

REPORT TO THE CITY COUNCIL
Council Agenda of December 10, 2019



Prepared by:
Shannon Sweeney, Public Works Dir./ City Engineer



Approved by:
Todd Bodem, City Administrator

SUBJECT: 2019 Pavement Management System Update Prepared by Pavement Engineering Incorporated.

RECOMMENDATION:

Approve Resolution No. 2019-78 adopting the 2019 Pavement Management System Update, prepared by Pavement Engineering Incorporated.

BACKGROUND:

Pavement Engineering Incorporated (PEI) prepared the report entitled, "2019 Pavement Maintenance System (PMS) Update." This report is available for review in the Building and Safety office. PEI will be providing a PowerPoint presentation to the City Council at the December 10, 2019 meeting.

The purpose of a PMS is to store work history and furnish estimated budgets to optimize funding that will create the most positive and cost effective impact on the entire City street system and assure that the City will spend scarce street maintenance funds wisely.

All 19 miles of City streets were field evaluated and the StreetSaver® program was utilized. Street conditions are rated using a Pavement Condition Index (PCI), which ranges from 0 to 100.

With today's budget limitations, most Cities strive for a PCI of 60. Guadalupe's overall average is 79. Based upon current estimates, the City will have approximately \$350,000 available per year in Measure A local funds, in future years, that may be allocated to street maintenance. The document outlines five budget scenarios for staff consideration.

The PowerPoint presentation that will take approximately 15 minutes and will highlight the contents of the report and expand upon the information given above.

FISCAL IMPACT:

- The report contains budget forecasting information as a management tool for planning the preventive maintenance of the City's streets. This will assure the City will spend scarce street maintenance funds wisely.

- Pavement Engineering Inc. prepared their report within the \$17,315 contract amount and the work product is consistent with the contract requirements.

ATTACHMENTS:

Resolution No. 2019-78

RESOLUTION NO. 2019-78

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY GUADALUPE
ADOPTING THE "2019 PAVEMENT MANAGEMENT SYSTEM (PMS) UPDATE"
PREPARED BY PAVEMENT ENGINEERING INCORPORATED**

WHEREAS, the City Council contracted with Pavement Engineering Incorporated (PEI) to prepare a pavement management system; and

WHEREAS, PEI prepared the "2019 Pavement Management System (PMS) Update; and

WHEREAS, staff reviewed the report and recommends City Council approval; and

WHEREAS, PEI presented the report to the City Council at the meeting of December 10, 2019;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Guadalupe as follows:
The City Council hereby adopts the report entitled, "2019 Pavement Management System (PMS) Update".

PASSED, APPROVED AND ADOPTED at a regular meeting held on the 10th day of December, 2019 by the following vote:

MOTION:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Joice Earleen Raguz, City Clerk of the City of Guadalupe **DO HEREBY CERTIFY** that the foregoing Resolution, being **CC Resolution No. 2019-78**, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held December 10, 2019, and that same was approved and adopted.

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip F. Sinco, City Attorney



PAVEMENT ASSESSMENT STUDY CITY OF GUADALUPE



Prepared by Pavement Engineering Inc.
December 2019





PRESENTATION GOALS

- Pavement 101
- Pavement preservation
- Assessment findings
- The Plan



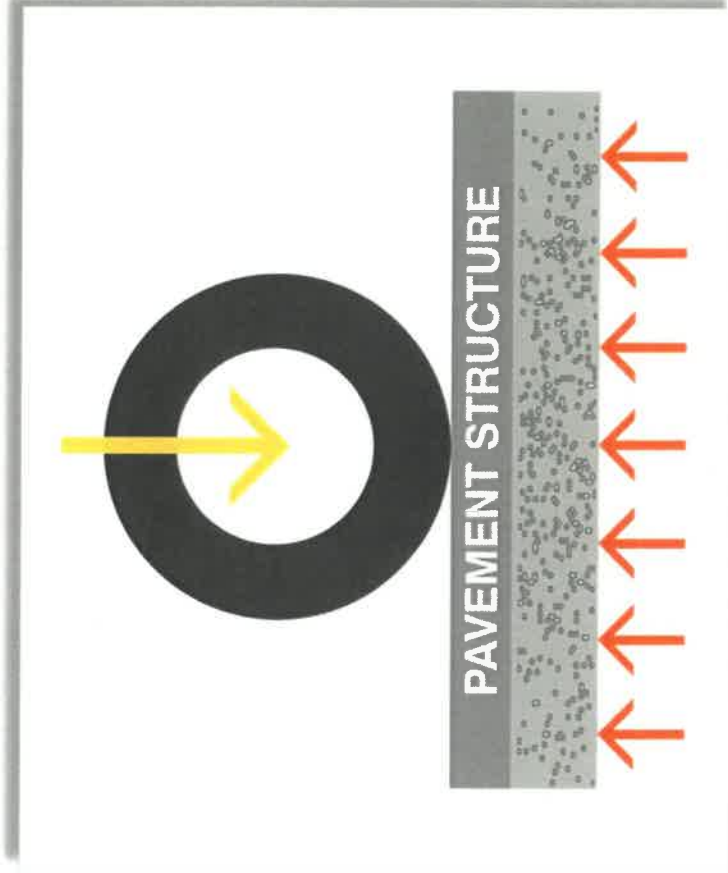


PAVEMENT 101



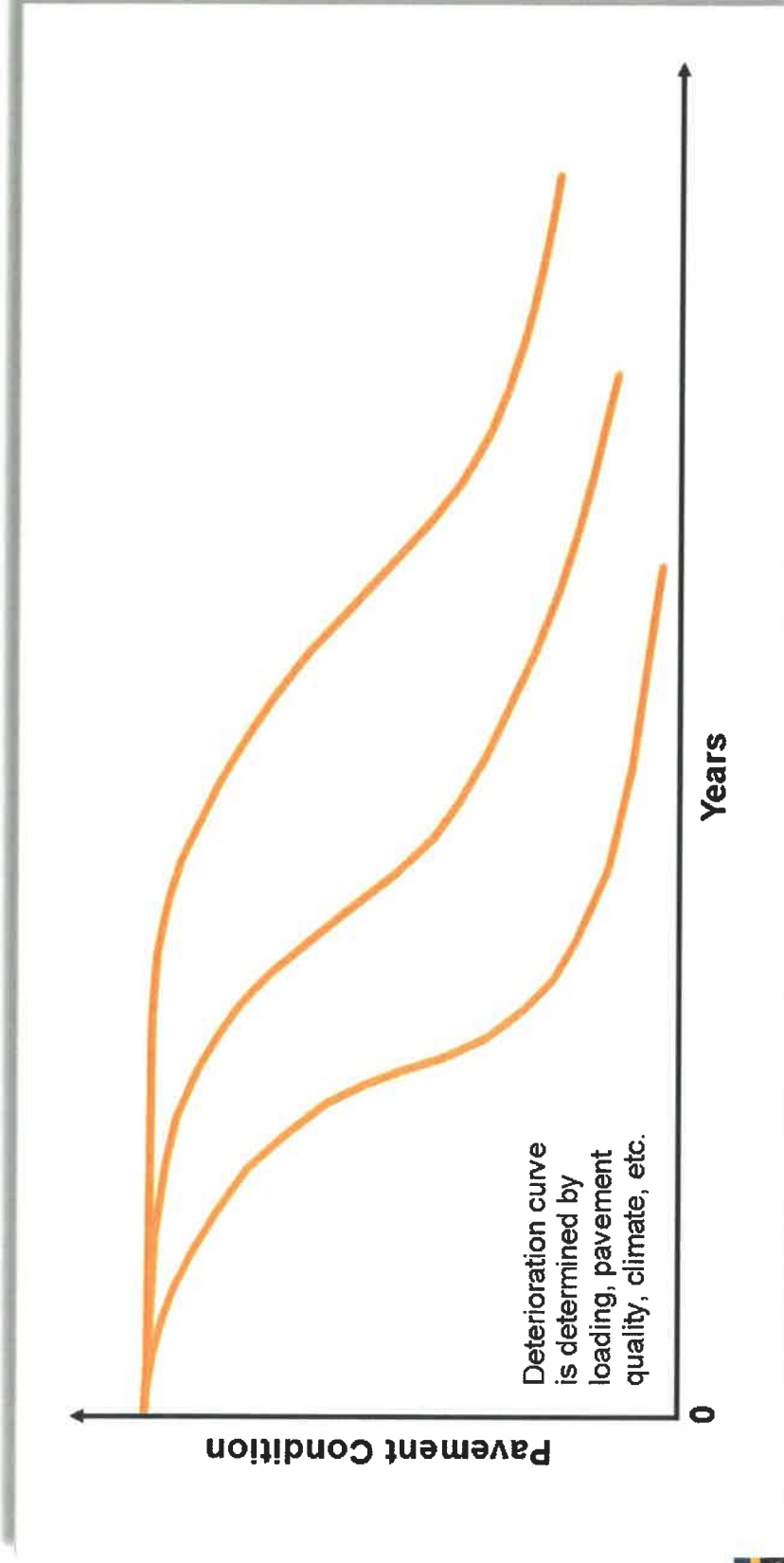


Pavement Design





Pavement Deterioration Cycle





Pavement Deterioration

Asphalt concrete deteriorates in two ways:



Oxidizing effects of
sun and water

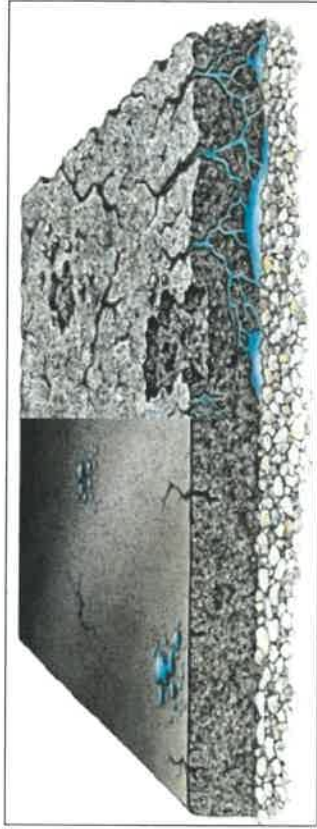


Fatigue from heavy
wheel loads

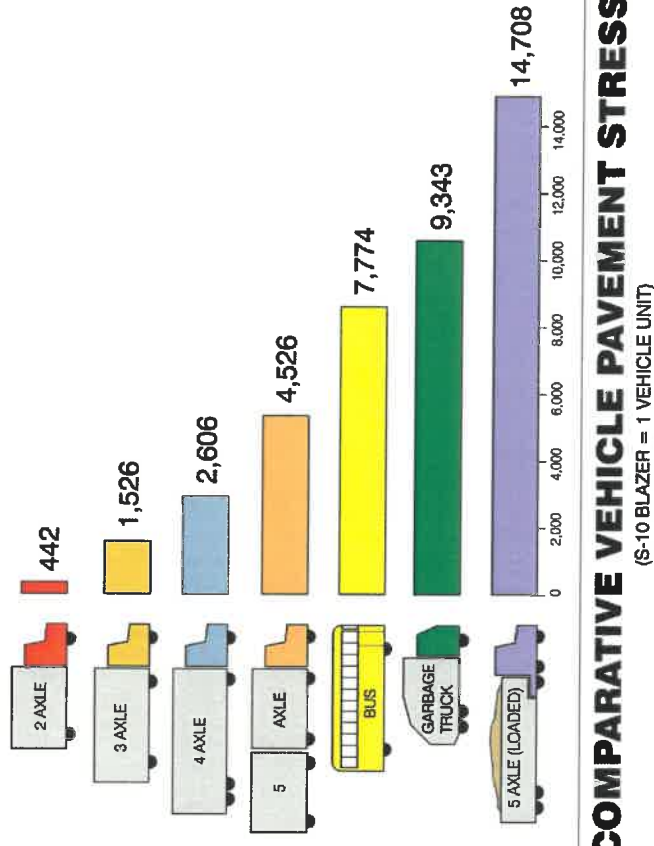


Impacts

Sun and Water



Heavy Loads



COMPARATIVE VEHICLE PAVEMENT STRESS

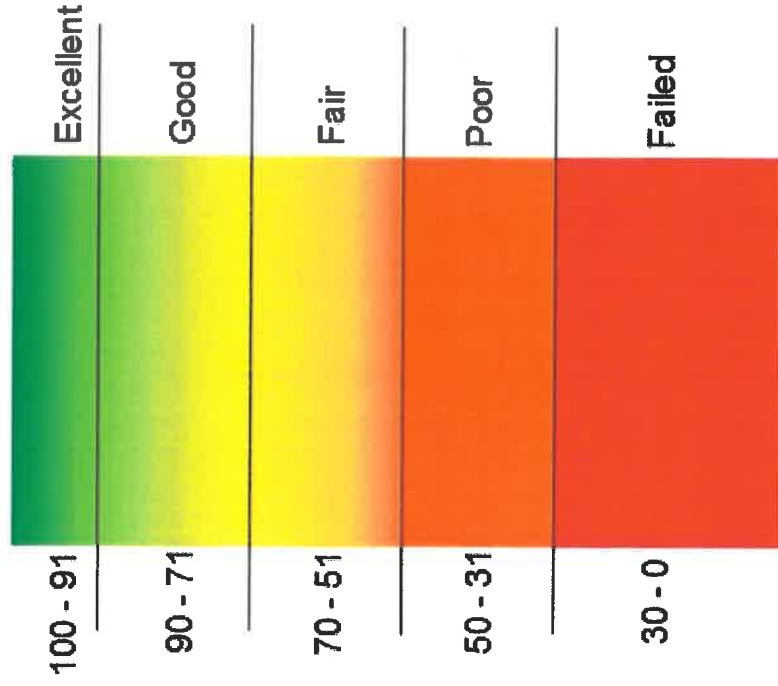
(S-10 BLAZER = 1 VEHICLE UNIT)





Evaluating Pavement: the PCI

Developed by the U. S. Army Corp of Engineers during World War II and standardized by ASTM, the Pavement Condition Index (PCI) is an objective and rational basis for determining pavement condition and establishing maintenance priorities.





Evaluating Common Pavement Distresses

- Alligator cracking
- Block cracking
- Distortions
- Longitudinal / transverse cracking
- Patches / utility cuts
- Rutting / depressions
- Weathering / raveling



Common Pavement Distresses



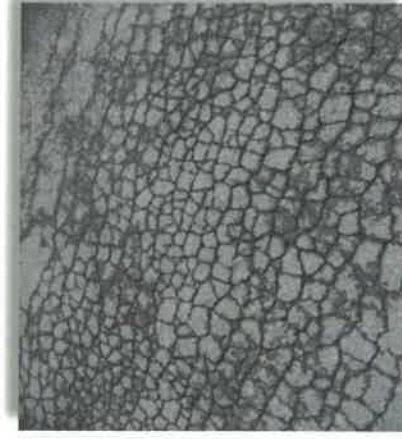
Weathering
or Raveling



Transverse or
Longitudinal
Cracking



Block
Cracking



Alligator
Cracking





PCI = 100

Excellent 100-91



PCI = 38

Poor 50-31



PAVEMENT 101





PAVEMENT PRESERVATION





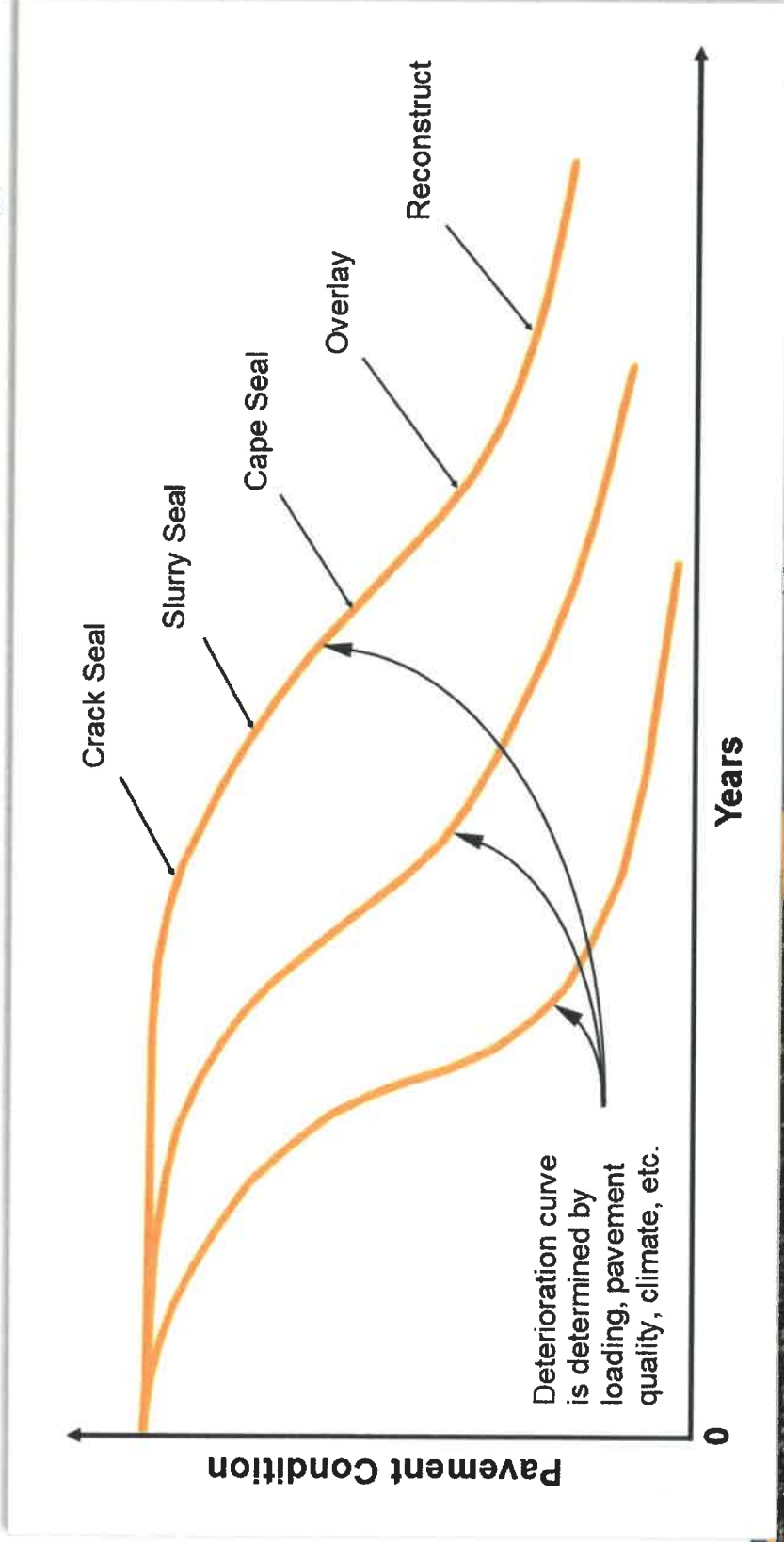
Applying the **RIGHT TREATMENT**
to the **RIGHT PAVEMENT**
at the **RIGHT TIME**
using the **RIGHT MATERIALS**

PAVEMENT PRESERVATION





Pavement Preservation Timing



PAVEMENT PRESERVATION





What is a Pavement Management System?

- Budgeting tool
- Inventory tool
- Record of pavement conditions
- Guide to potential street candidates for repair and maintenance

A PMS is NOT a detailed design tool

PAVEMENT PRESERVATION



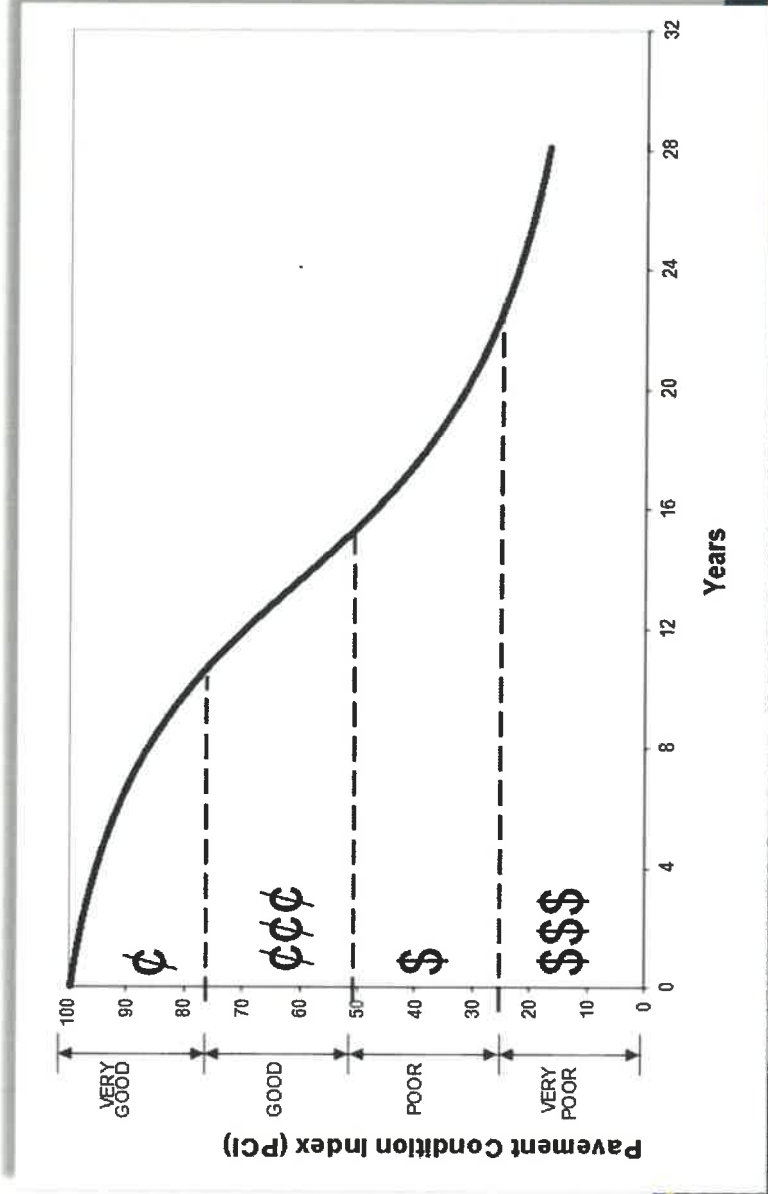


Good Pavement Management

- **Best-First “Top Down” Management:** focuses maintenance and rehabilitation on the best streets in the system. Interim procedure.
- **Worst-First “Bottom Up” Management:** focuses maintenance and rehabilitation on the worst streets in the system. Interim procedure.
- **Critical-Point Management:** focuses maintenance and rehabilitation on streets above rather than below a critical PCI. Most economical in the long run.



Pavement Condition vs. Maintenance / Rehabilitation Cost

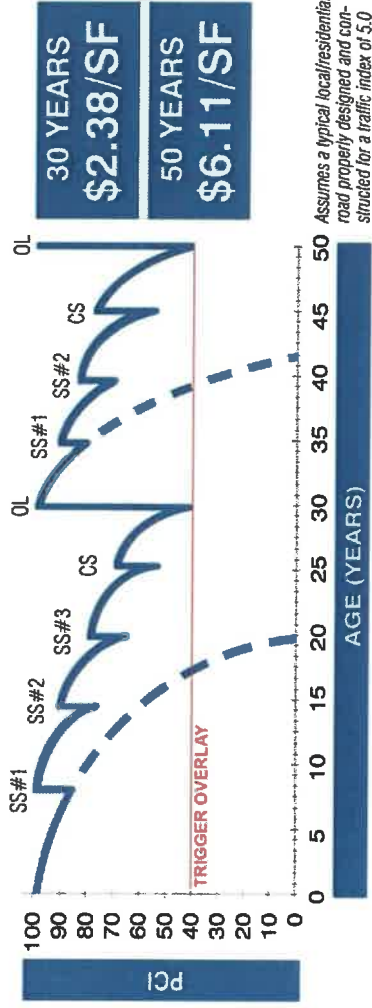


PAVEMENT PRESERVATION

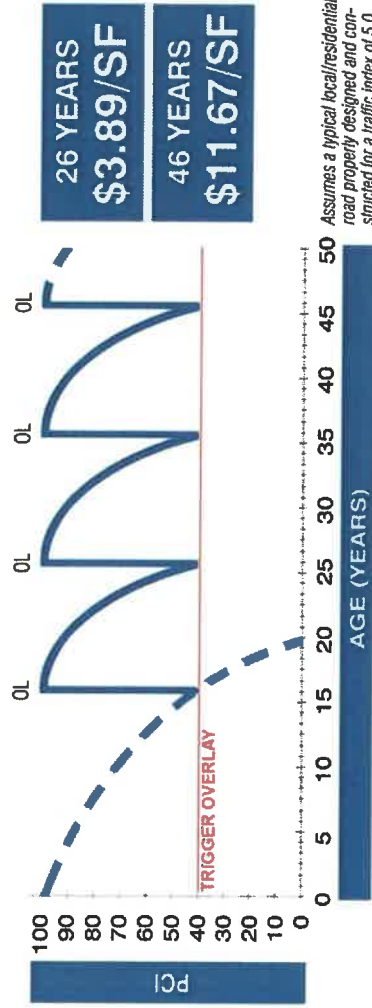




Pavement Condition vs. Maintenance / Rehabilitation Cost



MAINTENANCE BY CRITICAL PCI



MAINTENANCE BY WORST FIRST

image provided courtesy of Pavement Engineering Inc.

PAVEMENT PRESERVATION





ASSESSMENT FINDINGS



City of Guadalupe System Data (2013)

- System Size
 - ✓ 16.44 centerline miles
 - ✓ 3,125,387 square feet of pavement
- Systemwide average weighted PCI of 76
- Replacement value of \$35,087,000



City of Guadalupe System Data (2019)

- System Size
 - ✓ 19.20 centerline miles
 - ✓ 3,693,630 square feet of pavement
- Systemwide average weighted PCI of 79
- Replacement value of \$62,033,000



How does the City of Guadalupe compare?

Agency	Average PCI
City of Guadalupe	79
City of Santa Maria	69
County of Santa Barbara	56
City of Arroyo Grande	63
County of San Luis Obispo	59



THE PLAN



**CITY OF GUADALUPE
5 YEAR PLAN
PROJECT NO. 190240**

Street ID	Street Name	Section ID	Bag Location	End Location	Area	FC	PCI	NEIGHBORHOOD	TREATMENT	RECOMMENDED TREATMENT YEAR / ESTIMATED CONSTRUCTION COST				
										FY 2021	FY 2122	FY 2223	FY 2324	FY 2425
68	SURFBI RD - SURFBL	010	SURFBI RD CT	POINT SAL DUNES WY	9620	R	86	PD	LIGHT MAINTENANCE					\$ 5,378.51
68	SURFBI RD - SURFBL	020	POINT SAL DUNES WY	PACIFIC DUNES WY	21645	R	86	PD	LIGHT MAINTENANCE					\$ 12,097.15
69	SURFBI RD - SURFBL	030	PACIFIC DUNES WY	PELICAN LN	19890	R	86	PD	LIGHT MAINTENANCE					\$ 11,199.80
69	SURFBI RD - SURFBL	040	PELICAN LN	SNOWY PLOVER LN	25530	R	84	PD	LIGHT MAINTENANCE					\$ 14,288.43
70	TENTH ST - TENTH	010	PERALTA ST	OBISPO ST	20140	C	80	EP	LIGHT MAINTENANCE	\$ 11,266.02				
70	TENTH ST - TENTH	020	OBISPO ST	OLIVERA ST	31691	C	87	EP	LIGHT MAINTENANCE	\$ 17,711.75				
70	TENTH ST - TENTH	030	OLIVERA ST	HWY 193ADALUPE ST	15972	C	84	DT	HEAVY REHABILITATION	\$ 122,682.71				
70	TENTH ST - TENTH	040	HWY 193ADALUPE ST	W END	15910	C	83	DT	LIGHT REHABILITATION	\$ 61,094.40				
71	THIRD ST - THIRDO	010	FLOWER AVE	OBISPO ST	37658	R	86	TP	LIGHT MAINTENANCE					\$ 21,046.64
71	THIRD ST - THIRDO	110	CAMPODONICO AVE	TOGMAZZINI AVE	12818	R	83	TC	LIGHT MAINTENANCE					\$ 7,163.84
71	THIRD ST - THIRDO	120	TOGMAZZINI AVE	PIONEER ST	10200	R	83	TC	LIGHT MAINTENANCE					\$ 5,700.07
71	THIRD ST - THIRDO	130	PIONEER ST	LINDY DR	21624	R	95	PS	LIGHT MAINTENANCE					\$ 12,085.41
72	TOGMAZZINI AVE - TOGMAZ	010	N END	5TH ST	10758	R	95	TC	LIGHT MAINTENANCE					\$ 6,012.53
72	TOGMAZZINI AVE - TOGMAZ	020	5TH ST	3RD ST	35360	C	95	TC	LIGHT MAINTENANCE					\$ 19,762.31
72	TOGMAZZINI AVE - TOGMAZ	030	3RD ST	2ND ST	30921	C	95	TC	LIGHT MAINTENANCE					\$ 17,291.40
72	TOGMAZZINI AVE - TOGMAZ	040	2ND ST	W MAIN ST	22110	C	86	TC	LIGHT MAINTENANCE					\$ 12,957.03
73	TURNSTONE CI - TRINISTN	010	E END	SURFBI RD LN	14212	R	86	PD	LIGHT MAINTENANCE					\$ 7,942.83
74	TWELFTH ST - TWLFTH	010	PERALTA ST	OBISPO ST	14440	R	72	EP	LIGHT MAINTENANCE	\$ 8,070.38				
74	TWELFTH ST - TWLFTH	020	PACHECO ST	HWY 193ADALUPE ST	33998	R	46	DT	LIGHT REHABILITATION	\$ 129,240.64				
75	W MAIN ST - WMAIN	010	HWY 193ADALUPE ST	TOGMAZZINI AVE	24640	A	44	ART	HEAVY REHABILITATION	\$ 189,262.55				
75	W MAIN ST - WMAIN	020	TOGMAZZINI AVE	PIONEER ST	8720	A	46	ART	HEAVY REHABILITATION	\$ 51,617.07				
75	W MAIN ST - WMAIN	030	PIONEER ST	POINT SAL DUNES WY	60458	A	76	ART	LIGHT MAINTENANCE	\$ 33,786.30				
75	W MAIN ST - WMAIN	040	POINT SAL DUNES WY	PACIFIC DUNES WY	32900	A	69	ART	LIGHT MAINTENANCE	\$ 16,331.58				
75	W MAIN ST - WMAIN	050	PACIFIC DUNES WY	SANTA BARBARA ST	28800	A	67	ART	LIGHT MAINTENANCE	\$ 18,543.11				
75	W MAIN ST - WMAIN	060	SANTA BARBARA ST	CITY LIMITS	33900	A	57	ART	HEAVY REHABILITATION	\$ 255,791.00				
76	WONG ST - WONGST	010	PIONEER ST	LINDY DR	13906	R	45	PS	HEAVY REHABILITATION	\$ 108,513.53				
Est. Construction Cost Totals										\$ 3,357,946.13	\$ 1,928,474.42	\$ 188,261.78	\$ 45,946.26	\$ 1,073,945.80

Grand Total
\$ 6,891,884.38





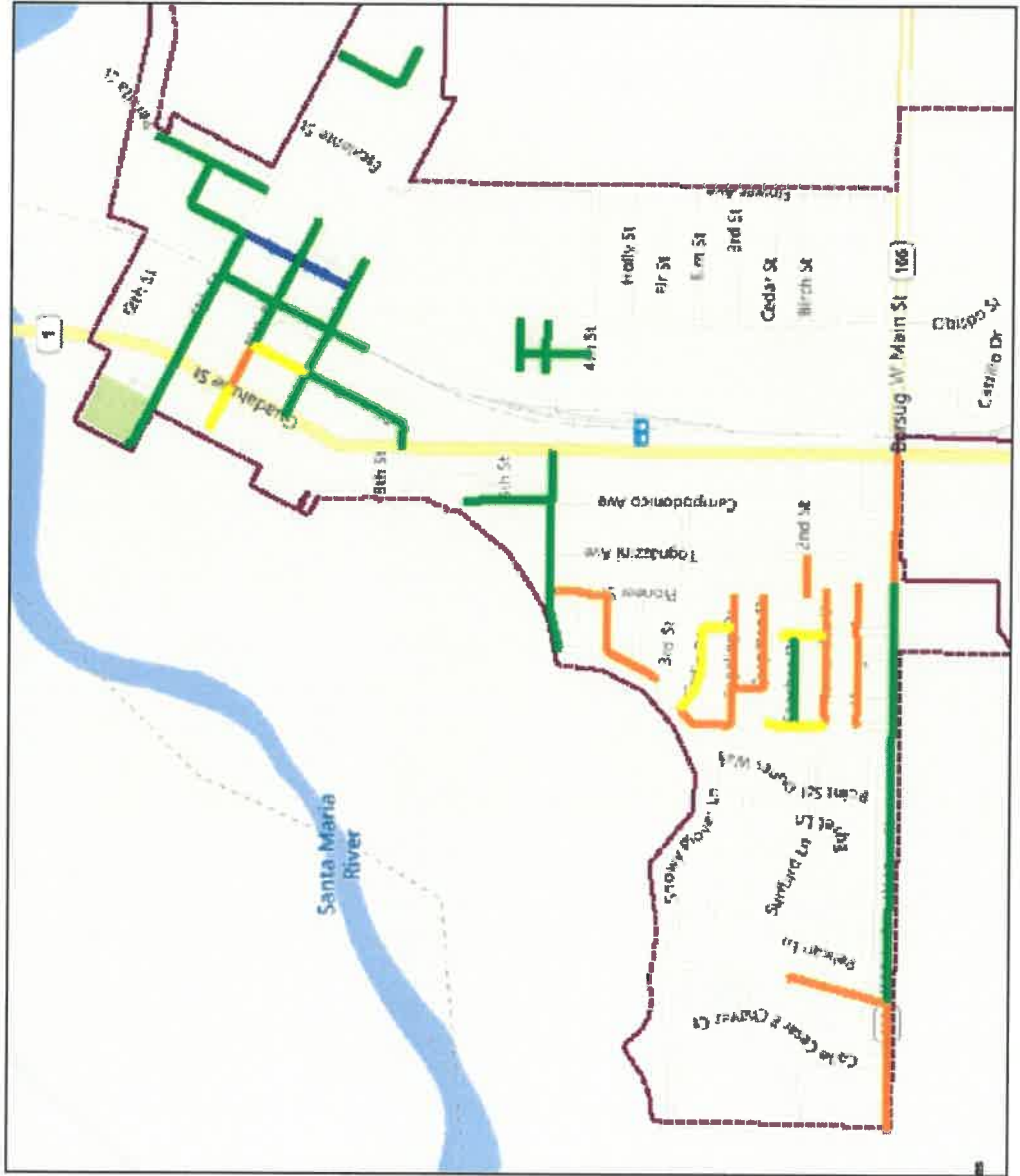
Project Selection

5 YEAR PLAN - 2020 Project Period - Printed: 10/22/2019



City of Guadalupe

- Feature Legend**
- HEAVY MAINTENANCE
 - HEAVY REHABILITATION
 - LIGHT MAINTENANCE
 - LIGHT REHABILITATION



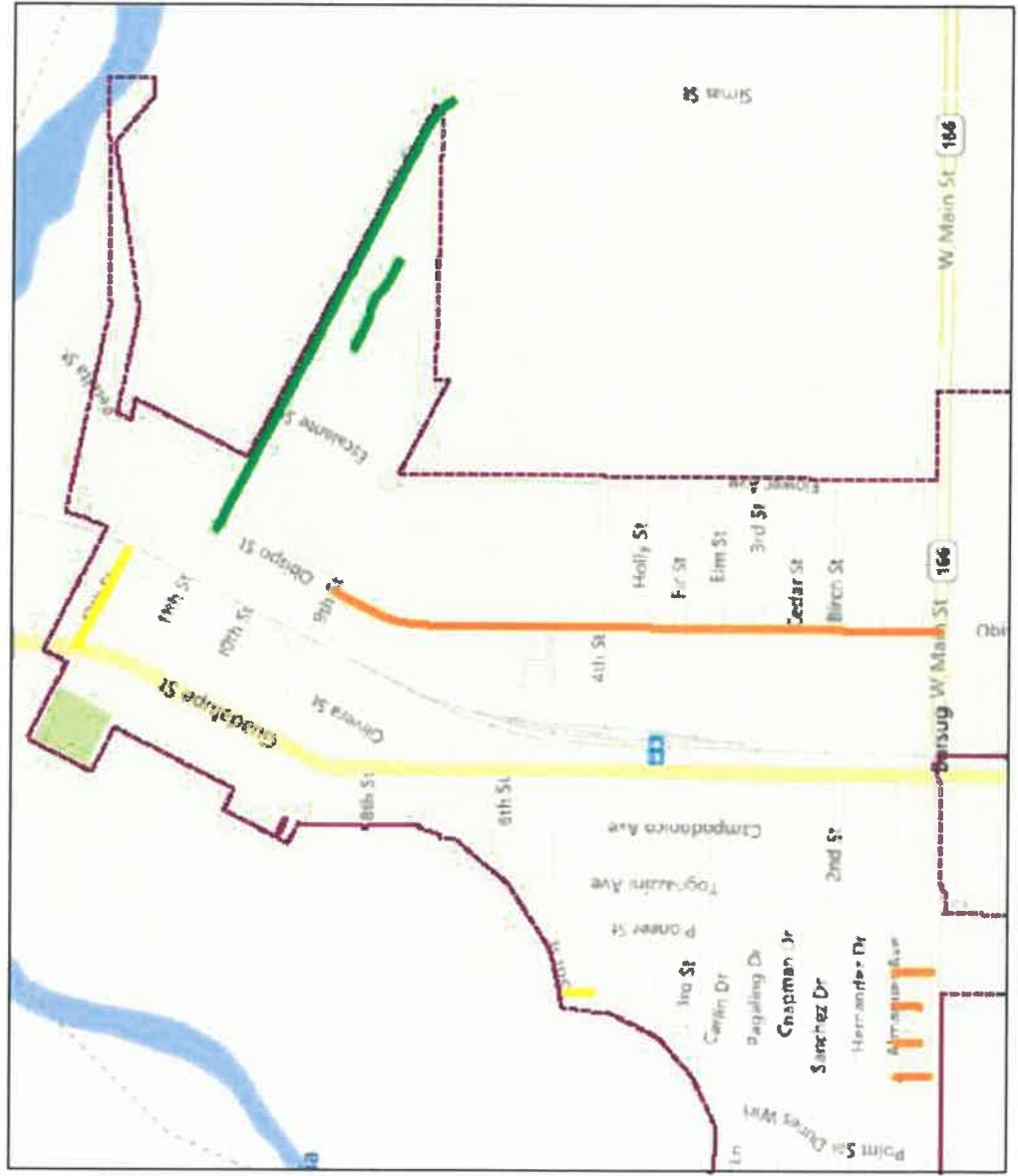


City of Guadalupe

Project Selection

5 YEAR PLAN - 2021 Project Period - Printed: 10/22/2019

- Feature Legend**
- HEAVY REHABILITATION
 - LIGHT MAINTENANCE
 - LIGHT REHABILITATION



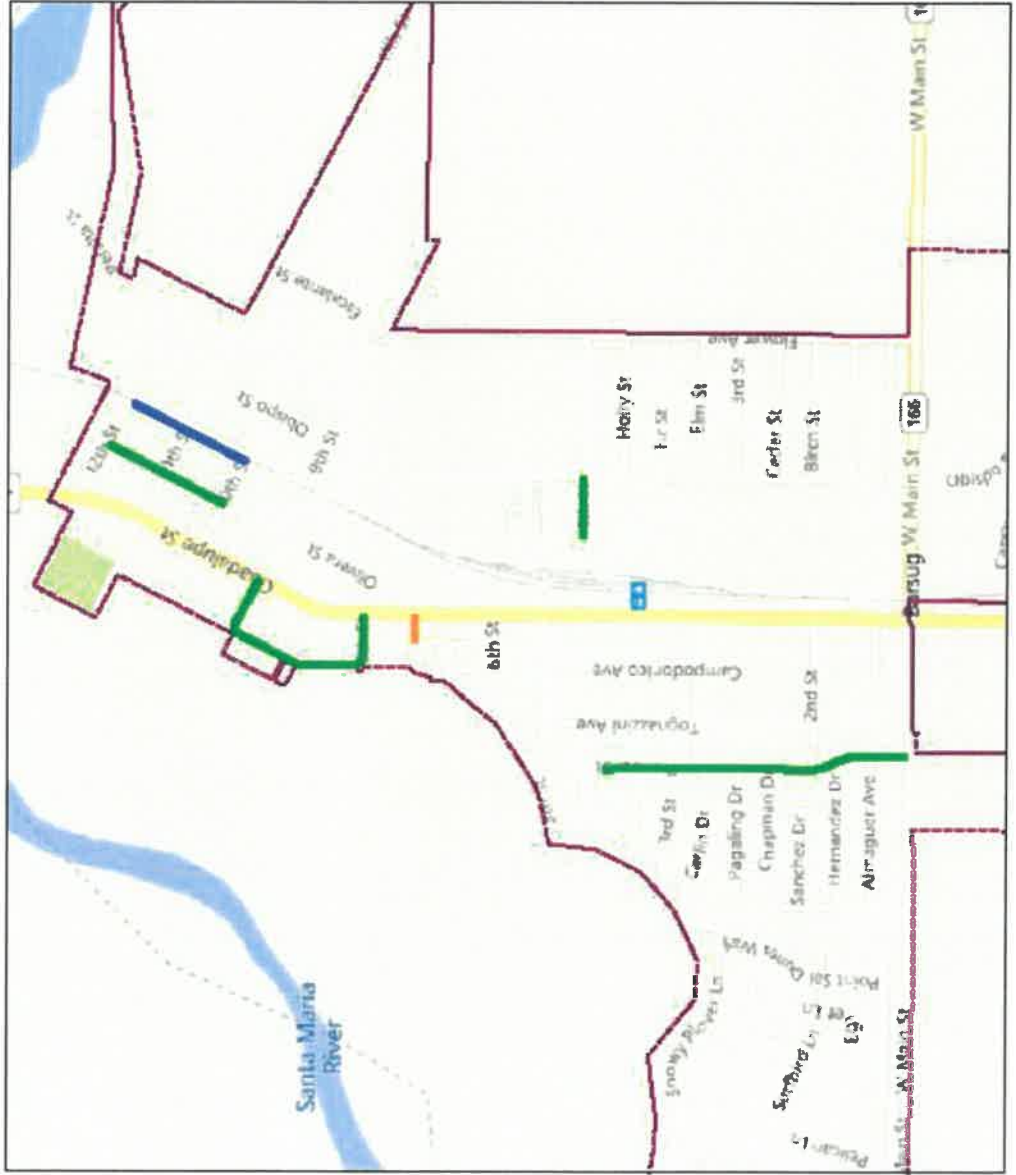


City of Guadalupe

Project Selection

5 YEAR PLAN - 2022 Project Period - Printed: 10/22/2019

- Feature Legend**
- HEAVY MAINTENANCE
 - HEAVY REHABILITATION
 - LIGHT MAINTENANCE





City of Guadalupe

Project Selection

5 YEAR PLAN - 2023 Project Period - Printed: 10/22/2019

Feature Legend
■ LIGHT MAINTENANCE

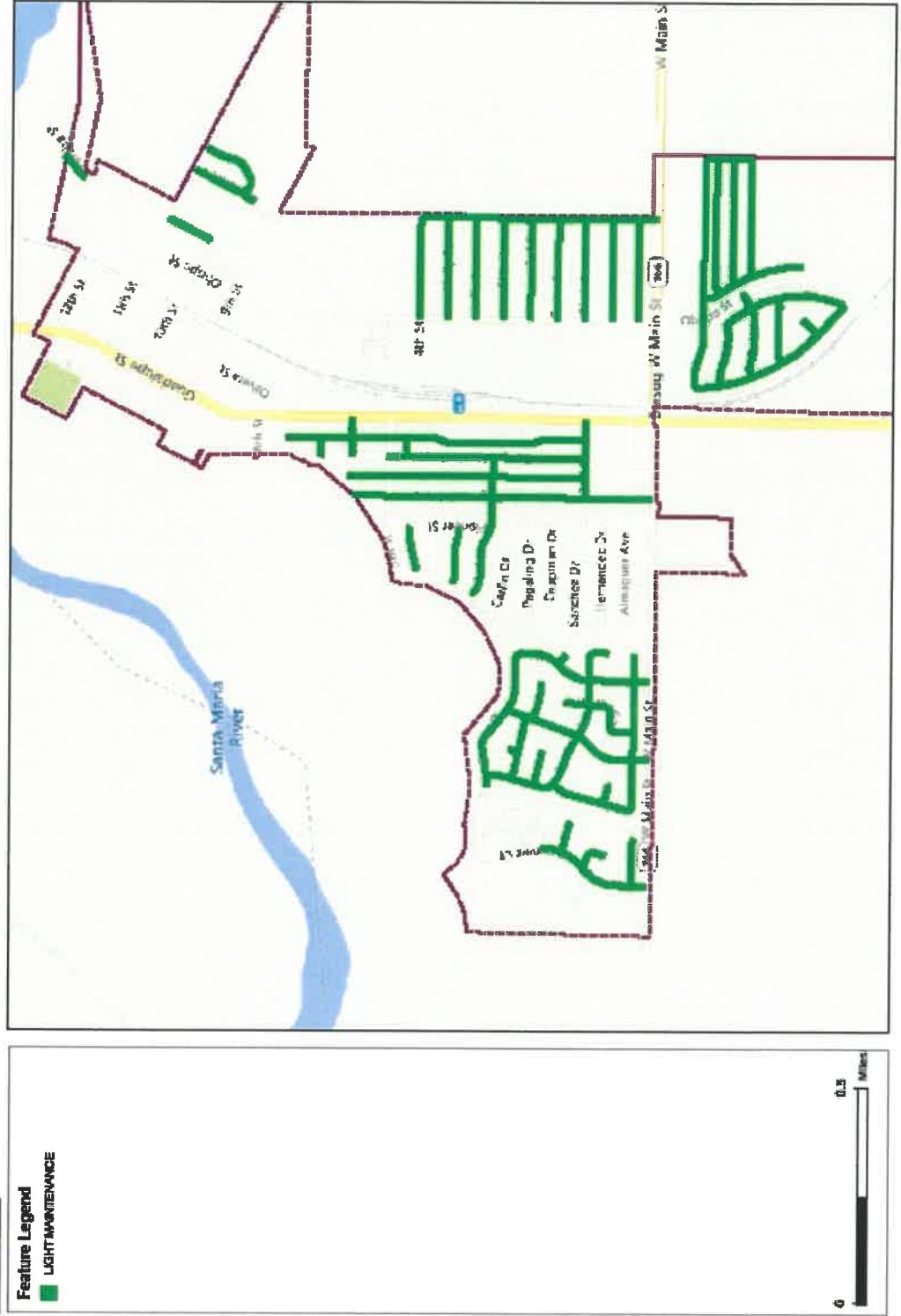




City of Guadalupe

Project Selection

5 YEAR PLAN - 2024 Project Period - Printed: 10/22/2019





Selecting the Right Streets/Treatment

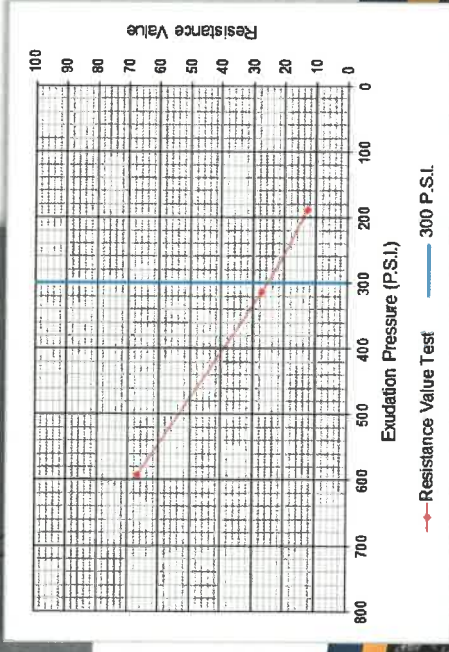
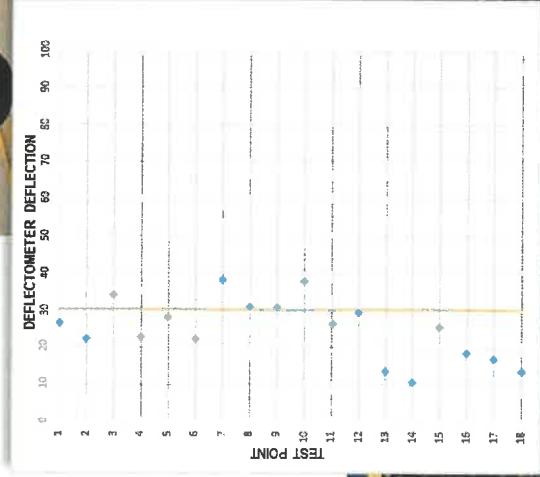
- Budget
- Utility coordination
- Grants
- Drainage
- ADA
- Physical Evaluation
- Quality Assurance

PROJECT SELECTION





Pavement Evaluation (Good Design)

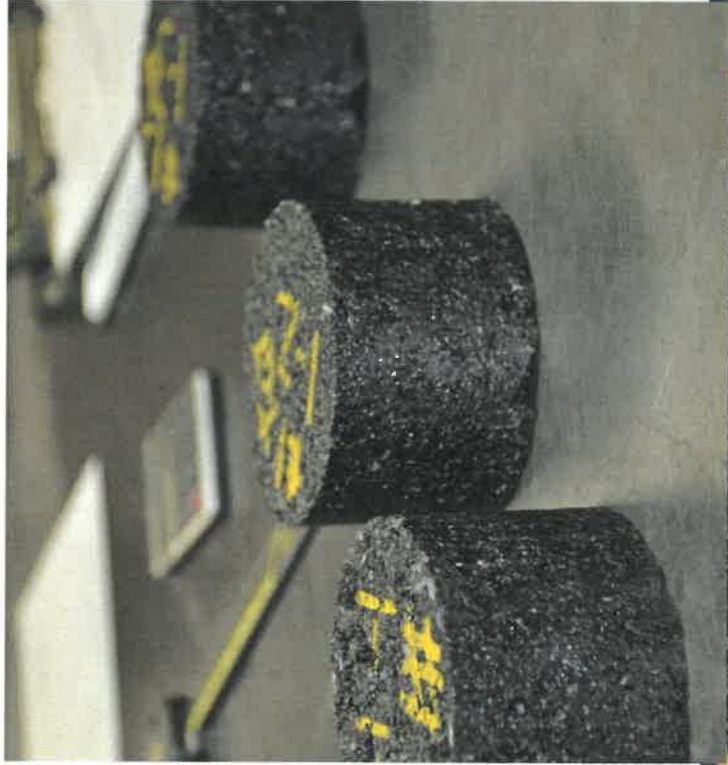


PAVEMENT EVALUATION AND TESTING





Quality Assurance (Testing & Inspection)





QUESTIONS?



REPORT TO THE CITY COUNCIL
Council Agenda of December 10, 2019



Prepared by:
Larry Appel,
Contract Planning Director



Approved by:
Todd Bodem, City Administrator

SUBJECT: Public Hearing to consider Amendments to the Accessory Dwelling Unit (ADU) Ordinance (Chapter 18.53)

EXECUTIVE SUMMARY:

Early last year, staff updated the accessory dwelling unit (ADU) chapter of the Guadalupe Municipal Code (Chapter 18.53). In September, staff brought additional amendments for parking and home ownership requirements which had been added to the state regulations, after the City's last ADU update. When it was learned that significant legislation was being processed through the state legislature around that same time period, staff requested a continuance in order to incorporate the changes resulting from several bills that had the potential to be signed by the Governor. Several of the bills, which greatly relaxed standards for ADUs, are set to go into effect on January 1, 2020. The major changes were described to Council at an earlier meeting but will be summarized in this report.

RECOMMENDATION:

It is recommended that the City Council:

- 1) Receive a presentation from staff; and
- 2) Conduct a public hearing and introduce by title only and waive the first reading of Ordinance No. 2019-480 amending Chapter 18.53 of the Municipal Code; and
- 3) Continue to January 14, 2020 for second reading and adoption.

FISCAL IMPACT:

Minor reduction in revenues due to the state's ordinance preventing a local agency from assessing discretionary processing fees and in most cases the collection of impact fees and connection fees for utilities.

BACKGROUND:

The first and second readings of Ordinance No. 2018-473 (the original ADU ordinance) and Ordinance No. 2018-475 (which amended the original ADU ordinance) have occurred and the amended ADU sections have been in effect since October 2018. Several applications have been received and processed since the ordinance became effective.

DISCUSSION:

A number of modifications were made to the previously enacted state legislation covering accessory dwelling units and junior accessory dwelling units through the passage of several new assembly bills. The most significant were AB 881, AB 68, and AB 587. The attached amended Chapter 18.53 includes all the new legislation in tracked changes for easier review of the amendments. They also include edits made by the City Attorney. If the first reading is approved, then the indicated changes will be made before returning for the second reading and adoption. The state legislation goes into effect on January 1, 2020, although staff has been previously directed by Council to process applications for ADUs and JADUs using this new legislation.

The following summary is provided which covers all the changes that have been proposed to be incorporated into our Guadalupe Municipal Code.

Junior ADUs: We are required to allow these smaller ADUs, only in single-family homes, and less than 500 square feet of existing space.

Separate sale of JADUs: Government Code Section 65852.26 was added as a result of the recent signing of AB 587 into law. This section allows, under certain circumstances, the separate sale of a JADU when the property is owned by a 501(c)(3) nonprofit. The JADU must, among other requirements, remain affordable for a minimum of 45 years.

Expanded Definitions: There are a number of new definitions presented in the draft ordinance.

Fees: The City can only charge for the cost of processing a new single-family dwelling (SFD), currently \$265. Unfortunately this leaves the City with the responsibility of covering the planner's costs that exceed the standard fee. Impact/development fees can only be charged if the ADU is greater than 750 square feet, and is constructed at the time of the SFD. The fee must be prorated based on fees for the SFD.

Lot size: The state has removed any requirement for a minimum lot size.

Number of ADUs: Any lot where an ADU is permitted may have one ADU and one JADU. In situations where multi-family units exist, two detached ADUs are permitted plus additional units up to 25 percent of existing unit total. These units can be constructed within existing unit space, or other areas of the building can be converted, if consistent with current building standards. No JADUs are permitted in multi-family units.

Setbacks, Size and Height: A detached ADU can now have side and rear setbacks of just four

feet, and the height of the building can be up to 16 feet. An ADU must be at least 110 square feet based on the California Building Code.

Utility Meters: An ADU is not considered a new residential use for purposes of calculating connection fees unless constructed concurrent with a new SFD onsite.

Parking: A previous revision of the state's legislation not in our Ordinance allows parking within setback areas or as tandem parking on driveways. Covered parking is not required.

Processing time: The overall time to process an ADU must be reduced from 120 to 60 days.

Nonconforming: The correction of nonconforming structures requesting conversion to accessory units shall not be a condition for ministerial permits.

Owner-occupied: Local jurisdictions may no longer require the property owner to live on the property where there is an ADU.

In order to provide City residents with information concerning ADUs and JADUs, staff has prepared a tri-fold handout as well as a more extensive handout. Staff has been asked about the new regulations by a number of people interested in developing this type of affordable housing within Guadalupe.

ENVIRONMENTAL REVIEW:

This ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA Guidelines, and has been found to be exempt pursuant to Section 15306 of the CEQA Guidelines (information collection) because it does not have the potential to create a physical environmental effect.

PUBLIC NOTICE:

Staff published the required display ad in a newspaper of general circulation on or before September 14, 2019 and opened the public hearing on the item at the Council meeting held on September 24, 2019. The public hearing was continued to the Council meeting of November 12, 2019, and at that meeting, continued again to the December 10, 2019, meeting.

ATTACHMENT:

1. Ordinance No. 2019-480 with amended text

ORDINANCE NO. 2019-480

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE,
CALIFORNIA, AMENDING CHAPTER 18.53 OF THE CITY OF GUADALUPE
MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS AND JUNIOR
ACCESSORY DWELLING UNITS**

The City Council of the City of Guadalupe, State of California, does ordain as follows:

WHEREAS, the State Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the intensity of land use, and also authorizes a local agency to provide by ordinance for the creation of accessory dwelling units in single-family and multi-family residential zones, as specified. That law makes findings and declarations with respect to the value of accessory dwelling units to California's housing supply; and

WHEREAS, California faces a severe housing crisis and accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods; and

WHEREAS, accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character; and

WHEREAS, Government Code Section 65852.2 (a)(1)(D)(xi)(4) states that a local agency's ordinance, if not in compliance with the State's provisions shall be deemed null and void; and

WHEREAS, the state recently enacted legislation for Accessory Dwelling Units and Junior Accessory Units primarily through AB 881 and AB 68, and were signed into law by the Governor; and

WHEREAS, the new statutes go into effect on January 1, 2020; and

WHEREAS, public notice pursuant to Government Code section 65090 was given on or before September 24, 2019, and a public hearing on the item was opened at the City Council meeting on September 24, 2019, which hearing was continued to the Council meeting of November 12, 2019, and continued again to the meeting held on December 10, 2019.

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

SECTION 1. Chapter 18.53 of the Guadalupe Municipal Code regarding Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) is hereby ~~added~~ amended to read as follows:

Chapter 18.53 ACCESSORY DWELLING UNITS

18.53.010 Purpose and intent.

The purpose of this chapter is to comply with Government Code Section 65852.2, 65852.22 and 65852.26 as amended from time to time by the State, which provides for cities to set standards for the development of accessory dwelling units (ADU) and Junior ADUs (JADU) so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhood. Accessory dwelling units are considered to be a residential use, consistent with the General Plan objectives and zoning regulations, and enhance housing opportunities, including near transit ~~on single family lots~~ residential lots zoned to allow single family homes or multi-family use. This chapter is intended to implement the City's Housing Element of the General Plan, and is adopted to comply with State law (Government Code Section 65852.2), by allowing accessory dwelling units through ministerial review in all ~~Residential Districts~~ districts zoned to allow single-family homes or multi-family use, subject to meeting the standards prescribed below.

18.53.020 Regulations designated.

A. The provisions of this Chapter apply to all lots that are zoned residential (R-1, R-1 (SP), R-1-M, R-2, and R-3) and are occupied with one single family dwelling unit, a multi-family ~~or use,~~ or vacant with approved plans for the construction of a single family dwelling unit.

B. Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and are a residential use that is consistent with the existing general plan and zoning designation for the lot.

C. R-2 and R-3 zones. Property owners living in R-2 and R-3 zones with an existing single family structure or multi-family use on site may elect to build an accessory dwelling unit. In addition, if an R-2 or R-3 lot is vacant and the property owner proposed to construct a single family dwelling on the lot, an accessory dwelling unit may also be constructed. However, if an R-2 or R-3 lot has a single family structure with an accessory dwelling unit or approved plans issued by the Planning Department to construct a single family structure with an accessory dwelling unit, and if the property owner applies to build any additional units, each unit, including the single family structure and the accessory dwelling unit, will be subject to all zoning requirements and development standards for R-2 and/or R-3 zones.

D. This Ordinance shall impose standards on ADUs and JADUs that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

E. The ADU or JADU is either attached to, located within the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

18.53.030 Definitions.

A. An “accessory dwelling unit, (ADU)” is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as ~~a primary dwelling unit~~ the single-family or multi-family dwelling is or will be 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

~~B. The term “existing structure,” for the purposes of defining an allowable space that can be converted to an accessory dwelling unit means, within the four walls and roofline of any structure legally existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official.~~

~~B. “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.~~

~~C. “Existing structure,” for the purposes of defining an allowable space that can be converted to an accessory dwelling unit means, within the four walls and roofline of any structure legally existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official.~~

~~D. “Junior ADU” means a unit which is no more than 500 square feet, typically developed from a bedroom(s) in a single-family home with an exterior entrance, including cooking facilities with appliances, food prep counter and storage cabinets that are of reasonable size in relation to size of the JADU, and may share bathroom facilities with no additional parking required.~~

~~DE. -“Living area” means the interior habitable area of a dwelling unit, including basements and attics, not including the garage or any nonhabitable but does not include a garage or any accessory structure.~~

~~F. “Local agency” means a city, county, or city and county, whether general law or chartered.~~

~~G. “Majority owner” means the owner that holds more than an equal share of the property.~~

~~G. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.~~

~~EH. “Passageway” is a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.~~

I. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

FJ. “Public transit” means a public transit corridor as defined by Health and Safety Code Section 50093.5, which is that area within one half mile of a route on which the level of service is at or above the average for the transit system as a whole, according to the transit operator serving the area, and on which regularly scheduled public mass transit service stops are located a, or within one half mile of an existing or planned public mass transit guideway or busway station, or within one half mile of a multimodal transportation terminal serving public mass transit operations, location, including, but not limited to, a bus stop or train station where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

K. “Tandem parking” means that two or more vehicles are parked on a driveway or in any other location on a lot, lined up behind one another.

18.53.040 Application requirements

A. Application. Requests for an accessory dwelling unit shall be submitted on an application form provided by the Planning Department and shall contain the following information:

1. A plot plan (drawn to scale). Provide dimensions of the perimeter of parcel on which the accessory dwelling unit will be located. Indicate the location and dimensioned setbacks of all existing and proposed structures on the project site and structures located within 50-feet of the project site. All easements, building envelopes, and special requirements of the subdivision as shown on the final map and improvement plans shall be included.

2. Floor Plans. Each room shall be dimensioned and the resulting floor area calculation included. The use of each room shall be identified. The size and location of all windows and doors shall be clearly depicted.

3. Elevation views. Provide north, south, east and west elevations which show all openings, exterior finishes, original and finish grades, stepped footing outline, roof pitch, materials and color board for the existing residence and the proposed accessory dwelling unit.

4. Cross Section. Provide building cross sections including, but not limited to: structural wall elements, roof, foundation, fireplace and any other sections necessary to illustrate earth-to-wood clearances and floor to ceiling heights.

5. Fees. The fee for review shall be as set forth in the currently adopted fee resolution and shall not exceed the fixed processing fee established by the City Council for a new single-family dwelling.

6. Copies. One original and five (5) copies of the application package shall be submitted for each ADU request.

Section 18.53.050 Design and development standards.

A. Accessory ~~structures~~ Dwelling Units within existing space.

An ~~accessory dwelling unit~~ ADU within an existing structure (e.g. the primary dwelling unit, attached or detached garage or other accessory structure) shall be permitted ministerially with a zoning clearance and building permit if it:

1. Complies with building and safety codes;
2. Provides independent exterior access from the existing residence;
3. Provides sufficient side and rear setbacks for fire safety.

B. Accessory ~~structures~~ Dwelling Units (attached and detached).

1. General.

a. Sale of Unit. ~~The unit~~ The ADU may not be sold separate from the primary dwelling unit unless specific requirements are met through Government Code Section 65852.26. A JADU may not be sold separately. All conditions of the ~~use~~ permit, restrictive covenants, and other contractual agreements with the City apply to the property.

b. Rental of Unit. Rental of the accessory dwelling unit is allowed for thirty (30) days or longer.

~~e. Owner Occupancy. For properties in the R-1 zoning district, either the primary dwelling unit or the Accessory Dwelling Unit shall be owner-occupied as a primary dwelling unit and permanent residence by the property owner(s). Exceptions to the owner-occupied requirement may be considered on a case-by-case basis by the Zoning Administrator or designee after an administrative hearing. Upon making written findings that the purpose of the owner-occupancy requirement is met even though the property owner does not reside in either the primary residence or the Accessory Dwelling Unit, the Zoning Administrator may issue a Zoning Permit pursuant to Guadalupe Municipal Code section 18.12.010.A.~~

~~(i) If the Planning Director or designee determines that neither of the units are occupied by the property owner, and no exception has been granted in (c) above, the ministerial approval of the accessory dwelling unit shall terminate immediately and the unit shall not be rented, leased, or occupied as a separate dwelling.~~

~~(ii). For the purposes of this Chapter, the property owner is the majority owner of the property as shown in the most recent Santa Barbara County Assessor's roll. If no majority exists, any property owner of record holding an equal share interest in the property may be deemed the majority property owner.~~

2. Covenant Agreement. A covenant agreement is required prior to issuance of a building permit. The covenant agreement shall state that

a. The accessory dwelling unit ADU may be conveyed separately from the primary dwelling provided the property is owned by a qualified 501 (c) (3) nonprofit corporation per Government Code Section 65852.26 shall not be sold separately.

(i) The unit is restricted to the approved size and shall not include an expansion of a single-family dwelling or accessory structure by more than 150 square feet, unless for the purpose of ingress and egress.

~~(ii) Notwithstanding (b)(1)(c.) above, the property owner is required to reside in the primary dwelling unit or the accessory dwelling unit.~~

~~(iii) The use of the accessory dwelling unit shall be in effect only so long as the property is in compliance with the provisions of this chapter. The owner is required to reside on the property if the primary home contains a JADU, but is not required to reside on the property with an attached or detached ADU, per state regulations.~~

~~(iv) The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for zoning enforcement.~~

~~(v) The covenant agreement shall terminate upon removal or conversion of the accessory dwelling unit to another permitted use.~~

~~(vi) The covenant agreement shall be recorded by the County Recorder for the County of Santa Barbara at the expense of the property owner with the original recorded document delivered to the City prior to issuance of the Building Permit.~~

C. Zoning District. Accessory dwelling units are only allowed on lots that ~~are zoned for residential~~ allow single-family homes and multi-family uses with where an existing legal single-family dwelling or multi-family use exists or is proposed, ~~or in connection with a proposed single-family dwelling for a vacant lot.~~

1. Number of Accessory Dwelling Units. Only one ~~accessory dwelling unit~~ ADU and one JADU shall be allowed for each lot. On property containing multi-family units, up to two detached ADUs are permitted, not exceeding a 16 foot height limit with a minimum four foot side and rear yard setback. Additional interior ADUs or JADUs are permitted, up to twenty-five (25) percent of the total number of multi-family units.

2. Unit Types. The ~~accessory dwelling unit~~ ADU may be within the living area of the existing dwelling, attached to the existing dwelling, or detached from the existing dwelling and shall be located on the same lot as the existing dwelling. Junior ADUs shall be required to be constructed within a new or existing single-family dwelling. Junior ADUs are not permitted in multi-family units.

~~3. Junior accessory dwelling units as defined by Government Code Section 62582.22 are not permitted.~~

4. Building Codes. Local building code requirements apply to attached and detached ~~accessory dwelling units~~ ADUs and attached JADUs, as appropriate.

5. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

6. Fire Sprinklers. Fire sprinklers are not required unless the existing residence is equipped with fire sprinklers, or unless the Fire Marshall determines that due to special circumstances sprinklers are necessary for life and safety. Fire sprinklers may be considered as mitigation for sub-standard Fire Department access or water supply.

7. Utility Meters. An accessory dwelling unit shall not be considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling or multi-family use. Accessory dwelling units shall not be considered new residential uses for the purpose of calculating utility connection fees or capacity charges, including water and sewer service. Accessory dwelling units contained within an existing residence or an existing accessory structure are not required to install new or separate utility connections, or pay a related connection fee or capacity charge. When constructed at the same time as the primary single-family residence, For the new attached and detached accessory dwelling unit's, the connection fee and/or capacity charge must be proportionate to the burden of the unit on the water or sewer system based on the size or the number of plumbing fixtures.

8. Growth mitigation fees: A development or impact fee shall not be imposed upon the development of an ADU less than 750 square feet. Any impact fees charged for an ADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. Accessory dwelling units are required to pay any applicable growth mitigation fees in effect at the time a zoning clearance and building permit are requested.

9. Access. Two-story detached accessory dwelling units shall limit the major access to stairs, decks, entry doors, and windows to the interior of the lot or an alley, and comply with all development standards. Only one (1) curb cut shall be permitted per parcel and no additional driveways or access points shall be created to accommodate the accessory or main dwelling unit.

10. Openings. If located outside the standard side and rear yard setbacks for the district, windows which face an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.

11. Private Open Space. The main dwelling unit and the additional dwelling unit shall each be provided with a minimum of fifteen (15) feet by fifteen (15) feet of usable private open yard area.

12. Home Occupations. Home occupations are permitted within an accessory dwelling unit or primary dwelling unit, or both.

D. Building site.

1. Lot Size. The underlying zoning district requirements for the minimum lot size on which an accessory dwelling unit is allowed shall apply. There are no lot size requirements.

2. Unit Size.

a. Floor Area. The floor area of an attached accessory dwelling unit shall not exceed 50% of the existing primary dwelling unit's living area.

b. Notwithstanding (2)(a) above, no ADU shall be larger than 1,200 square feet.

c. Minimum size. The minimum total square footage of the accessory dwelling unit shall be ~~150~~ 110 square feet.

3. Site Planning. Accessory dwelling units should be located behind or above the existing dwelling on the site, whenever possible. Designs that significantly alter the street appearance of the existing residence shall be discouraged.

~~4. Lot Coverage. In no case may any combination of buildings occupy more than 50% of the required rear yard for the district in which it is located, except for units which face an alley.~~

E. Height. A detached accessory dwelling unit shall ~~meet the height requirements of its underlying zoning district~~ not exceed a height of 16 feet. An attached accessory dwelling unit may occupy any level of the primary dwelling unit if it is designed as an integral part of the primary dwelling unit and a separate ingress and egress is provided.

F. Setbacks.

1. Setbacks. No setback shall be required for an existing ~~garage that is converted to an accessory dwelling unit~~ living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

~~a. An ADU that is constructed above a garage shall be setback a minimum of five (5) feet from the side and rear lot lines.~~

~~ba. Detached ADU: The side yard and rear yard setbacks for construction of detached single-story structures containing an accessory dwelling unit shall be according to the underlying zoning district, not be less than four (4) feet.~~

c. Attached ADU: Attached accessory dwelling units that increase the square footage of the existing single-family dwelling shall meet the same setbacks as the primary dwelling unit in the zoning district.

2. Space between Buildings. The space required between buildings shall be what is required in the underlying zoning district.

G. Parking.

1. ~~Parking for accessory dwelling units shall be provided at a rate of one parking space per ADU. These spaces shall be provided in conformance with Section 18.60.020.I, except that tandem parking is allowed for ADUs as stated in Government Code Section 65852.2(a)(1)(D)(x)~~

~~unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions. Notwithstanding the foregoing, tandem parking shall be permitted only if the length of the driveway is sufficient for a vehicle to be parked on the driveway without any encroachment on a sidewalk or street. Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.~~

2. Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

3. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the offstreet parking spaces shall not be replaced.

~~24. Parking requirements for an accessory dwelling unit are in addition to the required parking for the primary dwelling unit except for (3) above. Covered parking is not required.~~

~~35. ADU parking is not required in the following instances:~~

a. The accessory dwelling unit is located within a one-half mile walking distance of public transit.

b. The accessory dwelling unit is located within any Historic Overlay District that may be in existence at the time a zoning clearance or building permit for an ADU is requested.

c. The accessory dwelling unit is part of the existing single family residence, or an existing accessory structure (except as provided in ~~(43)~~ belowabove).

~~4. Replacement Parking. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking shall be provided in conformance with this Chapter and Chapter 18.60 (Off Street Parking). Covered parking is not required.~~

5. Covered Parking Design. Any newly constructed optional covered parking shall conform to architectural and aesthetic standards of the underlying zone.

H. Architectural and aesthetic standards and compatibility. The accessory dwelling unit's scale, appearance, and character shall be similar to and compatible in design with the primary dwelling unit (e.g. compatible exterior wall materials, window types, door and window trims, roofing materials and roof pitch). Additionally, it shall be visually subordinate to the primary single-family dwelling or multi-family use on the parcel. The exterior entry to the ADU shall clearly appear as a secondary entry when compared to the entry for the primary single-family dwelling or multi-family use.

I. Outside stairways. Any stairways leading to a second story ADU shall not be in the front of the primary single-family dwelling, or in an exterior side yard if visible from the public right-

of-way. Access to a first story unit or ADA accessible ramp may be permitted in the front of the primary dwelling.

Section 18.53.060 Permit requirements.

A. Accessory Dwelling Units (ADUs) and JADUs shall be permitted ministerially through the zoning clearance and building permit process. The City shall act on the application to create an ADU or a JADU within 60 days from the date the City receives a completed application if there is an existing single-family or multi-family unit on the lot. If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the ADU or JADU until the permitting agency acts on the permit application to create the new single-family dwelling or multi-family unit, but the application to create the ADU or JADU shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay, in compliance with this Chapter within 120-60 days of the filing of a complete application. The applicant shall be informed within 30 days after submission of an application if the application is complete. The Planning Director or designee shall issue zoning clearance to establish an ~~accessory dwelling unit~~ADU and/or JADU in compliance with this Chapter if all applicable requirements in this Chapter are met, as appropriate. An application for building permit may be submitted at any time during the processing of the ADU application, but under no circumstances shall it be issued prior to zoning clearance approval.

B. Planning Director. Requests for an ADU or JADU shall be reviewed by the Planning Director or designee.

C. Other Review Authority. Requests for an ADU or JADU submitted for concurrent review with a discretionary land use application shall continue to be reviewed by the Director or designee and approved subsequent to the discretionary action.

Section 18.53.070 Findings.

Zoning clearance findings. The ADU shall be consistent with all applicable provisions of Section 18.53. Further, the ADU shall be consistent with applicable provisions of the Guadalupe Municipal Code and applicable sections of the General Plan.

18.53.080 Existing non-conforming ADUs.

The City shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU or a JADU, the correction of nonconforming zoning conditions. This chapter shall not validate any existing illegal additional dwelling unit(s). An application for an administrative permit review may be made to convert an unpermitted additional dwelling unit to a conforming legal accessory dwelling unit, and the standards and requirements for the conversion shall be the same as for a newly proposed accessory dwelling unit.

SECTION 3. This Ordinance has been reviewed for compliance with the California

Environmental Quality Act (CEQA), and the CEQA guidelines, and has been found to be exempt pursuant to §15306 of the CEQA Guidelines (Information Collection) because it does not have the potential to create a physical environmental effect.

SECTION 4. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance is held invalid, the City Council declares it would have adopted the remaining provisions of this Ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this Ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 5. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

INTRODUCED at a regular meeting of the City Council on the 10th day of December 2019, by the following roll call vote:

MOTION:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip F. Sinco, City Attorney