

REDLINED VERSION

PROPOSED TEXT AMENDMENTS TO TITLE 25 (ZONING) RELATED TO ACCESSORY DWELLING UNITS INCLUDING AMENDMENTS TO CHAPTER 25.40 (PARKING REGULATIONS), CHAPTER 25.48 (STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES), CHAPTER 25.60 (GENERAL PROVISIONS), CHAPTER 25.88 (PERMIT IMPLEMENTATION, EXTENSIONS, MODIFICATIONS, AND REVOCATIONS), CHAPTER 25.98 (APPEALS AND CALLS FOR REVIEW), AND CHAPTER 25.100 (PUBLIC HEARINGS AND NOTICE)

Chapter 25.40

PARKING REGULATIONS

25.40.030 Required Parking Spaces.

Table 25.40-1: Parking Requirements by Use		
Type of Land Use	Number of Off-Street Parking Spaces Required	
Residential Uses		
Dwellings		
Accessory Dwelling Units	Per Section 25.48.030.LH. (Parking)	
Single-Unit Dwelling	See Section 25.40.030.B.	
Two-Unit and Multi-Unit Dwellings		
All zoning districts except Downtown Specific Plan, BRMU, RRMU, NBMU, and R-4	1 space for studio units 1.5 spaces for one-bedroom units 2 spaces for two-or more bedroom units 0.5 spaces per unit for housing occupied exclusively by persons aged 62 or older 0.75 spaces for micro units	Guest parking: 1 additional guest parking space shall be provided for every 4 units for projects greater than 10 units
Downtown Specific Plan zoning districts, BRMU, RRMU, NBMU, and R-4	1 space for studio or one-bedroom units 1.5 spaces for two-bedroom units 2 spaces for three-or more bedroom units 0.75 spaces for micro units	No additional guest parking spaces are required
All	80 percent of the total required parking spaces shall be covered or within a garage or carport.	
Caretaker Quarters	1 space per dwelling	

Chapter 25.48

STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES

25.48.030 Accessory Dwelling Units.

A. Purpose and Applicability.

1. The purpose of this chapter is to regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code Sections [66310 through 66341](#). ~~65852.2 and 65852.22~~. This chapter is intended to implement the Housing Element of the Burlingame General Plan by providing for additional housing opportunities. This will be accomplished by increasing the number of units available within existing neighborhoods while maintaining the primarily single-unit and multi-unit residential character of the area, and establishing standards for the development and occupancy of accessory dwelling units and junior accessory dwelling units to ensure that they are compatible with neighboring uses and structures, adequately equipped with public utility services, safe for human occupancy, and do not create unreasonable traffic and safety impacts.
2. In cases of conflict between this chapter and any other provision of this title, the provisions of this chapter shall prevail. To the extent that any provision of this chapter is in conflict with State law, the applicable provision of State law shall control, but all other provisions of this chapter shall remain in full force and effect.
3. An ADU or JADU which conforms to the requirements of this chapter 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 is consistent with the existing General Plan and zoning designations for the lot.

B. Definitions. The following terms shall have the following meanings for this chapter only and shall supersede the terms defined by Chapter 25.106 (Land Use Definitions):

1. "Accessory dwelling unit" or "ADU" means an attached ~~or~~ detached, [or interior](#) residential dwelling unit ancillary to a primary dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. ~~An accessory dwelling unit may be between 150 and 1,000 square feet in size and shall comply with subsection H.3 (Maximum Size) of this section.~~ It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-unit or multi-unit dwelling is or will be situated. An accessory dwelling unit also 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. This chapter recognizes three types of accessory dwelling units as defined below. Where a proposed accessory dwelling unit does not clearly fall into one of the defined types, the Director shall make a determination pursuant to Chapter 25.04 (Interpretation of the Zoning Ordinance).
 - a. "Attached accessory dwelling unit" [or "Attached ADU"](#) means an accessory dwelling unit that is constructed as a physical expansion (i.e., addition) of an existing [or proposed](#) primary dwelling unit, including construction of a new basement underneath a primary dwelling unit to accommodate an accessory dwelling unit.

- b. “Detached accessory dwelling unit” or “Detached ADU” means an accessory dwelling unit that is constructed as a separate structure from the existing or proposed primary dwelling unit; or contained within the existing space of an accessory structure (as defined herein), including construction of a new basement underneath an accessory structure to accommodate an accessory dwelling unit.
 - c. “Interior accessory dwelling unit” or “Interior ADU” means an accessory dwelling unit that is contained within the ~~existing~~ space of ~~a~~ an existing or proposed primary dwelling unit, including within its living area, basement, or attached garage; ~~constructed as part of a proposed primary dwelling unit~~; or created from non-livable space of a multi-unit dwelling.
2. “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.
3. “Efficiency kitchen” means a kitchen that includes each of the following:
- a. A sink and cooking facility with appliances (e.g., microwave, toaster oven or hot plate).
 - b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
4. “Junior accessory dwelling unit” or “JADU” means a residential dwelling unit that:
- a. Is no more than 500 square feet in size;
 - b. Is contained entirely within an existing or proposed single-unit dwelling; enclosed spaces within an existing or proposed single-unit dwelling, such as attached garages, are considered a part of the single-unit dwelling;
 - c. Includes its own separate sanitation facilities (bathroom containing a sink, toilet, and shower or tub), or may share sanitation facilities with the existing or proposed single-unit structure; JADUs without a separate bathroom shall include a separate entrance from the main entrance to the single-unit dwelling, with an interior entry to the main living area of the single-unit dwelling; and
 - d. Includes an efficiency kitchen, as defined in subsection B.3 above.
5. “Kitchen” means a kitchen that includes each of the following:
- a. A sink and cooking facility (permanent stove and/or oven);
 - b. A refrigerator with separate doors for the refrigerator and freezer compartments; and
 - c. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the accessory dwelling unit.
6. ‘Livable space’ means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
7. “Living area” means the interior habitable floor area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

8. "Multi-unit dwelling" means two or more attached primary residential units contained on the same lot. Multiple detached single-unit dwellings on the same lot are not considered multi-unit dwellings for the purposes of this chapter.
89. "Nonconforming zoning conditions" means a physical improvement on a property that does not conform with current zoning standards.
910. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to the entrance of an accessory dwelling unit or junior accessory dwelling unit.
4011. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
4412. "Tandem parking" means a parking configuration where two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

C. Applications and Processing.

1. An applicant shall submit a permit application for an ADU or JADU that is in conformance with this chapter shall be submitted to the Building Division and which shall be considered by the Building Division ministerially and without discretionary review or public hearing. Applications for ADU and JADU permits shall be in writing and filed with the Community Development Department on a form approved by the Director.
2. ~~As established by Council resolution, a fee will be charged for an application for an ADU or JADU permit under this chapter. All ADUs and JADUs are also subject to building permit fees.~~
- 3-2. Within 60 days of receipt of a complete application, the Building Division Community Development Department staff shall ministerially ~~ministerially process for approval approve or deny~~ any permit application for an ADU or JADU if there is an existing single-unit dwelling or multi-unit dwelling on the lot. ~~permit pursuant to this chapter.~~ Incomplete applications will be returned by the Building Division to the applicant and will include ~~with an explanation~~ in writing a full set of comments with a list of items that are defective or deficient and how the application can be remedied by the applicant. ~~of what additional information is required.~~ If the Building Division has not approved or denied the completed application for the ADU or JADU within such 60-day period, the application shall be deemed approved. Upon finding that the ADU or JADU meets the requirements of this chapter, the application shall be approved. ~~ministerially without discretionary review or public hearing and the applicant may proceed to acquire a building permit.~~ All ADUs and JADU applications are categorically exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA guidelines.
- 4-3. If an permit application for an attached ADU or JADU is submitted with an application for an addition to an existing single-unit or multi-unit dwelling or construction of a new single-unit or multi-unit dwelling that is subject to design review or other discretionary permit for the same parcel, the permit application for the ADU or JADU ~~permit~~ shall not be acted upon until the application for design review or other discretionary permit is approved or denied. Following the approval for design review or other discretionary permit for the primary single-unit or multi-unit dwelling-unit, the complete permit application for the ADU

or JADU ~~application~~ will be ministerially processed within 60 days ~~of receipt of a complete application~~ and approved if it meets the requirements of this chapter.

- ~~5.4.~~ If the applicant requests a delay, the 60-day time period for approval shall be tolled for the period of the delay.

~~D. Appeal. The applicant that requested the accessory dwelling unit permit may appeal the Director's denial of the request. The appeal shall be submitted to the Director in writing within 10 days after the date of the Director's decision. The appeal shall be heard by the Planning Commission in a public hearing pursuant to the procedures established for discretionary actions in Chapter 25.100.~~

~~E. Revocation of Permit.~~

- ~~1. Grounds. An ADU or JADU permit granted pursuant to this chapter may be revoked on any one or more of the following grounds:
 - ~~a. Failure to comply with the requirements of this chapter; or~~
 - ~~b. The ADU or JADU is no longer used for residential purposes; or~~
 - ~~c. The parking required by this chapter is no longer provided.~~~~
- ~~2. Notice. Written notice to revoke an ADU or JADU permit shall be served on the property owner, as shown on the last equalized assessment roll, either personally or by certified mail, and shall state:
 - ~~a. The reasons for the proposed revocation.~~
 - ~~b. That the proposed action will be taken by the Director unless a written request for a hearing before the Commission is requested within 15 days after the date of said notice. If no response is received, the Director will revoke the ADU or JADU permit as set forth in the notice.~~~~
- ~~3. Hearing. If a hearing is requested, at least 10 days' notice thereof shall be given to the requested party. At the hearing, the property owner may call witnesses and present evidence in his or her behalf. Upon conclusion of the hearing, the Commission will determine whether or not the permit will be revoked. Such determination may be appealed to the Council in the same manner as for appeals taken on applications for the granting of conditional use permits or variances.~~

~~F.D.~~ Minimum Standards of Eligibility.

1. No minimum lot area is required for creation of an ADU or JADU.
2. An ADU or JADU shall only be allowed on a parcel which has been legally created in compliance with the Subdivision Map Act and Title 26 (Subdivisions), and where the ADU or JADU is developed with an existing or proposed single-unit dwelling, except for ADUs constructed on multi-unit residential properties pursuant to ~~Section 25.48.030.J~~ [subsection E.9.](#)
3. ADUs may only be permitted in districts zoned to allow single-unit dwelling or multi-unit dwelling residential uses as a permitted use. ADUs are also permitted on any parcel that has a current and valid nonconforming single-unit or multi-unit residential use, so long as the ADU complies with all other portions of this chapter.

4. JADUs may only be permitted in districts zoned to allow a single-unit dwelling residential use as a permitted use. JADUs are also permitted on any parcel that has a current and valid nonconforming single-unit residential use, so long as the JADU complies with all other portions of this chapter.

~~G.E.~~ General Requirements and Restrictions. The following requirements and restrictions apply to all existing and new ADUs and JADUs, as applicable:

1. ADUs and JADUs shall comply with all applicable provisions of this title and all applicable building, health and fire codes. However, ADUs ~~and JADUs~~ shall not be required to provide fire sprinklers unless required for the primary single-unit dwelling or multi-unit dwelling structure.
2. All development standards contained in the underlying zoning district, including those in Article 2, shall apply to ADUs and JADUs unless they are inconsistent with the provisions of this chapter, in which case the development standards of this chapter shall apply.
3. Accessory Dwelling Units.
 - a. ADUs may be rented separately from the single-unit dwelling or multi-unit dwelling structure but may not be sold or otherwise conveyed separately from the other dwellings on the lot, except the ADU and single-unit dwelling may be owned by multiple owners as tenants in common if the single-unit dwelling and ADU were developed by a qualified nonprofit, as that term is defined in Government Code Section 66340, and if all of the provisions of Government Code Section 66341 are met.~~as provided for by Government Code Section 65852.26.~~
 - b. ADUs may not be rented for fewer than 30 consecutive calendar days.
 - c. ADUs are not subject to any owner-occupancy requirement.
 - d. Interior Connection. Attached and interior ADUs may, but are not required, to contain an interior doorway connection between the single-unit dwelling and ADU.
 - e. Permanent Foundations.
 - i. All ADUs shall be permanently attached to a permanent foundation.
 - ii. A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, boat, or similar vehicle shall not be used as an ADU.
4. Junior Accessory Dwelling Units.
 - a. JADUs may be rented separately from the single-unit dwelling but may not be sold or otherwise conveyed separately from the single-unit dwelling on the lot.
 - ~~b. JADUs may not be rented for fewer than 30 consecutive calendar days.~~
 - ~~e.b.~~ JADUs are subject to an owner-occupancy requirement. A person with legal or equitable title to the property shall reside on the property in either the primary dwelling or JADU as that person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization. ~~Prior to issuance of a building permit for a JADU, the owner shall~~

~~record a covenant in a form prescribed by the city attorney, which shall run with the land and provide for the following:~~

- ~~i. A prohibition on the sale of the JADU separate from the sale of the single-unit dwelling;~~
- ~~ii. A restriction on the size and attributes of the JADU consistent with this section;~~
- ~~iii. A prohibition against renting the property for fewer than 30 consecutive calendar days; and~~
- ~~iv. A requirement that either the primary residence or the JADU unit be the owner's bona fide principal residence, unless the owner is a governmental agency, land trust, or housing organization.~~

5. If an ADU or JADU which was created within a single-unit dwelling, accessory structure or multi-unit dwelling structure is required to be removed or is voluntarily removed, the kitchen facility shall be removed from the space that is no longer an ADU or JADU and, unless permitted for a different use, the space shall be converted back to its original use. If an ADU was newly constructed:
 - a. The space or structure shall be entirely removed; or
 - b. The kitchen facility shall be removed and the space shall be converted to a permitted use allowed within the underlying zoning district; or
 - c. The kitchen facility shall be removed and the applicant shall obtain the appropriate land use permit for the proposed use within the space.
6. ~~Certificate~~s of Occupancy. A certificate of occupancy for an ADU or JADU shall not be issued before a certificate of occupancy is issued for the primary dwelling unit.
7. Deed Restriction. Prior to issuance of a building permit for ~~an ADU or a~~ JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Community Development Department. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:
 - a. The ~~ADU or~~ JADU shall not be sold separately from the primary dwelling.
 - b. The ~~ADU or~~ JADU is restricted to the approved size and to other attributes allowed by this section.
 - c. The deed restriction runs with the land and may be enforced against future property owners.
 - d. The deed restriction may be removed if the owner eliminates the ~~ADU or~~ JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the City, providing evidence that the ~~ADU or~~ JADU has in fact been eliminated. The City may then determine whether the evidence supports the claim that the ~~ADU or~~ JADU has been eliminated. ~~Appeal may be taken from the City's determination consistent with other provisions of this Code.~~ If the ~~ADU or~~ JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of a

~~ADU or~~ JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

- e. The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of this property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ~~ADU or~~ JADU in violation of the recorded restrictions or abatement of the illegal unit.

8. Single-Unit Dwellings. The following may be permitted on a parcel with an existing or proposed single-unit dwelling:

- a. JADUs. One JADU that meets the standards in subsection G. JADUs are only permitted on a parcel with no more than one existing or proposed single-unit dwelling.
- b. ADUs. Any one of the following may be permitted on a parcel with an existing or proposed single-unit dwelling:
 - i. One new construction attached or detached ADU that meets the standards in subsection F.
 - ii. Statewide Exemption ADUs as permitted under subsection E.10.a.-b.

9. Multi-Unit Dwellings. Any one of the following may be permitted on a parcel with an existing or proposed multi-unit dwelling:

- a. One attached, detached, or interior ADU that meets the standards in subsection F.
- b. Statewide Exemption ADUs as permitted under subsection E.10.c.-d.

10. Statewide Exemption ADUs. If an ADU or JADU does not exist or is not proposed pursuant to subsection E.8. or E.9. above, any of the following will be ministerially permitted on a parcel and is not subject to subsection F. below.

- a. One ADU and one JADU per parcel with a proposed or existing single-unit dwelling if all of the following apply:
 - i. The ADU or JADU is within the proposed space of a single-unit dwelling or existing space of a single-unit dwelling or the ADU is within the existing accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - ii. The space has exterior access from the proposed or existing single-unit dwelling.

- iii. The side and rear setbacks are sufficient for fire and safety.
- iv. The JADU complies with the requirements of subsection G.
- b. One detached, new construction ADU that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-unit dwelling, does not exceed 800 square feet in floor area, and does not exceed the allowed height in subsection F.4. The ADU may be combined with a JADU that meets the standards as described in subsection G.
- c. Multiple ADUs within the portions of a multi-unit dwelling that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that the dwellings comply with building and fire code standards for dwellings. The number of ADUs permitted is equivalent to up to 25 percent of the number of existing, legally permitted units in the multi-unit dwelling, or one, whichever is greater. When calculating the number of allowed ADUs based on the percentage of existing multi-units, round down to the nearest integer.
- d. In addition to ADUs allowed by subsection 10.c. above, up to eight detached ADUs, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less, may be allowed on lots with an existing multi-unit dwelling. These allowed units may be converted from existing detached garages on the site. On lots with a proposed multi-unit dwelling, up to two detached ADUs may be allowed. The ADUs must not exceed the allowed height in subsection F.5. and must have a minimum rear and side setbacks of four feet. If the existing multi-unit dwelling has a rear or side setback of less than four feet, the existing multi-unit dwelling will not be required to be modified to meet this setback.

H.F. Development Standards for Accessory Dwelling Units. An ADU shall be constructed only in accordance with the following development standards:

- ~~1. Location and Number. Only one ADU shall be permitted per lot which contains an existing or proposed single-unit dwelling. ADUs may be located in any of the following:~~
 - ~~a. Within the walls of an existing or proposed single-unit dwelling;~~
 - ~~b. Attached to an existing or proposed single-unit dwelling;~~
 - ~~c. Within an existing accessory structure; or~~
 - ~~d. Detached from the single-unit dwelling but located on the same lot as the existing or proposed single-unit dwelling.~~
- ~~2. Minimum Size. No ADU shall be smaller than the size required to allow an efficiency unit pursuant to Health and Safety Code Section 17958.1.~~
- 1.3. Maximum Size. The maximum floor area for an attached or detached ADU shall be 850 square feet or 1,000 square feet, for two or more bedrooms.

- a. ~~Notwithstanding subsection H.3 above, if there is an existing primary dwelling, an attached ADU shall not exceed 50 percent of the living area of the existing primary dwelling.~~
- b. ~~If the ADU is created by converting space within an existing single-unit dwelling or accessory structure:~~
 - i. ~~An expansion limited to 150 square feet beyond the physical dimensions of the existing single-unit dwelling or accessory structure is permitted strictly to accommodate ingress and egress to the ADU; this additional square footage shall be exempt from lot coverage and floor area ratio requirements. The side and rear setback requirements for the single-unit dwelling may be reduced to no less four feet to accommodate an exterior stair and landing that provide required access to the ADU if it is located on the second story; and~~
 - ii. ~~The ADU must have side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.~~

~~2.4.~~ Floor Area Ratio and Lot Coverage. An attached or detached ADU measuring no more than 800~~850~~ square feet in size shall be exempt from floor area ratio and lot coverage requirements (includes floor area located in basements or lower level areas). For ~~An~~attached or detached ADUs measuring greater than 800~~850~~ square feet, the entire ADU shall be counted and shall comply with ~~the~~ floor area ratio and lot coverage regulations ~~as specified by the applicable zoning district.~~

~~3.5.~~ Setbacks. ~~An~~ ADUs shall conform to the following setback standards:

- a. No front setback shall be applied that would preclude the development of an 800 square foot ADU with at least four (4) foot side and rear setbacks. ADUs exceeding 800 square feet shall comply with minimum front setback requirements.
- ~~a-b.~~ A setback of at least four feet is required from the side and rear property lines; however, no setbacks shall be required under the following circumstances:
 - i. Existing livable space or an existing accessory structure that is converted, in whole or in part, to an ADU; and
 - ii. The detached ADU is constructed in the same location and to the same dimensions as an existing detached structure (with no expansion) that is demolished solely for the purpose of constructing the ADU ~~;~~ or
 - iii. ~~Construction of a new detached ADU entirely located within the rear 40 percent of the lot. If any portion of the detached ADU is located forward of the rear 40 percent of the lot, it shall comply with the setback requirements of the applicable zoning district in which it is located; for detached ADUs that are no greater than 850 square feet and no taller than 16 feet, no more than four foot side or rear setbacks shall be required.~~
- b. ~~There shall be a minimum four-foot separation between a detached ADU and any other structure on the lot, as measured between the exterior walls of the structures.~~

- ~~4.6.~~ Maximum Height ~~Limits. and Stories.~~ ADUs shall be subject to the following height limits:
- ~~a. Detached ADUs. A height of 16 feet for a detached ADU on a lot with an existing or proposed single-unit or multi-unit dwelling.~~
 - ~~b. A height of 18 feet for a detached ADU on a lot with an existing or proposed single-unit or multi-unit dwelling unit that is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as defined in California Public Resource Code Section 21155. An additional two feet in height shall be allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.~~
 - ~~c. A height of 18 feet for a detached ADU on a lot with an existing or proposed multi-unit, multi-story dwelling.~~
 - ~~d. A height of 30 feet (25 feet if located within the Hillside Overlay Zone) or the height limitation in the applicable zoning district, whichever is lower, for an ADU that is attached to a primary dwelling. The attached ADU may not exceed two stories.~~
 - ~~i. All detached ADUs shall be limited to one story in height and shall not be constructed above detached garages or detached accessory structures except for accessory dwelling units created entirely within an existing legal two-story detached accessory structure.~~
 - ~~ii. The maximum allowed building height for a detached ADU is 16 feet, as measured from highest adjacent existing grade to the top of the highest roof ridge and shall comply with the maximum allowed plate height requirements in subsections H.6.a.iii. and iv.~~
 - ~~iii. The maximum allowed plate height is nine feet, as measured from finished floor to the top of plate. The plate height may exceed nine feet, up to a maximum of 10 feet above finished floor, if the ADU is set back at least four feet from the side and rear property lines. Where the slope on a lot between the front and rear of the structure varies by more than two feet, the plate height shall be measured from average adjacent existing grade.~~
 - ~~iv. For detached ADUs containing a single slope, one side of the structure shall be allowed to have a plate height greater than nine feet; the plate height of walls closest to and parallel with side and rear property lines shall not exceed nine feet in height (or 10 feet in height if ADU is set back four feet from side and rear property lines).~~
- ~~b. Attached ADUs. Attached ADUs may be constructed on the first or second floor of an existing or proposed single-unit dwelling and shall be subject to the height requirements of the applicable zoning district in which it is located. If located within the Hillside Overlay Zone, attached ADUs shall not exceed 16 feet in height as measured from average adjacent grade around the single-unit dwelling.~~
- ~~7. Kitchen. The ADU shall contain a kitchen satisfying the following criteria:~~
- ~~a. Contains a sink and cooking facility (permanent stove and/or oven);~~
 - ~~b. Contains a refrigerator with separate doors for the refrigerator and freezer compartments; and~~

c. ~~Contains a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the accessory dwelling unit.~~

5.8. ~~Entrance. An ADU shall have a separate exterior entrance from the main entrance to the existing or proposed single-unit dwelling. For an ADU located entirely on a second story, this shall require a separate interior or exterior stairway. The entrance to the ADU shall~~should ~~not face the same public street as the entrance to the single-unit dwelling, if~~feasible, ~~unless it is the only location determined to comply with applicable building and fire codes. A passageway from the ADU to a public street may be created but is not required.~~

9. ~~Windows and Skylights. Windows and glazed openings shall be located at least three feet from any property line. Skylights shall be allowed on sloping roofs facing interior yards, on sloping roofs facing side yards as long as the skylight is located at least 10 feet from property line, and on flat roofs. The placement of windows and skylights in ADUs shall comply with all applicable building and fire codes.~~

6.10. ~~Balconies/Decks. Balconies, second story decks, and rooftop terraces are prohibited for all ADUs. A green roof shall not be considered a balcony, second story deck, or rooftop terrace. Stairs and landings above the first floor shall be located a minimum of four feet from property line and shall be sized to meet minimum requirements to allow ingress and egress.~~

11. ~~Interior Connection. Attached and interior ADUs may, but are not required, to contain an interior doorway connection between the single-unit dwelling and ADU.~~

12. ~~Permanent Foundations.~~

a. ~~All ADUs shall be permanently attached to a permanent foundation.~~

b. ~~A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, boat, or similar vehicle shall not be used as an ADU.~~

13. ~~Existing ADUs Built Before January 1, 1954. For existing ADUs built before January 1, 1954 the following additional criteria shall be met:~~

a. ~~The ADU shall conform to the requirements of the California Health and Safety Code Section 17920.3, and the Uniform Housing Code as adopted by Section 17922; and~~

b. ~~Improvements may be made to the ADU so long as it conforms to the requirements of this chapter and corrects any violation of Health and Safety Code Section 17920.3 and the Uniform Housing Code.~~

4.G. ~~Development Standards for Junior Accessory Dwelling Units. A junior accessory dwelling unit shall be constructed only in accordance with the following development standards:~~

1. ~~Location. The JADU may only be located within the walls of an existing or proposed single-unit dwelling. The JADU must have side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.~~

2. ~~Number. Only one JADU shall be permitted per lot which contains an existing or proposed single-unit dwelling. A JADU may be allowed in conjunction with one detached ADU on the same lot as long as the ADU does not exceed 850 square feet.~~

3. ~~Minimum Size. No JADU shall be smaller than the size required to allow an efficiency unit pursuant to Health and Safety Code Section 17958.1.~~
- 4.1. Maximum Size. The JADU shall not exceed 500 square feet in area. JADUs shall be exempt from floor area and lot coverage requirements when it is part of an existing single-unit dwelling. ~~An expansion limited to 150 square foot beyond the physical dimensions of the existing single-unit dwelling is permitted strictly to accommodate ingress and egress to the JADU; this additional square footage shall be exempt from lot coverage and floor area ratio requirements. The side and rear setback requirements for the single-unit dwelling may be reduced to no less than four feet to accommodate an exterior stair and landing that provide required access to the JADU if it is located on the second story.~~
- 5.2. Kitchen. The JADU shall contain an efficiency kitchen satisfying the following the criteria:
- Contains a sink and cooking facility with appliances (e.g., microwave, toaster oven or hot plate).
 - Contains a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
- 6.3. Bathroom. The JADU may have a separate bathroom or may share a bathroom with the single-unit dwelling. The bathroom shall contain a sink, toilet, and shower or tub. If the bathroom is shared, there must be a connecting door between the JADU and an interior entry to the main living area of the single-unit dwelling.
- 7.4. Entrance. The JADU shall have a separate exterior entrance from the main entrance to the existing or proposed single-unit dwelling. ~~The entrance to the JADU shall not face the same public street as the entrance to the primary dwelling, unless it is the only location determined to comply with applicable building and fire codes.~~ A passageway from the ADU to a public street may be created but shall not be required.
- 8.5. A JADU is not considered a separate or new dwelling for purposes of fire safety or life safety.

~~J. Accessory Dwelling Units on Multi-Unit Residential Properties. The following requirements and restrictions apply to creation of ADUs on multi-unit residential properties:~~

- ~~For the purposes of this section, the term "multi-unit dwelling structure" means two or more residential units contained within one or more buildings on the same lot.~~
- ~~Conversion. A minimum of one and up to 25 percent of the existing dwelling units within a multi-unit dwelling structure may be created within existing non-livable space(s), including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that the dwellings comply with building and fire codes. An ADU shall not be created within any portion of the habitable area of an existing dwelling unit in a multi-unit structure. When calculating the number of allowed ADUs based on the percentage of existing multi-unit units, round down to the nearest integer.~~
- ~~New Detached ADUs. In addition to ADUs allowed by subsection J.2, up to two new detached accessory dwelling units may be allowed provided that the height does not exceed 16 feet and that minimum four-foot side and rear yard setbacks are maintained. These ADUs shall be subject to the standards, requirements, and restrictions of this chapter.~~

~~4. There shall be a minimum four-foot separation between a detached ADU and any other structure on the lot, as measured between the exterior walls of the structures.~~

~~K. Design. The design of accessory dwelling units shall conform with the following standards:~~

~~1. Accessory Dwelling Units—Conversions.~~

~~a. Accessory dwelling units contained within the existing space of an attached garage shall include removal of vehicle garage doors which shall be replaced with architectural features the same as those of the primary dwelling unit, including the same wall cladding, window type, and trim that remove any appearance that the structure was originally a garage. This wall shall contain at least one window that is consistent in size and type with other existing windows on the same building façade.~~

~~b. An existing detached garage that is converted to an accessory dwelling unit shall include removal of the vehicle garage door(s).~~

L.H. Parking.

1. Unless otherwise provided in this section, one off-street parking space shall be provided for the ADU in addition to the off-street parking spaces required for the single-unit dwelling or multi-unit residential structure. All parking shall be provided on a hard, all-weather surface.

2. The parking space may be provided in setback areas or as 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.

3. No parking shall be required for an ADU in any of the following instances:

a. The ADU is located within one-half mile walking distance of public transit. For the purposes of this section only, public transit is defined as a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

b. The ADU is located within an architecturally and historically significant historic district.

c. The ADU is part of the proposed or existing primary residence or an existing accessory structure.

~~e.d.~~ When on-street parking permits are required but not offered to the occupant of the ADU.

e. When there is an established car share vehicle stop located within one block of the ADU.

~~d.f.~~ When a permit application for an ADU is submitted with an application for a new single-unit dwelling or a new multi-unit dwelling on the same lot and meets one of the other requirements listed in subsections (a)-(e) above.

4. No parking shall be required for a JADU and any parking displaced by its construction, including conversion of all or part of an existing attached garage, are not required to be replaced.
5. When a garage, carport, ~~or~~ covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

M.I. Utilities and Impact Fees.

1. No ADU or JADU shall be permitted if it is determined that there is not adequate water or sewer service to the property, as determined by the City.
2. Except as provided in subsection **M.3.1.3**, an ADU may be required to have a new or separate utility connection, including a separate sewer lateral, between the ADU and the utility. A connection fee or capacity charge may be charged that is proportionate to the size in square feet of the ADU or its drainage fixture unit (DFU) values. Separate electric and water meters shall be required for the ADU.
3. The following ADUs shall be exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges:
 - a. Junior accessory dwelling units.
 - b. ~~Standard~~ ADUs converted from interior space ~~or if added onto an existing single-unit dwelling~~ of an existing single unit dwelling or existing accessory structure, unless the unit is constructed within a new single-unit dwelling. ~~home.~~
4. Impact Fees.
 - a. No impact fees may be imposed on ADUs that are less than 750 square feet in size. For purposes of this section, "impact fees" include the fees specified in Sections 66000 and 66477 of the Government Code, but do not include utility connection fees or capacity charges.
 - b. For ADUs that have a floor area of 750 square feet or more, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

N.J. Delay of Enforcement of Building Standard.

1. Prior to January 1, 2030, when the Chief Building Official provides a notice to correct a violation of any building standard, the Chief Building Official shall include in that notice a statement that the owner of the ADU has a right to request a delay in enforcement ~~the owner of an~~ if the ADU that was built prior to ~~adoption of the ordinance codified in this chapter~~ January 1, 2020 or built when the City had a noncompliant ADU ordinance. The owner of the ADU, may submit a written request to the Chief Building Official requesting that correction of any violation of building standards be delayed for five years. For purposes of this section, "building standards" refers to those standards enforced by local agencies under the authority of Section 17960 of the California Health and Safety Code.
2. The Chief Building Official will grant the application if the Chief Building Official determines that enforcement of the building standard is not necessary to protect health and safety. In making this determination, the Chief Building Official will consult with the Fire Marshal.

3. No applications pursuant to this section shall be approved on or after January 1, 2030. However, any delay that was approved by the City before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the approval of the application.
4. Until January 1, 2030, any notice to correct a violation of building standard that is issued to the owner of an ADU built prior to adoption of the ordinance codified in this chapter, shall include a statement that the owner has a right to request a delay in enforcement of the building standard for an ADU pursuant to this Section.

K. Unpermitted ADUs and JADUs

1. Notwithstanding any other law, and except as otherwise provided in subsection 2. below, the City shall not deny a permit for an unpermitted ADU or unpermitted JADU that was constructed before January 1, 2020, due to either of the following:
 - a. The ADU or JADU is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.
 - b. The ADU or JADU does not comply with Government Code Sections 66310-66341 or this Chapter.
2. Notwithstanding subsection 1. above, the City may deny a permit for an ADU or JADU subject to subsection 1. if the City makes a finding that correcting the violation is necessary to comply with the standards specified in Health and Safety Code Section 17920.3.
3. A homeowner applying for a permit for a previously unpermitted ADU or JADU constructed before January 1, 2020, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Health and Safety Code Section 17920.3 and when the fee is authorized by subsection I.
4. Subject to subsection 3. above, upon receiving an application to permit a previously unpermitted ADU or JADU constructed before January 1, 2020, an inspector from the City may inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards, the City shall not penalize an applicant for having the unpermitted ADU or JADU and shall approve necessary permits to correct noncompliance with health and safety standards.

Chapter 25.60

GENERAL PROVISIONS

25.60.020 Ministerial and Administrative Permits and Actions.

- A. Administrative Permits and Actions. Except when combined with legislative actions or other non-administrative actions defined in this article, the Director, also defined in this Zoning Code as the designee of the Director, is the designated Review Authority for the following quasi-judicial permits and actions. The Director, at the Director's sole discretion, may elevate the level of review to a higher Review Authority.
- ~~1.~~ ~~Accessory Dwelling Unit Permit. A ministerial permit established for the purpose of providing the Director the authority to review and ensure compliance of accessory dwelling unit applications with all provisions of Section 25.48.030 (Accessory Dwelling Units).~~
 - ~~2.~~1. Administrative Use Permit. An administrative permit providing for the review of certain wireless communications facilities, as identified in Section 25.48.300 (Wireless Communications Facilities).
 - ~~3.~~2. Design Review – Minor. An administrative review process providing for review of projects specified in Section 25.68.020.D (Design Review – Minor) for compliance with the provisions of this Zoning Code and with any site plan or architectural design guidelines adopted by the City and as provided in Chapter 25.68 (Design Review).
 - ~~4.~~3. Hillside Area Construction Permits. An administrative permit providing for the review of certain development projects in the designated hillside area, as identified in Chapter 25.70 (Hillside Area Construction Permits).
 - ~~5.~~4. Home Occupation Permits. An administrative permit authorizing the operation of a specified home-based occupation in a particular location in compliance with the provisions specified in Chapter 25.72 (Home Occupation Permits).
 - ~~6.~~5. Minor Modifications. An administrative action, granted in compliance with Chapter 25.74 (Minor Modifications), to allow specified exceptions to specified development standards of this Zoning Code for the purpose of creating flexibility in implementing those standards to accommodate unique design approaches and to recognize unique physical conditions present on individual parcels.
 - ~~7.~~6. Minor Use Permits. An administrative permit authorizing the operation of a specific use of land or a structure in a particular location in compliance with the provisions of this Zoning Code and in compliance with procedures specified in Chapter 25.66 (Conditional Use Permits and Minor Use Permits).
 - ~~8.~~7. Reasonable Accommodations. An administrative permit authorizing limited modifications to properties to accommodate a person with specified disabilities and physical limitations in compliance with specific criteria and performance standards and in compliance with procedures specified in Chapter 25.76 (Reasonable Accommodations).
 - ~~9.~~8. Sign Permits. An administrative permit authorizing a variety of signs, including individual signs for promotional advertising, in compliance with specific provisions and conditions of this Zoning Code and Chapter 25.42 (Signs). Temporary signs may also be approved in conjunction with a temporary use permit issued in compliance with Chapter 25.82 (Temporary Use Permits).

~~40.9.~~ 44.9. Temporary Use Permits. An administrative permit authorizing specific limited-term uses in compliance with specified conditions and performance criteria specified in Chapter 25.82 (Temporary Use Permits).

~~44.10.~~ 44.10. Zoning Ordinance Interpretations. An administrative interpretation of certain provisions of this Zoning Code to resolve ambiguity in the regulations and to ensure their consistent application in compliance with Chapter 25.02 (Interpretation of the Zoning Code).

Table 6-1: Review Authority

Table 6-1: Review Authority				
Type of Action	Applicable Code Section	Role of Review Authority ⁽¹⁾		
		Director	Commission	Council
Legislative Actions				
General Plan Amendments	25.96	Review	Recommend	Decision
Specific Plans and Specific Plan Amendments	25.80	Review	Recommend	Decision
Zoning Map Amendments	25.96	Review	Recommend ⁽²⁾	Decision
Zoning Code Amendments	25.96	Review	Recommend ⁽²⁾	Decision
Planning Permits and Approvals; Administrative and Ministerial Actions				
Accessory Dwelling Unit Permit		Issue	Appeal of Denial only	—
Administrative Use Permit	25.48.300	Decision	Appeal	Appeal
Conditional Use Permits	25.66	Review	Decision	Appeal
Condominium Permits	26.32.020	Review	Decision	Appeal
Design Review – Major	25.68	Review	Decision	Appeal
Design Review – Minor	25.68	Decision	Call for Review	Appeal
Fence Exceptions	25.74	Review	Decision	Appeal
Hillside Area Construction Permits	25.70	Decision	Call for Review	Appeal
Home Occupation Permits	25.72	Decision	Appeal	Appeal
Interpretations of Zoning Ordinance	25.04	Decision	Appeal	Appeal
Minor Modifications – 2 or fewer	25.74	Decision	Call for Review	Appeal
Minor Modifications – 3 or more and/or requested with another discretionary permit	25.74	Review	Decision	Appeal
Minor Use Permit	25.66	Decision	Call for Review	Appeal
Reasonable Accommodations	25.76	Decision	Appeal	Appeal
Sign Permits	25.42.050	Decision	—	—
Sign Program – Master	25.42.060	Decision	Decision	Appeal
Special Permits	25.78	Review	Decision	Appeal
Temporary Use Permits	25.82	Decision	Appeal	Appeal
Variances	25.84	Review	Decision	Appeal

Chapter 25.88

PERMIT IMPLEMENTATION, EXTENSIONS, MODIFICATIONS, AND REVOCATIONS

25.88.020 Effective Dates of Permits.

A. Approvals, Permits, and Variances.

1. ~~An Accessory Dwelling Unit Permit~~, A Design Review – Minor approval, Hillside Area Construction Permit, Home Occupation Permit, Minor Modification approval, minor use permit, Reasonable Accommodation approval, or temporary use permit shall become effective immediately upon expiration of any appeal period. If an appeal is filed, such permit or approval shall become effective immediately upon the final appeal decision.
2. A Conditional Use Permit, Design Review – Major approval, special permit, or variance shall become effective 10 days following the actual date the decision was rendered by the applicable Review Authority, unless an appeal is filed in compliance with Chapter 25.98 (Appeals) prior to the effective date. If an appeal is filed, such permit or approval shall become effective immediately upon rendering of the final appeal decision.
3. Denial of a request for approval, permit, or variance becomes effective the date of determination.

Chapter 25.98

APPEALS AND CALLS FOR REVIEW

25.98.030 Filing and Processing of Appeals and Calls for Review

A. Eligibility.

1. Who May Appeal. An appeal or call for review in compliance with this chapter may be filed by any aggrieved person, except that in the case of a decision on a quasi-judicial permit or action, an appeal may only be filed by a person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of his/her concerns before the hearing.
2. Call for Review on Administrative Permits.
 - a. Any person may request a call for review by the Planning Commission for any Director action on an administrative permits for which notice has been given. Such call for review shall be provided in writing and shall be accompanied by payment of any required fee.
 - b. The following permits are subject to a call for review:
 - i. Minor design review;
 - ii. Hillside Area construction permit;
 - iii. Minor modifications – two or fewer;
 - iv. Minor use permit;
 - v. Administrative use permit.

3. Call for Review by Commissioners and Councilmembers.
 - a. Any Commissioner may initiate a call for review of a Director's determination or decision by filing a written request with the Department before the effective date of the action.
 - b. Any Council member may initiate a call for review of a Commission's or Director's determination or decision by filing a written request with the City Clerk before the effective date of the action.
 - c. No fees are required.
4. Limitations on Denial by the Commission. If an application has been denied by the Commission, or if an application or a portion thereof is approved, an appeal may be made by the applicant or any interested person.
- ~~5. Accessory Dwelling Unit Permits. A permit for an accessory dwelling unit may only be appealed in the case of a denial.~~

Chapter 25.100

PUBLIC HEARINGS AND NOTICE

25.100.020 Notice of Hearing.

- B. Method of Notice Distribution. Notice of a public hearing or any noticing requirement required by Article 6 for a planning approval shall be given as follows, as required by Government Code Sections 65090 and 65091.
 1. Mailing. Notice shall be mailed or delivered to the following at least 10 days before the scheduled hearing, or for other noticing requirements:
 - a. Project Site Owner(s) and the Applicant. The owner(s) of the property being considered in the application or the owner's authorized agent, and the applicant.
 - b. Local Agencies. Each local agency expected to provide roads, schools, sewage, streets, water, or other essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be significantly affected.
 - c. Affected Owners. All owners of real property, as shown on the latest adopted tax roll of the County, located within a radius as defined below of the exterior boundaries of the parcel that is the subject of the hearing or noticing requirement pursuant to Article 6 (Permit Processing Procedures).
 - i. 500-Foot Radius Required.
 - (A) All legislative actions pursuant to Table 6-1 (Review Authority);
 - (B) Any commercial, industrial, or institutional development exceeding 10,000 square feet of construction, whether new construction or addition to existing development;
 - (C) Any attached residential development consisting of five or more units; and
 - (D) Any combination of (B) and (C) above.

- ii. 300-Foot Radius Required. All planning permits and approvals and all administrative and ministerial actions pursuant to Table 6-1, except for those specified in subsections B.1.c.i and iii, and any permits pursuant to subsection B.1.c.iii that are called for review or appealed to the Commission.
- iii. 100-Foot Radius Required.
 - (A) Administrative use permit;
 - (B) Design review – minor;
 - (C) Minor modifications – two or fewer;
 - (D) Hillside Area construction permits not requiring design review;
 - (E) Master Sign Programs.
- iv. No Radius Notification Required. Appeals of interpretations of the Zoning Code, ~~accessory dwelling unit permits,~~ home occupation permits, reasonable accommodation approvals, sign permits, and temporary use permits do not require noticing of affected owners.
- d. Persons Requesting Notice. Any person who has filed a written request for notice with the Director and has paid the required fee for the notice.
- e. Other Person(s). Any other person(s), whose property might, in the judgment of the Director, be affected by the proposed project.