

**CITY OF SIMI VALLEY
MEMORANDUM**

January 9, 2017

TO: City Council

FROM: Department of Environmental Services

SUBJECT: A PUBLIC HEARING TO CONSIDER AN URGENCY ORDINANCE FOR Z-S-731, TO REVISE PORTIONS OF TITLE 9 OF THE SIMI VALLEY MUNICIPAL CODE RELATED TO SECOND DWELLING UNITS TO BRING TITLE 9 INTO CONFORMANCE WITH STATE OF CALIFORNIA GOVERNMENT CODE SECTIONS 65582.1, 65852.2, AND 65852.22, AND DETERMINING THAT THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECOMMENDATION

It is recommended that the City Council adopt, by 4/5ths vote, an urgency ordinance (page 8) amending portions of Title 9 of the Simi Valley Municipal Code related to Second Dwelling Units to conform to the State of California Government Code and determining that the amendments are exempt from the California Environmental Quality Act.

CITY MANAGER'S RECOMMENDATION

The City Manager concurs with the Planning Commission recommendation to adopt the proposed urgency ordinance.

BACKGROUND AND OVERVIEW

The State of California has enacted three new statutes that replace State and local Planning regulations for Second Dwelling Units, effective as of January 1, 2017 adopted as AB 2299 (2016), SB 1069 (2016) and AB 2406 (2016), as codified in State of California Government Code Sections 65582.1, 65852.2 and 65852.22 respectively (refer to page 22 of Exhibit 1). State mandates to cities and counties are that:

1. The term Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) will replace Second Dwelling Units; ADUs must be approved with an over-the-counter review if they are proposed on a single-family or multi-family zoned lot with an existing house (regardless of zoning, lot size, and General Plan policies), and the ADU meets reduced building setback and parking requirements.
2. Reduced building setbacks include no additional setbacks when a garage is converted to an ADU, a maximum 5-foot setback when an ADU is built above a

garage, and only requiring Building Code setbacks when an ADU or JADU is built entirely within an existing house or separate structure;

3. Waive the City's existing required one or more parking spaces per ADU, if the ADU is within one-half mile of a transit stop or the ADU is part of an existing house or existing detached building.

Finally, the statutes reiterate the City's current practice of not charging additional utility fees for ADUs.

Recommended Regulatory Options

The new statutes provide that Cities may adopt local ordinances to supplement the enacted basic regulations. **The Planning Commission recommends adopting the Development Code regulations proposed by Staff and shown in page 50 of Exhibit 1, to bring the City's regulations into conformance with the new State statutes and utilize the City's regulatory options to maintain neighborhood quality, as allowed by the statutes. The Planning Commission also recommended limiting the cumulative total habitable accessory structures to 1200 square feet, stipulating that ADU front doors and stairs shall not face the street whenever possible, and measure the distance to bus stops by the path of travel. The recommended Development Code regulations are summarized as follows:**

1. A maximum of one ADU or JADU is allowed on a parcel with an existing single-family house.
2. Require owner-occupancy of the house or the ADU and that rental periods must be for 30 days or more. A deed restriction must be recorded on the property title.
3. ADUs must meet the same standards as a guest house and count any guest house that meets the new State standards for an ADU as an ADU. In addition, the total cumulative habitable accessory structure area (i.e., guest houses, pool cabanas, Accessory Dwelling Units, etc.) that can be developed on a property including an ADU be limited to a maximum of 1,200 square feet.
4. Require one parking space per ADU. The ADU parking waiver area within one-half mile distance to a transit stop shall be measured as a walkable route along a public street/sidewalk.
5. Require the replacement of garage spaces when a garage is converted to an ADU in the locations allowed by State law, and waive up to one replacement space when both spaces cannot be provided.
6. Require that all ADUs must be one-story and less than 18 feet tall except for ADUs above an existing garage per State statute.
7. Continue to require that ADU architectural design shall be compatible with the existing single-family dwelling. In addition, use architectural guidelines to stipulate

that ADU front doors shall not face the street and stairways should be located on the side whenever possible.

8. Continue to allow a maximum 40-percent of the required rear setback be covered by above-ground structures, including the ADU.
9. Allow JADUs per State statutes and City regulations.

The required findings necessary to amend the Development Code are shown in page 6 of Exhibit 1.

Findings to Adopt an Urgency Ordinance

In adopting the proposed regulations pursuant to CGC Sections 65582.1, 65852.2, and 65852.22, the City finds that it is urgently necessary pursuant to CGC Sections 36934 and 36937, to incorporate the new State laws as soon as possible, since the City's Second Dwelling Unit Municipal Code regulations are invalidated by said California Government Code Sections and that doing so is necessary for the immediate preservation the public peace, safety and welfare. If not adopted urgently, the City's quality of life and goals of the General Plan for livable, safe and cohesive neighborhoods would be negatively impacted with conflicting regulatory schemes, inadequate standards to preserve development compatibility and setbacks within neighborhoods, and further reductions in parking. Therefore, the public's peace, safety and welfare would not be protected by reductions in setback, lot coverage, and parking, and increased accessory building height and no limit to the number of ADUs or accessory structures per parcel, unless these amendments were adopted urgently. The proposed Development Code regulations implement the greatest regulatory preservation of development compatibility within neighborhoods and public peace, safety and welfare, as permitted by State law.

Environmental Determination

This ordinance is exempt from review under the California Environmental Quality Act (CEQA; California Public Resources Code Section 2100 et seq.) and CEQA regulations (Title 14, California Code of Regulations Section 15000, et seq.) pursuant to Section 15061(b)(3) which states that: "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The proposed amendments to the Development Code provide minor modifications or clarifications to existing regulations, making them consistent with State statutes. Pursuant to Public Resources Code Section 21080.17, the adoption of an ordinance to implement Government Code Section 65852.2 is exempt from CEQA. A copy of the Notice of Exemption is provided as Attachment A, page 19. Ministerial approval of ADU applications would not be a project for the purposes of CEQA.

Alternatives

The following alternatives are available to the City Council:

1. Adopt by 4/5ths vote, an urgency ordinance (page 8) amending portions of Title 9 of the Simi Valley Municipal Code related to Second Dwelling Units to conform with the State of California Government Code, and determine that the amendments are exempt from the California Environmental Quality Act;
2. Do not adopt an ordinance and provide staff with further direction.

Staff recommends Alternative No. 1.

SUGGESTED CITY COUNCIL MOTION

I move to adopt the urgency ordinance amending portions of Title 9 of the Simi Valley Municipal Code regulating Second Dwelling Units to conform with the State of California Government Code, and determining that the amendments are exempt from the California Environmental Quality Act.

SUMMARY

Assembly Bill 2299 (2016) and Senate Bill 1069 (2016), as codified in State of California Government Code Sections 65582.1, and 65852.2 respectively, establish mandatory, revised standards requiring Cities to allow the development of Accessory Dwelling Units (ADUs) (previously identified as Second Dwelling Units) with an administrative process, regardless of lot size and Zoning density requirements. In addition, Assembly Bill 2406 (2016) establishes regulations for Junior Accessory Dwelling Units (JADUs), as codified in State of California Government Code Section 65852.22, which are small efficiency apartments entirely within existing houses that cities may adopt at their option. The current urgency ordinance is proposed to bring existing City regulations into conformance with the State statutes (thus avoiding invalidation of the entire Accessory Dwelling Unit ordinance) and to reaffirm City regulations for ADUs and JADUs that are consistent with current standards, but not specified by State statute, to the extent possible.

State statutes require allowing one ADU on each residentially zoned parcel with an existing house; reduced building setbacks; and reduced parking requirements. Adopting the proposed urgency ordinance will: allow only one ADU or JADU on each lot with a house; continue to require the existing maximum size for an ADU and cumulative habitable structures; continue owner occupancy of the ADU or the house; add minimum 30-day lease lengths; and continue to require a one-story height for ADUs and having ADU architecture compatible with the existing house. This ordinance is being adopted urgently to replace new ADU regulations in place of the City's Second Dwelling Unit regulations that have been made null and void by State statutes. Thus, the measures

provide for General Plan Goals to be furthered by continuing ADU compatibility with the neighborhood, and therefore protecting public peace, safety and welfare to the extent allowed by State law per CGC Sections 36934 and 36937.



Peter Lyons, Director
Department of Environmental Services

Prepared by: Vern Umetsu, Senior Planner

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PUBLIC HEARING PROCEDURE

HEARING DATE: January 9, 2017

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1. MAYOR: This is the time and place set for a public hearing to consider an urgency ordinance for Z-S-731, to revise portions of Title 9 of the Simi Valley Municipal Code related to Second Dwelling Units to bring Title 9 into conformance with State of California Government Code Sections 65582.1, 65852.2, and 65852.22, and determine that the project is exempt from the California Environmental Quality Act.

May I have a reading of the ordinance?
 2. CLERK: [Reads Ordinance]
 3. MAYOR: May we have an oral report on this matter by staff?
 4. STAFF: (Report)
 5. ANY COUNCIL MEMBER: (Questions of staff and staff responses)
 6. MAYOR: Is there anyone in the City Council Chamber wishing to be heard on this matter?
 7. AUDIENCE: (Comments)
 8. MAYOR: Does staff desire to respond to any comments or issues raised?
 9. STAFF: (Response to comments and additional City Council questions)
 10. MAYOR: The hearing is closed. Are there any comments or questions from members of the City Council?
 11. ANY COUNCIL MEMBER: (Comments)
 12. MAYOR: The Chair will now entertain a motion.
 13. ANY COUNCIL MEMBER: City Council Actions (by motion of any Council Member):

1) Adopt, modify, or not adopt urgency Ordinance No. 1265 **(requires a second and a 4/5ths vote).**

*Any action to refer the matter back to staff or to continue the matter requires a second and a vote.

14. ANY COUNCIL
MEMBER : Second
15. MAYOR: (Call for vote)
16. MAYOR: Proceed to the next item.

ORDINANCE NO. 1265

AN URGENCY ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SIMI VALLEY FOR Z-S-731, AMENDING PORTIONS OF TITLE 9 OF THE SIMI VALLEY MUNICIPAL CODE RELATED TO SECOND DWELLING UNITS TO BRING TITLE 9 INTO CONFORMANCE WITH THE STATE OF CALIFORNIA GOVERNMENT CODE SECTIONS 65582.1, 65852.2 AND 65852.22, AND DETERMINING THAT THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the California State Legislature, through statutes adopted as AB 2299 (2016), SB 1069 (2016) and AB 2406 (2016), as codified in State of California Government Code Sections 65582.1, 65852.2 and 65852.22 respectively, established new standards for regulating Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) to be effective on January 1, 2017, to address the housing shortages in California; and

WHEREAS, it is the State's intent to allow Accessory Dwelling Units on all residentially zoned parcels which have an existing single-family dwelling on the parcel; and

WHEREAS, the City finds many existing City regulations for Second Dwelling Units (SDUs) that conflict with the provisions of AB 2299 (2016), SB 1069 (2016) and AB 2406 (2016), would become null and void, thus providing a conflicting regulatory environment and substantially reducing the City's ability to maintain the livable neighborhoods goals and policies of the General Plan and existing development standards through reductions in setback, lot coverage, and parking; increased accessory building height, and no limit to the number of ADUs or accessory structures per parcel; and

WHEREAS, the City Council has the power under Government Code Sections 36934 and 36937, to adopt an ordinance that takes effect immediately if it is an ordinance for the immediate preservation of the public peace, health or safety, contains a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the City Council; and

WHEREAS, as provided by State law, the City adopts and incorporates the required provisions in State law regarding Accessory Dwelling Units per AB 2299 (2016), SB 1069 (2016) and AB 2406 (2016), and provides regulatory clarity under these laws; and

WHEREAS, the City finds it is necessary for the City Council to adopt this Ordinance as such an urgency ordinance, pursuant to the powers under Government Code section 36934 and 36937, to immediately address changes to State law in AB 2299 (2016) and SB 1069 (2016) to replace SDUs, desires and adopts provisions for JADUs per AB 2406 (2016), address peace, health and safety issues related to the effective regulation of Accessory Dwelling Units and Junior Accessory Dwelling Units, continuing neighborhood compatibility, and avoiding any statutory conflicts; and

WHEREAS, this ordinance is exempt from review under the California Environmental Quality Act (CEQA; California Public Resources Code Section 2100 et seq.) and CEQA regulations (Title 14, California Code of Regulations Section 15000, et seq.) because this ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment (Section 15061(b)(3)).

THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. The findings in the Planning Commission staff report and supplemental staff report dated December 24, 2016, and the recitals set forth above are hereby adopted as findings.

SECTION 2. Various sections of Title 9 dealing with Second Dwelling Units are hereby amended as shown in Exhibit A, attached hereto, and amended within.

SECTION 3. Incompatible Provisions. To the extent any provision of this ordinance is incompatible with or at variance with any prior adopted ordinance or resolution, the provision of this Ordinance shall take precedence.

SECTION 4. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, adjudicated to a final determination, the City Council finds that said voided part is severable, that the City Council would have adopted the remainder of this Ordinance without the severed and voided part, and that the remainder of this ordinance shall remain in full force and effect.

SECTION 5. The City Clerk shall cause this Ordinance or a summary hereof to be published in accordance with Section 36933 of the California Government Code, shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 6. This ordinance shall go into effect and be in full force and effect immediately after its passage.

PASSED AND ADOPTED this 9th day of January 2017.

Attest:

Ky Spangler, Deputy Director/City Clerk

Robert O. Huber, Mayor of the City of
Simi Valley, California

Approved as to Form:

Approved as to Content:

Lonnie J. Eldridge, City Attorney

Eric J. Levitt, City Manager



Peter Lyons, Director
Department of Environmental Services

Amendments to the following sections of Title 9 of the Simi Valley Municipal Code are shown below. New text is shown as **bold underline**, while text deletions are shown as **~~bold strikeout~~**.

Chapter 9-24 - Residential and Open Space Zoning Districts

9-24.030 - Residential and Open Space District Land Uses and Permit Requirements

Table 2-2 identifies the uses of land allowed by this Development Code in the residential and open space zoning districts, and the land use permit required to establish each use, in compliance with Chapter 9-22 (Land Use Permit Requirements). Regardless of the permit requirement established by Table 2-2, Planned Development Permit (Section 9-52.050) approval is also required for all construction of new residential units.

Note: where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

TABLE 2-2 Allowed Uses and Permit Requirements for Residential and Open Space Zoning Districts						P Permitted Use ⁽²⁾ CUP Conditional Use Permit required HP Home Occupation Permit required — Use not allowed				
LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT									Specific Use Regulations
	OS	RE	RVL	RL	RM	Rmod	RH	RVH	MH	
RESIDENTIAL USES										
Second Accessory dwelling unit, meets maximum density	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	—	9-44.160
Second dwelling unit, exceeds maximum density	CUP	CUP	CUP	CUP	CUP	—	—	—	—	9-44.170
<u>Junior Accessory Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>—</u>	<u>9-44.160</u>

Notes:

(1) See Article 8 for land use definitions.

(2) A Planned Development Permit (Section 9-52.050) is also required for all new development.

9-24.050 - Residential and Open Space District Setback Exceptions

The following exceptions apply to the setback requirements shown in Table 2-3. See also Section 9-30.080 (Setback Requirements and Exceptions). **For Accessory Dwelling Units and Junior Accessory Dwelling Units, refer to Section 9-44.160.**

- D. Accessory structure height limits. A Conditional Use Permit shall be required to exceed the height limits established in Table 2-3. The maximum height of any accessory structure shall not exceed the maximum height permitted for a primary structure. **Exceptions to this Section may be found for Accessory Dwelling Units in Section 9-44.160.**

9-34.060 - Parking Space Requirements

Off-street parking spaces for uses in all zoning districts shall be provided in compliance with Table 3-4 (Parking Requirements by Land Use), below.

TABLE 3-4 - PARKING REQUIREMENTS BY LAND USE

Land Use Type	Vehicle Spaces Required
Residential Uses	
<u>Second dwelling units</u> <u>Accessory Dwelling Unit and Junior</u> <u>Accessory Dwelling Unit</u>	1 covered space per unit. <u>Refer to Section 9-44.160</u>

9-34.090 - Design Requirements

- M. Refer to Section 9-44.160 for Accessory Dwelling Unit parking.**

9-44.160- Second Accessory Dwelling Units (Ministerial)

- A.** The creation of ~~a second dwelling unit~~ **an Accessory Dwelling Unit and Junior Accessory Dwelling Unit** pursuant to Government Code Sections **65582.1, 65852.2, and 65852.22,** on lots containing ~~a single or multi-family unit~~ **an existing single-family dwelling and zoned OS, RE, RVL, RL, RM, Rmod, RH, and RVH** shall be subject to ~~the following the standards in Table 4-4 as implementing the requirements specified in the above Government Code Sections.~~ **Refer to Glossary Definitions and Section 9-80.020 for Accessory Dwelling Unit and Junior Accessory Dwelling Unit. The standards for an Accessory Dwelling Unit and a Junior Accessory Dwelling Unit are shown below.**

Table 4-4: Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Requirements

	<u>ADU detached</u>	<u>ADU attached to house</u>	<u>ADU attached to accessory Structure (one story)</u>	<u>ADU Garage conversion</u>	<u>ADU above existing garage, attached or detached</u>	<u>JADU</u>
<u>Subject to California Building Code (CBC) and California Residential Code (CRC)</u>	<u>Any conflicts between the requirements of this Development Code and the California Building Code and California Residential Code shall be resolved in favor of whichever Code imposes the greater requirement, subject to compliance with California Government Code Sections 65582.1, 65852.2, and 65852.22</u>					
<u>Number Per Parcel</u>	<u>Either one ADU or one JADU per lot with an existing Single-Family Dwelling (SFD) on it</u>					
<u>Kitchen Required</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>Minimum Efficiency Kitchen per CGC 65852.22(6)</u>
<u>Sanitary Facilities Required</u>	<u>Separate from Single-Family Dwelling (SFD)</u>					<u>Separate or shared with SFD</u>
<u>Separate Outside Entrance (Passageway)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u> <u>Also requires internal connection to existing SFD</u>
<u>Other Facilities</u>						<u>One bedroom of the existing SFD</u>
<u>Size – Minimum</u>	<u>Per California Health and Safety Code Section 17958.1</u>					
<u>Size – Maximum</u>	<u>30% of existing SFD Living Area up to a Maximum 1,200 sq. ft. The cumulative total of all habitable accessory structures and ADU or JADU on the lot shall not exceed 1,200 square feet</u>					<u>500 square feet</u>
<u>Property Owner Must Reside On-site</u>	<u>Owner must reside in SFD or ADU; ADU and JADU may not be sold separate from the SFD on the parcel. This must be recorded as a Deed Restriction on the property title</u>					<u>In SFD unless exempt per CGC 65852.22</u>

	<u>ADU detached</u>	<u>ADU attached to house</u>	<u>ADU attached to accessory Structure (one story)</u>	<u>ADU Garage conversion</u>	<u>ADU above existing garage, attached or detached</u>	<u>JADU</u>
<u>Lease or rental period length</u>	<u>The ADU/JADU must have a rental period of no less than 30 days. This must be recorded as a Deed Restriction on the property title</u>					
<u>Setbacks: Front</u>	<u>Same as SFD</u>			<u>No additional setback</u>	<u>Same as SFD; any new exterior stairs must be located on the side or rear whenever possible</u>	<u>No additional setback</u>
<u>Setbacks: Side, Street Side, and Rear</u>	<u>Per CBC and CRC</u>					
	<u>Refer to 9-30.080(D) -Detached guest houses</u>	<u>If entirely within existing structure then per CBC and CRC. Otherwise refer to 9-24.050 Table 2-3</u>	<u>No additional setback for existing structure; stairs must meet current ADU setbacks</u>	<u>5 feet any new exterior stairs must be located on the side or rear whenever possible</u>	<u>No additional setback</u>	
<u>Height</u>	<u>ADUs and JADUs must be one-story (maximum 18 feet in height, except where state law allows construction above a garage)</u>					
<u>Lot Coverage</u>	<u>All Structures shall not cover more than 40% of the rear yard, equal to the rear 20 feet of the lot</u>			<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Parking</u>	<u>1 space, if required ⁽¹⁾</u>	<u>1 space, if required if not using part of existing SFD ⁽¹⁾</u>	<u>1 space, if required if not using part of existing accessory structure ⁽¹⁾</u>	<u>None required for the ADU; replacement may be existing driveway parking spaces ⁽²⁾</u>	<u>No additional parking required.</u>	<u>No additional parking required.</u>

- (1) An ADU must have one parking space that can be uncovered, tandem, lift, or otherwise provided on the lot in the legal parking areas defined in this

chapter unless: a) located within ½ mile (measured by way of public sidewalk), of a transit stop with at least four bus stops in each direction each day; b) in a Historic District; c) in a permit parking area; or d) within one block of a car share vehicle. When parking is required and none of the above parking options are technically feasible, then one of the uncovered spaces in front of the garage will be counted as the required ADU parking space.

- (2) When a garage is converted to an ADU, the lost spaces must be replaced with covered spaces, uncovered spaces in legal parking areas defined in this chapter, uncovered spaces in the back yard, or tandem spaces. When none of the above parking options can create the required parking spaces, then one lost garage space will be waived as necessary. At the property owner's option, an automobile parking lift will be allowed but will be considered a structure for the purposes of setbacks and permit requirements.

B. Notwithstanding any other regulation in this Development Code that is specifically applicable to Accessory Dwelling Units or Junior Accessory Dwelling units, a Zoning Clearance must be ministerially approved for an application for a building permit to create within a single-family residential zone, one accessory dwelling unit per single-family lot, if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence unless otherwise required by the Fire Code.

C. A Deed Restriction must be recorded on the proposed approved for an ADU or JADU in the form provided by the City. The deed will specify that owner occupancy is required in the ADU or JADU at all times. Should the owner pass or vacate the property, the ADU or JADU may no longer be separately rented and shall be vacated within 30 days. The deed restriction will also specify that rental of any ADU or JADU (or the primary residence if the owner lives on site in the ADU or JADU) must be for periods of 30 days or more.

~~A. The lot on which a second dwelling unit is to be constructed shall contain at least one residential dwelling which is owner-occupied.~~

~~B. The second dwelling unit may be attached or detached from the primary residential dwelling with the following standards:~~

- ~~1. The minimum yard setbacks from the property line shall be the same as the base zone for the primary residential dwelling.~~
- ~~2. The minimum distance between the primary residential and a detached second dwelling unit shall be 10 feet measured at the exterior wall.~~

- ~~3. An attached second dwelling unit shall have a minimum of 20 feet of common wall with the primary residential dwelling.~~
 - ~~4. The maximum height of the detached second dwelling unit shall not exceed 18 feet. The maximum height of the attached second dwelling unit shall not exceed 30 feet.~~
 - ~~5. For the purpose of this Section, second dwelling units connected to a primary dwelling unit by a breezeway shall comply with the standard for detached second dwelling units.~~
- ~~C. The maximum size of the second dwelling unit shall not exceed 30 percent of the gross habitable square footage of the primary residential dwelling or 1,200 gross habitable square feet, whichever is less; however, in either situation, the minimum size of the second dwelling unit shall not be less than 500 square feet.~~
- ~~D. There shall be a minimum of one vehicle parking space per second dwelling unit or one vehicle parking space per bedroom, whichever is greater. The required parking space for a second dwelling unit shall be in addition to the required parking for the existing primary residential dwelling, and shall be located on the same lot as the existing primary residential dwelling unit.~~
- ~~E. The architectural design of the second dwelling unit shall coordinate with the existing primary residential dwelling including compatible use of color, siding, stucco, wood, masonry, and roof material. The unit must be consistent with the design of other homes in the neighborhood. Although ministerial, the Architectural Design Standards shall be reviewed and approved by the Deputy Director/City Planner.~~
- ~~F. The second dwelling unit shall not have separately metered water, sewer, gas, and electrical connections. These connections shall only be to the principal dwelling.~~
- ~~G. Only one second dwelling unit in conjunction with the primary residential dwelling is permitted on a residential lot.~~
- ~~H. The second dwelling unit shall consist solely of additional living space. This Section does not permit the conversion of existing living space into a second dwelling unit.~~
- ~~I. Second units shall not exceed the allowable density for the lot upon which the second unit is located.~~
- ~~J. No appeals or variances shall be allowed under this Section.~~

~~9-44.170 - Second Dwelling Units (Requirement of a CUP)~~

~~If an applicant is unable to comply with the ministerial standards listed above in Section 9-44.160, which were developed pursuant to Government Code Section 65852.2, an applicant may apply for a CUP for the creation of a second dwelling subject to:~~

- ~~A. The lot on which a second dwelling unit is to be constructed shall contain at least one residential dwelling which is owner-occupied.~~
- ~~B. The second dwelling unit may be attached or detached from the primary residential dwelling with the following standards:
 - ~~1. The minimum yard setbacks from the property line shall be the same as the base zone for the primary residential dwelling.~~
 - ~~2. The minimum distance between the primary residential and a detached second dwelling unit shall be 10 feet measured at the exterior wall.~~
 - ~~3. An attached second dwelling unit shall have a minimum of 20 feet of common wall with the primary residential dwelling.~~
 - ~~4. The maximum height of the detached second dwelling unit shall not exceed 18 feet. The maximum height of the attached second dwelling unit shall not exceed 30 feet.~~
 - ~~5. For the purpose of this Section, second dwelling units connected to a primary dwelling unit by a breezeway shall comply with the standard for detached second dwelling units.~~~~
- ~~C. The maximum size of the second dwelling unit shall not exceed 30 percent of the gross habitable square footage of the primary residential dwelling or 1,200 gross habitable square feet, whichever is less; however, in either situation, the minimum size of the second dwelling unit shall not be less than 500 square feet.~~
- ~~D. There shall be a minimum of one vehicle parking space per second dwelling unit or one vehicle parking space per bedroom, whichever is greater. The required parking space for a second dwelling unit shall be in addition to the required parking for the existing primary residential dwelling, and shall be located on the same lot as the existing primary residential dwelling unit.~~
- ~~E. The architectural design of the second dwelling unit shall coordinate with the existing primary residential dwelling including compatible use of color, siding, stucco, wood, masonry, and roof material. The unit must be consistent with the design of other homes in the neighborhood.~~
- ~~F. The second dwelling unit shall not have separately metered water, sewer, gas, and electrical connections. These connections shall only be to the principal dwelling.~~
- ~~G. Only one second dwelling unit in conjunction with the primary residential dwelling is permitted on a single-family lot.~~
- ~~H. The second dwelling unit shall consist solely of additional living space. This Section does not permit the conversion of existing living space into a second dwelling unit.~~

~~(Amended during 3-07 supplement, as amended by § 2, Ord. 1126, eff. March 13, 2008)~~

SVMC 9-80.020 is amended as follows:

~~Accessory Dwelling(s). A dwelling unit accessory to a principal use on a site and intended for occupancy by person residing therein by reason of the employment of one or more occupants on the same site. An accessory dwelling may be attached or detached.~~

Accessory Dwelling Unit. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family 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.

Any structure that has all the elements of an Accessory Dwelling (i.e., efficiency kitchen/cooking facilities, sink, and bathroom per California Government Code 65852.2 must be considered to be an ADU.

Accessory Dwelling Unit, Junior. A dwelling unit that is no more than 500 square feet in size and contained entirely within an existing single-family dwelling's structure which provides complete independent living facilities for one or more persons. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure, must include one existing bedroom of the existing single-family dwelling, and have an internal connection to the existing single-family dwelling. Any exterior door and stairs to the JADU must face away from public streets whenever possible.

Efficiency Kitchen. Cooking facilities as defined in California Government Code Section 65852.22(6).

Living Area. The interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.

Passageway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

Property Owner. The legal owner(s) of a development who may serve as a lessor to a tenant. The individual having a majority interest in the property in question. Property owned in joint tenancy shall be considered single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for any party named, unless shares are specified, in which case "ownership" requires a majority interest. The property owner(s) shall be responsible for complying with the provisions of this Chapter either directly or by delegating the responsibility as appropriate to a tenant and/or an agent.

~~Second Dwelling Unit. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second unit also includes the following:~~

- ~~1. An efficiency unit, as described in Section 17958.1 of the Health and Safety Code.~~
- ~~2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.~~
- ~~3. "Living Area," means the interior habitable area of a dwelling unit including basements and attics but does include a garage or any accessory structure.~~
- ~~4. "Neighborhood," for purposes of Sections 9-44.150 and 9-44.160, has the same meaning as set forth in Government Code Section 65589.5.~~

NOTICE OF EXEMPTION

To: Ventura County Clerk
800 S. Victoria Avenue
Ventura, CA 93001

From: City of Simi Valley
2929 Tapo Canyon Road
Simi Valley, CA 93063

Project Title: Simi Valley Municipal Code text amendments regarding second dwelling units (Z-S-731)

Project Location - Specific: Citywide

Project Location - City: Simi Valley Project Location - County: Ventura

Description of Project: Z-S-731 will bring existing City regulations into conformance with State statutes (thus avoiding the invalidation of the City's Second Dwelling Unit regulations), and adopt revised City regulations for accessory dwelling units and junior accessory dwelling units.

Name of Public Agency Approving Project: City of Simi Valley Date of Approval _____

Name of Person or Agency Carrying Out Project: City of Simi Valley

Exempt Status: (check one)

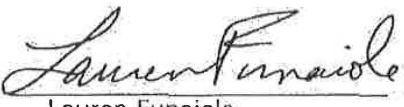
- ☐ Ministerial [Sec. 21080(b)(1); 15268];
☐ Declared Emergency [Sec. 21080(b)(3); 15269(a)];
☐ Emergency Project [Sec. 21080(b)(4); 15269(b)(c)];
☐ Categorical Exemption - State type and section number _____
☐ Statutory Exemptions - State code number _____
☒ General Rule [Sec. 15061(b)(3)]

Text of exemption and reasons why project is exempt:

Section 15061(b)(3) states that: "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The proposed amendments to the Development Code provide minor modifications or clarifications to existing regulations, making them consistent with State statutes. Therefore, the project would not have a significant effect on the environment and is exempt from further review under CEQA.

Lead Agency

Contact Person: Vernon Umetsu Area Code/Telephone (805) 583-6391

Signature:  Date: 11/22/16 Title: Senior Planner
Lauren Funaiolo Dept. of Environmental Services

☒ Signed by Lead Agency

EXHIBIT 1
PLANNING COMMISSION PUBLIC HEARING PACKET
December 21, 2016
Z-S-731

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**CITY OF SIMI VALLEY
MEMORANDUM**

December 21, 2016

TO: Planning Commission

FROM: Stratis Perros, Deputy Director/City Planner

SUBJECT: A PUBLIC HEARING TO CONSIDER Z-S-731, TO REVISE PORTIONS OF TITLE 9 OF THE SIMI VALLEY MUNICIPAL CODE REGULATING SECOND DWELLING UNITS AND DETERMINING THAT THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECOMMENDATION

It is recommended that the Planning Commission recommend that the City Council adopt amendments to portions of Title 9 of the Simi Valley Municipal Code regulating Second Dwelling Units and a determination that the amendments are exempt from the California Environmental Quality Act.

BACKGROUND AND OVERVIEW

The City of Simi Valley has Second Dwelling Unit standards in various Sections of the Development Code (Title 9). The City's current standards conflict with newly adopted State of California Assembly Bill 2299 (2016) and Senate Bill 1069 (2016) that:

1. Require that, as of January 1, 2017, Accessory Dwelling Units (ADUs) [currently defined as "Second Dwelling Units" in the Simi Valley Municipal Code] must be allowed on all single-family and multi-family zoned parcels with an existing single-family dwelling, regardless of parcel size, zoning density, General Plan Policies, or growth control programs;
2. Reduces the allowed development standards from what is now required by the City (i.e., setbacks and parking);
3. Allows for maintaining some City options to regulate ADUs; and
4. Invalidates City ADU regulations that conflict with these State statutes until complying City regulations are adopted.

In addition, Assembly Bill 2406 (2016) establishes that the City may, at its option, also adopt standards for Junior Accessory Dwelling Units (JADUs), which are smaller apartments entirely within existing houses.

The Planning Commission is requested to make recommendations on the options available to the City in the State statutes as discussed below. The proposed amendments for ADUs and JADUs will: (1) bring existing City regulations into conformance with these three State statutes, and (2) maintain certain City development standards as allowed by the State statutes to facilitate neighborhood compatibility.

FINDINGS AND ALTERNATIVES

Existing and Proposed Regulations for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)

In the existing City Development Code, SVMC 9-44.160 provides for the ministerial approval of a Second Dwelling Unit (hereafter referred to per its new State Statute name as an Accessory Dwelling Unit or ADU) on lots that are: zoned for single-family uses; containing a single-family dwelling; and having twice the minimum lot area of the zone. If unable to comply with the standards listed SVMC 9-44.160, then an applicant may apply for a Conditional Use Permit to build an ADU. Setbacks, parking and other standards apply. JADUs are currently reviewed as an ADU with the same ADU standards.

The proposed amendments will clarify the City's existing regulations, make regulatory choices where allowed in the State statutes, and specify regulations for situations that have not been addressed in the statutes. The following is a summary of how the Municipal Code will be updated to address the State mandated changes.

1. **Definition: Change the term “Second Dwelling Unit” to “Accessory Dwelling Unit”.** Continues the existing definition as an attached or a detached residential dwelling unit with its own living, sleeping, eating, cooking, and sanitation facilities, on the same parcel as the single-family dwelling is situated. An ADU also includes the following:
 - a. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code; and
 - b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
2. **Definition: Establish Junior Accessory Dwelling Units (JADU) – refer to 3.h below (page 5).** A dwelling unit entirely contained within an existing house with a maximum size of 500 square feet and no additional required parking. A JADU must include one existing house bedroom, a kitchen, a sanitation facility, and an internal connection to the house. The sanitation facility may also be shared with the house. Regulations that apply to all houses will apply to houses with JADUs (e.g., setbacks, height, and Building Code requirements). No parking is required for JADUs.
3. Specific amendments to the Development Code standards and review process are shown in Exhibit A of the proposed ordinance (page 11). The City has the option to adopt any or all of the following regulations. **The recommended amendment is shown as bold underlined text:**

- a. **Number of ADU/JADUs: Limit the number of ADUs and JADUs on a parcel with a house to either one ADU or one JADU.**
- Currently, the City allows one ADU on one lot with an existing house.
 - State statute requires at least one ADU be allowed, but does not limit the maximum number of ADUs or JADUs that can be built on a parcel.
- b. **Owner Occupancy and Length of Lease: Require owner-occupancy of the house or the ADU.**
- Currently, the City requires that the property owner must occupy either the house or the ADU, and that rentals must be for 30 days or more to avoid being prohibited as a motel or hotel.
 - State statute now allows cities to require either owner occupancy or require a lease length of more than 30 days.
- c. **Maximum ADU Size: Allow ADUs up to a maximum size of 30 percent of the existing house living area, up to 1,200 square feet.**
- Currently, the City limits the maximum ADU size to 30 percent of the existing house living area, up to 1,200 square feet.
 - State statute allows an ADU to be 50 percent of the existing house living area, up to 1,200 square feet. This will apply if a City ordinance is not adopted.
- d. **ADU Parking: Require one parking space per ADU that may be uncovered and located in areas where uncovered parking is currently allowed, OR on a driveway OR as tandem parking. When none of the above parking options are technically feasible, then allow one of the uncovered spaces in front of the garage to be the required ADU parking space.**
- Currently, the City requires one covered parking space per ADU, that is independently accessible (i.e., not tandem parking) and located outside of setback areas for garages and carports.
 - State statute provides that cities have the option to require a maximum of one parking space per ADU or one parking space per ADU bedroom. Required on-site parking must be allowed as (uncovered) tandem parking on driveways and in City designated setback areas. State parking waiver areas (i.e., no ADU parking may be required within one-half mile of a transit stop) will supersede City parking requirements. Note that one-half mile is the distance from Cochran Street to Los Angeles Avenue and more

than the distance from Los Angeles Avenue to Royal Avenue, when traveling along Erringer Road.

- Options are to increase the parking requirement to one parking space per ADU bedroom, allow uncovered parking on paved front setback areas in front of the house, or waiving the parking requirement.

e. **Replacement parking for garage conversions to an ADU. Require the replacement of garage spaces when a garage is converted to an ADU with covered spaces, uncovered spaces as currently allowed, or tandem spaces. When none of the above parking options can create the required parking spaces, then one lost garage space will be waived as necessary. At the property owner's option, an automobile parking lift will be allowed per State statute.**

- Currently, the City requires that required garage spaces that are lost to conversion to an ADU, be replaced with covered garage spaces.
- State statute requires that if the lost spaces must be replaced, then the replacement spaces must be allowed to be located in any configuration on the same lot as the ADU, including but not limited to covered spaces, uncovered spaces, tandem spaces, or by use of mechanical automobile parking lifts.
- Options are to waive replacement covered parking and use only the uncovered parking spaces that can be technically developed on-site.

f. **ADU Building Height: Require that all ADUs must be one-story and less than 18 feet high.**

- Currently, the City requires that detached ADUs be a maximum of 18 feet high and that ADUs attached to the house have a maximum 30-foot height. Attached ADUs have the same setbacks as the house. The City does not require that an ADU be only one story. The one-story requirement is added to compensate for the reduced required setbacks established by the State.
- The State does not specify maximum building height except that ADUs above a garage must be allowed. Side and rear setbacks are as required by the California Building Code and California Residential Code instead of the City Development Code (i.e., five feet with standard windows instead of 5-10 feet on the side and 20 feet on the rear).

- g. **Architectural Review: Continue to require that ADU architectural design shall coordinate with the existing single-family dwelling including compatible use of color, siding, stucco, wood, masonry, and roof material.**
- Currently the City applies these architectural design standards.
 - State statute specifies that architectural design must be included in the ADU regulatory ordinance, but does not specify any specific standards to be met.
- h. **Lot Coverage: Continue allowing a maximum 40-percent of the required setback area to be covered by above-ground structures, including the ADU.**
- Currently the City applies this lot coverage standard.
 - State statute specifies that lot coverage must be included in the ADU regulatory ordinance, but does not specify any specific standard to be met.
- i. **Create JADUs: Allow JADUs per State statutes and City regulations as shown in Exhibit A of the ordinance (page 13).**
- Currently, the City does not have JADUs as a use and structure. A JADU is reviewed as an ADU.
 - State statute specifies that the City has the option to establish JADUs. If established, then the maximum size of 500 square feet, complete enclosure within the existing house, no additional parking to be required, and cooking and sanitation facility requirements would apply as shown in the proposed ordinance.
 - An option is to not authorize the creation of JADUs. In that case, JADUs would be reviewed as a standard ADU and one parking space would be required. No parking can be required for a JADU per State statute.

4. The State's mandated requirements are:

- a. **Ministerial Review.** One ADU must be ministerially approved without discretionary review or a public hearing within 120 days, when the structure is on a single-family or multi-family zoned lot with one existing house, regardless of zoning density or lot size, if it conforms to the provisions of the State's statutes. Currently, the City requires that the parcel be single-family zoned and have twice the minimum lot area of the zoning district. If the minimum lot size is not met, then a Conditional Use Permit may be approved by the Planning Commission after a public hearing;

- b. **Building Setbacks.** Garage conversions to an ADU cannot be required to provide additional setbacks; ADUs that are built above an existing garage (that remains after the ADU is built) may be required to have a maximum 5-foot setback; ADUs that are created as new detached structures, expansions of existing detached structures (i.e., guest houses and storage sheds), and ADUs that are attached to the house or converted from living areas in the house will all have side and rear setbacks based on the CBC and CRC (i.e., 0 to 5 feet). Currently, the City's Development Code setbacks require 5 to 10 feet on the side and 20 feet on the rear. The City's current 20-foot front yard setback continues to apply;
- c. **Parking.** ADU Parking requirements are reduced and in many cases eliminated: No additional parking for an ADU may be required when the ADU is: a garage conversion, part of the existing primary residence or an existing accessory structure; located within one-half mile of a transit stop with at least four bus stops in each direction each day; in a Historic District; in a permit parking area in which the ADU occupant is not offered a permit; or within one block of a car share vehicle; and
- d. **Utility Fees.** ADUs and JADUs must not be considered new residential uses for calculating connection fees or capacity charges for utilities (current practice).

Findings for a Development Code Amendment

An amendment to the Development Code must meet the findings in SVMC Section 9-73.090:

1. The proposed ordinance is consistent with the General Plan in that, the State statute for new ADUs and JADUs provides by statutory requirement that ADUs and JADUs are accessory uses or accessory buildings to the single-family house and use of the lot; not exceeding the allowable density of the lot on which it is located; and, are deemed a residential use that is consistent with the existing General Plan and zoning designations for the lot (CGC 65852.2(a)(8)). In addition, the City added provisions of the ordinance are consistent with General Plan Policy 5.1 (Development Compatibility) in that building height and setback, architectural review, and lot coverage regulations are proposed consistent with the existing City standards. Allowing one uncovered parking space on the existing driveway to be the required ADU parking space when no uncovered space can be developed in tandem parking or in existing allowed parking areas, helps to preserve neighborhood compatibility.
2. The effect of this amendment on the housing needs of the region has been considered and balanced against the public service needs of its residents and against available fiscal and environmental resources in that, in compliance with State law, the amendment increases the potentially available housing supply based on additional ADUs and JADUs. In compliance with CGC 65852.2(a)(1), CGC 65852.2(a)(8), CGC 65852.2(f) and CGC 65852.22, which requires allowing

ADUs and JADUs in single-family and multi-family zones unless there is a capacity issue with water or sewer service, traffic flow or public safety and precludes the City from considering ADUs and JADUs a separate residence for the purposes of calculating connection fees or capacity charges for utilities. Based on the existing General Plan Land Use Map residential build-out projections, the City Public Works Department does not find that water, sewer and road systems serving single-family and multi-family zoned properties that would be deficient due to ADU or JADU construction. The City already complies with State statutes in not treating ADUs or JADUs as new residences for the purposes of calculating connection fees or capacity charges in its fiscal planning. Finally, the proposed amendment has been deemed to be Categorical Exempt from the California Environmental Quality Act (refer to pages 7 and 11).

3. The proposed amendment does not by its terms limit the number of housing units which may be constructed on an annual basis, in that the proposed amendments will allow additional ADUs and JADUs to be built.

Environmental Review and CEQA Requirements

This ordinance is exempt from review under the California Environmental Quality Act (CEQA; California Public Resources Code Section 2100 et seq.) and CEQA regulations (Title 14, California Code of Regulations Section 15000, et seq.) pursuant to Section 15061(b)(3) which states that: "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The proposed amendments to the Development Code provide minor modifications or clarifications to existing regulations, making them consistent with State statutes. A copy of the Notice of Exemption is provided as Attachment A page 21.

Alternatives

The following alternatives are available to the Planning Commission:

1. Adopt a resolution (page 11) recommending to the City Council that the proposed revisions to portions of Title 9 of the Simi Valley Municipal Code regulating Second Dwelling Units be adopted and a determination that the amendments are exempt from the California Environmental Quality Act be approved;
2. Do not adopt a resolution and provide staff with further direction.

Staff recommends Alternative No. 1.

SUMMARY

Assembly Bill 2299 (2016) and Senate Bill 1069 (2016) establish mandatory, revised standards to allow the development of Accessory Dwelling Units (ADUs) (previously identified as Second Dwelling Units) requiring Cities to allow Accessory Dwelling Units

with an administrative process, regardless of lot size and Zoning density requirements. In addition, Assembly Bill 2406 (2016) establishes regulations for Junior Accessory Dwelling Units (JADUs), which are small efficiency apartments entirely within existing houses that cities can optionally adopt. The proposed amendments are proposed to bring existing City regulations into conformance with the State statutes (thus avoiding the invalidation of the City's Second Dwelling Unit regulations) and to reaffirm City regulations for ADUs and JADUs that are consistent with current standards, but not specified by State statute.

State statutes require allowing one ADU on each residentially zoned parcel with an existing house; reduced building setbacks; and reduced parking requirements. Adopting the proposed amendments will clarify that: only one ADU or JADU is allowed on each lot with a house, require the existing maximum size for an ADU; owner occupancy of the ADU or the house; one parking space per ADU; a one-story height for detached ADUs; and having ADU architecture compatible with the existing house. This measure is being adopted urgently to avoid invalidation of the City's Second Dwelling Unit provisions and to ensure neighborhood compatibility to the extent allow by State law per CGC Sections 36934 and 36937.


 Stratis Perros
 Deputy Director/City Planner

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PLANNING COMMISSION PUBLIC HEARING PROCEDURE

HEARING DATE: December 21, 2016

Z-S-731

-
1. CHAIRMAN: **a) This is the time and place set for a public hearing for the consideration of Z-S-731, to amend portions of Title 9 of the Simi Valley Municipal Code regulating Second Dwelling Units and determining that the amendments are exempt from the California Environmental Quality Act.**

 b) Are there any ex parte communications to report?

 c) May we have an oral report on this matter by staff?
 2. STAFF: (Report)
 3. ANY COMMISSIONER: (Questions of staff)
 4. CHAIRMAN: **We will open the public testimony portion of the hearing.**
 5. CHAIRMAN: **Is there anyone in the Chamber wishing to be heard on this matter?**
 6. AUDIENCE: (Comments)
 7. CHAIRMAN: **a) Are there any comments from staff regarding statements made during the public hearing? (Check with Deputy Director/City Planner, and staff members in the audience.)**

 b) If there are no further questions, we will close the public testimony portion of the hearing.

 c) Are there any comments or questions from members of the Planning Commission?
 8. ANY COMMISSIONER: (Comments)
 9. CHAIRMAN: **May I please have a reading of the Resolution?**
 10. RECORDING SECRETARY: (Reads Number and Title of Resolution)

11. CHAIRMAN: The Chair will now entertain a motion.
12. ANY
COMMISSIONER: I move to adopt a resolution approving Z-S-731 and determining that the amendments are exempt from the California Environmental Quality Act.
- or
- I move to adopt a resolution not recommending City Council adoption of the proposed amendments.
- [Staff will prepare the resolution for the Planning Commission to ratify at the next meeting.]
15. CHAIRMAN: A motion was made by Commissioner _____.
16. CHAIRMAN: May I have a Second?
17. ANY
COMMISSIONER: I second the motion.
18. CHAIRMAN: Call for the vote.
19. CHAIRMAN: The motion (passes or fails).
20. CHAIRMAN: There is no Appeal period for the Zoning Text Amendments and the item will proceed to the City Council with the Planning Commission's recommendation.
- or
21. ANY
COMMISSIONER: I move continuation of the matter until the meeting of ____.
- or
22. ANY
COMMISSIONER: I move continuation of the matter to a date uncertain.
23. CHAIRMAN: Proceed to the next item.

RESOLUTION NO. SVPC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIMI VALLEY RECOMMENDING TO THE CITY COUNCIL APPROVAL OF DEVELOPMENT CODE AMENDMENT Z-S-731 AND DETERMINING THAT THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the California State Legislature adopted AB 2299 (2016), SB 1069 (2016) and AB 2406 (2016), which established new standards for regulating Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) to be effective on January 1, 2017, to address the housing shortages in California; and

WHEREAS, it is the State's intent to allow one or more Accessory Dwelling Units on all residentially zoned parcels which have an existing single-family dwelling on the parcel; and

WHEREAS, the City finds many existing City regulations for Second Dwelling Units (SDUs) that conflict with the provisions of AB 2299 (2016), SB 1069 (2016) and AB 2406 (2016), would become null and void, thus substantially reducing the City's ability to maintain the livable neighborhoods goals and policies of the General Plan; and

WHEREAS, the applicant, the City of Simi Valley Department of Environmental Services, has requested approval of Development Code amendments (Z-S-731) to bring City regulations for Second Dwelling Units into conformance with State law and exercise those regulatory options as allowed in State law, and

WHEREAS, this ordinance is exempt from review under the California Environmental Quality Act (CEQA; California Public Resources Code Section 2100 et seq.) and CEQA regulations (Title 14, California Code of Regulations Section 15000, et seq.) because this ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment (Section 15061(b)(3)).

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SIMI VALLEY DOES RESOLVE AS FOLLOWS:

SECTION 1. Development Code Amendments Z-S-731 as specified in Exhibit A or as amended by this Planning Commission, are hereby recommended to the City Council for adoption.

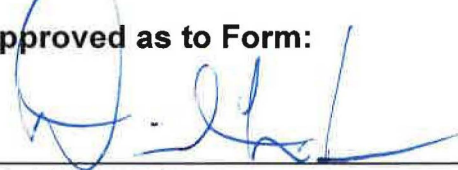
PASSED and ADOPTED this 21st day of December, 2016.

Attest:

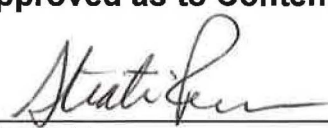

Vivienne DeLuca
Recording Secretary


Mary Bibb, Chairperson
Planning Commission

Approved as to Form:


David Caceres
Assistant City Attorney

Approved as to Content:


Stratis Perros
Deputy Director/City Planner

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Planning Commission of the City of Simi Valley, California, at a regular meeting held on December 21, 2016, by the following vote:

AYES:	Commissioners King and Mann, Vice Chairperson Hodge, and Chairperson Bibb
NAYS:	None
ABSTAIN:	None
ABSENT:	Commissioner Rice

ATTEST:


Vivienne DeLuca
Recording Secretary

Amendments to the following sections of Title 9 of the Simi Valley Municipal Code are shown below. New text is shown as **bold underline**, while text deletions are shown as **~~bold-strikeout~~**.

Chapter 9-24 - Residential and Open Space Zoning Districts

9-24.030 - Residential and Open Space District Land Uses and Permit Requirements

Table 2-2 identifies the uses of land allowed by this Development Code in the residential and open space zoning districts, and the land use permit required to establish each use, in compliance with Chapter 9-22 (Land Use Permit Requirements). Regardless of the permit requirement established by Table 2-2, Planned Development Permit (Section 9-52.050) approval is also required for all construction of new residential units.

Note: where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

TABLE 2-2 Allowed Uses and Permit Requirements for Residential and Open Space Zoning Districts						P Permitted Use ⁽²⁾ CUP Conditional Use Permit required HP Home Occupation Permit required — Use not allowed				
LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT									Specific Use Regulations
	OS	RE	RVL	RL	RM	Rmod	RH	RVH	MH	
RESIDENTIAL USES										
<u>Second Accessory</u> dwelling unit meets maximum density	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	—	9-44.160
<u>Second dwelling</u> unit, exceeds maximum density	CUP	CUP	CUP	CUP	CUP	—	—	—	—	<u>9-44.170</u>
<u>Junior Accessory</u> <u>Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		

Notes:

(1) See Article 8 for land use definitions.

(2) A Planned Development Permit (Section 9-52.050) is also required for all new development.

9-24.050 - Residential and Open Space District Setback Exceptions

The following exceptions apply to the setback requirements shown in Table 2-3. See also Section 9-30.080 (Setback Requirements and Exceptions). **For Accessory Dwelling Units and Junior Accessory Dwelling Units, refer to Section 9-44.160.**

- D. Accessory structure height limits. A Conditional Use Permit shall be required to exceed the height limits established in Table 2-3. The maximum height of any accessory structure shall not exceed the maximum height permitted for a primary structure. **Exceptions to this Section may be found for Accessory Dwelling Units in Section 9-44.160.**

9-34.060 - Parking Space Requirements

Off-street parking spaces for uses in all zoning districts shall be provided in compliance with Table 3-4 (Parking Requirements by Land Use), below.

TABLE 3-4 - PARKING REQUIREMENTS BY LAND USE

Land Use Type	Vehicle Spaces Required
Residential Uses	
Second dwelling units <u>Accessory Dwelling Unit and Junior Accessory Dwelling Unit</u>	1 covered space per unit. <u>Refer to Section 9-44.160</u>

9-34.090 - Design Requirements

- M. Refer to Section 9-44.160 for Accessory Dwelling Unit parking.**

9-44.160- ~~Second~~ **Accessory Dwelling Units** (Ministerial)

- A.** The creation of ~~a second dwelling unit~~ **an Accessory Dwelling Unit and Junior Accessory Dwelling Unit** pursuant to Government Code Sections ~~65582.1, 65852.2, and 65852.22,~~ on lots containing a ~~single or multi-family unit~~ **an existing single-family dwelling and zoned OS, RE, RVL, RL, RM, Rmod, RH, and RVH** shall be subject to the following **the standards in Table 4-4 as implementing the requirements specified in the above Government Code Sections. Refer to Glossary Definitions and Section 9-80.020 for Accessory Dwelling Unit and Junior Accessory Dwelling Unit. The standards for and Accessory Dwelling Unit and a Junior Accessory Dwelling Unit are shown below.**

Table 4-4: Accessory Development Unit (ADU) and Junior Accessory Unit (JADU) Requirements

	<u>ADU detached</u>	<u>ADU attached to house</u>	<u>ADU attached to accessory Structure (one story)</u>	<u>ADU Garage conversion</u>	<u>ADU above existing garage, attached or detached</u>	<u>JADU</u>
<u>Subject to California Building Code (CBC) and California Residential Code (CRC)</u>	<u>Any conflicts between the requirements of this Development Code and the California Building Code and California Residential Code shall be resolved in favor of whichever Code imposes the greater requirement, subject to compliance with California Government Code Sections 65582.1, 65852.2, and 65852.22</u>					
<u>Number Per Parcel</u>	<u>Either one ADU or one JADU per lot with an existing SFD on it.</u>					
<u>Kitchen Required</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>Minimum Efficiency Kitchen per CGC 65852.22(6)</u>
<u>Sanitary Facilities Required</u>	<u>Separate from Single-Family Dwelling (SFD)</u>					<u>Separate or shared with SFD</u>
<u>Separate Outside Entrance (Passageway)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u> <u>Also requires internal connection to existing SFD</u>
<u>Other Facilities</u>						<u>One bedroom of the existing SFD</u>
<u>Size – Minimum</u>	<u>Per California Health and Safety Code Section 17958.1</u>					
<u>Size – Maximum</u>	<u>30% of existing SFD Living Area. Maximum 1,200 sq. ft.</u>					<u>500 square feet</u>
<u>Property Owner Must Reside On-site</u>	<u>In SFD or ADU</u>					<u>In SFD unless exempt per CGC 65852.22</u>

	<u>ADU detached</u>	<u>ADU attached to house</u>	<u>ADU attached to accessory Structure (one story)</u>	<u>ADU Garage conversion</u>	<u>ADU above existing garage, attached or detached</u>	<u>JADU</u>
	<u>ADU and JADU may not be sold separate from the SFD on the parcel</u>					
<u>Setbacks: Front</u>	<u>Same as SFD</u>			<u>No additional setback</u>	<u>Same as SFD</u>	<u>No additional setback</u>
<u>Setbacks: Side, Street Side, and Rear</u>	<u>Per CBC and CRC</u>				<u>5 feet</u>	<u>No additional setback</u>
<u>Lot Coverage</u>	<u>All Structures shall not cover more than 40% of any setback area</u>			<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Parking</u>	<u>1 space, if required⁽¹⁾</u>	<u>1 space, if required if not using part of existing SFD⁽¹⁾</u>	<u>1 space, if required if not using part of existing accessory structure⁽¹⁾</u>	<u>None required for the ADU; replacement may be existing driveway parking spaces⁽²⁾</u>	<u>No additional parking required.</u>	<u>No additional parking required.</u>

- (1) An ADU must have one parking space that can be uncovered, tandem, lift, or otherwise provided on the lot unless: a) located within ½ mile of a transit stop with at least four bus stops in each direction each day; b) In a Historic District; c) in a permit parking area; or d) within one block of a car share vehicle. When parking is required and none of the above parking options are technically feasible, then one of the uncovered spaces in front of the garage will be counted as the required ADU parking space.
- (2) When a garage is converted to an ADU, the lost spaces must be replaced with covered spaces, uncovered spaces as currently allowed, uncovered spaces in the back yard, or tandem spaces. When none of the above parking options can create the required parking spaces, then one lost garage space will be waived as necessary. At the property owner's option, an automobile parking lift will be allowed.

B. Notwithstanding any other regulation in this Development Code that is specifically applicable to Accessory Dwelling Units or Junior Accessory Dwelling units, a Zoning Clearance must be ministerially approved for an application for a building permit to create within a single-family residential

zone, one accessory dwelling unit per single-family lot, if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The application must be must be ministerially approved.

- ~~A. The lot on which a second dwelling unit is to be constructed shall contain at least one residential dwelling which is owner-occupied.~~
- ~~B. The second dwelling unit may be attached or detached from the primary residential dwelling with the following standards:~~
 - ~~1. The minimum yard setbacks from the property line shall be the same as the base zone for the primary residential dwelling, as shown in Table 4-4 below.~~
 - ~~2. The minimum distance between the primary residential and a detached a second dwelling unit shall be 10 feet measured at the exterior wall.~~
 - ~~3. An attached a second dwelling unit shall have a minimum of 20 feet of common wall with the primary residential dwelling.~~
 - ~~4. The maximum height of the detached second dwelling unit shall not exceed 18 feet. The maximum height of the attached second dwelling unit shall not exceed 30 feet.~~
 - ~~5. For the purpose of this Section, second dwelling units connected to a primary dwelling unit by a breezeway shall comply with the standard for detached second dwelling units.~~
- ~~C. The maximum size of the a second dwelling unit shall not exceed 30 percent of the gross habitable square footage of the primary residential dwelling or 1,200 gross habitable square feet, whichever is less; however, in either situation, the minimum size of the second dwelling unit shall not be less than 500 square feet.~~
- ~~D. There shall be a minimum of one vehicle parking space per second dwelling unit or one vehicle parking space per bedroom, whichever is greater. The required parking space for a second dwelling unit shall be in addition to the required parking for the existing primary residential dwelling, and shall be located on the same lot as the existing primary residential dwelling unit.~~
- ~~E. The architectural design of the second dwelling unit shall coordinate with the existing primary residential dwelling including compatible use of color, siding, stucco, wood, masonry, and roof material. The unit must be consistent with the design of other homes in the neighborhood. Although ministerial, the Architectural Design Standards shall be reviewed and approved by the Deputy Director/City Planner.~~

- ~~F. The second dwelling unit shall not have separately metered water, sewer, gas, and electrical connections. These connections shall only be to the principal dwelling.~~
- ~~G. Only one second dwelling unit in conjunction with the primary residential dwelling is permitted on a residential lot.~~
- ~~H. The second dwelling unit shall consist solely of additional living space. This Section does not permit the conversion of existing living space into a second dwelling unit.~~
- ~~I. Second units shall not exceed the allowable density for the lot upon which the second unit is located.~~
- ~~J. No appeals or variances shall be allowed under this Section.~~

~~9-44.170 – Second Dwelling Units (Requirement of a CUP)~~

~~If an applicant is unable to comply with the ministerial standards listed above in Section 9-44.160, which were developed pursuant to Government Code Section 65852.2, an applicant may apply for a CUP for the creation of a second dwelling subject to:~~

- ~~A. The lot on which a second dwelling unit is to be constructed shall contain at least one residential dwelling which is owner-occupied.~~
- ~~B. The second dwelling unit may be attached or detached from the primary residential dwelling with the following standards:~~
 - ~~1. The minimum yard setbacks from the property line shall be the same as the base zone for the primary residential dwelling.~~
 - ~~2. The minimum distance between the primary residential and a detached second dwelling unit shall be 10 feet measured at the exterior wall.~~
 - ~~3. An attached second dwelling unit shall have a minimum of 20 feet of common wall with the primary residential dwelling.~~
 - ~~4. The maximum height of the detached second dwelling unit shall not exceed 18 feet. The maximum height of the attached second dwelling unit shall not exceed 30 feet.~~
 - ~~5. For the purpose of this Section, second dwelling units connected to a primary dwelling unit by a breezeway shall comply with the standard for detached second dwelling units.~~
- ~~C. The maximum size of the second dwelling unit shall not exceed 30 percent of the gross habitable square footage of the primary residential dwelling or 1,200 gross habitable square feet, whichever is less; however, in either situation, the minimum size of the second dwelling unit shall not be less than 500 square feet.~~
- ~~D. There shall be a minimum of one vehicle parking space per second dwelling unit or one vehicle parking space per bedroom, whichever is greater. The~~

~~required parking space for a second dwelling unit shall be in addition to the required parking for the existing primary residential dwelling, and shall be located on the same lot as the existing primary residential dwelling unit.~~

- ~~E. The architectural design of the second dwelling unit shall coordinate with the existing primary residential dwelling including compatible use of color, siding, stucco, wood, masonry, and roof material. The unit must be consistent with the design of other homes in the neighborhood.~~
- ~~F. The second dwelling unit shall not have separately metered water, sewer, gas, and electrical connections. These connections shall only be to the principal dwelling.~~
- ~~G. Only one second dwelling unit in conjunction with the primary residential dwelling is permitted on a single-family lot.~~
- ~~H. The second dwelling unit shall consist solely of additional living space. This Section does not permit the conversion of existing living space into a second dwelling unit.~~

~~(Amended during 3-07 supplement, as amended by § 2, Ord. 1126, eff. March 13, 2008)~~

SVMC 9-80.020 is amended as follows:

~~Accessory Dwelling(s). A dwelling unit accessory to a principal use on a site and intended for occupancy by person residing therein by reason of the employment of one or more occupants on the same site. An accessory dwelling may be attached or detached.~~

Accessory Dwelling Unit. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family 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.

Accessory Dwelling Unit, Junior. A dwelling unit that is no more than 500 square feet in size and contained entirely within an existing single-family dwelling's structure which provides complete independent living facilities for one or more persons. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure, must include one existing bedroom of the existing single-family dwelling, and have an internal connection to the existing single-family dwelling.

Efficiency Kitchen. Cooking facilities as defined in California Government Code Section 65852.22(6).

Living Area. The interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.

Passageway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

Property owner. The individual having a majority interest in the property in question. Property owned in joint tenancy shall be considered single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for any party named, unless shares are specified, in which case "ownership" requires a majority interest.

~~Second Dwelling Unit. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second unit also includes the following:~~

- ~~1. An efficiency unit, as described in Section 17958.1 of the Health and Safety Code.~~
- ~~2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.~~
- ~~3. "Living Area," means the interior habitable area of a dwelling unit including basements and attics but does include a garage or any accessory structure.~~
- ~~4. "Neighborhood," for purposes of Sections 9-44.150 and 9-44.160, has the same meaning as set forth in Government Code Section 65589.5.~~

NOTICE OF EXEMPTION

To: Ventura County Clerk
800 S. Victoria Avenue
Ventura, CA 93001

From: City of Simi Valley
2929 Tapo Canyon Road
Simi Valley, CA 93063

Project Title: Simi Valley Municipal Code text amendments regarding second dwelling units (Z-S-731)

Project Location - Specific: Citywide

Project Location - City: Simi Valley Project Location - County: Ventura

Description of Project: Z-S-731 will bring existing City regulations into conformance with State statutes (thus avoiding the invalidation of the City's Second Dwelling Unit regulations), and adopt revised City regulations for accessory dwelling units and junior accessory dwelling units.

Name of Public Agency Approving Project: City of Simi Valley

Date of Approval

Name of Person or Agency Carrying Out Project: City of Simi Valley

Exempt Status: (check one)

- ☐ Ministerial [Sec. 21080(b)(1); 15268];
- ☐ Declared Emergency [Sec. 21080(b)(3); 15269(a)];
- ☐ Emergency Project [Sec. 21080(b)(4); 15269(b)(c)];
- ☐ Categorical Exemption - State type and section number _____
- ☐ Statutory Exemptions - State code number _____
- ☒ General Rule [Sec. 15061(b)(3)]

Text of exemption and reasons why project is exempt:

Section 15061(b)(3) states that: "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The proposed amendments to the Development Code provide minor modifications or clarifications to existing regulations, making them consistent with State statutes. Therefore, the project would not have a significant effect on the environment and is exempt from further review under CEQA.

Lead Agency

Contact Person: Vernon Umetsu

Area Code/Telephone (805) 583-6391

Signature:  Date: 11/22/16 Title: Senior Planner
Lauren Funaiole Dept. of Environmental Services

☒ Signed by Lead Agency

Legislative Changes For Accessory Dwelling Units per AB2299 (Section 65582.1) and SB 1069 (Section 65852.2) and Junior Accessory Dwelling Units per AB2406 (Section 65852.22)

SEC. 1.

Section 65582.1 of the Government Code is amended to read:

65582.1.

The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the construction of affordable housing. Those reforms and incentives can be found in the following provisions:

- (a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).
- (b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).
- (c) Restrictions on disapproval of housing developments (Section 65589.5).
- (d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).
- (e) Least cost zoning law (Section 65913.1).
- (f) Density bonus law (Section 65915).
- (g) ~~Second~~ *Accessory* dwelling units (Sections 65852.150 and 65852.2).
- (h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).
- (i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).
- (j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).
- (k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).
- (l) Limiting moratoriums on multifamily housing (Section 65858).
- (m) Prohibiting discrimination against affordable housing (Section 65008).
- (n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).
- (o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).

SEC. 2.

Section 65583.1 of the Government Code is amended to read:

65583.1.

(a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, may allow a city or county to identify adequate sites, as required pursuant to Section 65583, by a variety of methods, including, but not limited to, redesignation of property to a more intense land use category and increasing the density allowed within one or more categories. The department may also allow a city or county to identify sites for ~~second~~ *accessory dwelling* units based on the number of ~~second~~ *accessory dwelling* units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department. Nothing in this section reduces the responsibility of a city or county to identify, by income category, the total number of sites for residential development as required by this article.

(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.

Any city, city and county, or county using this subdivision shall address the progress in meeting this section in the reports provided pursuant to paragraph (1) of subdivision (b) of Section 65400.

(c) (1) The Department of Housing and Community Development may allow a city or county to substitute the provision of units for up to 25 percent of the community's obligation to identify adequate sites for any income category in its housing element pursuant to paragraph (1) of subdivision (c) of Section 65583 where the community includes in its housing element a program committing the local government to provide units in that income category within the city or county that will be made available through the provision of committed assistance during the planning period covered by the element to low- and very low income households at affordable housing costs or affordable rents, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, and which meet the requirements of paragraph (2). Except as otherwise provided in this subdivision, the community may substitute one dwelling unit for one dwelling unit site in the applicable income category. The program shall do all of the following:

(A) Identify the specific, existing sources of committed assistance and dedicate a specific portion of the funds from those sources to the provision of housing pursuant to this subdivision.

(B) Indicate the number of units that will be provided to both low- and very low income households and demonstrate that the amount of dedicated funds is sufficient to develop the units at affordable housing costs or affordable rents.

(C) Demonstrate that the units meet the requirements of paragraph (2).

(2) Only units that comply with subparagraph (A), (B), or (C) qualify for inclusion in the housing element program described in paragraph (1), as follows:

(A) Units that are to be substantially rehabilitated with committed assistance from the city or county and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not eligible to be "substantially rehabilitated" unless all of the following requirements are met:

(i) At the time the unit is identified for substantial rehabilitation, (I) the local government has determined that the unit is at imminent risk of loss to the housing stock, (II) the local government has committed to provide relocation assistance pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants temporarily or permanently displaced by the rehabilitation or code enforcement activity, or the relocation is otherwise provided prior to displacement either as a condition of receivership, or provided by the property owner or the local government pursuant to Article 2.5 (commencing with Section 17975) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, or as otherwise provided by local ordinance; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260, (III) the local government requires that any displaced occupants will have the right to reoccupy the rehabilitated units, and (IV) the unit has been found by the local government or a court to be unfit for human habitation due to the existence of at least four violations of the conditions listed in subdivisions (a) to (g), inclusive, of Section 17995.3 of the Health and Safety Code.

(ii) The rehabilitated unit will have long-term affordability covenants and restrictions that require the unit to be available to, and occupied by, persons or families of low- or very low income at affordable housing costs for at least 20 years or the time period required by any applicable federal or state law or regulation.

(iii) Prior to initial occupancy after rehabilitation, the local code enforcement agency shall issue a certificate of occupancy indicating compliance with all applicable state and local building code and health and safety code requirements.

(B) Units that are located either on foreclosed property or in a multifamily rental or ownership housing complex of three or more units, are converted with committed assistance from the city or county from nonaffordable to affordable by acquisition of the unit or the purchase of affordability covenants and restrictions for the unit, are not acquired by eminent domain, and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not converted by acquisition or the purchase of affordability covenants unless all of the following occur:

(i) The unit is made available for rent at a cost affordable to low- or very low income households.

(ii) At the time the unit is identified for acquisition, the unit is not available at an affordable housing cost to either of the following:

(I) Low-income households, if the unit will be made affordable to low-income households.

(II) Very low income households, if the unit will be made affordable to very low income households.

(iii) At the time the unit is identified for acquisition the unit is not occupied by low- or very low income households or if the acquired unit is occupied, the local government has committed to provide relocation assistance prior to displacement, if any, pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants displaced by the conversion, or the relocation is otherwise provided prior to displacement; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260.

(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.

(v) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to persons of low- or very low income for not less than 55 years.

(vi) For units located in multifamily ownership housing complexes with three or more units, or on or after January 1, 2015, on foreclosed properties, at least an equal number of new-construction multifamily rental units affordable to lower income households have been constructed in the city or county within the same planning period as the number of ownership units to be converted.

(C) Units that will be preserved at affordable housing costs to persons or families of low- or very low incomes with committed assistance from the city or county by acquisition of the unit or the purchase of affordability covenants for the unit. For purposes of this subparagraph, a unit shall not be deemed preserved unless all of the following occur:

(i) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to, and reserved for occupancy by, persons of the same or lower income group as the current occupants for a period of at least 40 years.

(ii) The unit is within an "assisted housing development," as defined in paragraph (3) of subdivision (a) of Section 65863.10.

(iii) The city or county finds, after a public hearing, that the unit is eligible, and is reasonably expected, to change from housing affordable to low- and very low income households to any other use during the next five years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.

(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.

(v) At the time the unit is identified for preservation it is available at affordable cost to persons or families of low- or very low income.

(3) This subdivision does not apply to any city or county that, during the current or immediately prior planning period, as defined by Section 65588, has not met any of its share of the regional need for affordable housing, as defined in Section 65584, for low- and very low income households. A city or county shall document for any housing unit that a building permit has been issued and all development and permit fees have been paid or the unit is eligible to be lawfully occupied.

(4) For purposes of this subdivision, "committed assistance" means that the city or county enters into a legally enforceable agreement during the period from the beginning of the projection period until the end of the second year of the planning period that obligates sufficient available funds to provide the assistance necessary to make the identified units affordable and that requires that the units be made available for occupancy within two years of the execution of the agreement. "Committed assistance" does not include tenant-based rental assistance.

(5) For purposes of this subdivision, "net increase" includes only housing units provided committed assistance pursuant to subparagraph (A) or (B) of paragraph (2) in the current planning period, as defined in Section 65588, that were not provided committed assistance in the immediately prior planning period.

(6) For purposes of this subdivision, "the time the unit is identified" means the earliest time when any city or county agent, acting on behalf of a public entity, has proposed in writing or has proposed orally or in writing to the property owner, that the unit be considered for substantial rehabilitation, acquisition, or preservation.

(7) In the third year of the planning period, as defined by Section 65588, in the report required pursuant to Section 65400, each city or county that has included in its housing element a program to provide units pursuant to subparagraph (A), (B), or (C) of

paragraph (2) shall report in writing to the legislative body, and to the department within 30 days of making its report to the legislative body, on its progress in providing units pursuant to this subdivision. The report shall identify the specific units for which committed assistance has been provided or which have been made available to low- and very low income households, and it shall adequately document how each unit complies with this subdivision. If, by July 1 of the third year of the planning period, the city or county has not entered into an enforceable agreement of committed assistance for all units specified in the programs adopted pursuant to subparagraph (A), (B), or (C) of paragraph (2), the city or county shall, not later than July 1 of the fourth year of the planning period, adopt an amended housing element in accordance with Section 65585, identifying additional adequate sites pursuant to paragraph (1) of subdivision (c) of Section 65583 sufficient to accommodate the number of units for which committed assistance was not provided. If a city or county does not amend its housing element to identify adequate sites to address any shortfall, or fails to complete the rehabilitation, acquisition, purchase of affordability covenants, or the preservation of any housing unit within two years after committed assistance was provided to that unit, it shall be prohibited from identifying units pursuant to subparagraph (A), (B), or (C) of paragraph (2) in the housing element that it adopts for the next planning period, as defined in Section 65588, above the number of units actually provided or preserved due to committed assistance.

(d) A city or county may reduce its share of the regional housing need by the number of units built between the start of the projection period and the deadline for adoption of the housing element. If the city or county reduces its share pursuant to this subdivision, the city or county shall include in the housing element a description of the methodology for assigning those housing units to an income category based on actual or projected sales price, rent levels, or other mechanisms establishing affordability.

SEC. 3.

Section 65589.4 of the Government Code is amended to read:

65589.4.

(a) An attached housing development shall be a permitted use not subject to a conditional use permit on any parcel zoned for an attached housing development if local law so provides or if it satisfies the requirements of subdivision (b) and either of the following:

(1) The attached housing development satisfies the criteria of Section 21159.22, 21159.23, or 21159.24 of the Public Resources Code.

(2) The attached housing development meets all of the following criteria:

(A) The attached housing development is subject to a discretionary decision other than a conditional use permit and a negative declaration or mitigated negative declaration has been adopted for the attached housing development under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). If no public hearing is held with respect to the discretionary decision, then the negative declaration or mitigated negative declaration for the attached housing development may be adopted only after a public hearing to receive comments on the negative declaration or mitigated negative declaration.

(B) The attached housing development is consistent with both the jurisdiction's zoning ordinance and general plan as it existed on the date the application was deemed complete, except that an attached housing development shall not be deemed to be inconsistent with the zoning designation for the site if that zoning designation is inconsistent with the general plan only because the attached housing development site has not been rezoned to conform with the most recent adopted general plan.

(C) The attached housing development is located in an area that is covered by one of the following documents that has been adopted by the jurisdiction within five years of the date the application for the attached housing development was deemed complete:

(i) A general plan.

(ii) A revision or update to the general plan that includes at least the land use and circulation elements.

(iii) An applicable community plan.

(iv) An applicable specific plan.

(D) The attached housing development consists of not more than 100 residential units with a minimum density of not less than 12 units per acre or a minimum density of not less than eight units per acre if the attached housing development consists of four or fewer units.

(E) The attached housing development is located in an urbanized area as defined in Section 21071 of the Public Resources Code or within a census-defined place with a population density of at least 5,000 persons per square mile or, if the attached housing

development consists of 50 or fewer units, within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.

(F) The attached housing development is located on an infill site as defined in Section 21061.0.5 of the Public Resources Code.

(b) At least 10 percent of the units of the attached housing development shall be available at affordable housing cost to very low income households, as defined in Section 50105 of the Health and Safety Code, or at least 20 percent of the units of the attached housing development shall be available at affordable housing cost to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or at least 50 percent of the units of the attached housing development available at affordable housing cost to moderate-income households, consistent with Section 50052.5 of the Health and Safety Code. The developer of the attached housing development shall provide sufficient legal commitments to the local agency to ensure the continued availability and use of the housing units for very low, low-, or moderate-income households for a period of at least 30 years.

(c) Nothing in this section shall prohibit a local agency from applying design and site review standards in existence on the date the application was deemed complete.

(d) The provisions of this section are independent of any obligation of a jurisdiction pursuant to subdivision (c) of Section 65583 to identify multifamily sites developable by right.

(e) This section does not apply to the issuance of coastal development permits pursuant to the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

(f) This section does not relieve a public agency from complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) or relieve an applicant or public agency from complying with the Subdivision Map Act (Division 2 (commencing with Section 66473)).

(g) This section is applicable to all cities and counties, including charter cities, because the Legislature finds that the lack of affordable housing is of vital statewide importance, and thus a matter of statewide concern.

(h) For purposes of this section, “attached housing development” means a newly constructed or substantially rehabilitated structure containing two or more dwelling units and consisting only of residential units, but does not include ~~a second- an~~ *accessory dwelling* unit, as defined by paragraph (4) of subdivision ~~(h)~~ *(j)* of Section 65852.2, or the conversion of an existing structure to condominiums.

SEC. 4.

Section 65852.150 of the Government Code is amended to read:

65852.150.

(a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

~~The (2) Legislature finds and declares that second units are a valuable form of housing in California. Second units- Accessory dwelling units~~ provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods. ~~Homeowners who create second units benefit from added income, and an increased sense of security.~~

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that ~~any second-unit ordinances~~ *an accessory dwelling unit ordinance* adopted by ~~a~~ local ~~agencies have~~ *agency has* the effect of providing for the creation of ~~second- accessory dwelling~~ units and that provisions in ~~these ordinances~~ *this ordinance* relating to matters including unit size, parking, ~~fees fees,~~ and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create ~~second- accessory dwelling~~ units in zones in which they are authorized by local ordinance.

SEC. 5.

Section 65852.2 of the Government Code is amended to read:

65852.2.

(a) (1) ~~Any~~ *A* local agency may, by ordinance, provide for the creation of ~~second- accessory dwelling~~ units in single-family and multifamily residential zones. The ordinance ~~may shall~~ *do any all* of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second- accessory dwelling~~ units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second- accessory dwelling~~ units on traffic ~~flow-~~ *flow and public safety*.

(B) Impose standards on ~~second- accessory dwelling~~ units that include, but are not limited to, parking, height, setback, lot coverage, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

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

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use ~~permits. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units-~~ *permits, within 120 days of submittal of a complete building permit application*. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ~~second- accessory dwelling~~ units.

(b) (1) When a local agency ~~which that~~ has not adopted an ordinance governing ~~second- accessory dwelling~~ units in accordance with subdivision (a) ~~or (e)-~~ receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it adopts an ordinance in accordance with subdivision (a) ~~or (e)-~~ within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall ~~grant a variance or special use permit for ministerially approve~~ the creation of ~~a second- an accessory dwelling~~ unit if the ~~second- accessory dwelling~~ unit complies with all of the following:

(A) The unit is not intended for sale *separate from the primary residence* and may be rented.

(B) The lot is zoned for single-family or multifamily use.

(C) The lot contains an existing single-family dwelling.

(D) The ~~second- accessory dwelling~~ unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached ~~second- accessory dwelling~~ unit shall not exceed ~~30~~ *50* percent of the existing living ~~area-~~ *area, with a maximum increase in floor area of 1,200 square feet*.

(F) The total area of floorspace for a detached ~~second- accessory dwelling~~ unit shall not exceed 1,200 square feet.

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements ~~which that~~ apply to detached dwellings, as appropriate.

(I) Approval by the local health officer where a private sewage disposal system is being used, if required.

(2) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(3) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed ~~second-~~ *accessory dwelling* units on lots zoned for residential use ~~which that~~ contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision (a), shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an ~~owner-occupant~~ *owner-occupant or that the property be used for rentals of terms longer than 30 days*.

(4) ~~No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any~~ A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ~~second-~~ *accessory dwelling* units if these provisions are consistent with the limitations of this subdivision.

(5) ~~A second unit which conforms to the requirements of~~ *An accessory dwelling unit that conforms to* this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use ~~which that~~ is consistent with the existing general plan and zoning designations for the lot. The ~~second-~~ *accessory dwelling* units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(e) No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.~~

~~(c)~~ (c) A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second-~~ *accessory dwelling* units. No minimum or maximum size for ~~a second-~~ *an accessory dwelling* unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings ~~which that~~ does not *otherwise* permit at least an efficiency unit to be constructed in compliance with local development standards. *Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.*

~~(d)~~ (d) Parking requirements for ~~second-~~ *accessory dwelling* units shall not exceed one parking space per unit or per bedroom. ~~Additional parking. These spaces may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. provided as tandem parking on an existing driveway.~~ Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon ~~specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.~~ *conditions. This subdivision shall not apply to a unit that is described in subdivision (e).*

(e) *Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:*

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

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

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

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

(f) Notwithstanding subdivisions (a) to (e), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

~~(g)~~ (g) (1) Fees charged for the construction of ~~second-~~ *accessory dwelling* units shall be determined in accordance with Chapter 5 (commencing with Section ~~66000~~ 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (f), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (f), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

~~(g)~~ *(h)* This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ~~second-~~ *accessory dwelling* units.

~~(h)~~ *(i)* Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) ~~or (e)~~ to the Department of Housing and Community Development within 60 days after adoption.

~~(i)~~ *(j)* As used in this section, the following terms mean:

(1) “Living ~~area,~~” *area*” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) ~~“Second-~~ *“Accessory dwelling* unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A second-~~ *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.

~~(j)~~ *(k)* Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for ~~second-~~ *accessory dwelling* units.

SEC. 5.5.

Section 65852.2 of the Government Code is amended to read:

65852.2.

(a) (1) ~~Any~~ *A* local agency may, by ordinance, provide for the creation of ~~second-~~ *accessory dwelling* units in single-family and multifamily residential zones. The ordinance ~~may shall~~ *do any all* of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second-~~ *accessory dwelling* units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second-~~ *accessory dwelling* units on traffic ~~flow-~~ *flow and public safety*.

(B) *(i)* Impose standards on ~~second-~~ *accessory dwelling* units that include, but are not limited to, parking, height, setback, lot coverage, *landscape*, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

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

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

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

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

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

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and 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.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use ~~permits. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units.~~ *permits, within 120 days after receiving the application.* A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ~~second units.~~ *an accessory dwelling unit.*

~~(b) (4) (1) An~~ *(4) (1) An* ~~When existing ordinance governing the creation of an accessory dwelling unit by a local agency which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it~~ *or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance* ~~in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section~~

65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following: *that complies with this section.*

~~(A) The unit is not intended for sale and may be rented.~~

~~(B) The lot is zoned for single-family or multifamily use.~~

~~(C) The lot contains an existing single-family dwelling.~~

~~(D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~

~~(E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.~~

~~(F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.~~

~~(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.~~

~~(H) Local building code requirements which apply to detached dwellings, as appropriate.~~

~~(I) Approval by the local health officer where a private sewage disposal system is being used, if required.~~

~~(2)~~ (5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

~~(3)~~ (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate ~~proposed second units on lots~~ *a proposed accessory dwelling unit on a lot* zoned for residential use ~~which contain~~ *that contains* an existing single-family dwelling. No additional standards, other than those provided in this ~~subdivision or subdivision (a)~~ *subdivision*, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an ~~owner-occupant~~ *owner-occupant or that the property be used for rentals of terms longer than 30 days.*

~~(4)~~ (7) ~~No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any~~ A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ~~second units~~ *an accessory dwelling unit* if these provisions are consistent with the limitations of this subdivision.

~~(5)~~ (8) ~~A second unit which conforms to the requirements of~~ *An accessory dwelling unit that conforms to* this subdivision shall ~~be deemed to be an accessory use or an accessory building and shall~~ not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use ~~which that~~ is consistent with the existing general plan and zoning designations for the lot. The ~~second units~~ *accessory dwelling unit* shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(e)~~ (b) ~~No~~ When a local agency ~~shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance,~~ *that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.*

~~(d)~~ (c) A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second~~ *accessory dwelling* units. No minimum or maximum size for ~~a second~~ *an accessory dwelling* unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings ~~which that~~ does not permit at least an efficiency unit to be constructed in compliance with local development standards. *Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.*

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

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

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

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

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

~~(e) Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~

~~(f) (1) Fees charged for the construction of ~~second~~ accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section ~~66000~~; 66000) and Chapter 7 (commencing with Section 66012).~~

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

~~(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ~~second units~~; an accessory dwelling unit.~~

~~(h) Local agencies shall submit a copy of the ~~ordinances~~ ordinance adopted pursuant to subdivision (a) ~~or (e)~~ to the Department of Housing and Community Development within 60 days after adoption.~~

~~(i) As used in this section, the following terms mean:~~

~~(1) "Living ~~area~~, "area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.~~

~~(2) "Local agency" means a city, county, or city and county, whether general law or chartered.~~

~~(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.~~

~~(4) "~~Second~~ "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A second~~ 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.~~

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

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for ~~second~~ *accessory dwelling* units.

SEC. 6.

Section 66412.2 of the Government Code is amended to read:

66412.2.

This division shall not apply to the construction, financing, or leasing of dwelling units pursuant to Section 65852.1 or ~~second~~ *accessory dwelling* units pursuant to Section 65852.2, but this division shall be applicable to the sale or transfer, but not leasing, of those units.

SEC. 7.

Section 5.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Assembly Bill 2299. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Assembly Bill 2299, in which case Section 5 of this bill shall not become operative.

SEC. 8.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Junior Accessory Dwelling Units per AB2406 (Section 65852.22)

SECTION 1.

Section 65852.22 is added to the Government Code, immediately following Section 65852.2, to read:

65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) 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.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

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

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

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

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) For purposes of this section, the following terms have the following meanings:

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

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

SEC. 2.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to allow local jurisdictions the ability to promulgate ordinances that create secure income for homeowners and secure housing for renters, at the earliest possible time, it is necessary for this act to take effect immediately.

**CITY OF SIMI VALLEY
MEMORANDUM**

December 21, 2016

TO: Planning Commission

FROM: Stratis Perros, Deputy Director/City Planner

SUBJECT: SUPPLEMENT TO PLANNING COMMISSION AGENDA ITEM 11.A.2; A PUBLIC HEARING TO CONSIDER Z-S-731, TO REVISE PORTIONS OF TITLE 9 OF THE SIMI VALLEY MUNICIPAL CODE REGULATING SECOND DWELLING UNITS AND DETERMINING THAT THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Immediately subsequent to the preparation of the staff report, the State Housing and Community Development Department (HCD) began a program to provide guidance on how to implement new State requirements for what were previously called Second Dwelling Units, and are now being called Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). Based on HCD materials, an on-line seminar, and discussion with HCD staff, Planning staff have a revised understanding that:

1. The City may require both owner occupancy of the new ADUs and rental length terms of greater than 30 days, instead of being able to impose either one or the other, and
2. Building setbacks from the Development Code may be required (refer to State Required Setbacks below), and

The following revised recommendations are the result of this new understanding. New recommendations have been **highlighted**.

Owner Occupancy and Length of Lease: Require owner-occupancy of the house or the ADU and that rental periods must be for 30 days or more. (Refer to Staff Report Item 3.b on page 3)

- Currently, the City requires that the property owner must occupy either the house or the Second Dwelling Unit, and that rentals must be for 30 days or more to avoid being prohibited as a motel or hotel.
- HCD staff has advised that the new ADU legislation allows the City to require both owner-occupancy and that rentals must be for 30 days or more, instead of one or the other as indicated in the staff report on page 3. Therefore, staff now recommends that both existing requirements for owner-occupancy and rental period length to be 30 days or more, be continued to be applied to ADUs and JADUs.

Maximum ADU Size and Building Setbacks: ~~Allow ADUs up to a maximum size of 30 percent of the existing house living area, up to 1,200 square feet.~~ **Allow ADUs to have the same standards as a guest house and count any guest house that meets the new State standards for an ADU as an ADU.** (Refer to Staff Report Item 3.c on page 3) Planning's revised recommendation is based on: (a) guest houses being very similar to an ADU as shown below, (b) the likelihood of guest house construction and subsequent conversion to an ADU to avoid the current building setbacks and parking requirements (the new State legislation allows conversion without additional setbacks and parking), and (c) the substantial complications to make the small changes per the existing Development Code, to convert a guest house to an ADU .

Characteristic	Current Guest House Requirements	Current Second Dwelling Unit Requirements	Proposed Accessory Dwelling Unit Requirements
Maximum Size	30% of the total house area including garage, up to 1,200 square feet.	30% of the house living area up to 1,200 square feet.	30% of the total house area including garage, up to 1,200 square feet.
Maximum Height	One-story	One-story	One-story
Minimum Setbacks	Front 20 feet Side: 5 feet Rear: 10 feet	Front 20 feet Side: 6 feet Rear: 20 feet	Front 20 feet Side: 5 feet Rear: 10 feet
Separation from the house	6 feet	10 feet	6 feet
Kitchen	Not Allowed. Counter, small sink and refrigerator allowed, but no cooking facilities using gas or 220volt electricity.	Required	Required
Bathroom	Allowed	Required	Required
Bedroom	Allowed	Required	Required

- Currently, the City limits the maximum Second Dwelling Unit size to 30 percent of the existing house living area, up to 1,200 square feet.
- State statute allows an Accessory Dwelling Unit to be 50 percent of the existing house living area, up to 1,200 square feet. This will apply if a City ordinance is not adopted.

State required building setbacks. (Refer to Staff Report page 6)

New clarification from HCD on December 18 and 20, 2016 has advised that City Development Code setbacks may be applied to ADUs except for converting an existing garage to an ADU (no additional setbacks may be required), building an ADU above an existing garage (maximum 5 foot setback), creating an ADU entirely within the house or a detached structure (only Building Code setbacks can be applied), instead of being required to apply Building Code setbacks for all ADUs. **Therefore, staff recommends applying the existing Development Code setback standards for “detached guest houses” to detached ADUs as discussed above. Attached ADU’s would continue to have the existing building setback and height standards as for the house.**

Revisions to specific ordinance amendments are attached and revise Exhibit A of the Planning Commission resolution. Revisions are shown as **highlighted text**.

ATTACHMENT

Amendments to the following sections of Title 9 of the Simi Valley Municipal Code are shown below. New text is shown as **bold underline**, while text deletions are shown as **~~bold-strikeout~~**.

Chapter 9-24 - Residential and Open Space Zoning Districts

9-24.030 - Residential and Open Space District Land Uses and Permit Requirements

Table 2-2 identifies the uses of land allowed by this Development Code in the residential and open space zoning districts, and the land use permit required to establish each use, in compliance with Chapter 9-22 (Land Use Permit Requirements). Regardless of the permit requirement established by Table 2-2, Planned Development Permit (Section 9-52.050) approval is also required for all construction of new residential units.

Note: where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

TABLE 2-2 Allowed Uses and Permit Requirements for Residential and Open Space Zoning Districts						P Permitted Use ⁽²⁾ CUP Conditional Use Permit required HP Home Occupation Permit required — Use not allowed				
LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT									Specific Use Regulations
	OS	RE	RVL	RL	RM	Rmod	RH	RVH	MH	
RESIDENTIAL USES										
<u>Second Accessory dwelling unit meets maximum density</u>	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	—	9-44.160
<u>Second dwelling unit, exceeds maximum density</u>	CUP	CUP	CUP	CUP	CUP	—	—	—	—	<u>9-44.170</u>
<u>Junior Accessory Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		

Notes:

(1) See Article 8 for land use definitions.

(2) A Planned Development Permit (Section 9-52.050) is also required for all new development.

9-24.050 - Residential and Open Space District Setback Exceptions

The following exceptions apply to the setback requirements shown in Table 2-3. See also Section 9-30.080 (Setback Requirements and Exceptions). **For Accessory Dwelling Units and Junior Accessory Dwelling Units, refer to Section 9-44.160.**

- D. Accessory structure height limits. A Conditional Use Permit shall be required to exceed the height limits established in Table 2-3. The maximum height of any accessory structure shall not exceed the maximum height permitted for a primary structure. **Exceptions to this Section may be found for Accessory Dwelling Units in Section 9-44.160.**

9-34.060 - Parking Space Requirements

Off-street parking spaces for uses in all zoning districts shall be provided in compliance with Table 3-4 (Parking Requirements by Land Use), below.

TABLE 3-4 - PARKING REQUIREMENTS BY LAND USE

Land Use Type	Vehicle Spaces Required
Residential Uses	
Second dwelling units <u>Accessory Dwelling Unit and Junior Accessory Dwelling Unit</u>	1 covered space per unit. <u>Refer to Section 9-44.160</u>

9-34.090 - Design Requirements

- M. Refer to Section 9-44.160 for Accessory Dwelling Unit parking.**

9-44.160- ~~Second~~ **Accessory Dwelling Units** (Ministerial)

- A.** The creation of ~~a second dwelling unit~~ **an Accessory Dwelling Unit and Junior Accessory Dwelling Unit** pursuant to Government Code Sections **65582.1, 65852.2, and 65852.22,** on lots containing a ~~single or multi-family unit~~ **an existing single-family dwelling and zoned OS, RE, RVL, RL, RM, Rmod, RH, and RVH** shall be subject to the following **the standards in Table 4-4 as implementing the requirements specified in the above Government Code Sections. Refer to Glossary Definitions and Section 9-80.020 for Accessory Dwelling Unit and Junior Accessory Dwelling Unit. The standards for and Accessory Dwelling Unit and a Junior Accessory Dwelling Unit are shown below.**

Table 4-4: Accessory Development Unit (ADU) and Junior Accessory Unit (JADU) Requirements

	<u>ADU detached</u>	<u>ADU attached to house</u>	<u>ADU attached to accessory Structure (one story)</u>	<u>ADU Garage conversion</u>	<u>ADU above existing garage, attached or detached</u>	<u>JADU</u>
<u>Subject to California Building Code (CBC) and California Residential Code (CRC)</u>	<u>Any conflicts between the requirements of this Development Code and the California Building Code and California Residential Code shall be resolved in favor of whichever Code imposes the greater requirement, subject to compliance with California Government Code Sections 65582.1, 65852.2, and 65852.22</u>					
<u>Number Per Parcel</u>	<u>Either one ADU or one JADU per lot with an existing SFD on it.</u>					
<u>Kitchen Required</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>Minimum Efficiency Kitchen per CGC 65852.22(6)</u>
<u>Sanitary Facilities Required</u>	<u>Separate from Single-Family Dwelling (SFD)</u>					<u>Separate or shared with SFD</u>
<u>Separate Outside Entrance (Passageway)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u> <u>Also requires internal connection to existing SFD</u>
<u>Other Facilities</u>						<u>One bedroom of the existing SFD</u>
<u>Size – Minimum</u>	<u>Per California Health and Safety Code Section 17958.1</u>					
<u>Size – Maximum</u>	<u>30% of existing SFD Living Area. Maximum 1,200 sq. ft.</u>					<u>500 square feet</u>
<u>Property Owner Must Reside On-site</u>	<u>In SFD or ADU</u>					<u>In SFD unless exempt per CGC 65852.22</u>

	<u>ADU detached</u>	<u>ADU attached to house</u>	<u>ADU attached to accessory Structure (one story)</u>	<u>ADU Garage conversion</u>	<u>ADU above existing garage, attached or detached</u>	<u>JADU</u>
	<u>ADU and JADU may not be sold separate from the SFD on the parcel. This must be recorded as a notice on the property title.</u>					
<u>Lease or rental period length</u>	<u>30 days or more.</u>					
<u>Setbacks: Front</u>	<u>Same as SFD</u>			<u>No additional setback</u>	<u>Same as SFD</u>	<u>No additional setback</u>
<u>Setbacks: Side, Street Side, and Rear</u>	<u>Per CBC and CRC</u>					
	<u>Refer to 9-30.080(D) -Detached guest houses</u>	<u>If entirely within existing structure then per CBC and CRC. Otherwise refer to 9-24.050 Table 2-3</u>		<u>No additional setback</u>	<u>5 feet</u>	<u>No additional setback</u>
<u>Height</u>	<u>ADUs and JADUs must be one-story</u>					
<u>Lot Coverage</u>	<u>All Structures shall not cover more than 40% of any setback area</u>			<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Parking</u>	<u>1 space, if required⁽¹⁾</u>	<u>1 space, if required if not using part of existing SFD⁽¹⁾</u>	<u>1 space, if required if not using part of existing accessory structure⁽¹⁾</u>	<u>None required for the ADU; replacement may be existing driveway parking spaces⁽²⁾</u>	<u>No additional parking required.</u>	<u>No additional parking required.</u>

- (1) **An ADU must have one parking space that can be uncovered, tandem, lift, or otherwise provided on the lot unless: a) located within ½ mile of a transit stop with at least four bus stops in each direction each day; b) In a Historic District; c) in a permit parking area; or d) within one block of a car share vehicle. When parking is required and none of the above parking options are technically feasible, then one of the uncovered spaces in front of the garage will be counted as the required ADU parking space.**
- (2) **When a garage is converted to an ADU, the lost spaces must be replaced with covered spaces, uncovered spaces as currently allowed, uncovered spaces in the back yard, or tandem spaces. When none of the above parking options can create the required parking spaces, then one lost garage space will be waived as necessary. At the property owner's option, an automobile parking lift will be allowed.**

- B. Notwithstanding any other regulation in this Development Code that is specifically applicable to Accessory Dwelling Units or Junior Accessory Dwelling units, a Zoning Clearance must be ministerially approved for an application for a building permit to create within a single-family residential zone, one accessory dwelling unit per single-family lot, if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The application must be must be ministerially approved.**
- ~~A. The lot on which a second dwelling unit is to be constructed shall contain at least one residential dwelling which is owner-occupied.~~
- ~~B. The second dwelling unit may be attached or detached from the primary residential dwelling with the following standards:~~
- ~~1. The minimum yard setbacks from the property line shall be the same as the base zone for the primary residential dwelling, as shown in Table 4-4 below.~~
 - ~~2. The minimum distance between the primary residential and a detached a second dwelling unit shall be 10 feet measured at the exterior wall.~~
 - ~~3. An attached a second dwelling unit shall have a minimum of 20 feet of common wall with the primary residential dwelling.~~
 - ~~4. The maximum height of the detached second dwelling unit shall not exceed 18 feet. The maximum height of the attached second dwelling unit shall not exceed 30 feet.~~
 - ~~5. For the purpose of this Section, second dwelling units connected to a primary dwelling unit by a breezeway shall comply with the standard for detached second dwelling units.~~
- ~~C. The maximum size of the a second dwelling unit shall not exceed 30 percent of the gross habitable square footage of the primary residential dwelling or 1,200 gross habitable square feet, whichever is less; however, in either situation, the minimum size of the second dwelling unit shall not be less than 500 square feet.~~
- ~~D. There shall be a minimum of one vehicle parking space per second dwelling unit or one vehicle parking space per bedroom, whichever is greater. The required parking space for a second dwelling unit shall be in addition to the required parking for the existing primary residential dwelling, and shall be located on the same lot as the existing primary residential dwelling unit.~~
- ~~E. The architectural design of the second dwelling unit shall coordinate with the existing primary residential dwelling including compatible use of color, siding, stucco, wood, masonry, and roof material. The unit must be consistent with the design of other homes in the neighborhood. Although ministerial, the~~

~~Architectural Design Standards shall be reviewed and approved by the Deputy Director/City Planner.~~

- ~~F. The second dwelling unit shall not have separately metered water, sewer, gas, and electrical connections. These connections shall only be to the principal dwelling.~~
- ~~G. Only one second dwelling unit in conjunction with the primary residential dwelling is permitted on a residential lot.~~
- ~~H. The second dwelling unit shall consist solely of additional living space. This Section does not permit the conversion of existing living space into a second dwelling unit.~~
- ~~I. Second units shall not exceed the allowable density for the lot upon which the second unit is located.~~
- ~~J. No appeals or variances shall be allowed under this Section.~~

~~9-44.170 Second Dwelling Units (Requirement of a CUP)~~

~~If an applicant is unable to comply with the ministerial standards listed above in Section 9-44.160, which were developed pursuant to Government Code Section 65852.2, an applicant may apply for a CUP for the creation of a second dwelling subject to:~~

- ~~A. The lot on which a second dwelling unit is to be constructed shall contain at least one residential dwelling which is owner-occupied.~~
- ~~B. The second dwelling unit may be attached or detached from the primary residential dwelling with the following standards:~~
 - ~~1. The minimum yard setbacks from the property line shall be the same as the base zone for the primary residential dwelling.~~
 - ~~2. The minimum distance between the primary residential and a detached second dwelling unit shall be 10 feet measured at the exterior wall.~~
 - ~~3. An attached second dwelling unit shall have a minimum of 20 feet of common wall with the primary residential dwelling.~~
 - ~~4. The maximum height of the detached second dwelling unit shall not exceed 18 feet. The maximum height of the attached second dwelling unit shall not exceed 30 feet.~~
 - ~~5. For the purpose of this Section, second dwelling units connected to a primary dwelling unit by a breezeway shall comply with the standard for detached second dwelling units.~~
- ~~C. The maximum size of the second dwelling unit shall not exceed 30 percent of the gross habitable square footage of the primary residential dwelling or 1,200 gross habitable square feet, whichever is less; however, in either situation, the minimum size of the second dwelling unit shall not be less than 500 square feet.~~

- ~~D. There shall be a minimum of one vehicle parking space per second dwelling unit or one vehicle parking space per bedroom, whichever is greater. The required parking space for a second dwelling unit shall be in addition to the required parking for the existing primary residential dwelling, and shall be located on the same lot as the existing primary residential dwelling unit.~~
- ~~E. The architectural design of the second dwelling unit shall coordinate with the existing primary residential dwelling including compatible use of color, siding, stucco, wood, masonry, and roof material. The unit must be consistent with the design of other homes in the neighborhood.~~
- ~~F. The second dwelling unit shall not have separately metered water, sewer, gas, and electrical connections. These connections shall only be to the principal dwelling.~~
- ~~G. Only one second dwelling unit in conjunction with the primary residential dwelling is permitted on a single-family lot.~~
- ~~H. The second dwelling unit shall consist solely of additional living space. This Section does not permit the conversion of existing living space into a second dwelling unit.~~

~~(Amended during 3-07 supplement, as amended by § 2, Ord. 1126, eff. March 13, 2008)~~

SVMC 9-80.020 is amended as follows:

~~Accessory Dwelling(s). A dwelling unit accessory to a principal use on a site and intended for occupancy by person residing therein by reason of the employment of one or more occupants on the same site. An accessory dwelling may be attached or detached.~~

Accessory Dwelling Unit. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family 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.

Any structure that has all the elements of an Accessory Dwelling (i.e., efficiency kitchen/cooking facilities, sink, and bathroom per California Government Code 65852.2 must be considered to be an ADU.

Accessory Dwelling Unit, Junior. A dwelling unit that is no more than 500 square feet in size and contained entirely within an existing single-family dwelling's structure which provides complete independent living facilities for one or more persons. A junior accessory dwelling unit may include separate sanitation

facilities or may share sanitation facilities with the existing structure, must include one existing bedroom of the existing single-family dwelling, and have an internal connection to the existing single-family dwelling.

Efficiency Kitchen. Cooking facilities as defined in California Government Code Section 65852.22(6).

Living Area. The interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.

Passageway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

Property owner. The individual having a majority interest in the property in question. Property owned in joint tenancy shall be considered single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for any party named, unless shares are specified, in which case "ownership" requires a majority interest.

~~Second Dwelling Unit. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second unit also includes the following:~~

- ~~1. An efficiency unit, as described in Section 17958.1 of the Health and Safety Code.~~
- ~~2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.~~
- ~~3. "Living Area," means the interior habitable area of a dwelling unit including basements and attics but does include a garage or any accessory structure.~~
- ~~4. "Neighborhood," for purposes of Sections 9-44.150 and 9-44.160, has the same meaning as set forth in Government Code Section 65589.5.~~

TO CUP-S-479 MOD#5, TE#2 AND DETERMINED THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Commissioner King seconded the motion.

AYES: Commissioner King, Mann, Vice Chairperson Hodge, and Chairperson Bibb

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Rice

The appeal period for CUP-S-479 MOD#5, TE#2 is 14 calendar days.

2. Z-S-731; City of Simi Valley: A request to consider revising portions of Title 9 of the Simi Valley Municipal Code related to second dwelling units to bring Title 9 into conformance with State of California Government Code Sections 65582.1, 65852.2 and 65852.22, and a determination that the project is exempt from the California Environmental Quality Act
- Location: Citywide
- Staff Contact: Vern Umetsu
(805) 583-6391

There were no ex parte communications to report.

Senior Planner Vern Umetsu gave a PowerPoint presentation of the staff report.

After a lengthy discussion, the Planning Commission recommended the following further amendments and clarifications:

- Limit the total cumulative habitable accessory structure area (i.e., guest houses, pool cabanas, Accessory Dwelling Units, etc.) that can be developed on a property including the Accessory Dwelling Unit (ADU) to 1,200 square feet,
- Ensure home owner occupancy and rent restrictions are conveyed in a recorded deed restriction and accommodate transfers in ownership,
- The one-half mile distance between an Accessory Dwelling Unit and a bus stop should be measured as a walkable route along a public street/sidewalk,

- Provide architectural guidelines for Accessory Dwelling Units so that ADU front doors do not face the street, and stairways are located on the side whenever possible,
- Limit detached ADU height to one-story with a maximum height of 18 feet, when not over an existing garage as allowed by State statute, and
- Allow ADU parking as outlined in the staff report on those locations already approved as legal parking areas as defined per the Development Code whenever feasible.

Chairperson Bibb opened the public testimony portion of the hearing.

Being that there was no one from the public wishing to speak; Chairperson Bibb closed the public testimony portion of the hearing.

Commission comments:

Vice Chairperson Hodge noted that he was very impressed by staff's thoroughness and thanked them for their preparation of this urgency ordinance.

Chairperson Bibb agreed with Vice Chairperson Hodge and thanked staff for their attention to detail.

COMMISSIONER HODGE MOVED THAT THE PLANNING COMMISSION OF THE CITY OF SIMI VALLEY ADOPT A RESOLUTION RECOMMENDING APPROVAL TO THE City COUNCIL APPROVAL OF Z-S-731 AND DETERMINED THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS AMENDED

Commissioner King seconded the motion.

AYES: Commissioner King, Mann, Vice Chairperson Hodge, and Chairperson Bibb

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Rice

B. OTHER – None

RESOLUTION NO. SVPC 16-2016

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIMI VALLEY RECOMMENDING TO THE CITY COUNCIL APPROVAL OF DEVELOPMENT CODE AMENDMENT Z-S-731 AND DETERMINING THAT THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED

WHEREAS, the California State Legislature adopted AB 2299 (2016), SB 1069 (2016) and AB 2406 (2016), which established new standards for regulating Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) to be effective on January 1, 2017, to address the housing shortages in California; and

WHEREAS, it is the State's intent to allow one or more Accessory Dwelling Units on all residentially zoned parcels which have an existing single-family dwelling on the parcel; and

WHEREAS, the City finds many existing City regulations for Second Dwelling Units (SDUs) that conflict with the provisions of AB 2299 (2016), SB 1069 (2016) and AB 2406 (2016), would become null and void, thus substantially reducing the City's ability to maintain the livable neighborhoods goals and policies of the General Plan; and

WHEREAS, the applicant, the City of Simi Valley Department of Environmental Services, has requested approval of Development Code amendments (Z-S-731) to bring City regulations for Second Dwelling Units into conformance with State law and exercise those regulatory options as allowed in State law, and

WHEREAS, this ordinance is exempt from review under the California Environmental Quality Act (CEQA; California Public Resources Code Section 2100 et seq.) and CEQA regulations (Title 14, California Code of Regulations Section 15000, et seq.) because this ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment (Section 15061(b)(3)).

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SIMI VALLEY DOES RESOLVE AS FOLLOWS:

SECTION 1. Development Code Amendments Z-S-731 as specified in Exhibit A or as amended by this Planning Commission, are hereby recommended to the City Council for adoption.

PASSED and ADOPTED this 21st day of December, 2016.

Attest:



Vivienne DeLuca
Recording Secretary


Mary Bibb, Chairperson
Planning Commission

Approved as to Form:

David Caceres
Assistant City Attorney

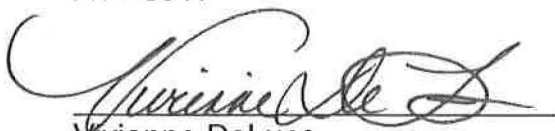
Approved as to Content:


Stratis Perros
Deputy Director/City Planner

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Planning Commission of the City of Simi Valley, California, at a regular meeting held on December 21, 2016, by the following vote:

AYES:	Commissioners King and Mann, Vice Chairperson Hodge, and Chairperson Bibb
NAYS:	None
ABSTAIN:	None
ABSENT:	Commissioner Rice

ATTEST:


Vivienne DeLuca
Recording Secretary

Amendments to the following sections of Title 9 of the Simi Valley Municipal Code are shown below. New text is shown as **bold underline**, while text deletions are shown as **~~bold-strikeout~~**.

Chapter 9-24 - Residential and Open Space Zoning Districts

9-24.030 - Residential and Open Space District Land Uses and Permit Requirements

Table 2-2 identifies the uses of land allowed by this Development Code in the residential and open space zoning districts, and the land use permit required to establish each use, in compliance with Chapter 9-22 (Land Use Permit Requirements). Regardless of the permit requirement established by Table 2-2, Planned Development Permit (Section 9-52.050) approval is also required for all construction of new residential units.

Note: where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

TABLE 2-2 Allowed Uses and Permit Requirements for Residential and Open Space Zoning Districts						P Permitted Use ⁽²⁾ CUP Conditional Use Permit required HP Home Occupation Permit required — Use not allowed				
LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT									Specific Use Regulations
	OS	RE	RVL	RL	RM	Rmod	RH	RVH	MH	
RESIDENTIAL USES										
<u>Second Accessory dwelling unit meets maximum density</u>	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	—	9-44.160
<u>Second dwelling unit, exceeds maximum density</u>	CUP	CUP	CUP	CUP	CUP	—	—	—	—	<u>9-44.170</u>
<u>Junior Accessory Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		

Notes:

(1) See Article 8 for land use definitions.

(2) A Planned Development Permit (Section 9-52.050) is also required for all new development.

9-24.050 - Residential and Open Space District Setback Exceptions

The following exceptions apply to the setback requirements shown in Table 2-3. See also Section 9-30.080 (Setback Requirements and Exceptions). **For Accessory Dwelling Units and Junior Accessory Dwelling Units, refer to Section 9-44.160.**

- D. Accessory structure height limits. A Conditional Use Permit shall be required to exceed the height limits established in Table 2-3. The maximum height of any accessory structure shall not exceed the maximum height permitted for a primary structure. **Exceptions to this Section may be found for Accessory Dwelling Units in Section 9-44.160.**

9-34.060 - Parking Space Requirements

Off-street parking spaces for uses in all zoning districts shall be provided in compliance with Table 3-4 (Parking Requirements by Land Use), below.

TABLE 3-4 - PARKING REQUIREMENTS BY LAND USE

Land Use Type	Vehicle Spaces Required
Residential Uses	
Second dwelling units <u>Accessory Dwelling Unit and Junior Accessory Dwelling Unit</u>	1 covered space per unit. <u>Refer to Section 9-44.160</u>

9-34.090 - Design Requirements

- M. Refer to Section 9-44.160 for Accessory Dwelling Unit parking.**

9-44.160- ~~Second~~ Accessory Dwelling Units (Ministerial)

- A.** The creation of ~~a second dwelling unit~~ **an Accessory Dwelling Unit and Junior Accessory Dwelling Unit** pursuant to Government Code Sections **65582.1, 65852.2, and 65852.22,** on lots containing a ~~single or multi-family unit~~ **an existing single-family dwelling and zoned OS, RE, RVL, RL, RM, Rmod, RH, and RVH** shall be subject to the following **the standards in Table 4-4 as implementing the requirements specified in the above Government Code Sections. Refer to Glossary Definitions and Section 9-80.020 for Accessory Dwelling Unit and Junior Accessory Dwelling Unit. The standards for and Accessory Dwelling Unit and a Junior Accessory Dwelling Unit are shown below.**

Table 4-4: Accessory Development Unit (ADU) and Junior Accessory Unit (JADU) Requirements

	<u>ADU detached</u>	<u>ADU attached to house</u>	<u>ADU attached to accessory Structure (one story)</u>	<u>ADU Garage conversion</u>	<u>ADU above existing garage, attached or detached</u>	<u>JADU</u>
<u>Subject to California Building Code (CBC) and California Residential Code (CRC)</u>	<u>Any conflicts between the requirements of this Development Code and the California Building Code and California Residential Code shall be resolved in favor of whichever Code imposes the greater requirement, subject to compliance with California Government Code Sections 65582.1, 65852.2, and 65852.22</u>					
<u>Number Per Parcel</u>	<u>Either one ADU or one JADU per lot with an existing Single-Family Dwelling (SFD) on it</u>					
<u>Kitchen Required</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>Minimum Efficiency Kitchen per CGC 65852.22(6)</u>
<u>Sanitary Facilities Required</u>	<u>Separate from Single-Family Dwelling (SFD)</u>					<u>Separate or shared with SFD</u>
<u>Separate Outside Entrance (Passageway)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u> <u>Also requires internal connection to existing SFD</u>
<u>Other Facilities</u>						<u>One bedroom of the existing SFD</u>
<u>Size – Minimum</u>	<u>Per California Health and Safety Code Section 17958.1</u>					
<u>Size – Maximum</u>	<u>30% of existing SFD Living Area up to a Maximum 1,200 sq. ft. The cumulative total of all habitable accessory structures and ADU or JADU on the lot shall not exceed 1,200 square feet</u>					<u>500 square feet</u>
<u>Property Owner Must Reside On-site</u>	<u>Owner must reside in SFD or ADU; ADU and JADU may not be sold separate from the SFD on the parcel. This must be recorded as a Deed Restriction on the property title</u>					<u>In SFD unless exempt per CGC 65852.22</u>

	<u>ADU detached</u>	<u>ADU attached to house</u>	<u>ADU attached to accessory Structure (one story)</u>	<u>ADU Garage conversion</u>	<u>ADU above existing garage, attached or detached</u>	<u>JADU</u>
<u>Lease or rental period length</u>	<u>The ADU/JADU must have a rental period of no less than 30 days. This must be recorded as a Deed Restriction on the property title</u>					
<u>Setbacks: Front</u>	<u>Same as SFD</u>			<u>No additional setback</u>	<u>Same as SFD; any new exterior stairs must be located on the side or rear whenever possible</u>	<u>No additional setback</u>
<u>Setbacks: Side, Street Side, and Rear</u>	<u>Per CBC and CRC</u>					
	<u>Refer to 9-30.080(D) -Detached guest houses</u>	<u>If entirely within existing structure then per CBC and CRC. Otherwise refer to 9-24.050 Table 2-3</u>	<u>No additional setback for existing structure; stairs must meet current ADU setbacks</u>	<u>5 feet any new exterior stairs must be located on the side or rear whenever possible</u>	<u>No additional setback</u>	
<u>Height</u>	<u>ADUs and JADUs must be one-story (maximum 18 feet in height, except where state law allows construction above a garage)</u>					
<u>Lot Coverage</u>	<u>All Structures shall not cover more than 40% of the rear yard, equal to the rear 20 feet of the lot</u>			<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Parking</u>	<u>1 space, if required ⁽¹⁾</u>	<u>1 space, if required if not using part of existing SFD ⁽¹⁾</u>	<u>1 space, if required if not using part of existing accessory structure ⁽¹⁾</u>	<u>None required for the ADU; replacement may be existing driveway parking spaces ⁽²⁾</u>	<u>No additional parking required.</u>	<u>No additional parking required.</u>

(1) An ADU must have one parking space that can be uncovered, tandem, lift, or otherwise provided on the lot in the legal parking areas defined in this

chapter unless: a) located within ½ mile (measured by way of public sidewalk), of a transit stop with at least four bus stops in each direction each day; b) In a Historic District; c) in a permit parking area; or d) within one block of a car share vehicle. When parking is required and none of the above parking options are technically feasible, then one of the uncovered spaces in front of the garage will be counted as the required ADU parking space.

- (2) When a garage is converted to an ADU, the lost spaces must be replaced with covered spaces, uncovered spaces in legal parking areas defined in this chapter, uncovered spaces in the back yard, or tandem spaces. When none of the above parking options can create the required parking spaces, then one lost garage space will be waived as necessary. At the property owner's option, an automobile parking lift will be allowed but will be considered a structure for the purposes of setbacks and permit requirements.

B. Notwithstanding any other regulation in this Development Code that is specifically applicable to Accessory Dwelling Units or Junior Accessory Dwelling units, a Zoning Clearance must be ministerially approved for an application for a building permit to create within a single-family residential zone, one accessory dwelling unit per single-family lot, if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence unless otherwise required by the Fire Code.

C. A Deed Restriction must be recorded on the proposed approved for an ADU or JADU in the form provided by the City. The deed will specify that owner occupancy is required in the ADU or JADU at all times. Should the owner pass or vacate the property, the ADU or JADU may no longer be separately rented and shall be vacated within 30 days. The deed restriction will also specify that rental of any ADU or JADU (or the primary residence if the owner lives on site in the ADU or JADU) must be for periods of 30 days or more.

~~A. The lot on which a second dwelling unit is to be constructed shall contain at least one residential dwelling which is owner-occupied.~~

~~B. The second dwelling unit may be attached or detached from the primary residential dwelling with the following standards:~~

~~1. The minimum yard setbacks from the property line shall be the same as the base zone for the primary residential dwelling, as shown in Table 4-4 below.~~

~~2. The minimum distance between the primary residential and a detached a second dwelling unit shall be 10 feet measured at the exterior wall.~~

- ~~3. An attached a second dwelling unit shall have a minimum of 20 feet of common wall with the primary residential dwelling.~~
 - ~~4. The maximum height of the detached second dwelling unit shall not exceed 18 feet. The maximum height of the attached second dwelling unit shall not exceed 30 feet.~~
 - ~~5. For the purpose of this Section, second dwelling units connected to a primary dwelling unit by a breezeway shall comply with the standard for detached second dwelling units.~~
- ~~C. The maximum size of the a second dwelling unit shall not exceed 30 percent of the gross habitable square footage of the primary residential dwelling or 1,200 gross habitable square feet, whichever is less; however, in either situation, the minimum size of the second dwelling unit shall not be less than 500 square feet.~~
- ~~D. There shall be a minimum of one vehicle parking space per second dwelling unit or one vehicle parking space per bedroom, whichever is greater. The required parking space for a second dwelling unit shall be in addition to the required parking for the existing primary residential dwelling, and shall be located on the same lot as the existing primary residential dwelling unit.~~
- ~~E. The architectural design of the second dwelling unit shall coordinate with the existing primary residential dwelling including compatible use of color, siding, stucco, wood, masonry, and roof material. The unit must be consistent with the design of other homes in the neighborhood. Although ministerial, the Architectural Design Standards shall be reviewed and approved by the Deputy Director/City Planner.~~
- ~~F. The second dwelling unit shall not have separately metered water, sewer, gas, and electrical connections. These connections shall only be to the principal dwelling.~~
- ~~G. Only one second dwelling unit in conjunction with the primary residential dwelling is permitted on a residential lot.~~
- ~~H. The second dwelling unit shall consist solely of additional living space. This Section does not permit the conversion of existing living space into a second dwelling unit.~~
- ~~I. Second units shall not exceed the allowable density for the lot upon which the second unit is located.~~
- ~~J. No appeals or variances shall be allowed under this Section.~~

~~9-44.170 – Second Dwelling Units (Requirement of a CUP)~~

~~If an applicant is unable to comply with the ministerial standards listed above in Section 9-44.160, which were developed pursuant to Government Code Section 65852.2, an applicant may apply for a CUP for the creation of a second dwelling subject to:~~

- ~~A. The lot on which a second dwelling unit is to be constructed shall contain at least one residential dwelling which is owner-occupied.~~
- ~~B. The second dwelling unit may be attached or detached from the primary residential dwelling with the following standards:
 - ~~1. The minimum yard setbacks from the property line shall be the same as the base zone for the primary residential dwelling.~~
 - ~~2. The minimum distance between the primary residential and a detached second dwelling unit shall be 10 feet measured at the exterior wall.~~
 - ~~3. An attached second dwelling unit shall have a minimum of 20 feet of common wall with the primary residential dwelling.~~
 - ~~4. The maximum height of the detached second dwelling unit shall not exceed 18 feet. The maximum height of the attached second dwelling unit shall not exceed 30 feet.~~
 - ~~5. For the purpose of this Section, second dwelling units connected to a primary dwelling unit by a breezeway shall comply with the standard for detached second dwelling units.~~~~
- ~~C. The maximum size of the second dwelling unit shall not exceed 30 percent of the gross habitable square footage of the primary residential dwelling or 1,200 gross habitable square feet, whichever is less; however, in either situation, the minimum size of the second dwelling unit shall not be less than 500 square feet.~~
- ~~D. There shall be a minimum of one vehicle parking space per second dwelling unit or one vehicle parking space per bedroom, whichever is greater. The required parking space for a second dwelling unit shall be in addition to the required parking for the existing primary residential dwelling, and shall be located on the same lot as the existing primary residential dwelling unit.~~
- ~~E. The architectural design of the second dwelling unit shall coordinate with the existing primary residential dwelling including compatible use of color, siding, stucco, wood, masonry, and roof material. The unit must be consistent with the design of other homes in the neighborhood.~~
- ~~F. The second dwelling unit shall not have separately metered water, sewer, gas, and electrical connections. These connections shall only be to the principal dwelling.~~
- ~~G. Only one second dwelling unit in conjunction with the primary residential dwelling is permitted on a single-family lot.~~
- ~~H. The second dwelling unit shall consist solely of additional living space. This Section does not permit the conversion of existing living space into a second dwelling unit.~~

~~(Amended during 3-07 supplement, as amended by § 2, Ord. 1126, eff. March 13, 2008)~~

SVMC 9-80.020 is amended as follows:

~~Accessory Dwelling(s). A dwelling unit accessory to a principal use on a site and intended for occupancy by person residing therein by reason of the employment of one or more occupants on the same site. An accessory dwelling may be attached or detached.~~

Accessory Dwelling Unit. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family 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.

Any structure that has all the elements of an Accessory Dwelling (i.e., efficiency kitchen/cooking facilities, sink, and bathroom per California Government Code 65852.2 must be considered to be an ADU.

Accessory Dwelling Unit, Junior. A dwelling unit that is no more than 500 square feet in size and contained entirely within an existing single-family dwelling's structure which provides complete independent living facilities for one or more persons. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure, must include one existing bedroom of the existing single-family dwelling, and have an internal connection to the existing single-family dwelling. [Any exterior door and stairs to the JADU must face away from public streets whenever possible.](#)

Efficiency Kitchen. Cooking facilities as defined in California Government Code Section 65852.22(6).

Living Area. The interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.

Passageway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

Property owner. The individual having a majority interest in the property in question. Property owned in joint tenancy shall be considered single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for any party named, unless shares are specified, in which case "ownership" requires a majority interest.

~~Second Dwelling Unit. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation~~

~~on the same parcel as the single-family dwelling is situated. A *second* unit also includes the following:~~

- ~~1. An efficiency unit, as described in Section 17958.1 of the Health and Safety Code.~~
- ~~2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.~~
- ~~3. "Living Area," means the interior habitable area of a dwelling unit including basements and attics but does include a garage or any accessory structure.~~
- ~~4. "Neighborhood," for purposes of Sections 9-44.150 and 9-44.160, has the same meaning as set forth in Government Code Section 65589.5.~~