

CHAPTER 17.85 ACCESSORY DWELLING UNIT

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17.85.010 Purpose.

The purpose of this chapter is to provide additional opportunities for affordable housing in the city by permitting accessory dwelling units for residential purposes on lots zoned for single-family or multiple family use; to implement state law requiring consideration and provisions for such use; and to protect and preserve existing neighborhoods through established development standards for accessory dwelling units.

17.85.020 Definitions.

(A) "Accessory dwelling unit" means the same as defined in § 17.04.016 of this code.

(B) "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

(C) "Living area" means the interior habitable area of a dwelling unit including basements and attics, but excluding a garage or any accessory building.

~~(D)~~ "Junior accessory dwelling unit" means the same as defined in § 17.04.018 of this code.

~~(E)~~ "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of an accessory dwelling unit.

~~(F)~~ "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes and are available to the public.

17.85.030 General requirements.

No accessory dwelling unit may be approved or certificate of occupancy issued unless and until each of the following requirements are met:

(A) The plans for the accessory dwelling unit indicate that requirements of the State Subdivision Map Act and Title 16 of this code will be met.

(B) The accessory dwelling unit complies with the requirements of Title 15 of this code, including, without limitation, the Building Code and the Fire Code.

(C) The lot proposed for an accessory dwelling unit is zoned for single family, multiple family residential or residential/commercial mixed-use and contains an existing or proposed primary unit.

(D) The applicant is the owner of the property.

(E) An accessory dwelling unit shall not be sold separately from the primary unit, but may be rented; provided that short term rentals less than 30 days are prohibited for either unit.

(F) An accessory dwelling unit located within the existing living area of a single-family primary unit or accessory building does not require a new or separate utility connection directly between the accessory dwelling unit and the utility.

(G) For an attached or detached accessory dwelling unit or an accessory dwelling unit that is constructed with a new single-family primary unit, the applicant shall be required to pay a water and sewer connection fee and/or capacity charge established by resolution of the City Council that is proportionate to the burden of the proposed accessory dwelling unit on the water and sewer system, based upon either its square footage or the number of its drainage fixture unit value, as defined in the California Plumbing Code, as adopted in Chapter 15.20. No water or sewer connection fee or capacity charge shall be required for the development of an accessory dwelling unit located within the existing living area of a primary unit unless the accessory dwelling unit is being constructed at the same time as a new primary unit.

(H) An accessory dwelling unit that conforms to the requirements of this chapter shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use that is consistent with the General Plan and zoning designations for the lot.

(I) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(J) The physical dimensions of a primary unit or an accessory building may be expanded by no more than 150 feet if necessary to accommodate ingress and egress to a junior accessory dwelling unit or an accessory dwelling unit located within an accessory building or the existing living area of a primary unit.

(K) The maximum number of accessory dwelling units and/or junior accessory dwelling units that may be constructed on each lot shall be as follows:

(1) On lots with an existing or proposed single-family primary unit, a maximum of two accessory dwelling units are permitted in any of the following combinations provided that the side and rear setbacks are sufficient for fire and safety:

(a) One detached accessory dwelling unit that otherwise complies with the requirements of this chapter and either one junior accessory dwelling unit, or one accessory dwelling unit that is attached along a shared wall of the primary dwelling or contained entirely within the existing or proposed single-family primary unit and that otherwise complies with the requirements of this chapter;

(b) One junior accessory dwelling unit and one accessory dwelling unit that is contained entirely within the existing or proposed single-family primary unit and that otherwise complies with the requirements of this chapter;

(c) Two junior accessory dwelling units.

(2) On lots with existing multi-family ~~residential units dwellings~~, accessory dwelling units or junior accessory dwelling units may be constructed as follows:

(a) Accessory structures located on the same lot that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements or garages, may be converted to accessory dwelling units or junior accessory dwelling units provided such units comply with the requirements of this chapter and all applicable regulations set forth in Title 15 of this code.

~~(3b) One accessory dwelling unit or junior accessory dwelling unit shall be permitted within an existing multi-family dwelling and On lots with existing multi-family residential units, accessory dwelling unit(s) or junior accessory dwelling unit(s) may be constructed permitted within up to 25% of the existing multi-family residential units dwellings on the lot provided that at least~~

~~one accessory dwelling unit or junior accessory dwelling unit shall be permitted within the existing multi-family residential units on the lot.~~

~~(c) No more than eight detached accessory dwelling units provided that the number of detached accessory dwelling units shall not exceed the number of existing dwelling units on the lot.~~

~~(43) On lots with existing proposed multi-family residential units dwellings, no more than two detached accessory dwelling units may be constructed.~~

17.85.040 Development standards.

(A) The accessory dwelling unit shall be located on the same lot as the proposed or existing primary unit and shall be attached to or contained within the existing space of the proposed or existing primary unit, including attached garages, storage areas, or accessory structures, or detached from the primary unit.

(B) Parking for an accessory dwelling unit is required in the following manner:

(1) No additional parking is required for an accessory dwelling unit contained within the existing living area of a primary unit or an existing accessory structure.

(2) An accessory dwelling unit attached or detached from the primary unit shall provide one parking space per unit or one parking space per bedroom, whichever is less. Parking may be provided on an existing driveway in the front yard setback area of the lot on which the accessory dwelling unit is located, provided that the driveway is at least 20 feet in depth. Notwithstanding the foregoing, if an existing garage, carport, ~~or~~ covered parking structure, or uncovered parking space is converted to an accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit, the parking provided by such garage, carport, ~~or~~ covered parking structure, or uncovered parking space is not required to be replaced.

(3) Parking spaces shall be paved or on another surface approved by the Community Planning and Development Director, such as compacted, decomposed granite. Parking on dirt or landscaped areas is prohibited.

(4) A front yard landscaped area is required to be maintained on the lot on which the accessory dwelling unit is located and shall not be removed to accommodate off-street parking.

(C) Notwithstanding the foregoing, no additional parking spaces beyond that required for the primary unit shall be required for an accessory dwelling unit that meets any of the following criteria:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within a historic district identified in the city's Register of Historic Resources.

(3) The accessory dwelling unit is contained within the existing primary unit or accessory building.

(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 located within one block of the accessory dwelling unit.

(D) The total floor area for an accessory dwelling unit shall not exceed 1,200 square feet, if detached, or 50% of the primary unit if attached, or, subject to subsection (F) of this section, otherwise result in the total built area of the primary unit and the accessory dwelling unit exceeding the maximum lot area coverage as prescribed per the underlying residential zone. This standard shall not apply to an accessory dwelling unit that is contained within the existing space of an existing or proposed primary unit or accessory building.

(E) Nothing in this chapter shall be construed and no development standard shall apply to prohibit the construction of an accessory dwelling unit that is at least 16 feet in height and at least 800 square feet in size.

(F) The location of, and improvements for, the accessory dwelling unit shall conform with the yard setback, building height, and landscaping requirements of the zone in which it is to be located, except as applied in the following:

(1) No setback shall be required when existing living area or an existing accessory structure is converted to an accessory dwelling unit, or a portion of an accessory dwelling unit, or when an accessory dwelling unit or a portion of an accessory dwelling unit is constructed in the same location and to the same dimensions as existing living area or an existing accessory structure.

(2) A setback of no more than four feet from the side and rear lot lines, including lot lines adjacent to streets, shall be required for all other accessory dwelling units.

(G) An accessory dwelling unit shall have a separate independent entrance from the primary unit.

(H) A manufactured home on a permanent foundation may be permitted in any zone as an accessory dwelling unit, subject to the provisions of Chapter 17.81.

(I) The accessory dwelling unit shall be architecturally compatible with the primary unit, with respect to style, roof pitch, color, and exterior materials.

(J) If the existing primary unit is required to have fire sprinklers, the accessory dwelling unit shall be required to have fire sprinklers.

17.85.050 Junior Accessory Dwelling Units.

Subject to the limitations set forth in § 17.85.030(K), a junior accessory dwelling unit shall be permitted if it complies with the following standards:

(A) The junior accessory dwelling unit complies with the requirements of Title 15 of this code, including, without limitation, the Building Code and the Fire Code.

(B) The owner of the lot proposed for the junior accessory dwelling unit shall occupy, as a principal residence, either the primary unit or the junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another government agency, land trust, or housing organization.

(C) The junior accessory dwelling unit shall not be sold independently of the primary unit on the lot. Either unit may be rented; however, short term rentals less than 30 days are prohibited.

(D) A deed restriction, in the form satisfactory to the Community Planning and Development Director and the City Attorney, shall be completed and recorded with the County Recorder's office prior to issuance of a building permit for a junior accessory dwelling unit. The deed restriction shall include the restrictions and limitations identified in this subsection, shall run with the land, and shall be binding upon any future owners, heirs, or assigns of the property. A copy of the recorded deed restriction shall be filed with the Community Planning and Development Department stating the following:

(1) The junior accessory dwelling unit shall not be sold separately from the primary unit;

(2) The junior accessory dwelling unit shall not exceed 500 square feet in size;

(3) The junior accessory dwelling unit shall be considered permitted only so long as either the primary unit or the junior accessory dwelling unit is occupied by the record owner of the property, except when the property is owned by a government agency, land trust, or housing organization.

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

(E) The junior accessory dwelling unit must be created within the walls of an existing or proposed primary unit.

(F) The junior accessory dwelling unit shall have an independent exterior entrance separate from the main entrance to the primary unit.

(G) The junior accessory dwelling unit shall include an efficiency kitchen which shall include and be limited to the following components:

(1) A cooking facility with appliances.

(2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(H) A junior accessory dwelling unit shall comply with the building setbacks as required for the primary unit.

(I) No additional parking shall be required for the junior accessory dwelling unit.

(J) No water or sewer connection fee or capacity charge shall be required for the development of a junior accessory dwelling unit.

(K) A junior accessory dwelling unit does not require a new or separate utility connection directly between the junior accessory dwelling unit and the utility.

(L) Fire sprinklers shall be required for a junior accessory dwelling unit only if fire sprinklers are required for the primary unit.

17.85.060 Review and approval process.

Accessory dwelling units, ~~larger accessory dwelling units,~~ and junior accessory dwelling units shall be reviewed ministerially through the plan check process for a building permit. Application, plans, and documents required for the plan check process shall be submitted to the Building Division in accordance with the plan check submittal requirements. The city will act on such applications within 60 days of receipt of a completed application or such extended time as requested by the applicant; provided that if the application to construct an accessory dwelling unit or a junior accessory unit is submitted with an application to construct a new single-family

primary unit on the lot, the city will delay acting on the accessory dwelling unit permit until such time that the building permit is issued for the primary unit.

17.85.070 Fees.

Plan check fees may be established by City Council resolution. Such fees, if any, shall be paid at the time the documents are submitted for plan check.

17.85.080 Non-Permitted Accessory Dwelling Units or Junior Accessory Dwelling Units.

The issuance of a building permit for a previously constructed but nonpermitted accessory dwelling unit or junior accessory dwelling is subject to the requirements of Government Code Section 66332.