

ORDINANCE NO.1558

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY APPROVING A CATEGORICAL EXEMPTION PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING CODE AMENDMENT (CA) NO. 20-01 TO AMEND THE FOUNTAIN VALLEY MUNICIPAL CODE (FVMC) SECTIONS 21.08.055 AND 21.90.020 FOR ACCESSORY DWELLING UNITS (ADU'S)

WHEREAS, the Fountain Valley City Council adopted the Development Code Update on December 7, 2000; and

WHEREAS, on December 5, 2017, the Fountain Valley City Council adopted Ordinance No. 1527 approving an ADU ordinance compliant with AB 2299 and SB 1069 that amended California Government Code 65852.2 and 65852.22; and

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills ("New ADU Laws") that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the New ADU Laws took effect January 1, 2020, and, at that time, if the City's ADU ordinance did not comply with the New ADU Laws, the City's ordinance became null and void on that date as a matter of law; and

WHEREAS, portions of Fountain Valley's existing ADU Ordinance (Ordinance No. 1527) conflicted with provisions of the New ADU Laws and became null and void on January 1, 2020; and

WHEREAS, the Fountain Valley City Council adopted an interim urgency ordinance on February 4, 2020, to enforce the California Government Code Sections 65852.2 and 65852.22 and the maximum standards allowed therein. The interim urgency ordinance became effective immediately and will be effective for 45 days; and

WHEREAS, the City of Fountain Valley desires to amend FVMC Sections 21.08.055 and 21.90.020 for the construction of ADU's and Junior ADU's (JADU's) to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, the Fountain Valley Planning Commission considered the proposed Code Amendment No. 20-01 at a duly noticed public hearing on February 12, 2020, and recommended the City Council approve a Categorical exemption per CEQA and approve Code Amendment No. 20-01 to amend FVMC Sections 21.08.055 and 21.90.020 for ADU's by a vote of 5-0; and

WHEREAS, the proposed Code Amendment No. 19-08 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

SECTION 1

The City Council hereby determines that Code Amendment No. 20-01 is exempt from the California Environmental Quality Act ("CEQA") under Public Resources Code section 21080.17 [statutory exemption for second unit ordinances]; CEQA Guidelines sections 15282(h) [statutory exemption for second unit ordinances]; 15303 [new construction or small structures] and 15305 [minor alterations to land]. This ordinance is also exempt under CEQA Guidelines section 15061, because this ordinance will not have a significant effect on the environment, because ADUs will largely constitute infill housing which is exempt from CEQA.

SECTION 2

The City Council finds that due notice of the public hearing on March 3, 2020, conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code, Title 21, and the State of California. Public notice of this hearing and a copy of the Planning Commission agenda were posted at City Hall, Recreation Center and the Fountain Valley Library.

SECTION 3

Pursuant to Fountain Valley Municipal Code section 21.34.050 the City Council does hereby find as follows:

1. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives and policies of the General Plan, and would not create any inconsistencies with Title 21, in the case of a title amendment. The proposed amendment would promote and encourage the development of a variety of housing opportunities to accommodate current and projected households by promoting the construction of additional dwelling units to accommodate Fountain Valley's share of regional housing needs in accordance with adopted land use policies (General Plan Housing Element Goal #2/Policy 2.a). Code Amendment No. 20-01 would be consistent with California Government Code 65852.2, 65852.22, and Title 21 and would not create any inconsistencies with Title 21, in the case of a title amendment.
2. The proposed amendment would not be detrimental to the public convenience, health, interest, safety or welfare of the city. The proposed amendment would clearly identify standards that must be met per California Government Code 65852.2 and 65852.22 along with development standards to ensure consistency with the Fountain Valley Municipal Code to ensure public convenience, health, interest, safety, and welfare will be met.
3. The proposed amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city's environmental review procedures as addressed in Section 1 above.
4. The proposed amendment is internally consistent with other applicable provisions of Title 21. As noted in finding 1 above, Code Amendment No. 20-01 would update FVMC 21.08.055 and 21.90.020 to provide internal consistency with other

applicable provisions of Title 21. There are no other known inconsistencies with the proposed amendment and other applicable provisions of Title 21.

SECTION 4

Section 21.08.055 is hereby amended to read as follows:

“ ...

~~Building Permits will be issued for Accessory Dwelling Units and Junior Accessory Dwelling Units in accordance with California Government Code Section 65852.2 and 65852.22 and the maximum standards allowed therein.~~

The following standards shall apply to accessory dwelling units.

(a) ~~Accessory Dwelling Units Constructed Within Existing Structures. An accessory dwelling unit: (1) attached to, or located within, a proposed or existing single-family dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or (2) constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit or (3) attached to, or located within an existing multi-family structure projects shall conform to the following:~~

~~(1) Building Permit. Prior to constructing an accessory dwelling unit per this subsection, the applicant must apply for and receive approval of a building permit. The application shall be ministerially considered and approved, without discretionary review or a hearing, and be in compliance with all requirements imposed by subsection (a).~~

~~(2) Plan Review. The city shall act on an application to create an accessory dwelling unit under subsection (a) within 60 days from the date the city receives a completed building permit application if there is an existing single-family or multifamily dwelling on the lot. If the application to create an accessory dwelling unit is submitted in conjunction with an application to create a new residential structure on the lot, the city may delay acting on the application for the accessory dwelling unit until the city acts on the application for the new residential structure, but the application to create the accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the agreed-upon delay.~~

~~(3) Building Code Requirements. Accessory dwelling units shall be constructed on a permanent foundation and shall be built in compliance with the California Building Code.~~

~~(4) Areas Allowed. Accessory dwelling unit(s) shall be permitted on a residentially zoned parcel with one existing or proposed single-family dwelling and in multi-family projects as noted in subsection (e).~~

~~(5) Number of Accessory Dwelling Units Allowed. (1) A parcel with one existing or proposed single-family dwelling shall contain no more than a total of one single-family~~

dwelling, one attached or detached accessory dwelling unit, and one junior accessory dwelling unit, and (2) in multi-family projects as noted in subsection (e).

(6) Access. The accessory dwelling unit shall provide independent exterior access from the existing dwelling.

(7) Cannot be Sold Separately. 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.

(8) Passageway. No passageway shall be required.

(9) Fire Sprinklers. The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(10) Utility Connection. Accessory dwelling units shall not be considered by the city to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service. The city shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge for an accessory dwelling unit under subsection (a).

(11) Parking. No additional parking spaces shall be required.

(12) Minor Expansion. A minor expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure may be allowed if it is limited to accommodating ingress and egress, there is exterior access from the proposed or existing dwelling, and the side and rear setbacks are sufficient for fire safety.

(13) Rental. If the Accessory Dwelling Unit is available for rent, the rental of the accessory dwelling unit shall be for a term longer than 30 days.

(14) Covenant. A covenant containing restrictions that the accessory dwelling unit shall not be sold separately from the main dwelling unit and the rental term of the accessory dwelling unit shall not be less than 30 days shall be recorded with the county recorder's office. Copies of the recorded covenant shall be filed with the building department and the covenant shall run with the land and shall be binding upon any future owner, heirs, or assigns. Accessory dwelling units created after January 1, 2025 shall be owner occupied and a covenant containing this restriction shall also be recorded for accessory dwelling unit's created after January 1, 2025.

(15) Nonconforming Zoning Conditions. An existing structure converted to an accessory dwelling unit under this section shall not require the correction of any legal nonconformity that may exist on the property as a requirement of approval. Illegal nonconformities shall be subject to Section 21.56.050 "Unlawful Uses and Structures."

(16) Impact Fee. An impact fee for the development of an accessory dwelling unit may only be imposed for an accessory dwelling unit of 750 square feet or larger and shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000 of the State of California Government Code, except that it also includes fees specified in Section 66477 of the

State of California Government Code. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(17) Certificate of Occupancy. The city shall not issue a certificate of occupancy for an accessory dwelling unit before a certificate of occupancy has been issued for the primary dwelling.

(b) New Construction Accessory Dwelling Unit Structures. New accessory dwelling unit structures constructed: (1) attached to a single-family dwelling or multi-family dwelling, or (2) detached from a single-family dwelling or multi-family dwelling and located on the same lot as the main dwelling shall conform to the following:

(1) Building Permit. Prior to constructing a new accessory dwelling unit per this subsection, the applicant must apply for and receive approval of a building permit. The application shall be ministerially considered and approved, without discretionary review or a hearing, and be in compliance with all requirements imposed by subsection (b).

(2) Plan Review. The city shall act on an application to create an accessory dwelling unit under subsection (b) within 60 days from the date the city receives a completed building permit application if there is an existing single-family or multifamily dwelling on the lot. If the application to create an accessory dwelling unit is submitted in conjunction with an application to create a new residential structure on the lot, the city may delay acting on the application for the accessory dwelling unit until the city acts on the application for the new residential structure, but the application to create the accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the agreed-upon delay.

(3) Building Code Requirements. Accessory dwelling units shall be constructed on a permanent foundation and shall be built in compliance with the California Building Code.

(4) Areas Allowed. New accessory dwelling unit(s) shall be permitted on a residentially zoned parcel with one existing or proposed single-family dwelling and in multi-family projects as noted in subsection (e).

(5) Number of Accessory Dwelling Units Allowed. (1) A parcel with one existing or proposed single-family dwelling shall contain no more than a total of one single-family dwelling, one attached or detached accessory dwelling unit, and one junior accessory dwelling unit, and (2) in multi-family projects as noted in subsection (e).

(6) Kitchen, Bathroom, and Entrance. The accessory unit shall contain separate kitchen and bathroom facilities and may have a separate entrance from the main dwelling. The unit shall have a minimum gross floor area to accommodate the development of an efficiency unit as defined in Section 17958.1 of the Health and Safety Code.

(7) Cannot be Sold Separately. 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.

(9) Attached and Detached Accessory Dwelling Units Maximum and Minimum unit size. The minimum size of a new accessory dwelling unit shall be 220 square feet.

The maximum size for a new: (1) detached accessory unit shall be 1,200 square feet, and (2) attached accessory dwelling unit shall be 50% of the primary residence.

(10) Building Separation for Detached Accessory Dwelling Units. A detached accessory dwelling unit shall be separated from the main dwelling a minimum of ten feet, must be located in the rear yard of the primary dwelling, and must be clearly subordinate by location and size.

(11) Setbacks. A setback of no more than four feet from the side and rear lot lines shall be required for a new accessory dwelling unit.

(12) Passageway and Entrances. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. Entrances and outside stairways serving second story accessory dwelling units shall not be constructed on any building elevation facing a front or side yard public street. Landing areas for outside stairways shall be screened from adjacent side and rear yard properties when adjacent to other single-family homes and cannot be visible from a front or side yard public street. Landing areas that are covered with a roof structure shall be counted toward the seventy percent ratio if attached to the main dwelling. Outside stairways shall adhere to setback requirements of this code. Besides a door, or sliding glass door located off of the main living area of an accessory dwelling unit, only one main entrance shall be provided with a door to the accessory dwelling unit per each accessory dwelling unit. No entry to a ground level accessory dwelling unit shall be visible from the public right-of-way. The method of screening of any landing or entry shall be architecturally compatible with other onsite development in terms of colors, materials, and architectural style.

(13) Development Standards. Both detached and attached accessory dwelling units shall comply with the residential district general development standards for the property found in Table 2-3 of Section 21.08.040 for each zoning district including floor area ratio, landscaping, ratio of second story to first story, balconies and decks, and open space requirements. No development standard regarding lot coverage, floor area ratio, landscaping, or open space shall apply that wouldn't allow for at least a new 800 square foot, 16-foot-tall accessory dwelling unit with at least 4 foot side and rear setbacks.

(14) Parking. Parking requirements for accessory dwelling units shall be one space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. Off-street parking shall be permitted in setback areas on an existing or expanded driveway or through tandem parking on an existing or expanded driveway as allowed by this code, 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. Front yard setback landscaping requirements of Chapter 21.20 shall apply. No additional driveway shall be provided on the property to provide parking for an accessory dwelling unit unless the driveway is located on a corner lot subject to review and approval by the public works department. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, those off-street parking spaces shall not be required to be replaced.

(15) Architectural Compatibility. The accessory dwelling unit must be architecturally compatible with the existing single-family dwelling on the lot and match the existing single-family dwelling unit in terms of exterior color and material, roof material and color, and types of windows and doors. The garage doors of a garage that has been converted to an accessory dwelling unit shall be removed and replaced with a structural wall.

(16) Height. A detached, new construction, accessory dwelling unit shall be restricted to a single-story structure with a maximum height of 16 feet. An attached new construction, accessory dwelling unit shall not exceed the height limit applied to the main dwelling unit in the underlying zoning district.

(17) Fire Sprinklers. The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence unless otherwise required by the current California Fire Code or Fountain Valley Municipal Code.

(18) Utility Connections. An accessory dwelling unit shall not be considered 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. The city may require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with California Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(19) Impact Fee. An impact fee for the development of an accessory dwelling unit may only be imposed for an accessory dwelling unit of 750 square feet or larger and shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000 of the State of California Government Code, except that it also includes fees specified in Section 66477 of the State of California Government Code. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(20) Rental. If the Accessory Dwelling Unit is available for rent, the rental of the accessory dwelling unit shall be for a term longer than 30 days.

(21) Covenant. A covenant containing restrictions that the accessory dwelling unit shall not be sold separately from the main dwelling unit, and the rental term of the accessory dwelling unit shall not be less than 30 days shall be recorded with the county recorder's office. Copies of the recorded covenant shall be filed with the building department and the covenant shall run with the land and shall be binding upon any future owner, heirs, or assigns. Accessory dwelling units created after January 1, 2025 shall be owner occupied and a covenant containing this restriction shall also be recorded for accessory dwelling unit's created after January 1, 2025.

(22) Nonconforming Zoning Conditions. An existing structure converted to an accessory dwelling unit under this section shall not require the correction of any legal nonconformity that may exist on the property as a requirement of approval. Illegal nonconformities shall be subject to Section 21.56.050 "Unlawful Uses and Structures."

(23) Certificate of Occupancy. The city shall not issue a certificate of occupancy for an accessory dwelling unit before a certificate of occupancy has been issued for the primary dwelling.

(c) Notwithstanding subsection (a) or (b), parking requirements for an accessory dwelling unit will not be imposed in any of the following instances and upon verifiable proof provided by the applicant:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit. For the purposes of this section "public transit" shall include any bus stop.

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

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

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

(5) When there is a designated, fixed pick-up or drop-off location for a car share vehicle located within one block of the accessory dwelling unit.

(d) Junior Accessory Dwelling Units. Junior accessory dwelling units constructed within the existing or proposed space of a single-family dwelling shall conform to the following:

(1) Building Permit. Prior to constructing a junior accessory dwelling unit per this subsection, the applicant must apply for a building permit. The application shall be considered and approved, without discretionary review or a hearing, and be in compliance with all requirements imposed by subsection (d).

(2) Plan Review. The city shall act on an application to create a junior accessory dwelling unit under subsection (d) within 60 days from the date the city receives a completed building permit application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted in conjunction with a permit application to create a new single-family dwelling on the lot, the city may delay acting on the permit application for the junior accessory dwelling unit until the city acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the agreed-upon delay.

(3) Building Code Requirements. Junior accessory dwelling units shall be constructed on a permanent foundation and shall be built in compliance with the California Building Code.

(4) Areas Allowed. Junior accessory dwelling units shall be permitted in the R1 and GH residential zones subject to compliance with subsection (d).

(5) Number of Junior Accessory Dwelling Units Allowed. Only one junior accessory dwelling unit shall be allowed in any residential zone in addition to a single-family dwelling. No junior accessory dwelling unit shall be permitted on any residential lot already containing three or more dwelling units.

(6) Owner-Occupied. The main dwelling or the junior accessory dwelling unit shall be owner-occupied. Notwithstanding the foregoing, owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(7) Rental. If the Junior Accessory Dwelling Unit is available for rent, the rental of the accessory dwelling unit shall be for a term longer than 30 days.

(8) Cannot be Sold Separately. The junior accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(9) Maximum and Minimum Size: The junior accessory dwelling unit is restricted to a maximum of 500 square feet and a minimum size of 220 square feet.

(10) Constructed within Existing Structures. Junior accessory dwelling units must be constructed within the walls of the proposed or existing single-family residence.

(11) Entrance. A junior accessory dwelling unit must include a separate entrance from the main entrance to the proposed or existing single-family residence.

(12) Efficiency Kitchen. At a minimum, a junior accessory dwelling unit must include an efficiency kitchen, which shall include a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(13) Parking. No additional parking shall be required as a condition to grant the building permit.

(14) Fire or Life Protection. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for the purpose of any fire or life protection.

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

(16) Nonconforming Zoning Conditions. An existing structure converted to accommodate a junior accessory dwelling unit under this section shall not require the correction of any legal nonconformity that may exist on the property as a requirement of approval. Illegal nonconformities shall be subject to Section 21.56.050 "Unlawful Uses and Structures."

(17) Certificate of Occupancy. The city shall not issue a certificate of occupancy for an accessory dwelling unit before a certificate of occupancy has been issued for the primary dwelling.

(18) Covenant. A covenant containing restrictions below shall be recorded with the county recorder's office and copies of the recorded covenant shall be filed with the building department.

(A) Either the main dwelling or the junior accessory dwelling unit shall be owner-occupied except if the owner is a governmental agency, land trust, or housing organization.

(B) The junior accessory dwelling unit shall not be sold separately from the main dwelling unit.

(C) The junior accessory dwelling unit shall be as approved. No changes to the junior accessory dwelling unit shall occur without approval of a new building permit.

(E) The rental term of the accessory dwelling unit shall not be less than 30 days.

(F) This covenant shall run with the land and shall be binding upon any future owners, heirs, or assigns.

(G) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner including revocation of any right to maintain a junior accessory dwelling unit on the property.

(e) Special Regulations for Multifamily and Mixed-Use Accessory Dwelling Units. In addition to the requirements under subsections (a) through (c), accessory dwelling units attached to, or located within existing multifamily dwelling structures, or new construction accessory dwelling units in a multifamily residential or mixed-use zones shall conform to the following:

(1) At least one accessory dwelling unit shall be allowed within an existing multifamily dwelling and up to 25 percent of the existing multifamily dwelling units. Multiple accessory dwelling units shall be allowed 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.

(2) 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 16 feet and four-foot rear yard and side setbacks shall be allowed.

(f) Definitions. As used in this section, the following terms mean:

(1) "Accessory dwelling 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 as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

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

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "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.

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

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

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

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

(10) "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.

(11) "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.

..."

SECTION 5

Section 21.90.020(1) Definitions "A" is hereby amended to read as follows:

" ...

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

~~—(a)—An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.~~

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

..."

SECTION 6

Section 21.90.020(5) Definitions "E" is hereby amended to read as follows:

" ...

~~"Efficiency unit" means a habitable space as defined in Section 17958.1 of the Health and Safety Code.~~

..."

SECTION 7

Section 21.90.020(10) Definitions "J" is hereby amended to read as follows:

" ...

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

" ...

SECTION 8

Section 21.90.020(16) Definitions "P" is hereby amended to read as follows:

" ...

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

" ...

SECTION 9

Section 21.90.020(19) Definitions "S" is hereby amended to read as follows:

" ...

~~"Secondary residential unit" see Accessory dwelling unit.~~

" ...

SECTION 10

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would subsequently be declared invalid or unconstitutional.

SECTION 11

The City Clerk shall certify to the adoption of this ordinance and cause it to be published as required by law. This ordinance shall become effective thirty (30) days after the date of its adoption. When this ordinance becomes effective, Interim Urgency Ordinance No. 1556 shall be null and void.

PASSED, APPROVED AND ADOPTED THIS 17TH DAY OF MARCH, 2020.

AYES: Constantine, Harper, Nagel, Vo, Brothers
NOES: None
ABSENT: None
ABSTAIN: None


ATTEST:


Rick Miller, City Clerk


Cheryl Brothers, Mayor

APPROVED AS TO FORM

HARPER & BURNS LLP


Attorneys for the City