



CITY COUNCIL STAFF REPORT

TO: Honorable Mayor and City Council **DATE:** June 22, 2020

FROM: Matthew Bronson, City Manager

PREPARED BY: Bruce Buckingham, Community Development Director
A. Rafael Castillo, AICP, Senior Planner

SUBJECT: Introduction and First Reading of an Ordinance to Amend Municipal Code Article IX (Development Code) to Update Regulations Pertaining to Accessory Dwelling Units, Accessory Structures, Allow for Tiny Homes, and other Minor Amendments, and Approve a Local Coastal Program Amendment

RECOMMENDATION

- 1) Conduct first reading, by title only, and introduce the Ordinance amending Grover Beach Municipal Code, Article IX (Accessory Dwelling Unit and related sections); and
 - 2) Schedule second reading and adoption of the Ordinance and a Resolution approving a Local Coastal Program Amendment at the next regularly scheduled City Council meeting.
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BACKGROUND

The State legislature enacted accessory dwelling unit (ADU) legislation in 2017, 2018, and 2020 to reduce regulatory barriers and costs, streamline approval, and expand the potential capacity for ADUs in response to California's housing shortage. A summary of the State laws and changes are summarized in Attachment 2. The State ADU laws preempt local ordinances and cities must implement these laws with limited exceptions. As a result, the City's existing ordinance is unenforceable under State law and staff has been applying the State's requirements to all ADU applications. The proposed ADU ordinance amendment would bring the City ordinance into compliance with State law and includes the following revisions:

- Allow for the development of a Junior ADU fully contained within the residence, in addition to, a detached ADU on residentially zoned lots with an existing or proposed single family residence.
 - Further reduce parking standards for ADUs and allow required parking in setback areas (e.g., in a driveway).
 - Reduce side setbacks for ADUs from 5-feet to 4-feet.
 - Reduce rear setbacks for ADUs from 10-feet to 4-feet.
 - Increase building height from 15-feet to 16-feet to allow ADUs to be constructed "by right" north of West Grand Avenue in R1 zones.
 - Allow for ADUs in multi-family residential projects.
 - Eliminate the requirement that the owner occupy either the primary unit or ADU.
 - Eliminate charging development impact fees (DIFs) on ADUs of 750 square feet or less (this is already consistent with Council policy which currently does not charge DIFs for any size ADU).
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- Exclude ADUs from the calculation of requirements for lot coverage, landscape coverage, private open space, and floor area ratio.

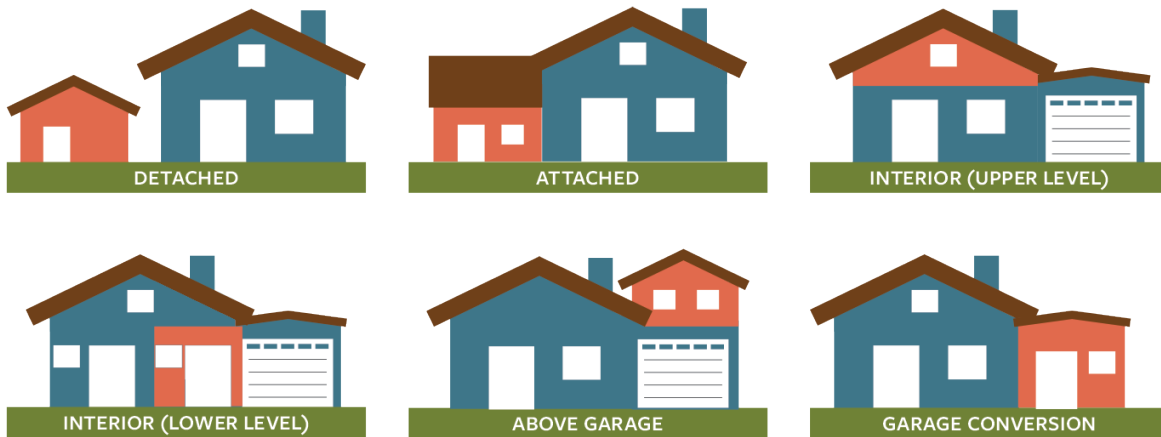
The Planning Commission held a public hearing to review the proposed ordinance on May 27, 2020 and recommended the Council approve the draft ordinance on a 4-1 vote. Commissioner Halverson was opposed based on the proposed revisions to not require an on-site parking space for the area in the city not exempt under State law from providing on-site parking and the elimination to require a two-car garage.

What are Accessory Dwelling Units and Junior Accessory Dwelling Units

An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone single-family home or multi-family development. ADUs are also referred to as accessory apartments, secondary suites, and granny units/flats. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), or new stand-alone structures or converted portions of existing stand-alone accessory structures (i.e., detached ADUs).

ADUs come in a variety of types as illustrated in the graphic below. Existing residences can accommodate ADUs through garage conversions, which is converting an existing garage into living space, attaching a new ADU to an existing home, or retrofitting an existing home by dividing the home either on a second floor, or a portion of an existing floor. Other examples include new detached units, an addition above an existing or new garage, as well as converting existing detached accessory structures.

Accessory Dwelling Unit Type Examples



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

Internal, attached, and detached ADUs all have the potential to increase housing availability consistent with the Council’s Housing and Homelessness Major City Goal for both homeowners and tenants, create a wider range of housing options, enable seniors to stay near family as they age, and facilitate better use of the existing housing stock. Along with ADUs, Junior ADUs are another type of dwelling unit that is required by State law. Junior ADUs allow for the repurposing of an existing space in a single-family residence by incorporating a small kitchen, such as a wet-bar, and an exterior entrance to allow its use as a connected, but private living space within a larger residence. There are a few primary distinctions between a Junior ADU and an ADU as follows:

- Can only be located within an existing or proposed single family residence.
- Must be a minimum of 220 square feet and no greater than 500 square feet in size.
- Must have its own separate entrance.

- Must have either a bathroom or share a bathroom with the primary residence.
- Either the primary home or Junior ADU must be owner occupied.

Flexibility in Size Limits for ADUs and JADUS

State law establishes criteria on sizes for both attached and detached ADUs that cities must allow as follows:

- The minimum size for a detached or attached ADU is 220 square feet. However, cities may reduce the minimum size to encourage smaller ADUs. The ordinance proposes the minimum size be 150 square feet to encourage smaller and less expense living areas which could be ideal for seniors.
- The maximum size for a detached or attached ADU is 850 square feet or 1,000 square feet if the unit provides more than one bedroom, which are consistent with the draft ordinance. However, the State law allow cities to increase the maximum size of a detached ADU to 1,200 square feet. Therefore, as an alternative, the Council could consider increasing the maximum size ADU to 1,200 square feet. This increased size would not create more affordable ADUs but could be more appealing for an extended family living on the same property.
- If there is an existing dwelling, an attached ADU may not exceed 50% of the existing unit which is consistent with the draft ordinance. However, State law allows for this percentage to be higher or eliminated. Based on the small size of many existing residences in the city, the Council could consider an alternative of either increasing or eliminating the maximum 50% limitation.

RHNA and ADUs

The Regional Housing Needs Allocation (RHNA) is mandated by State housing laws as part of the periodic process of updating General Plan Housing Elements. The 2019 RHNA quantifies the need for housing within each jurisdiction which needs to be addressed as part of the Housing Element update for the period from January 1, 2019 to December 31, 2028. The RHNA for the City is 369 units which includes 148 very low and low-income units (40%), 66 moderate-income units (18%), and 155 market rate units (42%) as follows:

| Jurisdiction | Total Allocation | Very Low 24.60% | Low 15.50% | Moderate 18.00% | Above Moderate 41.90% |
|---------------------|------------------|--------------------|---------------|--------------------|--------------------------|
| Grover Beach | 369 | 91 | 57 | 66 | 155 |

The Department of Housing and Community Development (HCD) is allowing the City to project the number of ADUs based on the number of recently permitted ADUs in the city and count them towards meeting the City’s RHNA for low- and moderate-income units. Based on a projection of 180 ADUs from 2020 to 2028, or 20 ADUs per year, 90 ADUs will qualify as low-income and 90 ADUs will count towards moderate income. The 90 low-income ADUs are a significant portion of the 148 required low income units that must be planned for as part of the RHNA.

Summary of Proposed Development Code Amendments

The discussion below provides an overview of the proposed changes to each Development Code section for the proposed amendments along with some alternatives for a few sections.

Section 2.20.030 Allowable Land Uses

This Section amends the residential land use table to add “Accessory Dwelling Units” and “Tiny Homes” and delete the former “Second Residential Dwellings” land use category. These units would be permitted “by-right” and only require the issuance of a building permit, except if located in the Coastal Zone, which requires the Community Development Director approve a Coastal Development Permit.

Section 2.20.040 Residential Standards

This section modifies building height restrictions for ADUs to 16-feet in all R1 zones (low density zones) and 25-feet in all medium and high-density zones (R2 and R3). The Development Code requires the approval of a Development Permit by the Planning Commission for all buildings greater than 15-feet in height in all R1 zones north of West Grand Avenue in order to carry out a view analysis to determine if views would be substantially obstructed. State law requires that the City allow ADUs that are 16-feet in height or less to be approved with a building permit. Therefore, to avoid an inconsistency between ADUs and all other structures, staff is recommending the building height “by-right” be increased to 16-feet for all structures in R1 zones north of West Grand Avenue.

Section 3.50.040 Minimum Parking

This section revises Table 3.3 to insert Accessory Dwelling Unit and indicate no parking is required. State law requires that a city cannot require parking for an ADU if the following is met:

- Located within a half-mile from a public transit stop.
- Part of an existing residence or existing accessory structure.
- Within one block of a car share facility.
- Located in an area where on-street parking permits are required but not offered to the ADU.

The City does not issue on-street parking permits nor does it regulate or have any designated car share facilities. The State’s half-mile radius for public transit is based on the typically distance someone will walk to a local transit stop. Staff prepared an analysis of existing transit stops within the city and plotted a half-mile radius from these stops and determined that approximately 97% of all residential lots in the city are located within a half-mile from a public transit stop (shown as a red dot) with the exception of approximately 160 residential lots in the northern most portion of the city.

Transit Stop Locations with Half Mile Radius



Based on the limited number of lots that would be required to provide an additional on-site parking space, staff is recommending these lots also be exempt which would uniformly eliminate the requirement to provide an additional parking space for ADUs throughout the City. The Council could consider the alternative of requiring the additional parking space for this limited area.

Staff also reviewed the current parking standard for single family dwelling units, which requires a two-car garage for all new dwelling units. The State ADU law now allows the conversion of garages into an ADU or Junior ADU subject to two required parking spaces be located on-site. The replacement parking spaces can be within an existing or proposed driveway and the city cannot require the replacement parking to be within a garage or covered structure. Although there is no requirement that residents use their garage for parking, the ADU ordinance will result in the conversion of existing garages into ADUs and parking of vehicles in driveways.

The State law effectively eliminates the ability of cities to require a two-car garage. This will create an inequity among property owners that want to convert their garages into living space. The conversion of a garage to an ADU will eliminate the requirement for a two car garage while an owner that wants to convert the garage into added living space such as an additional bedroom or living room would be required to construct a new garage at significant expense, if there is adequate area to construct a new garage. For this and other reasons, many cities including San Luis Obispo and Atascadero have eliminated the requirement for a two car garage for single-family residences and only require two spaces be provided on-site, as long as standards are met for the size of space and surface material.

Most new single-family residences will continue to be constructed with garages because it is an amenity that buyers seek. However, based on the changes to State law that allow garages to be converted into an ADU, the proposed ordinance would eliminate the requirement for a two-car garage and instead require parking for two vehicles on-site. As an alternative, the Council could retain the current requirement for a two-car garage.

Section 3.50.070 Location of Required Parking

As previously discussed, State law allows the conversion of a garage to an ADU and the two required parking spaces be located on-site within a required setback area (e.g., in the driveway). The draft ordinance contains the following modifications to allow for on-site surface parking spaces:

- Minimum size of 9-feet by 18-feet for each space.
- Parking spaces must be located behind the existing or future sidewalk to avoid vehicles from encroaching into the sidewalk.
- Parking spaces be located on an all-weather surface such as pavement or gravel (i.e., not on dirt).

Section 4.10.015 Accessory Dwelling Units

This section provides the requirements for the development of ADUs and Junior ADUs consistent with State requirements, with the exception of not requiring an onsite parking space for the limited area in the northern portion of the city and the reduced 150 square foot minimum sized ADU as discussed in the previous sections.

Section 4.10.040 Accessory Structures

Staff is proposing amendments to the accessory structure section as follows:

- Increase the height limit of accessory structures from 14-feet to 16-feet to be consistent with the maximum height of ADUs allowed by-right.

- Clarify that decks greater than 30 inches above ground level are defined as accessory structures and therefore must comply with minimum setback requirements. This is consistent with the California Building Code which requires a building permit for decks greater than 30 inches above ground level.
- Require a covenant be recorded when a new enclosed accessory structure is constructed, such as a workshop or studio. The purpose of the covenant is to provide a disclosure to future buyers that the structure is not a livable space. It is not uncommon that these structures are converted to living space and sold as such only to be informed by City staff in the future that the structure was illegally converted and now requires a building permit or must be restored to its original state.

In addition, the proposed ordinance contains amendments to the maximum height and number of small accessory structures, which are typically prefabricated and have increased in popularity in recent years as they can be purchased at many home improvement stores. The California Building Code exempts small accessory structures that do not exceed 120 square feet from a building permit. The Development Code allows these structures to be located within side and rear setbacks because they do not require a building permit. Therefore, it is common that these structures are placed or constructed directly adjacent to fences located along property lines. Staff is recommending the following amendments to small accessory structures as follows:

- Limit the number of accessory structures that are 120 square feet or less to a maximum of two per lot to ensure that accessory structures truly are “accessory” to the primary use.
- Reduce the maximum height of accessory structures 120 square feet or less that can be located within a side/rear setback from 14-feet to 10-feet.

The Council could consider other amendments and/or revisions to the proposed changes affecting small accessory structures.

Section 4.10.215 Tiny Homes

Based on direction from the Council to consider allowing tiny homes, staff has drafted regulations to allow for tiny homes as a “temporary” residential unit with an existing single-family residence. Tiny homes are defined by the California Department of Housing and Community Development (HCD) as temporary because they are constructed on a chassis with wheels and do not have a permanent foundation as shown below:

Example of a Tiny Homes



The proposed ordinance proposes the following regulations for tiny homes:

- One tiny home allowed on a residentially zoned lot where there is one single family residence.
- If an ADU is constructed, the tiny home would be required to be removed.
- A minimum size of 100 square feet with a maximum size of 400 square feet.
- Tiny home construction types may include a HUD-Code manufactured home, California Residential Code or California Building Code home, factory-built housing, park trailer or camping cabin
- Must be a registered vehicle.
- Must connect to City water and sewer services.
- The use of a recreational vehicle, travel trailer, truck camper, or camping trailer are prohibited from being used as a tiny home.

Minor Amendment to Section 4.10.185

In June 2019, the Council adopted a short-term rental (STR) ordinance to regulate the use of both owner-occupied and non-owner occupied STRs. The City Attorney is recommending revisions to Sections 4.10.185.K.3 and K.4 in the Municipal Code to expand the ability to prosecute violations of the STR ordinance. The proposed changes will eliminate any ambiguities between the City's ordinance and State law in the enforcements of violations.

Section 9.10.020 Definitions

Based on the proposed changes to accessory dwelling units and other proposed amendments, staff has included definition amendments for consistency with the proposed revisions.

Local Coastal Program Amendment

The ordinance would amend Chapters 2, 3, 4 and 9 of the Development Code (Article IX of the Municipal Code). Development Code Section 1.20.060 identifies all chapters and sections that constitute the ordinances for the implementation of the City's Local Coastal Program (LCP) in compliance with the Coastal Act. Therefore, the proposed amendments to the Development Code requires an LCP Amendment. An LCP Amendment requires the Coastal Commission's approval prior to the ordinance taking effect in the Coastal Zone.

Staff has reviewed the proposed LCP Amendment with the policies in Chapter 3 of the Coastal Act and has determined that the Ordinance would have no effect on public access, recreation, environmentally sensitive habitat areas, or other coastal resources. The majority of the city lacks direct access to the beach as both the railroad tracks and Highway 1 create a pedestrian and vehicular barrier with the exception of West Grand Avenue. The proposed ordinance would not change the kind, location, intensity, or density of the uses. The ordinance is consistent with the existing policies of the LCP and is internally consistent with the current Development Code.

The resolution approving the LCP amendment will be included as part of the second reading and adoption of the ordinance. Upon final adoption of the ordinance by the Council, staff would forward the LCP Amendment to the Coastal Commission for review. Coastal Commission staff estimates it will take approximately two months for formal approval by the Coastal Commission upon final action by the Council.

Environmental Review

The proposed ADU ordinance amendments are exempt under California Public Resources Code Section 21080.17 (Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units), which states that: "This division [the California Environmental Quality Act (CEQA)] does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government

Code.” Pursuant to this statute, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 of the Government Code, which regulates accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) (as defined by Government Code Section 65852.22).

Further the proposed amendments to allow tiny homes are likely to result in a few additional dwelling units dispersed throughout the City. As such, it can be seen with certainty that the proposed action will not have the potential for causing a significant effect on the environment and no review under CEQA is needed per CEQA Guideline Sections, 15061(b)(3), and Sections 15301, 15303 and 15305.

The proposed amendments not related to the ADU ordinance and tiny homes are not a project within the meaning of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) Section 15378 and is therefore exempt from CEQA. These amendments will not result in any direct or indirect physical change in the environment because projects, when proposed, will be evaluated for potential impacts and do not involve an irrevocable commitment of resources by the City of Grover Beach to the activity because there is not a specific project to evaluate.

ALTERNATIVES

The City Council has the following alternatives to consider:

1. Conduct first reading, by title only, and introduce the Ordinance amending Grover Beach Municipal Code, Article IX (Accessory Dwelling Unit and related sections) and schedule second reading and adoption of the Ordinance and a Resolution approving a Local Coastal Program Amendment at the next regularly scheduled City Council meeting; or
2. Provide alternative direction to staff.

PUBLIC NOTIFICATION

On June 4, 2020, a one-eighth page public hearing notice was published in *New Times*. The agenda was posted in accordance with the Brown Act.

ATTACHMENTS

1. Draft Ordinance
2. Summary of State ADU Legislation

ORDINANCE NO. 20-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, REPEALING SECTION 4.10.170 OF CHAPTER 4 OF ARTICLE IX DEVELOPMENT CODE, AND AMENDING SECTIONS 2.20.030, 2.20.040, OF CHAPTER 2 OF ARTICLE IX, DEVELOPMENT CODE, AMENDING SECTIONS 3.50.040, 3.50.070 OF CHAPTER 3 OF ARTICLE IX, DEVELOPMENT CODE, AMENDING SECTION 4.10.030 AND SECTION 4.10.185 AND ADDING NEW SECTION 4.10.015, ACCESSORY DWELLING UNITS AND 4.10.215, TINY HOMES ON RESIDENTIAL LOTS OF CHAPTER 4 OF ARTICLE IX DEVELOPMENT CODE, AND AMENDING SECTION 9.10.020 OF CHAPTER 9, OF ARTICLE IX, DEVELOPMENT CODE, OF THE GROVER BEACH MUNICIPAL CODE

WHEREAS, the City of Grover Beach is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, the public morals or public safety; and

WHEREAS, comprehensive zoning and land use regulations lie within the City's police power; and

WHEREAS, accessory and junior accessory dwelling units contribute needed housing within the City and assist in meeting the City Regional Housing Needs Allocation for low and moderate income housing; and

WHEREAS, accessory and junior accessory dwelling units that conform to this ordinance are deemed an accessory use; and

WHEREAS, the proposed amendments are consistent with the City's adopted General Plan Land Use Element and other relevant policies; and

WHEREAS, the Accessory Dwelling Unit ordinance amendments are exempt under California Public Resources Code Section 21080.17 (Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units), which states that: "This division [the California Environmental Quality Act (CEQA)] does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code." Pursuant to this statute, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 of the Government Code, which regulates accessory dwelling units (ADUs) and by incorporation into Section 65852.2, junior accessory dwelling units (JADUs) (as defined by Government Code Section 65852.22); and

WHEREAS the amendments to allow tiny homes are likely to result in a few additional dwelling units dispersed throughout the City. As such, to the extent tiny homes fall outside of the regulations of Government Code Sections 65852.1 and 65852.2, it can be seen with certainty that the proposed action will not have the potential for causing a significant effect on the environment

and no review under CEQA is needed per CEQA Guideline Sections, 15061(b)(3), and Sections 15301, 15303 and 15305; and

WHEREAS, the short term rental amendments are not a project within the meaning of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) Section 15378 because the amendments will not result an direct or indirect physical change in the environment and does not involve an irrevocable commitment of resources by the City; and

WHEREAS, this Code amendment requires a Local Coastal Program Amendment; and

WHEREAS, the Planning Commission held a public hearing on May 27, 2020 and recommended the City Council approve the Development Code and Local Coastal Program amendments; and

WHEREAS, the City Council conducted an introduction and first reading of the Development Code and Local Coastal Program amendments on June 22, 2020; and;

WHEREAS, the City Council conducted a public hearing and second reading and adoption of the Development Code and Local Coastal Program amendments on July 6, 2020; and

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROVER BEACH AS FOLLOWS:

PART 1. Section 2.20.030, Residential Zones Allowable Land Uses and Permit Requirements, of Chapter 2 of Article IX Development Code, is hereby amended with the following:

2.20.030 Residential Zones Allowable Land Uses and Permit Requirements

| Table 2.2. Residential Zones Allowable Land Uses and Permit Requirements | | | | | | | |
|--|----------|---|----------|------------------|----------|------------------|--------------------------|
| Land Use | R1 | CPR1 ¹ / CR1 ¹ | R2 | CR2 ¹ | R3 | CR3 ¹ | Specific Use Regulations |
| Residential | | | | | | | |
| <u>Accessory Dwelling Unit</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>Section 4.10.015</u> |
| Accessory Structure | P | P | P | P | P | P | Section 4.10.030 |
| Boarding House | -- | -- | -- | -- | UP | UP | |
| Day Care - Large Family Home | AUP | AUP | AUP | AUP | AUP | AUP | Section 4.10.070 |
| Day Care - Small Family Home | P | P | P | P | P | P | |
| High Occupancy Residential Use | -- | -- | -- | -- | UP | UP | Section 4.10.060 |
| Home Occupation | P | P | P | P | P | P | Section 6.20.070 |
| Multi-family Dwelling | -- | -- | P | P | P | P | Section 4.10.120 |
| Residential Care 1-6 clients | P | P | P | P | P | P | |
| Residential Care – 7 or more clients | -- | -- | -- | -- | UP | UP | |
| Residential Common Area Developments (PUDs) | -- | -- | P | P | P | P | Section 4.30 |
| <u>Second Residential Dwelling</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>Section 4.10.170</u> |
| Short-Term Rental | P | P | P | P | P | P | Section 4.10.185 |

| | | | | | | | |
|--|----------------|----------------|----|----|----|----|------------------|
| Single Family Dwelling | P ² | P ² | P | P | P | P | Section 2.20.050 |
| Single Room Occupancy Facility | -- | -- | UP | UP | UP | UP | Section 4.10.200 |
| Senior Housing | -- | -- | UP | UP | UP | UP | Section 4.10.180 |
| Tiny Homes | P | P | P | P | P | P | Section 4.10.215 |
| Transitional & Supportive Housing | P | P | P | P | P | P | |
| Recreational, Education & Public Assembly | | | | | | | |
| Community Gardens | P | P | P | P | P | P | |
| Meeting Facility, public or private | UP | UP | UP | UP | UP | UP | |
| Park, Playground (public) | UP | UP | UP | UP | UP | UP | |
| Public or Quasi-public Facility | UP | UP | UP | UP | UP | UP | |
| Transportation & Infrastructure | | | | | | | |
| Parking Facility | -- | -- | UP | -- | UP | -- | |
| Telecommunication Facility | UP | UP | UP | UP | UP | UP | Section 4.40 |
| End Note | | | | | | | |
| 1. Projects located in the Coastal Zone may require a Coastal Development Permit (See Section 6.20.040). | | | | | | | |
| 2. New construction or additions to single family dwellings north of West Grand Avenue that exceed 16 45 feet in height as measured in Section 3.10.030.C. require approval of a Development Permit (See Chapter 6 Procedures). | | | | | | | |
| Legend | | | | | | | |
| P Permitted Use | | | | | | | |
| UP Use Permit Required | | | | | | | |
| -- Use Not Allowed | | | | | | | |

PART 2. Section 2.20.040, Residential Zones Development Standards, of Chapter 2 of Article IX Development Code, is hereby amended with the following:

2.20.040 Residential Zones Development Standards

| Table 2.3 Residential Zones Development Standards | | | | | | | |
|---|--------------------------------|--------------------------------|------------------|------------------|-----|-----|-------------------------|
| | R1 | CPR1/ CR1 | R2 | CR2 | R3 | CR3 | Specific Regulations |
| Building Placement Requirements | | | | | | | |
| Setbacks (minimum) | | | | | | | |
| Front | 20' ¹ | 20' ¹ | 15' ¹ | 15' ¹ | 15' | 15' | |
| Side | 5' | 5' | 5' | 5' | 5' | 5' | |
| Street Side | 10' | 10' | 10' | 10' | 10' | 10' | |
| Street Side (garage door facing the street) | 20' | 20' | 20' | 20' | 20' | 20' | |
| Rear | 10' | 10' | 10' | 10' | 10' | 10' | |
| Second floor roof decks (from floor below) | 3' | 3' | -- | -- | -- | -- | Section 2.20.060 |
| Building Form Requirements | | | | | | | |
| Building Height (maximum) | | | | | | | Section 3.10.030 |
| North of Grand Ave | 16 15' ² | 16 15' ² | 25' | 25' | 32' | 32' | |
| South of Grand Ave | 25' | 25' | 25' | 25' | 32' | 32' | |
| Accessory Structure (detached) | 16' | 16' | 16' | 16' | 16' | 16' | <u>Section 4.10.030</u> |

| | | | | | | | |
|---|----------------------|--------------|------------|------------|------------|-------------|-------------------------|
| <u>Accessory Dwelling Units</u> | <u>16' 2</u> | <u>16' 2</u> | <u>25'</u> | <u>25'</u> | <u>25'</u> | <u>25''</u> | <u>Section 4.10.015</u> |
| Lot Coverage (maximum) | 45% | 45% | 50% | 50% | 60% | 60% | |
| Density Requirements | | | | | | | |
| Density (units/acre) ³ | 5 | 5 | 9 | 9 | 20 | 20 | |
| Lot Requirements | | | | | | | |
| Lot Size (minimum square feet) | | | | | | | |
| Residential | 6,000 | 6,000 | 6,000 | 6,000 | 6,000 | 6,000 | |
| Non-Residential Uses | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | |
| Lot Width (Minimum) | | | | | | | |
| Residential | 60' | 60' | 60' | 60' | 60' | 60' | |
| Non-Residential Uses | 100' | 100' | 100' | 100' | 60' | 60' | |
| Lot Depth (minimum) | 90' | 90' | 90' | 90' | 100' | 100' | |
| Other Requirements | | | | | | | |
| Landscaping | 40% | 40% | 35% | 35% | 20% | 20% | Section 3.30 |
| Fences, Walls & Screening | See Section 3.10.020 | | | | | | |
| Parking | See Section 3.50 | | | | | | |
| End Note | | | | | | | |
| <p>1. The Review Authority may approve a reduction to front setbacks of 3 feet (5 feet on cul-de-sacs) to create a variation in setbacks in an existing neighborhood or proposed development, except for garages, which shall have a minimum 20 foot setback.</p> <p>2. New construction or additions to structures single family dwellings north of West Grand Avenue that exceed 45 <u>16</u> feet in height as measured in Section 3.10.030.C. require approval of a Development Permit (See Chapter 6 Procedures).</p> <p>3. "Gross Acreage" shall be defined as the entire area of a lot measured to the center line of the street and including all rights of way or easements granted to the City or other public agencies; and</p> <p>(a) All density calculations which result in a remainder number which is 0.9 or larger shall be rounded up to the next whole number and where two or more lots are combined, the unit increase shall be rounded up based upon lot calculation of one lot (for example, when two lots have a calculation of 1.9 and 1.9, the total number of units shall be rounded up to 4 units); and</p> <p>(b) all calculations which result in a number higher than 0.4 and lower than 0.9 may be rounded up to the next whole number as a development incentive or density bonus when the project includes an affordable housing component for moderate income rental or for sale units; and</p> <p>(c) all density calculations which result in a remainder which is 0.5 or larger shall be rounded up to the next larger number of units when the neighborhood is more than 50% developed with multi-family residential and the neighborhood is zoned R-2; and</p> <p>(d) In no case shall the rounding calculations exceed the maximum for the applicable zone.</p> <p>4. All Development Standards are maximums/minimums and may be reduced/increased depending on the individual project specifications in order to comply with adopted policies in the General Plan, Local Coastal Program and all other City Council adopted policies. (Am. Ord. 14-04)</p> | | | | | | | |

PART 3. Section 3.50.040, Required Parking Spaces, of Chapter 3 of Article IX Development Code, is hereby amended with the following:

3.50.040 Required Parking Spaces

- A. **Minimum Number of Spaces Required.** Each land use shall provide the minimum number of parking spaces stated in Table 3.3, Required Parking Spaces by Land Use, unless otherwise provided in this Section. The parking requirement for any use not listed in Table 3.3 shall be determined by the Director based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand. Where a parking requirement is provided as a ratio of parking spaces to floor area, the floor area shall be calculated based on gross floor area, unless otherwise stated.

| Table 3.3: Required Parking Spaces by Land Use | |
|--|--|
| Land Use | Parking Requirement |
| Residential | |
| <u>Accessory Dwelling Unit (ADU)</u> | <u>None</u> |
| Single Family | 2 garage spaces per unit |
| Multi Family | 1 guest space per every 4 units plus parking per unit as follows: <ul style="list-style-type: none"> • Studios: 1 space per unit • One-bedroom units: 1 space per unit • Two or more bedroom units: <ul style="list-style-type: none"> ○ Extremely-low-, very-low-, and low-income affordable housing units in all zones: 1.5 spaces per unit ○ CVS, VS, CB, CBO, and CC zones: 1.5 spaces per unit ○ All zones other than CVS, VS, CB, CBO and CC zones: 2 spaces per unit |
| Boarding House | 1 space per every 2 units |
| Caretaker's Residence | 1 space per unit |

| Table 3.3: Required Parking Spaces by Land Use | |
|--|--|
| Land Use | Parking Requirement |
| Day Care – Small Family Home | None beyond the parking required for the residential dwelling |
| Day Care – Large Family Home | 1 on-site passenger loading space, which may be located in the driveway, in addition to the parking required for the residential dwelling |
| High Occupancy Residential | 1 space per adult occupant, minus 2 spaces of the aggregate |
| Live/Work | Each live/work unit shall provide parking based on the area of commercial or industrial use, or a minimum of two spaces, whichever is greater. The Review Authority may modify this requirement for the use of existing structures with limited parking. |
| Residential Care 1-6 clients | None beyond the parking required for the residential dwelling |
| Residential Care - 7 or more clients | 1 space per every 3 beds |
| Residential Care Facility for the Elderly | 1 space per every 3 beds |
| Residential Common Area Developments (PUDs) | 2 garage spaces per unit plus 1 guest space per every 2 units. However, no guest parking is required for units served by an individual driveway 20 feet or more in length. |
| Second Residential Dwelling | See Section 4.10.170, Second Residential Dwelling |
| Senior Housing | 1 space per unit plus 1 guest space per every 4 units |
| Single Room Occupancy Facility | 1 space per every 3 units |
| <u>Tiny Homes</u> | <u>None</u> |
| Transitional & Supportive Housing | None beyond the parking required for the residential dwelling |
| A. Retail | |
| Adult Business | 1 space per 300 square feet of floor area |
| Automobile Service Station | 1 space per 300 square feet of floor area |
| Bar/Tavern/Night Club | 1 space per 200 square feet of floor area and any outdoor use area |
| Building/Landscape Materials | 1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area |

| Table 3.3: Required Parking Spaces by Land Use | |
|--|--|
| Land Use | Parking Requirement |
| Fuel Dealer | 1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area |
| Retail | 1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area |
| Plant Nursery | 1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area |
| Restaurant | <ul style="list-style-type: none"> When located on a site with multiple uses and restaurant square footage is less than 50% of the total building square footage on site: 1 space per 300 square feet of floor area and outdoor seating area Otherwise: 1 space per 200 square feet of floor area and outdoor seating area No additional parking is required for sidewalk seating in accordance with Section 4.10.190 |
| Vehicle Sales | 1 space per 300 square feet of floor area |
| Wine Tasting | 1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area |
| B. Services | |
| Animal Boarding | 1 space per employee plus 1 space for animal loading and unloading |
| Animal Care Facility | 1 space per 300 square feet of floor area |
| Business Support Services | 1 space per 300 square feet of floor area |
| Catering Service | 1 space per 300 square feet of floor area |
| Child Day Care – Day Care Center | 1 space per 300 square feet of floor area |
| Equipment Rental | 1 space per 300 square feet of floor area |
| Financial Institutions | 1 space per 300 square feet of floor area |
| Lodging | 1 space per guest room |
| Maintenance Service – Client Site Services | 1 space per 300 square feet of floor area |
| Massage Establishments | 1 space per 300 square feet of floor area |
| Medical Services – Clinic/Urgent Care | 1 space per 300 square feet of floor area |

| Table 3.3: Required Parking Spaces by Land Use | |
|--|--|
| Land Use | Parking Requirement |
| Medical Services – Doctor Office | 1 space per 300 square feet of floor area |
| Medical Services – Extended Care | 1 space per every 3 beds |
| Mortuary/Funeral Home | 1 space per 300 square feet of floor area |
| Office | 1 space per 300 square feet of floor area |
| Personal Service | 1 space per 300 square feet of floor area |
| Repair Services | 1 space per 300 square feet of floor area |
| Vehicle Rental | 1 space per 300 square feet of floor area |
| Vehicle Repair and Services | 1 space per 300 square feet of floor area |
| C. Industry, Manufacturing & Processing | |
| High Technology Uses | 1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area |
| Manufacturing, Artisan | 1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area |
| Manufacturing/Processing | 1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area |
| Media Production | 1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area |
| Printing and Publishing | 1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area |
| Recycling-Processing Facilities | 1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area |
| Storage-Warehouse | 1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area |
| Storage-Outdoor | 1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area |
| Storage – Personal Storage Facility | 1 space per 50 storage units, minimum of 2 spaces |
| Storage-Vehicles | 1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area |
| Wholesaling and Distribution | 1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area |
| Recreational, Education & Public Assembly | |

| Table 3.3: Required Parking Spaces by Land Use | |
|--|---|
| Land Use | Parking Requirement |
| Commercial Recreation Facility - Indoor | Theater/Cinema: <ul style="list-style-type: none"> • 1 space per 20 square feet of seating floor area Other: <ul style="list-style-type: none"> • 1 space per 500 square feet of floor area |
| Commercial Recreation Facility – Outdoor | 1 space per 1,000 square feet of lot area |
| Community Gardens | 2 spaces |
| Health/Fitness Facility | 1 space per 300 square feet of floor area |
| Meeting Facility, public or private | 1 space per 4 seats, but not less than 1 space per 40 square feet of floor area of the largest meeting hall |
| Recreational Vehicle Park | 1 space per unit plus 1 guest space per every 4 units |
| Specialized Education/Training | 1 space per 300 square feet of floor area |
| Studio – Art, Dance, Martial Arts | 1 space per 300 square feet of floor area |
| D. Transportation & Infrastructure | |
| Freight Terminal | 1 space per 300 square feet of office floor area |
| Parking Facility | 1 space per 300 square feet of office floor area |
| Telecommunication Facility | 1 space per 300 square feet of office floor area |

PART 4. Section 3.50.070, Location of Required Parking, of Chapter 3 of Article IX Development Code, is hereby amended with the following:

3.50.070 Location of Required Parking

- A. **Setback Areas.** Parking spaces shall not be located within required setback areas except as otherwise noted in this Development Code and as allowed below.
 - 1. Single Family Residences. Parking may be located within the setback area if the following standards are met:
 - a. A minimum dimension of 9-foot by 18-foot for each space.
 - b. All parking spaces shall be located behind existing or future sidewalk.

- c. Parking spaces shall be located on an all-weather surface as approved by the City Engineer (e.g., hardscape, gravel) and accessed by a driveway apron or curb cut.
- 2. Multi Family Dwellings. The Review Authority may allow parking inside and rear setback areas.
- B. **On-Site Parking Requirement and Off-Site Parking Allowance.** Required parking shall be located on the same lot as the use it serves, except as allowed below.
 - 1. **Off-Site Parking Allowance.** Required parking may be located off-site provided the following conditions are met.
 - a. **Location.**
 - i. *Residential Uses.* Off-site parking facilities shall be located within 200 feet, along a pedestrian route, of the unit or use served.
 - ii. *Non-Residential Uses.* Off-site parking facilities shall be located within 500 feet, along a pedestrian route, of the main entrance containing the use served.
 - b. **Parking Agreement.** A written agreement between the landowner and the City in a form satisfactory to the City Attorney shall be executed and recorded in the Office of the County Recorder. The agreement shall include:
 - i. A guarantee from the landowner for access to and use of the shared parking facility; and
 - ii. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

PART 5. Section 4.10.015, Accessory Dwelling Units, is added to Chapter 4 of Article IX Development Code as follows:

4.10.015 Accessory Dwelling Units (ADUs)

- A. **Purpose.**
 - 1. This Section provides standards for accessory dwelling units including junior accessory dwelling units where allowed by Chapter 2 (Zones and Allowable Land Uses).
 - 2. To provide for the creation of accessory dwelling units consistent with Government Code Sections 65852.2 and 65852.22 as amended. Implementation of this Section is meant to expand housing opportunities by increasing the number of smaller units available within the city.

- B. **Density.** Accessory dwelling units shall not count towards the allowable density of units per acre prescribed in the General Plan and Development Code.
- C. **Permit requirements.** A building permit shall be required to ensure compliance with this Section. In the Coastal Zone a Coastal Development Permit is required unless exempt consistent with Section 6.20.040.B.2.
- D. **Size of Accessory Dwelling Unit.** A detached accessory dwelling unit shall have a minimum floor area of 150 square feet and maximum floor area of 1,200 square feet. An attached accessory dwelling unit containing one bedroom or less shall be limited to 50 percent of the existing primary dwelling or 1,200 square feet, whichever is less. Junior accessory dwelling units shall comply with Subsection K.
- E. **Limitation on Number.** A maximum of one accessory dwelling unit or one junior accessory dwelling unit is allowed per lot, except for lots with an existing or proposed single family residence, where both an accessory dwelling unit and a junior accessory dwelling unit are permitted consistent with Government Code Section 65852.2(e). Accessory dwelling units within multi-family developments shall comply with the following:
1. The maximum number of accessory dwelling units shall not exceed 25% of the number of existing or proposed multi-family units but shall not be less than one unit. The accessory dwelling units may be permitted in either converted portions of a structure that are not used as livable space, (e.g., garages). A maximum of two detached accessory dwelling units are permitted per lot.
- F. **Limitation on Use.** No accessory dwelling unit shall be utilized as a short-term rental unless exempt consistent with Section 4.10.185.Q.
- G. **Utility Connections.** Accessory dwelling units shall be connected to City water and sewer services. Separate utility connections and meters are not required.
- H. **Development Impact Fees.** Payment of development impact fees are required as follows:
1. Accessory dwelling units with floor area of 750 square feet or less shall not pay development impact fees.
 2. Accessory dwelling units with floor area greater than 750 square feet shall be charged development impact fees that are proportional, as shown on the Master Fee Schedule.
- I. **Design Standards.** All accessory dwelling units shall be designed to include the following:
1. A separate exterior entry.
 2. Attached accessory dwelling units may include an interior door connecting to the primary residence.

3. New detached or attached accessory dwelling units shall carry the same theme on all elevations. For the purposes of this standard, a theme includes primary (non-accent) materials and colors.
4. New detached or attached accessory structures shall not include blank walls (e.g., without doors or windows) greater than 20 feet in length.
5. New detached or attached accessory structures shall provide trim at all exterior window and door openings. In lieu of exterior window trim, windows shall be recessed from a wall plane by a minimum of three inches.
6. New detached or attached accessory structure using exterior metal wall materials shall not exceed 25% of the vertical wall area.

J. **Development Standards for Accessory Dwelling Units.** Accessory dwelling units shall comply with all applicable development standards in this Development Code and Municipal Code Article 8 Building Regulations, except to the extent they are inconsistent with the following development standards which shall govern when applied to accessory dwelling units.

1. Minimum interior side and rear setbacks shall be four feet for detached or attached accessory dwelling units.
2. Existing nonconforming setbacks of permitted structures may be maintained if converted to an accessory dwelling unit.
3. Accessory dwelling units shall be excluded from the calculation of lot coverage, landscaping, and floor area ratio in Sections 2.20.040.
4. Accessory dwelling units in multi-family dwellings shall be excluded from the open space requirements in Section 4.10.120
5. No minimum lot size is required to develop an accessory dwelling unit.
6. Installation of fire sprinklers shall not be required in an accessory dwelling unit if they are not required for the primary residence, but shall comply with all access requirements in compliance with Municipal Code Article 8 Section 8102.

K. **Development Standards for Junior Accessory Dwelling Units.** Junior accessory dwelling units shall comply with the requirements of Subsection A through J, except to the extent they are inconsistent with the following development standards which shall govern when applied to junior accessory dwelling units.

1. Limitation on Use. Junior accessory dwelling units shall be allowed only where the use is limited to an existing or proposed single family dwelling.
2. Size of Junior Accessory Dwelling Unit. A junior accessory dwelling unit shall have a maximum floor area of 500 square feet.
3. Interior requirements. A junior accessory dwelling unit shall include at least the following:

- a. A cooking facility, a sink, and food preparation counter of no less than 30 inches in width.
- b. A separate or shared bathroom with the primary residence.
4. Occupancy Requirements. Either the junior accessory dwelling unit or the primary dwelling unit shall be owner occupied. A covenant agreement shall be recorded prior to occupancy.

PART 6. Section 4.10.030, Accessory Structures, of Chapter 4 of Article IX Development Code, is hereby amended with the following:

4.10.030 Accessory Structures

- A. **Purpose.** This Section provides standards for accessory structures located in residential zones, where allowed by Chapter 2 (Zones and Allowable Land Uses).
 1. Relationship to primary use. An accessory structure shall be incidental in function and scale to the primary structures on the site.
 2. Timing of installation. An accessory structure shall only be constructed concurrent with or after the construction of a primary residence on the same site.
- B. **Applicability.** This Section shall apply to all new accessory structures as defined in Chapter 9, which include but are not limited to garages, workshops, storage sheds, patio covers and decks greater than 30 inches above ground level.
- C. **Permit Requirements.** A building permit shall be required for all accessory structures except as allowed in Subsection E.1.
- D. **Attached structures.** An accessory structure attached to the primary structure shall comply with the development standards of the applicable zone.
- E. **Detached structures.** An accessory structure that is detached from the primary residence shall comply with the development standards of the applicable zone, except as follows:
 1. Setback requirements. An accessory structure not exceeding 120 square feet in floor area and 10 feet in height that does not require a building permit may be located on the rear half of the lot within the side or rear setback. A maximum of two accessory structures shall be allowed that comply with the requirements of this subsection.
 2. Height limits. An accessory structure shall not exceed 1614 feet in height.
 3. Separation between structures. An accessory structure shall maintain a minimum five-foot separation from other accessory structures and the primary residence.

4. Roof Decks. Roof decks shall be prohibited on accessory structures.
5. Covenant Agreement. Prior to final building permit approval, a covenant agreement shall be recorded for enclosed accessory structures to disclose that the structure shall not be used as livable space as defined in the California Building Codes.

PART 7. Section 4.10.170, Second Residential Dwelling, of Chapter 4 of Article IX Development Code, is hereby repealed.

PART 8. Section 4.10.185.K, Short Term Rentals, of Chapter 4 of Article IX Development Code, is hereby amended with the following:

K. Violations.

1. Notice of Violation. The City may issue a notice of violation to the owner, local contact person, renters, or guests pursuant to Municipal Code Article I, Chapter 4, if a violation of this Section is committed, caused or maintained by any of the above parties.
2. Responding to Hotline. The City may issue a notice of violation to the owner if the local contact person fails to respond when contacted by the hotline.
3. Administrative Citation. ~~The City may issue an administrative citation to the owner, local contact person, renters, or guests pursuant to Municipal Code Article I, Chapter 4, if a violation of this Section is committed, caused or maintained by any of the above parties. Nothing in this Section shall preclude the City from also issuing an administrative citation upon the occurrence of the same offense on a separate day. Unless otherwise provided herein, any person issued an administrative citation pursuant to this Section shall for each separate violation be subject to the following fines: (1) an administrative fine in an amount of \$500 for the first citation; (2) an administrative fine in an amount of \$750 for a second citation issued within a 24-month period of the date of the first offense; and (3) an administrative fine in an amount of \$1,000 for a third and any subsequent citation issued within a 24-month period of the date of the first offense. Notwithstanding the above, operating a short-term rental without a validly issued short-term rental permit in good standing shall be subject to: (1) a fine in an amount of \$500 for the first citation; and (2) a fine in an amount of \$1,000 for a second and any subsequent citation issued for operating without a short-term rental permit.~~ The City may issue administrative citations to the owner, local contact person, renters, or guest pursuant to Municipal Code Article I, Chapter 4, if a violation of this Section is committed, caused or maintained by any of the above parties. Unless otherwise provided herein, any person issued an administrative citation pursuant to this Section shall for each separate violation be subject to the those fines consistent with the Grover Beach Master Fee Schedule.

4. ~~Infraction. The City may issue an infraction citation to the owner, local contact person, renters, or guests pursuant to Municipal Code Article I, Chapter 2, including, but not limited to, the imposition of any and all criminal penalties set forth therein if there is any violation of this Section committed, caused or maintained by any of the above parties. Nothing in this Section shall preclude the City from also issuing an infraction citation upon the occurrence of the same offense on a separate day. Unless otherwise provided herein, any person convicted of an infraction shall, for each separate violation of this Section be subject to: (1) a fine in an amount of \$500 for a first conviction of an offense; (2) a fine in an amount of \$750 for a second conviction within a 24-month period of the date of the first offense; and (3) a fine in an amount of \$1,000 for the third conviction within a 24-month period of the date of the first offense. Notwithstanding the above, operating a short-term rental without a validly issued short-term rental permit in good standing shall be subject to: (1) a fine in an amount of \$500 for a first conviction of an offense; and (2) a fine in an amount of \$1,000 for a second and any subsequent conviction for operating without a short-term rental permit. Penalties. It is unlawful to violate any provision of this Section 4.10.185 of Chapter 4 of Article IX. Violations of this Section are punishable as misdemeanors. Violations of this Section may alternatively be punished as administrative violations as provided in Chapters 1 and 4 of Article I. Any administrative or criminal penalties imposed in accordance with this Section shall be consistent with those penalties and fines enumerated in the Grover Beach Master Fee Schedule. Each separate day or rental night in which a violation exist may be considered a separate violation whether for administrative citations or as a misdemeanor.~~
5. **Additional Conditions.** A violation of any provision of this Section by the owner, local contact person, renters, or guests shall authorize the Community Development Director, to impose additional conditions on the use of any given short-term rental to ensure that any potential additional violations are avoided.
6. **Permit Modification, Suspension and Revocation.** Unless otherwise provided in this Section, a violation of any provision of this Section by the owner, local contact person, renters, or guests shall constitute grounds for modification, suspension and/or revocation of the short-term rental permit and/or any affiliated licenses or permits.
7. **Public Nuisance.** It shall be a public nuisance for any person to commit, cause or maintain a violation of this Section.

PART 9. Enact Section 4.10.215, Tiny Homes (Recreational Vehicles) in Residential Zones, to Chapter 4 of Article IX Development Code as follows:

4.10.215 Tiny Houses in Residential Zones

- A. **Purpose.** Tiny homes are a type of temporary dwelling unit allowed as an accessory use to a single family dwelling. Tiny homes shall comply with the requirements of Subsection except to the extent they are inconsistent with the following development standards which shall govern when applied to tiny homes.
- B. **Limitation on Number.** One tiny home shall be allowed in all residential zones with an existing single-family dwelling. No tiny home shall be allowed if there is a permitted accessory dwelling unit, with the exception of junior accessory dwelling unit as defined in Section 4.10.015. A tiny home shall be removed prior to granting final occupancy for an accessory dwelling unit.
- C. **Limitation on Use.** No tiny home shall be utilized as a short-term rental.
- D. **Location.** A tiny home shall be located on the rear portion of a parcel unless there is no feasible alternative.
- E. **Size.** The minimum floor area shall be 100 square feet and the maximum floor area 400 square feet not including lofts.
- F. **Design.** If the tiny home is visible from the street, skirting shall be required for the foundation/wheels.
- G. **Construction Standards.** Tiny homes shall comply with the standards of, and be approved as one of the following types of structures: a HUD-Code manufactured home, California Residential Code or California Building Code home, factory-built housing, park trailer or camping cabin. The Building Official shall determine the appropriate construction standards based on the type of tiny home.
- H. **Utility connections.** Tiny homes shall be connected to City water and sewer services in compliance with the Municipal Code. A tiny home may be off grid for electrical and gas if it can be demonstrated the unit has adequate heating and electrical power to the satisfaction of the Building Official.
- I. **Addresses.** No separate address shall be assigned for tiny homes.
- J. **Vehicle Registration.** A tiny home shall remain licensed and registered with the California Department of Motor Vehicles.
- K. **Prohibition on the use of RVs, trailers, campers.** The use of a recreational vehicle, travel trailer, truck camper, or camping trailer are prohibited from being used as a tiny home based on Section 18010 of the California Health and Safety Code.

PART 10. Section 9.10.020, Definitions of Specialized Terms and Phrases, of Chapter 9 of Article IX Development Code, is hereby amended with the following definitions:

Accessory Dwelling Unit or ADU. An attached or detached dwelling unit which provides complete independent living facilities for one or more persons and provides permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit. Does not include “Junior Accessory Dwelling Unit” and “Tiny Home”.

Accessory Structure. A structure that is attached or detached from, secondary and incidental to, and commonly associated with a primary structure on the same site. Examples include sheds, covered patios, workshops, decks greater than 30 inches above ground level, residential occupancies with no overnight stays, and detached garages. Does not include “Accessory Dwelling Units” such as detached living areas permitted as an ADU or Junior ADU, or structures with living areas located above an accessory structure or share a common wall such as a garage with an ADU above. “Second Residential Dwelling” or detached living areas. Also see “Residential Accessory Uses and Structures”.

Multi-Family Dwelling or Multi-Family Development. Two or more dwelling units attached or detached on a lot, which does not include an accessory dwelling unit. Multi-family dwellings may also be combined with nonresidential uses as part of a mixed-use development. A structure containing two or more dwelling units. Multi-unit dwellings include: duplexes, triplexes, fourplexes (buildings under one ownership with two, three or four dwelling units, respectively, in the same structure); apartments (five or more units under one ownership in a single building); townhouse and rowhouse development (three or more attached dwellings where no unit is located over another unit); and other building types containing multiple dwelling units (for example, condominiums, courtyard housing, stacked flats, etc.).

Primary Dwelling Unit. The designated primary residential unit on a residential zoned lot with an accessory or junior accessory dwelling unit.

Second Residential Dwelling. A second permanent dwelling that is accessory to a primary dwelling on the same site. A second residential dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. A carriage house is a second residential dwelling located on an upper floor above a detached garage.

Single Family Dwelling. A building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems. A building designed for and occupied exclusively by one house keeping unit, whose members are an interactive group of persons jointly occupying a single-family dwelling unit. Also includes factory-

built and manufactured housing units placed on permanent foundation systems constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1976, and the California Manufactured Housing Act of 1980.

Tiny Home. A type of dwelling unit that is moveable and considered temporary housing. Does not include an RV, camper, trailer, or manufactured home as defined in Section 18010 of the California Health and Safety Code.

PART 11. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

PART 12. All ordinances and parts of ordinances in conflict with those sections amended or added herein are hereby repealed.

PART 13. Effective Date. This Ordinance shall not become effective and in full force and effect until 12:01 a.m. on the thirty first day after its final passage and final certification by the California Coastal Commission. However, within fifteen (15) days after adoption by the City Council, the Ordinance shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

INTRODUCED at a regular meeting of the City Council held on June 22, 2020 and **PASSED, APPROVED,** and **ADOPTED** by the City Council on July 6, 2020, on the following roll call vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

**** D R A F T ****

JEFF LEE, MAYOR

Attest:

WENDI SIMS, CITY CLERK

Approved as to Form:

DAVID P. HALE, CITY ATTORNEY

Attachment 2 – Summary of State ADU Legislation

| Accessory Dwelling Unit Legislation 2016-2020 | | |
|--|---------------------|--|
| Bill Number | Date Enacted | Summary of ADU Changes |
| SB 1069 | 01/01/2017 | <ul style="list-style-type: none"> • Reduced parking to once space per bedroom or unit • Allowed off-street parking to be tandem or in setback areas • Eliminate Parking requirements if ADU meets the following: <ul style="list-style-type: none"> ○ 1/2 mile from public transit ○ part of an existing residence or existing accessory structure ○ within one block of a car share ○ in an area where on-street permits are required but not offered to the ADU • Prohibits agencies from requiring new or separate utility connections • Prohibits agencies from charging new connection fees when located within an existing residence or accessory structure • Requires agencies to charge fees must be proportionate to the burden of services • Fire sprinklers not required if they are not required in the primary residence. • Total prohibition not permitted unless jurisdiction extreme hardship (i.e. lack of water, sewer capacity) |
| AB 2299 | 01/01/2017 | <ul style="list-style-type: none"> • A municipality must approve an ADU through a building permit if comply with the following: <ul style="list-style-type: none"> ○ lot is zoned for SFR or MFR uses and contains and existing SFR ○ ADU is either attached to the existing unit, or located within the living area of the existing unit or detached on the same lot ○ increased floor area of an ADU does not exceed 50% of the existing living area of an SFR with a max. 1,200 sf • Elimination of setback requirements for an existing garage that is converted into an ADU |
| AB 2406 | 01/01/2017 | <ul style="list-style-type: none"> • Allows for Junior ADUs to be developed, when an ordinance is adopted that are under 500 square feet in size and completely contained within an existing residential unit with the following requirements: <ul style="list-style-type: none"> ○ 1 JADU per SFR zoned lot with an existing residence ○ Primary unit or JADU must be owner occupied ○ Entirely within residential structure and have its own separate entrance ○ May share bath with primary unit or have its own bath ○ Prohibits parking as a condition of a permit ○ Prohibits connection fees from being charged |
| SB 229 | 01/01/2018 | <ul style="list-style-type: none"> • Allows for ADUS in single family and multi-family residential zones that allow residential uses • Allows for replacement parking anyone on the lot where a garage, carport, or covered parking structure is converted into an ADU • Requires municipalities to submit ADU regulations to HCD for review and approval |
| AB 494 | 01/01/2018 | <ul style="list-style-type: none"> • ADUs may not be sold separately, but can be rented • No setback is required if a portion of a garage is converted into an ADU |

Attachment 2 – Summary of State ADU Legislation

| Accessory Dwelling Unit Legislation 2016-2020 | | |
|--|---------------------|---|
| Bill Number | Date Enacted | Summary of ADU Changes |
| | | <ul style="list-style-type: none"> • One parking space per bedroom or unit, whichever is less • An accessory structure is defined as a studio, pool house, or other similar structure • Owner occupancy required for either the primary dwelling or ADU |
| AB 68 | 01/01/2020 | <ul style="list-style-type: none"> • Eliminates lot size minimums, lot coverages • ADUs may be attached to, located within, an attached garage, storage area, accessory structures. • 60 Days to complete and issue a building permit with an existing structure • Eliminates Floor Area Ratio, open space requirements if they prohibit ADU construction • At minimum must allow at least 800 sf ADU • At minimum allow 16-ft height for an ADU • reduce side and rear yard setbacks to 4-feet • Junior ADU standards the same as ADU standards • Prohibits the outlawing of efficacy units |
| SB 13 | 01/01/2020 | <ul style="list-style-type: none"> • Municipalities may not require owner occupation of either the primary dwelling or the ADU until 01/01/2025. • Additionally, agencies cannot impose impact fees on ADUs under 750 square feet. |
| AB 670 | 01/01/2020 | <ul style="list-style-type: none"> • Repeals any HOA condition that "prohibits or unreasonably restricts" the construction of ADUs on single-family residential lots. |
| AB 671 | 01/01/2020 | <ul style="list-style-type: none"> • Incentivize and promote the creation of affordable ADUs. The law also requires HCD to develop, by Dec. 31, 2020, a list of state grants and financial incentives for ADU development |