

TITLE 17 ZONING REGULATIONS

17.10.020 Use regulations by zone.

Residential Care Facilities—6 or Fewer Residents	A		A	A	A	A		A	M/A		M/A	M/A	MUP				Multiple state statutes
Residential Care Facilities—7 or More Residents			MUP	MUP	MUP	MUP		MUP			MUP	MUP					Multiple state statutes
Supportive and/or Transitional Housing, with On- or Off-Site Services			A	A	A	A	MUP	A	A	A	A	A	A	A	A		<u>Projects that contain supportive and/or transitional housing located within a commercial zone are not required to be a mixed-use development and may be 100% residential except for those projects located in the C-D zone or Downtown Core. This includes projects that combine below market rate housing and supportive and/or transitional housing units.</u>
Farmworker Housing	A	A															

MIXED USES

Mixed-Use Development								A	A	A	A	A	A	A	A		See Sec. <u>17.70.130</u> and GC Sec. <u>65852.24</u>
-----------------------	--	--	--	--	--	--	--	---	---	---	---	---	---	---	---	--	---

17.69.010 Purpose and application.

A. *Purpose.* This chapter is intended to provide objective standards for the design of residential and mixed-use projects (herein referred to as “residential projects”) that are eligible for ministerial approval to ensure compatibility with existing and planned development on the site and adjacent and nearby properties while also supporting the development of housing consistent with the city’s general plan.

B. *Applicability.* The provisions of this chapter apply to all residential projects, in all zones, that qualify for streamlined, ministerial processing per Government Code Section 65913.4, or that are a “use by right” residential project. In addition, eligible residential projects must comply with all objective city policies, thresholds of significance, development standards, and design standards as established in, but not limited to, the general plan, zoning regulations, city standard specifications and engineering standards, active transportation plan, transportation impact study guidelines, climate action plan, and the municipal code.

A “use by right” residential project is a residential project that includes at least twenty percent of the units as affordable to lower income households (low, very low, and extremely low) ~~and does not require discretionary review or approval (ministerial review only) and~~ or residential projects that are otherwise deemed subject to ministerial processing per state or local law.

Residential projects seeking exceptions, waivers, or modifications to any development standards set forth in the city’s zoning regulations or the design standards set forth in this chapter, excluding modifications granted as part of density bonus concession, incentive, parking reduction, or waiver of development standards pursuant to state density bonus law or the city’s density bonus regulations (Chapter 17.140), shall not be eligible for ministerial and/or streamlined processing contemplated by this chapter, and will be subject to the city’s discretionary development review process outlined in Chapter 17.106.

Where these standards conflict with other state law or local code requirements (including but not limited to California Building Code and the city’s standard specifications and engineering standards) the more restrictive provision shall prevail. (Ord. 1703 § 4, 2021)

17.86.020 Accessory dwelling units, and junior accessory dwelling units, and guest quarters.

A. *Purpose and Applicability.* The purpose of this chapter is to prescribe development and site regulations that apply, except where specifically stated, to accessory dwelling units, junior accessory dwelling units, and guest quarters, as defined in Chapter 17.156 (Land Use Definitions).

B. *Accessory Dwelling Units.* The provisions in this subsection shall apply to accessory dwelling units as defined in Chapter 17.156 (Land Use Definitions) and where allowed in compliance with Chapter 17.10 (Use Regulations).

1. *Purpose.* The purpose of this chapter is to provide for the creation of accessory dwelling units in a manner that is consistent with requirements identified in ~~Government Code Section 65852.2~~ Chapter 13 of Division 1 of Title 7 of the California Government Code, as amended from time to time. Implementation of this section is meant to expand housing opportunities by increasing the number of smaller units available within existing neighborhoods.

2. *General Requirements.*

a. *Application.* Where this section does not contain a particular type of standard or procedure, conventional zoning standards and procedures shall apply.

b. *No Subdivision of Property.* Except as provided in state law, ~~No~~ no subdivision of property shall be allowed where an accessory dwelling unit has been established and the resulting subdivision does not maintain the primary residence on the same lot as the accessory dwelling unit(s).

c. *Sale of Property.* This section shall apply to new owners of property where an accessory dwelling unit has been established. All conditions of director's action (if applicable), restrictive covenants and other contractual agreements with the city shall apply to the property and the new owners, except as allowed or prohibited by state law.

d. *Applicability of Building Codes.* Accessory dwelling units shall conform to all applicable building and construction codes.

3. *Specific Requirements and Standards.*

a. *Zones Where Allowed.* An accessory dwelling unit, as defined in Chapter 17.156 (Land Use Definitions), can be created in the AG, C/OS, C-N, C-C, C-R, C-D, C-T, C-S, M, R-1, R-2, R-3, R-4, or O (Office) zone on lots with an existing or proposed residential structure. ~~For the purposes of this section, structures that contain both commercial and residential uses are not considered residential structures.~~

b. *Size of Accessory Dwelling Unit.* ~~The~~ Except as provided in state law, the gross floor area of an accessory dwelling unit shall be no less than one hundred fifty square feet and shall not exceed eight hundred fifty square feet for a studio or one-bedroom unit, or one thousand square feet for a unit containing two or more bedrooms.

i. The director may authorize an exception to the square footage standards to allow an accessory dwelling unit up to one thousand two hundred square feet through the director's action process. In the R-1 zone, this exception can only be approved on lots that are at least twelve thousand square feet in area. In all other zones, exceptions shall be based on compatibility with the development pattern of the neighborhood.

~~c. *Limitation on Number.* Only one accessory dwelling unit is permitted per lot.~~

~~d. c.~~ *Design Standards.* Accessory dwelling units shall conform to all applicable development standards of the underlying zone, including but not limited to height, setback area, parking, and building coverage, unless otherwise stated in this section or prohibited by state law.

i. No passageway, defined as a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit, shall be required in conjunction with the construction of an accessory dwelling unit.

ii. No setback shall be required for an existing permitted structure that is converted to an accessory dwelling unit, or for an accessory dwelling unit that is constructed in replacement of an existing permitted structure, provided it is in the same location and has the same dimensions including height.

iii. A setback of no more than four feet from the side and rear lot lines is required for an accessory dwelling unit, for walls up to sixteen feet in height.

iv. Accessory dwelling units that include the creation of new square footage shall be limited to sixteen feet in height. Up to one hundred fifty square feet of new square footage may be exempted from this requirement in connection to a conversion of existing upper floor square footage, but only as needed to accommodate ingress and egress.

(a) In order to provide additional design options for accessory dwelling units, units that include the creation of new square footage can be constructed up to twenty-five feet in height if consistent with the setback standards provided in Article 2 of this title (Zones, Allowable Uses and Development and Design Standards).

~~v. Architectural style and form shall match the style and form of the primary residential structure(s) on the property.~~

~~vi. The materials of the accessory dwelling unit shall match the materials of the primary residential structure(s) on the property.~~

~~vii.~~v. The minimum required setback for any balcony or terrace above the first floor shall be increased to ten feet from the adjacent property line(s). Upper level private or common open space areas provided as accessory to an accessory dwelling unit shall not exceed an aggregate area of fifty square feet. Roof decks or rooftop open spaces are prohibited.

~~viii.~~vi. Exceptions to these design standards can be approved by the director, through director's action, subject to required findings (Section 17.108.040).

~~e.~~d. *Fire Sprinklers.* Accessory dwelling units shall not be required to provide fire sprinklers if fire sprinklers are not required for the primary residence. The construction of an accessory dwelling unit shall not require fire sprinklers to be installed in the existing primary dwelling.

~~f.~~e. *Parking Requirements.* No additional parking spaces shall be required for an accessory dwelling unit. If a garage or carport is converted or removed to accommodate an accessory dwelling unit, replacement parking is not required.

~~g. f.~~ *Historic Resources.* Accessory dwelling units on listed historic properties and in historic districts shall be consistent with the historic preservation ordinance, including historic preservation guidelines and Secretary of the Interior standards for the treatment of historic properties.

~~h. g.~~ *Utility Connection Fees.* Where an accessory dwelling unit is created within an existing structure (primary or accessory), no new utility connection or payment of impact fees shall be required. For all other accessory dwelling units, a new utility connection for the accessory dwelling unit and payment of impact fees may be required if the accessory dwelling unit is seven hundred fifty square feet or more. New accessory dwelling units located in sewer capacity constrained areas are subject to Section 13.08.396 (Wastewater flow offset).

~~i. h.~~ *Additional Accessory Dwelling Unit Types. Additional Accessory Dwelling Unit Configurations.* Accessory dwelling units that are consistent with Government Code Section ~~65852.2(e)~~ 66323 shall receive ministerial approval. ~~The provisions of Government Code Section 65852.2(e) cannot be combined with other accessory dwelling unit provisions of this section and no exceptions are available for projects subject to Section 65852.2(e).~~ Building permit applications to create accessory dwelling units consistent with Government Code Section ~~65852.2(e)~~ 66323 shall clearly be labeled as such (e.g., “ADU-e” “ADU-66323”). ~~In connection to the provision of Government Code Section 65852.2(e), multifamily dwelling structures shall be defined in accordance with Government Code Section 65589.5(h)(2).~~

4. *Procedural Requirements.* An accessory dwelling unit that meets the standards contained in this section shall be subject to ministerial review (building permit) and approval without discretionary review (i.e., use permit, architectural review, etc.) or public hearing.

a. Within sixty days of receiving a complete application, the city shall approve any such application which complies with all applicable requirements and development standards identified in this chapter or deny any such application that does not. If the proposed accessory dwelling unit(s) does not comply with the requirements and standards identified in this chapter, the applicant shall receive a full set of comments with a list of items that are defective or deficient and a description of how the application can be remedied by said applicant. When an accessory dwelling unit is proposed within a new residential structure,

this sixty-day requirement shall only apply once all other aspects of the permit are approved.

b. Building permit applications for accessory dwelling units on lots containing an existing primary dwelling or dwellings shall not include other changes or improvements to the property unless those improvements are required to facilitate the creation of the accessory dwelling unit.

c. Building permit applications involving the construction of new space or the alteration of existing space within an existing residential structure may be designed in such a manner as to facilitate the conversion to an accessory dwelling unit or junior accessory dwelling unit. Said new construction or alterations to an existing single-family residential structure shall be consistent with the City's objective design standards and any applicable zoning regulations. An accessory dwelling unit or junior accessory dwelling unit created through such a building permit application cannot be combined with the provisions of California Government Code Section 66323.

5. *No Short-Term Rental.* An accessory dwelling unit cannot be rented for a period of less than thirty days. Homestay use of an accessory dwelling unit is prohibited.

6. *Violations.* Violation of any of the provisions of this chapter shall be subject to basic code enforcement action as provided in Title 1.

C. *Junior Accessory Dwelling Units.* The provisions in this subsection shall apply to junior accessory dwelling units as defined in Chapter 17.156 (Land Use Definitions) and where allowed in compliance with Chapter 17.10 (Use Regulations).

1. *Purpose.* The purpose of this chapter is to provide for the creation of junior accessory dwelling units in a manner that is consistent with requirements identified in ~~Government Code Section 65852.22~~ Chapter 13 of Division 1 of Title 7 of the California Government Code, as amended from time to time. Implementation of this section is meant to expand housing opportunities by increasing the number of smaller units available within existing neighborhoods.

2. *General Requirements.*

- a. *Application.* Where this section does not contain a particular type of standard or procedure, conventional zoning standards and procedures shall apply.
- b. *Areas Where Junior Accessory Dwelling Units Are Allowed.* Upon meeting the requirements of this section, junior accessory dwelling units may be established in any zone where the use of the property is a single-unit dwelling, either existing or proposed.
- c. *Sale of Property.* A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
- d. *Location.* A junior accessory dwelling unit must be created within the walls of a proposed or existing primary dwelling.
 - i. Conversion of an existing garage into a junior accessory dwelling unit shall only be permitted if replacement parking is provided consistent with Sections 17.70.170 (Setbacks) and 17.76.040 (Front yard parking). No setback exception shall be approved to accommodate replacement parking.
- e. *Size of Junior Accessory Dwelling Unit.* The gross floor area of a junior accessory dwelling unit shall not exceed five hundred square feet.
- f. *Limitation on Number.* Only one junior accessory dwelling unit may be located on any ~~residentially-zoned~~ lot zoned for single-family residences with existing or proposed single-family residence(s). ~~A junior accessory dwelling unit may only be located on a lot that contains one permitted single-family structure or in connection with the construction of a single-family structure.~~ A junior accessory dwelling unit may be located on the same lot as an accessory dwelling unit under one of the following circumstances:
 - i. The accessory dwelling unit was constructed at the same time as the single-family residence.
 - ii. The accessory dwelling unit was created through the conversion of existing space within a single-family residence or accessory structure.
 - iii. The accessory dwelling unit, either new or existing, is a detached unit, and the detached accessory dwelling unit is no larger than eight hundred

square feet, no taller than sixteen feet in height and has setbacks of no less than four feet from side and rear lot lines.

g. *Applicability of Building Codes.* Junior accessory dwelling units shall conform to all applicable building and construction codes.

3. *Performance Standards and Compatibility.*

a. *Design Standards.* Junior accessory dwelling units shall conform to all applicable development standards of the underlying zone, including but not limited to height, setback area, parking, and building coverage and shall be subject to the provisions below. A junior accessory dwelling unit that conforms to this section shall not be considered a dwelling unit for the purpose of calculating density.

i. A separate exterior entry shall be provided to serve a junior accessory dwelling unit.

ii. ~~The interior connection to the main living area may be maintained or removed.~~ A separate entrance from the main entrance to the primary structure, with an interior entry to the main living area, shall be provided if the junior accessory dwelling unit does not include a separate bathroom.

iii. At a minimum, junior accessory dwelling units shall include an efficiency kitchen, which shall contain a cooking facility, food preparation counter, and storage cabinets.

iv. Junior accessory dwelling units shall not be required to provide fire sprinklers if fire sprinklers are not required for the primary residence. The construction of a junior accessory dwelling unit shall not require fire sprinklers to be installed in the existing primary dwelling

v. No additional parking spaces shall be required for a junior accessory dwelling unit.

b. *Utility Connection Fees.* Where a junior accessory dwelling unit is created no new utility connection or payment of impact fees shall be required.

c. *Fire and Life Protection.* For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

4. *Procedural Requirements.* A junior accessory dwelling unit that meets the standards contained in this section shall be subject to ministerial review (building permit) and approval without discretionary review (i.e., use permit, architectural review, etc.) or public hearing.

a. Within sixty days of receiving a complete application, the city shall approve any such application which complies with all applicable requirements of this section.

b. Building permit applications for junior accessory dwelling units on lots containing an existing single-family residence shall not include other changes or improvements to the property unless those improvements are required to facilitate the creation of the junior accessory dwelling unit.

5. *Owner Occupancy.* ~~The~~ Except as required by state law, the owner of the property shall occupy either the primary residence or the junior accessory dwelling unit.

6. *Covenant Agreement.* ~~Prior~~ Except as required by state law, prior to the issuance of building permits for a junior accessory dwelling unit, a covenant agreement shall be recorded which discloses the structure's approved floor plan and status as a "junior accessory dwelling unit" and agreeing that the owner of the property will occupy either the primary residence or the junior accessory dwelling unit. This agreement shall be recorded in the office of the county recorder to provide constructive notice to all future owners of the property.

7. *No Short-Term Rental.* A junior accessory dwelling unit cannot be rented for a period of less than thirty days. Homestay use of a junior accessory dwelling unit is prohibited.

8. *Violations.* Violation of any of the provisions set forth in this chapter shall be subject to code enforcement action as provided in Title 1.

D. *Guest Quarters.*

1. *Purpose and Intent.* The purpose of this section is to establish regulations for the development of guest quarters as an approved accessory use to a primary residential unit in accordance with Section 17.70.010 (Accessory structures).
2. *Applicability.* This section does not apply to legally established dwellings or accessory dwelling units, or accessory structures, which are separately defined in Chapter 17.158 (General Definitions).
3. *General Requirements.* Guest quarters shall conform to all applicable zoning regulations such as height, yards, parking, building coverage, etc., and shall be subject to the following provisions:
 - a. *Accessory to Primary Residence.* Guest quarters may only be used in conjunction with a primary residence that contains a kitchen and may consist of detached structures or additions to primary structures. Only one guest quarters may be permitted per property.
 - b. *Size.* Guest quarters shall be no larger than four hundred fifty square feet.
 - c. *Density and Development Standards.* Guest quarters shall be consistent with density provisions and development standards of the underlying zone. For the purposes of calculating density in multi-unit residential zones, guest quarters will be considered an additional bedroom, accessory to the primary unit. The structure may not exceed four hundred fifty square feet and shall remain in an open floor plan (studio configuration).
 - d. *Zones in Which Guest Quarters May Be Allowed.* Upon meeting the requirements in this section, guest quarters may be established in the following zones: R-1, R-2, R-3, R-4, and O, when the primary use on the site is a single-unit residential dwelling.
 - e. *Areas Prohibited.* Guest quarters shall not be established in any condominium or planned development project unless specifically addressed in the planned development ordinance as adopted or amended, or any mobile home subdivision or trailer park. Guest quarters shall not be allowed on lots with an existing accessory dwelling unit.
 - f. *Owner Occupancy.* The property must be occupied by the property owner as the owner's primary place of residence. If a property can no longer be occupied

as the owner's primary place of residence, the guest quarters may continue to be used as habitable space (e.g., office, pool house, art studio) but can no longer be used as overnight sleeping quarters.

g. *No Separate Rental.* Guest quarters may not be rented separately from the primary dwelling unit.

h. *No Kitchen Facilities.* No facilities meeting the definition of a "kitchen" as defined in Chapter 17.158 (General Definitions) may be installed and plumbing shall be provided for bathroom use only. No plumbing may be provided to "wet bars," dishwashers, or any features that could be used for a kitchen. Plans approved for construction of guest quarters shall not include countertops or plumbing designed for subsequent installation of sinks, dishwashers, garbage disposals, or any other features consistent with the definition of a "kitchen."

4. *Procedural Requirements.* Prior to filing building plans with the city building division, the following shall be met:

a. *Design Review.* All requests shall be reviewed for consistency with the city's community design guidelines and this section. All new development projects within historic districts or within properties that contain designated historic structures shall be referred to the cultural heritage committee to be reviewed for consistency with Secretary of the Interior standards for treatment of a historic property.

b. *Owner's Agreement with the City.* Prior to the issuance of construction permits, a covenant agreement shall be recorded that discloses the structure's approved floor plan and status as "guest quarters," which cannot be used as an independent dwelling unit, and may only be used in conjunction with the primary residence that contains a kitchen. This agreement shall be recorded in the office of the county recorder to provide constructive notice to all future owners of the property. The covenant agreement also may contain authorization for annual inspections, and to allow the city upon reasonable time and notice to inspect the premises for compliance with the agreement and to verify continued compliance with requirements of this section and health and safety codes. If a property can no longer be occupied as the owner's primary place of residence, the guest quarters may continue to be used as habitable space (e.g., office, pool house, art studio) but shall no longer be used as overnight sleeping quarters.

c. *Conversion of Guest Quarters to an Accessory Dwelling Unit.* A legally established guest quarters may either be retained in its configuration or be converted to an accessory dwelling unit in compliance with the provisions of this chapter. (Ord. 1705 § 44, 2021)