TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Wengraf

SUBJECT: Referral to the Planning Commission to Consider Amendments to the Zoning Ordinance and “Mini-Dorm” Ordinance

RECOMMENDATION
Referral to the Planning Commission to:

1. Amend the mini-dorm ordinance to enable the conversion of an accessory structure into an office (which is also considered a bedroom) without the required public hearing process under the mini-dorm regulations, as long as there are no other alterations to the subject property, and

2. Consider amendments to the Zoning Ordinance and “Mini-Dorm” Ordinance to provide more flexibility for accessory buildings on properties that are developed with single-family residences.

FINANCIAL IMPLICATIONS
Minor.

BACKGROUND
As can sometimes happen, an unintended consequence occurred as a result of enacting our mini-dorm ordinance. That is, if a family wishes to convert an accessory structure into an office, the staff interprets that conversion as a bedroom addition. If the conversion is such that it triggers the mini-dorm ordinance (property has more than 4 bedrooms), the conversion is subject to a full-blown public hearing process even if there are no other alterations to the property. That process subjects the owner to a $5,000 public hearing process simply to convert a marginal garage into an office. The #1 part of this referral would result in removing that barrier and is easily accomplished by an amendment that stipulates a reasonable AUP process for such a conversion as long as there are no other significant alterations to the property regarding the number of bedrooms.

#2 of this referral is more general and asks that the Commission consider amendments to provide more flexibility regarding the ordinance without weakening its effectiveness. In 2013, the City adopted zoning regulations to control the number of bedrooms on a parcel in order to reduce the likelihood of neighborhood impacts that can arise when inappropriate conversions occur (mini-dorms).
The regulations apply in the R-1, R-1A, R-2, R-2A, and R-3 districts, and require an Administrative Use Permit to add a fifth bedroom to a parcel and a Use Permit with a public hearing for any number of bedrooms more than five on a single parcel, regardless of whether they are located in a single dwelling unit, single building, or accessory building.

Those zoning regulations were supplementary to regulations that were previously adopted to control the activities of persons living in “mini-dorms,” which are individual dwelling units that house six or more persons. The performance standards, found in the section of the code that addresses nuisances, do not apply to owner-occupied buildings. However, the ordinances do rely upon each other for definitions and regulations which can create unintended consequences, such as when a homeowner wishes to add a home office in an accessory structure.

This referral would set in motion a process to evaluate the effectiveness of the current ordinances and to recommend amendments, including a process of public input and evaluation of alternative scenarios to accomplish the original intent of neighborhood protections while also accommodating reasonable development.

ENVIRONMENTAL SUSTAINABILITY
No environmental sustainability impact.

CONTACT PERSON
Councilmember Wengraf Council District 6 510-981-7160