



Planning Commission

Regular Meeting **AGENDA**

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

Please join the meeting from your computer, tablet, or smartphone.

<https://global.gotomeeting.com/join/550112221>

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United States: [+1 \(872\) 240-3311](tel:+18722403311)

Access Code: 550-112-221

May 27, 2020 - 6:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4.a. Approval of Regular Meeting Minutes for May 13, 2020

Recommended Action: Approve the Regular Meeting Minutes for May 13, 2020.

Attachments:

1. 20200513 PC Draft Minutes

5. 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 appeared and stated 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 Monday, June 8, 2020.

6. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

The Planning Commission welcomes input from the audience. 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.

7. SITE VISIT VERIFICATION

8. VERIFICATION OF NOTICE

9. PLANNING COMMISSIONERS REPORT

10. DIRECTOR'S REPORT

11. CONSENT CALENDAR

12. NEW BUSINESS

- 12.a. Request for Recommendation regarding the Draft Ordinance Adding and Amending Various Sections of the Ukiah City Code to Comply with California Government Code Section 65852.2 Regulating Accessory Dwelling Units (ADUs)

Recommended Action: Staff recommends the Planning Commission consider the draft ordinance and adopt a recommendation of approval for the City Council to adopt the Draft Ordinance Adding and Amending Various Sections of the Ukiah City Code to Comply with California Government Code Section 65852.2 Regulating Accessory Dwelling Units (ADUs).

Attachments:

1. ATT 1 Draft Ordinance_Red-line Version
2. ATT 2 Draft Ordinance_Clean Version
3. ATT 3 2019 Legislative Briefing Excerpt

13. UNFINISHED BUSINESS

14. 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 in order for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request.

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.

Mireya G. Turner, Associate Planner
May 20, 2020

CITY OF UKIAH
PLANNING COMMISSION MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482

Teleconference Location:

<https://global.gotomeeting.com/join/403937173>

May 13, 2020

6:00 p.m.

1. **CALL TO ORDER**

The City of Ukiah Planning Commission met at a Regular Meeting on May 13, 2020, having been legally noticed on May 6, 2020. Chair Christensen called the meeting to order at 6:18 p.m.

CHAIR CHRISTENSEN PRESIDING.

2. **ROLL CALL**

Roll was taken with the following **Commissioners Present:** Ruth Van Antwerp, Mark Hilliker, Mike Whetzel, Linda Sanders, and Laura Christensen; **ABSENT:** None **Staff Present:** Craig Schlatter, Community Development Director; Mireya Turner, Associate Planner, and Alicia Tlelo, Assistant Planner.

3. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chair Christensen.

4. **APPROVAL OF MINUTES**

Approval of Regular Meeting Minutes 4/22/2020

Motion/Second: Whetzel/Hilliker approved the April 22, 2020 Regular Meeting Minutes. Motion **carried** by the following roll call vote: AYES: Van Antwerp, Hilliker, Whetzel, Sanders, and Chair Christensen. NOES: None. ABSENT: None. ABSTAIN: None.

5. **APPEAL PROCESS**

No matters eligible for appeal were heard.

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

No public comment was received.

7. **SITE VISIT VERIFICATION**

Confirmed by Commissioners.

8. **VERIFICATION OF NOTICE**

Confirmed by Staff.

9. **PLANNING COMMISSIONERS' REPORT**

Presenter: Chair Christensen.

10. **PLANNING COMMISSION DIRECTOR'S REPORT**

Presenter: Craig Schlatter, Community Development Director.

Recommended Action: Receive report.

11. CONSENT CALENDAR

12. NEW BUSINESS

13. UNFINISHED BUSINESS

13.a Request for Review and Recommendation for Major Use Permit and Parking Variance Request to Allow a Cannabis Manufacturing (nonvolatile) and Dispensary/Retail Operation in an Existing Building at 441 North State Street; APN 00218619; File No. 19-4434 (Continued from April 22, 2020)

Associate Planner Turner presented the staff report. Chair Christensen opened the public hearing and Christopher Bloom spoke. No one else was present wishing to speak and Chair Christensen closed the public hearing.

Motion/Second: Van Antwerp/Hilliker adopted the findings and conditionally approved the Major Use Permit and Parking Variance to allow a Cannabis Manufacturing (non-volatile) and Retail/Dispensary Operation in an existing building at 441 N. State Street, APN 002-186-19; File 19-4434. The motion was carried by the following roll call vote: AYES: Van Antwerp, Hillker, and Chair Christensen. NOES: Commissioners Whetzel and Sanders. ABSENT: None. ABSTAIN: None.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 8:08 p.m.

Mireya G. Turner, Associate Planner



DATE: May 27, 2020
TO: Planning Commission
FROM: Mireya G. Turner, Associate Planner
SUBJECT: Request for Recommendation regarding the Draft Ordinance Adding and Amending Various Sections of the Ukiah City Code to Comply with California Government Code §65852.2 Regulating Accessory Dwelling Units

SUMMARY

The Planning Commission is asked to consider and provide the City Council with a recommendation regarding the update to various sections of the Ukiah City Code to bring the Code into compliance with a number of new laws regulating development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

BACKGROUND

In 2018, the California State legislature enacted AB 68, AB 88, SB 13, AB 671, and AB 587 ("ADU Statutes"), which are intended to encourage development of Accessory Dwelling Units ("ADUs") and impose new requirements on local regulation of ADUs. These provisions are codified in California Government Code §§ 65852.2 (for ADUs) and 65852.22 (for Junior Accessory Dwelling Units ("JADUs")). While the City updated the City Code provisions regulating ADUs ("ADU Ordinance") in order to incorporate the then-current State regulations in 2017, the ADU Statutes include even further requirements that should again be incorporated into the City Code. Because the new State laws were effective January 1, 2020, the City ADU Ordinance is currently in conflict with State law and is, as such, void until amended to comply with the ADU Statutes. Because the only minimal State default standards for ADUs apply while the City's ADU Ordinance is void, it is in the City's interest to adopt an amended ADU Ordinance ("Amended ADU Ordinance") so that the City can continue to regulate ADU development in a manner that considers local needs and limitations, to the extent that the Statutes allow.

The additions and amendments to the Ukiah City Code are required by state law, and therefore, are not presented to the Planning Commission for alteration. However, as a land use matter, it is appropriate to place this item before the Commission for its review and recommendation. Section Three of the Draft Ordinance, regulating sewer connection charges, is still with the Public Works Department for revision, and will be updated prior to presentation to the City Council.

DISCUSSION

The primary changes required by the new State laws, and the recommended changes to the City's Ordinance, are as follows in the table below. Red lined and clean versions of the Ordinance are

Staff Report
Draft Ordinance
Zoning Ordinance Update regarding Accessory Dwelling Unit Legislation



included as **Attachments 1 & 2**. The Housing, Community and Economic Development Section from the 2019 Legislative Briefing, published by the League of California Cities, is included as **Attachment 3**.

State Requirements Inconsistent with City Code	Changes to City Code Provisions
Cities must allow ADUs in any residential or mixed-use zone.	The City currently allows ADUs by right in the R-1, R-2, R-3, C-N, C-1, and C-2 zones. The Amended ADU Ordinance includes language clarifying that ADUs and JADUs are allowed in any zoning district that allows residential uses by right or with a use permit.
Cities must allow certain types of ADUs by right: • Within a new or proposed single-family home: one ADU and one JADU per lot if exterior access is available and side and rear setbacks are sufficient for fire and safety. • On a lot with a new or proposed single-family-home: one detached, new construction ADU that does not encroach into four-foot side and rear yard setbacks. A city may impose total floor area of 800 square feet; height limitation of 16 feet. • Within an existing multifamily dwelling: multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space including storage rooms, boiler rooms, passageways, attics, basements, garages if each unit complies with state building standards. A city must allow at least one and as many ADUs as is equal to 25% of the existing units in a multifamily dwelling. • On a lot with an existing multifamily dwelling: Not more than two ADUs that are detached from the dwelling and subject to a height limit of 16 feet and four-foot rear and side setbacks.	• The existing ADU Ordinance does not apply to ADUs associated with proposed single family homes or existing multifamily dwellings. The Amended ADU Ordinance requires ministerial approval of applications for ADUs associated with proposed single family homes. In addition, the Ordinance requires ministerial approval for up to two detached ADUs on a lot with an existing multifamily dwelling. The Ordinance also allows for ADUs within an existing multifamily dwelling, with the number of units capped at 25% of the existing units in a multifamily dwelling or one ADU, whichever is greater. • The Amended ADU Ordinance allows for ADUs with up to 1200 square feet in floor area and up to 18 feet in height.



AGENDA ITEM NO. 12A

Department of Community Development
Planning Division
300 Seminary Ave.
Ukiah, CA 95482

Parking If an applicant converts an attached garage, storage area, or other accessory structure to an ADU, and on-site parking is removed to allow for the conversion, a city may not require the applicant to replace the on-site parking. Cities shall require only one off street space for each bedroom or ADU, whichever is less. Cities cannot require off street parking for a JADU	The City currently requires only one off street space per ADU. This provision was changed to one off street space per ADU or bedroom, whichever is less. A provision has been added indicating that an applicant is not required to replace on-site parking when conversion of an accessory structure involves removal of on-site parking. A provision has been added indicating that no off street parking is required for a JADU.
Cities are bound by the following development standards: • The maximum rear and side yard setback for an ADU that is not converted from an existing structure is 4 feet (reduced from 5 feet in the previous State ADU law). • A city may not impose a minimum lot size. • Maximum size may not be less than 850 square feet or 1,000 square feet for an ADU larger than one bedroom. • Combined, a city's standards governing lot coverage, floor area ratio, open space and other standards may not preclude at least an 800 square foot ADU that is at least 16 feet high.	• The current ADU Ordinance mandates side and rear setbacks of five (5) feet for single story ADUs, and side and rear setbacks of ten (10) feet for a two-story unit. All these setbacks have been changed to four (4) feet. • A minimum lot size requirement in the City Code has been removed. • The percentage of lot size limitation has been removed. Maximum size standards remain up to 1200 square feet. • The current ADU Ordinance limits the floor area of an attached ADU to fifty percent of the existing floor area of the primary residence. Because this would prohibit an 800 square foot attached ADU for any residence smaller than 1600 square feet, this provision has been removed. The City currently imposes a maximum height of 18 feet, which is in compliance with the ADU Statutes.
A city must act on an application for an ADU on a lot with an existing single-family or multi-family structure within 60 days of receiving a completed application.	The current ADU Ordinance requires the City to act on a building permit application for an ADU in 120 days. This has been changed to 60 days.
A city may not require owner occupancy for either the primary dwelling or the ADU (this prohibition expires January 1, 2025). Cities must require owner occupancy for JADUs, in either the primary residence or the JADU.	The owner occupancy requirement in the City Code has been changed to apply only to JADUs.

Staff Report
Draft Ordinance

Zoning Ordinance Update regarding Accessory Dwelling Unit Legislation



Cities must include provisions allowing and regulating JADUs in their ADU ordinance. A JADU is a unit that is no more than 500 square feet and contained entirely within an existing or proposed single-family structure, and that is accessible through a separate entrance from the main entrance to the proposed or existing single-family residence. A JADU must have an efficiency kitchen with a cooking facility but a city cannot limit the nature of the electrical, gas, or propane gas connections. A city may not require a sink within the cooking facility. A city must act on an application for a JADU within 60 days of receiving a completed application.	The Amended ADU Ordinance defines a JADU and includes all the requirements and limitations imposed by the ADU Statutes.
Connection fees and capacity charges are based upon the “proportionate burden of the proposed ADU on the water or sewer system, based upon either its square feet (formerly “size”) or the number of its drainage fixture unit (DFU) values, as defined by the UPC (formerly “number of plumbing fixtures”).	The Amended ADU Ordinance includes this revision to the basis for assessing connection fees and capacity charges for water and sewer.

ENVIRONMENTAL DOCUMENTATION

The proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) under Public Resources Code §21080.17, which exempts the adoption of an ordinance to implement Government Code (GC) §65852.2’s requirements from environmental review.

Additionally, CEQA Guidelines §15061(b)(3), the “Common Sense” exemption, applies to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Because GC §65852.2 establishes the required contents for ordinances governing ADUs, and the City is obligated to review and approve ADUs under the provisions of GC §65852.2, the adoption of a local ordinance regarding accessory dwelling units would not cause any new or different environmental effects. Therefore, it can be seen with certainty that the adoption of the proposed Ordinance would not have any environmental effects.



NOTICE

This item was noticed on May 20, 2020 by the posting of the agenda, online and in the glass case at City Hall. A 10-day noticed public hearing was not required for this item.

RECOMMENDATION

Staff recommends Planning Commission consider the draft ordinance and adopt a recommendation of approval for the City Council to adopt the Draft Ordinance Adding and Amending Various Sections of the Ukiah City Code to Comply with California Government Code §65852.2 Regulating Accessory Dwelling Units.

ATTACHMENTS

1. Draft Ordinance, red-lined
2. Draft Ordinance, clean version
3. Excerpt from League of California Cities 2019 Legislative Briefing Book

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 SECTION 65852.2 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. In October 2019, the Governor of California signed Senate Bill 13, Assembly Bill 68, Assembly Bill 881, Assembly Bill 670 and Assembly Bill 587 ("ADU Statutes"), which relate to the creation of new Accessory Dwelling Units ("ADU") and were intended to address California's ongoing housing affordability crisis by reducing local regulatory barriers to constructing new ADUs.

B. The ADU Statutes, as codified in State of California Government Code Sections 65852.2 and 65852.22, established new standards for regulating ADUs to be effective January 1, 2020;

C. Because the City's existing standards for ADUs are inconsistent with the new standards enacted by the ADU Statutes, the current City Code provisions regarding ADUs are voided until amended to be consistent with the ADU Statutes.

D. Because the City's standards for ADUs are currently voided, any application for an ADU consistent with State law will be deemed approved and the default State law standards do not consider the City's particular needs and limitations. As such, it is in the interest of the City to amend the City Code to bring its standards for ADUs into compliance with the State standards and to include any permissible standards that consider local needs and limitations.

SECTION 2

Section 3702.5 of Division 4, Chapter 2, Article 3 of the Ukiah City Code is amended to read as follows:

§3702.5 SEWER REQUIRED

Any structure located within the City in which plumbing is to be installed and to which a public sewer is available shall, at the expense of the owner of the property, connect the plumbing of such structure directly to the proper public sewer in accordance with the provisions of this ordinance. A public sewer shall be deemed to be available if a public sewer is located within two hundred feet (200') of the property line of the property involved.

However, no new connection between an Accessory Dwelling Unit (as defined in Section 9278 of this Code) and the proper public sewer will be required for an Accessory Dwelling Unit contained within the existing space of an existing [or proposed](#) primary

residence or accessory structure, unless the Accessory Dwelling Unit was constructed with a new single-family home. ~~and located in the R-1 zone.~~

SECTION 3

Division 4, Chapter 2, Article 12 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§3731A SEWER CONNECTION CHARGES

The following charges are hereby established for the connection of the plumbing of any building or structure which discharges to the sanitary sewer system of the city and said charges are separate from any other charges presently levied or which may be levied in the future:

A. Residential Schedule:

Ten thousand nine hundred eleven dollars (\$10,911.00) for equivalent sewer service unit (ESSU) per dwelling unit connected to the wastewater system based on the number of bedrooms according to the following schedule:

	Connection Fee	ESSU
1. One bedroom	\$ 9,820.00	0.9
2. Two bedroom	10,911.00	1.0
3. Three bedroom	12,002.00	1.1
4. For each additional bedroom	1,091.00	0.1

* * *

D. Connection Fees for Accessory Dwelling Units

1. Accessory ~~Dwelling~~ Units shall not be considered new residential uses for the purposes of calculating ~~local agency~~ City connection fees or capacity charges for utilities, including water and sewer service. The Residential Schedule for calculation of sewer system connection fees set forth in Subdivision A of this Section shall not apply to Accessory Dwelling Units.

2. As provided in Section 3702.5, the City will not require a new connection between an Accessory Dwelling Unit (as defined in Section 9278 of this Code) and the sanitary sewer system for an Accessory Dwelling Unit contained within the existing space of an existing primary residence or accessory structure ~~and located in the R-1 zone.~~ Notwithstanding Section 3734A, the City shall not impose a connection fee or capacity charge for this type of Accessory Dwelling Unit, unless the Accessory Dwelling Unit was constructed with a new single-family home.

3. For Accessory Dwelling Units that are not contained within the existing space of an existing primary residence or accessory structure ~~or not located in the R-1 zone~~, the City may charge a connection fee or capacity charge that is proportionate to the burden of the proposed Accessory Dwelling Unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. ~~size or the number of fixture unit values as set forth in the current edition of the California Plumbing Code ("fixture units"), upon the sewer system.~~ This fee or charge shall not exceed the reasonable cost of providing this service.

4. The connection fee for an Accessory Dwelling Unit shall be calculated based on the number of fixture units in the developed ADU, as determined by the City Engineer.

5. In the event that the property on which a primary dwelling and an Accessory Dwelling Unit are located is subdivided to create a new lot on which the Accessory Dwelling Unit is located, and the Accessory Dwelling Unit was constructed on or after January 1, 2017, the property owner must pay to the City the difference between the sewer connection fee initially calculated for the Accessory Dwelling Unit pursuant to subdivision D4 of this Section and the connection fee that would have been calculated pursuant to subdivision A if the dwelling unit were the primary dwelling unit on a lot.

SECTION 4

Section 3861 of Division 4, Chapter 4 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *)”:

§3861 WATER CONNECTION FEES

A. Payment of Fees

The storage and transmission and production and treatment facilities' fees are based on the size of the service. Said fees shall be due and payable prior to use and occupancy of the new facility requiring the service. No certificate of occupancy shall be issued and permanent water service shall not be provided until payment is received.

B. Connection Fees for Accessory Dwelling Units

1. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges.

2. No new water connection shall be required, and no fee charged, for an Accessory Dwelling Unit (as defined in Section 9278 of this Code) contained within the existing space of an existing primary residence or accessory structure, unless the Accessory Dwelling Unit was constructed with a new single-family home. ~~and located in the R-1 zone.~~

3. Accessory Dwelling Units that are not contained within the existing space of an existing primary residence or accessory structure ~~or not located in the R-1 zone~~ are subject to connection fees for water service as provided in Section 3861.

SECTION 5

Article 3 of Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§9016 ALLOWED USES

The following uses are allowed in single family residential (R-1) districts:

* * *

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 Accessory Dwelling UnitsADUs 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 Accessory Dwelling UnitsADUs 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), accessory dwelling unitsADUs and JADUs shall be deemed not to exceed the allowable density for the residential lot upon which an Accessory Dwelling UnitDU or JADU is located, and Accessory Dwelling UnitsADUs 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 Accessory Dwelling UnitADU 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.

EG. Accessory Dwelling Units may be attached to existing single-family or multifamily 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, non-conforming 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.

F. ~~The minimum lot size upon which an Accessory Dwelling Unit may be placed is five thousand (5,000) square feet for an interior lot, and seven thousand (7,000) square feet for a corner lot.~~

GJ. The maximum size of an Accessory Dwelling Unit shall be ~~ten percent (10%) of the lot size with a maximum size of~~ one thousand two hundred (1200) square feet. ~~The increased floor area of an Accessory Dwelling Unit that is attached to the primary residence shall not exceed 50 percent of the existing living area.~~ 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.

HJ. Parking

(1) Parking requirements for the ~~Accessory Dwelling Unit~~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 ~~Accessory Dwelling Unit~~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 ~~Accessory Dwelling Unit~~ADU in any of the following instances:

(1a) The ~~Accessory Dwelling Unit~~ADU is located within one-half mile of public transit.

- (2b) The ~~Accessory Dwelling Unit~~ADU is located within an architecturally and historically significant historic district.
- (3c) The ~~Accessory Dwelling Unit~~ADU is part of the existing primary residence or an existing accessory structure.
- (4d) When on-street parking permits are required but not offered to the occupant of the ~~Accessory Dwelling Unit~~ADU.
- (5e) When there is a car share vehicle located within one block of the ~~Accessory Dwelling Unit~~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 offstreet parking spaces be replaced.

~~KI.~~ The An Accessory Dwelling UnitADU must meet all applicable building and fire codes, and shall have electric, water and sewer or septic service ~~provided through the city~~ 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 ~~Accessory Dwelling Unit~~ADU. No new water or sewer connection fees may be required for ~~Accessory Dwelling Unit~~ADUs that are contained within the existing space of a single-family or multifamily residence or accessory structure as provided in Sections 3731A and 3861.B, unless the ADU is constructed with a new single-family home. ~~Accessory Dwelling Unit~~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.

~~JM.~~ The Accessory Dwelling Unit~~DU~~ or JADU shall comply with all applicable requirements of this ~~code~~Code.

~~KN.~~ The maximum height for ~~Accessory Dwelling Unit~~ADUs shall be eighteen feet (18'), except for attached ~~accessory dwelling unit~~ADUs, which shall have a maximum height of thirty feet (30'), pursuant to Section 9018 of this Chapter. Taller units may be approved through the use permit process.

~~LO.~~ The following yard setback requirements shall apply to ~~Accessory Dwelling Unit~~ADUs ~~in the R-1 (single-family residential) zoning district~~:

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

2. Side Yard or Rear Yard, Single-Story or Two-Story: ~~Side yard for single-story unit: Five feet (5').~~Four feet (4')

~~3. Side Yard, Two-Story: Side yard for two-story unit: Ten feet (10').~~

~~4. Rear Yard, Single-Story: Rear yard for single-story unit: Five feet (5').~~

~~5. Rear Yard, Two-Story: Rear yard for two-story unit: Ten feet (10').~~

~~If the subject lot abuts a differently zoned lot, then the side and rear yard setbacks shall be the same as for the adjoining lot.~~

~~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. Existing structures proposed for conversion to an Accessory Dwelling Unit must comply with the above yard setback requirements, except that no setback will be required for an existing garage that is converted to an accessory dwelling unit. A setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.~~

~~MQ.~~ The proposed ~~Accessory Dwelling Unit~~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.

~~NR.~~ ~~One For a JADU, either the primary single-family residence or the JADU of the units on the lot~~ 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.

~~QS.~~ Any balcony, window or door of an ~~Accessory Dwelling Unit~~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 ~~Accessory Dwelling Unit~~ADU that is contained within the existing space of a single-family or multifamily residence or accessory structure.

~~PT.~~ Driveways accessing ~~Accessory Dwelling Unit~~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.

~~UQ.~~ The minimum width of a driveway serving an ~~Accessory Dwelling Unit~~ADU shall be twelve feet (12'), unless the City Fire Marshal determines that adequate fire protection can be provided to the ~~Accessory Dwelling Unit~~ADU even though the driveway has a width less than twelve feet (12').

~~RV.~~ Unless otherwise indicated, relief from the above criteria and standards may be pursued through the use permit process pursuant to ~~article~~Article 20 of this chapter.

~~SW.~~ Applications for a building permit for an ~~Accessory Dwelling Unit~~DU or a JADU shall be considered ministerially without discretionary review or a hearing within ~~120-60~~ 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.

~~TX.~~ Applications for a building permit within any zoning district where residential uses are allowed by right for an Accessory Dwelling Unit that is contained within the existing space of an existing primary residence or accessory structure and located in the R-1 zone shall be approved ministerially to develop any of the following: if the unit is the sole Accessory Dwelling Unit on the lot, has independent exterior access from the existing residence, and has side and rear setbacks that are sufficient for fire safety. No additional parking or other development standards as set forth in subdivisions (F) through (H), (K) through (M), and (O) through (R) of this Section shall be applied except for building code requirements. This subdivision shall not apply to Accessory Dwelling Units that are not located within the R-1 zone.

(1) One ADU or 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 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 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 subparagraph X.1 above.

(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 (4) foot rear yard and side setbacks.

(Y) For the development of ADUs and JADUs described in subdivision (X), no additional parking or other development standards as set forth in subdivisions (I) through (J), (N) through (Q), and (S) through (V) of this Section shall be applied except for Building Code requirements.

(Z) 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.

* * *

§9021 REQUIRED PARKING

A. The minimum parking area required in single-family residential (R-1) districts is two (2) on site independently accessible spaces for each dwelling unit. Accessory Dwelling Units (ADU) require one additional onsite independently accessible parking space per ADU or per bedroom, whichever is less, except as provided in Section 9016 of this Chapter. The parking requirements for all other allowed or permitted uses shall be subject to the provisions of section 9198 of this chapter.

SECTION 6

Article 4 of Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by " * * * "):

§9031 ALLOWED USES

The following uses are allowed in medium density residential (R-2) districts:

Accessory buildings and accessory uses.

Accessory Dwelling Units and Junior Accessory Dwelling Units, as defined in Section 9278 of this Code and regulated in Section 9016 of this Code.

* * *

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

* * *

SECTION 7

Article 5 of Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by " * * * "):

§9046 ALLOWED USES

The following uses are allowed in high density residential (R-3) districts:

Accessory buildings and accessory uses. This shall not be construed as permitting any business use or occupation other than those specifically listed herein.

[Accessory Dwelling Units and Junior Accessory Dwelling Units, as defined in Section 9278 of this Code and regulated in Section 9016 of this Code.](#)

* * *

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

* * *

SECTION 8

Article 6 of Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *):

§9061 ALLOWED USES

The following uses are allowed in neighborhood commercial zoning districts:

Accessory uses to any of the uses allowed in this district.

[Accessory Dwelling Units and Junior Accessory Dwelling Units, as defined in Section 9278 of this Code and regulated in Section 9016 of this Code.](#)

* * *

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

* * *

SECTION 9

Article 7 of Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *):

§9081 ALLOWED USES

The following uses are allowed in the Community Commercial (C-1) Zoning District:

Accessory uses to any of the uses allowed in this District.

[Accessory Dwelling Units and Junior Accessory Dwelling Units, as defined in Section 9278 of this Code and regulated in Section 9016 of this Code.](#)

* * *

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

* * *

SECTION 10

Article 8 of Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *):

§9096 ALLOWED USES

The following uses are allowed in the heavy commercial (C-2) zoning district:

Accessory uses to any allowed or permitted uses.

Accessory Dwelling Units and Junior Accessory Dwelling Units, as defined in Section 9278 of this Code and regulated in Section 9016 of this Code.

* * *

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

* * *

SECTION 11

Section 9278 in Division 9, Chapter 2, Article 21 of the Ukiah City Code (unchanged text is omitted and is shown by “* * *”):

* * *

DWELLING UNIT: A residential building or portion thereof providing complete, independent living facilities for one family including permanent provisions of living, sleeping, eating, cooking, and sanitation.

DWELLING UNIT, ACCESSORY:

An attached or a detached residential dwelling unit, located on a lot in any zoning district where residential uses are allowed by-right or with the securing of a use permit~~the R-1, R-2, and R-3 Zoning Districts~~ that has been developed with an existing or proposed primary single-family or multifamily residence, which provides complete independent living facilities for one or more persons. It can be wholly contained within the footprint of the proposed existing primary, single-family residence dwelling, including attached garages, storage areas or similar uses or an existing accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family primary dwelling is situated. An Accessory Dwelling Unit also includes the following:

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

DWELLING UNIT, JUNIOR ACCESSORY:

An attached residential dwelling unit, located on a lot in the R-1, R-2, and R-3 Zoning Districts, not exceeding 500 sq. ft. in size and contained within a legally established bedroom within the existing walls of an existing or proposed single-family dwelling. A Junior Accessory Dwelling Unit (JADU) shall include an efficiency kitchen, which shall include a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU. The JADU may include separate sanitation facilities or share sanitation facilities with the existing structure. A Junior Accessory Dwelling Unit shall have a separate entrance, and interior access to the remainder of the primary dwelling.

* * *

SECTION 12

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 _____, 2020 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Adopted on _____, 2020, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Douglas F. Crane, Mayor

ATTEST:

Kristine Lawler, City Clerk

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 SECTION 65852.2 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. In October 2019, the Governor of California signed Senate Bill 13, Assembly Bill 68, Assembly Bill 881, Assembly Bill 670 and Assembly Bill 587 ("ADU Statutes"), which relate to the creation of new Accessory Dwelling Units ("ADU") and were intended to address California's ongoing housing affordability crisis by reducing local regulatory barriers to constructing new ADUs.

B. The ADU Statutes, as codified in State of California Government Code Sections 65852.2 and 65852.22, established new standards for regulating ADUs to be effective January 1, 2020;

C. Because the City's existing standards for ADUs are inconsistent with the new standards enacted by the ADU Statutes, the current City Code provisions regarding ADUs are voided until amended to be consistent with the ADU Statutes.

D. Because the City's standards for ADUs are currently voided, any application for an ADU consistent with State law will be deemed approved and the default State law standards do not consider the City's particular needs and limitations. As such, it is in the interest of the City to amend the City Code to bring its standards for ADUs into compliance with the State standards and to include any permissible standards that consider local needs and limitations.

SECTION 2

Section 3702.5 of Division 4, Chapter 2, Article 3 of the Ukiah City Code is amended to read as follows:

§3702.5 SEWER REQUIRED

Any structure located within the City in which plumbing is to be installed and to which a public sewer is available shall, at the expense of the owner of the property, connect the plumbing of such structure directly to the proper public sewer in accordance with the provisions of this ordinance. A public sewer shall be deemed to be available if a public sewer is located within two hundred feet (200') of the property line of the property involved.

However, no new connection between an Accessory Dwelling Unit (as defined in Section 9278 of this Code) and the proper public sewer will be required for an Accessory Dwelling Unit contained within the existing space of an existing or proposed primary

residence or accessory structure, unless the Accessory Dwelling Unit was constructed with a new single-family home. .

SECTION 3

Division 4, Chapter 2, Article 12 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *):

§3731A SEWER CONNECTION CHARGES

The following charges are hereby established for the connection of the plumbing of any building or structure which discharges to the sanitary sewer system of the city and said charges are separate from any other charges presently levied or which may be levied in the future:

A. Residential Schedule:

Ten thousand nine hundred eleven dollars (\$10,911.00) for equivalent sewer service unit (ESSU) per dwelling unit connected to the wastewater system based on the number of bedrooms according to the following schedule:

	Connection Fee	ESSU
1. One bedroom	\$ 9,820.00	0.9
2. Two bedroom	10,911.00	1.0
3. Three bedroom	12,002.00	1.1
4. For each additional bedroom	1,091.00	0.1

* * *

D. Connection Fees for Accessory Dwelling Units

1. Accessory Dwelling Units shall not be considered new residential uses for the purposes of calculating City connection fees or capacity charges for utilities, including water and sewer service. The Residential Schedule for calculation of sewer system connection fees set forth in Subdivision A of this Section shall not apply to Accessory Dwelling Units.

2. As provided in Section 3702.5, the City will not require a new connection between an Accessory Dwelling Unit (as defined in Section 9278 of this Code) and the sanitary sewer system for an Accessory Dwelling Unit contained within the existing space of an existing primary residence or accessory structure. Notwithstanding Section 3734A, the City shall not impose a connection fee or capacity charge for this type of Accessory Dwelling Unit, unless the Accessory Dwelling Unit was constructed with a new single-family home.

3. For Accessory Dwelling Units that are not contained within the existing space of an existing primary residence or accessory structure, the City may charge a connection fee or capacity charge that is proportionate to the burden of the proposed Accessory Dwelling Unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

4. The connection fee for an Accessory Dwelling Unit shall be calculated based on the number of fixture units in the developed ADU, as determined by the City Engineer.

5. In the event that the property on which a primary dwelling and an Accessory Dwelling Unit are located is subdivided to create a new lot on which the Accessory Dwelling Unit is located, and the Accessory Dwelling Unit was constructed on or after January 1, 2017, the property owner must pay to the City the difference between the sewer connection fee initially calculated for the Accessory Dwelling Unit pursuant to subdivision D4 of this Section and the connection fee that would have been calculated pursuant to subdivision A if the dwelling unit were the primary dwelling unit on a lot.

SECTION 4

Section 3861 of Division 4, Chapter 4 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *)”:

§3861 WATER CONNECTION FEES

A. Payment of Fees

The storage and transmission and production and treatment facilities’ fees are based on the size of the service. Said fees shall be due and payable prior to use and occupancy of the new facility requiring the service. No certificate of occupancy shall be issued and permanent water service shall not be provided until payment is received.

B. Connection Fees for Accessory Dwelling Units

1. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges.

2. No new water connection shall be required, and no fee charged, for an Accessory Dwelling Unit (as defined in Section 9278 of this Code) contained within the existing space of an existing primary residence or accessory structure, unless the Accessory Dwelling Unit was constructed with a new single-family home..

3. Accessory Dwelling Units that are not contained within the existing space of an existing primary residence or accessory structure are subject to connection fees for water service as provided in Section 3861.

SECTION 5

Article 3 of Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§9016 ALLOWED USES

The following uses are allowed in single family residential (R-1) districts:

* * *

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 multifamily 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, non-conforming 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 (1200) 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 offstreet 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 3861.B, 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 Chapter. 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.

Q. 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.

R. 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.

S. 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.

T. 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.

U. 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').

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

W. Applications for a building permit for an ADU or a JADU shall be considered ministerially without discretionary review or a hearing within 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.

X. 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 or 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 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 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 subparagraph X.1 above.

(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 (4) foot rear yard and side setbacks.

(Y) For the development of ADUs and JADUs described in subdivision (X), no additional parking or other development standards as set forth in subdivisions (I) through (J), (N) through (Q), and (S) through (V) of this Section shall be applied except for Building Code requirements.

(Z) 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.

* * *

§9021 REQUIRED PARKING

A. The minimum parking area required in single-family residential (R-1) districts is two (2) on site independently accessible spaces for each dwelling unit. Accessory Dwelling Units (ADU) require one additional onsite independently accessible parking space per ADU or per bedroom, whichever is less, except as provided in Section 9016 of this Chapter. The parking requirements for all other allowed or permitted uses shall be subject to the provisions of section 9198 of this chapter.

SECTION 6

Article 4 of Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by " *"):**

§9031 ALLOWED USES

The following uses are allowed in medium density residential (R-2) districts:

Accessory buildings and accessory uses.

Accessory Dwelling Units and Junior Accessory Dwelling Units, as defined in Section 9278 of this Code and regulated in Section 9016 of this Code.

* * *

* * *

SECTION 7

Article 5 of Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by " *"):**

§9046 ALLOWED USES

The following uses are allowed in high density residential (R-3) districts:

Accessory buildings and accessory uses. This shall not be construed as permitting any business use or occupation other than those specifically listed herein.

Accessory Dwelling Units and Junior Accessory Dwelling Units, as defined in Section 9278 of this Code and regulated in Section 9016 of this Code.

* * *

* * *

SECTION 8

Article 6 of Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *)”:

§9061 ALLOWED USES

The following uses are allowed in neighborhood commercial zoning districts:

Accessory uses to any of the uses allowed in this district.

Accessory Dwelling Units and Junior Accessory Dwelling Units, as defined in Section 9278 of this Code and regulated in Section 9016 of this Code.

* * *

* * *

SECTION 9

Article 7 of Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *)”:

§9081 ALLOWED USES

The following uses are allowed in the Community Commercial (C-1) Zoning District:

Accessory uses to any of the uses allowed in this District.

Accessory Dwelling Units and Junior Accessory Dwelling Units, as defined in Section 9278 of this Code and regulated in Section 9016 of this Code.

* * *

* * *

SECTION 10

Article 8 of Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *)”:

§9096 ALLOWED USES

The following uses are allowed in the heavy commercial (C-2) zoning district:

Accessory uses to any allowed or permitted uses.

Accessory Dwelling Units and Junior Accessory Dwelling Units, as defined in Section 9278 of this Code and regulated in Section 9016 of this Code.

* * *

* * *

SECTION 11

Section 9278 in Division 9, Chapter 2, Article 21 of the Ukiah City Code (unchanged text is omitted and is shown by “* * *”):

* * *

DWELLING UNIT: A residential building or portion thereof providing complete, independent living facilities for one family including permanent provisions of living, sleeping, eating, cooking, and sanitation.

DWELLING UNIT, ACCESSORY:

An attached or a detached residential dwelling unit, located on a lot in any zoning district where residential uses are allowed by-right or with the securing of a use permit that has been developed with an existing or proposed primary single-family or multifamily residence, which provides complete independent living facilities for one or more persons. It can be wholly contained within the footprint of the proposed existing primary dwelling, including attached garages, storage areas or similar uses or an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the primary dwelling is situated. An Accessory Dwelling Unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

DWELLING UNIT, JUNIOR ACCESSORY:

An attached residential dwelling unit, located on a lot in the R-1, R-2, and R-3 Zoning Districts, not exceeding 500 sq. ft. in size and contained within a legally established bedroom within the existing walls of an existing or proposed single-family dwelling. A Junior Accessory Dwelling Unit (JADU) shall include an efficiency kitchen, which shall include a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU. The JADU may include separate sanitation facilities or share sanitation facilities with the existing structure. A Junior Accessory Dwelling Unit shall have a separate entrance, and interior access to the remainder of the primary dwelling.

* * *

SECTION 12

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 _____, 2020 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Adopted on _____, 2020, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Douglas F. Crane, Mayor

ATTEST:

Kristine Lawler, City Clerk

V. Housing, Community and Economic Development

A. Accessory Dwelling Units

***[AB 68](#) (Ting) Land Use. Accessory Dwelling Units.**

Chapter 655, Statutes of 2019

This measure significantly amends the statewide standards that apply to locally-adopted ordinances concerning accessory dwelling units (ADUs). This measure's changes include: prohibiting minimum lot size requirements, requiring at least 850 sq.ft. per ADU, and requiring approval within 60 days. *(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

***[AB 587](#) (Friedman) Accessory Dwelling Units. Sale or Separate Conveyance.**

Chapter 657, Statutes of 2019

This measure authorizes a local agency to allow, by ordinance, an ADU to be sold or conveyed separately from the primary residence to a qualified low-income home buyer. *(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

***[AB 670](#) (Friedman) Common Interest Developments. Accessory Dwelling Units.**

Chapter 178, Statutes of 2019

This measure makes void and unenforceable any provision of a governing document of a common interest development (CID) that either effectively prohibits or unreasonably restricts the construction or use of an ADU or junior accessory dwelling unit (JADU) on a lot zoned for single-family residential use. *(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

***[AB 671](#) (Friedman) Accessory Dwelling Units. Incentives.**

Chapter 658, Statutes of 2019

This measure requires a local agency to include a plan that incentivizes and promotes the creation of ADUs that can be offered at affordable rent for very low, low, or moderate-income households in its housing element. It also requires the Department of Housing and Community Development (HCD) to develop a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of accessory dwelling units with affordable rent. The list must be posted to HCD's internet website by December 31, 2020. *(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)*

***[AB 881](#) (Bloom) Accessory Dwelling Units.**

Chapter 659, Statutes of 2019

This measure prohibits a local jurisdiction from requiring a property owner live in the main house or one of the accessory structures. This measure also:

- Requires local agencies to ministerially approve ADUs on lots with multi-family residences and within existing garages; and

- Adds a definition of "public transit" to mean a bus stop, bus line, light rail, street car, car share drop off or pick up, or heavy rail stop.

(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)

***[SB 13](#) (Wieckowski) Accessory Dwelling Units.**

Chapter 653, Statutes of 2019

This measure prohibits local jurisdictions from imposing any impact fees on ADUs less than 750 square feet, and limits the charge on ADUs over 750 square feet to 25 percent of the fees otherwise charged for a new single-family dwelling on the same lot.

This measure also:

- Prohibits replacement parking when a garage, carport, or covered parking structure is demolished or converted into an ADU; and
- Prohibits owner occupancy requirements.

(The League has prepared a comprehensive summary of this measure in Appendix A of this document.)

B. Housing and Housing Finance

[AB 430](#) (Gallagher) Housing Development. Camp Fire Housing Assistance Act of 2019.

Chapter 745, Statutes of 2019

This measure establishes a ministerial approval process for residential and mixed-use developments within or near the cities of Biggs, Corning, Gridley, Live Oak, Orland, Oroville, Willows, and Yuba City, so that these projects are not subject to review under the California Environmental Quality Act (CEQA). A city approving a development pursuant to this measure must file a notice of that approval with the Office of Planning and Research. This measure sunsets on January 1, 2026.

[AB 957](#) (Committee on Housing and Community Development) Housing Omnibus. Chapter 620, Statutes of 2019 (Urgency)

This measure makes technical and non-controversial changes to various sections of the law dealing with housing. These changes include:

- Amending the housing element law to reconcile the differences between two versions of Government Code Section 65583.2, one currently operative and one that triggers on Jan 1, 2029;
- Making changes to the Housing for a Healthy California program to clarify that counties are not required to use grants for both construction and operating costs of supportive housing units, but can use the grants for one or both. Counties can also use the grants for long term rental assistance to support supportive housing; and
- Amending the No Place Like Home Program to completely convey the ways in which the State may not act in adverse interest to bondholders.

Summary of ADU Bills
Effective January 1, 2020
AB 68 (Ting), AB 587 (Friedman), AB 671 (Friedman),
AB 881 (Bloom), SB 13 (Wieckowski)

The Legislature passed several bills that may require a city to amend its existing ordinance regarding development of ADUs and Junior ADUs. A copy of the amended ordinance must be submitted to HCD within 60 days of adoption.

Accessory Dwelling Units: Location; development standards

Gov't Code 65852.2 requires a city to adopt an ordinance that allows ADUs subject only to ministerial (non-discretionary approval). Generally the ordinance must allow ADUs in areas zoned to allow single family or multi-family units.

Effective January 1, 2020, the law relating to ADUs will be amended to provide¹:

- A city must allow an ADU within a residential or mixed-use zone. A city that does not provide water or sewer service must consult with local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where ADUs may be permitted.
 - o Within an existing or proposed single-family home: One ADU or one junior ADU per lot if exterior access is available; and side and rear setbacks are sufficient for fire and safety.
 - o One detached, new construction ADU that does not encroach into four-foot side and rear yard setbacks on a lot with a proposed or existing single-family dwelling. City may impose total floor area of 800 square feet; height limitation of 16 feet.
 - o Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space including storage rooms, boiler rooms, passageways, attics, basements, garages if each unit complies with state building standards. At least one ADU within an existing multifamily dwelling and *"shall allow up to 25 percent of the existing multifamily dwelling units."*²
 - o Not more than 2 ADUs that are located on a lot that has an existing multifamily dwelling but are detached from the dwelling and are subject to a height limit of 16 feet and four-foot rear and side setbacks.
- An ADU may be located in an attached garage, storage area or other accessory structure. If on-site parking is removed to allow for an ADU, a city may not require the on-site parking to be replaced.
- The maximum rear and side yard setback for an ADU that is not converted from an existing structure is four feet (reduced from five feet in existing law).
- Development standards:
 - o City may not impose a minimum lot size.
 - o Fire sprinklers cannot be required in an ADU if sprinklers are not required for the primary residence.
 - o Minimum size may not prohibit efficiency unit.

¹ This list is a compilation of changes made by AB 68 (Ting); AB 881 (Bloom); SB 13 (Wieckowski); AB 587 (Friedman); and AB 671 (Friedman).

² Language in italics is not clear. Does this mean all multifamily units in the city?

- o Maximum size may not be less than 850 square feet or 1,000 square feet for ADU that provides more than one bedroom.
- o Lot coverage, floor area ratio, open space and other standards may not preclude at least an 800 square foot ADU that is at least 16 feet.
- o Parking: If on-site parking is removed to allow for ADU, a city may not require the on-site parking to be replaced. No parking can be required if ADU located within ½ mile *walking distance* of public transit. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- A city must act on an application for an ADU on a lot with an existing single-family or multi-family structure within 60 days of receiving a completed application. Ministerial approval of an ADU is required under existing law.
- A city may not require owner occupancy for either the primary dwelling or the ADU. This section is repealed on January 1, 2025.
- Rental of an ADU must be for a term longer than 30 days.
- Gov’t Code 65852.2(a)(1)(D)(i) provides that an ADU may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence.

AB 587 (Friedman) creates an exception to this provision:

- o Qualified non-profit corporation developed the property.
- o Enforceable restriction recorded on the use of the land.
- o Qualified buyer must occupy as primary residence (person of low or moderate income).
- o Qualified buyer must first offer option to purchase nonprofit corporation if sells unit in the future.
- o Affordability restrictions must be placed on the property for 45 years.
- o A separate utility connection can be required.
- A city must submit a copy of its ADU ordinance to HCD within 60 days of adoption. HCD may submit written findings to a city regarding whether the ordinance complies with state law. If HCD finds it does not, city is given 30 days to respond to HCD’s findings. The city must either amend the ordinance or “adopt without changes.”³ HCD may refer violation to Attorney General.
- HCD to adopt guidelines.

Accessory Dwelling Units: Fees

- No impact fees upon development of ADU less than 750 square feet.
- Impact fee for ADU more than 750 square feet charged proportionately in relation to the square footage of the primary dwelling unit.

³ Since ordinance has been adopted already, this must mean “readopt” ordinance. An interesting consequence: Delays effective date of ADU ordinance for 45 more days.

- Impact fee includes park fees (Gov't Code 66477) but does not include capacity fee or connection fee.
- Connection fees and capacity charges are based upon the “proportionate burden of the proposed ADU on the water or sewer system, based upon either its square feet (formerly “size”) or the number of its drainage fixture unit (DFU) values, as defined by the UPC (formerly “number of plumbing fixtures”).

Accessory Dwelling Units: Delay in Enforcement of Building Standards

There will be a delay in enforcement of building standards for an ADU built before January 1, 2020 or built after January 1, 2020 in a city with a noncompliant ADU ordinance (but ordinance is compliant when request is made). Cities shall delay enforcement of a building standard for five years upon request of owner on the basis that correcting the violation is not necessary to protect health and safety. Delay granted if enforcement agency – after consulting with entity responsible for enforcement of building standards and other regulations of the State Fire Marshal – determines that correcting the violation is not necessary to protect health and safety. No delays granted after January 1, 2030. [Delay procedure set forth in H & S 17980.12 added by SB 13 (Wieckowski)]. Delay provisions sunset January 1, 2035.

Junior ADUs [unit that is no more than 500 square feet and contained entirely within an existing or proposed single-family structure]

- A junior ADU must have a cooking facility but a city can no longer limit the nature of the electrical, gas, or propane gas connections.
- A city may no longer require a sink within an efficiency kitchen with a maximum waste line diameter of 1.5 inches.
- An application for a permit for a junior ADU must be acted on within 60 days from receipt of a completed application.

ADUs and Housing Elements

Housing element must include a plan that incentivizes and promotes the creation of ADUs that can be offered at affordable rent for very low, low or moderate-income households.