



City of Woodland
Meeting Agenda
Planning Commission

City Hall
Council Chambers
300 First Street
Woodland, CA 95695

December 19, 2019
6:30 PM

Please Note: The numerical order of items on this agenda is for the convenience of reference; items may be taken out of order. No new items shall begin after 10:30 pm unless unanimous consent exists to continue.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. STAFF AND COMMISSIONER COMMENTS

This is an opportunity for the Planning Commission members and staff to make comments and announcements to express concerns, or to request Commission's consideration of any items a Commission member would like to have discussed at a future Commission meeting.

1. Long Range Calendar

Recommendation for Action: Staff recommends that City Council receive the Long Range Calendar for informational purposes only.

E. SUBCOMMITTEE REPORTS

F. COMMUNICATIONS FROM THE PUBLIC

G. APPROVAL OF MINUTES

2. SUBJECT: Planning Commission Meeting Minutes of October 17, 2019

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission adopt the minutes of the Planning Commission Meeting of October 17, 2019.

H. PUBLIC HEARING

3. SUBJECT: 35 Oak Avenue Tentative Parcel Map & Variance

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission (1) Receive the staff report; and (2) Conduct the public hearing; and (3) Adopt Resolution No. PC 19- 0011 in support of the Tentative Parcel Map for the division of the property located at 35 Oak Street into two separate parcels consisting of 0.24 acres and 0.17 acres respectively, and related variance to allow reduced lot width in order to maintain the existing historic structure on site at 35 Oak Avenue in the Neighborhood Preservation (NP) zone.

4. SUBJECT: Amendments to the Accessory Dwelling Unit Ordinance Section 17.104.010 to Ensure Compliance with State Requirements

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission

1. Receive a report;
2. Hold a public hearing;
3. That the Planning Commission adopt Resolution No PC 19- recommending that the City Council adopt both an urgency ordinance and a non-urgency ordinance amending Section 17.104.010 of Chapter 17 of the Municipal Code relating to accessory dwelling units and junior accessory dwelling units and determining the ordinance to be exempt from CEQA.

I. BUSINESS ITEMS

J. STAFF OR COMMISSIONER COMMENTS

K. ADJOURNMENT

The Planning Commission of the City of Woodland encourages all parties interested in a matter scheduled to be reviewed, discussed and acted on at a meeting, to participate in the public discourse, which may include the submission of written comments and materials. The Planning Commission notifies the public that those materials received less than 24 hours before a meeting date and time may not be able to be considered completely. Further, the Planning Commission encourages interested parties to attend the meeting to discuss any matter of concern and to explain their comments more fully.



TO: THE MEMBERS OF THE PLANNING COMMISSION
AGENDA: Planning Commission Meeting
DATE: December 19, 2019
ITEM #: D.1.
SUBJECT: Long Range Calendar

Recommendation for Action: Staff recommends that the Planning Commission receive the Long Range Calendar for informational purposes only.

Staff Contact:

Cindy Norris, Principal Planner, (530) 661-5911, cindy.norris@cityofwoodland.org

Background:

This calendar is being provided for planning purposes only and is intended to keep the Planning Commission apprised of upcoming agenda items and plan for upcoming Commission items.

Attachments:

1. PLANNING COMMISSION LONG RANGE CALENDAR 12.19.19

PLANNING COMMISSION LONG RANGE CALENDAR
Items subject to removal and/or rescheduling
December 19, 2019

REGULAR MEETING ITEMS

December 5, 2019 (CANCELED)	Regular Meeting	Notice
Urgency and Non-Urgency Ordinance Regarding ADU and JADU	Public Hearing	11/23
Oak Parcel Map	Public Hearing	11/23
December 19, 2019	Regular Meeting	Notice
Urgency and Non-Urgency Ordinance Regarding ADU and JADU	Public Hearing (Continued)	11/23
Oak Parcel Map	Public Hearing (Continued)	11/23
January 2, 2020	Regular Meeting	Notice
Canceled		
January 16, 2020	Regular Meeting	Notice
127 N. College Parcel Map	Public Hearing	
Woodland Storage CUP (?)	Public Hearing	

SPECIAL MEETINGS

December 17	Study Session
Joint PC / CC Study Session – Comprehensive Zoning Code Kick Off	

FUTURE AGENDA ITEMS – DATE TO BE DETERMINED:

Comprehensive Code Updates



TO: THE MEMBERS OF THE PLANNING COMMISSION
AGENDA: Planning Commission Meeting
DATE: December 19, 2019
ITEM #: G.2.
SUBJECT: Planning Commission Meeting Minutes of October 17, 2019

Recommendation for Action: Staff recommends that the Planning Commission adopt the minutes of the Planning Commission Meeting of October 17, 2019.

Staff Contact:

Debbie Flemmer, Administrative Supervisor, (530) 661-5818, debbie.flemmer@cityofwoodland.org

Reviewed by: Cindy Norris, Principal Planner

Attachments:

1. 10.17.19 PC Minutes DRAFT

City of Woodland

City Hall
Council Chambers
300 First Street
Woodland, CA 95695



Planning Commission Meeting –

Thursday, October 17, 2019

6:30 PM

A. CALL TO ORDER

Meeting called to order at 06:30 PM

B. ROLL CALL

Planning Commission Members Present: Planning Commission Member Chris Holt, Planning Commission Member Fred Lopez, Planning Commission Chairperson Kirby Wells, Planning Commission Member Valerie Hurst, Planning Commission Member Steven Wong

Excused Absence: Planning Commission Member Steve Harris, Planning Commission Vice-Chairperson Marco Lizarraga

C. PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Planning Commission Member Valerie Hurst.

D. STAFF AND COMMISSIONER COMMENTS

This is an opportunity for the Planning Commission members and staff to make comments and announcements to express concerns, or to request Commission's consideration of any items a Commission member would like to have discussed at a future Commission meeting.

Verbal updates provided by Planning Commission Members/Staff.

E. SUBCOMMITTEE REPORTS

None

F. COMMUNICATIONS FROM THE PUBLIC

None

G. APPROVAL OF MINUTES

1. SUBJECT: Planning Commission Meeting Minutes of September 19, 2019

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission adopt the minutes of the Planning Commission Meeting of September 19, 2019

On a motion by Planning Commission Member Chris Holt, seconded by Planning Commission Member Valerie Hurst and carried unanimously, a motion to approve the Planning Commission Meeting Minutes of September 19, 2019.

Ayes: Planning Commission Member Chris Holt, Planning Commission Member Fred Lopez, Planning Commission Chairperson Kirby Wells, Planning Commission Member Valerie Hurst, Planning Commission Member Steven Wong

Noes: None

Absent:

H. PUBLIC HEARING

2. SUBJECT: Pioneer Village (APN:042-580-068) Tentative Subdivision Map #5162; Spring Lake Specific Plan Amendment; EIR Addendum; and associated Development Agreement

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission take action on the following:

1. Receive the staff report;
2. Conduct the public hearing;
3. Adopt Planning Commission Resolution No. PC19-09, recommending City Council:
 - 1) approve the Pioneer Village Tentative Subdivision Map No. 5162 (Exhibit) in accordance with the Conditions of Approval (Exhibit); and
 - 2) adopt Ordinance No. _____, authorizing the Amendment to the Spring Lake Specific Plan (Exhibit)
 - 3) adopt Ordinance No. _____, authorizing the Amendment to the General Plan (Exhibit)
 - 4) approve associated Development Agreement (Attachment) and
 - 5)approve CEQA addendum

On a motion by Planning Commission Member Valerie Hurst, seconded by Planning Commission Member Chris Holt and carried unanimously, a motion to: 1) receive the staff report; and 2) conduct a public hearing; and 3) Adopt Planning Commission Resolution PC19-09, recommending City Council: 1) approve the Pioneer Village Tentative Subdivision Map No. 5162 (Exhibit) in accordance with the Conditions of Approval (Exhibit); and 2) adopt Ordinance No. _____, authorizing the Amendment to the Spring Lake Specific Plan (Exhibit) 3) adopt Ordinance No. _____, authorizing the Amendment to the General Plan (Exhibit) 4) approve associated Development Agreement (Attachment) and 5)approve CEQA addendum.

Ayes: Planning Commission Member Chris Holt, Planning Commission Member Fred Lopez, Planning Commission Chairperson Kirby Wells, Planning Commission Member Valerie Hurst, Planning Commission Member Steven Wong

Noes: None

Absent:

3. SUBJECT: 440 College Street, Tentative Parcel Map No. 5188

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission take action on the following:

1. Receive a staff report;
2. Conduct the public hearing; and
2. Adopt Planning Commission Resolution No. PC 19-10 (Attachment 1), approving a two lot, Tentative Parcel Map No. 5188, located at 440 College Street.

On a motion by Planning Commission Member Chris Holt, seconded by Planning Commission Member Fred Lopez and carried unanimously, a motion to 1) Receive a staff report; 2. Conduct the public hearing; and 2) Adopt Planning Commission Resolution No. PC 19-10 (Attachment 1), approving a two lot, Tentative Parcel Map No. 5188, located at 440 College Street. 440 College Street, Tentative Parcel Map No. 5188; in addition strike Condition of Approval no. 19 from this project and while Commission can not strike Condition of Approval no. 24, let it be noted that Commission would like to find a solution for

Ayes: Planning Commission Member Chris Holt, Planning Commission Member Fred Lopez, Planning Commission Chairperson Kirby Wells, Planning Commission Member Valerie Hurst, Planning Commission Member Steven Wong

Noes: None

Absent:

I. BUSINESS ITEMS

4. SUBJECT: Review of Planning Commission Subcommittees and Appointments

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission review subcommittees and appointments

Appointments:

Public Art Adhoc: Replace John Murphy with Steve Wong

Cannabis Subcommittee: Replace Marco Lizarraga with Valerie Hurst

Zoning Subcommittee: Replace Chris Holt with Kirby Wells

Remaining Adhoc/Subcommittees announces at a future date.

5. SUBJECT: Review of Alternative Housing Product Types - Tiny Homes

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission receive an informational report concerning a housing product type known as Tiny Homes.

Presentation provide by Stephen Coyle, Deputy Community Director

6. SUBJECT: Informational Update Concerning East Beamer Way

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission receive an informational update concerning the project known as East Beamer Way.

Verbal updates provided by Staff.

J. STAFF OR COMMISSIONER COMMENTS

Verbal updates provided by Council Members/Staff.

K. ADJOURNMENT

Meeting adjourned at 8:05 PM



TO: THE MEMBERS OF THE PLANNING COMMISSION
AGENDA: Planning Commission Meeting
DATE: December 19, 2019
ITEM #: H.3.
SUBJECT: 35 Oak Avenue Tentative Parcel Map & Variance

Recommendation for Action: Staff recommends that Planning Commission take action on the following:

1. Receive the staff report;
2. Conduct the public hearing;
3. Adopt Resolution No. PC 19- 0011 in support of the Tentative Parcel Map for the division of the property located at 35 Oak Street into two separate parcels consisting of 0.24 acres and 0.17 acres respectively, and related variance to allow reduced lot width in order to maintain the existing historic structure on site at 35 Oak Avenue in the Neighborhood Preservation (NP) zone.

Staff Contact:

Megan Meier, Associate Planner (530) 661-5814, megan.meier@cityofwoodland.org

Background:

The project site is located at 35 Oak Avenue, mid block between West Street and McKinley Avenue and is approximately 17,695 square feet in size or 0.41-acres within the Neighborhood Preservation (NP) zone. the property owner is requesting a Tentative Parcel Map (TPM) for the division of the property into two parcels consisting of Parcel 1 at approximately 10,495 square feet or 0.24 acres and Parcel 2 proposed at 7,200 square feet or 0.17 acres.

The owner is also requesting a variance to the zoning ordinance lot width requirement in order to maintain the existing 1909 historic single family structure on site.

Discussion:

In the review of the proposed TPM and requested variance, staff analyzed the parameters of the project against current policy documents, existing lot patterns in the NP immediate area, and the use of a variance to allow some flexibility to integrate historic structures into evolving neighborhoods.

General Plan Consistency

The City's 2035 General Plan sets a vision for the City with detailed descriptions of the residential types and land uses that will be included in these growing and continually evolving neighborhoods. The following is the analysis of the proposed project's consistency with the intent of the General Plan.

The 2035 General Plan (GP) designation for the site is Low Density Residential (LD) which provides low density detached single-family residential units on individual lots with private yards and private parking. Some attached housing types such as duplexes and secondary units are also permitted. Allowed Density is 1.0 to 8.0 dwelling units per gross acre.

The proposed tentative map is consistency with the intent of the City's General Plan LD designation and is supported in the following General Plan Goals and Policies:

Goal 2.G Existing Neighborhoods. Recognize, maintain and celebrate the unique qualities of Woodland's traditional residential neighborhoods.

Policy 2.G.1 Distinctive Characteristics. Maintain the distinctive characteristics of neighborhoods developed in different eras, including those developed prior to WWII, post war, and in more recent decades.

Policy 2.G.2 Sensitive New Development. Require new construction, additions, renovations, and infill to be physically compatible with neighborhood context, historic development patterns, and building form and scale.

Policy 2.G.3 Neighborhood Preservation Zone. Maintain the Neighborhood Preservation zoning district to foster sensitively designed development at an appropriate density and scale in existing older neighborhood districts.

The resulting two parcels will be over the minimum lot size of 5,000 square feet and therefore retain a density which is in line with the existing density and development patterns within the Neighborhood Preservation zone.

The General Plan is the overarching roadmap for the City and all policy documents must be consistent with this document. With this consistency requirement comes the need for the City's current zoning code to be updated to match the vision, goals and policies set forth in the General Plan as stated in the following policy:

Policy 2.F.2 Zoning. Prepare a comprehensive zoning Code update that includes performance and/or form-based zoning regulations as appropriate. The updated zoning Code will provide a clear and consistent set of procedures, actions, and administrative guidance to implement the Vision, Guiding Principles, goals, and policies of this General Plan while ensuring the sensitive treatment of existing nonconforming uses.

With the City's zoning code being updated to match the goals and policies of the GP it is important to look to the GP for guidance on the most current vision for the City and the master policy document that will need to support the proposed TPM and variance.

Zoning Consistency

Land Use

The zoning designation for the site is Neighborhood Preservation (NP), which provides development standards for properties located within the zone. The zone is intended to preserve the overall low density residential character of these neighborhoods while also providing for the continuation of certain existing uses that were legally in existence at the time the zone was created. This zone does not permit the construction of new multiple-family dwellings nor their expansion, enlargement or conversion. Commercial uses other than those listed in the commercial land use table (Article 13) are not permitted except in area where the transition overlay zone has been applied.

The proposed TPM will result in two parcels with single family homes on them, consistent with the intent of the NP zone land use that looks to minimize multifamily dwellings in support of the existing single family historic homes in the area.

Lot Width & Yard Requirements

Unlike a Tentative Parcel Map resulting in new development the proposed map has an existing home already in place. Due to separation requirements in the California Building Code that require a structure with openings on the side to be five feet away from the property line. Because of this requirement parcel two had to be slightly

substandard width to accommodate the historic structure on site. Staff finds that the underlying request to split the parcel is within less than a 5% margin of the lot standard width making it substantially consistent with the intent of the NP zone. Staff also looked at the existing lot pattern in the NP zone and found that a number of surrounding parcels have lot patterns similar to the one being proposed and would not be a new development pattern for the area, as highlighted in yellow in the image below.

Given that the two new parcels will be consistent with the existing historic lot pattern in the area, where it appears that a handful of lots were created with slightly smaller lot widths to allow one single family home on each lot, and will create the potential for additional housing in an established neighborhood, staff recommends approval of the proposed TPM and variance.

City of Woodland Subdivision Ordinance

The project site, as conditioned, complies with the City of Woodland's Subdivision Ordinance including conformance with applicable lot sizes and dimensions as required by the City's Zoning Ordinance, except as provided for below.

Variance

As previously discussed the applicant has asked that a variance be approved to address the lot width due to preexisting nonconforming lot size on the resulting Parcel 2 in order to retain the existing structure on site, most notably the original home dating back to 1909. The following outlines the required findings (zoning 25-28-30) necessary for approval of a variance and how they apply to the proposed TPM.

The Zoning Administrator (or Planning Commission) shall have the power to grant variances, exclusive of use variances, when the Zoning Administrator (or Planning Commission) has found and determined that the following circumstances apply:

(1) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.

The variance requested for a 48foot lot width is only 2 feet less than the standard and is a minor change that will not affect future development of the parcel. The variance will allow the continuation of the use of the existing single family home on site while creating opportunity for additional housing

(2) That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulation is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the same zone classification.

The property has preexisting historic home on the site and the California Building Code has separation requirements that make it difficult to split the lot evenly and be conformance with the development standards in the NP zone. Additionally, there are multiple existing neighborhood conditions in which parcels have been created in the NP zone with slightly substandard lot widths

(3) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or the zone in which the subject property is located.

The granting of the lot will not result in increased density within the neighborhood or zone.

(4) That the granting of such variance will be in conformity with the general purpose and intent of this chapter and the general plan.

The General Plan's goals and policies support "ensuring the sensitive treatment of existing nonconforming uses" and "recognize, maintain and celebrate the unique qualities of Woodland's traditional residential neighborhoods."

(5) A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property.

The existing single family home is allowed in the NP zoning district.

Conclusion:

Staff recommends that Planning Commission take action on the following:

1. Receive the staff report;
2. Conduct the public hearing;
3. Adopt Resolution No. PC 19- _____ in support of the Tentative Parcel Map for the division of the property located at 35 Oak Street into two separate parcels consisting of 0.24 acres and 0.17 acres respectively, and related variance to allow reduced lot width in order to maintain the existing historic structure on site at 35 Oak Avenue in the Neighborhood Preservation (NP) zone.

Prepared By: Megan Meier, Associate Planner

Reviewed By: Cindy Norris, Principal Planner

Attachments:

1. Resolution and Exhibits A & B
2. Planning General Application

RESOLUTION NO. PC 19 - 0011

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WOODLAND
APPROVING TENTATIVE PARCEL MAP NO. 5169 LOCATED AT 35 OAK AVENUE
(APN 006-172-029) IN THE NEIGHBORHOOD PRESERVATION ZONE.**

WHEREAS, the Woodland Planning Commission continued a duly noticed public hearing item from the canceled December 5, 2019 Planning Commission meeting to a date certain of December 19, 2019 to review and consider a request from Michael Robinson to subdivide an existing 17,695 sq.ft. parcel into two parcels of approximately 10,495 sq.ft. and 7,200 sq.ft. and related variances to allow a nonconforming lot width in order to maintain the existing historic structures on site at 35 Oak Avenue (APN 006-172-029) as shown in Exhibit A; and

WHEREAS, the proposed project, as conditioned, is consistent with the provisions that have been outlined by the General Plan and is in substantial conformance with the regulatory requirements of the Zoning Ordinance; and

WHEREAS, the proposed projects use of a Variance to address the substandard lot width on the resulting Parcel 2 in order to retain existing single family historic structure on site; and

WHEREAS, pursuant to California state law and the Woodland Municipal Code, public hearing notices were mailed to all property owners within as area exceeding a three-hundred-foot radius of the subject property, and a public hearing notice was published for a minimum of ten days prior to the public hearing in the Woodland Daily Democrat; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), the proposed modified use is categorically exempt from further environmental review pursuant to Article 5 (CEQA Guidelines, §15061(b)(3)) General Rule Exemption; and

WHEREAS, the Planning Commission has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Woodland, based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby make the following findings, and determinations with respect to the proposed Tentative Parcel Map No. 5169:

Section 1. The Planning Commission, approving Tentative Parcel Map No. 5169, hereby makes the following findings concerning the Tentative Parcel Map pursuant to Government Code section 66474:

- a. The proposed Tentative Parcel Map is consistent with the City's General Plan. The proposed Tentative Map will implement the General Plan by providing the opportunity for development of for-sale, NP zoned homes within the community.
- b. The Tentative Parcel Map depicts a site that is physically suitable for a lot split.
- c. The site is physically suitable for the proposed density of development. The site is of sufficient size and shape to allow the proposed density.
- d. The design of the parcel or the proposed improvements will not result in substantial environmental damage or substantial and avoidable injury fish or wildlife or their habitat.
- e. The design of the proposed parcel will not cause serious public health problems and is not anticipated to have any negative impacts on Project residents or occupants of the surrounding area.

Section 2. The Planning Commission, hereby makes the following findings concerning the approval of a Variance pursuant to Zoning Code Section 25-28-30:

(1) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.

The variance requested for a 48foot lot width is only 2 feet less than the standard and is a minor change that will not affect future development of the parcel. The variance will allow the continuation of the use of the existing single family home on site while creating opportunity for additional housing.

(2) That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulation is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the same zone classification.

The property has preexisting historic home on the site and the California Building Code has separation requirements that make it difficult to split the lot evenly and be conformance with the development standards in the NP zone. Additionally, there are multiple existing neighborhood conditions in which parcels have been created in the NP zone with slightly substandard lot widths.

(3) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or the zone in which the subject property is located.

The granting of the lot will not result in increased density within the neighborhood or zone.

(4) That the granting of such variance will be in conformity with the general purpose and intent of this chapter and the general plan.

The General Plan's goals and policies support "ensuring the sensitive treatment of existing nonconforming uses" and "recognize, maintain and celebrate the unique qualities of Woodland's traditional residential neighborhoods."

(5) A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property.

The existing single family home is allowed in the NP zoning district.

Section 3. The Planning Commission does hereby approve Application No. PLNG 19-00055 for Tentative Parcel Map No. 5169 (Exhibit A) to allow for the subdivision of property located at 35 Oak Avenue, subject to the recommended conditions of approval as provided in **Exhibit B**.

PASSED AND ADOPTED by the Planning Commission of the City of Woodland at a regular meeting on the 19th day of December 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson, Kirby Wells

ATTEST:

Cindy Norris, Principal Planner

Exhibit A – Tentative Parcel Map
Exhibit B – Conditions of Approval

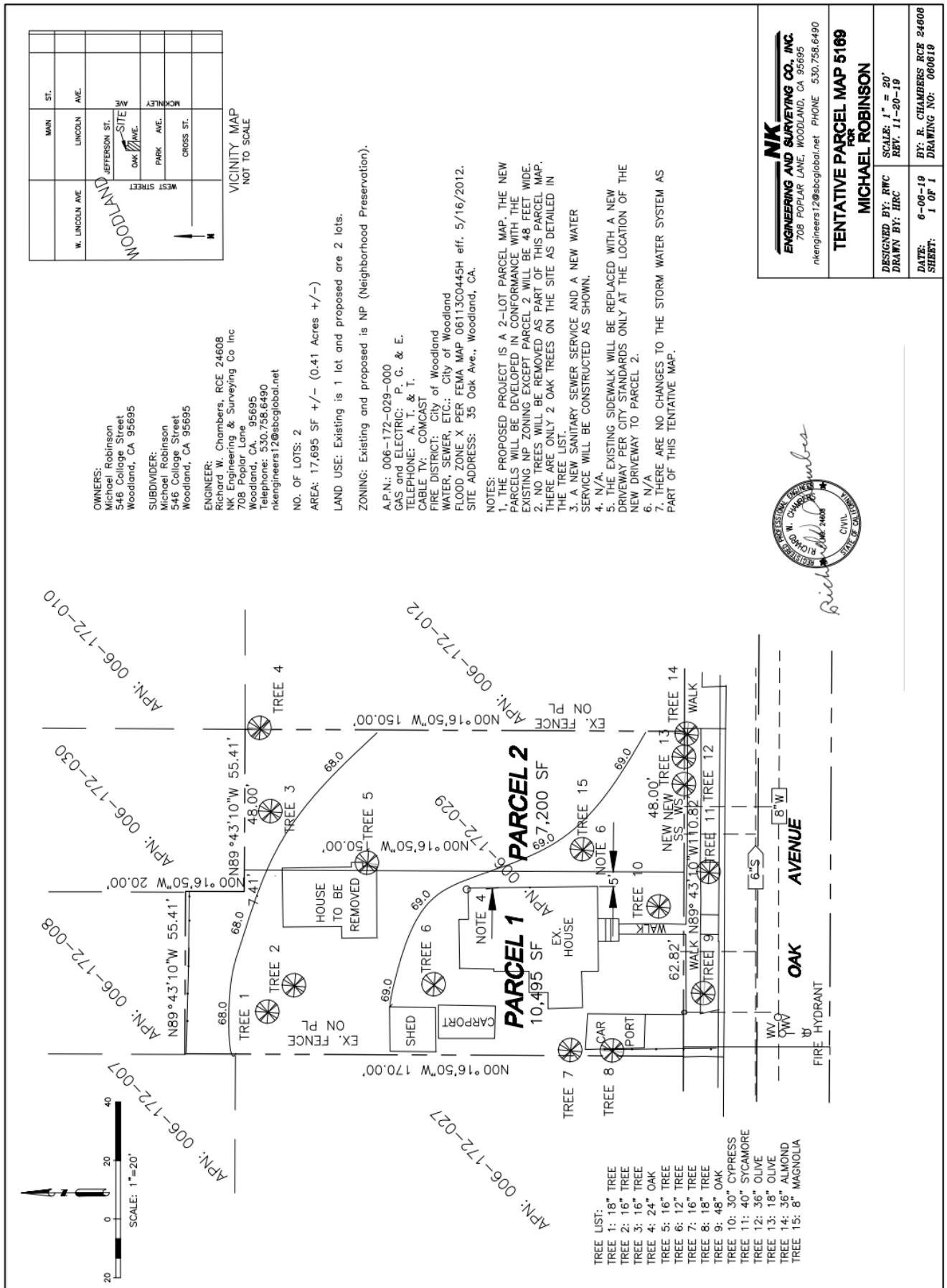


Exhibit B

Conditions of Approval

PLANNING

General:

1. The project is as described in the staff report prepared for the December 5, 2019 Planning Commission meeting to approve Tentative Parcel Map 5169 to divide the property located at 35 Oak Avenue into two separate parcels: Parcel 1 at approximately 10,495 square feet or 0.24 acres and Parcel 2 proposed at 7,200 square feet or 0.17 acres. The project shall be carried out in substantial compliance as depicted on the submitted Tentative Parcel Map No. 5169 dated June 6, 2019, included in Exhibit A, except as modified in these conditions of approval and with any changes necessary to meet city codes and specifications.
2. The applicant shall defend, indemnify, and hold harmless the City of Woodland, its agents, officers or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the subject application by the City, its legislative body, advisory agencies or administrative officers. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either, at the City's discretion, undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City Attorney.
3. Secure approval and satisfy requirements of all agencies of jurisdiction. The applicant/developer shall be responsible for informing all subcontractors, consultants, engineers, or other business entities providing services related to the project of their responsibility to comply with all pertinent requirements of the City of Woodland Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City as well as hours of operation requirements in the City in addition to applicable state and federal laws.
4. Upon approval, the applicant will be required to submit a final parcel map. Prior to official recordation of the legal description and revised lots, the Community Development Department must approve this map.
5. Secure approval and satisfy requirements of all agencies of jurisdiction.
6. The applicant will be required to file a copy of the recorded instruments with the City of Woodland Community Development and the Public Works Department upon recordation of the revised parcels.
7. Applicant shall provide the Community Development Department with a check for the sum of \$50.00 made out to Yolo County to record the environmental document with Yolo County.
8. The project applicant shall comply with the Yolo HCP/NCCP, any further evaluations

required to ensure compliance with mitigations. This includes a pre-construction and/or tree removal survey by a qualified biologist that will include a Raptor and a Ground Nesting Raptor Survey (4.5-3).

9. The applicant/Owner shall adhere to the following Yolo HCP/NCCP Avoidance and Minimization Measures for any site work (grading) associated with parcels created by Map No. 5169 as follows:

- i. **AMM16, Minimize Take and Adverse Effects on Habitat of Swainson's Hawk and White-Tailed Kite.** The project proponent will retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat present within 1,320 feet of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.

If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) by 1,320 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests consistent, with guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000), between March 15 and August 30, within 15 days prior to the beginning of the construction activity. The results of the survey will be submitted to the Conservancy and CDFW. If active nests are found during preconstruction surveys, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist will monitor the nest and will, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson's hawk or white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW and USFWS. The designated on-site biologist/monitor shall be on-site daily while construction-related activities are taking place within the 1,320-foot buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior. Up to 20 Swainson's hawk nest trees (documented nesting within the last 5 years) may be removed during the permit term, but they must be removed when not occupied by Swainson's hawks.

For covered activities that involve pruning or removal of a potential Swainson's hawk or white-tailed kite nest tree, the project proponent will conduct preconstruction surveys that are consistent with the guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000). If active nests are found during preconstruction surveys, no tree pruning or removal of the nest tree will occur during the period between March 1 and

August 30 within 1,320 feet of an active nest, unless a qualified biologist determines that the young have fledged and the nest is no longer active.

DEVELOPMENT ENGINEERING

Tentative Map Conditions

Fees:

2. The Owner shall pay all required fees for processing final maps (technical check) with final map submittal.
3. Owner shall pay impact fees in effect at the time of building permit.
4. The conditions of approval set forth herein include certain fees, dedication requirements, reservation requirements and/or other exactions. Pursuant to Government Code, Section 66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations and other exactions.

The applicant is hereby notified that the 90-day protest period, commencing from the date of project approval, has begun. If the applicant fails to file a timely protest regarding any of the fees, dedication requirements, reservation requirements and/or other exactions contained in this notice, complying with all the requirements of Government Code, Section 66020, the applicant will be legally barred from later challenging such fees, dedications requirements, reservation requirements and/or other such exactions. Notwithstanding the foregoing, the City does not waive any rights it may have to enforce any settlement agreement, memorandum of understanding, or other agreement with the applicant which authorizes the City to impose certain fees, and which may waive the applicant's right to challenge the imposition of some or all of the fees, dedication requirements, reservation requirements, and/or other exactions set forth in these conditions of approval.

5. Construct with building permit:

With building permit for home on Parcel 2 Owner shall make the following improvements:

- Install a City Standard driveway for parcel 2
- Install City Standard utility connections (water and sewer), water meter and clean out on Parcel 2. Water connection shall be to the 8" water main in the street.
- Install a City Standard Sewer clean out on Parcel 1.
- Repair City sidewalk near the west side of Parcel 1 in a manner approved by the City that accommodates the existing mature street tree.

6. Site Design and Frontage Improvements:

Owner shall replace and repair all cracked, broken or otherwise damaged curb, gutter, and sidewalk.

7. **Easement Dedications, Right of Way, and map restrictions:**

Owner shall dedicate a five-foot PUE behind the back of sidewalk with final map.

8. **Storm Water Quality Control**

If hardscape of new home and driveway is greater than 2500 sf. Owner shall address the conditions below.

Prior to Building Permit Owner shall submit post construction work sheet in accordance with Appendix 8 of the City's Post Construction Standards Manual; to demonstrate how the project is meeting low impact development standards, Hydromodification standards, and Storm Water Quality Standards. These calculations will be necessary to determine the final sizing of the proposed bioretention planters

OWNER may reference the City's Post Construction Standards Manual on the web.

<http://www.cityofwoodland.org/gov/depts/cd/divisions/engineering/development/h2oquality.asp>

Owner shall enter into a Storm water Treatment Measure Access and Maintenance Agreement prior to final map.

9. **General Information and Applicable Ordinances:**

Owner shall prepare improvement plans for all work within the public right-of-way and submit them to the Public Works department with encroachment permit application for review and approval. Prior to building permit issuance, applicant shall obtain encroachment permit, post security for the full cost of the public improvements, and enter an Improvement Agreement if the estimated cost of the public improvements is greater than \$50,000. This submittal is separate from the building permit submittal. All public improvements shall conform to the current City of Woodland Standard Specifications.

**General Application Form****1. OWNER/APPLICANT**Property Owner: MICHAEL ROBINSONProject Applicant: SAMEMailing Address: 546 COLLAGE ST

Mailing Address: _____

City State Zip Code: WOODLAND, CA 95695

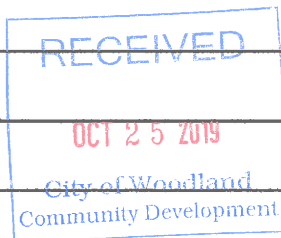
City State Zip Code: _____

Phone Number: 530 219 2522

Phone Number: _____

E-mail Address: michaelrobinsonconstruction@gmail.com

E-mail Address: _____

**2. PROJECT DESCRIPTION**Project Name: TENTATIVE PARCEL MAP 5169Site Address or Location: 35 OAK AVE.Total Acres or Square Feet: 0.41 ACRESAssessor's Parcel Number(s): 006-172-029General Plan Land Use Designation: LOW DENSITY RES.Is Project in Flood Zone? ☐ Yes ☒ NoExisting Zoning: NP

Requested Entitlement/Permit Type: _____

PROJECT NARRATIVE/JUSTIFICATION STATEMENT: On a separate sheet, please provide a written description of the project being proposed for development including justification. It must include a description of the project and detailed scope of work including how the project will address potential negative effects on the community. A Design Concept Narrative is also required for Site Plan and Design Review entitlement requests.

3. AUTHORITY TO FILE APPLICATIONCheck one: ☐ Property Owner ☐ Power of Attorney* ☐ Contract to Purchase* ☐ Other*

*Attach Evidence of Authority/Letter of Agency (see attached template)

ACKNOWLEDGEMENT: I hereby certify that the above information and accompanying documents are true and accurate to the best of my knowledge and acknowledge that the processing of this application may require additional fees and expenses for the preparation of necessary environmental documentation and planning studies. I certify that I have reviewed the current Hazardous Waste and Substances Site List, developed pursuant to AB 3750, and found that my project is not on the list.

APPLICATION WILL NOT BE ACCEPTED WITHOUT SIGNATURE OF LEGAL OWNER OR OFFICIAL AGENT

Applicant

Date

Applicant

Date

Legal Owner

Date

Legal Owner

Date



TO: THE MEMBERS OF THE PLANNING COMMISSION
AGENDA: Planning Commission Meeting
DATE: December 19, 2019
ITEM #: H.4.
SUBJECT: Amendments to the Accessory Dwelling Unit Ordinance Section 17.104.010 to Ensure Compliance with State Requirements

Recommendation for Action: Staff recommends that the Planning Commission:

1. Receive the Staff Report;
2. Conduct the public hearing; and
3. Adopt Planning Commission Resolution No. PC19-10, recommending that City Council:
 - a. Adopt an urgency ordinance of the City of Woodland amending Section 17.104.010 of Chapter 17 of the Municipal Code relating to accessory dwelling units and junior accessory dwelling units, and determining the ordinance to be exempt from CEQA; and
 - b. Consider for first reading an ordinance of the City of Woodland, amending Section 17.104.010 of Chapter 17 of the Municipal Code relating to accessory dwelling units and junior accessory dwelling units, and determining the ordinance to be exempt from CEQA.

Staff Contact:

Cindy A. Norris, Principal Planner (530) 661-5911, cindy.norris@cityofwoodland.org

Report in Brief:

The proposed ordinance amends Chapter 17 of the Woodland Municipal Code to impose new limits on local authority to regulate Accessory Dwelling Units and Junior Accessory Dwelling Units in compliance with the provisions of Government Code sections 65852.2 and 65852.22 as amended by recently approved legislation that will take effect on January 1, 2020.

The new legislation limits local review authority in a number of respects and requires that objective standards be provided and does not allow reliance on standards found elsewhere in the Zoning Ordinance. As example, height limits must be defined and the ADU ordinance and may not refer back to height limits of an underlying zoning district. Local codes may not prohibit ADUs that are 800-square feet or less, under 16-feet as measured to the peak, and have side and rear setbacks of four-feet. In addition, the new legislation provides that any ADU shall only be required to provide a maximum four-foot side and rear setbacks. Agencies are allowed to prohibit separate conveyance, such that a ADU or JADU may not be sold or otherwise conveyed separately from the lot and primary dwelling.

Background:

In 2019, the California Legislature approved, and the Governor signed into law five bills (“New ADU Laws”) that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs. The new laws further streamline process to build new ADUs, to convert existing structures, and allows multiple ADU units on both single family and multiple family properties. The New ADU Laws take effect January 1, 2020. Where there may be a conflict between the existing ordinance and new State requirements, the new regulations prevail.

The City adopted amended ADU ordinance provisions in 2017 to comply with the then recently adopted state requirements. Additional legislation was passed in 2018 and 2019 to further reduce and streamline regulatory

requirements and create greater certainty for ADUs.

Discussion:

The proposed amendments revise City's local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22. The package of new legislation passed in 2019 (AB 68, SB 13, AB 587, AB 670, and AB 671) provides some of the following key amendments that impact zoning:

- Requires local agencies to approve or deny an ADU project within 60 days.
- Prohibits imposing minimum lot sizes.
- For all ADUs requires only a 4-foot setback from side and rear lot lines.
- Eliminates the requirement for replacement parking when a garage, carport, or covered parking that is demolished or converted to construct an ADU.
- Requires one parking space per ADU that requires an ADU permit.
- Allows for both an ADU and JADU on a single-family lot where access, setbacks, and other criteria are met.
- Allows ADUs in multi-family projects, including conversion of space such as storage rooms, as well as the construction of up to two detached ADUs on the property.
- City may not impose impact fees on ADUs under 750 square feet.
- Cannot condition approval of the ADU on the applicant being the "owner-applicant" of either the primary or the ADU.

The Accessory Dwelling unit Section 17.104.010 includes the following definitions:

Accessory dwelling unit (ADU) means a residential dwelling unit that is detached from, attached to, or located within the living area of an existing primary dwelling unit, and that provides independent living facilities for one or more persons. An accessory dwelling unit also includes: an efficiency unit, as defined in California Health and Safety Code Section 17958.1, and a manufactured home, as defined in Section 18007.

Junior accessory dwelling unit or (JADU) means a residential unit that is no more than 500 square feet in size, is contained entirely within an existing or proposed single-family structure, includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and includes an efficiency kitchen.

Review Process and Requirements:

Ministerial, Non-discretionary Review:

The ordinance, consistent with State provisions, provides that the review of proposed JADU and ADUs will be a ministerial action. A two tiered scheme is provided. Units that are converted within existing dwellings or accessory structures and detached ADUs that are under 800 square feet and 16-feet in height as measured to the peak require only building permit review. ADU's up to 1,000 square feet require a staff level ADU Permit.

Discretionary, Staff Level Review

Accessory dwelling units that do not conform to the objective standards or that are over 1,000 square feet, up to a maximum of 1,200 square feet in size, or three bedrooms require a zoning administrator permit review.

Objective Standards - Parking, Landscaping, and Architectural Requirements.

The ordinance includes additional regulatory requirements to minimize impacts to adjacent properties. Generally, for ADUs that require an ADU permit, one parking space per ADU is required. Exceptions to parking requirements are provided, such as if an ADU is within one-half mile of public transit/bus stop.

Objective landscape and architectural standards have been provided. The primary focus is to ensure appropriate design criteria to minimize potential impact to adjacent properties. Regulations include criteria for lighting, window placement, fencing, and landscaping to screen or prevent a direct line of sight.

Urgency Ordinance

New ADU Laws take effect January 1, 2020, and if the City's ADU ordinance does not comply with the New ADU Laws, the City's ordinance becomes null and void on that date as a matter of law. Unless approved Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 limits the City to the application of the default standards provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs. The approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety.

The urgency ordinance will go into effect immediately upon approval by the City Council. The non-urgency ordinance will be acted on in standard manner, including the requirement that it not become effective until 30-days after the second reading. Therefore, the urgency ordinance will bridge the gap until the non-urgency ordinance becomes effective.

The attached resolution and the draft ordinances (Attachments A and B to the resolution) include changes to the Woodland Municipal Code Section 17.104.010 substantially in the form attached.

The ADU code amendments are proposed for adoption by both urgency ordinance, in accordance with Government Code section 36937, subdivision (b), and, in parallel, by non-urgency ordinance.

Environmental Review

Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot. Moreover, the City Council finds that none of the "exceptions" to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here.

Public Noticing

In accordance with the requirements of Government Code section 65090, this item has been noticed in a newspaper of general circulation as of November 23, 2019 as a display ad.

Conclusion

Staff recommends that the Planning Commission:

1. Adopt Planning Commission Resolution No. PC19-10, recommending that City Council:
 - a. Adopt an urgency ordinance of the City of Woodland amending Section 17.104.010 of Chapter 17 of the Municipal Code relating to accessory dwelling units and junior accessory dwelling units, and determining the ordinance to be exempt from CEQA; and
 - b. Consider for first reading an ordinance of the City of Woodland, amending Section 17.104.010 of Chapter 17 of the Municipal Code relating to accessory dwelling units and junior accessory dwelling units, and determining the ordinance to be exempt from CEQA.

Prepared by: Cindy Norris, Principal Planner

Reviewed by: Stephen Coyle, Community Development Department Deputy Director

Attachments:

1. PC Resolution No PC19-10 Accessory Dwelling Units
2. Attachment A to Resolution - URGENCY ADU ORDINANCE (PC)
3. Attachment B to Resolution - REGULAR ADU ORDINANCE (PC)
4. Accessory Structure Handout
5. State Statute Regarding ADUs

RESOLUTION NO. PC19-10

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF WOODLAND CALIFORNIA,
RECOMMENDING THAT THE CITY COUNCIL ADOPT
BOTH (A) AN URGENCY ORDINANCE AND (B) A NON-
URGENCY ORDINANCE AMENDING SECTION 17.104.010
OF CHAPTER 17 OF THE CITY OF WOODLAND
MUNICIPAL CODE RELATING TO ACCESSORY
DWELLING UNITS AND JUNIOR ACCESSORY
DWELLING UNITS AND DETERMINING THE
ORDINANCE TO BE EXEMPT FROM CEQA**

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills (“New ADU Laws”) that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the New ADU Laws take effect January 1, 2020, and if the City’s ADU ordinance does not comply with the New ADU Laws, the City’s ordinance becomes null and void on that date as a matter of law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, failure to comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 renders the City’s ordinance regulating ADUs and JADUs null and void, thereby limiting the City to the application of the few default standards provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs; and

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety.

WHEREAS, staff and the City Attorney prepared the proposed ordinance, including the proposed language and terminology, and any additional information and documents deemed necessary for the Planning Commission to take action; and

WHEREAS, on November 23, 2019 the City gave public notice of the public hearing for the proposed ordinance by publishing in a newspaper of general circulation of a Planning Commission public hearing at which the ordinance would be considered; and

WHEREAS, on December 5, 2019 the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF WOODLAND DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

Section 1. Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State’s ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot. Moreover, the City Council finds that none of the “exceptions” to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here. Specifically, the City Council finds that the ordinance will:

- (1) Not result in the construction of ADUs or JADUs within a particularly sensitive environment because these accessory structures will necessarily be built on a lot already developed with a primary dwelling;
- (2) Not result in a potentially significant cumulative impact because these accessory structures will necessarily be built on a lot already developed with a primary dwelling;
- (3) Not result in a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances because the construction of small structures or conversion of existing structures are accessory to a primary dwelling on sites that are already be developed;
- (4) Not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway because no residential property is

located adjacent to a state scenic highway and new structures will be required to comply with the City's Tree Preservation Ordinance as appropriate;

- (5) Not be located on a hazardous waste site included on any list compiled pursuant to § 65962.5 of the Government Code because no property zoned residential is located on a hazardous waste site; or
- (6) Not result in a substantial adverse change in the significance of a historical resource because any demolition of a potential historic structure will be required to comply with the City's Historical Preservation Ordinance.

Section 2. Based on the entire record before the Planning Commission, and all written and oral evidence presented, the Planning Commission hereby finds that the proposed ordinance is consistent with the City's adopted General Plan as the purpose of the proposed ordinance is to comply with the amended provisions of Government Code sections 65852.2 and 65852.22. The proposed ordinance does not otherwise conflict with any of the General Plan's goals or policies.

Section 3. The Planning Commission hereby recommends that the City Council adopt the attached proposed urgency ordinance (Attachment A) entitled: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND AMENDING SECTION 17.104.010 OF CHAPTER 17 OF THE CITY OF WOODLAND MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

Section 4. The proposed ordinance entitled: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND AMENDING SECTION 17.104.010 OF CHAPTER 17 OF THE CITY OF WOODLAND MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA is on file and has been available for public review prior to the date of this Resolution, in the Community Development Department, at Woodland City Hall, 300 First Street, Woodland CA 95695.

Section 5. The Planning Commission hereby recommends that the City Council adopt the attached proposed ordinance (Attachment B) entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND AMENDING SECTION 17.104.010 OF CHAPTER 17 OF THE CITY OF WOODLAND MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

Section 6. The proposed ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND AMENDING SECTION 17.104.010 OF CHAPTER 17 OF THE CITY OF WOODLAND MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA is on file and has been available for public review prior to the date of this Resolution, in the Community Development Department, at Woodland City Hall, 300 First Street, Woodland, CA 95695.

PASSED AND APPROVED this 19th day of December 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

Kirby Wells, Planning Commission Chair

ATTEST:

Stephen Coyle, Community Development Deputy Director

URGENCY ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF WOODLAND AMENDING SECTION
17.104.010 OF CHAPTER 17 OF THE CITY OF
WOODLAND MUNICIPAL CODE RELATING TO
ACCESSORY DWELLING UNITS AND JUNIOR
ACCESSORY DWELLING UNITS AND DETERMINING
THE ORDINANCE TO BE EXEMPT FROM CEQA**

WHEREAS, the City of Woodland, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills (“New ADU Laws”) that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the New ADU Laws take effect January 1, 2020, and if the City’s ADU ordinance does not comply with the New ADU Laws, the City’s ordinance becomes null and void on that date as a matter of law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, there is a current and immediate threat to the public health, safety, or welfare based on the passage the New ADU Laws because if the City’s ordinance does not comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 and the City’s ordinance regulating ADUs and JADUs becomes null and void, the City would thereafter be limited to applying the few default standards that are provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs; and

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety. These threats to public safety, health, and welfare justify adoption of this ordinance as an urgency ordinance to be effective immediately upon adoption by a four-fifths vote of the City Council; and

WHEREAS, to protect the public safety, health, and welfare, the City Council may adopt this ordinance as an urgency measure in accordance with Government Code section 36937, subdivision (b), after consideration and recommendation by the City’s Planning Commission.

NOW, THEREFORE, the City Council of the City of Woodland does ordain as follows:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State’s ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot. Moreover, the City Council finds that none of the “exceptions” to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here. Specifically, the City Council finds that the ordinance will:

- (1) Not result in the construction of ADUs or JADUs within a particularly sensitive environment because these accessory structures will necessarily be built on a lot already developed with a primary dwelling;
- (2) Not result in a potentially significant cumulative impact because these accessory structures will necessarily be built on a lot already developed with a primary dwelling;
- (3) Not result in a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances because the construction of small structures or conversion of existing structures are accessory to a primary dwelling on sites that are already be developed;
- (4) Not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway because no residential property is located adjacent to a state scenic highway and new structures will be required to comply with the City’s Tree Preservation Ordinance as appropriate;
- (5) Not be located on a hazardous waste site included on any list compiled pursuant to § 65962.5 of the Government Code because no property zoned residential is located on a hazardous waste site; or

- (6) Not result in a substantial adverse change in the significance of a historical resource because any demolition of a potential historic structure will be required to comply with the City's Historical Preservation Ordinance.

Section 3. Section 17.104.010 of Chapter 17 of the City of Woodland Municipal Code is hereby amended and restated as provided in Exhibit "A", attached hereto and incorporated herein by reference.

Section 4. This ordinance takes effect immediately upon its adoption.

Section 5. The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within 15 days after its adoption or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five days before its adoption and again within 15 days after its adoption.

Section 6. The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

Section 7. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

(Continues on next page)

PASSED, APPROVED AND ADOPTED by the City Council of the City of Woodland, California, at a regular meeting of the City Council held on the ____ day of _____ 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rich Lansburgh, Mayor

ATTEST:

Ana Gonzalez, City Clerk

APPROVED AS TO FORM:

Kara Ueda, City Attorney

BEST BEST & KRIEGER LLP

EXHIBIT A

Amendments to Municipal Code

(follows this page)

17.104.010 Accessory dwelling units

- A. Purpose. The purpose of this section is to provide reasonable regulations for the development of accessory dwelling units **(ADUs) and junior accessory dwelling units (JADUs)** in certain areas and on lots developed or proposed to be developed with single-family residential dwellings, duplexes and **multiple family units**. ~~lots developed with up to four dwelling units~~. Such accessory dwelling units contribute needed housing to the community's housing stock and promote housing opportunities for the persons wishing to reside in the City of Woodland. In addition, the regulations in this section are intended to promote the goals and policies of the City's General Plan and comply with requirements codified in the State Planning and Zoning Law related to accessory dwelling units in residential areas, including California [Government Code](#) Section 65852.2. **and 65852.22.**
- B. **Effect of Conforming Accessory Dwelling Unit. An accessory dwelling unit that conforms to this chapter shall:**
1. **Be deemed an accessory use and not be considered to exceed the allowable density for the lot upon which it is located;**
 2. **Be deemed a residential use that is consistent with the General Plan and the zoning designations for the lot;**
 3. **Not be considered in the application of any ordinance, policy, or program to limit residential growth; and**
 4. **Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.**
- C. ~~B~~ Definitions.
1. "Accessory dwelling unit" **(ADU)** means a residential dwelling unit that is detached from, attached to, or located within the living area of an existing primary dwelling unit, and that provides independent living facilities for one or more persons. An accessory dwelling unit also includes:
 - a. an efficiency unit, as defined in California Health and Safety Code Section 17958.1, and
 - b. a manufactured home, as defined in Section 18007.
 2. **"Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.**
 3. **"Efficiency kitchen" means a kitchen that includes each of the following:**

- a. **A cooking facility with appliances.**
 - b. **A food preparation counter or counters that total at least 15 square feet in area.**
 - c. **Food storage cabinets that total at least 30 square feet of shelf space.**
- 4. **2 “Floor area” means the gross floor area of an attached or detached accessory dwelling unit as measured to the outside surface of exterior walls, including its living area, basement whether conditioned or unconditioned, and any garage or other enclosed accessory structure attached to the detached accessory dwelling unit.**
- 5. **“Junior accessory dwelling unit” or “JADU” means a residential unit that**
 - a. **is no more than 500 square feet in size,**
 - b. **is contained entirely within an existing or proposed single-family structure,**
 - c. **includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and**
 - d. **includes an efficiency kitchen, as defined in subsection (C)(3) above**
- 6. **~~3-~~“Living area” is defined as the interior habitable area of a dwelling unit, including basements and attics, but not including a garage or any accessory structure.**
- 7. **“Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.**
- 8. **“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.**
- 9. **“Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.**
- 10. **4- “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.**
~~means a public bus stop, bus station or transit station.~~

11. **“Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.**

C. ~~Effect of Conforming Accessory Dwelling Unit. An accessory dwelling unit that conforms to this chapter shall:~~

1. ~~Be deemed an accessory use and not be considered to exceed the allowable density for the lot upon which it is located;~~
2. ~~Be deemed a residential use that is consistent with the General Plan and the zoning designations for the lot;~~
3. ~~Not be considered in the application of any ordinance, policy, or program to limit residential growth; and~~
4. ~~Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.~~

D. **Locations Permitted.**

1. **Accessory dwelling units and junior accessory dwelling units are permitted in all zoning districts that allow for any single-family and or multifamily residential use zones, including the corridor mixed use districts if they allow for any residential use.**
2. ~~Accessory dwelling units that meet the requirement of subsection (F)(2)(a) may be located in any single-family residential zone.~~

E. ~~Permit Procedures. Approvals. The following approvals apply to ADUs and JADUs under this section:~~

1. **Building-permit Only. If an ADU or JADU complies with each of the general requirements in subsection (F) below, it is allowed with only a building permit in the following scenarios:**
 - a. **Converted Space or Structure on Single-family Lot: Only one ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:**
 - i. **Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.**
 - ii. **Has exterior access that is independent of that for the single-family dwelling.**
 - iii. **Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.**
 - b. **Limited Detached on Single-family Lot: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition**

to any JADU that might otherwise be established on the lot under subsection (E)(1)(a)), if the detached ADU satisfies the following limitations:

i. The side- and rear-yard setbacks are at least four-feet.

ii. The total floor area is 800 square feet or smaller.

iii. The peak height above grade is 16 feet or less.

c. **Converted on Multifamily Lot: Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages that satisfied the following:**

i. If each converted, ADU complies with state building standards for dwellings.

ii. At least one converted ADU is allowed within an existing multifamily dwelling structure, but the number of ADUs created under this paragraph (E)(1)(c) may not exceed 25 percent of the existing multifamily dwelling units.

d. **Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:**

i. The side- and rear-yard setbacks are at least four-feet.

ii. The total floor area is 800 square feet or smaller.

2. ~~4.~~ **ADU Permits.**

a. **Except as allowed under subsection (E)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth (in subsections (F) and (G) below)**

~~An accessory dwelling unit permit application is required for all new detached accessory dwelling units and for attached accessory dwelling units that include physical expansion (i.e., addition) to an existing primary dwelling unit prior to building permit submittal. Approved applications for an accessory dwelling unit will result in an accessory dwelling unit permit. The applicant shall also obtain a building permit as required by the building code.~~

b. **Impact Fee.**

i. No impact fee is required for an ADU or JADU that is less than 750 square feet in size.

ii. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the

square footage of the primary dwelling unit. (E.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling.) “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.

~~Exception. Accessory dwelling units that meet the requirements of subsection (F)(2)(a) shall only obtain a building permit as required by the building code.~~

- iii. ~~e.~~ Except as otherwise provided in this chapter, the construction of an accessory dwelling **and junior accessory dwelling** unit shall be subject to any applicable fees adopted pursuant to the requirements of California [Government Code](#), Title 7, Division 1, Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

3. ~~2.~~ **Application Process and Timing.**

- a. **An ADU permit is considered and approved magisterially without discretionary review or hearing.**
- b. **The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:**
 - i. **The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or**
 - ii. **In the case of a JADU, and the application to create a junior accessory dwelling unit is submitted with a permit application to create a new single family dwelling on the lot, the city may delay acting on the permit application for the JADU until the City acts on the permit application to create the JADU will still be considered magisterially without discretionary review or a hearing.**
- c. ~~a.~~ **Application requirements.** Applications for an accessory dwelling unit permit shall be made in writing by the property owner or his or her authorized agent, on forms provided by the Community Development Department, and accompanied by such data and information as may be necessary to fully describe the request including:
 - i. A to-scale and fully dimensioned site plan showing the proposed accessory dwelling unit or junior accessory dwelling unit and all existing structures on the property including patio covers, other accessory structures, fences and driveways;

- ii. Elevations of the proposed accessory dwelling unit including building dimensions, material call outs and a color and materials sample board as requested by the Community Development Director;
- iii. Photographs of the exterior of the primary residence as requested by the Community Development Director; and
- iv. Construction Management Plan. Construction hours and staging to minimize impacts on surrounding residential properties.
- d. ~~b.~~ The filing and review fee shall be as prescribed by City Council resolution or ordinance. **The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance.**

~~Review.~~

- a. ~~The Community Development Director or designee will review and approve a complete application for an accessory dwelling unit permit that complies with the requirements of subsection F (Standards). The accessory dwelling unit permit application shall be considered ministerially without any discretionary review or a hearing if the accessory dwelling unit complies with the development provisions as outlined in this section.~~
- b. ~~The Community Development Director or designee will approve or disapprove of an application for an accessory dwelling unit permit within 120 days after receiving the complete application.~~

4. Nonconforming ADUs and Discretionary Approval. ~~Exceptions.~~

- a. **Any proposed ADU or JADU that does not conform to the objective standards** ~~A property owner may apply for an exception to construct an accessory dwelling unit that does not meet the standard(s) set forth in subsections (F) and (G) (1) below by applying for~~ **may be allowed by the City with a** Zoning Administrator permit in accordance with Chapters 17.132 and 17.148 of this title. A noticed public hearing shall be held in accordance with Sections 17.132.030 and 17.148.030. ~~The Zoning Administrator may approve specific exception(s) from the standards listed in subsection (F)(1), except as set forth below:~~
- i. ~~The minimum lot size standard may only be reduced to 5,000 square feet (minimum).~~ **The maximum size of an ADU subject to this subsection (E)(4) is 1,200 square feet, or three bedrooms.**
- b. Findings. Before approval of the Zoning Administrator permit granting the exception, the Zoning Administrator shall find that:
 - i. The exterior design of the accessory dwelling unit is in harmony with, and maintains the scale of, the neighborhood;
 - ii. If an exception to parking requirements is requested, the exception will not result in excessive parking congestion;

- iii. The site plan provides adequate open space usable and useful for both the accessory dwelling unit and the primary residence;
- iv. Where applicable, open space and landscaping provides for privacy and screening of adjacent properties;
- v. The location and design of the accessory unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, noise, light air, solar access or parking of adjacent properties; and
- vi. Windows that impact the privacy of the neighboring side or rear yard have been minimized. Major windows, access stairs, entry doors and decks are generally limited to the walls facing the primary residence or the alley, if applicable.

F. General ADU and JADU Requirements. Standards The following requirements apply to all ADUs and JADUs that are approved under subsections (E)(1) or (E)(2):

1. Zoning

- a. **An ADU or JADU subject only to a building permit under subsection (E)(1) may be created on a lot in a residential or mixed-use zone.**
- b. **An ADU or JADU subject to an ADU permit under subsection (E)(2) may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.**

~~1. Except as provided in subsection 2, accessory dwelling units must meet the following standards:~~

- a. ~~General Requirements. An accessory dwelling unit shall comply with all provisions of the underlying zoning district, except as modified by this section. The requirements for other accessory structures found in Section 17.104.020 (Accessory buildings and uses) do not apply to accessory dwelling units.~~
- b. ~~Lot Size. The minimum lot size upon which an accessory dwelling unit may be located is 6,000 square feet.~~
- c. ~~Development On the Lot.~~
 - i. ~~The accessory dwelling unit must be:~~
 - (A) ~~Detached from the existing primary dwelling, but located on the same lot as the existing dwelling;~~
 - (B) ~~Attached to the existing dwelling; or~~
 - (C) ~~Located within the living area of the existing dwelling.~~
 - ii. ~~Only one accessory dwelling unit shall be allowed per lot.~~
 - iii. ~~Within a residential multiple family zone, an accessory dwelling unit may not be constructed on a parcel which is developed with more than four existing residential units.~~

- ~~iv. The accessory dwelling unit is not intended for sale separate from the primary residence(s).~~
 - ~~v. Landscape Screening. If second floor windows in a proposed accessory dwelling unit overlook the interior living areas of a direct neighbor's residence, landscaping is required for the privacy and screening of the adjacent property.~~
- 2. Fire Sprinklers. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.**
- ~~3. d. Rental Term. No ADU or JADU Occupancy. The accessory dwelling unit may be rented Leases for durations of less for a term that is shorter than 30 days are prohibited.~~
- 4. No Separate Conveyance. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).**
- 5. Owner Occupancy.**
 - a. All ADUs created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.**
 - b. An ADU that is created after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.**
 - c. All ADUs that are created on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.**
 - d. All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.**
- 6. e. Building and Construction.**
 - ~~i. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.~~
 - ~~ii. An accessory dwelling unit is required to have fire sprinklers, only if the primary residence is also required to have fire sprinklers.~~
 - ~~iii. An accessory unit shall meet the requirements of the building code, as adopted and amended by Chapter 15.04 of the municipal code, that apply to detached dwellings, as appropriate.~~
 - ~~iiiv. As required in the municipal code a separate utility connection may be required directly between the accessory dwelling unit and the utility.~~

- b. ~~¶. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. “Passageway” is defined as a pathway that is unobstructed clear to the sky and extends from to street to one entrance of the accessory dwelling unit.~~

G. Specific ADU and JADU Requirements. The following requirements apply only to ADUs that require an ADU permit under subsection (E)(2) above.

1. Maximum Size.

- a. **The maximum size of a detached or attached ADU subject to this subsection (G)(1) is 850 for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.**
- b. **An attached ADU that is created on a lot with an existing primary dwelling shall not exceed 50 percent of the existing floor area of the primary dwelling.**
- c. **The accessory dwelling unit shall contain no less than the 150 square feet area minimum required for an efficiency dwelling unit as defined in Section 17958.1 of the Health and Safety Code.**
- d. **Application of other development standards in this subsection (G), such as FAR or lot coverage, might further limit the size of the ADU, but no application of FAR, lot coverage, or open-space requirements may require the ADU to be less than 800 square feet.**

2. f. Parking.

- i. ~~Except as provided in subparagraph (f)(ii):~~

General Requirement. Accessory dwelling units must meet the following parking standards:

- a. **One off street parking space is required for an ADU that is approved under subsection (E)(2) above.**

~~(A) Accessory dwelling units must meet the following parking standards:~~

- ~~(1) For accessory dwelling units with no separate bedrooms (such as a loft or studio), one off-street parking space shall be provided per unit.~~
- ~~(2) For accessory dwelling units with at least one separate bedroom, one off-street parking space shall be provided per bedroom.~~

- b. ~~(B) If parking configuration, if required:~~

- i. ~~(1) The required parking spaces may be located in setback areas approved by the Community Development Director (or designee) or tandem parking on an existing driveway, unless specific findings are made under subparagraph (B)(2) (G)(2)(b)(ii).~~
- ii. ~~(2) Parking arrangements in subparagraph (G)(2)(b)(i)(B)(1) are not permitted may be prohibited if the Community Development Director (or designee) makes specific findings that such parking arrangements are~~

not feasible based upon specific site or regional topographical or fire or life safety conditions, ~~or that such arrangements are not permitted anywhere in the jurisdiction.~~

~~(3) — When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement 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.~~

- c. **ii. Exceptions.** Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:
 - i. ~~(A)~~ The accessory dwelling unit is located within one-half mile of public transit, including a public bus stop, bus station or transit station.
 - ii. ~~(B)~~ The accessory dwelling unit is located within a designated historic district.
 - iii. ~~(C)~~ The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
 - iv. ~~(D)~~ When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - v. ~~(E)~~ When there is an established car share vehicle stop located within one block of the accessory dwelling unit
- d. **No Replacement.** When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

3. ~~g.~~ Height.

- a. The height of a second-story or two story attached ~~accessory dwelling unit~~ ADU shall not exceed the height of the primary structure or 30-feet in height above grade, whichever is greater, measured to the peak of the structure. ~~must meet the height standards of the applicable zoning district.~~
- b. A detached ADU may not exceed 16-feet in height, above grade, measured to the peak of the structure.
- c. A unit above a detached garage located contiguous to an alley may not exceed 25-feet in height above grade, measured to the peak of the structure.

4. ~~h.~~ Setbacks.

- a. ~~(i) Attached and Detached Accessory Dwelling Unit. Except as provided in subsection paragraphs (E)(1)(ii) and (iii), an attached or detached ADU is subject to side and rear setbacks of four feet. accessory dwelling unit shall meet the following setback standards:~~
 - ~~(A) — Single Story Accessory Dwelling Unit. The side and rear yard setback for a single story accessory dwelling unit shall be at least five feet.~~
 - ~~(B) — One and One Half Accessory Dwelling Units and Two-Story Accessory Dwelling Units. The side and rear yard setback for a one and one half accessory dwelling unit and two-story accessory dwelling unit shall be at least 10 feet.~~
- b. ~~(C) Alley Adjacent Accessory Dwelling Units and Accessory Dwelling Units Adjacent to Non-residentially Zoned Property. Side or rear yard setbacks adjacent to an alley or non-residentially zoned property shall be zero feet. Parking provided off the alley shall maintain a 24-foot back out, which includes the alley.~~
 - ~~(D) — Street-Side Corner Lot. Setback requirements for the street-side of a corner lot shall be consistent with street-side setback standards of the applicable zoning district. Other setbacks (e.g., rear or non-street side) shall be as set forth in subparagraph (h)(i)(A), (B) or (C) above.~~
- c. ~~ii. Garage and Accessory Building Conversion. No setback shall be required for a legally established, existing garage or accessory building that is converted to an accessory dwelling unit, provided the structure is not expanded under subsection (E)(1)(a)(i). Any expansion of the structure under subsection (E)(1)(a)(i) is subject to side and rear setbacks of four feet shall comply with applicable setback requirements.~~
- d. ~~iii. Addition Over a Garage. A minimum side and rear setback of five feet shall shall apply to the newly constructed portion for an accessory dwelling unit constructed above a legally established existing garage.~~
 - i. ~~Unit Size.~~
 - ~~i. — The increased floor area of an attached accessory dwelling unit shall not exceed 50% of the existing living area, with a maximum increase in floor area of 1,200 square feet.~~
 - ~~ii. — The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.~~
 - ~~iii. — The accessory dwelling unit shall contain no less than the 150 square feet area minimum required for an efficiency dwelling unit as defined in Section 17958.1 of the [Health and Safety Code](#).~~

5. j. Lot Coverage

- a. ~~i.~~ Lot Coverage. **No ADU subject to this subsection (G) may cause the total lot coverage of the single-family lot to exceed lot coverage standards of the applicable zoning district 50 percent.**
 - b. ~~ii.~~ Rear Yard Coverage. An accessory dwelling unit shall not result in more than 30% rear yard coverage as measured from the rear wall of the primary residence to the rear property line (or as measured from the average distance of the rear wall from the rear property boundary if the rear wall does not follow a straight line).
 - ~~iii.~~ ~~Required Rear Yard Coverage. An accessory dwelling unit shall not result in more than 35% coverage of the “required rear yard,” which is set forth by the applicable zoning district.~~
- 6. ~~k.~~ **Architecture Requirements Review**
 - a. **The materials and colors of the exterior walls, roof, and windows and doors must be the same the appearance of the primary dwelling**
 - b. **The roof slope must be the same that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.**
 - c. **The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.**
 - d. **The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must be located on the side or rear building façade, not facing a public-right-of-way.**
 - e. **The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.**
 - f. **Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.**
 - g. **All second-story windows and doors in a second unit that are less than 30 feet from a property line that is not a right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.**
 - h. **Access stairs, entry doors and decks must face the primary residence or the alley, if applicable.**

- i. **A garage converted to an accessory dwelling unit shall include removal of garage door(s) which shall be replaced with architectural features, including walls, doors, windows, trim and accent details.**
- j. **The architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the federal, state, or local register of historic places must comply with all applicable ministerial requirements imposed by the Secretary of Interior.**
 - ~~i. — The design of the accessory dwelling unit shall relate to the design of the primary residence by use of similar quality exterior wall materials, window types, door and window trims, and roofing materials, but does not have to match the architectural style of the primary residence.~~
 - ~~ii. — A garage converted to an accessory dwelling unit shall include removal of garage door(s) which shall be replaced with architectural features, including walls, doors, windows, trim and accent details that remove any appearance that the structure was originally a garage.~~
 - ~~iii. — Windows facing interior areas of adjoining residential property shall be minimized in scale and number and fencing or landscaping shall be required to provide screening.~~
 - ~~iv. — Access stairs, entry doors and decks must face the primary residence or the alley, if applicable.~~

7. Landscape Requirements

- a. **Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels as follows:**
 - i. **At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24" box size plant shall be provided for every ten linear feet of exterior wall.**
 - ii. **For a ground-level ADU, plant specimens must be at least six feet tall when installed. As an alternative, for a ground level ADU, a solid fence of at least 6 feet in height may be installed.**
- b. **For a second-story ADU, plant specimens must be at least 12 feet tall when installed.**
- c. **All landscaping must be drought-tolerant.**

8. Other

- a. **The ADU and primary dwelling must use the same driveway to access the street, unless otherwise required for fire-apparatus access, as determined by the fire authority.**
- b. **Each unclosed parking space shall be at least eight and one-half feet wide and eighteen feet long.**
- c. **Each parking space that is provided in an enclosed garage shall be at least ten feet wide and twenty feet long and have at least seven and a half feet vertical clearance.**

9. Notice of Construction

- a. **At least ten business days before starting any construction of a second unit, the property owner shall give written notice to all the owners of record of each of the adjacent residential parcels, which notice shall include the following information:**
 - i. **Notice that construction has been authorized,**
 - ii. **The anticipated start and end dates for construction,**
 - iii. **The hours of construction,**
 - iv. **Contact information for the project manager (for construction-related complaints), and**
 - v. **Contact information for the city building division.**
- b. **This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City of Woodland has no discretion in approving or denying a particular ADU project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.**

~~2. An accessory dwelling unit is exempt from the requirements of subsection (F)(1) if the unit meets all the requirements of subsection (F)(2)(a):~~

- ~~a. The accessory dwelling unit:~~
 - ~~i. Is one accessory dwelling unit per single-family lot located within a single-family residential zone;~~

- ii. ~~Is contained within the existing space of a single family residence or within the existing space of an existing accessory building or structure;~~
- iii. ~~Has independent exterior access from the existing residence; and~~
- iv. ~~The side and rear setbacks are sufficient for fire safety.~~
- b. ~~If subparagraphs requirements of paragraph (2)(a) are met, then the applicant:~~
 - i. ~~Is required to install fire sprinklers in the accessory dwelling unit if the primary residence is also required to have fire sprinklers;~~
 - ii. ~~Is not required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, or to be charged a related connection fee or capacity charge;~~
 - iii. ~~Shall obtain a building permit as required by the building code as adopted and amended by Chapter 15.04 of the municipal code. (Prior code § 25-21-05)~~

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND AMENDING SECTION 17.104.010 OF CHAPTER 17 OF THE CITY OF WOODLAND MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

WHEREAS, the City of Woodland, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills (“New ADU Laws”) that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the New ADU Laws take effect January 1, 2020, and if the City’s ADU ordinance does not comply with the New ADU Laws, the City’s ordinance becomes null and void on that date as a matter of law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, failure to comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 renders the City’s ordinance regulating ADUs and JADUs null and void, thereby limiting the City to the application of the few default standards provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs; and

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety.

WHEREAS, the City Council has reviewed and considered the public testimony and agenda reports prepared in connection with this ordinance, including the policy considerations discussed therein, and the consideration and recommendation by the City’s Planning Commission; and

WHEREAS, in accordance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (Cal. Code Regs.,

tit. 14, § 15000 et seq.), the City has determined that the revisions to the Woodland Municipal Code are exempt from environmental review.

NOW, THEREFORE, the City Council of the City of Woodland does ordain as follows:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State’s ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot. Moreover, the City Council finds that none of the “exceptions” to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here. Specifically, the City Council finds that the ordinance will:

- (1) Not result in the construction of ADUs or JADUs within a particularly sensitive environment because these accessory structures will necessarily be built on a lot already developed with a primary dwelling;
- (2) Not result in a potentially significant cumulative impact because these accessory structures will necessarily be built on a lot already developed with a primary dwelling;
- (3) Not result in a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances because the construction of small structures or conversion of existing structures are accessory to a primary dwelling on sites that are already be developed;
- (4) Not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway because no residential property is located adjacent to a state scenic highway and new structures will be required to comply with the City’s Tree Preservation Ordinance as appropriate;

- (5) Not be located on a hazardous waste site included on any list compiled pursuant to § 65962.5 of the Government Code because no property zoned residential is located on a hazardous waste site; or
- (6) Not result in a substantial adverse change in the significance of a historical resource because any demolition of a potential historic structure will be required to comply with the City's Historical Preservation Ordinance.

Section 3. Section 17.104.010 of Chapter 17 of the Woodland Municipal Code is hereby amended and restated as provided in Exhibit "A", attached hereto and incorporated herein by reference.

Section 4. This ordinance shall take effect 30 days following its adoption.

Section 5. The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within 15 days after its adoption or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five days before its adoption and again within 15 days after its adoption.

Section 6. The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

Section 7. The City Council hereby directs staff to prepare, execute and file with the Yolo County Clerk a Notice of Exemption within five working days of first reading of this ordinance.

Section 8. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

Section 9. The documents and materials that constitute the record of proceedings on which this Ordinance and the above findings have been based are located in the Community Development Department at 300 First Street, Woodland, CA 95695

(Continues on next page)

PASSED, APPROVED AND ADOPTED by the City Council of the City of Woodland, California, at a regular meeting of the City Council held on the ____ day of _____ 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rich Lansburgh, Mayor

ATTEST:

Ana Gonzalez, City Clerk

APPROVED AS TO FORM:

Kara Ueda, City Attorney

BEST BEST & KRIEGER LLP

EXHIBIT A

Amendments to Municipal Code

(follows this page)

17.104.010 Accessory dwelling units

- A. Purpose. The purpose of this section is to provide reasonable regulations for the development of accessory dwelling units **(ADUs) and junior accessory dwelling units (JADUs)** in certain areas and on lots developed or proposed to be developed with single-family residential dwellings, duplexes and **multiple family units**. ~~lots developed with up to four dwelling units~~. Such accessory dwelling units contribute needed housing to the community's housing stock and promote housing opportunities for the persons wishing to reside in the City of Woodland. In addition, the regulations in this section are intended to promote the goals and policies of the City's General Plan and comply with requirements codified in the State Planning and Zoning Law related to accessory dwelling units in residential areas, including California [Government Code](#) Section 65852.2. **and 65852.22.**
- B. **Effect of Conforming Accessory Dwelling Unit. An accessory dwelling unit that conforms to this chapter shall:**
1. **Be deemed an accessory use and not be considered to exceed the allowable density for the lot upon which it is located;**
 2. **Be deemed a residential use that is consistent with the General Plan and the zoning designations for the lot;**
 3. **Not be considered in the application of any ordinance, policy, or program to limit residential growth; and**
 4. **Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.**
- C. ~~B~~ Definitions.
1. "Accessory dwelling unit" **(ADU)** means a residential dwelling unit that is detached from, attached to, or located within the living area of an existing primary dwelling unit, and that provides independent living facilities for one or more persons. An accessory dwelling unit also includes:
 - a. an efficiency unit, as defined in California Health and Safety Code Section 17958.1, and
 - b. a manufactured home, as defined in Section 18007.
 2. **"Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.**
 3. **"Efficiency kitchen" means a kitchen that includes each of the following:**

- a. **A cooking facility with appliances.**
 - b. **A food preparation counter or counters that total at least 15 square feet in area.**
 - c. **Food storage cabinets that total at least 30 square feet of shelf space.**
4. **2 “Floor area” means the gross floor area of an attached or detached accessory dwelling unit as measured to the outside surface of exterior walls, including its living area, basement whether conditioned or unconditioned, and any garage or other enclosed accessory structure attached to the detached accessory dwelling unit.**
5. **“Junior accessory dwelling unit” or “JADU” means a residential unit that**
- a. **is no more than 500 square feet in size,**
 - b. **is contained entirely within an existing or proposed single-family structure,**
 - c. **includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and**
 - d. **includes an efficiency kitchen, as defined in subsection (C)(3) above**
6. **~~3-~~“Living area” is defined as the interior habitable area of a dwelling unit, including basements and attics, but not including a garage or any accessory structure.**
7. **“Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.**
8. **“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.**
9. **“Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.**
10. **4- “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.**
~~means a public bus stop, bus station or transit station.~~

11. “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

C. ~~Effect of Conforming Accessory Dwelling Unit. An accessory dwelling unit that conforms to this chapter shall:~~

1. ~~Be deemed an accessory use and not be considered to exceed the allowable density for the lot upon which it is located;~~
2. ~~Be deemed a residential use that is consistent with the General Plan and the zoning designations for the lot;~~
3. ~~Not be considered in the application of any ordinance, policy, or program to limit residential growth; and~~
4. ~~Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.~~

D. Locations Permitted.

1. Accessory dwelling units **and junior accessory dwelling units** are permitted in all **zoning districts that allow for any single-family and or multifamily residential use zones, including the corridor mixed use districts if they allow for any residential use.**
2. ~~Accessory dwelling units that meet the requirement of subsection (F)(2)(a) may be located in any single-family residential zone.~~

E. ~~Permit Procedures. Approvals. The following approvals apply to ADUs and JADUs under this section:~~

1. **Building-permit Only. If an ADU or JADU complies with each of the general requirements in subsection (F) below, it is allowed with only a building permit in the following scenarios:**
 - a. **Converted Space or Structure on Single-family Lot: Only one ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:**
 - i. **Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.**
 - ii. **Has exterior access that is independent of that for the single-family dwelling.**
 - iii. **Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.**
 - b. **Limited Detached on Single-family Lot: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition**

to any JADU that might otherwise be established on the lot under subsection (E)(1)(a)), if the detached ADU satisfies the following limitations:

i. The side- and rear-yard setbacks are at least four-feet.

ii. The total floor area is 800 square feet or smaller.

iii. The peak height above grade is 16 feet or less.

c. **Converted on Multifamily Lot: Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages that satisfied the following:**

i. If each converted, ADU complies with state building standards for dwellings.

ii. At least one converted ADU is allowed within an existing multifamily dwelling structure, but the number of ADUs created under this paragraph (E)(1)(c) may not exceed 25 percent of the existing multifamily dwelling units.

d. **Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:**

i. The side- and rear-yard setbacks are at least four-feet.

ii. The total floor area is 800 square feet or smaller.

2. ~~4.~~ **ADU Permits.**

a. Except as allowed under subsection (E)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth (in subsections (F) and (G) below)

~~An accessory dwelling unit permit application is required for all new detached accessory dwelling units and for attached accessory dwelling units that include physical expansion (i.e., addition) to an existing primary dwelling unit prior to building permit submittal. Approved applications for an accessory dwelling unit will result in an accessory dwelling unit permit. The applicant shall also obtain a building permit as required by the building code.~~

b. **Impact Fee.**

i. No impact fee is required for an ADU or JADU that is less than 750 square feet in size.

ii. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the

square footage of the primary dwelling unit. (E.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling.) “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.

~~Exception. Accessory dwelling units that meet the requirements of subsection (F)(2)(a) shall only obtain a building permit as required by the building code.~~

- iii. ~~e.~~ Except as otherwise provided in this chapter, the construction of an accessory dwelling **and junior accessory dwelling** unit shall be subject to any applicable fees adopted pursuant to the requirements of California [Government Code](#), Title 7, Division 1, Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

3. ~~2.~~ **Application Process and Timing.**

- a. **An ADU permit is considered and approved magisterially without discretionary review or hearing.**
- b. **The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:**
 - i. **The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or**
 - ii. **In the case of a JADU, and the application to create a junior accessory dwelling unit is submitted with a permit application to create a new single family dwelling on the lot, the city may delay acting on the permit application for the JADU until the City acts on the permit application to create the JADU will still be considered magisterially without discretionary review or a hearing.**
- c. ~~a.~~ **Application requirements.** Applications for an accessory dwelling unit permit shall be made in writing by the property owner or his or her authorized agent, on forms provided by the Community Development Department, and accompanied by such data and information as may be necessary to fully describe the request including:
 - i. A to-scale and fully dimensioned site plan showing the proposed accessory dwelling unit or junior accessory dwelling unit and all existing structures on the property including patio covers, other accessory structures, fences and driveways;

- ii. Elevations of the proposed accessory dwelling unit including building dimensions, material call outs and a color and materials sample board as requested by the Community Development Director;
 - iii. Photographs of the exterior of the primary residence as requested by the Community Development Director; and
 - iv. Construction Management Plan. Construction hours and staging to minimize impacts on surrounding residential properties.
- d. ~~b.~~ The filing and review fee shall be as prescribed by City Council resolution or ordinance. **The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance.**

~~Review.~~

- a. ~~The Community Development Director or designee will review and approve a complete application for an accessory dwelling unit permit that complies with the requirements of subsection F (Standards). The accessory dwelling unit permit application shall be considered ministerially without any discretionary review or a hearing if the accessory dwelling unit complies with the development provisions as outlined in this section.~~
- b. ~~The Community Development Director or designee will approve or disapprove of an application for an accessory dwelling unit permit within 120 days after receiving the complete application.~~

4. Nonconforming ADUs and Discretionary Approval. ~~Exceptions.~~

- a. **Any proposed ADU or JADU that does not conform to the objective standards** ~~A property owner may apply for an exception to construct an accessory dwelling unit that does not meet the standard(s) set forth in subsections (F) and (G) (1) below by applying for~~ **may be allowed by the City with a** Zoning Administrator permit in accordance with Chapters 17.132 and 17.148 of this title. A noticed public hearing shall be held in accordance with Sections 17.132.030 and 17.148.030. ~~The Zoning Administrator may approve specific exception(s) from the standards listed in subsection (F)(1), except as set forth below:~~
- i. ~~The minimum lot size standard may only be reduced to 5,000 square feet (minimum).~~ **The maximum size of an ADU subject to this subsection (E)(4) is 1,200 square feet, or three bedrooms.**
- b. Findings. Before approval of the Zoning Administrator permit granting the exception, the Zoning Administrator shall find that:
 - i. The exterior design of the accessory dwelling unit is in harmony with, and maintains the scale of, the neighborhood;
 - ii. If an exception to parking requirements is requested, the exception will not result in excessive parking congestion;

- iii. The site plan provides adequate open space usable and useful for both the accessory dwelling unit and the primary residence;
- iv. Where applicable, open space and landscaping provides for privacy and screening of adjacent properties;
- v. The location and design of the accessory unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, noise, light air, solar access or parking of adjacent properties; and
- vi. Windows that impact the privacy of the neighboring side or rear yard have been minimized. Major windows, access stairs, entry doors and decks are generally limited to the walls facing the primary residence or the alley, if applicable.

F. General ADU and JADU Requirements. Standards The following requirements apply to all ADUs and JADUs that are approved under subsections (E)(1) or (E)(2):

1. Zoning

- a. **An ADU or JADU subject only to a building permit under subsection (E)(1) may be created on a lot in a residential or mixed-use zone.**
- b. **An ADU or JADU subject to an ADU permit under subsection (E)(2) may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.**

~~1. Except as provided in subsection 2, accessory dwelling units must meet the following standards:~~

- a. ~~General Requirements. An accessory dwelling unit shall comply with all provisions of the underlying zoning district, except as modified by this section. The requirements for other accessory structures found in Section 17.104.020 (Accessory buildings and uses) do not apply to accessory dwelling units.~~
- b. ~~Lot Size. The minimum lot size upon which an accessory dwelling unit may be located is 6,000 square feet.~~
- c. ~~Development On the Lot.~~
 - i. ~~The accessory dwelling unit must be:~~
 - (A) ~~Detached from the existing primary dwelling, but located on the same lot as the existing dwelling;~~
 - (B) ~~Attached to the existing dwelling; or~~
 - (C) ~~Located within the living area of the existing dwelling.~~
 - ii. ~~Only one accessory dwelling unit shall be allowed per lot.~~
 - iii. ~~Within a residential multiple family zone, an accessory dwelling unit may not be constructed on a parcel which is developed with more than four existing residential units.~~

- iv. ~~The accessory dwelling unit is not intended for sale separate from the primary residence(s).~~
 - v. ~~Landscape Screening. If second floor windows in a proposed accessory dwelling unit overlook the interior living areas of a direct neighbor's residence, landscaping is required for the privacy and screening of the adjacent property.~~
- 2. **Fire Sprinklers. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.**
- 3. ~~d. Rental Term. No ADU or JADU Occupancy. The accessory dwelling unit may be rented Leases for durations of less for a term that is shorter than 30 days are prohibited.~~
- 4. **No Separate Conveyance. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).**
- 5. **Owner Occupancy.**
 - a. **All ADUs created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.**
 - b. **An ADU that is created after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.**
 - c. **All ADUs that are created on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.**
 - d. **All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.**
- 6. **e. Building and Construction.**
 - i. ~~An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.~~
 - ii. ~~An accessory dwelling unit is required to have fire sprinklers, only if the primary residence is also required to have fire sprinklers.~~
 - a. ~~iii. An accessory unit shall meet the requirements of the building code, as adopted and amended by Chapter 15.04 of the municipal code, that apply to detached dwellings, as appropriate.~~
 - ~~iiiv. As required in the municipal code a separate utility connection may be required directly between the accessory dwelling unit and the utility.~~

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

G. Specific ADU and JADU Requirements. The following requirements apply only to ADUs that require an ADU permit under subsection (E)(2) above.

1. Maximum Size.

- a. **The maximum size of a detached or attached ADU subject to this subsection (G)(1) is 850 for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.**
- b. **An attached ADU that is created on a lot with an existing primary dwelling shall not exceed 50 percent of the existing floor area of the primary dwelling.**
- c. **The accessory dwelling unit shall contain no less than the 150 square feet area minimum required for an efficiency dwelling unit as defined in Section 17958.1 of the Health and Safety Code.**
- d. **Application of other development standards in this subsection (G), such as FAR or lot coverage, might further limit the size of the ADU, but no application of FAR, lot coverage, or open-space requirements may require the ADU to be less than 800 square feet.**

2. f. Parking.

- i. ~~Except as provided in subparagraph (f)(ii):~~

General Requirement. Accessory dwelling units must meet the following parking standards:

- a. **One off street parking space is required for an ADU that is approved under subsection (E)(2) above.**

~~(A) Accessory dwelling units must meet the following parking standards:~~

- ~~(1) For accessory dwelling units with no separate bedrooms (such as a loft or studio), one off-street parking space shall be provided per unit.~~
- ~~(2) For accessory dwelling units with at least one separate bedroom, one off-street parking space shall be provided per bedroom.~~

- b. ~~(B) If parking configuration, if required:~~

- i. ~~(1) The required parking spaces may be located in setback areas approved by the Community Development Director (or designee) or tandem parking on an existing driveway, unless specific findings are made under subparagraph (B)(2) (G)(2)(b)(ii).~~
- ii. ~~(2) Parking arrangements in subparagraph (G)(2)(b)(i)(B)(1) are not permitted may be prohibited if the Community Development Director (or designee) makes specific findings that such parking arrangements are~~

not feasible based upon specific site or regional topographical or fire or life safety conditions, ~~or that such arrangements are not permitted anywhere in the jurisdiction.~~

~~(3) — When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement 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.~~

- c. **ii. Exceptions.** Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:
 - i. ~~(A)~~ The accessory dwelling unit is located within one-half mile of public transit, including a public bus stop, bus station or transit station.
 - ii. ~~(B)~~ The accessory dwelling unit is located within a designated historic district.
 - iii. ~~(C)~~ The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
 - iv. ~~(D)~~ When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - v. ~~(E)~~ When there is an established car share vehicle stop located within one block of the accessory dwelling unit
- d. **No Replacement.** When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

3. ~~g.~~ Height.

- a. The height of a second-story or two story attached ~~accessory dwelling unit~~ ADU shall not exceed the height of the primary structure or 30-feet in height above grade, whichever is greater, measured to the peak of the structure. ~~must meet the height standards of the applicable zoning district.~~
- b. A detached ADU may not exceed 16-feet in height, above grade, measured to the peak of the structure.
- c. A unit above a detached garage located contiguous to an alley may not exceed 25-feet in height above grade, measured to the peak of the structure.

4. ~~h.~~ Setbacks.

- a. ~~(i) Attached and Detached Accessory Dwelling Unit. Except as provided in subsection paragraphs (E)(1)(ii) and (iii), an attached or detached ADU is subject to side and rear setbacks of four feet. accessory dwelling unit shall meet the following setback standards:~~
 - ~~(A) — Single Story Accessory Dwelling Unit. The side and rear yard setback for a single story accessory dwelling unit shall be at least five feet.~~
 - ~~(B) — One and One Half Accessory Dwelling Units and Two-Story Accessory Dwelling Units. The side and rear yard setback for a one and one half accessory dwelling unit and two-story accessory dwelling unit shall be at least 10 feet.~~
- b. ~~(C) Alley Adjacent Accessory Dwelling Units and Accessory Dwelling Units Adjacent to Non-residentially Zoned Property. Side or rear yard setbacks adjacent to an alley or non-residentially zoned property shall be zero feet. Parking provided off the alley shall maintain a 24-foot back out, which includes the alley.~~
 - ~~(D) — Street-Side Corner Lot. Setback requirements for the street-side of a corner lot shall be consistent with street-side setback standards of the applicable zoning district. Other setbacks (e.g., rear or non-street side) shall be as set forth in subparagraph (h)(i)(A), (B) or (C) above.~~
- c. ~~ii. Garage and Accessory Building Conversion. No setback shall be required for a legally established, existing garage or accessory building that is converted to an accessory dwelling unit, provided the structure is not expanded under subsection (E)(1)(a)(i). Any expansion of the structure under subsection (E)(1)(a)(i) is subject to side and rear setbacks of four feet shall comply with applicable setback requirements.~~
- d. ~~iii. Addition Over a Garage. A minimum side and rear setback of five feet shall shall apply to the newly constructed portion for an accessory dwelling unit constructed above a legally established existing garage.~~
 - i. ~~Unit Size.~~
 - ~~i. — The increased floor area of an attached accessory dwelling unit shall not exceed 50% of the existing living area, with a maximum increase in floor area of 1,200 square feet.~~
 - ~~ii. — The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.~~
 - ~~iii. — The accessory dwelling unit shall contain no less than the 150 square feet area minimum required for an efficiency dwelling unit as defined in Section 17958.1 of the [Health and Safety Code](#).~~

5. j. Lot Coverage

- a. ~~i.~~ Lot Coverage. **No ADU subject to this subsection (G) may cause the total lot coverage of the single-family lot to exceed lot coverage standards of the applicable zoning district 50 percent.**
 - b. ~~ii.~~ Rear Yard Coverage. An accessory dwelling unit shall not result in more than 30% rear yard coverage as measured from the rear wall of the primary residence to the rear property line (or as measured from the average distance of the rear wall from the rear property boundary if the rear wall does not follow a straight line).
 - ~~iii.~~ ~~Required Rear Yard Coverage. An accessory dwelling unit shall not result in more than 35% coverage of the “required rear yard,” which is set forth by the applicable zoning district.~~
- 6. ~~k.~~ **Architecture Requirements Review**
 - a. **The materials and colors of the exterior walls, roof, and windows and doors must be the same the appearance of the primary dwelling**
 - b. **The roof slope must be the same that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.**
 - c. **The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.**
 - d. **The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must be located on the side or rear building façade, not facing a public-right-of-way.**
 - e. **The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.**
 - f. **Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.**
 - g. **All second-story windows and doors in a second unit that are less than 30 feet from a property line that is not a right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.**
 - h. **Access stairs, entry doors and decks must face the primary residence or the alley, if applicable.**

- i. **A garage converted to an accessory dwelling unit shall include removal of garage door(s) which shall be replaced with architectural features, including walls, doors, windows, trim and accent details.**
- j. **The architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the federal, state, or local register of historic places must comply with all applicable ministerial requirements imposed by the Secretary of Interior.**
 - i. ~~—The design of the accessory dwelling unit shall relate to the design of the primary residence by use of similar quality exterior wall materials, window types, door and window trims, and roofing materials, but does not have to match the architectural style of the primary residence.~~
 - ii. ~~—A garage converted to an accessory dwelling unit shall include removal of garage door(s) which shall be replaced with architectural features, including walls, doors, windows, trim and accent details that remove any appearance that the structure was originally a garage.~~
 - iii. ~~—Windows facing interior areas of adjoining residential property shall be minimized in scale and number and fencing or landscaping shall be required to provide screening.~~
 - iv. ~~—Access stairs, entry doors and decks must face the primary residence or the alley, if applicable.~~

7. Landscape Requirements

- a. **Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels as follows:**
 - i. **At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24" box size plant shall be provided for every ten linear feet of exterior wall.**
 - ii. **For a ground-level ADU, plant specimens must be at least six feet tall when installed. As an alternative, for a ground level ADU, a solid fence of at least 6 feet in height may be installed.**
- b. **For a second-story ADU, plant specimens must be at least 12 feet tall when installed.**
- c. **All landscaping must be drought-tolerant.**

8. Other

- a. **The ADU and primary dwelling must use the same driveway to access the street, unless otherwise required for fire-apparatus access, as determined by the fire authority.**
- b. **Each unclosed parking space shall be at least eight and one-half feet wide and eighteen feet long.**
- c. **Each parking space that is provided in an enclosed garage shall be at least ten feet wide and twenty feet long and have at least seven and a half feet vertical clearance.**

9. Notice of Construction

- a. **At least ten business days before starting any construction of a second unit, the property owner shall give written notice to all the owners of record of each of the adjacent residential parcels, which notice shall include the following information:**
 - i. **Notice that construction has been authorized,**
 - ii. **The anticipated start and end dates for construction,**
 - iii. **The hours of construction,**
 - iv. **Contact information for the project manager (for construction-related complaints), and**
 - v. **Contact information for the city building division.**
- b. **This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City of Woodland has no discretion in approving or denying a particular ADU project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.**

~~2. An accessory dwelling unit is exempt from the requirements of subsection (F)(1) if the unit meets all the requirements of subsection (F)(2)(a):~~

- ~~a. The accessory dwelling unit:~~
 - ~~i. Is one accessory dwelling unit per single-family lot located within a single-family residential zone;~~

- ii. ~~Is contained within the existing space of a single family residence or within the existing space of an existing accessory building or structure;~~
- iii. ~~Has independent exterior access from the existing residence; and~~
- iv. ~~The side and rear setbacks are sufficient for fire safety.~~
- b. ~~If subparagraphs requirements of paragraph (2)(a) are met, then the applicant:~~
 - i. ~~Is required to install fire sprinklers in the accessory dwelling unit if the primary residence is also required to have fire sprinklers;~~
 - ii. ~~Is not required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, or to be charged a related connection fee or capacity charge;~~
 - iii. ~~Shall obtain a building permit as required by the building code as adopted and amended by Chapter 15.04 of the municipal code. (Prior code § 25-21-05)~~

Accessory Dwelling Unit Requirements Table V 11.27.19

Unit Type	Maximum size	Rear Yard Setback	Interior Side Yard Setback	Street Side Setback	Maximum Height	Min Dist from other structures	Lot Coverage	Rear Yard Coverage	Parking Required		Building Permit Required	ADU Permit Required
Junior ADU - is contained entirely within an existing or proposed single-family structure	500-sq ft	Meets Fire and Building codes	Meets Fire and Building codes	Same as primary dwelling unit	Same as primary dwelling unit	Same as primary dwelling unit	50%	30%	None		Yes	No
Single family												
Converted - within an existing single family or existing accessory structure (including garage conversion) (1)	Within existing space + up to 150 sq. ft if needed to add ingress and egress	Meets Fire and Building codes	Meets Fire and Building codes	4-feet; (zero feet for alley with 24-foot back up distance).	Same as primary dwelling unit.	Meets Fire and Building codes	50%	30%	None		Yes	No
Limited Detached (2)	800-sq ft or smaller	4 feet (zero feet for alley with 24-foot back up distance).	4-feet; (zero feet for alley with 24-foot back up distance).	4-feet; (zero feet for alley with 24-foot back up distance).	16 feet at the peak; A unit above a detached garage located contiguous to an alley, may not exceed 25-feet above grade to the peak.	Meets Fire and Building codes	50%	30%	One space per ADU		Yes	No
Limited Attached (2)	800-sq ft or smaller	4 feet (zero feet for alley with 24-foot back up distance).	4 feet (zero feet for alley with 24-foot back up distance).	4-feet; (zero feet for alley with 24-foot back up distance).	May not exceed the height of the primary structure or 25-feet, whichever is greater	Meets Fire and Building codes	50%	30%	One space per ADU		Yes	No
Detached ADU (2)(3)	Over 800 to 1,000-square feet; two bedrooms or less	4-feet (zero feet for alley with 24-foot back up distance).	4-feet (zero feet for alley with 24-foot back up distance).	4-feet; (zero feet for alley with 24-foot back up distance).	16-feet at the peak; A unit above a detached garage located contiguous to an alley, may not exceed 25-feet above grade to the peak.	Meets Fire and Building codes	50%	30%	One space per ADU		Yes	Yes
Attached ADU (3)	Over 800 to 1,000-square feet. May not exceed 50% of the primary dwelling.(3); two bedrooms or less	4-feet (zero feet for alley provided with 24-foot back up distance).	4-feet (zero feet for alley with 24-foot back up distance).	4-feet; (zero feet for alley with 24-foot back up distance).	May not exceed the height of the primary structure or 25-feet above grade to the peak , whichever is greater	Meets Fire and Building codes	50%	30%	One space per ADU		Yes	Yes
Discretionary Attached or Detached SF (2)(3) (Proposed exceptions from standards)	Over 1,000 sq ft or 2-bedrms to a maximum of 1,200 sq feet or 3	4 feet (zero feet for alley with a 24-foot back up distance).	4-feet (zero feet for alley with 24-foot back up	4-feet; (zero feet for alley with 24-foot back up distance).	Same as primary dwelling unit.	Meets Fire and Building codes	50%	30%	One space per ADU		Yes	ZAP

Accessory Dwelling Unit Requirements Table V 11.27.19

	bedrooms		distance).									
Multiple Family												
Converted within existing multi-family dwelling structures (up to 25% of the MF units may have converted ADUs)	Shall comply with state building standards for dwellings	Meets Fire and Building codes	4-feet (zero feet for alley with 24-foot back up distance).	Same as primary dwelling unit	Same as primary dwelling unit	Meets Fire and Building codes	Same as primary unit(s)	30%	None		Yes	No
Limited Detached MF (no more than two detached ADUs on a lot with MF)	800 square feet or smaller	4-feet	4-feet	4-feet; (zero feet for alley with 24-foot back up distance).	16-feet at the peak	Meets Fire and Building codes		30%	One space per ADU		Yes	No

- (1) Accommodated within the existing space, plus up to an additional 150 square feet if expansion is limited to accommodating ingress and egress. Exterior access is independent of that for the single-family dwelling.
- (2) One detached new ADU, in addition to a JADU that may be existing as converted within an existing structure.
- (3) Application of development standards such as FAR, lot coverage, may limit the size of the ADU, but in no case may shall the ADU be required to be less than 800 square feet.

Accessory dwelling unit (ADU) means a residential dwelling unit that is detached from, attached to, or located within the living area of an existing primary dwelling unit, and that provides independent living facilities for one or more persons. An accessory dwelling unit also includes: an efficiency unit, as defined in California [Health and Safety Code](#) Section 17958.1, and a manufactured home, as defined in Section 18007.

Junior accessory dwelling unit or (JADU) means a residential unit that is no more than 500 square feet in size, is contained entirely within an existing or proposed single-family structure, includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and includes an efficiency kitchen, as defined in subsection **Error! Reference source not found.**

SEC. 1.5.

Section 65852.2 of the Government Code is amended to read:

65852.2.

(a)

- (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B)

(i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

- (iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
- (iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.
- (v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
- (vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
- (vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
- (viii) Local building code requirements that apply to detached dwellings, as appropriate.
- (ix) Approval by the local health officer where a private sewage disposal system is being used, if required.
- (x)
 - (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
 - (II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

- (III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).
 - (xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.
 - (xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
- (2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- (3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.
- (4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

- (5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.
 - (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.
 - (7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.
 - (8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and 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 existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- (b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.
- (c)
- (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

- (2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:
 - (A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.
 - (B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:
 - (i) 850 square feet.
 - (ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.
 - (C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.
- (d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:
 - (1) The accessory dwelling unit is located within one-half mile walking distance of public transit.
 - (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - (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.
- (e)
 - (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

- (A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
 - (i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - (ii) The space has exterior access from the proposed or existing single-family dwelling.
 - (iii) The side and rear setbacks are sufficient for fire and safety.
 - (iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.
- (B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:
 - (i) (i) A total floor area limitation of not more than 800 square feet.
 - (ii) (ii) A height limitation of 16 feet.
- (C)
 - (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
 - (ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.
- (D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

- (2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.
 - (3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.
 - (4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.
 - (5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.
 - (6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.
- (f)
- (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
 - (2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.
 - (3)
 - (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
 - (B) For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

- (4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.
- (5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
- (g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.
- (h)
 - (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.
 - (2)
 - (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.
 - (B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:
 - (i) Amend the ordinance to comply with this section.
 - (ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

- (3)
- (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.
 - (B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.
- (i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.
- (j) As used in this section, the following terms mean:
- (1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:
 - (A) An efficiency unit.
 - (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
 - (2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
 - (3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
 - (4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
 - (5) "Local agency" means a city, county, or city and county, whether general law or chartered.
 - (6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

- (7) “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
- (8) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (9) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (10) “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.
- (11) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- (k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.
- (l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.
- (m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.
- (n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
 - (1) The accessory dwelling unit was built before January 1, 2020.
 - (2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
- (o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.