



City of Woodland
Meeting Agenda
Planning Commission

City Hall
Council Chambers
300 First Street
Woodland, CA 95695

November 17, 2022
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.

E. SUBCOMMITTEE REPORTS

F. COMMUNICATIONS FROM THE PUBLIC

This is an opportunity for the public to speak to the Planning Commission on any item other than those listed on this agenda. Speakers are requested to use the microphone in front of the Commission and to begin by stating their name, whether they reside in Woodland and the name of the organization they represent if any. The Chair may impose a time limit on any speaker depending on the number of people wanting to speak and time available for the rest of the agenda. In the event comments are related to an item scheduled on the agenda, speakers may be required to wait to make their comments until that item is considered. The option to submit a public comment via voicemail is no longer available. Written Public Comments Members of the public are welcome to submit written comments prior to the meeting. Comments should be submitted by email to planningcommissionmeetings@cityofwoodland.org. Written Comments received at least two (2) hours prior to the scheduled start time of the Planning Commission meeting will be provided to the Commissioners and posted to the City website as part of the official record of the meeting but will not be read into the record. Written Comments received within two (2) hours of the scheduled start time of the Planning Commission meeting and during the meeting will be provided to the Commissioners the day following the Commission meeting. If you are submitting written comments on a particular item on the agenda, please identify the agenda item number and letter. If you are submitting written comments on an item not listed on the agenda, please identify your e-mail/comment as a General Public Comment. Note: Public comments at special meetings are limited to items on the agenda only.

G. APPROVAL OF MINUTES

H. PUBLIC HEARING

1. SUBJECT Accessory Dwelling Unit Ordinance Update

RECOMMENDATION FOR ACTION Staff recommends that the Planning Commission receive the Staff Report; 2. Conduct a public hearing; and 3. Adopt Planning Commission Resolution No. PC22 -08, recommending that City Council

a. Adopt 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; and
b. Consider the first reading of 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.

I. BUSINESS ITEMS

2. SUBJECT Historical Preservation Overview

RECOMMENDATION FOR ACTION Staff recommends that the Planning Commission receive the informational Item regarding the transfer of duties from the Historical Preservation Commission to the Planning Commission.

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: November 17, 2022
ITEM #: H.1
SUBJECT: Accessory Dwelling Unit Ordinance Update

Recommendation for Action: Staff recommends that the Planning Commission receive the Staff Report; 2. Conduct a public hearing; and 3. Adopt Planning Commission Resolution No. PC22-08, recommending that City Council:

- a. Adopt 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; and
- b. Consider the first reading of 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 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 authorities 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, 2023.

The new legislation provides additional fine tuning to the existing Accessory Dwelling Unit (ADU) ordinance. State law 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 the 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. The new legislation provides allowance for additional building height for qualified ADUs, requires that an application for a new ADU be concurrent with an application for a demolition permit for a detached garage, and provides greater protection for non-conforming structures.

Background:

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

In 2019, the California Legislature approved, and the Governor signed into law five bills that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authorities to regulate ADUs and JADUs. The new laws further streamlined the process for building new ADUs, to convert existing structures, and to allow multiple ADU units on both single family and multiple family properties.

On September 28, 2022, the Governor signed into law Senate Bill 897 to amend Section 65852.22 of, to add Section 65852.23 to, and to repeal and amend Section 65852.2 of, the Government Code, and amend Section 17980.12 of the Health and Safety Code. The new regulations become effective as of January 1, 2023.

Discussion:

The proposed amendments revise the City's existing ADU ordinance, Section 17.104.010 regarding ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2, 65852.22 and 65852.23. The package of new legislation passed in 2022 (AB 2221 and SB 897) provides some of the following key amendments that impact zoning:

- Requires local agencies to approve or deny an ADU project within 60 days. If denied, the city must provide comments about how the application may be remedied by the applicant.
- Allows additional height, up to 20-feet, for detached ADUs that are within a half mile of a transit stop. The majority of the city is within a ½ mile of a transit stop (Attachment ..)
- Clarifies that an ADU constructed in the front of a property must meet front yard setbacks.
- Unpermitted ADUs constructed prior to 2018 that are non-conforming to standards shall not be required to correct nonconformities prior to permit issuance, unless improvements are required to protect the public health and safety of the public or occupants.

In addition, staff has updated and amended sections consistent with state requirements or to add clarifications.

- The state allows the city to require a deed restriction on ADUs to ensure that specific code provisions are followed in perpetuity. The applicant shall be responsible for recording a deed on a form provided by the city, prior to issuance of building permits.
- The city has added a provision to inform property owners that estimated rental income information will be collected from time to time to satisfy a HCD requirement from the state as imposed upon the City in the Housing Element.

Review Process and Requirements:

As currently provided for in the ADU ordinance Section 17.104.010.

Ministerial, Non-discretionary Review:

The ordinance, consistent with state provisions, provides that the review of proposed JADU and ADUs that are under 800 square feet and 16-feet in height, or up to 20-feet within a half-mile of a transit stop, and meet 4-foot side or rear setbacks require only building permit review.

ADU Permit Review:

ADU's greater than 800 square feet up to 1,000 square feet requires a staff level ADU Permit. There are additional requirements applying to these larger units, including architectural design and screening considerations.

Discretionary 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.

Within the limited boundaries allowed by the state, the ordinance includes regulatory requirements to minimize impacts on adjacent properties from those larger ADUs subject to an ADU permit or discretionary review. The legislation provides exceptions to both parking and height requirements if an ADU is within one-half mile of a public transit/bus stop. Upon evaluation of transit stops, it is found that the majority of the city is within one-half mile of a public transit/bus stop (Attachment ..).

Urgency Ordinance

New ADU Laws take effect January 1, 2023, 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 city codes are amended, Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2023, will be the

city's default standards 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, could threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety.

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.

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 a display ad.

Conclusion:

Staff recommends that the Planning Commission receive the Staff Report; 2. Conduct a public hearing; and 3. Adopt Planning Commission Resolution No. PC22-08, recommending that City Council:

- a. Adopt 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; and
- b. Consider the first reading of 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: Brent Meyer, Community Development Director/ City Engineer

Attachments:

1. PC Resolution 22-08 ADU and JADU Ordinance Amendments
2. Draft City Council ADU ORDINANCE docx
3. Attachment A to Ordinance Chapter 17.104.010 ADU Text Amendments
4. Yolo Transit Stop Half Mile Buffer Map

RESOLUTION NO. PC 22-08

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
WOODLAND CALIFORNIA, RECOMMENDING THAT THE CITY
COUNCIL ADOPT AN 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, on September 28, 2022, the California Legislature approved, and the Governor signed into law Senate Bill 897 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, 2023, 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, 2023 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 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 November 17, 2022 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 ordinance (Attachment A) 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 4. The proposed ordinance 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.

(Continued on next page)

APPROVED by the Planning Commission of the City of Woodland at a regular meeting of the Planning Commission held on the 17th day of November 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

Marco Lizarraga, Chair

DATE

ATTEST:

Cindy Norris, Principal Planner
Principal Planner

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, on September 28, 2022, the California Legislature approved, and the Governor signed into law Senate Bill 897 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, 2023, 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, 2023 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 at a regular meeting of the City Council held on the ___ th day of December, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Ethan Walsh, City Attorney

BEST BEST & KRIEGER LLP

Attachment A

Amendments to Municipal Code

(Separate attachment to the report)

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. 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](#) Sections 65852.2. and 65852.22.
- B. Effect of Conforming Accessory Dwelling Unit. An accessory dwelling unit that conforms to this section shall:
1. Be deemed an accessory use and **shall** 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 **on which the ADU or JADU is located;**
 3. Not be considered in the application of any **local** 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.
 5. **Not be required to correct a nonconforming zoning condition, as defined in subsection (C)(5) below. This does not prevent the city from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.**
- C. Definitions.
1. "Accessory dwelling unit (ADU)" means a residential dwelling unit that 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 detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages** ~~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 **of the California Health and Safety Code.**
 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. "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 **satisfies all of the following:**
 - a. Is no more than 500 square feet in size;
 - b. Is contained entirely within an existing or proposed single-family structure. **An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.**
 - c. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure;
 - d. **If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.**
 - e. Includes an efficiency kitchen, as defined in subsection (C)(3) above.
 6. "Living area" **means** is defined as the interior habitable area of a dwelling unit, including basements and attics, but **does** not include ~~ing~~ 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. "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.
- D. Locations Permitted. Accessory dwelling units and junior accessory dwelling units are permitted in all zoning districts that allow for any single-family or multifamily residential use, including the corridor mixed use districts if they allow for any residential use.
- E. Approvals. **Before constructing an ADU or converting an existing structure or portion of an existing structure or residence to an** ~~The following approvals apply to ADU or~~ **and JADU, the applicant shall obtain permits in accordance with the requirements of** ~~s under this section.~~
1. **All ADUs and JADUs shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.**
 2. Building-Permit Only **Approval. An applicant shall not be required to submit an application for an ADU Permit under subsection (E)(3) of this section, and may instead seek building permit only approval for an ADU or JADU, or both, where the proposal satisfies the requirements of Government Code Section 65852.2, as the same may be amended from**

time to time, the California Building Standards Code, as amended by the City, and any other applicable laws. The following are categories of ADUs and JADUs that shall be approved under this paragraph (E)(2): 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 **as described in this subsection E(2)(a) and one** 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 **(in the case of an ADU only)** 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; **and**
- ii. Has exterior access that is independent of that for the single-family dwelling; **and**
- iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes; **and**
- iv. **The JADU complies with the requirements of Government Code Section 65852.22.**

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)(~~2~~ 1)(a) **above**), 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 **does not exceed the applicable height limit provided in subsection (F)(2) below.** ~~is 16 feet or less.~~

c. Converted on Multifamily Lot. **One or more** ~~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~~ 2)(c) may not exceed 25% 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. **If the existing multifamily**

dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.

- ii. The total floor area is 800 square feet or smaller.
- iii. **The peak height above grade does not exceed the applicable height limit provided in subsection (F)(2) below.**

3. ADU Permit **Review** s.

a. **The Director or designee shall administratively (ministerially) review and approve an ADU Permit application filed pursuant to subsection (E)(5) and shall not require a public hearing, provided that the submitted application is complete and that the ADU complies with the requirements contained in that section and any other applicable law.**

b. Except as allowed under subsection (E)(2) (Building Permit only), 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.

c. **Discretionary review for an ADU permit application is required as a result of non-compliance with standards set forth in subsections F and G below, shall be subject to the review requirements in section (E)(7) below (Nonconforming Zoning Code Conditions).**

d. ~~Impact Fees.~~

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.~~

iii. ~~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).~~

4. **ADU Permit** Application Process and Timing.

a. An ADU permit is considered and approved ministerially without discretionary review or hearing.

- a. The City must ~~a~~ **approve or deny** on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application. **If the City has not acted upon the completed application within 60 days, the application shall be deemed approved** unless **the following:** 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

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 ministerially without discretionary review or a hearing.

- ii. **If the permit application to create an ADU or JADU is submitted with an application to create a new single family or multi-family dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.**
 - b. **If the City denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all defective or deficient items and a description of how the application may be remedied by the applicant. Notice of denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection (E)(5)(a).**
 - c. **A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.**
5. Application Requirements.
- a. 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~~
 - i. **Name and address of the applicant.**

- ii. **Owner—Builder Acknowledgment and Information Verification Form.**
- iii. **Assessor's parcel number(s) of the property.**
- iv. **Plot Plan (Drawn to Scale) in sufficient detail to clearly describe:**
 - 1. **Physical dimensions of the property.**
 - 2. **Location and dimensions of all existing and proposed structures, walls, and fences.**
 - 3. **Location and dimensions of all existing and proposed easements, drainage structures, and utilities.**
 - 4. **Location, dimensions, and names of all adjacent roads, whether public or private.**
 - 5. **Setbacks.**
 - 6. **Existing and proposed methods of circulation, including ingress and egress, driveways, parking areas, and parking structures.**
 - 7. **A narrative description of architectural treatments proposed for the ADU.**
- v. **Floor plans. Complete floor plans of both existing and proposed conditions shall be provided. Each room shall be dimensioned and resulting floor area calculation included. The use of each room shall be labeled. The size and location of all doors, closets, walls, and cooking facilities shall be clearly depicted. For an attached ADU, the plans must include the Primary Dwelling as well.**
- vi. **Elevations of all sides of the exterior structure of the elevations that show all exterior structures, all architectural projections, and all openings for both the primary residence and the proposed ADU accessory dwelling unit including building dimensions, material call outs.**
- vii. **A a color and materials sample board as requested by the Community Development Director;**
- viii. **Color** photographs of the exterior of the primary residence as requested by the Community Development Director; and

- ix. Construction Management Plan. Construction hours and staging to minimize impacts on surrounding residential properties, **as requested by the Director.**
 - 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.
6. ~~Nonconforming~~ADUs and Discretionary Approval.
- a. Any proposed ADU or JADU that does not conform to the objective standards set forth in subsections F and G, **below,** may be allowed by the City with a Zoning Administrator permit in accordance with Chapters 17.132 and 17.148 of this title. **If required, a** A noticed public hearing shall be held in accordance with Sections 17.132.030 and 17.148.030.
 - i. **Applies to ADUs over 1,000 square feet and/or three bedrooms.**
 - ii. The maximum size of an ADU subject to this subsection (E)(~~64~~) 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.

7. **Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures**

- a. **Generally. The City will not deny an ADU or JADU application due to a**

nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

b. **Unpermitted ADUs constructed before 2018.**

i. **Permit to Legalize. As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:**

1. **The ADU violates applicable building standards, or**

2. **The ADU does not comply with the state ADU law (Government Code section 65852.2) or this ADU ordinance (Section 17.104.101).**

ii. **Exceptions.**

1. **Notwithstanding subsection (7)(b)(i) above, the city may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if the city makes a finding that correcting a violation is necessary to protect the health and safety of the public or of occupants of the structure.**

2. **Subsection (7)(b)(i) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.**

F. General ADU and JADU Requirements. The following requirements apply to all ADUs and JADUs that are approved under subsection (E)(1~~2~~) or (E)(2 ~~3~~):

1. Zoning.

a. An ADU or JADU subject only to a building permit under subsection (E)(1~~2~~) 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~~3~~) may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

2. **Height.**

a. **Except as otherwise provided by subsections (F)(2)(b) and (c) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.**

- b. **A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.**
 - c. **A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.**
 - d. **An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (F)(2)(d) may not exceed two stories.**
 - e. **For purposes of this subsection (F)(2), height is measured above existing legal grade to the peak of the structure.**
3. Fire Sprinklers.
- a. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
 - b. **The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.**
4. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days. **This prohibition applies regardless of when the ADU or JADU was created.**
5. No Separate Conveyance. An ADU or JADU may be rented, but, **except as otherwise provided in Government Code Section 65852.26,** 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).
6. 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.~~
 - a. An ADU that is created after **January 1, 2020** ~~that date~~ but before January 1, 2025, is not subject to any owner-occupancy requirement.
 - b. **Unless applicable law requires otherwise,** ~~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.

- c. **As required by state law, 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.**
7. Building and Construction.
 - a. **All ADUs and JADUs**~~n-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.~~ **must comply with all local building code requirements.**
 - b. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
 - c. **No change of occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or Code Enforcement Division officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.**
8. **Deed Restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:**
 - a. **Except as otherwise provided in Government Code Section 65852.26, the ADU or JADU may not be sold separately from the primary dwelling.**
 - b. **The ADU or JADU is restricted to the approved size and to other attributes and applicable ADU and JADU requirements and standards.**
 - c. **The deed restriction runs with the land and may be enforced against future property owners.**
 - d. **The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed**

restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

e. **The deed restriction is enforceable by the director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.**

9. **Income Reporting. In order to facilitate the city's obligation to identify adequate sites for housing in accordance with Government Code sections 65583.1 and 65852.2, the following requirements must be satisfied:**

a. **With the building-permit application, the applicant must provide the city with an estimate of the projected annualized rent that will be charged for the ADU or JADU.**

b. **By January 30 of each year after initial building permit issuance, the owner shall report the actual rent charged for the ADU or JADU during the prior year. If the city does not receive the report within the 90-day period, the city shall send a request for information to the owner.**

G. Specific ADU and JADU Requirements. The following requirements apply only to ADUs that require an ADU permit under subsection (E)(23) 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.

i. **An ADU over 1000 square feet or three bedrooms shall be subject to Zoning Administrator review as provided in subsection (E)(6).**

ii. **No ADU shall exceed 1,200 square feet per subsection (E)(6)(a)(ii).**

b. An attached ADU that is created on a lot with an existing primary dwelling shall not exceed 50% of the existing floor area of the primary dwelling.

e. ~~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](#).~~

~~Application of other development standards in this subsection G, such as FAR or lot coverage, might further limit the size of the ADU.~~

c. *Exception.* **Application of other development standards such as size based on a percentage of the proposed or existing primary dwelling, FAR, lot coverage, front setbacks, minimum lot size, or open-space requirements for an attached or detached ADU** may not require the ADU to be less than 800 square feet.

2. Parking—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~~ **3**) above.

b. Parking configuration, if required:

i. The required parking spaces may be located in setback areas or tandem parking on an existing driveway, unless specific findings are made under subparagraph (G)(2)(b)(ii).

ii. Parking arrangements in subparagraph (G)(2)(b)(i) are not permitted 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.

c. Exceptions. Parking standards shall not be imposed on an **ADU** accessory dwelling unit in any of the following circumstances:

i. The **ADU** accessory dwelling unit is located within one-half mile **walking distance** of public transit, including a public bus stop, bus station or transit station **that charge set fares, run on fixed routes, and are available to the public.**

ii. The **ADU** accessory dwelling unit is located within **as architecturally and historically significant historic** district.

iii. The **ADU** accessory dwelling unit is part of the existing primary residence or an existing accessory structure **under subsection (E)(1)(a).**

iv. When on-street parking permits are required but not offered to the occupant of the **ADU** accessory dwelling unit.

v. When there is an established car share vehicle stop located within one block of the **ADU** accessory dwelling unit.

vi. **When the permit application to create an ADU is submitted with an**

application to create a new single-family or new multi-family dwelling on the same lot, provided the ADU or the lot satisfies any other criteria listed in parking exception subsections (G)(2)(c)(i) through (v) above.

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. Height.

b. ~~The height of a second-story or two-story attached 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. 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.~~

3. Setbacks.

a. **An ADU that is subject to this section must conform to a 20-foot front yard setback, or the front setback imposed by the underlying zone, whichever is greater.**

b. **An ADU that is subject to this subsection (G) must conform to 4-foot side- and rear-yard setbacks.** ~~Attached and Detached Accessory Dwelling Unit. Except as provided in subsection (E)(1), an attached or detached ADU is subject to side and rear setbacks of four feet.~~

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. 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)(~~12~~)(a)(i). Any expansion of the structure under subsection (E)(~~12~~)(a)(i) is subject to side and rear setbacks of four feet.

e. Addition Over a Garage. A ~~minimum~~ **The 4-foot minimum** side and rear setback **requirement of subsection 3.b.** shall apply to the newly constructed portion for an accessory dwelling unit constructed above a legally established existing garage.

4. Lot Coverage

a. ~~Lot Coverage.~~ No ADU subject to this subsection (G) may cause the total lot coverage of the single-family lot to exceed 50%, **except that an ADU that is 800 square feet or less, not more than 16 feet in height, and compliant with a minimum 4-foot side and rear setback, shall be considered consistent with all city development standards, irrespective of any other Municipal Code limitations governing lot coverage, floor**

area ratio, and open space.

b. 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). **except that an ADU that is 800 square feet or less, not more than 16 feet in height, and compliant with a minimum 4-foot side and rear setback, shall be considered consistent with all city development standards, irrespective of any other Municipal Code limitations governing lot coverage, floor area ratio, and open space.**

5. Architectural Requirements.

a. The materials and colors of the exterior walls, roof, and windows and doors must be the same as the **match or be harmonious with the appearance and architectural design** 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.

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.

6. Landscape **and Screening** Requirements.

a. Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels **when there is direct adjacency of the ADU to an existing primary dwelling on an adjacent parcel in which there is no screening** 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-inch box size plant shall be provided for every 10 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 six feet in height may be installed~~ **along a side or rear yard in compliance with fencing standards.**

b. For a second-story ADU, plant specimens must be at least 12 feet tall when installed.

b. All landscaping must be drought-tolerant.

7. 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 18 feet long.

c. Each parking space that is provided in an enclosed garage shall be at least 10 feet wide and 20 feet long and have at least seven and one-half feet vertical clearance.

8. Notice of Construction.

a. ~~At least 10 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.~~

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. (Ord. 1657 § 3, 2020; prior code § 25-21-05)

H. Fees. The following requirements apply to all ADUs that are approved under subsections (E)(2) and (E)(3) above.

1. Impact Fees.

- a. **For purposes of this subsection (H), "impact fee" means a "fee" under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.**
- b. No impact fee is required for an ADU or JADU that is less than 750 square feet in size.
- c. 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).

2. Utility Fees and Connection.

- a. **If an ADU is constructed with a new single family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.**
- b. **Except as described in subsection (H)(2)(a) above, converted ADUs on a single family lot that are created under subsection (E)(2)(a) above are not required to have a new or separate utility connection directly between the ADU and the utility, nor is a connection fee or capacity charge required.**
- c. **Except as described in subsection (H)(2)(a) above, all ADUs that are not covered by subsection (G)(3)(b) require a new, separate utility connection directly between the ADU and the utility.**
 - i. **The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.**
 - ii. **The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.**



Yolo County Transit Stops

- Yolo Transit Stops

Transit 1/2 mile radius

City Boundary
- Zoning**

SINGLE FAMILY RESIDENTIAL

DUPLEX RESIDENTIAL

MUTI FAMILY

NEIGHBORHOOD PRESERVATION

DOWNTOWN MIXED USE

CORRIDOR MIXED USE - EAST ST

CORRIDOR MIXED USE - KENTUCKY AVE

CORRIDOR MIXED USE - WEST MAIN

NEIGHBORHOOD COMMERCIAL

GENERAL COMMERCIAL

COMMUNITY COMMERCIAL

REGIONAL COMMERCIAL

SPRING LAKE SPECIFIC PLAN

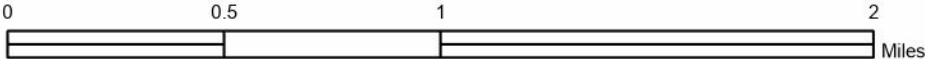
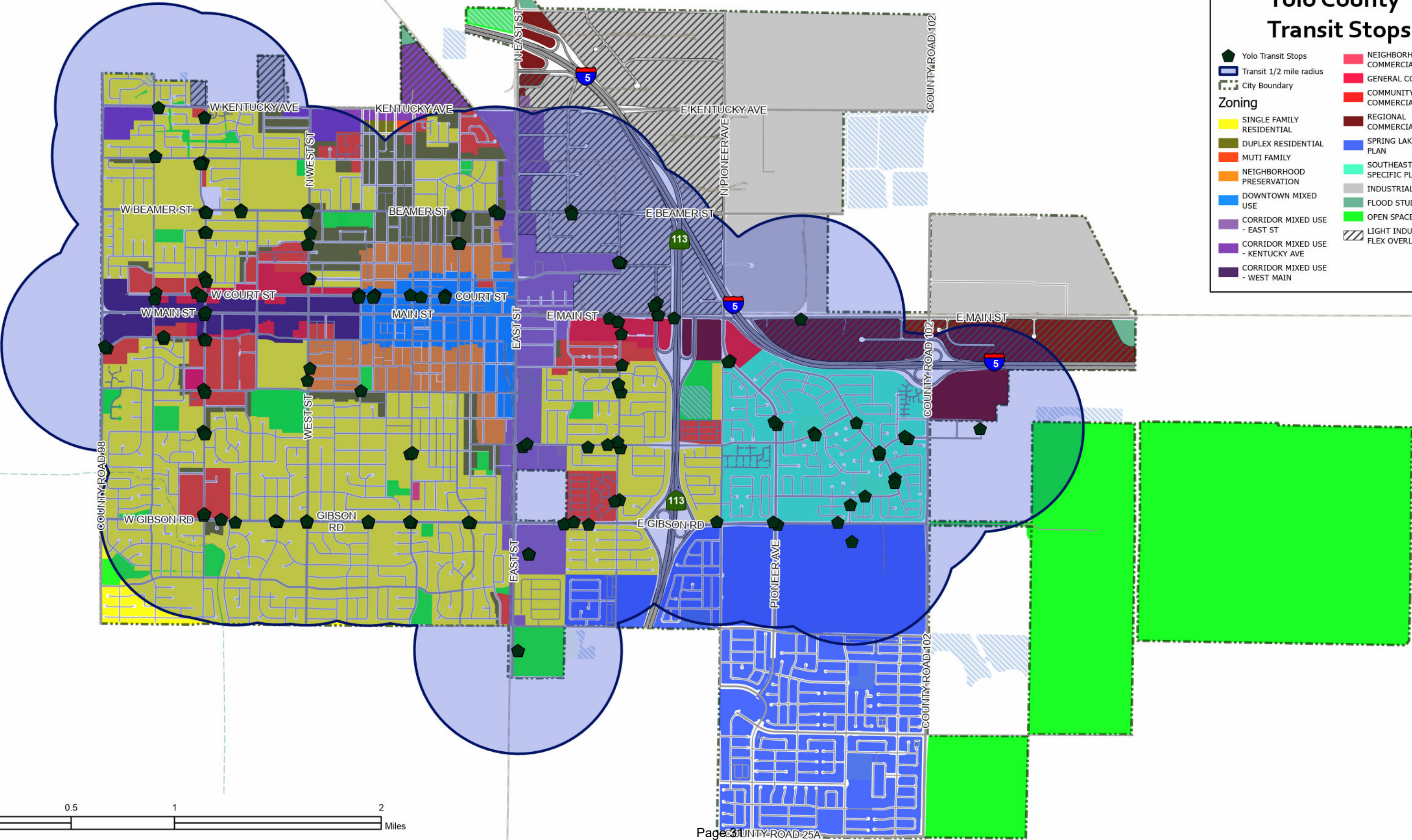
SOUTHEAST AREA SPECIFIC PLAN

INDUSTRIAL

FLOOD STUDY AREA

OPEN SPACE ZONE

LIGHT INDUSTRIAL FLEX OVERLAY





TO: THE MEMBERS OF THE PLANNING COMMISSION
AGENDA: Planning Commission Meeting
DATE: November 17, 2022
ITEM #: I.2
SUBJECT: Historical Preservation Overview

Recommendation for Action: Staff recommends that the Planning Commission receive the informational Item regarding the transfer of duties from the Historical Preservation Commission to the Planning Commission.

Staff Contact:

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

Background:

The City Council held its annual retreat on March 12, 2022. All City commissions were invited to attend and provide feedback on ways to improve or support the work that they do as commissioners. The Historical Preservation Commission (HPC) Chair, Jim Bohon, participated in the retreat and provided his observations regarding the current role of the HPC and suggestions for the commission going forward. Mr. Bohon discussed the somewhat limited scope of the HPC and the difficulty in recruiting and retaining commissioners when only a limited number of projects come before the commission given their purview. The Chair ultimately recommended that City Council consider consolidating the HPC with the Planning Commission and work with local historical groups within Woodland on some of the educational initiatives.

At its regularly held meeting on October 20, 2022, the City Council approved amendments to the Historical Preservation Ordinance which included the dissolution of the Historic Preservation Commission, and transferred the review authority for historical alteration requests to the Planning Commission.

Discussion:

Upon the dissolution of the Historical Preservation Commission, staff along with the City Managers' office evaluated the breadth of both educational and application items covered by the former Historical Preservation Commission to determine what portion would be transferred to the Planning Commission. Beyond reviewing development proposals related to a historically registered district and/or structures, the previous Historical Preservation Commission also annually conducted The Heritage Home Awards, which recognize homes and businesses in the Community that, through preservation efforts, contribute to the historical fabric of Woodland. As a follow-on to this discussion, staff will look at ways to continue the annual Heritage Home Awards in coordination with local community groups.

Going forward, the Planning Commission will be the review body for any request associated with historical structures or designated historic districts within the City. The Planning Commissions' new (HPC) review authority is outlined in the Historical Preservation Ordinance chapter 15.24 of the City's municipal code. The purpose of the regulations found under Section 15.24 is as follows:

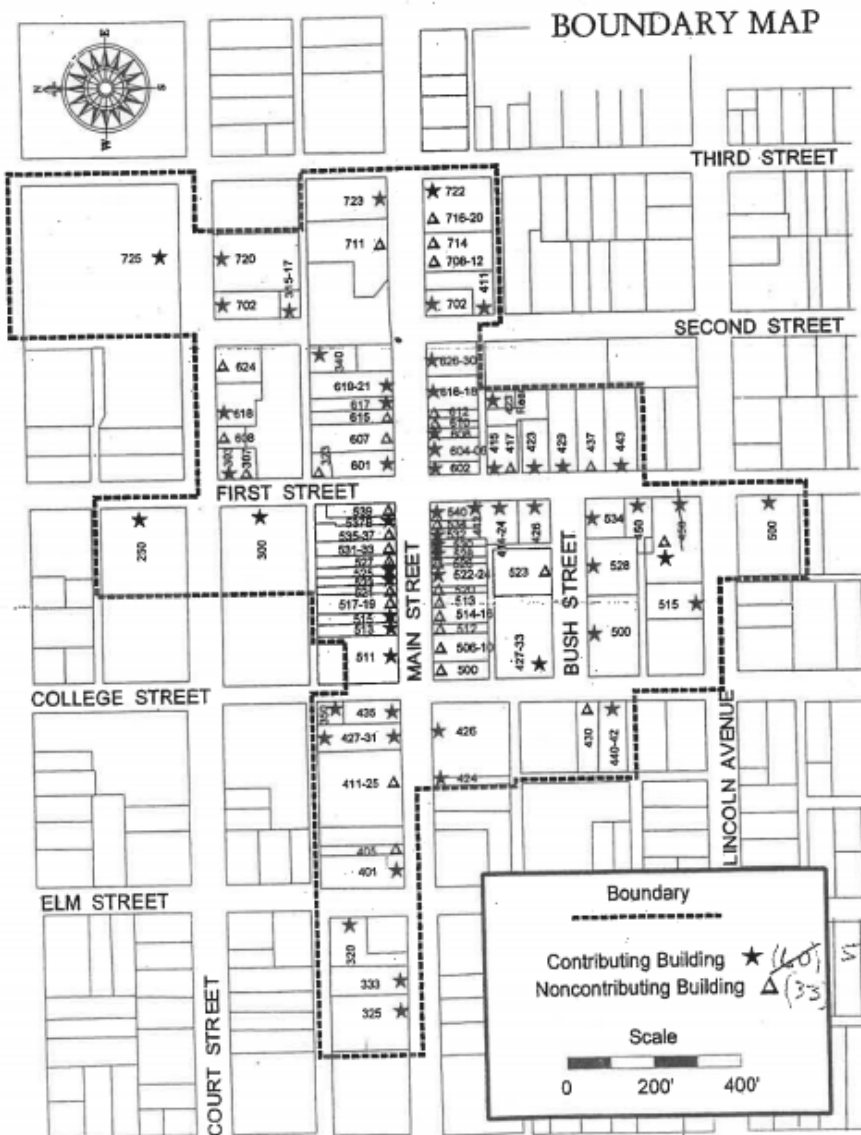
This chapter is adopted to preserve areas and specific structures and objects in the City which reflect elements of its cultural, social, economic, political and architectural history; to promote their use for the education and welfare of the residents of the City; to encourage tourists to visit the City; to stabilize and improve property values in historic areas, structures and objects for the ultimate aesthetic and economic benefit of the City; and to provide increased availability to building owners of various construction code, financing aids and tax benefits permitted under State and Federal laws when buildings have designated historical landmark status or lie within a designated historical district.

The City is very fortunate to have many beautiful surviving structures that are representative of important periods in the development of Woodland and the region and State as a whole. The City is currently home to a Nationally Registered Historic Downtown District along with nine other state or nationally-registered buildings within the City limits. Under the designation as a state, or national registered building or district, there is an elevated review criterion for proposed exterior alterations and scrutiny of a demolition request due to the documented historical significance and aesthetic quality of the building or location. The current state and national registered buildings and areas are highlighted in the table below along with the boundary map for the City's Nationally Registered Historic Downtown.

City of Woodland State and National Historic Buildings & Areas

Resource Name	Address	Date Listed
R H Beamer House	19 3 rd Street	8-2-1982 (Nat Reg.)
Downtown Woodland Historic District	Roughly along Main St from Elm St to Third St.	6-22-1999 (Nat Reg.)
William B Gibson House	512 Gibson Rd	11-7-1976 (Nat Reg.)
Hotel Woodland	426 Main St.	10-21-1994 (Nat Reg.)
I.O.O.F Building	723 Main St	2-25-1982 (Nat Reg.)
James Moore House	SW of Woodland	11-16- 1978 (Nat Reg.)
Nelson Ranch	CA 18C between CA113 and 102	7-17-1972 (Nat Reg.)
Porter Building	501-511 Main St	11-30-1978 (Nat Reg.)
Woodland Opera House	320 2 nd St	11-05-1971 (Nat Reg./Ca Historical Landmark)
Woodland Public Library	250 1 st St	9-28-1981 (Nat Reg.)
Maxwell School	175 Walnut St	3-20-2006 (Nat Reg.)
Gable Mansion	659 1 St	(Ca Historical Landmark)

National Registered Historic Downtown Map



Historical alteration review criteria

While Woodland's heritage is a source of local community pride, it is of State and National importance as well and applications for all major alterations and demolition for registered structures or areas will be reviewed by the Planning Commission as the governing body going forward. The City's Downtown Specific Plan and Historical Preservation Ordinance provide application review guidelines along with the broader direction from The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. The guidelines for review assure care is taken with all repair and exterior work on buildings such that existing and future historic significance is not damaged or destroyed. Incremental changes that may seem small in themselves can contribute to the overall diminishing of the district and its character.

Under the Historical Preservation Chapter 15.24 definitions, a Significant Alteration include *changes to the exterior of a building or area that may change defining characteristics of the building, site, and environment or historic materials that characterize the property.*

Some of the requests that would fall under a major alteration would include demolition, exterior additions, and any modification to the building's exterior, including materials, design, and windows.

In the case of a requested demolition or major alteration that is not easily assessed under the City's guidelines, staff would request that a consultant be brought on to perform a historical assessment or other needed study.

In a review of each application, the Commission shall consider the following criteria to the extent applicable:

1. The historic value and significance, or the architectural value and significance, or both, of the designated historical landmark, the structure within a designated historical district, or the designated historical resource, and its relation to the historic value of the surrounding area;
2. The relationship of the exterior architectural features of the structure to the rest of the structure itself and to the surrounding area;
3. The general compatibility of the exterior design, arrangement, texture and material which is proposed by the applicant;
4. Plans for structures which have little or no historical value or plans for new construction for their compatibility with surrounding structures;
5. Conformance with guidelines and standards adopted by the Commission;
6. Conformance with the Woodland area General Plan.

Staff will provide binders to Planning Commissioners with the application review criteria, existing historical surveys for the City, and other relevant information to walk through in a presentation to commissioners at the November 17th meeting.

Conclusion:

Staff recommends that the Planning Commission receive the informational Item regarding the transfer of duties from the Historical Preservation Commission to the Planning Commission.

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Reviewed by: Erika Bumgardner, Principal Planner

Attachments:

None