



## Planning Commission Staff Report

August 14, 2013  
Item 6.c.

**SUBJECT:** P13-2097

**APPLICANT:** City of Pleasanton

**PURPOSE:** City initiated application to amend Title 18 of the Pleasanton Municipal Code to comply with the 2012 Pleasanton General Plan Housing Element pertaining to second units.

**GENERAL PLAN:** Housing Element Policy 6, Program 6.3

**ZONING:** Various

**LOCATION:** Citywide

**EXHIBITS:** A. Proposed Code Amendment  
B. California Government Code Section 65852.150 - 65852.2

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### BACKGROUND

The subject application is a City-initiated amendment to the Pleasanton Municipal Code. The purpose of the amendment is to implement the Pleasanton Housing Element by relaxing requirements for development of second units. As proposed, the text amendment would allow a second unit to exceed the existing 15-foot height limit if constructed above an existing or new detached garage (see Exhibit A). Other existing second unit standards would remain in effect.

A second unit is an attached or detached dwelling unit which provides independent living facilities and is situated on the same lot as a one-family dwelling.

The Pleasanton Housing Element, adopted on February 13, 2012, includes Policy 6 and Program 6.3 as follows:

*Policy 6: Actively promote the creation of second units on single-family residential lots and their maintenance as sources of housing affordable to moderate-, low-, and very-low-income households.*

*Program 6.3: Consider allowing second units without an Administrative Design Review process in new single-family developments, subject to performance standards, and consider reducing the existing Second Unit Ordinance requirements, such as the parking and height limit requirements, to encourage the development of second units, and consider other measures to promote the creation of second units.*

Second units, also known as granny flats and in-law apartments, are considered a beneficial form of housing provided they are constructed legally and meet development standards. As the names imply, a common use for this type of housing is on-site independent living space for family members or aging relatives. They can also serve as convenient housing for care providers for families with children or for disabled or elderly homeowners who wish to stay in their homes. Other benefits include providing a source of affordable housing for renters while maintaining lower density residential neighborhoods, and providing rental income to offset the cost of buying or owning a home. Unlike a duplex, a second unit is subordinate to the one-family dwelling in both function and design. They are smaller than the primary dwelling and cannot be subdivided or sold separately.

California Government Code Section 65852.2 (Exhibit B) provides for the development of second units and establishes maximum standards that local agencies must use in evaluating proposed second units. Pleasanton's existing second unit regulations are in conformance with state law, as is this proposed amendment.

**DISCUSSION**

Program 6.3 of the housing element requires consideration of changes to regulations in order to facilitate the development of second units. Upon reviewing the city's current standards applicable to second units (see Exhibit A), staff proposes an exception to the 15-foot height limit to enable construction above a detached garage. This change would allow greater flexibility for accommodating a second unit with minimal impacts to neighboring properties. The garage with second unit above would not be allowed to exceed 25 feet in height and would remain subject to setback requirements as follows:

Lots in R-1-40,000:	20' side yard 20' rear yard
All other lots:	5' side yard, except 10' on street side of a corner lot 10' rear yard

Otherwise, staff found the current second unit standards to be generally reasonable and necessary to maintain the character of lower density neighborhoods. The proposed amendment requires changes to Chapter 18.84 (Site, Yard, Bulk, Usable Open Space and Landscaping Regulations), and Chapter 18.106 (Second Units).

Program 6.3 of the housing element specifically suggests consideration of allowing second units without the administrative design review process in new single-family developments. Currently, a proposed new single-family subdivision requires design review of the proposed dwellings. If second units are proposed as a part of the development, and are shown on the plans, no additional design review is required for the second units, even if they are constructed after completion of the primary dwelling. Similarly, the addition of a second unit to a property with a custom home does not require design review if the second unit was included in the approval of the primary dwelling.

Administrative design review is required for second units that are added to a property that has had no previous approval for the second unit. The purpose of this review is to insure that the second unit meets all applicable development standards. No change is recommended for this requirement.

Program 6.3 also suggests considering a reduction of the parking requirement for second units. Current regulations require, in addition to the two spaces required for the primary dwelling, one parking space to be provided on-site for the occupant of the second unit. On developed lots in existing neighborhoods, this parking requirement is frequently a constraint to the addition of a second unit. Since parking is not allowed in the front yard setback area or in a street-facing side yard, it can be challenging to wedge in an additional parking space on a fully developed residential property. Although relaxation of the parking requirement may facilitate the development of second units in developed neighborhoods, it might also compromise neighborhood character through the proliferation of cars parked within the front yard setback area. For this reason, reduction of the parking requirement is not recommended.

## **OUTREACH AND PUBLIC NOTICE**

A notice regarding the proposed code amendment and related Planning Commission public hearing were published in The Valley Times on Aug 3, 2013.

## **ENVIRONMENTAL ASSESSMENT**

Pursuant to California Public Resource Code Section 21080.17, the adoption of an ordinance regarding second units to implement the provisions of California Government Code Sections 65852.1 and 65852.2, is exempt from the California Environmental Quality Act.

## **CONCLUSION**

The proposed text amendment will facilitate the development of second units by allowing an exception to the height limit so that a second unit may be constructed on top of a detached garage. This modification to the Pleasanton Municipal Code will implement Program 6.3 of the Pleasanton Housing Element.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt a resolution recommending approval of P13-2097 to the City Council.

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