AGENDA
SPECIAL MEETING OF THE MAYWOOD PLANNING COMMISSION

TUESDAY, JANUARY 30, 2024 AT 7:00 PM

Maywood City Council Chambers
4319 E. Slauson Avenue, Maywood, CA 90270
www.cityofmaywood.org

I. Meeting Procedure PC

PUBLIC ADVISORY: This meeting will be conducted in person and by video-conferencing pursuant to the provisions of Government Code Section 54953(e) (as amended by AB 361), which authorizes teleconferenced meetings under the Brown Act in compliance with Government Code Section 54953(e) during a proclaimed State of Emergency. For this meeting, it will be conducted through a hybrid combination of in-person and/or virtual attendance of the members of the Planning Commission and invited staff at City Hall in the City Council Chambers located at 4319 E. Slauson Avenue and via teleconference using the Zoom platform and broadcasted live on the City's Facebook page. The public may participate in person and or by using the virtual platform (Zoom).

Public Participation options:

1. **In-Person** - Council Chambers located at 4319 E. Slauson Avenue, Maywood, CA
2. **Zoom:** Please click the link below to join the webinar:

   https://us02web.zoom.us/j/89916077186?pwd=amJWaEt1bXhuZ2Nrb2w0Yy9HNEc2dz09

   Passcode: 351682

Public Comment using a virtual platform: join in through the link provided above. Use the "raise hand" feature (for those joining by phone, press *9 to "raise hand") during the public participation period for agenda items or during the public participation period for non-agenda items. The Zoom Host will call on people to speak by name provided or last 4 digits of phone number.

3. **Phone:** 1-669-900-6833 Enter Meeting ID: 899 1607 7186 Passcode: 351682

Public Comment for those joining by phone, use the "raise hand" feature by pressing *9 during the

public participation period for agenda items or during the public participation period for non-agenda items.

4. **Before the Meeting**: Public comment will be accepted for the record in advance by 4:30 pm the day of the meeting by email to cityclerk@cityofmaywood.org; or if you are unable to email, please call the City Clerk's Office at (323) 562-5714. Your comment will be made part of the written record but will NOT be read verbally at the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the Council meeting, please contact the City Clerk's Office, (323) 562-5714 within 48 hours of the meeting.

II. CALL TO ORDER/ROLL CALL

COMMISSIONERS
Raul Rodriguez, Chairperson
Alfredo Morales, Vice Chairperson
Crystal Acosta
Diego Jimenez
Angelina Martinez

STAFF
Steve Fowler, Director of Building and Planning
Lindsay Thorson, Assistant City Attorney
Calvin Ko, Assistant Planner

III. APPROVAL OF AGENDA

IV. PUBLIC COMMENT (Time allotted: 3 minutes)

At this time, members of the public may address the Commission regarding the items not on this Planning Commission agenda. The Commission cannot discuss or take actions on any items not on the agenda unless authorized by law. If you want to comment during the public comment portion of the agenda, you agenda may use the instructions provided in section **III. MEETING PROCEDURES** beginning on page 1 of this agenda.

V. REORGANIZATION

1. CHAIRPERSON AND VICE CHAIR PERSON SELECTION

VI. CONSENT CALENDAR

All matters listed under CONSENT CALENDAR do not require significant reporting and/or discussion for decision, or are considered to be routine, and will be approved by one motion as recommended. There will be no separate discussion of these items unless a Commissioner or staff request separate discussion prior to approval.

2. MINUTES OF THE NOVEMBER 21, 2023 REGULAR MEETING OF THE MAYWOOD PLANNING COMISSION

3. MINUTES OF THE JANUARY 16, 2024 REGULAR MEETING OF THE MAYWOOD PLANNING COMMISSION

VII. PUBLIC HEARING

4. PUBLIC HEARING AND CONSIDERATION OF APPROVAL OF PLANNING RESOLUTION NO. 24-473 OF THE MAYWOOD PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF AN ORDINANCE AMENDING THE MAYWOOD ZONING ORDINANCE ADDING SUBSECTION 4070.120 TO CHAPTER 4070 TO ESTABLISH CRITERIA FOR ACCESSORY DWELLING UNITS

VIII. DIRECTOR'S REPORT

IX. COMMISSION COMMENTS

X. ADJOURNMENT - The next Regular Meeting of the Maywood Planning Commission is February 20, 2023

PUBLIC ACCESS TO MEETING AGENDA AND AGENDA PACKETS

I, _____, City Clerk or Deputy City Clerk hereby certify that this agenda was duly posted by law at 4319 E. Slauson Avenue, Maywood, CA 90270 and the City Website. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at the Maywood City Hall, 4319 E. Slauson Avenue, Maywood CA 90270. If you challenge in court any discussion or action taken concerning an item on this Agenda, you may be limited to rising only those issues you or someone else raised during the meeting or in written correspondence delivered to the City at or prior to the City's consideration of the item at the meeting. In compliance with the ADA, if you need special assistance for the meeting, call (323) 562-5723 within 72 hours prior to the meeting so the City can make reasonable arrangements to ensure accessibility.

AGENDA REPORT
CITY OF MAYWOOD

AGENDA ITEM NO. 1.

DATE: January 30, 2024

TO: HONORABLE CHAIRPERSON AND MEMBERS OF THE MAYWOOD PLANNING COMMISSION

FROM: STEVE FOWLER, DIRECTOR OF BUILDING AND PLANNING

BY: KAREN INIGUEZ, COMMUNITY DEVELOPMENT ANALYST

SUBJECT: CHAIRPERSON AND VICE CHAIR PERSON SELECTION

RECOMMENDATION:
Staff recommends that the Planning Commission appoint a Chairperson and Vice Chairperson for the ensuing one-year term.

BACKGROUND:
The Planning Commission selects a Chairperson and Vice Chairperson on an annual basis in January of each year.

DISCUSSION:
Each January, the Planning Commission votes to appoint a Planning Commissioner to serve as a Chairperson and Vice Chairperson. The Chairperson serves as the presiding officer during the Planning Commission meetings and represents the City at various events. The Vice Chairperson serves as the presiding officer and represents the City in the Chairperson's absence.

ENVIRONMENTAL REVIEW:
This motion is not subject to CEQA because the motion is not a “project” pursuant to Page 6 of 17 Section 15060 (c)(3) of Title 14 of the California Code of Regulations.

ATTACHMENT(S)

MINUTES
SPECIAL MEETING OF THE MAYWOOD PLANNING COMMISSION

TUESDAY, NOVEMBER 21, 2023 AT 7:00 PM

I. Meeting Procedure PC

This meeting will be conducted in person and by video-conferencing pursuant to the provisions of Government Code Section 54953(e) (as amended by AB 361), which authorizes teleconferenced meetings under the Brown Act in compliance with Government Code Section 54953(e) during a proclaimed State of Emergency. For this meeting, it will be conducted through a hybrid combination of in-person and/or virtual attendance of the members of the Planning Commission and invited staff at City Hall in the City Council Chambers located at 4319 E. Slauson Avenue and via teleconference using the Zoom platform and broadcasted live on the City's Facebook page. The public may participate in person and or by using the virtual platform (Zoom).

https://us02web.zoom.us/j/82228234413?pwd=ZW5rRm1RT2lxak9nbC96OUNzcm9Pdz09

II. CALL TO ORDER/ROLL CALL

Chairperson Rodriguez called to order the meeting at approximately 7:04 PM

COMMISSIONERS

Raul Rodriguez, Chairperson (present)
Alfredo Morales, Vice Chairperson (present)
Crystal Acosta (present)
Diego Jimenez (present)
Angelina Martinez (not present)

STAFF PRESENT:

Steve Fowler, Director of Building and Planning (present)
Lindsay Thorson, Assistant City Attorney (present)
Calvin Ko, Assistant Planner (present)

III. APPROVAL OF AGENDA

Chairperson Rodriguez approved the Agenda

IV. PUBLIC COMMENT (Time allotted: 3 minutes)
None

V. CONSENT CALENDAR

1. MINUTES OF THE JULY 18, 2023 REGULAR MEETING OF THE MAYWOOD PLANNING COMMISSION

Motion to approve Minutes of the July 18, 2023 Special Meeting. Motion by Commissioner Jimenez. Second by Vice Chairperson Morales. AYES: Jimenez, Acosta Morales, Rodriguez. PASSES

2. MINUTES OF THE SEPTEMBER 20, 2023 SPECIAL MEETING OF THE MAYWOOD PLANNING COMMISSION

Motion to approve Minutes of the September 20, 2023 Special Meeting. Motion by Commissioner Jimenez. Second by Vice Chairperson Morales. AYES: Jimenez, Acosta Morales, Rodriguez. PASSES

VI. PUBLIC HEARING

1. TENTATIVE PARCEL MAP APPLICATION PC 23-03 (TENTATIVE PARCEL MAP NO. 82930.

Motion to approve Resolution No. PC23-471 for Tentative Parcel Map No. 82930 finding that Motion by Commissioner Acosta. Second by Commissioner Jimenez. AYES: Jimenez, Acosta Morales, Rodriguez. PASSES

VII. DIRECTOR'S REPORT
None

VIII. COMMISSION COMMENTS
None

IX. ADJOURNMENT
Meeting adjourned at approximately 7:20 PM to the next Regular Planning Commission meeting on Tuesday, December 19, 2023 at 7:00 PM

_____
Raul Rodriguez, Chairperson

ATTEST:

_____

Steve Fowler, Planning Secretary

MINUTES
SPECIAL MEETING OF THE MAYWOOD PLANNING COMMISSION

TUESDAY, JANUARY 16, 2024 AT 7:00 PM

I. Meeting Procedure PC

This meeting will be conducted in person and by video-conferencing pursuant to the provisions of Government Code Section 54953(e) (as amended by AB 361), which authorizes teleconferenced meetings under the Brown Act in compliance with Government Code Section 54953(e) during a proclaimed State of Emergency. For this meeting, it will be conducted through a hybrid combination of in-person and/or virtual attendance of the members of the Planning Commission and invited staff at City Hall in the City Council Chambers located at 4319 E. Slauson Avenue and via teleconference using the Zoom platform and broadcasted live on the City's Facebook page. The public may participate in person and or by using the virtual platform (Zoom).

https://us02web.zoom.us/j/81614313143?pwd=M0xkVnNBNVhGTjlsT2s1ZjBJOGdLUT099

II. CALL TO ORDER/ROLL CALL

Chairperson Rodriguez called to order the meeting at approximately 7:16 PM

COMMISSIONERS

Raul Rodriguez, Chairperson (present)
Alfredo Morales, Vice Chairperson (present)
Crystal Acosta (present)
Diego Jimenez (not present)
Angelina Martinez (not present)

STAFF PRESENT:

Steve Fowler, Director of Building and Planning (present)
Lindsay Thorson, Assistant City Attorney (present)
Calvin Ko, Assistant Planner (present)

III. APPROVAL OF AGENDA

Chairperson Rodriguez approved the Agenda

IV. PUBLIC COMMENT (Time allotted: 3 minutes)
None

V. CONSENT CALENDAR

VI. PUBLIC HEARING

1. TENTATIVE PARCEL MAP APPLICATION PC 23-04 (TENTATIVE PARCEL MAP NO. 84166.

Motion to approve Resolution No. PC24-472 for Tentative Parcel Map No. 84166 finding that Motion by Commissioner Acosta. Second by Vice Chairperson Morales. AYES: Acosta, Morales, Rodriguez. PASSES

VII. DIRECTOR'S REPORT
None

VIII. COMMISSION COMMENTS
None

IX. ADJOURNMENT
Meeting adjourned at approximately 7:37 PM to the next Special Planning Commission meeting on Tuesday, January 30, 2024 at 7:00 PM

_____
Raul Rodriguez, Chairperson

ATTEST:

_____

Steve Fowler, Planning Secretary

AGENDA REPORT
CITY OF MAYWOOD

AGENDA ITEM NO. 4.

DATE: January 30, 2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVE FOWLER, DIRECTOR OF BUILDING AND PLANNING

BY:

SUBJECT: PUBLIC HEARING AND CONSIDERATION OF APPROVAL OF PLANNING RESOLUTION NO. 24-473 OF THE MAYWOOD PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF AN ORDINANCE AMENDING THE MAYWOOD ZONING ORDINANCE ADDING SUBSECTION 4070.120 TO CHAPTER 4070 TO ESTABLISH CRITERIA FOR ACCESSORY DWELLING UNITS

RECOMMENDATION:

Staff recommends that the Planning Commission approve RESOLUTION NO. 24-473 OF THE MAYWOOD PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF AN ORDINANCE AMENDING THE MAYWOOD ZONING ORDINANCE ADDING SUBSECTION 4070.120 TO CHAPTER 4070 TO ESTABLISH CRITERIA FOR ACCESSORY DWELLING UNITS .

BACKGROUND:

California's housing production is not keeping pace with demand. In the last decade, fewer than half of the homes needed to keep up with the population growth were built. Additionally, new homes are often constructed away from job-rich areas. This lack of housing that meets people's needs is impacting affordability and causing average housing costs, particularly for renters in California, to rise significantly.

Beyond traditional construction, widening the range of housing types can increase the housing supply and help more low-income Californians thrive. Examples of some of these housing types are accessory dwelling units (ADUs – also referred to as second units, in-law units, casitas, or granny flats) and junior accessory dwelling units (JADUs). An ADU is accessory to a primary residence and has complete independent living facilities for one or more persons. These units are attached, detached, and converted existing space. JADU is a specific c type of conversion of existing space that is contained entirely within an existing or proposed single-family residence. ADUs tend to be significantly less expensive to build than new detached single-family homes and offer benefits that address common development barriers, such as environmental quality. Because ADUs must be built on lots with existing or proposed housing, they do not require paying for new land or other costly infrastructure often required to build a new single-family home.

In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing ADUs in zones that allow single-family and multifamily uses provides additional rental housing and is an essential component in addressing California's housing needs. Over the years, State ADU Law has been revised to improve its effectiveness at creating more housing units. Changes to State ADU Law effective January 1, 2021, further reduce barriers, streamline approval processes, and expand capacity to accommodate the development of ADUs and JADUs.

DISCUSSION:

The City of Maywood ("City") desires to adopt an accessory dwelling unit ordinance reflecting the state legislative changes that went into effect on January 1, 2023, as enacted under SB 897 and AB 2221 regarding Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs"). The ordinance is to comply with State Law as well as the desire to retain local control to the maximum extent permitted by California Government Code Section 65852.2. The ordinance seeks to set guidelines and regulations in line with the California Department of Housing and Community Development (HCD) handbook that was created to assist local governments, homeowners, architects, and the public in encouraging the development of ADUs.

LEGAL REVIEW:

The proposed ordinance is not subject to the California Environmental Quality Act (CEQA) because the adoption of this ordinance is not a "project" pursuant to Section 15060 (c)(3) of Title 14 of the California Code of Regulations. Specifically, this ordinance only establishes criteria and a streamlined process for permitting accessory dwelling units and issuing permits and is merely authorizing administrative activities which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT:

ATTACHMENT(S)

1. Planning Commission Resolution No. 24-473 ZTA 24-1 ADU
2. Attachment A - Draft Ordinance ADU

RESOLUTION NO. 24-473

A RESOLUTION OF THE MAYWOOD PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF AN ORDINANCE AMENDING THE MAYWOOD ZONING ORDINANCE ADDING SUBSECTION 4070.120 TO CHAPTER 4070 TO ESTABLISH CRITERIA FOR ACCESSORY DWELLING UNITS

WHEREAS, the City of Maywood ("City") desires to adopt an accessory dwelling unit ordinance reflecting the state legislative changes that went into effect on January 1, 2023, as enacted under SB 897 and AB 2221 regarding Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs") ("Zoning Ordinance"); and

WHEREAS, the City desires to retain local control to the maximum extent permitted by California Government Code Section 65852.2; and

WHEREAS ADUs and JADUs are a unique opportunity to provide much-needed affordable housing opportunities to address the ever-growing need for housing in Maywood and across the State; and

WHEREAS, the City of Maywood desires to adopt the Zoning Ordinance in order to establish criteria and a streamlined process for permitting accessory dwelling units and issuing permits as described in the title of this resolution and the attached Draft Ordinance (Exhibit A);

NOW, THEREFORE, THE MAYWOOD PLANNING COMMISSION DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

Section 1. Pursuant to CEQA, within the meaning of Public Resources Code Sections 21080(e) and 21082.2 within the record and/or provided at the public hearing, the Planning Commission hereby finds and determines that the adoption of the Zoning Ordinance was adequately analyzed according to the CEQA Guidelines, as supported by the following Findings and Evidence:

Finding: The proposed approval of the Zoning Ordinance is exempt from further environmental review requirements.

Evidence: The proposed Zoning Ordinance is not subject to CEQA because the adoption of this Zoning Ordinance is not a "project" pursuant to Section 15060 (c)(3) of Title 14 of the California Code of Regulations. Specifically, this Zoning Ordinance only establishes criteria and a streamlined process for permitting accessory dwelling units and issuing permits and is merely authorizing administrative activities which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Section 2. The Maywood Planning Commission conducted a noticed public hearing on January 30, 2024, at which time it received public testimony concerning the Zoning Ordinance and after the close of the hearing, the Planning Commission recommends that the City Council adopt the proposed Zoning Ordinance, attached as Exhibit A to this Resolution.

Section 3. The proposed Zoning Ordinance has been fully evaluated and considered with respect to the City's General Plan. The Zoning Ordinance will promote the addition of new and affordable housing within the City of Maywood and therefore is consistent with the General Plan.

APPROVED AND ADOPTED THIS 30TH DAY OF JANUARY 2024. PLANNING COMMISSION OF THE CITY OF MAYWOOD

BY: _____
Raul Rodriguez,
Planning Commission Chairman

ATTEST:

_____
Steve Fowler,
Planning Commission Secretary

I, Steve Fowler, Secretary of the Planning Commission of the City of Maywood, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Maywood, at a special meeting of the Planning Commission held on the 30th day of January 2024, by the following vote- to-wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

_____
Steve Fowler,
Planning Commission Secretary

ADU ORDINANCE

4070.120 Accessory Dwelling Units and Junior Accessory Dwelling Units

A. Purpose

The purpose of this chapter is to establish the procedures for the development of Accessory Dwelling Units (ADUs) on lots zoned to allow single-family or multi-family dwelling residential uses in compliance with California Government Code Section 65852.150.

B. Definitions

1. Primary Dwelling Unit is an existing or proposed residential structure and includes both livable and non-livable areas. Detached structures, such as a detached garage, are not considered part of the Primary Dwelling Unit.
2. Accessory Dwelling Unit ("ADU") means an attached, detached, or converted dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing Primary Dwelling Unit. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single- or multi-family Primary Dwelling Unit. An ADU also includes the following: an efficiency unit as defined in Section 17958.1 of the Health and Safety Code and a manufactured home as defined in Section 18007 of the Health and Safety Code. ADUs may be attached to the Primary Dwelling Unit, detached from the Primary Dwelling Unit, or involve the conversion of floor area of an existing structure.
3. ADU Ordinance means Chapter 4070.120 and all objective standards applicable to ADUs contained in Title 4070.120.
4. Detached ADU is an ADU that is within an independent structure entirely separate from the Primary Dwelling Unit and other accessory structures.
5. Attached ADU is an ADU that is attached to the Primary Dwelling Unit and constructed as a physical expansion of the Primary Dwelling Unit.
6. Converted ADU is an ADU that is constructed within the walls of the Primary Dwelling Unit or an existing detached structure (including the conversion of an existing attached or detached garage into an ADU).
7. Junior Accessory Dwelling Unit ("JADU") is a unit that is no more than 500 square feet in size an contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the single-family residence. The JADU shall include a separate entrance from the main single-family residence. A .
8. Accessory Structure means a structure that is accessory and incidental to a Primary Dwelling Unit on the same lot.

C. General Provisions

1. Effect of Consistency

An ADU or JADU that conforms to the requirements of this chapter is:

a) Deemed consistent with the allowable density for the lot upon which such unit is proposed to be established.
b) Deemed consistent with the existing general plan and zoning designation for the lot.

2. Exceptions to Ministerial Review.
   Discretionary review may be required for ADU and JADU applications that deviate from the objective standards of this chapter. Such ADU or JADU applications may still be permitted but shall not qualify for ministerial review. Such ADU or JADU applications shall be subject to applicable design review, variance, and other entitlements pursuant to Title 4070.120.
3. Processing Time
   Zoning plan check shall be required for compliance with applicable zoning regulations and applicable building and construction requirements as set forth in Title 8 (Buildings Regulations) and Title 6 (Sanitation and Health).
   a) Ministerial Review Time. Except as set forth in Paragraph (2) above, applications must be approved or denied within 60 days from the date the City receives a complete application if there is an existing single- or multi-family Primary Dwelling Unit on the lot or the application shall be deemed approved. Where an application deviates from the objective standards of this Chapter, the application may be reviewed pursuant to the procedures of Section 4070.120 (C)(2) Exceptions to Ministerial Review.
   b) If the applicant requests a delay, the 60-day period shall be tolled for the period of the delay.
   c) Exception to Review Time. If an application requiring ministerial review is submitted with an application to construct a new Primary Dwelling Unit, the following shall apply:
      i. The ADU or JADU shall not be subject to the 60-day approval period but shall instead be subject to the approval period for the new Primary Dwelling Unit. However, the ADU and JADU itself shall be considered without a public hearing.
      ii. An ADU or JADU may only be constructed concurrently with or after the construction of a new Primary Dwelling Unit on the same lot. A certificate of occupancy for an ADU shall not be issued prior to the certificate of occupancy for the new Primary Dwelling Unit.
   d) The City shall not deny a permit to an unpermitted ADU or JADU that was constructed before January 1, 2018, due to violations of building standards or this chapter provided that correction of the violation is not necessary to protect the health and safety of the public or the occupants of the structure. This provision shall not apply to substandard buildings.
   e) If the City denies an application for an ADU or JADU, a full set of comments shall be included with the denial listing the items that are defective or deficient and shall describe how the application can be remediated by the applicant.

4. Precedence in Provisions
   Applications shall comply with the objective standards outlined in this Chapter and the zoning district in which the ADU or JADU is located. In the event of a conflict between the development standards set forth in the zone and the standards of this Chapter, the provisions of this Chapter shall take precedence.

D. Development Standards

Unless a stated exception applies, ADUs and JADUs must comply with the development standards set forth in this section.

1. Location

   ADUs and JADUs may only be located in the following locations:

   a) Lots zoned to allow single- or multi-family dwelling residential use and that include an existing or proposed single- or multi-family Primary Dwelling Unit.
   b) Lots zoned to allow non-residential uses and developed with legal nonconforming single- and/or multi-family Primary Dwelling Units.
2. Lot Area
   There is no minimum lot area to establish an ADU or JADU.
3. Number of Units
   A lot may have no more than one ADU (attached, detached, or converted) and one JADU, except for multi-family lots as described in Subsection (4)(c) below.
4. Guaranteed Allowance
   The following types of ADUs and JADUs require compliance with subsection D and other development standards do not apply.
   a) Attached or Detached ADUs: One attached or detached ADU up to 850 square feet of floor area or 1,000 square feet of floor area for ADUs providing more than one (1) bedroom and four (4) foot minimum side and rear yard setbacks.
   b) Converted ADUs: One (1) ADU and JADU that is within the proposed or existing space of a Primary Dwelling Unit or an accessory structure. A converted ADU may include expansion of up to 75 square feet for any use beyond the same dimensions as the existing structure. Accessory structures may include an additional expansion of up to 150 square feet to accommodate ingress and egress. A converted JADU must be entirely within the existing habitable space of an existing Primary Dwelling Unit. Converted ADUs and JADUs shall comply with the following:
      i. The space has exterior access from the proposed or existing single-family Primary Dwelling Unit.
      ii. The side and rear setbacks are sufficient for fire and safety.
      iii. The JADU complies with the requirements of section 65852.22.
   c) Multi-family lots
      Either converted or detached ADUs are allowed, but not both.

i. Converted ADUs: A minimum of one ADU may be converted from livable or non-livable space. Additional ADUs may be converted within the portions of existing multi-family Primary Dwelling Units that are not used as livable space, including but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages up to a maximum of 25% of the existing multi-family Primary Dwelling Unit. A converted JADU must be entirely within the existing habitable space of an existing multi-family Primary Dwelling Unit. Each ADU shall comply with building code standards for dwellings.

ii. Detached ADUs: Not more than two ADUs that are located on a lot that has an existing multi-family Primary Dwelling Unit, but are detached from that multi-family Primary Dwelling Unit, are subject to 18 foot maximum height and 4 foot side and rear setbacks.

d) Allowable Heights

All ADUs and JADUs shall be subject to the following height limitations:

i. A height of 16 feet for a detached ADU on a lot with an existing or proposed single family or multifamily Primary Dwelling Unit.

ii. A height of 18 feet for a detached ADU on a lot with an existing or proposed single family or multifamily Primary Dwelling Unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height is allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the Primary Dwelling Unit.

iii. A height of 18 feet for a detached ADU on a lot with an existing or proposed multifamily, multistory Primary Dwelling Unit.

iv. The zoning code height limitation applicable to the Primary Dwelling Unit for an attached ADU. City is not required to allow an ADU to exceed two stories.

e) Utility Connections

ADUs and JADUs permitted under 4070.120 shall not be considered new residential uses for the purposes of installing a new or separate utility connection between the ADU and JADU and the utility; or calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory structure is constructed with a new Primary Dwelling Unit.

5. ADUs and JADUs Not Subject to Section 4070.120(D)(4) Guaranteed Allowance

a) Minimum and Maximum Size

ADUs shall comply with the following minimum and maximum size limitations:

i. Minimum size for ADU and JADU: 150 square feet (“efficiency unit” per California Health and Safety Code Section 17958.1).

ii. Maximum size for ADUs: 850 square feet for studios and one bedrooms and 1,000 square feet for ADUs with more than one bedroom and/or ADUs that are ADA compliant.

iii. Maximum size for JADU: 500 square feet

b) Height for New Structures

i. The height limit for attached and detached ADUs is set forth in Section 4070.120(4)(D). ADUs above the height limitations shall be subject to design review in accordance with Section 5130 Design Review.

ii. Building height shall be measured from the vertical distance from any point on the finished roof surface to the finished floor surface of the lowest floor measured directly below or to the natural or finished grade, whichever is more restrictive or lower. If the entire lowest floor, measured from the finished floor surface of the floor above, is located completely below natural or finished grade, whichever is more restrictive, then the building height shall be measured to the top of the finished floor of the next level directly above that subterranean level. The height limit shall include roof chimneys, vents, mechanical enclosure, stairways, and other such structural elements required for the operation of the building.

c) Setbacks for Attached or Detached ADUs:

i. Interior side and rear setbacks: a minimum of 4 feet.

ii. Nonconforming structure: ADUs that are converted within an existing legally non-conforming structure may maintain the non-conforming setbacks. Any expansions beyond the dimensions of the existing legally non-conforming structure shall comply with the above setbacks.

d) Space Between Buildings

The space between a detached ADU and another structure shall be the minimum necessary to comply with the Building and Fire Code.

e) Design Standards

Standards set forth in this section apply to the exterior of any ADU. Applications shall demonstrate compliance with the following:

i. Architectural Standards: The exterior materials and finish, color scheme, and roof design, and pitch of an ADU above 12’ feet in height shall match the Primary Dwelling Unit if an ADU is visible from any public or private roadways, excluding alleys.

ii. Lighting: Outdoor lighting must be hooded, fully shielded, and aimed downward. Light trespass that results in glare is prohibited.

iii. Outdoor Living Space: Covered exterior porches, decks, patios, and other outdoor living spaces attached to the ADU shall comply with the height, setbacks, and design standards above and are limited to 20% of the maximum floor area of the ADU. Elevated decks more

than 3 feet above adjacent existing grade shall require design review. Roof decks shall be prohibited.

E. Additional Standards

1. Access
   The ADU or JADU shall have independent exterior access from the Primary Dwelling Unit. Interior access between the ADU or JADU and the Primary Dwelling Unit is allowed. A JADU without a separate bathroom must have interior access per Section 4070.120 (E)(7) below.
2. Addresses
   The addresses of both the Primary Dwelling Unit and ADU shall be clearly visible from the public right-of-way.
3. Deed Restriction
   JADUs shall require the recordation of a deed restriction, which shall run with the land, that includes the following:
   a) A prohibition on the sale of the JADU separate from the sale of the Primary Dwelling Unit, including a statement that the deed restriction may be enforced against future purchasers.
   b) A restriction on the size and attributes of the JADU that conforms with this chapter.
4. Fire Sprinklers
   All types of ADUs and/or JADUs shall not be required to provide fire sprinklers if they are not required for the Primary Dwelling Unit. A JADU shall not be considered a separate or new residential unit. Fire sprinklers may be utilized as mitigation in an alternate materials and methods proposal to provide equivalency when compliance with the California Fire Code Requirement is not feasible.
5. Historic Resources
   ADUs and/or JADUs within or proposed to be within a structure listed on the California Register of Historic Resources shall meet all applicable federal, state and local laws and standards.
6. Kitchen
   a) ADUs shall contain a full kitchen.
   b) JADUs shall contain an efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size of the JADU.
7. JADU Bathrooms
   JADUs without a separate bathroom shall have a separate entrance from the main entrance to the Primary Dwelling Unit and an interior entry to the main living area of the Primary Dwelling Unit.
8. Nonconformities
   Conversions or reconstruction of legal nonconforming structures to ADUs or JADUs shall not be required to correct nonconforming zoning conditions. Conversions of legal nonconforming structures shall be required to meet all

current building, electrical, and fire code standards. Nonconformities in the existing Primary Dwelling Unit shall not be required to be corrected during or as a condition of approval of an application for an ADU or JADU.

9. Owner Occupancy for JADUs
   For JADUs only, the property owner shall permanently reside, as evidenced by documentation satisfactory to the City, in either the Primary Dwelling Unit or the JADU.
10. Passageway
    No passageway shall be required for ADUs and/or JADUs. For the purposes of this section, "passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU and/or JADU.
11. Rental Unit
    The ADU or JADU shall not be rented for a period of less than thirty (30) consecutive calendar days.

12. Sale
    The ADU shall not be sold or otherwise conveyed separate from the Primary Dwelling Unit unless specifically permitted by State law.
13. Vehicular Access
    The ADU and JADU shall utilize the same vehicular access that serves the Primary Dwelling Unit, unless the Fire Department and the Public Works Department find that a secondary access will not degrade existing safety or traffic concerns. An ADU and/or JADU with new vehicular access to streets or alleys is subject to design review.
14. Demolition Permits
    When a garage, carport, covered parking structure, or other accessory structure is demolished in conjunction with the construction of an ADU or converted into an ADU, the demolition permit for the garage, carport, covered parking structure, or other accessory structure shall be reviewed at the same time as the ADU application and if a building permit for the ADU is issued, such demolition permit shall be issued at the same time.
    15. Occupancy
    Construction of an ADU shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. The City may change the occupancy code of a space that was unhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this Ordinance.

F. Utility Connections and Fees

All ADUs and JADUs shall connect to public utilities, including but not limited to, water, electric, and sewer services.

1. New Construction
   The City may require a new a separate utility connection directly between the ADU and the utility. Consistent with California Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its square footage or the number of its drainage fixture unit (DFU) values, as defined in the current adopted California Plumbing Code, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
2. Impact Fees
   No impact fees shall be imposed to an ADU less than 750 square feet in size. Any impact fees charged for an ADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the Primary Dwelling Unit.

G. Affordable Housing Unit

1. In order to encourage ADUs to provide affordable housing as defined by the California Department of Housing and Community Development (HCD), the following described fee refunds shall be available. In order to obtain the incentive, the property owner must limit by deed restriction, covenant, and/or other instrument the occupancy of the ADU, based on the income limits and applicable rental rates established annually by the State of California. The City may impose conditions and penalties for noncompliance with the affordability restrictions. If the property owner has requested the incentives in this section, prior to the issuance of a building permit, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. The deed restriction document shall notify future owners of prohibition restrictions on short-term rentals and annual reporting requirements. The deed restriction shall remain in effect for a minimum of ten (10) years.
2. Incentives: All City planning, zoning, and impact fees shall be refunded after building permit is final, excluding consultant review fees.

H. Accessible Housing Unit

Notwithstanding any ordinance or regulation mandating the payment of building, planning, and/or zoning permit fees, and in order to encourage the use of ADUs to provide accessible housing units as defined by the U.S. Department of Housing and Urban Development (HUD) Section 504, all City planning, zoning, and impact fees shall be refunded after building permit is final, excluding consultant review fees and impact fees pursuant to Government Code Section 66000 et seq.

I. Notification

No public notice or hearing shall be required unless the ADU and/or JADU do not meet the standards of this chapter or requires a discretionary permit. The noticing and appeal requirements shall follow the requirements of the discretionary permit.

J. Code Enforcement Amnesty

Delay in Enforcement. The City, until January 1, 2030, shall include in a notice to correct a violation of any provision of any building standard relating to an ADU or a JADU a statement that the owner of the unit has a right to request a delay in enforcement pursuant to the following:

1. The ADU or JADU was built before January 1, 2020.
2. The ADU was built on or after January 1, 2020, and at the time the ADU was built, the City had a noncompliant ADU ordinance, but the ordinance is compliant at the time the request is made.
3. The owner of such an ADU that receives a notice to correct violations or abate nuisances must apply to the City requesting that enforcement of the violation be delayed for five (5) years on the basis that correcting the violation is not necessary to protect health and safety. Examples of violations that require correction include, but are not limited to, gas line connections, electrical wiring of improper size and terminations, no venting for mechanical equipment, no natural light and ventilation, and structural stability.

The Director shall grant the delay in enforcement if the Director determines that correcting the violation is not necessary to protect health and safety, including but not limited to, building standards and fire and safety standards.