CITY OF CRESCENT CITY PLANNING COMMISSION
AND ARCHITECTURAL DESIGN REVIEW COMMITTEE
Commission Members: John Wendt, Chairperson • Ray Walp, Vice-Chair
Betsy Dewar • Brad Kime • Candace Tinkler

Incorporated April 13, 1854 *web: www.crescentcity.org*

AGENDA - SPECIAL MEETING

Thursday, April 20, 2023, at 5:30 p.m.
WWTP, 210 Battery Street, Crescent City, CA 95531 and via Zoom

ZOOM PHONE NUMBER: 1 (669) 900-6833
ZOOM WEBINAR ID: 862 6223 5990

MUTE / UNMUTE PRESS *6 **RAISE HAND PRESS *9**

The public may access and participate in the public meeting using one or more of the following methods:

1) **In-Person**: Attend the meeting in person, public comment at the podium will be allowed.
2) **Virtually**: Participate live online via Zoom (details above) or by utilizing the link to join the meeting posted on both the City of Crescent City – City Hall Facebook page and the City of Crescent City website (www.crescentcity.org), public comment may be made by using the raise hand feature on Zoom;
3) **In-Writing**: Public comments may be made in advance by submitting written comment via publiccomment@crescentcity.org or by filing it with the City Clerk at 377 J Street, Crescent City, California, 95531. All public comments (via email or mail) must be received by the City Clerk prior to 12:00 p.m. the day of the meeting. Please identify the meeting date and agenda item to which your comment pertains in the subject line. Public comments so received will be forwarded to the Planning Commission and posted on the website next to the agenda. **Written public comments will not be read aloud during the meeting.**

Notice regarding Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting, please contact the City Clerk's office at (707)464-7483, ext. 223. Notification 48 hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102- 35.104 ADA Title II]. For TTYDD use for speech and hearing impaired, please dial 711. A full agenda packet may be reviewed at City Hall, 377 J Street, Crescent City, CA or on our website: www.crescentcity.org

I. OPEN SESSION:

I.A: Call to Order
I.B: Roll Call
I.C: Approve Agenda

II. PUBLIC COMMENT PERIOD: The public may address the Planning Commission on any item of interest that is within the Commission's subject matter jurisdiction or that appears on the agenda. The Commission is not able to discuss extensively or act on any items that do not appear on the agenda. After receiving recognition by the Chairperson, please state your name and city or county residency for the record. Public comment is limited to three (3) minutes or other reasonable limitations specified by the Chairperson on particular topics or individual speakers (Gov't Code §54954.3(b)).

III. CONSENT CALENDAR:

III.A: Planning Commission Meeting Minutes
Recommendation: Approve minutes from the January 12, 2023, February 9, 2023, and March 9, 2023, Regular Planning Commission Meetings.

IV. CONDITIONAL USE PERMITS AND ARCHITECTURAL REVIEW:

IV.A: VAR23-01/AR23-04 - LNL Design and Construction [1348 Front Street; APN 118-080-017]
Recommendation: Receive presentation from Planner Lawton and make a determination on the findings.
CEQA Determination: Project is categorically exempt per Section 15332 as an in-fill development project.

V. CONTINUING BUSINESS:

(NONE)

VI. NEW BUSINESS:

VI.A: DRAFT ADU Ordinance [City Wide]
Recommendation: Receive Presentation from Attorney Rice and provide direction to staff.

VI.B: Review Signs Ordinance (Chapter 17.39) [City Wide]
Recommendation: Receive Presentation from Planner Lawton and provide direction to staff.

VI.C: Veterans Kiosk [Points of Honor]
Recommendation: Receive Presentation from Chairman Wendt an provide direction to staff.

VII. REPORTS, CONCERNS, REFERRALS: In accordance with Gov't Code §54954.2(a)(2), Planning Commissioners or staff may briefly respond to public comment, make brief announcements or reports, or ask questions for clarification. Planning Commissioners or the Commission may also direct staff to report back on any matter at a subsequent meeting or to place a matter of business on a future agenda.

VII.A: Garbage Can Discussion [City Wide]

Recommendation: Receive Report from Director Yeager.

VII.B: PLANNING & ZONING REPORT
Recommendation: Receive Report from Planner Lawton

VIII. ADJOURNMENT: Adjourn to the regular meeting of the City of Crescent City Planning Commission and Architectural Design Review Committee scheduled for Thursday, May 11, 2023, at 5:30 p.m. in the Wastewater Treatment Plant (WWTP), 210 Battery Street, Crescent City, CA 95531 and via Zoom.

POSTED:
April 17, 2023
By: Heather Welton
Office Technician

CITY OF CRESCENT CITY PLANNING COMMISSION
AND ARCHITECTURAL REVIEW COMMITTEE
Commission Members: John Wendt, Chairperson • Ray Walp, Vice-Chair
Betsy Dewar • Brad Kime

Incorporated April 13, 1854 *web: www.crescentcity.org*

MINUTES
REGULAR MEETING
Thursday, January 12, 2023, at 5:30 p.m.
VIRTUAL VIA ZOOM

I. CALL TO ORDER: Chairman Wendt called the meeting to order at 5:36 p.m.

ROLL CALL: Commissioners present: Commissioner Betsy Dewar, Commissioner Brad Kime, Vice-Chair Ray Walp and Chairman John Wendt,
Staff present: City Manager Eric Wier, Contract City Planner Ethan Lawton, Contract City Planning Consultant Sophia Ross and Office Technician Heather Welton

II. PUBLIC COMMENT: *There were no members of the public present at the meeting.*

III. CONSENT CALENDAR: *None.*

IV. APPROVAL OF MINUTES: *None.*

V. CONDITIONAL USE PERMITS AND ARCHITECTURAL REVIEW:

VA. Approve UP22-03to allow a 60-ft mono pole telecommunications tower to replace an existing 60-ft lattice telecommunications tower, by Frontier Communications.

Chairman Wendt opened public hearing was opened at 6:40pm.

Sophia Ross, contract planning consultant, gave a brief background and presentation. She said the project is in the downtown district, she said the reason for the project is the tower is at its data carrying capacity and is structurally unsound. The use permit is retroactive for a temporary monopole permit issued under an emergency authorization that is set to expire April 12th, 2023.The project is consistent with the general plan and C-1 zoning code. The project proposes 6ft fencing with barb wire. Public service requirements are electrical connections in which is already serviced with electricity, so no additional capacity is needed. Electrical wires are insulated from the ground in a temporary manner with the use of durablocks. She showed the recommended findings which were the proposed location of the use permit will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The proposed activity, as conditioned, will not result in significant and

unavoidable impacts on the environment. The proposed project is consistent with the Crescent City General Plan, zoning code, site plan and architectural review standards. The proposed project satisfies the use permit requirements. The project is categorically exempt from the CEQA under class 2 and 32. And the proposed project will be approved with the conditions of approval 1-3. 1. Approval is for the project as described in the submitted Conditional Use Permit application (received 11/21/22) and included as Attachment A to the staff report. 2. The applicant will be required to comply with all requirements of the City's Municipal Code including, but not limited to, Chapters 17.20 (Downtown Business District). 3.The applicant must meet all requirements of the various City Departments including, but not limited to, the City Manager, Public Works Department, City Engineer, Police Department, Fire Department, Building Department, and Planning Department.

The durablock was discussed on a commission level.

Commissioner Kime joined at 5:46pm.

Vice Chair Walp asked about wind loads.

Adan Madrid with Frontier Communications said the temporary pole will be replaced with an engineered pole.

The temporary pole was discussed on a Commission level.

There was no public comment.

Chairman went closed the public hearing at 6:03pm.

On a motion by Chairman Wendt, seconded by Vice Chair Walp, and carried unanimously on a 4-0 polled vote, the City of Crescent City Planning Commission and Architectural Review Committee approved UP22-03 to allow a 60-ft mono pole telecommunications tower to replace an existing 60-ft lattice telecommunications tower, by Frontier Communications with conditions 1-3 being met and an additional condition of extending the temporary pole from April 12th, 2023 to June 12th, 2023.

VI. NEW BUSINESS

VIA. Approve and Adopt Resolution No. PC2023-02, A resolution of the Planning Commission of the City of Crescent City Authorizing the consolidation of a Coastal Development permit for Caltrans Broadband Middle Mile Network project.

Chairman Wendt opened the public hearing at 6:07pm.

Ethan Lawton, contract city planner, gave a slideshow presentation. He went over the coastal zone and coastal development process. He said the proposed project is a telecommunications broadband infrastructure, it's a project that includes about ten thousand miles of broadband structure throughout the state of California. He said less than four thousand feet is proposed to take place in Crescent City Coastal Zone. He said this application is for a Consolidated Coastal Development Permit which means instead of reviewing permits for each section, it will be reviewed altogether and

consolidated.
There was no public comment.

Vice Chair Walp said he'd like the city's input on where the physical locations of the breakout boxes would be and asked Ethan to provide technical verbiage.

Ethan said he couldn't provide the technical language but could recommend the commission can direct city staff to add the technical language to be a condition.

Chairman Wendt asked Eric if he was okay with shepherding that after the approval.

City Manager Eric Wier said yes, the city can come up with the exact language, but we understand the intent, and it would be basically a city sign off before construction of the placement of the boxes, require city approval before final construction drawings, something like that where we would have that review and could authorize placement.

Chairman Wendt closed the public hearing at 6:22pm.

On a motion by Vice Chair Walp, seconded by Commissioner Dewar, and carried unanimously on a 4-0 polled vote, the City of Crescent City Planning Commission and Architectural Review Committee approved Resolution No. PC2023-02, A resolution of the Planning Commission of the City of Crescent City Authorizing the consolidation of a Coastal Development permit for Caltrans Broadband Middle Mile Network project with the addition to task the city with some verbiage to require the city's input into the placement of the breakout boxes for the fiber optics.

VIB. Approve and Adopt Resolution No. PC2023-03, A resolution of the Planning Commission of the City of Crescent City Authorizing the use of Teleconferencing Provision under AB 361.

There was no public comment.

On a motion by Chairman Wendt seconded by Vice Chair Walp, and carried unanimously on a 4-0 polled vote, the City of Crescent City Planning Commission and Architectural Review Committee approved Resolution No. PC2023-03, A resolution of the Planning Commission of the City of Crescent City Authorizing the use of Teleconferencing Provision under AB 361.

VII. CONTINUING BUSINESS:

VIIA. Review the City of Crescent City's Draft 6th Cycle Housing Element and receive public comment.

Chairman Wendt opened the public hearing open at 6:25pm.

Ethan Lawton shared that the Commission reviewed this last meeting and he wanted to provide another opportunity for the Commission and public to comment.

Chairman Wendt said he was concerned about the unhoused population, he asked for clarification on the numbers listed for the unhoused population.

Eric Wier said there is a study of real time numbers being conducted right now.

Sophia Ross said there was a new assembly bill that came out redefining emergency shelters. The bill said emergency shelters are now to include other interim interventions including but not limited to navigation centers, bridge housing, and respite or recuperative care. She said it is meant for services to help unhoused people in their transitional state. Furthermore, this assembly bill goes on to require the city to identify a zone that has already permitted residential housing. As of right now the city allows emergency shelters in the public facility zone which does not allow permitted residential housing. She recommends the city identify the C-2 district to allow emergency shelters because it's close to amenities and allows permitted residential housing. The state also requires that the city do an analysis of the objective design standards and programs that the city has in place for emergency shelters for the housing element to be certified.

Ethan Lawton said that the draft housing element has been submitted to HCD and is getting reviewed. Ethan said the city should receive some comments from HCD and the city will make adjustments. After the adjustments it will come back before the commission, and it will be resubmitted to HCD.

Permanent local housing allocation funding and housing was discussed on a commission level.

There was no public comment.

Chairman Wendt closed the public hearing at 6:49pm.

VIII. REPORTS, CONCERNS, REFERRALS:

VIIIA. Planning staff will provide a brief verbal update on planning related items.

Eric Wier- Mr. Wier said that Kelley Schellong is the new city council member. There will be a discussion regarding the jetty and dangers during storms at the next city council meeting. There will also be an employment agreement for the new Public Works Director at the next council meeting. The council will also be approving a contract for AE Comm for the pool dehumidifiers and new boiler system. The city received five hundred thousand dollars grant funding from Northcoast Regional Partnership through the water resources division of the state for an additional ground water well in the Fort Dick area adjacent to our water lines. It would be an augmentation to our Ranney collector.

Ethan Lawton- Mr. Lawton said that the commission should expect at least two items on the next agenda. One is a use permit and the other a coastal development permit.

X. ADJOURNMENT:

There being no further business to come before the Commission, Chairman Wendt adjourned the meeting at 6:59 p.m. to the regular meeting of the City of Crescent City Planning Commission and Architectural Review Committee scheduled for Thursday February 9, 2023 at 5:30 p.m. via Zoom.

ATTEST:

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Heather Welton
Office Technician

CITY OF CRESCENT CITY PLANNING COMMISSION
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MINUTES
REGULAR MEETING
Thursday, February 9, 2023, at 5:30 p.m.
VIRTUAL VIA ZOOM

I. CALL TO ORDER: Chairman Wendt called the meeting to order at 5:33 p.m.

ROLL CALL: Commissioners present: Commissioner Betsy Dewar, Commissioner Brad Kime, Vice-Chair Ray Walp and Chairman John Wendt
Staff present: City Manager Eric Wier, Contract City Principal Planner Bob Brown, Contract City Planner Ethan Lawton, Contract City Planning Consultant Sophia Ross, and Office Technician Heather Welton

II. PUBLIC COMMENT: *There were no members of the public present at the meeting.*

III. CONSENT CALENDAR: *None.*

IV. APPROVAL OF MINUTES:

IVA. Approve minutes from the December 8, 2022, Regular Planning Commission Meeting.

On a motion by Vice Chair Walp, seconded by Commissioner Dewar, and carried unanimously on a 3-0 polled vote, with Commissioner Kime absent, the City of Crescent City Planning Commission and Architectural Review Committee approved the meeting minutes from December 8, 2022, as presented.

IVB. Approve minutes from the January 5, 2023, Special Planning Commission meeting.

On a motion by Commissioner Dewar, seconded by Vice Chair Walp, and carried unanimously on a 3-0 polled vote, with Commissioner Kime absent, the City of Crescent City Planning Commission and Architectural Review Committee approved the meeting minutes from January 5, 2023, as presented.

V. CONDITIONAL USE PERMITS AND ARCHITECTURAL REVIEW:

VA. Approve UP22-04 to allow a massage therapy and esthetician services by Nissa

Henderson.

Sophia Ross, contract planning consultant, gave a brief background and presentation. She said Nissa Henderson is applying for personal services use permit for massage therapy and esthetician services. She said the use permit is consistent with the general plan and zoning code. Site plan and architectural design shows two off street parking spaces. Environmental review shows its CEQA exempt. Conditions of approval 1-3 are 1. Approval is for the project as described in the submitted Conditional Use Permit application (received 1/9/23) and included as attachment A to the staff report. 2. The applicant will be required to comply with all requirements of the City's Municipal Code including, but not limited to, Chapters 17.18 (Residential- Professional District). 3. The applicant must meet all requirements of the various City Departments including, but not limited to, the City Manager, Public Works Department, City Engineer, Police Department, Fire Department, Building Department, and Planning Department.

Signage was discussed on a commission level.

There was no public comment.

On a motion by Chairman Wendt, seconded by Commissioner Dewar, and carried unanimously on a 3-0 polled vote, with Commissioner Kime absent, the City of Crescent City Planning Commission and Architectural Review Committee approved UP22-04 to allow a massage therapy and esthetician services by Nissa Henderson at 475 H Street with conditions of approval 1-3 being met.

VI. <u>NEW BUSINESS</u>:

VIA. AB2339 Emergency Shelters Briefing: Commission will be presented with AB2339. NEW BUSINESS: requirements, current emergency services in the City, and potential zones to comply

Sophia Ross, contract planning consultant, gave a brief background and presentation. She went over AB2339 Emergency Shelter Briefing. She said AB2339's definition of emergency shelter now includes navigation centers, bridge housing and respite-recuperative care. She said legislation now requires cities to identify a zoning district to allow emergency shelters by right that also allow residential use and to demonstrate the zone has adequate access to amenities. They also require the city provide a calculation methodology for determining the sufficiency of sites available to accommodate emergency shelter in the identified zoning designation and analyze any adopted written objective standard for potential government constraints. She went over definitions for different services. Emergency shelters are minimal support services with a max of six months to stay and you cannot be denied entry because you cannot pay. Supportive housing has no limit on length of stay and generally targeted to a certain population that is experiencing homelessness to help them find employment and housing. Transitional housing is a time limited stay of a max of six months and is more of a rental housing development, they look like apartments, and you live there for a certain amount of time until you find housing. Navigation centers are temporary and are about giving services to the individual in need. Bridge housing is immediate care for someone experiencing homelessness. Respite and recuperative care is for people who are too sick to be on their own but not sick enough to require the person be in a hospital. Residential care

facility is a group of six people or more and they generally also have a targeted population they are serving, and the individual would need to invest in a program to be accepted. Rooming houses are permanent housing that may or may not include meals. She said currently emergency shelters are allowable in the public facility zone, however it is not compliant with AB2339. She went over the current emergency services that are in the city, which included the Legacy House a county operated transitional housing and Mission Possible Home a residential care facility. Sophia proposed two zones to comply with the AB2339 requirement that emergency shelters be allowed by right in a zone that also allows residential use and is close to amenities. The first zone is the General Commercial District C-2 zone and the second High Density Residential R-3 zone.

Vice Chair Walp said General Commercial District C-2 zone makes more sense for emergency shelters.

Commissioner Dewar said emergency shelters should be close to amenities.

Commissioner Kime joined at 5:58pm.

Chairman Walp agreed with the General Commercial District C-2 zone being better suited.

Commissioner Kime said General Commercial District C-2 zone is probably the best location.

There was no public comment.

VII. <u>CONTINUING BUSINESS:</u>

VIIA. Receive public comment on the City's Draft 6th Cycle Housing Element

There was no public comment.

VIII. <u>REPORTS, CONCERNS, REFERRALS:</u>

<u>Vice Chair Walp</u>- Wanted to thank Eric Wier, City Manager, on taking care of the trash can overflow and thank Commissioner Kime for bringing the subject up in a previous meeting.

<u>Chairman Wendt</u>- Asked if the commission would be meeting the new Public Works Director, Dave Yeager, at the next Planning Commission meeting. Chairman Wendt said there was one Planning Commission applicant, and the city will do an interview with them a week from today.

<u>Ethan Lawton</u> -Said a Chipotle architectural review, and zoning code amendment will be coming before the commission in March. There is a Coastal Development Permit in the works and will be coming before the Commission soon. He said the online portal system that the city currently uses for building permits will soon be used for planning purposes as well. He said the planners will soon have office hours at city hall on days of the Planning Commission meeting.

Eric Wier- Said the plan is for the new Public Works Director, Dave Yeager, to attend the next Planning Commission meeting. He said the local Walgreens is closing on March 1, 2023. There was a joint RCTA meeting with the City Council, they authorized staff to move forward with a new location for a transit hub which would come before the Planning Commission. He said there was a Measure S/ City Council meeting where they discussed streets. He said Measure S funds has increased and they are going to try and carve out about six hundred thousand dollars a year in street maintenance. He said this February 15th, 2023 at the Washington Fire Station there will be a meeting going over the Draft Beachfront Park General Development Plan. He said the next phase of the Front Street improvement from G Street to Play Street will go before the City Council on February 21st, 2023, out to bid the next day and constriction proposed to start in May 2023, which has been funded by grants. He said there are two grants that the city is going to submit for. One is through the Community Economic Resiliency Fund called SURF grant and the other a Raise grant. He said the 162 housing project near Joe Hamilton that went before the Planning Commission in the past has a conditional award letter for funding from Infrastructure Improvement Grant. He said there will hopefully be a joint Planning Commission and City Council meeting on February 27th, 2023.

X. ADJOURNMENT:

There being no further business to come before the Commission, Chairman Wendt adjourned the meeting at 6:32 p.m. to the regular meeting of the City of Crescent City Planning Commission and Architectural Review Committee scheduled for Thursday March 9, 2023 at 5:30 p.m. at the Flynn Center, 981 H Street, Crescent City, CA 95531.

ATTEST:

_____
Heather Welton
Office Technician

CITY OF CRESCENT CITY PLANNING COMMISSION
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MINUTES
REGULAR MEETING
Thursday, March 9, 2023, at 5:30 p.m.
VIRTUAL VIA ZOOM

I. CALL TO ORDER: Chairman Wendt called the meeting to order at 5:32 p.m.

ROLL CALL: Commissioners present: Commissioner Betsy Dewar, Commissioner Brad Kime, Commissioner Candace Tinkler, Vice-Chair Ray Walp and Chairman John Wendt
Staff present: City Manager Eric Wier, Chief of Police Richard Griffin, Contract Principal Planner Bob Brown (virtually), Contract City Planner Ethan Lawton, Contract City Planning Consultant Sophia Ross (virtually), IT GIS Technician Taylor Patch and Office Technician Heather Welton.

II. PUBLIC COMMENT: *There was no public comment.*

III. CONSENT CALENDAR: *None*

IV. CONDITIONAL USE PERMITS AND ARCHITECTURAL REVIEW:

IV.A: AR23-02 – Chipotle

Chairman Wendt opened the public hearing at 5:36pm.

Ethan Lawton, Contract City Planner, gave a slideshow presentation for the site plan and architectural design review for Chipotle proposed for 895 L Street. He said the project is consistent with the general plan and zoning. He said site plan wise it meets the off-street parking criteria and fulfills the landscape requirements. There is no fencing proposed and the signage meets requirements. There are no proposed street improvements but there are proposed sidewalk improvements. Public service requirement proposes hook ups to utilities as required. Environmental determination is exempt according to CEQA guidelines. He went over the staff recommended findings. He said the findings show the project won't be a detriment to public health safety and welfare, the activity will not result in significant unavoidable impact to the environment, it is consistent with general plan, zoning code, and the site plan and architectural design review standards and is categorially exempt from CEQA.

There was no public comment.

Chairman Wendt closed the public hearing at 5:41pm

The driveway entrances were discussed on a commission level.

Commissioner Tinkler expressed some concerns. She feared the generic fast-food chain would downgrade the uniqueness of our community and the detriment of the local restaurants that are already established.

Commissioner Kime spoke in favor of the new development.

Architectural standards were discussed on a Commission level.

Eric Wier, City Manager, said that there is currently not an architectural standard enforced by the City of Crescent City and that this is something the Planning Commission would want the City to bring back before the Commission.

Chairman Wendt was in favor of having a future discussion regarding architectural design.

Ethan Lawton, Contract City Planner, said they are currently in the process of updating C-1 zoning district and they are drafting objective design standards.

On a motion by Commissioner Dewar seconded by Commissioner Kime and carried unanimously on a 5-0 polled vote, the City of Crescent City Planning Commission and Architectural Review Committee approved AR23-02 Chipotle.

V. CONTINUING BUSINESS:

V.A: Draft 6th Cycle Housing Element

Chairman Wendt opened the public hearing at 6:04 pm.

Written public comment was acknowledged, there was no other public comment.

Chairman Wendt closed the public hearing at 6:07pm.

V.B: AB2339 - Emergency Shelters

Chairman Wendt opened the public hearing opened at 6:08 pm

There was no public comment.

Sophia Ross, Contract City Planning Consultant, gave a slideshow presentation where she went over the zone amendment process, project description and location, general plan consistency, 5th cycle housing element consistency and environmental determination. For the amendment process she said that that the Planning Commission gave city staff direction on February 9th, 2023 to prepare a zone amendment for the C-2

district to satisfy AB 2339 regulations. The zone amendment was scheduled for today and noticed in the local newspaper on February 24th, 2023 and noticed to residents within 200 feet by mail on February 23, 2023 and that the Planning Commission shall approve, deny or request additional information regarding the proposed amendment. She said the project purpose was to expand the definition of emergency shelters to include other interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care and to identify a zoning district to allow emergency shelter by right that also allows residential use, and that the zone has adequate access to amenities. The proposal is to amend the C-2 zoning code to include emergency shelters by right and amend the zoning definitions code to include bridge housing, emergency shelter, navigation centers, residential care facilities, respite and recuperative care, rooming house, supportive housing, and transitional housing. She said the permission of Emergency Shelters in the C-2 zone would be consistent with the purpose of the district. The proposed amendment does not conflict with prohibited uses in the C-2 zone. The proposed amendment does not include physical development and therefore does not have the potential to cause significant effect to the environment making it exempt from CEQA.

Commissioner Kime asked what the penalty was for denying the emergency shelters.

Sophia Ross answered that the housing element might not be certified, and the city might be lose future funding for housing.

Commissioner Tinkler stated she was in support of resolution PC 2023-04.

Commissioner Dewar asked about costs that could accrue for staff due to the zoning amendment.

Bob Brown said the City will incur costs implementing this but will not be reimbursed.

Police Chief Richard Griffin spoke in support of resolution PC 2023-04.

Chairman Wendt closed the public hearing at 7:11pm.

On a motion by Chairman Wendt seconded by Commissioner Tinkler, and carried unanimously on a 5-0 polled vote, the City of Crescent City Planning Commission and Architectural Review Committee adopted Resolution PC2023-04 Zoning Amendments to the C-2 (General Commercial District) Zoning (Chapter 17.22) and Zoning Definitions (Chapter 17.04) to allow Emergency Shelters.

VI. NEW BUSINESS: *None.*

VII. REPORTS, CONCERNS, REFERRALS:

Chairman Wendt- asked who has jurisdiction of the Point of Honor, and asked if it could be discussed at a future meeting for enhancements.

Ethan Lawton- said the next meeting will have a presentation on the sign ordinance, a potential coastal development permit for an ADU in Coastal zone, and MyGov presentation.

VIII. ADJOURNMENT:

There being no further business to come before the Commission, Chairman Wendt adjourned the meeting at 7:20 p.m. to the regular meeting of the City of Crescent City Planning Commission and Architectural Review Committee scheduled for Thursday April 13, 2023 at 5:30 p.m. at the Flynn Center, 981 H Street, Crescent City, CA 95531.

ATTEST:

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Heather Welton
Office Technician

CITY OF CRESCENT CITY PLANNING COMMISSION AND ARCHITECTURAL REVIEW COMMITTEE

STAFF REPORT
Agenda Item # IV.A

TO:	Planning Commission (Chairperson Wendt and Members of the Planning Commission)
FROM:	Community Development Department, Planning Department (Bob Brown, AICP, Director/Consultant)
PREPARED BY:	Community Development Department, Planning Department (Ethan Lawton, City Planner/Consultant)
DATE:	April 20, 2023
SUBJECT:	VAR23-01/AR23-04 -Battery Point Group

STAFF RECOMMENDED ACTIONS:

I) Open the public hearing.
   i) Receive the Staff Report.
   ii) Receive public comments.
II) Close the public hearing.
III) Discuss and adopt the Necessary Findings.
IV) Consider Alternatives and take action on the application #VAR23-01 with any additional conditions adopted by the Planning Commission at the public hearing.

BACKGROUND INFORMATION

Project: A Variance Permit & Site Plan / Architectural Design Review Application (VAR23-01/AR23-04) to request a 3-ft rear-yard setback, a reduction from the required 10-ft. The proposed use of the structure will be for cold food storage and employee break room and general storage space.
Applicant: LNL Design and Construction
Site Address: 1348 Front Street
APN: 118-080-017
Lot Size: +/- 22,560 sq. ft. / +/- 0.517 acres
Project Size: +/- 1,297.8 ft sq. ft.
General Plan Land Use: Visitor and Local Commercial (VLC)
Zoning: C-2 (General Commercial District)
Coastal: No
Surrounding Zoning/Uses: South – C-2 (General Commercial District), East - C-2 (General Commercial District), West - C-2 (General Commercial District), North - C-2 (General Commercial District).

Aerial Photo of Project Site

Source: ParcelQuest, April 2023

PROJECT DESCRIPTION:

LNL Design and Construction submitted a Variance Permit & Site Plan / Architectural Design Review Application (VAR23-01/AR23-04) to request a 2-ft rear-yard setback, a reduction from the required 10-ft, for a proposed expansion on an existing commercial building within the C-2 Zoning (General Commercial District) located at 1348 Front Street (APN 118-080-017).

GENERAL PLAN CONSISTENCY:

The general plan (GP) designates the project site within the Visitor and Local Commercial (VLC) Zone. The VLC land use designation reads as follows:

> ***Visitor and Local Commercial (VLC)***
> *This designation provides for a combination of commercial uses including visitor-serving commercial uses, local-serving commercial uses, and regional-serving commercial uses. Within the coastal zone, however, visitor-serving uses will have priority over all allowable uses. The focus of this designation is on concentrating uses oriented toward tourism and drawing trade from the entire Del Norte County area. The maximum FAR for buildings in*

this designation is 0.50. The principal permitted uses under the VLC designation include, but are not limited to, commercial activities such as regional shopping and service centers including wholesale "club" stores and factory outlets; a full range of retail uses including apparel stores, specialty shops, durable goods, and home furnishings; travel and transportation services such as motels/hotels and gas stations; restaurants; entertainment centers; banks; savings and loans, and recreation facilities. Multiple-unit residential uses as a secondary/mixed use at a density of 6 to 15 units per acre may be considered with a conditional use permit. Other uses requiring a conditional use permit include, but are not limited to, new timeshare resort hotels, recreational vehicle parks, mini-storage, medical offices, and public facilities.

The General Plan envisions a "*visitor-serving commercial uses, local-serving commercial uses, and regional-serving commercial uses*" including "*cold food storage and employee break room and general storage space*."

Analysis: Staff believes that the proposed project is consistent with the City's General Plan Designation.

ZONING CODE CONSISTENCY:

The Crescent City Municipal Code (CCMC) defines the following uses as principally permitted within the General Commercial (C-2) Zone:

17.22.010 [C-2] Purpose
The general commercial district is intended primarily to serve as the central trading area of the city. The district accommodates and enhances several of the existing dominant features of the central area and provides the permanent shopping goods, financial and business, as well as the entertainment center of the community. In the C-2 district no building or land shall be used and no building shall be erected or structurally altered, unless otherwise provided herein except for one or more of the uses set forth in Section 17.22.020.

17.22.020 [C-2] Uses
A. The principal permitted general commercial use in the C-2 district includes:
3. Indoor and outdoor recreational or travel activities and services, such as: all eating and drinking places (including drive-thru services), hotels and motels, theaters, entertainment centers, and bus stations.

17.22.040 [C-2] Height and area regulations
In the C-2 district the height of buildings and the maximum dimensions of yards and lots shall be as follows:
B. Yard and Areas.
3. Rear Yard. Minimum ten feet;

5. Lot Coverage. The maximum total building square footage shall be fifty percent of the size of the lot. Parking areas shall not be counted as building square footage. Residential units which are on the ground floor shall be counted, however residential units above the ground floor shall not be counted in the square footage.

17.22.080 [C-2] General regulations

B. There shall be no manufacture compounding, processing, or treatment of products other than that which is clearly incidental and essential to a retail store or business and where such completed products are sold at retail on the premises.

C. There shall be no display of goods outside of the structure except for those uses customarily conducted in the open such as automobile sales.

E. The above general commercial uses shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes beyond the level of the ordinary neighborhood retail establishment.

Analysis: Staff believes that the proposed project is principally permitted use defined as "*Indoor recreational or travel activities and services* (17.22.020(A)(3))." However, the proposed project requests a 3-ft rear yard setback, a reduction from the required 10-ft (17.22.040(B)(3)) which requires a Variance Permit (see below). If a Variance permit is denied, the applicant must abide by the 10-ft rear yard setback.

SITE PLAN & ARCHITECTURAL DESIGN REVIEW:

The purposes of a site plan and architectural review are to permit the city to evaluate site plans and designs of structures to assure compatibility, harmony in appearance in neighborhoods, reduce negative impacts on adjacent properties and coastal visual resources, reduce the unnecessary destruction of the environment and ground cover to avoid the creation of hazardous conditions and drainage problems, to protect views to and along the coast and scenic areas, to minimize the alteration of natural landforms, and to ensure that development is compatible with the character of its surroundings, and subordinate to the character of its setting in designated "highly scenic areas;" to avoid monotonous and otherwise non-aesthetic development injurious to the overall community; to provide a vehicle to encourage full development of streets servicing the properties, and to assure full installation of all public utilities necessary to serve such properties (CCMC 17.79.010(A)).

According to the CCMC 17.79.035(A) [Site Plan & Architectural Design Review] Review Standards, the application shall be reviewed for consistency with the following items:

1. **Applicable Zoning**: C-2 (General Commercial District)
2. **(Off-street) Parking**: +20 stripped and paved.
3. **Landscaping**: The existing structure contains no landscaping, and the proposed project contains no landscaping.
4. **Fencing**: The existing structure contains no fencing, and the proposed project contains no fencing. Any new fencing would require a fence permit. Note: The property north of the project area has a 6-ft chain-link fence and gate.
5. **Signage**: There is no proposed signage. Any new signage would require a sign permit.
6. **Street**: No street improvements have been proposed.

7. **Sidewalk**: Sidewalks are currently present.
8. **Public services requirements**: None.

Analysis: Staff believes the proposed project meets the above criteria. However, the Planning Commission may find landscaping is necessary as a condition of approval for the proposed use. Additional information and consideration may be presented by the applicant/public during the Public Hearing.

VARIANCE PERMIT REVIEW:

The sole purpose of any variance shall be to prevent discrimination and undue hardship and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone (CCMC 17.56.010).

When unreasonable and unnecessary hardships or results inconsistent with the general purpose of this title result through the strict and literal interpretation and enforcement of the provisions thereof, the planning commission of the city shall have authority as an administrative act subject to the provisions of this section, to grant upon such conditions as it may determine such variances from the provisions of this code as may be in harmony with its general purpose and intent so that the spirit of this code shall be observed, public safety and welfare secured, and substantial justice done (CCMC 17.56.010). When considering the grant/denial of a Variance Permit, the Planning Commission should consider the following:

> ***17.56.010 [Variance Permit] Purpose***
> *...Before any variance may be granted the planning commission or the city council on appeal, it shall be shown:*
>
> *A. That there are exceptional and extraordinary circumstances of conditions applicable to the property involved;*
>
> *B. That such variance is necessary for the preservation and enjoyment of the substantial property right possessed by other property in the same vicinity and zone and denied to the property in question;*
>
> *C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which property is located;*
>
> *D. The granting of such variances will not adversely affect the general plan for Crescent City;*
>
> *E. That a public hearing wherein the applicant is heard and in which he substantiates all of the conditions cited above;* ***and***

F. That the planning commission is reviewing such requests and hearing the evidence finds that conditions of subsections A through E of this section have been met. (Prior code § 30-502)

Analysis: The Applicant has provided the following: "*The reason for the variance it to accommodate cold food storage and employee break room and general storage space* (03/24/23)." The Planning Commission must make the above determinations (17.56.010(A-F)) prior to granting the Variance Permit. Since no support for the variance findings were submitted with the application, the applicant is required to provide support for each of the above findings to the Planning Commission (17.56.010(E)). Staff has not been provided information to analyze the adequacy of the support of making the variance findings. Staff is not making a recommendation to approve or deny the variance.

ENVIORNMENTAL DETERMINATION:

The proposed project is determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), 15303(c), 15305(a), and 15332 of the CEQA Guidelines:

§ 15061(b)(3). Common Sense Exemption
(b) A project is exempt from CEQA if:
(3) The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

§ 15303(c). New Construction or Conversion of Small Structures
Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:
(c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

§ 15305(a) - Minor Alterations in Land Use Limitations
Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:
(a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;

§ 15332. In-Fill Development Projects.
Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.
(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
(c) The project site has no value, as habitat for endangered, rare or threatened species.
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
(e) The site can be adequately served by all required utilities and public services.

Analysis: Staff believes the proposed project meets the above criteria for the following reasons:

§ 15061(b)(3). Common Sense Exemption.
The proposed project is on a developed and paved area and not considered a depth concern.

§ 15303(c). New Construction or Conversion of Small Structures.
Crescent City is an urbanized area, with a proposed expansion to a commercial building not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

§ 15305(a) - Minor Alterations in Land Use Limitations.
The proposed project requests a setback variance not resulting in the creation of any new parcel.

§ 15332. In-Fill Development Projects.
a) the proposed "cold food storage and employee break room and general storage space" use is consistent with the General Plan Designation of VLC and the C-2 Zoning District (with a Variance permit) and variance process is described in the Chapter 1756; b) the project site is located in the City of Crescent City, is approximately 0.5 acres, and is located adjacent to commercial uses along Front Street; c) the project will be located on a developed site in an existing building that is surrounded by paved surfaces and contains no habitat for rare, threatened, or endangered species; d) the project proposes "cold food storage and employee break room and general storage space" in an existing commercial unit that has a limited potential to result in significant traffic, noise, air quality, or water quality impacts; and e) the site is already served by utilities and public services.

ALTERNATIVES:

The Planning Commission has the following alternatives to consider:

1. **APPROVAL**. Should the Planning Commission adopt all the recommended findings after supported by criteria presented by the applicant, and approve the variance, planning staff

will send the applicant an approval letter, after the 10-day appeal period, as adopted by the Planning Commission during the public hearing (17.56.050). A few alternatives for the Planning Commission to consider are:

a. **Amend setbacks:** The Planning Commission may consider requiring a reduced __-ft setbacks to address _____.
b. **Action: A motion to adopt the Recommended Findings and approve the Variance Permit (VAR23-01) and Site Plan (AR23-04) to allow a reduced ___-ft rear yard setback.**
c. **Result**: The applicant would be granted a reduced ___-foot rear yard setbacks.
d. **Appeal**: The Commission's actions may be appealed to the City Council within 10 days (CCMC 17.56.030).

2. **DENIAL**. Should the Planning Commission find that support has not been provided by the applicant to make one or more of the recommended findings, and the planning commission denies the variance, planning staff will send the applicant a denial letter stating why the application was denied (17.56.50).
    a. Action: A motion to deny the Variance Permit (VAR23-01) request due to the variance requirements not being fully satisfied, specifically regarding _____.
    b. **Result**: The applicant would be required to meet the 10-foot rear yard setbacks.
    c. **Appeal**: The Commission's actions may be appealed to the City Council within 10 days (CCMC 17.56.030).

3. **REQUEST ADDITIONAL INFORMATION**. Should the Planning Commission require additional information in order to make and adopt the findings, planning staff will follow up with the applicant requesting any additional information.
    a. **Action**: **A motion to request additional information regarding _____ be brought back to the next scheduled Planning Commission meeting for consideration.**
    b. **Result**: This item will be scheduled on the next scheduled Planning Commission meeting agenda (Thursday, May 11, 2023).
    c. **Appeal**: No appeal available as no action has taken place.

RECOMMENDED FINDINGS:

The Planning Commission, in discussion, need to make the following findings:

1. The proposed location of the variance permit will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. The proposed activity, as conditioned, will not result in significant and unavoidable impacts on the environment.
3. The proposed project is consistent with the Crescent City General Plan.
4. The proposed project is consistent with the Crescent City Zoning Code.
5. The proposed project is consistent with Site Plan and Architectural Review standards.

6. The proposed project satisfies the use permit requirements.
7. The proposed project is determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), 15303(c), 15305(a), and 15332 of the CEQA Guidelines.
8. The proposed project to be approved with the Conditions of Approval found within Attachment B.

ATTACHMENTS:

A) Variance Permit Application (VAR23-01)
B) Conditions of Approval

CITY OF CRESCENT CITY

Development Permit Application

Return completed application to:
Planning Department
377 J Street
Crescent City, CA 95531
(707) 464-9506 (707) 465-4405 fax

TYPE OR PRINT CLEARLY

Applicant: LNL Design and Construction	Street Address / City / Zip Code: 2601 Lake Earl Drive Crescent City CA 95531	Day Phone: (707) 465-6432
Representative (if any):	Street Address / City / Zip Code:	Day Phone:
Property Owner: Battery Point Group	Street Address / City / Zip Code: 1225 Marshall St. Suite 2 Crescent City, CA	Day Phone:

Correspondence to be sent to ☒ Applicant ☐ Representative ☐ Owner

Project Address: 1348 Front St. Crescent City, CA 95531	Assessor's Parcel No.: 118-080-017

Description of proposed project (attach sheets if necessary)

Rear of property set backs can not be meant by the existing building. Request is to change set backs on existing building. 3-ft setbacks (Ben LaFazio 04/04/23)

For cold food storage a employee break room and general storage space (Ben LaFazio 03/24/23)

Existing Land Use: Commercial	Adjacent Uses: Commercial	Building Coverage	≈5,000 sq.ft. existing
Project Acreage: 22,560 sq ft.	Project Height: 12'	Building Coverage	Ø sq.ft. proposed
Parking (number of spaces): <20	Paved Area: All parcel	Grading Required? NO	(if yes, attach preliminary grading plan)

Diking, dredging, or filling of open coastal water, wetlands or riparian/drainage areas. (Attach biological report and preliminary grading plans.)

Land Division or Boundary Adjustment. (Include tentative map with existing property lines, proposed lots, lot sizes, dimensions, access, physical features and proposed improvements, utilities, etc.)

Applicant/Representative: I have reviewed this application and the attached material. The provided information is accurate. Signed _____ Date 3/6/23	Property Owner/Authorized Agent: I have read this application and consent to its filing Signed _____ Date _____

TYPE OF APPLICATION

☐ Architectural Review	☐ Lot Line Adjustment	☐ Subdivision/Minor
☐ CEQA Review	☐ Municipal Code Amendment/Rezone	☐ Subdivision/Major
☐ Coastal Development Permit	☐ Parcel Merger	☐ Use Permit
☐ General Plan Amendment	☐ ROW or Street Abandonment	☒ Variance or Waiver
☐ Home Occupation	☐ Special Review	☐ Other

REQUIRED SUPPLEMENTAL

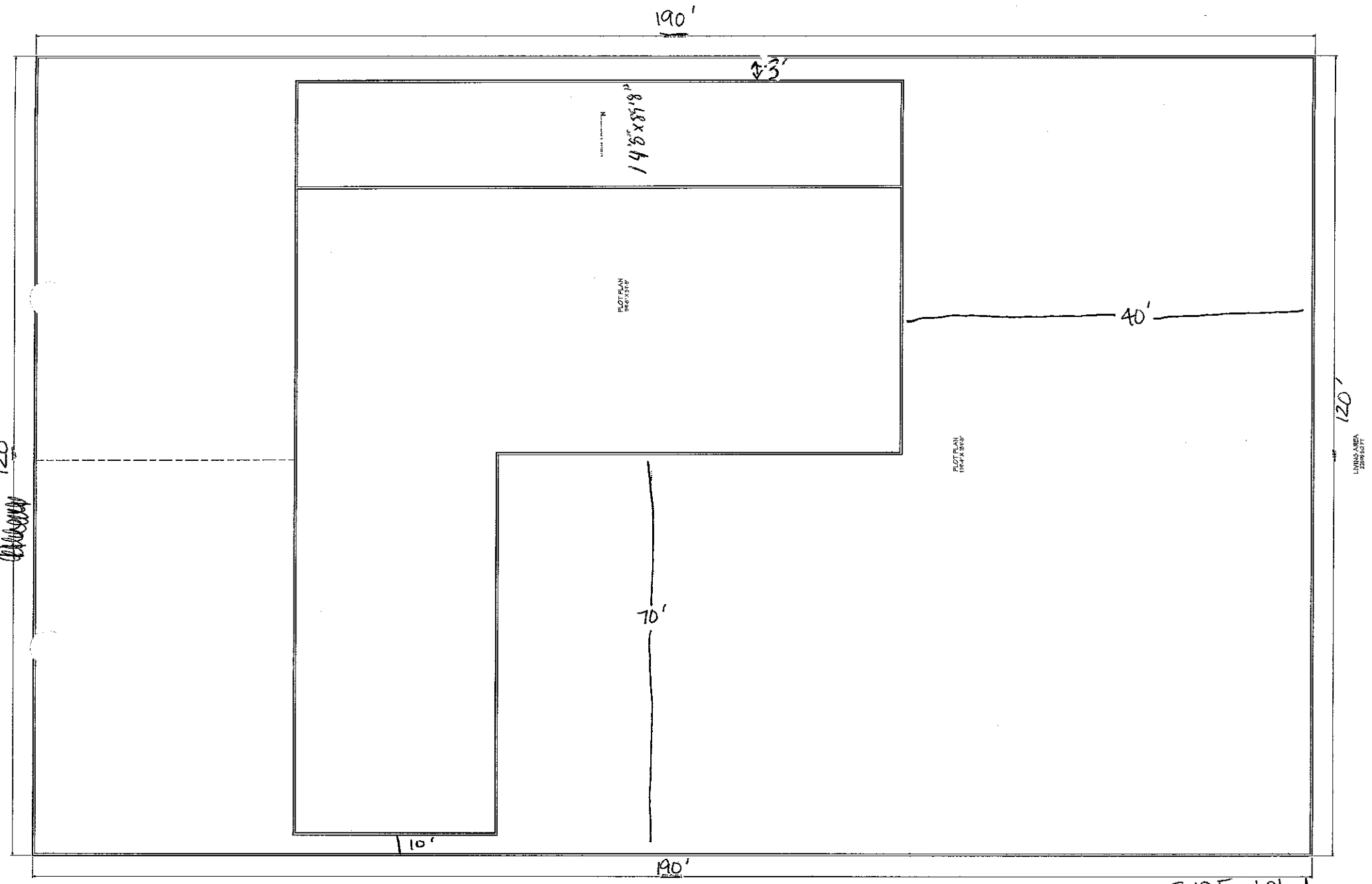
☒ Application Form	Project plans: *
☐ Application Fee	☐ Project site plans (buildings, parking, etc.)
☐ Supplemental Application Forms (variance home occupation, etc.	☐ Building floor plans and elevations
☐ Project property deed(s)	☐ Preliminary grading/drainage plans
☐ Proof of applicant's legal interest in the property (escrow, etc.)	☐ Landscaping/irrigation plans/dumpster
	☐ Sign plans/elevations
	☐ Color/materials samples
	☐ Subdivision/lot line adjustment map
	☐ Written Project Description
	☐ Preliminary Title Report
	☐ Special Project Justification/per code

*Project Plans: For Subdivision one set of full size plans and/or one set not to exceed 11" by 18" in size are to be provided. Specific information may be **required for plans - ask staff for additional information.**

OFFICIAL USE ONLY

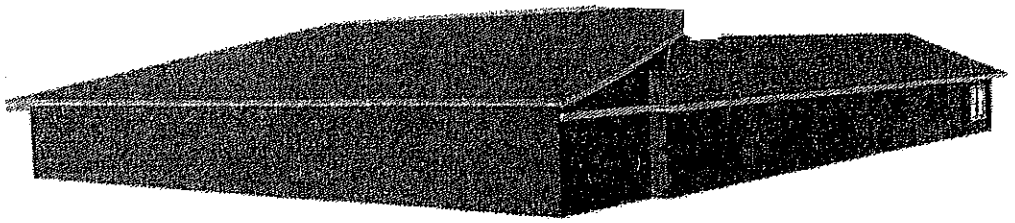
Application Number(s): VAR23-01/AR23-04	Filing Fees: $924.50	Date Filed: 03/22/23	Receipt #: #7914269
Date Application Completed	Zoning: C-2	General Plan (LUP): VLC	
CEQA: Exempt_____	Negative Declaration_____	Mitigated Negative Declaration_____	Environmental Impact Report_____
Review By: Planning Commission_____	City Council_____	Architectural Review_____	Planning/Public Works_____
Public Hearing	Office Hearing	Appealable to Coastal Commission?	
Other Notes:		Approved:	

MAKE CHECKS PAYABLE TO CITY OF CRESCENT CITY



1348 Front Street

APN: 118-080-017



9-ft walls (-Ben LaFazio 03/24/23)

Attachment B: Conditions of Approval
Variance Permit #VAR23-01: Battery Point Group

On April 20, 2023, the Planning Commission approved the above application, subject to the following conditions:

1. Approval is for the project as described in the submitted Variance Permit application and Site Plan (received 03/22/23) which is included as Attachment A to the staff report.

2. The applicant will be required to comply with all requirements of the City's Municipal Code including, but not limited to, Chapters 17.22 (General Commercial District).

3. The applicant must meet all requirements of the various City Departments including, but not limited to, the City Manager, Public Works Department, City Engineer, Police Department, Fire Department, Building Department, and Planning Department.

4. The expansion shall meet all fire prevention code requirements.

5. The applicant shall obtain building permits from the Building Department for any improvements that require a permit pursuant to the building code.

CITY OF CRESCENT CITY PLANNING COMMISSION
AND ARCHITECTURAL REVIEW COMMITTEE

STAFF REPORT
Agenda Item # VI.A

TO:	Planning Commission Chairperson Wendt and Members of the Planning Commission
FROM:	Martha D. Rice, City Attorney
PREPARED BY:	Martha D. Rice, City Attorney
DATE:	April 20, 2023
SUBJECT:	Accessory Dwelling Unit Ordinance Draft Discussion

STAFF RECOMMENDED ACTIONS:

I. Receive the Staff Report.
II. Receive public comments.
III. Discuss the draft ADU ordinance.
IV. Give direction to staff the draft ADU ordinance.

BACKGROUND INFORMATION

Project: LEGISLATIVE: *DRAFT* Accessory Dwelling Unit Ordinance

General Plan Land Use: Single Family Residential, Multi-Family Residential, Business-Professional, General Commercial, Visitor and Local Commercial, Light Industrial

Zoning: Low Density Residential (R-1), Moderate Density Residential (R-2), High Density Residential (R-3), Residential-Professional (R-P), Downtown Business District (C-1), General Commercial (C-2), Commercial Waterfront (CW), Commercial Manufacturing (C-M)

Coastal: No

PROJECT DESCRIPTION:

Draft Accessory Dwelling Unit Ordinance to allow ADUs in the following zones: Low Density Residential (R-1), Moderate Density Residential (R-2), High Density Residential (R-3), Residential-Professional (R-P), Downtown Business District (C-1), General Commercial (C-2), Commercial Waterfront (CW), Commercial Manufacturing (C-M).

This draft ordinance has been updated and reformatted since last discussed with the Planning Commission in 2021. The draft at that time was written to comply with then current California ADU law. While the draft provisions were in review by the City Attorney, the California legislature adopted several additional bills in 2021 and 2022 (effective in 2022 and 2023) that altered local requirements. In addition, HCD review staff have provided additional guidance and interpretation of the law. State ADU law represents the minimum standards for accessory dwelling units. Cities and counties are authorized to go beyond state law to further encourage the development of ADUs by relaxing restrictions and standards. The draft ordinance is primarily what is required by State ADU law and what the PC previously directed be in the ordinance.

GENERAL PLAN CONSISTENCY:

Per State ADU law and the draft ordinance, ADUs are allowed in zones where residential uses are allowed either principally or conditionally. ADUs are considered both residential and an accessory use to a residential use consistent with the General Plan land use designations covering the affected zoning districts.

Single-Family Residential: The two single-family residential designations provide for varying densities of residential development within the urban boundary. The principal permitted uses are single-family dwellings and accessory buildings.

Multi-Family Residential: The two multi-family residential designations provide for moderate to high density residential development within the urban boundary. The principal permitted uses under these designations are multi-unit residential buildings.

Business-Professional: This designation provides for a strong business/government/professional core in downtown Crescent City. The designation serves as a transition between residential districts and commercial districts. Multiple-unit residential uses are permitted as a secondary use at a density of 6 to 15 units per acres. The maximum FAR for non-residential buildings in this designation is 0.85.

General Commercial: This designation provides for general commercial uses which provide the Crescent City Planning Area with goods, services, and jobs. The maximum FAR in this designation is 0.50. Residential uses as a secondary/mixed use at a density of 12 units per acre may be considered with a conditional use permit.

Visitor and Local Commercial: This designation provides for a combination of commercial uses including visitor-serving commercial uses, local-serving commercial uses, and regional-serving commercial uses. The focus of this designation is on concentrating uses oriented toward tourism and drawing trade from the entire Del Norte County area. The maximum FAR for building in this designation is 0.50. Multiple-unit residential uses as a secondary/mixed use at a density of 6 to 15 units per acre may be considered with a conditional use permit.

Light Industrial: This designation provides for mixed commercial, heavy commercial, and light, non-nuisance industrial uses that may not require prime retail sales and industrial manufacturing locations. These areas may also serve as transition areas between general industrial uses and less intense commercial, residential, or resource areas. The maximum FAR for light industrial designation development 0.50. A conditional use permit may be granted for a single residence for security/caretakers at an established development.

Analysis: The development of ADUs as an accessory to a residential use is consistent with each of the General Plan designations identified above, which all provide for some level of residential use either principally or conditionally.

HOUSING ELEMENT CONSISTENCY:

The 2014-2019 Housing Element goals that are applicable to this zoning amendment include:

> *Goal B: To assist in the development of adequate housing to meet the needs of extremely low-, very low-, low-, and moderate-income households.*
>
> *Goal C: To pursue conservation and enhancement of existing housing units to provide adequate, safe, and decent housing for all Crescent City residents.*
>
> *Goal D: To address, and where appropriate and legally possible, remove governmental constraints for all housing, including housing for special needs groups.*

Analysis: Staff believes that the draft ADU ordinance is consistent with the Housing Element Goals identified above as the availability of the creation of ADUs will (1) assist in the development of housing that can be utilized by extremely low-income to moderate-income households, (2) allow for the enhancement of existing housing units to provide adequate, safe and decent housing, and (3) removes governmental constraints currently in place that do not allow for this type of housing, which can be an affordable housing option for low-income families and seniors.

Note that the draft ADU ordinance is also consistent with the *DRAFT* 2022-2030 Housing Element Update, which specifically identifies the adoption of an ADU ordinance as an implementation program to promote the following identified housing goals: (HG-1) assure adequate, safe, cost-effective and energy-efficient housing opportunities for all segments of the community, while

maintaining the quality living environment and character of the City of Crescent City, by planning for and enabling the development of balanced residential neighborhoods with access to affordable housing, community facilities, and public services, including transit; and (HG-2) provide for adequate housing for persons with special housing needs such as target income groups, seniors, disabled, students, and single-parent-headed households.

ZONING CODE CONSISTENCY:

The Crescent City Municipal Code (CCMC) allows residential uses either principally or conditionally in the following zones: Low Density Residential (R-1), Moderate Density Residential (R-2), High Density Residential (R-3), Residential-Professional (R-P), Downtown Business District (C-1), General Commercial (C-2), Commercial Waterfront (CW), Commercial Manufacturing (C-M).

Analysis: Per State ADU law, the City must allow ADUs in any zone that allows residential uses, regardless of whether the residential use is allowed principally or conditionally. All of the identified zones in the draft ordinance allow residential use either principally or conditionally and are therefore the appropriate zoning designations for ADUs as required by State ADU law.

ZONING DEFINITIONS CONSISTENCY:

Staff have reviewed the proposed definitions within the draft ADU ordinance with the general Zoning Code definitions contained in CCMC Chapter 17.04.

Analysis: The proposed ADU definitions are consistent with the existing definitions, State ADU law, and provide clarity for this particular ordinance.

ZONING AMENDMENT PROCESS:

The Crescent City Municipal Code (CCMC) sets forth the process for the Planning Commission to consider amendments to the Zoning Code (CCMC Ch. 17.58). The discussion today is regarding a new draft ordinance only. After receiving input from the Planning Commission, staff will update the ordinance and begin the formal Zoning Code Amendment process.

ENVIRONMENTAL DETERMINATION:

The proposed draft ADU ordinance is determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 (local regulations implementing Gov. Code Sections 65852.2 and 65852.22) and Section 15060(c)(1) of the CEQA Guidelines, as it implements provision of Gov. Code Sections 65852.2 and 65852.22,

which require ministerial review and approval of ADUs and JADUs, and, therefore, does not involve the exercise of discretionary powers by the City. The official Planning Commission CEQA finding will be made at a future meeting.

STAFF RECOMMENDATION:

Direct staff regarding the contents of the draft ADU Ordinance and to notice a public hearing thereon for the May meeting.

ATTACHMENTS:

A) *DRAFT* ADU Ordinance
B) Government Code Sections 65852.2 and 65852.22
C) City Zoning Map
D) HCD ADU Handbook Updated July 2022

DRAFT

DRAFT ADU ORDINANCE FOR CITY OF CRESCENT CITY

Contents

Chapter 17.35

ACCESSORY DWELLING UNITS

17.35.010 Purpose.

This Chapter is adopted to comply with Government Code Sections 65852.2 and 65852.22, which impose a state mandate that the City implement regulations governing accessory dwelling units ("ADU") and junior accessor dwelling units ("JADU") in accordance with California law.

17.35.020 Applicability.

An ADU or JADU complying with this Chapter meets the lot density requirements of this Code and constitutes an accessory to a primary use consistent with applicable land use designations in the existing

general plan and the zoning designations for the affected districts. Any local ordinance, policy, or program limiting residential growth is inapplicable to ADUs and JADUs complying with this Chapter.

17.35.030 Definitions.

For purposes of this chapter, the words and phrases listed below have the following meanings:

A. "Accessory dwelling unit" or "ADU" means an attached or a detached residential 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 residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following (so long as they otherwise comply with this Chapter):
    1. An efficiency unit.
    2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
B. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
C. "Connection fee" means those fees established pursuant to Government Code Section 66013(a).
D. "Deed restriction" means a document executed and recorded with the County Recorder's Office which places restrictions on the use or transfer of the subject property and is binding upon all future owners of the subject property.
E. "Efficiency unit" means a unit occupied by no more than two people with a minimum floor area of 150 square feet, which may also have partial kitchen or bathroom facilities.
F. "Impact fee" has the same meaning as the term "fee" as defined in Section 66000(b) of the Government Code, except that it includes fee specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge imposed by a local agency or special district.
G. "Junior accessory dwelling unit" or "JADU" means a unit entirely within an existing or proposed dwelling unit that is no more than 500 square feet and no less than 150 square feet.
H. "Living area" means the interior habitable area of a dwelling unit, including finished basements and attics, but not including garages or unfinished basements or attics.
I. "Multifamily dwelling" means a structure with two or more attached residential dwellings on a single lot.
J. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
K. "Primary dwelling" means the single-family or multi-family dwelling to which the ADU or JADU is an accessory.

17.35.040 ADU Development Standards - Generally.

A. Principal Permitted Use. ADUs that comply with the provisions of this Chapter in all respects are a principal permitted use in the following zoning districts: Low Density Residential (R-1), Moderate Density Residential (R-2), High Density Residential (R-3), Residential-Professional (R-P), Downtown Business District (C-1), General Commercial (C-2), Commercial Waterfront (CW), Commercial Manufacturing (C-M).

B. Uniform Codes. All ADUs must comply with all applicable building and fire codes, state habitability requirements, and health and safety codes, unless where explicitly exempted by Sections 65852.2 of the Government Code.

C. Solar Energy. An ADU is only subject to the California Energy Code requirement to provide a solar energy system if it qualifies as one of the following:

1. A new construction, non-manufactured, detached ADU; or
2. An attached ADU constructed with the construction of a new single-family dwelling.

D. Minimum Size. All ADUs must be at least 150 square feet.

E. Fire Sprinklers. No ADU will be required to install fire sprinklers in the ADU unless they are required of the primary dwelling. The construction of an ADU does not trigger the requirement for fire sprinklers to be installed in an existing primary dwelling.

F. Utilities. ADUs are exempt from any requirement to underground overhead utilities.

G. Septic. If a proposed ADU is planned to use an onsite wastewater treatment system (OWTS), then prior to issuance of the building permit, the applicant must submit certification from the Del Norte County Health Department stating that the existing OWTS is of adequate size and condition to support projected sewage flow for both the primary dwelling and the proposed ADU. If the capacity or condition of the existing OWTS is found to be inadequate to serve the existing dwelling and the proposed ADU, then the OWTS must be replaced or upgraded to meet current standards, at the sole expense of the applicant. A percolation test completed within the last five years, or if the percolation test has been recertified, within the last 10 years, may be required.

H. Public Improvements. ADUs are exempt from any requirement to make street and/or sidewalk improvements.

I. Nonconforming Conditions. The issuance of a permit to create an ADU may not be denied due to existing nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the accessory dwelling unit.

J. Parking. There will be no off-street parking requirements for ADUs. If existing off-street parking is lost due to the conversion of an existing garage or carport, then replacement off-street parking is not required.

K. Permanent Foundations. All ADUs must have a permanent foundation. A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, or boat cannot be used as an ADU.

L. SB 9 Lot Split. If a property owner in a single-family residential zone obtains approval of a lot split pursuant to Senate Bill 9, any existing or proposed ADU or JADU shall count toward the maximum of two units allowed on each lot resulting from the lot split. The ADU must remain with the primary dwelling.

17.35.050 Conversion ADU Development Standards.

A. Application. This section applies to ADUs that are created by converting space within either an existing single-family dwelling, or an existing accessory structure or the replacement of an existing accessory structure with a new construction ADU on a lot with a single-family dwelling, that does

not exceed the dimensions of the existing structure, including height. These units are referred to as "conversion ADUs."

B. **Size.** A conversion ADU may only expand beyond the footprint of the existing primary dwelling or accessory structure for ingress and egress purposes and by no more than 150 square feet.

C. **Setbacks.** Side and rear yard setbacks for conversion ADUs must be sufficient for fire and safety. Front yard setbacks do not apply to a conversion ADU, except for any area of expansion for ingress and egress.

D. **Height.** The maximum height allowed for a conversion ADU is that of the existing structure that is being converted into an ADU.

17.35.060 Attached ADU Development Standards.

A. **Application.** This section applies to ADUs that are built outside the walls of the existing or proposed single-family dwelling but that is physically attached to the existing or proposed single-family dwelling. These units are referred to as "attached ADUs."

B. **Size.** The total floor area of an attached ADU may not exceed 50% of the floor area of the existing or proposed single-family dwelling up to 1200 square feet; provided, however, that a total floor area of 850 square feet shall be allowed for an ADU with 0-1 bedrooms and a total floor area of 1000 square feet shall be allowed for an ADU with 2 or more bedrooms.

C. **Setbacks.** Side and rear yard setbacks for an attached ADU are four feet. Setbacks may be required to be greater than four feet if necessary to comply with any recorded utility easement or other previously recorded setback restrictions. Front yard setbacks for the applicable zoning district apply to an attached ADU.

D. **Height.** The maximum height allowed for an attached ADU is 25 feet or the applicable zoning height limitation, whichever is lower.

17.35.070 Detached ADU Development Standards.

A. **Application.** This section applies to ADUs on a lot with an existing or proposed single-family residence that are new construction and not physically attached to the primary dwelling nor a conversion of existing space in an accessory structure. These units are referred to as "detached ADUs."

B. **Size.** The total floor area for a detached ADU may not exceed 1200 square feet.

C. **Location.** Detached ADUs shall be located at least 5 feet from any other building.

D. **Setbacks.** Standard rear and side yard setbacks for detached ADUs are four feet. Setbacks may be required to be greater than four feet if necessary to comply with any recorded utility easement or other previously recorded setback restrictions. Front yard setbacks for the applicable zoning district apply to detached ADUs.

E. **Height.** The maximum height for a detached ADU on a lot with an existing or proposed single-family residence or multi-family, single story building is 16 feet. The maximum height for a detached ADU on a lot with an existing or proposed multifamily, multistory building is 18 feet.

F. **Utilities.** Notwithstanding any provisions to the contrary, all utilities for a detached ADU must be installed underground.

17.35.080 Statewide Exemption ADU.

A. Definition. An ADU that meets one the following standards is a statewide exemption ADU:

1. Statewide Exemption ADU - Type 1.
    i. One ADU and one JADU within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure per lot.
    ii. The ADU and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure for purposes of accommodating ingress and egress.
    iii. The ADU and JADU have exterior access from the proposed or existing single-family dwelling.
    iv. The side and rear yard setbacks must be sufficient for fire and safety.
    v. The JADU complies with Government Code Section 65852.22.
2. Statewide Exemption ADU - Type 2.
    i. One detached, new construction ADU that does not have less than four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU described in Exemption 1. The ADU shall have a floor area of no more than 800 square feet and a maximum height of 16 feet.
3. Statewide Exemption ADU - Type 3.
    i. Multiple ADUs within the portions of an existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basement, or garages, if each unit complies with state building standards for dwellings. Each multifamily dwelling structure will be allowed at least one ADU and up to 25% of the existing multifamily dwelling units.
4. Statewide Exemption ADU - Type 4.
    i. Not more than two detached ADUs on a lot that has an existing or proposed multifamily dwelling that are a maximum height of 18 feet and has rear yard and side yard setbacks of four feet.

B. Front Yard Setbacks. Front yard setbacks for the applicable zoning district apply to a statewide exemption ADU; provided that if said front yard setback would preclude the creation of a statewide exemption ADU Type 1 or 2, the project will be exempted from the applicable set back to the extent necessary.

C. Exemptions. No lot coverage, floor area ratio, open space, or minimum lot size may preclude the construction of a statewide exemption ADU. A statewide exemption ADU will be automatically exempted from those standards if necessary.

D. Solar Energy. New construction, non-manufactured, detached ADUs are subject to the California Energy Code requirement to provide solar systems. Per the California Energy Commission (CEC) the solar systems can be installed on either the ADU or the primary dwelling unit.

E. Rental Terms. Statewide exemption ADUs may not be rented out for a term of less than 31 days.

17.35.090 Junior ADU Development Standards.

A. Location. JADUs that comply with the provisions of this Chapter in all respects are a principally permitted use in the Low Density Residential (R-1) zoning district with an existing single-family residence or proposed single-family residence. Only one JADU is allowed per residential lot zoned for single-family residences.

B. Size. JADUs may be no smaller than 150 square feet and no larger than 500 square feet. The JADU must be constructed entirely within the walls of the existing or proposed primary dwelling.

C. Separate entrance. The JADU must have a separate entrance from the main entrance to the primary dwelling.

D. Efficiency kitchen. Each JADU must have an efficiency kitchen which includes a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the JADU.

E. Sanitation Facilities. The JADU must either have its own sanitation facilities or access to the sanitation facilities within the primary dwelling. If the JADU does not have its own sanitation facilities, then it must have an interior access door from the JADU to the primary dwelling.

F. Owner-occupancy requirement. Either the primary dwelling or the JADU must be occupied by the property owner, unless the property owner is a governmental agency, land trust, or housing organization.

G. Parking. The creation of a JADU does not trigger any off-street parking requirements.

H. Uniform Codes. All JADUs must comply with all applicable building and fire codes, state habitability requirements, and health and safety codes, unless where explicitly exempted by Sections 65852.22 of the Government Code.

I. Fire Sprinklers. No JADU shall be required to install fire sprinklers in the JADU, unless they are required of the primary dwelling.

J. Utilities. No separate connection to water and sewer utilities is required for a JADU. JADUs are exempt from any requirement to underground overhead utilities.

K. Public Improvements. JADUs are exempt from any requirement to make street and/or sidewalk improvements.

L. Nonconforming Conditions. The issuance of a permit to create a JADU may not be denied due to existing nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the junior accessory dwelling unit.

17.35.100 Number of Accessory Dwelling Units Per Lot.

A. Single-Family Dwelling. Lots with a proposed or existing single-family dwelling may have the following maximum number of units:

1. One JADU that complies with the requirements of Section 65852.22 and one ADU ; or
2. Statewide Exemption ADU Type 1 and Statewide Exemption ADU Type 2.

B. Multiple Single-Family Dwellings. Lots with multiple proposed or existing single-family dwellings are not eligible for JADUs and may have the following number of maximum units:

1. One ADU; or
2. Statewide Exemption ADU Type 1 (no JADU) and Statewide Exemption ADU Type 2.

C. **Multifamily Dwelling.** Lots with an existing or proposed multifamily dwelling may have the following maximum number of units as applicable:
    1. Statewide Exemption ADU – Type 3; and
    2. Statewide Exemption ADU – Type 4.

17.35.110 Permit Issuance Procedure.

A. **Ministerial Review Process.** A planning permit application for an ADU or a JADU shall be considered and approved ministerially if it complies with the provisions of this chapter. If there is an existing primary dwelling on the lot, then the permit application shall be either approved or denied within 60 days from the date the City receives a complete application. If the permit application for an ADU or a JADU is submitted with a permit application to construct a new primary dwelling on the lot, then the City may delay approving or denying the permit application for the ADU or JADU until the permit application to construct the new primary dwelling is approved or denied. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the City has not approved or denied the completed application within 60 days, the application shall be deemed approved.

B. **Denials.** If the City denies an application for an ADU or JADU, then the City must, within the time period described in paragraph A., return 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.

C. **Demolition Permits.** If a detached garage is to be demolished and replaced with a detached ADU, then the demolition permit must be reviewed at the same time as the application for the ADU and issued at the same time. The applicant may not be required to provide written notice of demolition or to post a demolition notice placard for the demolition of the detached garage to be replaced with a detached ADU.

D. **Variance.** If a property owner desires to construct an ADU that is in excess of the size, height, setback, lot coverage, or building spacing requirements, the property owner may apply for a variance under Chapter 17.56.

17.35.120 Certificate of Occupancy.

A. **Accessory Dwelling Units.** Prior to the issuance of a certificate of occupancy for an ADU, the following must occur:
    1. A certificate of occupancy has been issued for the primary dwelling.
    2. A deed restriction has been executed and recorded with the County Recorder of Del Norte County prohibiting the ADU from being sold or transferred separately from the primary dwelling unless the transaction complies with Section 65852.26 of the Government Code.

B. **Junior Accessory Dwelling Unit.** Prior to the issuance of a certificate of occupancy for a JADU, the owner must record a deed restriction, which shall run with the land, and include the following terms:
    1. A prohibition on the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

2. A restriction on the size and attributes of the JADU that conforms with Government Code Section 65852.22.

17.35.130 Applicable fees.

A. Utility Connection Fees.

1. An ADU is not considered a new residential use for purposes of calculating connection fees for utilities, including water and sewer service. *Option - unless the ADU was constructed with the construction of a new single-family dwelling.*
2. An ADU will not be required to install a separate connection directly to water and sewer utilities. *Option: can be required for statewide exemption ADU – Type 1 only if constructed with a new single-family dwelling; can be required for all other ADUs.*
3. An ADU will not be required to pay a sewer or water utility connection fee. *Option: if a separate connection is required under (b), then a proportionate connection fee can be charged.*
4. A JADU is not considered a new or separate residential use for purposes of calculating connection fees for utilities, including water and sewer service.
5. A JADU will not be required to install a separate connection directly to water and or sewer utilities.

B. Impact Fees.

1. ADUs that are 750 square feet or smaller are exempt from impact fees.
2. ADUs that are larger than 750 square feet are subject to impact fees proportionate to the primary dwelling based on square footage.
3. JADUs are not subject to impact fees.

17.35.140 Non-Conforming ADUs

A. Compliance Required. ADUs built or created after certification of the City's Zoning Code, without Planning Commission approval, are required to become compliant with this Chapter and obtain an ADU permit post-construction. In addition to meeting the development standards of this Chapter, the ADUs must also conform to the following requirements:

1. ADUs must be inspected by the City Building Official for compliance with the Building Code, all applicable health and safety regulations, and make any necessary modifications to comply with those with those requirements.
2. ADUs that cannot meet all the development standards of this Chapter may be granted a variance per Chapter 17.56, if the Planning Commission finds that all feasible measures were implemented, and health and safety will not be compromised.

B. Enforcement Proceedings. ADUs described in paragraph A for which an ADU permit is not obtained post-construction nor is an exception obtained from the Planning Commission, will be subject to nuisance abatement proceedings and all other legal remedies available to the City.

C. Notice of Right to Request a Delay in Enforcement. In any notice to correct a violation or abate a nuisance based upon the failure of ADU to meet development standards, the City must notify the owner that they have a right to request a delay in enforcement if the ADU was constructed prior to January 1, 2020.

D. **Request to Delay Enforcement.** The owner of the ADU may request that enforcement of the violation be delayed for five years on the basis that the correcting violation is not necessary to protect health and safety. This request shall be made in writing and in the manner prescribed by the City.

E. **Granting a Request for Delay in Enforcement.** Requests to delay enforcement will be granted only if the City determines that correcting the violation is not necessary to protect health and safety. In making this determination the City staff shall consult with the Building Official and the Fire Chief regarding health and safety concerns.

F. **Deadline for Approving Requests.** No applications for a delay in enforcement may be approved on or after January 1, 2030. Any delay that was approved prior to January 1, 2030, however, will be valid for the full term of the delay that was approved at the time of the initial approval of the application.

17.35.150 Compliance with State Law.

To the extent any provision of this Chapter is inconsistent with state law governing ADUs or JADUs, the applicable state law, as amended from time to time, shall govern.

17.35.160 Violations.

Violations of this chapter are subject to all legal remedies available to the City, including but not limited to nuisance abatement proceedings, administrative citations, civil proceedings, and criminal citations.

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 1. PLANNING AND ZONING [65000 - 66301] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*

ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose objective standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. These standards shall not include requirements on minimum lot size.

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

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

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

(i) Except as provided in Section 65852.26, the accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

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

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

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four

feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, except that the construction of an accessory dwelling unit 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 or enforcement agency of the local agency makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. Nothing in this clause shall be interpreted to prevent a local agency from changing 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 section.

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

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

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

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

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) 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 the existing primary dwelling.

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

(3) (A) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create the new single-family or multifamily dwelling, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(B) If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subparagraph (A), the permitting agency shall, within the time period described in subparagraph (A), return 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.

(4) The ordinance shall require that a demolition permit for a detached garage that is to be replaced with an accessory dwelling unit be reviewed with the application for the accessory dwelling unit and issued at the same time.

(5) The ordinance shall not require, and the applicant shall not be otherwise 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, unless the property is located within an architecturally and historically significant historic district.

(6) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

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

(8) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, except that, subject to subparagraphs (B) and (C), a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.

(B) (i) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit before January 1, 2025.

(ii) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit that was permitted between January 1, 2020, and January 1, 2025.

(C) Notwithstanding subparagraphs (A) and (B), a local agency may require that an accessory dwelling unit be used for rentals of terms longer than 30 days.

(9) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

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

(b) (1) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create or serve an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create or serve a new single-family or multifamily dwelling on the lot, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create or serve the new single-family or multifamily dwelling, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(2) If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to paragraph (1), the permitting agency shall, within the time period described in paragraph (1), return 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.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any requirement for a zoning clearance or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(D) Any height limitation that does not allow at least the following, as applicable:

(i) A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.

(ii) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily 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. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

(iii) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

(iv) A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require a local agency to allow an accessory dwelling unit to exceed two stories.

(d) Notwithstanding any other law, and whether or not the local agency has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), all of the following shall apply:

(1) The local agency shall not impose any parking standards for an accessory dwelling unit in any of the following instances:

(A) Where the accessory dwelling unit is located within one-half mile walking distance of public transit.

(B) Where the accessory dwelling unit is located within an architecturally and historically significant historic district.

(C) Where the accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(D) When onstreet parking permits are required but not offered to the occupant of the accessory dwelling unit.

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

(F) 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 multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this paragraph.

(2) The local agency shall not deny an application for a permit to create an accessory dwelling unit 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.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation as provided in clause (i), (ii), or (iii) as applicable, of subparagraph (D) of paragraph (2) of subdivision (c).

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) (i) Not more than two accessory dwelling units that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limitation in clause (i), (ii), or (iii), as applicable, of subparagraph (D) of paragraph (2) of subdivision (c) and rear yard and side setbacks of no more than four feet.

(ii) If the existing multifamily dwelling has a rear or side setback of less than four feet, the local agency shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this subparagraph.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers 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 the existing multifamily dwelling.

(4) A local agency may require owner-occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (8) of subdivision (a).

(5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose objective standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

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

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section shall supersede a conflicting local ordinance. This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

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

(1) "Accessory dwelling unit" means an attached or a detached residential 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 residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

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

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

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

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

(6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(7) "Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

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

(9) "Permitting agency" means any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.

(10) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(11) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(12) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2), a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(Amended (as amended by Stats. 2021, Ch. 343, Sec. 1) by Stats. 2022, Ch. 664, Sec. 2.5. (SB 897) Effective

January 1, 2023.)

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 1. PLANNING AND ZONING [65000 - 66301] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*

ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65852.22. (a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

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

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

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

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

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

(4) Require a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence. For purposes of this paragraph, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.

(5) (A) Require a permitted junior accessory dwelling unit to include a separate entrance from the main entrance to the proposed or existing single-family residence.

(B) If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

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

(A) A cooking facility with appliances.

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

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

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

(c) (1) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall either approve or deny the application to create or serve a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create or serve a junior accessory dwelling unit is submitted with a permit application to create or serve a new single-family dwelling on the lot, the permitting agency may delay approving or denying the permit application for the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create or serve the new single-family dwelling, but the application to create or serve the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(2) If a permitting agency denies an application for a junior accessory dwelling unit pursuant to paragraph (1), the permitting agency shall, within the time period described in paragraph (1), return 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.

(d) A local agency shall not deny an application for a permit to create a junior accessory dwelling unit pursuant to this section 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 that are not affected by the construction of the junior accessory dwelling unit.

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

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

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

(h) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

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

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

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

(3) "Permitting agency" means any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.

(Amended by Stats. 2022, Ch. 664, Sec. 4. (SB 897) Effective January 1, 2023.)

City of Crescent City

APN / Zoning Reference Map

December 2017

N

Harbor Inset

See Harbor Inset Above Left

Pacific

Ocean

Crescent City Harbor

Battery Pt.

Legend

- City Limits Boundary
- Coastal Zone Boundary
- (210) APN Book/Group Number
- 17 Parcel Number
- APN Map Book Boundary

ZONING

*	C1		O
*	C2		PF
*	CW	*	R1
	HS	*	R2
	NR	*	R3
	CZ*	*	RP

*** Refer to Coastal Zone Map for Zoning**

Note: All city parcels begin with "118"
Example: 118-040-01 = 118 (40) 01

*ADU permitted under ordinance

0 250 500 1,000 1,500 2,000 Feet

Basemap Source Data: USGS 1m Digital Orthophoto Quadrangles 6/1993
County of Del Norte Assessor Parcel Data 12/2017
Space Imaging 1m IKONOS Satellite Imagery 2/2003
3DI Aerial Orthophotography 6/2015

Map by: Fritz Ludemann
City of Crescent City
Original: 04/2006
Parcel/Zoning Update: 12/2017 PF Zoning Added from Ord. 789

PLEASE NOTE: This map is for reference purposes only. Confirm zoning and/or APN information for all business activities. Zoning and APN information subject to change without notice.

DISCLAIMER: The City of Crescent City shall not be held liable for improper or incorrect use of the data described and/or contained herein. This map is not a legal document and is not intended to be used as such. The City of Crescent City gives no warranty, expressed or implied, as to the accuracy, reliability, or completeness of the data portrayed on this map.




CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

ACCESSORY DWELLING UNIT HANDBOOK

UPDATED JULY 2022

Table of Contents

Understanding Accessory Dwelling Units (ADUs) and Their Importance

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. As affordable housing becomes less accessible, people drive longer distances between housing they can afford and their workplace or pack themselves into smaller shared spaces, both of which reduce quality of life and produce negative environmental impacts.

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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).

What is an ADU?

An ADU is accessory to a primary residence and has complete independent living facilities for one or more persons and has a few variations:

- Detached: The unit is separated from the primary structure.
- Attached: The unit is attached to the primary structure.
- Converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similaruse, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.
- JADU: A specific type of conversion of existing space that iscontained 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. Because they are contained inside existing or proposed single-family homes, JADUs require relatively modest renovations and are much more affordable to complete. ADUs are often built with cost-effective one- or two-story wood frames, which are also less expensive than other construction types. Additionally, prefabricated ADUs (e.g., manufactured housing and factory-built housing) can be directly purchased and can further reduce construction time and cost. ADUs can provide as much living space as apartments and condominiums and work well for couples, small families, friends, young people, and seniors.

Much of California's housing crisis comes from job-rich, high-opportunity areas where the total housing stock is insufficient to meet demand and exclusionary practices have limited housing choice and inclusion. Professionals and students often prefer living closer to jobs and amenities rather than spending hours commuting. Parents oftenwant better access to schools and do not necessarily require single-family homes to meet their housing needs. There is a shortage of affordable units, and the units that are available can be out of reach for many people. Homeowners can construct an ADU on their lot or convert an underutilized part of their home into a JADU. This flexibility benefits both renters and homeowners, who can receive extra monthly rental income while also contributing to meeting state housing production goals.

ADUs also give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place, even if they require more care, thus helping extended families stay together while maintaining privacy. ADUs provide housing for family members, students, the elderly, in-home health care providers, individuals with disabilities, and others at below market prices within existing neighborhoods.

New policies are making ADUs even more affordable to build, in part by limiting the development impact fees that local jurisdictions may charge for ADU construction and relaxing local zoning requirements. ADUs and JADUs can often be built at a fraction of the price of a new single-family home, and homeowners may use their existing lot to create additional housing. Often the rent generated from the ADU can pay for the entire project in a matter of years.

ADUs and JADUs are a flexible form of housing that can help Californians more easily access job-rich, high-opportunity areas. By design, ADUs are more affordable to renters and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education, and services for many Californians.

Summary of Recent Changes to ADU Laws

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. Within this context, the California Department of Housing and Community Development (HCD) developed – and continues to update – this handbook to assist local governments, homeowners, architects, and the general public in encouraging the development of ADUs. Below is a summary of recent legislation that amended State ADU Law. Please see Attachment 1 for the complete statutory changes.

AB 345 (Chapter 343, Statutes of 2021)

AB 345 (Chapter 343, Statutes of 2021) builds upon recent changes to State ADU Law, particularly Government Code sections 65852.2 and 65852.26, to require the allowance of the separate conveyance of ADUs from the primary dwelling in certain circumstances, provided they meet certain conditions, including those listed below, found in Government Code section 65852.26, subdivisions (a)(1-5):

- The ADU or primary dwelling was built or developed by a qualified nonprofit. (Gov. Code, § 65852.26, subd. (a).)
- There is an enforceable restriction on the use of the property between the low-income buyer and nonprofit that satisfies the requirements of Section 402.1 of the Revenue and Taxation Code. (Gov. Code, § 65852.26, subd. (a)(2).)
- The entire property is subject to the affordability restrictions to assure that the ADU and primary dwelling are preserved for owner-occupied, low-income housing for 45 years and are sold or resold only to a qualified buyer. (Gov. Code, § 65852.26, subd. (a)(3)(D).)
- The property is held in a recorded tenancy in common agreement that meets certain requirements. (Gov. Code, § 65852.26, subd. (a)(3).)

AB 345 does not apply to JADUs, and local ordinances must continue to prohibit JADUs from being sold separately from the primary residence.

AB 3182 (Chapter 198, Statutes of 2020)

AB 3182 (Chapter 198, Statutes of 2020) builds upon recent changes to State ADU Law, specifically Government Code section 65852.2 and Civil Code Sections 4740 and 4741, to further address barriers to the development and use of ADUs and JADUs.

This legislation, among other changes, addresses the following:

- States that an application for the creation of an ADU or JADU shall be *deemed approved* (not just subject to ministerial approval) if the local agency has not acted on the completed application within 60 days. (Gov. Code, § 65852.2, subd. (a)(3).)
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU *and* one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met. (Gov. Code, § 65852.2, subd. (e)(1)(A).)
- Provides for the rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents. (Civ. Code, § 4740, subd. (a), and Civ. Code, § 4741, subd. (a).)
- Provides that not less than 25 percent of the separate interest units within a common interest development be allowed as rental or leasable units. (Civ. Code, § 4740, subd. (b).)

AB 68 (Chapter 655, Statutes of 2019), AB 881 (Chapter 659, Statutes of 2019), and SB 13 (Chapter 653, Statutes of 2019)

AB 68 (Chapter 655, Statutes of 2019), AB 881 (Chapter 659, Statutes of 2019), and SB 13 (Chapter 653, Statutes of 2019) build upon recent changes to ADU and JADU Law, specifically Government Code sections 65852.2 and 65852.22, and further address barriers to the development of ADUs and JADUs.

This legislation, among other changes, addresses the following:

- Prohibits local agencies from including in development standards for ADUs requirements on minimum lot size. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i).)
- Clarifies that areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services, as well as on impacts on traffic flow and public safety. (Gov. Code, § 65852.2, subd. (a)(1)(A).)
- Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020, and January 1, 2025. (Gov. Code, § 65852.2, subd. (a)(6).)
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and

requires approval of a permit to build an ADU of up to 800 square feet. (Gov. Code, § 65852.2, subds. (c)(2)(B) and (C).)

- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement of off-street parking spaces cannot be required by the local agency. (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi).)
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days. (Gov. Code, § 65852.2, subd. (a)(3) and (b).)
- Clarifies that "public transit" includes various means of transportation that charge set fees, run on fixed routes, and are available to the public. (Gov. Code, § 65852.2, subd. (j)(9).)
- Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit. (Gov. Code, § 65852.2, subd. (f)(3).)
- Defines an "accessory structure" to mean a structure that is accessory and incidental to a dwelling on the same lot. (Gov. Code, § 65852.2, subd. (j)(2).)
- Authorizes HCD to notify the local agency if HCD finds that the local ADU ordinance is not in compliance with state law. (Gov. Code, § 65852.2, subd. (h)(2).)
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy its Regional Housing Needs Allocation (RHNA). (Gov. Code, §§ 65583.1, subd. (a), and 65852.2, subd. (m).)
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them. (Gov. Code, § 65852.2, subds. (b) and (e).)
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom and an interior entry into the single-family residence. (Gov. Code, § 65852.22, subd. (a)(4-5).)
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency. (Gov. Code, § 65852.2, subd. (n); Health & Safety Code, § 17980.12).)

AB 587 (Chapter 657, Statutes of 2019), AB 670 (Chapter 178, Statutes of 2019), and AB 671 (Chapter 658, Statutes of 2019)

In addition to the legislation listed above, AB 587 (Chapter 657, Statutes of 2019), AB 670 (Chapter 178, Statutesof 2019), and AB 671 (Chapter 658, Statutes of 2019) also have an

impact on State ADU Law, particularly through Health and Safety Code Section 17980.12. These pieces of legislation, among other changes, address the following:

- AB 587 creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separately from the primary dwelling by allowing deed-restricted sales to occur if the local agency adopts an ordinance. To qualify, the primary dwelling and the ADU are to be built by a qualified nonprofit corporation whose mission is to provide units to low-income households. (Gov. Code, § 65852.26).)
- AB 670 provides that covenants, conditions and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable. (Civ. Code, § 4751).)
- AB 671 requires local agencies' housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low-, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction, and operation of affordable ADUs. (Gov. Code, § 65583; Health & Safety Code, § 50504.5).)

Frequently Asked Questions

1. Legislative Intent

- **Should a local ordinance encourage the development of ADUs?**

Yes. Pursuant to Government Code section 65852.150, the California Legislature found and declared that, among other things, California is facing a severe housing crisis and ADUs are a valuable form of housing that meets the needs of family members, students, the elderly, in-home health care providers, people with disabilities, and others. Therefore, ADUs are an essential component of California's housing supply.

State ADU Law and recent changes intend to address barriers, streamline approval, and expand potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment, and implementation of local ADU ordinances must be carried out consistent with Government Code section 65852.150 and must not unduly constrain the creation of ADUs. Local governments adopting ADU ordinances should carefully weigh the adoption of zoning, development standards, and other provisions for impacts on the development of ADUs.

ADU Law is the statutory minimum requirement. Local governments may elect to go beyond this statutory minimum and further the creation of ADUs. (Gov. Code, § 65852.2, subd. (g).) Many local governments have embraced the importance of ADUs as an important part of their overall housing policies and have pursued innovative strategies.

Government Code section 65852.150:

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

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

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

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

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

(5) California faces a severe housing crisis.

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

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

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

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

2. Zoning, Development and Other Standards

A) Zoning and Development Standards

- **Are ADUs required jurisdiction-wide?**

  No. ADUs proposed pursuant to subdivision (e) of Government Code section 65852.2 must be permitted in any residential or mixed-use zone, which should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use. For other ADUs, local governments may, by ordinance, designate areas in zones where residential uses are permitted that will also permit ADUs. However, any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service and on the impacts on traffic flow and public safety.

  Further, local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors. If a lot with a residence has been rezoned to a use that does not allow for residential uses, that lot is no longer eligible to create an ADU. (Gov. Code § 65852.2 subd. (a)(1) and (e)(1).)

  Impacts on traffic flow should consider factors like lower car ownership rates for ADUs. Finally, local governments may develop alternative procedures, standards, or special conditions with mitigations for allowing ADUs in areas with potential health and safety concerns.

- **Can ADUs exceed general plan and zoning densities?**

  Yes. An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning and does not count toward the allowable density. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Further, local governments could elect to allow more than one ADU on a lot, and ADUs are automatically a residential use deemed consistent with the general plan and zoning. (Gov. Code, § 65852.2, subd. (a)(1)(C).)

- **Can a local government apply design and development standards?**

  Yes. With an adopted ADU ordinance in compliance with State ADU Law, a local government may apply development and design standards that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. **However, these standards should be objective to allow ministerial review of an ADU**. (Gov. Code, § 65852.2, subds. (a)(1)(B)(i) and (a)(4).)

  ADUs created under subdivision (e) of Government Code section 65852.2 shall not be subject to design and development standards except for those that are noted in the subdivision.

ADUs that do not meet objective and ministerial development and design standards may still be permitted through an ancillary discretionary process if the applicant chooses to pursue this route. In this scenario, the applicant assumes time and monetary costs associated with a discretionary approval process. Some jurisdictions with compliant ADU ordinances apply additional processes to further the creation of ADUs that do not otherwise comply with the minimum standards necessary for ministerial review. Importantly, these processes are intended to provide additional opportunities to create ADUs that would not otherwise be permitted, and a discretionary process may not be used to review ADUs that are fully compliant with State ADU Law.

- **Are ADUs permitted ministerially?**

  Yes. ADUs subject to State ADU Law must be considered, approved, and permitted ministerially, without discretionary action. Development and other decision-making standards must be sufficiently objective to allow for ministerial review. Examples include numeric and fixed standards such as heights or setbacks, or design standards such as colors or materials. Subjective standards require judgement and can be interpreted in multiple ways, such as privacy, compatibility with neighboring properties, or promoting harmony and balance in the community; subjective standards must not be imposed on ADU development. Further, ADUs must not be subject to hearing requirements or any ordinance regulating the issuance of variances or special use permits and must be considered ministerially. (Gov. Code § 65852.2, subds. (a)(3) and (a)(4).)

- **Is there a streamlined permitting process for ADU and JADU applications?**

  Yes. Whether or not a local agency has adopted an ordinance, applications to create an ADU or JADU shall be considered and approved ministerially within 60 days from the date the local agency receives a completed application. Although the allowed 60-day review period may be interrupted due to an applicant addressing comments generated by a local agency during the permitting process, additional 60-day time periods may not be required by the local agency for minor revisions to the application. (Gov. Code § 65852.2, subds. (a)(3) and (b).)

- **Can I create an ADU if I have multiple detached dwellings on a lot?**

  Yes. A lot where there are currently multiple detached single-family dwellings is eligible for creation of one ADU per lot by converting space within the proposed or existing space of a single-family dwelling or existing structure and by building a new detached ADU subject to certain development standards. (Gov. Code § 65852.2, subds. (e)(1)(A) and (B).)

- **What is considered a multifamily dwelling under ADU Law?**

  For the purposes of State ADU Law, a structure with two or more attached dwellings on

a single lot is considered a multifamily dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings for the purposes of State ADU Law.

- **Can I build an ADU in a historic district or if the primary residence is subject to historic preservation?**

  Yes. ADUs are allowed within a historic district and on lots where the primary residence is subject to historic preservation. State ADU Law allows for a local agency to impose standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. However, these standards do not apply to ADUs proposed pursuant to Government Code section 65852.2, subdivision (e).

  As with non-historic resources, a jurisdiction may impose objective and ministerial standards that are sufficiently objective to be reviewed ministerially and do not unduly burden the creation of ADUs. Jurisdictions are encouraged to incorporate these standards into their ordinances and to submit these standards along with their ordinances to HCD. (Gov. Code, § 65852.2, subds. (a)(1)(B)(i) and (a)(5).)

B) Size Requirements

- **Can minimum lot size requirements be imposed on ADUs? What about lot coverage, floor area ratio, or open space requirements?**

  No. While local governments may impose certain development standards on ADUs, these standards shall not include minimum lot size requirements. Further, lot coverage requirements cannot preclude the creation of a statewide exemption ADU (see below). If lot coverage requirements do not allow such an ADU, an automatic exception or waiver should be given to appropriate development standards such as lot coverage, floor area, or open space requirements. Local governments may continue to enforce building and health and safety standards and may consider design, landscape, and other standards to facilitate compatibility. (Gov. Code, § 65852.2, subds. (c)(2)(C).)

What is a statewide exemption ADU?

A statewide exemption ADU, found in Government Code section 65852, subdivision (e), is an ADU of up to 800 square feet, 16 feet in height, as potentially limited by a local agency, and with four-foot side and rear yard setbacks. State ADU Law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a statewide exemption ADU. Further, State ADU Law allows the construction of a detached new construction statewide exemption ADU to be combined on the same lot with a JADU in a single-family residential zone. In addition, ADUs are allowed in any residential or mixed uses regardless of zoning and development standards imposed in an ordinance. See more discussion below.

- **Can minimum and maximum unit sizes be established for ADUs?**

  Yes. A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs; however, maximum unit size requirements must allow an ADU of at least 850 square feet, or 1,000 square feet for ADUs with more than one bedroom. For local agencies without an ADU ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet). Finally, the local agency must not establish by ordinance a minimum square footage requirement that prohibits the development of an efficiency unit as defined in Health and Safety Code section 17958.1.

  The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to unit size requirements. For example, an existing 3,000 square-foot barn converted to an ADU would not be subject to the local unit size requirements, regardless of whether a local government has an adopted ADU ordinance. Should an applicant want to expand an accessory structure to create an ADU beyond 150 square feet, this ADU would be subject to the size maximums outlined in State ADU Law or in the local agency's adopted ordinance.

- **Can a percentage of the primary dwelling be used to limit the maximum size of an ADU?**

  Yes. Local agencies may utilize a percentage (e.g., 50 percent) of the primary dwelling as a maximum unitsize for attached ADUs, but only if it does not restrict an ADU's size to less than the standard of at least 850 square feet (or at least 1,000 square feet for ADUs with more than one bedroom). Local agencies shall not, by ordinance, establish any other minimum or maximum unit sizes, including limits based on a percentage of the area of the primary dwelling, that precludes an 800 square-foot ADU. (Gov. Code, § 65852.2, subd. (c)(2)(C).) Local agencies utilizing percentages of the primary dwelling as maximum unit sizes can consider multi-pronged standards to help navigate these requirements (e.g., shall not exceed 50 percent of the dwelling or 1,000 square feet, whichever is greater).

- **Can maximum unit sizes exceed 1,200 square feet for ADUs?**

  Yes. Maximum unit sizes can exceed 1,200 square feet for ADUs through the adoption of a local ADU ordinance. State ADU Law does not limit the authority of local agencies to adopt *less* restrictive requirements for the creation of ADUs. (Gov. Code, § 65852.2, subd. (g).)

C) Parking Requirements

- **Are certain ADUs exempt from parking requirements?**

  Yes. A local agency shall not impose ADU parking standards for any of the following ADUs, pursuant to Government Code section 65852.2, subdivisions (d)(1-5) and (j)(10):

  (1) ADUs located within one-half mile walking distance of public transit.
  (2) ADUs located within an architecturally and historically significant historic district.
  (3) ADUs that are part of the proposed or existing primary residence or an accessory structure.
  (4) When on-street parking permits are required but not offered to the occupant of the ADU.
  (5) When there is a car share vehicle located within one block of the ADU.

  Note: For the purposes of State ADU Law, a jurisdiction may use the designated areas where a car share vehicle may be accessed. Public transit is any location where an individual may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the general public. Walking distance is defined as the pedestrian shed to reach public transit. Additional parking requirements to avoid impacts to public access may be required in the Coastal Zone.

- **Can ADU parking requirements exceed one space per unit or bedroom?**

  No. Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever isless. These spaces may be provided as tandem parking on a driveway. Guest parking spaces shall not berequired for ADUs under any circumstances. For certain ADUs, pursuant to Government Code section 65852.2, subdivisions (d)(1-5) and (j)(10), a local agency may not impose any ADU parking standards (see above question).

  What is Tandem Parking?

  Tandem parking means two or more automobiles that are parked on a driveway or in any other location ona lot, lined up behind one another. (Gov. Code, § 65852.2, subds. (a)(1)(D)(x)(I) and (j)(11).)

  Local agencies may choose to eliminate or reduce parking requirements for ADUs, such as requiring zero or half a parking space per each ADU, to remove barriers to ADU construction and to facilitate development.

- **Is flexibility for siting ADU parking recommended?**

  Yes. Local agencies should be flexible when siting parking for ADUs. Off-street parking spaces for the ADU shall be permitted in setback areas in locations determined by the local agency or through tandem parking unless specific findings are made. Specific findings must be based on specific site or regional topographical or fire and life safety conditions.

  When a garage, carport, or covered parking structure is demolished in conjunction with the construction ofan ADU, or converted to an ADU, the local agency shall not require that those off-street parking spaces for the primary unit be replaced. (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi).)

D) Setbacks

- **Can setbacks be required for ADUs?**

  Yes. A local agency may impose development standards, such as setbacks, for the creation of ADUs. However, setbacks should not unduly constrain the creation of ADUs and cannot be required for ADUs proposed pursuant to subdivision (e). Further, a setback of no more than four feet from the side and rear lot lines shall be required for an attached or detached ADU. (Gov. Code, § 65852.2, subd. (a)(1)(D)(vii).) Additional setback requirements may be required in the Coastal Zone if required by a local Coastal Program. Setback requirements must also comply with any recorded utility easements or other previously recorded setback restrictions.

  No setback shall be required for an ADU created within an existing living area or accessory structure or an ADU created in a new structure in the same location as an existing structure, while not exceeding the existing dimensions, including height. (Gov. Code, § 65852.2, subd. (a)(1)(D)(vii).)

  A local agency may also allow the expansion of a detached structure being converted into an ADU when the existing structure does not have four-foot rear and side setbacks. A local agency may also allow the expansion area of a detached structure being converted into an ADU to have no setbacks, or setbacks ofless than four feet, if the existing structure has no setbacks, or has setbacks of less than four feet, respectively. A local agency shall not require setbacks of more than four feet for the expanded area of a detached structure being converted into an ADU.

  A local agency may still apply front yard setbacks for ADUs, but front yard setbacks cannot preclude an ADU of at least 800 square feet and must not unduly constrain the creation of all types of ADUs. (Gov. Code, §65852.2, subd. (c) and (e).)

- **Is there a distance requirement between an ADU and other structures on the lot?**

  State ADU Law does not address the distance between an ADU and other structures on a lot. A local agency may impose development standards for the creation of ADUs, and ADUs shall comply with local building codes. However, development standards should not unduly constrain the creation of ADUs, cannot preclude a statewide exemption ADU (an ADU of up to 800 square feet, 16 feet in height, as potentially limited by a local agency, and with four-foot side and rear yard setbacks), and should not unduly constrain the creation of all types of ADUs, where feasible. (Gov. Code, § 65852.2, subd. (c).)

E) Height Requirements

- **Is there a limit on the height or number of stories of an ADU?**

  There is no height limit contained in State ADU Law, but local agencies may impose height limits provided that the limit is no less than 16 feet. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i).) For a local agency to impose a height limit, it must do so through the adoption of a compliant ADU ordinance.

F) Bedrooms

- **Can a limit on the number of bedrooms in an ADU be imposed?**

  A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs. Building code standards for minimum bedroom size still apply.

G) Impact Fees

- **Can impact fees be charged for an ADU less than 750 square feet?**

  No. An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if less than 750 square feet. If an ADU is 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

  What is "Proportionately"?

  "Proportionately" is some amount in relation to a total amount, in this case, an impact fee for a single-family dwelling. For example, a 2,000 square-foot primary dwelling with a proposed 1,000 square-foot ADU could result in 50 percent of the impact fee that would be charged for a new primary dwelling on the same site. In all cases, the impact fee for the ADU must be less than the primary dwelling. Otherwise, the fee is not calculated proportionately. When utilizing proportions, careful consideration should be given to the impacts on costs, feasibility, and, ultimately, the creation of ADUs. In the case of the example above,anything greater than 50 percent of the primary dwelling could be considered a constraint on the development of ADUs. A proportional fee shall not be greater than 100 percent, as when a proposed ADU exceeds the size of the existing primary dwelling.

  For purposes of calculating the fees for an ADU on a lot with a multifamily dwelling, the proportionality shall be based on the average square footage of the units within that multifamily dwelling structure. For ADUs converting existing space with a 150 square-foot expansion, a total ADU square footage over 750square feet could trigger the proportionate fee requirement. (Gov. Code, § 65852.2, subd. (f)(3)(A).)

- **Can local agencies, special districts, or water corporations waive impact fees?**

  Yes. Agencies can waive impact and any other fees for ADUs. Also, local agencies may use fee deferrals for applicants.

- **Can school districts charge impact fees?**

  Yes. School districts are authorized to, but do not have to, levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Local agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs, ensuring appropriate nexus studies and appropriate fees to facilitate construction or reconstruction of adequate school facilities.

- **What types of fees are considered impact fees?**

  Impact fees charged for the construction of ADUs must be determined in accordance with the Mitigation Fee Act and generally include any monetary exaction that is charged by a local agency in connection with the approval of an ADU, including impact fees, for the purpose of defraying all or a portion of the cost of public facilities relating to the ADU. A local agency, special district, or water corporation shall not consider ADUs as a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer services. However, these provisions do not apply to ADUs that are constructed concurrently with a new single-family home. (Gov. Code, §§ 65852.2, subd. (f), and 66000.)

- **Can I still be charged water and sewer connection fees?**

  ADUs converted from existing space and JADUs shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed with a new single-family dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling. ADU Law does not cover monthly charge fees. (Gov. Code, § 65852.2, subd. (f)(2).)

H) Ministerially Approved ADUs and Junior ADUs (JADUs) Not Subject to Local Standards

- **Are local agencies required to comply with Government Code section 65852.2, subdivision (e)?**

  Yes. All local agencies must comply with subdivision (e). This subdivision requires the ministerial approval of ADUs within a residential or mixed-use zone. The subdivision creates four categories of ADUs that should not be subject to other specified areas of State ADU Law, most notably zoning and development standards. For example, ADUs under this subdivision should not have to comply with lot coverage, setbacks, heights, and unit sizes. However, ADUs under this subdivision must meet the building code and health and safety requirements. The four categories of ADUs under subdivision (e)(1) are:

  (A) One ADU and one JADU are permitted per lot within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure that meets specified requirements such as exterior access and setbacks for fire and safety.

  (B) One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU, and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.

(C) Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.

(D) Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and four-foot rear and side yard setbacks.

The above four categories may be combined. For example, local governments must allow (A) and (B) together or (C) and (D) together.

The most common ADU that can be created under subdivision (e) is a conversion of proposed or existing space of a single-family dwelling or accessory structure into an ADU, without any prescribed size limitations, height, setback, lot coverage, architectural review, landscape, or other development standards.This would enable the conversion of an accessory structure, such as a 2,000 square-foot garage, to an ADU without any additional requirements other than compliance with building standards for dwellings.

These types of ADUs are also eligible for a 150 square-foot expansion (see discussion below).

ADUs created under subdivision (e) shall not be required to provide parking if the ADU qualifies for one of the five exemptions listed under subdivision (d). Moreover, these units shall not, as a condition for ministerial approval, be required to correct any existing or created nonconformity. Subdivision (e) ADUs shall be required to be rented for terms longer than 30 days and only require fire sprinklers if fire sprinklers are required for the primary residence. These ADUs shall not be counted as units when calculating density for the general plan and are not subject to owner occupancy.

- **How many ADUs are allowed on a multifamily site under subdivision (e)?**

Under subdivision (e), an applicant may apply to build up to two detached ADUs and at least one interior ADU up to 25 percent of the number of units in the proposed or existing multifamily dwelling. All interior ADUs, however, must be converted from non-livable space, which is not a requirement under subdivision (a) for ADUs associated with single-family sites. It should also be noted that if there is no existing non-livable space within a multifamily structure, an applicant would not be able to build an interior ADU under subdivision (e). Attached ADUs are also prohibited under this subdivision.

By contrast, under subdivision (a), an applicant may choose to build one attached, detached, or conversion ADU on a site with a proposed or existing multifamily dwelling, with local objective development standards applied in the same manner as they would be applied to an ADU proposed on a single-family site under subdivision (a). JADUs can only be constructed on a site with a proposed or existing single-family dwelling; however, a JADU cannot be constructed on a multifamily site concurrently with an ADU under subdivision (a).

- **Can I convert my accessory structure into an ADU?**

  Yes. The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted and promoted through State ADU Law.

  These conversions of accessory structures are not subject to any additional development standards, such as unit size, height, and lot coverage requirements, and shall be from existing space that can be made safe under building and safety codes. A local agency should not set limits based on when the structure was created, and the structure must meet standards for health and safety.

  Additionally, the two ADUs allowed on each multifamily site under subdivision (e) may be converted from existing detached structures on the site. Existing, detached accessory structures on a lot with an existing multifamily dwelling that are converted to ADUs cannot be required to be modified to correct for a non-conforming use. Both structures must be accessory structures detached from the primary residence, and because they are conversions of existing structures, these ADUs would not have to comply with the four-foot setback requirements under subdivision (e) if the existing structures are closer than four feet to the property line. This would also mean that the 16-foot height limitation would not apply if the existing structure were taller than 16 feet. Conversion ADUs in this scenario would not be subject to any square footage restrictions as long as they are built within the footprint of the previous structure.

- **Can an ADU created by converting existing space be expanded?**

  Yes. An ADU created within the existing or proposed space of a single-family dwelling or accessory structure can be expanded beyond the physical dimensions of the structure. Per State ADU Law, only an ADU created within an existing accessory structure may be expanded up to 150 square feet without application of local development standards, but this expansion shall be limited to accommodating ingress and egress. An ADU created within the space of an existing or proposed single-family dwelling is subject to local development standards. An example of where this expansion could be applicable is for the creation of a staircase to reach a second story ADU. These types of ADUs shall conform to setbacks sufficient for fire and safety.

  A local agency may allow for an expansion beyond 150 square feet, though the ADU would have to comply with the size maximums as per State ADU Law or per a local agency's adopted ordinance. (Gov. Code, § 65852.2, subd. (e)(1)(i).)

  As a JADU is limited to being created within the walls of a primary residence and not an accessory structure, this expansion of up to 150 square feet does not pertain to JADUs.

- **Can an ADU be constructed in the non-livable spaces of the non-residential portions of a mixed-use development?**

  No. The non-livable space used to create an ADU or ADUs under Government Code section 65852.2, subdivision (e)(1)(C), should be limited to the residential areas of a mixed-use development, and not the areas used for commercial or other activities. The parking and storage areas for these non-residential uses would also be excluded from potential ADU development.

I) Nonconforming Zoning Standards

- **Does the creation of an ADU require the applicant to carry out public improvements?**

  No physical improvements shall be required for the creation or conversion of an ADU. Any requirement to carry out public improvements is beyond what is required for the creation of an ADU, as per State ADU Law. For example, an applicant shall not be required to improve sidewalks or carry out street or access improvements to create an ADU. Additionally, as a condition for ministerial approval of an ADU, anapplicant shall not be required to correct nonconforming zoning conditions. (Gov. Code, § 65852.2, subd. (e)(2).)

J) Renter- and Owner-Occupancy

- **Are rental terms allowed?**

  Yes. Local agencies may require that the property be used for rentals of terms longer than 30 days. ADUs permitted ministerially, under subdivision (e), shall be rented for terms longer than 30 days. (Gov. Code, §65852.2, subds. (a)(6) and (e)(4).)

- **Are there any owner-occupancy requirements for ADUs?**

  No. Prior to recent legislation, ADU laws allowed local agencies to elect whether the primary dwelling orADU was required to be occupied by an owner. The updates to State ADU Law removed the owner-occupancy requirement for newly created ADUs effective January 1, 2020. The new owner-occupancy exclusion is set to expire on December 31, 2024; however, local agencies may not retroactively require owner-occupancy for ADUs permitted between January 1, 2020, and December 31, 2024.

  However, should a property have both an ADU and JADU, JADU law requires owner-occupancy of either the newly created JADU or the single-family residence. Under this specific circumstance, a lot with an ADU would be subject to owner-occupancy requirements. (Gov. Code, § 65852.22, subd. (a)(2).)

K) Fire Sprinkler Requirements

- **Can fire sprinklers be required for ADUs?**

  Installation of fire sprinklers may not be required in ADUs (attached, detached, or conversion) where sprinklers were not required by building codes for the existing primary residence. For example, a detached single-family home designed and constructed decades ago would not have been required to have fire sprinklers installed under the applicable building code at the time. However, if the same primary dwelling recently underwent significant alteration and is now required to have fire sprinklers, any ADU created after that alteration must be provided with fire sprinklers. (Gov. Code, § 65852.2, subds. (a)(1)(D)(xii) and (e)(3).)

  Please note, for ADUs created on lots with multifamily residential structures, the entire residential structure shall serve as the "primary residence" for the purposes of this analysis. Therefore, if the multifamily structure is served by fire sprinklers, the ADU can be required to install fire sprinklers.

  For additional guidance on ADUs and fire sprinkler system requirements, please consult the Office of the State Fire Marshal.

L) Solar System Requirements

- **Are solar systems required for newly constructed ADUs?**

  Yes, newly constructed ADUs are subject to the California Energy Code requirement (excluding manufactured homes) to provide solar systems if the unit(s) is a newly constructed, non-manufactured, detached ADU (though some exceptions apply). Per the California Energy Commission (CEC), the solar systems can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar systems.

  Please refer to the CEC on this matter. For more information, see the CEC's website at www.energy.ca.gov. You may email your questions to title24@energy.ca.gov, or contact the Energy Standards Hotline at 800-772-3300. CEC memos can also be found on HCD's website at https://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml.

  See HCD's Information Bulletin 2020-10 for information on the applicability of California solar requirements to manufactured housing.

3. JADUs – Government Code Section 65852.22

- **What is a JADU?**

  A “junior accessory dwelling unit” or JADU is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. (Gov. Code, § 65852.22, subd. (h)(1).)

- **Are two JADUs allowed on a lot?**

  No. A JADU may be created on a lot zoned for single-family residences with one primary dwelling. The JADU may be created within the walls of the proposed or existing single-family residence, including attached garages, as attached garages are considered within the walls of the existing single-family residence. Please note that JADUs created in the attached garage are not subject to the same parking protections as ADUs and could be required by the local agency to provide replacement parking.

  JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family dwellings are not eligible to have JADUs. (Gov. Code, § 65852.22, subd. (a)(1).)

- **Are JADUs required to have an interior connection to the primary dwelling?**

  No. Although JADUs are required to be within the walls of the primary dwelling, they are not required to have an interior connection to the primary dwelling. That said, JADUs may share a significant interior connection to the primary dwelling, as they are allowed to share bathroom facilities with the primary dwelling.

- **Are JADUs allowed in detached accessory structures?**

  No, JADUs are not allowed in accessory structures. The creation of a JADU must be within the single- family residence. As noted above, attached garages are eligible for JADU creation. (Gov. Code, § 65852.22, subds. (a)(1) and (a)(4).)

- **Are JADUs allowed to be increased up to 150 square feet when created within an existingstructure?**

  No. Only ADUs are allowed to add up to 150 square feet “beyond the physical dimensions of the existing accessory structure” to provide for ingress. (Gov. Code, § 65852.2, subd. (e)(1)(A)(i).)

  This provision extends only to ADUs and excludes JADUs. A JADU is required to be created within the single-family residence.

- **Are there any owner-occupancy requirements for JADUs?**

  Yes. The owner must reside in either the remaining portion of the primary residence or in the newly created JADU. (Gov. Code, § 65852.22, subd. (a)(2).)

4. Manufactured Homes

- **Are manufactured homes considered to be an ADU?**

  Yes. An ADU is any residential dwelling unit with independent living facilities and permanent provisions for living,sleeping, eating, cooking and sanitation. An ADU includes a manufactured home. (Health & Saf. Code, § 18007.)

> Health and Safety Code section 18007, subdivision (a): **"Manufactured home,"** for the purposesof this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

5. Regional Housing Needs Allocation (RHNA) and the Housing Element

- **Do ADUs and JADUs count toward a local agency's RHNA?**

  Yes. Pursuant to Government Code section 65852.2 subdivision (m), and section 65583.1, ADUs and JADUs may be utilized towards the RHNA and Housing Element Annual Progress Report (APR) pursuant to Government Code section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, an ADU, and a JADU with shared sanitation facilities, and any other unit that meets the census definition and is reported to DOF as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. The housing element or APR must include a reasonable methodology to demonstrate the level of affordability. Local governments can track actual or anticipated affordability to assure ADUs and JADUs are

counted towards the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit or other local applications. For more information, please contact HousingElements@hcd.ca.gov.

- **What analysis is required to count ADUs toward the RHNA in the housing element?**

  To count ADUs towards the RHNA in the housing element, local agencies must generally use a three-part approach: (1) development trends, (2) anticipated affordability, and (3) resources and incentives. Development trends must consider ADUs permitted in the prior planning period and may also consider more recent trends. Anticipated affordability can use a variety of methods to estimate the affordability by income group. Common approaches include rent surveys of ADUs, using rent surveys and square footage assumptions and data available through the APR pursuant to Government Code section 65400. Resources and incentives include policies and programs to encourage ADUs, such as prototype plans, fee waivers, expedited procedures, and affordability monitoring programs.

- **Are ADUs required to be addressed in the housing element?**

  Yes. The housing element must include a description of zoning available to permit ADUs, including development standards and analysis of potential constraints on the development of ADUs. The element must include programs as appropriate to address identified constraints. In addition, housing elements must include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low-, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction, and operation of affordable ADUs. (Gov. Code, § 65583 and Health & Saf. Code, § 50504.5.) This list is available on HCD's ADU webpage.

6. Homeowners Associations

- **Can my local Homeowners Association (HOA) prohibit the construction of an ADU orJADU?**

  No. Assembly Bill 670 (2019) and AB 3182 (2020) amended Section 4751, 4740, and 4741 of the Civil Code to preclude common interest developments from prohibiting or unreasonably restricting the construction or use, including the renting or leasing of, an ADU on a lot zoned for single-family residential use. Covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on such lots are void and unenforceable or may be liable for actual damages and payment of a civil penalty. Applicants who encounter issues with creating ADUs or JADUs within CC&Rs are encouraged to reach out to HCD for additional guidance. Refer to Section 4100 of the Civil Code for the meaning of a common interest development.

7. ADU Ordinances and Local Agencies

- **Are ADU ordinances existing prior to new 2020 laws null and void?**

  Maybe. ADU ordinances existing prior to the new 2020 laws, as well as newly adopted ordinances, are null and void when they conflict with State ADU Law. Subdivision (a)(4) of Government Code section 65852.2 states that an ordinance that fails to meet the requirements of subdivision (a) shall be null and void, and the local agency shall apply the state standards until a compliant ordinance is adopted. See the question on Enforcement below for more detail.

- **Do local agencies have to adopt an ADU ordinance?**

  No. Local governments may choose not to adopt an ADU ordinance. Should a local government choose not to adopt an ADU ordinance, any proposed ADU development would be subject only to standards set in State ADU Law. If a local agency adopts an ADU ordinance, it may impose zoning, development, design, and other standards in compliance with State ADU Law.

- **Is a local government required to send an ADU ordinance to HCD?**

  Yes. A local government, upon adoption of an ADU ordinance, must submit a copy of the adopted ordinance to HCD within 60 days after adoption. After the adoption of an ordinance, HCD may review and submit written findings to the local agency as to whether the ordinance complies with State ADU Law. (Gov. Code, § 65852.2, subd. (h)(1).)

  Local governments may also submit a draft ADU ordinance for preliminary review by HCD. HCD recommends that local agencies do so, as this provides local agencies the opportunity to receive feedback on their ordinance and helps to ensure compliance with State ADU Law prior to adoption.

- **Are charter cities and counties subject to the new ADU laws?**

  Yes. State ADU Law applies to a local agency, which is defined as a city, county, or city and county, whether general law or chartered. (Gov. Code, § 65852.2, subd. (j)(5)).

  Further, pursuant to Chapter 659, Statutes of 2019 (AB 881), the Legislature found and declared State ADU Law addresses *"…a matter of statewide concern rather than a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution*" and concluded that State ADU Law applies to all cities, including charter cities.

- **Do the new ADU laws apply to jurisdictions located in the California Coastal Zone?**

  Yes. ADU laws apply to jurisdictions in the California Coastal Zone, but do not

necessarily alter or lessen the effect or application of Coastal Act resource protection policies. (Gov. Code, § 65852.22, subd. (l).) Coastal localities should seek to harmonize the goals of protecting coastal resources and addressing housing needs of Californians. For example, where appropriate, localities should amend Local Coastal Programs for California Coastal Commission review to comply with the California Coastal Act and new ADU laws. For more information, see the California Coastal Commission 2020 Memo and reach out to thelocality's local Coastal Commission district office.

- **Do the new ADU laws apply to areas governed by the Tahoe Regional Planning Agency (TRPA)?**

  Possibly. The TRPA was formed through a bistate compact between California and Nevada. Under the compact, TRPA has authority to adopt ordinances, rules, and regulations, and those ordinances, rules, and regulations are considered federal law. Under this authority, TRPA has adopted certain restrictions that effectively limit lot coverage on developed land. State ADU Law may conflict to a degree with the TRPA standards, and to the extent that it does, the TRPA law likely preempts or overrides State ADU Law.

8. Enforcement

- **Does HCD have enforcement authority over ADU ordinances?**

  Yes. Pursuant to Government Code section 65852.2, subdivision (h), local agencies are required to submit a copy of newly adopted ADU ordinances within 60 days of adoption. HCD may thereafter provide written findings to the local agency as to whether the ordinance complies with State ADU Law. If HCD finds that the local agency's ADU ordinance does not comply with State ADU Law, HCD must provide a reasonable time, no longer than 30 days, for the local agency to respond. The local agency shall either amend its ordinance in accordance with HCD's written findings or adopt the ordinance without changes but include findings in its resolution explaining why the ordinance complies with State ADU Law despite HCD's findings. If the local agency does not amend its ordinance in accordance with HCD's findings or adopt a resolution explaining why the ordinance is compliant, HCD shall notify the local agency that it is in violation of State ADU Law. HCD may also notify the Attorney General of the local agency's violation. While an ordinance is non-compliant, the local agency shall apply state standards.

  In addition, HCD may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify State ADU Law.

9. Senate Bill (SB) 9 (2021)

- **Does SB 9 have any impact on ADUs?**

  SB 9 (Gov. Code Sections 66452.6, 65852.21 and 66411.7) contains some overlaps with State ADU Law, but only on a relatively small number of topics. Please note that although HCD does not administer or enforce SB 9, violations of SB 9 may concurrently violate other housing laws that HCD does enforce, including, but not limited to, State ADU Law and State Housing Element Law. As local jurisdictions implement SB 9, including adopting local

ordinances, it is important to keep these and other housing laws in mind. For details regarding SB 9, please see HCD's SB 9 Factsheet.

10. Funding

- **Is there financial assistance or funding available for ADUs?**
  Effective September 20, 2021, the California Housing Finance Agency's (CalHFA) ADU Grant Program provides up to $40,000 in assistance to reimburse qualifying homeowners for predevelopment costs necessary to build and occupy an ADU or JADU on a lot with a single-family dwelling unit. The ADU Grant Program is intended to create more housing units in California by providing a grant to reimburse qualifying homeowners for predevelopment costs. Predevelopment costs include, but are not limited to, architectural designs, permits, soil tests, impact fees, property surveys, and energy reports. For additional information or questions, please see CalHFA's ADU Grant Program at https://www.calhfa.ca.gov/adu or contact the CalHFA Single Family Lending Division at (916) 326-8033 or SFLending@calhfa.ca.gov.

Resources

Attachment 1: Statutory Changes (Strikeout/Italics and Underline)

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2

Combined changes from AB 345, AB 3182, AB 881, AB 68, and SB 13 (Changes noted in strikeout, underline/italics)

Effective January 1, 2022, Section 65852.2 of the Government Code is amended to read:

65852.2.

(a)(1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned toallow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A)Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B)(i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback,landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any realproperty that is listed in the California Register of ~~Historic~~ *Historical* Resources. These standards shall not include requirements on minimum lot size.

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

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

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

(i) ~~The~~ *Except as provided in Section 65852.26, the* accessory dwelling unit may be rented separate from the primary residence, but may not be sold orotherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existingdwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling,including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall notexceed 50 percent of the existing primary dwelling.

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

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

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in thesame location and to the same dimensions as an existing structure that is

converted to an accessory dwelling unitor to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

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

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

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

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

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

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of anaccessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primaryresidence.

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

(2) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on theapplication to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date thelocal agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. *If the local agency hasnot acted upon the completed application within 60 days, the application shall be deemed approved.* A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(3) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an

ordinance that complies with this section.
(4) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.
(5) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.
(6) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.
(7) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.
(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.
(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:
(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.
(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:
(i) 850 square feet.
(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.
(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local

development standards.
(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:
(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.
(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
(5) When there is a car share vehicle located within one block of the accessory dwelling unit.
(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:
(A) One accessory dwelling unit ~~or~~ *and* one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
(ii) The space has exterior access from the proposed or existing single-family dwelling.
(iii) The side and rear setbacks are sufficient for fire and safety.
(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.
(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:
(i) A total floor area limitation of not more than 800 square feet.
(ii) A height limitation of 16 feet.
(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.
(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.
(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.
(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.
(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.
(5) A local agency may require, as part of the application for a permit to create an accessory

dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, ifthe percolation test has been recertified, within the last 10 years.
(6)Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.
(f)(1) Fees charged for the construction of accessory dwelling units shall be determined in accordance withChapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
(2)An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to bea new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.
(3)(A) A local agency, special district, or water corporation shall not impose any impact fee upon the developmentof an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
(B) For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” is defined in subdivision
(b) of Section 66000, except that it also includes fees specified in Section 66477. “Impact fee” does not include anyconnection fee or capacity charge charged by a local agency, special district, or water corporation.
(4)For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a localagency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee orcapacity charge, unless the accessory dwelling unit was constructed with a new single-family home.
(5)For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwellingunit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
(g)This section does not limit the authority of local agencies to adopt less restrictive requirements for the creationof an accessory dwelling unit.
(h)(1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.
(2)(A) If the department finds that the local agency’s ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other

action authorized by this section.
(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shalldo one of the following:
(i) Amend the ordinance to comply with this section.
(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despitethe findings of the department.
(3)(A) If the local agency does not amend its ordinance in response to the department's findings or does not adopta resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.
(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017,and January 1, 2020.
(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3of Title 2.
(j) As used in this section, the following terms mean:
(1)"Accessory dwelling unit" means an attached or a detached residential 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 residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes thefollowing:
(A)An efficiency unit.
(B)A manufactured home, as defined in Section 18007 of the Health and Safety Code.
(2)"Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
(3)"Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
(4)"Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does notinclude a garage or any accessory structure.
(5)"Local agency" means a city, county, or city and county, whether general law or chartered.
(6)"Nonconforming zoning condition" means a physical improvement on a property that does not conform withcurrent zoning standards.
(7)"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entranceof the accessory dwelling unit.
(8)"Proposed dwelling" means a dwelling that is the subject of a permit application and that meets therequirements for permitting.
(9)"Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and areavailable to the public.
(10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on alot, lined up behind one another.
(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.
(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the

effect or application ofthe California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code),except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.
(m)A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, asspecified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with thisdivision.
(n)In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
(1)The accessory dwelling unit was built before January 1, 2020.
(2)The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time theaccessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
(o)This section shall remain in effect only until January 1, 2025, and as of that date is repealed.
(Becomes operative on January 1, 2025)

Section 65852.2 of the Government Code is amended to read (changes from January 1, 2021 statute noted inunderline/italic):

65852.2.
(a)(1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned toallow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:
(A)Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.
(B)(i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback,landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any realproperty that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.
(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.
(C)Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.
(D)Require the accessory dwelling units to comply with all of the following:
(i)The accessory dwelling unit may be rented separate from the primary residence, but may not be sold orotherwise conveyed separate from the primary residence.
(ii)The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.
(iii)The accessory dwelling unit is either attached to, or located within, the proposed or

existing primary dwelling,including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

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

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

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in thesame location and to the same dimensions as an existing structure that is converted to an accessory dwelling unitor to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

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

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

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

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

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

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of anaccessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primaryresidence.

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

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on theapplication to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date thelocal agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. *If the local agency hasnot acted upon the completed application within 60 days, the application shall be deemed approved.* A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs

of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.
(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.
(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.
(6) *(A)* This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or ~~imposed, including any owner-occupant requirement, except that~~ *imposed except that, subject to subparagraph (B),* a local agency may require *an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or* that the property be used for rentals of terms longer than 30 days.
(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.
(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.
(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If

the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c)(1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements forboth attached and detached accessory dwelling units.

(2)Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A)A minimum square footage requirement for either an attached or detached accessory dwelling unit thatprohibits an efficiency unit.

(B)A maximum square footage requirement for either an attached or detached accessory dwelling unit that is lessthan either of the following:

(i)850 square feet.

(ii)1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C)Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size,for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

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

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

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

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

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

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

(e)(1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an applicationfor a building permit within a residential or mixed-use zone to create any of the following:

(A)One accessory dwelling unit ~~or~~ *and* one junior accessory dwelling unit per lot with a proposed or existingsingle-family dwelling if all of the following apply:

(i)The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii)The space has exterior access from the proposed or existing single-family dwelling.

(iii)The side and rear setbacks are sufficient for fire and safety.

(iv)The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B)One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combinedwith a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i)A total floor area limitation of not more than 800 square feet.

(ii)A height limitation of 16 feet.

(C)(i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements,or garages, if each unit complies with state building standards for dwellings.
(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shallallow up to 25 percent of the existing multifamily dwelling units.
(D)Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.
(2)A local agency shall not require, as a condition for ministerial approval of a permit application for the creation ofan accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.
(3)The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not requiredfor the primary residence.
(4)A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on asingle-family lot, subject to the requirements of paragraph (6) of subdivision (a).
~~(4)~~ *(5)* A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivisionbe for a term longer than 30 days.
~~(5)~~ *(6)* A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, ifthe percolation test has been recertified, within the last 10 years.
~~(6)~~ *(7)* Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1,2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.
(f)(1) Fees charged for the construction of accessory dwelling units shall be determined in accordance withChapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
(2)An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to bea new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.
(3)(A) A local agency, special district, or water corporation shall not impose any impact fee upon the developmentof an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
(B) For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” is defined in subdivision
(b) of Section 66000, except that it also includes fees specified in Section 66477. “Impact fee” does not include anyconnection fee or capacity charge charged by a local agency, special district, or water corporation.
(4)For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory

dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family ~~home.~~ *dwelling.*

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

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

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

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

(1) "Accessory dwelling unit" means an attached or a detached residential 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 residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

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

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located

on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

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

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

(6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

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

(8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall ~~remain in effect only until January 1, 2025, and as of that date is repealed.~~ *become operative on January 1, 2025.*

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2
AB 345 (Accessory Dwelling Units)

Effective January 1, 2022, Section 65852.26 is amended to read:

65852.26.

(a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency ~~may, by ordinance~~, *shall* allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

(1) The ~~property~~ *accessory dwelling unit or the primary dwelling* was built or developed by a qualified nonprofit corporation.

(2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each *that* qualified buyer occupies.

(B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the~~property~~ *accessory dwelling unit or primary dwelling* if the buyer desires to sell or convey the property.

(C) A requirement that the qualified buyer occupy the ~~property~~ *accessory dwelling unit or primary dwelling* as the buyer's principal residence.

(D) Affordability restrictions on the sale and conveyance of the ~~property~~ *accessory dwelling unit or primary dwelling* that ensure the ~~property~~ *accessory dwelling unit and primary dwelling* will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(E) *If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following*

(i) Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.

(ii) Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviated the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

(iii) Procedures for dispute resolution among the parties before resorting to legal action.

(4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

(1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

Effective January 1, 2021, Section 4740 of the Civil Code is amended to read (changes noted in strikeout, underline/italics) (AB 3182 (Ting)):

4740.

(a) An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in that common interest development to a renter, lessee, or tenant unless that governing document, or amendment thereto, was effective prior to the date the owner acquired title to ~~his or her~~ *their* separate interest.

(b) ~~Notwithstanding the provisions of this section, an owner of a separate interest in a common interest development may expressly consent to be subject to a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in the common interest development to a renter, lessee, or tenant.~~

(c) *(b)* For purposes of this section, the right to rent or lease the separate interest of an owner shall not be deemed to have terminated if the transfer by the owner of all or part of the separate interest meets at least one of the following conditions:

(1) Pursuant to Section 62 or 480.3 of the Revenue and Taxation Code, the transfer is exempt, for purposes of reassessment by the county tax assessor.

(2) Pursuant to subdivision (b) of, solely with respect to probate transfers, or subdivision (e), (f), or (g) of, Section 1102.2, the transfer is exempt from the requirements to prepare and deliver a Real Estate Transfer Disclosure Statement, as set forth in Section 1102.6.

(d) *(c)* Prior to renting or leasing ~~his or her~~ *their* separate interest as provided by this section, an owner shall provide the association verification of the date the owner acquired title to the separate interest and the name and contact information of the prospective tenant or lessee or the prospective tenant's or lessee's representative.

(e) *(d)* Nothing in this section shall be deemed to revise, alter, or otherwise affect the voting process by which a common interest development adopts or amends its governing documents.

(f) ~~This section shall apply only to a provision in a governing document or a provision in an amendment to a governing document that becomes effective on or after January 1, 2012.~~

Effective January 1, 2021 of the Section 4741 was added to the Civil Code, to read:

4741.
(a)An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits, has the effect of prohibiting, or unreasonably restricts the rental or leasing of any of the separate interests, accessory dwelling units, or junior accessory dwelling units in that common interest development to a renter, lessee, or tenant.
(b)A common interest development shall not adopt or enforce a provision in a governing document or amendment to a governing document that restricts the rental or lease of separate interests within a common interest to less than 25 percent of the separate interests. Nothing in this subdivision prohibits a common interest development from adopting or enforcing a provision authorizing a higher percentage of separate interests to be rented or leased.(c) This section does not prohibit a common interest development from adopting and enforcing a provision in a governing document that prohibits transient or short-term rental of a separate property interest for a period of 30 days or less.
(d)For purposes of this section, an accessory dwelling unit or junior accessory dwelling unit shall not be construed as a separate interest.
(e)For purposes of this section, a separate interest shall not be counted as occupied by a renter if the separate interest, or the accessory dwelling unit or junior accessory dwelling unit of the separate interest, is occupied by the owner.
(f)A common interest development shall comply with the prohibition on rental restrictions specified in this section on and after January 1, 2021, regardless of whether the common interest development has revised their governingdocuments to comply with this section. However, a common interest development shall amend their governing documents to conform to the requirements of this section no later than December 31, 2021.
(g)A common interest development that willfully violates this section shall be liable to the applicant or other party for actual damages, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars ($1,000).
(h)In accordance with Section 4740, this section does not change the right of an owner of a separate interest who acquired title to their separate interest before the effective date of this section to rent or lease their property.

Effective January 1, 2020, Section 65852.22 of the Government Code was amended to read:

65852.22.
(a)Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:
(1)Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residenceswith a single-family residence built, or proposed to be built, on the lot.
(2)Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the

structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, landtrust, or housing organization.
(3)Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permittingagency, and shall include both of the following:
(A)A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-familyresidence, including a statement that the deed restriction may be enforced against future purchasers.
(B)A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
(4)Require a permitted junior accessory dwelling unit to be constructed within the walls of proposed or existing single-family residence.
(5)Require a permitted junior accessory dwelling to include a separate entrance from the main entrance tothe proposed or existing single-family residence.
(6)Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:
(A) A cooking facility with appliances.
(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
(b)(1) An ordinance shall not require additional parking as a condition to grant a permit.
(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.
(c)An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted witha permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.
(d)For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not beconsidered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city andcounty, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether thesingle-family residence includes a junior accessory dwelling unit or not.
(e)For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessorydwelling unit shall not be considered a separate or new dwelling unit.
(f)This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as

that ordinance or regulation applies uniformly to all single- family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.
(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.
(h) For purposes of this section, the following terms have the following meanings:
(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Effective January 1, 2020 Section 17980.12 was added to the Health and Safety Code, immediately following Section 17980.11, to read:

17980.12.
(a)(1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit described in subparagraph (A) or (B) below, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision:
(A) The accessory dwelling unit was built before January 1, 2020.
(B) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.
(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.
(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).
(b) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in Section 65852.2.
(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

CIVIL CODE: DIVISION 4, PART 5, CHAPTER 5, ARTICLE 1
AB 670 Accessory Dwelling Units

Effective January 1, 2020, Section 4751 was added to the Civil Code, to read (AB 670 (Friedman)):

4751.
(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.
(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 3, ARTICLE 10.6
AB 671 Accessory Dwelling Units

Effective January 1, 2020, Section 65583(c)(7) of the Government Code was added to read (sections of housing element law omitted for conciseness) (AB 671 (Friedman)):

65583(c)(7).
Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

Effective January 1, 2020, Section 50504.5 was added to the Health and Safety Code, to read (AB 671 (Friedman)):

50504.5.
(a) The department shall develop by December 31, 2020, a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of an accessory dwelling unit with affordable rent, as defined in Section 50053, for very low, low-, and moderate-income households.
(b) The list shall be posted on the department's internet website by December 31, 2020.
(c) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in paragraph (4) of subdivision (i) of Section 65852.2 of the Government Code.

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2 & TITLE 7, DIVISION 2, CHAPTER 1, ARTICLE 1
SB 9 Housing development: approvals

Effective January 1, 2022, Section 65852.21 was added to the Government Code, to read:

65852.21. *(a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:*
(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.
(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:
(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
(C) Housing that has been occupied by a tenant in the last three years.
(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application. 94 — 3 — Ch. 162
(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:
(A) If a local ordinance so allows.
(B) The site has not been occupied by a tenant in the last three years.
(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
(b)(1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.
(2)(A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area. (B)(i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:
(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:
(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
(B) There is a car share vehicle located within one block of the parcel. (2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.
(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is 94 Ch. 162 — 4 — no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.
(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.
(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.
(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.
(i) For purposes of this section, all of the following apply:
(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.
(2) The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.
(3) "Local agency" means a city, county, or city and county, whether general law or chartered.
(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.
(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

Section 66411.7 is added to the Government Code, to read:

66411.7. *(a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:*

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet. (B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing: (i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power. (iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section. (G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.
(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.
(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.
(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:
(1) Easements required for the provision of public services and facilities.
(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way. (3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:
(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.
(B) There is a car share vehicle located within one block of the parcel.
(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses. (g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.
(2) This subdivision shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.
(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.
(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.
(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.
(j) (1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.
(2) For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.
(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.
(m) For purposes of this section, both of the following shall apply:
(1) "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.
(2) "Local agency" means a city, county, or city and county, whether general law or chartered.
(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.
(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

Attachment 2: ADU Resources

ACCESSORY DWELLING UNITS: CASE STUDY

By the United States Department of Housing and Urban Development, Office of Policy Development and Research. (2008)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats— are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

ADU UPDATE: EARLY LESSONS AND IMPACTS OF CALIFORNIA'S STATE AND LOCAL POLICY CHANGES

By David Garcia (2017)
Terner Center for Housing and Innovation, UC Berkeley

As California's housing crisis deepens, innovative strategies for creating new housing units for all income levels are needed. One such strategy is building Accessory Dwelling Units (ADUs) by private homeowners. While large scale construction of new market rate and affordable homes is needed to alleviate demand-driven rent increases and displacement pressures, ADUs present a unique opportunity for individual homeowners to create more housing as well. In particular, ADUs can increase the supply of housing in areas where there are fewer opportunities for larger-scale developments, such as neighborhoods that are predominantly zoned for and occupied by single-family homes.

In two of California's major metropolitan areas -- Los Angeles and San Francisco -- well over three quarters of the total land area is comprised of neighborhoods where single-family homes make up at least 60 percent of the community's housing stock. Across the state, single-family detached units make up 56.4 percent of the overall housing stock. Given their prevalence in the state's residential land use patterns, increasing the number of single- family homes that have an ADU could contribute meaningfully to California's housing shortage.

ACCESSORY DWELLING UNITS AS LOW-INCOME HOUSING: CALIFORNIA' FAUSTIAN BARGAIN

By Darrel Ramsey-Musolf (2018)
University of Massachusetts Amherst, ScholarWorks@UMass Amherst

In 2003, California allowed cities to count accessory dwelling units (ADU) towards low-income housing needs. Unless a city's zoning code regulates the ADU's maximum rent, occupancy income, and/or effective period, then the city may be unable to enforce low-income occupancy. After examining a stratified random sample of 57 low-, moderate-, and high-income cities, the high-income cities must proportionately accommodate more low-income needs than low-income cities. By contrast, low-income cities must quantitatively accommodate three times the low- income needs of high-income cities. The sample counted 750 potential ADUs as low-income housing. Even though 759 were constructed, no units were identified as available low-income housing. In addition, none of the cities' zoning codes enforced low-income occupancy. Inferential tests determined that cities with colleges and high incomes were more probable to count ADUs towards overall and low-income housing needs. Furthermore, a city's count of potential ADUs and cities with high proportions of renters maintained positive associations with ADU production, whereas a city's density and prior compliance with state housing laws maintained negative associations. In summary, ADUs did increase local housing inventory and potential ADUs were positively associated with ADU production, but ADUs as low-income housing remained a paper calculation.

IMPLEMENTING THE BACKYARD REVOLUTION: PERSPECTIVES OF CALIFORNIA'S ADU OWNERS (2022)

By Karen Chapple, Dori Ganetsos, and Emmanuel Lopez (2022)
UC Berkeley Center for Community Innovation

The report presents the findings from the first-ever statewide ADU owner survey in California.

JUMPSTARTING THE MARKET FOR ACCESSORY DWELLING UNITS: LESSONS LEARNED FROM PORTLAND, SEATTLE AND VANCOUVER

By Karen Chapple et al (2017)
Terner Center for Housing and Innovation, UC Berkeley

Despite government attempts to reduce barriers, a widespread surge of ADU construction has not materialized. The ADU market remains stalled. To find out why, this study looks at three cities in the Pacific Northwest of the United States and Canada that have seen a spike in construction in recent years: Portland, Seattle, and Vancouver. Each city has adopted a set of zoning reforms, sometimes in combination with financial incentives and outreach programs, to spur ADU construction. Due to these changes, as well as the acceleration of the housing crisis in each city, ADUs have begun blossoming.

THE MACRO VIEW ON MICRO UNITS

By Bill Whitlow, et al. – Urban Land Institute
(2014)Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

REACHING CALIFORNIA'S ADU POTENTIAL: PROGRESS TO DATE AND THE NEED FOR ADU FINANCE

Karen Chapple, et al. – Terner Center (2020)

To build upon the early success of ADU legislation, the study argues that more financial tools are needed to facilitate greater ADU development amongst low to moderate income homeowners who do not have access to cash saving and cannot leverage home equity. The study recommends that the federal government create ADU-specific construction lending programs. In addition, California could lead this effort by creating a program to assist homeowners in qualifying for ADU construction loans.

RETHINKING PRIVATE ACCESSORY DWELLINGS

By William P. Macht. Urbanland online. (March 6, 2015)
Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

One of the large impacts of single-use, single-family detached zoning has been to severely shrink the supply of accessory dwellings, which often were created in or near primary houses. Detached single-family dwelling zones—the largest housing zoning category—typically preclude more than one dwelling per lot except under stringent regulation, and then only in some jurisdictions. Bureaucratically termed "accessory dwelling units" that are allowed by some jurisdictions may encompass market-derived names such as granny flats, granny cottages, mother-in-lawsuites, secondary suites, backyard cottages, casitas, carriage flats, sidekick houses, basement apartments, attic apartments, laneway houses, multigenerational homes, or home-within-a-home.

REGULATION ADUS IN CALIFORNIA: LOCAL APPROACHES & OUTCOMES

By Deidra Pfeiffer (May 16, 2019)
Terner Center for Housing and Innovation, UC Berkeley

Accessory dwelling units (ADU) are often mentioned as a key strategy in solving the nation's housing problems, including housing affordability and challenges associated with aging in place. However, we know little about whether formal ADU practices—such as adopting an ordinance, establishing regulations, and permitting— contribute to these goals. This research helps to fill this gap by using data from the Terner California Residential Land Use Survey and the U.S. Census Bureau to understand the types of communities engaging in different kinds of formal ADU practices in California, and whether localities with adopted ordinances and less restrictive regulations have more frequent applications to build ADUs and increasing housing affordability and aging in place. Findings suggest that three distinct approaches to ADUs are occurring in California: 1) a more restrictive approach in disadvantaged communities of color, 2)

a moderately restrictive approach in highly advantaged, predominately White and Asian communities, and 3) a less restrictive approach in diverse and moderately advantaged communities. Communities with adopted ordinances and less restrictive regulations receive more frequent applications to build ADUs but have not yet experienced greater improvements in housing affordability and aging inplace. Overall, these findings imply that 1) context-specific technical support and advocacy may be needed to helpalign formal ADU practices with statewide goals, and 2) ADUs should be treated as one tool among many to manage local housing problems.

SECONDARY UNITS AND URBAN INFILL: A LITERATURE REVIEW

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

CITY OF CRESCENT CITY PLANNING COMMISSION AND ARCHITECTURAL REVIEW COMMITTEE

STAFF REPORT
Agenda Item # VI.B

TO:	Planning Commission Chairperson Wendt and Members of the Planning Commission
FROM:	Community Development Department, Planning Department Bob Brown, AICP, Director/Consultant
PREPARED BY:	Community Development Department, Planning Department Ethan Lawton, City Planner/Consultant
DATE:	April 20, 2023
SUBJECT:	Signs Ordinance

STAFF RECOMMENDED ACTIONS:

I) Open the public hearing.
   i) Receive the Staff Report.
   ii) Receive public comments.
II) Close the public hearing.
III) Discuss alternatives and provide direction to staff.

BACKGROUND INFORMATION

At the 2/21/23 Council Meeting the Council directed staff to review the current sign ordinance and have the Planning Commission consider a recommendation to the Council to amend Muni Code regarding a more relaxed banner / flag type signs for local businesses. The Council's concern is that several businesses are currently utilizing this type of signage, and staff has not prioritized enforcement action for this somewhat common violation. The general sediment from the Council is that they would be supportive of a change after the Planning Commission makes a recommendation.

The Sign Ordinance (Chapter 17.39) is attached for the review of the Planning Commissioners. Chapter 17.39 applies to all signs erected in the city as of January 17, 1996.

ALTERNATIVES:

The Planning Commission has the following alternatives to consider:

1. **RECOMMEND REVISIONS**. Should the Planning Commission determine the Sign ordinance needs revision, staff can be directed to bring recommended revisions on _____ during the next scheduled Planning Commission Meeting.

2. **ENFORCE EXISTING**. Should the Planning Commission determine that the Sign Ordinance is sufficient as written, staff and be directed to provide an update on sign application review, permitting process, violation, and enforcement during the next scheduled Planning Commission Meeting.

3. **REQUEST ADDITIONAL INFORMATION**. Should the Planning Commission require additional information, staff will follow up according to the request, which may delay determination on this item, and it will be addressed on the next scheduled Planning Commission meeting agenda.

ATTACHMENTS:

A) Sign Ordinance (Chapter 17.39)

Crescent City, California Municipal Code

Title 17 ZONING

Chapter 17.39 SIGNS

Note

* Chapter 17.39 applies to all signs erected in the city as of January 17, 1996, and for all signs erected in the coastal zone as of January 17, 1996, pending Coastal Commission approval. Chapter 17.39 shall not apply to legal nonconforming signs as defined in Section 17.39.030, except as provided in Section 17.39.020.

17.39.010 Purpose.

A. The surroundings of the city are possessed of natural beauty having both giant redwoods and the Pacific Ocean at the disposal of its citizens. The city's economy is dependent on a vigorous local business economy, spawned in part by tourism and its residential environment. The purpose of this chapter is to regulate signs in the city. Signs have an obvious impact on the character, quality and economic health of the city. As a prominent part of the scenery, signs may attract the viewing public, affect the safety of vehicular and pedestrian traffic, and help set the tone of the community.

B. It is the intent of the city that this chapter emphasize the importance of business activity to the economic vitality of the city, help improve the ability of business owners and operators to identify their businesses to the community to enhance the furtherance of commerce, foster varied and interesting places of trade and promote public safety by making business signing visible to the passing public. This chapter is further intended to encourage the use of signs that:

1. Protect and enhance the architectural character, harmony and natural beauty of the community, its buildings and its various neighborhoods and districts;

2. Protect commercial districts from sign clutter;

3. Protect the public's ability to identify users and premises without confusion;

4. Eliminate unnecessary distractions which may jeopardize pedestrian or vehicular traffic safety;

5. Are as small in size and few in number as is consistent with their purpose of communicating identification and essential information;

6. Protect the right of the public to be directed, warned, advised and informed;

7. Possess a satisfactory aesthetic effect and pleasing elements of design that relates to the form, proportion, material, surface treatment and position;

8. Assure the maintenance of signs;

9. Implement the community design objectives expressed in the general plan;

10. Prohibit political signs on public utility or street sign poles because it is necessary to prevent visual distractions to motorists that create traffic hazards, prevent the obstruction of road hazards and road signs, and to prevent eyesores from proliferating along public streets;

11. Regulate the size of political signs because it is necessary for safety and aesthetic reasons, specifically that the strong winds common in the city would remove the signs, creating hazards and accumulation of debris, and extremely large or illuminated signs would create a distraction to motorists.

C. The general sign usage provisions and regulations of this chapter shall apply. The additional sign usage authorized hereunder shall be strictly construed in its application. (Ord. 672 § 5)

17.39.020 Applicability.

A. This chapter shall apply to on-premises advertising displays which meet any of the following criteria:

1. On-premises advertising displays placed or constructed on or after January 17, 1996;

2. Any on-premises advertising display placed or constructed on or before January 17, 1996 that was not in compliance with all ordinances and regulations in effect at the time of its construction and erection or use;

3. Any on-premises advertising display which was lawfully erected, but whose use has ceased, or the structure upon which the display has been abandoned by its owner, for a period of not less than ninety days;

4. Any on-premises advertising display which has been more than fifty percent destroyed, and the destruction is other than facial copy replacement, and the display cannot be repaired within thirty days of the date of its destruction;

5. Any on-premises advertising display whose owner, outside of a change of copy, requests permission to remodel and remodels that advertising display, or expand or enlarge the building or land use upon which the advertising display is located, and the display is affected by the construction, enlargement or remodeling, or the cost of construction, enlargement or remodeling of the advertising display exceeds fifty percent of the cost of reconstruction of the building;

6. Any on-premises advertising display for which there has been an agreement between the sign permit holder and the city for its removal as of any given date;

7. Any on-premises advertising display which is a temporary sign;

8. Any on-premises advertising display which is or may become a danger to the public or is unsafe;

9. Any on-premises advertising display which constitutes a traffic hazard not created by relocation of streets or highways or by acts of any city or county;

10. Except where the provisions of this chapter provide for earlier sign removal, on-premises advertising displays located in redevelopment project areas created pursuant to Community Redevelopment Law of Division 24 of the California Health and Safety Code, shall be removed or made to conform within sixty days after written notice by the community development department, in accordance with the following schedule:

Original Value of Sign	Amortization Period
Less than $500.00	One year
$500.00 to $999.00	Two years
$1,000.00 to $2,999.00	Four years
$3,000.00 to $5,999.00	Eight years
More than $6,000.00	Ten years

The permit holder of a redevelopment area sign shall, upon written request of the community development department, furnish acceptable proof of the initial cost in the form of: (a) an original bill of sale, or (b) a depreciation schedule from state or federal income tax returns, or (c) a written appraisal by a sign manufacturer;

11. Advertising displays located in areas listed or eligible for listing on the National Register of Historic Places;

12. Advertising displays located in areas registered by the California Department of Parks and Recreations as a state landmark of historical interest pursuant to Section 5021 of the California Public Resources Code;

13. Advertising displays located in areas created as historic zones or individually registered properties by the city pursuant to Article 12 of Chapter 1 of Division 1 of Title 5 of the California Government Code.

B. Legal Nonconforming Signs.

1. Legal nonconforming signs shall be removed or made to conform with the provisions of this chapter within sixty days after written notice by the community development department, when:

a. The use of the premises changes and the exterior of the building or other site conditions are to be altered; or

b. A sign is damaged or destroyed by any cause, to the extent that the cost of repairing or replacing it would be more than fifty percent of its value immediately prior to the damage; or

c. In accordance with the provisions for abatement outlined in Section 17.39.190.

2. Except as otherwise provided in this chapter, nonconforming on-premises signs shall be made to conform to the provisions of this chapter upon the change of a name of any business, the relocation of any business, or an application for a sign for any business.

3. General Provisions. A legal nonconforming sign may not be:

a. Changed to another nonconforming sign; or

b. Structurally altered to extend its useful life; or

c. Expanded, moved or relocated; or

d. Re-established after damage or destruction of more than fifty percent of the dollar value of the sign as determined by the community development director.

4. Ordinary repair and maintenance may be made to a legal nonconforming sign provided that such maintenance and repair does not exceed twenty-five percent of the actual dollar value of the sign in any one year.

5. Exceptions to the provisions of this section may be granted, in the form of a variance, by the planning commission upon the application of any owner of a sign who presents substantial evidence showing the following:

a. There are exceptional circumstances applicable to the property on which the nonconforming sign is located, including size, shape, topography, location or surroundings which make it practically impossible to identify effectively the property to the public if strict application of all the provisions of these regulations are required; or

b. The sign possesses unique features which make it a significant part of the community character of the area in which it is located. (Ord. 672 § 5)

17.39.030 Definitions.

As used in this chapter:

“Abandoned sign” means any sign or advertising display remaining in place or not maintained for a period of ninety days which no longer advertises or identifies an ongoing business, product or service available on the business premises where the sign or display is located.

“Advertising display” means the same as “sign.”

“A-frame” means a sandwich board sign.

“Architecturally controlled sign” means any sign that is submitted as part of, or related to, the design of a building, or group of buildings, constructed for commercial purposes, and that has gone through an approved process of design review.

“Awning/canopy sign” means any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or nonpermanent structural protective cover over the doorway, window, patio or other part of the exterior of a building. A marquee is not an awning or a canopy.

“Balloon” means a nonporous bag containing a gas lighter than air causing it to rise and float above the ground.

“Banner” means a sign made of flexible materials such as cloth, canvas, plastic or cardboard.

“Beacon” means a rapidly rotating fixed light giving the appearance of a flashing light.

“Bed and breakfast establishment” means a residential dwelling occupied by a resident person or family, containing individual living quarters occupied on a transient basis for compensation, and in which a breakfast may be provided to the guests.

“Billboard” means a sign structure which is made available for lease or rent for the purpose of off-site advertising.

“Changeable copy sign” means a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face of the sign.

“Community event” means an occasion or activity sponsored by either a governmental or quasi-governmental agency (such as the harbor district, city of Crescent City, Del Norte County, the Crescent City business and parking improvement district, or chamber of commerce) or by a not-for-profit organization (such as a church or a civic organization), the purpose of which is to benefit the community as a whole, either by raising funds through a specific event to address a specific issue (such as the United Way Ball), by publicizing the area to visitors (such as street fairs) or for the purpose of a community-wide celebration (such as the fourth of July).

“Construction signs” means a temporary sign erected on the premises on which construction is taking place identifying the names of the persons or companies involved in the project.

“Curbline” means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curbline shall be established by the public works director.

“Directional sign” means an accessory sign designed to guide or direct pedestrian or vehicular traffic.

“Display surface” means the area made available by the sign structure, including the background area, for the purpose of displaying an advertising message.

“Double-faced sign” means a sign with two faces only, with each face oriented one hundred eighty degrees from the other. Such sign may be a pole, projecting, hanging or roof sign.

“Enforcement officer” means the public employee or officer designated by the legislative body of the city to perform the duties imposed by these regulations.

“Flag” means a usually rectangular piece of fabric of distinctive design that is used as a symbol or as an attracting or signaling device. Corporate flags contain the name or logo of an incorporated business or organization. Governmental flags are duly recognized symbols of a city, state or nation.

“Flashing” means sudden bursts of light. In certain uses it appears to simulate movement.

“Freestanding sign” means a sign not attached to any building and having its own support structure, such as a pole or a monument-style base.

“Frontage” means the distance in feet of a lot measured along a street right-of-way.

“General advertising sign” is a sign which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which such sign is located, or to which it is affixed, and which is sold, offered or conducted on such premises only incidentally if at all.

“Grand opening” means the first thirty business days of a new business.

“Ground sign” means the same as “monument sign.”

“Hanging sign” means a sign that is suspended from the underside of a horizontal plane surface, such as a marquee, awning or canopy, or from a bracket, and which is supported by that surface or bracket.

“Holiday decorations” means wording, symbols or pictures of a noncommercial nature which may be erected or displayed in reference to a specific seasonal, political or religious holiday. Sale announcements are not holiday decorations.

“Horizontal sign” means a projecting sign having its greatest dimension in a horizontal direction.

“Identification” means a sign giving the name, nature, logo, trademark or other identifying symbol of an establishment.

“Institutional use” means a nonprofit, public or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for a public purpose.

“Legal nonconforming signs” means on-premises advertising displays which do not conform to the provisions of this chapter but which lawfully existed and were maintained prior to January 17, 1996.

“Luminescence” means an emission of light produced by electrical action.

“Mansard roof” means a roof having two slopes on each side, with the lower slope steeper than the upper one.

“Marquee” means any permanent-roofed structure made of a nonflexible material, which is attached to and supported by a building, and which projects over public property.

“Monument/ground sign” means any sign other than a pole sign, placed upon or supported by the ground independent of any other structure.

“Mural” means a decorative scene or graphic design painted on and made an integral part of a wall surface, and making no reference to a specific business or brand of product offered for sale on the premises.

“Nameplate” means a small sign stating only the name and/or address of the occupant(s), and his or her profession or specialty. However, in the case of bed and breakfast establishments, only, nameplate additionally means a sign displaying the name of the establishment.

“On-premises advertising display” has the same definition as California Business and Professions Code Section 5490(b) as amended or supplanted.

Paper Signs. Paper signs tacked or otherwise fastened to a side of a building or bulletin board, or outside of a window are temporary signs unless enclosed in a frame with a glass, Plexiglas or equivalent cover.

“Parapet” means the extension of the main walls of a building above the roof level, such as a false front. Parapet walls are often used to shield mechanical equipment or vents from view.

“Pennant” means a flag which tapers to one or two points. “Pennants” also refers to strings of small flags or strips which can be hung either attached to a building or across an open parking area.

“Placard” means a nonpermanent announcement or sign in the form of a small card, such as a poster or plaque.

“Pole sign” means a freestanding sign that is wholly supported by one or more posts or poles, free of braces or cables, either in the ground or in a concrete base.

“Portable sign” means a sign that is not permanently attached to the ground or to a structure.

“Projecting sign” means a sign other than a wall sign or awning sign which projects out from and is supported by a wall of a building or structure.

“Projection” means the distance by which a sign extends over or beyond the edge of a building.

“Public right-of-way (RoW)” means a public street, sidewalk or accessway.

“Real estate sign” means a sign of any size advertising real property for sale or lease, including “open house” signs.

“Revolving sign” means a sign whose face(s) turn round on an axis, usually a pole of any height.

“Right-of-way (RoW)” means the same as “public right-of-way.”

“Roof height” means the vertical distance measured from the average grade level of the building (the ground) to the highest point of the roof, ridge or parapet wall.

“Roof sign” means a sign erected upon or above a roof or parapet of a building or structure.

“Sandwich board sign” means a portable sign consisting of two hinged boards designed to stand alone for display, and which may be folded and moved from place to place. Also known as an “A-frame.”

“Setback” means the minimum horizontal distance from the building to the property line as prescribed by this title.

“Sign” means any writing, pictorial representation, symbol, banner, or other figure of similar character of any material that is used to identify, announce, direct attention to, communicate, inform or advertise.

“Sign area” means the area in square feet of the smallest rectangle enclosing the total exterior surface of a sign, or of one face of a double-faced sign.

“Sign height” means the vertical distance from the average grade at the base of the sign structure to the uppermost point of the sign.

“Sign structure” means any structure that supports, or is capable of supporting any sign as defined in this chapter. A sign structure may be a single pole, several poles, frame structure, or solid base, or may be an integral part of a building.

“Spinner” means any advertising or attention-getting device which includes a part or parts which turn, gyrate or revolve rapidly.

“Streamer” means any long wavy strip, either free-floating or attached at both ends, as alongside a building or over a parking lot or other open area.

“Structure” means that which is built or constructed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined in some definite manner; but not including fences, or walls used as fences that are three feet in height or less.

“Suspended sign” means the same as “hanging sign.”

“Temporary sign” means any sign or advertising display constructed of fabric, canvas, paper, plywood or other such light material, not permanently erected, and constructed, created, intended or engineered to have a useful life of less than fifteen years. Temporary signs may include, but are not limited to vehicle and trailer signs, banners, balloons, sandwich boards and paper signs.

“Time and temperature device” means any device which displays the current time and temperature, usually in the form of a clock and thermometer or an electronic digital display unit. Often such devices include the name or logo of the business upon whose premises the device is located.

“Trailer sign” means any sign mounted on a trailer or cart so as to be movable by being pulled about.

“Twirler” means the same as “spinner.”

“Vehicle sign” means any sign which is painted or mounted on an operating or nonoperating vehicle, which is parked on or adjacent to any property, the principal purpose of which is to attract attention to any business, service, product or an activity, or to convey a message for which other avenues of expression are readily available. For the purpose of this chapter, vehicle sign regulations shall not apply to business vehicles on which the business name or logo is painted or attached, and which are driven in the normal course of business activity.

“Vertical sign” means a projecting sign having its greatest dimension in a vertical direction.

“Wall sign” means a single-faced sign painted on or attached parallel to a building or wall.

“Window sign” means a sign maintained in or painted upon a window so that its message can be seen from the exterior of the structure. Window signs do not include holiday decorations. (Ord. 672 § 5)

17.39.040 Types—Generally.

The types of signs set forth in this section will be permitted for the various uses allowed in Sections 17.39.110 through 17.39.140 and must be limited to the restrictions set forth in Section 17.39.020, in addition to those required in Sections 17.39.050 through 17.39.080. Additional special use signs are also listed in this section.

A. Signs having Double Faces. Pole signs, revolving signs and projecting signs may have double faces. Where such signs and marquees have double faces, and are included in the total sign area, the area of only one face need be included in the total area allowed. Where the two faces are of different areas, the larger of the two must be counted as part of the total sign area.

B. Projecting Signs. Projecting signs identifying a business located on the premises shall be located no less than nine feet above the sidewalk, may not project above the roofline of a wall or building, and shall project into public property no more than thirty-six inches from the side of the building. The area of such sign shall be included in the total allowable aggregate sign area as provided in this chapter.

C. Wall Signs.

1. Flat wall sign(s) identifying each business conducted on the premises may be painted on the surface of the building or attached to the face of the building, no point of which shall project over eighteen inches from the face of the building. Wall signs shall not occupy more than fifty percent of the building surface envelope excluding window areas, and shall not project above the top of the wall or above the roofline of the building to which they are attached. The area of such sign shall be included in the total allowable aggregate sign area as provided in this chapter.

2. On buildings which are two or more stories in height, but which are occupied above the first floor by other than the ground floor business, the first floor envelope shall extend to the bottom of the second floor window line. The second floor envelope shall extend from the bottom of the second floor window line to the bottom of the above floor window line, or to a line one and one-half feet below the roofline or top of the wall.

D. Marquee Signs.

1. For purposes of computing sign area, signs on the face of a marquee which is parallel to the front wall of a building shall be considered as part of the flat wall sign envelope, and signs on other faces of the marquee shall be considered as a double-faced projecting sign.

2. Single-faced or double-faced signs placed under marquees or canopies shall be limited to a maximum size of eighteen inches high and sixty inches long, and shall be not less than nine feet from the sidewalk to the bottom of the sign. Only one side of these signs shall be used in computing total aggregate sign area.

E. Pole or Freestanding Signs. Provisions for pole or freestanding signs shall be as follows:

1. Minimum height in a vehicular area: fourteen feet to the bottom of the sign;

2. Minimum height over a public pedestrian area: ten feet to the bottom of the sign;

3. Maximum height: thirty feet to the top of the sign absent a variance;

4. Minimum setback from the right-of-way line: one-half the distance from the road right-of-way line to the legal setback line;

5. Only one pole sign shall be permitted per parcel where allowed;

6. The minimum ground area of two feet around the perimeter of the base of all freestanding signs shall be landscaped. The community development director may exempt certain freestanding signs from this requirement where it is demonstrated by the applicant that the landscaping would unduly interfere with pedestrian or vehicular traffic, or where this requirement would be impossible to meet without compromising the stability of the sign structure.

F. Monument or Ground Signs. Monument or ground signs shall not exceed five or ten feet in height, depending upon the regulations for the zone in which the sign is being placed, unless a variance for a higher sign has first been approved by the planning commission. Such signs shall not impede vehicle sight distance.

G. Canopy or Awning Signs. Signage shall only be permitted on the valance of the canopy or awning, or as hanging signs suspended below the canopy. Hanging signs suspended below canopies shall not exceed eighteen inches in height or sixty inches in length, and shall be hung at a height not less than nine feet measured from the sidewalk to the bottom of the sign. Sign area shall be computed using only one face of the hanging sign.

H. Architecturally Controlled Signs. Architecturally controlled signs for a special development of an unusual nature or size may be reviewed and approved if acceptable by the planning commission for their conformance with the intent of this chapter, with the goals of the general plan, and for their appropriateness to the type of development to which they are related. The determination that such a review is desired may be made by the community development director. (Ord. 672 § 5)

17.39.050 Special provisions.

The following provisions shall apply to all signs generally permitted by this title:

A. A sign permit must be issued before the display of any signs other than exempt signs.

B. The use of any sign that is obnoxious in character or location or which is architecturally undesirable in the judgment of the community development director can be denied even though such sign complies with all other provisions of this title. The decision of the community development director is appealable to the planning commission. A fee may be charged to cover the cost of bringing the appeal before the planning commission.

C. Materials used in the construction of signs and sign structures and the construction thereof shall comply with the Underwriters Laboratory and the latest adopted edition of the Uniform Sign Code, Uniform Building Code, National Electric Code, and other applicable laws and ordinances.

D. Once constructed, the front and back of all signs and sign structures shall be fully painted and shall be maintained in a safe condition and neat appearance.

E. Signs that tend to attract motorists to a roadway-oriented business shall not be lighted except during hours that the merchandise or services are available.

F. Sign structures not used for signage purposes for more than twelve months shall be considered a nuisance and shall be removed. (Ord. 672 § 5)

17.39.060 Sign permits.

A. Terms. Sign permits may be revocable, conditional or valid for a term period, and may be issued only for the construction and display of signs as outlined in these provisions.

B. Permits Required. A sign shall not hereafter be erected, re-erected, constructed, altered or maintained, except as provided by this code and only then after a permit for the same has been issued by the community development department. A separate permit shall be required for a sign or signs for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electrical signs. Each application for a sign permit shall be reviewed by the city building inspector who is authorized to determine if a building permit shall additionally be required as a condition to the issuance of a sign permit. A building permit shall be required when the proposed sign's erection, re-erection, construction, alteration or maintenance may potentially adversely affect the public's health, safety or welfare. Sign permits may be issued to any person with a possessory or estatehold interest in the real property where the sign is sought to be placed or to a contractor licensed by the Department of Consumer Affairs and employed by such person to perform the sign's erection, re-erection, construction, alteration or maintenance.

C. Application for Permit.

1. Application for a sign permit shall be made in writing upon forms furnished by the community development department. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the applicant and properly identify the applicant's interest in the real property where the sign is sought to be placed or as a contractor licensed by the Department of Consumer Affairs employed to perform the sign's erection, re-erection, construction, alteration or maintenance. The application must be accompanied by plans and specifications for all signs to be constructed. Such plans and specifications shall specify:

a. The materials of which the sign and its structure shall be constructed; and

b. The sign's location on the property; and

c. The type of construction to be used in the sign; and

d. The message and pictorial representations which will appear on the sign(s); and

e. The dimensions of its size; and

f. Any other existing signage or display already on the property.

2. Standard plans may be filed with the community development department.

3. The application will be reviewed by the city's building and community development departments, and must be approved by each prior to the issuance of any sign permit. The applicant shall submit any additional information required by the city's building and community development departments.

D. Fees. The sign permit application shall be accompanied by fees as established by resolution of the city council. In addition, signs subject to building and electrical permits shall be subject to the fees required for the issuance of those permits.

E. Public Hearing. The planning commission may hold public hearings to discuss sign permit applications whenever it determines that such a hearing is in the public interest. The planning commission may, through the public hearing process, designate such conditions as it deems necessary to ensure compliance with the purposes of this chapter, and may require a guarantee or bond to be posted to that effect.

F. Issuance. Within thirty days of receiving a complete application for a permit which is not contingent upon any action by the planning commission or on the issuance of any other permits, the application shall, in writing, be approved, conditionally approved or denied. Conditions imposed may only be such as will assure compliance with the provisions of these regulations.

G. Inspections. All signs for which a building permit is required shall be subject to inspection as required by the building official. All signs may be reinspected at the discretion of the building official.

H. Revocation.

1. In any case where the conditions set forth in the approval of a sign permit have not been met, the permittee shall be noticed by certified mail, sent to the address shown on the sign permit application at least ten days prior to a hearing at which the status of the conditions are to be discussed. At the conclusion of the hearing, the planning commission may revoke the permit.

2. In any case where an approved sign permit has not been used within six months after the date of approval, then, without further action by the city council or planning commission, the sign permit granted shall become null and void. (Ord. 672 § 5)

17.39.070 Temporary permit required when.

The following types of signs and advertising devices are permitted with the issuance of a temporary permit from the community development department. The permit may impose conditions on the size, placement, structure, color, copy, conditions of removal or any other aspect of the display at the discretion of the community development director. Balloons may also be subject to approval by the building inspector, at his or her recommendation. A fee may be charged by the building department if an inspection of the balloon attachment is required. Any one commercial establishment may obtain a temporary sign permit under these regulations no more than three times in one calendar year.

A. Grand Opening Signs, Banners or Balloons. Pennants, signs, banners and/or balloons for the promotion of the grand opening of a new business for a period of not more than the first thirty business days of a new business. A use permit must be granted by the planning commission in order to display such devices for any longer than thirty days;

B. Promotional Signs, Banners or Balloons. Signs, banners, balloons, pennants or other advertising devices for the promotion of special sales or other business events lasting for a period of up to five days not more than three times in one calendar year. (Ord. 672 § 5)

17.39.080 Prohibited signs.

In addition to any sign or advertising display device not specifically allowed by these provisions, the following signs are prohibited.

A. Signs having one or a combination of the following characteristics:

1. Obscene or Offensive to Morals. Containing statements, words or pictures of an obscene, indecent or immoral character which, taken as a whole, appeal to the prurient interest in sex, and which signs are patently offensive and, when taken as a whole, do not have serious literary, artistic, political or scientific value,

2. Imitative of Official Signs. Signs (other than when used for traffic direction) which contain the words stop, go, slow, caution, danger, warning or similar words, or signs which imitate or may be construed as other public notices, such as zoning violations, building permits, business licenses and the like;

B. Moving signs having one or a combination of the following characteristics:

1. Flashing lights or changing of color intensity,

2. Wind-blown devices such as streamers, balloons, flares, pennants, propellers and similar attention-getting displays or devices with the exception of the following:

a. National, state and/or local government flags properly displayed and maintained upon a permanently mounted flagpole or bracket,

b. One corporate or logo flag of a size not to exceed any governmental flag displayed upon the same premises,

c. Twirlers or spinners, provided a use permit has first been obtained from the planning commission,

d. Holiday decorations, in season, displayed for an aggregate period not exceeding sixty days in any one calendar year, except no advertising of the business or products shall be permitted,

3. Where there is any production of smoke, sound or other substances;

C. Portable or temporary signs, including sandwich boards, except as permitted only for grand openings or special promotions;

D. Obstructive to Use or Visibility—Hazardous Locations. No sign shall be erected in any manner which, in whole or in part, would create a hazardous condition to pedestrians or traffic alike, either by creating visual distraction, being color, sounds or glare, or by representing a traffic-control device; and

E. Signs in one or more of the following locations:

1. Within Public Places.

a. Within any public street, sidewalk, public parking lot, or right-of-way, unless they shall maintain a minimum clearance of fourteen feet above the adjoining grade level and after acquiring an encroachment permit from the Department of Public Works, except marquee signs as defined by this chapter, unless specifically provided for in this chapter,

b. Furthermore, no person except a duly authorized public officer or employee shall erect, construct, maintain, paste, print, nail, tack or otherwise fasten or affix any card, banner, flag, pennant, handbill, campaign sign, poster, sign, advertisement, or notice of any kind, or cause or suffer the same to be done, on any curbstone, lamppost, driveway, roadway, parkway, sidewalk, street, light standard, fire hydrant, bench, electrical light pole, power pole, telephone pole, traffic signal, bridge, wall, tree, parking meter, or on any other public property, except as may be required or permitted by ordinance or law; provided, that this provision shall not prohibit the placement, use and maintenance of warning signs designating street construction or repair and/or the location of underground utility lines,

c. Any flags, pennants, sign, handbill, campaign sign, poster or notice of any kind that is placed upon a public street or public property in violation of this subsection is declared to be a public nuisance and may be summarily abated in addition to other remedies provided by this code,

2. Roof signs, except mansard roof signs,

3. Projecting. Signs projecting more than thirty-six inches from the face of a building shall not be allowed except for awning or canopy signs,

4. Signs on Vehicles. No vehicle may be used as a platform or substitute for a billboard, freestanding sign or movable sign, whether parked on private property or the public right-of-way. The parking of any such vehicle on any street or on public or private property, or the movement of any such vehicle in and/or along any street for the sole or primary purpose of displaying advertising matter is declared to be a nuisance and a violation of this Section. The following exceptions are permissible under these regulations:

a. The driving, operation and movement of vehicles displaying political campaign advertisements for candidates for public office or for ballot measures, provided the same is not otherwise prohibited by this section,

b. The identification of a business enterprise upon a vehicle used primarily for the purpose of and in the usual business of the owner for transporting or servicing goods or persons for commercial or other business purposes, provided that the identification is painted on or otherwise affixed so as not to project from the usual profile of the vehicle,

c. The incidental display of noncommercial stickers, plates, license plate brackets and the like; or of customary small identifications on license plate brackets or elsewhere, of vehicle manufacturers, models or types of vehicles, or dealers or entities from whom vehicles bearing the same were purchased or otherwise obtained,

d. A single isolated movement of a sign or sign equipment or materials from one place to another within the city,

e. Vehicles located on construction sites that are directly involved with ongoing construction,

5. Miscellaneous Temporary Signs and Posters. The tacking, posting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns or sheds, on trees, poles, posts, fences, or other structures shall be prohibited, unless specifically permitted by this chapter;

F. Abandoned Signs.

1. In addition to the other requirements imposed by this chapter, signs advertising an activity, business, product or service no longer conducted on the premises on which the sign is located, or sign frames, structural members or supporting poles remaining unused for twelve months or longer, shall be removed from the site. Signs will be considered abandoned or dilapidated where the sign or any element of it is excessively weathered or structurally unsound or where the copy can no longer be seen or understood by a person with normal eyesight under normal viewing conditions,

2. This provision may be waived for set periods of time at the discretion of the community development director;

G. General advertising signs. (Ord. 672 § 5)

17.39.090 Variances.

A. Generally. When practical difficulties, unnecessary hardships or results inconsistent with the general intent and stated purpose of this chapter occur by reason of the strict application of the standards set forth in these regulations, a sign variance may be requested.

B. Application.

1. A request for a sign variance shall be made by submitting a completed permit application form and appropriate filing fee to the community development department, along with all supporting documentation pertinent to the situation, such as maps, photographs or sketches.

2. The request for variance shall be set for public hearing on the earliest available meeting date of the planning commission. The appellant shall be notified in writing of the meeting date. Notice of the hearing shall be published in a newspaper of general local circulation at least ten days prior to the hearing. The hearing may be continued from time to time.

C. Required Findings. The planning commission must make the following findings in order to approve a sign variance:

1. The strict application of the standards contained in this chapter deprives the appellant's property of privileges enjoyed by other property owners in the same vicinity and under identical use classification due to special circumstances applicable to the property including size, shape, topography, location or surroundings; and

2. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity with the same use classifications as the subject property.

D. Variance Allowed.

1. The planning commission may, upon approval of a variance sign permit, allow:

a. An increase in allowed height; and/or

b. An increase in size of not more than fifty percent; and/or

c. A reduction in the required setbacks.

2. Variances may not be granted to allow signs to meet the same standards as legal nonconforming signs in the same vicinity or use classification, and/or which may be competing for the same business patrons. (Ord. 672 § 5)

17.39.100 Appeals.

A. Appeals. Any person aggrieved by an action of the planning commission, or by city staff, may make an appeal of that decision. Appeals of decisions made by the planning department staff shall be submitted to the planning commission. Appeals of decisions made by the planning commission shall be submitted to the city clerk for review by the city council. Decisions of the city council are final, with the exception of coastal zone appealable areas. Decisions of approval for sign development(s) within the coastal zone appealable area may be appealed to the California Coastal Commission. Decisions of denial for development within such zones are final.

B. Application for Appeal. Application for appeal is made by filing a written request for appeal, along with any required appeal filing fee, within ten days of the action. The request must specify:

1. The person making the appeal, and their place of residence; and

2. The location of the proposed sign(s); and

3. The specific items of appeal and all supporting documentation; and

4. The basis for the appeal, and any information substantiating that basis (for example, failure to comply with the city's general plan or with state or local laws, or reasons why the action would adversely affect surrounding property, the neighborhood or the city); and

5. The relief of action sought.

C. Appeal Process.

1. Who May Appeal. In case the applicant or any other person is not satisfied with any decision to approve or deny a sign permit, they may appeal such decision as provided in this subsection.

2. Appeal Letter Requirements. The appeal letter shall specify:

a. The person making the appeal;

b. The specific items of appeal and all supporting documentation;

c. The basis for such appeal and information substantiating the basis for appeal (e.g., failure to comply with the city's general plan, state or local laws or stating reasons why the action of the planning director or the planning commission would adversely affect surrounding property, the neighborhood, and/or the city);

d. The relief of action sought.

3. Where and How to Appeal.

a. Decisions of the planning director may be appealed to the planning commission, and decisions of the planning commission may be appealed to the city council. Any appeal must be submitted in writing within ten calendar days of the decision and shall be accompanied by an appeal filing fee. Appeals of decisions of the planning director shall be submitted to the planning commission. Appeals of decisions of the planning commission shall be submitted to the city clerk. The appeal shall be agendized for consideration on the earliest available meeting date as determined by the city, but no later than thirty days from receipt of the appeal and filing fee. The appellant shall be notified in writing of the meeting date. In an appeal, the burden of proof is upon the appellant.

b. The appropriate reviewing authority shall consider the appeal and the record upon which the action appealed from was taken, and may, at its own discretion, cause the matter to be set for a public hearing.

c. If the appropriate reviewing authority causes the matter to be set for a public hearing, notice of the hearing shall be given by publication in a newspaper of general circulation, printed and published in the city, at least ten days before the hearing. The hearing may be continued from time to time.

d. Within thirty days of the filing of the notice of appeal, the appropriate reviewing authority shall render its decision on the matter. Failure of the appropriate reviewing authority to render its decision on the matter within thirty days of the filing of the notice of appeal shall be deemed to be denial of the appeal and an affirmation of the action of the planning commission. The decision of the city council upon appeal is final and conclusive as to all things involved in the matter. (Ord. 672 § 5)

17.39.110 Residential zones.

The following signs are permitted in the city's residentially zoned districts (R1, R2, R3, CZ-R1, CZ-R1B, CZ-R2):

A. 1. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as fire or police stations may have wall, ground or monument signs with an area not to exceed one-half square foot of sign area for each linear foot of street frontage.

2. For parcels with multiple street frontages the allowable sign area shall be one-half square foot for each linear foot of the longest street frontage plus one-quarter square foot for each additional linear foot of frontage.

3. A sign permit shall be required for these uses, unless the entity or agency is categorically exempt.

B. Apartment complexes with four or more units may have one monument sign per street frontage not to exceed twenty-four square feet of area and five feet in height. A sign permit shall be required.

C. Approved and licensed home occupations, including day care homes, shall be allowed one nameplate not to exceed two square feet in size, stating the occupant's name, address and/or profession. A sign permit shall not be required for the nameplate.

D. Bed and Breakfast Establishments. Bed and breakfast establishments within residential zones may be permitted one sign per establishment. The sign may be one of the following:

1. One sign not to exceed twenty square feet in size. The sign may be a wall sign, hanging sign, or ground or monument sign not to exceed five feet in height. The sign shall be constructed of nonplastic materials, and only low-level lighting exterior illumination to light the sign shall be permitted. The sign must have approval of the community development department, and a sign permit shall be required.

2. One nameplate sign, made of nonplastic materials, not to exceed two square feet in size. The nameplate may bear the proprietor's name, address, and/or the name of the establishment. A sign permit shall not be required for the nameplate.

E. Exempt signs (no permit required). (Ord. 672 § 5)

17.39.120 Residential-professional zones (RP and CZ-RP).

A. Sign Types Permitted. The following signs are permitted for licensed businesses in the city's residential-professional zoned districts (RP and CZ-RP):

1. Wall signs;

2. Canopy signs;

3. Monument or ground signs not to exceed five feet in height, and not to impede vehicle sight distance;

4. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as fire or police stations may have a wall, ground or monument sign. A sign permit is required for these uses;

5. Exempt signs. No permit required.

B. Allowable Sign Area.

1. The allowable sign area for nonresidential uses in the residential-professional districts is not to exceed one-half square foot of sign area for each linear foot of street frontage.

2. For parcels with multiple street frontages the allowable sign area shall be one-half square foot for each linear foot of the longest street frontage plus one-quarter square foot for each additional linear foot of frontage.

3. Canopy signs are not included in the total sign area of the property. (Ord. 672 § 5)

17.39.130 Limited commercial (C1) and commercial-waterfront (CW) zones.

A. Sign Types Permitted. The following signs are permitted for licensed businesses in the city's limited commercial and commercial-waterfront zoning districts (C1 and CW):

1. Wall signs;

2. Canopy signs;

3. Marquee signs;

4. Monument or ground signs not to exceed five feet in height;

5. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as fire or police stations may have a ground or monument sign. A sign permit is required for these uses;

6. Hanging signs;

7. Projecting signs;

8. Window signs;

9. Exempt signs. No permit required.

B. Sign Types Prohibited. The following types of signs are prohibited in the C1 and CW zoning districts:

1. Pole signs, unless no other option is available to meet state requirements, such as for gasoline price signs;

2. Roof signs.

C. Allowable Sign Area.

1. The allowable sign area for nonresidential uses is not to exceed one square foot of sign area for each linear foot of street frontage.

2. For parcels with multiple street frontages the allowable sign area shall be one square foot for each linear foot of the longest street frontage plus one-half square foot for each additional linear foot of frontage.

3. No sign for any business shall exceed one hundred square feet, nor shall any business be restricted to less than twenty square feet of total sign area.

4. Buildings with over thirty thousand square feet of floor area shall be allowed to have one one-hundred-fifty-square-foot wall sign. Such sign shall be included in the total sign area for the parcel. (Ord. 672 § 5)

17.39.140 General commercial (C2), coastal zone general commercial (CZ-C2), highway services (HS), coastal zone highway services (CZ-HS), coastal zone harbor-related (CZ-HR) and commercial-manufacturing (CM) zones.

A. Sign Types Permitted. The following signs are permitted for licensed businesses in the city's general commercial (C2), coastal zone general commercial (CZ-C2), highway services (HS), coastal zone highway services (CZ-HS), coastal zone harbor-related (CZ-HR) and commercial-manufacturing (CM) zoning districts:

1. Wall signs;

2. Awning or canopy signs;

3. Marquee signs;

4. Monument or ground signs not to exceed ten feet in height;

5. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as fire or police stations may have a ground or monument sign. A sign permit is required for these uses;

6. Hanging signs;

7. Projecting signs;

8. Window signs;

9. Changeable copy signs;

10. Pole signs;

11. Banners. One promotional banner per street frontage. The banner must be mounted flat against the building, and must be maintained in a good condition. Tattered or torn banners must be removed;

12. Exempt signs. No permit required.

B. Use Permit Required. Twirlers or spinners are prohibited in these zones unless a use permit has first been approved by the planning commission.

C. Allowable Sign Area.

1. The allowable sign area for businesses in the general commercial (C2), coastal zone general commercial (CZ-C2), highway services (HS), coastal zone highway services (CZ-HS), coastal zone harbor-related (CZ-HR) and commercial-manufacturing (CM) districts is not to exceed one and one-half square feet of sign area for each linear foot of street frontage.

2. Every business shall be permitted at least twenty square feet of sign area. No sign may exceed one hundred fifty square feet of sign area, with the exception of buildings of greater than thirty thousand square feet in size, which are permitted to have one wall sign of two hundred square feet. (Ord. 672 § 5)

17.39.150 Illumination.

All signs shall be subject to the following restrictions upon illumination:

A. Light from any illuminated sign shall be shaded, shielded or directed so that its intensity or brightness shall not be objectionable to surrounding areas and uses.

B. Except for public service signs such as time and temperature units and official traffic signs, no flashing lights, beacons or other interrupted illuminating devices shall be permitted.

C. Illuminated signs are prohibited except in commercial districts.

D. Illuminated signs shall not be lighted at night unless the service or product is available at that time. (Ord. 672 § 5)

17.39.160 Community promotion signs.

A. Murals. Murals with no commercial message shall be allowed in all nonresidential zones, and on commercial use buildings in the residential-professional zones. The design must have the approval of the architectural review committee. All murals shall be maintained in a clean and tidy condition.

B. Vertical Banners. Decorative banners with no commercial message, designed to enhance the community's appearance, may be erected by not-for-profit agencies on the city's street light poles. Such banners may also be displayed by private businesses on poles located on private property. Approval must first be granted by the city council who may ask to see a sample banner before making their decision. The banners must be maintained in a good condition, with any torn or tattered banners being removed or repaired promptly. The city reserves the right to have any such banner(s) removed if it is felt that it no longer contributes to the aesthetic enhancement of the community.

C. Horizontal Banners. Street banners advertising public entertainment, community events or celebrations, or fund-raising events by community-oriented not-for-profit organizations may be installed if approved by the public works department at locations designated by the public works director. The banners may be installed fourteen days before the event begins, and must be removed no later than seven days after the end of the event. A Cal-Trans encroachment permit must be obtained if the banner will encroach upon a state highway. (Ord. 672 § 5)

17.39.170 Exempt signs.

Except for the regulation relating to construction, maintenance, public nuisance and safety the following types of nonilluminated signs shall be allowed without a sign permit and shall not be included in the determination of the type, number or area of signs allowed per business or parcel, or by zoning district:

A. Nameplates. Nameplate signs not exceeding two square feet in display surface, and which are attached flat against the building. One per residential dwelling unit, office or business;

B. Public Signs. Signs of a public, noncommercial nature which are placed by a duly recognized governmental agency, including, but not limited to directional signs, safety signs, handicapped parking signs and signs identifying places of scenic or historical interest;

C. Rental, or Room and Board Signs. One sign per frontage, not exceeding four square feet in area, announcing room and board, room, apartment or other dwelling unit for rent;

D. Directional Signs. One sign not to exceed three square feet per entrance or exit, indicating traffic movement onto, from or within a premises;

E. Construction Signs. Signs identifying the names of the architects, engineers, contractors or other involved professionals of a building, development or subdivision under construction, alteration, repair or formation. The signs may also identify the character of the enterprise or the purpose for which the building or development is intended. Such signs may be placed on the property or attached to the outside of the building or on-site construction office only during the period of time when the project is actively under construction. Such signs may not exceed thirty-two square feet in any commercial zone, or nine square feet in any residential zone, except as required by any governmental entity. The sign(s) must be removed before a certificate of occupancy will be issued;

F. Real Estate and Subdivision Signs. One unlighted sign per frontage stating that the site is for rent or sale by the owner or named agent and giving information regarding size, price and terms. Such signs may be placed in the yard or attached to the outside of the building. Freestanding real estate signs may not exceed three and one-half feet in height from the ground level to the top of the sign. Real estate signs may not exceed nine square feet in area. Real estate signs larger than nine square feet will require a building permit;

G. Political Campaign Signs.

1. It is the intent of this code to exempt campaign signs from the regulations of this chapter relative to the placement of general advertising signs in all zones of the city, and to thereby encourage participation by the electorate in political activity during the period of political campaigns, but to permit such uses subject to regulations that will assure that political signs will be located, constructed and removed in a manner so as to assure the public safety and general welfare and to avoid the creation of a public nuisance caused by the proliferation of political advertising which would be offensive to the senses and would interfere with the comfort and enjoyment of life or property. It is the purpose of the council, in adopting this chapter to provide such regulations as will contribute to the public safety and general welfare and insure the right of political expression to all members of the community,

2. Signs or posters announcing candidates seeking elective office, or encouraging a particular stance on a measure before the popular vote. Each sign located on private property, shall be placed only with the permission of the property owner or tenant, and posted in such a way as to not constitute a public nuisance or safety hazard, and may not block the views of vehicular traffic or obstruct the public right-of-way,

3. Campaign Signs in a Public Right-of-Way. Notwithstanding any other provision of this code, a campaign sign may be placed in the public right-of-way adjacent to a public street in commercially or industrially zoned areas or along prime or major arterials in residentially zoned areas subject to the following restrictions:

a. No sign shall be attached to any utility pole, public structure, pole or structure supporting a traffic-control sign or device, or hydrant,

b. No sign shall be placed on any tree or shrub by any nail, tack, spike or other method that will cause physical harm to the tree or shrub,

c. No sign shall be placed in such a manner as to obstruct the public use of the sidewalk or interfere with the visibility of persons operating motor vehicles or constitute a hazard to persons using the public road or right-of-way,

d. No sign shall be placed in the roadway or on the sidewalk,

e. No sign shall be placed in that portion of the public right-of-way or easement past the sidewalk without the consent of the adjoining property owner or person in possession if different from the owner,

4. No political sign shall be posted more than forty-five days prior to, or ten days following an election;

H. No Trespassing Signs. One sign per street frontage, not to exceed four square feet in area indicating limitation on the use of private property by other than the owners. If more than one sign per frontage is needed the property owner or business person may apply to the planning commission for a use permit;

I. Customer or Tenant Parking Only Signs. One sign per street frontage, not to exceed four square feet in area. The sign shall contain any of the following appropriate restrictions:

1. Customer parking only,

2. Tenant parking only, or

3. Private property, no parking, The sign shall also contain the telephone number of the city police department. The lettering on the sign must contrast with the background of the sign and be at least two inches high, and made with a one-half inch stroke. The sign shall also contain the words “Violators May Be Towed.” If more than one sign per frontage is needed the property owners or business person may apply for a use permit;

J. Window signs;

K. Awning or canopy signs;

L. Corporate flags and governmental flags;

M. Garage Sale, Moving Sale, or Yard Sale Signs. Signs announcing the date(s) and location of a garage sale, moving sale or yard sale. Such signs shall not be posted in a manner which will block a public right-of-way, or which will block the vision of vehicular traffic. The signs must be removed once the date of the sale is passed;

N. Banners. One banner advertising products or services for sale on the premises per street frontage per business;

O. Barbershop Poles. Barber poles projecting not over eighteen inches from the face of the building where the barbershop is located or not projecting into the public right-of-way;

P. Holiday Decorations. Displays of a decorative, noncommercial nature for the purpose of celebrating a seasonal, political or religious holiday or a recognized community celebration, in season, for an aggregate period of not more than sixty days in one calendar year;

Q. Temporary or Seasonal Sales Booths. Signs including, but not limited to fireworks stands, pumpkin sales, Christmas tree lots, community crafts fairs and temporary certified farmer’s markets;

R. Community or Special Event Signs, Including Banners. Signs and banners for noncommercial promotional events of a civic, charitable, educational, religious or community service organizations provided any applicable encroachment permit has been obtained from other governmental entities having jurisdiction. The signs or banners must be removed within fourteen days after the event. (Ord. 672 § 5)

17.39.180 Historical signs.

Signs which have historical significance to the community but do not conform to the provisions of these regulations may be issued a permit to remain provided the planning commission makes the following findings:

A. The sign has historical significance for the community.

B. The sign does not create a traffic hazard.

C. The sign does not create a visual nuisance to the character of the community.

D. The sign is properly maintained and structurally sound, or can be made so as part of an historical designation or preservation process.

E. The sign does not adversely affect adjacent properties. (Ord. 672 § 5)

17.39.190 Enforcement.

A. Administration.

1. All actions taken by department heads, officials, or other employees of the city vested with the duty or authority to issue any permit, license or certificate shall conform to the provisions of this chapter and shall issue no permit, license or certificate for uses, buildings, or structures or purposes in conflict with the provisions contained in this chapter. Any permit, certificate or license issued in conflict with the provisions of this chapter shall be void.

2. The community development director, public works director, building official, code enforcement officer, or other person authorized by the city manager, shall be authorized to enforce provisions of this chapter and to issue citations and make arrests pursuant to state and city codes.

a. The community development director or designee shall be responsible for the following functions:

i. Interpretations of this chapter; and

ii. The review of sign permit applications for conformance with this chapter.

b. The building official or designee shall be responsible for the following functions:

i. Inspections of signs and installation of signs;

ii. Inspections of purported violations of this chapter;

iii. The enforcement of this chapter by issuing final inspection approval of sign installations;

iv. Determination whether the sign applicant must apply for a building and/or electrical permit in addition to a sign permit.

B. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the community development director, enforcement officer or their designee has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, dangerous or hazardous or may otherwise be in violation of the code, the community development director, enforcement officer or their designee may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed by this code.

C. Violations. Any sign or sign structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this chapter and any use of land, building or premises established, conducted, operated or maintained contrary to the provisions of this chapter shall be and is declared to be unlawful and a public nuisance. All necessary legal proceedings for the abatement, removal and enjoinment thereof may be instituted in the manner provided by law and other steps as may be necessary to accomplish these ends may be utilized to apply to a court of competent jurisdiction to grant such relief as will remove and abate the structure or use and restrain and enjoin the person, firm, corporation or an organization from erecting, moving, altering or enlarging the structure or using the site contrary to the provisions of this chapter. The remedies prescribed by this section are cumulative and not exclusive.

D. Procedure.

1. The city manager, community development director, building official, city attorney or their designee may serve notice requiring the removal of any structure or use in violation of this chapter on the owner or the owner's authorized agent, on a tenant or on an architect, builder, contractor or other person who commits or participates in any violation.

2. In the event of a violation of this chapter or any regulation made under authority conferred herein, in addition to other remedies, the city attorney may institute any appropriate criminal prosecution, civil action or other proceedings to punish the perpetrator of such violation; to prevent such unlawful erection, movement, alteration, enlargement, maintenance or use; to restrain, enjoin, connect or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

E. Stop Work Orders. Whenever any sign work is being done contrary to the provisions of this chapter, the city manager, community development director, building official, city attorney or their designee may order the work stopped by notice in writing served on any persons engaged in doing such work or in causing such work to be done. Any such persons shall forthwith stop such work until authorized by the city to proceed with the work.

F. Revocation of Permit. Any permit issued under the terms of this chapter may be revoked by the community development director, public works director or building official when it appears that the sign has been erected or maintained in violation of the provisions of this chapter or any other ordinance or law. No such permit revocation shall be effective until the planning commission affirms the revocation after a hearing set for that purpose. Written notice of the time and place of such hearing shall be given to the permit holder at least ten days before the date set for the hearing. The notice shall contain a brief statement of the grounds for revoking the permit. Notice may be given either by personal delivery or by deposit in the United States mail a sealed envelope, registered mail, return receipt requested, postage prepaid and addressed to the permit holder.

G. Owner to Remove Signs. Within thirty days after the revocation of any permit as provided in subsection F of this section, or within ten days after affirmance of such revocation the sign or signs described in such revocation shall be removed by the former permit holder. If such removal is not completed within that time, the community development department shall cause such sign to be removed, and permit holder shall be liable to city for all costs reasonably associated with the sign removal including, but not limited to, all fees, salaries (including benefits) and disposal charges.

H. Nature of Removal.

1. A sign subject to removal shall be removed in a safe manner.

2. Any accessory structures or foundations or mounting materials that are unsightly or a danger to the safety and welfare of the citizens shall be removed along with the sign.

I. Removal—Assessment of Costs. The costs involved in the removal of signs by the city shall become a special assessment against the real property upon which the sign is located. The community development department shall notify, in writing, all persons having an interest of record in the official records of the county assessor of the amount of such assessment resulting from such work. Within five days of the service of such notice, any person having any right, title or interest in the property or any part thereof, may file with the planning commission a written request for a hearing on the correctness and/or reasonableness of such assessment. In the event of such timely written request, the planning commission shall set the matter for hearing, give such person reasonable notice thereof by first class mail, postage prepaid, hold such hearing, and determine the reasonableness and/or correctness of the assessment. The planning commission shall notify, by first class mail, postage prepaid, all such persons making such request of its decision in writing within five days thereof. If the total assessment determined as provided for in this section is not paid in full within ten days after receipt of such notice, the community development department shall record in the office of the county recorder a statement of the total balance still due and a legal description of the property. From the date of such recording, such balance due shall be a special assessment against the property.

J. Collection of Assessments. The assessment shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to such special assessment.

K. Violation—Penalty. Any person, firm or corporation violating any provisions of this chapter shall be guilty of a misdemeanor or an infraction as charged per the prosecutorial discretion of the city attorney. Such person, firm or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of this chapter is committed, continued or permitted by such person, firm or corporation.

L. Nuisance Abatement. The city council determines that the public peace, safety, morals, health and welfare require that all signs and advertising structures heretofore constructed or erected in violation of any ordinance of the city in effect at the time such sign was constructed or erected be and are hereby made subject to the same provisions of this section. Such signs shall be made to conform and comply with this chapter as soon as reasonably possible after January 17, 1996. All signs and advertising structures that are not made to conform and comply within a reasonable time shall be and are declared to be public nuisances and may be abated in the manner provided. All signs and advertising structures which are structurally unsafe, which constitute a fire hazard or which are otherwise dangerous to human life, or which constitute any hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment, as specified in this chapter or any other effective ordinance, are, for the purposes of this section, unsafe signs or sign structures. All such unsafe signs or sign structures are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal. (Ord. 672 § 5)

17.39.200 Matrix of regulations.

SIZE REGULATIONS	Single-Family Res. Zones (R1, R1B, CZ-R1, CZ-R1B)	Multiple-Family Res. Zones (R2, CZ-R2, R3)	Apts. of 4 or more units (R3)	Residential-Professional Zones (RP and CZ-RP)	Limited Com. and Com. Wat. (C1, CZ-C1, CW, CZ-CW)	General Com. and Hwy. Services (C2, CZ-C2, HS, CZ-HS)	Commercial Manufac-turing (CM)	Coastal Zone-Harbor-Related (CZ-HR)	Bed and Breakfast Establish-ments
Nameplates, 2 sq. ft. of sign area, nonilluminated	X	X	X	X					X

½ sq. ft. of sign area for each linear ft. of frontage				X					
½ sq. ft. of sign area for each linear ft. of frontage plus ¼ sq. ft. of sign area for each ft. of frontage for multiple frontages	X	X	X	X					
1 sq. ft. of sign area for each linear ft. of frontage					X				
1 sq. ft. of sign are for each linear ft. of frontage plus ½ sq. ft. of sign area for each ft. of frontage for multiple frontages					X				
1 and ½ sq. ft. of sign area for each linear ft. of frontage						X	X	X	
Projecting sign extending not more than 36 inches from building					X	X	X	X	

One sign not to exceed 20 sq. ft. in area									X
Maximum sign area 100 sq. ft. per face					X				
Maximum sign area 150 sq. ft. per face						X			
Construction signs not to exceed 32 sq. ft. in area					X	X	X	X	
Construction signs not to exceed 9 sq. ft. in area	X	X	X	X					X
Real estate signs not to exceed 9 sq. ft. in area and 3 ½ ft. in height	X	X	X	X	X	X	X	X	X
HEIGHT REGULATIONS:									
30 foot maximum to top of pole sign						X	X	X	
14 ft. minimum to bottom of pole sign in a vehicular area						X	X	X	

10 ft. minimum to bottom of pole sign in a pedestrian area						X	X	X	
Ground or monument sign not to exceed 5 ft. in height and 20 sq. ft. in area									X
Ground or monument sign not to exceed 5 ft. in height and 24 sq. ft. in area			X						
Ground or monument sign not to exceed 5 ft. in height				X	X				
Ground or monument sign not to exceed 10 ft. in height						X	X	X	

LOCATION REGULATIONS	**Single-Family Res. Zones (R1, R1B, CZ-R1, CZ-R1B)**	**Multiple-Family Res. Zones (R2, CZ-R2, R3)**	**Apts. of 4 or more units (R3)**	**Residential-Professional Zones (RP and CZ-RP)**	**Limited Com. and Com. Wat. (C1, CZ-C1, CW, CZ-CW)**	**General Com. and Hwy. Services (C2, CZ-C2, HS, CZ-HS)**	**Commercial Manufac-turing (CM)**	**Coastal Zone-Harbor-Related (CZ-HR)**	**Bed and Breakfast Establish-ments**

One pole sign per parcel						X	X	X	
SIGN TYPE REGULATIONS:									
Wall signs				X	X	X	X	X	
Awning or canopy signs				X	X	X	X	X	
Marquee signs					X	X	X	X	
Monument or ground signs			X	X	X	X	X	X	
Hanging signs					X	X	X	X	
Projecting signs					X	X	X	X	
Window signs				X	X	X	X	X	
Changeable copy signs						X	X	X	
Pole signs						X	X	X	
Banners						X	X	X	
Nameplate signs	X	X		X	X	X	X	X	X
Illuminated signs					X	X	X	X	

Contact:

City Clerk: 707-464-7483 x223

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