

Attachment 2

## Proposed Zoning Code Text Amendments – Accessory Dwelling Units

I. Amend Section 20-36.040, Table 3-4, to read and provide as follows:

<b>TABLE 3-4—AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY LAND USE TYPE</b>		
Live/work and work/live units	2 spaces for each unit. The review authority may modify this requirement for the re-use of an existing structure with limited parking.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
Mixed-use projects	See Section 20-36.050.A (Shared parking for mixed uses).	
Mobile home parks	1.75 spaces for each unit, which may be in tandem, one of which must be covered. At least one-third of the total spaces required shall be distributed throughout the mobile home park and available for guest parking.	0.5 spaces per unit.
Multifamily affordable housing project	Studio/1 bedroom unit—1 space per unit.	1 space per 4 units if units do not have a private garage or private storage space for bike storage.
	2 or more bedrooms—2 spaces per unit.	
<u>Accessory</u> <del>Second</del> -dwelling units	1 space in addition to that required for <del>a the</del> <u>primary</u> single-family <u>dwelling</u> unit, <u>unless exempted by Section 20-42.130.E.9</u> ; the space may be uncovered, compact, or tandem, and <u>located</u> within the <del>front yard</del> setback, <u>unless the review authority determines that such parking is not feasible due to specific topographical or fire and life safety conditions, when located in the driveway. If not located in driveway, parking shall be located outside any setback (See Section 20-42.130).</u>	None required.
<u>Junior accessory dwelling unit</u>	<u>No off-street parking required. Parking required for the primary single family dwelling in accordance with this Table 3-4.</u>	

II. Amend Section 20-42.130, to read and provide as follows:

**20-42.130      ~~Residential-Accessory~~second dwelling units.**

~~Second-Accessory~~ dwelling units shall comply with the requirements of this Section, where allowed by Division 2 (Zoning Districts and Allowable Land Uses).

- A. Purpose. The provisions of this Section are intended ~~to comply with amendments made in 2002 to California Government Code Section 65852.2 which provides for cities~~ to set standards, in compliance with California Government Code Sections 65582.1, 65852.2, and 65852.22, for the development of ~~second-accessory~~ dwelling units so as to increase the supply of smaller and affordable housing while ensuring that ~~they~~ such housing remains compatible with the existing neighborhood. It is not the intent of this ordinance to override lawful use restrictions as set forth in Conditions, Covenants and Restrictions.
- B. ~~Location-General~~ requirements. ~~A second~~An accessory dwelling unit:
1. May be located on any residentially zoned lot that allows ~~single~~ single-family ~~or multifamily~~ dwellings and that ~~is either undeveloped or~~ contains only one ~~legal~~ single-family detached dwelling;
  - ~~2. Shall not be allowed where the review authority determines that roadways, public utilities or services are inadequate;~~
  - ~~3.2.~~ Is not subject to ~~required to meet~~ the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.
  - ~~4.3.~~ Shall not be allowed on, or adjacent to, real property that is listed in the California Register of Historic Places.
  4. Shall not be used for rentals with terms of less than 30 days.
  5. Shall not be sold separate from the primary residence.
- C. Permit requirements. An application for ~~a second~~an accessory dwelling unit that complies with all applicable requirements of this Section shall be approved ministerially ~~without a public hearing~~.
- D. Application and processing requirements.
1. Step One—Submittal. The application for ~~a second~~an accessory dwelling unit permit shall be submitted to the Department concurrent with an application for a ~~b~~Building ~~p~~Permit. In addition to the standard submittal requirements for a building permit, ~~the~~ an application for an ~~second-accessory~~ dwelling unit permit application shall include all of the following (except as noted below):
    - a. Plot plan. A plot plan, drawn to scale, showing the dimensions of the perimeter of the parcel proposed for the ~~second-accessory~~ dwelling unit; the location and dimensioned setbacks of all existing and proposed structures on the site and structures located within 50 feet of the site; all easements, building envelopes, and special requirements of the subdivision as shown on the Final Map and improvement plans, if any; and average slope calculations for the site.
    - b. Floor plan. A floor plan, drawn to scale, showing the dimensions of each room, and the resulting floor area. The use of each room shall be identified, and the size and location of all windows and doors shall be clearly shown.
    - c. Elevations. Architectural elevations of each side of the proposed structure showing all openings, exterior finishes, original and finish grades, stepped footing outline, and roof pitch.
    - d. Materials and color board. A materials and color board for the existing residence and the proposed second dwelling unit.
    - e. Cross sections. Building cross sections including structural wall elements, roof, foundation, fireplace and any other sections necessary to illustrate earth-to-wood clearances and floor to ceiling heights.

- f. Photographs. Color photographs of the site and adjacent properties, taken from each property line of the site, to show the project site and adjacent sites. Label each photograph and reference to a separate site plan indicating the location and direction of each photograph.

~~g. Deed restrictions. Deed restrictions completed as required, signed and ready for recordation, in compliance with Subsection F.~~

Applications for accessory dwelling units which do not modify a building's exterior are not required to submit c, d, or f above.

- 2. Step two—Issuance. The Department shall ~~issue a second~~ act on an accessory dwelling unit ~~Building P~~ permit within 120 days of submittal of a complete application if the proposed accessory dwelling unit submittal complies with all applicable standards in this Section.

### 3. Connection Fees.

- a. Except as provided in subsection (b), a separate new utility connection and payment of a connection fee or capacity charge pursuant to State law and City fee schedule will be required for any new accessory dwelling unit.
- b. No new or separate utility connection will be required for accessory dwelling units that are internal conversions of existing space within a single family residence or an accessory structure. Connection fees and capacity charges will be assessed pursuant to State law and City fee schedule.

- E. Development standards. ~~A second~~ An accessory dwelling unit permit shall be issued only if the unit complies with the following development standards:

#### 1. Setbacks.

- a. Residential district. ~~A second~~ An accessory dwelling unit shall comply with the setback requirements of the applicable residential zoning district for the primary dwelling, except as follows:

(1) A new detached single-story accessory dwelling unit in a single-family residential zone shall comply with accessory structure setbacks as described in Table 2-4.

(2) A new detached two-story accessory dwelling unit shall comply with setbacks for primary structure setbacks as described in Table 2-4.

(3) A new detached two-story accessory dwelling unit located in a residential small lot subdivision shall comply with the setback requirements of in compliance with Section 20-42.140.

(4) An accessory dwelling unit that is fully contained within the existing space of a single-family residence or accessory structure and has independent exterior access from the existing residence shall provide side and rear setbacks sufficient for fire safety, as determined by the Santa Rosa Fire Department.

~~(1)(5)~~ A detached accessory dwelling unit shall be located within 100 feet of the primary dwelling, but no closer to the primary dwelling than permitted by the ~~Uniform~~ California Building Code.

~~(2)(6)~~ No portion of an attached or detached ~~second~~ accessory dwelling unit shall be closer than 10 feet to a primary dwelling on an adjacent lot.

- b. PD District and Multifamily District. Within a PD district ~~in effect on or before October 4, 1985~~, and without setbacks specified in a Policy Statement or Development Plan, accessory dwelling units shall be subject to the following requirements.

(1) An attached accessory dwelling unit not contained within the existing space of a single-family dwelling or accessory structure shall be subject to the primary residential setbacks of the most similar standard zoning district.

- (2) A new one-story detached accessory dwelling unit shall observe a front setback of 20 feet, a rear setback of 5 feet, an interior side setback of 5 feet, and a corner side setback of 20 feet on parcels exceeding 1 acre in size, and 15 feet on all others.
- (3) ~~an attached or detached second~~ A new two-story detached accessory dwelling unit shall maintain a rear setback of 15 feet, an interior side yard setback of 5 feet for a one-story portion, and 10 feet for a two-story portion, and an exterior side yard setback of 15 feet.
- c. No setback shall be required for an existing legally constructed garage or accessory structure that is converted to an accessory dwelling unit. A setback of five feet from the side and rear property lines is required for an accessory dwelling unit constructed above an existing garage.
2. Maximum floor area.
- a. New ~~attached or detached~~ unit. No newly constructed ~~detached second~~ accessory dwelling unit may have more than one bedroom, nor contain habitable space in excess of 700-1,200 square feet.
- b. New attached unit. No newly constructed attached accessory dwelling unit may contain habitable space in excess of 100% of the existing residential square footage or 1,200 square feet, whichever is less.
- c. Internal conversion. ~~A second~~ An accessory dwelling unit created entirely by the internal conversion of an existing single family dwelling or accessory structure shall have no more than one bedroom, and shall not occupy more than 45 percent of the existing habitable space of the building, excluding the garage, nor shall it exceed 1,200 square feet.
3. Height limit. ~~A second~~ A one-story accessory dwelling unit shall not exceed 16 feet. A two-story accessory dwelling unit shall not exceed two stories, or a maximum height of 27 feet.
4. Lot coverage. ~~A second~~ An accessory dwelling unit shall comply with the lot coverage requirements of the applicable zoning district.
5. Architectural compatibility. An accessory ~~A second~~ dwelling unit shall incorporate the same or substantially similar architectural features, building materials and colors as the main dwelling unit or compatible dwellings located on adjacent properties.
6. Privacy. A balcony, window or door of a second story accessory ~~second~~ dwelling unit shall be designed to lessen privacy impacts to adjacent properties. Appropriate design techniques may include obscured glazing, window placement above eye level, screening treatments, or locating balconies, windows and doors toward the existing on-site residence.
- ~~7. Permanent foundation. All second dwelling units shall have a permanent foundation.~~
- ~~8. Existing development. A single-family dwelling must already exist on the lot or shall be constructed on the lot in conjunction with the construction of the accessory ~~second~~ dwelling unit.~~
- ~~9. Number per lot. A maximum of one accessory ~~second~~ dwelling unit shall be permitted on any lot.~~
- ~~10. Occupancy. The property shall be the primary residence of the property owner. The owner may occupy either the main dwelling unit or second dwelling unit as his or her principal residence. If the property is not the primary residence of the property owner, then only one of the two dwellings may be occupied by a tenant.~~
9. Parking. One off-street parking space is required for an accessory dwelling unit, except as set forth below. The off-street parking shall be permitted uncovered, compact, tandem and in setback areas, unless the review authority determines that such parking is not feasible due to specific site topographical or fire and life safety conditions. No off-street parking shall be required if one or more of the following circumstances exist:
- a. The accessory dwelling unit is located within one-half mile of public transit.

b. The accessory dwelling unit is located within a historic preservation district.

c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

d. When on-street parking permits are required but not offered to the occupant of an accessory dwelling unit.

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

To qualify for an exception, the applicant must provide supporting evidence, such as a map illustrating the location of the accessory dwelling unit and its proximity to a public transit stop or car share vehicle or its location within a historic preservation district, or proof of local parking permit requirements.

If a garage, carport, or covered parking is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement spaces may be provided in any configuration on the lot, including as uncovered, compact, tandem parking and within a setback area.

10. Standards for Hillside areas.

a. Applicability. The development standards outlined below shall apply to proposed accessory dwelling unit development on that portion of a site with a slope of 10% or greater.

b. Development Standards. The proposed structure shall observe 15-foot setbacks from side and rear property lines. When a building site abuts another parcel with a difference in vertical elevation of three feet or more, the required side and/or rear yard shall be measured from the nearest toe or top of slope to the structure, whichever is closer.

11. Standards for Historic Preservation Districts.

a. Applicability. The requirements outlined below shall apply to proposed new accessory dwelling units within the Historic (-H) Combining District.

b. Development Standards.

(1) Through photographs, color and material boards, architectural elevations, and other means, the applicant must reasonably demonstrate the consistency of the proposed design of accessory dwelling unit's colors, textures, materials, fenestration, decorative features and details, with that of the time period of the residence's construction and/or adjacent historic structures.

(2) For properties that are identified as a contributor to the District, through the preparation of a report by an architectural historian, the applicant shall reasonably demonstrate that the proposed change will not negatively impact historic resources on the property, and will be consistent with Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as applicable.

~~F. Deed restrictions. Before obtaining a second dwelling unit building permit, the property owner shall file with the County Recorder a declaration or agreement of restrictions, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:~~

~~1. The second dwelling unit shall not be sold separately;~~

~~2. The second dwelling unit is restricted to the maximum size allowed per the development standards in Subsection E;~~

~~3. The second dwelling unit shall be considered legal only so long as either the primary residence or the second dwelling unit is occupied by the owner of record of the property. If the property is not the primary residence of the property owner, then only one of the two dwellings may be occupied by a tenant; and~~

- ~~4. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall void the approval of the unit and may result in legal action against the property owner.~~

~~The developer of a subdivision that includes second dwelling units shall record a declaration of owner occupancy prior to the recordation of the Final Map or Parcel Map. Each lot with a second dwelling unit shall remain unoccupied until the property transfers ownership, allowing for compliance with the recorded owner occupancy restriction.~~

F. Junior Accessory Unit. The following provisions are intended to set standards, in compliance with California Government Code Section 65852.22, for the development of junior accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhood. It is not the intent of this ordinance to override lawful use restrictions as set forth in Conditions, Covenants and Restrictions.

1. General requirements. A junior accessory dwelling unit:

- a. May be located on any residentially zoned lot that allows single family or multifamily dwellings and that contains only one single-family detached dwelling. Only one junior accessory dwelling unit shall be permitted per parcel;
- b. Is not subject to the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.
- c. Shall not be used for rentals with terms of less than 30 days.

2. Permit requirements. An application for a junior accessory dwelling unit that complies with all applicable requirements of this Section shall be approved ministerially.

3. Application and processing requirements.

- a. Step One—Submittal. The application for a junior accessory dwelling unit building permit shall be submitted to the Department concurrent with an application for a building permit. In addition to the standard submittal requirements for a building permit, an application for a junior accessory dwelling unit permit shall include all of the following:

(1) Plot plan. A plot plan, drawn to scale, showing the dimensions of the perimeter of the parcel proposed for the junior accessory dwelling unit; the location and dimensioned setbacks of all existing and proposed structures on the site and structures located within 50 feet of the site; all easements, building envelopes, and special requirements of the subdivision as shown on the Final Map and improvement plans, if any; and average slope calculations for the site.

(2) Floor plan. A floor plan, drawn to scale, showing the dimensions of each room, the area devoted to the junior accessory dwelling unit, and the resulting floor area of the junior accessory dwelling unit and the primary residence. The use of each room shall be identified, and the size and location of all windows and doors shall be clearly shown. The plan shall identify whether separate or shared sanitation facilities are proposed.c.

(3) Deed Restrictions. Deed restrictions completed, signed and ready for recordation.

- b. Step two—Issuance. The Department shall issue a junior accessory dwelling unit permit within 120 days of submittal of a complete application if the proposed junior accessory dwelling unit complies with all applicable standards in this Section.

c. Connection Fees.

(1) No new or separate utility connection and no connection fee for water sewer, or power is required for a junior accessory dwelling unit.

4. Development standards. A junior accessory dwelling unit permit shall be issued only if the unit complies with the following development standards:

- a. Maximum floor area. The junior accessory dwelling unit shall not exceed 500 square feet in area.
  - b. Existing development. The junior accessory dwelling unit shall be contained entirely within the existing walls of an existing single-family dwelling and shall utilize one of the existing bedrooms.
  - c. Kitchen. The junior accessory dwelling unit must contain an efficiency kitchen with the minimum criteria:
    - (1) A sink with a maximum waste line diameter of 1.5 inches.
    - (2) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.
    - (3) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
  - d. Sanitation. Bathroom facilities may be separate from or shared with the single family dwelling.
  - e. Entrance. The junior accessory dwelling unit shall include an exterior entrance separate from the main entrance to the single family dwelling, and an interior entry into the main living area. The junior accessory dwelling unit may include a second interior doorway for sound attenuation.
  - f. Parking. Off-street parking shall not be required for junior accessory dwelling units that meet the development standards.
5. Deed restrictions. Prior to occupancy of a junior accessory dwelling unit , the property owner shall file with the County Recorder a deed restriction containing a reference to the deed under which the property was acquired by the owner and stating that:
- a. The junior accessory dwelling unit shall not be sold separately from the single family residence;
  - b. The junior accessory dwelling unit shall not exceed 500 square feet and shall comply with the development standards in Subsection F;
  - c. The junior accessory dwelling unit shall be considered legal only so long as either the primary residence or the junior accessory dwelling unit is occupied by the owner of record of the property. Such owner-occupancy, however, shall not be required if the property owner is a governmental agency, land trust or non-profit housing organization; and
  - d. The restrictions shall run with the land and be binding upon any successor in ownership of the property. Lack of compliance shall void the approval of the junior accessory dwelling unit and may result in legal action against the property owner.

The developer of a subdivision that includes junior accessory dwelling units shall record the deed restrictions required by this Subsection prior to the recordation of the Final Map or Parcel Map. Each lot with a junior accessory dwelling unit shall remain unoccupied until the property transfers ownership, allowing for compliance with the recorded owner-occupancy restriction.

III. Amend Section 20-70.020, to add and delete the following text:

**Accessory Dwelling Unit.** An attached or detached dwelling unit that provides complete independent living facilities on the same parcel as a legal single family residence, including permanent provisions for living, sleeping, eating, cooking and sanitation. An accessory dwelling unit may be located within the living space of an existing primary single-family residence, may be an efficiency dwelling as defined in Section 17958.1 of the California Health and Safety Code, and may be a manufactured home, as defined in Section 18007 of the California Health and Safety Code. Accessory dwelling units are not accessory uses as defined in this Section.

J. **Definitions, “J.”** ~~No specialized terms beginning with the letter “J” are defined at this time.~~

**Junior Accessory Dwelling Unit.** A unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure, and utilizing an existing bedroom, and containing an efficiency kitchen. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

~~**Second Dwelling Unit.** A residential dwelling unit that provides complete independent living facilities on the same parcel as a legal single family residence, including permanent provisions for living, sleeping, eating, cooking and sanitation. A second dwelling unit also includes efficiency units and manufactured homes. Second dwelling units are not accessory uses as defined in this Section.~~