

9.08.030 Definitions.

Throughout this title the following words and phrases shall have the meanings ascribed in this section.

A. "A" Definitions:

"Abandon" means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

"Abutting" means having property or district lines in common.

"Accessory building" means a building which is incidental to and customarily associated with a specific principal use or facility and which meets the applicable conditions set forth in Chapter 19.100, Accessory Buildings/Structures.

"Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the ~~single family~~primary dwelling unit is 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.

3. "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. Junior accessory dwelling units must include an efficiency kitchen, which must include both a cooking facility with appliances and a food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the unit. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure, as defined in California Government Code Section 65852.22.

[Section 19.08.030, "Accessory Structure – "Sign"- No Change]

"Single family residence," for purposes of Chapter 19.112, shall mean one dwelling unit located on a separately owned lot. Single family residence does not include property with only air parcels or condominiums. only detached single family dwelling units that are not detached row houses, duplexes, townhouses, or condominiums or properties that have a shared ownership interest in common open space or recreational areas.

[Section 19.08.030, "Specialty food stores" – Section 19.20.020 - No Change]

Table 19.20.020–Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones							
Uses	Zoning Districts						
	A	A1	R1	RHS	R1C	R2	R3
NO CHANGE ROWS #1 - #6b							
7. An accessory dwelling unit Which <u>that</u> conforms to the requirements of Chapter 19.112;	P	P	P	P	<u>P</u> -	- <u>P</u>	- <u>P</u>
NO CHANGE ROWS #8 - #42							

[Chapter 19.24 - Chapter 19.108 - No Change]

CHAPTER 19.112: ACCESSORY DWELLING UNITS

Section

19.112.010 Purpose.

19.112.020 ~~Applicability of regulations~~ Accessory Dwelling Units Regulations.

19.112.030 Site development regulations for Streamlined Accessory Dwelling Units & Junior Accessory Dwelling Units.

19.112.040 Site Development Regulations for Non-Streamlined Accessory Dwelling Units.

19.112.0~~5~~40 Review process.

19.112.010 Purpose.

The purpose of this chapter is to promote the goal of affordable housing within the City through provision of additional housing in certain residential, ~~and~~ agricultural, and mixed-use zoning districts in a manner which minimizes adverse impacts of accessory dwelling units on neighborhoods.

19.112.020 ~~Applicability of~~ Accessory Dwelling Unit Regulations.

Notwithstanding any provision of this title to the contrary, ~~one accessory dwelling unit:~~

1. ~~Is Accessory dwelling units are~~ permitted on lots ~~in R-1, RHS, A and A-1 within any residential or mixed-use residential zoning district. The lot must have an existing single family dwelling unit or if zoned multi-family or mixed use residential, at least one residential unit. If the lot is vacant, an accessory dwelling unit may only be proposed in conjunction with the development of at least one residential unit.s and,~~ ~~Notwithstanding the underlying zoning, an accessory dwelling unit developed pursuant to this chapter does not cause the lot upon which it is located to exceed its maximum the allowable density on the lot.~~ ~~and~~

~~2. Is permitted on a single family lot within a zone for single family use if the accessory dwelling unit is proposed to be contained entirely within the existing space of a single family residence or an existing accessory structure, to create an accessory dwelling unit; and~~

2. Accessory dwelling units ~~M~~must comply with the site development regulations and guideline specified in those zoning districts for dwelling units, including but not limited to: ~~lot coverage; floor area ratio; height; setbacks; landscape; etc.~~ the regulations contained in this chapter; ~~Chapter 19.100, Accessory Structures/Buildings; and Chapter 19.124, Parking,~~ except as those standards ~~are may be~~ modified by this chapter.

~~3. No impact fees, as defined in Government Code Section 65852.2(f), shall be imposed on any accessory dwelling unit or junior accessory dwelling unit with a gross floor area of less than 750 square feet. Impact fees for all other accessory dwelling units shall be charged proportionately in relation to the square footage of the primary dwelling unit.~~

~~4. Accessory dwelling units may be rented separately from the single-family dwelling or multi-family dwelling structure, but may not be sold or otherwise conveyed separately from the other dwellings on the lot, except pursuant to Government Code Section 65852.26. An accessory dwelling unit, including any Junior Accessory Dwelling Unit (JADU) shall not be used as a short-term rental.~~

~~5. For JADUs, either the single-family residence or JADU must be owner-occupied, unless the owner is a governmental agency, land trust, or housing organization. Further, the owner shall record a deed restriction, expressly enforceable against future purchasers, containing the following: (a) a prohibition on the sale of the JADU separate from the single-family residence, and (b) a restriction on the size and attributes of the JADU to conform to this section.~~

~~6. Accessory Dwelling Units pursuant to Section 19.112.040 are permitted to the extent that they comply with the General Plan Environmental Impact Report Mitigation Measure UTIL-6b adopted by the City Council in December 2014. If actual sewer system~~

discharge would exceed the contractual sewer treatment threshold as a result of approving additional accessory dwelling units, these units shall not be permitted.

19.112.030 Site Development Regulations for Streamlined Accessory Dwelling Units & Junior Accessory Dwelling Units.

Pursuant to California Government Code Section 65852.2(e), the City shall approve the following streamlined accessory dwelling units if the specified development standards and use restrictions are met, ~~Site Development Regulations for Accessory Dwelling Units are~~ as identified in:

- A. Table 19.112.030A for single-family developments and
- B. Table 19.112.030B for multi-family developments.

Consistency with State Law

Table 19.112.030A: Site Development Regulations for Streamlined Accessory Dwelling Units and Junior Accessory Dwelling Units Associated with Single-Family Developments

		Conversion of space entirely within existing structures	New Construction and/or Additions	
			Attached to Principal Dwelling Unit	Detached from Principal Dwelling Unit
		<u>Conversion of space within principal dwelling unit or accessory structures</u>	<u>New Construction Detached Accessory Dwelling Unit ≤ 800 s.f.</u>	
<u>A1.</u>	Size of living space, exclusive of decks			
	1a. Minimum size	150 s.f.		
	<u>2b.</u> Maximum size	10% of the net lot area, up to a maximum of 1,000 s.f., or 50 percent of the existing living space of the principal dwelling unit, whichever is more restrictive. No size limitation as long as the unit: <u>i. Is wholly within the space of a proposed or existing single-family dwelling or the existing space of an accessory structure, and</u>	<u>800 s.f.</u>	

Table 19.112.030A: Site Development Regulations for Streamlined Accessory Dwelling Units and Junior Accessory Dwelling Units Associated with Single-Family Developments

		Conversion of space entirely within existing structures	New Construction and/or Additions	
			Attached to Principal Dwelling Unit	Detached from Principal Dwelling Unit
		<u>Conversion of space within principal dwelling unit or accessory structures</u>	<u>New Construction Detached Accessory Dwelling Unit ≤ 800 s.f.</u>	
		ii. Does not require either: <ul style="list-style-type: none">▪ <u>An addition of more than 150 square feet to an existing accessory structure to accommodate ingress and egress only, or</u>▪ <u>Any addition to an existing single-family dwelling unit.</u>		
<u>2.</u>	<u>Number of Units</u>	<u>Two accessory dwelling units are allowed only if one of the accessory dwelling units is a detached unit built pursuant to this Table 19.112.030A and the other is a junior accessory dwelling unit. Otherwise, only one accessory dwelling unit is allowed per lot.</u>		
<u>3.</u>	<u>Setbacks</u>	<u>Per the underlying zoning district except that if the existing structures do not meet these standards, the side and rear setbacks shall be sufficient for fire safety and life safety.</u>	<u>a. At least four feet from the rear and side lot lines.</u> <u>b. An applicant alternately may elect to follow the setback and height standards for accessory structures in Chapter 19.100.</u>	
<u>4.</u>	<u>Height</u>	<u>The conversion shall not change the height of the existing structure.</u>	<u>a. 16 feet</u> <u>b. An applicant alternately may elect to follow the setback and height standards for accessory structures in Chapter 19.100.</u>	

Consistency with State Law

Table 19.112.030A: Site Development Regulations for Streamlined Accessory Dwelling Units and Junior Accessory Dwelling Units Associated with Single-Family Developments

		Conversion of space entirely within existing structures	New Construction and/or Additions	
			Attached to Principal Dwelling Unit	Detached from Principal Dwelling Unit
		Conversion of space within principal dwelling unit or accessory structures	New Construction Detached Accessory Dwelling Unit ≤ 800 s.f.	
5B.	Second-story accessory dwelling unit	Allowed if the unit ÷ 1.— Is a conversion of existing second story portions of the principal dwelling unit; and 2.— Complies with applicable landscape requirements to adjoining dwellings consistent with Section 19.28.120	<u>Not Allowed</u>	
C.	Parking			
6.	1.—Parking for accessory dwelling unit	None	<u>None</u> One additional off-street parking space shall be provided, if the principal dwelling unit has less than the minimum off-street parking spaces for the applicable residential zoning district in which it is located, as required in Chapter 19.124 unless the unit meets the following requirements: a.— Is within one-half (1/2) mile of a public transit stop; or b.— Located in an architecturally and historically significant historic district; or c.— Occupant of the ADU is not allowed/	

Consistency with State Law

Table 19.112.030A: Site Development Regulations for Streamlined Accessory Dwelling Units and Junior Accessory Dwelling Units Associated with Single-Family Developments

		Conversion of space entirely within existing structures	New Construction and/or Additions	
			Attached to Principal Dwelling Unit	Detached from Principal Dwelling Unit
		<u>Conversion of space within principal dwelling unit or accessory structures</u>	<u>New Construction Detached Accessory Dwelling Unit ≤ 800 s.f.</u>	
			—offered a required on-street parking permit; or d. Located within one block of a car share vehicle pick-up location.	
-	2. Replacement parking spaces when new accessory dwelling unit converts existing covered, uncovered or enclosed parking spaces required for the principal dwelling unit.	a. Replacement spaces must be provided for the principal dwelling unit to meet the minimum off-street parking spaces for the applicable residential zoning district in which it is located, as required in Chapter 19.124. b. Replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including but not limited to covered spaces, uncovered spaces, tandem spaces or by use of mechanical automobile parking lifts. c. Any replacement parking spaces provided must comply with the development regulations for the applicable zoning district in which it is located, Chapter 19.124, Parking and Chapter 19.100, Accessory Buildings/Structures.		
<u>7D.</u>	Direct outside access	1. Independent outdoor access must be provided without going through the principal dwelling unit. 2. Where second-story accessory dwelling units are allowed, entry shall not be provided by an exterior staircase.		
<u>E.</u>	Screening from public street	All access to accessory dwelling units shall be screened from a public street.		

Consistency with State Law

Table 19.112.030B: Site Development Regulations for Streamlined Accessory Dwelling Units Associated with Existing Multi-Family Developments

		<u>Conversions of interior space within multifamily dwelling structures</u>	<u>Detached, New Construction</u>
<u>1.</u>	<u>Location</u>	<u>Conversion of space within existing dwelling structures that is not used as livable space (e.g. existing units) including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, as long as the unit meets building standards for dwellings.</u>	<u>Detached from the multi-family dwelling structure(s)</u>
<u>2.</u>	<u>Number of Units</u>	<u>The greater of:</u> <ul style="list-style-type: none"> ▪ <u>25 percent of the existing number of primary dwelling units, or</u> ▪ <u>One accessory dwelling unit.</u> 	<u>No more than two units</u>
<u>3.</u>	<u>Minimum Size</u>	<u>150 s.f.</u>	
<u>4.</u>	<u>Maximum Size</u>	<u>No size limitation</u>	<u>1,200 s.f.</u>
<u>5.</u>	<u>Setbacks</u>	<u>The accessory dwelling unit shall not increase the size of the existing structure.</u>	<u>a. Located at least four feet from the side and rear lot lines.</u> <u>b. An applicant alternately may elect to follow the setback and height standards for accessory structures in Chapter 19.100.</u>
<u>6.</u>	<u>Height</u>	<u>The accessory dwelling unit shall not increase the size of the existing structure.</u>	<u>a. 16 feet</u> <u>b. An applicant alternately may elect to follow the setback and height standards for accessory structures in Chapter 19.100.</u>

Consistency with State Law

19.112.040 Site Development Regulations for Non-Streamlined Accessory Dwelling Units.

Any accessory dwelling unit that does not meet the criteria of Section 19.112.030 shall meet the following development standards and use restrictions as identified in Table 19.112.040.

Table 19.112.040: Site Development Regulations for Non-Streamlined Accessory Dwelling Units Created by New Construction and/or Additions to the Principal Dwelling Unit

		<u>Attached</u>	<u>Detached > 800 s.f.</u>
<u>A.</u>	<u>Number of Units</u>	<u>Only one accessory dwelling unit pursuant to Table 19.112.040 is permitted and cannot be combined with any accessory dwelling units pursuant to Table 19.112.030A.</u>	
<u>B.</u>	<u>Size of living space, exclusive of decks</u>		
	<u>1. Minimum size</u>	<u>150 s.f.</u>	
	<u>2. Maximum size</u>	<u>a. Studios/one-bedroom unit – 850 s.f.; two or more bedroom unit – 1,000 s.f.; and</u> <u>b. Attached accessory dwelling units shall not exceed 50% of the existing primary dwelling</u> <u>c. Application of lot coverage, floor area, and open space standards:</u> <u>i. Maximum size for units ≤ 800 s.f. shall not be limited by lot coverage, floor area ratio, and open space requirements per the underlying zoning.</u> <u>ii. Maximum size for units > 800 s.f. are limited by lot coverage, floor area ratio, and open space requirements per the underlying zoning. These standards shall apply to the gross floor area of the unit proposed. Notwithstanding application of these standards, an 800 s.f. detached accessory dwelling unit is permitted pursuant to Table 19.112.030A or an 800 s.f. attached accessory dwelling unit is permitted.</u>	
<u>C.</u>	<u>Setbacks¹</u>	<u>Per the underlying zoning district, except the required side and rear setbacks are modified to four feet.</u>	<u>The proposed structure must comply with the setback standards for accessory structures in Chapter 19.100, except the street side setbacks are modified to four feet.</u>

¹ No setback is required for an accessory dwelling unit located within 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.

Table 19.112.040: Site Development Regulations for Non-Streamlined Accessory Dwelling Units Created by New Construction and/or Additions to the Principal Dwelling Unit

		<u>Attached</u>	<u>Detached > 800 s.f.</u>
<u>D.</u>	<u>Height</u>	<u>Per the underlying zoning district</u>	<u>The proposed structure must comply with the height standards for accessory structures in Chapter 19.100, except that a maximum height of 16 feet is allowed at the farthest point of the proposed structure from the rear and side property lines.</u>
<u>E.</u>	<u>Second-story accessory dwelling unit</u>	<u>Not allowed</u>	<u>Not allowed</u>
<u>F.</u>	<u>Parking</u>		
	<u>1. Parking for accessory dwelling unit</u>	<u>One additional off-street parking space shall be provided, if the principal dwelling unit has less than the minimum off-street parking spaces for the applicable residential zoning district in which it is located, as required in Chapter 19.124 unless the accessory dwelling unit meets one of the following requirements:</u> <u>a. Located within one-half (1/2) mile of a public transit stop; or</u> <u>b. Located in an architecturally and historically significant historic district; or</u> <u>c. The occupant of the unit is not allowed/offered a required on-street parking permit; or</u> <u>d. Located within one block of a car share vehicle pick-up location; or</u> <u>e. Is part of the proposed or existing primary residence or an accessory structure.</u>	

Consistency with State Law

<u>Table 19.112.040: Site Development Regulations for Non-Streamlined Accessory Dwelling Units Created by New Construction and/or Additions to the Principal Dwelling Unit</u>			
		<u>Attached</u>	<u>Detached > 800 s.f.</u>
	<u>2. Replacement parking spaces for existing covered, uncovered or enclosed parking spaces converted to an accessory dwelling unit</u>	<u>No replacement parking spaces are required.</u>	
<u>G.</u>	<u>Direct outside access</u>	<u>Independent outdoor access must be provided without going through the principal dwelling unit.</u>	
<u>H.</u>	<u>Screening from public street</u>	<u>All access to accessory dwelling units shall be on a different wall plane than the access to the principal dwelling unit.</u>	
<u>I.</u>	<u>Structure Design</u>	<u>Should be compatible with the architectural style and materials of the principal structure.</u>	

Consistency with State Law

19.112.040 Review Process.

A.—Applications for accessory dwelling units conforming to the requirements of this chapter shall be reviewed ministerially without discretionary review and must be approved or denied within the time frame specified in Government Code Section 65852.2.

~~**B.**—Accessory structures should be compatible with the architectural style and materials of the principal structure.—~~

1197348.4

1197348.11

Moved to Table 19.112.040