



File: ADU Code Amendments

DATE: February 13, 2020

TO: PLANNING COMMISSION

FROM: Bruce Ambo, Principal Planner (879-6801; [bruce.ambo@chicoca.gov](mailto:bruce.ambo@chicoca.gov))  
Kelly Murphy, Planner (879-6535; [kelly.murphy@chicoca.gov](mailto:kelly.murphy@chicoca.gov))

RE: Accessory Dwelling Unit Amendments to Title 19 of the Chico Municipal Code

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### SUMMARY

Six bills went into effect on January 1, 2020, affecting the development regulations for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) including AB68, AB881, SB13, AB671 and AB 670. Signed in succession, these bills limit the ability of local jurisdictions to issue discretionary approvals, increase allowances and define standards for ADUs and JADUs. Local ordinances that do not conform to the new State laws shall be declared null and void. While the City currently has regulations in place to allow for ADUs, further amendments to these regulations are required for consistency with the new State housing laws. This report summarizes the key elements of the new ADU laws adopted by the State and identifies areas of the Chico Municipal Code (CMC) that will need to be amended.

#### Recommendation:

The Community Development Director (Planning and Housing) recommends that the Planning Commission:

- 1) Hold a public hearing regarding the proposed text amendments to Title 19 of the Chico Municipal Code; and
- 2) Adopt Resolution No. 20-01 recommending City Council adoption of an ordinance to amend Title 19 of the Chico Municipal Code as set forth therein (**Attachment A**).

### BACKGROUND

Over the 2019 legislative season, more than 200 bills were introduced by state legislators in response to the increasing scarcity and unaffordability of housing in California. On October 9<sup>th</sup>, 2019, the Governor signed into law 20 bills that address different components of California's housing crisis. Six bills intended to streamline the application process and reduce requirements for ADUs were included in this batch of new housing laws to facilitate the production of smaller, affordable housing units on existing residential lots.

The State allows for local municipalities to be more permissive with their regulations for ADUs but not more restrictive than state law. Most of the proposed text amendments are a response to the changes in land use development standards (under AB68). Previously, the City's ADU allowance was one attached or detached ADU up to 1,200 square feet on any lot with an existing single-family residence, subject to lot size, coverage and proportionality limits. Under the new state laws, these limitations can no longer be applied to ADUs of 800 square feet or

less in size which meet minimum setback and height standards. Additionally, a new land use definition was established for a Junior Accessory Dwelling Unit (JADU), allowing for non-livable spaces wholly contained within an existing primary dwelling (single-family or multi-family) to be converted into an accessory unit no more than 500 square feet in size. This allowance for JADUs is one of the most significant legislative changes, as it creates the potential for three residential units to exist on any single-family residential property.

Another key change to the land use development standards is the allowance for ADUs and JADUs on multi-family residential lots. On properties where a multi-family dwelling exists, state law provides for a maximum of two new-construction, detached ADUs when minimum setback and height standards are met, and the potential for a number of JADUs to be created within the existing primary dwelling.

The State law requires that municipalities allow up to 850 square feet for 1-bedroom ADUs and up to 1,000 square feet for 2-bedroom ADUs. The City has been more permissive with the maximum size of ADUs on single-family residential lots, allowing up to 1,200 square feet when all other standards are met. Staff has taken a more conservative approach in setting the standards for ADUs and JADUs on multi-family properties, setting maximum area allowances that mirror the State regulations.

In addition to changes in land use development standards for ADUs, the permitting process must now be ministerial. Discretionary applications to permit an ADU can no longer be required, resulting in the elimination of the Use Permit requirement for ADUs proposed in the SD-4 (West Avenues Neighborhood Area) overlay zone. Only in the case where there is no adequate access to water or sewer, or when the creation of an ADU would present a public safety concern, can an ADU or JADU be prohibited on a residential property where a single-family or multi-family dwelling use is permitted or lawfully exists. Owner occupancy of either the primary residence or ADU cannot be required (between 2020 – 2025), although previous owner occupancy restrictions can remain in effect.

State law (SB13) also impacts the extent of fees that can be assessed for the creation of new ADUs. Where an ADU is proposed having an area of 750 square feet or less, no development impact fees can be assessed, so long as the ADU utilizes the same sewer lateral as the primary residence of the property. For ADUs greater than 750 square feet, the ADU shall be assessed development impact fees proportionally.

Jurisdictions are required to submit proposed ADU code amendments to the California Department of Housing and Community Development (HCD) within 60 days of ordinance adoption. Staff has included a summary of proposed changes to the City's ADU standards and permit process below.

## **Summary of Proposed Title 19 Amendments**

### Definitions (CMC 19.04)

- Add reference to definition for “Junior Accessory Dwelling Unit” in CMC 19.76.130.
- Add definition for “Junior Accessory Dwelling Unit” to correspond with CMC Chapter 19.19 and 19.76.130.

### Application Filing and Processing Fees (CMC 19.16)

- Eliminated reference to accessory dwelling unit permit for consistency.

### Accessory Dwelling Units (CMC 19.19)

- Deleted requirement for a separate permit application to the Planning Division, streamlining ADU approvals by allowing ADU proposals to be permitted through the building permit process only.

### Residential Zones (CMC 19.42)

- Replaced footnote reference to Use Permit requirements for ADUs in the SD-4 overlay zone under Table 4-2
- Replaced footnote reference to Accessory Dwelling Unit permit under Table 4-3B

### Overlay Zones (CMC 19.52)

- Eliminated use permits and owner-occupancy requirements for ADUs in the SD-4 (West Avenues Neighborhood Area) overlay zone to comply with state laws (CMC Section 19.52.070).

### Parking Standards (CMC 19.70)

- Added a sentence to Section 19.70.040 to clarify that replacement parking is not required when onsite parking is lost due to the conversion of a garage or carport is converted into an ADU or JADU.

### Accessory Dwelling Units (CMC 19.76.130)

- Added definition for JADU and eliminated redundant definitions for “Living area”, “Main dwelling” and “Public transit”.
- Added requirement that ADUs may not be used for short-term rentals (30 days or less)
- Amended the development standards to be consistent with the changes highlighted under AB 68. Eliminated minimum lot size requirements, revised setbacks and deleted subjective standards under architectural compatibility.
- Added regulations for ADUs and JADUs for multi-family properties
- Added language to clarify additions to existing ADUs are allowed
- Added language to clarify that ADUs and JADUs do not count towards density

### Infill Residential Flag Lots (CMC 19.76.180)

- Deleted prohibition of ADUs on infill residential flag lots.

## **ENVIROMENTAL REVIEW**

Pursuant to Public Resources Code Section 21080.17, ADU Ordinance updates are exempt from the California Environmental Quality Act (CEQA).

## **NEXT STEPS**

As required, staff will transmit a copy of the City Council adopted ADU ordinance amendments to HCD for their review and certification. There are other substantive residential code amendments forthcoming that facilitate housing production that also required for compliance with the new housing laws (i.e., objective design and development standards, residential by-right amendments, etc.). Public Works has indicated that there may be areas of the community with limited water and sewer service capacity that may affect the development feasibility or fees associated with ADUs that need further study. The City is on schedule for releasing the preapproved ADU plans that are to be available free of charge to Chico residents this Summer.

## **DISTRIBUTION**

PC Distribution  
CDD Vieg

## **ATTACHMENTS**

- A. Resolution No. 20-01  
Exhibit I

**RESOLUTION NO. 20-01**

**RESOLUTION OF THE CITY OF CHICO PLANNING COMMISSION  
RECOMMENDING CITY COUNCIL APPROVAL OF  
AMENDMENTS TO ACCESSORY DWELLING UNIT  
REGULATIONS OF TITLE 19 OF THE  
CHICO MUNICIPAL CODE  
(City of Chico)**

WHEREAS, over the 2019 legislative season, the State acted on six housing bills regulating Accessory Dwelling Units (ADUs), including AB 68, AB 881, SB 13, AB 587, AB 671 and AB 670, which will become effective on January 1, 2020;

WHEREAS, a review of Title 19 of the Chico Municipal Code was undertaken to identify amendments necessary to maintain consistency with State laws;

WHEREAS, the amended ADU Ordinance shall be submitted to the California Housing and Community Development Department (HCD) for review within 60 days of adoption;

WHEREAS, the Planning Commission considered the various proposed amendments, staff report, and comments at a duly noticed public hearing held in the manner required by law; and

WHEREAS, the proposed amendments are required by the State and exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Chico as follows:

1. The Planning Commission determines:

- A. That the proposed amendments are consistent with State housing law regarding accessory dwelling units,
- B. The proposed amendments are consistent with the General Plan; and
- C. The proposed amendments are consistent with other applicable provisions of the Municipal Code and compatible with the uses authorized in the applicable zoning districts for which the revisions are proposed.

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2. The Planning Commission recommends that the City Council approve the amendments to the Chico Municipal Code as set forth in Exhibit I.

THE FOREGOING RESOLUTION was adopted by the Planning Commission of the City of Chico at its meeting held on the 20 day of February 2020, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- DISQUALIFIED:

ATTEST:  
  
\_\_\_\_\_  
Bruce Ambo, Planning Commission Secretary

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Andrew L. Jared, City Attorney\*

\*Pursuant to the Charter of the City of Chico Section 906(e)

Exhibit I

Chico, CA Code of Ordinances

**Chapter 19.04  
DEFINITIONS**

**Section:**

**19.04.010 Purpose, applicability.**

**19.04.020 Definitions of specialized terms and phrases.**

**19.04.020 Definitions of specialized terms and phrases.**

**A. Definitions, "A."**

~~**Accessory Dwelling Unit.** See Section 19.76.130 (Accessory Dwelling Units). An attached or 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 the single-family dwelling is situated. An accessory dwelling unit also includes the following:~~

~~—a. An efficiency unit as defined in Section 17958.1 of the Health and Safety Code.~~

~~—b. A manufactured home as defined in Section 18007 of the Health and Safety Code.~~

**J. Definitions, "J."**

~~**Junior Accessory Dwelling Unit.** See Section 19.76.130 (Accessory Dwelling Units).~~

**Chapter 19.16  
APPLICATION FILING AND PROCESSING FEES**

**Section:**

**19.16.010 Purpose, applicability**

**19.16.020 Pre-application neighborhood meetings.**

**19.16.030 Application filing**

**19.16.040 Application fees**

**19.16.050 Initial application review**

**19.16.060 Environmental assessment**

**19.16.070 Zoning clearance**

**19.16.030 Application filing.**

A. [NO CHANGES]

B. [NO CHANGES]

C. [NO CHANGES]

D. Filing Date. The filing date of an application for a home occupation permit, ~~accessory dwelling unit permit~~, administrative permit for a temporary use, design review, administrative use permit, use permit, planned development permit, or variance shall be the date on which the Department receives the last submission, map, plan, or other material required as a part of that application by Subsection A (Application Contents) above, in compliance with Section 19.16.050 (Initial application review), and the application is deemed complete by the Director.

(Ord. 2185; Ord. 2223; Ord. 2263; Ord. 2511, §7; Ord. 2519, §9)

## ~~Chapter 19.19~~ ~~ACCESSORY DWELLING UNIT PERMITS~~

**Section:**

~~19.19.010 Applicability.~~

~~19.19.020 Application.~~

~~19.19.030 Action on accessory dwelling unit permits.~~

~~19.19.010 Applicability.~~

~~—An accessory dwelling unit permit shall be required prior to the development or occupancy for residential purposes of an accessory dwelling unit on any parcel on which a second unit is a permitted use.~~

~~(Ord. 2263, Ord. 2511)~~

~~19.19.020 Application.~~

~~—An application for an accessory dwelling unit permit shall be filed with the department on a form prescribed by the director and shall include all information necessary to allow the director to determine if the proposed accessory dwelling unit will comply with the development standards for accessory dwelling units set forth in section 19.76.130 or in Division VI of this title, as applicable.~~

~~(Ord. 2263, Ord. 2358 §4, Ord. 2364 §387, Ord. 2511, §8)~~

~~19.19.030 Action on accessory dwelling unit permits.~~

~~—Upon review of a completed application for an accessory dwelling unit permit, the director shall issue a permit if the director determines that the proposed accessory dwelling unit complies with all of the development standards set forth in section 19.76.130 or in Division VI of this title. Accessory dwelling unit permits shall be approved or denied in writing. All denials shall state the reasons for the denial. Reasons for denial shall be limited to a finding by the director that the proposed accessory dwelling unit is not permitted in the applicable zoning district with an accessory dwelling unit permit or that the accessory dwelling unit does not comply with one or more of the requirements of section 19.76.130 or in Division VI of this title, as applicable.~~

~~(Ord. 2263, Ord. 2358 §5), Ord. 2364 §388, Ord. 2511, §9)~~

## **Chapter 19.42 RESIDENTIAL ZONES**

### **Section:**

- 19.42.010 Purpose, applicability**
- 19.42.020 Residential zone land uses and permit requirements**
- 19.42.030 Residential zone general development standards**
- 19.42.040 Minimum lot area and density**

### **19.42.020 Residential zone land uses and permit requirements.**

Table 4-2 identifies the uses of land allowed by these Regulations in each residential zoning district, and the land use entitlement required to establish the use.

Where the last column of the table (“Subject to Standards in Section/Chapter”) includes a section or chapter number, the regulations in the referenced section/chapter apply to the use. Provisions in other sections/chapters may apply as well.

(Ord. 2185; Ord. 2223; Ord. 2232; Ord. 2280; Ord. 2342; Ord. 2397 §6; Ord. 2427 §13)

### **TABLE 4-2 - ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS [NO CHANGES]**

#### **Notes:**

- (1) See [Chapter 19.04](#) for definitions of the listed land uses.
  - (2) Use allowed only on a site of 1 acre or larger.
  - (3) Allowed only within density requirements of General Plan Designation.
  - (4) ~~Use permit required for all accessory dwelling units in the SD-4 overlay zoning district, and special standards apply, per overlay district.~~ Accessory dwelling units outside of the SD-4 overlay zone are allowed with an accessory dwelling unit permit if all shall comply with all applicable development standards set forth in [19.76.130](#) ~~are met.~~
  - (5) Consistent with the overall maximum density allowed and on corner parcels either as part of the subdivision approval process or by use permit.
  - (6) Businesses which operate between the hours of 10PM and 6AM or allow amplified music within 300 feet of a residential district require use permit approval.
- (Ord. 2440 §23, Ord. 2461 §2, Ord. 2494, §20, Ord. 2511, §9, Ord. 2519, §15)

### **19.42.030 Residential zone general development standards.**

The requirements in Tables 4-3A, 4-3B and 4-3C shall apply to new land uses and structures, and alterations to existing land uses and structures, in addition to any applicable development standards (such as landscaping, parking and loading) in Division V.

(Ord. 2185; Ord. 2223; Ord. 2243; Ord. 2263; Ord. 2378, Ord. 2427 §14, Ord. 2511, §10)

### **TABLE 4-3A RESIDENTIAL ZONE GENERAL DEVELOPMENT STANDARDS [NO CHANGES]**

**TABLE 4-3B  
RESIDENTIAL ZONE GENERAL DEVELOPMENT STANDARDS [NO CHANGES]**

**Notes:**

- (1) Maximum percentage of site area that may be covered with structures (see the definition of site coverage in Chapter [19.04](#)).
- (2) ~~Accessory dwelling units shall comply with all applicable development standards set forth in 19.76.130. A second dwelling unit permit or use permit is required for the accessory dwelling unit. (See Table 4-2.)~~  
(Ord. 2435 §43, Ord. 2494, §21, Ord. 2511, §10)

**TABLE 4-3C  
RESIDENTIAL ZONE GENERAL DEVELOPMENT STANDARDS [NO CHANGES]**

## **Chapter 19.52 OVERLAY ZONES**

**Section:**

- 19.52.010 Purpose, applicability**
- 19.52.020 Airport environs (-AE) overlay zone**
- 19.52.030 Airport overflight (-AO) overlay zones**
- 19.52.040 Landmark (-L) overlay zone**
- 19.52.050 Planned development (-PD) overlay zone**
- 19.52.060 Resource Constraint (-RC) overlay zone**
- 19.52.070 Special design considerations (-SD) overlay zone**
- 19.52.080 Corridor Opportunity Site (-COS) overlay zone**
- 19.52.090 Fraternity and sorority (-FS) overlay zone**
- 19.52.100 Foothill Development (-FD) overlay zone**

**19.52.070 Special Design considerations (-SD) overlay zone.**

A – C. [NO CHANGES]

D. Specific Area Permit Requirements and Development Standards. Development and new land uses within the -SD overlay zone shall obtain the land use entitlements as required by the primary zoning district, except as otherwise provided in this subsection, and shall comply with all applicable development standards of the primary zoning district, and the following requirements.

1. – 3. [NO CHANGES]

4. SD-4 (West Avenue Neighborhood Area). ~~Any declaration of restrictions regarding owner occupancy recorded prior to January 1, 2020 in conjunction with the development of an accessory dwelling unit shall remain valid and binding. A use permit is required for all accessory dwelling units.~~

~~a. Owner occupancy requirement. Use permits required for accessory dwelling units in the SD-4 overlay zone shall be subject to the condition that either the accessory dwelling unit or the primary dwelling unit must be occupied by an owner of the property. Such permits shall be further conditioned to require that each owner of the property sign~~

~~a covenant acknowledging the requirement that the property be owner-occupied and that the covenant be recorded with the county recorder's office prior to the issuance of a certificate of occupancy for the accessory dwelling unit. Rental occupancy of either the main dwelling unit and the accessory dwelling unit shall only be on a rental agreement with a term longer than 30 days.~~

5. – 8. [NO CHANGES]

(Ord. 2185; Ord. 2222; Ord. 2263; Ord. 2301 §4; Ord. 2306; Ord. 2328, Ord. 2346, Ord. 2427 §42, Ord. 2429 Ord. 2435 §30, Ord. 2439 §179, Ord. 2440 §34, Ord. 2511, §11, Ord. 2530, §3)

## **Chapter 19.70 PARKING AND LOADING STANDARDS**

- 19.70.010 Purpose**
- 19.70.020 Applicability**
- 19.70.030 General parking regulations**
- 19.70.040 Number of parking spaces required**
- 19.70.050 Reduction of off-street parking**
- 19.70.060 Design and development standards for off-street parking**
- 19.70.070 Driveways and site access**
- 19.70.080 Bicycle parking and support facilities**
- 19.70.090 Off-street loading space requirements**

### **19.70.040 Number of parking spaces required.**

Each land use shall provide the minimum number of off-street parking spaces required by this section, except where a different number of spaces is approved through an entitlement process.

A. Expansion of Structure, Change in Use. When the required number of parking spaces is increased by three or more spaces as a result of an expansion of a structure, intensification of use, and/or a change in use, the additional parking spaces shall be provided in compliance with this chapter. Exception: Single-family homes shall retain or provide the required number of parking spaces when a garage or carport is converted to a use other than vehicle parking. However, when a garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, or is converted into an accessory dwelling unit, replacement of those off-street parking spaces shall not be required.

B. – H. [NO CHANGES]

(Ord. 2442, Ord. 2494 §41, Ord. 2511, §12)

## **Chapter 19.76 STANDARDS FOR SPECIFIC USES**

**Section:**

**19.76.010 Purpose**

- 19.76.020 Accessory uses and structures
- 19.76.030 Adult entertainment businesses
- 19.76.040 Animal keeping
- 19.76.050 Bed and breakfast inns
- 19.76.060 Large family day care homes
- 19.76.070 Drive-in and drive-through facilities
- 19.76.080 Reserved
- 19.76.090 Gas stations
- 19.76.100 Guest houses
- 19.76.110 Mobile homes and manufactured housing
- 19.76.120 Outdoor retail sales and activities
- 19.76.130 Accessory dwelling units
- 19.76.140 Single room occupancy (SRO) facilities
- 19.76.150 Small-lot subdivisions
- 19.76.170 Temporary dwellings
- 19.76.180 Infill Residential Flag Lots
- 19.76.190 Community gardens
- 19.76.200 Businesses which sell alcohol
- 19.76.210 Disaster recovery structures
- 19.76.220 Term of ordinance

#### 19.76.130 Accessory dwelling units.

The following definitions, permit requirements, ~~owner occupancy requirements~~ and development standards shall apply to accessory dwelling units.

A. Definitions. In addition to the definitions set forth in Chapter 19.04, the following words and phrases shall have the following meanings respectively ascribed to them in this section.

1. "Accessory dwelling unit" (ADU) means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons on the same parcel as the main dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation ~~on the same parcel the single-family dwelling is situated~~. An accessory dwelling unit also includes the following:

- a. An efficiency unit as defined in Section 17958.1 of the Health and Safety Code.
- b. A manufactured home as defined in Section 18007 of the Health and Safety Code.

2. "Junior Accessory Dwelling Unit" (JADU) means a unit that is no more than 500 square feet in size and contained entirely within a single-family or multi-family structure, or requires an addition of no more than 150 square feet to accommodate ingress and egress. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. "Living area" means the interior habitable area of a dwelling unit, including conditioned basements and attics but not including a garage or any accessory structure.

~~— 3. "Main dwelling" means the dwelling unit on the property that is not an accessory dwelling unit.~~

~~— 4. "Public transit" means a transit stop served by at least one publicly provided form of transportation.~~

~~B. Permit General requirements. In the event any conflict should arise between the provisions within this Section and Title 19 of the Chico Municipal Code, the strictest application of the regulations shall apply. Where a single-family or multi-family use is a permitted use or lawfully exists, a proposed ADU or JADU shall comply with all the development standards of this section. Applicants for accessory dwelling units may seek zoning clearance for a site plan depicting a proposed ADU or JADU, or may directly apply for building permits and compliance with these standards shall be assessed in conjunction with building permit review.~~

~~1. Accessory dwelling unit Accessory dwelling units or junior accessory dwelling units may be rented for the purpose of overnight lodging for terms of thirty or more consecutive days, but shall not be rented or subleased for shorter terms. permits. Where a single-family dwelling unit is a permitted use, as set forth in Table 4-2, and a proposed accessory dwelling unit complies with all of the development standards of this section, an accessory dwelling unit shall be pursuant to Chapter 19.19.~~

~~2. Neither the main dwelling nor the ADU shall be sold or otherwise conveyed separately from the other unit, except pursuant to California Government Code Section 65852.26. Use permits. A use permit is required for an accessory dwelling proposed to be located in the SD-4 overlay district. The following findings, in addition to those otherwise required for a use permit by Chapter 19.24, must be made to approve a use permit for an accessory dwelling unit:~~

~~— a. The occupancy of the accessory dwelling unit will not result in excessive noise or traffic that would disturb the existing neighborhood.~~

~~— b. The occupancy of the accessory dwelling unit will not have a significant adverse effect on public services or resources.~~

~~— c. The design of the accessory dwelling unit is compatible with the design of the main dwelling unit and the surrounding neighborhood in terms of size, exterior treatment, height, landscaping, scale and site coverage.~~

### C. Development Standards.

~~1. Number of Units Allowed (Single-Family). The following standards are applicable to ADUs and JADUs proposed on single-family residential properties.~~

~~a. One attached ADU; or~~

~~b. One detached ADU and one JADU.~~

~~One accessory dwelling unit per parcel. No more than one accessory dwelling unit shall be allowed on any parcel.~~

2. Number of Units Allowed (Multi-Family). The following standards are applicable to ADUs and JADUs proposed on multi-family residential properties.

a. A maximum of two detached ADUs; and,

b. A number of JADUs not to exceed 25 percent of the number of existing multi-family units may be created within portions of existing structures that are not used as livable space, provided that the unit complies with the California Building Code.

3. Attached or detached. An ~~accessory dwelling unit~~ADU may be either attached to or detached from the main dwelling unit.

34. Maximum size of accessory dwelling units. The maximum square footage for an ~~accessory dwelling unit~~ADU shall be as follows:

a. Up to 800 square feet of floor area for new detached ADUs which conform to the height and setback requirements.

b. For attached ADUs (Single-Family): 50 percent of the living area of the main residence up to a maximum of 1,200 square feet.

c. For detached ADUs larger than 800 square feet (Single-Family): 75 percent of the living area of the main dwelling unit up to a maximum 1,200 square feet.

d. For detached ADUs larger than 800 square feet (Multi-Family): Up to 850 square feet for a one-bedroom unit and up to 1,000 square feet for a two-bedroom unit, subject to the minimum setback requirements for main dwelling units and maximum lot coverage standards applicable to the underlying zoning district.

~~— a. 75 percent of the living area up to a maximum of 650 sq. ft. for lots up to 4,500 sq. ft.~~

~~— b. 75 percent of the living area up to a maximum of 850 sq. ft. for lots between 4,501 sq. ft. up to 6,000 sq. ft.~~

~~— c. 75 percent of the living area up to a maximum of 1,200 sq. ft. may be permitted on lots over 6,000 sq. ft.~~

45. Building height shall be limited as follows: New attached additions to main dwelling units shall have the same height limit provided by the underlying zoning district applicable to be the same as the main unit at a maximum of 35 feet. New detached ~~accessory dwelling units~~ADUs shall be a maximum of 25 feet.

~~— 5. Lot coverage shall be as follows:~~

~~— a. 50 percent single story main housing unit.~~

~~— b. 40 percent multi-story main housing unit.~~

~~— c. 50 percent in R1-10, and R1-20.~~

6. Accessory dwelling unit setbacks shall be as follows:

a. No setback shall be required for an ADU located within existing living area or an existing accessory structure, or an ADU that replaces an existing structure and is located in the same location and to the same dimensions as the structure being replaced (i.e. an existing garage that is converted to an accessory dwelling unitADU).

b. Attached ADUs are subject to the setback requirements of the underlying zoning district for main units.

c. Detached, new-construction ADUs shall provide a minimum side and rear yard setback of 4 feet.

d. A minimum 4-foot rear and 4-foot side setback shall be required for an ADU constructed above a garage.

e. When an ADU is adjacent to an alley and constitutes a second story on a garage which has less than a 4-foot setback, the minimum rear yard setback for the ADU shall be the same as the existing setback for the garage.

f. Detached ADUs shall provide a minimum 8-foot separation between buildings per the Building and Fire Code.

~~\_\_\_\_\_ b. A 5-foot rear and 3-foot side setback shall be required for an accessory dwelling unit constructed above a garage.~~

~~\_\_\_\_\_ c. When a detached accessory dwelling unit is located to the side or rear of a main dwelling unit, the units shall be separated by a minimum of 8 feet.~~

~~\_\_\_\_\_ d. When an accessory dwelling unit is adjacent to an alley and constitutes a second story on a garage which has less than a 5-foot setback, the rear yard setback for the accessory dwelling unit shall be the same as the existing setback for the garage.~~

~~\_\_\_\_\_ e. When an accessory dwelling unit is adjacent to an alley a 5-foot setback shall be provided from the alley.~~

7. Conversion of an Existing Residence. An existing residence, in conformance with the above regulations, may be converted to an ADU in conjunction with the development of a new main dwelling unit. Occupancy of the ADU shall not be allowed prior to the issuance of a certificate of occupancy for the main dwelling unit.

8. Existing Accessory Dwelling Unit. An existing ADU or JADU may be enlarged or modified only in accordance with the requirements of this section.

9. Residential Density. To the extent required by California Government Code Section 65852.2, an ADU or JADU built in conformance with this section shall not count toward the allowed density for the lot upon which the unit is located.

10. Trash storage. The ~~accessory dwelling unitADU~~ or JADU shall be provided with an outdoor area for the storage of trash and recycling receptacles. That area shall have an all-weather surface and be screened from view by a fence, wall or permanent landscaping.

**811.** Security lighting. Accessory dwelling units located adjacent to an alley shall have a minimum of one outdoor security light for illumination of the alleyway adjacent to the unit. Such lighting shall be shielded and directed downward and away from adjacent properties to ensure that it has a minimal impact on neighboring properties.

**912.** Walls or fences between units. When an ~~accessory dwelling unit~~ADU is located behind a main dwelling unit, a continuous fence or wall shall not be installed between the main and ~~accessory dwelling units~~ADU unless it includes a gate allowing pedestrian access from the accessory dwelling unit to the street.

**1013.** Vehicle access. ~~If provided, V~~vehicle access to an ~~ADU-second unit~~ may be from a street or an alley.

a. Alley access. When an ~~accessory dwelling unit~~ADU will be located on a site served by an alley, the ~~accessory dwelling unit~~ADU shall maintain its primary vehicular access from the alley. Such alley access shall be improved per city standards or alternatively, an in-lieu fee paid. Accessory dwelling units located on the street-access terminus of alleys shall be sited to ensure adequate site distance clearance.

b. Vehicle access from street frontage. Driveway surfaces installed to provide vehicle access from a street to an ~~ADU-second dwelling unit~~ located on the rear of a parcel shall be constructed with permeable-surface, all-weather materials or shall otherwise be constructed to retain runoff on site. New driveways that extend beyond the rear of the main dwelling unit shall consist of two tire strips or be otherwise designed to be of permeable-surface, all-weather material.

**1114.** Pedestrian access to accessory unit.

a. Accessory dwelling units with primary vehicle access from an alley shall also be served with a permeable-surface, all-weather walkway connecting the ~~accessory dwelling unit~~ADU with the street frontage. The driveway for the main dwelling unit may serve as a portion of this walkway.

b. Accessory units created within an existing single-family residence shall include an independent exterior access that is separate from the exterior entrance of the existing residence and complies with the minimum side and rear setbacks for fire safety.

**1215.** Fire protection access. Accessory dwelling units not located adjacent to an alley shall be located so that all sides of the structure are within 150 feet of unobstructed access from the street frontage in order to provide adequate fire protection. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the main residence.

**1316.** Parking. In addition to the parking required for the main dwelling unit, one parking space shall be required for each ~~ADUsecond dwelling unit~~.

a. Parking spaces for the ~~accessory dwelling unit~~ADU and the main residence may be provided in a tandem parking arrangement on an existing driveway.

b. Off street parking shall be permitted in setback areas as set forth in CMC 19.70.060, or through tandem parking, unless specific findings are made that parking in

the setback areas or tandem parking is not feasible based upon specific site or fire and life safety conditions.

c. When a garage, carport or covered parking structure is demolished in conjunction with the construction of an ~~accessory dwelling unit~~ADU, or is converted into an ADU, those off-street replacement of those off-street parking spaces 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, or tandem spaces shall not be required.

~~1417.~~ Parking exceptions. Parking shall not be required for the ~~accessory dwelling unit~~ADU in any of the following instances:

- a. The ~~accessory dwelling unit~~ADU is located within one-half mile of public transit;
- b. The ~~accessory dwelling unit~~ADU is located within an architecturally and historically significant historic district;
- c. The ~~accessory dwelling unit~~ADU is part of the existing main residence or an existing accessory structure;
- d. When on-street parking permits are required but not offered to the occupant of the ~~accessory dwelling unit~~ADU;
- e. When there is a car share vehicle located within one block of the ~~accessory dwelling unit~~ADU.

~~15. Architectural design. Accessory dwelling units shall comply with the following design standards:~~

- ~~a. The accessory dwelling unit shall be architecturally compatible with the main dwelling unit or the immediate neighborhood. Compatibility includes coordination of exterior colors, materials, roofing, other architectural features and landscaping.~~
- ~~b. The accessory dwelling unit shall be compatible with the scale of adjoining residences and blend into the existing neighborhood.~~
- ~~c. All HV AC or other mechanical units shall be placed so they are not in public view or shall be screened from public view by a fence, wall or permanent landscaping.~~
- ~~d. Second story windows or doors shall be designed to lessen privacy impacts on adjacent properties. Acceptable techniques to meet this criteria include obscured glazing, window placement at least six feet above floor level and permanent landscaping of sufficient height.~~

18. The ADU can be accommodated with the existing water service and existing sewer lateral or septic system, provided sufficient evidence that the existing water service and existing sewer lateral or septic system has adequate capacity to serve both the main dwelling unit and ADU. No additional water meter shall be required, unless requested by the applicant.

(Ord. 2263; Ord. 2280; Ord. 2325, Ord. 2358 §20; Ord. 2364 §400; Ord. 2397 §15, Ord. 2439 §189, Ord. 2494 §55; Ord. 2511 §§ 2, 3, Ord. 2530, §4)

**19.76.180 Infill Residential Flag Lots**

A. – B. [NO CHANGES]

C. Standards. Infill residential flag lots are allowed in the RS, R1 and R2 zoning districts through a parcel map or tentative subdivision map by the Planning Commission when they comply with the standards in this section, in addition to any other applicable City standards:

1. – 4. [NO CHANGES]

5. ~~Accessory Dwelling Units. Accessory dwelling units shall be prohibited on infill residential flag lots.~~

~~6.~~ Orientation. Each residential unit built on an infill residential flag lot shall be oriented toward either the street or the accessway.

~~6~~7. Setbacks From Neighboring Properties. Where an infill residential flag lot abuts existing single-family development, the building setbacks established below shall supersede the standard setbacks for the R1 and R2 zoning districts. Setbacks in the RS zoning district shall be the greater of the standard RS district setbacks, or the setbacks established in Table 5-14 below:

TABLE 5-14 [NO CHANGES]

~~7~~8. Accessway. A minimum of three feet of landscaping shall be provided between the paved portion of the accessway and any adjacent existing single- family residential development. Drainage from the paved portion of the accessway shall be accommodated onsite. Minimum accessway widths shall be as specified in Title 18R.

D. [NO CHANGES]

(Ord. 2363 §3, Ord. 2494 §57, Ord. 2511)