

STAFF REPORT

I-8



THE CITY OF
NOVATO
CALIFORNIA

922 Machin Avenue
Novato, CA 94945
415/ 899-8900
FAX 415/ 899-8213
www.novato.org

MEETING

DATE: February 13, 2018

TO: City Council

FROM: Robert Brown, Community Development Director

PRESENTER: Steve Marshall, Planning Manager

SUBJECT: PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER XIX, SECTIONS 19.20, 19.30, 19.34, AND 19.60 OF THE NOVATO MUNICIPAL CODE RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS TO COMPLY WITH CALIFORNIA GOVERNMENT CODE SECTIONS 65852.2 AND 65852.22 AND FINDING THE AMENDMENTS ARE EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO CEQA GUIDELINES SECTION 15282(h)

REQUEST

Conduct a public hearing and introduce an ordinance amending the Novato Municipal Code (Chapter XIX – Zoning Sections 19.20, 19.30, 19.34, and 19.60) to revise the standards and requirements applied to the development of accessory dwelling units and junior accessory dwelling units as required for consistency with new California law and finding the amendments to be exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15282(h).

DISCUSSION

On December 5, 2017, the City Council considered amending the Novato Municipal Code to comply with the requirements of California Assembly Bills 2299 and 2406 and State Senate Bill 1069 addressing how local agencies must regulate accessory dwelling units (also known as “second units”) and junior accessory dwelling units. At this hearing the City Council adopted motions directing staff to modify specific components of the recommended text amendments, including:

1. Allow a single-family residence to have both an accessory dwelling and junior accessory dwelling; and
2. Add the definitions of *Public Transit Facility*, *Car Share Vehicle Facility*, and *Car Share Vehicle* to the Zoning Ordinance as recommended by staff.

Since the specific language of the requested modifications was not available at the City Council hearing it is necessary to conduct a public hearing to consider and reintroduce the modified ordinance. Staff has amended the draft ordinance (attached) consistent with the City Council’s direction.

Staff also determined an additional amendment was necessary to stipulate the minimum setbacks required to convert an existing accessory structure (e.g., shed, art studio) to an accessory dwelling unit. State law requires a city to allow conversion of existing accessory structures where such a structure provides rear and side setbacks sufficient for fire safety. In this instance, a side and rear setback of five (5) feet is considered to be sufficient for fire safety as taken from the building code. The added language addressing this matter is provided in table 3-2 of Exhibit A attached to the recommended ordinance.

The City Council staff report package of December 5, 2017, may be downloaded at: http://cms6ftp.visioninternet.com/novato/agendas/pdfstaffreports/cc120517_I-6.pdf

The City Council meeting minutes of December 5, 2017, may be downloaded at: <http://novato.org/home/showdocument?id=25020>

PUBLIC OUTREACH

The proposed zoning amendments would apply citywide. Given this circumstance and consistent with state law, a 1/8th page legal ad was published in the Marin Independent Journal on February 2, 2018, announcing the time, date, and location the City Council's hearing on the proposed amendments.

FISCAL IMPACT

The cost of processing of junior accessory and accessory dwelling unit applications is covered by application fees.

RECOMMENDATION

Hold the public hearing and introduce the ordinance.

ALTERNATIVES

1. Introduce the draft ordinance as presented;
2. Introduce the draft ordinance with revisions;
3. Decline to introduce the ordinance; or
4. Continue the hearing with direction to staff.

ATTACHMENT

Draft Ordinance

CITY COUNCIL OF THE CITY OF NOVATO

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO AMENDING CHAPTER XIX, SECTION 19.20.100 (SETBACK REQUIREMENTS AND EXCEPTIONS), SECTION 19.30.040 (NUMBER OF PARKING SPACES REQUIRED), SECTION 19.34.030 (ACCESSORY DWELLING UNITS), SECTION 19.34.031 (JUNIOR ACCESSORY DWELLING UNITS), SECTION 19.58.020 (NOTICE OF PUBLIC HEARING OR DISCRETIONARY ACTION), AND SECTION 19.60.020.G (DEFINITIONS - GARAGE OR CARPORT) OF THE NOVATO MUNICIPAL CODE AND FINDING THE AMENDMENTS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15282(h)

WHEREAS, the City of Novato currently regulates the establishment of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) pursuant to Novato Municipal Code §§ 19.34.030 and 19.34.031, respectively; and

WHEREAS, the State of California amended state laws regarding ADUs and JADUs, effective January 1, 2017, enacting legislation approved by Senate Bill 1069, Assembly Bill 2299, and Assembly Bill 2406; and

WHEREAS, the State of California now regulates ADUs and JADUs pursuant to Government Code §§ 65852.2 and 65852.22, respectively; and

WHEREAS, the City's ADU and JADU ordinances and supporting standards of the Novato Municipal Code must be amended to be consistent with state law; and

WHEREAS, the Novato Community Development Department prepared draft amendments to Section 19.20.100 (Setback Requirements And Exceptions), Section 19.30.040 (Number Of Parking Spaces Required), Section 19.34.030 (Accessory Dwelling Units), Section 19.34.031 (Junior Accessory Dwelling Units), Section 19.58.020 (Notice of Public Hearing or Discretionary Action), and Section 19.60.020.g (Definitions) of the Novato Municipal Code (hereafter "Amendments" collectively); and

WHEREAS, the Novato Planning Commission conducted a noticed public hearing on June 26, 2017, to consider and receive public testimony on the proposed Amendments. At this hearing, the Planning Commission adopted Resolution No. 2017-015 recommending the City Council approve the proposed Amendments with revisions; and

WHEREAS, on December 5, 2017, the City Council conducted a publicly noticed hearing to consider the proposed Amendments and the recommendation of the Planning Commission and public comments thereon; and

WHEREAS, at its hearing on December 5, 2017, the City Council adopted motions directing staff to modify the Amendments to: a) allow a single-family residence to have both an accessory dwelling unit and junior accessory dwelling unit; and b) add definitions of public transit facility, car share vehicle, and car share vehicle facility; and

WHEREAS, the Amendments have been updated to reflect the direction given by the City Council and to correct language addressing the conversion of existing accessory structures to accessory dwelling units; and

WHEREAS, notice of the City Council's public hearing on the Amendments was published in a 1/8th page legal ad in the Marin Independent Journal, a newspaper of local circulation, on February 2, 2018; and

WHEREAS, the City Council conducted a public hearing on February 13, 2018, to consider the revised Amendments.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NOVATO DOES FIND AND ORDAIN AS FOLLOWS:

Section 1. Record

The Record of Proceedings (“Record”) upon which the City Council bases its decision on the proposed Amendments to the Novato Municipal Code includes, but is not limited to: (1) the staff reports, City files and records and other documents, prepared or and/or submitted to the City relating to the proposed Amendments; (2) all documentary and oral evidence received at public meetings and hearings or submitted to the City; (3) the City of Novato 1996 General Plan and its certified EIR; and (4) all other matters of common knowledge to the City Council including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to regulation of accessory dwelling units and junior accessory dwelling units within the City of Novato and its surrounding areas.

The custodian of records is the City Clerk of the City of Novato, 922 Machin Avenue, Novato, CA 94945.

Section 2. Findings

The City Council hereby makes the following findings as required by Section 19.56.070.c.1. and 3. of the Novato Municipal Code with respect to the proposed Amendments as set forth in *Exhibit A*, attached hereto and incorporated herein by reference:

- a. The proposed amendment is consistent with the General Plan;

Facts in Support: The proposed Amendments detailed in Exhibit A are intended to modify the City’s existing zoning standards applicable to accessory dwelling and junior accessory dwelling units to comply with newly adopted state law and to reduce barriers to the construction of accessory dwelling and junior accessory dwelling units as a means of providing a range of housing types to meet statewide housing demand. The production of accessory dwelling units and junior accessory dwelling units is supported by General Plan Housing Chapter Policy 11.1 and Programs 11.A and

11.B, which encourage legislative changes to produce these housing types in Novato. Based on the direction of the noted policy and programs, the proposed Amendments are hereby found to be consistent with the General Plan.

- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;

Facts in Support: The proposed Amendments are intended to comply with state law and reduce barriers to the production of accessory dwelling units and junior accessory dwelling units in an effort to address demand for housing in California. Consistent with this statewide goal, the construction and occupancy of these types of housing units furthers the public interest, health, safety, convenience and welfare of Novato recognizing the need for additional housing opportunities, in particular smaller dwelling units with rents more affordable to prospective renters.

- c. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA), and the Novato Environmental Review Guidelines.

Facts in Support: The Amendments are statutorily exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15282(h) which specifically exempts the adoption of an ordinance addressing accessory dwelling units (and by extension junior accessory dwelling units complying with the provisions of Government Code Section 65852.2 (and by extension Section 65852.22 relating to junior accessory dwelling units).

- d. The proposed amendment is internally consistent with other applicable provisions of this Zoning Ordinance.

Facts in Support: The proposed Amendments include revisions to all applicable sections of the Zoning Ordinance that regulate the design and use of accessory dwelling units and junior accessory dwelling units, including the conversion of existing garages to accessory dwelling units. The proposed Amendments do not alter zoning standards regulating other uses addressed in the Zoning Ordinance. Therefore, the amendments would not create any internal inconsistencies with other provisions of the Zoning Ordinance.

Section 3: Decision

The City Council hereby approves the proposed Amendments to CHAPTER XIX, SECTION 19.20.100 (Setback Requirements and Exceptions), Section 19.30.040 (Number of Parking Spaces Required), Section 19.34.030 (Accessory Dwelling Units), Section 19.34.031 (Junior Accessory Dwelling Units), and Section 19.60.020.G (Definitions - Garage or Carport) of the Novato Municipal Code, as more fully described in Exhibit A attached hereto and incorporated herein by reference.

Section 4: Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 5: Publication and Effective Date

This ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire ordinance once in a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption, or

publishing the title or appropriate summary in a newspaper of general circulation, published in the City of Novato, at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

This ordinance shall become effective 30 days after the date of its passage and adoption.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting thereof, held on the ____ day of _____, by the following vote, to wit:

AYES: Councilmembers
NOES: Councilmembers
ABSTAIN: Councilmembers
ABSENT: Councilmembers

Mayor of the City of Novato

Attest:

City Clerk of the City of Novato

Approved as to form:

City Attorney of the City of Novato

DRAFT

EXHIBIT A

**ACCESSORY DWELLING & JUNIOR ACCESSORY DWELLING UNIT REVISIONS
DECEMBER 2017**

Zoning Ordinance Section 19.30.040 – Number of Parking Spaces Required

**TABLE 3-7
PARKING REQUIREMENTS BY LAND USE (Continued)**

Land Use Type: Residential Uses	Number of Parking Spaces Required (4)
Accessory dwelling units	1 As required by Section 19.34.030
Duplexes	2 spaces for each unit, 1 in a garage and located within 100 feet of the unit it serves; ¹ <u>Downtown (D) overlay</u> - 1 space for each unit in a garage and located within 100 feet of the unit it serves.
Group quarters (including boarding houses, rooming houses, dormitories, and organizational houses)	1 space for each bed, plus 1 space for each 8 beds for guest parking, 1 space for each employee on largest shift; <u>Downtown (D) overlay</u> - 1 space for each bed, plus 1 space for each employee on largest shift.
Mixed-use developments	Determined by type of use.
Mobile home parks	Two spaces for each mobile home (tandem parking allowed in an attached carport), plus 1 guest parking space for each two units. (1) (2) Recreational vehicle parking shall be provided at the rate of 1 space for every 5 units.
Multi-family dwellings, condominiums and other attached dwellings (2)	Studio unit - 1.2 spaces per unit; <u>Downtown (D) overlay</u> - 1 space per unit.
	1-bedroom unit - 1.5 spaces per unit; <u>Downtown (D) overlay</u> - 1 space per unit.
	2-bedroom unit - 2 spaces per unit; <u>Downtown (D) overlay</u> - 1.5 spaces per unit.
	3-bedroom unit - 2.2 spaces per unit; <u>Downtown (D) overlay</u> - 2 spaces per unit.
	Additional guest parking - 1 space for each 3 units (1); <u>Downtown (D) overlay</u> - 1 space for each 4 units (1).
Residential care facilities for the elderly (RCFE)	The parking requirements for this use are in Table 3-7 under “Service Uses.”
Senior housing projects	1 space for each unit with half the spaces covered, plus 1 guest parking space for each 10 units.
Single-family dwellings (3)	2 spaces, 1 in a garage. 3 enclosed spaces maximum unless approved through Design Review. ¹

Notes:

- (1) Guest parking shall be clearly marked for guests only and shall be evenly dispersed throughout the site. Appropriate signs shall be provided to direct visitors to the parking.
- (2) At least one space per unit shall be covered (i.e., within a garage or carport).
- (3) For any unit which is located farther than 150 feet from a street designed to accommodate parking, 4 spaces per unit.
- (4) Adjustments to parking standards for parcels designated Downtown Core on the General Plan Land Use Map are provided in Section 19.30.050F.

Zoning Ordinance Section 19.34.030 - Accessory Dwelling Units

This Section provides standards for the establishment of accessory dwelling units in compliance with State Law (Government Code § 65852.2) and Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards). An accessory dwelling unit also includes manufactured homes.

A. Submittal Requirements. Requests for an accessory dwelling unit shall include a completed accessory dwelling unit permit application and the following information as deemed appropriate by the Community Development Director:

1. **Plot plan (drawn to scale):** Dimension the perimeter of parcel on which the accessory dwelling unit will be located. Indicate the location, dimensioned setbacks and use of all existing and proposed structures on the project site and structures located within 50 feet of the project site boundaries. Delineate all easements, building envelopes, and special requirements of the parcel pursuant to its creation via subdivision and any like recordings. Plot one foot contour interval lines on the plan, and provide an average slope calculation for the project site.
2. **Floor Plans:** Each room shall be dimensioned and the resulting floor area calculation included. The use of each room shall be identified. The size and location of all windows and doors shall be clearly depicted.
3. **Elevations:** North, south, east and west elevations which show all openings, exterior finishes, original and finished grades, stepped footing outline, roof pitch, materials and color board for the existing residence and the proposed accessory dwelling unit.
4. **Cross Section:** Provide building cross sections including, but not limited to: structural wall elements, roof, foundation, fireplace and any other sections necessary to illustrate earth-to-wood clearances and floor to ceiling heights.
5. **Color photographs of the site and adjacent properties.** The photos shall be taken from each of the property lines of the project site to show the project site and adjacent sites. Label each photograph and reference to a separate site plan indicating the location and direction of the photograph.
6. A draft deed restriction completed as required per Section B below.

B. Development standards. Accessory dwelling units shall comply with the following standards, including the standards in Table 3-12.

1. **Number of units allowed:** Only one accessory dwelling unit may be located on any residentially zoned lot that permits a single-family dwelling and which is either undeveloped or contains only one legal single-family dwelling, except as otherwise regulated or restricted by an adopted Master Plan or Precise Development Plan.

Accessory dwelling units are not required to meet the density requirements of the General Plan when such units are proposed on parcels zoned for single-family residential uses (RR, RVL, R1, R4, R5, R10, R20, and residential PD zoned properties where accessory dwelling units are not explicitly prohibited by an adopted master plan/precise development plan). On parcels zoned for single-family residential use, an accessory dwelling unit shall not be permitted where more than one residential dwelling exists.

2. **Existing Development:**

- a. A single-family dwelling must exist on the lot or shall be constructed on the lot in conjunction with the construction of the accessory dwelling unit.
- b. An existing garage may be converted to an accessory dwelling unit provided that the required parking for the primary dwelling unit is replaced in accordance with Section 19.30.040.
- c. An existing garage may be demolished and replaced with an accessory dwelling unit, provided that the required parking is replaced in accordance with 19.34.030.B.14.
- d. An existing accessory structure may be converted to an accessory dwelling unit only where the accessory structure meets the development standards of this Section.

3. **Lot Coverage:** An accessory dwelling unit shall be included with the lot coverage requirements applicable to the primary dwelling unit.

4. **Occupancy:** The owner of a parcel proposed for accessory dwelling use shall occupy as a principal residence either the primary dwelling or the accessory dwelling. An accessory dwelling unit may not be rented for a period of less than 30-days consecutive calendar days.

5. **Sale prohibited:** An accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

6. **Deed Restriction:** A deed restriction shall be completed and recorded, in compliance with Section D below.

7. **Location of accessory dwelling unit:**

- a. An accessory dwelling unit may be within, attached to, or detached from the existing primary dwelling. If detached, the accessory dwelling unit shall be separated from the primary dwelling and any accessory structure(s) a minimum of 3 feet.
- b. Accessory dwelling units shall not be allowed where roadways, public utilities or services are determined inadequate by the Community Development Director or by a responsible public entity.

8. **Separate entry required for attached units:** A separate exterior entry shall be provided to serve an accessory dwelling unit.
9. **Architectural Compatibility:** An accessory dwelling unit shall incorporate the same or similar architectural features including height, building materials and colors as the primary dwelling unit or compatible dwellings located on adjacent properties.
10. **Second Story Design:** Any window, door or deck of a second story accessory dwelling unit shall utilize techniques as set forth in the Second Floor Residential Design Review Guidelines to lessen the impacts onto adjacent properties.
11. **Permanent Foundation:** A permanent foundation shall be required for all accessory dwelling units.
12. **Street Address Required:** Street addresses shall be assigned to all accessory dwellings to assist in emergency response. The street address shall be the same as the primary dwelling followed by the letter "A."
13. **Overlay and Environmental Protection Standards:** For properties subject to Overlay Districts (Division 19.16) and Environmental Protection areas, including, Hillside and Ridgeline Protection (Division 19.26), Waterways and Riparian Protection (Division 19.35), Wetland Protection and Restoration (Division 19.36) and Woodland and Tree Preservation (Division 19.39), accessory dwelling units shall not be permitted unless they comply with the standards and requirements contained in said divisions.
14. **On-Site Parking:**
 - a) One parking space per bedroom contained in the accessory dwelling unit, which may be provided as tandem parking on an existing driveway, in addition to those required for the primary residence.
 - b) The required parking spaces for the accessory dwelling unit may be uncovered. If an accessory dwelling unit requires two additional on-site parking spaces, they may be uncovered and in tandem with each other.
 - c) Where an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, replacement parking shall be provided on-site. Replacement parking spaces may be permitted in any configuration on the lot, including but not limited to covered, uncovered, or tandem spaces, or by the use of a mechanical lift. Notwithstanding the immediately preceding sentence, replacement parking may not be located in the front yard setback or the street side setback of a corner lot except on a driveway.
 - d) Where an existing garage, carport, or covered parking structure is converted in

conjunction with the construction of an accessory dwelling unit, replacement parking shall be provided on-site. Replacement parking spaces for the primary dwelling unit must comply with Section 19.34.040.

- e) On-site parking is not required for an accessory dwelling unit in any of the following instances:
1. The accessory dwelling unit is located within one-half mile of a public transit facility.
 2. The accessory dwelling unit is located within an architecturally and historically significant historic district.
 3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure meeting the development standards applicable to an accessory dwelling unit as stipulated in this Section.
 4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 5. When there is a car share vehicle facility located within one block of the accessory dwelling unit.

**TABLE 3-12
DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS**

Site or Design Feature	Site and Design Standards	
	Attached Units	Detached Units
Maximum unit size ¹	750 sf ¹ (1)	750 sf ¹ (1)
Maximum gross floor area	50 percent of the existing living area (2).	60 percent of the existing living area (2).
Minimum gross floor area	150 sf	150 sf
Setbacks	<p>As required for the primary dwelling unit by Article 2.</p> <p>No setback shall be required for an existing garage (previously permitted and meeting the definition of “Garage” in Division 6) that is converted to an accessory dwelling unit;</p> <p>A setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.</p> <p>A minimum side and rear yard setback of five (5) feet shall be required to allow an existing accessory structure to be converted to an accessory dwelling unit, representing the minimum setbacks sufficient for fire safety.</p>	
Height limit	As required for the primary dwelling unit by Article 2	As required for the primary dwelling unit by Article 2
Parking	As required by Section 19.34.030 B.14	

Notes:

- (1) 50 square feet of additional floor area may be allowed for each 2,000 square feet of lot size over 10,000 square feet up to a maximum of 1,000 square feet of floor area.
- (2) Living area is defined as the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.

C. Application Processing.

1. A courtesy notice shall be mailed when an accessory dwelling unit is proposed in compliance with Division 19.58 - Public Hearings.
- The Community Development Director shall issue an approval or denial of the accessory dwelling permit application within 120 days of submittal.

D. Deed Restriction. A deed restriction, approved as to form by the City Attorney and signed by the Community Development Director or designee, shall be recorded with the County Recorder’s office, which shall include the pertinent restrictions and limitations of an accessory dwelling unit identified in this Section. Said deed restriction shall be recorded

prior to issuance of a building permit for the accessory dwelling unit and run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Department stating that:

1. The accessory dwelling unit shall not be sold separately from the primary dwelling unit;
2. The accessory dwelling unit is restricted to the maximum size approved by the Community Development Director.
3. The accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property;
4. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with any provisions of Section 19.34.030, may result in legal action against the property owner, including revocation of any right to maintain an accessory dwelling unit on the property.
5. The accessory dwelling unit shall not be rented for a period of less than 30 consecutive calendar days.

E. Fees

- a. Accessory dwelling units are subject to the requirements for the payment of Development Impact fees in accordance with the City's fee schedule.
- b. Connection fees for utilities shall be paid as established by each utility.

19.34.031 – Junior Accessory Dwelling Units²

This Section provides standards for the establishment of junior accessory dwelling units, in compliance with State Law (Government Code § 65852.2) and Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as an alternative to the standard accessory dwelling unit, permitted as set forth in Section 19.34.030, and are allowed in accordance with Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

A. Development Standards. Junior accessory dwelling units shall comply with the following standards, including the standards in Table 3-13:

1. Number of Units Allowed: Only one junior accessory dwelling unit may be located on any residentially zoned lot that permits a single-family dwelling except as otherwise regulated or restricted by an adopted Master Plan or Precise Development Plan. A junior accessory dwelling unit may only be located on a lot which already contains one legal single-family dwelling.
2. Owner occupancy: The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the accessory dwelling.

3. **Sale Prohibited:** A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
4. **Deed Restriction:** A deed restriction shall be completed and recorded, in compliance with Section D below.
5. **Location of Junior Accessory Dwelling Unit:** A junior accessory dwelling unit must be created within the existing walls of an existing primary dwelling, and must include conversion of an existing bedroom.
6. **Separate Entry Required:** A separate exterior entry shall be provided to serve a junior accessory dwelling unit.
7. **Kitchen Requirements:** The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
 - a. A sink with maximum width and length dimensions of sixteen(16) inches and with a maximum waste line diameter of one-and-a-half (1.5) inches,
 - b. A cooking facility or appliance which does not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas, and
 - c. A food preparation counter and storage cabinets which do not exceed six (6) feet in length.
8. **Parking:** No additional parking is required beyond that required at the time the existing primary dwelling was constructed.

**Table 3-13
DEVELOPMENT STANDARDS FOR JUNIOR ACCESSORY
DWELLING UNITS**

Site or Design Feature	Site and Design Standards
Maximum unit size	500 square feet
Minimum unit size	150 square feet
Setbacks	As required for the primary dwelling unit by Article 2

B. Application Processing.

1. The Community Development Director shall issue a junior accessory dwelling unit permit if the application provides the information required per the Submittal Requirements (Section C below) and conforms to the Development Standards (Section A above).

2. ~~The City shall provide notice in compliance with Division 19.58—Public Hearings. The City shall provide a courtesy notice in compliance with Division 19.58.020B.~~ A courtesy notice shall be mailed to the owners of real property that adjoin the parcel on which the junior accessory dwelling unit is proposed.

3. The Community Development Director shall render an approval or denial of the junior accessory dwelling permit application within 120 days of submittal.

C. Submittal Requirements. Application for a junior accessory dwelling unit shall include a completed application for a junior accessory dwelling unit permit and the following information as deemed appropriate by the Zoning Administrator.

1. Plot Plan (Drawn to Scale): Dimension the perimeter of parcel on which the junior accessory dwelling will be located. Indicate the location and use of all existing and proposed structures on the project site.
2. Floor Plans: A dimensioned plan drawn to scale of the existing primary dwelling identifying the use of each room and identifying the room(s) to be dedicated to the junior accessory dwelling unit, including an exterior entrance. The resulting floor area calculation of the proposed junior accessory dwelling unit shall be included, which shall include the area of any dedicated bathroom, if any, for the exclusive use of the junior accessory dwelling unit.
3. Kitchen Plan: A dimensioned plan drawn to scale indicating proposed kitchen improvements, including a kitchen sink, cooking appliance(s) food preparation counter and food storage cabinets.

D. Deed Restriction. Prior to obtaining a building permit for a junior accessory dwelling unit, a deed restriction, approved by the City Attorney as to form and signed by the Community Development Director or designee, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Department stating that:

1. The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit;
2. The junior accessory dwelling unit may not be rented for a period of less than 30 consecutive calendar days;
3. The junior accessory dwelling unit is restricted to the size approved by the Community Development Director;
4. The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the junior accessory dwelling unit, is occupied by the owner of record of the property;

5. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with any provisions of Section 19.34.031, may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

19.20.100 - Setback Requirements and Exceptions.

E. *Limitations on the Use of Setbacks.* Required setback areas shall only be used in compliance with the following requirements, and as provided by [Section 19.34.130](#) (Outdoor Dining Display and Sales):

1. *Structures.* Required setback areas shall not be occupied by permanent structures other than:
 - a. The fences and walls permitted by [Section 19.20.040](#) (Fences, Walls, and Hedges);
 - b. The projections into setbacks allowed by Subsection D. (Allowed Projections into Setbacks); and
 - c. Accessory uses and structures permitted by [Section 19.34.032](#).
2. *Storage.* No required setback shall be used for the storage of inoperable vehicles, scrap, junk, building materials, or similar material.
3. *Parking.* Required residential parking shall not be located within a front (or side on a streetside corner lot) setback area. Required parking for an accessory dwelling unit may be exempted from this standard. Non-required residential parking (e.g., guests parking on a driveway) is allowable within required setback areas only on paved driveways, and within paved side yards, in compliance with [Section 19.30.070](#) (Parking Design Standards), and [Section 19.34.170](#) (Vehicle Parking in Residential Zones).
4. *Pavement.* Within a residential zoning district, pavement within a front yard setback shall be limited to no more than 50 percent of the area of the required setback, unless a greater percentage of paved area is approved through Design Review.

ARTICLE 6

Definitions

Division 19.60 - Definitions/Glossary 6-3

 19.60.010 - Purpose of Article 6-3

 19.60.020 - Definitions of Specialized Terms and Phrases 6-3

C. Definitions, “C.”

Car Share Vehicle. A vehicle available for sharing located in a car share vehicle facility approved by the City.

Car Share Vehicle Facility. A facility of fixed location approved by the City to permit the storage, pick-up, and drop-off of a car share vehicle.

G. Definitions, “G.”

Garage, or Carport. Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Division 19.30 (Parking and Loading).

1. A garage is an attached or detached accessory structure specifically designed with a door of at least eight feet wide for a single car garage and sixteen feet wide for two cars, providing a parking stall(s) meeting the requirements of Section 19.30.070, enclosed on at least three sides, and served by a paved driveway of sufficient width to accommodate motor vehicle (car or truck) movements and connected to a public or private street.
2. A carport is an attached or detached accessory structure enclosed on no more than two sides, providing a parking stall(s) meeting the requirements of Section 19.30.070, and served by a paved driveway or drive aisle of sufficient width to accommodate motor vehicle (car or truck) movements and connected to a public or private street.

P. Definitions, “P.”

Public Transit Facility. A site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute period.