



DATE: July 29, 2020

Minor Changes to CMC 19.76.130
(Accessory Dwelling Units)

TO: PLANNING COMMISSION

FROM: Bruce Ambo, Principal Planner (879-6801) bruce.ambo@chicoca.gov
Kelly Murphy, Planner (879-6535) Kelly.murphy@chicoca.gov

RE: Revised Resolution – Recommending Minor Changes to CMC Section 19.76.130
(Accessory Dwelling Units) for Consistency with State Housing Law

SUMMARY

On July 7, 2020 the City Council adopted an ordinance amending the permit process and development regulations for Accessory Dwelling Units (ADUs) to be consistent with State housing laws. California jurisdictions are required to submit ADU ordinances for review and approval by the California Housing and Community Development Department (HCD) within 60 days of adoption to ensure compliance with State ADU laws.

The City of Chico submitted the recently adopted the ADU ordinance for HCD review which identified few minor changes to Section 19.76.130 “Accessory Dwelling Units” of the Chico Municipal Code. Staff recommends that the Planning Commission conduct a public hearing to consider the minor HCD changes to the proposed ordinance amendments and forward a recommendation to approve the amendments to the City Council.

Recommendations:

The Community Development Director (Planning and Housing) recommends that the Planning Commission:

- 1) Hold a public hearing regarding the proposed text amendments to Title 19 of the Chico Municipal Code; and
- 2) Adopt Resolution No. 20-11 recommending City Council adoption of an ordinance to amend Title 19 of the Chico Municipal Code as set forth therein (Attachment A).

ENVIROMENTAL REVIEW

The proposed amendments to Title 19 of the Municipal Code are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 (adoption of an ordinance by a city to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code).

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ATTACHMENTS

- A. Resolution No. 20-11
Exhibit I

1 C. The proposed amendments are consistent with other applicable provisions of
2 the Municipal Code and compatible with the uses authorized in the applicable
3 zoning districts for which the revisions are proposed.

4 2. The Planning Commission recommends that the City Council approve the amendments
5 to the Chico Municipal Code as set forth in Exhibit I.

6 THE FOREGOING RESOLUTION was adopted by the Planning Commission of the City
7 of Chico at its meeting held on the 6th day of August 2020, by the following vote:

8
9 AYES:

10 NOES:

11 ABSENT:

12 ABSTAIN:

13 DISQUALIFIED:

14
15 ATTEST:

APPROVED AS TO FORM:

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17 _____
18 Bruce Ambo, Planning Commission Secretary

Andrew L. Jared, City Attorney

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Exhibit I

Chico, CA Code of Ordinances

Chapter 19.76
STANDARDS FOR SPECIFIC USES

Section:

- 19.76.010 Purpose**
- 19.76.020 Accessory uses and structures**
- 19.76.030 Adult entertainment businesses**
- 19.76.040 Animal keeping**
- 19.76.050 Bed and breakfast inns**
- 19.76.060 Large family day care homes**
- 19.76.070 Drive-in and drive-through facilities**
- 19.76.080 Reserved**
- 19.76.090 Gas stations**
- 19.76.100 Guest houses**
- 19.76.110 Mobile homes and manufactured housing**
- 19.76.120 Outdoor retail sales and activities**
- 19.76.130 Accessory dwelling units**
- 19.76.140 Single room occupancy (SRO) facilities**
- 19.76.150 Small-lot subdivisions**
- 19.76.170 Temporary dwellings**
- 19.76.180 Infill Residential Flag Lots**
- 19.76.190 Community gardens**
- 19.76.200 Businesses which sell alcohol**
- 19.76.210 Disaster recovery structures**
- 19.76.220 Term of ordinance**

19.76.130 Accessory dwelling units.

The following definitions, permit requirements and development standards shall apply to accessory dwelling units.

A. Definitions. In addition to the definitions set forth in Chapter 19.04, the following words and phrases shall have the following meanings respectively ascribed to them in this section.

1. "Accessory dwelling unit" (ADU) means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons on the same parcel as the main dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. 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.

2. “Junior Accessory Dwelling Unit” (JADU) means a unit that is no more than 500 square feet in size and contained entirely within a single-family dwelling, ~~or requires an addition of no more than 150 square feet to accommodate ingress and egress.~~ A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

B. General requirements. Where a single-family or multi-family use is a permitted use or lawfully exists, a proposed ADU ~~or JADU~~ shall comply with all the development standards of this section. Applicants for accessory dwelling units may seek zoning clearance for a site plan depicting a proposed ADU ~~or JADU~~, or may directly apply for building permits and compliance with these standards shall be assessed in conjunction with building permit review.

1. Accessory dwelling units or junior accessory dwelling units may be rented for the purpose of overnight lodging for terms of thirty or more consecutive days but shall not be rented or subleased for shorter terms.

2. Neither the main dwelling nor the ADU shall be sold or otherwise conveyed separately from the other unit, except pursuant to California Government Code Section 65852.26.

C. Development Standards.

1. Number of Units Allowed (Single-Family). The following standards are applicable to ADUs and JADUs proposed on single-family residential properties.

a. One attached ADU; or

b. One detached ADU and or one JADU.

2. Number of Units Allowed (Multi-Family). The following standards are applicable to ADUs proposed on multi-family residential properties.

a. A maximum of two detached ADUs; and,

b. A number of ADUs not to exceed 25 percent of the number of existing multi-family units or one, whichever is greater, may be created within portions of the existing multi-family dwelling structures that are not used as livable space, provided that the unit complies with

the California Building Code.

3. Attached or detached. An ADU may be either attached to or detached from the main dwelling unit.

4. Maximum size of accessory dwelling units. The maximum square footage for an ADU shall be as follows:

a. For attached ADUs (Single-Family): 50 percent of the living area of the main residence up to a maximum of 1,200 square feet.

b. For detached ADUs larger than 800 square feet (Single-Family): 75 percent of the living area of the main dwelling unit up to a maximum 1,200 square feet.

c. For ADUs larger than 800 square feet (Multi-Family): Up to 850 square feet for a one-bedroom unit and up to 1,000 square feet for a two-bedroom unit, subject to maximum lot coverage standards applicable to the underlying zoning district.

5. Building height shall be limited as follows: New attached additions to main dwelling units shall have the same height limit provided by the underlying zoning district applicable to the main unit. New detached ADUs shall be a maximum of 25 feet when proposed on a lot with an existing single-family dwelling. For new detached ADUs proposed on a lot with an existing multi-family dwelling, the maximum height shall be 16 feet.

6. Accessory dwelling unit setbacks shall be as follows:

a. No setback shall be required for an ADU located within existing living area or an existing accessory structure, or an ADU that replaces an existing structure and is located in the same location and to the same dimensions as the structure being replaced (i.e. an existing garage that is converted to an ADU).

b. A minimum 4-foot rear and 4-foot side setback shall be required for an ADU attached to a main dwelling unit.

c. Detached, new-construction ADUs shall provide a minimum side and rear yard setback of 4 feet.

d. A minimum 4-foot rear and 4-foot side setback shall be required for an ADU constructed above a garage.

e. When an ADU is adjacent to an alley and constitutes a second story on a garage which has less than a 4-foot setback, the minimum rear yard setback for the ADU shall be the same as the existing setback for the garage.

f. Detached ADUs shall provide a minimum 8-foot separation between buildings [or](#) per the Building and Fire Code.

7. Conversion of an Existing Residence. An existing residence, in conformance with the above regulations, may be converted to an ADU in conjunction with the development of a new main dwelling unit. Occupancy of the ADU shall not be allowed prior to the issuance of a certificate of occupancy for the main dwelling unit.

8. Existing Accessory Dwelling Unit. An existing ADU or JADU may be enlarged or modified only in accordance with the requirements of this section.

9. Residential Density. To the extent required by California Government Code Section 65852.2, an ADU or JADU built in conformance with this section shall not count toward the allowed density for the lot upon which the unit is located.

10. Trash storage. The ADU or JADU shall be provided with an outdoor area for the storage of trash and recycling receptacles. That area shall have an all-weather surface and be screened from view by a fence, wall or permanent landscaping.

11. Security lighting. Accessory dwelling units located adjacent to an alley shall have a minimum of one outdoor security light for illumination of the alleyway adjacent to the unit. Such lighting shall be shielded and directed downward and away from adjacent properties to ensure that it has a minimal impact on neighboring properties.

12. Walls or fences between units. When an ADU is located behind a main dwelling unit, a continuous fence or wall shall not be installed between the main and ADU unless it includes a gate allowing pedestrian access from the accessory dwelling unit to the street.

13. Vehicle access. If provided, vehicle access to an ADU may be from a street or an alley.

a. Alley access. When an ADU will be located on a site served by an alley, the ADU shall maintain its primary vehicular access from the alley. ~~Such alley access shall be improved per city standards or alternatively, an in-lieu fee paid.~~ Accessory dwelling units located on the street-access terminus of alleys shall be sited to ensure adequate site distance clearance.

b. Vehicle access from street frontage. Driveway surfaces installed to provide vehicle access from a street to an ADU located on the rear of a parcel shall be constructed with permeable-surface, all-weather materials or shall otherwise be constructed to retain runoff on site. New driveways that extend beyond the rear of the main dwelling unit shall consist of two tire strips or be otherwise designed to be of permeable-surface, all-weather material.

14. Pedestrian access to accessory unit.

~~a. Accessory dwelling units with primary vehicle access from an alley shall also be served with a permeable-surface, all-weather walkway connecting the ADU with the street frontage. The driveway for the main dwelling unit may serve as a portion of this walkway.~~

~~b. Accessory units created within an existing single-family residence shall include an independent exterior access that is separate from the exterior entrance of the existing residence and complies with the minimum side and rear setbacks for fire safety.~~

15. Fire protection access. Accessory dwelling units not located adjacent to an alley shall be located so that all sides of the structure are within 150 feet of unobstructed access

from the street

frontage in order to provide adequate fire protection. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the main residence.

16. Parking. In addition to the parking required for the main dwelling unit, one parking space shall be required for each ADU.

a. Parking spaces for the ADU and the main residence may be provided in a tandem parking arrangement on an existing driveway.

b. Off street parking shall be permitted in setback areas as set forth in CMC 19.70.060, or through tandem parking, unless specific findings are made that parking in the setback areas or tandem parking is not feasible based upon specific site or fire and life safety conditions.

c. When a garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU, or is converted into an ADU, those off-street replacement of those off-street parking spaces shall not be required.

17. Parking exceptions. Parking shall not be required for the ADU in any of the following instances:

a. The ADU is located within one-half mile of public transit;

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

c. The ADU is part of the existing main residence or an existing accessory structure;

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

e. When there is a car share vehicle located within one block of the ADU.

18. The ADU can be accommodated with the existing water service and existing sewer lateral or septic system, provided sufficient evidence that the existing water service and existing sewer lateral or septic system has adequate capacity to serve both the main dwelling unit and ADU. No additional water meter shall be required, unless requested by the applicant.