



## Planning Commission

### Regular Meeting **AGENDA**

*(to be held both at the physical and virtual locations below)*

**Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482**

To participate virtually, go to the following link: <https://us06web.zoom.us/j/91264543193>

To view the meeting (without participating), go to: <http://www.cityofukiah.com/meetings/>

Or you can call in using your telephone only:

- Toll-free 1-669-444-9171
- Enter the Access Code: 912 6454 3193
- Raise hand: After being recognized, Enter \*9
- To Speak after being recognized: enter \*6 to unmute yourself

**July 24, 2024 - 6:00 PM**

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1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **AB 2449 NOTIFICATIONS AND CONSIDERATIONS**

5. **APPROVAL OF MINUTES**

5.a. Approval of the Minutes of June 12, 2024, a Regular Meeting.

***Recommended Action: Approve the Minutes of June 12, 2024, a Regular Meeting***

Attachments:

1. June 12, 2024, PC Minutes

6. **APPEAL PROCESS**

All determinations of the Planning Commission regarding major discretionary planning permits are final unless a written appeal stating the reasons for the appeal is filed with the City Clerk within ten (10) days of the date the decision was made. An interested party may appeal only if he or she appears and states his or her position during the hearing on the decision from which the appeal is taken. For items on this agenda, the appeal must be received by August 5, 2024.

7. **COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS**

The Planning Commission welcomes input from the audience that is within the subject matter jurisdiction of the Planning Commission. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than ten (10) minutes per subject. The Brown Act regulations do not allow action to be taken on audience comments.

8. **SITE VISIT VERIFICATION**

9. **VERIFICATION OF NOTICE**

10. **PLANNING COMMISSIONERS REPORT**

11. **DIRECTOR'S REPORT**

11.a. Receive Community Development Director's Report

***Recommended Action: Planning Commission will receive the Community Development Director's report.***

Attachments:

1. Planning Division Projects Report - 7-1-24

12. **CONSENT CALENDAR**

The following items listed are considered routine and will be enacted by a single motion and roll call vote by the Planning Commission. Items may be removed from the Consent Calendar upon request of a Commissioner or a citizen in which even the item will be considered at the completion of all other items on the agenda. The motion by the Commission on the Consent Calendar will approve and make findings in accordance with Administrative Staff and/or the Commission recommendations.

13. **UNFINISHED BUSINESS**

14. **NEW BUSINESS**

14.a. Ordinance Amendment to Ukiah City Code to update the City's existing Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) regulations.

***Recommended Action: Provide a recommendation from the Planning Commission to the City Council on a proposed ordinance amendment to update the City's existing Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations***

Attachments:

1. Existing Regulations – Article 3 (Low Density Residential) - ADU-JADU Highlights
2. Proposed Regulations - Article 5.3 (Accessory Dwelling Units)
3. Proposed Regulations – Article 5.4 (Junior Accessory Dwelling Units)
4. Draft Ordinance - Accessory Dwelling Units

15. **ADJOURNMENT**

Please be advised that the City needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services are needed for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available at the Civic Center 300 Seminary Ave. Ukiah, CA 95482; and online at: [www.cityofukiah/meetings/](http://www.cityofukiah/meetings/) at the end of the next business day.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Ukiah City Hall, located at 300 Seminary Avenue, Ukiah, California, not less than 72 hours prior to the meeting set forth on this agenda.

Dated: 07/12/2024

Jesse Davis, AICP, Chief Planning Manager

**CITY OF UKIAH  
PLANNING COMMISSION MINUTES  
REGULAR MEETING**  
**Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482**  
Virtual Meeting Link: <https://zoom.us/j/91264543193>

**June 12, 2024  
6:00 p.m.**

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**1. CALL TO ORDER**

The City of Ukiah Planning Commission held a Regular Meeting on June 12, 2024. The meeting was legally noticed on June 4, 2024. The meeting was held in person and at the following virtual link: <https://zoom.us/j/91264543193>. Chair R. Johnson called the meeting to order at 6:00 p.m.

*CHAIR R. JOHNSON PRESIDING*

**2. ROLL CALL**

Roll was taken with the following **Commissioners Present:** Thao Phi, , Alex de Grassi, Rick Johnson. **Commissioners Absent:** M. Hilliker **Staff Present:** Craig Schlatter, Community Development Director, and Stephanie Abba, Planning Commission Clerk.

**3. PLEDGE OF ALLEGIANCE**

*The Pledge of Allegiance was led by Commissioner deGrassi (double-check).*

**4. APPROVAL OF MINUTES**

**a. Approval of the Minutes of May 22, 2024, a Regular Meeting.**

**Motion/Second:** Phi/deGrassi to approve the Minutes of May 22, 2024, a Regular Meeting as submitted. Motion **carried** by the following Roll Call votes: **AYES:** T. Phi, A. de Grassi. R. Johnson **NOES:** None. **ABSENT:** M. Hilliker. **ABSTAIN:** None.

**5. APPEAL PROCESS**

*Vice Chair de Grassi stated the appeals deadline date is June 24, 2024. No appeals were received.*

**6. COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS**

*No Comments from Audience*

**7. SITE VISIT VERIFICATION**

*Verified by the Commissioners*

**8. VERIFICATION OF NOTICE**

*Verified by Staff*

**9. PLANNING COMMISSIONERS' REPORTS**

*None*

**10. DIRECTOR'S REPORT**

**Presenter:** Craig Schlatter, Community Development Director

- Director Schlatter stated July 10, 2024 Meeting is Canceled.
- Director Schlatter stated that the Planning Commission Meeting on June 26, 2024, will be held in Conference Room 3 in the Civic Center.

*Report Received.*

11. **CONSENT CALENDAR**

*No items on the Consent Calendar*

12. **UNFINISHED BUSINESS**

*No Unfinished Business items were agendized.*

13. **NEW BUSINESS**

- a. Consideration of an offer of Public Artwork on the Mendocino County Public Library- Ukiah Branch consistent with the City's Public Art Policy.

**Motion/Second:** Phi/deGrassi Accept the Offer of Public Artwork, as presented based on the Findings in Attachment 1` and the Condidtions of Approval in Attachment 2. Motion **carried** by the following Roll Call votes: **AYES:** T. Phi, M., A. de Grassi and R. Johnson **NOES:** None. **ABSENT:** M. Hilliker. **ABSTAIN:** None.

14. **ADJOURNMENT**

There being no further business, the meeting adjourned at 6:25 p.m.

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Stephanie Abba, Planning Commission Clerk



## AGENDA SUMMARY REPORT

**SUBJECT:** Receive Community Development Director's Report

**DEPARTMENT:** Community  
Development

**PREPARED BY:** Jesse Davis, Chief Planning Manager

**PRESENTER:** Craig Schlatter

**ATTACHMENTS:**

1. Planning Division Projects Report - 7-1-24

**Summary:** Planning Commission will receive the Community Development Director's Report and discuss any questions with Staff.

**Background:** Director's Reports are bi-monthly oral reports given by the Community Development Director on the status of projects of the Planning Division of the Community Development Department. Updates may include, but are not limited to, application status of major and minor discretionary permits, the implementation status of advanced planning and related 2040 General Plan programs and projects, and updates related to the activities of other divisions of the Department.

**Discussion:** The July 2024 Planning Division Projects Report (Attachment 1) was uploaded to the City website on July 1, 2024. The July 2024 report and previous monthly reports are located on the Planning Division Services webpage, under "Current Planning Reports," via the following weblink:

<https://cityofukiah.com/communitydevelopment/planning-services>

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**Recommended Action:** Planning Commission will receive the Community Development Director's report.



**City of Ukiah  
Submitted Planning Applications**

**As of 7/1/2024**

| Permit #  | Site Address            | Date of Submittal | Summary of Project                                                                                                                                                                                                                                                                                                                                                                     | Status                                                              |
|-----------|-------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 24-000660 | 290 & 292 Seminary Ave. | 6/5/24            | A Minor Use Permit Application for use of an existing structure in a General Urban Zoning designation as a second hand, thrift store.                                                                                                                                                                                                                                                  | Incomplete: Submitted on 06/05/2024                                 |
| 17-3069   | 1294 N. State St.       | 9/13/17           | Resubmitted Major Use Permit and Site Development Permit to allow for construction of two retail suites (including one drive-through), within the Community Commercial (C1) zoning district.                                                                                                                                                                                           | DRB Hearing: 4/25/24 (Recommended Approval to PC); PC Hearing - TBD |
| 24-9265   | 195 Low Gap Rd.         | 2/20/24           | A General Plan Amendment to convert the subject property from Low Density Residential (LDR) to Community Commercial (CC) land use designation, as well as a Rezone to convert the property from the Low Density Residential (R1) zoning district to the Community Commercial (C1) zoning district. If approved, the intended use of the property would be for a 'Professional Office'. | CEQA IS/MND Draft - In Process                                      |
| 24-9277   | 961 Marlene Street      | 3/14/24           | Minor Subdivision of an existing 2.3± acre lot into two (2) parcels. Parcel 1 would be 1.23 acres and feature the existing condominiums; Parcel 2 would be 1.07 acres and undeveloped. Additionally, both parcels would be rezoned to R-2, removing the Planned-Development requirements of Use Permit No. 80-40.                                                                      | CEQA IS/MND Draft - In Process                                      |

**City of Ukiah**  
**Recently (Within Previous 90 Days) Approved Projects**



**As of 7/1/2024**

| Permit #  | Site Address          | Approved Date | Summary of Project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Comments                                                                                       |
|-----------|-----------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| 23-8972   | 441 N State St.       | 4/24/24       | Major Use Permit for the development of an outdoor cannabis consumption area at an existing 'Cannabis Retail' business within the Community Commercial (C1) zoning district.                                                                                                                                                                                                                                                                                                                                                                                      | Approved by Planning Commission on 4/24/24                                                     |
| 24-9268   | 1310 West Clay St.    | 4/25/24       | Minor Subdivision of an existing .71± acre lot into two (2) parcels. Parcel 1 would be 14,424 square feet gross, while Parcel 2 would be 20,234 square feet within the Low Density Residential (R1) zoning district.                                                                                                                                                                                                                                                                                                                                              | Approved by City Engineer on 4/25/24                                                           |
| 24-9258   | 280 E. Standley St.   | 5/22/24       | Major Site Development Permit to allow for the temporary installation of nine (9) single-story prefabricated modular structures (totaling approximately 1,440 square feet) to serve as supplementary counseling offices for the existing health service provider(s) requiring Major and Minor Exceptions to the Downtown Zoning Code as regulated by Ukiah City Code §9231.5. Additional site modifications include renovation of the existing parking lot, relocation of the trash enclosure, and the addition of vinyl slates to the existing perimeter fencing | DRB Hearing: 3/28/24; Approved by Planning Commission on 5/22/24                               |
| 24-000501 | 105 North Main Street | 6/12/24       | Consideration of an offer of public artwork on the Mendocino County Public Library – Ukiah Branch consistent with the City's Public Art Policy.                                                                                                                                                                                                                                                                                                                                                                                                                   | DRB Hearing: 5/23/24 (Recommend Approval to PC); Approved by Planning Commission on 6/12/24    |
| 24-9253   | 734 S. State St.      | 6/20/24       | Minor Site Development Permit to facilitate tenant improvements to a commercial structure associated with an existing gasoline station (MUP #93-10), implement new landscaping and undertake various site improvements, including new signage, fascia, and station upgrades.                                                                                                                                                                                                                                                                                      | DRB Hearing: 4/25/24 (Recommended Approval to ZA); Approved by Zoning Administrator on 6/20/24 |

**City of Ukiah  
Advanced Planning Projects**

**As of 7/1/2024**

| Permit #  | Site Address                 | Approved Date | Summary of Project                                                                                                                                                                       | Comments                                                                                                                                                                                                                                                                                                                                             |
|-----------|------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| N/A       | Citywide                     | N/A           | Ordinance Amendment for modifications to UCC 3016 for Demolition Permit procedures                                                                                                       | Working with Rincon Consultants, Inc. to update/streamline Demolition Permit procedures. Funded by Local Early Action Planning (LEAP) Grant. Anticipate bringing proposed amendments forward in early 2024.                                                                                                                                          |
| N/A       | Citywide                     | N/A           | 2040 General Plan Implementation Programs                                                                                                                                                | Climate Action Plan, Right-to-Farm Ordinance, SB 743 methodology, Update to Demo Permit Procedures in-process                                                                                                                                                                                                                                        |
| A_2022-02 | Unincorporated Western Hills | N/A           | Amendment of the Western Hills Annexation Area - Annexation Application.                                                                                                                 | Annexation application submitted to LAFCo: 6/8/22. Incomplete letter from LAFCo received 6/29/22. Planning Commission hearing for recommendation to City Council: 11/8/23; City Council hearing: 12/6/23. An amended application was submitted to LAFCo on 03/15/24. Requested revisions are scheduled for adoption by the City Council on 07/17/24. |
| N/A       | Citywide                     | N/A           | Ordinance Amendment to residential zoning districts R1 to facilitate 'Missing Middle Housing' development, including 'Cottage Court', and clarify existing regulations for ADUs & JADUs. | Ad Hoc Review Scheduled for 05/16/24; TENTATIVE -ADU & JADU OA to PC Hearing on 7/24/24                                                                                                                                                                                                                                                              |



### **SUMMARY**

|                              |                                                                                                                                                                                                                                                  |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DATE                         | July 24, 2024                                                                                                                                                                                                                                    |
| REQUEST:                     | Ordinance Amendment to Ukiah City Code to update the City's existing Accessory Dwelling Unit (ADU) regulations in Division 9 (Planning & Development, Chapter 2 (Zoning))                                                                        |
| LOCATION:                    | Within the incorporated areas of the City of Ukiah                                                                                                                                                                                               |
| ENVIRONMENTAL DETERMINATION: | Statutory exemption per Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h) applicable to the adoption of an ADU ordinance to implement Government Code provisions                                                       |
| RECOMMENDATION:              | Recommendation from the Planning Commission to the City Council on the proposed ordinance amendment to update the City's Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations in Ukiah City Code in compliance with State law. |
| STAFF                        | Jesse Davis, Chief Planning Manager                                                                                                                                                                                                              |

### **INTRODUCTION**

Community Development staff present a request to amend existing provisions of Ukiah City Code regulating the ministerial approval processes for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUS) within the City of Ukiah.

ADUs vary in design and size but are consistently self-contained residences that are smaller than the primary house and legally part of the same property. They must include a kitchen, bathroom, and sleeping area, with sizes ranging from 150-square-foot studios to 1,200-square-foot homes, featuring multiple bedrooms.

An ADU can be developed in several variations, including:

- Detached: New or converted freestanding structure, such as a backyard unit.
- Attached: New or converted, sharing at least one wall with the primary house.
- Remodel or Expansion: New and converted space with square footage added to the primary house.
- Interior Conversion: Converted existing space (e.g., an attic, bedroom, or basement).
- Garage Apartment: Converted former garage space.
- Above Garage: New or converted space above a garage.
- JADU: A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence that is limited to 500 square feet).

Within Ukiah, ADUs are a vital component to the City's housing strategy. Since 2017, the Community Development Department has implemented amendments to its local code to expedite the review and construction of these units. Other efforts have included the provision of three (3) pre-designed and pre-approved ADU plans that have resulted in the issuance of four (4) additional building permits for new accessory units across the City.

This proposed amendment will clarify ADU regulations in Ukiah consistent with the City's Certified 6<sup>th</sup> Cycle Housing Element, 2040 General Plan, California Government Code provisions for ADUs, and other applicable State Housing Law requirements.

### **BACKGROUND**

Over the past decade, legislative efforts at the State level related to housing, and in particular ADUs, have continued to reduce local control and impose regulatory schemes that conflict with the ability of local jurisdictions to implement discretionary review, including public participation and hearing(s) for new construction or conversion.

Aligning with the State, the City's regulations were amended in 2017 to implement AB 2299, SB 1069, and AB 2406. In 2020, the City's ADU regulations were again amended to address AB 68, AB 881, SB 13, AB 670, and AB 587 ("ADU Statutes"). Prior to 2017, ADUs were allowed in Ukiah as 'Second Units'. In most instances these Second Units required discretionary review and approval prior to construction. It is notable, however, that a number of neighborhoods in Ukiah feature traditional development patterns that included accessory units in a variety of attached and detached formats.

ADU laws are complex for local jurisdictions to implement on a regular basis. Each time State Law is updated, the City's local Ordinance is rendered null and void, and in the interim, the City must continue to process submitted ADU and Junior Accessory Dwelling Unit (JADU) permit applications through a ministerial (staff level) non-discretionary process in accordance with California Government Code. For this reason, Staff has relied heavily on State resources, such as the 2022 California Department of Housing and Community Development Accessory Dwelling Unit Handbook.

Since 2019, the City of Ukiah has issued building permits for thirty-two (32) Accessory Dwelling Units. Table 1 provides a breakdown of the permits issued for ADUs by type:

| <b>Table 1: City of Ukiah ADU Construction (2019-2024)</b> |                       |
|------------------------------------------------------------|-----------------------|
| <b>ADU Type</b>                                            | <b>Number of ADUs</b> |
| New Detached                                               | 8                     |
| Existing Garage Conversion                                 | 10                    |
| Existing Detached Accessory Structure/ Garage Conversion   | 9                     |
| New Attached                                               | 5                     |
| JADU                                                       | 0                     |

### **PROPOSED ORDINANCE AMENDMENT**

The purpose of updating the City's previously adopted ADU standards is to:

- Establish standalone articles for the regulation of Accessory Dwelling Units and Junior Accessory Dwelling Units;

- Clarify ADU development standards to allow for detached ADUs of up to 20' in height and ADUs attached to the primary dwelling unit or garage to be allowed at the maximum height of their zoning district notwithstanding any airport safety restrictions.
- Update the City's local ordinance to address recent changes in California Government Code, including AB 976, AB 2221, SB 477 by adding or removing regulatory language as required.
  - Assembly Bill 976 extends the prohibition of owner-occupancy requirements for new or converted ADU projects. Local agencies can still impose owner-occupancy requirements on Junior ADUs.
  - Assembly Bill 2221 states if a proposed ADU is less than 800 sq. ft., the front setback requirement can no longer prevent the ADU from being constructed. AB 2221 also amended the height restrictions depending on ADU type.
  - SB 477 changes are only organizational and not substantive — it relocated and consolidated the state's ADU and JADU regulations into a new Government Code chapter. Previous cross-references to the former Government Code sections (e.g., 65852.2, 65852.22, 65852.26) need to be updated as part of this ADU ordinance.

In order to bring the City's ADU regulations into compliance with State law, most of the regulations in the proposed amendment were taken directly from Government Code and therefore are not presented to the Planning Commission for alteration. Below is an overview of required and requested modifications to Ukiah City Code:

***Height:*** Per the City's existing regulations, detached ADUs are limited to a maximum height of 18' and attached ADUs are limited to a maximum height of 30', both of which exceed the allowances of Government Code. Within Ukiah City Code, however, the allowed height of non-residential accessory structures is 20' in height for most residential zoning district and 30' in some higher density and commercial zoning districts.

For consistency, staff proposes that detached ADUs be allowed at 20' in height, similar to non-residential accessory structures, and that ADUs attached to the primary structure, or a detached garage be allowed at the maximum height for the zoning district in which they are located.

***Driveways:*** Per the City's existing regulations, driveways accessing ADUs shall be set back a minimum of five feet (5') from any structure on an adjoining lot that has a bedroom adjacent to the proposed driveway; The minimum width of a driveway serving an ADU shall be twelve feet (12'), unless the "City Fire Marshal" determines that adequate fire protection can be provided to the ADU even though the driveway has a width less than twelve feet (12').

For clarity, Staff recommends that the Fire Prevention and Building Inspection Divisions review these considerations on a case-by-case basis, as they would for any proposed single-family residential unit.

***Architecture:*** Per the City's existing regulations, accessory dwelling units shall incorporate the same or substantially similar architectural features, height, building materials and colors as the main dwelling unit or compatible dwellings located on adjacent properties. Architecture not similar to the architecture of the principal dwelling or buildings on adjacent properties shall be subject to the use permit process.

As reviewed, the City's existing regulations do not establish objective measures for appearance or architectural design pertinent to ADUs, nor does it establish how an applicant can demonstrate that a proposed ADU will reasonably convey similarity to buildings on adjacent properties, especially when the those differ from the primary unit of the subject property. Given how HCD has evaluated similar ADU regulations for other jurisdictions, Staff recommends this consideration be removed.

**Attachment 1** provides the existing regulations for ADUs and JADUs in a highlighted format; **Attachment 2** provides a clean version of a standalone article for ADUs; **Attachment 3** provides a clean version of a standalone article for JADUs, while **Attachment 4** provides a draft ordinance for the review of Ukiah City Council.

### GENERAL PLAN CONSISTENCY

Besides addressing California Government Code, the proposed ordinance amendment aligns with numerous aspects of the City's recently adopted 2040 General Plan, including the following:

- **Housing Element** Goal H-3: Remove governmental constraints to infill housing development.  
  
**Housing Element** Policy H-3.1: Improve building and planning permit processing for residential construction.
- **Housing Element** Implementation Program 3c: Explore other policies and regulations that facilitate new infill housing development.
- **Housing Element** Implementation Program 3d: Facilitate improvements to permit processing to streamline housing development.
- **Land Use Element** Goal 1: To provide a variety of housing types that offer choices for Ukiah residents and create complete, livable neighborhoods.
- **Land Use Element** Goal 9: Provide opportunities for housing that can accommodate the needs, preferences, and financial capabilities of current and future residents in terms of different housing types, tenures, density, sizes, and costs.

### ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed actions have been analyzed and determined to be Exempt from CEQA as follows:

Statutory exemption per Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h) applicable to the adoption of an ADU ordinance to implement the Government Code Section 65852.2 provisions; and

Categorical exemption per CEQA Guidelines Class 1 exemption per Section 15301 (Existing Facilities) because the proposed amendments would allow a negligible expansion of existing residential use in urban, infill locations to accommodate ADUs for creation of affordable housing for low income households consistent with the City's certified Housing Element; Class 2 exemption per Section 15302 (Replacement or Construction) because the proposed amendments would allow new small accessory units and structures only on sites with existing residential

development and would maintain substantially the same purpose and capacity; Class 3 (New Construction or Conversion of Small Structures) because the amendments would allow for a limited number of new structures in compliance with the California Government Code mandatory provisions for ADUs, and other applicable State Housing Law; and Class 32 (Infill Development Projects) because the proposed development would allow small-scale infill development consistent with the certified Housing Element, would not result in any significant effects to traffic, noise, air quality or water quality, would not be allowed within any locations containing environmentally sensitive habitat for endangered, rare, or threatened species, and would be limited to sites that can adequately be served by public services and utilities.

Notwithstanding applicability of the Statutory Exemptions and Categorical Exemptions identified above, the proposed actions have been the subject of prior environmental analysis in the 6th Cycle Housing Element Update, as well as the 2040 Ukiah General Plan (SCH No. 2022050556) certified by the City Council on December 7, 2022 (Resolution No. 2022-79), which analyzed and disclosed anticipated impacts of future housing development. Refer to the Final EIR:

<https://ukiah2040.com/images/docs/Ukiah%202040%20FEIR%20RTC.pdf>

## **RECOMMENDATION**

Provide a recommendation from the Planning Commission to the City Council on a proposed ordinance amendment to update the City's existing Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations

## **ATTACHMENTS**

1. Existing Regulations – Article 3 Low Density Residential – ADU & JADU Highlights
2. Proposed Regulations - Article 5.3 (Accessory Dwelling Units)
3. Proposed Regulations – Article 5.4 (Junior Accessory Dwelling Units)
4. Draft Ordinance - Accessory Dwelling Units

**ARTICLE 3. REGULATIONS IN LOW DENSITY RESIDENTIAL (R-1) DISTRICTS<sup>1</sup>**

## SECTION:

**§9015 Purpose And Intent****§9016 Allowed Uses****§9017 Permitted Uses****§9018 Building Height Limits****§9019 Required Site Area****§9020 Required Yard Setbacks****§9021 Required Parking****§9022 Additional Requirements****§9023 Determination Of Appropriate Use****§9015 PURPOSE AND INTENT**

The purpose of the regulations in the Low Density Residential (R-1) District is to preserve, enhance, and protect the low density residential neighborhoods in the community. The R-1 zoning district is intended for residential areas characterized predominantly by single-family uses, duplexes, and with typical single-family residential subdivision lots ranging in size from six thousand (6,000) to ten thousand (10,000) square feet in size. This district is consistent with the LDR (low density residential) land use designation of the City general plan. (Ord. 1001, §1, adopted 1998; Ord. 1216, §1, adopted 2021)

**§9016 ALLOWED USES**

The following uses are allowed in Low Density Residential (R-1) Districts:

Accessory buildings.

Accessory dwelling units (ADU) or junior accessory dwelling units (JADU) on lots developed with a primary single-family or multifamily residence or for which a primary residence is proposed subject to the following standards/criteria:

A. The requirements of this subsection are applicable to all existing ADUs and JADUs as well as those proposed after the effective date hereof, except for legal nonconforming units, or as is otherwise specifically provided herein. Existing ADUs or JADUs as of the date hereof inconsistent with the provisions listed herein

shall be considered legal nonconforming; provided, that they were legal at the time of their creation.

B. Pursuant to California Government Code 65852.2(a)(1)(C) and 65852.22(d) and (e), ADUs and JADUs shall be deemed not to exceed the allowable density for the residential lot upon which an ADU or JADU is located, and ADUs and JADUs are deemed a residential use that is consistent with the existing general plan and zoning designation for the residential lot on which an ADU or JADU is located.

C. These regulations do not allow the division of property upon which an accessory dwelling unit is located unless all requirements of the applicable zoning district and any other requirements of this code are met.

D. The accessory dwelling unit or JADU may be used for rental purposes. The minimum term of a lease for an accessory dwelling unit or JADU shall be thirty (30) days.

E. The ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

F. For development of an ADU or JADU, the applicant shall record a deed restriction, which shall run with the land. A copy showing recordation with the Mendocino County Recorder shall be filed with the City, and shall include both of the following:

1. A prohibition on the sale of the ADU or JADU separate from the sale of the primary residence, including a statement that the deed restriction may be enforced against future purchasers.

2. For a JADU only, a restriction on the size and attributes of the JADU that conforms with this section.

G. Accessory dwelling units may be attached to existing single-family or multiple-family residences or detached as separate structures. Accessory dwelling units shall incorporate the same or substantially similar architectural features, height, building materials and colors as the main dwelling unit or compatible dwellings located on adjacent properties. Architecture not similar to the architecture of the principal dwelling or buildings on adjacent properties shall be subject to the use permit process.

H. Junior accessory dwelling units are installed within a legally established bedroom within the existing walls of a fully permitted single-family dwelling or proposed single-family dwelling. In the case of a legal, nonconforming single-family dwelling unit, the applicant must demonstrate adequate septic capacity for the bedroom count, if the dwelling uses a septic system, and utilize an existing, fully permitted bathroom. A separate entrance to the junior accessory dwelling unit shall be provided. A junior accessory dwelling unit may include a full bathroom, or the occupant(s) may use a full bathroom inside the remainder of the single-family dwelling. A junior accessory dwelling unit shall contain an efficiency kitchen, which shall include a cooking facility for preparation and sanitation of food with appliances (e.g., microwave, toaster oven, hot plate) and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU. The efficiency kitchen must be removed when the JADU use ceases.

I. The maximum size of an accessory dwelling unit shall be one thousand two hundred (1,200) square feet. The maximum size of a junior accessory dwelling unit shall not exceed five hundred (500) square feet in floor area. If the bathroom is shared with the remainder of the single-family dwelling, it shall not be included in the square footage calculation.

J. Parking:

1. Parking requirements for the ADU shall be one off-street space (independently accessible or tandem) for each bedroom or ADU, whichever is less, in addition to the two (2) independently accessible parking spaces required for the existing single-family or multifamily residence. If the primary residence was legally constructed at a time when on-site parking was not required, then only the parking space(s) for the ADU shall be required. No off-street parking space shall be required for a JADU.

2. Off-street parking shall be permitted in setback areas in compliance with the definition of "off-street parking" found in section 9278B of this code or through tandem parking.

3. Parking standards will not be imposed for an ADU in any of the following instances:

- a. The ADU is located within one-half mile of public transit.
- b. The ADU is located within an architecturally and historically significant historic district.
- c. The ADU is part of the existing primary residence or an existing accessory structure.
- d. When on-street parking permits are required but not offered to the occupant of the ADU.
- e. When there is a car share vehicle located within one block of the ADU.

4. If a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the City shall not require that those off-street parking spaces be replaced.

K. An ADU must meet all applicable building and fire codes, and shall have electric, water and sewer or septic service with the type of meter arrangement at the property owner's option. Water, sewer, and electrical services shall be available prior to the issuance of a building permit for an ADU. No new water or sewer connection fees may be required for ADUs that are contained within the existing space of a single-family or multifamily residence or accessory structure as provided in sections 3731A and 3861B of this code, unless the ADU is constructed with a new single-family home. ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence.

L. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for purposes of

applying building codes, fire codes, collection of impact fees, or the provision of water, sewer, and power, including connection fees that might otherwise be associated with the provision of those services. Junior accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

M. The ADU or JADU shall comply with all applicable requirements of this code.

N. The maximum height for ADUs shall be eighteen feet (18'), except for attached ADUs, which shall have a maximum height of thirty feet (30'), pursuant to section 9018 of this code. Taller units may be approved through the use permit process.

O. The following yard setback requirements shall apply to ADUs:

1. Front Yard: The same as the existing primary residence, but no closer than five feet (5').

2. Side Yard Or Rear Yard, Single-Story Or Two-Story: Four feet (4').

3. No setback shall be required for an existing living area, garage, or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU.

P. The proposed ADUs shall have a separate front door, which, in the event of an attached unit, shall not be located along the front of the existing single-family or multifamily residence unless it is not obviously visible from the street in front of the residence.

Q. For a JADU, either the primary single-family residence or the JADU shall be occupied by the property owner. Owner occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.

R. Any balcony, window or door of an ADU shall utilize techniques to lessen the privacy impacts onto adjacent properties. These techniques may include use of obscured glazing, window placement above eye level, or locating balconies, windows and doors toward the existing on-site primary residence. In addition, trees shall be planted and maintained in a viable condition by the property owner, where appropriate, to preserve the privacy of neighboring property owners.

This requirement will not apply to an ADU that is contained within the existing space of a single-family or multifamily residence or accessory structure.

S. Driveways accessing ADUs shall be set back a minimum of five feet (5') from any structure on an adjoining lot that has a bedroom adjacent to the proposed driveway.

T. The minimum width of a driveway serving an ADU shall be twelve feet (12'), unless the City Fire Marshal determines that adequate fire protection can be provided to the ADU even though the driveway has a width less than twelve feet (12').

U. Unless otherwise indicated, relief from the above criteria and standards may be pursued through the use permit process pursuant to Chapter 2, Article 20 of this division.

V. Applications for a building permit for an ADU or a JADU shall be considered ministerially without discretionary review or a hearing within sixty (60) days after receiving the application if there is an existing primary dwelling on the lot. If the permit application to create an ADU or a JADU 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 ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU shall be considered without discretionary review.

W. Applications for a building permit within any zoning district where residential uses are allowed by right shall be approved ministerially to develop any of the following:

1. One ADU and one JADU per lot with a proposed or existing single-family dwelling if all of the following apply:

a. The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

b. The space has exterior access from the proposed or existing single-family dwelling.

c. The side and rear setbacks are sufficient for fire and safety.

d. The JADU complies with the requirements of this section.

2. One detached, new construction, ADU that does not exceed four foot (4') side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU described in subsection W1 of this section.

3. Multiple ADUs within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with State building standards for dwellings. The number of ADUs permitted within an existing multifamily dwelling structure shall be capped at twenty-five percent (25%) of the existing units in the multifamily dwelling, or one ADU, whichever is greater.

4. Not more than two (2) ADUs that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to four-foot (4') rear and side yard setbacks.

X. For the development of ADUs and JADUs described in subsection W of this section, no additional parking or other development standards as set forth in subsections I, J, N through P, and R through U of this section shall be applied except for building code requirements.

Y. The City shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU or JADU, the correction of nonconforming zoning conditions. For purposes of this section, "nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

Accessory uses normally incidental to single-family residences.

Community care facility, which provides service for six (6) or fewer persons, with the residents and operators of the facility being considered a family.

Fences:

A. Fences shall be limited to a maximum height of seven feet (7'). Fences exceeding seven feet (7') in height may be erected subject to the securing of a use permit.

B. No fence shall be constructed and no hedge or other screen planting shall be grown or permitted to grow, to a height exceeding three feet (3') within ten feet (10') from any property line abutting a street.

Home occupations (as defined in section 9278 of this chapter).

Manufactured homes certified under the national manufactured home construction and safety standards act of 1974 (42 USC section 5401 et seq.) are allowed on individual residential parcels subject to the following regulations:

A. Foundation System: The manufactured home shall be attached to a permanent foundation system approved by the city building official and designed and constructed pursuant to section 18551 of the state Health and Safety Code.

B. Utilities: All utilities to the manufactured home shall be installed pursuant to city standard practices and policies.

C. Permits: All applicable building, site development, and encroachment permits associated with development of residential property shall be secured prior to any on site construction.

Multiple-family residential dwellings in the form of duplexes, transitional housing, and supportive housing on corner lots. Multiple-family dwellings in the form of triplexes, fourplexes, single-room occupancies (SROs), and rooming and boarding houses are prohibited. Multiple-family dwellings that comply with the design and development standards in Chapter 2, Article 5.2 of this division are permitted by right.

Single-family residential dwellings, including manufactured/modular homes, transitional housing, and supportive housing. Manufactured/modular homes shall comply with the additional development standards in Section 9022 of this code.

Small and large family daycare homes. (Ord. 1001, §1, adopted 1998; Ord. 1047, §1, adopted 2003; Ord. 1168, §1, adopted 2016; Ord. 1181, §5, adopted 2017; Ord. 1205, §5, adopted 2020; Ord. 1216, §1, adopted 2021)

### **§9017 PERMITTED USES**

The following uses may be permitted with the securing of a use permit:

Accredited public or private schools.

Bed and breakfast establishments.

Churches, chapels, and other places of religious assembly and instruction.

Community care facility for more than six (6) persons, but not more than twelve (12) persons.

Condominiums.

Multiple-family dwellings in the form of duplexes, transitional housing, and supportive housing that do not comply with the design and development standards set forth in Chapter 2, Article 5.2 of this division.

Outdoor sales establishments.

Parks, community gardens, and playgrounds.

Public buildings and places of temporary public assembly. (Ord. 1001, §1, adopted 1998; Ord. 1047, §1, adopted 2003; Ord. 1216, §1, adopted 2021)

### **§9018 BUILDING HEIGHT LIMITS**

The following shall be the maximum limits for height of buildings in Low Density Residential (R-1) Districts:

A. For single-family dwellings, two (2) family dwellings and attached accessory dwelling units, a maximum height of thirty feet (30').

B. For accessory buildings a maximum height of twenty feet (20') or the maximum height of the main building,

whichever is less.

C. The height limits for both dwelling units and accessory structures may be exceeded with the securing of a use permit. The height limit for accessory dwelling unit may be exceeded through the use permit process, provided a finding is made that the higher structure would not adversely impact the health, safety, and general welfare of the public. (Ord. 1001, §1, adopted 1998; Ord. 1181, §5, adopted 2017; Ord. 1216, §1, adopted 2021)

#### **§9019 REQUIRED SITE AREA**

A. Interior Lots: The required site area on interior lots in the R-1 zoning district is six thousand (6,000) net square feet, and the required lot width is sixty feet (60').

B. Corner Lots: The required site area for corner lots in the R-1 zoning district is seven thousand (7,000) net square feet, and the required lot width is seventy feet (70').

C. Existing Development/Density: In existing development/density there is no minimum site area.

D. Nonconforming Lots: Development may occur on existing, nonconforming R-1 lots; a site development permit is required for existing lots four thousand five hundred (4,500) square feet and greater and a use permit is required on existing lots of less than four thousand five hundred (4,500) square feet. Minimum width in either case is forty feet (40'). (Ord. 1001, §1, adopted 1998)

#### **§9020 REQUIRED YARD SETBACKS**

The purpose of establishing yard areas in the R-1 zoning district is to ensure open spaces, and a low density appearance to single-family residential neighborhoods. In Low Density Residential (R-1) Districts, yards shall be required in the following minimum widths, as measured from the street right-of-way:

A. Front: Fifteen feet (15') for residences and accessory structures, and twenty-five feet (25') for garages.

B. Sides: Ten feet (10') for residences and five feet (5') for accessory structures.

C. Rear: Fifteen feet (15') for residences, and five feet (5') for accessory structures.

D. Corner Lots: On corner lots, there shall be a front setback line of fifteen feet (15') on each street side of a corner lot.

Except in cases where fifty percent (50%) of the same side of the block is already built out, then the average setback shall apply. The fifty percent (50%) average setback exception does not apply to accessory structures.

E. Yard Setbacks For Unique Circumstances:

1. Architectural Features: Cornices, eaves, canopies, and other similar architectural features for residential

structures and accessory structures exceeding one hundred twenty (120) square feet in area may extend up to two feet (2') into any required yard.

2. Swimming Pools: Swimming pools shall not be located in front yards, and no closer than five feet (5') to any rear or side property line.

3. Open Porches; Landing Places; Outside Stairways: Open porches, landing places or outside stairways may extend into the required front yard setback provided a minimum of fifteen feet (15') is maintained between the stairway/landing place and the front property line. Open porches, landing places or outside stairways may extend up to two feet (2') into any required side yard, and six feet (6') into any required rear yard. Such porches, landing places, and outside stairways may be roofed, but shall not be enclosed with solid siding, glass, or screening materials, or otherwise made a part of the habitable portion of the structure.

4. Trellises: Trellises providing entry into property are allowed to be located within the front yard setback provided:

- a. The trellis does not exceed a maximum height of ten feet (10').
- b. The trellis is not more than ten feet (10') wide.
- c. The trellis is not located in the public right of way.
- d. The trellis does not obscure or block vehicular traffic lines of sight.
- e. The trellis does not impede or block pedestrian circulation.
- f. The trellis does not pose a threat to the public health and safety as determined by the city building inspector.
- g. The trellis does not hinder the ability of the fire department from accessing the property with emergency equipment and providing emergency services.
- h. A building permit is secured for the construction of the trellis, if required by the city building inspector. Depending upon the height, size, and scale of the trellis, engineering calculations may be required. (Ord. 1001, §1, adopted 1998; Ord. 1082, §1, adopted 2006; Ord. 1216, §1, adopted 2021)

#### **§9021 REQUIRED PARKING**

A. The minimum parking area required in Low Density Residential (R-1) Districts is as follows:

1. Single-Family Dwelling: Two (2) on-site parking spaces per unit.

2. Duplex: One and one-half (1.5) on-site parking spaces per unit.

3. Other Uses: The parking requirements for all other allowed or permitted uses shall be subject to the provisions of section 9198 of this code.

B. Each required on-site parking space or garage space for single-family residential uses shall be a minimum of nine feet (9') in width and nineteen feet (19') in depth.

C. Each required on-site parking space or garage space for single-family residential uses shall open directly onto a driveway or aisle and be designed to provide safe and efficient ingress and egress for vehicles accessing such parking space. The maximum width for such driveways shall be twelve feet (12') for single-wide driveways, and twenty feet (20') for double-wide driveways and access lanes to parcels with no street frontage.

D. All driveways on corner lots shall be located a minimum distance of twenty feet (20') from the curb return. (Ord. 1001, §1, adopted 1998; Ord. 1181, §5, adopted 2017; Ord. 1205, §5, adopted 2020; Ord. 1216, §1, adopted 2021)

#### **§9022 ADDITIONAL REQUIREMENTS**

A. Manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC section 5401 et seq.) are allowed uses on individual residential parcels subject to the following regulations:

1. Foundation System: The manufactured home shall be attached to a permanent foundation system approved by the City Building Official and designed and constructed pursuant to section 18551 of the California Health and Safety Code.

2. Utilities: All utilities to the manufactured home shall be installed pursuant to standards set forth in Division 4 of this code and additional City standard practices and policies.

3. Permits: All applicable building, site development, and encroachment permits associated with development of residential property shall be secured prior to any on-site construction. (Ord. 1216, §1, adopted 2021)

#### **§9023 DETERMINATION OF APPROPRIATE USE**

A. Whenever a use is not listed in this article as a use permitted by right or a use subject to a use permit in the R-1 zoning district, the Planning Director shall determine whether the use is appropriate for the zoning district, either as a right or subject to a use permit. In making this determination, the Planning Director shall find as follows:

1. The use would not be incompatible with other existing or allowed uses in the R-1 zoning district;

2. The use would not be detrimental to the continuing residential development of the area in which the use would be located; and
3. The use would be in harmony and consistent with the purpose of the R-1 zoning district.
4. In the case of determining that a use not articulated as an allowed or permitted use could be established with the securing of a use permit, the Planning Director shall find that the proposed use is similar in nature and intensity to the uses listed as permitted uses. (Ord. 1001, §1, adopted 1998; Ord. 1216, §1, adopted 2021. Formerly 9022)

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<sup>1</sup> Ord. 793, §2, adopted 1982; Ord. 803-A, §1, adopted 1983; Ord. 813, §1, adopted 1983; Ord. 813, §2, adopted 1983; rep. by Ord. 1001, §1, adopted 1998.

**ARTICLE 5.3  
ACCESSORY DWELLING UNITS  
(ADUs)**

**SECTION:**

- §9056 Purpose & Intent
- §9056.1 General Requirements
- §9056.2 Development Requirements
- §9056.3 Setbacks
- §9056.4 Parking
- §9056.5 Legal Nonconforming Accessory Structures
- §9056.6 Height
- §9056.7 Determination of Appropriate Use

**§9056 PURPOSE AND INTENT**

The purpose of this article is to create an expedient ministerial approval process for residential Accessory Dwelling Units (ADUs). To do so, this article sets forth development standards in conformance with California Government Code and tailored to meet the changing needs of Ukiah communities and expand housing choices in all neighborhoods.

**§9056.1 GENERAL REQUIREMENTS**

Accessory Dwelling Units (ADU) on lots developed with a primary single-family or multifamily residence or for which a primary residence is proposed shall be ministerially permitted and subject to the following standards/criteria:

- A. The requirements of this Article are applicable to all existing ADUs, as well as those proposed after the effective date hereof, except for legal nonconforming units, or as specifically provided herein. Existing ADUs as of the date hereof inconsistent with the provisions listed herein shall be considered legal nonconforming; provided, that they were legal at the time of their creation.
- B. ADUs shall be deemed not to exceed the allowable density for the residential lot upon which an ADU is located. ADUs are deemed a residential use that is consistent with the existing general plan and zoning designation for the lot on which an ADU is located with a primary residence.
- C. These regulations do not allow the division of property upon which an accessory dwelling unit is located unless all requirements of the applicable zoning district or State law are met.
- D. The ADU be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence unless the conveyance meets the requirements of Government Code Sections 66340 through 66342.
- E. Accessory dwelling units may be attached to existing single-family or multiple-family residences or detached as separate structures.
- F. An ADU must meet all applicable building and fire codes, and shall have electric, water and sewer or septic service with the type of meter arrangement at the property owner's

option. Water, sewer, and electrical services shall be available prior to the issuance of a building permit for an ADU. No new water or sewer connection fees may be required for ADUs that are contained within the existing space of a single-family or multifamily residence or accessory structure, unless the ADU is constructed with a new single-family home. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

- G. Nothing in this chapter shall preclude the development of a Junior Accessory Dwelling Unit as regulated by Ukiah City Code and Government Code §66333 - 66339.

## **§9056.2 DEVELOPMENT REQUIREMENTS**

- A. Applications for a building permit for an ADU shall be deemed approved if the local agency has not acted on the completed application within 60 days. If approved, no additional parking or other development standards shall be applied except for building code and fire safety requirements.
- B. Applications for a building permit within any zoning district where residential uses are allowed by right shall be approved ministerially to develop any of the following:
- a. **Unit Type.** An ADU may be attached to an existing primary residence, converted from a portion of the existing living area of the primary residence, detached and on the same legal lot as a primary residence, converted from the entirety of or a portion of an existing accessory structure, or attached to an existing or proposed accessory structure.
  - b. **Number of Units.** The number of ADUs allowed on a single lot shall be:
    - i. On a lot that contains an existing or proposed single-family dwelling: One ADU attached or detached.
    - ii. On a lot that contains an existing multifamily dwelling: Two ADUs, detached from the multifamily structure, and up to 25 percent of the number of units in the existing multifamily dwelling converted from existing non-livable space in a multifamily structure.
    - iii. On a lot that contains a proposed multifamily dwelling: Two ADUs, detached from the multifamily structure.
- C. **Size.** The maximum size of a detached ADU shall be one thousand two hundred (1,200) square feet. The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to unit size requirements.
- D. **Improvements.** The City shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU, the correction of nonconforming zoning conditions. For purposes of this section, "nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards. Curb, gutter, sidewalk, paving and street trees, however, shall be required when that infrastructure does not exist, and the proposed building permit value is equal to or greater than one-third (1/3) of the value of the existing structure per UCC §9181 (Street Improvements with Development of Property).

- E. **Lot Size:** No minimum lot size shall be required.
- F. **Lot Coverage.** The lot coverage limitation of the base zoning district shall not apply to the construction of an ADU.
- G. **Construction Standards.** Not exclusive of other applicable state and local building and fire regulations, ADUs shall comply with the following requirements.
  - a. Structures within the state responsibility area (SRA) must comply with applicable local and state regulations for setbacks and fire-resistive construction.
  - b. Structures outside of the SRA must comply with building code regulations for fire-resistive construction, unless more restrictive standards are required pursuant to state law or regulation.
  - c. Fire sprinklers shall not be required in the ADU if the primary residence is not required to have fire sprinklers. Fire sprinklers may be required if a structure containing an ADU is greater than one thousand two hundred (1,200) square feet.

### **§9056.3 SETBACKS**

The following yard setback requirements shall apply to ADUs:

- A. Front Yard: The same as the existing primary residence, but no closer than five feet (5').
- B. Side Yard or Rear Yard: Four feet (4').
- C. No setback shall be required for an existing living area, garage, or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU.
- D. The application of front yard setbacks cannot preclude an ADU of at least 800 square feet and must not unduly constrain the creation of all types of ADUs.

### **§9056.4 PARKING**

- A. Parking requirements for the ADU shall be one off-street space (independently accessible or tandem) in addition to the accessible parking spaces required for the existing single-family or multifamily residence. If the primary residence was legally constructed at a time when on-site parking was not required, then only the parking space(s) for the ADU shall be required.
- B. Off-street parking shall be permitted in setback areas in compliance with the definition of "off-street parking" found in section 9278B of this code or through tandem parking.
- C. Parking standards will not be imposed for an ADU in any of the following instances:
  - a. The ADU is located within one-half mile of public transit stop;
  - b. The ADU is located within an architecturally and historically significant district;
  - c. The ADU is part of the existing primary residence or an existing accessory structure;
  - d. When on-street parking permits are required but not offered to the occupant of the ADU;
  - e. When there is a car share vehicle located within one block of the ADU.

- f. When an application for an ADU is submitted with an application to create a new single-family or multifamily dwelling on the same lot.
- D. If a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the City shall not require that those off-street parking spaces be replaced.

#### **§9056.5 LEGAL NONCONFORMING ACCESSORY STRUCTURES**

ADUs converted from residential accessory structures determined to be Legal Nonconforming shall be subject to the following requirements:

- A. A Legal Nonconforming residential accessory structure that is converted to an ADU, or reconstructed as an ADU to the same footprint and dimensions as the original structure shall not be subject to setback requirements.
- B. A Legal Nonconforming residential accessory structure that is converted to an ADU may be expanded up to 1,200 square feet if the expansion will comply with the height limit and setbacks for new detached ADUs.
- C. Expansion of floor area within a nonconforming setback is limited to 120 square feet, if necessary to accommodate associated utilities, ingress and egress.

#### **9056.6 HEIGHT**

- A. The maximum height for detached ADUs shall be 20 feet.
- B. ADUs attached to the primary structure shall conform to the maximum height allowed for the zoning district in which the unit is located.
- C. ADUs may be taller than the primary residential structure.
- D. ADUs constructed above a garage (Attached or Detached) shall conform to the maximum height allowed for the zoning district in which the unit is located.
- E. Detached ADUs greater than 20 feet in height may be approved through the granting of a Minor Site Development permit.

#### **§9056.7 DETERMINATION OF APPROPRIATENESS**

Whenever an ADU is proposed that is not addressed by local code or State law, the Planning Director shall determine whether the proposal is appropriate. In making this determination, the Planning Director shall find as follows:

- A. The use would not be incompatible with other existing or allowed uses in the zoning district for which it is proposed;
- B. The use would not be detrimental to the continuing development of the area in which the ADU would be located; and
- C. The ADU would be in harmony and consistent with the purpose of the zoning district; and
- D. The proposed ADU can meet all safety requirements as determined by the City of Ukiah Building Inspection and Fire Prevention Division; and
- E. In the case of determining that a use not articulated as an allowed or permitted use could be established with the securing of a use permit or variance, the Planning Director shall find that the proposed use is similar in nature and intensity to the uses listed as permitted uses and contextual development.

## ARTICLE 5.4 JUNIOR ACCESSORY DWELLING UNITS (JADUs)

### SECTION:

§9057 Purpose & Intent

§9057.1 General Requirements

### **§9057 PURPOSE AND INTENT**

This purpose of this article is to implement the requirements of Government Code and the provisions of the General Plan Housing Element that encourage the production of affordable housing by expanding housing opportunities for all economic segments of the community.

### **§9057.1 GENERAL REQUIREMENTS**

Junior accessory dwelling units (JADUs) shall be ministerially permitted in zoning districts that allow single-family dwelling units as allowed or permitted uses, in compliance with Government Codes §66333 - 66339, the requirements of this section, and all other requirements of the applicable zoning district. The department shall act on an application to create a JADU within sixty (60) days from the date it receives a completed application if there is an existing single-family dwelling on the lot.

- A. **Permit Requirements and Fees.** Construction permits (including, but not limited to, a building, well, septic, and/or sewer permit) may be required to establish a JADU. A JADU shall not be considered a separate or new dwelling unit for purposes of applying building codes, fire codes, well and septic requirements, or collection of impact fees.
- B. **Timing.** A JADU may be established after or concurrently with the single-family residence.
- C. **Development Standards.**
  1. **Number of Units.** One (1) JADU is allowed per lot, within a single-family residence.
  2. **Unit Size.** The floor area of a JADU shall not exceed five hundred (500) square feet. If the bathroom is shared with the single-family residence, it shall not be included in the floor area.
  3. **Location.** A JADU shall be created from space in an existing, fully permitted, or proposed single-family dwelling or garage attached to the single-family residence.
  4. **Access.** A separate, exterior entrance to the JADU shall be provided.
  5. **Bathroom.** If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
  6. **Kitchen.** A JADU shall include an efficiency kitchen. The efficiency kitchen must be removed when the JADU use ceases.

**D. Use Restrictions.**

1. JADUs may be rented but shall not be sold separate from the single-family residence.
2. JADUs may not be rented for periods of less than thirty (30) days.
3. The owner of the property must reside in either the single-family home or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
4. Deed Restriction. The property owner shall record a deed restriction that:
  - i. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers;
  - ii. Specifies that the deed restriction runs with the land and is enforceable against future property owners;
  - iii. Restricts the size and attributes of the JADU to those established by this section and Government Code § 66333; and
  - iv. Makes the City of Ukiah a third-party beneficiary of the deed restriction with the right to enforce the provisions of the deed restriction.

DRAFT

**ORDINANCE NO.****ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH ADDING AND AMENDING VARIOUS SECTIONS OF THE UKIAH CITY CODE TO COMPLY WITH CALIFORNIA GOVERNMENT CODE REGULATING ACCESSORY DWELLING UNITS**

The City Council of the City of Ukiah hereby ordains as follows.

**SECTION 1**

Findings and Declarations. The City Council finds and declares as follows:

- A. The proposed amendments to the Zoning Code are consistent with the 2040 Ukiah General Plan and further the goals, objectives, and policies of the 6<sup>th</sup> Cycle General Plan Housing Element; and.
- B. Per California Government Code, existing law provides for the creation by local ordinance, or by ministerial approval if a local agency has not adopted an ordinance, of accessory dwelling units to allow single-family or multifamily dwelling residential use in accordance with specified standards and conditions. Existing law also provides for the creation of junior accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.
- C. Because the adoption of this ADU Ordinance is a necessary action to continue progress towards production of affordable housing in a way that minimizes impacts to local neighborhoods.
- D. Because when the State revises ADU law, a local jurisdiction's ADU Ordinance, if non-compliant with the new ADU laws, is rendered "null and void" and local jurisdictions must continue to process ADU applications through a ministerial process in accordance with State law.
- E. Because the State legislature declared that "Housing is a statewide concern", that California faces a housing crisis, that ADUs are a valuable form of housing, and that local jurisdictions are mandated to comply with applicable State housing laws;

**SECTION 2**

**Division 9, Chapter 2, Article 3, Low density Residential (R-1) of the Ukiah City Code is amended to read as follows (unchanged text is omitted and is shown by " \* "):**

**§9016 ALLOWED USES**

Accessory Buildings

Accessory Dwelling Units (ADUs), as regulated by Ukiah City Code Article 5.3

~~Accessory dwelling units (ADU) or junior accessory dwelling units (JADU) on lots developed with a primary single family or multifamily residence or for which a primary residence is proposed subject to the following standards/criteria:~~

~~A.— The requirements of this subsection are applicable to all existing ADUs and JADUs as well as those proposed after the effective date hereof, except for legal nonconforming units, or as is otherwise specifically provided herein. Existing ADUs or JADUs as of the date hereof inconsistent with the provisions listed herein shall be considered legal nonconforming; provided, that they were legal at the time of their creation.~~

~~B.— Pursuant to California Government Code 65852.2(a)(1)(C) and 65852.22(d) and (e), ADUs and JADUs shall be deemed not to exceed the allowable density for the residential lot upon which an ADU or JADU is located, and ADUs and JADUs are deemed a residential use that is consistent with the existing general plan and zoning designation for the residential lot on which an ADU or JADU is located.~~

~~C.— These regulations do not allow the division of property upon which an accessory dwelling unit is located unless all requirements of the applicable zoning district and any other requirements of this code are met.~~

~~D.— The accessory dwelling unit or JADU may be used for rental purposes. The minimum term of a lease for an accessory dwelling unit or JADU shall be thirty (30) days.~~

~~E.— The ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.~~

~~F.— For development of an ADU or JADU, the applicant shall record a deed restriction, which shall run with the land. A copy showing recordation with the Mendocino County Recorder shall be filed with the City, and shall include both of the following:~~

- ~~1. A prohibition on the sale of the ADU or JADU separate from the sale of the primary residence, including a statement that the deed restriction may be enforced against future purchasers.~~
- ~~2. For a JADU only, a restriction on the size and attributes of the JADU that conforms with this section.~~

~~G.— Accessory dwelling units may be attached to existing single family or multiple family residences or detached as separate structures. Accessory dwelling units shall incorporate the same or substantially similar architectural features, height, building materials and colors as the main dwelling unit or compatible dwellings located on adjacent properties. Architecture not similar to the architecture of the principal dwelling or buildings on adjacent properties shall be subject to the use permit process.~~

~~H.— Junior accessory dwelling units are installed within a legally established bedroom within the existing walls of a fully permitted single family dwelling or proposed single family dwelling. In the case of a legal, nonconforming single family dwelling unit, the applicant must demonstrate adequate septic capacity for the bedroom count, if the dwelling uses a septic system, and utilize an existing, fully permitted bathroom. A separate entrance to the junior accessory dwelling unit shall be provided. A junior accessory dwelling unit may include a full bathroom, or the occupant(s) may use a full bathroom inside the remainder of the single family dwelling. A junior accessory dwelling unit shall contain an efficiency kitchen, which shall include a cooking facility for preparation and sanitation of food with appliances (e.g., microwave, toaster oven, hot plate) and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU. The efficiency kitchen must be removed when the JADU use ceases.~~

~~I.— The maximum size of an accessory dwelling unit shall be one thousand two hundred (1,200)~~

square feet. The maximum size of a junior accessory dwelling unit shall not exceed five hundred (500) square feet in floor area. If the bathroom is shared with the remainder of the single family dwelling, it shall not be included in the square footage calculation.

~~J. — Parking:~~

~~1. Parking requirements for the ADU shall be one off street space (independently accessible or tandem) for each bedroom or ADU, whichever is less, in addition to the two (2) independently accessible parking spaces required for the existing single family or multifamily residence. If the primary residence was legally constructed at a time when on-site parking was not required, then only the parking space(s) for the ADU shall be required. No off street parking space shall be required for a JADU.~~

~~2. Off street parking shall be permitted in setback areas in compliance with the definition of "off street parking" found in section 9278B of this code or through tandem parking.~~

~~3. Parking standards will not be imposed for an ADU in any of the following instances:~~

- ~~a. The ADU is located within one half mile of public transit.~~
- ~~b. The ADU is located within an architecturally and historically significant historic district.~~
- ~~c. The ADU is part of the existing primary residence or an existing accessory structure.~~
- ~~d. When on street parking permits are required but not offered to the occupant of the ADU.~~
- ~~e. When there is a car share vehicle located within one block of the ADU.~~

~~4. If a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the City shall not require that those off street parking spaces be replaced.~~

~~K. — An ADU must meet all applicable building and fire codes, and shall have electric, water and sewer or septic service with the type of meter arrangement at the property owner's option. Water, sewer, and electrical services shall be available prior to the issuance of a building permit for an ADU. No new water or sewer connection fees may be required for ADUs that are contained within the existing space of a single family or multifamily residence or accessory structure as provided in sections 3731A and 3861B of this code, unless the ADU is constructed with a new single family home. ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence.~~

~~L. — A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for purposes of applying building codes, fire codes, collection of impact fees, or the provision of water, sewer, and power, including connection fees that might otherwise be associated with the provision of those services. Junior accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~

~~M. — The ADU or JADU shall comply with all applicable requirements of this code.~~

~~N. — The maximum height for ADUs shall be eighteen feet (18'), except for attached ADUs.~~

~~which shall have a maximum height of thirty feet (30'), pursuant to section 9018 of this code. Taller units may be approved through the use permit process.~~

~~O. The following yard setback requirements shall apply to ADUs:~~

- ~~1. Front Yard: The same as the existing primary residence, but no closer than five feet (5').~~
- ~~2. Side Yard Or Rear Yard, Single Story Or Two Story: Four feet (4').~~
- ~~3. No setback shall be required for an existing living area, garage, or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU.~~

~~P. The proposed ADUs shall have a separate front door, which, in the event of an attached unit, shall not be located along the front of the existing single-family or multifamily residence unless it is not obviously visible from the street in front of the residence.~~

~~Q. For a JADU, either the primary single-family residence or the JADU shall be occupied by the property owner. Owner occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.~~

~~R. Any balcony, window or door of an ADU shall utilize techniques to lessen the privacy impacts onto adjacent properties. These techniques may include use of obscured glazing, window placement above eye level, or locating balconies, windows and doors toward the existing on-site primary residence. In addition, trees shall be planted and maintained in a viable condition by the property owner, where appropriate, to preserve the privacy of neighboring property owners.~~

~~—This requirement will not apply to an ADU that is contained within the existing space of a single-family or multifamily residence or accessory structure.~~

~~S. Driveways accessing ADUs shall be set back a minimum of five feet (5') from any structure on an adjoining lot that has a bedroom adjacent to the proposed driveway.~~

~~T. The minimum width of a driveway serving an ADU shall be twelve feet (12'), unless the City Fire Marshal determines that adequate fire protection can be provided to the ADU even though the driveway has a width less than twelve feet (12').~~

~~U. Unless otherwise indicated, relief from the above criteria and standards may be pursued through the use permit process pursuant to Chapter 2, Article 20 of this division.~~

~~V. Applications for a building permit for an ADU or a JADU shall be considered ministerially without discretionary review or a hearing within sixty (60) days after receiving the application if there is an existing primary dwelling on the lot. If the permit application to create an ADU or a JADU 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 ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU shall be considered without discretionary review.~~

~~W. Applications for a building permit within any zoning district where residential uses are allowed by right shall be approved ministerially to develop any of the following:~~

- ~~1. One ADU and one JADU per lot with a proposed or existing single-family dwelling if all~~

of the following apply:

- ~~a. The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.~~
- ~~b. The space has exterior access from the proposed or existing single-family dwelling.~~
- ~~c. The side and rear setbacks are sufficient for fire and safety.~~
- ~~d. The JADU complies with the requirements of this section.~~

~~2. One detached, new construction, ADU that does not exceed four foot (4') side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU described in subsection W1 of this section.~~

~~3. Multiple ADUs within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with State building standards for dwellings. The number of ADUs permitted within an existing multifamily dwelling structure shall be capped at twenty-five percent (25%) of the existing units in the multifamily dwelling, or one ADU, whichever is greater.~~

~~4. Not more than two (2) ADUs that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to four foot (4') rear and side yard setbacks.~~

~~X. For the development of ADUs and JADUs described in subsection W of this section, no additional parking or other development standards as set forth in subsections I, J, N through P, and R through U of this section shall be applied except for building code requirements.~~

~~Y. The City shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU or JADU, the correction of nonconforming zoning conditions. For purposes of this section, "nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.~~

\* \* \*

Junior Accessory Dwelling Units (JADUs), as regulated by Ukiah City Code Article 5.4

\* \* \*

### SECTION 3

**Division 9, Chapter 2, Article 4, Medium Density Residential (R-2) regulations of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “\* \* \*):**

§9031 Allowed Uses

Accessory buildings and accessory uses.

Accessory Dwelling Units (ADUs), as regulated by Ukiah City Code Article 5.3

~~Accessory dwelling units and junior accessory dwelling units, as defined in section 9278 of this code and regulated in section 9016 of this code.~~

\* \* \*

Junior Accessory Dwelling Units (JADUs), as regulated by Ukiah City Code Article 5.4

\* \* \*

~~Second dwelling units as allowed in the R-1 districts in section 9016 of this chapter.~~

\* \* \*

#### SECTION 4

**Division 9, Chapter 2, Article 5, High Density Residential (R-3) regulations of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “\* \* \*):**

§9046 Allowed Uses

Accessory uses to any allowed or permitted uses.

Accessory Dwelling Units (ADUs), as regulated by Ukiah City Code Article 5.3

~~Accessory dwelling units and junior accessory dwelling units, as defined in section 9278 of this code and regulated in section 9016 of this code.~~

\* \* \*

Junior Accessory Dwelling Units (JADUs), as regulated by Ukiah City Code Article 5.4

\* \* \*

~~Second dwelling units as allowed in the R-1 districts in section 9016 of this chapter.~~

\* \* \*

#### SECTION 5

**Division 9, Chapter 2, Article 5.3, Accessory Dwelling Unit (ADU) regulations of the Ukiah City Code is hereby created to read as follows:**

§9056 PURPOSE AND INTENT

The purpose of this article is to create an expedient ministerial approval process for residential Accessory Dwelling Units (ADUs). To do so, this article sets forth development standards in

conformance with California Government Code and tailored to meet the changing needs of Ukiah communities and expand housing choices in all neighborhoods.

#### §9056.1 GENERAL REQUIREMENTS

Accessory Dwelling Units (ADU) on lots developed with a primary single-family or multifamily residence or for which a primary residence is proposed shall be ministerially permitted and subject to the following standards/criteria:

- A. The requirements of this Article are applicable to all existing ADUs, as well as those proposed after the effective date hereof, except for legal nonconforming units, or as specifically provided herein. Existing ADUs as of the date hereof inconsistent with the provisions listed herein shall be considered legal nonconforming; provided, that they were legal at the time of their creation.
- B. ADUs shall be deemed not to exceed the allowable density for the residential lot upon which an ADU is located. ADUs are deemed a residential use that is consistent with the existing general plan and zoning designation for the lot on which an ADU is located with a primary residence.
- C. These regulations do not allow the division of property upon which an accessory dwelling unit is located unless all requirements of the applicable zoning district or State law are met.
- D. The ADU be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence unless the conveyance meets the requirements of Government Code Sections 66340 through 66342.
- E. Accessory dwelling units may be attached to existing single-family or multiple-family residences or detached as separate structures.
- F. An ADU must meet all applicable building and fire codes, and shall have electric, water and sewer or septic service with the type of meter arrangement at the property owner's option. Water, sewer, and electrical services shall be available prior to the issuance of a building permit for an ADU. No new water or sewer connection fees may be required for ADUs that are contained within the existing space of a single-family or multifamily residence or accessory structure, unless the ADU is constructed with a new single-family home. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- G. Nothing in this chapter shall preclude the development of a Junior Accessory Dwelling Unit as regulated by Ukiah City Code and Government Code §66333 - 66339.

#### §9056.2 DEVELOPMENT REQUIREMENTS

- A. Applications for a building permit for an ADU shall be deemed approved if the local agency has not acted on the completed application within 60 days. If approved, no additional parking or other development standards shall be applied except for building code and fire safety requirements.
- B. Applications for a building permit within any zoning district where residential uses are allowed by right shall be approved ministerially to develop any of the following:

- a. Unit Type. An ADU may be attached to an existing primary residence, converted from a portion of the existing living area of the primary residence, detached and on the same legal lot as a primary residence, converted from the entirety of or a portion of an existing accessory structure, or attached to an existing or proposed accessory structure.
- b. Number of Units. The number of ADUs allowed on a single lot shall be:
  - i. On a lot that contains an existing or proposed single-family dwelling: One ADU attached or detached.
  - ii. On a lot that contains an existing multifamily dwelling: Two ADUs, detached from the multifamily structure, and up to 25 percent of the number of units in the existing multifamily dwelling converted from existing non-livable space in a multifamily structure.
  - iii. On a lot that contains a proposed multifamily dwelling: Two ADUs, detached from the multifamily structure.
- C. Size. The maximum size of a detached ADU shall be one thousand two hundred (1,200) square feet. The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to unit size requirements.
- D. Improvements. The City shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU, the correction of nonconforming zoning conditions. For purposes of this section, "nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards. Curb, gutter, sidewalk, paving and street trees, however, shall be required when that infrastructure does not exist, and the proposed building permit value is equal to or greater than one-third (1/3) of the value of the existing structure per UCC §9181 (Street Improvements with Development of Property).
- E. Lot Size: No minimum lot size shall be required.
- F. Lot Coverage. The lot coverage limitation of the base zoning district shall not apply to the construction of an ADU.
- G. Construction Standards. Not exclusive of other applicable state and local building and fire regulations, ADUs shall comply with the following requirements.
  - a. Structures within the state responsibility area (SRA) must comply with applicable local and state regulations for setbacks and fire-resistive construction.
  - b. Structures outside of the SRA must comply with building code regulations for fire-resistive construction, unless more restrictive standards are required pursuant to state law or regulation.
  - c. Fire sprinklers shall not be required in the ADU if the primary residence is not required to have fire sprinklers. Fire sprinklers may be required if a structure containing an ADU is greater than one thousand two hundred (1,200) square feet.

The following yard setback requirements shall apply to ADUs:

- A. Front Yard: The same as the existing primary residence, but no closer than five feet (5').
- B. Side Yard or Rear Yard: Four feet (4').
- C. No setback shall be required for an existing living area, garage, or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU.
- D. The application of front yard setbacks cannot preclude an ADU of at least 800 square feet and must not unduly constrain the creation of all types of ADUs.

#### §9056.4 PARKING

- A. Parking requirements for the ADU shall be one off-street space (independently accessible or tandem) in addition to the accessible parking spaces required for the existing single-family or multifamily residence. If the primary residence was legally constructed at a time when on-site parking was not required, then only the parking space(s) for the ADU shall be required.
- B. Off-street parking shall be permitted in setback areas in compliance with the definition of "off-street parking" found in section 9278B of this code or through tandem parking.
- C. Parking standards will not be imposed for an ADU in any of the following instances:
  - a. The ADU is located within one-half mile of public transit stop;
  - b. The ADU is located within an architecturally and historically significant district;
  - c. The ADU is part of the existing primary residence or an existing accessory structure;
  - d. When on-street parking permits are required but not offered to the occupant of the ADU;
  - e. When there is a car share vehicle located within one block of the ADU;
  - f. When an application for an ADU is submitted with an application to create a new single-family or multifamily dwelling on the same lot.
- D. If a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the City shall not require that those off-street parking spaces be replaced.

#### §9056.5 LEGAL NONCONFORMING ACCESSORY STRUCTURES

ADUs converted from residential accessory structures determined to be Legal Nonconforming shall be subject to the following requirements:

- A. A Legal Nonconforming residential accessory structure that is converted to an ADU, or reconstructed as an ADU to the same footprint and dimensions as the original structure shall not be subject to setback requirements.
- B. A Legal Nonconforming residential accessory structure that is converted to an ADU may be expanded up to 1,200 square feet if the expansion will comply with the

height limit and setbacks for new detached ADUs.

- C. Expansion of floor area within a nonconforming setback is limited to 120 square feet, if necessary to accommodate associated utilities, ingress and egress.

#### 9056.6 HEIGHT

- A. The maximum height for detached ADUs shall be 20 feet.
- B. ADUs attached to the primary structure shall conform to the maximum height allowed for the zoning district in which the unit is located.
- C. ADUs may be taller than the primary residential structure.
- D. ADUs constructed above a garage (Attached or Detached) shall conform to the maximum height allowed for the zoning district in which the unit is located.
- E. Detached ADUs greater than 20 feet in height may be approved through the granting of a Minor Site Development permit.

#### §9056.7 DETERMINATION OF APPROPRIATENESS

Whenever an ADU is proposed that is not addressed by local code or State law, the Planning Director shall determine whether the proposal is appropriate. In making this determination, the Planning Director shall find as follows:

- A. The use would not be incompatible with other existing or allowed uses in the zoning district for which it is proposed;
- B. The use would not be detrimental to the continuing development of the area in which the ADU would be located; and
- C. The ADU would be in harmony and consistent with the purpose of the zoning district; and
- D. The proposed ADU can meet all safety requirements as determined by the City of Ukiah Building Inspection and Fire Prevention Division; and
- E. In the case of determining that a use not articulated as an allowed or permitted use could be established with the securing of a use permit or variance, the Planning Director shall find that the proposed use is similar in nature and intensity to the uses listed as permitted uses and contextual development.

### SECTION 6

**Division 9, Chapter 2, Article 5.4, Junior Accessory Dwelling Unit (JADU) regulations of the Ukiah City Code is hereby created to read as follows:**

#### §9057 PURPOSE AND INTENT

This purpose of this article is to implement the requirements of Government Code and provisions of the General Plan Housing Element that encourage the production of affordable housing by expanding housing opportunities for all economic segments of the community.

## §9057.1 GENERAL REQUIREMENTS

Junior accessory dwelling units (JADUs) shall be ministerially permitted in zoning districts that allow single-family dwelling units as permitted uses, in compliance with Government Codes §66333 - 66339, the requirements of this section, and all other requirements of the applicable zoning district. The department shall act on an application to create a JADU within sixty (60) days from the date it receives a completed application if there is an existing single-family dwelling on the lot.

- A. Permit Requirements and Fees. Construction permits (including, but not limited to, a building, well, septic, and/or sewer permit) shall be required to establish a JADU. A JADU shall not be considered a separate or new dwelling unit for purposes of applying building codes, fire codes, well and septic requirements, or collection of impact fees.
- B. Timing. A JADU may be established after or concurrently with the single-family residence.

### C. Development Standards.

- 1. Number of Units. One (1) JADU is allowed per lot, within a single-family residence.
- 2. Unit Size. The floor area of a JADU shall not exceed five hundred (500) square feet. If the bathroom is shared with the single-family residence, it shall not be included in the floor area.
- 3. Location. A JADU shall be created from space in an existing, fully permitted, or proposed single-family dwelling or garage attached to the single-family residence.
- 4. Access. A separate, exterior entrance to the JADU shall be provided.
- 5. Bathroom. If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- 6. Kitchen. A JADU shall include an efficiency kitchen. The efficiency kitchen must be removed when the JADU use ceases.

### D. Use Restrictions.

- 1. JADUs may be rented but shall not be sold separate from the single-family residence.
- 2. JADUs may not be rented for periods of less than thirty (30) days.
- 3. The owner of the property must reside in either the single-family home or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
- 4. Deed Restriction. The property owner shall record a deed restriction that:
  - i. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers;
  - ii. Specifies that the deed restriction runs with the land and is enforceable against future property owners;
  - iii. Restricts the size and attributes of the JADU to those established by this section and Government Code § 66333; and
  - iv. Makes the City of Ukiah a third-party beneficiary of the deed restriction with the right to enforce the provisions of the deed restriction.

## SECTION 7

**Division 9, Chapter 2, Article 5, Neighborhood Commercial (C-N) regulations of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “\* \* \*”):**

#### **§9061 Allowed Uses**

Accessory uses to any allowed or permitted uses.

Accessory Dwelling Units (ADUs), as regulated by Ukiah City Code Article 5.3

~~Accessory dwelling units and junior accessory dwelling units, as defined in section 9278 of this code and regulated in section 9016 of this code.~~

\* \* \*

Junior Accessory Dwelling Units (JADUs), as regulated by Ukiah City Code Article 5.4

\* \* \*

~~Second dwelling units as allowed in the R-1 districts in section 9016 of this chapter.~~

\* \* \*

#### **SECTION 8**

**Division 9, Chapter 2, Article 5, Community Commercial (C-1) regulations of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “\* \* \*”):**

#### **§9081 Allowed Uses**

Accessory uses to any allowed or permitted uses.

Accessory Dwelling Units (ADUs), as regulated by Ukiah City Code Article 5.3

~~Accessory dwelling units and junior accessory dwelling units, as defined in section 9278 of this code and regulated in section 9016 of this code.~~

\* \* \*

Junior Accessory Dwelling Units (JADUs), as regulated by Ukiah City Code Article 5.4

\* \* \*

~~Second dwelling units as allowed in the R-1 districts in section 9016 of this chapter.~~

\* \* \*

#### **SECTION 9**

**Division 9, Chapter 2, Article 5, He Commercial (C-1) regulations of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “\* \* \*”):**

## **§9096 Allowed Uses**

Accessory uses to any allowed or permitted uses.

Accessory Dwelling Units (ADUs), as regulated by Ukiah City Code Article 5.3

~~Accessory dwelling units and junior accessory dwelling units, as defined in section 9278 of this code and regulated in section 9016 of this code.~~

\* \* \*

Junior Accessory Dwelling Units (JADUs), as regulated by Ukiah City Code Article 5.4

\* \* \*

~~Second dwelling units as allowed in the R-1 districts in section 9016 of this chapter.~~

\* \* \*

## **SECTION 10**

1. SEVERABILITY: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Ukiah hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.
2. EFFECTIVE DATE: This Ordinance shall be published as required by law in a newspaper of general circulation in the City of Ukiah, and shall become effective thirty (30) days after its adoption.

Introduced by title only on \_\_\_\_\_, 2024 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Adopted on \_\_\_\_\_, 2024, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Josefina Dueñas, Mayor

ATTEST:

\_\_\_\_\_  
Kristine Lawler, City Clerk

DRAFT