

ORDINANCE NO. 1181

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH ADDING AND AMENDING VARIOUS SECTIONS OF THE UKIAH CITY CODE TO COMPLY WITH CALIFORNIA GOVERNMENT CODE SECTION 65852.2 REGULATING ACCESSORY DWELLING UNITS

The City Council of the City of Ukiah hereby ordains as follows:

SECTION 1

Findings and Declarations. The City Council finds and declares as follows:

- A. Housing in California is becoming increasingly unaffordable. The average California home currently costs about 2.5 times the national average home price and the monthly rent is 50% higher than the rest of the nation. With rising population growth, California must not only provide housing but also ensure affordability.
- B. In September 2016, Governor Brown signed into law Senate Bill 1069 and Assembly Bill 2299 relating to the creation of accessory dwelling units ("ADUs").
- C. These new bills were intended to address the housing crisis by easing regulatory barriers for homeowners who choose to build affordable housing in their own yards.
- D. SB 1069 and AB 2299, codified in part at California Government Code Section 65852.2, require cities to establish standards to allow for ministerial accessory dwelling units so as to provide additional rental housing stock as ADUs as an essential component of the housing supply in California.
- E. California Government Code Section 65852.150(b) provides that the Legislature's intent with the adoption of SB 1069 and AB 2299 was that local agencies adopt an ordinance relating to matters including unit size, parking, fees, and other requirements, that are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.
- F. California Government Code Section 65852.2 is intended to relieve the expense and difficulty of developing ADUs by (1) limiting local agencies' ability to impose development standards for ADUs, (2) restricting circumstances in which local agencies may require new utility connections for ADUs, and (3) by restricting the methods by which local agencies may calculate connection fees or capacity charges for utility connections in ADUs.
- G. California Government Code Section 65852.2(a)(4) provides that any local ordinance that is inconsistent with the requirements of Section 65852.2 shall be null and void and state law shall apply unless or until the local agency adopts an ordinance consistent with this new law.
- H. This Ordinance is adopted to comply with these new State mandates regarding ADUs, and to reduce regulatory constraints affecting their production.

SECTION 2

Section 3702.5 of Division 4, Chapter 2, Article 3 of the Ukiah City Code is amended to read as follows:

§3702.5 SEWER REQUIRED

Any structure located within the City in which plumbing is to be installed and to which a public sewer is available shall, at the expense of the owner of the property, connect the plumbing of such structure directly to the proper public sewer in accordance with the provisions of this ordinance. A public sewer shall be deemed to be available if a public sewer is located within two hundred feet (200') of the property line of the property involved.

However, no new connection between an Accessory Dwelling Unit (as defined in Section 9278 of this Code) and the proper public sewer will be required for an Accessory Dwelling Unit contained within the existing space of an existing primary residence or accessory structure and located in the R-1 zone.

SECTION 3

Division 4, Chapter 2, Article 12 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§3731A SEWER CONNECTION CHARGES

The following charges are hereby established for the connection of the plumbing of any building or structure which discharges to the sanitary sewer system of the city and said charges are separate from any other charges presently levied or which may be levied in the future:

A. Residential Schedule:

Ten thousand nine hundred eleven dollars (\$10,911.00) for equivalent sewer service unit (ESSU) per dwelling unit connected to the wastewater system based on the number of bedrooms according to the following schedule:

	Connection Fee	ESSU
1. One bedroom	\$ 9,820.00	0.9
2. Two bedroom	10,911.00	1.0
3. Three bedroom	12,002.00	1.1
4. For each additional bedroom	1,091.00	0.1

* * *

D. Connection Fees for Accessory Dwelling Units

1. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.
2. As provided in Section 3702.5, the City will not require a new connection between an Accessory Dwelling Unit (as defined in Section 9278 of this Code) and the sanitary sewer system for an Accessory Dwelling Unit contained within the existing space of an existing primary residence or accessory structure and located in the R-1 zone. Notwithstanding

Section 3734A, the City shall not impose a connection fee or capacity charge for this type of Accessory Dwelling Unit.

3. For Accessory Dwelling Units that are not contained within the existing space of an existing primary residence or accessory structure or not located in the R-1 zone, the City may charge a connection fee or capacity charge that is proportionate to the burden of the proposed Accessory Dwelling Unit, based upon either its size or the number of fixture unit values as set forth in the current edition of the California Plumbing Code ("fixture units"), upon the sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
4. The connection fee for an Accessory Dwelling Unit shall be calculated based on the number of fixture units in the developed ADU, as determined by the City Engineer.
5. In the event that the property on which a primary dwelling and an Accessory Dwelling Unit are located is subdivided to create a new lot on which the Accessory Dwelling Unit is located, and the Accessory Dwelling Unit was constructed on or after January 1, 2017, the property owner must pay to the City the difference between the sewer connection fee initially calculated for the Accessory Dwelling Unit pursuant to subdivision D4 of this Section and the connection fee that would have been calculated pursuant to subdivision A if the dwelling unit were the primary dwelling unit on a lot.

SECTION 4

Section 3861 of Division 4, Chapter 4 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by " * **"):**

§3861 WATER CONNECTION FEES

A. Payment of Fees

The storage and transmission and production and treatment facilities' fees are based on the size of the service. Said fees shall be due and payable prior to use and occupancy of the new facility requiring the service. No certificate of occupancy shall be issued and permanent water service shall not be provided until payment is received.

B. Connection Fees for Accessory Dwelling Units

1. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges.
2. No new water connection shall be required, and no fee charged, for an Accessory Dwelling Unit (as defined in Section 9278 of this Code) contained within the existing space of an existing primary residence or accessory structure and located in the R-1 zone.
3. Accessory Dwelling Units that are not contained within the existing space of an existing primary residence or accessory structure or not located in the R-1 zone are subject to connection fees for water service as provided in Section 3861.

SECTION 5

Article 3 of Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by " * **"):**

§9016 ALLOWED USES

The following uses are allowed in single family residential (R-1) districts:

* * *

Accessory Dwelling Units on lots developed with a single-family residence subject to the following standards/criteria:

- A. The requirements of this subsection are applicable to all existing Accessory Dwelling Units as well as those proposed after the effective date hereof, except for legal nonconforming units, or as is otherwise specifically provided herein. Existing Accessory Dwelling Units as of the date hereof inconsistent with the provisions listed herein, shall be considered legal nonconforming, provided that they were legal at the time of their creation.
- B. Pursuant to California Government Code 65852.2(a)(1)(C), accessory dwelling units shall be deemed not to exceed the allowable density for the residential lot upon which an Accessory Dwelling Unit is located, and Accessory Dwelling Units are deemed a residential use that is consistent with the existing general plan and zoning designation for the residential lot on which an Accessory Dwelling Unit is located.
- C. These regulations do not allow the division of property upon which an Accessory Dwelling Unit is located unless all requirements of the applicable zoning district, and any other requirements of this Code are met.
- D. The Accessory Dwelling Unit may be used for rental purposes. The minimum term of a lease for an Accessory Dwelling Unit shall be thirty (30) days.
- E. Accessory Dwelling Units may be attached to existing single-family residences or detached as separate structures. Accessory Dwelling Units shall incorporate the same or substantially similar architectural features, height, building materials and colors as the main dwelling unit or compatible dwellings located on adjacent properties. Architecture not similar to the architecture of the principal dwelling or buildings on adjacent properties shall be subject to the use permit process.
- F. The minimum lot size upon which an Accessory Dwelling Unit may be placed is five thousand (5,000) square feet for an interior lot, and seven thousand (7,000) square feet for a corner lot.
- G. The maximum size of an Accessory Dwelling Unit shall be ten percent (10%) of the lot size with a maximum size of one thousand two hundred (1200) square feet.. The increased floor area of an Accessory Dwelling Unit that is attached to the primary residence shall not exceed 50 percent of the existing living area.
- H. Parking requirements for the Accessory Dwelling Unit shall be one off street space (independently accessible or tandem) for each bedroom in addition to the two (2) independently accessible parking spaces required for the existing single-family residence. If the primary residence was legally constructed at a time when on-site parking was not required, then only the parking space(s) for the Accessory Dwelling Unit shall be required.

Off-street parking shall be permitted in setback areas in compliance with the definition of "Off-street Parking" found in Section 9278B of this Code or through tandem parking

Parking standards will not be imposed for an Accessory Dwelling Unit in any of the following instances:

- (1) The Accessory Dwelling Unit is located within one-half mile of public transit.
 - (2) The Accessory Dwelling Unit is located within an architecturally and historically significant historic district.
 - (3) The Accessory Dwelling Unit is part of the existing primary residence or an existing accessory structure.
 - (4) When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.
 - (5) When there is a car share vehicle located within one block of the Accessory Dwelling Unit.
- I. The Accessory Dwelling Unit must meet all applicable building and fire codes, and shall have electric, water and sewer service provided through the city with the type of meter arrangement at the property owner's option. Water, sewer, and electrical services shall be available prior to the issuance of a building permit for an Accessory Dwelling Unit. No new water or sewer connection fees may be required for Accessory Dwelling Units that are contained within the existing space of a single-family residence or accessory structure as provided in Sections 3731A and 3861.B. Accessory Dwelling Units shall not be required to provide fire sprinklers if they are not required for the primary residence.
 - J. The Accessory Dwelling Unit shall comply with all applicable requirements of this code.
 - K. The maximum height for Accessory Dwelling Units shall be eighteen feet (18'), except for attached accessory dwelling units, which shall have a maximum height of thirty feet (30'), pursuant to Section 9018 of this Chapter. Taller units may be approved through the use permit process.
 - L. The following yard setback requirements shall apply to Accessory Dwelling Units in the R-1 (single-family residential) zoning district:
 1. Front Yard: The same as the existing single-family residence, but no closer than five feet (5').
 2. Side Yard, Single-Story: Side yard for single-story unit: Five feet (5').
 3. Side Yard, Two-Story: Side yard for two-story unit: Ten feet (10').
 4. Rear Yard, Single-Story: Rear yard for single-story unit: Five feet (5').
 5. Rear Yard, Two-Story: Rear yard for two-story unit: Ten feet (10').

If the subject lot abuts a differently zoned lot, then the side and rear yard setbacks shall be the same as for the adjoining lot.

Existing structures proposed for conversion to an Accessory Dwelling Unit must comply with the above yard setback requirements, except that no setback will be required for an existing garage that is converted to an accessory dwelling unit. A setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

- M. The proposed Accessory Dwelling Units shall have a separate front door, which, in the event of an attached unit, shall not be located along the front of the existing single-family residence unless it is not obviously visible from the street in front of the residence.
- N. One of the units on the lot shall be occupied by the property owner.
- O. Any balcony, window or door of an Accessory Dwelling Unit shall utilize techniques to lessen the privacy impacts onto adjacent properties. These techniques may include use of obscured glazing, window placement above eye level, or locating balconies, windows and doors toward the existing on site primary residence. In addition, trees shall be planted and maintained in a viable condition by the property owner, where appropriate, to preserve the privacy of neighboring property owners.

This requirement will not apply to an Accessory Dwelling Unit that is contained within the existing space of a single-family residence or accessory structure.

- P. Driveways accessing Accessory Dwelling Units shall be set back a minimum of five feet (5') from any structure on an adjoining lot that has a bedroom adjacent to the proposed driveway.
- Q. The minimum width of a driveway serving an Accessory Dwelling Unit shall be twelve feet (12'), unless the City Fire Marshal determines that adequate fire protection can be provided to the Accessory Dwelling Unit even though the driveway has a width less than twelve feet (12').
- R. Unless otherwise indicated, relief from the above criteria and standards may be pursued through the use permit process pursuant to article 20 of this chapter.
- S. Applications for a building permit for an Accessory Dwelling Unit shall be considered ministerially without discretionary review or a hearing within 120 days after receiving the application.
- T. Applications for a building permit for an Accessory Dwelling Unit that is contained within the existing space of an existing primary residence or accessory structure and located in the R-1 zone shall be approved ministerially if the unit is the sole Accessory Dwelling Unit on the lot, has independent exterior access from the existing residence, and has side and rear setbacks that are sufficient for fire safety. No additional parking or other development standards as set forth in subdivisions (F) through (H), (K) through (M), and (O) through (R) of this Section shall be applied except for building code requirements. This subdivision shall not apply to Accessory Dwelling Units that are not located within the R-1 zone.

* * *

§9018 BUILDING HEIGHT LIMITS

The following shall be the maximum limits for height of buildings in single-family residential (R-1) districts:

- A. For single-family dwellings and attached Accessory Dwelling Units, a maximum height of thirty feet (30').
- B. For accessory buildings a maximum height of twenty feet (20') or the maximum height of the main building whichever is less.

- C. The height limits for both dwelling units and accessory structures may be exceeded with the securing of a use permit. The height limit for Accessory Dwelling Unit may be exceeded through the use permit process, provided a finding is made that the higher structure would not adversely impact the health, safety, and general welfare of the public.

* * *

§9021 REQUIRED PARKING

- A. The minimum parking area required in single-family residential (R-1) districts is two (2) on site independently accessible spaces for each dwelling unit. Accessory Dwelling Units require one additional onsite independently accessible parking space, except as provided in Section 9016 of this Chapter. The parking requirements for all other allowed or permitted uses shall be subject to the provisions of section 9198 of this chapter.

SECTION 6

Section 9278 in Division 9, Chapter 2, Article 21 of the Ukiah City Code (unchanged text is omitted and is shown by “* * *)”:

* * *

DWELLING UNIT: A residential building or portion thereof providing complete, independent living facilities for one family including permanent provisions of living, sleeping, eating, cooking, and sanitation.

DWELLING UNIT, ACCESSORY:

An attached or a detached residential dwelling unit, located on a lot in the R-1, R-2, and R-3 Zoning Districts that has been developed with a primary single-family residence, which provides complete independent living facilities for one or more persons. It can be wholly contained within the footprint of the existing primary, single-family residence or an existing accessory structure. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family dwelling is situated. An Accessory Dwelling Unit also includes the following:

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

EASEMENT: A right given by the owner of land to another party for specific limited use or enjoyment of that land.

* * *

SECTION 7

1. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the

City of Ukiah hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

2. EFFECTIVE DATE.

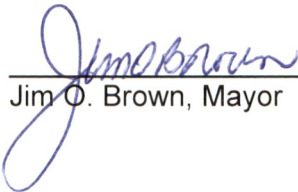
This Ordinance shall be published as required by law in a newspaper of general circulation in the City of Ukiah, and shall become effective thirty (30) days after its adoption.

Introduced by title only on July 19, 2017 by the following roll call vote:

AYES: Councilmembers Crane, Mulheren, Doble, and Mayor Brown
NOES: Councilmember Scalmanini
ABSTAIN: None
ABSENT: None

Adopted on August 16, 2017, by the following roll call vote:

AYES: Councilmembers Crane, Mulheren, Doble, and Mayor Brown
NOES: Councilmember Scalmanini
ABSTAIN: None
ABSENT: None



Jim O. Brown, Mayor

ATTEST:



Kristine Lawler, City Clerk