

## Attachment 1 Redline Zoning Code Amendments

### Chapter 20-12 INTERPRETATION OF ZONING CODE PROVISIONS

#### Section 20-12.020 Rules of interpretation.

- D. Conflicting requirements. Any conflicts between different requirements of this Zoning Code, or between this Zoning Code and other regulations, shall be resolved as follows.
1. Zoning Code provisions. In the event of any conflict between the provisions of this Zoning Code, the most restrictive requirement shall control, except in case of any conflict between the zoning district regulations of Division 2 (Zoning Districts and Allowable Land Uses) and the provisions of Division 3 (Site Planning and General Development Standards), the provisions of Division 3 shall control. The provisions of Division 4 (Standards for Specific Land Uses) shall control over any conflicting provisions in Divisions 2 and 3.
  2. Development Agreements, the General Plan or Specific Plans. In the event of any conflict between the requirements of this Zoning Code and standards adopted as part of any Development Agreement, the General Plan or a Specific Plan, the requirements of the Development Agreement, the General Plan, or a Specific Plan shall control.
  3. City Code provisions. In the event of any conflict between requirements of this Zoning Code and other regulations of the City, the Zoning Administrator shall determine which provision shall control.
  4. Private agreements. It is not intended that the requirements of this Zoning Code shall interfere with, repeal, abrogate or annul any easement, covenant, or other agreement that existed when this Zoning Code became effective. This Zoning Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than an applicable private agreement or restriction, without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

### CHAPTER 20-31 DENSITY BONUS AND OTHER DEVELOPER INCENTIVES

#### § 20-31.010. Purpose.

This chapter is intended to provide incentives for the production of Affordable Housing, Specialized Housing, Senior Housing and the development of Child Care Facilities. In enacting this chapter, it is the intent of the City of Santa Rosa to implement the goals, objectives, and policies of the General Plan and applicable specific plans, implement the Santa Rosa Housing Action Plan to address housing needs in the community, and ensure consistency between local regulations and California Government Code Section 65915 (State Density Bonus Law).

State Density Bonus law shall apply city-wide to eligible projects as defined in this chapter and in State law. In addition, a Supplemental Density Bonus is available for eligible projects located within the North Station Specific Plan and Downtown Station Specific Plan as outlined in this chapter.

In the event that any provision in this chapter conflicts with State law, State law shall control.

### **§ 20-31.020. Definitions.**

The following terms used in this chapter shall be defined as follows:

**Affordable Housing.** A housing unit which is available for rent or sale to households with income levels at the extremely low-, very low-, low-, or moderate-income level as those terms are defined in this Section.

**Affordable Housing (100% affordable).** One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.

**Affordable Rent.** Monthly rent charged to extremely low-, very low-, low-, and moderate- income households for housing units as calculated in accordance with Section 50053.b of the California Health and Safety Code.

**Base Project.** The number of housing units included in the Housing Development prior to the inclusion of any units granted through a Density Bonus.

**Bedroom.** A habitable space within a dwelling unit in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. A bedroom shall include two methods of ingress and egress, and be a minimum of 70 square feet, with no linear dimension smaller than 7 feet.

**Child Care Facility.** A facility that provides non-medical care and supervision of minor children for periods of less than 24 hours and is licensed by the California State Department of Social Services, further subject to the definition in California Government Code Section 65915(h)(4).

**Common Interest Development.** Defined in California Civil Code Section 4100 to mean: (a) a community apartment project; (b) a condominium project; (c) a planned development; or (d) a stock cooperative.

**Density Bonus Housing Agreement.** A legally binding agreement between an Applicant and the Housing Authority of the City of Santa Rosa (Housing Authority) to ensure that continued affordability of the affordable housing units required by this Chapter persists and the units are maintained in accordance with this Chapter.

**Density Bonus Units.** Those additional residential units granted pursuant to the provisions of this chapter.

**Density Bonus.** See Division 7 (Glossary)

**Development Costs.** "Development costs" means the aggregate of all costs incurred in connection

with a Housing Development which are approved by the City as reasonable and necessary, including, but not limited to, those costs listed in California Health and Safety Code Section 50065.

**Development Standard.** A site or construction condition, including, but not limited to, minimum lot area per unit requirement, height limits, required setbacks, maximum floor area ratio, onsite open-space requirement, or required parking that applies to a residential development pursuant to any ordinance, General Plan, Specific Plan, charter, or other local condition, law, policy, resolution, or regulation.

**Downtown Station Area Specific Plan.** See Zoning Ordinance Section 20-28.060 (Downtown Station Area (-DSA) combining district).

**Eligibility Points.** The number of Eligibility Points that is calculated pursuant to Section 20-31.070 (Supplemental Density Bonus) must be earned by an applicant for a Housing Development to establish eligibility for a Supplemental Density Bonus. Eligibility Points are earned through the provision of affordable housing units, or through the provision of affordable housing together with approved community benefits as provided in this chapter.

**Equivalent Size.** Equivalent size for the purposes of enforcing affordable housing replacement unit provisions outlined in this chapter shall mean that replacement units must contain at least the same total number of bedrooms as the units being replaced.

**Family-Size Units.** A dwelling unit with three or more bedrooms. Housing Authority of the City of Santa Rosa An appointed body of the City authorized to engage in or assist in the development or operation of affordable housing.

**Housing Development.** A development project of five or more residential units, including mixed-use developments. For the purposes of this chapter, "Housing Development" also includes projects defined in California Government Code Section 65915(i), including a subdivision or Common Interest Development, as defined in Section 4100 of the California Civil Code, approved by a City and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of California Government Code Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.

**Incentives or Concessions.** Regulatory Incentives or Concessions which include, but are not limited to, the reduction of site development standards or Zoning Code requirements, approval of mixed-use zoning in conjunction with the Housing Development, or any other regulatory Incentives or Concessions proposed by the Applicant or the City that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for affordable rents as outlined in this Chapter.

**Income (Household), Extremely Low.** A household whose gross income does not exceed 30 percent of the area median income for the Santa Rosa Metropolitan Area, adjusted for family size, as published and periodically updated by the U.S. Department of Housing and Urban Development and the State Department of Housing and Community Development, pursuant to Section 50079.5 of the California Health and Safety Code.

**Income (Household), Low.** A household whose gross income does not exceed 80 percent of the area median income for the Santa Rosa Metropolitan Area, adjusted for family size, as published and periodically updated by the U.S. Department of Housing and Urban Development and the

State Department of Housing and Community Development, pursuant to Section 50079.5 of the California Health and Safety Code.

**Income (Household), Lower.** A household whose gross income falls under the categories of extremely low-, very low-, or low-income as those terms are defined in this Section.

**Income (Household), Moderate.** A household whose gross income does not exceed 120 percent of the area median income for the Santa Rosa Metropolitan Area, adjusted for family size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Sections 50079.5 and 50052.5 of the California Health and Safety Code.

**Income (Household), Very Low.** A household whose gross income does not exceed 50 percent of the area median income for the Santa Rosa Metropolitan Area, adjusted for family size, as published and periodically updated by U.S. Department of Housing and Urban Development and the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

**Initial Subsidy.** The fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. (e.g., X (fair market value of the home to be purchased) Y (the price the moderate-income family paid for the home) + Z (amount of any down payment assistance) = Initial Subsidy).

**Located within one-half mile of a Major Transit Stop.** Means that any point on a proposed development, for which an applicant seeks a Density Bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this chapter, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating a major transit stop. A different definition of "located within one-half mile of a major transit stop," found in Section 20-70.020, may apply if the project falls under certain provisions of Section 65915, subdivision (p), paragraph (2) of the Government Code pertaining to moderate income projects.

**Lower Income Student.** Students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student for this income level shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution(s) of higher education involved in the proposed Density Bonus Housing Development, or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government.

**Major Transit Stop.** Defined in Section 20-70.020. However, for the purposes of this chapter, a major transit stop also includes major transit stops that are included in the applicable regional transportation plan. See above definition of "located within one-half mile of a major transit stop."

**Maximum Allowable Density.** The maximum number of dwelling units per acre as allowed under the General Plan Land Use Designation under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the maximum number of units allowed by the specific zoning range, specific plan or land use element of the general plan applicable to the project. If the density allowed under the General Plan Land Use Designation or

~~Specific Plan is inconsistent with the Zoning Code, the greater shall prevail.~~ Where a Housing Development is permitted in a Land Use Designation that does not provide a residential density allowance, the bonus shall be calculated in reference to the residential density allowance designated in the Zoning Code. For a Housing Development located in a General Plan Land Use Designation and Zoning District without a defined residential density limit, the Maximum Allowed Density shall be imputed by the Housing Development plan, submitted by the Applicant and subject to approval by the Director, which demonstrates the maximum number of dwelling units, without the inclusion of Density Bonus Units or associated Incentives, Concessions, waivers, and reductions, that can be developed on the site in substantial conformance with General Plan policies, and applicable Development Standards and Design Guidelines.

**North Santa Rosa Station Area Specific Plan.** See Zoning Ordinance Section 20-28.070 (North Station Area (-SA) combining district).

**Proportionate Share of Appreciation.** The ratio of the local government's initial subsidy as defined above to the fair market value of the home at the time of initial sale. (e.g., X (initial subsidy) ÷ Y (fair market value) = Proportionate Share of Appreciation).

**Qualified Nonprofit Housing Corporation.** For purposes of this section, a qualified nonprofit housing corporation means a nonprofit corporation that meets all of the following requirements:

(1) The nonprofit corporation has a determination letter from the Internal Revenue Service affirming its tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code and is not a private foundation as that term is defined in Section 509 of the Internal review Code.

(2) The nonprofit corporation is based in California.

(3) All of the board members of the nonprofit have their primary residence in California.

(4) The primary activity of the nonprofit corporation is the development and preservation of affordable home ownership housing in California.

**Replacement Unit.** Housing units that are constructed to replace rental dwelling units that are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower-income; subject to any other form of rent or price control through a valid exercise of police power; or occupied by lower-income households. Replacement unit requirements also apply to dwelling units subject to these affordability restrictions that have been vacated or demolished in the five-year period preceding the application. Units subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-income do not require replacement units to be eligible for a Density Bonus.

**Residential Density.** Notwithstanding Section 20-12.020.C (Calculations), the residential density associated with a Housing Development is the ratio of the number of dwelling units on a lot to the gross lot area in acres, rounded up to the nearest whole number.

**School Facility.** A school facility as used in this chapter includes public institutions operated by local, state, and federal governments; chartered schools; magnet schools; private schools; parochial or religious schools. School facilities associated with virtual or online schools; after-school learning and tutoring centers or similar facilities; and private home schools are not considered school facilities for the purposes of this chapter.

**Senior Citizen Housing Development.** A residential development restricted for senior citizen residents developed, substantially rehabilitated, or renovated, that has at least 35 dwelling units in compliance with the requirements of Section 51.3 and 51.12 of the California Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code.

**Shared Housing Building.** A residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. A "shared housing building" may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units. A shared housing building may include incidental commercial uses, provided that those commercial uses are otherwise allowable and are located only on the ground floor or level of the shared housing building closest to the street or sidewalk of the shared housing building.

**Shared Housing Unit.** One or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that means the "minimum room area" specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations) and complies with the definition of "guestroom" in Section R202 of the California Residential Code.

**Significant, Adverse Impact.** A significant, quantifiable, direct, and unavoidable impact to public health and safety, or the physical environment, or on any real property that is listed or eligible for listing, in the California Register of Historical Resources, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to lower-income and moderate-income households. Inconsistency with the Zoning Ordinance or General Plan Land Use Designation shall not constitute a specific, adverse impact upon the public health or safety. In Santa Rosa, specific, adverse impacts include, but are not limited to:

- Development within a Preservation District wherein a proposed development Concession or Incentive would irreparably alter a historic resource, either individual or a district, in a manner that is inconsistent with the *Secretary of The Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*.
- Development on land which does not currently have adequate water or wastewater facilities to service the development, or the provision of such services is infeasible at the level of residential density proposed in the development.

**Specialized Housing.** A Housing Development for transitional foster youth, as defined in Section 66025.9 of the California Education Code, disabled veterans, as defined in Section 18541 of the Government Code, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

**Total Units or Total Dwelling Units.** A calculation of the number of units\* that:

- 1 Excludes a unit added by a Density Bonus awarded pursuant to this section or any local law granting a Density Bonus, and
- 2 Includes a unit designated to satisfy an inclusionary zoning requirement.

\*For purposes of calculating a Density Bonus for a shared housing building a "unit" includes one shared housing unit and its pro rata share of associated common area facilities.

**Unobstructed Access.** Unobstructed access means a resident of a Housing Development has pedestrian access to a Major Transit Stop or a fixed bus route without encountering natural or constructed impediments including freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

(Ord. 2019-002 § 1; Ord. 2021-014 §§ 4–10; Ord. 2023-006, 6/6/2023)

#### **§ 20-31.040. Processing of Density Bonus application.**

- A. Concurrent processing. Once deemed complete, the Density Bonus application shall be processed, and determinations made concurrent with the planning entitlement(s) for the Housing Development.
- B. Applicants are entitled to accept a lesser percentage of Density Bonus, including, but not limited to, no increase in density than they are otherwise eligible to receive pursuant to this chapter and California Government Code Section 65915. The amount of density increase, if any, that is accepted by the applicant shall not reduce or otherwise impact eligibility for requested Incentives and Concessions, waivers or reductions associated with an eligible project.
- C. Review authority. A request for a Density Bonus will be reviewed by the ~~Zoning Administrator~~ **Director**, or the same review authority as the Housing Development's other entitlements, if applicable. The reviewing authority shall not grant the Density Bonus and requested Incentive(s) or Concession(s) unless the findings in Section 20-31.090.B (Available Incentives and Concessions) are made.
- D. Priority processing. A Housing Development including at least 20 percent of total units affordable to lower income households, with the affordability maintained through an agreement with the Housing Authority or another governmental agency, shall be entitled to priority processing. Priority processing shall mean a timeline for review of the Housing Development and all associated applications as mutually agreed to by the City and the Applicant.
- E. Application for Density Bonus Housing Agreement. Once the proposed Housing Development has received its approval for a State or Supplemental Density Bonus, as described above, the Applicant shall file an application, including the payment of any processing fees with the Housing Authority, for approval and finalization of the Density Bonus Housing Agreement in compliance with the requirements set forth in Section 20-31.100 (General Provisions for Density Bonuses and Incentives or Concessions).  
(Ord. 2019-002 § 1; Ord. 2023-006, 6/6/2023)

#### **§ 20-31.050. Eligibility criteria for Density Bonus.**

- A. The City shall consider a Density Bonus and provide Incentives or Concessions, as described in Section 20-31.090 (Available Incentives and Concessions), when an Applicant for a



Housing Development seeks and agrees to construct a Housing Development that will contain at least one of the following.

1. Low-income projects. Ten percent of the total units of a Housing Development, including a shared housing building development, strictly for low-income households as defined herein;
2. Very low-income projects. Five percent of the total units of a Housing Development, including a shared housing building development, strictly for very low-income households as defined herein.
3. Senior housing projects. A Senior Citizen Housing Development, as defined herein. For purposes of this paragraph, "development" includes a shared housing building development.
4. For-sale projects. Ten percent of the total dwelling units in a Common Interest Development for persons and families of moderate-income households as defined herein, provided that all units in the development are offered to the public for purchase.
5. Specialized housing projects. Ten percent of the total units of a Housing Development for Specialized Housing, as defined in Section 20-31.020. The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low-income units.
6. Commercial projects. When an applicant of an approved commercial project has entered into an agreement for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the City shall grant to the Applicant development intensity bonuses relative the maximum allowances defined in the General Plan, or Zoning Ordinance if the General Plan does not provide a maximum allowance, as prescribed in California Government Code Section 65915.7 that may include:
  - a. Up to a 20 percent increase in maximum allowable intensity in the General Plan.
  - b. Up to a 20 percent increase in maximum allowable floor area ratio.
  - c. Up to a 20 percent increase in maximum height requirements.
  - d. Up to a 20 percent reduction in minimum parking requirements.
  - e. Use of a limited-use elevator for upper floor accessibility.
  - f. An exception to a Zoning Code or other land use regulation.
7. Redevelopment of existing dwelling units. A Housing Development shall be ineligible for a Density Bonus, and any associated Incentives or Concessions, if the Housing Development involves the redevelopment of existing dwelling units, or dwelling units that have been vacated or demolished in the five-year period preceding the application, that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to lower-income households or that have been occupied by lower or very low income households, unless the project provides replacement units, and either of the following applies:
  - a. The proposed Housing Development, inclusive of the replacement units, contains



Affordable Housing units at the percentages required to establish eligibility for a Density Bonus as set forth in Section 20-31.040 (Processing Density Bonus Application); or

- b. Each unit in the Housing Development, exclusive of a manager's unit or units, is affordable to, and occupied by a lower-income household.
8. Student housing development. A student housing development that sets aside 20 percent of the total units for lower income students, subject to the following requirements:
- a. All units in the Student Housing Development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the Applicant for the Housing Development shall, as a condition of receiving a Certificate of Occupancy, provide evidence to the City that the Applicant has entered into an Operating Agreement or Master Lease with one or more institutions of higher education for the institution(s) to occupy all units of the Student Housing Development with students from that institution(s). An Operating Agreement or Master Lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in the institution(s) to fill all units in the Student Housing Development.
  - b. The applicable 20-percent of units in the Housing Development will be used for Lower Income Students.
  - c. The applicable 20-percent of units shall be subject to a recorded affordability restriction of 55 years.
  - d. The rent provided in the applicable units for Lower Income Students shall be calculated at 30 percent of 65 percent of the Area Median Income for a single-room occupancy unit type.
  - e. The Housing Development will provide priority for the applicable affordable units for Lower Income Students experiencing homelessness. A Homeless Service Provider, as defined in paragraph (3) of subdivision (d) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless.
  - f. For purposes of calculating a Density Bonus granted pursuant to this subparagraph, the term "unit" as used in this section means one rental bed and its pro rata share of associated common area facilities.
9. One Hundred Percent Lower- and Moderate-Income Projects. One hundred percent of all units in the development, including total units and Density Bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined herein, except that up to 20 percent of the units in the development, including total units and Density Bonus units, may be for moderate-income households, as defined herein. For purposes of this subparagraph, "development" includes a shared housing building development.
- B. Rental projects and replacement units. If the proposed development is rental units, the replacement units shall be subject to the provisions of California Government Code Section 65915(c):

1. Fractional units. All replacement calculations resulting in fractional units or number shall be rounded up to the next whole number.
  2. Rental affordability term. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction of at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to Section 20-31.110 (Density Bonus Agreement and Terms).
- C. For-sale projects and replacement units. If the Housing Development is for-sale units, the units replaced shall be subject to all the following:
1. The initial occupant of all for-sale units that qualified the applicant for the award of the Density Bonus shall be persons and families of very low, low, or moderate income, as defined herein for density bonus eligibility.
  2. The units are offered at an affordable housing cost at the appropriate income level as defined in Section 20-31.020 (Definitions).
  3. The applicant and City shall establish an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law or may defer to the recapture provisions of the public funding source as outlined in Section 20-31.110 (Density Bonus Agreement and Terms).
- D. Subsections B, C, and D do not apply to an applicant seeking a density bonus for a proposed Housing Development if its application was submitted or processed before January 1, 2015.
- E. When an applicant proposes to construct a housing development that conforms to the requirements of paragraph 1 or 2 of subsection A of this section that is a shared housing building, the City shall not require any minimum unit size requirements or minimum bedroom requirements that are in conflict with permissible Shared Housing Buildings and Shared Housing Units, as defined in this chapter.
- (Ord. 2019-002 § 1; Ord. 2021-014 §§ 15–18; Ord. 2023-006, 6/6/2023)

**§ 20-31.060. State Density Bonus.**

The City will allow a Housing Development a 50 percent maximum Density Bonus and Concessions or Incentives meeting all the applicable eligibility requirements of this chapter. In the event that the minimum requirements for granting a Density Bonus or the number of applicable Concessions or Incentives as set forth in California Government Code Section 65915 are amended after the adoption of this chapter by the City, then the lowest minimum requirements shall apply. For projects that meet maximum allowances of density bonus units (50%), additional bonus units (up to 50%) may be permitted up to 100% density bonus, as described in Section 20-31.060 (H) below.

- A. Very low-income households. If an Applicant elects to construct units for very low-income households, including Specialized Housing as defined in Section 20-31.050(A)(5) (Eligibility Criteria for Density Bonus), the development shall be entitled to the Density Bonus corresponding to the very low-income unit set aside percentage listed in Table 3.1 Density Bonus.
- B. Density Bonus for low-income households. If an Applicant elects to construct units for low-income households, the Housing Development shall be entitled to the Density Bonus corresponding to the low-income unit set aside percentage listed in Table 3.1 Density Bonus.

- C. Moderate-income units in a Common Interest Development. If an Applicant elects to construct units for moderate income households, the development shall be entitled to the Density Bonus corresponding to the moderate-income unit set aside percentage listed in Table 3.1 Density Bonus.
- D. Senior housing. If an Applicant elects to construct a Senior Citizen Housing Development, the Density Bonus shall be 20 percent of the total number of allowed housing units without the Density Bonus.
- E. Density Bonus for land donation. When an applicant for a Housing Development donates at least one acre of land or enough land to develop 40 dwelling units, then the applicant shall be entitled to a Density Bonus on the entire Housing Development site as follows:
  - 1. Nothing in this subsection shall be construed to enlarge or diminish the authority of the City to require an Applicant to donate land as a condition of development.
  - 2. The Density Bonus for land dedication shall be in addition to any Density Bonus earned pursuant to this section up to a maximum combined increase of 50 percent.
  - 3. An applicant with a land donation shall be eligible for the Density Bonus if all the following conditions are met:
    - a. The applicant donates and transfers the land to the City no later than the date of approval by the City of the planning entitlement application for the proposed Housing Development seeking the Density Bonus.
    - b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed Housing Development seeking the Density Bonus. The minimum unit size for the units to be accommodated on the donated land shall be consistent with the minimum required for an efficiency unit as defined in California Health and Safety Code Section 17958.1.
    - c. The land proposed to be donated to the City:
      - (1) Has the appropriate General Plan Land Use Designation and is appropriately zoned for development at the density described in paragraph (3) of subsection (c) of California Government Code Section 65583.2; and
      - (2) Is or will be served by adequate public facilities and infrastructures; and
      - (3) Is donated no later than the date of approval of the final subdivision map, parcel map or Housing Development application seeking a Density Bonus and has all the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land; and
      - (4) Is transferred to the City or an Applicant for a Housing Development approved by the City; and
      - (5) Shall be within the boundary of the proposed development or within one-quarter mile of the boundary of the proposed development; and

- (6) Must have a proposed source of funding for the very low-income units prior to the approval of the final subdivision map, parcel map or Housing Development application seeking the Density Bonus.
  - d. The transferred land and the affordable housing units shall be subject to a deed restriction, which shall be recorded on the property upon dedication, ensuring continued affordability of units for at least 55 years from the date of occupancy.
  - e. The Density Bonus available for land donation to an eligible project shall correspond to the very low-income unit set aside percentage listed in Table 3.1 Density Bonus.
- F. Condominium conversions. Density Bonus for condominium conversion, shall be considered and approved in accordance with Section 65915.5 of the California Government Code for specifications.
- G. Student housing. For Housing Development that meets the Student Housing eligibility criteria in Section 20-31.050.A.8 and sets aside at least 20 percent of the units for lower income students, the Density Bonus shall be 35 percent in accordance with Table 3.1 Density Bonus.



## H. Additional Density Bonus

This subsection outlines the eligibility requirements for an additional State Density Bonus. An eligible project may qualify for an additional State Density Bonus of up to, but not greater than 100 percent above the maximum residential density permitted in the applicable Land Use Designation pursuant to the provisions in this section.

1. The project must propose to construct sufficient very low-income, low-income, or moderate-income units to achieve a 50% base density bonus. The very low and low-income units can either be for-sale or rental units.
2. After committing to the required minimum base bonus, the applicant can commit to constructing additional very-low income or moderate-income units as part of the project and receive an additional density bonus at specified percentages. These additional very low-income or moderate-income units may be offered as for sale or rental units.

<i>Table 3-2 Additional Density Bonus for Very Low Income Units</i>	
<i>% (Additional) Very Low-Income Units</i>	<i>Percentage (Additional) Density Bonus</i>
5%	20%
6%	23.75%
7%	27.5%
8%	31.25%
9%	35%
10%	38.75%

<i>Table 3-3 Additional Density Bonus for Moderate Income Units</i>	
5%	20%
6%	22.5%
7%	25%
8%	27.5%
9%	30%
10%	32.5%
11%	35%
12%	38.75%
13%	42.5%
14%	46.25%
15%	50%

### § 20-31.070. Supplemental Local Density Bonus.

This section outlines the eligibility requirements for Supplemental Density Bonuses in excess of the State Density Bonus (i.e., California Government Code Section 65915). An eligible project may qualify for a Supplemental Density Bonus of up to, but not greater than, 100 percent above the maximum residential density permitted in the applicable Land Use Designation pursuant to the

provisions in this section.

- A. Relationship to State Density Bonus. Affordable housing provided to establish eligibility for a Supplemental Density Bonus shall be calculated on the "Base Project," not including State Density Bonus Units granted pursuant to this chapter and California Government Code Section 65915. The affordable housing units used to generate Eligibility Points toward a supplemental bonus shall be in addition to affordable housing provided to establish eligibility for a State Density Bonus.
- B. Eligible locations. A project that receives the maximum State Density Bonus is eligible for a Supplemental Density Bonus above the maximum State Density Bonus if it is:
  - 1. Located within the Downtown Station Area Specific Plan or North Santa Rosa Station Area Specific Plan; and
  - 2. The project site is designated one of the following General Plan Land Use Designations:
    - a. Medium-Low Density Residential (see note below)
    - b. Medium Residential (see note below)
    - c. Medium-High Residential (see note below)
    - d. Retail/Medium Residential (see note below)
    - e. Office (see note below)
    - f. Office/Medium residential (see note below)
    - g. Business Park (see note below)
    - h. Light Industrial/Medium Residential (see note below)
    - i. Transit Village Medium
    - j. Transit Village Mixed Use
    - k. Retail & Business Services

Note: Housing Projects on sites with these Land Use Designations are not eligible for a supplemental bonus if the site is inside a Historic Preservation District. This restriction does not apply to the Transit Village Medium, Transit Village Mixed Use, and Retail & Business Services Land Use Designations.

- C. Supplemental Bonus Amount. Table 3.2 lists the maximum Supplemental Density Bonus available to an eligible project in the applicable Land Use Designations, depending on the proximity of the property to a Major Transit Stop or School Facility, or if the property is a designated General Plan Housing Opportunity Site.



## Chapter 20-36 PARKING AND LOADING STANDARDS

### Section 20-36.050 Adjustments to parking requirements

C. Shared underutilized parking. Underutilized parking for any land use may be shared through a shared parking agreement in accordance with California Government Code Section 65863.1. A shared parking agreement shall be allowed through a Minor Conditional Use Permit approval. Underutilized parking is where 20 percent or more of a development's parking spaces are not occupied during the period in which shared parking is proposed.

A reduction in spaces shall be allowed if a parking analysis prepared by professionals in the planning or parking fields determines the number of spaces that can be shared will fulfill parking requirements. Shared parking arrangements shall be formalized through an agreement recorded against the parcels that are part of the agreement.

#### § 20-42.130. Accessory dwelling units.

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 set standards, in compliance with California Government Code Sections 66310, 66311, and 66312, ~~65852.2, and 65852.22~~, for the development of accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that such housing remains compatible with the existing neighborhood.
- B. General requirements. An accessory dwelling unit:
1. May be located on any lot that allows a single-family or multifamily residential use and includes a proposed or existing dwelling.
  2. Is not subject to the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.
  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 or otherwise conveyed separate from the primary residence.
  6. Shall be required to dedicate street right-of-way in accordance with Section 18-12.030 of the Santa Rosa City Code when the right-of-way is needed to support a circulation element identified in the General Plan or any associate specific plan, unless otherwise approved through a waiver process described in Section 18-12.050.
- C. Permit requirements. An application for an accessory dwelling unit or junior accessory dwelling unit that complies with all applicable requirements of this Section shall be approved ministerially.

1. If the Department, together with utility providers and County Environmental Health when a septic system is utilized, has not approved or denied the completed application within 60 days, the application shall be deemed approved. If the Department denies an application for an accessory dwelling unit or junior accessory dwelling unit, it shall provide in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.
2. A permit shall not be denied due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.
3. A permit shall not be denied for an unpermitted accessory dwelling unit that was constructed before January 1, ~~2018~~ 2020, because, among other conditions, the unit is in violation of building standards or state or local standards applicable to accessory dwelling units, unless the Department finds that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.
4. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time. The applicant is not required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit.

D. Accessory Dwelling Units—Application and processing requirements.

1. Step one—Submittal. The application for an accessory dwelling unit 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 an accessory dwelling unit permit 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 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 wall height dimensions, openings, exterior finishes (including siding and window materials), original and finish grades, paint color, and roof pitch. The color of the existing or proposed primary residence shall be included if necessary to demonstrate compliance with Subsection E.6 or E.14, below. Applications for accessory dwelling units which do not modify a building's exterior are not

required to submit elevations per this Subsection c.

2. Step two—Decision. The Department shall approve or deny an application for an accessory dwelling unit permit within 60 days of submittal of a complete application. The accessory dwelling unit permit shall be issued only if the proposed accessory dwelling unit complies with all applicable standards in this Section.
  3. Utility connections and fees.
    - a. Except as provided in Subsection D.3.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 or related connection fee or capacity charge will be required for accessory dwelling units that are internal conversions of existing space within a single-family residence or an accessory structure, or for accessory dwelling units that are 750 square feet or smaller. Any impact fee charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to square footage of the primary dwelling unit.
- E. Accessory Development standards. An accessory dwelling unit permit shall be issued only if the unit complies with the following development standards:
1. General. No development standards shall be applied that would prohibit up to an 800 square foot accessory dwelling unit that is no more than 16 feet in height with four-foot side and four-foot rear setbacks to be constructed in compliance with all other local development standards.
  2. Setbacks.
    - a. Single-family residential districts including single-family PD districts. An accessory dwelling unit shall comply with the following setback requirements:
      - (1) A new attached or detached 800 square foot accessory dwelling unit shall provide a minimum four-foot side and four-foot rear setback, and a front setback consistent with that of the primary dwelling unit in a standard zoning district, or the most similar zoning district in the case of a PD. An 800 square foot accessory dwelling unit that complies with all other development standards may be built within the front yard setback of a lot if it is otherwise physically infeasible to build an accessory dwelling unit on other areas of the lot while maintaining the minimum rear and side yard setbacks outlined in this Subsection. Side-corner setbacks shall be a minimum of eight feet.
    - b. Multifamily districts including multifamily PD districts. An accessory dwelling unit shall comply with the following setback requirements.
      - (1) A new attached or detached accessory dwelling unit shall provide a minimum four-foot side and four-foot rear setback, except when abutting an R-3 zoning district, in which case no minimum side or rear setback is

required. The front setback shall be consistent with a primary dwelling unit in the applicable standard zoning district, or the most similar standard zoning district in the case of a PD. Side-corner setbacks shall be a minimum of eight feet.

- (i) If the existing multifamily dwelling exceeds height requirements or has a rear or side setback of less than four feet, the Department shall not require modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit.
  - c. No setback shall be required for an existing legally constructed living area, garage, or other accessory structure that is converted to an accessory dwelling unit with independent exterior access from an existing or proposed residence. A setback of five feet from the side and rear property lines is required for an accessory dwelling unit constructed above an existing legally constructed or proposed garage.
  - d. Any new attached accessory dwelling unit, detached accessory dwelling unit or expansion of the single-family dwelling to support the internal conversion for an accessory dwelling shall be designed to maintain appropriate setbacks, as described in Subsection E.2.a and b above, from the future width of any abutting public streets. Future street configurations shall be based on the widths, standards and right-of-way lines in the circulation element of the Santa Rosa General Plan, the City Street Design and Construction Standards, City street lists or specifically addressed in a resolution adopted by the City Council.
3. Maximum floor area.
- a. New detached unit. No newly constructed detached accessory dwelling unit may contain habitable space in excess of 1,200 square feet.
    - (1) An automatic fire sprinkler system shall be installed throughout structures that exceed 1,200 square feet total floor area.
  - b. New attached unit. No newly constructed attached accessory dwelling unit may contain habitable space in excess of 50 percent of the existing residential square footage except that 850 square feet total floor area must be allowed for studio or one-bedroom ADUs, and 1,000 square feet total floor area must be allowed for more than one-bedroom ADUs.
    - (1) An automatic fire sprinkler system shall be installed throughout all buildings that undergo any combination of substantial remodel, addition or both that exceed 50 percent of the existing total floor area.
  - c. Internal conversion. An accessory dwelling unit created entirely by the internal conversion of an existing **or proposed** single-family dwelling shall not occupy more than 45 percent of the existing habitable space of the residence, excluding the garage, nor shall it exceed 1,200 square feet except that 850 square feet total floor area must be allowed for studio or one-bedroom ADUs, and 1,000 square

feet total floor area must be allowed for more than one-bedroom ADUs. An accessory dwelling unit created entirely by the internal conversion of a detached accessory structure shall not exceed a maximum of 1,200 square feet.

- (1) An automatic fire sprinkler system shall be installed throughout all buildings that undergo any combination of substantial remodel, addition or both that exceed 50 percent of the existing total floor area.

4. Height limit.

- a. A one-story accessory dwelling unit shall not exceed a maximum height of 16 feet, except as follows:

- (1) The Department shall allow an additional two feet in height (up to 18 feet) to accommodate a roof pitch on an accessory dwelling unit that is aligned with the roof pitch on the primary dwelling unit.

- (2) A detached accessory dwelling unit on a lot with an existing or proposed single family or multi-family dwelling unit that is within one-half mile walking distance of a major transit stop or a high-quality transit corridor shall not exceed a height of 18 feet.

- (3) A height of 18 feet is also permitted for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling. A height of 25 feet applies to an accessory dwelling unit that is attached to a primary dwelling. This provision does not require the Department to allow an accessory dwelling unit to exceed two stories.

- b. A two-story accessory dwelling unit shall not exceed a maximum height of 27 feet. No accessory dwelling unit shall exceed 27 feet in height.

- c. When an accessory dwelling unit is located above an existing or proposed garage, carport or other accessory structure, the entire combined structure shall not exceed 27 feet in height. No accessory dwelling unit shall exceed 27 feet in height.

5. Lot coverage. An accessory dwelling unit shall comply with the lot coverage requirements of the applicable zoning district or the most similar zoning district in the case of a PD, except as referenced in Subsection E.1, above.

6. Architectural compatibility. Architectural compatibility between the accessory dwelling unit and primary dwelling unit shall be demonstrated by matching one or more of the following qualities of the accessory dwelling unit to the proposed or existing primary dwelling unit:

- a. Color;
- b. Siding material and style; or
- c. Architectural features.

7. Exterior entrance. An accessory dwelling unit must include a separate exterior entrance.
8. Privacy. A balcony, window or door of a second story accessory dwelling unit shall be designed to lessen privacy impacts to adjacent properties. Appropriate design techniques include obscured glazing, window placement above eye level, screening treatments, or locating balconies, windows and doors toward the existing on-site residence.
9. Residential development. A residential dwelling must already exist on the lot or shall be constructed on the lot in conjunction with the construction of the accessory dwelling unit.
10. Number per lot.
  - a. A maximum of one detached or attached accessory dwelling unit, one accessory dwelling unit within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure, and one junior accessory dwelling unit shall be permitted on any single-family lot zoned for single-family uses.
  - b. The number of accessory dwelling units allowed within a multifamily dwelling are limited to not more than 25 percent of the existing number of multifamily dwelling units on the property, except that at least one accessory dwelling unit shall be allowed. These accessory dwelling units shall be allowed within the portions of dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
  - c. No more than two detached or attached ADUs are permitted on any multifamily lot developed with an existing or a proposed multifamily dwelling.
  - d. No more than eight detached ADUs are permitted on any multifamily lot with an existing multifamily dwelling provided that the number of detached ADUs does not exceed the existing number of multifamily units on the lot.
  - e. A maximum of one ADU per lot is allowed when both provisions of Senate Bill 9 - Government Code Sections 65852.21 (Two-unit development) and 66411.7 (Urban lot split) are invoked, provided the two following requirements are met.
    - (1)The parcel is located outside of the City's Wildland Urban Interface (WUI).
    - (2)The street to access the parcel is at least 36 feet wide, with parking provided on both sides or at least 30 feet wide, with parking limited to one side of the street.
11. 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

No ADUs are permitted on lots created and developed as allowed by SB 9 which do not meet requirements 1 and 2 above.

tandem parking or parking within a setback is not feasible due to specific site or 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 750 square feet or less in area, or a studio unit.
  - b. The accessory dwelling unit is located within one-half mile walking distance of public transit.
  - c. The accessory dwelling unit is located within a historic preservation district.
  - d. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
  - e. When on-street parking permits are required but not offered to the occupant of an accessory dwelling unit.
  - f. When there is a car share vehicle located within one block of the accessory dwelling unit.
  - g. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multi-family dwelling on the same lot.
  - h. 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.
  - i. No replacement off-street parking spaces are required when an accessory dwelling unit is created through the conversion or demolition, of a garage, carport or covered parking structure or uncovered parking space.
  - j. A detached accessory dwelling unit is permitted to include an attached garage.
12. Standards for proposed accessory structures attached to an existing or proposed accessory dwelling unit.
- a. A proposed accessory structure with a floor area less than 50 percent of the accessory dwelling unit floor area:
    - (1) Shall be processed ministerially in conjunction with the accessory dwelling unit.
    - (2) Shall comply with the lot coverage and setback requirements of this section.
    - (3) Shall comply with the 16-foot height limit for an accessory structure as required by Zoning Code Section 20-42.030.
  - b. A proposed accessory structure with a floor area that exceeds 50 percent of the total floor area of the accessory dwelling unit:
    - (1) Is subject to any discretionary review required by this Zoning Code.



(2) Shall comply with lot coverage, height, and setback requirements for an accessory structure in the applicable standard zoning district or the most similar standard zoning district in the case of a PD.

(3) Shall comply with any applicable hillside and/or creekside setbacks.

13. Standards for hillside areas.

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

b. Development standards. An accessory dwelling unit exceeding the applicable maximum height for a one-story accessory dwelling unit indicated in Subsection E.4.a, or 800 square feet, 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. Accessory dwelling units that are 800 square feet or less, and which comply with the maximum height requirements for a one-story accessory dwelling unit as described in Subsection E.4.a, shall provide a minimum four-foot side and four-foot rear setback, consistent with this Section.

14. Standards for Historic Preservation Districts.

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

b. Architectural Compatibility. Architectural compatibility between the accessory dwelling unit and primary dwelling unit shall be demonstrated by one of the following means:

(1) Matching each of the following qualities of the accessory dwelling unit to the proposed or existing primary dwelling unit:

(A) Color,

(B) Siding material and pattern, and

(C) Architectural features; or

(2) Through the preparation of a historic resource survey by a qualified professional that concludes the proposed accessory dwelling unit will not negatively impact historic resources on the property, will be consistent with Secretary of the Interior Standards for Treatment of Historic Properties.

15. Standards for creekside development.

a. Applicability. The development standards outlined below shall apply to accessory dwelling unit development within the specified distances to waterways as indicated in Section 20-30.040 – Creekside Development.

- b. Development standards. An accessory dwelling unit exceeding 16 feet in height, or 800 square feet, shall observe setbacks referenced in Section 20-30.040. Accessory dwelling units that are 800 square feet or less, and no greater than 16 feet in height, shall provide a minimum four-foot side and four-foot rear setback, consistent with this Section.
  - 16. Fire sprinkler system. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in an existing primary dwelling or an existing multifamily dwelling.
  - 17. Ownership. The Department shall not impose an owner-occupant requirement on an accessory dwelling unit. ~~before January 1, 2025.~~
- F. Junior accessory dwelling unit. The following provisions are intended to set standards, in compliance with California Government Code Section ~~66333-66339~~ 65852.22, for the development of junior accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that such housing remains compatible with the existing neighborhood. It is not the intent of this section 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 lot that allows single-family or multifamily dwellings and that contains only one existing or proposed 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.
    - d. A maximum of one JADU per lot is allowed when both provisions of Senate Bill 9 - Government Code Sections 65852.21 (Two-unit development) and 66411.7 (Urban lot split) are invoked, provided the two following requirements are met.
      - (1) The parcel is located outside of the City's Wildland Urban Interface (WUI).
      - (2) The street to access the parcel is at least 36 feet wide, with parking provided on both sides or at least 30 feet wide, with parking limited to one side of the street.

No JADUs are permitted on lots created and developed as allowed by SB 9 which do not meet requirements 1 and 2 above.
  - 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 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. If any expansion of the foundation is required for a junior accessory dwelling unit, 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 areas of the junior accessory dwelling unit and of 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.
  - (3) Deed restrictions. Deed restrictions completed, signed and ready for recordation in compliance with Subsection G.
- b. Step two—Decision. The Department shall approve or deny an application for a junior accessory dwelling unit permit within 60 days of submittal of a complete application. A junior accessory dwelling unit permit shall be issued only if the proposed junior accessory dwelling unit complies with all applicable standards in this Section. A permit for a junior accessory dwelling unit shall not be denied due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the junior accessory dwelling unit.
  - c. Utility 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 total floor area.
    - b. Existing development. The junior accessory dwelling unit shall be contained entirely within the existing walls of an existing or proposed single-family dwelling, which includes the walls of an attached garage. However, an additional 150 square feet is permitted to allow for a separate entrance into the unit.
    - c. Kitchen. The junior accessory dwelling unit must contain a kitchen with

the following minimum criteria:

- (1) A kitchen sink having a clear working space of not less than 30 inches in front;
  - (2) A cooking appliance having a clear working space of not less than 30 inches in front;
  - (3) A refrigeration facility having a clear working space of not less than 30 inches in front;
  - (4) 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. A separate bathroom facility shall be provided if the junior accessory dwelling unit does not include an interior entry into the primary residence.
- e. Entrance. The junior accessory dwelling unit shall include an exterior entrance separate from the main entrance to the single-family dwelling. 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. No replacement off-street parking spaces are required when a junior accessory dwelling unit is created through the conversion or demolition, of an attached garage, carport or covered parking structure.
- G. 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:
1. The junior accessory dwelling unit shall not be sold separately from the single-family residence;
  2. The junior accessory dwelling unit shall be considered legal only so long as either the primary residence or 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;
  3. 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 junior accessory dwelling unit and may result in legal action against the property owner;
  4. 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;

5. A junior accessory dwelling unit shall not exceed 500 square feet of total floor area and shall comply with the development standards in Subsection F.