



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: December 14, 2017

AGENDA ITEM NO: 3

PROJECT DESCRIPTION

Applicant:	County of San Bernardino Land Use Services Department
Community:	Countywide
Location:	Countywide
Project No:	P201700260
Staff:	Christney Barilla
Proposal:	Development Code Amendment to add provisions relating to Accessory Dwelling Units and single-family residential development standards in Title 8 of the County Code

Hearing Notice Published: December 3, 2017

Report Prepared By: Christney Barilla

PROJECT DESCRIPTION

Project: A Development Code Amendment to add regulations for Accessory Dwelling Units and amend single-family residential development standards in Title 8 of the County Code, including references to Accessory Dwelling Units in Permitted Land Use Tables, Parking and Loading Standards in Chapter 83.11, Accessory Use regulations in Chapter 84.01, Animal Keeping regulations in Chapter 84.04, Bed and Breakfast regulations in Chapter 84.05, Dependent Housing in Chapter 84.08, Home Occupations in Chapter 84.12, Single-family residential development standards in Chapter 84.21, Small Lot development standards in Chapter 84.22, and definitions related to Accessory Dwelling Units in Chapter 810.01. The proposed amendment will replace what has been referred to as a “Second Dwelling Unit” in state law and local regulations with the new term “Accessory Dwelling Unit” and will add numerous regulations to use and development of Accessory Dwelling Units (ADUs). Redline revisions to all affected sections of the Development Code are attached as Exhibit A.

Location: The Ordinance revising the Development Code will apply to ADU use and single-family residential development standards countywide, wherever single-family homes are permitted.

BACKGROUND

In December 2016, the California Department of Housing and Community Development (HCD) issued the Accessory Dwelling Unit (ADU) Memorandum (Exhibit B) summarizing changes to California law made by SB 1069, AB 2299, and AB 2406. These bills amended section 65852.2 of the California Government Code, effective January 1, 2017. In October 2017, Senate Bill No. 229 further amended Government Code section 65852.2. The primary effect of the new ADU regulations is that **ADUs must be permitted by right wherever single dwellings are permitted, subject to meeting minimum standards.** The purpose of the new ADU regulations is to reduce barriers to providing new housing and to increase housing options throughout California.

The HCD ADU Memorandum provides for local cities and counties to operate according to state law pending adoption of local ordinances. Accordingly, Land Use Services is already implementing the law, and is now recommending changes to many chapters and sections of the Development Code that need to be amended and updated to define and regulate the development and occupancy of ADUs.

The County's regulations permitting construction of a second dwelling unit on the site of an existing single-family residence were adopted in compliance with state law in the 1990s. At that time, it was permissible under state law to require twice the minimum lot area required by the zoning district, to maintain the same residential density contemplated by the zoning. That is the current requirement for a second dwelling unit in Division 2 of the Development Code. The proposed revisions related to ADUs will replace the current provisions for second dwellings.

ANALYSIS

Content of the Proposed Ordinance: The primary purpose of the proposed Development Code amendment is to add ADU development standards within the Accessory Structures and Uses requirements of the County Code, and to update several other sections that may refer to or that may affect ADUs. The table below provides an overview of the regulations proposed for ADUs, including related permits and development standards:

PROPOSED ORDINANCE SUMMARY	
PURPOSE AND APPLICABILITY	
Applicability	ADUs permitted countywide, in all zones where single dwellings are permitted
Limitations	ADUs may be limited by lot coverage standards or waste disposal constraints
OTHER PERMIT REQUIREMENTS	
Special Use Permit	Short-term rental of ADU permitted by SUP where short-term private home rental is permitted (Currently in Mountain Region only) and subject to meeting code requirements
Home Occupation Permit	Home occupations permitted in ADUs with property owner authorization and HOP if required
Compatibility Determination	Required for detached ADU located in front of the primary dwelling
DEVELOPMENT STANDARDS	
ADU Types	Attached ADU Detached ADU Conversion of an existing space or existing accessory structure
ADU Size	No minimum size (Tiny Homes permitted) No maximum size – Existing dwelling may become accessory to new dwelling
Primary Dwelling Minimum Size	Minimum floor area requirements eliminated – minimum size to be determined by minimum area required to comply with California Residential Code
PARKING STANDARDS	
Parking	One uncovered parking space per ADU Garage conversion to ADU requires replacement parking for primary dwelling
OTHER CODE REVISIONS	
Bed and Breakfast	Bed and breakfast uses are permitted in ADUs (Chapter 84.05)
Animal Keeping	Standards modified to be per parcel, rather than per unit (Chapter 84.04)
Home Occupations	Home occupations are permitted in ADUs (Chapter 84.12)

Below are the principal changes in the proposed Development Code amendment:

- **Division 2** – Amends Land Use and Permit Requirement Tables in applicable land use districts, Table 82-4, Table 82-7, and Table 82-11 will replace “*Second dwelling unit*”, “*Secondary dwelling unit*”, and “*Secondary dwelling*” with “*Accessory Dwelling Unit*”. In addition, the note for the tables stating *provided that the parcel is twice the minimum lot size required by the land use zoning district* would be deleted.
- **Chapter 83.11** – Replaces the “*Second Dwelling Unit*” with “*Accessory Dwelling Unit*”, reduces parking requirements to one (1) uncovered parking space per unit instead of the existing two (2) and eliminates the requirement for covered parking.
- **Chapter 84.01** – Replaces the “*Secondary Dwelling Unit*” with “*Accessory Dwelling Unit*”. The chapter adds section 84.01.060, “*Accessory Dwelling Units*” which allows ministerial approvals of accessory dwelling units on parcels with an existing or a proposed single-family dwelling and amends parking, utility, and unit size standards. Holding tanks would not be allowed for Accessory Dwelling Units.
- **Chapter 84.04** – Removes “or unit” wording to make animal keeping limits for potbellied pigs and poultry to be expressed as a maximum density per parcel instead of per unit.
- **Chapter 84.05** – Replaces “second dwelling unit” with “accessory dwelling unit” in single-family dwelling structures for Bed and Breakfast use.
- **Chapter 84.08** – Repeals “*Dependent Housing*” chapter.
- **Chapter 84.12** – Introduces “*Accessory Dwelling Unit*” as a term and includes ADU as a dwelling eligible for a home occupation permit.
- **Chapter 84.21** – Removes minimum floor area requirements for single-family dwellings, replacing the minimum standard with California Residential Code requirements. This section also acknowledges “*Tiny Homes*” and specifies that a recreational vehicle does not satisfy requirements for a dwelling in California, and will not be permitted as a dwelling.
- **Chapter 84.22** – Corrects a typographical error in the lot width stated in the criteria for applying small lot development standards.
- **Chapter 85.14** – Removes “*Dependent Housing*” and “*Findings for dependent housing units*” from Special Use Permits.
- **Chapter 810.01** – Replaces the “*Dwelling Unit, Second*” definition with the “*Dwelling Unit, Accessory*” definition. Also removes “*Dependent Housing*” definitions.

These revisions will maintain consistency between the County Development Code and State law, with appropriate standards to maintain public health and safety. The revisions will also update ADU terminology throughout the Development Code.

FINDINGS

The following findings and the evidence to support such findings must be made by the Planning Commission in its recommendation to the Board of Supervisors to approve the proposed Development Code Amendment:

1. The proposed ordinance amending the Development Code is consistent with the General Plan and any applicable community plan or specific plan because the ordinance will continue to protect public health and safety, consistent with the following excerpts from the County of San Bernardino General Plan, as contained in the 5th Cycle 2013-2021 Housing Element:

GOAL H-1: A broad range of housing types in sufficient quantity, location, and affordability levels to meet the lifestyle needs of current and future residents, including those with special needs.

POLICY H-1.2: Support the integrated planning and provision of appropriate infrastructure (including water, sewer, and roadways) concurrent with and as a condition of residential development as a means to create more livable communities.

GOAL H-3: Neighborhoods that protect the health, safety, and welfare of the community, and enhance public and private efforts in maintaining, reinvesting in, and upgrading the existing housing stock.

POLICY H-3.3: Enforce all applicable state and county health, safety, building, and zoning laws directed at housing and property maintenance to maintain healthful, sound, and attractive residential properties.

GOAL H-4: Assist in the development, maintenance, modernization, and preservation of affordable housing; provide assistance where feasible for residents to rent or purchase adequate housing in San Bernardino County.

POLICY H-4.6: Further fair housing opportunities by prohibiting discrimination in the housing market; providing education, support, and enforcement services to address discriminatory practices; and removing potential impediments to equal housing opportunity.

2. The proposed ordinance amending the Development Code would not be detrimental to the public interest, health, safety, convenience, or welfare of the County. The ordinance is proposed with the express purpose of preserving public health and safety, while serving the public interest by enhancing housing choices. The ordinance is also necessary to comply with California law, as stated in section 65852.2 of the California Government Code, which is explained by the 2016 California Department of Housing and Community Development Accessory Dwelling Unit Memorandum as follows:

ADUs are a critical form of infill-development that can be affordable and offer important housing choices within existing neighborhoods. ADUs are a powerful type of housing unit

because they allow for different uses, and serve different populations ranging from students and young professionals to young families, people with disabilities and senior citizens. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education and services for many Californians.

3. The proposed ordinance amending the Development Code is internally consistent with other applicable provisions of the Development Code. To maintain consistency throughout the Development Code, a thorough analysis identified all Tables and Chapters requiring concurrent amendment, including *Land Use Zoning Districts Table 82-4, Table 82-7, Table 82-11, Table 82.17, Chapter 83.11 Parking and Loading Standards, Chapter 84.01 Accessory Structures and Uses, Table 84-5, Chapter 84.05 Bed and Breakfast Uses, Chapter 84.08 Dependent Housing, Chapter 84.12 Home Occupations, Chapter 84.21 Single Family Residential Dwellings, Chapter 84.22 Small Lot Standards and Chapter 810.01 Definitions.*
4. The proposed amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to §15303 of the CEQA Guidelines. This is a categorical exemption for construction or conversion of small structures. It applies to all single family dwellings and accessory dwellings.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Direct staff to prepare an Ordinance amending Title 8 of the County Code to make the amendments to the Development Code as recommended in the staff report, including amendments to Accessory Structures and Uses in Land Use Zoning Districts Table 82-4, Table 82-7, Table 82-11, Table 82.17, Chapter 83.11 Parking and Loading Standards, Chapter 84.01 Accessory Structures and Uses, Table 84-5, Chapter 84.05 Bed and Breakfast Uses, Chapter 84.08 Dependent Housing, Chapter 84.12 Home Occupations, Chapter 84.21 Single-Family Residential Dwellings, Chapter 84.22 Small Lot Standards and Chapter 810.01 Definitions.
2. Recommend the following actions to the Board of Supervisors:
 - a. **ADOPT** the proposed Ordinance amending Title 8 of the County Code related to Accessory Dwelling Units and single-family residential development standards.
 - b. **ADOPT** the findings as contained in the staff report.
 - c. **DIRECT** the Clerk of the Board to file a Notice of Exemption.

ATTACHMENTS

- Exhibit A: [Proposed County Code Section Changes \(Red-lined Version\)](#)
Exhibit B: [California HCD Accessory Dwelling Unit Memorandum](#)
Exhibit C: [California HCD Tiny Homes Information Bulletin 2016-01](#)

EXHIBIT A

Proposed County Code Section Changes (Red-lined Version)

Table 82-4
Allowed Land Uses and Permit Requirements
for Agricultural and Resource Management Land Use Zoning Districts

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	RC	AG	FW	OS	
AGRICULTURAL, RESOURCE & OPEN SPACE USES					
Agricultural support services	M/C	M/C	CUP	—	
Animal keeping	S	S	S	—	84.04
Crop production, horticulture, orchard, vineyard	A	A	A	—	
Livestock operations	S	S	S	—	84.04
Natural resources development (mining)	CUP	CUP	CUP	—	88.03
Nature preserve (accessory uses)	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	
Lake, reservoir	M/C	M/C	M/C	M/C	
Pond	A	A	A	A	
Winery	M/C	M/C	—	—	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING					
Composting operations	CUP	CUP	—	—	
Hazardous waste facilities	CUP	CUP	—	—	84.11
Industrial use requiring extensive buffering	CUP	CUP	—	—	
Recycling facilities	S	S	—	—	84.19
RECREATION, EDUCATION & PUBLIC ASSEMBLY					
Agritourism enterprises	S	S	—	—	84.03
Campgrounds	M/C	M/C	—	—	
Conference/convention facility	CUP	CUP	—	—	
Equestrian facility	M/C	M/C	—	—	
Fitness/health facility	M/C	—	—	—	
Library, museum, art gallery, outdoor exhibit	M/C	M/C	—	—	
Meeting facility, public or private	CUP	CUP	—	—	
Park, playground	M/C	M/C	—	—	
Places of worship	CUP	CUP	—	—	
Recreational vehicle park	CUP ⁽²⁾	—	—	—	
Rural sports and recreation	CUP	CUP	—	—	
School - College or university	CUP	CUP	—	—	
School - Private	CUP	CUP	—	—	
School - Specialized education/training	CUP	CUP	—	—	
RESIDENTIAL⁽⁸⁾					
Accessory use or structure - Residential	A ⁽³⁾	A ⁽³⁾	—	—	84.01
Accessory dwelling (labor quarters, etc.)	P ⁽⁴⁾	P ⁽⁴⁾	—	—	84.01
Dependent housing	SUP	SUP	—	—	84.08
Guest housing	A ⁽³⁾	A ⁽³⁾	—	—	84.01
Second-Accessory dwelling unit	A ⁽⁵⁾	A ⁽⁵⁾	—	—	84.01
Single dwelling	A	A	—	—	
RETAIL					
Produce stands (200 sq. ft. or less on lots that are 10,000 sq. ft. or greater)	A ⁽⁶⁾	A	—	—	84.03
SERVICES - BUSINESS & PROFESSIONAL					
Medical services - Hospital	M/C	M/C	—	—	
Medical services - Rehabilitation centers	M/C	M/C	—	—	
Office - Accessory	P	P	—	—	
Office - Government	M/C	M/C	—	—	
SERVICES – GENERAL					
Cemetery including pet cemeteries	CUP	CUP	—	—	
Commercial Kennels and Catteries - min lot 2.5 acres	M/C	M/C	—	—	
Emergency shelter	—	CUP	—	—	84.33
Home occupation	SUP	SUP	—	—	84.12

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	RC	AG	FW	OS	
Licensed Residential Care Facility of 6 or fewer persons	A	A	—	—	
Licensed Residential Care Facility of 7 or more persons	M/C	M/C	—	—	84.23
Lodging - Bed and breakfast inn (B&B)	SUP	SUP	—	—	
Public safety facility	M/C	M/C	—	—	
Unlicensed Residential Care Facility of 6 or fewer persons	RCP	RCP	—	—	84.32
Unlicensed Residential Care Facility of 7 or more persons	M/C	M/C	—	—	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Broadcasting antennae and towers	M/C	M/C	—	—	
Electrical power generation	CUP	CUP	—	—	
Pipelines, transmission lines, and control stations ⁽⁷⁾	⁽⁷⁾	⁽⁷⁾	⁽⁷⁾	⁽⁷⁾	
Renewable Energy Generation Facilities	CUP	CUP	CUP	—	84.29
Sewage treatment and disposal facility	CUP	CUP	—	—	
Solid waste disposal	CUP	CUP	—	—	
Transportation facility	CUP	CUP	—	—	
Utility facility	CUP	CUP	CUP	—	
Wind energy system, accessory	S	S	S	—	84.26
Wireless telecommunications facility	S	S	S	—	84.27

OTHER

Accessory structures and uses	A	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	TSP	85.16
Temporary structures and uses	TUP	TUP	TUP	TUP	84.25

KEY

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
		RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

Notes:

- (1) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (2) Density of the recreational vehicles in a Recreational Vehicle Park shall be limited to 4 per acre.
- (3) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
- (4) Use allowed as an accessory use only, on the same site as an agricultural use allowed by this table. Requires a Special Use Permit when recreational vehicles are used for seasonal operations.
- (5) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table. **A Special Use Permit is required for an accessory dwelling unit used as a short-term rental in the Mountain Region, provided that the parcel is twice the minimum lot size required by the land use zoning district.**
- (6) In Phelan/Pinon Hills Community Plan area, a maximum 6 sq. ft. advertising sign shall be allowed.
- (7) Pipelines, transmission lines, and control station uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050 (Alternate Review Procedures).
- (8) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4230 (2014); Amended Ordinance 4251 (2014); **Amended Ordinance XXXX (2018)**

**Table 82-7
Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL ⁽¹⁾	RS	RM	
AGRICULTURAL, RESOURCE & OPEN SPACE USES				
Accessory crop production	A ⁽²⁾	A ⁽²⁾	A ⁽²⁾	84.01
Agricultural accessory structure - 1,000 sf max.	A	A	A	
Agricultural accessory structure - up to 10,000 sf max. on 5 ac. or less	A	—	—	
Agricultural accessory structure - greater than 10,000 sf. on 5 ac. or less	M/C	—	—	
Agricultural support services	CUP	—	—	
Animal keeping	S	S	S	84.04
Crop production, horticulture, orchard, vineyard, nurseries	A	—	—	
Livestock operations	CUP	—	—	84.04
Natural resources development (mining)	CUP	—	—	88.03
Nature preserve (accessory uses)	M/C	—	—	
Lake	M/C	CUP	—	
Pond	A	A	M/C	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING				
Composting operations	CUP	—	—	
Recycling facilities – reverse vending machine, accessory	S	—	—	84.19
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				
Agritourism enterprises	S	—	—	84.03
Campgrounds ⁽³⁾	CUP	—	—	
Commercial entertainment - Indoor ⁽³⁾	CUP	—	—	
Conference/convention facility ⁽³⁾	CUP	—	—	
Equestrian facility ⁽³⁾	M/C	S ⁽⁴⁾	—	
Golf course ⁽³⁾	CUP	—	—	
Library, museum, art gallery, outdoor exhibit ⁽³⁾	M/C	M/C	M/C	
Meeting facility, public or private ⁽³⁾	CUP	CUP	CUP	
Park, playground ⁽³⁾	P	P	P	
Places of worship	CUP	CUP	CUP	
Rural sports and recreation ⁽³⁾	M/C	—	—	
School – College or university	CUP	CUP	—	
School – Private	CUP	CUP	—	
School – Specialized education/training	CUP	—	—	
Sports or entertainment assembly ⁽³⁾	CUP	—	—	
RESIDENTIAL⁽¹¹⁾				
Accessory structures and uses	A	A	A	84.01
Caretaker housing	M/C ⁽⁵⁾	M/C	M/C	84.01
Dependent housing	SUP	SUP	SUP	84.08
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	M/C	
Guest housing	A	A	A	84.01
Mobile home park/manufactured home land-lease community	CUP	CUP	CUP	84.14
Multiple dwelling, 2 to 3 units, attached or detached	—	—	A	84.16
Multiple dwelling, 4 to 19 units, attached or detached	—	—	A	84.16
Multiple dwelling, 20 to 49 units, attached or detached	—	—	MUP	84.16
Multiple dwelling, 50 or more units, attached or detached	—	—	CUP	84.16
Parolee and/or probationer home	—	—	CUP	
Secondary-Accessory dwelling unit	A ⁽⁶⁾	A ⁽⁶⁾	A ⁽⁶⁾ —	84.01

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL ⁽¹⁾	RS	RM	
Single dwelling	A	A	PD ⁽⁷⁾	
RETAIL				
Produce stand	A ⁽⁸⁾	A ⁽⁸⁾	A ⁽⁸⁾	
SERVICES - GENERAL				
Cemetery, including pet cemeteries	CUP	CUP	—	84.06
Child care - Small family day care home	A	A	A	
Child care - Large family day care home	MUP	MUP	MUP	
Child care - Day care center	M/C	M/C	M/C	
Commercial Kennels and Catteries - min lot 2.5 acres (over 15 animals)	M/C/S	—	—	84.04
Emergency shelter	—	—	CUP	84.33
Home occupation	SUP	SUP	SUP	84.12
Licensed Residential Care Facility of 6 or fewer persons	A	A	A	84.23
Licensed Residential Care Facility of 7 or more persons	—	—	CUP	84.23
Lodging - Bed and breakfast inn (B&B)	SUP ⁽⁹⁾	SUP ⁽⁹⁾	SUP ⁽⁹⁾	84.05
Public safety facility	M/C	M/C	M/C	
Short-Term Private Home Rental	SUP	SUP	SUP	84.28
Unlicensed Residential Care Facility with 6 or fewer persons	RCP	RCP	RCP	84.32
Unlicensed Residential Care Facility with 7 or more persons	—	—	CUP	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE				
Broadcasting antennae and towers	M/C	—	—	
Electrical power generation	CUP	—	—	
Pipelines, transmission lines, and control stations ⁽¹⁰⁾	(10)	(10)	(10)	
Renewable Energy Generation Facilities	CUP	—	—	84.29
Sewage treatment and disposal facility	CUP	CUP	CUP	
Solid waste disposal	CUP	CUP	CUP	
Telecommunications facility	S	S	S	84.27
Transportation facility	M/C	M/C	M/C	
Utility facility	CUP	CUP	CUP	
Wind energy accessory	S	S	S	84.26
Wireless telecommunications facility	S	S	S	84.27
OTHER (continued)				
Accessory structures and uses	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	84.25

KEY

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
		RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

Notes:

- (1) For projects within the Oak Glen Community Plan Area, all non-agritourism uses shall comply with the agritourism hours of operation standard [Subsection 84.03.030(b)(3)] and the agritourism noise/amplified sound regulations [Subsection 84.03.030(b)(5)].
- (2) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table.
- (3) For projects within the Oak Glen Community Plan Area, these uses shall comply with the agritourism development standards provided in Table 84-1 in Section 84.03.030. The permit requirements presented this table shall prevail over any permit requirement listed in Table 84-1.
- (4) A boarding facility only with a Home Occupation Permit.
- (5) For parcels that are 10 acres or greater, a Site Plan Permit is all that is needed.

- (6) Use allowed as an accessory use only, on the same site as a residential use allowed by this table. A Special Use Permit is required for an accessory dwelling unit used as a short-term rental in the Mountain Region. ~~provided that the parcel is twice the minimum lot size required by the land use zoning district.~~
- (7) Single dwellings will only be allowed within an RM Land Use Zoning District when it is part of a Planned Residential Development that has been designed to meet the goals and densities of the RM zone.
- (8) In the Phelan/Pinon Hills Community Plan area on lots greater than 10,000 sq. ft. with a maximum 200 sq ft structure for storage and sales and a maximum 6 sq. ft. advertising sign; in RS and RM, can only operate for 72 hours per month.
- (9) A CUP shall be required for three or more rooms.
- (10) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Chapter 85.02.
- (11) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4162 (2012); Amended Ordinance 4230 (2014); Amended Ordinance 4251 (2014); Amended Ordinance 4304 (2016); Amended Ordinance XXXX (2018)

**Table 82-11
Allowed Land Uses and Permit Requirements for Commercial Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
AGRICULTURAL, RESOURCE & OPEN SPACE USES							
Agriculture support services	P ⁽²⁾	—	—	P ^(1,2)	P ⁽²⁾	—	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING							
Construction contractor storage yard	M/C	—	—	—	M/C	—	
Firewood contractor	P ⁽²⁾	—	—	—	P ⁽²⁾	—	84.09
Manufacturing Operations I	M/C ⁽³⁾	—	—	—	P ⁽²⁾	—	
Motor vehicle storage/Impound facility	CUP	—	—	—	CUP	CUP	
Recycling facilities - Small collection facility	SUP	SUP	SUP	SUP	SUP	SUP	84.19
Recycling facilities - Large collection facility	CUP	—	CUP	CUP	CUP	CUP	84.19
Recycling facilities - Light processing facility	CUP	—	—	CUP	CUP	—	84.19
Recycling facilities, reverse vending machine (accessory only)	A	A	A	A	A	A	84.19
Salvage operations - within enclosed structures	M/C ⁽⁴⁾	—	—	—	M/C	—	
Storage - Personal storage (mini-storage)	M/C	—	—	—	P ⁽²⁾	—	
Storage - Recreational vehicles	CUP	—	—	—	CUP	CUP	
Storage - Warehouse, Indoor Storage	M/C	—	—	—	—	—	
Wholesaling and distribution	M/C ⁽⁴⁾	—	—	P ^(1,2)	P ⁽²⁾	—	
RECREATION, EDUCATION & PUBLIC ASSEMBLY							
Adult business	—	—	—	ABP	—	—	84.02
Commercial entertainment – Indoor	P ⁽²⁾	P ⁽²⁾	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Commercial entertainment - Outdoor	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Conference/convention facility ^(4, 5)	M/C	—	M/C	M/C	M/C	M/C	
Equestrian facility	M/C	—	M/C	M/C	M/C	M/C	
Fitness/health facility ⁽⁵⁾	P ⁽²⁾	P ⁽²⁾	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Golf course	M/C	—	—	—	M/C	M/C	
Library, museum, art gallery, outdoor exhibit ⁽⁵⁾	M/C	—	—	M/C	M/C	M/C	
Meeting facility, public or private ⁽⁵⁾	CUP	CUP	CUP	CUP	CUP	CUP	
Park, playground	M/C	—	—	—	—	—	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Recreational vehicle park	M/C	—	—	—	M/C	M/C	
Rural sports and recreation	CUP	—	—	—	CUP	CUP	
School - College or university ⁽⁵⁾	M/C	—	M/C	M/C	M/C	M/C	
School - Private ⁽⁵⁾	M/C	—	M/C	M/C	M/C	M/C	
School - Specialized education/training ⁽⁵⁾	M/C	—	M/C	M/C	M/C	M/C	
Sports or entertainment assembly	CUP	—	—	CUP	CUP	CUP	
Theater ⁽⁵⁾	M/C	—	—	M/C	M/C	M/C	
RESIDENTIAL⁽¹⁰⁾							
Accessory dwelling (caretakers residence, etc.)	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	84.01
Accessory use or structure - Residential (conforming and non-conforming uses)	A	P ^(6, 7)	P ^(6, 7)	P ^(6, 7)	P ^(6, 7)	P ^(6, 7)	84.01
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	M/C	—	—	M/C	M/C	M/C	
Guest housing	P ⁽⁷⁾	—	—	—	—	—	84.01
Live/work unit	M/C	M/C	M/C	M/C	M/C	M/C	
Mobile home park/manufactured home land-lease community	CUP	—	—	—	—	—	84.14
Multiple dwelling, up to 19 units, attached or detached	A	—	—	—	—	—	84.16
Multiple dwelling, 20 or more units	CUP	—	—	—	—	—	84.16
Parolee and/or probationer home	CUP	—	—	CUP	CUP	CUP	
Residential use only as part of a mixed use project	PD	—	PD	PD	PD	PD	84.16
Secondary Accessory dwelling unit	A	—	—	—	—	—	84.01

**Table 82-17
Allowed Land Uses and Permit Requirements
for Industrial and Special Purpose Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD-RES ⁽¹⁾	SD-COM ⁽¹⁾	SD-IND ⁽¹⁾	
AGRICULTURAL, RESOURCE & OPEN SPACE USES							
Agriculture Support Services	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Animal Keeping	—	—	—	S	—	—	84.04
Crop production, horticulture, orchard, vineyard	—	—	—	A	—	—	
Natural resources development (mining)	CUP	CUP	—	CUP	CUP	CUP	
Nature preserve (accessory uses)	—	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING							
Adult business	ABP	—	—	—	—	—	84.02
Construction contractor storage yard	M/C	P ⁽²⁾	—	M/C	M/C ⁽³⁾	M/C	
Hazardous waste operation	—	CUP	—	—	—	—	
Firewood contractor	P	P	—	—	—	M/C	84.09
Manufacturing Operations I	P ⁽²⁾	P ⁽²⁾	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Manufacturing Operations II	— ^(5,6)	M/C	—	—	—	CUP ⁽⁴⁾	
Motor vehicle storage/Impound facility	M/C	M/C	—	—	—	M/C	
Recycling facilities - Small collection facility	SUP	SUP	—	—	MUP	MUP	84.19
Recycling facilities - Large collection facility	CUP	CUP	—	—	CUP ⁽³⁾	CUP	84.19
Recycling facilities - Light processing facility	CUP	CUP	—	—	CUP ⁽³⁾	CUP	84.19
Recycling facilities - Heavy processing facility	CUP	CUP	—	—	—	CUP	84.19
Recycling facilities, reverse vending machines (accessory only)	A	A	—	A	A	A	84.19
Salvage operations - Within an enclosed structure	CUP	M/C	—	—	CUP	M/C	
Salvage operations - General	—	CUP	—	—	—	—	
Storage - Personal storage (mini-storage)	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Storage - Recreational vehicles	M/C	M/C	—	M/C	M/C	M/C	
Storage - Warehouse, indoor storage	M/C	M/C	—	—	M/C	M/C	
Wholesaling and distribution	M/C	M/C	—	—	M/C	M/C	
RECREATION, EDUCATION & PUBLIC ASSEMBLY							
Campgrounds	—	—	—	CUP	—	—	
Commercial entertainment - Indoor	M/C	—	—	M/C	M/C	M/C	
Conference/convention facility	—	—	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Equestrian facility	—	—	—	M/C	M/C	M/C	
Fitness/health facility	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Golf course	—	—	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Library, museum, art gallery, outdoor exhibit	—	—	—	M/C	M/C	M/C	
Meeting facility, public or private	CUP	—	—	CUP	CUP	CUP	
Park, playground	—	—	P	P	P	P	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Rural sports and recreation	—	—	—	CUP	CUP	CUP	
School - College or university	M/C	M/C	M/C	M/C	M/C	M/C	
School - Private	M/C	M/C	M/C	M/C	M/C	M/C	
School - Specialized education/training	M/C	M/C	M/C	M/C	M/C	M/C	
RESIDENTIAL⁽¹⁴⁾							
Accessory dwelling (labor quarters, etc.)	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	84.01
Accessory structures and uses - Residential (conforming and non-conforming uses)	P ^(7, 8)	P ^(7, 8)	P ^(7, 8)	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	84.01
Dependent housing	—	—	—	SUP	—	—	84.08
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	—	M/C	M/C	—	
Guest housing	—	—	—	P ⁽⁸⁾	—	—	84.01
Live/work unit	M/C	—	—	M/C	M/C	—	

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD-RES ⁽¹⁾	SD-COM ⁽¹⁾	SD-IND ⁽¹⁾	
Mobile home park/manufactured home land-lease community	—	—	—	CUP	CUP	—	
Multiple residential use	—	—	—	PD	PD	PD	
Parolee and/or probationer home	—	—	—	CUP	CUP	—	
Residential use with retail, service, or industrial use	—	—	—	PD	PD	PD	
Second-Accessory dwelling unit	—	—	—	SA ⁽¹⁵⁾	—	—	84.01
Single dwelling	—	—	—	A	—	—	

RETAIL

Auto and vehicle sales and rental	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Bar, tavern	—	—	—	M/C	M/C	M/C	
Building and landscape materials sales - Indoor	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Building and landscape materials sales - Outdoor	M/C	M/C	—	—	CUP	CUP	
Construction and heavy equipment sales and rental	M/C	M/C	—	—	CUP	CUP	
Convenience store	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Fuel dealer (propane for home and farm use, etc.)	CUP	CUP	—	CUP	CUP	CUP	
General retail - 10,000 sf or less, with or without residential unit	—	—	—	M/C	M/C	M/C	
General retail - More than 10,000 sf, with or without residential unit	—	—	—	PD	PD	PD	
Manufactured home or RV sales	M/C	M/C	—	—	M/C	M/C	
Night Club	—	—	—	M/C	M/C	M/C	
Restaurant, café, coffee shop	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Second hand stores, pawnshops	P ⁽²⁾	—	—	M/C	M/C	M/C	
Service station	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Swap meet, outdoor market, auction yard	M/C	M/C	—	—	—	M/C	
Warehouse retail	P ⁽²⁾	P ⁽²⁾	—	—	CUP	CUP	

SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL

Medical services - Hospital	M/C	M/C	M/C	M/C	M/C	M/C	
Medical services - Rehabilitation center	M/C	M/C	M/C	M/C	M/C	M/C	
Office - Accessory	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	
Professional Services	P ⁽²⁾	—	—	M/C	M/C	M/C	

SERVICES – GENERAL

Bail bond service within 1 mile of correctional institution	P	P	P	—	P	P	
Cemetery, including pet cemeteries	—	—	—	CUP	CUP	CUP	84.06
Correctional institution	—	—	CUP	—	—	—	
Emergency Shelter	CUP	—	—	CUP	CUP	CUP	84.33
Equipment rental	P ⁽²⁾	P ⁽²⁾	—	—	M/C	M/C	
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Kennel or cattery	M/C	—	—	—	—	M/C	84.04
Licensed Residential Care Facility of 6 or fewer persons	M/C	—	—	M/C	M/C	—	84.23
Licensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	84.23
Lodging – Bed and breakfast inn (B&B)	—	—	—	SUP ⁽⁹⁾	SUP ⁽⁹⁾	—	
Lodging – Hotel or motel – 20 or fewer guest rooms	—	—	—	M/C	M/C	—	
Lodging – Hotel or motel – More than 20 guest rooms	—	—	—	M/C	M/C	—	
Personal services	P ⁽²⁾	—	—	M/C	M/C	M/C	
Public safety facility	M/C	M/C	M/C	M/C	M/C	M/C	
Unlicensed Residential Care Facility of 6 or fewer persons	RCP	—	—	RCP	RCP	—	84.32
Unlicensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	
Vehicle services - Major repair/body work	P ⁽²⁾	P ⁽²⁾	—	—	M/C ⁽¹⁰⁾	M/C	
Vehicle services - Minor maintenance/repair	P ⁽²⁾	P ⁽²⁾	CUP ⁽¹¹⁾	—	M/C ⁽¹⁰⁾	M/C	
Veterinary clinic, animal hospital	M/C	—	—	—	M/C	M/C	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Ambulance, taxi, or limousine dispatch facility	M/C	M/C	M/C	M/C	M/C	M/C	
Broadcasting antennae and towers	M/C	M/C	M/C	CUP	CUP	CUP	

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD-RES ⁽¹⁾	SD-COM ⁽¹⁾	SD-IND ⁽¹⁾	
Parking lots, accessory	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	
Broadcasting studio	M/C	M/C	M/C	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Communication contractor	M/C	M/C	M/C	M/C ⁽¹⁰⁾	M/C ⁽¹⁰⁾	M/C ⁽¹⁰⁾	
Electrical power generation	CUP	CUP	CUP	—	—	—	
Parking structures	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	M/C	M/C	M/C	
Pipelines, transmission lines, and control stations ⁽¹³⁾	⁽¹³⁾	⁽¹³⁾	⁽¹³⁾	⁽¹³⁾	⁽¹³⁾	⁽¹³⁾	
Renewable Energy Generation Facilities	CUP	CUP	CUP	—	—	—	84.29
Sewage treatment and disposal facility	CUP	CUP	CUP	—	—	—	
Solid waste disposal	CUP	CUP	CUP	—	—	—	
Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
Truck Stop	M/C	M/C	—	—	—	M/C	
Truck Terminal	M/C	M/C	—	—	—	M/C	
Utility facility	CUP	CUP	CUP	CUP	CUP	CUP	
Water treatment plants and storage tanks	—	CUP	CUP	—	CUP	CUP	
Wind energy system, accessory	S	S	S	S	S	S	84.26
Wireless telecommunications facility	S	S	S	S	S	S	84.27
OTHER							
Accessory structures and uses	P	P	P	P	P	P	84.01
Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	TUP	TUP	TUP	84.25

KEY

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
ABP	Adult Business Regulatory Permit	SUP	Special Use Permit required (Chapter 85.14)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	S	Permit requirement set by Specific Use Regulations (Division 4)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	TSP	Temporary Special Events Permit required (Chapter 85.16)
		RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

Notes:

- (1) The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A “RES” suffix indicates that the focus is on residential Planned Development projects. A “COM” suffix indicates that the focus is on commercial Planned Development projects. An “IND” suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.
- (2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (3) This use shall be located completely within an enclosed structure.
- (4) PD Permit required if total floor area or use area exceeds 10,000 sq. ft.
- (5) Concrete batch plants in the Phelan planning area may be allowed subject to a CUP.
- (6) Pallet manufacturing, reconditioning, and storage yards in the unincorporated area in Fontana bounded by the I-10 on the north, Almond Ave. on the east, 660 ft. south of Santa Ana Ave. on the south, and Mulberry Ave. on the west that is zoned IC may be allowed subject to a CUP.
- (7) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table. Requires a Special Use Permit when recreational vehicles are used for seasonal operations.
- (8) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
- (9) A CUP shall be required for three or more rooms
- (10) This use shall be located completely within an enclosed structure with no exterior overnight storage of vehicles.
- (11) When associated with an institutional use.
- (12) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (13) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050.
- (14) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

(15) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table. A Special Use Permit is required for an accessory dwelling unit used as a short-term rental in the Mountain Region.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4230 (2014); Amended Ordinance 4239 (2014); Amended Ordinance 4245 (2014); Amended Ordinance 4251 (2014); Amended Ordinance XXXX (2018)

(c) **Area calculations.** The minimum required number of parking spaces for the following uses shall be determined based upon the indicated area calculations:

- (1) Food establishments: Gross leasable area (GLA).
- (2) General retail uses: Gross leasable area (GLA).
- (3) Industrial uses: Gross floor area (GFA).
- (4) Personal services: Gross leasable area (GLA).
- (5) Professional offices: Gross leasable area (GLA).

Table 83-15 Parking Requirements by Land Use	
Uses	Number of Spaces Required
Industry, Manufacturing & Processing, Wholesaling⁽⁴⁾	
Industrial uses of all types, including warehouses or structures used exclusively for storage purposes, wholesale houses and distributors and public utility facilities including, but not limited to, electric, gas, water, telephone, and telegraph facilities not having business offices on the premises	<ul style="list-style-type: none"> ▪ 1 for each 1,000 s.f. of the first 40,000 s.f. of GFA; and ▪ 1 for each 4,000 s.f. of GFA for the portion over 40,000 s.f.; and ▪ 1 for each facility vehicle
Storage Mini storage facilities	<ul style="list-style-type: none"> ▪ Mini-storage office 1 for each 250 sq. ft. of office area with 4 minimum ▪ Additional requirements: <ul style="list-style-type: none"> ▪ A parking lane shall be provided adjacent to the storage structure's openings that is a minimum of 9 feet in width and outlined (painted). The parking lane is for temporary parking only (30 minutes maximum) and this time restriction shall be clearly marked with signs. ▪ Driveways adjacent to the parking lane shall be a minimum width of 15 feet for one-way and 24 feet for two-way.)
Recreation, Education & Public Assembly Uses⁽⁴⁾	
Amusement enterprises	<ul style="list-style-type: none"> ▪ 1 for each 4 persons of the facility's allowed maximum attendance
Bowling alleys and billiard halls	<ul style="list-style-type: none"> ▪ 5 for each bowling lane; and ▪ 2 for each billiard table
Churches, synagogues, temples, mosques and other places of worship ⁽¹⁾	<ul style="list-style-type: none"> ▪ 1 for each 3 fixed seats; and ▪ 1 for every 25 s.f. of seating area where there are no fixed seats; and ▪ 1 for each 400 s.f. of floor area outside the main assembly area
Commercial recreation and similar uses (e.g., shooting ranges, race tracks, miniature golf course, pitch and putt courses, parks, and zoos)	<ul style="list-style-type: none"> ▪ 1 for each 4 persons of the facility's allowed maximum attendance
Commercial swimming pools and swimming schools	<ul style="list-style-type: none"> ▪ 1 for each 500 s.f. of water surface area ▪ 10 minimum
Dance halls	<ul style="list-style-type: none"> ▪ 1 for each 20 s.f. of dance floor area; and ▪ 1 for each 3 fixed seats and for each 20 s.f. of seating area where there are no fixed seats

Table 83-15	
Parking Requirements by Land Use	
Uses	Number of Spaces Required
Golf courses and driving ranges, but not to include miniature golf courses	<ul style="list-style-type: none"> ▪ 4 for each hole on all golf courses; and ▪ 1 for each tee for driving ranges
Organizational camps	<ul style="list-style-type: none"> ▪ 1 bus parking space per 20 campers ▪ 2 for each resident staff ▪ 1 for each nonresident staff on the largest shift ▪ 1 for each facility vehicle
Meeting facilities - Theaters, auditoriums, stadiums, sport arenas, gymnasiums and similar places of public assembly	<ul style="list-style-type: none"> ▪ 1 for each 3 fixed seats or for every 25 s.f. of seating area within the main auditorium where there are no fixed seats ⁽¹⁾
Schools general curriculum Kindergarten through Grade 9	<ul style="list-style-type: none"> ▪ 1 for each staff member, faculty member, and employee ▪ 1 for each facility vehicle
Schools general curriculum Grade 10 through 12, colleges and universities, business and professional schools	<ul style="list-style-type: none"> ▪ 1 for each 4 students; and ▪ 1 for each staff member, faculty member and employee; and ▪ 1 for each facility vehicle
Schools special schools or trade schools	<ul style="list-style-type: none"> ▪ 1 for each 3 students; and ▪ 1 for each staff member, faculty member, and employee ▪ 1 for each facility vehicle
Skating rinks, ice or roller	<ul style="list-style-type: none"> ▪ 1 for each 3 fixed seats and for each 20 s.f. of seating area where there are no fixed seats; and ⁽¹⁾ ▪ 1 for each 250 s.f. of skating area
Residential Uses	
Caretaker housing	<ul style="list-style-type: none"> ▪ 2, with one covered
Dependent housing	<ul style="list-style-type: none"> ▪ 2 for each unit
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	<ul style="list-style-type: none"> ▪ 1 for each bedroom ▪ 1 for the house manager, staff member or employee
Mobile home parks	<ul style="list-style-type: none"> ▪ 2; one covered on each mobile home parcel (may be in tandem); and ▪ 1 guest space for each 10 spaces, or fraction thereof
Multi-family dwelling	<ul style="list-style-type: none"> ▪ 2.5 per unit for projects of 4 or more units, one shall be covered for each dwelling unit on the project site to accommodate resident and visitor parking ⁽²⁾ ▪ 2.0 per unit for projects of 2 or 3 units, one shall be covered for each dwelling unit ⁽²⁾
Parolee and/or probationer home	<ul style="list-style-type: none"> ▪ 1 for each bedroom ▪ 1 for the house manager, staff member or employee
Second-Accessory dwelling unit	<ul style="list-style-type: none"> ▪ 1 uncovered for each unit ⁽⁵⁾⁽⁶⁾ 2, one shall be covered ⁽²⁾
Single-family dwelling	<ul style="list-style-type: none"> ▪ 2, one shall be covered on the same site with the primary structure ⁽²⁾
Retail Trade	
Automobile repair and service stations	<ul style="list-style-type: none"> ▪ 3 for each service bay (service bays do not count as spaces); and ▪ 1 for each facility vehicle
Automobile sales, boat sales, mobile home sales, retail nurseries, and other open uses not in a structure	<ul style="list-style-type: none"> ▪ 1 for each 2,000 s.f., or portion thereof, for open area devoted to display or sales; for the first 10,000 s.f.; and ▪ 1 for each 5,000 s.f., or portion thereof, over 10,000 s.f.; and ▪ 1 for each facility vehicle

**Table 83-15
Parking Requirements by Land Use**

Uses	Number of Spaces Required
Food establishments with take-out provisions only	<ul style="list-style-type: none"> ▪ 1 for each 200 s.f. of GLA; and ▪ 1 for each facility vehicle ▪ 4 minimum
General retail	<ul style="list-style-type: none"> ▪ 1 for each 250 s.f. of GLA ▪ 4 minimum
Restaurants, in the Valley and Desert Regions, including drive-ins, cafes, night clubs, taverns, and other similar places where food or refreshment are dispensed	<p>The greater of the following:</p> <ul style="list-style-type: none"> ▪ 1 for each 100 s.f. of GLA; or ▪ 1 for each 3 fixed seats and/or 1 for every 50 s.f. of floor area where seats may be placed; or ▪ 10 minimum
Restaurants in the Mountain Region, including drive ins, cafes, and other similar places that have 5,000 s.f. of GLA or less, where food or refreshment are dispensed and where no alcoholic beverages of any type are sold or served	1 space per 250 square feet of GLA with a 4 space minimum
Restaurants in the Mountain Region, including drive ins, cafes, and other similar places that have over 5,000 s.f. of GLA where food or refreshment are dispensed, regardless of whether or not alcoholic beverages are served	1 space per 100 square feet of GLA with a 4 space minimum
Restaurants in the Mountain Region, including drive ins, cafes, and other similar places where food or refreshment are dispensed and where alcoholic beverages are sold under State Alcoholic Beverage Control license types 42 (bar/tavern) or 48 ((bar/night club), regardless of the square footage of the restaurant	1 space per 100 square feet, regardless of GLA with a 4 space minimum
Restaurants in the Mountain Region, including drive ins, cafes, and other similar places where food or refreshment are dispensed and where alcoholic beverages are sold under State Alcoholic Beverage Control license type 47(restaurant)	<p>1 space per 250 square feet of GLA with 5,000 square feet or less of GLA with a 4 space minimum</p> <p>1 space per 100 square feet of GLA for restaurant uses over 5,000 square feet of GLA with a 4 space minimum</p>
Shopping centers (projects over 200,000 s.f. of floor area)	<ul style="list-style-type: none"> ▪ 1 for each 200 s.f. of GLA up to 100,000 sf; and ▪ 1 for each 250 s.f. of GLA for square footage above 100,000 s.f.
Wholesale commercial nurseries	<ul style="list-style-type: none"> ▪ 1 for each 500 s.f. of display area
Services -- General	
Beauty and nail salons	<ul style="list-style-type: none"> ▪ 2 for each station
Child care centers	<ul style="list-style-type: none"> ▪ 1 for each 5 children that the facility is designed to accommodate
Emergency shelter	<ul style="list-style-type: none"> ▪ 1 for each guest room
Hospital	<ul style="list-style-type: none"> ▪ 1 for each 2 patient beds
Medical offices, clinics, veterinary hospital	<ul style="list-style-type: none"> ▪ 1 for each 250 s.f. of GLA
Motels, hotels, and boarding house	<ul style="list-style-type: none"> ▪ 1 for each unit/room
Licensed Residential care facility of 6 or fewer persons	<ul style="list-style-type: none"> ▪ 2, one shall be covered on the same site with the primary structure ⁽²⁾
Licensed Residential care facility of 7 or more persons	<ul style="list-style-type: none"> ▪ 1 for each bedroom ▪ 1 for the house manager, staff member or employee
Offices, general, financial, business and professional uses	<ul style="list-style-type: none"> ▪ 1 for each 250 s.f. of GLA
Personal services	<ul style="list-style-type: none"> ▪ 1 for each 250 sq. ft. of GLA
Short-Term Private Home Rental	<ul style="list-style-type: none"> ▪ 1 for each bedroom

Unlicensed Residential Care Facility with 6 or fewer persons	<ul style="list-style-type: none"> ▪ 1 for each bedroom ▪ 1 for the house manager, staff member or employee
Unlicensed Residential Care Facility with 7 or more persons	<ul style="list-style-type: none"> ▪ 1 for each bedroom ▪ 1 for the house manager, staff member or employee
Other Uses	
Bed and breakfast	<ul style="list-style-type: none"> ▪ 1 for each guest room
Home occupations	<ul style="list-style-type: none"> ▪ 1 for each nonresident employee in addition to residential requirements
On-Your-Lot builder model home/sales office	<ul style="list-style-type: none"> ▪ 2 per office ▪ 2 for visitors
<p>(1) Twenty-four (24") linear inches of bench or pew shall be considered a fixed seat.</p> <p>(2) Residential parking spaces shall be located to the rear of the front setback line, except that in the Mountain Region, the parking spaces may be located within the setback areas. Tandem parking is not allowed except in the Mountain Region. Areas outside the driveway in front of the primary structure, whether outside the front yard setback or not, shall not be used for parking. In the Valley and Desert Regions, the covered parking requirement only applies to the RS and RM Land Use Zoning Districts.</p> <p>(3) In dormitories, each 100 square feet shall be considered equivalent to a guest room.</p> <p>(4) Nonresidential uses shall provide a minimum of four spaces with an additional parking space for each facility vehicle, except where otherwise noted.</p> <p>(5) Residential parking spaces for an accessory dwelling unit may be provided through tandem parking on an existing driveway.</p> <p>(6) When a garage or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the replacement parking spaces for the primary structure shall have one space that is covered and one space may be uncovered.</p>	

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4161 (2012); Amended Ordinance 4230 (2014); Amended Ordinance 4245 (2014); **Amended Ordinance XXXX (2018)**

83.11.050 Adjustments to Parking Requirements

- (a) **Shared parking reduction.** Where two or more adjacent nonresidential uses have distinct and differing peak parking usage periods, (e.g. a theater and a bank), a reduction in the required number of parking spaces may be approved by the Commission based on the findings and recommendations of a parking study prepared by a qualified parking or traffic consultant. The amount of reduction may be up to the number of spaces required for the least intensive of the uses sharing the parking.

- (b) **Transportation control measures.** Parking requirements may be adjusted in compliance with the provisions of Chapter 83.14 (Transportation Control Measures). An approved Conditional Use Permit/Minor Use Permit (Chapter 85.06) may authorize adjustments to parking requirement not to exceed individually or cumulatively 10 percent of the total required parking spaces, as depicted in Table 83-16.

CHAPTER 84.01 ACCESSORY STRUCTURES AND USES

Sections:

- 84.01.010 Purpose
- 84.01.020 General Development Standards
- 84.01.030 Agricultural Accessory Structures and Uses
- 84.01.040 Commercial and Industrial Accessory Structures and Uses
- 84.01.050 Residential Accessory Structures and Uses
- 84.01.060 Accessory Dwelling Units

84.01.010 Purpose

This Chapter establishes the regulations and criteria that determine the location of compatible accessory structures and uses within various land use zoning districts.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance XXXX (2018)

84.01.020 General Development Standards

- (a) **Land use zoning district regulations applicable.** Unless otherwise provided, accessory structures and uses shall be subject to the same regulations as the primary structure or use, including projections into setbacks specified in Section 83.02.080 (Allowed Projections).
- (b) **Legally established primary use.** An accessory structure or use shall always exist in conjunction with, and never without, a legally established primary structure or primary use that has the same common owner. Where the primary use is a residence, it shall not be enclosed within an accessory structure. Where the primary use has not yet been established, an accessory structure may only be built subject to the issuance of a Temporary Use Permit in compliance with Chapter 84.25 Temporary Structures and Uses.
- (c) **Use of accessory structure.** The use of an accessory structure may be for either a primary or an accessory use allowed by the applicable land use zoning district.
- (d) **Determination of accessory uses.** In addition to the accessory uses specifically provided for by this Chapter or elsewhere within this Development Code, each land use shall be deemed to include other accessory uses that are necessarily and customarily associated with and are clearly incidental and subordinate to the primary land use. Whenever the accessory uses are questioned, the Director shall be responsible for determining if a proposed accessory use meets the criteria in this Chapter. Before making a determination, the Director shall give notice to contiguous property owners in compliance with Section 85.02.030 (Staff Review with Notice).

- (e) **Maximum site coverage.** The combination of accessory and primary structures on a parcel shall not exceed the maximum site coverage allowed by the applicable land use zoning district regulations in Division 2 (Land Use Zoning Districts and Allowed Land Uses).
- (f) **Location on same or contiguous abutting parcel.** Accessory structures or uses shall be located on either:
 - (1) The same parcel as the primary structure or use; or
 - (2) A contiguous abutting parcel that is owned by the same owner who owns the parcel that has the primary structure or use, with the exception of guest housing and accessory dwelling units in compliance with Subsection 84.01.050(a), below. An accessory use may or may not entail the use of a structure.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009); Amended Ordinance XXXX (2018)

84.01.030 Agricultural Accessory Structures and Uses

This Section provides standards for accessory structures and uses that are ~~customarily~~ related to ~~a~~ primary agricultural use.

- (a) **Animal keeping.** Animal keeping activities are governed by Chapter 84.04 (Animal Keeping)
- (b) **Row field tree and nursery crop and animal product sales stand.** The retail trade of plant or animal products primarily grown on the subject property shall be allowed when displayed from one stand with a floor area no larger than 200 square feet on parcels greater than 10,000 square feet in area. Standards for produce stands are provided in Chapter 84.03. (Agritourism Enterprises).
- (c) **Caretaker housing.** A caretaker dwelling unit shall be subject to accessory dwelling unit development standards in Section 84.01.060(e). ~~may be located anywhere on the property at the discretion of the property owner. The unit shall be a minimum 600 square feet in area and a maximum 1,200 square feet in area. The unit shall be limited to two bedrooms, and its architectural design shall be compatible with the neighborhood. Recreational vehicles shall not be used for caretaker housing. Existing residential structures are exempt from this maximum square footage requirement.~~
- (d) **Seasonal Labor Quarters.** Labor quarters for agricultural operations that are limited to three months of the year that encompass the harvest season of the agricultural product may utilize recreational vehicles as temporary labor quarters. A Site Plan Permit shall still be required to ensure proper services are supplied to the temporary laborers. Also, a Special Use Permit shall be required to monitor the use. Failure to obtain both the Site Plan Permit and the Special Use Permit required under this subsection shall render the placement, use and/or occupancy of recreational vehicles

or similar vehicles unlawful and subject to enforcement under Chapter 86.09 of this Title.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4098 (2010); **Amended Ordinance XXXX (2018)**

84.01.040 Commercial and Industrial Accessory Structures and Uses

This Section provides standards for accessory structures and uses that are ~~customarily~~ related to primary commercial and industrial uses.

- (a) **Exterior storage.** Exterior storage shall comply with Title 3 (Health and Sanitation and Animal Regulations) of the County Code. Screening of exterior storage shall comply with Section 83.02.060 (Screening and Buffering).
- (b) **Caretaker housing.** The caretaker dwelling unit shall be subject to accessory dwelling unit development standards in Section 84.01.060(e). ~~may be located either above the first floor or behind a primary commercial use. The unit shall be a minimum 600 square feet in area and a maximum 1,200 square feet in area. The unit shall be limited to two bedrooms, and its architectural design shall be compatible with the neighborhood. Recreational vehicles shall not be used for caretaker housing. Existing residential structures are exempt from this maximum square footage requirement.~~
- (c) **Seasonal Labor Quarters.** Labor quarters for commercial or industrial operations that are limited to three months of the year may utilize recreational vehicles as temporary labor quarters. A Site Plan Permit shall still be required to ensure proper services are supplied to the temporary laborers. Also, a Special Use Permit shall be required to monitor the use. Failure to obtain both the Site Plan Permit and the Special Use Permit required under this subsection shall render the placement, use and/or occupancy of recreational vehicles or similar vehicles unlawful and subject to enforcement under Chapter 86.09 of this Title.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4098 (2010); **Amended Ordinance XXXX (2018)**

84.01.050 Residential Accessory Structures and Uses

This Section provides standards for Accessory Structures and Uses that are ~~customarily~~ related to residential single-family dwelling units (e.g., play yards, pools, storage sheds, etc.) or that are residential in nature (e.g., caretaker housing, guest housing, ~~second-accessory~~ dwelling units, etc.)

- (a) **Number of accessory residential uses.** In addition to a single-family dwelling unit, only one of the following uses shall be allowed on parcels less than five acres in size:
 - (1) ~~An accessory dwelling unit shall be located on the same parcel as the primary dwelling unit and shall be separated from it by at least 10 feet. Only one of any~~

type shall be allowed per parcel. ~~A second dwelling unit shall be allowed provided that the parcel area is at least two times the minimum lot size specified by the land use zoning district for the subject property. If a parcel with a second dwelling unit is subsequently subdivided, the County may require the second dwelling unit be moved if proper setbacks and other development standards cannot be met.~~

~~(2) Dependent housing.~~

(2) Caretaker housing. The caretaker dwelling unit shall be subject to accessory dwelling unit development standards in Section 84.01.060(e). ~~a minimum 600 square feet in area and a maximum 1,200 square feet in area. The unit shall be limited to two bedrooms, and its architectural design shall be compatible with the neighborhood. In the Single Residential (RS) or the Multiple Residential (RM) land use zoning districts on parcels less than 2.5 acres in size, the caretaker dwelling unit shall not extend in front of the primary structure. Recreational vehicles shall not be used for caretaker housing. The provisions of Subsection 84.21.030(i) of this Title shall apply to a manufactured home used as caretaker housing.~~

(3) Guest housing. Guest housing shall be located on the same parcel as the primary dwelling unit and shall be separated from it by at least 10 feet. Guest housing shall be for use by temporary guests of the occupants of the primary dwelling unit and shall not be rented or otherwise used as a separate dwelling. Only one guest house shall be allowed. In the Single Residential (RS) or the Multiple Residential (RM) land use zoning districts on parcels less than 2.5 acres in size, the guest housing unit shall not extend in front of the primary structure. The provisions of Subsection 84.21.030(i) of this Title shall apply to a manufactured home used as guest housing.

(b) Parking. Parking for accessory residential dwelling units shall comply with Chapter 83.11 (Parking and Loading Standards).

(c) Carport and/or garage. Detached carports or garages shall be limited to 1,200 square feet when located on parcels that are less than 20,000 square feet in size.

(d) Other residential accessory structures and uses. Except in the Mountain Region, structures and uses such as cabanas, tennis courts, ramadas, water towers and wells, swimming pools, storage buildings shall not extend in front of the primary structure where the primary structure faces a street right-of-way. See Section 83.02.080 (Allowed Projections into Setbacks).

(e) Detached storage structures. Parcels that are one acre or less in size shall be limited to only one detached storage structure that exceeds 120 square feet and the storage structure shall not exceed 1,000 square feet. Except in the Mountain Region, detached storage structures shall not extend in front of the primary structure where the primary structure faces a right-of-way.

(f) Freight containers and similar storage-type structures.

- (1) Freight containers, railroad cars, intermodal containers, and other similar storage-type structures shall be allowed as accessory structures in the RS (Single Residential) or RM (Multiple Residential) land use zoning districts provided that they are ~~structurally altered to be similar to, and~~ compatible with, the appearance of the on-site primary structure and the surrounding neighborhood and setting, ~~subject to the satisfaction of the Director through an approved Compatibility Determination [see Subsection (1) below].~~—A Compatibility Determination application shall be approved by the Planning Division of the Land Use Services Department to allow such a structure. Screening such a structure from view from the street or the physical alteration of such a structure, such as painting or otherwise altering the structure, may be considered in the approval of the application. Such railroad car, container or similar storage-type structure shall be placed behind the primary structure and not prominently visible from the street.
- (2) Freight containers, railroad cars, intermodal containers, and other similar storage-type structures shall be allowed as accessory structures in the Agriculture (AG) or Rural Living (RL) land use zoning districts provided that they shall be altered, either painted or structurally altered, to appear to be similar to, and compatible with, the appearance of the on-site primary structure and the surrounding neighborhood or to blend in with the surrounding environment. Such railroad car, container or similar storage-type structure shall be allowed provided that the container can be placed behind the primary structure and not prominently visible from the street.

- (g) **Animal keeping.** Accessory animal keeping shall be conducted as specified in Chapter 84.04(Animal Keeping).
- (h) **Exterior storage.** Exterior storage shall be fully and solidly screened and kept below the level of the fence or other screening mechanism. Exterior storage shall comply with Title 3 (Health and Sanitation and Animal Regulations) of the County Code. Screening of exterior storage shall comply with Section 83.02.060 (Screening and Buffering).
- (i) **Residential crop production.** Accessory crop production shall be allowed on parcels of 10,000 square feet or more, with a temporary sales facility for plant or animal products grown on the subject property. The sales facility shall not be larger than 200 square feet in area and shall display produce for sale for no longer than 72 hours in any calendar month. Standards for produce stands are provided in Chapter 84.03 (Agritourism Enterprises). This does not include wholesale or retail nurseries.
- (j) **Private office.** A private office shall be for the sole use of the dwelling unit occupants within a primary structure and shall have no external advertising or signs.

- (k) **Compatibility.** In the RS (Single Residential) and RM (Multiple Residential) land use zoning districts, the appearance of an accessory structure shall be similar to, and compatible with, the appearance of the primary structure and the surrounding neighborhood and setting. ~~A Compatibility Determination application shall be approved by the Planning Division of the Land Use Services Department to allow such a structure. Screening such a structure from view from the street or the physical alteration of such a structure, such as painting or otherwise altering the structure, may be considered in the approval of the application.~~
- (l) **Storage of firewood.** The storage of firewood shall comply with Chapter 84.09 (Firewood Storage).

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4245 (2014); ~~Amended Ordinance XXXX (2018)~~

84.01.060 Accessory Dwelling Units

- (a) **General Provision.** Accessory dwelling units shall comply with all provisions of this chapter as well as the underlying zoning district.
- (b) **Location Criteria.** Accessory dwelling units shall be allowed in land use zoning districts on any site that contains a proposed or an existing single-family dwelling. Accessory dwelling units shall not be permitted in those areas where a development moratorium has been imposed, including a moratorium for water or sewer connection, whether imposed by the county or another public agency.
- (c) **Common Ownership and Rental Terms.** Accessory dwelling units are not intended for sale separate from the primary residence but may be rented separately from the primary residence for a term longer than 30 days.
- (d) **Types of Units.**
 - (1) An attached accessory dwelling unit may be either attached or located within the living area of the proposed or existing primary dwelling.
 - (2) A detached accessory dwelling unit shall be smaller than the proposed or an existing single-family dwelling. The accessory dwelling unit shall be considered the primary unit if it is a larger size than the primary dwelling.
 - (3) An accessory dwelling unit may be permitted if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, provided that it has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.

(e) **Development Standards for Accessory Dwelling Units.** The development standards for an accessory dwelling unit shall comply with the following additional requirements:

- (1) The accessory dwelling unit shall comply with all development standards of the land use zoning designation in which the lot is located.
- (2) A detached accessory dwelling unit shall be located at the rear or the side of the primary dwelling unless an approved Compatibility Determination determines that the accessory dwelling unit may be located in front of the primary dwelling due to special and extraordinary circumstances, such as the existing location of the primary dwelling or physical constraints of the lot.
- (3) Written confirmation from the sewer district having jurisdiction of the availability of sewer service for the accessory dwelling unit or written approval from the Division of Environmental Health Services for use on an existing or new septic system shall be obtained. Holding tanks shall not be permitted for accessory dwelling units.
- (4) Written confirmation from the water district having jurisdiction of the availability of water service for the accessory dwelling unit or written approval from the Division of Environmental Health Services for use of an existing or new well shall be obtained.
- (5) In addition to the requirements of Section 84.01.020 (General Development Standards), the minimum accessory dwelling unit size will be determined by the current edition of the California Residential Code or as certified by California Department of Housing and Community Development.
- (6) Approval for setbacks from the applicable Fire Department shall be required prior to the issuance of a building permit for an accessory dwelling unit.
- (7) Approval for site drainage, egress, and exit requirements from the Building and Safety Division shall be required prior to the issuance of a building permit for an accessory dwelling unit.

(f) **Exemptions.** An accessory dwelling unit may comply with the following exemptions of the development standards:

- (1) No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage. Note: due to safety concerns, garage conversions or accessory dwelling unit additions above a garage shall not be exempt from roadway setback requirements in the Mountain Region.

- (2) Accessory dwelling units are not required to provide fire sprinklers if they are not required for the primary dwelling.
- (3) Accessory dwelling units that are constructed within the existing space of a dwelling unit or existing accessory structure are not required to install new or separate utility connections and shall not be subject to separate utility connection fee or capacity charge.

(g) Parking Exemptions. The parking requirements for accessory dwelling units, as set forth in Chapter 83.11 (Parking and Loading Standards), shall not apply in any of the following instances:

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

Amended Ordinance XXXX (2018)

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**Table 84-5
Animal Keeping Allowed as Accessory Use**

Animal Type	All single-family dwelling units	
	Minimum Parcel Area (Sq. Ft.)	Maximum Density or Number
A combination of dogs and/or cats	Less than 7,200 7,200 9,999 10,000 19,999 20,000 or more	2/parcel or unit 3/parcel 4/parcel 5/parcel ⁽¹⁾
Potbellied pigs (under 200 lbs.)	Less than 7,200 7,200 9,999 10,000 19,999 20,000 or more	2/parcel or unit 3/parcel 4/parcel 5/parcel ⁽¹⁾
Aviary, apiary, or similar small animal farms	20,000 or more	Not allowed
Fish raising	20,000 or more	Not allowed
Poultry Female	Less than 7,200 7,200 9,999 10,000 19,999 20,000 or more	2/parcel or unit 3/parcel 4/parcel 1/2,000 sq. ft. Maximum 9 of each genus/parcel
Poultry Male	1 acre	Maximum 9 per parcel but no more than 2 of any genus
Rabbits and chinchillas	Less than 7,200 7,200 9,999 10,000 19,999 20,000 or more	2/parcel or unit 3/parcel 4/parcel 1/2,000 sq. ft. Maximum 9 of each genus/parcel
Sheep, female goats, and other similar small livestock	Less than 7,200 7,200 19,999 20,000 or more	Not allowed 1/5,000 sq. ft. 1/5,000 sq. ft. Cumulative total of sheep and goats = 9 per parcel

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- (a) **Special Use Permit.** A Special Use Permit shall be required in compliance with Chapter 85.14 (Special Use Permits) and shall be renewed annually. The review authority may void a Special Use Permit for a bed and breakfast use for noncompliance with the conditions outlined in the approved permit and shall notify the permittee of its action in compliance with Chapter 86.09 (Enforcement)
- (b) **Health Permit.** A Health Permit shall be required in compliance with Title 3 (Health and Sanitation and Animal Regulations) of the County Code and shall be renewed annually.
- (c) **Transit Occupancy Tax (bed tax) requirements.** Bed and breakfast uses shall be subject to the Transient Occupancy Tax (“bed tax”) in compliance with Title 1 (Government and Administration) of the County Code.
- (d) **Certificate of Land Use Compliance.** Where deemed appropriate by the Code Enforcement Division, owners/operators of bed and breakfast uses shall be required to sign and record a Certificate of Land Use Compliance and abide by its provisions in compliance with Chapter 85.05 (Certificates of Land Use Compliance).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

84.05.050 Development Standards

- (a) **Land use zoning district requirements.** Bed and breakfast uses shall be subject to the development standards for the land use zoning district in which they are located as identified in Division 2 (Land Use Zoning Districts and Allowed Land Uses) and the development standards in this Chapter.
- (b) **Single-family dwelling structure only.** Only a single-family dwelling structure, including related habitable accessory structures (e.g., guest house, ~~second~~-accessory dwelling units, etc.) shall be considered for bed and breakfast uses.
- (c) **Accessory to residential use.** The bed and breakfast use shall be conducted as an accessory residential use only.
- (d) **Owner residency requirement.** The residential structure shall serve as the primary residence of the owner of the bed and breakfast use. If a corporation is the owner, a majority shareholder of the corporation shall reside in the residential structure where the bed and breakfast use is operated.
- (e) **Code and State law requirements.**
 - (1) Dwelling units proposed for bed and breakfast use shall comply with standards and specifications of the California Building Code.
 - (2) Each guest room shall be equipped with a fire extinguisher and a smoke detector that conform to the California Building Code Standards (CBC No. 43-6).

CHAPTER 84.08 DEPENDENT HOUSING (RESERVED)

Sections:

- ~~84.08.010 — Purpose~~
- ~~84.08.020 — Applicability~~
- ~~84.08.030 — Permit Requirements~~
- ~~84.08.040 — Development Standards~~

~~84.08.010 — Purpose~~

~~The purpose of this Chapter is to provide standards for the location, occupation, and removal of dependent housing. These standards are intended to allow residents to provide adequate housing on a temporary basis for adult family members who are dependent for financial or health reasons and to ensure the removal of the unit upon cessation of the housing need.~~

~~—Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)~~

~~84.08.020 — Applicability~~

~~The standards in this Chapter shall apply to dependent housing where allowed as a temporary accessory use to an allowed single dwelling unit in the land use zoning districts identified in Division 2 (Land Use Zoning Districts and Allowed Land Uses)~~

~~—Adopted Ordinance 4011 (202007); Amended Ordinance 4067 (200907)~~

~~84.08.030 — Permit Requirements~~

~~The Special Use Permit for a dependent housing unit issued in compliance with Chapter 85.14 (Special Use Permits) shall be approved for a period not to exceed 24 months and may be renewed for additional 24 month periods subject to the provisions of this Chapter. Proof of continuing eligibility as a qualified dependent is required as a condition of renewal.~~

~~—Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009)~~

~~84.08.040 — Development Standards~~

~~(a) **Allowed structural types.** The following types of structures shall be allowed for use as dependent housing units:~~

- ~~(1) Units constructed to meet California Building Code Standards, including panelized structures or other structural types that may be affixed to a foundation but disassembled at a later date; or~~

~~(2) Units constructed to meet the standards of the National Manufactured Home Construction and Safety Standards Act of 1974 subject to the issuance of a Mobile Home Permit. The provisions of Subsection 84.21.030(i) of this Title shall apply to a manufactured home used as dependent housing.~~

~~(b) **Number of units allowed per parcel.** One detached dependent housing unit per parcel may be allowed as a temporary accessory use; provided, however, that only one single family dwelling unit occupies the parcel.~~

~~(c) **Minimum parcel area.** A dependent housing unit shall not be allowed on a parcel that is less than 7,200 square feet in area.~~

~~(d) **Ownership and occupancy requirements.**~~

~~(1) The property owner shall occupy at least one of the dwelling units on the premises.~~

~~(2) The property owner shall own the dependent housing unit.~~

~~(3) The property owner shall submit written notification to the Building and Safety Division of any change of residency in the dependent housing unit. The provisions of Subsection 84.21.030(i) of this Title shall apply to a manufactured home used as dependent housing.~~

~~(e) **Floor area.**~~

~~(1) **Units on parcels less than 2½ acres in area.** A dependent housing unit shall have a maximum floor area of 840 square feet and a minimum floor area of 400 square feet when located on a parcel in a land use zoning district that requires parcels that are less than 2 and one half acres in area.~~

~~(2) **Units on parcels 2½ acres in area or greater.** A dependent housing unit shall have a maximum floor area of 1,600 square feet and a minimum floor area of 400 square feet when located on a parcel in a land use zoning district that requires parcels that are 2 and one half acres in area or greater.~~

~~(f) **Design standards.** The appearance of a temporary dependent housing unit shall be similar to, or compatible with, the appearance of the primary residence.~~

~~(g) **Subordinate to primary use.** The dependent housing unit shall be clearly subordinate in size, location, and appearance to the primary dwelling unit.~~

~~(h) **Parking.** Additional parking for the dependent housing unit shall not be required if the existing off street parking complies with Chapter 83.11 (Parking and Loading Standards), or if the resident(s) of the dependent housing unit are incapable of operating a motor vehicle.~~

- ~~(i) **Projection into front setback prohibited.** The dependent housing unit shall not extend beyond the front of the primary dwelling unit.~~
- ~~(j) **Removability of unit.** The dependent housing unit shall be erected, constructed, or installed so that it can be removed.~~
- ~~(k) **Notice of Condition describing removal of unit.** As a condition of approval of the Special Use Permit, the property owner shall sign a Notice of Condition, which shall be recorded and which places the responsibility upon the property owner to comply with the provisions of this Section, describing the method of removal of the dependent housing unit, and acknowledging that the property owner shall bear the cost of removal of the unit.~~

~~Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009)~~

84.12.070 Development Standards Applicable to all Classes

The operators of home occupations shall make every attempt to be a “good neighbor” and respect the rights of their neighbors. All classes of home occupations shall adhere to the following standards:

- (a) **Accessory to residential land use.** Home occupations shall only be allowed as an accessory use to a legal residential land use.
- (b) **Accessory dwelling units.** Home occupations in accessory dwelling units require owner’s authorization.
- (c) **Activities limited to enclosed structure.** The home occupation shall be confined to an enclosed structure, either the residence itself or an authorized accessory structure as described in Section 84.01.050 (Residential Accessory Structures and Uses).
- (d) **Advertising materials.** Public advertising (e.g., handbills) shall only list: phone number, home occupation operator's name, post office box, and description of business. Location information shall be limited to community name only. The business address or location shall not be included in any public advertising, with the exception of a telephone directory (i.e., white pages) and business cards.
- (e) **Commercial delivery vehicles.** The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.
- (f) **External appearance.** The appearance of the structure shall not be altered nor shall the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or signs.
- (g) **Hazardous materials.** Chemicals, solvents, mixtures or materials that are corrosive, toxic, flammable, an irritant, a strong sensitizer, or other similar materials used in a home occupation shall be used and stored in compliance with regulations of the Fire Department.
- (h) **Light and glare.** Direct or indirect light from a home occupation activity shall not cause glare onto an adjacent parcel in compliance with Chapter 83.07 (Glare and Outdoor Lighting).
- (i) **Noise.** Noise emanations shall not exceed 55 dB(A) as measured at the property lines at all times.
- (j) **Parking.** Parking shall comply with the parking requirements outlined in Chapter 83.11 (Parking and Loading Standards). Additional on-site parking beyond that required in Chapter 83.11 (Parking and Loading Standards) shall be provided for additional vehicles used in connection with the home occupation. One additional parking space shall be provided for each non-resident employee. Additional parking

spaces shall be easily accessible (including accommodation for winter conditions in the mountains).

- (k) **Pedestrian and vehicular traffic.** Pedestrian and vehicular traffic shall be limited to that normally associated with residential land use zoning districts.
- (l) **Property owner's permission for tenant operation.** If a tenant of the property is to operate the home occupation, notarized written permission from the property owner for the use of the property for the home occupation shall be submitted.
- (m) **Odors and vibrations.** No equipment or processes used on the subject property shall create smoke, fumes, odors, or vibrations that are disruptive to surrounding properties.
- (n) **Other required permits.** Permits required from other agencies and departments shall be submitted with the Home Occupation Permit application.
- (o) **Outdoor activity time limits.** No process, operation, or activity shall result in the appearance of parts, equipment, materials, tools, or supplies outside a structure for the purpose of the process, operation, or activity so that they can be observed for time periods of 30 or more consecutive minutes from a position of driving or walking on the public streets.
- (p) **Outdoor storage.** No outdoor storage of equipment, materials or supplies or display of goods or products shall be allowed. In the Desert Region, if the subject property is at least five acres in area, outdoor storage shall be allowed if properly screened from view.
- (q) **Street address.** The street address shall be prominently posted on the property so that it is easily visible from the street.
- (r) **Utilities and community facilities.** The uses of utilities and community facilities shall be limited to that normally associated with the use of property for residential purposes.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); **Amended Ordinance XXXX (2018)**

84.12.080 Class I Home Occupation Standards

- (a) **Work activities.** All work shall be performed exclusively by phone and mail, or over the Internet, or shall be the activity of creative artists.
- (b) **Sales.** No sales of products on the premises, except produce (fruit and vegetables) grown on the subject property, shall be allowed.
- (c) **Number of customers.** The only customers or clientele who may visit the residence shall be those identified in Subsection B (Sales), above, and the students of music teachers, academic tutors, and similar instructors. The instruction of the students shall

- (c) **Roofing material.** The roofing material shall be tile, composite shingles, wood shakes, and shingles (if allowed by the Fire Safety (FS) overlay or other applicable overlay(s), or other material customarily used in the surrounding community.
- (d) **Entries and exits.** Entries and exits shall be completed in compliance with Chapter 10 of the California Building Code.
- (e) **Parcels greater than 30 feet in width and 5,000 square feet in area.** Residential structures located on parcels greater than 30 feet in width and greater than 5,000 square feet in area shall comply with the provisions in Subsections (a) through (d), above, and the following:
 - (1) ~~Comply with minimum standards of the California Residential Code or standards for manufactured homes specified below. Minimum floor area shall be 725 square feet measured from the exterior of the structure.~~
 - (2) ~~A “Tiny Home” may be permitted, provided that it complies with the minimum standards of the California Residential Code or standards for manufactured homes specified below. Recreational vehicles (defined in California Health and Safety Code section 18010) will not be approved for occupancy as a dwelling. Minimum floor width and depth shall each average 20 feet measured from the exterior of the structure, excluding garages, porches, patios, eaves, cabanas, and popouts.~~
 - (3) In the Valley Region and Desert Region, residential structures located in a Single Residential (RS) land use zoning district, ~~except for those parcels that are located in the AH (Alternate Housing Standards) overlay,~~ shall have an enclosed garage or carport with minimum interior dimensions of 10 feet by 20 feet constructed in compliance with the California Building Code. In compliance with Section 83.11.040 (Number of Parking Spaces Required), a second parking space shall be provided that may be uncovered and with the minimum dimensions of nine by 19 feet.
 - (4) Utility hookups and an area suitable to accommodate the installation of a clothes washer and dryer shall be provided within the primary structure or within an enclosed accessory structure.
- (f) **Parcels less than 30 feet in width or 5,000 square feet in area.** Residential structures located on parcels of 30 feet or less in width or 5,000 square feet or less in area shall comply with the provisions as specified in Subsections (a) through (d), above, and the following:
 - (1) ~~Comply with minimum standards of the California Residential Code or standards for manufactured homes specified below. Minimum floor area shall be 600 square feet measured from the exterior of the structure.~~
 - (2) ~~A “Tiny Home” may be permitted, provided that it complies with the minimum standards of the California Residential Code or standards for manufactured~~

homes specified below. Recreational vehicles (defined in California Health and Safety Code section 18010) will not be approved for occupancy as a dwelling. ~~Minimum floor width shall be 15 feet measured from the exterior of the structure.~~

~~(g) **Compliance with AH (Alternate Housing Standards) overlay requirements.** A home installed on a parcel located in an AH (Alternate Housing Standards) overlay shall comply with the provisions in Section 82.10.030 (Development Standards).~~

(hg) Where manufactured homes allowed. Manufactured homes installed or constructed in compliance with this Section shall be allowed in land use zoning districts where detached single-family residential structures are allowed.

(ih) Certification tag or label required. A permit from the Building and Safety Division for the installation of a manufactured home not within an approved and properly licensed mobile home park shall not be issued, if more than ten years have elapsed between the date of manufacture and the date of the application for the issuance of the permit to install such manufactured home except as provided below. Also, the manufacturer shall permanently affixed a label or tag to the manufactured home certifying that the manufactured home complies with Federal construction and safety standards applicable to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et. Seq., Section 5415).

The ten-year standard provided above shall apply to all manufactured homes except when the following findings can be made:

- (1) The site for the proposed location of the manufactured home is adequate in terms of shape and size to accommodate the use and all parking areas, setbacks, structure coverage, yards, and other applicable requirements of this Development Code;
- (2) ~~The Building and Safety Division has investigated, inspected and reported on the manufactured home and~~ An architect or engineer licensed by the state of California has determined and certified that the manufactured home proposed for installation substantially conforms to the construction standards regarding health, accessibility, life and fire safety and structural requirements applicable to manufactured homes less than ten years old; and
- (3) The appearance of the manufactured home and the method of siting are compatible with the appearance of the primary structure and the structures in the surrounding neighborhood.

(ji) Infrastructure requirements. A building permit shall not be issued for the construction of single-family residential dwelling unless all of the following infrastructure requirements are satisfied for an existing lot of record:

- (1) Proof of legal and physical access.

CHAPTER 84.22 SMALL LOT STANDARDS

Sections:

- 84.22.010 Purpose
- 84.22.020 Applicability
- 84.22.030 Development Requirements

84.22.010 Purpose

The purpose of this Chapter is to provide development standards for residential development on small lots in order to minimize adverse impacts on County water, sewage treatment, road, and fire protection resources.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

84.22.020 Applicability

The standards in this Chapter shall apply to parcels that are 5,000 square feet or less in area or that are less than 630 feet in width. This Chapter shall not apply to parcels that are a part of an approved subdivision recorded after July 1, 1984 or an approved Planned Development.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance XXXX (2018)

84.22.030 Development Requirements

New dwellings and accessory structures on small lots shall be subject to the following requirements.

- (a) **Parcel merger requirements and exemption.** An application for a development permit for a dwelling or accessory structure on a small lot shall be accompanied by one of the following:
 - (1) A recorded Notice of Merger of the subject parcel with an abutting parcel in common contiguous ownership; or
 - (2) Documentation showing the record ownership of the subject parcel, and all parcels sharing a common side lot line with the subject parcel. If adjoining parcels are under the same ownership, the parcels shall be merged to bring them closer to, or fully into, conformance with minimum parcel sizes, thus enhancing the public health and safety of the area. If the Record of Ownership shows that adjoining parcels are not under the same ownership, merger of the parcels shall not be required.

CHAPTER 85.14 SPECIAL USE PERMITS

Sections:

- 85.14.010 Purpose
- 85.14.020 Types of Special Use Permits and Review Authorities
- 85.14.030 Procedures
- 85.14.040 General Provisions
- 85.14.050 Special Uses
- 85.14.060 Findings for Specific Special Uses

85.14.010 Purpose

Special Use Permits are required to regularly monitor the operation of certain land uses to ensure their continued compatibility with the surrounding property.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

85.14.020 Types of Special Use Permits and Review Authorities

Table 85-3 (Special Use Permits) identifies the various types of Special Use Permits with the appropriate review authorities:

Table 85-3 Special Use Permits				
Type of Entitlement or Decision	Applicable Citation	Director (1) (2)	Commission (3)	Board (4)
Bed and Breakfast Permit	Ch. 84.05	Issue ⁽⁶⁾	Appeal	Appeal
Dependent Housing	Ch. 84.08	Issue ⁽⁵⁾	Appeal	Appeal
Exotic Animals	Ch. 84.04	Issue ⁽⁶⁾	Appeal	Appeal
Home Occupations	Ch. 84.12	Issue ⁽⁶⁾	Appeal	----
Private Kennels	Ch. 84.04	Issue ⁽⁶⁾	Appeal	Appeal
Recycling Facilities	Ch. 84.19	Issue ⁽⁶⁾	Appeal	Appeal
Short-Term Private Home Rental	Ch. 84.28	Issue ⁽⁶⁾	Appeal	----

Notes:

- (1) The Director may defer action and refer any permit or approval application to the Commission for final determination.
- (2) All decisions of the Director are appealable to Commission, and then to the Board, in compliance with Chapter 86.08 (Appeals), except for those decisions addressed in Note (3).
- (3) The Commission may refer consideration of an appeal to the Board, except for those decisions involving only a Variance, determination as to the completeness of an application, the determination to approve or deny a Home Occupation Permit, an Accessory Wind Energy Permit, a Short-Term Private Home Rental, a Subdivision Sign Location Plan, or the requirement for preparation of an Environmental Impact Report (EIR). In these instances the Commission's decision shall be the final and conclusive decision. The Board will not accept nor consider an appeal of these Commission decisions.
- (4) All decisions of the Board are final.
- ~~(5) Issued by the Building Official.~~

- (b) **Limited time periods may be applied.** Special Use Permits may be issued for limited time periods. A new application shall be required for renewal of a Special Use Permit. Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

85.14.060 Findings for Specific Special Uses

- (a) **Findings for bed and breakfast uses.** Before acting upon an application for a Special Use Permit for a bed and breakfast use, the review authority shall first find all of the following to be true:

- (1) The site upon which the bed and breakfast use is to be established, shall conform to all standards of the land use zoning district in which it is located, and the site for the proposed use is adequate in terms of shape and size to accommodate the use and parking areas, setbacks, structure coverage, yards, and other applicable requirements of this Development Code; and
- (2) The residential character of the neighborhood in which the use is located shall be maintained and preserved and the issuance of the Special Use Permit shall not be significantly detrimental to the public health, safety, and welfare or injurious to the vicinity and land use zoning district in which the use is located.

- ~~(b) **Findings for dependent housing units.** Before acting upon an application for a Special Use Permit for a dependent housing unit, the review authority shall first find all of the following to be true:~~

- ~~(1) The site for the proposed dependent housing unit is adequate in terms of shape and size to accommodate the use and all parking areas, setbacks, structure coverage, yards, and other applicable requirements of this Development Code;~~
- ~~(2) The proposed dependent housing unit is clearly subordinate in appearance, location, and size to the principal unit;~~
- ~~(3) Issuance of the Special Use Permit shall not be detrimental to the public health, safety, or welfare or injurious to the property or improvements in the vicinity and land use zoning district in which the use is located;~~
- ~~(4) The dependent housing unit shall be constructed, erected, or installed to allow for its removal or conversion to guest housing; and~~
- ~~(5) The appearance of the dependent housing unit and the method of siting are compatible with the surrounding built environment.~~

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance XXXX (2018)

- (7) **Vehicular Access Rights.** The right of access of owners or occupants of abutting lands to a public road or way, other than as pedestrians.
- (b) **Accessibility for the Disabled.** Accessible services, structure or facilities are those that may be entered and used by individuals despite handicapping conditions. Accessibility also includes responding to the needs of people with sight or hearing disabilities, in addition to those with developmental, activity, manual or mobility impairments, so that they may enjoy the full and free use of those services, structures or facilities.
- (c) **Accessory Building Sign.** See “Sign.”
- (d) **Accessory Crop Production (see Land Use Tables).** One or more of the activities included in the definition of “Crop Production, Horticulture, Orchard, Vineyard” occurring incidental to a primary residential use on the same site. This does not include wholesale or retail nurseries.
- (e) **Accessory Dwelling (see Land Use Tables).** A dwelling unit that is accessory and incidental to a primary agricultural, residential, commercial, industrial or institutional land use on the same site, and is for the purpose of providing a residence for one or more people needed to maintain, operate and/or secure the primary non-residential land use on the property. Accessory dwellings include:
- (1) **Caretaker Housing.** The residential occupancy of a dwelling unit by the owners, operators or caretaker employed to guard or operate part or all of the site where the caretaker dwelling is located as an accessory use. The caretaker unit may be located either above the first floor or behind a primary commercial use.
 - (2) **Labor Quarters.** Residential occupancy of single or multiple dwelling units with individual, shared or no kitchen facilities to provide housing for the employees and their families of agricultural, mining, logging, major construction, scientific exploration or other remote land uses.
- (f) **Accessory Dwelling Unit.** Attached or a detached residential dwelling unit, not considered to exceed the allowable density of the parcel, which provides complete independent living facilities for one or more persons with permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit includes an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code. To be considered detached, the roofs between the primary structure and the accessory structure must be at least ten feet apart.
- (g) **Accessory Office.** See “Office.”

- (g) **Decibel (dBA).** A measure of sound pressure on a logarithmic scale, with respect to a standard reference value.
- (h) **Decision.** Any decision to approve, disapprove, or modify a request to develop, divide, or otherwise utilize land or to alter or establish land use regulations.
- (i) **Density Bonus.** A density increase over the otherwise maximum allowable residential density under the applicable land use plan designation and land use zoning district. Also, see Government Code Section 65915.
- (j) **Department.** The Department of Land Use Services of the County of San Bernardino.

~~(k) **Dependent Housing (see Land Use Tables).** Residential occupancy of an accessory dwelling unit located on the same parcel as the principal dwelling unit that is occupied by:~~

- ~~(1) One or two adults, who have reached the age of 60, and are dependents of the residents of the primary unit;~~
- ~~(2) Court appointed conservatees of a resident of the principal unit; or~~
- ~~(3) Members of a very low income household as specified as Section 50105 of the Health and Safety Code and are related to the residents of the principal unit by birth, marriage, or adoption.~~
- ~~(4) One or two adults of any age who are dependent upon the residents of the primary unit for health care.~~

~~For the purposes of this section, “Dependent” means a related individual who is dependent upon the resident of the principal unit for financial support or health care. An individual will be determined to be a financial dependent if claimed by the resident of the primary unit as a dependent on his or her Federal or State income tax return. An individual will be determined to be a dependent for health care reasons if he or she is considered blind or disabled as defined in Section 1614(a) of Part A of Title XVI of the Social Security Act.~~

- (k) **Dependent Mobile Home.** See “Mobile Home, Dependent.”
- (l) **Desert Botanical Gardens (see Land Use Tables).** A public or private facility for the demonstration and observation of the cultivation of desert flowers, fruits, vegetables, or ornamental desert plants.
- (m) **Desert Native Plant.** See “Plant, Desert Native.”
- (n) **Desert Native Plant Expert.** See “Plant Expert, Desert Native.”
- (o) **Desert Region.** Desert Region shall mean and include all of the unincorporated area of San Bernardino County lying north and east of the Mountain Region as defined in this Division.

- (oo) **Drainage Course.** A natural or man-made water course that could convey runoff either year around or intermittently.
- (pp) **Drainage Plan, Local Area.** A drainage plan adopted for a particular drainage area. These plans shall include a map of the area showing its boundaries, the location of existing and future drainage facilities and an accompanying text that contains an estimate of the total costs of constructing the local drainage facilities.
- (qq) **Dripline.** A line that may be drawn on the ground around a tree directly under its outermost branch tips which is projected vertically down to the ground and which identifies that area where rainwater tends to drop from the tree.
- (rr) **Dwelling, Multiple Family (see Land Use Tables).** A building or portion thereof used and/or designed as two or more independent dwelling units.
- (ss) **Dwelling, Single Family (see Land Use Tables).** A detached building designed and/or used as one dwelling unit.
- (tt) **Dwelling, Single Family Attached (see Land Use Tables).** A single family dwelling that is attached to not more than one other single family dwelling.
- (uu) **Dwelling Unit.** Any building or portion thereof, including a manufactured home or portion thereof, that contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the California Building Code, for not more than one family, including domestic employees of the family.
- ~~(v) **Dwelling Unit, Second.** A second dwelling unit is an additional dwelling unit either attached or detached.~~
- (vv) **Dwelling Use in Conjunction with Commercial Use.** One or more dwelling units developed along with one or commercial uses in a mixed-use project.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4163 (2012); Amended Ordinance 4169 (2012); Amended Ordinance 4189 (2012); **Amended Ordinance XXXX (2018)**

- (o) **Hierarchy of Space.** Defined areas for public space (e.g., streets), community space (e.g., common open space, play areas, communal laundry, community center, etc.), and private space (e.g., individual units and private open space).
- (p) **Highest Adjacent Grade.** See “Flood Hazard.”
- (q) **Historic Structure.** See “Flood Hazard.”
- (r) **Historical Landmark and Structure (see Land Use Tables).** An individual structure or group of structures on a single lot, a site, an area, a district, or combination thereof, having a special historical, architectural, cultural, or aesthetic value.
- (s) **Holiday Lighting.** See “Lighting, Outdoor.”
- (t) **Hog Ranch.** Any premises used for the raising or keeping of 10 or more weaned animals.
- (u) **Home Occupation (see Land Use Tables).** Any occupation customarily conducted entirely within a dwelling by its inhabitants, the purpose being incidental to the use of the dwelling for dwelling purposes. These uses are regulated in Chapter 84.12 (Home Occupations).
- (v) **Reserved.**
- (w) **Host Home.** See “Bed and Breakfast Inn.”
- (x) **Hospital.** See “Medical Services, Hospital.”
- (y) **Hotel (see Land Use Tables).** An establishment that provides guest rooms or suites for a fee. Access to units is primarily from interior lobbies, courts, or halls. Related accessory uses may include conference and meeting rooms, restaurants, bars, and recreational facilities. Guest rooms may or may not contain kitchen facilities for food preparation (i.e., refrigerators, sinks, stoves, and ovens). Hotels with kitchen facilities are commonly known as extended stay hotels. A hotel operates subject to taxation under Revenue and Taxation Code Section 7280. Note: A Residential Care Facility is not a hotel, or vice versa.
- (z) **Reserved.**
- (aa) **Housing, Caretaker.** See “Caretaker Housing.”
- ~~(bb) **Housing, Dependent (see Land Use Tables).** See “Dependent Housing.”~~
- (bb) **Housing, Group (see Land Use Tables).** See “Group Housing.”
- (cc) **Hydrocollapsible Soils.** See “Soil.”

EXHIBIT B

California HCD Accessory Dwelling Unit Memorandum



Courtesy of Karen Chapple, UC Berkeley

California Department of Housing and Community Development
Where Foundations Begin

Accessory Dwelling Unit Memorandum

December 2016



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Understanding Accessory Dwelling Units and Their Importance



Courtesy of Karen Chapple, UC Berkeley

California's housing production is not keeping pace with demand. In the last decade less than half of the needed housing was built. This lack of housing is impacting affordability with average housing costs in California exceeding the rest of the nation. As affordability becomes more problematic, people drive longer distances between a home that is affordable and where they work, or double up to share space, both of which reduces quality of life and produces negative environmental impacts.

Beyond traditional market-rate construction and government subsidized production and preservation there are alternative housing models and emerging trends that can contribute to addressing home supply and affordability in California.

One such example gaining popularity are Accessory Dwelling Units (ADUs) (also referred to as second units, in-law units, or granny flats).

What is an ADU

An ADU is a secondary dwelling unit with complete independent living facilities for one or more persons and generally takes three forms:

- *Detached*: The unit is separated from the primary structure
- *Attached*: The unit is attached to the primary structure
- *Repurposed Existing Space*: Space (e.g., master bedroom) within the primary residence is converted into an independent living unit
- *Junior Accessory Dwelling Units*: Similar to repurposed space with various streamlining measures

ADUs offer benefits that address common development barriers such as affordability and environmental quality. ADUs are an affordable type of home to construct in California because they do not require paying for land, major new infrastructure, structured parking, or elevators. ADUs are built with cost-effective one- or two-story wood frame construction, which is significantly less costly than homes in new multifamily infill buildings. ADUs can provide as much living space as the new apartments and condominiums being built in new infill buildings and serve very well for couples, small families, friends, young people, and seniors.

ADUs are a different form of housing that can help California meet its diverse housing needs. Young professionals and students desire to live in areas close to jobs, amenities, and schools. The problem with high-opportunity areas is that space is limited. There is a shortage of affordable units and the units that are available can be out of reach for many people. To address the needs of individuals or small families seeking living quarters in high opportunity areas, homeowners can construct an ADU on their lot or convert an underutilized part of their home like a garage

into a junior ADU. This flexibility benefits not just people renting the space, but the homeowner as well, who can receive an extra monthly rent income.

ADUs give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care and helping extended families to be near one another while maintaining privacy.

Relaxed regulations and the cost to build an ADU make it a very feasible affordable housing option. A UC Berkeley study noted that one unit of affordable housing in the Bay Area costs about \$500,000 to develop whereas an ADU can range anywhere up to \$200,000 on the expensive end in high housing cost areas.

ADUs are a critical form of infill-development that can be affordable and offer important housing choices within existing neighborhoods. ADUs are a powerful type of housing unit because they allow for different uses, and serve different populations ranging from students and young professionals to young families, people with disabilities and senior citizens. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education and services for many Californians.

Summary of Recent Changes to ADU Laws



Courtesy of Karen Chapple, UC Berkeley

The California legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in single family and multifamily zones provides additional rental housing and are an essential component in addressing housing needs in California. Over the years, ADU law has been revised to improve its effectiveness such as recent changes in 2003 to require ministerial approval. In 2017, changes to ADU laws will further reduce barriers, better streamline approval and expand capacity to accommodate the development of ADUs.

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, the disabled,

and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the Department has prepared this guidance to assist local governments in encouraging the development of ADUs. Please see Attachment 1 for the complete statutory changes. The following is a brief summary of the changes for each bill.

SB 1069 (Wieckowski)

S.B. 1069 (Chapter 720, Statutes of 2016) made several changes to address barriers to the development of ADUs and expanded capacity for their development. The following is a brief summary of provisions that go into effect January 1, 2017.

Parking

SB 1069 reduces parking requirements to one space per bedroom or unit. The legislation authorizes off street parking to be tandem or in setback areas unless specific findings such as fire and life safety conditions are made. SB 1069 also prohibits parking requirements if the ADU meets any of the following:

- Is within a half mile from public transit.
- Is within an architecturally and historically significant historic district.
- Is part of an existing primary residence or an existing accessory structure.
- Is in an area where on-street parking permits are required, but not offered to the occupant of the ADU.
- Is located within one block of a car share area.

Fees

SB 1069 provides that ADUs shall not be considered new residential uses for the purpose of calculating utility connection fees or capacity charges, including water and sewer service. The bill prohibits a local agency from requiring an ADU applicant to install a new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory structure. For attached and detached ADUs, this fee or charge must be proportionate to the burden of the unit on the water or sewer system and may not exceed the reasonable cost of providing the service.

Fire Requirements

SB 1069 provides that fire sprinklers shall not be required in an accessory unit if they are not required in the primary residence.

ADUs within Existing Space

Local governments must ministerially approve an application to create within a single family residential zone one ADU per single family lot if the unit is:

- contained within an existing residence or accessory structure.
- has independent exterior access from the existing residence.
- has side and rear setbacks that are sufficient for fire safety.

These provisions apply within all single family residential zones and ADUs within existing space must be allowed in all of these zones. No additional parking or other development standards can be applied except for building code requirements.

No Total Prohibition

SB 1069 prohibits a local government from adopting an ordinance that precludes ADUs.

AB 2299 (Bloom)

Generally, AB 2299 (Chapter 735, Statutes of 2016) requires a local government (beginning January 1, 2017) to ministerially approve ADUs if the unit complies with certain parking requirements, the maximum allowable size of an attached ADU, and setback requirements, as follows:

- The unit is not intended for sale separate from the primary residence and may be rented.
- The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.
- The unit is either attached to an existing dwelling or located within the living area of the existing dwelling or detached and on the same lot.
- The increased floor area of the unit does not exceed 50% of the existing living area, with a maximum increase in floor area of 1,200 square feet.
- The total area of floorspace for a detached accessory dwelling unit does not exceed 1,200 square feet.
- No passageway can be required.
- No setback can be required from an existing garage that is converted to an ADU.

- Compliance with local building code requirements.
- Approval by the local health officer where private sewage disposal system is being used.

Impact on Existing Accessory Dwelling Unit Ordinances

AB 2299 provides that any existing ADU ordinance that does not meet the bill's requirements is null and void upon the date the bill becomes effective. In such cases, a jurisdiction must approve accessory dwelling units based on Government Code Section 65852.2 until the jurisdiction adopts a compliant ordinance.

AB 2406 (Thurmond)

AB 2406 (Chapter 755, Statutes of 2016) creates more flexibility for housing options by authorizing local governments to permit junior accessory dwelling units (JADU) through an ordinance. The bill defines JADUs to be a unit that cannot exceed 500 square feet and must be completely contained within the space of an existing residential structure. In addition, the bill requires specified components for a local JADU ordinance. Adoption of a JADU ordinance is optional.

Required Components

The ordinance authorized by AB 2406 must include the following requirements:

- Limit to one JADU per residential lot zoned for single-family residences with a single-family residence already built on the lot.
- The single-family residence in which the JADU is created or JADU must be occupied by the owner of the residence.
- The owner must record a deed restriction stating that the JADU cannot be sold separately from the single-family residence and restricting the JADU to the size limitations and other requirements of the JADU ordinance.
- The JADU must be located entirely within the existing structure of the single-family residence and JADU have its own separate entrance.
- The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. No gas or 220V circuits are allowed.
- The JADU may share a bath with the primary residence or have its own bath.

Prohibited Components

This bill prohibits a local JADU ordinance from requiring:

- Additional parking as a condition to grant a permit.
- Applying additional water, sewer and power connection fees. No connections are needed as these utilities have already been accounted for in the original permit for the home.

Fire Safety Requirements

AB 2406 clarifies that a JADU is to be considered part of the single-family residence for the purposes of fire and life protections ordinances and regulations, such as sprinklers and smoke detectors. The bill also requires life and protection ordinances that affect single-family residences to be applied uniformly to all single-family residences, regardless of the presence of a JADU.

JADUs and the RHNA

As part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a JADU toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit which is fairly flexible. Local government count units as part of reporting to DOF. JADUs meet these definitions and this bill would allow cities and counties to earn credit toward meeting their RHNA allocations by permitting residents to create less costly accessory units. See additional discussion under JADU frequently asked questions.

Frequently Asked Questions: Accessory Dwelling Units

Should an Ordinance Encourage the Development of ADUs?

Yes, ADU law and recent changes intend to address barriers, streamline approval and expand potential capacity for ADUs recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment and implementation of local ADU ordinances must be carried out consistent with Government Code Section 65852.150:

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

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

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

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

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

(5) California faces a severe housing crisis.

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

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

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

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

Are Existing Ordinances Null and Void?



Yes, any local ordinance adopted prior to January 1, 2017 that is not in compliance with the changes to ADU law will be null and void. Until an ordinance is adopted, local governments must apply “state standards” (See Attachment 4 for State Standards checklist). In the absence of a local ordinance complying with ADU law, local review must be limited to “state standards” and cannot include additional requirements such as those in an existing ordinance.

Are Local Governments Required to Adopt an Ordinance?

No, a local government **is not required** to adopt an ordinance. ADUs built within a jurisdiction that lacks a local ordinance must comply with state standards (See Attachment 4). Adopting an ordinance can occur through different forms such as a new ordinance, amendment to an existing ordinance, separate section or special regulations within the zoning code or integrated into the zoning code by district. However, the ordinance should be established legislatively through a public process and meeting and not through internal administrative actions such as memos or zoning interpretations.

Can a Local Government Preclude ADUs?

No local government cannot preclude ADUs.

Can a Local Government Apply Development Standards and Designate Areas?

Yes, local governments may apply development standards and may designate where ADUs are permitted (GC Sections 65852.2(a)(1)(A) and (B)). However, ADUs within existing structures must be allowed in all single family residential zones.

For ADUs that require an addition or a new accessory structure, development standards such as parking, height, lot coverage, lot size and maximum unit size can be established with certain limitations. ADUs can be avoided or allowed through an ancillary and separate discretionary process in areas with health and safety risks such as high fire hazard areas. However, standards and allowable areas must not be designed or applied in a manner that burdens the development of ADUs and should maximize the potential for ADU development. Designating areas where ADUs are allowed should be approached primarily on health and safety issues including water, sewer, traffic flow and public safety. Utilizing approaches such as restrictive overlays, limiting ADUs to larger lot sizes, burdensome lot coverage and setbacks and particularly concentration or distance requirements (e.g., no less than 500 feet between ADUs) may unreasonably restrict the ability of the homeowners to create ADUs, contrary to the intent of the Legislature.

Requiring large minimum lot sizes and not allowing smaller lot sizes for ADUs can severely restrict their potential development. For example, large minimum lot sizes for ADUs may constrict capacity throughout most of the community. Minimum lot sizes cannot be applied to ADUs within existing structures and could be considered relative to health and safety concerns such as areas on septic systems. While larger lot sizes might be targeted for various reasons such as ease of compatibility, many tools are available (e.g., maximum unit size, maximum lot coverage, minimum setbacks, architectural and landscape requirements) that allows ADUs to fit well within the built environment.

Can a Local Government Adopt Less Restrictive Requirements?

Yes, ADU law is a minimum requirement and its purpose is to encourage the development of ADUs. Local governments can take a variety of actions beyond the statute that promote ADUs such as reductions in fees, less restrictive parking or unit sizes or amending general plan policies.

Santa Cruz has confronted a shortage of housing for many years, considering its growth in population from incoming students at UC Santa Cruz and its proximity to Silicon Valley. The city promoted the development of ADUs as critical infill-housing opportunity through various strategies such as creating a manual to promote ADUs. The manual showcases prototypes of ADUs and outlines city zoning laws and requirements to make it more convenient for homeowners to get information. The City found that homeowners will take time to develop an ADU only if information is easy to find, the process is simple, and there is sufficient guidance on what options they have in regards to design and planning.

The city set the minimum lot size requirement at 4,500 sq. ft. to develop an ADU in order to encourage more homes to build an ADU. This allowed for a majority of single-family homes in Santa Cruz to develop an ADU. For more information, see <http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program>.

Can Local Governments Establish Minimum and Maximum Unit Sizes?

Yes, a local government may establish minimum and maximum unit sizes (GC Section 65852.2(c)). However, like all development standards (e.g., height, lot coverage, lot size), unit sizes should not burden the development of ADUs. For example, setting a minimum unit size that substantially increases costs or a maximum unit size that unreasonably restricts opportunities would be inconsistent with the intent of the statute. Typical maximum unit sizes range from 800 square feet to 1,200 square feet. Minimum unit size must at least allow for an efficiency unit as defined in Health and Safety Code Section 17958.1.

ADU law requires local government approval if meeting various requirements (GC Section 65852.2(a)(1)(D)), including unit size requirements. Specifically, attached ADUs shall not exceed 50 percent of the existing living area or 1,200 square feet and detached ADUs shall not exceed 1,200 square feet. A local government may choose a maximum unit size less than 1,200 square feet as long as the requirement is not burdensome on the creation of ADUs.

Can ADUs Exceed General Plan and Zoning Densities?

An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Minimum lot sizes must not be doubled (e.g., 15,000 square feet) to account for an ADU. Further, local governments could elect to allow more than one ADU on a lot.

New developments can increase the total number of affordable units in their project plans by integrating ADUs. Aside from increasing the total number of affordable units, integrating ADUs also promotes housing choices within a development. One such example is the Cannery project in Davis, CA. The Cannery project includes 547 residential units with up to 60 integrated ADUs. ADUs within the Cannery blend in with surrounding architecture, maintaining compatibility with neighborhoods and enhancing community character. ADUs are constructed at the same time as the primary single-family unit to ensure the affordable rental unit is available in the housing supply concurrent with the availability of market rate housing.

How Are Fees Charged to ADUs?

All impact fees, including water, sewer, park and traffic fees must be charged in accordance with the Fee Mitigation Act, which requires fees to be proportional to the actual impact (e.g., significantly less than a single family home).

Fees on ADUs, must proportionately account for impact on services based on the size of the ADU or number of plumbing fixtures. For example, a 700 square foot new ADU with one bathroom that results in less landscaping should be charged much less than a 2,000 square foot home with three bathrooms and an entirely new landscaped parcel which must be irrigated. Fees for ADUs should be significantly less and should account for a lesser impact such as lower sewer or traffic impacts.

What Utility Fee Requirements Apply to ADUs?

Cities and counties cannot consider ADUs as new residential uses when calculating connection fees and capacity charges.

Where ADUs are being created within an existing structure (primary or accessory), the city or county cannot require a new or separate utility connections for the ADU and cannot charge any connection fee or capacity charge.

For other ADUs, a local agency may require separate utility connections between the primary dwelling and the ADU, but any connection fee or capacity charge must be proportionate to the impact of the ADU based on either its size or the number of plumbing fixtures.

What Utility Fee Requirements Apply to Non-City and County Service Districts?

All local agencies must charge impact fees in accordance with the Mitigation Fee Act (commencing with Government Code Section 66000), including in particular Section 66013, which requires the connection fees and capacity charges to be proportionate to the burden posed by the ADU. Special districts and non-city and county service districts must account for the lesser impact related to an ADU and should base fees on unit size or number of plumbing fixtures. Providers should consider a proportionate or sliding scale fee structures that address the smaller size and lesser impact of ADUs (e.g., fees per square foot or fees per fixture). Fee waivers or deferrals could be considered to better promote the development of ADUs.

Do Utility Fee Requirements Apply to ADUs within Existing Space?

No, where ADUs are being created within an existing structure (primary or accessory), new or separate utility connections and fees (connection and capacity) must not be required.

Does “Public Transit” Include within One-half Mile of a Bus Stop and Train Station?

Yes, “public transit” may include a bus stop, train station and paratransit if appropriate for the applicant. “Public transit” includes areas where transit is available and can be considered regardless of tighter headways (e.g., 15 minute intervals). Local governments could consider a broader definition of “public transit” such as distance to a bus route.

Can Parking Be Required Where a Car Share Is Available?

No, ADU law does not allow parking to be required when there is a car share located within a block of the ADU. A car share location includes a designated pick up and drop off location. Local governments can measure a block from a pick up and drop off location and can decide to adopt broader distance requirements such as two to three blocks.

Is Off Street Parking Permitted in Setback Areas or through Tandem Parking?

Yes, ADU law deliberately reduces parking requirements. Local governments may make specific findings that tandem parking and parking in setbacks are infeasible based on specific site, regional topographical or fire and life safety conditions or that tandem parking or parking in setbacks is not permitted anywhere else in the jurisdiction. However, these determinations should be applied in a manner that does not unnecessarily restrict the creation of ADUs.

Local governments must provide reasonable accommodation to persons with disabilities to promote equal access housing and comply with fair housing laws and housing element law. The reasonable accommodation procedure must provide exception to zoning and land use regulations which includes an ADU ordinance. Potential exceptions are not limited and may include development standards such as setbacks and parking requirements and permitted uses that further the housing opportunities of individuals with disabilities.

Is Covered Parking Required?

No, off street parking must be permitted through tandem parking on an existing driveway, unless specific findings are made.

Is Replacement Parking Required When the Parking Area for the Primary Structure Is Used for an ADU?

Yes, but only if the local government requires off-street parking to be replaced in which case flexible arrangements such as tandem, including existing driveways and uncovered parking are allowed. Local governments have an opportunity to be flexible and promote ADUs that are being created on existing parking space and can consider not requiring replacement parking.

Are Setbacks Required When an Existing Garage Is Converted to an ADU?

No, setbacks must not be required when a garage is converted or when existing space (e.g., game room or office) above a garage is converted. Rear and side yard setbacks of no more than five feet are required when new space is added above a garage for an ADU. In this case, the setbacks only apply to the added space above the garage, not the existing garage and the ADU can be constructed wholly or partly above the garage, including extending beyond the garage walls.

Also, when a garage, carport or covered parking structure is demolished or where the parking area ceases to exist so an ADU can be created, the replacement parking must be allowed in any "configuration" on the lot, "...including,

but not limited to, covered spaces, uncovered spaces, or tandem spaces, or...” Configuration can be applied in a flexible manner to not burden the creation of ADUs. For example, spatial configurations like tandem on existing driveways in setback areas or not requiring excessive distances from the street would be appropriate.

Are ADUs Permitted in Existing Residence or Accessory Space?

Yes, ADUs located in single family residential zones and existing space of a single family residence or accessory structure must be approved regardless of zoning standards (Section 65852.2(a)(1)(B)) for ADUs, including locational requirements (Section 65852.2(a)(1)(A)), subject to usual non-appealable ministerial building permit requirements. For example, ADUs in existing space does not necessitate a zoning clearance and must not be limited to certain zones or areas or subject to height, lot size, lot coverage, unit size, architectural review, landscape or parking requirements. Simply, where a single family residence or accessory structure exists in any single family residential zone, so can an ADU. The purpose is to streamline and expand potential for ADUs where impact is minimal and the existing footprint is not being increased.

Zoning requirements are not a basis for denying a ministerial building permit for an ADU, including non-conforming lots or structures. The phrase, “..within the existing space” includes areas within a primary home or within an attached or detached accessory structure such as a garage, a carriage house, a pool house, a rear yard studio and similar enclosed structures.

Are Owner Occupants Required?

No, however, a local government can require an applicant to be an owner occupant. The owner may reside in the primary or accessory structure. Local governments can also require the ADU to not be used for short term rentals (terms lesser than 30 days). Both owner occupant use and prohibition on short term rentals can be required on the same property. Local agencies which impose this requirement should require recordation of a deed restriction regarding owner occupancy to comply with GC Section 27281.5

Are Fire Sprinklers Required for ADUs?

Depends, ADUs shall not be required to provide fire sprinklers if they are not or were not required of the primary residence. However, sprinklers can be required for an ADU if required in the primary structure. For example, if the primary residence has sprinklers as a result of an existing ordinance, then sprinklers could be required in the ADU. Alternative methods for fire protection could be provided.

If the ADU is detached from the main structure or new space above a detached garage, applicants can be encouraged to contact the local fire jurisdiction for information regarding fire sprinklers. Since ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, students, the elderly, in-home health care providers, the disabled, and others, the fire departments want to ensure the safety of these populations as well as the safety of those living in the primary structure. Fire Departments can help educate property owners on the benefits of sprinklers, potential resources and how they can be installed cost effectively. For example, insurance rates are typically 5 to 10 percent lower where the unit is sprinklered. Finally, other methods exist to provide additional fire protection. Some options may include additional exits, emergency escape and rescue openings, 1 hour or greater fire-rated assemblies, roofing materials and setbacks from property lines or other structures.

Is Manufactured Housing Permitted as an ADU?

Yes, an ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes an efficiency unit (Health and Safety Code Section 17958.1) and a manufactured home (Health and Safety Code Section 18007).

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

Can an Efficiency Unit Be Smaller than 220 Square Feet?

Yes, an efficiency unit for occupancy by no more than two persons, by statute (Health and Safety Code Section 17958.1), can have a minimum floor area of 150 square feet and can also have partial kitchen or bathroom facilities, as specified by ordinance or can have the same meaning specified in the Uniform Building Code, referenced in the Title 24 of the California Code of Regulations.

The 2015 International Residential Code adopted by reference into the 2016 California Residential Code (CRC) allows residential dwelling units to be built considerably smaller than an Efficiency Dwelling Unit (EDU). Prior to this code change an EDU was required to have a minimum floor area not less than 220 sq. ft unless modified by local ordinance in accordance with the California Health and Safety Code which could allow an EDU to be built no less than 150 sq. ft. For more information, see HCD’s Information Bulletin at <http://www.hcd.ca.gov/codes/manufactured-housing/docs/ib2016-06.pdf> .

Does ADU Law Apply to Charter Cities and Counties?

Yes. ADU law explicitly applies to “local agencies” which are defined as a city, county, or city and county whether general law or chartered (Section 65852.2(i)(2)).

Do ADUs Count toward the Regional Housing Need Allocation?

Yes, local governments may report ADUs as progress toward Regional Housing Need Allocation pursuant to Government Code Section 65400 based on the actual or anticipated affordability. See below frequently asked questions for JADUs for additional discussion.

Must ADU Ordinances Be Submitted to the Department of Housing and Community Development?

Yes, ADU ordinances must be submitted to the State Department of Housing and Community Development within 60 days after adoption, including amendments to existing ordinances. However, upon submittal, the ordinance is not subject to a Department review and findings process similar to housing element law (GC Section 65585)

Frequently Asked Questions: Junior Accessory Dwelling Units

Is There a Difference between ADU and JADU?



Courtesy of Lilypad Homes and Photo Credit to Jocelyn Knight

Yes, AB 2406 added Government Code Section 65852.22, providing a unique option for Junior ADUs. The bill allows local governments to adopt ordinances for JADUs, which are no more than 500 square feet and are typically bedrooms in a single-family home that have an entrance into the unit from the main home and an entrance to the outside from the JADU. The JADU must have cooking facilities, including a sink, but is not required to have a private bathroom. Current law does not prohibit local governments from adopting an ordinance for a JADU, and this bill explicitly allows, not requires, a local agency to do so. If the ordinance requires a permit, the local agency shall not require additional parking or charge a fee for a water or sewer connection as a condition of granting a permit for a JADU. For more information, see below.

ADUs and JADUs

REQUIREMENTS	ADU	JADU
Maximum Unit Size	Yes, generally up to 1,200 Square Feet or 50% of living area	Yes, 500 Square Foot Maximum
Kitchen	Yes	Yes
Bathroom	Yes	No, Common Sanitation is Allowed
Separate Entrance	Depends	Yes
Parking	Depends, Parking May Be Eliminated and Cannot Be Required Under Specified Conditions	No, Parking Cannot Be Required
Owner Occupancy	Depends, Owner Occupancy <i>May</i> Be Required	Yes, Owner Occupancy Is Required
Ministerial Approval Process	Yes	Yes
Prohibition on Sale of ADU	Yes	Yes

Why Adopt a JADU Ordinance?

JADUs offer the simplest and most affordable housing option. They bridge the gap between a roommate and a tenant by offering an interior connection between the unit and main living area. The doors between the two spaces can be secured from both sides, allowing them to be easily privatized or incorporated back into the main living area. These units share central systems, require no fire separation, and have a basic kitchen, utilizing small plug in appliances, reducing development costs. This provides flexibility and an insurance policy in homes in case additional income or housing is needed. They present no additional stress on utility services or infrastructure because they simply repurpose spare bedrooms that do not expand the homes planned occupancy. No additional address is required on the property because an interior connection remains. By adopting a JADU ordinance, local governments can offer homeowners additional options to take advantage of underutilized space and better address its housing needs.

Can JADUs Count towards the RHNA?

Yes, as part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, a JADU, including with shared sanitation facilities, that meets the census definition and is reported to the Department of Finance as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. Local governments can track actual or anticipated affordability to assure the JADU is counted to the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit application.

A housing unit is a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied, or, if vacant, is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.

Can the JADU Be Sold Independent of the Primary Dwelling?

No, the JADU cannot be sold separate from the primary dwelling.

Are JADUs Subject to Connection and Capacity Fees?

No, JADUs shall not be considered a separate or new dwelling unit for the purposes of fees and as a result should not be charged a fee for providing water, sewer or power, including a connection fee. These requirements apply to all providers of water, sewer and power, including non-municipal providers.

Local governments may adopt requirements for fees related to parking, other service or connection for water, sewer or power, however, these requirements must be uniform for all single family residences and JADUs are not considered a new or separate unit.

Are There Requirements for Fire Separation and Fire Sprinklers?

Yes, a local government may adopt requirements related to fire and life protection requirements. However, a JADU shall not be considered a new or separate unit. In other words, if the primary unit is not subject to fire or life protection requirements, then the JADU must be treated the same.

Resources



Courtesy of Karen Chapple, UC Berkeley

Attachment 1: Statutory Changes (Strikeout/Underline)

Government Code Section 65852.2

(a) (1) ~~Any~~ A local agency may, by ordinance, provide for the creation of ~~second-accessory dwelling~~ units in single-family and multifamily residential zones. The ordinance ~~may~~ shall do ~~any~~ all of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second-accessory dwelling~~ units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second-accessory dwelling~~ units on traffic ~~flow~~: flow and public safety.

(B) (i) Impose standards on ~~second-accessory dwelling~~ units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

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

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

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

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

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

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

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

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

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

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

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

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

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

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

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. ~~Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of ADUs.~~ permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ~~ADUs.~~ an accessory dwelling unit.

~~(b) (4) (1) An~~ When existing ordinance governing the creation of an accessory dwelling unit by a local agency which has not adopted an ordinance governing ADUs in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency ~~adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a ADU if the ADU complies with all of the following:~~ that complies with this section.

~~(A) The unit is not intended for sale and may be rented.~~

~~(B) The lot is zoned for single family or multifamily use.~~

~~(C) The lot contains an existing single family dwelling.~~

~~(D) The ADU is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~

~~(E) The increased floor area of an attached ADU shall not exceed 30 percent of the existing living area.~~

~~(F) The total area of floorspace for a detached ADU shall not exceed 1,200 square feet.~~

~~(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.~~

~~(H) Local building code requirements which apply to detached dwellings, as appropriate.~~

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

~~(2) (5)~~ No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

~~(3) (6)~~ This subdivision establishes the maximum standards that local agencies shall use to evaluate ~~proposed ADUs on lots~~ a proposed accessory dwelling unit on a lot zoned for residential use ~~which contain~~ that contains an existing single-family dwelling. No additional standards, other than those provided in this ~~subdivision or subdivision~~ (a), subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an ~~owner-occupant~~ owner-occupant or that the property be used for rentals of terms longer than 30 days.

~~(4) (7)~~ ~~No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision.~~ Any A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ADUs an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

~~(5) (8)~~ A ADU ~~which conforms to the requirements of~~ An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use ~~which that~~ is consistent with the existing general plan and zoning designations for the lot. The ADUs ~~accessory dwelling unit~~ shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(e) (b)~~ ~~No~~ When a local agency shall adopt an ordinance which totally precludes ADUs within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing ADUs within single-family and multifamily zoned areas justify adopting the ordinance. that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

~~(d) (c)~~ A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second~~ accessory dwelling units. No minimum or maximum size for a ~~second~~ an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings ~~which that~~ does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

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

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

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

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

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

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

~~(e)~~ Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the

use of the ADU and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

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

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

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

(h) Local agencies shall submit a copy of the ~~ordinances~~ ordinance adopted pursuant to subdivision (a) ~~or (e)~~ to the Department of Housing and Community Development within 60 days after adoption.

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

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

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

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) ~~Second~~ "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A second~~ An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

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

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

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

Government Code Section 65852.22.

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

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

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

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

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

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

(4) Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

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

(A) A sink with a maximum waste line diameter of 1.5 inches.

(B) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.

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

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

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

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a

permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

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

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

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

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

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

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

Attachment 2: Sample ADU Ordinance

Section XXX1XXX: Purpose

This Chapter provides for accessory dwelling units on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings contribute needed housing to the community's housing stock. Thus, accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities, including near transit on single family lots.

Section XXX2XXX: Applicability

The provisions of this Chapter apply to all lots that are occupied with a single family dwelling unit and zoned residential. Accessory dwelling units do exceed the allowable density for the lot upon which the accessory dwelling unit is located, and are a residential use that is consistent with the existing general plan and zoning designation for the lot.

Section XXX3XXX: Development Standards

Accessory Structures within Existing Space

An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standards within the Chapter if complying with:

1. Building and safety codes
2. Independent exterior access from the existing residence
3. Sufficient side and rear setbacks for fire safety.

Accessory Structures (Attached and Detached)

General:

1. The unit is not intended for sale separate from the primary residence and may be rented.
2. The lot is zoned for residential and contains an existing, single-family dwelling.
3. The accessory dwelling unit is either attached to the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
4. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.
5. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.
6. Local building code requirements that apply to detached dwellings, as appropriate.
7. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
8. No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
9. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.

Parking:

1. Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.
2. Parking is not required in the following instances:
 - The accessory dwelling unit is located within one-half mile of public transit, including transit stations and bus stations.

- The accessory dwelling unit is located in the WWWW Downtown, XXX Area, YYY Corridor and ZZZ Opportunity Area.
 - The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - When there is a car share vehicle located within one block of the accessory dwelling unit.
3. Replacement Parking: When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking shall not be required and may be located in any configuration on the same lot as the accessory dwelling unit.

Section XXX4XXX: Permit Requirements

ADUs shall be permitted ministerially, in compliance with this Chapter within 120 days of application. The Community Development Director shall issue a building permit or zoning certificate to establish an accessory dwelling unit in compliance with this Chapter if all applicable requirements are met in Section XXX3XXXXX, as appropriate. The Community Development Director may approve an accessory dwelling unit that is not in compliance with Section XXX3XXXXX as set forth in Section XXX5XXXX. The XXXX Health Officer shall approve an application in conformance with XXXXXX where a private sewage disposal system is being used.

Section XXX5XXX: Review Process for Accessory Structure Not Complying with Development Standards

An accessory dwelling unit that does not comply with standards in Section XXX3XX may be permitted with a zoning certificate or an administrative use permit at the discretion of the Community Development Director subject to findings in Section XXX6XX.

Section XXX6XXX: Findings

A. In order to deny an administrative use permit under Section XXX5XXX, the Community Development Director shall find that the Accessory Dwelling Unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors.

B. In order to approve an administrative use permit under Section XXX5XXX to waive required accessory dwelling unit parking, the Community Development Director shall find that additional or new on-site parking would be detrimental, and that granting the waiver will meet the purposes of this Chapter.

Section XXX7XXX: Definitions

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

(2) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

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

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

(4) (1) "Existing Structure" for the purposes of defining an allowable space that can be converted to an ADU means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

Attachment 3: Sample JADU Ordinance

(Lilypad Homes at <http://lilypadhomes.org/>)

Draft Junior Accessory Dwelling Units (JADU) – Flexible Housing

Findings:

1. Causation: Critical need for housing for lower income families and individuals given the high cost of living and low supply of affordable homes for rent or purchase, and the difficulty, given the current social and economic environment, in building more affordable housing
2. Mitigation: Create a simple and inexpensive permitting track for the development of junior accessory dwelling units that allows spare bedrooms in homes to serve as a flexible form of infill housing
3. Endangerment: Provisions currently required under agency ordinances are so arbitrary, excessive, or burdensome as to restrict the ability of homeowners to legally develop these units therefore encouraging homeowners to bypass safety standards and procedures that make the creation of these units a benefit to the whole of the community
4. Co-Benefits: Homeowners (particularly retired seniors and young families, groups that tend to have the lowest incomes) – generating extra revenue, allowing people facing unexpected financial obstacles to remain in their homes, housing parents, children or caregivers; Homebuyers - providing rental income which aids in mortgage qualification under new government guidelines; Renters – creating more low-cost housing options in the community where they work, go to school or have family, also reducing commute time and expenses; Municipalities – helping to meet RHNA goals, increasing property and sales tax revenue, insuring safety standard code compliance, providing an abundant source of affordable housing with no additional infrastructure needed; Community - housing vital workers, decreasing traffic, creating economic growth both in the remodeling sector and new customers for local businesses; Planet - reducing carbon emissions, using resources more efficiently;
5. Benefits of Junior ADUs: offer a more affordable housing option to both homeowners and renters, creating economically healthy, diverse, multi-generational communities;

Therefore the following ordinance is hereby enacted:

This Section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit, permitted as set forth under State Law AB 1866 (Chapter 1062, Statutes of 2002) Sections 65852.150 and 65852.2 and subject to different provisions under fire safety codes based on the fact that junior accessory dwelling units do not qualify as “complete independent living facilities” given that the interior connection from the junior accessory dwelling unit to the main living area remains, therefore not redefining the single-family home status of the dwelling unit.

- A) *Development Standards.* Junior accessory dwelling units shall comply with the following standards, including the standards in Table below:
- 1) *Number of Units Allowed.* Only one accessory dwelling unit or, junior accessory dwelling unit, may be located on any residentially zoned lot that permits a single-family dwelling except as otherwise regulated or restricted by an adopted Master Plan or Precise Development Plan. A junior accessory dwelling unit may only be located on a lot which already contains one legal single-family dwelling.
 - 2) *Owner Occupancy:* The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the accessory dwelling, except when the home is held by an agency such as a land trust or housing organization in an effort to create affordable housing.
 - 3) *Sale Prohibited:* A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

- 4) *Deed Restriction:* A deed restriction shall be completed and recorded, in compliance with Section B below.
- 5) *Location of Junior Accessory Dwelling Unit:* A junior accessory dwelling unit must be created within the existing walls of an existing primary dwelling, and must include conversion of an existing bedroom.
- 6) *Separate Entry Required:* A separate exterior entry shall be provided to serve a junior accessory dwelling unit.
- 7) *Interior Entry Remains:* The interior connection to the main living area must be maintained, but a second door may be added for sound attenuation.
- 8) *Kitchen Requirements:* The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
 - a) A sink with a maximum waste line diameter of one-and-a-half (1.5) inches,
 - b) A cooking facility with appliance which do not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas, and
 - c) A food preparation counter and storage cabinets that are reasonable to size of the unit.
- 9) *Parking:* No additional parking is required beyond that required when the existing primary dwelling was constructed.

Development Standards for Junior Accessory Dwelling Units

SITE OR DESIGN FEATURE	SITE AND DESIGN STANDARDS
Maximum unit size	500 square feet
Setbacks	As required for the primary dwelling unit
Parking	No additional parking required

- B) *Deed Restriction:* Prior to obtaining a building permit for a junior accessory dwelling unit, a deed restriction, approved by the City Attorney, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Department stating that:
 - 1) The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit;
 - 2) The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;
 - 3) The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing;
 - 4) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.
- C) *No Water Connection Fees:* No agency should require a water connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.
- D) *No Sewer Connection Fees:* No agency should require a sewer connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard

may be assessed.

- E) *No Fire Sprinklers and Fire Attenuation*: No agency should require fire sprinkler or fire attenuation specifications for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.

Definitions of Specialized Terms and Phrases.

“Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

- (1) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
- (2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

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

Attachment 4: State Standards Checklist (As of January 1, 2017)

YES/NO	STATE STANDARD*	GOVERNMENT CODE SECTION
	Unit is not intended for sale separate from the primary residence and may be rented.	65852.2(a)(1)(D)(i)
	Lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.	65852.2(a)(1)(D)(ii)
	Accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.	65852.2(a)(1)(D)(iii)
	Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.	65852.2(a)(1)(D)(iv)
	Total area of floor space for a detached accessory dwelling unit does not exceed 1,200 square feet.	65852.2(a)(1)(D)(v)
	Passageways are not required in conjunction with the construction of an accessory dwelling unit.	65852.2(a)(1)(D)(vi)
	Setbacks are not required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines are not required for an accessory dwelling unit that is constructed above a garage.	65852.2(a)(1)(D)(vii)
	(Local building code requirements that apply to detached dwellings are met, as appropriate.	65852.2(a)(1)(D)(viii)
	Local health officer approval where a private sewage disposal system is being used, if required.	65852.2(a)(1)(D)(ix)
	Parking requirements do not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.	65852.2(a)(1)(D)(x)

* Other requirements may apply. See Government Code Section 65852.2

Attachment 5: Bibliography

Reports

[ACCESSORY DWELLING UNITS: CASE STUDY](#) (26 pp.)

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

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

[THE MACRO VIEW ON MICRO UNITS](#) (46 pp.)

By Bill Whitlow, et al. – Urban Land Institute (2014)
Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

[RESPONDING TO CHANGING HOUSEHOLDS: Regulatory Challenges for Micro-units and Accessory Dwelling Units](#) (76 pp.)

By Vicki Been, Benjamin Gross, and John Infranca (2014)
New York University: Furman Center for Real Estate & Urban Policy
Library Call # D55 3 I47 2014

This White Paper fills two gaps in the discussion regarding compact units. First, we provide a detailed analysis of the regulatory and other challenges to developing both ADUs and micro-units, focusing on five cities: New York; Washington, DC; Austin; Denver; and Seattle. That analysis will be helpful not only to the specific jurisdictions we study, but also can serve as a model for those who want to catalogue regulations that might get in the way of the development of compact units in their own jurisdictions. Second, as more local governments permit or encourage compact units, researchers will need to evaluate how well the units built serve the goals proponents claim they will.

[SCALING UP SECONDARY UNIT PRODUCTION IN THE EAST BAY: Impacts and Policy Implications](#) (25 pp.)

By Jake Webmann, Alison Nemirow, and Karen Chapple (2012)
UC Berkeley: Institute of Urban and Regional Development (IURD)
Library Call # H44 1.1 S33 2012

This paper begins by analyzing how many secondary units of one particular type, detached backyard cottages, might be built in the East Bay, focusing on the Flatlands portions of Berkeley, El Cerrito, and Oakland. We then investigate the potential impacts of scaling up the strategy with regard to housing affordability, smart growth, alternative transportation, the economy, and city budgets. A final section details policy recommendations, focusing on regulatory reforms and other actions cities can take to encourage secondary unit construction, such as promoting carsharing programs, educating residents, and providing access to finance.

[SECONDARY UNITS AND URBAN INFILL: A literature Review \(12 pp.\)](#)

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

[YES, BUT WILL THEY LET US BUILD? The Feasibility of Secondary Units in the East Bay \(17 pp.\)](#)

By Alison Nemirow and Karen Chapple (2012)
UC Berkeley: IURD
Library Call # H44.5 1.1 Y47 2012

This paper begins with a discussion of how to determine the development potential for secondary units, and then provides an overview of how many secondary units can be built in the East Bay of San Francisco Bay Area under current regulations. The next two sections examine key regulatory barriers in detail for the five cities in the study (Albany, Berkeley, El Cerrito, Oakland, and Richmond), looking at lot size, setbacks, parking requirements, and procedural barriers. A sensitivity analysis then determines how many units could be built were the regulations to be relaxed.

[YES IN MY BACKYARD: Mobilizing the Market for Secondary Units \(20 pp.\)](#)

By Karen Chapple, J. Weigmann, A. Nemirow, and C. Dentel-Post (2011)
UC Berkeley: Center for Community Innovation.
Library Call # B92 1.1 Y47 2011

This study examines two puzzles that must be solved in order to scale up a secondary unit strategy: first, how can city regulations best enable their construction? And second, what is the market for secondary units? Because parking is such an important issue, we also examine the potential for secondary unit residents to rely on alternative transportation modes, particular car share programs. The study looks at five adjacent cities in the East Bay of the San Francisco Bay Area (Figure 1) -- Oakland, Berkeley, Albany, El Cerrito, and Richmond -- focusing on the areas within ½ mile of five Bay Area Rapid Transit (BART) stations.

Journal Articles and Working Papers:

[BACKYARD HOMES LA \(17 pp.\)](#)

By Dana Cuff, Tim Higgins, and Per-Johan Dahl, Eds. (2010)
Regents of the University of California, Los Angeles.
City Lab Project Book.

[DEVELOPING PRIVATE ACCESSORY DWELLINGS \(6 pp.\)](#)

By William P. Macht. Urbanland online. (June 26, 2015)
Library Location: Urbanland 74 (3/4) March/April 2015, pp. 154-161.

[GRANNY FLATS GAINING GROUND](#) (2 pp.)

By Brian Barth. Planning Magazine: pp. 16-17. (April 2016)
Library Location: Serials

["HIDDEN" DENSITY: THE POTENTIAL OF SMALL-SCALE INFILL DEVELOPMENT](#) (2 pp.)

By Karen Chapple (2011)
UC Berkeley: IURD Policy Brief.
Library Call # D44 1.2 H53 2011

California's implementation of SB 375, the Sustainable Communities and Climate Protection Act of 2008, is putting new pressure on communities to support infill development. As metropolitan planning organizations struggle to communicate the need for density, they should take note of strategies that make increasing density an attractive choice for neighborhoods and regions.

[HIDDEN DENSITY IN SINGLE-FAMILY NEIGHBORHOODS: Backyard cottages as an equitable smart growth strategy](#) (22 pp.)

By Jake Wegmann and Karen Chapple. Journal of Urbanism 7(3): pp. 307-329. (2014)

Abstract (not available in full text): Secondary units, or separate small dwellings embedded within single-family residential properties, constitute a frequently overlooked strategy for urban infill in high-cost metropolitan areas in the United States. This study, which is situated within California's San Francisco Bay Area, draws upon data collected from a homeowners' survey and a Rental Market Analysis to provide evidence that a scaled-up strategy emphasizing one type of secondary unit – the backyard cottage – could yield substantial infill growth with minimal public subsidy. In addition, it is found that this strategy compares favorably in terms of affordability with infill of the sort traditionally favored in the 'smart growth' literature, i.e. the construction of dense multifamily housing developments.

[RETHINKING PRIVATE ACCESSORY DWELLINGS](#) (5 pp.)

By William P. Macht. Urbanland online. (March 6, 2015)
Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

[ADUS AND LOS ANGELES' BROKEN PLANNING SYSTEM](#) (4 pp.)

By CARLYLE W. Hall. The Planning Report. (April 26, 2016).
Land-use attorney Carlyle W. Hall comments on building permits for accessory dwelling units.

News:

[HOW ONE COLORADO CITY INSTANTLY CREATED AFFORDABLE HOUSING](#)

By Anthony Flint. The Atlantic-CityLab. (May 17, 2016).

In Durango, Colorado, zoning rules were changed to allow, for instance, non-family members as residents in already-existing accessory dwelling units.

[NEW HAMPSHIRE WINS PROTECTIONS FOR ACCESSORY DWELLING UNITS](#) (1 p.)

NLIHC (March 28, 2016)

Affordable housing advocates in New Hampshire celebrated a significant victory this month when Governor Maggie Hassan (D) signed Senate Bill 146, legislation that allows single-family homeowners to add an accessory

dwelling unit as a matter of right through a conditional use permit or by special exception as determined by their municipalities. The bill removes a significant regulatory barrier to increasing rental homes at no cost to taxpayers.

[NEW IN-LAW SUITE RULES BOOST AFFORDABLE HOUSING IN SAN FRANCISCO](#). (3 pp.)

By Rob Poole. Shareable. (June 10, 2014).

The San Francisco Board of Supervisors recently approved two significant pieces of legislation that support accessory dwelling units (ADUs), also known as “in-law” or secondary units, in the city...

[USING ACCESSORY DWELLING UNITS TO BOLSTER AFFORDABLE HOUSING](#) (3 pp.)

By Michael Ryan. Smart Growth America. (December 12, 2014).

EXHIBIT C

California HCD Tiny Homes Information Bulletin 2016-01

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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INFORMATION BULLETIN 2016-01 (MH, FBH, SHL, MP/SOP, RT, OL) – Revised

TO: City and County Building Officials
Mobilehome and Special Occupancy Park Enforcement Agencies
Division Staff

FROM:  Richard Weinert, Deputy Director
Division of Codes and Standards

SUBJECT: Tiny Homes

Purpose

This Information Bulletin is intended to clarify the legality of use, design and construction approval of any residential structure that may be commonly referred to as a tiny home. Currently, neither the Department of Housing and Community Development (HCD) nor any other State or local agency has specific statutory or regulatory definition authority of construction approval for tiny homes as a specialty product. These structures, which may range anywhere from 80 to 400 square feet in size, may be built with a variety of standards or no construction standards; may or may not be constructed on a chassis (with or without axles or wheels); and usually are offered for use and placement in a variety of sites. It is the purpose of this Information Bulletin to describe when a tiny home fits the definition of one of the following and therefore would be legal to occupy: recreational vehicle (including park trailer), manufactured home, factory-built housing, or a site-constructed California Building Standards Code dwelling.

As residential structures, tiny homes must receive one of several types of State or local government approvals prior to occupancy, depending on the design of the structure and the location of its installation. While HCD supports efforts to make housing more affordable and efficient, State laws mandate that residential structures meet state standards. Failure to comply with these statutory requirements will result in the tiny home being a noncomplying residential structure in which occupancy is illegal and is subject to punitive action by the appropriate enforcement agency, including the U.S. Department of Housing and Urban Development (HUD).

Background

Due to confusion about which building code standards apply to tiny homes, they are often mischaracterized for purposes of enforcement. In order to be occupied, a tiny home must comply with the standards of, and be approved as one of the following types of structures: a HUD-Code manufactured home (MH), California Residential Code or California Building Code home, factory-built housing (FBH), recreational vehicle (RV), park trailer (PT) or camping cabin (CC). The approving agency will vary depending upon whether the tiny home is located inside or outside of a mobilehome park or special occupancy park.

The following information is intended to be used to determine whether a tiny home is subject to and must comply with the California Building Standards Code (CBSC) or may be required to comply with the RV, PT, MH, FBH or CC design and construction standards, or whether it is a nonconforming structure in which occupancy is illegal and subject to prosecution.

California Building Standards Code

Tiny homes, like all residential structures not classified as an MH, FBH, RV, PT or CC within California, are required to comply with the CBSC, Title 24, California Code of Regulations (CCR). Within the CBSC is the California Residential Code (CRC) and California Building Code (CBC) both of which contain the standards applicable statewide to R-3 Occupancies, one- and two-family dwellings, efficiency dwelling units, and townhouse structures. To access all parts of the CBSC, visit the California Building Standards Commission website at <http://www.bsc.ca.gov/>.

CRC Section R202, [CRC Chapter 2 Definitions](#), defines a dwelling as any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes. It also defines a dwelling unit as a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A tiny home that is site-constructed or mobile, and does not fit the definition of an MH, FBH, RV, PT or CC, is a dwelling unit and must comply with the CBSC in order to be legally occupied.

The CBSC includes, but is not limited to, a variety of structural, plumbing, electrical, energy, mechanical, and fire protection standards, as well as requirements for light, ventilation, heating, minimum room sizes, ceiling heights, sanitation, toilet, bath and shower spaces, emergency escape and rescue openings, means of egress, smoke alarms and carbon monoxide alarms. Dwelling units must meet all the minimum requirements found with the CBSC, including the following:

- Minimum ceiling height of 7 feet 6 inches, with several exceptions.
- A minimum of one room with at least 120 square feet of gross floor area.
- A net floor area of not less than 70 square feet for all other habitable rooms.

One exception to the general standards is found in CRC Section R304.5, CRC Chapter 3 – Building Planning, which allows an Efficiency Dwelling Unit to comply with minimum requirements including, but not limited to, the following:

- A living room of not less than 220 square feet of floor area, and an additional 100 square feet of floor area for each occupant of the unit in excess of two.
- A kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches, and a separate closet.
- Light and ventilation conforming to the CRC.

Enforcement of construction and maintenance of housing units constructed to the CBSC/CRC standards are performed by local building departments pursuant to Health and Safety Code (HSC) Section 17960. Pursuant to State Housing Law (SHL), local governments may, by ordinance, adopt alternate construction standards in limited circumstances (HSC Section 17958.5), may approve alternate materials, methods and work under specified circumstances [HSC Section 17951(e)(2)] or may reduce the minimum square footage of efficiency units (HSC Section 17958.1).

Recreational Vehicles

Recreational Vehicles (RVs) are defined in HSC Section 18010. RVs may include a motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational, emergency or other occupancy. RVs are not intended for occupancy as a permanent dwelling. An RV meets all of the following criteria:

- It contains less than 320 square feet of internal living room area, excluding built-in equipment, such as wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
- It contains 400 square feet or less of gross area measured at maximum horizontal projections.
- It is self-propelled, truck-mounted, or permanently towable on the highways without a permit and is built on a single chassis.

RVs constructed on or after January 1, 1999, but before July 14, 2005, must comply with the ANSI A119.5 standard. RVs manufactured on or after July 14, 2005, must be constructed in accordance with the NFPA 1192 standard. Compliance with these standards can be determined by an owner-provided label or insignia similar to those issued by the Recreational Vehicle Industry Association (RVIA) that is permanently affixed to the RV. However, an insignia issued exclusively by RVIA is not required (HSC Section 18027.3). For more information regarding RVIA certification, see <http://www.rvia.org/>.

Unless otherwise allowed by a local ordinance, RVs generally may be occupied only in mobilehome parks or special occupancy parks governed by the Mobilehome Parks Act (MPA), HSC Sections 18200, et seq., and Title 25, CCR Sections 1000, et seq., or the

Special Occupancy Parks Act (SOPA), HSC Sections 18860, et seq., and Title 25, CCR Sections 2000, et seq. Either HCD or a local enforcement agency which has assumed enforcement authority for the MPA and SOPA, pursuant to HSC Section 18300 or Section 18865, is obligated to ensure that any residential structures on an MPA or SOPA lot comply with statutory construction and maintenance code requirements.

Park Trailers

Park Trailers (PTs) are a type of recreational vehicle defined in HSC Section 18009.3 and often are considered tiny homes built on a chassis with wheels. PTs, like RVs, are designed as temporary living quarters for recreational or seasonal use only, and not as a year-round or permanent dwelling. PTs are constructed to ANSI A119.5 and NFPA 1192 standards and are certified by the manufacturer with a label of approval, such as those provided by the RVIA, or owner-provided.

PT standards are specified by state law and include, but are not limited to, the following requirements:

- It contains 400 square feet or less of gross floor area when set up, excluding loft area space if that loft area space meets the requirements of HSC Sections 18009.3(b) and 18033. It may not exceed 14 feet in width at the maximum horizontal projection.
- It is built on a single chassis and may only be transported upon the public highways with a permit issued pursuant to Vehicle Code Section 35780.
- The loft area, in order to be excluded from the floor area standard, must meet all of the requirements of HSC Section 18033.

Structures that may resemble PTs but exceed 400 square feet are considered either a manufactured home (MH) if their design and construction are consistent with HUD's manufactured housing standards or will be determined to be a nonconforming structure (for which occupancy is illegal) unless they meet other permitted standards approved by HCD.

Unless otherwise allowed by a local ordinance, PTs generally may be occupied only in mobilehome parks or special occupancy parks governed by the MPA, HSC Sections 18200, et seq., and Title 25, CCR Sections 1000, et seq., or the SOPA, HSC Sections 18860, et seq., and Title 25, CCR Sections 2000, et seq. Either HCD or a local enforcement agency which has assumed enforcement authority for the MPA and SOPA, pursuant to HSC Section 18300 or Section 18865, is obligated to ensure that any residential structures on an MPA or SOPA lot comply with statutory construction and maintenance code requirements.

Manufactured Homes

HSC Section 18007, in part, defines a new manufactured home (MH) as a structure constructed on or after June 15, 1976; is transportable in one or more sections; is 8 body feet or more in width or 40 body feet or more in length; when erected on-site is

320 or more square feet; and includes use of a permanent chassis. It must meet all applicable federal standards (HSC Section 18025) as well as a number of state standards found in the Manufactured Housing Act of 1980, HSC Sections 18000, et seq., and Title 25, CCR Sections 4000, et seq.

MHs may be occupied outside or inside of mobilehome parks and installation and approval for occupancy is governed by the Mobilehome Parks Act (MPA), HSC Sections 18200, et seq., and Title 25, CCR Sections 1000, et seq. Either HCD or a local enforcement agency which has assumed enforcement authority for the MPA and installation of MHs inside or outside of mobilehome parks, pursuant to HSC Section 18300, is obligated to ensure that any residential structures on a park lot or outside of a park comply with statutory construction and maintenance code requirements.

Factory-Built Housing

Factory-built Housing (FBH) are residential structures generally designed, constructed, and installed pursuant to CBSC requirements in HSC Sections 19960, et seq., and Title 25, CCR Sections 3000, et seq. An FBH unit is a residential structure constructed in an off-site location for placement on a foundation and generally must comply with the same standards as those applicable to conventional (CBSC) housing units (HSC Section 19990). FBH may or may not be constructed and transported on a chassis. HCD is responsible for the development and enforcement of FBH standards, except that local building departments are responsible for approval of the installation of FBH. HCD has not approved any FBH units as tiny homes, and the ability in the future to approve such units would depend on their compliance with the statutory and regulatory requirements.

Camping Cabins

A camping cabin (CC) is a special relocatable hard sided structure with a floor area less than 400 square feet without plumbing designed to be used only within a recreational vehicle park. It may contain an electrical system, including electrical space conditioning, but is otherwise limited with respect to internal appliances and facilities. Standards for a CC are provided in HSC Sections 18862.5 and 18871.11 and Title 25, CCR Section 2327. Either HCD or a local enforcement agency which has assumed enforcement authority for the SOPA, pursuant to HSC Section 18865, is obligated to ensure that any residential structures on a park lot comply with statutory construction and maintenance code requirements.

Enforcement and Prosecution

If a structure called a tiny home or similar name is sold, offered for sale, leased, rented or occupied as a residential structure which does not comply with the standards for any of the units described previously, the enforcement authority having appropriate jurisdiction (as described) is responsible for pursuing the appropriate legal remedies to terminate the sales, rentals or occupancies.

The enforcement agency may initiate actions under the authorities listed previously and/or any other authority it has to abate the sale or occupancy of unpermitted structures including, but not limited to, the following:

- Prohibiting occupancy if the nonconforming structure violates local land use laws or violates any State or local public health, safety, fire, or similar authorities.
- Prohibiting the manufacture, sale, lease, rental or use in California.
- Mandating correction of any violations of applicable laws and regulations of a unit sold, leased, rented or occupied in California.

SUMMARY

While there is no current statutory definition, a tiny home sold, rented, leased or occupied with in California may be legal if used on an approved location, complies with all applicable laws, and is either:

- Built on a chassis with axles; contains 400 square feet or less of gross floor area (excluding loft area space); is considered an RV, CC or PT; is not under HCD's jurisdiction for the design and construction of the unit; and its construction and occupancy is enforced by local enforcement agencies with appropriate jurisdiction;
or
- Not constructed on a chassis with axles; is placed on a foundation or otherwise permanently affixed to real property; and complies with CBSC or FBH standards; and may be enforced by local enforcement agencies having appropriate jurisdiction.

If you have any questions regarding this Information Bulletin on tiny homes, please contact the Manufactured Housing Program at (916) 445-3338 or email to Mitchel.Baker@hcd.ca.gov.