

Attachment 3 Proposed Ordinance/Updated Code Language

17.42.170 Accessory dwelling units/junior accessory dwelling units. This section establishes procedures and development standards for accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”), where allowed by Chapter 17.22 (Allowable Land Uses), and in compliance with this title and California Government Code Sections 66310-66342 (“state ADU law”), as may be amended from time to time.

A. Review. ADUs/JADUs that are consistent with the standards of state ADU law and this title, as modified by state ADU law and this section, shall be subject to a ministerial, non-discretionary City review process in conformance with state ADU Law. ADUs that are not consistent with the standards of state ADU law may be subject to a discretionary design review process by the City.

B. Development Standards.

1. Application of State ADU Law. Each ADU/JADU shall be consistent with all development standards identified in state ADU law except as modified by this section.

2. Land Use and Zoning Conformance. Each ADU/JADU shall meet all development standards of the zoning district in which it is located and other standards set forth in this title, except as modified by this section or by state ADU law.

a. ADUs/JADUs shall not be included in density calculations or unit count to determine the number of housing units per gross acre for residential or mixed-use properties and shall not be included in site coverage calculations for a lot.

b. A certificate of occupancy for an ADU shall not be issued before that of the primary dwelling.

3. Location. Generally, ADUs/JADUs should be located to the side and/or rear of the primary structure on the site. Exceptions may be allowed in limited circumstances in which no other location is feasible to build an ADU due to the presence of mature, healthy trees; infrastructure; utility, access, or other easements; natural resources, hillsides, wetlands, or riparian features; existing accessory structures of a permanent nature including garages, carports, site-built custom sheds or greenhouses, or workshops/studios; in-ground swimming pools or spas; or other similar features as determined by the community development director. No ADU of more than eight hundred (800) square feet of gross floor area shall be located within the front setback or street side setback of a lot.

4. Parking. No additional parking spaces are required for the development of an ADU or JADU.

5. Size. ADUs shall be subject to the following requirements related to size:

a. ADUs on lots less than one-half acre (twenty-one thousand seven hundred eighty square feet) in size shall be limited to the following maximum sizes:

Less than two bedrooms	Eight hundred fifty square feet of gross floor area
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Two or more bedrooms	One thousand square feet of gross floor area
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b. ADUs on lots less than one-half acre in size may exceed the above maximum sizes subject to approval of discretionary design review by the Planning Commission.

c. In no case shall any detached ADU exceed one thousand two hundred square feet in size.

d. The gross floor area of an attached (or interior) ADU shall not exceed fifty percent of the existing gross floor area of the primary residence. Notwithstanding the existing gross floor area of the primary residence, an ADU may contain at least eight hundred square feet of gross floor area.

e. The minimum allowable gross floor area of an ADU shall be the minimum size permitted by the California Building Code, but in no case shall it preclude a minimum-sized efficiency unit.

6. Occupancy, Rental, and Sale.

a. Owner-occupancy of an ADU or its primary dwelling is not required. Either the JADU or the primary dwelling associated with a JADU must be owner-occupied, unless the owner is a government agency, land trust, or housing organization.

b. Any ADU/JADU may be rented separately from the primary dwelling, for a minimum rental term of 30 days.

c. An ADU may be sold separately from the primary dwelling, in accordance with State ADU Law.

7. Height and Setbacks.

a. All ADUs shall comply with the primary structure height and setback requirements of the underlying zoning district with the exception of those described below:

Type of ADU	Minimum Setbacks	Maximum height
Attached	Four feet side and rear	Twenty-five feet
Detached, within one half-mile of SMART station	Four feet side and rear	Eighteen feet
Detached, on a property with existing or proposed multifamily, multistory dwelling(s)	Four feet side and rear	Eighteen feet
Detached	Four feet side and rear	Sixteen or Eighteen feet

No setback shall be required for a legally existing living space, garage, or accessory structure which is fully or partially converted to an ADU, or for a structure constructed in the same location and to the same dimensions as a legally existing living area, garage, or accessory structure which is fully or partially converted to an ADU. The maximum height for such structures shall be the greater of the existing height of the structure prior to conversion to an ADU, or the applicable height set forth in Section 17.42.170(B)(7)(a).

b. No ADU shall exceed a height of two stories, with the exception of an interior ADU constructed fully within an existing dwelling or structure.

C. Rental. ADUs/JADUs must be rented for a minimum term of thirty days.

D. Termination of Permit and Use. At his/her discretion, the community development director or his/her designee may grant an owner's request to terminate an ADU/JADU. As a condition of termination, the director or his/her designee shall require the owner to make modifications to the property to comply with current building code requirements, and remove the kitchen through a building permit process as required by the City's building and fire codes.