

**URGENCY ORDINANCE NO. 3310****AN URGENCY ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF CORONA, CALIFORNIA, AMENDING  
SECTIONS 17.04.016, 17.04.018, 17.06.110, 17.08.110,  
17.10.110, 17.11.110, 17.12.110, 17.14.110, 17.16.110, 17.18.110,  
17.20.110, 17.22.110, 17.66.010, 17.66.015 AND CHAPTER  
17.85 OF TITLE 17 (ZONING) OF THE CORONA  
MUNICIPAL CODE RELATING TO ACCESSORY  
DWELLING UNITS IN RESIDENTIAL ZONES**

**WHEREAS**, on October 9, 2019, Governor Newsom signed several bills into State law designed to address the state's housing affordability crisis, several of which pertain to accessory dwelling units ("ADUs"); and

**WHEREAS**, Assembly Bill 881 ("AB881"), in particular, which is intended to accelerate the development of ADUs throughout the State, imposes additional limits on a local agency's ability to regulate the size and location of ADUs, requires a more streamlined approval process and prohibits local agencies from requiring owner occupancy; and

**WHEREAS**, in response to these changes in State law, the City wishes to amend Chapter 17.85 (Accessory Dwelling Unit) and various other sections of Title 17 (Zoning) of the Corona Municipal Code ("CMC") to align the City's zoning regulations pertaining to accessory dwelling units with the recently enacted State law; and

**WHEREAS**, California Government Code Section 36937(b) authorizes the City Council to adopt by a four-fifths vote, without following the procedures otherwise required for the adoption for an ordinance, an urgency ordinance which is necessary for the immediate protection of the public peace, health and safety; and

**WHEREAS**, AB881, which takes effect on January 1, 2020, provides that if a local agency's existing ADU ordinance does not meet the requirements of AB881, the entire ordinance shall be null and void and the local agency will be required to apply only the standards set forth in state law until the local agency adopts an ordinance that complies with AB881; and

**WHEREAS**, CMC Chapter 17.85 does not currently comply with the requirements of AB881; and

**WHEREAS**, the City has determined that an urgency ordinance is necessary to amend the Corona Municipal Code ("CMC") to immediately bring the CMC into compliance with the State law, in order to properly regulate ADUs and to ensure that the City can apply its regulations in a manner consistent with State law; and

**WHEREAS**, on December 9, 2019, the Planning and Housing Commission of the City of Corona (“Planning Commission”) conducted a duly noticed public hearing and recommended that the City Council amend Chapter 17.85 (Accessory Dwelling Unit) and various other sections of Title 17 (Zoning) of the CMC to bring the City’s regulations pertaining to ADUs into compliance with State law (“Zone Text Amendment”); and

**WHEREAS**, the Planning Commission based its recommendation to adopt the Zone Text Amendment on the findings set forth below and a determination that there is no possibility that the Zone Text Amendment will have a significant effect on the environment and, thus, is exempt from the requirements of the California Environmental Quality Act; and

**WHEREAS**, on January 15, 2020, the City Council held a duly noticed public hearing at which all persons wishing to testify in connection with this Zone Text Amendment were heard and this Zone Text Amendment was comprehensively reviewed.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Urgency Findings.** In accordance with California Government Code Section 36937(b) and in order to protect the public peace, health and safety, the City Council finds as follows:

- A. The Recitals stated above are incorporated herein by reference.
- B. The CMC, including the Corona Zoning Code, regulates ADUs.
- C. The enactment of the AB881, which amends Government Code Section 65852.2 and will go into effect on January 1, 2020, mandates that the City permit the development of ADUs in certain locations and limits the City’s ability to impose regulations pertaining to the size of ADUs and other development standards. AB881 further provides that if the City’s existing ADU ordinance does not fully comply with AB881, the entire ordinance is null and void.
- D. This Ordinance must take effect immediately upon adoption to provide effective tools and guidance for the regulation of ADUs and waiting 30 days from adoption after a first and second reading of the Ordinance would pose a serious risk to the public peace, health and safety in that the City’s regulations would be null and void.
- E. City staff has determined that the revisions to the CMC attached hereto are necessary to better and more properly regulate ADUs.
- F. The proposed amendments to the CMC attached hereto are consistent with all of the objectives, policies, general land uses, programs and actions of all elements of the Corona General Plan, and none of the proposed regulations conflict with current General Plan.

G. The proposed amendments to the CMC attached hereto are not detrimental to and are instead necessary for the immediate preservation and protection of the public convenience, health, safety and general welfare of the City, its residents and businesses, since the regulations establish reasonable application requirements and development standards that are consistent with the requirements of AB881 and will result in reasonable regulation of ADUs.

H. All legal prerequisites to the adoption of this Urgency Ordinance have occurred.

**SECTION 2. CEQA Findings.** As the decision-making body for this Zone Text Amendment, the City Council has reviewed and considered the entire record for this Zone Text Amendment, including all written and oral evidence presented to the City Council. Based upon the facts and information in the entire record, including all written and oral evidence presented to the City Council, the City Council finds that this action is exempt pursuant to Section 15060(c)(2), which states that an activity is not subject to CEQA if it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This Zone Text Amendment is solely a Zoning Code text revision to amend the City's accessory dwelling unit regulations and there is no possibility that adopting this Ordinance will have a significant effect on the environment or will otherwise result in a direct or indirect physical change in the environment. Therefore, no environmental assessment is required or necessary.

**SECTION 3. Zoning Findings.** Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council hereby makes and adopts the following findings:

A. The proposed Zone Text Amendment is consistent with the General Plan for the following reasons:

(i) ZTA2019-0004 will provide greater flexibility and opportunities for the development of accessory dwelling units on single-family and multi-family lots, which is consistent with General Plan Policy 1.7.1 to accommodate the development of diverse residential housing types that meet the needs of and is affordable for Corona's residents.

(ii) ZTA2019-0004 will provide housing opportunities on already developed residential properties, which is consistent with General Plan Policy 1.7.2 to promote the development of innovative forms of housing that increase the diversity and affordability of units to meet the needs of the population.

(iii) ZTA2019-0004 amends the CMC to allow development of accessory dwelling units in appropriate residential zones in accordance with State statutory requirements, which is consistent with General Plan Policy 1.7.3.

(iv) ZTA2019-0004 will provide additional housing options for the general population, which is consistent with General Plan Policy 3.2 to promote and preserve suitable and affordable housing for persons with special needs, including large families, single parent households, the disabled and senior citizens.

B. The proposed Zone Text Amendment is consistent with Title 17 of the Corona Municipal Code for the following reason:

(i) ZTA2019-0004 is consistent with the intent of Title 17 in that it enacts regulations that will provide additional housing opportunities in a manner that will protect the public health, safety and welfare, will maintain an attractive city and will improve the quality of life for the residents of Corona.

C. The proposed Zone Text Amendment will provide for the public health, safety and welfare for the following reason:

(i) ZTA2019-0004 is necessary to comply with State statutory requirements for accessory dwelling units.

(ii) ZTA2019-004 incorporates development standards to ensure that accessory dwelling units are developed in an orderly and safe manner and in compliance with the applicable zoning and building code requirements to protect the public health, safety and welfare of the City and its residents.

**SECTION 4. Approval of ZTA2019-0004.** ZTA2019-004 hereby approved and Sections 17.04.016, 17.04.018, 17.06.110, 17.08.110, 17.10.110, 17.11.110, 17.12.110, 17.14.110, 17.16.110, 17.18.110, 17.20.110, 17.22.110, 17.66.010, 17.66.015 and Chapter 17.85 (Accessory Dwelling Unit) of Title 17 (Zoning) of the Corona Municipal Code are hereby amended in their entirety to read as provided in Exhibit “A” attached hereto and incorporated herein by reference.

**SECTION 5. Secondary Residential Unit References in CMC.** All references to “secondary residential unit” in the Corona Municipal Code are hereby amended to read “accessory dwelling unit”.

**SECTION 6. Official Record.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Corona City Hall, 400 S. Vicentia Avenue, Corona, California 92882. The custodian for these records is the Community Development Director of the City of Corona.

**SECTION 7. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

**SECTION 8. Effective Date.** This urgency ordinance shall become effective immediately upon adoption, if adopted by at least a four-fifths (4/5) vote of the City Council. The Mayor shall

sign this urgency ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in the Sentinel Press Enterprise, a newspaper published and circulated in the City of Corona.

**ADOPTED** this 15<sup>th</sup> day of January 2020.

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Mayor of the City of Corona, California

**ATTEST:**

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City Clerk of the City of Corona, California

## **CERTIFICATION**

I, Sylvia Edwards, Clerk of the City of Corona, California, do hereby certify that the foregoing urgency Ordinance was properly introduced and adopted by at least a four-fifth's (4/5) vote at a regular meeting of the City Council of the City of Corona, California, duly held the 15<sup>th</sup> day of January 2020 by the following vote of the Council:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of **Corona**, California, this 15<sup>th</sup> day of January 2020.

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City Clerk of the City of Corona, California

(SEAL)

## EXHIBIT "A"

Sections 17.04.016 (Accessory dwelling unit) and 17.04.018 (Accessory dwelling unit, junior) of Chapter 17.04 (Definitions and Construction) of Title 17 (Zoning) are hereby amended in their entirety to read as follows:

### **17.04.016 Accessory dwelling unit.**

"Accessory dwelling unit" means ~~repurposed existing space within the primary unit or accessory building, an attached unit attached to the primary unit, or detached residential dwelling unit that is located on the same lot as an existing or proposed single family or multiple family separate from the primary unit or a unit that is contained entirely within an existing or proposed single family primary unit or accessory structure and that which~~ provides complete independent living facilities for one or more persons. ~~The independent living space~~ includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the primary unit is situated. An accessory dwelling unit also includes the following:

- (1) An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code.
- (2) A manufactured home, as defined in Section 18007 of the California Health and Safety Code.

### **17.04.018 Accessory dwelling unit, junior.**

"Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing ~~single family structure~~ primary unit. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Section 17.04.017 (Accessory dwelling unit, larger) of Chapter 17.04 (Definitions and Construction) of Title 17 (Zoning) is hereby deleted in its entirety.

### ~~**17.04.017 Accessory dwelling unit, larger.**~~

~~—"Larger accessory dwelling unit" means an accessory dwelling unit that is greater than 1,200 square feet in size.~~

Section 17.06.110 (Distance between buildings) of Chapter 17.06 (A-Agricultural Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

**17.06.110 Distance between buildings.**

(A) The minimum distance between accessory buildings and the primary unit main buildings shall be ~~as follows:~~

~~—(1) Nonresidential accessory buildings shall be located not less than five feet from any main buildings;~~

~~—(2) Residential accessory buildings shall be located not less than 25 feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be 20 feet.~~

Section 17.08.110 (Distance between buildings) of Chapter 17.08 (A-14.4 – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

**17.08.110 Distance between buildings.**

(A) The minimum distance between accessory buildings and ~~main buildings~~ the primary unit shall be ~~as follows:~~

~~—(1) Nonresidential accessory buildings shall be located not less than five feet from any main buildings;~~

~~—(2) Residential accessory buildings shall be located not less than 25 feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be 20 feet.~~

Section 17.10.110 (Distance between buildings) of Chapter 17.10 (A-1A – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

**17.10.110 Distance between buildings.**

(A) The minimum distance between accessory buildings and ~~main buildings~~ the primary unit shall be ~~as follows:~~

~~—(1) Nonresidential accessory buildings shall be located not less than five feet from any main buildings;~~

~~—(2) Residential accessory buildings shall be located not less than 25 feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be 20 feet.~~



Section 17.11.110 (Distance between buildings) of Chapter 17.11 (R-20.0 – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

**17.11.110 Distance between buildings.**

(A) The minimum distance between accessory buildings and ~~main buildings~~ the primary unit shall be ~~as follows:~~

~~—(1) Nonresidential accessory buildings shall be located not less than five feet from any main buildings;~~

~~—(2) Residential accessory buildings shall be located not less than 20 feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be ten feet.~~

Section 17.12.110 (Distance between buildings) of Chapter 17.12 (R-12.0 – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

**17.12.110 Distance between buildings.**

(A) The minimum distance between accessory buildings and ~~main buildings~~ the primary unit shall be ~~as follows:~~

~~—(1) Nonresidential accessory buildings shall be located not less than five feet from any main buildings;~~

~~—(2) Residential accessory buildings shall be located not less than 15 feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be ten feet.~~

Section 17.14.110 (Distance between buildings) of Chapter 17.14 (R-1-9.6 – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

**17.14.110 Distance between buildings.**

(A) The minimum distance between accessory buildings and ~~main buildings~~ the primary unit shall be ~~as follows:~~

~~—(1) Nonresidential accessory buildings shall be located not less than five feet from any main buildings;~~

~~—(2) Residential accessory buildings shall be located not less than ten feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be ten feet.~~

Section 17.16.110 (Distance between buildings) of Chapter 17.16 (R-1-8.4 – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

**17.16.110 Distance between buildings.**

(A) The minimum distance between accessory buildings and ~~main buildings~~the primary unit shall be ~~as follows:~~

~~—(1) Nonresidential accessory buildings shall be located not less than five feet from any main buildings;~~

~~—(2) Residential accessory buildings shall be located not less than ten feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be ten feet.~~

Section 17.18.110 (Distance between buildings) of Chapter 17.18 (R-1-7.2 – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

**17.18.110 Distance between buildings.**

(A) The minimum distance between accessory buildings and ~~main buildings~~the primary unit shall be ~~as follows:~~

~~—(1) Nonresidential accessory buildings shall be located not less than five feet from any main buildings;~~

~~—(2) Residential accessory buildings shall be located not less than ten feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be ten feet.~~

Section 17.20.110 (Distance between buildings) of Chapter 17.20 (R-1-14.4 – Single-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

**17.20.110 Distance between buildings.**

(A) The minimum distance between accessory buildings and ~~main buildings~~the primary unit shall be ~~as follows:~~

~~—(1) Nonresidential accessory buildings shall be located not less than five feet from any main buildings;~~

~~—(2) Residential accessory buildings shall be located not less than 25 feet from any main building.~~

(B) The minimum distance between ~~nonresidential~~ accessory buildings shall be five feet unless the buildings have a common or party wall. ~~The minimum distance between residential accessory buildings shall be 20 feet.~~

Section 17.22.110 (Distance between buildings) of Chapter 17.22 (R-2 – Low-Density Multiple-Family Residential Zone) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

**17.22.110 Distance between buildings.**

The minimum distance between single-story dwellings, neither one of which has an entrance opening upon the intervening space, shall be not less than ten feet, and the minimum distance between buildings in all other cases shall not be less than 20 feet. No minimum distance is required between an accessory dwelling unit and the primary unit.

Sections 17.66.010 (Accessory buildings) and 17.66.015 (Patio covers) of Chapter 17.66 (Accessory Buildings and Building Height) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

**17.66.010 Accessory buildings.**

(A) No garage or other accessory building shall be located in any R zone without a permissive main buildingprimary unit.

(B) Detached accessory buildings shall be at least five feet from the main buildingprimary unit. ~~Nonresidential-a~~ Accessory buildings shall be separated by five feet.

(C) (1) Detached accessory buildings which match the architecture of the main structureprimary unit shall be permitted to be constructed at or up to the front setback line and are subject to all other applicable setbacks.

(2) ~~Nonresidential-d~~ Detached accessory buildings which do not match the architecture of the main-structureprimary unit shall be located to the rear of the main-structureprimary unit.

(3) Both of the following are not subject to the development standards in this subsection: detached accessory buildings under six feet in height which are located in the rear yard and detached accessory buildings that are less than 120 square feet in area.

(D) Detached accessory buildings without fire resistive walls shall be at least four feet from a side or rear lot line. Detached accessory buildings with fire resistive walls shall be permitted at least two feet from a side or rear lot line; provided, however, that any area three feet or less shall be poured with a minimum of two inches of concrete and finished to provide proper drainage.

(E) Garages with automobile access from an alley shall not be closer than 25 feet from the opposite property line of the alley.

(F) No accessory building shall occupy any portion of the side yard on the street side of the corner lot, and on a reversed corner lot no accessory building shall be erected closer to the street than the building line of the adjacent key lot.

**17.66.015 Patio covers.**

(A) No patio cover shall be constructed without a permissive ~~main building~~primary unit.

~~—(B) A freestanding patio cover shall be located at least five feet from the main building or an accessory building.~~

(~~E~~B) No patio cover shall extend closer than five feet to a side lot line or rear lot line adjacent to a street.

(~~D~~C) For single-family detached residential units, no patio cover shall extend closer than five feet to any side lot line or rear lot line.

(~~E~~D) For single-family attached residential units, and multi-family attached residential units, townhomes, condominiums, and zero lot line units, no patio cover shall extend closer than three feet to any side lot line or rear lot line.

Chapter 17.85 (Accessory Dwelling Unit) of Title 17 (Zoning) is hereby amended in its entirety to read as follows:

## CHAPTER 17.85 ACCESSORY DWELLING UNIT

### Sections

- 17.85.010 Purpose.
- 17.85.020 Definitions.
- 17.85.030 General requirements.
- 17.85.040 Development standards.
- ~~17.85.050 Larger accessory dwelling units.~~
- 17.85.060 Junior accessory dwelling units.
- 17.85.070 Review and approval process.
- 17.85.080 Plan check ~~F~~fees.

### **17.85.010 Purpose.**

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

### **17.85.020 Definitions.**

(A) "Accessory dwelling unit" means the same as defined in Section 17.04.016 of this code. ~~a dwelling unit contained within the existing space of a primary unit or accessory building, a dwelling unit attached to a primary unit or a dwelling unit detached and separate from a primary unit which provides a complete independent living area for one or more persons. The independent living area shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the primary unit is situated. An accessory dwelling unit also includes the following:~~

~~—(1) An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code; and~~

~~—(2) A manufactured home, as defined in Section 18007 of the California Health and Safety Code.~~

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

~~(C) "Habitable area" means a space in a building for living, sleeping, eating or cooking.~~

~~(DC)~~ "Junior accessory dwelling unit" means the same as defined in Section 17.04.018 of this code. a unit that is no more than 500 square feet in size and contained entirely within an existing primary unit. A junior accessory dwelling unit may include separate sanitation facilities within the existing primary unit.

~~(E)~~ "Larger accessory dwelling unit" means an accessory dwelling unit that is greater than 1,200 square feet in size.

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

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

### 17.85.030 General requirements.

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

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

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

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

~~(CD)~~ The applicant is the owner of the property.

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

~~(EF)~~ An accessory dwelling unit located within the existing space living area of a single-family primary unit or ~~an~~ accessory building does not require a new or separate utility connection directly between the accessory dwelling unit and the utility ~~or the payment of a connection fee or capacity charge.~~

~~(FG)~~ For an attached ~~and or~~ detached accessory dwelling unit or an accessory dwelling unit that is constructed with a new single-family primary unit, the applicant shall be required to pay a a water and sewer connection fee and/or capacity charge established by resolution of the City Council that is proportionate to the burden of the proposed accessory dwelling unit on the water and sewer system, based upon either its size square footage or the number of its plumbing fixtures drainage fixture unit value, as defined in the California Plumbing Code, as adopted in

Chapter 15.20, upon the water and sewer system. No water or sewer connection fee or capacity charge shall be required for the development of an accessory dwelling unit located within the existing living area of a primary unit unless the accessory dwelling unit is being constructed at the same time as a new primary unit.

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

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

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

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

- (1) On lots with an existing or proposed single-family primary unit, a maximum of two
  - (2) accessory dwelling units are permitted in any of the following combinations provided that the side and rear setbacks are sufficient for fire and safety:
    - (a) one (1) detached accessory dwelling unit that otherwise complies with the requirements of this chapter and either one (1) junior accessory dwelling unit or one (1) accessory dwelling unit that is contained entirely within the existing or proposed single-family primary unit and that otherwise complies with the requirements of this chapter;
    - (b) one (1) junior accessory dwelling unit and one (1) accessory dwelling unit that is contained entirely within the existing or proposed single-family primary unit and that otherwise complies with the requirements of this chapter;
    - (c) two (2) junior accessory dwelling units.
- (2) On lots with existing multi-family residential units, accessory structures located on the same lot that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements or garages, may be converted to accessory dwelling units or junior accessory dwelling units provided such units comply with the requirements of this chapter and all applicable regulations set forth in Title 15 of this code.
- (3) On lots with existing multi-family residential units, accessory dwelling unit(s) or junior accessory dwelling unit(s) may be constructed within up to twenty-five percent (25%) of the existing multi-family residential units on the lot provided that at least one (1) accessory dwelling unit or junior accessory dwelling unit shall be permitted within the existing multi-family residential units on the lot.
- (4) On lots with existing multi-family residential units, no more than two (2) detached accessory dwelling units.

#### 17.85.040 Development standards.

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

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

(1) No additional parking is required for an accessory dwelling unit contained within the existing space-living area of a primary unit or an existing accessory structure. ~~Existing parking area for the primary unit converted to an accessory dwelling unit shall be replaced with off-street parking on the lot the primary unit is located. Replacement parking may be provided as covered parking, uncovered parking and tandem parking and may be provided on an existing driveway in the front yard setback, provided that the driveway is at least 20 feet in depth.~~

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

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

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

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

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

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



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

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car-share vehicle located within one block of the accessory dwelling unit.

~~(D) The minimum dwelling unit area for the primary unit after construction of the accessory dwelling unit shall meet the minimum dwelling unit area required by the zone in which both units are located.~~

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

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

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

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

~~(1)(2) —, and a minimum setback of no more than five feet from the side and rear lot lines, including lot lines adjacent to streets, shall be required for an all other accessory dwelling units that is constructed above a garage.~~

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

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

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

~~—(J) No more than one accessory dwelling unit shall be permitted on each lot zoned for single family or multiple family residential use.~~

~~(KJ) Fire sprinklers shall not be required for an accessory dwelling unit that is 1,200 square feet or less in size if the existing primary unit is not required to have fire sprinklers.~~ If the existing primary unit is required to have fire sprinklers, the accessory dwelling unit shall be required to have fire sprinklers.

#### **~~17.85.050 Larger Accessory Dwelling Units.~~**

~~—(A) A larger accessory dwelling unit is permitted subject to the requirements set forth in §§ 17.85.030 through 17.85.040 except for the following:~~

~~—(1) Fire sprinklers shall not be required for a larger accessory dwelling unit that is attached to or contained within the existing space of a primary unit or existing accessory building if fire sprinklers are not required for the primary unit. If the existing primary unit is required to have fire sprinklers, the larger accessory dwelling unit shall be required to have fire sprinklers.~~

~~—(2) Fire sprinklers shall be required for a larger accessory dwelling unit that is detached from the primary unit regardless of whether the primary unit is required to have fire sprinklers.~~

#### **17.85.060 Junior Accessory Dwelling Units.**

~~As an alternative to an accessory dwelling unit or larger accessory dwelling unit,~~ Subject to the limitations set forth in Section 17.85.030(K), a junior accessory dwelling unit shall be permitted if it complies with the following standards:

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

~~One junior accessory dwelling unit may be located on a residential lot zoned for single family residential purposes with an existing primary unit.~~

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

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

(D) A deed restriction, in the form satisfactory to the Community Development Director and the City Attorney, shall be completed and recorded with the County Recorder's office prior to issuance of a building permit for a junior accessory dwelling unit. The deed restriction shall include

the restrictions and limitations identified in this subsection, shall run with the land, and shall be binding upon any future owners, heirs, or assigns of the property. A copy of the recorded deed restriction shall be filed with the Community Development Department stating the following:

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

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

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

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

(E) The junior accessory dwelling unit must be created within the ~~existing~~ walls of an existing or proposed primary unit, ~~and must include the conversion of an existing bedroom.~~

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

~~—(G) The interior entrance connecting the junior accessory dwelling unit to the primary unit must be maintained, and may include a second interior doorway for sound attenuation.~~

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

~~(1) A sink with a maximum waste line diameter of 1.5 inches.~~

~~—(21) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.~~

~~(32)~~ A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

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

~~(JI)~~ No additional parking shall be required for the junior accessory dwelling unit ~~provided that the required parking spaces serving the primary unit are maintained.~~

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

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

(L) Fire sprinklers shall ~~not~~ be required for a junior accessory dwelling unit only if fire sprinklers are ~~not~~ required for the primary unit.

#### **17.85.070 Review and approval process.**

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

#### **17.85.080 Plan check ~~F~~ees.**

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