

17.16.080 Accessory use classifications.

A. Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes accessory dwelling units, home occupations, and construction trailers.

1. Accessory Dwelling Unit. An attached or a detached residential dwelling unit that provides ~~permanent, complete, independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence,~~ including facilities for living, sleeping, food preparation and cooking, eating and sanitation, for one or more persons, on the same parcel as a primary dwelling. 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. This classification is also inclusive of “junior accessory dwelling unit,” as such term is defined in Government Code Section 65852.22. An accessory dwelling unit also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

a. Attached Accessory Dwelling Unit. An accessory dwelling unit that shares at least one common wall with the primary dwelling and is not fully contained within the existing space of the primary dwelling or an accessory structure.

b. Detached Accessory Dwelling Unit. An accessory dwelling unit that does not share a common wall with the primary dwelling and is not fully contained within the existing space of an accessory structure.

c. Internal Accessory Dwelling Unit. An accessory dwelling unit that is fully contained within the existing space of the primary dwelling or an accessory structure.

d. Junior Accessory Dwelling Unit. 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. Donation and Collection Bin. An unstaffed drop-off box, receptacle or other similar container used to accept donated clothing or other salvageable personal property, including but not limited to books, shoes, canned goods, and small household items to be used by a nonprofit or for-profit operator for distribution, resale, or recycling. (Ord. 19-04 § 1; Ord. 19-02 § 2).

17.70.060 Accessory dwelling units.

A. Purpose. This section is intended to achieve the goals of the city’s housing element and of the California Government Code by permitting accessory dwelling units, thereby

increasing housing opportunities for the community through use of existing housing resources and infrastructure.

B. Where Allowed. An accessory dwelling unit is permitted:

- a. In any district where single-family or multifamily dwellings are a permitted use; and
- b. On any lot with an existing or proposed single-family or multifamily dwelling.

~~B. Zoning. One accessory dwelling unit per parcel is permitted by right in all residential districts (RS, RM, and RH) and mixed use districts of the downtown mixed use master plan, and on lots with a primary single-family dwelling, subject to compliance with the requirements of this section. An accessory dwelling unit that conforms to this section shall be deemed to be an accessory use or accessory structure 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 general plan and zoning designation for the lot.~~

C. Permitting Process.

1. When Consistent with Standards.

- a. An accessory dwelling unit that complies with all standards in this section shall be approved ministerially upon issuance of a building permit. No other permit, discretionary review, or public hearing is required.
- b. If an existing single-family or multifamily dwelling exists on the lot upon which an accessory dwelling unit is proposed, the City shall act on an application to create an accessory dwelling unit within 60 days from the date the City receives a completed application. If the applicant requests a delay in writing, the 60-day time period shall be tolled for the period of the delay.
- c. The City has acted on the application if it:
 - (1) Approves or denies the building permit for the accessory dwelling unit;
 - (2) Informs the applicant in writing that changes to the proposed project are necessary to comply with this section or any applicable regulation; or
 - (3) Determines that the accessory dwelling unit does not qualify for ministerial approval.

2. When Deviating from Standards.

a. A proposed accessory unit that deviates from the standards in subsection J (Objective Design Standards) of this section shall be reviewed and may be approved or denied subject to the design review procedures in Chapter 17.108 (Design Review).

b. A proposed accessory dwelling unit that deviates from standards in subsection I (Development Standards) or any other applicable physical standard of this section shall be reviewed and may be approved or denied subject to the variance procedures in Chapter 17.104 (Use Permits and Variances).

3. When Dependent on Separate Construction. When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building which that not a part of the accessory dwelling unit (“separate construction”), the City shall either:

a. Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or

b. Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures and requirements as the separate construction.

D. Junior Accessory Dwelling Units.

1. General. Junior accessory dwelling units shall comply with all standards in this section unless otherwise indicated.

2. Sanitation Facilities. A junior accessory dwelling unit may include sanitation facilities, or may share sanitation facilities with the existing structure.

3. Kitchen. A junior accessory dwelling unit must include, at a minimum:

a. A cooking facility with appliances; and

b. At least three linear feet of food preparation counter space and three linear feet of cabinet space.

E. Maximum Number per Lot. Not more than one accessory dwelling unit is allowed per lot except as allowed by subsections G.2 (Detached Accessory Dwelling Units), G.3 (Non-livable multifamily space) and G.4 (Detached Accessory Dwelling Units on Multifamily Lots) of this section.

F. Accessory Use. An accessory dwelling unit that conforms to this section:

1. Is considered an accessory use or accessory structure;
2. Is not considered to exceed the allowable density for the lot upon which it is located; and
3. Is considered a residential use consistent with the general plan and zoning designation for the lot.

G. Units Subject to Limited Standards. The city shall ministerially approve an application for a building permit within a residential or mixed-use district to create the following types of accessory dwelling units. For each type of accessory dwelling unit, the city shall require compliance only with the development standards in this subsection. Standards in subsections I (Development Standards) and J (Objective Design Standards) do not apply to these types of accessory dwelling units.

1. Internal Accessory Dwelling Units. One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

a. 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.

b. The space has exterior access from the proposed or existing single-family dwelling.

c. The side and rear setbacks are sufficient for fire and safety.

d. The junior accessory dwelling unit complies with the requirements of Government Code Section 65852.22.

2. Detached Accessory Dwelling Units. One detached, new construction, accessory dwelling unit 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 subsection G.1 (Internal Accessory Dwelling Units). The accessory dwelling unit must comply with the following:

a. Maximum floor area: 800 square feet.

b. Maximum height: 16 feet.

c. Minimum rear and side setbacks: four feet.

3. Non-Livable Multifamily Space. 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, subject to the following:

a. At least one accessory dwelling unit is allowed within an existing multifamily dwelling up to maximum of 25 percent of the existing multifamily dwelling units; and

b. Each accessory dwelling unit shall comply with building code standards for dwellings.

4. Detached Accessory Dwelling Units on Multifamily Lots. 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, are subject to the following:

a. Maximum height: 16 feet

b. Minimum rear and side setbacks: four feet.

H.G. General Standards. Except as provided in subsection G (Units Subject to Limited Standards) of this section, an accessory dwelling unit shall comply with the following general standards:

~~1. Public utility and services, including emergency access, shall be adequate to serve both the primary dwelling and the accessory dwelling unit.~~

12. Rental.

a. The An accessory dwelling unit may be rented but shall not be sold or otherwise conveyed separately from the primary dwelling.

b3. The rented unit shall not be leased for any period less than 30 days.

~~4. An executed deed restriction, on a form provided by the city, shall be required pursuant to subsection (G) of this section.~~

25. Primary and Accessory Designations. An existing primary dwelling unit may be designated as an accessory dwelling unit if:

a. The existing dwelling to be designated as an accessory dwelling unit complies with all standards in this section; and

b. ~~The a~~ new primary dwelling unit is built in compliance with applicable standards and requirements of this title that apply to primary dwellings.

3. Nonconforming Uses and Structures. In conformance with BMC 17.98.020 and 17.98.030, the City shall not require, as a condition for approval of a permit application, the correction of nonconforming zoning conditions.

ID. Development Standards. Except as provided in subsection G (Units Subject to Limited Standards) of this section, an accessory dwelling unit shall comply with the following development standards.

1. Floor Area. The floor area of an accessory dwelling unit shall not exceed the maximums shown in Table 1.

Table 1: Maximum Floor Area

<u>ADU Type</u>	<u>Maximum ADU Floor Area</u>
<u>Attached</u>	
<u>One bedroom or less</u>	<u>50 percent of the existing primary dwelling or 850 sq. ft., whichever is greater</u>
<u>More than one bedroom</u>	<u>50 percent of the existing primary dwelling or 1,000 sq. ft., whichever is greater</u>
<u>Detached</u>	<u>1,200 sq. ft.</u>
<u>Internal</u>	<u>50 percent of the existing primary dwelling</u>
<u>Junior</u>	<u>500 sq. ft.</u>

~~a. Attached Units. The floor area of an attached accessory dwelling unit shall not exceed 50 percent of the total floor area of the primary dwelling unit or 1,200 square feet, whichever is less. However, if the primary dwelling has an existing floor area of less than 1,200 square feet, an attached accessory dwelling unit may have a maximum floor area of 600 square feet subject to compliance with all other zoning standards.~~

~~b. Detached Units. The total floor area for a detached accessory dwelling unit shall not exceed 1,000 square feet or the size of the existing primary dwelling unit, whichever is less.~~

2. Bulk Standards.

a. An accessory dwelling unit shall conform to the applicable floor area ratio, ~~lot coverage~~ and site landscaping standards of the district in which it is located, except when otherwise allowed by subsection J.4 (Guaranteed Allowance) of this section.

b. An accessory dwelling unit is exempt from maximum lot coverage standards. For lots less than 6,000 square feet in area, a five percent increase in lot coverage over the base allowance is permitted subject to an exception to criteria if such increase is necessary to accommodate additional floor area for a new accessory dwelling unit.

3. Guaranteed Allowance. Maximum floor area, floor area ratio, and open space standards shall not prohibit an accessory dwelling unit with at least an 800 square feet of floor area, a height of at least 16 feet, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards.

4. Property Line Setbacks.

a. All Accessory Dwelling Units. An accessory dwelling unit shall be setback from property lines as required by Table 2.

b. Detached Accessory Dwelling Units.

(1) A detached accessory dwelling unit shall not occupy a required court or front yard, nor project beyond the front building line of the principal structure on the site.

(2) A ground-floor deck, balcony or platform attached to or associated with a detached accessory dwelling unit shall be located at least four feet from a rear or side property line. See subsection J.1 (Second story Decks and Balconies) of this section for second-story deck and balcony setback standards.

Table 2: Minimum Property Line Setbacks

<u>Property Line</u>	<u>ADU Type</u>			
	<u>Attached</u>	<u>Detached</u>	<u>Internal</u>	<u>Junior</u>
<u>Front</u>	<u>Same as primary dwelling [1]</u>		<u>None required</u>	
<u>Side</u>	<u>4 ft.</u>	<u>4 ft.</u>		
<u>Rear</u>	<u>4 ft.</u>	<u>4 ft.</u>		

Note:

[1] For detached accessory dwelling units, see also 17.70.060.I.4.b (Detached Accessory Dwelling Units). For detached accessory structures in an H historic overlay district, see also 17.70.060.J.6 (Historic District Standards).

c. ~~An attached accessory dwelling unit shall conform to the applicable minimum yard, build to line and setback standards of the district in which it is located.~~

~~d. A detached accessory dwelling unit shall conform to the applicable yard, setback, build to line and building separation standards for accessory structures or ancillary buildings; provided, however, that the required minimum side and rear setback shall not exceed five feet.~~

5. Building Separation. A minimum five-foot distance shall be maintained between a detached accessory dwelling unit the primary building on the site. A detached accessory structure shall be set back from other structures on the site as required by the building code.

6. Converting and Replacing Existing Structures.

a. An internal ADU may be constructed regardless of whether it conforms to the current zoning requirement for building separation or setbacks.

b. If an internal ADU is proposed to be constructed within an existing accessory structure, the city shall ministerially permit an expansion of the existing accessory structure by up to 150 square feet for the purpose of accommodating ingress and egress.

c. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.

~~e. Any existing accessory structure or ancillary building may be converted to an accessory dwelling unit regardless of whether it conforms to the current zoning requirement for building separation or setbacks; provided, however, that any expansion of the structure shall conform to the current applicable zoning standards.~~

73. Height.

a. Historic Districts. The height of an accessory dwelling unit in an H historic overlay district shall not exceed the maximums shown in Table 3.

Table 3: Maximum Height in Historic Districts

<u>ADU Type</u>	<u>Maximum ADU Height [1]</u>
<u>Attached</u>	<u>Same as required for primary dwelling</u>
<u>Detached</u>	
<u>Exterior building wall [2]</u>	<u>14 ft.</u>
<u>Roof peak (based on roof pitch)</u>	

<u>Below 4:12</u>	<u>16 ft.</u>
<u>4:12 to less than 6:12</u>	<u>18 ft.</u>
<u>6:12 or greater</u>	<u>20 ft.</u>
<u>Internal</u>	<u>Not applicable</u>
<u>Junior</u>	<u>Not applicable</u>

Note:

[1] For detached accessory structures in an H historic overlay district, see also 17.70.060.K.6 (Historic District Standards).

[2] Measured to the top plate.

b. Outside Historic Districts. The roof peak of a detached accessory dwelling unit outside of an H historic overlay district shall not exceed the maximums shown in Table 4. The maximum allowed height for attached accessory dwelling units is the same as required for the primary dwelling. Height standards do not apply to internal and junior accessory dwelling units.

Table 4: Detached Accessory Dwelling Unit Maximum Height Outside Historic Districts

<u>Maximum Roof Peak Height Based on Roof Pitch</u>	<u>Exterior Building Wall Distance from Rear or Side Property Line</u>		
	<u>4 ft. to less than 5 ft.</u>	<u>5 ft. to less than 7 ft.</u>	<u>7 ft. or more</u>
<u>Below 4:12</u>	<u>16 ft.</u>	<u>18 ft.</u>	<u>20 ft.</u>
<u>4:12 to less than 6:12</u>	<u>18 ft.</u>	<u>20 ft.</u>	<u>22 ft.</u>
<u>6:12 or greater</u>	<u>20 ft.</u>	<u>22 ft.</u>	<u>24 ft.</u>

~~a. An attached accessory dwelling unit shall conform to the height standards of the district in which it is located, subject to compliance with the design standards of this section.~~

~~b. A detached accessory dwelling unit shall conform to the applicable height standards for accessory structures provided in BMC 17.70.050 or ancillary structures as provided in the downtown mixed use master plan, but shall not exceed the height of the primary dwelling.~~

~~c. The community development director may grant an exception to criteria to increase the wall and/or peak height of a detached accessory dwelling unit up to five feet if the structure would comply with all other applicable design~~

~~standards, and the director finds that such increase is necessary to support the feasible construction of an accessory dwelling unit.~~

84. Foundation. An accessory dwelling unit shall be placed constructed on a permanent foundation.

JE. Objective Design Standards. Except as provided in subsection G (Units Subject to Limited Standards) of this section, an accessory dwelling unit shall comply with the following design standards.

~~1. In a mixed use district, an accessory dwelling unit shall conform to the standards of the downtown mixed use master plan form-based code.~~

12. Second Story Decks and Balconies. Second story decks and balconies shall be set back a minimum of 10 feet from a side or rear property line adjoining a lot occupied by a single-family or two-family dwelling. A deck, balcony or platform attached to or associated with a detached accessory dwelling unit shall be oriented away from an adjoining residential side yard.

2. Outdoor stairs. Outdoor stairs providing access to a second story accessory dwelling unit shall adjoin an exterior wall that faces the interior of the lot, rather than an exterior wall nearest a side or rear property line.

3. Dormers. ~~Dormers~~ The side wall of a dormer shall be set back a minimum of three feet from the parallel side wall below. The cumulative width of a dormer or dormers on any side of an accessory dwelling unit shall not occupy more than 66 percent of the building face below and shall not cumulatively occupy more than 30 percent on any side of the building.

4. Gables. If a gable roof or turned gable roof is present, the gable end ridge shall be oriented in a direction parallel to the side property line in order to minimize shadow effects on the adjoining lot.

5. Roof Pitch. The roof pitch for an accessory dwelling unit shall be 4:12 or greater. However, if the primary residence has a roof pitch shallower than 4:12 predominantly flat roof, a similar pitch may be employed on the accessory dwelling.

6. Historic District Standards. In the an H historic overlay district, an accessory dwelling unit shall conform to the following additional requirements:

a. Except as provided in subsection I.6 of this section, a detached accessory dwelling unit shall be set back from the front property line such that the entirety of the accessory dwelling unit is behind the rear wall of the principal structure on the lot. ~~Detached accessory dwellings and building additions~~

~~shall be located behind the primary dwelling and shall not exceed the height or footprint of the primary dwelling.~~

b. The elevation of the highest point of a detached accessory dwelling shall not exceed the elevation of the highest point of the primary dwelling, except that in all cases a detached accessory dwelling unit at least 16 feet in height is allowed.

c. An attached accessory dwelling unit shall not result in a rooftop addition or any alteration to the existing roofline of a designated historic contributing or landmark structure any increase in building height.

d. An accessory dwelling unit shall not result in any increase in building height for a designated historic contributing or landmark structure, except that in all cases an attached accessory dwelling unit at least 16 feet in height is allowed.

e. An accessory dwelling unit shall not result in any exterior alteration to the existing wall or façade of a designated historic contributing or landmark structure where such wall or façade is parallel to a public street.

fe. A building addition for to a designated historic contributing or landmark structure to accommodate an attached accessory dwelling unit shall be inset or separated by a connector that is offset at least 18 inches from the parallel side or rear building wall to distinguish it from the primary dwelling. Such A building addition for an attached ADU shall not extend beyond the side wall of the primary dwelling.

gd. Exterior building and trim materials shall be horizontal wood siding or fiber cement siding or shingles. However, if Portland cement plaster (stucco) is the predominant finish for the primary residence, then a stucco exterior may also be applied to the accessory dwelling. Synthetic stucco (e.g., EIFS or DryVit) is prohibited.

he. The exterior walls of an accessory dwelling shall utilize the same base and trim colors as the primary residence.

if. The roof shall utilize the same material and color as the primary residence and shall match the primary residence in overall appearance.

g. Gutters shall not be constructed of plastic or PVC materials and shall apply a similar profile as gutters located on the primary residence.

jh. Windows shall be taller than they are wide or shall match the proportions of the primary dwelling's windows. Windows in bathrooms, basements and crawl spaces, kitchens and laundry rooms ~~Windows in small spaces, such as bathroom windows,~~ may be horizontally oriented.

ki. Window pane divisions shall be true or simulated divided lites (i.e., individual panes set within muntins or muntins applied to both the interior and exterior of the glass).

lj. Window frames shall be painted or factory-finished. No metallic finishes such as silver or bronze anodized aluminum are permitted.

~~k. Dormers shall not face an adjoining side yard.~~

KF. Parking.

1. No additional off-street parking stalls shall be required for an accessory dwelling unit.

2. 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, replacement parking stalls are not required for the demolished parking structure.

LG. Recordation of Deed Restriction. An executed deed restriction, on a form provided by the city, shall be submitted to the city prior to issuance of a building permit and shall be recorded prior to final occupancy. The deed restriction shall stipulate all of the following:

1. That the rented unit shall not be rented for any period less than 30 days at a time; and

2. That the accessory dwelling shall not be sold separately from the primary dwelling.

3. For junior accessory dwelling units, restrictions on size and attributes in conformance with this section.

17.108.060 Review responsibilities.

Except as modified by an adopted conservation plan the following review responsibilities will apply:

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C. Exceptions to Criteria. The community development director may authorize minor deviations from the zoning standards specified herein: timing of construction for an accessory structure, projection of detached garage in the RS district, separation between buildings per BMC 17.70.050; ~~increased height for an ADU and increased lot~~

Attachment 8 – Accessory Dwelling Units
Mark-up of Current Regulations

~~coverage for an ADU per BMC 17.70.060; and modifications in vehicle space size requirements per BMC 17.74.100.~~