



**CITY OF ELK GROVE
CITY COUNCIL STAFF REPORT**

AGENDA TITLE: Discussion and Direction on Residential Accessory Structures, Including Accessory Dwelling Units

MEETING DATE: January 27, 2021

PREPARED BY: Antonio Ablog, AICP, Planning Manager

DEPARTMENT HEAD: Darren Wilson, PE, Development Services Director

RECOMMENDED ACTION:

Staff recommends that the City Council receive a report presenting options to address the design and definition of residential accessory structures, including Accessory Dwelling Units (ADUs) and provide direction to staff on whether to initiate the process to amend the Elk Grove Municipal Code (EGMC).

BACKGROUND INFORMATION:

Accessory Structures

In July of 2020, members of the City Council were made aware of an accessory structure that had been constructed consistent with the requirements of the EGMC Chapter 23.46 (Accessory Structures). However, even though the structure was consistent with the Code, surrounding property owners were concerned that it was not consistent with the character of the surrounding residential neighborhood. At the August 12, 2020 meeting, the City Council directed staff to investigate amendments to the EGMC that would result in the development of accessory structures that better complement the surrounding neighborhood.

Accessory structures include detached structures greater than 10 square feet in size and include accessory buildings, landscape features, pools/spas, decks, and play structures [EGMC 23.100.020(A)]. Pursuant to EGMC 23.16.080(C)(5), accessory structures on residential property are exempt from Design Review requirements as long as they are consistent with the

development standards of the aforementioned Chapter 23.46. EGMC 23.46.030 states that “generally, no special permit or entitlement shall be required for accessory structures that are consistent with the standards herein.” An example of a residential accessory structure that *would* be subject to approval of a discretionary entitlement would be a new accessory structure on a designated historic property

EGMC 23.46.040 provides the development standards for accessory structures, including setbacks, lot coverage, and height limits. Figure 1 depicts Table 24.46-1 of the EGMC and provides the height and setback standards for accessory structures. Generally, the maximum height of any accessory structure is 16 feet. There is no maximum square footage established for accessory structures; however, accessory structures may not cover more than 30% of the rear yard for any given residential property [EGMC 23.46.040(A)(3)(b)].

Accessory Structure	Minimum Setback Distance from Property Line			Maximum Height
	Front	Street Side	Interior (Including Rear)	
Building, ≤ 120 sf. and < 8 ft. tall	Same as for primary structure	12.5 ft.	3 ft.	8 ft. ¹
Building, ≤ 120 sf. and ≥ 8 ft. tall	Same as for primary structure	12.5 ft.	5 ft.	16 ft. ¹
Building, > 120 sf. Fully enclosed	Same as for primary structure	12.5 ft.	5 ft.	16 ft. ¹
Limited/No enclosure	Same as for primary structure	12.5 ft.	3 ft.	16 ft. ¹
Landscape features	No minimum	12.5 ft.	3 ft.	16 ft. ¹
Pool/spa	Same as for primary structure	12.5 ft.	No minimum	16 ft. ¹
Deck/patio	No minimum	No minimum	No minimum	No minimum
Play equipment	Same as for primary structure	12.5 ft.	3 ft.	16 ft. ¹

Accessory Dwelling Units

Accessory Dwelling Units (ADUs) are also defined in EGMC 23.100.020. However, ADUs are differentiated from accessory structures as ADUs provide complete independent living facilities for one or more persons and are located on a lot with a proposed or existing primary residence. While EGMC 23.90.040 provides the development standards for ADUs, these development standards are derived, in large part, from the California Department of Housing and Community Development (HCD) and the City's standards were updated in early 2020 to reflect the latest State ADU standards.

The current language in the EGMC has created some ambiguities about the difference between an accessory structure and an ADU. It is important to distinguish between the two as they must comply with different development standards and are subject to different sets of impact fees (ADUs may incur impact fees as residential units depending on their size). The definition of accessory structures and buildings in EGMC Chapter 23.100 describes structures and buildings whose use is incidental to the main building or property. This definition does not clearly differentiate accessory structures from ADUs.

ANALYSIS/DISCUSSION:

Staff has reviewed Title 23 (Zoning Code) in light of Council's direction to consider amendments that would result in accessory structures that better align with the scale and architecture of surrounding structures. In staff's review of the EGMC and the accessory structure standards for other jurisdictions in the region, staff is presenting the following amendments for Council consideration:

Accessory Structure Size

Accessory structures are currently limited to 16 feet in height with a square footage maximum tied to the size of the rear yard of a property (30% maximum coverage of the rear yard). The current standards allow for large accessory structures on large lots. Staff is recommending a maximum residential accessory structure size of 800 square feet. The 16-foot maximum height would remain.

Accessory Structure Design

One of the stated purposes of Chapter 23.26 is to prevent accessory structures from creating an adverse aesthetic view from the public street or from neighboring or adjacent properties. While one of the Chapter's stated

goals is related to aesthetics, the current Code language does not address compatibility in terms of architectural design. Staff is considering a requirement that larger accessory structures (greater than 120 square feet) be finished with colors and materials that match the main structure on the site. Staff is also considering a requirement that longer walls (greater than 15 feet in length) must include doors, windows, or other architectural features that break up the wall.

Approval Process

Chapter 23 does not clearly define a process to obtain approval of an accessory structure that does not meet the development standards. Staff recommends that Minor Design Review (MDR) would be the proper process to seek approval of a residential accessory structure that does not meet the standards of the Chapter. The MDR process requires noticing of property owners and residents within 500 feet of the property with the Zoning Administrator as the approving authority. Staff believes this would be the appropriate process to deviate from the accessory structure standards.

Accessory Structures vs. ADUs

To address the ambiguity between what qualifies as an accessory structure and an ADU, staff proposes changes to the EGMC that will:

- Revise the definition of “Accessory Building” to clearly state that accessory buildings and structures shall not contain permanent provisions for living, sleeping, eating, cooking, and sanitation;
- Clearly state that an accessory structure may have a kitchenette, but not a full kitchen; and
- Clarify that kitchenettes may not have a stove, oven, or any gas fueled appliances for cooking.

FISCAL IMPACT:

Should the Council direct staff to pursue amendments to the Zoning Code, the cost would be covered by the Planning Division’s Special Projects budget. The Special Projects budget anticipates Citywide Zoning Code amendments and could accommodate the amendments presented in this report.

ATTACHMENTS:

None.