

9.60.090 ~~Second residential~~ Accessory dwelling units.

A. Purpose. This section provides standards and criteria for the establishment of ~~second~~ accessory dwelling units within residential districts, consistent with California Government Code Section 65852.2. ~~Second~~ Accessory dwelling units shall be permitted only in the RVL, RL, RC, RM, RMH, and RH zone districts.

~~B. Definitions. See Chapter 9.280.~~

B. Definitions. See Chapter 9.280. For purposes of this section, “second residential unit,” “second dwelling unit,” “second unit,” and “granny flat” as defined in Section 9.280.030 (or successor section) shall not apply, and, instead, “accessory dwelling unit” as defined in California Government Code Section 65852.2(i)(4) (or successor section in the Government Code) shall apply. An accessory dwelling unit shall be either “attached” or “detached” to the primary residence as described in Government Code Section 65852.2(i)(4) (or successor statute). In addition, the following definitions shall apply for purposes of this section:

1. “Living area” shall have the same meaning as California Government Code Section 65852.2(i)(1) (or successor section in the Government Code), notwithstanding any provision in Section 9.280.030 of this code to the contrary.

2. “Primary residence” shall have the same meaning as “Dwelling, single-family detached” or “single-family detached dwelling” as defined in Section 9.280.030 (or successor section).

C. Standards for ~~Second~~ Accessory Dwelling Units. ~~The~~ Subject to allowances set forth in Subsection D, the following standards shall apply to ~~second~~ accessory dwelling units:

1. ~~A second~~ An accessory dwelling unit shall be consistent with the provisions of the applicable zoning district in which it ~~occurs~~ is constructed.

2. ~~A second~~ An accessory dwelling unit shall only be permitted on a lot in which the primary ~~unit~~ residence and all other structures thereon conform to all minimum requirements of the applicable zoning district.

3. The lot shall contain an existing primary ~~unit~~ residence at the time an application for ~~a second~~ an accessory dwelling unit is submitted, or the application for the ~~second~~ accessory dwelling unit may be made in conjunction with the development of the primary residence.
~~the primary unit.~~

4. The owner of the lot shall reside on the lot, either in the primary ~~unit~~ residence or in the ~~second~~ accessory dwelling unit. Prior to issuance of occupancy approval of ~~the second~~ accessory dwelling unit, the city may require the property owner ~~shall to~~ enter into a restrictive ~~covenant~~ covenant with the city regarding such owner-occupancy ~~requirement~~ requirement on a form prepared by the city, which shall be ~~recorded~~ recorded against the ~~property~~ lot. Such covenant shall further provide ~~that the second~~ accessory dwelling unit shall not be sold, or title thereto transferred ~~separate from that of the property~~ lot or the primary residence. If the owner ceases to reside on ~~the property~~ lot, use of the ~~second~~ accessory dwelling unit shall be discontinued as follows: (a) if it is ~~an attached second~~ accessory dwelling unit, the unit shall be converted into a portion ~~of the primary unit, residence;~~ or (b) if it is a detached ~~second~~ accessory dwelling unit, the unit ~~shall be removed or converted to a legal use. The director~~ city manager or authorized designee may ~~grant temporary relief from this owner-occupancy requirement.~~

5. The maximum increase in gross floor area of ~~second~~ an attached accessory dwelling unit shall not exceed ~~thirty~~ fifty percent of the ~~square footage~~ existing living area of the primary ~~unit~~ residence or one ~~thousand two hundred square feet,~~ whichever is less.

6. The minimum gross floor area of ~~a second~~ an accessory dwelling unit shall be four ~~hundred~~ hundred square feet, except that the minimum gross floor area of an accessory dwelling unit that qualifies as an efficiency unit under California Health and Safety Code Section 17958.1 (or successor statute) shall be one hundred fifty square feet.

7. ~~A second~~ An accessory dwelling unit shall have no more than two bedrooms.

8. The total gross floor area of all covered structures, including an attached accessory dwelling unit, shall not exceed the lot coverage area as prescribed by the applicable zoning district. ~~attached second unit, shall not exceed the lot coverage area as prescribed by the applicable zoning district.~~

~~9. The second unit shall be architecturally compatible with the primary unit.~~

9. The accessory dwelling unit shall be architecturally compatible with the primary residence and surrounding residential neighborhood. If a dispute arises whether the accessory dwelling unit is architecturally compatible with the primary residence, review of the application for the accessory dwelling unit shall be processed as any other design

review application under the code but limited to the determination of architectural compatibility. For purposes of this section, “architecturally compatible” means that the accessory dwelling unit generally has the same or substantially similar architectural style, construction and structure materials, paint pallet or scheme, and other prominent design features, as the primary residence.

10. No attached ~~second~~accessory dwelling unit shall cause the height of the primary ~~unit~~residence to exceed the height limitation for the applicable zoning district. If ~~the attached second~~the attached accessory dwelling unit is not located above any portion of ~~the an~~an existing primary unitresidence, the maximum height of ~~such~~the accessory dwelling unit shall not ~~exceed~~exceed the height of the primary ~~unit~~residence.

11. A detached ~~second~~accessory dwelling unit shall not exceed seventeen feet in height ~~nor more than one story.~~

12. An attached ~~second~~accessory dwelling unit may have a separate entrance; provided, ~~however, in no event shall any external stairwell be placed within the front or side yard setback.~~

13. ~~A second~~An accessory dwelling unit shall contain separate kitchen and bathroom ~~facilities, and shall be metered separately from the primary dwelling residence~~facilities, and shall be metered separately from the primary dwelling residence for gas, electricity, communications, water, and sewer services.

14. All attached ~~second~~and detached accessory dwelling units shall be equipped with approved smoke ~~detectors conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in an area giving access to rooms used for sleeping purposes.~~detectors conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in an area giving access to rooms used for sleeping purposes.

15. In addition to the required parking for the primary ~~unit~~residence, a minimum ~~of one additional off-street parking space shall be provided on the same lot that the second~~of one additional off-street parking space shall be provided on the same lot that the accessory dwelling unit is located. One parking space shall ~~be provided for each studio unit, efficiency unit as defined under California Health and Safety Code Section 17958.1 (or successor statute) in accordance with the applicable parking regulations. No~~be provided for each studio unit, efficiency unit as defined under California Health and Safety Code Section 17958.1 (or successor statute) in accordance with the applicable parking regulations. No ~~Subject to the allowances in Subsection D, no~~Subject to the allowances in Subsection D, no variance or adjustment shall be granted to ~~allow substandard parking spaces or locations.~~

16. All construction, structural alterations or additions made to create ~~a second~~an accessory dwelling unit shall comply with current building, electrical, fire, ~~plumbing and zoning code regulations.~~

17. In the event of any conflicts between the standards set forth in this section and those set forth in the regulations of the applicable zoning district, the provisions of this section shall prevail.

18. The applicant shall pay to the city all applicable fees imposed on such new development of an accessory dwelling unit or new or rehabilitated primary residence that will include an accessory dwelling unit.
~~such new development.~~

19. The ~~director~~city manager or authorized designee may add other conditions, consistent with general law and applicable state and city standards, as necessary to preserve the health, safety, welfare and character of the residential neighborhood; provided, however, that such conditions shall not unreasonably restrict the ability of an applicant to create ~~a second~~ an accessory dwelling unit.

~~(Ord. 445 § 2, 2007; Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)~~D. Allowances for Qualifying Accessory Dwelling Units. In accordance with California Government Code Section 65852.2, as amended by Section 1.5 of Chapter 735 of the Statutes of 2016, the following allowances apply for qualifying accessory dwelling units.

1. If one or more of the following criteria is met: (a) a proposed accessory dwelling unit is located within one-half mile of public transit, (b) a proposed accessory dwelling unit is located within an architecturally and historically significant historic district, (c) a proposed accessory dwelling unit is part of an existing primary residence or existing accessory structure, (d) the occupant of a proposed accessory dwelling unit would be required to obtain an on-street parking permit from the city, or (e) a proposed accessory dwelling unit is located within one block of a car-share vehicle station or parking area; then the applicant for an accessory dwelling unit may be exempted from the parking requirements under the zone for which the proposed accessory dwelling unit is located. Nothing in this subsection, however, exempts the primary residence from complying with all parking requirements under the zone for which the proposed accessory dwelling unit is located. Furthermore, nothing in this subsection exempts the owner of the lot from complying with all parking requirements for fire safety, including access to the lot by front and rear setbacks that are to be clear of obstructions.

2. If all of the following criteria are met: (a) a proposed accessory dwelling unit is contained in the existing primary residence or existing accessory structure, (b) a proposed accessory dwelling unit has independent exterior access from the existing primary residence pursuant to this section, and (c) the side and rear setbacks are sufficient for fire safety as determined by the zoning and public safety provisions in this code; then the applicant for an accessory dwelling unit may be exempted from the requirement to install a new or separate utility connection directly between the accessory dwelling unit and the utility, and may be exempted from related connection

fees or capacity charges. The city may require, however, that the owner of the lot on which the proposed accessory dwelling unit is located to pay any such connection fees or capacity charges as part of the primary residence. Furthermore, the city may require, as part of the restrictive covenant to be recorded against the lot pursuant to this section, that the owner of the lot implement a metering system that would account for the percentage use of each utility provided to an accessory dwelling unit compared to total use of that utility for the of entire lot, and that all utilities that are provided to the accessory dwelling unit be metered by the utilities provided to the primary residence. Any metering system implemented by the owner of the lot pursuant to this subsection shall be subject to verification by the utility from which the service is being provided to the accessory dwelling unit.

3. For purposes of this Subsection D, “existing accessory structure” means “accessory building or structure” as defined in Section 9.280.030 that exists on the lot with an existing primary residence at the time of submittal for any application relating to the proposed accessory dwelling unit, and “public transit” means public mass transit that has a major transit stop or bus stop along a high-quality transit corridor as described in California Public Resources Code Section 21155(b) (or successor statute).

E. If an application for an accessory dwelling unit is submitted or required to be submitted with any other applications that require or permit ministerial or discretionary review under the code, nothing in this section precludes the processing and review of those other applications pursuant to those other provisions in the code.