SPECIAL NOTICE

Precautions to address COVID-19 (a.k.a. the "Coronavirus") will apply to this meeting. See below for additional details.

JANUARY 26, 2022

REGULAR MEETING OF THE PLANNING COMMISSION

The Governor has declared a State of Emergency to exist in California as a result of the threat of COVID-19 (aka the "Coronavirus"). The Governor also issued Executive Order N-25-20, which directs Californians to follow public health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still meeting State transparency requirements.

The Public's health and well-being are the top priority for the City of Yuba City and you are urged to take all appropriate health safety precautions. To facilitate this process, the meeting will be available by:

- Web Conference: The meeting will be conducted live over the internet by PC or Smartphone. Members of the public can join the web-based virtual meeting. (See instructions below.)
- Email: You can email comments to the Secretary of the Commission at **developmentservices@yubacity.net** any time before the meeting, or before the hearing is closed on the agenda item, and your comments will be read aloud by the Secretary. Please identify the Agenda item you wish to address in your comments.

To join the web base virtual meeting please click the link to sign up for the webinar being held December 8, 2021 at 6:00pm:

https://us06web.zoom.us/webinar/register/WN_cIs9kB9OSbmLeJ361r368Q

or visit www.zoom.us and enter in the Meeting ID: **872 4176 9524**

You will need to register for the teleconference. Once registered, a confirmation email with information on how to join the webinar will be sent to you and with audio instructions.

Questions or Comments? Please email: developmentservices@yubacity.net

AGENDA

WEDNESDAY, JANUARY 26, 2022

REGULAR MEETING
PLANNING COMMISSION
CITY OF YUBA CITY

6:00 P.M. – REGULAR MEETING

CHAIRWOMAN	• Michele Blake
VICE CHAIRWOMAN	• Jackie Sillman
COMMISSIONER	• John Shaffer
COMMISSIONER	• Lorie Adams
COMMISSIONER	• Stacy Brookman
COMMISSIONER	• Bhavin Singh Dale
COMMISSIONER	• Richard Doscher (Sutter Co. Rep)

1201 Civic Center Blvd
Yuba City, CA 95993

Wheelchair Accessible

If you need assistance in order to attend the Planning Commission meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the Planning Commission, the City is happy to assist you. Please contact City offices at 530-822-4817 at least 72 hours in advance so such aids or services can be arranged. ***City Hall TTY: 530-822-4732***

AGENDA
PLANNING COMMISSION
CITY OF YUBA CITY
JANUARY 26, 2022
6:00 P.M. - REGULAR MEETING

Materials related to an item on this Agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection at City Hall at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City's website at www.yubacity.net, subject to staff's availability to post the documents before the meeting.

Call to Order

Roll Call:

_____ Chairwoman Blake
_____ Vice Chairwoman Sillman
_____ Commissioner Shaffer
_____ Commissioner Adams
_____ Commissioner Brookman
_____ Commissioner Dale
_____ Commissioner Doscher (Sutter County Representative)

Pledge of Allegiance to the Flag

Public Comment on Items not on the Agenda

You are welcome and encouraged to participate in this meeting. Public comment on items not listed on the agenda will be heard at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

1. Written Requests

Members of the public submitting written requests, at least 24 hours prior to the meeting, will be normally allotted five minutes to speak.

2. Appearance of Interested Citizens

Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements to three minutes.

Planning Commission Business

3. Election of 2022 Planning Commission Chairperson and Vice Chairperson (per Section E-1 of the Planning Commission Bylaws).

4. Agenda Modifications

Approval of Minutes

5. Minutes from December 8, 2021

Business Item

6. Development Plan 21-01 Rivers Edge Apartments

Recommendation: A. Continue item until the Planning Commission meeting of February 23, 2022. Due to the continuance, no staff report is being provided at this time.

7. Senate Bill 9 and Accessory Dwelling Unit Ordinance Adoption

Recommendation: A. Initiate Senate Bill 9 and Accessory Dwelling Unit Ordinance Adoption

B. Conduct a Public Hearing, and then

C. Adopt a Resolution recommending the City Council of the City of Yuba City adopt an Ordinance to update the Yuba City Municipal Code to establish regulations for urban lot splits and two-unit developments in accordance with Senate Bill 9, and adopt amendments to regulations of accessory dwelling units and junior accessory dwelling units.

Future Agenda Items

Development Services Director Report

Report of Actions of the Yuba City Planning Commission/Sutter County Update

Adjournment

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Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of $788.93, must be filed with the City Clerk, 1201 Civic Center Boulevard, Yuba City, CA 95993 within 10 days of such action. If no appeal is filed within this time limit, the Planning Commission action becomes final. The exception to this is rezone requests. Please check with the Planning Division, 1201 Civic Center Boulevard, Yuba City, CA 95993 for the procedure. Mailed notices of the Council hearings will be accomplished in the same manner as the Planning Commission hearings unless additional notice is deemed necessary.

PLANNING COMMISSION
CITY OF YUBA CITY
DECEMBER 8, 2021
6:00 P.M. – REGULAR MEETING
Video link to full Planning Commission meeting:
https://www.youtube.com/watch?v=-M-h1baEK0g

Materials related to an item on the Agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection at City Hall at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City's website at www.yubacity.net, subject to staff's availability to post the documents before the meeting.

Call to Order

Chairwoman Blake called the meeting to order at 6:00 pm.

Roll Call

Commissioners in Attendance:

Chairwoman Michele Blake
Commissioner John Shaffer
Commissioner Stacy Brookman
Commissioner Richard Doscher (Sutter County Representative)

Commissioners Absent:

Vice Chairwoman Jackie Sillman
Commissioner Lorie Adams
Commissioner Bhavin Singh Dale

The Pledge of Allegiance was led by Nick Anderson, Regional Emergency Shelter Team (REST) Director.

Public Communication

You are welcomed and encouraged to participate in this meeting. Public comment is taken on items listed on the agenda when they are called. Public comments on items not listed on the agenda will be heard at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

1. Written Requests

Members of the public submitting written requests, at least 24 hours prior to the meeting, will be normally allotted five minutes to speak.

There were no written requests received.

2. Appearances of Interested Citizens

Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements to three minutes.

There were no public comments.

3. Agenda Modifications/Approval of Agenda

There were no agenda modifications.

4. Planning Commission Meeting Schedule

- December 22, 2021 meeting canceled
- January 12, 2022 meeting canceled

Chairwoman Blake requested approval of the schedule:

Motion by: Commissioner Doscher
Second by: Commissioner Brookman
Vote: The vote passed 4-0, with Vice Chairwoman Sillman, Commissioner Dale and Commissioner Adams absent

<u>Approval of Minutes</u>

5. Minutes from November 10, 2021

Chairwoman Blake requested approval of the minutes:

Motion by: Commissioner Shaffer
Second by: Commissioner Doscher
Vote: The vote passed 4-0, with Vice Chairwoman Sillman, Commissioner Dale and Commissioner Adams absent

<u>Business Item</u>

6. Use Permit 21-04 to allow Regional Emergency Shelter Team (REST) to operate a cold weather shelter at 715 King Avenue.

Recommendation: A. Conduct a Public Hearing and make the necessary findings to:

B. Adopt a Resolution to determine the project is Categorically Exempt from CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities, and approve Use Permit 21-04, subject to the Conditions of Approval, to allow Regional Emergency Shelter Team (REST to operate a continuous cold weather shelter at 715 King Avenue (APN 51-296-006).

Item was called and staff made a presentation.

Chairwoman Blake opened the Public Hearing.

Public Comment: Nick Anderson, REST Director

Public comments received, Chairwoman Blake closed the Public Hearing.

Motion by: Commissioner Brookman
Second by: Commissioner Doscher
Vote: The vote passed 4-0, with Vice Chairwoman Sillman, Commissioner Dale and Commissioner Adams absent

Future Agenda Items

Secretary Moody provided the following potential agenda items for the upcoming Planning Commission meetings:

- January 26, 2022: River's Edge Development Agreement and voting on a new Planning Commission Chairperson and Vice Chairperson

Development Services Director Reports

- New City Administration: Dave Shaw, Mayor and Diana Langley, City Manager
- Future Annexations in the Bogue Stewart Master Plan area and the Lincoln East Specific Plan area
- Hooper Ranch Estates model homes almost completed

Report of Actions of the Planning Commission/Sutter County Update

There was no report.

Adjournment

Chairwoman Blake adjourned the meeting at 6:17 pm.

CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT

Date: January 26, 2022

To: Chairwoman and Members of the Planning Commission

From: Development Services Department

Presentation by: Benjamin Moody, Development Services Director

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Subject: **Senate Bill 9 and Accessory Dwelling Unit Ordinance Adoption**

Recommendation:

A. Initiate Senate Bill 9 and Accessory Dwelling Unit Ordinance Adoption;

B. Conduct a Public Hearing; and then

C. Adopt a Resolution recommending the City Council of the City of Yuba City adopt an Ordinance to update the Yuba City Municipal Code to establish regulations for urban lot splits and two-unit developments in accordance with Senate Bill 9, and adopt amendments to regulations of accessory dwelling units and junior accessory dwelling units.

Purpose:

To update the Yuba City Municipal Code to establish regulations for urban lot splits and two-unit developments in accordance with Senate Bill 9, and adopt amendments to regulations of accessory dwelling units and junior accessory dwelling units, by adding Article 16 to Chapter 2 of Title 8, adding Sections 8-5.5004 and 8-5.5005 to Title 8, and making associated amendments to the Municipal Code.

Background:

Senate Bill No. 9 (SB 9) became effective on January 1, 2022. This bill requires the approval of up to two primary dwelling units per parcel in single-family residential zones, where previously only one primary dwelling unit would have been permitted. This is in addition to permitting accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), in some cases. Additionally, SB 9 requires the approval of lot splits in single-family residential zones and allows up to two units to be built on each resulting parcel. SB 9 allows cities to establish objective standards to govern these units and lots splits, as long as they do not conflict with state law.

State law also requires cities to allow the development of accessory dwelling units and junior accessory dwelling units, under certain conditions, and allows cities to establish development standards for ADUs and JADUs that do not conflict with state law. The Yuba City Municipal Code includes some development standards for ADUs but state law regulations have been revised

substantially in recent years, therefore the City's regulations need to be updated.

Environmental Determination:

City staff has performed a preliminary environmental assessment and has determined that the adoption of SB 9 regulations is not a "project" for purposes of the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n). Additionally, the adoption of an Ordinance regarding second units (ADUs) in a single-family or multifamily residential zone to implement the provisions of Government Code Sections 65852.2 and 65852.22 is exempt from CEQA review pursuant to Public Resources Code Section 21080.17. Therefore, the proposed Ordinance does not require any environmental review under CEQA.

Proposed Ordinance:

SB 9 Regulations

SB 9 has two primary effects on City land use regulations. First, it requires cities to permit up to two primary residences on each parcel in an R-1 zone, where previously only one primary residence would be allowed. When combined with ADUs and JADUs, this means that a parcel in the R-1 zone could have up to 4 dwelling units.

Second, SB 9 requires cities to permit owners of R-1 lots to split their lots in half and create two separate smaller parcels, even if the resulting lot sizes are smaller than the minimum lot size otherwise allowed in the R-1 zone. New lots resulting from an SB 9 lot split may have up to two units on them, inclusive of ADUs and JADUs.

State law places several limitations on SB 9 units and lot splits, and these limitations are included in the proposed ordinance. They include (but are not limited to) the following:

- SB 9 only applies in R-1 zones.
- SB 9 does not apply to parcels that are located in or on certain kinds of protected farmland; wetlands; high fire severity zones (subject to some exceptions); hazardous waste sites; earthquake fault zones; flood hazard areas; habitat for protected species; or land under a conservation easement.
- SB 9 does not apply to land located in a historic district.
- SB 9 does not allow developments that would result in the demolition or alteration of existing affordable or rental housing.
- One off-street parking space is required per unit, with some exceptions.
- Units developed under SB 9 cannot be used as short-term rentals (less than 31 days).
- Parcels resulting from an SB 9 lot split must be at least 1,200 square feet and must be at least 40% of the original parcel size
- The applicant for an SB 9 lot split must sign an affidavit stating that the applicant intends to occupy one of the housing units as their primary residence for a minimum of three years from the date of the approval of the lot split. No other owner-occupancy requirements may be imposed.
- A city may deny a proposed SB 9 development project or lot split if the building official

makes a written finding based upon a preponderance of the evidence, that the proposed project would have a specific adverse impact (as defined) upon public health and safety or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

In addition to the regulations required by state law, the proposed ordinance would also establish the following supplemental regulations, which are allowed, but not required, but state law:

- Units developed under SB 9 may be no larger than 1,200 square feet, unless they are located completely within an existing permitted structure, in which case there is no size limit.
- Applications for SB 9 units will be reviewed administratively through the zoning clearance process.

ADU/JADU Regulations

The proposed ordinance would establish the following regulations for ADUs and JADUs:

- ADUs and JADUs are allowed in all zones that allow multifamily and/or single-family residences.
- Applications for ADUs and JADUs will be reviewed administratively through the zoning clearance process.
- JADUs may only be up to 500 square feet and must be located within a single-family residence.
- Size limit for ADUs: (i) 1,200 square feet for detached ADUs; (ii) 1,200 square feet or 50% of the primary dwelling structure, whichever is less, for attached ADUs; and (iii) no size limit for ADUs located completely with an existing permitted structure.
- ADUs must include complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, including a kitchen and bathroom.
- JADUs must include living facilities for one or more persons, including permanent provisions for living, sleeping, eating, and cooking, including an efficiency kitchen (as defined). JADUs may include separate sanitation facilities or may share sanitation facilities with the primary residence.
- JADUs and ADUs must have their own separate entrances.
- The architectural design and detailing, roof material, exterior color, and finish materials of an accessory dwelling unit or junior accessory dwelling unit shall be the same as those of the primary dwelling.
- In general, one parking space is required for each ADU; however, there are many significant exceptions to this requirement. The City cannot require parking spaces for JADUs.
- ADUs and JADUs cannot be used for short-term rentals (less than 31 days).
- The property owner must reside in any single-family residence that includes a junior accessory dwelling unit. The owner may reside in either the junior accessory dwelling unit or the remaining portion of the structure.

The proposed regulations comply with state law, create additional housing options in the City, and also impose reasonable regulations designed to preserve the character of existing neighborhoods

to extent allowed under state law.

Alternatives:

1. Reject staff recommendation.

2. Provide staff with modifications.

Recommended Action:

A. Initiate Senate Bill 9 and Accessory Dwelling Unit Ordinance Adoption

B. Conduct a Public Hearing, and then

C. Adopt a Resolution recommending the City Council of the City of Yuba City adopt an Ordinance to update the Yuba City Municipal Code to establish regulations for urban lot splits and two-unit developments in accordance with Senate Bill 9, and adopting amendments to regulations of accessory dwelling units and junior accessory dwelling units.

Attachments:

1. Resolution Of The Planning Commission Of The City Of Yuba City Recommending The City Council Adopt An Ordinance Establishing Regulations For Urban Lot Splits And Two-Unit Developments In Accordance With Senate Bill 9 And Adopting Amendments To Regulations Of Accessory Dwelling Units

    Exhibit A: An Ordinance Of The City Council Of The City Of Yuba City Establishing Regulations For Urban Lot Splits And Two-Unit Developments In Accordance With Senate Bill 9, And Adopting Amendments To Regulations Of Accessory Dwelling Units

PLANNING COMMISSION RESOLUTION NO. PC22-01

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE ESTABLISHING REGULATIONS FOR URBAN LOT SPLITS AND TWO-UNIT DEVELOPMENTS IN ACCORDANCE WITH SENATE BILL 9 AND ADOPTING AMENDMENTS TO REGULATIONS OF ACCESSORY DWELLING UNITS

WHEREAS, on September 16, 2021, the Governor signed into law Senate Bill 9 (SB 9), which took effect on January 1, 2022. This bill requires the ministerial approval of two dwelling units per parcel in single-family residential zones, where previously only one primary dwelling unit would have been permitted, and requires ministerial approval of lot splits in single-family residential zones and allows two units to be built on each resulting parcel; and

WHEREAS, it would be beneficial to the City to establish objective standards governing units and lots splits authorized by SB 9, in accordance with state law; and

WHEREAS, changes in state law require updates to the City's regulations of accessory dwelling units and junior accessory dwelling units; and

WHEREAS, on January 26, 2022, the Planning Commission initiated an amendment to the Yuba City Municipal Code to establish regulations for developments and lot splits under SB 9, and for accessory dwelling units and junior accessory dwelling units ("proposed Ordinance"); and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 26, 2022, to consider the update to the Yuba City Municipal Code initiated by the Planning Commission, including whether the project was subject to the California Environmental Quality Act (CEQA); and

WHEREAS, after considering all information provided to it, and providing an opportunity to the public to provide public testimony, the Planning Commission recommends the City Council adopt the proposed Ordinance and make an associated determination that the proposed Ordinance is not a "project" for the purposes of the California Environmental Quality Act (CEQA) and does not require environmental review.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Yuba City as follows:

1. Recitals: The Planning Commission hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

2. CEQA Findings: The Planning Commission recommends the City Council find that the adoption of the proposed Ordinance is not a "project" for the purposes of the California Environmental Quality Act (CEQA) because the adoption of SB 9 regulations is not a "project" for purposes of the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n). Additionally, the adoption of an Ordinance regarding second units (ADUs) in a single-family or multifamily residential zone to implement the provisions of Government Code Sections 65852.2 and 65852.22 is exempt from CEQA

review pursuant to Public Resources Code Section 21080.17. Therefore, the proposed Ordinance does not require any environmental review under CEQA.

3. General Plan Consistency: The Planning Commission finds the proposed Ordinance complies with the policies of the City's General Plan.

4. Public Benefit: The Planning Commission finds the proposed Ordinance will provide a public benefit.

5. No Detrimental Impact: The Planning Commission finds that the proposed Ordinance will not be detrimental, or cause adverse effects, to adjacent property owners, residents, or the general public.

6. Recommendation of Approval of the Ordinance: Based on the information provided above, the Planning Commission recommends that the City Council of Yuba City adopt the proposed Ordinance as set forth in Exhibit "A."

7. Effective Date of Resolution. This Resolution shall become effective immediately.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Yuba City at a regular meeting thereof held on January 26, 2022, by the following vote:

Ayes:

Noes:

Absent:

Recused:

By order of the Planning Commission of the City of Yuba City.

_____

Michele Blake, Planning Commission Chair

ATTEST:

_____

Benjamin Moody, Secretary to the Planning Commission

Exhibit A: An Ordinance Of The City Council Of The City Of Yuba City Establishing Regulations For Urban Lot Splits And Two-Unit Developments In Accordance With Senate Bill 9, And Adopting Amendments To Regulations Of Accessory Dwelling Units

Exhibit A

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY ESTABLISHING REGULATIONS FOR URBAN LOT SPLITS AND TWO-UNIT DEVELOPMENTS IN ACCORDANCE WITH SENATE BILL 9, AND ADOPTING AMENDMENTS TO REGULATIONS OF ACCESSORY DWELLING UNITS

WHEREAS, on September 16, 2021, the Governor signed into law Senate Bill 9 (SB 9), which took effect on January 1, 2022. This bill requires the ministerial approval of two dwelling units per parcel in single-family residential zones, where previously only one primary dwelling unit would have been permitted, and requires ministerial approval of lot splits in single-family residential zones and allows two units to be built on each resulting parcel; and

WHEREAS, the City Council desires to establish objective standards governing units and lots splits authorized by SB 9; and

WHEREAS, changes in state law require updates to the City's regulations of accessory dwelling units and junior accessory dwelling units; and

WHEREAS, the Planning Commission considered this ordinance at its meeting on January 26, 2022, and made a recommendation to the City Council.

NOW THEREFORE, the City Council of the City of Yuba City does hereby ordain as follows:

SECTION 1. Recitals. The above recitals are incorporated by reference.

SECTION 2. CEQA. The City Council finds and determines that the adoption of SB 9 regulations is not a "project" for purposes of the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n). Additionally, the adoption of an ordinance regarding second units (ADUs) in a single-family or multifamily residential zone to implement the provisions of Government Code Sections 65852.2 and 65852.22 is exempt from CEQA review pursuant to Public Resources Code Section 21080.17. Therefore, the proposed ordinance does not require any environmental review under CEQA.

SECTION 3. The definition of "Vesting tentative map," currently codified in Section 8-2.1317 of the Yuba City Municipal Code, is relocated to a new Section 8.2-1318, and a definition of "Urban lot split" is hereby added as Section 8-2.1317 of the Yuba City Municipal Code and shall read as follows (additions in **bold underline**):

Sec. 8-2.1317. - Urban lot split.

"Urban lot split" shall mean the division of a single parcel into two separate parcels in compliance with the provisions of Article 16 of Chapter 2 of Title 8 (Urban Lot Splits).

SECTION 4. Article 16 (Urban Lot Splits) is hereby added to Chapter 2 of Title 8 of the Yuba City Municipal Code and shall read as follows (additions in **bold underline**):

Article 16. - Urban Lot Splits

Sec. 8-2.1601. - Purpose.

The purpose of this article is to establish procedures and standards for urban lot splits in accordance with the requirements of Government Code Section 66411.7.

Sec. 8-2.1602. - Ministerial review; standard for denial.

(a) Notwithstanding any other provision of this code, an application for an urban lot split shall be considered ministerially, without discretionary review or a hearing, and shall be approved if it meets all of the requirements of this article.

(b) An application for an urban lot split shall be approved or denied by the City Engineer.

(c) The decision the City Engineer may be appealed in accordance with the provisions of Article 11 of Chapter 2 of Title 8.

(d) Notwithstanding subsection (a), the City may deny an application for an urban lot split if the building official, or designee, makes a written finding, based upon a preponderance of the evidence, that the proposed urban lot split would have a specific, adverse impact, as defined in subsection (d)(2) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Sec. 8-2.1603. - Parcel requirements.

The parcel that is proposed for subdivision through an urban lot split:

(a) Shall be located in an R-1 zoning district;

(b) Shall have at least one residential dwelling unit located on it on the date that the urban lot split is approved;

(c) Shall only have residential uses located on it on the date the urban lot split is approved;

(d) Shall satisfy all the requirements of subsections (a)(6)(B) through (a)(6)(K), inclusive, of Government Code Section 65913.4;

(e) Shall not be located within a historic district or on property included on the State Historic Resources Inventory, as defined in Public

Resources Code Section 5020.1, or within a site that is designated or listed as a City or county landmark or historic property or district pursuant to a City or county ordinance;

(f) Shall not have been created through a previous urban lot split; and

(g) Shall not be adjacent to a parcel that was previously subdivided through an urban lot split by the owner of the parcel on which the urban lot split is proposed or any person acting in concert with the owner.

Sec. 8-2.1604. - Additional requirements.

(a) An urban lot split shall subdivide an existing parcel to create no more than two new parcels of approximately equal lot area, provided that:

(1) Neither resulting parcel shall be smaller than 40 percent of the lot area of the original parcel proposed for subdivision; and

(2) Neither resulting parcel shall be smaller than 1,200 square feet.

(b) An urban lot split shall not result in the creation of a parcel with more than two existing units, as defined in Section 8-2.1606.

(c) An urban lot split shall not require or allow the demolition or alteration of any of the following types of housing:

(1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(3) A parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

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

(d) As a condition of approval for an urban lot split, the applicant and owner (if different from the applicant) shall sign an affidavit, in a form approved by the City Attorney, stating that:

(1) The proposed urban lot split will not violate the requirements of subsection (c) of this section;

(2) Neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an urban lot split; and

(3) The applicant intends to occupy a residential dwelling unit on one of the parcels created by the urban lot split as their primary residence for a minimum of three years from the date of the approval of the urban lot split. This subsection (d)(3) shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

(e) As a condition of approval of an urban lot split, the owner shall dedicate all easements over the resulting parcels required for the provision of public services and facilities, as determined by the City Engineer.

(f) Each parcel resulting from an urban lot split shall have access to or adjoin the public right-of-way, and, if necessary, provide the other parcel with access to the right-of-way through an easement.

(g) The City shall not require as a condition of approval of an urban lot split:

(1) Dedications of rights-of-way or the construction of offsite improvements; or

(2) The correction of non-conforming zoning conditions existing on the parcel that will be divided.

(h) An urban lot split:

(1) Shall conform with all the requirements of the Subdivision Map Act; and

(2) Shall conform with all the requirements applicable to lot splits under this code, except for those requirements that conflict with

the requirements of this article, in which case the provisions of this article shall control.

Sec. 8-2.1605. - Limitations applicable to new parcels.

A. Parcels created by an urban lot split shall only be used for residential uses, notwithstanding the fact that other uses may be permitted in the zoning district in which the parcels are located.

B. Residential units constructed on parcels created by an urban lot split shall not be rented for a term of less than thirty-one (31) consecutive days.

Sec. 8-2.1606. - Limitation on number of units.

Notwithstanding any other provision of this code, no more than two units are permitted on any parcel created by an urban lot split. For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit or units created pursuant to Section 8-5.5005 (Second units and two-unit developments), an accessory dwelling unit, or a junior accessory dwelling unit.

SECTION 5. The table in Section 8-5.502 is amended to include Accessory Dwelling Units, Junior Accessory Dwelling Units, Second Units, and Two-Unit Developments as permitted uses in One-Family Residence Districts, and footnote (4) and (5) are added, as follows (new text in **bold underline**, deleted text in ~~**bold strikethrough**~~):

Uses	Permitted(1)	Zoning Clearance(2)	Use Permit(3)	Specific Standards
Accessory buildings	X			Sec. 8-5.5001(c)
Accessory dwelling unit		**X**		**Sec. 8-5.5004**
Accessory dwelling unit, junior		**X**		**Sec. 8-5.5004**
Bed and breakfast inn			X	
Churches**(4)**			X	Sec. 8-5.5003(b)
Day care center**(4)**			X	
Day care home (small and large)	X			
Garage/yard sales	X			Sec. 8-5.5001(b)
Garden, orchard, field crops with no retail sales from the site**(4)**	X			
Golf course or country club**(4)**			X	
Home occupation		X		Sec. 8-5.5002(b)
Keeping of animals	X			Sec. 8-5.5001(a)

Mobile home		X		Sec. 8-5.5002(a)
Mobile home parks			X	Sec. 8-5.5003(c)
Model homes		X		Sec. 8-5.5002(c)
One-family residence	X			
One-family residence (zero lot line)	X			Sec. 8-5.5001(e)
Parking lot for an off-site use**(4)**			X	Use occupies an abutting property
Public parks and playgrounds**(4)**	X			
Public and quasi-public**(4)**			X	
Public utilities**(4)**	X		X	Sec. 8-5.5107
Recreational facilities (swimming pool, tennis courts and a clubhouse)**(4)**	X			Incidental to a residential development
Residential parking and/or yard reduction or waiver			X	Sec. 8-5.5003(d)
Residential care home (small)	X			
Residential care home (large)			X	
~~**Second family residence**~~	~~**X**~~			~~**Sec. 8-5.5001(f)**~~
Rotating church cold weather shelter**(4)**		X		Sec. 8-5.5002(d)
Second unit(5)		**X**		**Sec. 8-5.5005**
Swimming pool/spa	X			
Two-unit development(5)		**X**		**Sec. 8-5.5005**

(1) See Section 8-5.7001 for review process explanation.

(2) See Section 8-5.7002 for review process explanation.

(3) See Section 8-5.7003 for review process explanation.

(4) Notwithstanding anything indicating otherwise in this Table, this use is prohibited on a parcel that was created by an urban lot split, pursuant to Article 16 (Urban Lot Splits) of Chapter 2 of Title 8 of this code.

(5) Notwithstanding anything indicating otherwise in this Table, this use shall be prohibited if the finding of a specific, adverse impact is made in accordance with Section 8-5.5005(B)(3).

SECTION 6. The table in Section 8-5.602 is amended to include Accessory Dwelling Units and Junior Accessory Dwelling Units as a permitted use in Two-Family Residence Districts, as follows (new text in **bold underline**):

Uses	Permitted(1)	Zoning Clearance(2)	Use Permit(3)	Specific Standards
Accessory buildings	X			Sec. 8-5.5001(c)
Accessory dwelling unit		**X**		**Sec. 8-5.5004**

Accessory dwelling unit, junior		**X**		**Sec. 8-5.5004**
Bed and breakfast inn			X	
Churches			X	Sec. 8-5.5003(b)
Day care home (small and large)	X			
Garage/yard sales	X			Sec. 8-5.5001(b)
Garden, orchard, field crops with no retail sales from the site	X			
Golf course or country club			X	
Home occupation		X		Sec. 8-5.5002(b)
Keeping of animals	X			Sec. 8-5.5001(a)
Mobile home	X			Sec. 8-5.5002(a)
Mobile home parks			X	Sec. 8-5.5003(c)
Model homes		X		Sec. 8-5.5002(c)
One-family residence	X			
One-family residence (zero lot line)	X			Sec. 8-5.5001(e)
Parking lot for an off-site use			X	Use occupies an abutting property
Public parks and playgrounds	X			
Public and quasi-public			X	
Public utilities			X	Sec. 8-5.5107
Recreational facilities (swimming pool, tennis courts and a clubhouse)	X			Incidental to a residential development
Residential parking and/or yard reduction or waiver			X	Sec. 8-5.5003(d)
Residential care home (small)	X			
Residential care home (large)			X	
Rotating church cold weather shelter		X		Sec. 8-5.5002(d)
Swimming pool/spa	X			
Two-family residence, or 2 one-family residences	X			

(1) See Section 8-5.7001 for review process explanation.

(2) See Section 8-5.7002 for review process explanation.

(3) See Section 8-5.7003 for review process explanation.

SECTION 7. The table in Section 8-5.702 is amended to include Accessory Dwelling Units and Junior Accessory Dwelling Units as a permitted use in Multiple-Family Residence Districts, as follows (new text in **bold underline**):

Uses	Permitted[1]	Zoning Clearance[2]	Use Permit[3]	Specific Standards
Accessory dwelling unit		**X**		**Sec. 8-5.5004**
Accessory dwelling unit, junior		**X**		**Sec. 8-5.5004**
Bed and breakfast inn			X	
Boarding house			X	
Churches			X	
Condominiums	X			
Day care center			X	
Day care home (small and large)	X			
Emergency shelter			X	
Garage/yard sales	X			Sec. 8-5.5001(b)
Garden, orchard, field crops with no retail sales from the site	X			
Golf course, country or health club			X	
Group residences	X			
Home occupation		X		Sec. 8-5.5002(b)
Keeping of animals	X			Sec. 8-5.5001(a)
Mobile home	X			Sec. 8-5.5002(a)
Mobile home parks			X	Sec. 8-5.5003(c)
Model homes		X		Sec. 8-5.5002(c)
Multiple-family residences	X			
One-family residences	X			
Office (professional and business)			X	
Parking lot for an off-site use			X	Use occupies an abutting property
Public parks and playgrounds	X			
Public and quasi-public			X	
Public utilities			X	Sec. 8-5.5107
Recreational facilities (swimming pool, tennis courts and a clubhouse)	X			Incidental to a residential development
Residential parking and/or yard reduction or waiver			X	Sec. 8-5.5003(d)
Residential care home (small and large)	X			
Rotating church cold weather shelter		X		Sec. 8-5.5002(d)
Senior congregate care facility	X			Sec. 8-5.7001(a)
Service and social clubs			X	

Skilled nursing and intermediate care facilities	X			Sec. 8-5.7001(a)
Studios for music, dancing and art			X	
Swimming pool/spa	X			
Two-family residence	X			
Townhouses	X			
Transitional housing			X	

(1) See Section 8-5.7001 for review process explanation.

(2) See Section 8-5.7002 for review process explanation.

(3) See Section 8-5.7003 for review process explanation.

SECTION 8. The table in Section 8-5.2502 is amended to include Accessory Dwelling Units and Junior Accessory Dwelling Units as a permitted use in Agricultural Holding Districts, as follows (new text in **bold underline**, deleted text in ~~**bold strikethrough**~~):

Uses	Permitted(1)	Zoning Clearance(2)	Use Permit(3)	Specific Standards
Accessory dwelling unit		**X**		**Sec. 8-5.5004**
Accessory dwelling unit, junior		**X**		**Sec. 8-5.5004**
Agricultural processing(4)			X	
Bed and breakfast inn			X	
Day care center			X	
Day care home (small or large)	X			
Garage/yard sales	X			Sec. 8-5.5001(b)
Horticultural and truck gardening activities with no on-site sales	X			
Animal husbandry and livestock farming(5)	X			
Heliports			X	
Home occupation		X		Sec. 8-5.5002(a)
Mobile home	X			Sec. 8-5.5002(a)
One-family residence	X			
Public parks and playgrounds	X			
Public and quasi-public			X	
Public utilities			X	Sec. 8-5.5107
Residential accessory buildings (including guest houses)	X			
Residential care home	X			
Seasonal fruit/vegetable stands(6)			X	

~~Second family residence~~			~~X~~	~~Sec. 8-5.5003(a)~~
Swimming pool/spa	X			

(1) The level of review is determined as provided in Section 8-5.7001.

(2) See Section 8-5.7002 for review process explanation.

(3) See Section 8-5.7003 for review process explanation.

(4) Temporary facilities for the processing of agricultural products grown on the same property.

(5) Limited to no more than one large animal per each .5 acre over one acre of lot area, and no more than 12 hen chickens, rabbits and similar small creatures per each .5 acre.

(6) Temporary stands for the sale of produce grown on the premises.

SECTION 9. Section 8-5.5001(f), "Second residence in the R-1 District," is hereby deleted in its entirety.

SECTION 10. Section 8-5.5004 is hereby added to Article 50 of Chapter 5 of Title 8 and shall read as follows (new text in **bold underline**):

Sec. 8-5.5004. - Accessory dwelling units.

(a) *Purpose.* This section is intended to implement the provisions of Sections 65852.2 and 65852.22 of the Government Code and, in case of ambiguity, shall be interpreted to be consistent with such provisions.

(b) *Definitions.* For purpose of this Section, the following terms shall be defined as follows:

(1) "Multifamily dwelling" means a structure containing two or more attached primary dwelling units, not including accessory dwelling units or junior accessory dwelling units. Multiple detached single-family dwellings on the same lot are not a multifamily dwelling.

(2) "Single-family dwelling" means a structure containing no more than one primary dwelling unit, not including accessory dwelling units or junior accessory dwelling units.

(c) *Review process.* Applications for accessory dwelling units and junior accessory dwelling units pursuant to this section shall be processed ministerially, without discretionary review or a hearing, through the zoning clearance process within sixty (60) days from the date the City receives a complete application if there is an existing single-family or multifamily dwelling on the lot. If the application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the application for the accessory dwelling unit or the junior accessory dwelling

unit until the City acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

(d) *Consistency with density requirements, zoning, and general plan.* Accessory dwelling units and junior accessory dwelling units do not exceed the allowable density for the lot on which they are located, and are a residential use consistent with the general plan and zoning designation of the lot on which they are located.

(e) *General requirements.*

(1) *Location.*

(A) An accessory dwelling unit shall be located within a proposed or existing single-family dwelling, or an existing multifamily dwelling, including attached garages, storage areas or similar uses, or an accessory structure; or shall be detached from, but located on the same lot as, a proposed or existing single-family dwelling, or an existing multifamily dwelling; or shall be attached to a proposed or existing single-family dwelling.

(B) An accessory dwelling unit located within a multifamily dwelling structure may only be located within a portion of the structure not used as livable space, including, but not limited to, a storage room, boiler room, passageway, attic, basement, or garage, provided that each unit shall comply with state building standards for dwellings.

(C) A junior accessory dwelling unit shall be located entirely within a proposed or existing single-family dwelling structure.

(2) *Number of units.*

(A) Up to one accessory dwelling unit and one junior accessory dwelling unit are allowed on any lot with one or more existing or proposed single-family residences.

(B) One, but not both, of the following options is permitted on a lot with an existing multifamily residence:

(i) Up to two detached accessory dwelling units; or

(ii) Accessory dwelling units within the multifamily dwelling, as follows: The amount of accessory dwelling units allowed within a multifamily dwelling shall be equal to 25 percent of the amount of units in the multifamily dwelling, provided that fractional units shall be rounded down, and at least one accessory dwelling unit shall be allowed in each multifamily dwelling structure. For example, one accessory dwelling unit is allowed in a multifamily dwelling structure with seven or fewer units; two accessory dwelling units are allowed in a multifamily dwelling structure with eight to eleven units; and three accessory dwelling units are allowed in a multifamily dwelling structure with twelve units.

(C) If a lot has both one or more existing or proposed single-family residences and an existing multifamily residence, the owner of the lot may elect to develop the lot under either subsection (e)(2)(A) or subsection (e)(2)(B), but not both. The owner's election shall be noted on any development permit issued by the City and in the deed restriction required by subsection (h), and all future development of accessory dwelling units and junior accessory dwelling units on the lot shall be bound by such election.

(D) Notwithstanding any other provision in this Section, the number of accessory dwelling units and junior accessory dwelling units permitted on a parcel that was created through an urban lot split shall be limited as described in Section 8-2.1606.

(3) *Required facilities.*

(A) Accessory dwelling units shall include complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, including a kitchen and bathroom. Notwithstanding the previous sentence, an accessory dwelling unit located completely within an existing primary dwelling, including an attached garage, is not required to have a bathroom, if the accessory dwelling unit has direct interior access to a full

bathroom (including a toilet and bath or shower) in the existing primary dwelling, and meets all requirements of the building code and all other requirements of this Section.

(B) Junior accessory dwelling units shall include living facilities for one or more persons, including permanent provisions for living, sleeping, eating, and cooking, including an efficiency kitchen, as defined in Government Code Section 65852.22(a), as may be amended. Junior accessory dwelling units may include separate sanitation facilities or may share sanitation facilities with the primary residence.

(4) *Separate entrances.* Junior accessory dwelling units and accessory dwelling units located within or attached to a primary residence shall include an entrance that is separate from the main entrance to the primary residence. However, no passageway to the unit is required. For purposes of this subsection (e)(4), a "passageway" has the definition given in Government Code Section 65852.2(j), as may be amended.

(5) *Development standards*.

(A) Accessory dwelling units and junior accessory dwelling units shall comply with the development standards in Table 8-5.5004(A) (Development Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units).

Table 8-5.5004(A): Development Standards For Accessory Dwelling Units and Junior Accessory Dwelling Units	
Feature	***Standard***
Maximum Size (Floor Area)	
Accessory Dwelling Units	**Detached from Primary Dwelling: 1,200 square feet** **Attached to or within Primary Dwelling: 50% of the floor area of the existing or proposed primary dwelling structure[1] or 1,200 square feet, whichever is less**

Junior Accessory Dwelling Units	**500 square feet**
Setback – Front[2]	**Same as required for primary residence**
Setback – Side/Rear[2]	**4 feet[3]**
Maximum Height[4]	**One-Story ADU: Up to 16 feet from ground level.** **Second-Story ADU: An ADU may be built on top of a one-story detached garage or other one-story detached structure in the R-1, R-2, or R-3 zones, but may not exceed the maximum building height for a primary residence allowed in the zone. For second-story ADUs in the R-1 zone, the second story (but not the first story) of the structure must meet the setback requirements in Section 8-5.503.** **Two-Story ADU: Not permitted**
Minimum Lot Size	**None**

[1] Including an attached garage, attached exterior storage space, or other structure that is attached to the primary dwelling, but not including the floor area of an accessory dwelling unit or junior accessory dwelling unit that is within or attached to the primary dwelling.

[2] Notwithstanding the Table, no setback is required for the conversion of an existing living area, garage, or accessory structure to an accessory dwelling unit or junior accessory dwelling unit; or for a new structure constructed in the same location as an existing structure where:

(i) the existing structure either is permitted or the owner can demonstrate to the reasonable satisfaction of the City that the existing structure was built prior to January 1, 1990; and

(ii) the conversion or new construction will have the same dimensions as the existing structure.

[3] **If an applicant wishes to convert an existing accessory structure to an accessory dwelling unit, and wishes to expand the physical dimensions of the existing accessory structure, the side and rear setback requirement for the expansion may be less than four feet if the proposed setback would be sufficient to protect health and fire safety; provided, that the expansion shall not be more than one hundred and fifty (150) square feet beyond the physical dimensions of the existing accessory structure and the expansion shall be for the sole purpose of facilitating entrance to and exit from the accessory dwelling unit. If the expansion will be greater than 150 square feet or will be for a purpose other than facilitating entrance to and exit from the accessory dwelling unit, then the four-foot side and rear set back will apply.**

[4] **This maximum height requirement only applies to new construction. If an accessory dwelling unit or junior accessory dwelling unit will be located completely within an existing structure, then this requirement does not apply; provided, that the existing structure either is permitted or the owner can demonstrate to the reasonable satisfaction of the City that the existing structure was built prior to January 1, 1990.**

(B) Except as provided in Table 8-5.5004(A), accessory dwelling units and junior accessory dwelling units shall comply with all building and development standards applicable to the primary residence on the same lot, including maximum lot coverage requirements, subject to subsection (e)(5)(C), below.

(C) If the applicable maximum lot coverage requirement, or a floor area ratio or open space requirement (if any), or the 50% size ratio imposed in Table 8-5.5004(A), would prevent the approval of an attached or detached accessory dwelling unit that is at least eight hundred (800) square feet and 16 feet in height, then an applicant shall, nonetheless, be permitted to construct an attached or detached accessory dwelling unit that is up to eight hundred (800) square feet and 16 feet in height, provided that the unit shall comply will all other development standards.

(D) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary dwelling unit.

(E) Notwithstanding any other provision of this code, approval of a permit for the creation of an accessory dwelling unit or junior accessory dwelling unit shall not be conditioned on the correction of nonconforming conditions on the subject property.

(F) Accessory dwelling units and junior accessory dwelling units must comply with the building code, fire code, health and safety codes, and noise insulation standards applicable at the time the building permit for the accessory dwelling unit or junior accessory dwelling unit is issued.

(G) Utility connections shall be established in accordance with Chapters 5 and 6 of Title 6 of this code; provided, that the City shall not require a separate utility connection between an accessory dwelling unit or junior accessory dwelling unit and the utility, or impose a related connection fee or capacity charge, for units located entirely within a primary dwelling, unless the accessory dwelling unit or junior accessory dwelling unit was constructed with a new single-family home.

(H) If a manufactured home is used as an accessory dwelling unit, it shall comply with the standards in Section 8-5.5002(a).

(f) *Design standards*. The architectural design and detailing, roof material, exterior color, and finish materials of an accessory dwelling unit or junior accessory dwelling unit shall be the same as those of the primary dwelling.

(g) *Parking requirements*.

(1) One on-site parking space shall be provided for each accessory dwelling unit on a lot, except as otherwise provided in subsection (g)(3).

(2) No additional parking spaces are required for a junior accessory dwelling unit.

(3) Notwithstanding subsection (g)(1), no additional parking is required for accessory dwelling units in the following circumstances:

(A) The accessory dwelling unit is located within one-half mile walking distance of public transit, as defined in Government Code Section 65852.2(j), as may be amended.

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

(C) The accessory dwelling unit is located entirely within the proposed or existing primary residence or an accessory structure.

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

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

(4) Off-street parking may be provided in setback areas in locations determined by the Development Services Director or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based on specific site or regional topographical or fire and life safety conditions.

(5) Off-street parking spaces do not need to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or is converted to an accessory dwelling unit.

(h) *Deed restriction*. The approval of a junior accessory dwelling unit or an accessory dwelling unit (if applicable) will be conditioned on the recordation of a deed restriction, which shall run with the land, and will be recorded by the City on the property where the unit is, or will be, located. The covenant shall be approved by the City Attorney and the Development Services Director. The property owner shall bear the cost of recording the deed restriction. The deed restriction shall include the following:

(1) For junior accessory dwelling units:

(A) A prohibition on the sale of the unit separate from the sale of the primary residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the unit that

conforms to Government Code Section 65852.22, including the owner-occupancy requirement pursuant to subsection (j).

(2) For accessory dwelling units:

(A) A statement of the election made under subsection (e)(2)(C), if any. If no election has been made, then no deed restriction is required.

(i) *Sale and rental of units*.

(1) Except as provided in Government Code Section 65852.26, accessory dwelling units and junior accessory dwelling units may not be sold or otherwise conveyed separate from the primary residence.

(2) An accessory dwelling unit or junior accessory dwelling unit may be rented separate from the primary residence but may not be rented for a term of less than 31 consecutive days.

(j) *Owner occupancy for junior accessory dwelling units*. The property owner must reside in any single-family residence that includes a junior accessory dwelling unit. The owner may reside in either the junior accessory dwelling unit or the remaining portion of the structure. However, owner-occupancy is not required if the owner is a government agency, land trust, or housing organization.

SECTION 11. Section 8-5.5005 is hereby added to Article 50 of Chapter 5 of Title 8 and shall read as follows (new text in **bold underline**):

Section 8-5.5005. - Second units and two-unit developments.

(a) *Purpose*. The purpose of this section is to establish procedures and standards for the approval and creation of second units and two-unit developments in accordance with the requirements of Government Code Section 65852.21.

(b) *Ministerial review; standard for denial*.

(1) Notwithstanding any other provision of this code, an application for a second unit or a two-unit development shall be considered ministerially, without discretionary review or a hearing, and shall be approved if it meets all of the requirements of this chapter.

(2) An application for a second unit or a two-unit development shall be reviewed by the Development Services Director through the zoning clearance review process, subject to applicable fees.

(3) Notwithstanding subsection (1), the City may deny an application for a second unit or two-unit development if the building official, or designee, makes a written finding, based upon a preponderance of the evidence, that the proposed second unit or two-unit development would have a specific, adverse impact, as defined in subsection (d)(2) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(c) G*eneral requirements*. Proposed second units and two-unit developments:

(1) Shall be located in the R-1 zoning district;

(2) Shall be located on a parcel that meets all the requirements of subsections (a)(6)(B) through (A)(6)(K), inclusive, of Government Code Section 65913.4;

(3) Shall not require or allow the demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years;

(4) Shall not require or allow the demolition of more than 25 percent of the existing exterior structure walls on the parcel if the parcel has been occupied by a tenant in the last three years;

(5) Shall not be located on a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease

within 15 years before the date that the development proponent submits an application; and

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

(d) *Development standards*. A second unit, and both of the units in a two-unit development, shall comply with all of the following development standards:

(1) *Configuration*. A second unit, and both units of a two-unit development, may be attached to, adjacent to, or detached from any other structure on the parcel, subject to subsections (c)(3) and (c)(4).

(2) *Size*. A second unit, and both of the units in a two-unit development, shall be no larger than 1,200 square feet in floor area each.

(3) *Height*. A second unit, and both of the units in a two-unit development, shall be no taller than 16 feet in height from ground level and shall be one-story. This maximum height requirement only applies to new construction. If a second unit will be located completely within an existing permitted structure, then this requirement does not apply; provided, that the existing structure either is permitted or the owner can demonstrate to the reasonable satisfaction of the City that the existing structure was built prior to January 1, 1990.

(4) *Setbacks*. No setback beyond the existing setback shall be required for an existing structure or for a unit constructed in the same location and to the same dimensions as an existing structure. In all other circumstances, second units, and both units of a two-unit development, shall be set back at least 4 feet from the side and rear lot lines.

(5) *Parking*.

(A) One off-street parking space is required for a second unit and one off-street parking space per unit is required for each unit of a two-unit development.

(B) Notwithstanding subsection (d)(5)(A), no parking spaces are required for a second unit or a two-unit development if either:

(i) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subsection (b) of Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3; or

(ii) There is a car share vehicle located within one block of the parcel.

(6) *Separate entrances.* A second unit, and both of the units in a two-unit development, shall have a separate entrance.

(7) *Wastewater*.

(A) Prior to issuance of a building permit for a second unit or either unit of a two-unit development, a video of the sewer lines that will be connected to the unit(s), or another appropriate sewer capacity test, may be required to show there are no sewer line constraints, as determined by the City Engineer. Any sewer line constraints shall be resolved to ensure adequate sewer capacity for all units on the parcel, as determined by the City Engineer, prior to issuance of a building permit.

(B) Prior to issuance of a building permit for a second unit or either unit of a two-unit development that will be connected to an onsite wastewater treatment system, the applicant shall provide documentation of a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last ten years. If the City Engineer finds that the onsite wastewater treatment system is inadequate to serve the proposed units, the system shall be repaired, replaced, or otherwise modified to ensure adequate capacity for all units on the parcel, as determined by the City Engineer, prior to issuance of a building permit.

(8) *Additional development standards*. Except as provided in subsections (d)(1) through (d)(7), second units, and each unit of a two-unit development, shall comply with all development standards that would be applicable to a primary dwelling unit on the same parcel.

(9) *Limitation on enforcement of development standards*. With the exceptions of the setback requirements in subsection (d)(4) and the requirement to comply with all building codes, the City shall not enforce any development standard to the extent that it would have the effect of physically precluding the construction of a second unit or two-

unit development on a parcel, or would physically preclude either the second unit or both units of a two-unit development from being at least 800 square feet in floor area.

(e) ***Total number of units.***

(1) This Section does not authorize or require the approval of more than two primary dwelling units on a single parcel. For purposes of this subsection, "primary dwelling units" means dwelling units other than accessory dwelling units or junior accessory dwelling units.

(2) Notwithstanding any other provision in this Section, the approval of second units and two-unit developments on a parcel that was created through an urban lot split shall be limited as described in Section 8-2.1606.

(f) ***Design standards*****. Second units, and each unit of a two-unit development, shall comply with all objective design standards that would be applicable to a primary dwelling unit on the same parcel.**

(g) ***Rental term*****. Second units and the units in a two-unit development shall not be rented for a term of less than thirty-one (31) consecutive days.**

SECTION 12. The residential section of the table in Section 8-5.6102 is revised as follows (new text in **bold underline**, deleted text in ~~**bold strikethrough**~~):

Residential	*Number of Spaces*
One-family residence	2 spaces per unit.
Two-family residence	2 spaces per unit.
Mobile home parks	2 spaces (may be tandem) per unit. Plus 1 space for each 5 units for guest parking.
Multiple-family residences	1 space per studio apartment or 1 bedroom dwelling unit; 1.5 spaces per 2 bedroom dwelling unit; and 2 spaces per 3 or more bedroom dwelling unit. Plus 1 guest space for each 10 units.
Rooming houses, boarding houses, and bed and breakfast facilities	2 spaces, plus 1 space per room for rent.
Accessory dwelling unit	**See requirements in Section 8-5.5004.**
Accessory dwelling unit, junior	**See requirements in Section 8-5.5004.**
Second unit or two-unit development	**See requirements in Section 8-5.5005.**
~~**Second one-family residence in the R-1 District:**~~	

~~**Housing with at least 1 resident required to be 62 years of age or older**~~	~~**1 space.**~~
~~**Containing only 1 bedroom**~~	~~**1 space.**~~
~~**Containing two or more bedrooms**~~	~~**2 spaces.**~~
Senior citizen housing projects	.6 of a space per dwelling unit for those projects restricted to tenants who are either 62 years of age or older, or are handicapped; or Senior citizen congregate care facility parking requirements may be adjusted on an individual project basis, subject to a parking study based on project location and proximity to services for senior citizens, including, but not limited to, medical offices, shopping areas, transit availability, etc.

SECTION 13. A definition of "Accessory dwelling unit" is added to Article 80, "Definitions," and Section 8-5.8002 is renumbered to Section 8-5.8002a and revised, as follows (new text in **bold underline**):

Sec. 8-5.8002. - Accessory dwelling unit.

An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with proposed or existing primary residence. An accessory dwelling unit includes (1) an efficiency unit, as defined in Health and Safety Code Section 17958.1, and (2) a manufactured home, as defined in Health and Safety Code Section 18007. This definition shall be interpreted to be consistent with the definition for "accessory dwelling unit" in Government Code Section 65852.2.

Sec. 8-5.8002**a**. - Accessory use.

A use **that is** incidental or subordinate to the existing primary use, is located upon the same lot, and does not alter the character of the principal use.

SECTION 14. A definition of "Junior accessory dwelling unit" is added to Article 80 of Chapter 5 of Title 8, "Definitions," and Section 8-5.8029 is renumbered to Section 8-5.8029a, as follows (new text in **bold underline**):

Sec. 8-5.8029. - Junior accessory dwelling unit.

A residential dwelling unit that is no more than 500 square feet in size and is contained within a single-family residence. This definition shall be interpreted to be consistent with the definition for "junior accessory dwelling unit" in Government Code Section 65852.22.

Sec. 8-5.8029**a**. - Junk.

Any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out, inoperable or wrecked object, vehicle, thing or material composed in whole or in part of asphalt, brick, metal, paper, plaster, plaster of Paris, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance, having no reasonably realistic market value or requiring reconditioning in order to be used for its original purpose.

SECTION 15. A definition of "Second unit" is added to Article 80 of Chapter 5 of Title 8, "Definitions," and Section 8-5.8053 is renumbered to Section 8-5.8053a, as follows (new text in **bold underline**):

Sec. 8-5.8053. - Second unit.

A second residential dwelling unit, other than an accessory dwelling unit or junior accessory dwelling unit, on a parcel with one and only one existing residential unit that is not an accessory dwelling unit or junior accessory dwelling unit.

Sec. 8-5.8053**a**. - Senior congregate care facility.

A facility providing residence for senior citizens 60 years of age or more or handicapped people of any age. Care may include central kitchen and dining, laundry, recreational activities, etc. with separate bedrooms or living quarters. Nursing is not provided on a 24-hour basis.

SECTION 16. A definition of "Two-unit development" is added to Article 80 of Chapter 5 of Title 8, "Definitions," as follows (new text in **bold underline**):

Sec. 8-5.8064a. - Two-unit development.

The simultaneous development of two new residential dwelling units on a parcel with no existing residential dwelling units other than an accessory dwelling unit.

SECTION 17. Section 8-5.8066 (definition of "Use, accessory") is hereby deleted.

SECTION 18. Severability. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 19. Submission to Department of Housing and Community Development. Pursuant to Government Code section 65852.2(h), a copy of this ordinance shall be submitted to the Department of Housing and Community Development within 60 days after adoption.

SECTION 20. Effective Date. This Ordinance shall be effective on the thirty-first day after its adoption.

This Ordinance was introduced on _____, 2022, and duly adopted by the City Council of the City of Yuba City at its duly noticed regular meeting _____, 2022, by the following electronic vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):

_____
Dave Shaw, Mayor
City of Yuba City

Attest:

_____
Jackie Sillman, City Clerk
City of Yuba City