

ORDINANCE NO. 1454

**AN ORDINANCE OF THE CITY OF SIERRA MADRE,
CALIFORNIA AMENDING CHAPTER 17.08
(DEFINITIONS), CHAPTER 17.22 (SECOND UNITS), AND
CHAPTER 17.28 (R-3 MEDIUM/HIGH DENSITY
RESIDENTIAL ZONE) TO TITLE 17 (ZONING) OF THE
SIERRA MADRE MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY RESOLVE:

WHEREAS, on November 9, 2021, the City Council adopted the 2021-2029 Housing Element;

WHEREAS, a housing program objective of the 2021-2029 Housing Element is to update the Second Units Ordinance, also referred to as "Accessory Dwelling Units" or "ADU," to incorporate incentives and expand to Commercial and Manufacture zone districts and to initiate amnesty program;

WHEREAS, ADUs offer a benefit to homeowners in the form of supplementary income by renting out their ADUs, which can help many modest income and elderly homeowners afford to remain in their homes;

WHEREAS, ADUs can offer an important opportunity to help Sierra Madre address its regional housing needs while maintaining the community's small-town character;

WHEREAS, on October 9, 2019, Governor Gavin Newsom signed into law Senate Bill (SB) 13 and Assembly Bills (AB) 68 and 881, affecting Government Code Sections 65582.1, 65583.1, 65589.4, 65852.150, 65852.2, 65852.22, and 66412.2, introducing new development standards including allowable floor area, garage conversion requirements, setback provisions, rental restrictions, fire sprinkler requirements, and utility connections;

WHEREAS, the City desires to establish objective zoning and design standards to promote the development of housing under SB 13, AB 68, and AB 881; and

WHEREAS, the Planning Commission held a properly noticed public hearing on April 21, 2022, and adopted Resolution 22-04 recommending approval of this Ordinance to the City Council.

THEREFORE, CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. Municipal Code Text Amendment. Chapter 17.08 (Definitions) of Title 17 (Zoning) of the Sierra Madre Municipal Code is amended with additions denoted by underlined text and deletions denoted by ~~struck-through~~ text included in Exhibit 1.

SECTION 3. Municipal Code Text Amendment. Chapter 17.22 (Second Units) of Title 17 (Zoning) of the Sierra Madre Municipal Code is retitled to "Accessory Dwelling Units" and amended in full as provided by Exhibit 2.

SECTION 4. Municipal Code Text Amendment. Section 17.28.050 (Permitted Uses) of Chapter 17.28 (R-3 Medium/High Density Residential Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code is amended with additions denoted by underlined text and deletions denoted by ~~struck-through~~ text included in Exhibit 3.

SECTION 5. California Environmental Quality Act. Pursuant to Government Code section 65852.21, subdivision (j), and Government Code section 66411.7, subdivision (n), the City Council finds the adoption of this Ordinance is not a project for purposes of the California Environmental Quality Act (CEQA) and is statutorily exempt.

SECTION 6. Severability. If any sections, subsections, subdivisions, paragraph, sentence, clause, or phrase of this Ordinance or any part hereof or exhibit hereto is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part thereof or exhibit thereto. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraph, sentences, clauses, or phrases be declared invalid.

SECTION 7. Submittal. The City Clerk is directed to submit a copy of this Ordinance to the Department of Housing and Community Development within 60 days after adoption in accordance with Government Code section 65852.2, subdivision (h)(1).

SECTION 8. Publication. The City Clerk shall cause this Ordinance to be published or posted in accordance with California Government Code Section 36933. She shall certify to the adoption of this Ordinance and her certification, together with proof of the publication, will be entered in the book of Ordinances of the City Council.

SECTION 9. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code Section 36937.

PASSED, APPROVED, AND ADOPTED this 24th day of May 2022.



Gene Goss, Mayor

ATTEST:



Laura Aguilar, City Clerk

APPROVED AS TO FORM:



Aleks R. Giragosian, City Attorney

I **HEREBY CERTIFY** that the foregoing Ordinance was duly adopted by the City Council of the City of Sierra Madre, California, at a regular meeting held on the 24th day of May, 2022 by the following vote:

AYES:	MAYOR GENE GOSS, MAYOR PRO TEM EDWARD GARCIA, COUNCIL MEMBER RACHELLE ARIZMENDI, COUNCIL MEMBER KELLY KRIEBS, COUNCIL MEMBER ROBERT PARKHURST
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE

EXHIBIT 1

Chapter 17.08 - DEFINITIONS

Sec. 17.08.010 - Definitions—Generally.

For the purpose of this title, the words, phrases and terms set forth in this chapter shall be deemed to have the meaning ascribed to them in this chapter.

Sec. 17.08.020 - Words, terms, phrases defined.

"Abut, adjoining or contiguous" means, in reference to real property, two or more lots sharing a common lot line; with reference to two or more objects, the same shall mean in immediate contact with each other.

"Access" means the place, or way, by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a lot, from a public or private street or alley.

"Accessory" means a building, part of a building or structure or use which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot. Where the wall of an accessory building has a common wall or a portion of a common wall not less than four feet in length, such accessory building shall be considered as part of the main building.

"Accessory dwelling units" also known as a "second unit," means an attached or a detached residential 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. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Accessory use" means a use which is directly related, but clearly subordinate, to a permitted principal use. All accessory uses shall be established and maintained on the same lot as the principal use which they serve, except as expressly otherwise provided herein.

"Adjacent" means two or more objects which are located in close proximity to each other.

"Adult residential facility" is a state licensed residential home for adults eighteen through fifty-nine years of age with mental health care needs who have physical and/or developmental disabilities and require or prefer assistance with care and supervision. An adult residential facility is a subset of a community care facility.

"Adult residential facility for persons with special health care needs" is a state licensed residential home that provides twenty-four-hour services for up to five adults with developmental disabilities who have special health care and intensive support needs and who would otherwise need to reside in an institution. An adult residential

facility with special health care needs is a subset of a residential health care facilities (chronically ill).

"Alley" means a public or private way designated as an alley by the city, other than a street, permanently reserved as a means of secondary vehicular access to adjoining properties.

"Apartment" means the same as "dwelling unit."

"Apartment house" means a building containing three or more dwelling units.

"Assessed value" means the then assessed value of the land, building or structure, as is shown on the current assessment role in effect as of the time of the making of the determination of such assessed value.

"Assessor" means the tax assessor of the county of Los Angeles.

"Assisted living facility" means the same as "residential care facility for the elderly."

"Automobile repair and service garage" means a facility which provides for the repair and maintenance of motor vehicles; provided, that such facility shall not be deemed to include painting of motor vehicles, nor body and fender repair.

"Automobile wrecking" means the dismantling or wrecking of one or more used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

"Barber shop" means a place of business for a barber, whose occupation is to cut any type of hair, give shaves and trim beards.

"Basement" is any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

"Beauty shop" means establishments where hairdressing, and services incidental to hairdressing are done, including the sale of beauty supplies and cosmetics.

"Bedroom" R-2 zone. For the purpose of calculating parking requirements in the R-2 zone, the following rooms which regularly make up a standard dwelling unit shall not be considered a bedroom: one kitchen, one living room, one family or recreation room, one dining room, and bathrooms.

"Bedroom" R-3 and R-P zones. For the purpose of calculating parking requirements, the following rooms which regularly make up a standard dwelling unit shall not be considered a bedroom: one kitchen, one living room, one dining room, and bathrooms. Single-family residences located in the R-3 and R-P zones shall be subject to the bedroom definition in the R-1 zone.

"Block" means all properties fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, water way, terminus or dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

"Boarding house" means a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to

individuals under separate rental agreement or lease, either written or oral, whether or not an owner, agent, or rental manager is in residence. Such use is prohibited in all zones excluding licensed group living facilities or similar uses.

"Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons or property of any kind.

Building, Accessory. "Accessory building" means a separate, detached building, housing a permitted accessory use, located on the same lot as the main building or principal use.

Building Height. See "Height."

Building, Main. "Main building" means a building in which is conducted one or more principal uses permitted on the lot upon which it is situated.

"Building site" means: (1) the ground area of one lot or (2) the ground area of two or more lots when used in combination for a building or group of buildings, together with all open spaces, as required by this chapter.

"Business day" means a day on which city offices are open for regular business.

"Canopy" means any structure, temporary or permanent, constructed of canvas or other cloth or material on a framework sheltering an area, or forming a sheltered walk to the entrance of a building.

"Carport" means a permanently roofed structure with not more than two enclosed sides, used or intended to be used for automobile shelter and storage.

"Cellar" means the same as "basement."

"Centerline" means the centerline, as determined by the city engineer, of any street, highway or alley.

"Child care center" means a facility with an organized daytime program for the supervision and care of children who are not related to the person operating such facility and where the operator is not required to live on the property.

"Children's day care center" (emotionally disturbed) means a state licensed institution of no more than six beds intended solely for the admission and treatment of minors with mental illness or behavior or emotional disorders. A children's day care center is a subset of a community care facility.

"City" means the city of Sierra Madre.

"City manager" means the city manager of the city.

"Clerk" means the city clerk of the city.

Club, Private. "Private club" means any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized primarily to render a service customarily carried on as a commercial enterprise.

"Code" means the Sierra Madre Municipal Code.

"Commission" means the planning commission of the city.

"Communications equipment buildings" mean buildings housing operating electrical and mechanical equipment utilized in conducting a public utility communications operation.

"Community care facilities" are licensed by the community care licensing division of the state department of social services or similar state programs that provide non-medical residential care to children or adults who are physically disabled and/or mentally impaired who are in need of personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living. Community care facilities are comprised of adult residential facility, children's day center (emotionally disturbed), group home, and residential school (developmentally disabled).

"Condominium" means the same as "dwelling, multiple."

"Continuing care retirement community" is a state licensed "residential care facility for the elderly" that offers a long-term continuing care contract that provides for housing, residential services, and nursing care, usually in one location, and usually for resident's lifetime. Continuing care retirement community is a subset of a residential care facility for the elderly.

"Converted or conversion" means the repurposing of all or a portion of an existing structure as an accessory dwelling unit entirely within the existing structure building envelope and in accordance with all required residential building and construction standards set forth in the applicable California Building Codes.

"Council" means the city council of the city.

"Court" means an area which is open and unoccupied by any building or structure, bounded on three or more sides by the exterior walls of a building. An inner court is a court entirely enclosed within the exterior walls of a building. All other courts are outer courts.

"Dairy" means any premises where one or more cows or goats, or any combination thereof, are kept or maintained for the purpose of producing milk.

"Detached living quarters" mean the same as "Guest house."

"Director" means director of planning for the city.

"Drive-in restaurant" means a restaurant use which:

1. Has facilities to allow patrons to consume prepared food at an area outside of an enclosed building; and/or
2. Has facilities which would allow the service of prepared foods directly to a patron while that patron is in a motor vehicle, whether or not for consumption on the premises.

"Disabled" as defined in state or federal law.

"Drug and alcohol recovery and rehabilitation facilities" are unlicensed homes, residences, facilities, or premises which provide housing and supportive services for persons recovering from drug and alcohol abuse in a group setting, but do not provide professional medical, psychiatric, psychological, or nursing care for the purpose of

curing persons of drug or alcohol addiction. A residential drug and alcohol rehabilitation facility is a type of "sober living home."

"Drug and alcohol treatment facilities" are licensed by the state department of drug and alcohol programs or similar state programs serving six or fewer persons that provide twenty-four-hour residential non-medical services to adults who are recovering from problems related to alcohol and/or drugs and need treatment or detoxification services. Individuals in recovery from drug and alcohol addiction are defined as disabled under the Federal Fair Housing Act.

Dump, Inert Solids. "Inert solids dump" means an area devoted to the disposal of nonwater soluble, nondecomposable inert solids such as natural earth, rock, sand and gravel; paving fragments; concrete brick; plaster and plaster products; steel mill slag; glass; asbestos fiber and products therefrom.

Dump, Rubbish and Refuse. "Rubbish and refuse dump" means an area devoted to the disposal of inert solid and/or decomposable organic refuse and scrap metal.

"Duplex" means the same as "Dwelling, two-family."

Dwelling, Single-family. "Single-family dwelling" means a detached building designed or used for occupancy, as living quarters, by one person or one family. "Single-family dwelling" shall also include a manufactured home or a modular home as a type of dwelling unit.

Dwelling, Three-family. "Three-family dwelling" means a building designed or used for occupancy, as living quarters, by three separate families or persons and containing three dwelling units.

Dwelling, Two-family. "Two-family dwelling" means a building designed or used for occupancy, as living quarters, by two separate families or persons and containing two dwelling units.

"Dwelling unit" means one or more rooms in a building designed and intended to be used as living quarters by one person or one family.

"Educational institution" means any public, private or parochial; elementary, junior high, high school, university, or other school giving general academic instruction in the several branches of learning.

"Efficiency kitchen" means a cooking facility and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

"Emergency shelter" means any building used by a nonprofit organization to provide emergency housing and meals on a temporary basis (six months or less) to stranded, evicted, transient, or otherwise dislocated and homeless persons until a satisfactory solution to their immediate problem is found.

"Engineer" means the city engineer of the city.

"Explosives" mean any explosive substance, as defined in Section 12000 of the Health and Safety Code of the state of California.

"Facilities for preparole adjustment/rehabilitation" mean any building where a program is conducted to prepare prisoners for return to the community in which they live and assist them in developing emotionally stable and economically productive lives.

"Family" means the same as "housekeeping unit".

"Family daycare home" is a licensed facility that regularly provides care, protection, and supervision for fourteen or fewer children, for periods of less than 24 hours per day, while the parents or guardians are away. A family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling within a covered multifamily dwelling in which the underlying zoning allows for residential use. A family daycare home is where the licensee resides, and includes a dwelling or dwelling unit that is rented, leased, or owned. Family daycare homes are comprised of a small family daycare home, under Health and Safety Code section 1597.44, and a large family daycare home, under Health and Safety Code section 1597.465.

"Fence" means a fence made of material other than concrete block or masonry.

"First story" means the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below preexisting natural grade, as defined herein, for more than fifty percent of the total perimeter, or not more than eight feet below grade, as defined herein, at any point.

"Floor area" means the sum of the horizontal areas of floors of buildings measured from the exterior face of exterior walls.

Floor Area Net. "Net floor area" means the total horizontal floor area of all the floors of a building included within the surrounding walls, exclusive of vents, shafts, courts, elevators, stairways and similar facilities.

"Fraternity" means the same as "Club, Private."

Frontage, Street. "Street frontage" means the length of a lot line of a lot which abuts a street.

"Garage" means any building, with three enclosed sides, provided with a closeable access door or doors, which is used or intended to be used for automobile shelter or storage.

Gender. When consistent with context, words in the masculine gender include the feminine and neuter genders.

Grade. Whenever the term "grade" is used alone, it shall refer to the most restrictive condition.

"Grade, finished" means the final grade of the site which conforms to the approved plan.

"Grade, natural" means prior to deposit of earth material placed by artificial means and/or prior to the mechanical removal of earth material.

"Grade, preexisting" means an established grade that exists on a site for which a legal grading or building permit was in effect for ten years prior to a request for a building, demolition or grading permit.

"Gradient" means the rate of vertical change of a ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

"Group home" means a state licensed facility that provides twenty-four-hour non-medical care and supervision in a structured environment to troubled youths who exhibit social, psychological, and behavioral problems and is a subset of a community care facility.

"Guest house" means living quarters located within an accessory building, designed and utilized for the sole use of persons employed on the lot, or for temporary use by guests of the occupants of the dwelling located upon such lot. Guest houses shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit.

"Group living facilities" means any home, residence, facility, or premises which provides temporary, interim, or permanent housing for persons with mental, physical and/or developmental disabilities (as defined in state or federal law) in a group setting.

"Height" of building is the vertical distance above a reference datum measured to the highest point of the roof structure. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The lowest elevation of adjoining finished grade within a five-foot horizontal distance of the exterior wall of the building;
2. The lowest elevation of adjoining preexisting natural grade within a five-foot horizontal distance of the exterior wall of the building.

The height of a stepped or terraced building is the maximum height of any segment of the building.

"Highway" means the same as "Street."

"Home occupations" mean any ongoing or repetitive business or professional use, activity or utilization of residentially zoned and improved property, by the inhabitants of said property, which is incidental and accessory to the primary residential use and does not generate an adverse impact to the surrounding neighborhood, pursuant to the provisions of Chapter 17.85 of this title.

"Hospital, general" means an institution staffed and equipped to provide the various types of intensified hospital care, including, but not limited to, short-term care in acute medical, surgical and obstetrical services.

"Hotel" means any building or portion of any building with access provided through a common entrance, lobby or hallway, to one or more guest rooms, which have no cooking facilities and which are designed and intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests.

"Household pets" mean, and are limited to, the following pets, maintained principally within a dwelling unit:

1. Domesticated cats;
2. Domesticated dogs;
3. Fish, without limit on number; and
4. Any bird which is:
 - a. Customarily kept in residence with man; and
 - b. Kept, at all times, within a dwelling unit; specifically, "bird" shall not include, among others, for the purpose of these regulations, chickens, hens, roosters, geese or ducks.

"Housekeeping unit" means a single, integrated home-style of living together and sharing of space in a nonexclusive, noncompartmentalized lifestyle with one kitchen, one set of utilities, and one mailing address and with one front door for all persons residing at that location.

"Junior accessory dwelling unit" means a unit that is contained entirely within the walls of a proposed or existing single-family residence which provides living facilities for one or more persons. Junior accessory dwelling units are limited to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

"Kennel" means a place where four or more adult dogs and/or cats are kept, whether by the owner of such dogs and cats or by other persons, providing facilities and care, whether or not for compensation. An "adult" dog or cat, for the purpose of these regulations, is one that has reached the age of four months.

"Kitchen" means any room or space within a building designed and intended to be used for the cooking or the preparation of food.

"Landscaping" means the planting and maintenance of natural and/or artificial trees, shrubs, vines, ground covers, flowers and lawns. In addition, the same may include natural features such as rock and stone; and structural features, including but not limited to, fountains, reflecting pools, art works, screens, walls, fences and benches; "landscaped area" means an area upon which landscaping is required by these regulations to be continuously maintained.

"Livestock" means a use involving the grazing, care and maintenance of cattle and/or horses for commercial or noncommercial purposes.

"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.

"Long-term care facility (mental disorders)" means a state licensed facility of seven-patient capacity or more intended primarily for the admission of chronic mentally ill or mentally disordered or other incompetent persons who are provided medical care, nursing services and intensive supervision.

A long-term care facility (mental disorders) is a subset of residential health care facilities (chronically ill).

"Lot" or "parcel of land" means:

1. A parcel of real property which is shown as a single lot in a lawfully recorded subdivision, approved pursuant to the provisions of the Subdivision Map Act; or
2. A parcel of real property, the dimensions and boundaries of which are defined as a single lot by a lawfully recorded record of survey map; or
3. A parcel of real property shown on a parcel map as a single lot, lawfully recorded pursuant to the provisions of the Subdivision Map Act; or
4. Any parcel of real property otherwise lawfully created and dimensioned prior to October 1, 1955; or
5. Two or more lots which are combined by an appropriate recorded written instrument, or two or more lots which are combined by a common usage, shall be deemed, for all purposes, a single lot.

"Lot area" means the total horizontal area within the boundary lines of a lot or parcel; provided, however, that the following shall be excluded from the computation thereof:

1. Any portion of said lot or parcel which serves as an access easement to any other lot or building site; or
2. Any portion of said lot or parcel which serves as an improved surface flood control project under the jurisdiction of any public agency.

For the purpose of determining area in the case of an irregular, triangular or gore-shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line representing the lot depth of such lot shall be used as the rear lot line.

Lot Area, Interior. "Interior lot area" means the total lot area minus: (1) the sum of the ground floor area of all buildings located thereon, and (2) any area used for perimeter landscaping.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than one hundred thirty-five degrees.

"Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a lot having a curved front line, the front lot line, for purposes of this section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.

Lot, Interior. "Interior lot" means a lot, other than a corner or reversed corner, or through lot.

Lot, Key. "Key lot" means a lot which has a side lot line which is a common lot line with the rear lot line of a reversed corner lot.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

1. For a triangular or gore-shaped lot a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the lot depth line shall be used as the rear lot line; and
2. In the case of a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the lot depth line and drawn through a point bisecting the recorded rear lot line; and
3. In the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.

Lot Line, Side. "Side lot line" means any lot line which is not a front or rear lot line.

Lot, Reversed Corner. "Reversed corner lot" means a corner lot, the side lot line of which is substantially a continuation of the front line of a lot which adjoins the rear lot line of said corner lot.

Lot, Through. "Through lot" means a lot having frontage on two approximately parallel streets.

"Lot width" means the horizontal distance between the side lot lines measured at right angles to the lot depth line at a point midway between the front and rear lot lines.

Average width shall be the average of the length of line drawn parallel to the "lot width line" extending toward the front and rear lot lines at ten-foot intervals, but excluding from such determination any prolonged portions of the lot used exclusively for access to a public street or for a driveway.

In computing lot width or average width, the following shall be excluded:

1. Any portion of said width which serves as an access easement to any other lot or building site; and
2. Any portion of said width which serves as an improved surface flood control project under the jurisdiction of any public agency.

"Map" means the zoning map of the city.

"Manufactured home" means the same as "modular home."

"Manufacturing" means the creation of a product from raw materials.

"May" is permissive.

"Medical and/or dental clinic" means any facility providing health service, or medical, surgical or dental care of the sick or injured, but shall not include inpatient or overnight

accommodations. "Medical clinic" includes health center, health clinic, doctors' and dentists' offices.

"Mobilehome" means a mobilehome defined as such in the Mobilehome Park Law (Health and Safety Code, Section 18000 et seq.).

"Mobilehome park" means any lot where mobilehomes and/or sites are rented or leased or offered for rent or lease.

"Mobilehome site" means that portion of a mobilehome park designated for use or occupancy of one mobilehome and including all appurtenant facilities thereon.

"Modular home" means factory constructed, single-family one-story detached dwellings, certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, with approved sticker attached, and placed on full, approved foundation systems and permanently anchored thereto.

"Motel" means one or more buildings containing rooms, without kitchen facilities, each having a separate entrance leading directly from the outside of the buildings or from an inner court, which rooms are designed for rental for temporary or overnight accommodations for guests, and are offered primarily to automobile tourists or transients by signs or other advertising media; one unit, for use by a resident manager, may have kitchen facilities. "Motel" includes auto courts, motor lodges and tourist courts.

Nonconforming Building, Structure or Use.

"Nonconforming building or structure" means a building or structure, or portion thereof, which was lawfully altered or constructed in accordance with the then existing zoning regulations of the city, but which did not comply with subsequently adopted zoning regulations, or which does not conform to these regulations.

"Nonconforming use" means the utilization of any lot, building, buildings or structures, or any combination thereof, which use, when established, conformed to the then existing zoning regulations, but which did not comply with subsequently adopted zoning regulations, or which does not conform to these regulations.

Notice. Whenever written notice is required to be given by personal service thereof upon the person or persons to be notified, or by United States mail, postage prepaid, addressed to such person or persons at his last known address; such notice shall be conclusively deemed to have been given as of the time of personal service, or as of the time the same is deposited in the course of postal transmission.

"Nursery (developmentally disabled)" means a state-licensed facility intended primarily for the admission of nonambulatory intellectually disabled patients, who are provided nursing services primarily in crib accommodations serving six or fewer persons. Nursery (developmentally disabled) is a subset of residential health care facilities (chronically ill).

"Nursery school" means the same as "child care center."

"Oath" includes affirmation.

"Open space" means an area other than a required yard area, driveway or off-street parking facility, which has no building or structure located therein, except for those used exclusively for recreational purposes. To meet the requirement of open space such area, referred to as usable open space, shall meet the following:

If the same is located upon the ground, or upon the roof of a subterranean garage, such contiguous area shall not be less than five hundred square feet in area; and

If the roof of such subterranean garage is utilized for such open space all such roof areas may be utilized for such open space provided that the same is not in excess of two feet above the grade of the lot immediately adjacent thereto; and

That where such open space is located on any roof area, other than a subterranean garage, not to exceed twenty-five percent of such roof area may be utilized to meet the open space requirement.

"Operator" means a company, business or individual who provides residential services, i.e., the placement of individuals in a residence, setting of house rules and governing behavior or the residents as residents. Operator does not include a property owner or property manager that exclusively handles real estate contracting, property management or leasing of the property and that does not otherwise meet the definition of operator.

Parking Space, Off-Street. "Off-street parking space" means a readily accessible area on a lot, not including driveways, ramps, loading or work areas, maintained exclusively for the parking of one automobile.

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

"Perimeter landscaping" means any landscaping required by the provisions of this code which is adjacent to, and runs substantially parallel with, any property line of the lot for which such landscaping is required.

"Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, district, public agency, public utility, or any group or combination acting as a unit; "person" shall not include the city.

"Plural." When consistent with the context, words in plural include the singular.

"Principal use" means a use specifically allowed of right in any one or more of the zones set forth in this title.

"Preschool child care center" is a licensed facility that serves children ages two to four.

"Processing" means, when used in reference to a commercial or industrial use, one or more acts or operations which have the effect of changing the form of a product or material, so as to render the same more salable or usable.

"Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

"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.

"Quarry" means any place on a lot where dirt, soil and gravel, rock or other similar material is removed by excavation or otherwise; "quarry" shall not include the excavation and removal of materials from a lot preparatory to construction of a building for which a building permit has been issued and remains in full force and effect; provided, that such excavation is confined to that necessary for such building construction.

"Recorder" means the county recorder of the county of Los Angeles.

"Regulations" means the provisions of this title.

"Residential care for the chronically ill" is a facility that provides care and supervision to adults who have terminal illness and is a subset of residential health care facilities (chronically ill).

"Residential care facility for the elderly" means a licensed housing arrangement chosen voluntarily by persons sixty years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. Persons under sixty years of age with compatible needs may be allowed to be admitted or retained in a residential care facility for the elderly as specified in Section 1569.316 of the Health and Safety Code. Residential care facilities for the elderly are comprised of assisted living facilities, and continuing care retirement communities. Facilities serving six or fewer persons are allowed in residential zones.

"Residential/commercial mixed-use" means developments which integrate residential and commercial uses within a single project. Mixed-use developments include projects where housing is developed above commercial ("vertical" mixed-use), as well as projects where residential and commercial uses are developed side-by-side ("horizontal" mixed-use).

"Residential health care facilities (chronically ill)" are licensed by the state department health services and state department of mental health serving six or fewer persons. These include congregate living health facilities, which provide in-patient care who may be terminally ill, ventilator dependent, or catastrophically and severely disabled, and intermediate care facilities for persons who need intermittent nursing care. Residential health care facilities (chronically ill) are comprised of adult residential facilities for persons with special health care needs, long-term care facility (mental disorders), nursery (developmentally disabled), and residential care for the chronically ill.

"Residential school (developmentally disabled)" means a state-licensed facility intended primarily for the admission, care, and treatment of educable and trainable developmentally disabled patients. The facility shall provide an educational program on the premises as one of its services. Residential school is a subset of a community care facility.

"School aged child care facility" is a state licensed facility that serves children ages five to seventeen.

"Secretary" means the secretary of the commission.

"Service station" is a retail place of business engaged primarily in the sale of motor fuels, but also engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. Such goods and services include sale of petroleum products; sale and servicing of tires, batteries and automotive accessories; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting, body and fender work, and automobile or truck rental or storage shall not be deemed permitted as a part of such service station usage.

"Shall" is mandatory.

"Short-term rental" refers to a rental whereby a residence or a portion of a residence is rented to a tenant for a period of than thirty days or less.

Singular. When consistent with the context, words in the singular number shall include the plural.

"Solid fill" means any combustible materials, insoluble in water, such as soil, rock, sand or gravel that can be used for grading land or filling depressions.

"Solid fill project" means any operation which involves the importation and deposit of one thousand or more cubic yards of solid fill material, on a lot, for the purpose of reclaiming such lot or portion thereof.

"Sorority" means the same as "club, private."

Stable, Private. "Private stable" means a detached accessory building in which horses owned by the occupants of the premises are kept, and in which no horses are kept for hire or sale.

"Stand" means a structure for the display and sale of products with no space for customers within the structure itself.

"State" means the state of California.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above pre-existing or natural grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point, such useable or unusable underfloor space shall be considered as a story.

"Street" means a public or private way permanently reserved as a primary means of vehicular access to adjoining property; "street" shall not include an "alley."

Street Frontage. See "Frontage, street."

"Structural alterations" means any change in the supporting members of a building such as foundation, bearing walls, columns, beams, floor or roof joints, girders or rafters, or changes in roof or exterior lines.

"Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Except: Fences or walls less than three feet in height located in any required yard area, provided the same are not adjacent to any property line and do not interfere with, divert, block or channel surface water run-off. All fences and walls (regardless of height) adjacent to property lines and those which interfere with, divert, block or channel surface water run-off. All fences and walls (regardless of height) adjacent to property lines and those which interfere with, divert, block or channel surface water run-off shall not be excepted.

"Supportive housing" means housing with no limit on length of stay that is occupied by the target population as defined in Government Code Section 65582(i), and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community.

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

Tenses. When consistent with the context, words used in the present tense include the past and future tenses and words in the future tense include the present tense.

"Tent" means any structure, temporary or permanent, constructed of canvas or other cloth or material attached to, and encloses, a framework that is intended to provide shelter to an area.

Trailer, Automobile. "Automobile trailer" means a vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach and any self-propelled vehicle having a body designed for the same uses as an automobile trailer without motor power.

Trailer Park, Trailer Court and Public Camp. Any or all of them shall mean any area or tract of land used or designed to accommodate one or more automobile trailers or one or more camp parties, including tents or other camping outfits and including trailer camps as defined by state law.

"Transfer station" means an area, including any necessary building or structures, for the temporary storage and the salvage of rubbish, garbage or industrial waste.

"Target population" is defined as adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health problems; and persons eligible for services under the Lanterman Development Disabilities Act, which provides services to persons with developmental disabilities that originate before the person turned eighteen.

"Transitional housing" means rental housing provided to facilitate the movement of homeless individuals or families to conventional housing. Transitional housing may take

the form of single-family or multi-family units, and may include supportive services, as defined in Government Code section 65582(h), operated under program requirements to allow individuals or families to gain necessary life skills in support of independent living. This type of housing may be occupied by a program recipient for a minimum of six months up to a maximum of two years, at which time it may be recirculated to another eligible program recipient.

"Triplex" means the same as "dwelling, three-family."

"Use" means the utilization of a lot, building, structure or any combination thereof.

"Wall" means a concrete block or masonry wall.

"Writing" includes any form of message recorder in English and capable of visual comprehension.

"Yard" means an open space, other than a court, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter. Wherever in this chapter required yards are prescribed, the same shall be established from the boundary line of such lot or parcel; provided, that the following shall be excluded, and the boundary line shall be deemed to be the interior line of:

1. Any portion of said lot or parcel which serves as an access easement to any other lot or building site;
2. Any portion of said lot or parcel which serves as an improved surface flood control project under the jurisdiction of any public agency.

Yard, Front. "Front yard" means an area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed in each zone. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curbed front lot line. When a lot lies partially within a planned street indicated on a precise plan for such a street and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in a manner prescribed in this definition.

Yard, Rear. "Rear yard" means a yard extending across the full width of a lot, immediately adjacent to the rear lot line thereof. The depth of a required rear yard shall be the specified horizontal distance measured between the rear lot line and a line parallel thereto on the lot.

Yard, Rear Line of Required Front. "Rear line of required front yard" means a line parallel to the front lot line and at a distance therefrom equal to the depth of the required front yard, and extending across the full width of the lot.

Yard, Required Setback. For purposes of the restriction of any structure exceeding forty-two inches in height, the term "setback" includes any required yard, front, side or back.

Yard, Side. "Side yard" means a yard between the main building and the side lot lines extending from the rear line of the required front yard, or the front lot line where no

front yard is required, to the beginning of the required rear yard line, and at right angles to the nearest point of a side lot line towards the nearest part of a main building.

"Zoning map" or "map" means the official zoning map of the city.

EXHIBIT 2

Chapter 17.22 ACCESSORY DWELLING UNITS

Sec. 17.22.010 Purpose and Intent.

The purpose of this chapter is to implement the requirements under Government Code Sections 65852.2 and 65852.22 for accessory dwelling units and junior accessory dwelling units. If Government Code Sections 65852.2 or 65852.22 are ever repealed or deemed to be unconstitutional or no longer in effect, this chapter of the Code shall automatically be repealed.

Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, shall be considered a residential use that is consistent with the existing general plan and zoning designation for the lot and shall not be considered to exceed the allowable density for the lot upon which the accessory dwelling unit is located.

Sec. 17.22.020 Eligibility.

One accessory dwelling unit and one junior accessory dwelling unit shall be permitted within zones that permit or conditionally permit residential uses with the following limitations:

- (i) Except as provided by Government Code Section 65852.26, the accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence;
- (ii) The lot includes a proposed or existing dwelling;
- (iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling;
- (iv) Neither the primary residential dwelling unit nor the accessory dwelling units shall be a mobile home, trailer, or vehicle; and
- (v) Manufactured homes and modular dwelling units mounted to a permanent foundation shall be permitted as an accessory dwelling unit and/or junior accessory dwelling unit.

Sec. 17.22.030 Development Standards.

A. Building and Design Standards.

1. For an attached unit, the exterior materials, windows and other architectural features shall match the existing structure by employing the same building form, color tones, window design, door and window trims, roofing materials and roof pitch, except as stated otherwise in this subsection.

2. No roof decks are permitted on any accessory dwelling unit or junior accessory dwelling unit.

B. Fire Safety Standards.

1. Fire Sprinklers. Unless otherwise required by the Fire Department, the installation of a fire sprinkler system shall not be required except in the following circumstances.
 - (i) Where a fire sprinkler system has been installed in the primary residence.
 - (ii) Where a fire sprinkler system is required to be installed in the primary residence.
2. All new dwelling units are required to comply with Chapter 15.24 of this Code.
3. Where two dwelling units are configured as sharing a common wall, a one-hour fire wall between the units is required.
4. All new accessory dwelling units are required to use fire-resistant building materials.
5. All new accessory dwelling units are required to comply with Section 15.32.030 (Section 4907 Defensible Space) and maintain defensible space around these units.

C. Floor Area Standards.

1. An attached accessory dwelling unit shall not exceed fifty percent of the existing living area (including a habitable basement and attic) of the single family dwelling.
2. The total floor area for a detached or attached accessory dwelling unit shall not exceed one thousand two hundred square feet.
3. The maximum floor area for a junior accessory dwelling unit shall not exceed five hundred square feet.
4. The minimum floor area for a detached or attached accessory dwelling unit shall be governed by California Building Code Section 1207.
5. Except as provided by Section 17.22.060, the total floor area of all buildings on the lot, including the accessory dwelling unit, shall not exceed the maximum floor area otherwise allowed in accordance with this title.

D. Height Standards.

1. Except as provided in paragraph 2 of this subsection, the height shall not exceed 16 feet.
2. Where the height of an existing building exceeds sixteen feet, the conversion of that building to an accessory dwelling unit, in whole or in part, shall not exceed the existing height.

- #### E. Lot Coverage Standards.
- Except as provided by Section 17.22.060, the lot coverage standards in this chapter shall be governed by the lot coverage standards in the underlying zone.

F. Parking Standards.

1. One on-site parking space shall be designated for each accessory dwelling unit. In order to accommodate required parking on site, parking for an accessory dwelling unit may be allowed in setback areas (in locations determined by the city) and through tandem parking. In no event shall parking be allowed in a designated front yard landscaped area.
2. When a garage, carport, or other covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or is converted to an accessory dwelling unit, the required off-street parking for the primary unit need not be replaced.
3. Exemptions. No additional parking space is required for the accessory dwelling unit if any of the following is true:
 - (i) The unit is located within one-half mile of a regularly scheduled public transit stop.
 - (ii) The unit is located within a city council designated historic district.
 - (iii) The unit is part of the existing legal primary residence or an existing legal accessory structure.
 - (iv) On-street parking permits are required by the city but not offered to the occupant of the unit.
 - (v) A publicly accessible and presently operating car share vehicle parking facility is located within one block of the unit.
 - (vi) The unit is proposed in accordance with section 17.22.060.
 - (vii) The unit is a junior accessory dwelling unit.
 - (viii) The unit is located in the R-1 (One-family Residential) or R-H (Hillside Management) zone.

G. Setback Standards.

1. No setback shall be required for the conversion of an existing structure that is built to the same dimensions, including height, as the existing structure.
2. A setback of no less than four feet from the side and rear lot lines shall be required for new construction or replacement structures.
3. Front Yard Setback. The front yard setback standards in this chapter shall be governed by the front yard setbacks standards in the underlying zone.

Sec. 17.22.040 Conversion of existing structures into accessory dwelling units.

- A. Prior to the approval of an accessory dwelling unit permit for the conversion of an existing structure for which there is no record of a building permit being issued, satisfactory completion of a safety inspection by the city's building official and fire department is required. An applicant must commit to upgrade the accessory dwelling unit to health and safety codes in order to be granted approval of an accessory dwelling unit permit, including without limitations the following items:

1. Independent entrance to accessory dwelling unit.
 2. Direct access to exterior of building from bedroom (door or window).
 3. Adequate light and ventilation in each habitable room.
 4. Minimum seven-foot high ceiling in all rooms, kitchens, halls, and baths.
 5. Properly installed electrical wiring including separate access to electrical shut off.
 6. Structural Integrity:
 - (i) Foundation not cracked, damaged, or shifting.
 - (ii) Framing not sagging or deteriorated.
 7. Comfort Heating:
 - (i) Heating as required per the building code.
 - (ii) Separate access to gas shut-off, if applicable.
 8. Working Plumbing:
 - (i) Kitchen and bathroom facilities with hot water.
 - (ii) Water heater strapped and properly vented.
 - (iii) Connection to approved sewage system.
 9. Fire Safety:
 - (i) Hallways serving sleeping rooms must have smoke and carbon monoxide detectors.
 - (ii) Each sleeping room must have a smoke detector.
- B. Once an inspection by the city's building official and fire department occurs, the applicant is required to correct those items that are identified as violating current health and safety codes for the structure's current use even in the event that the applicant decides to withdraw the accessory dwelling unit permit application.
- C. In enforcing 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 for an accessory dwelling unit that was built on or before May 24, 2022, the city, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code.

Sec. 17.22.050 Junior accessory dwelling units.

- A. The owner must reside in either the single-family dwelling or within the newly created junior accessory dwelling unit.
- B. All junior accessory dwelling units shall include, at a minimum, an efficiency kitchen and living area. It may include separate sanitation facilities or may share sanitation facilities with the existing structure.

- C. The junior accessory dwelling unit must include a separate entrance from the main entrance to the proposed or existing single-family residence.

Sec. 17.22.060 Exemptions.

- A. Notwithstanding any section of this chapter, the city shall approve an application for a building permit within areas zoned to allow single-family or multi-family dwelling residential use to create any of the following:
 - 1. One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if (i) the accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one-hundred fifty 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-family dwelling; (iii) the side and rear setbacks are sufficient for fire and safety; and (iv) the junior accessory dwelling unit complies with the requirements of Section 17.22.050.
 - 2. One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks, a total floor area of eight hundred square feet, and a height of sixteen feet for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in paragraph (1).
 - 3. Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. One accessory dwelling unit within an existing multifamily dwelling and up to 25 percent of the existing multifamily dwelling units may be permitted.
 - 4. Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of sixteen feet and four-foot rear yard and side setbacks.
- B. A permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit shall not require the correction of nonconforming zoning conditions.
- C. The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.
- D. The rental of the accessory dwelling unit created pursuant to this subsection be for a term longer than 30 days.

Sec. 17.22.070 Utilities.

All accessory dwelling units and junior accessory dwelling units shall have the utilities be connected to the primary dwelling. The city shall not impose a related connection fee or capacity charge, unless the accessory dwelling unit or junior accessory dwelling unit was constructed with a new single-family dwelling.

Sec. 17.22.080 Ownership.

Neither an accessory dwelling unit nor a junior accessory dwelling unit may be owned or sold separately from the primary dwelling unit.

Sec. 17.22.090 Recordation.

A. As a prerequisite to obtaining a building permit, the applicant for an accessory dwelling unit permit shall record a covenant or deed restriction specifying that the accessory dwelling unit will at all times comply with the provisions of this chapter and applicable state law. The recorded covenant shall run with the land, shall set forth the requirements of this chapter, shall contain provisions implementing the requirements of this chapter and the terms of the recorded covenant, and authorizing the city to abate any violation of this chapter at the cost of the then owner, including that the city may record a lien to recover the cost of such abatement proceedings including all reasonable administrative costs in connection therewith.

Sec. 17.22.100 Application Review.

- A. The director shall complete the review of the application for an accessory dwelling unit permit within sixty days of receipt of a complete submission. Review of, and the granting or denial of, an application for an accessory dwelling unit permit by the city is a ministerial action. The director shall not approve an application for an accessory dwelling unit permit or issue an accessory dwelling unit permit unless the proposed accessory dwelling unit complies with the requirements of this chapter. All proposed accessory dwelling units are subject to review for compliance with the terms of this chapter by the director of planning and community preservation.
- B. The decision of the director shall be final and conclusive. An applicant who obtains an accessory dwelling unit permit shall be required to obtain a building permit for the accessory dwelling unit.
- C. A certificate of occupancy for an accessory dwelling unit or junior accessory dwelling unit shall not be issued before the issuance of a certificate of occupancy for the primary dwelling.

Sec. 17.22.110 Permit termination.

- A. An accessory dwelling unit permit validly issued pursuant to this chapter shall terminate when any one or more of the following occur:
1. the permit has been abandoned, discontinued or is not used within one year from the date of permit issuance;

2. the accessory dwelling unit owner files a declaration with the director that the permit has been abandoned or discontinued; or
 3. the permit has been revoked because it was obtained by fraud or misrepresentation or failed to abide by the terms of this chapter, this code, or applicable state or federal law.
- B. If a permit is terminated pursuant to subsection (A), then any improvement related to a permit for accessory dwelling unit shall be removed from the property.

Sec. 17.22.120 Fees.

- A. An accessory dwelling unit application must be submitted to the city along with the appropriate fee as established by the city council by resolution in accordance with applicable law.
- B. The city will not consider an accessory dwelling unit or junior accessory dwelling unit to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.
- C. The city shall not impose any impact fee upon the development of an accessory dwelling unit less than seven hundred fifty square feet. Any impact fees charged for an accessory dwelling unit of seven hundred fifty square feet or more may be charged proportionately in relation to the square footage of the primary dwelling unit.
- D. The city may charge a fee to inspect an accessory dwelling unit or junior accessory dwelling unit to determine compliance with applicable building standards in accordance with Section 17.22.040.

Sec. 17.22.130 - Rental Restriction

No accessory dwelling unit shall be used as a short-term rental.

Sec. 17.22.140 - Historic Preservation

- A. If a project proposes to demolish a structure and the structure is of the type protected under section 17.60.056 of this code, the applicant will prepare a written historic assessment or survey as described in paragraph D of section 17.60.056 of this code.
- B. All historic assessments or surveys shall be prepared in the form of State of California Department of Parks and Recreation Series 523 Forms and shall further report a status code of eligibility as a historic resource according to the California Office of Historic Preservation.
- C. When a historic assessment or survey results in a status code of categories one through five, inclusive, the applicant is required to obtain a Historic Resource Design Review prepared by a historian certified by the Secretary of Interior Professional Qualification Standards for the treatment of historic properties selected at the discretion of the city. The Historic Resource Design Review will list measures to mitigate the harmful impact of the proposed project on the historic structure and

those mitigation measures will be made a condition of approval of the accessory dwelling unit permit.

- D. When a historic assessment or survey results in a status code of category six, an applicant may proceed in accordance with this chapter.
- E. When a historic assessment or survey results in a status code of category seven, the property shall be reevaluated according to the missing criteria identified in such report; the application shall be deemed incomplete until a historic assessment or survey results in a status code of categories one through six.

Sec. 17.22.150 - Tree Preservation

- A. When the director of public works determines that an application for an accessory dwelling unit permit requires removal or substantial trimming of a protected tree, as defined in section 12.20.020 of this code, a certified arborist selected by the City and paid for by the applicant shall prepare a tree survey and arborist report in accordance with paragraph A of section 12.20.115 of this code.
- B. The arborist report will list measures to mitigate the harmful impact of the proposed project on the protected trees and those mitigation measures will be made a condition of approval of the accessory dwelling unit permit.
- C. Prior to the removal or substantial trimming of any protected tree, the applicant must obtain a permit and pay all accompanying fees.

EXHIBIT 3

Sec. 17.28.050 - Permitted uses.

- A. In the R-3 zone only such uses are permitted as are hereinafter specifically provided and allowed:
1. Dwelling units (attached or detached) according to the following maximum number of units per lot as follows:
 - a. Tier 1: Lot area of up to six thousand seven hundred fifty square feet - one dwelling unit;
 - b. Tier 2: Lot area if six thousand seven hundred fifty one to eight thousand five hundred square feet - two dwelling units;
 - c. Tier 3: Lot area of eight thousand five hundred one to eleven thousand square feet - three dwelling units;
 - d. Tier 4: Lot area of eleven thousand one square feet and over - four dwelling units plus one unit for every three thousand three hundred fifty square feet of lot area in excess of eleven thousand square feet.
 2. One-story accessory buildings and uses customarily incidental to residential uses allowed in the R-3 zone, such as parking garages for residents, recreational facilities, guest houses, laundry-rooms, storage sheds, gazebos, etc.;
 3. A trailer used as a construction office or as a residence of the owner and his/her family during construction, but only while a building permit for the construction of one or more permanent residences is in full force and effect and in no event longer than one year.
 4. Transitional and supportive housing.
 5. Residential care facilities (up to six residents).
 6. Modular and manufactured homes as a type of dwelling unit, one per dwelling unit.
 7. Family daycare homes, one per dwelling unit.
 8. Accessory Dwelling Units in accordance with Chapter 17.22.