shall be subject to the maximum height requirements of the underlying zoning district.
- ii. Attached accessory dwelling units that encroach within the setback requirements for the primary dwelling set by the underlying zoning district but comply with the setback requirements herein shall not exceed twenty (20) feet when such unit has a flat roof, or twenty-four (24) feet when such unit has a pitched roof (with the additional four (4) feet solely devoted to roof pitch).

b. **Detached Accessory Dwelling Unit.** Accessory dwelling units detached from an existing or proposed primary dwelling shall be subject to a maximum height of twenty (20) feet when the accessory dwelling unit has a flat roof, or twenty-four (24) feet when such unit has a pitched roof (with the additional four (4) feet solely devoted to roof pitch). Detached accessory dwelling units shall also be subject to the following:

- i. No more than six hundred (600) square feet of the accessory dwelling unit shall be constructed above the first floor. The remaining allowable square footage shall be constructed on the first floor.
- ii. Balconies and second story decks shall be located interior to the site and not facing the immediately adjacent side or rear yards.
- iii. Open stairways shall be located interior to the site and not facing the immediately adjacent side or rear yards, if feasible.

4. **Access.** An accessory dwelling unit shall have independent exterior access and a separate address.

5. **Square Footage.** The maximum allowable square footage for an accessory dwelling unit shall not exceed the area specified below, provided that in no instance may an attached accessory dwelling unit exceed fifty (50) percent of the total square footage of the existing primary dwelling. Notwithstanding the foregoing, accessory dwelling units subject to Section 37.4 (Statewide Exemption Accessory Dwelling Units) may exceed fifty (50) percent of the existing primary dwelling square footage to allow up to 800 square feet. For the purposes of this article, square footage for an accessory dwelling unit shall not include garages, carports, and/or covered porches.

a. **Standard Units.** Accessory dwelling units shall not exceed eight hundred and fifty (850) square feet, except as specified in subsections (b) and (c) below.

b. **Multiple Bedroom Units.** Accessory dwelling units that include more than one bedroom shall not exceed one thousand (1,000) square feet.

c. **Accessible Units.** Units meeting the California Building Code requirements for disabled access are permitted to have up to one thousand two hundred (1,200) square feet.

**D. Parking.** No additional parking spaces shall be required for accessory dwelling units or junior accessory dwelling units. No replacement parking spaces shall be required if an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit.

**E. Pervious Area in Front Yard.** The front yard shall be subject to the minimum pervious area and stormwater requirements of the underlying zoning district.

**F. Stormwater Treatment.** Accessory dwelling units shall be subject to the requirements of Section 32.12 (Stormwater Treatment), including creek protection and setbacks, provided, however, that no Use Permit shall be required in accordance with Article 42.

**G. Passageway.** A passageway shall not be required in conjunction with the construction of an accessory dwelling unit, unless mandated by other state or federal safety code or standard. A passageway is a pathway that is unobstructed and clear to the sky that extends from the street to the door of the accessory dwelling unit.

**H. Historic Preservation.** Compliance with the appropriate Secretary of Interior's Standards for the Treatment of Historic Properties shall be required for properties listed in the California Register of Historical Resources.

**I. Junior Accessory Dwelling Units.** If a junior accessory dwelling unit is proposed, it shall comply with the requirements of California Government Code Section 65852.22, as may be amended from time to time, including but not limited to the following:

1. Shall not exceed five hundred (500) square feet in size.
2. Shall not be smaller than the size required to allow an efficiency unit pursuant to Health and Safety Code Section 17958.1.
3. Shall be contained entirely within the walls of a single-family residence.
4. Shall provide a separate exterior entrance from the single-family home.
5. Shall contain a kitchen or an efficiency kitchen that includes cooking appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.
6. May share a bathroom with the single-family home.
7. Shall be owner-occupied. The owner shall reside in either the single-family residence or the newly created junior accessory dwelling unit.
8. A deed restriction shall be recorded providing for a prohibition on the sale of the junior accessory dwelling unit separate from the single-family residence, including a statement that the deed restriction may be enforced against future purchasers, and a restriction on the size and attributes that conforms with the requirements of Government Code Section 65852.22.
9. Only one (1) junior accessory dwelling unit shall be allowed per lot.

**J. Building and Fire Code Compliance.** Accessory dwelling units shall comply with all applicable building and fire code requirements. Provided, however, that accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. Except however, fire sprinklers may be allowed to address fire code compliance as needed.

**K. Utilities and Impact Fees.**

1. No junior accessory dwelling unit or accessory dwelling unit shall be permitted if it is determined that there is not adequate water or sewer service to the property.
2. No impact fees shall be imposed on a junior accessory dwelling unit or accessory dwelling unit that is less than 750 sq. ft. in size. For purposes of this article, "impact fees" shall not include utility connection fees or capacity charges.
3. For accessory dwelling units that are 750 square feet or more, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

**37.4 - Statewide Exemption Accessory Dwelling Units.**

Only a building permit shall be required for an accessory dwelling unit or junior accessory dwelling unit in the following circumstances, provided, however that all of the development standards contained in Sections 37.3 (C) (1) and (I) through (K) shall apply and none of the development standards contained in Section 37.3 (A), (B), (C) (2) through (5) and (D) through (H) will apply:

**A. Single-family - Conversion.** One accessory dwelling unit and one junior accessory dwelling unit per lot shall be permitted within an existing or proposed single-family dwelling if the accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and has exterior access separate from the primary dwelling and sufficient side and rear setbacks for fire safety. An accessory dwelling unit proposed under this section may include an expansion of no more than 150 square feet beyond the same physical dimensions as the existing accessory structure to accommodate ingress and egress.

**B. Single-family - Detached.** New construction of one (1) detached accessory dwelling unit that does not exceed eight hundred (800) square feet and sixteen (16) feet in height shall be permitted with minimum four (4) foot side and rear yard setbacks. The detached accessory dwelling unit may be combined with a junior accessory dwelling unit that is permitted by Section 37.4(A) above.

**C. Multifamily – Conversion.** At least one (1) accessory dwelling unit and up to twenty-five (25) percent of the total number of existing multifamily dwelling units shall be permitted to be converted from existing non-livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

**D. Multifamily - Detached.** No more than two (2) detached accessory dwelling units shall be permitted if the accessory dwelling unit(s) is/are located on a lot that has an existing multifamily dwelling, and the unit(s) is/are no more than sixteen (16) feet in height, and do not exceed four (4) foot rear yard and side setbacks.

**37.5 – Short-Term Rentals And Sales Prohibited.**

Except as otherwise permitted by State law, an accessory dwelling unit or junior accessory dwelling unit shall not be offered for sale, nor sold, but may be rented for terms longer than thirty (30) days. The short-term rental of accessory dwelling units shall not be not permitted. Notwithstanding the foregoing, existing short-term rentals in accessory dwelling units that

were registered with the City prior to January 1, 2020 may continue to be used as short-term rentals.

### 37.6 - Application Review.

**A. Application.** An accessory dwelling unit permit application shall include a building permit application and a completed checklist that demonstrates compliance with the requirements of this article. The application shall include plans showing the details of the proposed accessory dwelling unit under submittal guidelines established by the Director. The Director shall determine compliance with this article prior to issuance of the building permit for the accessory dwelling unit. This decision shall be considered final.

**B. Ministerial Review.** All applications for accessory dwelling units that comply with the requirements under this article shall be reviewed through a building permit within sixty (60) days after receipt of a complete application if there is an existing single-family dwelling, duplex, or multifamily dwelling on the lot. An application shall be denied if the proposed accessory dwelling unit does not comply with all applicable requirements of this article. If the application involves an accessory dwelling unit where there is also an application for a new single-family dwelling on the lot, then the Director may delay action on the accessory dwelling unit application to coincide with the single-family dwelling application as long as the Director applies the ministerial review required by this Section to the accessory dwelling unit. Applicants may request a delay or waive the 60-day approval period.

[Article 31, Section 31.3 is amended as follows]

## Article 31 – SPECIAL USES

### 31.3 - Short-Term Rental Use Incidental to a Primary Residence.

[Subsection A is unchanged]

**B. Definitions.** For purposes of this section, the following definitions shall apply:

[Subsections 1-3 are unchanged]

1. **Primary Residence.** A primary residence is a dwelling unit where a person has been physically present and that the person regards as home. A person may only have one primary residence at any given time. Evidence of a person's primary residence includes, but is not limited to, documentation from income tax statements or a driver's license. If a property has ~~multiple more than one dwelling units, including an accessory dwelling unit or apartment complex,~~ each dwelling unit and accessory dwelling unit shall be considered a separate residence subject to the primary residence requirement. Accessory dwelling units shall not be considered a primary residence for purposes of Section 31.3.

[Subsections 5-6 are unchanged]

**C. Permitted Use.** Short-term rental uses shall be permitted in any primary residence subject to the requirements of this section, including compliance with the operating

standards, registration, Transient Occupancy Tax payments, and recordkeeping obligations. Except as provided for in this section, all other short-term rental uses shall be prohibited, except for existing short-term rentals in accessory dwelling units that were registered with the City prior to January 1, 2020.

[Subsections D-H are unchanged]

[Article 45, Section 45.2 is amended as follows]

## **Article 45 – ARCHITECTURAL PERMITS**

### **45.2 - Applicability.**

The following projects require an Architectural Permit:

[Subsections A-B are unchanged]

**C. Two-Story Additions.** Single-family, or duplex, or accessory dwelling units that include new construction, additions or exterior modifications to the second floor or any upper floors.

**D. Additions on Sloping Lots.** One-story new construction, additions, ~~new two-story accessory dwelling units~~ or exterior modifications when the lot has a slope of fifteen (15) percent or greater and the total gross floor area is three thousand (3,000) square feet or more. If the lot slope is thirty (30) percent or greater, an Architectural Permit is required for changes of any size. These provisions apply to any single-family, or duplex or two-story accessory dwelling unit.

[Article 36, Section 36.5 is amended as follows]

## **Article 36 - EXTERIOR SITE IMPROVEMENTS**

### **36.5 - Accessory Buildings.**

The requirements of this section apply to all accessory buildings in any zoning district.

[Subsections A-B are unchanged]

**C. Location.** An accessory building shall not project beyond the front wall line of a main building and shall meet the following setback requirements:

- 1. Front Yard.** An accessory building shall comply with the minimum front yard setback of the underlying zoning district.
- 2. Side Yard.** For ~~both interior and exterior street~~ side yard setbacks, the accessory building shall provide a meet the minimum side yard setback of four (4) feet ~~the main building (refer to individual zoning district articles for further information).~~
- 3. Exterior Side Yard.** The accessory building shall provide the minimum exterior side yard setbacks of the underlying zoning district.
- 4. Rear Yard.** An accessory building shall have a minimum rear yard setback of ~~six (6)~~ four (4) feet.

5. **Setback from Other Buildings.** The accessory building shall be set back at least six (6) feet from other buildings on the same lot.

**D. Height.** The total height of an accessory building is limited to ~~fourteen (14)~~ sixteen (16) feet and the wall height is limited to nine (9) feet for flat or shed roofs adjacent to the side and rear property line.

[Subsections E-F are unchanged]

**G. Total Amount of Accessory Buildings.** Any combination of accessory buildings ~~or an accessory dwelling unit~~ shall not cover more than fifty (50) percent of the required rear yard area.

[Subsection H is unchanged]

[Article 48, Sections 48.2 and 48.3 are amended as follows]

## **Article 48 – Floor Area Ratio for Single-Family Homes**

### **48.2 - Applicability.**

This Article shall apply to all Architectural Permit applications for single-family dwellings in any zoning district, ~~including single-family dwellings with an accessory dwelling unit~~, except as described below. This Article shall not apply to any accessory dwelling units described in Article 37, or the following:

- A. Ground floor additions; or
- B. New single-family dwellings or additions built on a lot that is less than 5,000 square feet; or
- C. Second story additions of one hundred (100) square feet or less.

### **48.3 — Definitions.**

For the purposes of this Article, the following words and phrases shall have the following meanings:

**A. “Gross Floor Area”** means the total covered area of all floors of a single-family dwelling which includes attached garages, measured to the outside of stud walls except as described below:

1. Basements that are no more than twenty-four (24) inches above average finished grade; and
2. Detached structures including: ~~A~~ccessory ~~B~~uildings and ~~A~~ccessory-~~D~~dwelling ~~U~~nits; and
3. Features as described in Section 32.3 E (Architectural Features); and
4. Attached accessory dwelling units and junior accessory dwelling units.

[Article 33, Sections 33.16, 33.17, and 33.18 are amended as follows]

**Article 33 –Nonconforming Lots, Uses, Structures, and Parking**

**33.16 – Nonconforming Parking – Single-Family Residential**

[Subsections A-B are unchanged]

C. Accessory dwelling units are not subject to this section.

**33.17 - Nonconforming Parking—Two-Family (Duplex) and Three-Family (Triplex) Residential.**

[Subsections A-B are unchanged]

C. Accessory dwelling units are not subject to this section.

**33.18 - Nonconforming Parking—Multi-Family Residential.**

A multi-family residential use or structure that is nonconforming due to the number, size or location of parking spaces, (or related design criteria for driveway access or parking backup area), may not be enlarged unless parking for the entire project is brought into compliance with the provisions of this article. Accessory dwelling units are not subject to this section.

ORDINANCE NO. 1130-385

At a Joint City Council/Successor Agency Board/Public Financing Authority Meeting thereof held on the 13<sup>th</sup> day of September 2021 by the following votes:

AYES, and in favor of the passage and adoption of the foregoing ordinance:

AYES: Aguirre, Espinoza-Garnica, Gee, Hale, Howard, Reddy and Smith

NOES: None

ABSENT: None

ABSTAINED: None

RECUSED: None



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Diane Howard  
Mayor of the City of Redwood City

Attest:



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Pamela Aguilar, CMC  
City Clerk of Redwood City

I hereby approve the foregoing Ordinance  
this 13<sup>th</sup> day of September 2021.



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Diane Howard  
Mayor of the City of Redwood City