

## ATTACHMENT 1

### **17.42.170 Accessory dwelling units/junior accessory dwelling units.**

This section establishes procedures and development standards for the ministerial, nondiscretionary processing of applications for new accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”), where allowed by Chapter 17.22 (Allowable Land Uses), and in compliance with California Government Code Sections 65852.2 and 65852.22.

#### **A. General Requirements – ADUs/JADUs. All ADUs/JADUs shall be subject to the following standards:**

1. One ADU and/or one JADU may be developed on a residentially zoned parcel with a proposed or existing single-family dwelling.
2. Not more than two detached ADUs may be located on a lot with an existing multifamily dwelling. The detached ADUs shall not exceed sixteen feet in height and shall be set back at least four feet from the side and rear property lines.
3. Multiple ADUs may be developed within portions of existing multifamily structures that are not used as livable space, including storage rooms, passageways, attics, basements or garages, if each unit complies with state building standards for dwellings. The number of ADUs allowed within existing multifamily structures is limited to twenty-five percent of the existing number of units on the property, except that at least one is allowed.
4. Any ADU/JADU may be rented separately from the primary residence, but shall not be sold independently of the primary residence, except as provided for in Section 65852.26 of the California Government Code.
5. Any ADU/JADU shall not be rented for less than thirty consecutive days.
6. Owner-Occupancy. Owner-occupancy of an ADU/JADU or its primary residence is not required.
7. Street addresses shall be assigned to all ADUs to assist in emergency response. Address creation for a JADU may be required depending on the configuration of the unit, and subject to the Fire Marshal’s recommendation.
8. ADUs/JADUs are not required to install fire sprinklers if they are not required for the primary residence.
9. ADUs/JADUs shall not be included in density calculations to determine the number of housing units per gross acre for residential properties.
10. ADUs/JADUs are not required to install new or separate utility connections directly between the ADU and the utility, and shall not be subject to connection fees or capacity charges for utilities, including sewer and water.
11. ADUs of seven hundred fifty square feet or less shall not be subject to development impact fees. ADUs larger than seven hundred fifty square feet may, as determined by the city council by resolution, be subject to impact fees charged proportionately in relation to the square footage of the primary dwelling unit. “Impact fee” has the same meaning as the term “fee” defined in Section 66000 of the California Government Code, except that it also includes the fees specified in Section 66477 of the California Government Code.
12. A permit application for an ADU/JADU shall be ministerially approved within sixty days from the date the city receives a complete application if there is an existing single-family or multifamily dwelling on the lot unless the application is submitted with an application to create a new single-family or multifamily dwelling on the lot.

#### **B. Development Standards – ADUs.**

1. Zoning Conformance. All ADUs shall meet all development standards of the zoning district in which it is located except as modified by this section.

2. **Permanent Foundation.** A permanent foundation shall be required for all ADUs.
3. **Separate Entry, Kitchen and Bathroom.** All ADUs shall contain a separate entrance, kitchen and bathroom independent of the primary residence. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
4. **Location.** Detached ADUs are subject to the following location standards:
- a. Detached ADUs shall be separated from the primary dwelling and any accessory structure by a minimum of five feet.
  - b. **Setbacks.** All ADUs shall be subject to the following setback requirements:
    - i. No ADUs shall be constructed within the front setback.
    - ii. Attached or detached ADUs that are sixteen feet in height or less shall be set back a minimum of four feet from the rear and side property lines.
    - iii. Attached or detached ADUs that exceed sixteen feet in height shall be subject to the same minimum front, side and rear setback requirements as the primary residence.
    - iv. 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.
    - v. An ADU constructed above a garage shall be set back a minimum of five feet from the rear and side property lines.
5. **Height.** If the ADU is located in conformance with the setback requirements of the primary residence the height shall be limited to the height limits of the primary residence. If the ADU is located within the setback areas applicable to the primary residence the attached or detached ADU shall not exceed sixteen feet in height.
6. **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	850 square feet of gross floor area
Two bedrooms	1,000 square feet of gross floor area
  - b. ADUs on lots less than one-half acre in size may exceed the above maximum sizes following submittal of an application and approval of a discretionary design review application.
  - c. In no case shall any 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. An interior ADU proposed within the space of an existing single-family residence or accessory structure may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions of the existing structure if the expansion is limited to accommodating ingress and egress.
  - f. 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.

7. Lot Coverage. An ADU shall comply with the lot coverage requirements of the applicable zoning district; however, notwithstanding the existing and proposed lot coverage, an ADU may contain at least eight hundred square feet of gross floor area.

8. Architectural Style. The architectural style, exterior materials, and colors of the ADU shall be compatible with the primary dwelling unit.

9. Windows. For an ADU located within the required setbacks of the primary residence, all windows along the wall facing the adjoining property line within the required setback shall be clerestory (minimum of six and one-half feet above the finished floor) or shall have permanently obscured glazing. Windows that vary from this standard may be allowed following the submittal of an application for approval of discretionary design review.

C. Development Standards – JADUs. JADUs are subject to the following objective standards:

1. Location. A JADU must be created within the walls of a proposed or existing single-family residence.

2. Size. The size of a JADU shall not exceed five hundred square feet of gross floor area. The gross floor area of a shared sanitation facility shall not be included in the maximum gross floor area of the unit.

3. Entryways. A JADU must include a separate entrance from the main entrance to the primary residence. An expansion of not more than one hundred fifty square feet beyond the same physical dimensions of an existing structure shall be allowed if the expansion is limited to accommodating ingress and egress.

4. Kitchen. The JADU shall include an efficiency kitchen as defined in California Government Code Section 65852.22.

5. Bathroom. A JADU may include separate sanitation facilities, or may share sanitation facilities with the primary residence.

6. Zoning Conformance. Any exterior improvements associated with the development of a JADU shall conform to zoning regulations and any existing land use entitlements on the property.

7. Deed Restriction. The junior accessory dwelling unit shall not be offered for sale apart from the principal unit. A deed restriction, which shall run with the land, shall be filed with the city and shall include both of the following:

a. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and

b. A restriction on the size and attributes of the junior accessory dwelling unit that conforms to this section.

8. No minimum parking requirement shall be required for a JADU.

D. Parking.

1. Unless otherwise specified below, one on-site parking space shall be required for an attached or detached ADU. This parking space is in addition to those spaces required for the primary residence(s). On-site parking is not required for an ADU in any of the following instances:

a. The ADU is located within one-half mile walking distance of public transit.

b. The ADU is located within an architecturally and historically significant historic district.

c. The ADU is part of the proposed or existing primary residence or accessory structure.

- d. When on-street parking permits are required but not offered to the occupant of the ADU.
  - e. When there is a car share vehicle located within one block of the ADU.
2. The required parking space for an ADU may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, tandem parking spaces, or by the use of mechanical automobile parking lifts.
  3. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or is converted to an ADU, the space(s) eliminated from that structure are not required to be replaced elsewhere on the lot.

E. 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. The property owner shall apply for a building permit to remove the kitchen as required by the city's building and fire codes. (Ord. 893 § 4, 2020).