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35.320 Second Residential Accessory Dwelling Units

1. Purpose. This section is intended to implement the General Plan policies which encourages Accessory Dwelling second residential uUnits (ADUs) on owner-occupied, single family residential parcels, and is also intended to address the State's second residential unitADU provisions as set forth in Government Code Section 65852.1 et seq. Second residential unitsADUs are commonly referred to as second units, mother-in-law-units, grannyflats and accessory-apartments, and contribute needed housing to the City's housing stock. An efficiency unit and manufactured home as respectively defined in Sections 17958.1 and 18007 of the Health and Safety Code are also considered second residential units under State law.

2. Administrative Use Permit Required. Except as set forth in this section 35.320, aAll second residential units ADUs are required subject to secure use permit and design review approval. Second residential units are allowed by administrative use permit requirements as set forth in Chapter 50 of the Zoning Ordinance. The Planning Director shall issue an administrative use permit to ADUs in compliance with this section 35.320. No public hearing or any additional permit shall be required of applicants seeking an administrative use permit for an ADU under this section. approval in single family residential zoning districts and in other districts where there is one conforming use single family residence on the parcel.

43. Definitions.

A. Accessory Dwelling Unit (ADU). An ADU A second residential unit shall consist of complete independent living facilities for one or more persons including permanent provisions for sleeping, living, eating, cooking, and sanitation. An ADU The second residential unit Unless an ADU is located within existing residential space or accessory structure, it shall have include independent heating and cooling controls; its own kitchen with sink and standard built in or freestanding appliances, its own bathroom with bath or shower, and a separate exterior entrance. An efficiency unit as defined in Health and Safety Code section 17958.1 and a manufactured home as defined in Health and Safety Code section 18007 are considered ADUs

B. Living Area. Living area includes the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.

42. Lot Requirements. ADUs are allowed in single family residential zoning districts where there is exactly one single family residence on the parcel, and in other districts where there is exactly one conforming single family residence on the parcel. A maximum of one ADU second residential unit may isbe allowed on a lot. No Administrative Use Permit will be issued for an ADU unless and until the City receives the following:

A. Proof of owner occupancy of either the single family residence or of the ADU;

B. A copy of a recorded deed restriction that complies with Government Code section 27281.5 and states that (i) owner occupancy of the single family residence or ADU is required by this Chapter, and (ii) the ADU will not be sold separately from the single family residence; and

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C. Any fees for Multi-Family units required by the City's Master Fee Schedule (excluding ADUs within existing living spaces) as it exists at the time the ADU application is filed. All fees are subject to the requirements of Government Code 65852.2 and the Mitigation Fee Act. ~~not consider the ADU to be a new residential use when calculating utility and sewer connection fees and capacity charges, and any such connection fee or capacity charge will be proportionate to the impact of the ADU.~~ containing one larger single family, owner occupied dwelling. No second residential units are allowed on lots having more than one residential unit, or on lots where the existing residential unit is a nonconforming use. The second residential unit is not intended for sale and may be rented.

3. No more than one dwelling unit on a single family residential with a second residential dwelling unit parcel may be rented or leased at one time.

54. Development Standards.

A. ADUs within existing space. An ADU within an existing residential space, including the primary structure, attached or detached garage, or other accessory structure existing on January 1, 2017 shall not require an administrative use permit pursuant to this section, and shall instead only be subject to building permit requirements, only if the following requirements are met:

(i) The ADU meets all applicable building and safety codes.

(ii) The ADU has independent exterior access from the existing residence.

(iii) The ADU has sufficient side and rear setbacks for fire safety.

An ADU created under this section 5.A may, but is not required to, create new or separate utility or sewer connections.

B. Attached ADUs. ADUs attached to an existing dwelling shall The total floor space for a second residential unit shall contain adequate area to provide the required facilities listed in subsection 1, but not exceed the lesser of fifty percent (530%) of the existing living area; or with a maximum increase in floor area of 1200 square feet. Attached ADUs shall meet all applicable building code requirements. For ADUs constructed above an existing garage, the City shall not impose any setback requirements from the side and rear lot lines that exceed five (5) feet. An ADU created under this section 5.B may, but is not required to, create new or separate utility connections. Separate sewer connections may be required at the discretion of the City Engineer, and if detached shall not exceed 800 square feet. Living area is defined as the interior habitable area of a dwelling unit including habitable basements and attics, but does not include a garage or any accessory structure.

C. Detached ADUs. ADUs not attached to an existing dwelling shall meet all applicable building code requirements, shall not exceed the lesser of 50% of the existing living area or 1200 square feet, and

5. The second residential unit may either be within the living area of the existing dwelling, attached to the existing dwelling, or detached from the existing dwelling.

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~~6. A second residential unit shall conform to the applicable standards and requirements of the zoning district in which it is to be located, including height and setback requirements. An ADU created under this section 5.C may, but is not required to, create new or separate utility connections. Separate sewer connections may be required at the discretion of the City Engineer. Requirements for building height, setbacks, yards and similar design standards that apply to the single family dwelling unit shall apply to the second residential unit.~~

65. Design Standards. To the extent feasible, an ADU must conform to the design characteristics of the existing single family residence, including but not limited to architectural and landscaping features, building materials, and paint color.

675. Fire Sprinklers. ADUs shall comply with all applicable fire safety provisions of state law, as well as locally adopted building and fire codes. If the existing residence contains fire sprinklers or would be required to contain fire sprinklers if constructed at the time of the ADU application, then sprinkler installation is also required for the ADU.

786. Parking. A minimum of one off-street parking space shall be provided for each ADU~~second residential unit~~ in addition to the offstreet parking spaces required for the existing residence(s) ~~on the site~~. ADU parking spaces may be provided as tandem parking, including on an existing driveway or in paved setback areas, excluding the non-driveway front yard setback. Parking requirements shall be waived if the ADU is located: (i) within one-half (1/2) mile of a public transit stop; (ii) in a designated historic district; (iii) in part of an existing primary residence or an existing accessory structure pursuant to subsection 5.A above; (iv) in an area requiring on-street parking permits not offered to the ADU occupant; or (v) within one block of a car-sharing pickup/drop-off location.

98. Replacement Parking. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, replacement parking shall be required and may be located in any configuration on the same lot as the ADU.

60.200 Definitions.

Accessory Dwelling Unit (ADU). An ADU is defined in section 35.325 of this Zoning Ordinance.

Second Residential Unit. An dwelling unit in addition to an existing residential unit, that provides complete independent living facilities for one or more persons including permanent provisions for sleeping, living, eating, cooking, and sanitation; and does not exceed 30% of the existing living area or 800 square feet whichever is less. As used in this Zoning Ordinance, Second Residential Unit means an Accessory Dwelling Unit.