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**CORTE MADERA PLAN NING COM MISSION**

**STAFF REPORT**

**REPORT DATE:** OCTOBER 21, 2016

**MEETING DATE:** OCTOBER 25, 2016

**TO:** PLANNING COMMISS ON

**FROM:** DOUG BUSH, ASSISTANT PLANNER

**SUBJECT:**

PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED ZONING ORDINANCE AMENDMENTS TO CHAPTER 18.31 RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission, after review of all information, presentations, and public testimony, and after obtaining responses to any questions, adopt Resolution No. 16- 030, recommending that the Town Council amend the Zoning Ordinance to reflect recent amendments to California Government Code Section 65852.2 related to accessory dwelling units and adopt new regulations governing junior accessory dwelling units pursuant to California Government Code Section 65852.22.

**CEQA STATUS**

The amendments are within the scope of the Program EIR for the 2009 General Plan and the Planning Department recommends that no further environmental review is required for adoption of the zoning ordinance amendments pursuant to the California Environmental Quality Act (CEQA) Guidelines sections 15168 and 15162.

###### BACKG ROUN D

The Town's General Plan, Zoning Ordinance, and Housing Element encourage the creation of affordable housing, through a variety of mechanisms including the development of Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU). Since the adoption of the Corte Madera Housing Element in 2015, significant changes have taken place at the local level - including a number of new JADU ordinances adopted by local municipalities, such as Novato and Fairfax. The state of California has also recently passed legislation regarding ADU and JADU. The Town Council requested the item to be scheduled for an agenda to discuss these recent changes in an effort to better understand the appropriate path forward for implementation of existing Town policies and implementation programs relating to second units and junior second units.

The Planning Commission met on October 13, 2016 to discuss changes to state law and potential policy updates to respond to these changes. The October 13, 2016 Staff Report (Attachment 2) outlines the changes to state law in terms of ADU and JADU while Staff has included additional details below in attempt to respond to issues raised at the prior hearing.

###### DISCUSSION AN D ANALYSIS ACCESSORY DWELLING UNITS

Changes to the California Government Code require that the Town update Corte Madera Municipal Code (CMMC) Chapter 18.31 prior to January 1, 2017 or State law will apply where the Town code is inconsistent with the new law. Attachment 3 shows Chapter 18.31 with proposed amendments. Some of the changes are required, such as a number of new parking standards, while others are elective, such as the addition of landscaping to regulations. Required and elective changes to the Town's ADU ordinance are provided below to highlight these changes.

###### REQUIRED CHANGES

Parking

* When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those off-street parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
* Parking is not required for an accessory dwelling unit in any of the following instances:
  + The accessory dwelling unit is located within one-half mile of public transit. (See Attachment 9)
  + The accessory dwelling unit is located within an architecturally and historically significant historic district.
  + The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
  + When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  + When there is a car share vehicle located within one block of the accessory dwelling unit.

Rental and Sale

* The unit is not intended for sale separate from the primary residence and may be rented Chapter 18.20 Parking
* Now updated to maintain consistency with updates to 18.31 (see Attachment 7) Chapter 18.04 Definitions
* Definitions updated to reflect changes to Chapter 18.31 (see Attachment 8)

###### ELECTIVE CHANGES

Permitted Zones

* Added R-3 to permitted zones Regulations
* Any tree over 30 inches in circumference, removed in conjunction with the construction of an ADU must be replaced by a 24" box tree within the yard from which it will be removed.

Size of Unit

* Maximum changed from 750 to 1200 square feet1
* Minimum changed from 350 to 220 square feet Elevation
* Language updated to reflect existing base floodplain numbers to ensure compliance with existing Town policies regarding new construction in the floodplain

Rental

* The unit may not be rented for less than 30 days Appeals

1It is unclear whether the Town can establish a maximum unit size below the states established maximum of 1,200 square feet

* + Now "administrative review" process that clarifies ministerial process for review

OTHER RELEVANT CHANGES BEYOND THE ORDINANCE AMENDMENTS

Some of the most substantive changes to the State's Code have implications for building, fire and utilities that are not necessarily reflected in the updated zoning code but will be addressed by the applicable departments as appropriate. Some of these changes are summarized below:

1. ADU shall not be required to provide fire sprinklers if they are not required for the primary residence.
2. ADU 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.
3. For ADU created within an existing structure, a local agency shall not require the applicant to install a new or separate utility connection directly between the ADU and the utility or impose a related connection fee or capacity charge.
4. For ADU created through the addition of new floor area, a local agency may require a new or separate utility connection directly between the ADU and the utility.

JUNIOR ACCESSORY DWELLING UNITS

The Corte Madera Housing element, adopted in 2015, establishes goals, policies and implementation programs to facilitate the creation of junior accessory dwellings. Housing Element Program H-2.16b Junior Second Units sets forth policy that the Town review and adopt standards to allow the creation of junior second units. The program suggests the following as potential considerations in the process:

* 1. *Conversion of existing bedroom required* - *no building expansion*
  2. *Maximum 500 square-foot size;*

*C Wet-bar type kitchen only with limitations on size of sink, waste line and counter area;*

*D. Cooking facility limited by electrical service {llOv maximum) and prohibition of gas applicances;*

1. *Bathroom requirement*
2. *External access requirement*
3. *Parking requirements*
4. *Owner occupancy requirement*

In 2016, with the passage of AB 2406 (See Attachment 5), the state now sets standards for the creation of such units, if a Town chooses to create a JADU ordinance. At the request of members of the Town Council, and after receiving direction from the Planning Commission at the October 13, 2016 public meeting, Staff has put forward draft amendments to the existing

ADU ordinance adding new prov1s1ons pertaining to JADU that both fulfill implementation program H-2.16b of the Housing Element and satisfy conformance with the strict standards established by the passage of AB 2406.

The draft ordinance (Attachment 3 - from 18.31.1 to end) advances the implementation program while integrating a majority of the standards intended for consideration as listed above. Because the state's standards do not allow for any significant flexibility in the Town's ordinance the proposed amendments relating to JADU included in Attachment 6 adhere to the state's requirements. Staff has included the following provisions in addition to the state requirements:

Parking

* A permit for a Junior Accessory Dwelling Unit shall not be issued for a site containing an illegal nonconforming parking condition unless the existing illegal parking condition is corrected or a variance or other applicable permit approval is granted to allow the existing illegal parking condition to remain.
* Reconstruction and/or remodeling and/or expansion of existing residential structures to which Chapter 18.20 - Off-Street Parking and Loading applies shall be required to comply with the applicable parking standards, but an additional off-street parking space shall not be required for a Junior Accessory Dwelling Unit that is part of or created at the same time as the reconstruction and/or remodeling and/or expansion.

Rentals

* The Junior Accessory Dwelling Unit shall not be rented for less than thirty consecutive days.

Christmas Tree Hill

* The total number of junior accessory dwelling units in the Christmas Tree Hill overlay district shall not exceed the total number of additional units permitted by Sections 18.18.405(K) and 18.18.410 of this title.

A number of questions were raised at the prior hearing regarding the difference between a JADU and ADU.In attempt to clarify these distinctions, Staff prepared an updated comparison table outlining state requirements on ADU and JADU, as well as the Town's existing and proposed policies (See Attachment 6)

ATTACHMENTS:

1. Resolution No. 16-030
2. October 13 Staff Report
3. CMMC Chapter 18.31 Amended
4. California Government Code 65852.2 ADU
5. California Government Code 65852.22 JADU
6. Comparison Table
7. CMMC Chapter 18.20 Parking - Amended
8. CMMC Chapter 18.04 Definitions - Amended
9. Map of Parcels Within V2 Mile of Transit

O:\Planning Department\SUBJECT FILES\)unior Second Units - Accessory Dwelling Units\102516 PC Staff Report and Materials\102516 PC Staff Report.docx

# ATTACH M ENT 1

DRAFT PLANNING COMMISSION RESOLUTION (16-030)

CORTE MADERA PLANNING COMMISION RESOLUTION NO. 16-030

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CORTE MADERA RECOMMENDING ADOPTION OF AMENDMENTS TO CHAPTER 18.31 OF THE CORTE MADERA MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

**WHEREAS,** the availability of housing is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

**WHEREAS,** the 2009 General Plan, and 2011 and 2015 Housing Element updates included policies and programs to support and create affordable housing, a diverse range of housing types and provisions for a new Junior Second Unit Ordinance through the adoption of amendments to the Corte Madera Zoning Ordinance; and

**WHEREAS,** the Town Council directed staff to proceed with the development of draft zoning ordinance amendments to facilitate the creation of junior accessory dwelling units for review and consideration by the Planning Commission; and

**WHEREAS,** in 2016, the Legislature passed new laws including AB 2299 and SB 1069 intended to increase the number of accessory dwelling units by simplifying the approval process and reducing costs associated with their creation, creates new standards and regulations modifying the Town's ability to regulate Accessory Dwelling Units; and

**WHEREAS,** in 2016 the Legislature passed a new law, AB 2406, intended to provide for the creation of junior accessory dwelling units and establishing standards for the creation of ordinances regulating such units; and

**WHEREAS,** the conversion of existing space within single-family homes will not impose any additional impacts on the community, as any impacts associated therewith were previously considered in conjunction with the approval of the residence itself; and

**WHEREAS,** the proposed Zoning Code amendments comply with the legislative amendments made in 2016, to State Law Section 65852.2 and 65852.22 which establish standards for the development of accessory dwelling units and junior accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhood; and

**WHEREAS,** the project qualifies for statutory exemptions under Article 18, Guidelines Section 15061(b)(3), of the California Environmental Quality Act (CEQA) Guidelines; and

**WHEREAS,** based on the record, the Planning Commission finds that the Zoning Ordinance amendments are consistent with and facilitates the Housing Element and the General Plan; and

**WHEREAS,** on October 14, 2016, notice of the Planning Commission public hearing was published in the MarinIndependent Journal in compliance with California Government Code Section 65090 and posted in public places throughout Town; and

**WHEREAS,** on October 13, 2016, the Planning Commission held a public hearing, received the staff report and a reviewed a presentation from the Planning Department, and received comments from the public and interested parties and continued the matter for further consideration to October 25, 2016; and

**WHEREAS,** on October 25, the Planning Commission held a public hearing, received the staff report and reviewed a presentation from the Planning Department and received comments from the public and interested parties, and

**NOW, THEREFORE, BE IT RESOLVED,** that the Planning Commission of the Town of Corte Madera does hereby find and resolve as follows:

1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

1. Record

The Record of Proceedings C'Record'') upon which the Planning Commission makes its recommendation includes, but is not limited to:

(1) the 2009 General Plan, (2) the FEIR certified for the 2009 General Plan, including the appendices and technical reports cited in and/or relied upon in preparing the FEIR, (3) the Housing Element updated adopted by the Town Council in 2015, including the adopted environmental determination (4) all staff reports, Town files and records and other documents prepared for and/or submitted to the Planning Commission related to the adoption of Zoning Ordinance amendments.

1. Compliance with the California Environmental Quality Act (CEOA)

Based on the fact, analysis and findings contained in Planning Commission Resolution 16-030 the Zoning Ordinance amendment will not have a significant effect on the environment.

1. General Plan Consistency

The Planning Commission of the Town of Corte Madera does hereby find that the proposed Zoning Ordinance amendments to Chapter 18.04, 18.20 and 18.31 as shown in Exhibit A, is in the best interest of the Town because it furthers established goals, policies and implementation programs of the General Plan to promote housing opportunities, maintain a diverse range of housing options, providing infill housing that is potentially affordable, encouraging the improvement of existing housing stock while preserving quality of life in residential zones. The ordinance amendments also implement specific policies of the Housing Element by providing for the creation of junior

accessory dwelling units while modifying and improving the existing ·accessory dwelling unit provisions to ensure consistency with state code.

The amendments specifically are consistent with and implement the following General Plan and Housing Element policies and programs:

*Goal H-2 Use land efficiently and sustainably. Develop a variety of housing to meet community needs and topromote sustainability.*

*Policy H-1.4 Variety of Housing Choices. In response to the broad range of housing needs in Corte Madera, the Town will strive to achieve a mix of housing types, densities, affordability levels and designs. The town will work with developers of nontraditional and innovative housing approves in financing, design, construction and types of housing to meet local housing needs.*

*Policy H-2.1 Housing to meet local needs. Provide for the development of new housing to meet the diverse economic and physical needs of existing residents and project ed population capacity by planning for adequate sites and supporting programs to achieve Corte Madera's Regional Housing Needs Allocation.*

*Policy H-2.15 Second dwelling units. Encourage well designed, legal second units in all residential neighborhoods.*

*Policy H-2.16 Second Dwelling Units in New Development. Require new second units as part of new detached single-family dwelling subdivision development where five or more new units are proposed.*

*Implementation Program H-2.15.a Second Unit Ordinance. Continue to implement the second unit ordinance.*

*Implementation Program H-2.15.b Junior Second Units. Review and adopt standards to allow the creation ofjunior second units. Standards to consider should include, but not be limited to, the following: conversion of existing bedroom required* - *no building expansion, maximum 500 square foot size, wet bar type kitchen only with limitations on size of isnk, waste line and counter area, cooking fac11ity limited by electrical service and prohibition of gas appliances, bathroom requirement, external access requirement, parking requirements, owner occupancy requirement. The Town will work with special districts to reduce or waive fees forjunior second units.*

*Implementation Program H-2.15.c Second Unit Fees. Encourage the development of second units by waiving or reducing fees as follows: consider waiver or reduction of the second unit permit application fee. Work with special districts, e.g. water and sanitary, to reduce or waive connection and/or service fees.*

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** that the Town of Corte Madera Planning Commission forward its recommendation to the Town Council to adopt the Zoning Ordinance amendments listed in Attachment 3, attached in Exhibit A; as follows:

\* \* \* \* \* \* \* \* \* \* \* \*

**PASSED AND ADOPTED** by the Corte Madera Planning Commission on October 25, 2016, by the following vote:

AYES: NOES: ABSTAIN: ABSENT: RECUSED:

Chair

Adam Wolff, Planning Director

EXH BIT A

ZONING ORDINANCE AMENDMENT CHAPTER 18.31ACCESSORY DWELLING UNITS,

18.20 PARKING, AND

18.04 DEFINITIONS

*(See Attachments 3,7and 8 respectively)*

**ATTACH M ENT 2**

10/13/16 PLANNING COMMISSION STAFF REPORT



T H E TO W N O F C O R T E MA D E R A

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**CORTE MADE RA PLAN NING COMMISSION**

**STAFF REPORT**

**REPORT DATE:** OCTOBER 7, 2016

**MEETING DATE:** OCTOBER 13, 2016

(Special Meeting Date)

**TO:** PLANNING COMMISSIONERS

**FROM:** DOUG BUSH, ASSISTANT PLANNER AND PHIL BOYLE, SENIOR PLANNER

**SUBJECT:** REVIEW AND DISCUSSION OF CORTE MADERA'S EXISTING REGULATIONS RELATED TO SECOND UNITS, THE MPLICATION OF NEW STATE LAWS RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS, AND THE POLICY OPTIONS AVAILABLE TO THE TOWN IN PROCEEDING WITH A ZONING ORDINANCE AMENDMENT

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission hears public testimony and then provide direction to Staff regarding the proposed changes to the Town's Second Unit Ordinance included in attachments (2, 4, 5). If desired by the Commission, staff will return to the Commission at its October 25, 20156 meeting with a proposed Zoning Ordinance Amendment for a public hearing and recommendation to the Town Council.

**BACKGROUND**

The Town is actively seeking to increase the supply of affordable housing. The Town's General Plan, Zoning Ordinance, and Housing Element encourage the creation of affordable housing,

through a variety of mechanism including the development of Accessory Dwelling Units (ADU's) and Junior Accessory Dwelling Units (JADU's). Since the adoption of the Corte Madera Housing Element in 2015, significant changes have taken place at the local level - including a number of new JADU ordinances adopted by local municipalities. The state of California has also recently passed legislation regarding ADU and JADU. The Town Council requested the item to be scheduled for an agenda to discuss these recent changes in an effort to better understand the appropriate path forw rd for implementation of existing Town goals and implementation programs relating to second units and junior second units.

EXISTING SECOND UNIT ORDINANCE

The Town of Corte Madera created a second unit ordinance (See Attachment 1- Chapter 18.31) to comply with amendments made in 2002 to California Government Code Section 658652.2 which provides for local jurisdictions to set standards for the development of second dwelling units to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhood.

The current code defines a second unit as a dwelling unit, attached or detached from the primary dwelling unit, and having sleeping, cooking and sanitation facilities separate from the primary unit. "Cooking facilities" are defined as any combination of the following: sink, other than that appurtenant to a bathroom, food storage and preparation areas, refrigerator, stove, microwave oven, convection oven, cooking burners or similar appliances which may reasonably be used for the preparation of food.

Current second unit provisions, set the following requirements (among others) including:

* + Size limit- 750 square feet maximum and 350 square feet minimum;
  + On-site parking- one on-site parking space for each bedroom required in addition to the parking required for the primary residence;
  + Fire Code compliance- usually including a fire-sprinkler system;
  + Utilities- including sewer and water hook-ups;
  + Separate Entry, Kitchen and Bathroom. The second unit shall contain a separate entrance, kitchen and bathroom; both the existing dwelling and the second unit shall comply at a minimum with all requirements of the current housing code; and the second unit shall comply with the building code in effect at the time it was constructed; and
  + Location of Second Unit. The second unit may be within, attached to, or detached from the primary dwelling unit. If detached, the second unit shall be separated from the primary dwelling and any accessory structure(s) a minimum of three feet.

ACCESSORY DWELLING UNIT LEGISLATION - SENATE BILL NO. 1069 AND ASSEMBLY BILL NO. 2299

On September 27, 2016 Governor Brown signed SB 1069 and AB 2299, modifying California

Government Code Section 65852.2 (and other related code sections), resulting in changes to the State's policies on "second units." The Town's existing Second Unit Ordinance must comply with these updated state requirements by January 1, 2017 or the Town's second unit policies will default to the State's less restrictive requirements. Changes to the State code include but are not limited to:

* + "Second Units" are now referred to only as "Accessory Dwelling Units."
  + Cities are now prohibited from imposing parking standards on units that are:
    - Located within one-half mile of public transit;
    - Located within an architecturally and historically significant district;
    - Part of an existing primary residence (no expansion of exterior walls);
    - Where parking permits are required but are not offer to the ADU occupant; and
    - Within one block of a car sharing vehicle.
  + Accessory dwelling units of any kind are not required to provide fire sprinklers if they are not required for the primary residence.
  + Reduced utilities fees
    - 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.
    - No requirement to install new or separate utility connections in the ADUs.

An Amendment of Zoning Code §18.31 has been provided to reflect the changes required by the new state laws (Attachment 2). Staff recommends the Commission review and disscuss any concerns or questions it may have with the proposed ordinance changes.

**J UNIOR SECON D UNITS**

The term "Junior Second Unit" or "Junior Accessory Dwelling Unit" is generally used to identify a specific type of second unit that results from the conversion of existing interior space. This is in contrast to a more traditional type of second unit, created through the addition of new floor area and either attached or detached to an existing structure. Junior units are further differentiated from traditional second units by less stringent planning, building and utility requirements placed upon them. As of the writing of this report, a majority of Marin municipalities including Belvedere, Novato, San Rafael, Tiburon, Fairfax have ordinances that recognize these types of units and provide certain relief from utilities or building fees, eased parking requirements or other mechanisms to facilitate their creation.

The Town of Corte Madera does not have a JADU or policy at this time and, does not differentiate between interior conversions or exterior additions. Even so, Junior Second Units are recognized in the recent Housing Element. One of the goals of the Corte Madera Housing Element is to "develop a variety of housing to meet community needs and to promote sustainability" (Goal H-2). To achieve this goal, the Town encourages the creation of Second

Dwelling Units which are well-designed, legal second units in all residential neighborhoods. Implementation Program H-2.15.b specifically identifies Junior Second Units and promotes the review and adoption of standards to allow for their creation. The Program suggests tentative

standards for such units including:

* Conversion of existing bedroom required - no building expansion
* Maximum 500 square foot size
* Wet-bar type kitchen only with limitations on size of sink, waste line and counter area
* Cooking facility limited by electrical service and prohibition of gas appliances
* Bathroom requirement
* External access requirement
* Parking requirements
* Owner occupancy requirement

While the existing second unit ordinance provides one path to achieve the goal to "develop a variety of housing... and promote sustainability," there is some concern that the second unit process presents obstacles such as significant costs that may work to prevent interested parties from pursuing the creation of such units. Staff frequently provides information to residents who are interested in creating second units, but the number of actual second unit applications is far less than the number of inquiries.In response to these concerns and in an effort to further the goals of the Housing Element, the Town is exploring the possibility of new policies which may facilitate the creation of "junior second units." It should be noted that the California Department of Housing and Community Development has determined that in order for second units to be counted toward the Regional Housing Need Allocation (RHNA) the JADU most include a separate bathroom for the occupant of the JADU.

JUNIOR SECOND UNIT LEGISLATION - ASSEMBLY BILL NO. 2406

Concurrent with the progression of Junior Second Unit policy in Marin County, State Assembly member Tony Thurmond proposed AB 2406 - Junior Accessory Dwelling Units. On September 28, 2016, Governor Brown signed the bill into law that immediately authorizes local agencies to provide, by ordinance, for the creation of "junior accessory dwelling units," in single family residential zones. The code defines a junior accessory dwelling unit as,

"a unit that is no more than 500 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."

If the Town chooses to adopt such an ordinance, the Town's ordinance must establish, among other things, standards for the creation of JADU, required deed restrictions and occupancy requirements.If the Town chooses to adopt a junior accessory dwelling ordinance, it must adhere closely or stay within the spirit of the requirements of the State code (See Attachment 3

* Section 65852.22 California Government Code). For example, a junior accessory dwelling unit:
  + Cannot be required to provide parking, because it is a ADU that is within an existing legal structure
  + Must be constructed within the existing walls of the structure and require the inclusion of an existing bedroom
  + Must include a private or shared bathroom.
  + Must include a separate entrance from the main entrance to the structure, with an interior entry to the main living area
  + Must have an efficiency kitchen with a sink with maximum waste line diameter of 1.5 inches, a cooking facilities with appliances that do not require electrical service greater than 120 volts, or natural or propane gas, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit
  + Must be permitted ministerially without discretionary review or hearing
  + 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.

A proposed new zoning ordinance entitled Junior Accessory Dwelling Units has been drafted for the Commission's review (Attachment 4). This section complies with all of the requirements of the Assembly Bill No. 2406.

Staff has provided a number or attachments for review and discussion by the Commission and the public. These attachments include proposed changes to the Town Code Section 18.20 - Parking Requirements. Two summary tables created by staff, one which shows the basic ADU's and JADU's requirements and the other which provides as summary of the Parking Requirements for ADU's and JADU's.Included as an attachment are also example floor plans and photos of junior second units and finally the JADU Staff Reports and Ordinances from Fairfax and San Rafael

ATTACHMENTS:

1. CMMC Chapter 18.31 Second Units
2. Edits to Chapter 18.31 showing state requirements for Accessory Dwelling Units
3. Sections 65852.2 and 65852.22 California Government Code
4. New zoning ordinance (draft) for Junior Accessory Dwelling Units
5. Draft amendments to Town Code Section 18.20 -Parking Requirements
6. Summary Table of ADU's and JADU's Requirements
7. Summary Table of Parking Requirements for ADU's and JADU's
8. Example floor plans and photos of junior second units
9. Fairfax and San Rafael JADU Staff Reports and Ordinances

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# ATTACH M ENT 3

Chapter 18.31 Accessory Dwelling Units Ordinance Amendments

#### PROPOSED CHANGES TO

**CORTE MADERA MUNICIPAL CODE (CMMC} SECTION 18.31**

Chapter 18.31- Sl!COND UNITACCESSORY DWELLING UNITS

Sections:

18.31.010 - Purpose.

The purpose of this chapter is to comply with amendments made in -202016, to California Government Code Section 65852.2 which provides for local jurisdictions to set standards for the development of second accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhood .

(Ord. 886 § 6 (part), 2004)

18.31.020 - Secona 1, mitAccessory dwelling unit permit required.

The zoning administrator or his/her designee shall issue an second uffitaccessory dwelling unit permit as a ministerial permit to allow for an sesond unitaccessory dwelling unit; provided, that a completed application is submitted which demonstrates that the seseAfi-1:ffi# accessory dwelling unit complies with the requirements contained in this chapter . In addition to an seGGAtHJnitaccessory dwelling unit permit, the applicant shall be required to obtain a building permit prior to the construction of the S0GGnEk.iruaccessory dwelling unit.

(Ord. 886 § 6 (part), 2004)

18.31.030 - Definition.

"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:

1. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code as follows,

"Notwithstanding Sections 17922, 17958, and 17958.5, a city or county may, by ordinance. permit efficiency units for occupancy by no more than two persons which have a minimum floor area of 150 square feet and which may also have partial kitchen or bathroom facilities. as specified by the ordinance . In all other respects. these efficiency units shall conform to minimum standards for those occupancies otherwise made applicable pursuant to this part."

1. A manufactured home, as defined in Section 18007 of the Health and Safety Code as follows,

"Manufactured home." for the purposes of this part. means a structure that was constructed on or after June 15. 1976. is transportable in one or more sections, Is eight body feet or more in width. or 40 body feet or more in length. in the traveling mode. or, when erected on site. is 320 or more square feet, is built

on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electricalsystems contained therein. "Manufactured home" includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 *(42* U.S.C., Sec. 5401. and following} .[FN1)

1. "Passageway'' means a pathway that is unobstructed clear to tl1e sky and extends from a street to one entrance of the accessory dwelling unit.

A second unit is a dwelling 1:.1nit, attached or dotaoheEI ram the-i\*imafY-4weU nn. anEI haWAg &looping, cooking and sanitation facilities separate from the primary unit. "Cookffi r-e--oefiAeG as any combination of the following : sink , other than that app1:.1rtenant to a bathreem-,--foo4--.s-terage-afl EI preparatlen areas, refrigerator , stove , mi,crowa\'O oven, oonveotion O\'OA , cook ing burners or sim+laf af}f;'»iaflGe&-Which may reasonably be used for the preparation of food.

(Ord. 886 § 6 (part), 2004)

18.31.040 - Allowed use.

Sesenccessory dwelling units shalt be allowed as permitted uses in the R-1-C open residential, R-1-B very low density, R-1-A low density, R-1 medium density and the R-2 low density and R-3 high density multiple-dwelling districts; provided, that the submitted application satisfies the requirements set forth in this chapter.

(Ord. 886 § 6 (part), 2004)

* + 1. - Secona 1:.1nitAccessory dwelling unit regulations.

Second 1:.1n itAccessory dwelling units shall be subject to the following regulations:

* + - 1. No more than one socona unitaccessory dwelling unit may be constructed on any site. A.o. accessory dwelling unit shall not be allowed on a site with more than one unit.
      2. Owner Occupancy. One of the dwelling units on the site shall be owner-occupied. For purposes of this section, "ownership" is defined as a majority (i.e., fifty-one percent or greater) interest in the property in question. Property owned in joint tenancy shall be considered single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for any party named, unless shares are specified, in which case "ownership" requires a majority interest.
      3. Zoning Development Standards. The second unitaccessory dwelling unit shall comply to all development standards included in the underlying zoning district, including standards for lot coverage, setbacks, height and the like.
      4. Separate Entry, Kitchen and Bathroom. The seGeAG-tlR iaccessory dwelling unit shall contain a separate entrance, kitchen and bathroom; both the existing dwelling and the eseAG lffiitaccessory dwelling unit shall comply at a minimum with all requirements of the current housing code; and the second uAl accessory dwelling unit shall comply with the building code in effect at the time it was constructed.
      5. Location of SeooAG-Y-n itAccessory dwelling unit. The seceF\*Hfflitaccessory dwelling unit may be within, attached to, or detached from the primary dwelling unit. If detached, the seconEI ta1Aitaccessory dwelling unit shall be separated from the primary dwelling and any accessory structure( s) a minimum of three feet.
      6. Architectural Compatibility. The second unitaccessory dwelling unit shall comply with the following design standards:
         1. Architectural Style and Form. Architectural style and building form shall match the style and form of the main building on the site.
         2. Architectural Details. Architectural details, including but not limited to, windows, roof pitch, and trim shall match the main building on the site.
         3. Color. The color of the seGSREHffiit accessory dwelling unit shall match the color of the main building on the site.
         4. Materials. The materials of the setaccessory dwelling unit shall match the materials of the main building on the site.
         5. Lighting. Lighting shall be shielded and/or directed so that it does not glare off-site or illuminate onto adjacent and nearby property.
         6. Privacy. Windows shall be located to avoid line of sight to windows of adjacent properties. Obscured glass and other techniques may be used to avoid line of sight.
         7. Views. The seGGAa-1:JRHaccessory dwelling unit shall not increase a blockage of any view of the bay or Mount Tamalpais caused by the main building on the property as viewed from the main building on an adjacent property.
         8. Sunlight. The secand ,,mltaccessory dwelling unit shall not increase the shadow on any window of the main building on any adjacent property. The shadow shall be measured on the winter solstice between the hours of ten a.m. and four p.m.
         9. Landscaping. Any tree over 30 inches in circumference. removed in coniunction with the construction of an ADU must be replaced by a 24" box tree within the yard from which it will be removed.
      7. Parking. Parking on the site shall conform to the requirements for accessory dwelling units as contained in Chapter 18.20. Off-Street Parking and Loading.
* One parking space shall be required for each bedroom of the proposed accessory dwelling unit in addition to those required for the primary unit.
* The required parking spaces for the accessory dwelling unit may be uncovered. If an accessory dwelling unit requires two additional on-site parking spaces, they may be uncovered and in tandem with each other.
* Parking for an accessory dwelling unit shall not be in tandem with parking for the primary unit on the site. W ith the approval of the town engineer, one of the parking spaces for an accessory dwelling unit may be located within the front setback between an existing driveway and the closest side of the property line if the slope of the site is ten percent or less.
* When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit. and the local agency requires that those off-street parking spaces be replaced. the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to. as covered spaces , uncovered spaces, or tandem spaces. or by the use of mechanical automobile parking lifts.
* Onsite parking is not required 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.

1. The accessory dwelling unit is located within an architecturally and historically significant historic district.
2. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
3. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
4. When there is a car share vehic le located within one block of the accessory dwelling unit.
5. Parking. Parking on the site shalmoi:m-te-tl=\e-Feffl&!lls for second units as contaffiee-in Chapter 18.20, *Off* Streat--Pafk-iAg--afld Loading. Ona aeaitional paFk-ing space sAa41-ee-reqt:»red for each bedroom of the preposed second unit. Tho re"11::1ired parking spaces for the second-!lnit may be uncovered . If a secoAG-UAiiFeS-twe-aaa+tlona l on site pa unco>Jorod and In tandem with each otheded, tl=lat neither parking space intrudes int&-tAe

!\*1-blie-fight of way . Parking for a soOOAEHffiit-sl=laU-Aot be in taRGem with parking for tho pF+mary l:ffHk)n tho site. With the appro¥al of the-teweeF,--Gne-ef...lfi IFl§--6f\*lGOS for a second YRit may be located within tho front setback between an oxistwa-y-aAd-tRe closest side ef tl=le PHJ:)el'ly line if tl=le slope of the site is ten porcent-or--loss . ThRifl§-c\*iministrator may

reg-fequlremont for a second unit by ORei\*if!iwl9-Sf:)aG0-IHA joct property is locateEl-witfl.iA-eno quarter mile of a transit route.

1. Permanent Foundation. A permanent foundation shall be required for all seeoaccessory dwelling units.
2. Size of Unit. The floor area of seG&A€Hffii.l accessory dwelling units shall not be smaller than three hundred fiftytwo hundred and twenty gross square feet, nor larger than SEWSA-AtlflafOO fiftytwelve hundred gross square feet.
3. Elevation. If the elevation of the existing main house on the site is below elo,;ation 9.7 NAV,!;),the Town's base flood elevation then the floor level of the second unitaccessory dwelling unit shall be at least as high as the elevation of the existing main house.
4. Street Address Required. Street addresses shall be assigned to all seooAEH:ifHt accessory dwelling units to assist in emergency response. (Ord. 886 § 6 (part), 2004)
5. The accessory dwelling unit is not intended for sale separate from the primary residence and may be rented.
6. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot fines shall be required for an accessory dwelling unit that is constructed above a garage .
7. The accessory dwelling unit may not be rented for less than 30 days.

(Ord. No. 910, § 37, 4-21-2009)

18.31.060 - Christmas Tree Hill overlay district.

The total number of seeond uRi-taccessory dwelling units in the Christmas Tree Hill overlay district shall not exceed the total number permitted by Sections 18.18.405(K) and 18.18.410 of this title.

(Ord. 886 § 6 (part), 2004)

18.31.070 - Deed restriction.

The town shall require the property owner to record a deed restriction in the official records of Marin County, California requiring owner-occupancy of the unit of either the primary unit or second 1::JAitaccessory dwelling unit at all times. Proof of recordation shall be submitted to the planning division

prior to issuance of a building permit. A.o. second unitaccessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

(Ord. 886 § 6 (part), 2004)

18.31.080 - Procedures.

An application for a-an sesene-lffii-1:accessory dwelling unit permit shall be filed with the planning department. No public hearing shall be required but public notice shall be given in the manner prescribed in Chapter 18.36, Administration, at least ten days prior to a decision.

(Ord. 886 § 6 (part), 2004)

18.31.090 - Ar:,peals Administrative Review.

The decision of the planning director granting or denying an second un!laccessory dwelling unit permit is a ministerial decision as required by State law. Ministerial approvals are not subject to review at a public hearing. may be appea led to tho planning eornmissioR and then to tho town cm.mcil in accoFdanee with tho proeedures eontained in Chapter 1E! .34 , /\ppeals . Preeeedings aofore the plannln!J GGRID1ission and the town eouAcil shall not be seemed public hearing&:- In considering 6860f!El Ufli.laccessory dwelling unit permits, review is limlted to the objective standards and criteria established by the town as set forth in Section 18.31.050 of this chapter for accessory dwelling units related to parking, height. setback, lot coverage. landscape, architectural review, maximum unit size, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places. request for an Administrative review that is limited to the objective standards and criteria for accessory dwelling units (18.31 .050} may be made in by filing an application and paying applicable fees with the Planning Department. Any application for administrative review must be filed with the planning department within ten calendar days of the date that the decision of the zoning administrator or planning commission was made, whichever is applicable. Any Administrative Review proceedings before the planning commission and the town council shall not be public hearings. The planning commission and town council shall apply the criteria contained in 18.31.050 in an objective and ministerial manner . All costs of the proceedings shall be the responsibility of the party requesting review. The Administrative Reviews should be scheduled so as to minimize delay of approvalof an accessory dwelling unit. :aw,eals. tho planning sommissfon and tho town souncil shall apply-#lteria containes-+A-Soction 18.31.050 of t:Ais-4laptef-aAG-SAal l-appfy thos&Gfiteria in an objoctind minist-el'iaHRaAAer.

(Ord. 886 § 6 (part), 2004)

18.31.1 Junior Accessory Dwelling Units

18.31.110 - Purpose.

The purpose of this chapter is to comply with the 2009 Corte Madera General Plan, 2015 Housing Element and California Government Code Section 65852.22 which provides for local jurisdictions to set standards for the development of Junior Accessory Dwelling Units (JADU) so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhood .

18.31 .120 -Junior Accessory Dwelling Unit Permit Required

The zoning administrator or his/her designee shall issue a Junior Access ory Dwelling Unit permit as a ministerial permit to allow for a Junior Accessory Dwelling Unit: provided. that a completed application is

submitted which demonstrates that the Junior Accessory Dwelling Unit complies with the requirements contained in this chapter. In addition to a Junior Accessory Dwelling Unit permit, the applicant shall be required to obtain a building permit prior to the construction of the unit.

18.31.130 - Definition

"Junior accessory dwelling unit" means a housing unit that is no more than 500 square feet and no less than 150 square feet in size and contained entirely within an existing single-family structure , including the utilization of an existing bedroom. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. A junior accessory dwelling unit must include an efficiency kitchen with all of the following: a sink with a maximum waste line diameter of 1.5 inches, a cooking facllity with appliances that do not require electricalservice greater than 120 volts, propane or gas, and a food preparation area that is of reasonable size in relation to the size of the unit.

18.31.140 - Permitted Districts.

Junior Accessory Dwelling Units shall be allowed as permitted uses in the (R-1-C) open residential. (R-1-B) very low density, (R-1-A) low density, (R-1} medium density, (R-2) low density multiole-dwelllnq and (R-3) high density multiple-dwelling distr icts: provided. that the submitted application satisfies the requirements set forth In this chapter.

* + 1. - Junior Accessory Dwelling Unit Regulations.

A Junior Accessory Dwelling Unit shall be subiect to the following regulations :

* + - 1. Number of Units Allowed. Only one Accessory Dwelling Unit or one Junior Accessory Dwelling Unit may be located on any appropriately zoned parcel that contains a one­ family dwelling.
      2. Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwell ing unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
      3. Deed Restriction. Prior to obtaining a building permit for a Junior Accessory Dwelling Unit, a deed restriction, approved by the Town Attorney, shall be recorded with the County Recorder's office. which shall include the pertinent restrictions and limitations of a Junior Accessory Dwelling Unit identified in this section. Said deed restriction shall run with the land, and shall be binding upon any future owners. heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Planning Department stating that:
         1. Sale Prohibited. A Junior Accessory Dwelling Unit shall not be sold independently of the primary dwelling on the parcel.
         2. Floor Area. The Junior Accessory Dwelling Unit shall have a maximum floor area of 500 square feet and a minimum floor area of 220 square feet.
      4. Location of Junior Accessory Dwelling Unit. A Junior Accessory Dwelling Unit must be created within the existing walls of an existing primary dwelling. and must include an existing bedroom .
      5. Entryways. Must include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted jun ior accessory dwelling may include a second interior doorway for sound attenuat ion.
      6. Conformance to Zoning Requirements. Any exterior Improvements associated with the development of a Junior Accessory Dwelling Unit shall conform to zoning regulations.
      7. Kitchen Requirements. The Junior Accessory Dwelling Unit shall include an efficiency kitchen with all of the following :
         1. A sink with a maximum waste line diameter of 1.5 inches.
         2. A cooking facility with appliances that do not require electrical service greater than 120 volts. or natural or propane gas.
         3. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
      8. Parking.
         1. No off-street parking is required for a Junior Accessory Dwelling Unit.
         2. A permit for a Junior Accessory Dwelling Unit shall not be issued for a site containing an illegal nonconforming parking condition unless the existing illegal parking condition is corrected or a variance or other applicable permit approval is granted to allow the existing illegal parking condition to remain.
         3. Reconstruction and/or remodeling and/or expansion of existing residential structures to which Chapter 18.20 - Off-Street Parking and Loading applies shall be required to comply with the applicable parking standards, but an additional off­ street parking space shall not be required for a Junior Accessory Dwelling Unit that is part of or created at the same time as the reconstruction and/or remodeling and/or expansion.
      9. Bathroom Requirements. A junior accessory dwelling unit may include separate sanitation facilities. or may share sanitation facilities with the existing structure.
      10. The Junior Accessory Dwelling Unit shall be considered legal only so long as either the primary residence, or the accessory unit. is occupied by the owner of record of the property. except when the home is owned by an agency such as a land trust or non-profit housing organization whose primary mission is to create affordable housing.
      11. The Junior Accessory Dwelling Unit shall not be rented for less than the thirty consecutive days.
      12. Expiration of Issued Permit. Junior Accessory Dwelling Unit permits shall expire if not vested within two years of the date of approval. As used in this section, *vesting* means: (1) recordation of required deed restrictions: (2) securing a valid building permit and/or other permits related to the approval; and (3) substantial completion of improvements in accordance with the secured building permit and/or other permits. Prior to the expiration of a Junior Accessory Dwelling Unit approval. the applicant may apply to the Planning Director for an extension of not more than one year from the original date of expiration. The Planning Director shall grant the extension if (s)he finds that there has been no change in the factual circumstances surrounding the original approval.
      13. Termination of Junior Accessory Dwelling. Termination of the use requires the elimination by the property owner of any secondary utility meters and removal of all kitchen cabinetry. kitchen sink, refr igerator. dishwasher. cooking facilities. The property owner shall apply for building permits to remove such features. as required under the Town's building and fire codes.
      14. The tota l number of jun ior accessory dwelling units in the Christmas Tree Hill overlay district shall not exceed the total number of additional units permitted by Sections 18.18.405(K) and 18.18.410 of this title.

18.31.160 - Procedures.

An application for a jun ior accessory dwelling unit permit shall be filed with the planning department. No public hearing shall be required but public notice shall be given in the manner prescribed in Chapter 18.36, Administration, at least ten days prior to a decision.

18.31.170 - Administrative Review.

The decision of the planning director granting or denying an accessory dwelling unit permit is a ministerial decision as required by State law. Ministerial approvals are not subiect to review at a public hearing. In consider ing junior accessory dwelling unit permits. review is limited to the objective standards and criteria established by the town as set forth in Section 18.31.150 of this chapter for junior accessory dwelling units. A request for an Administrative review that is limited to the objective standards and criteria for jun ior accessory dwelling units ( 18.31.150) may be made by filing an application and paying applicable fees with the Planning Department. Any application for administrative review must be filed with the planning department within ten calendar days of the date that the decision of the zoning administrator or planning commission was made, whichever is applicable. Any Administrat ive Review proceedings before the planning commission and the town council shall not be public hearings. The planning commission and town council shall apply the criteria contained in 18.31.150 in an obiective and ministerial manner . All costs of the proceedings shall be the responsibility of the party requesting review. The Administrative Reviews should be scheduled so as to minimize delay of approval of a junior accessory dwelling unit.

**ATTACHMENT 4**

California Government Code Section 65852.2 ADU

Section 65852.2 of the Government Code is amended to read:

65852.2.

1. (1) Any *A* local agency may, by ordinance, provide for the creation of seeond *accessory dwelling* units in single-family and multifamily residential zones. The ordinance may *shall* do aftY *all* of the following:
   1. Designate areas within the jurisdiction of the local agency where second *accessory dwelling* units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of seeond *acces ory d welling* units on traffic *-H-ew-: flow and public safety.*
   2. *(i)* Impose standards on second *accessory dwelling* units that include, but are not limited to, parking, height, setback, lot coverage, *landscape,* architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

*(ii) Notwith landing clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within itsjurisdiction.*

* 1. Provide that second *accessory dwelling* units do not exceed the allowable density for the lot upon which the second *accessory dwelling* unit is located, and that second *accessory*

*dwelling* units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

*(D) Require the accessory dwelling units to comply with all of thefollowing:*

1. *The unit is not intendedfor sale separatefrom theprimary residence and may be rented.*
2. *The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.*
3. *The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.*
4. *The increased floor area of an attached accessory dwelling unit shall not exceed 50percent of the existing living area, with a maximum increase infloor area of 1,200 square feet.*
5. *The total area offloorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.*
6. *No passageway shall be required in conjunction with the construction of an accessory dwelling unit.*
7. *No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more thanfive feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.*
8. *Local building code requirements that apply to detached dwellings, as appropriate.*
9. *Approval by the local health officer where a private sewage disposal system is being used, if*

*required.*

1. *(I) Parking requirements for accessory dwelling units shall not exceed oneparking space per unit orper bedroom. These spaces may beprovided as tandem parking on an existing driveway.*
2. *Offstreet parking shall bepermitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findi ng, are made thatparking in setback areas or tandemparking is notfeasible based upon specific site or regional topographical orfire and life safety conditions, or that it is notpermitted anywhere else in thejurisdiction.*
3. *This clause shall not apply to a unit thal is described in ·ubdivision (d).*
4. *When a garage, carport, or covered parking structure is demoli ·hed in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the*

*·ame lot as the accessory dwelling unit, including, but not limited to, as covered paces, uncovered :,paces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clau e shall not apply to a unit that is described in subdivision (d).*

1. The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
2. When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits . Nothi ng i n this paragraph may be eoastrued to req1:1ire a loeal go•,errunent to adopt or amead an ordinance for the ereation of second ooits. *permits , within 120 days after receiving the application.* A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of seeoRd UAits. *an accessory dwelling unit.*

tb, *(4)* E-8 *An* -WtleR- *existing ordinance governing the creation of an accessory dwelling unit by* a local agency whieh eas not adof)ted a:a ord:iaanee governing seeoed l:l'Elits in accordance with s1:1bdi visjon (a) or (c) reeei>;es its first application oe or after Jlily 1 1983, for a pcFFR jt p1:1:rsuant to this subdivision the l ocal agency shal l acoept the application and approve or disaf!pro·,e the application min isteriall y with01:1t d iscretionary re,·iew p1:1rsuant to this subdivisioH unless it *or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding thisparagraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise*

*provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance thatfails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding thisparagraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units,*

*unless and until the agency* adopts an ordinance in accordance with subs-ivision (a) or (o) within 120 days after receiving the application . Notwithstanding Section *6590* I or 65906, e-1ery loeal ageaey shall graat a variB:fl.ee or SfJeeia l 1:1se fJ0Fffiit for the ereatten of a second unit if the second unit compl i es wi tl:l all of the follo·Ning : *that complies with this section.*

* 1. The u nit is not intended for sale and may be rented.
  2. The lot is zonee for single family or m ul tifamily use.
  3. The lot contains an-exjsting single fainily dwelling.
  4. The second uflit is either attached to the existiflg dwelling and located withi n the livifl:g area e?tae enisting dv,elling or detached from the existieg dwelling afl.d located en the same lot as the existing chvelling.
  5. The increased floor area of aB auaoheel seeond uni t shaU not exceed 30 percent of the existing living area,.
  6. The total area of -floorspace for a detached second u nit shal I not exceed 1,200 sq1:1are feet.
  7. Req1:1irements relating to height, setbaek, lot coverage, arohitecrurnl re,·ie·N site plan re,•ie,v, fees eearges, a:ne other z!oning requirements generally applicable to residential eonstruetioR in tee zone in whieh the property is located.
  8. Loeal b1:1ildi.ng code req1:1irements whioh lifJfllY to detaehed dwellings as &pp,Iopriate .

(I) Approval by H:ie local health officer where a private sewage disposal system is beiag used, if required.

1. No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.
2. This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots *a proposed accessory dwelling unit on a lot* zoned for residential use '.VAiOfl eoA:tata *that contains* an existing single-family dwelling. No additional standards, other than those provided in this s1:1bdi·,•ision or subdivision (a), *ubdivi ion,* shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an ovmer occupant. *owner-occupant or that theproperty be usedfor rentals of terms longer than 30 days.*

f4t *(7)* No ohanges i n zoni ng ordinances or other of elinanees or any changes in the general plan shall be req uired to implement titis subdh•ision. Any *A* local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of seeond l:lllits *an accessory dwelling unit* if these provisions are consistent with the limitations of this subdivision.

*f§j (8)* A second unit which oonforms to the requi rements of *An accessory dwelling unit that conforms to* this subdivision shall *be deemed to be an accessory use or an accessory building and shall* not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use wJ,..i.eh *that* is consistent with the existing general

plan and zoning designations for the lot. The seoond units *accessory dwelling unit* shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

*(b)* Ne- *When a* local agency sl:tatl-adept an ordinance which totall y precludes secOfld units 'Nithm. single famil y or m±tllifamil y zoned areas unless the ordinance contains findings acknowledging that tl=ie ordinance may limit housi ng opportunities of the regi oR and furtllef contains findings that speci fic ad·1erse impaots on the publ ic health safety a.nd welfare that would resuJt from allowing second units withifl single famiJ y a-nd mu l tifamil y zoRed a:reas justify adopting the ordinance. *that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives itsfirst application on or after July 1, 1983,for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pur uant to subdivision (a) within 120 day · after receiving the application.*

*fEl1 (c)* A local agency may establish minimum and maximum unit size requirements for both attached and detached ecoed *accesso1y dwelling* units. No minimum or maximum size for a second *an accesso,y dwelling* unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings whi£.h *that* does not permit at least an efficiency unit to be constructed in compliance with local development

standards. *Acee ·so1y d welling units shall not be required toprovide fire prinkler. if they are not required for theprimary residence.*

1. *Notwithstanding any other law, a Local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not imposeparki.ng tandardsfor an acces ory dwelling unit in any of thefollowing instances:*
   1. *The accessory dwelling unit i 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 acces ory d welling unit* i *part of the existing primary residence or an ex:i ting accessory structure.*
   4. *When on- treet parki.ng permit are required but not offered to the OCCijpant of the accesso,y dwelling unit.*
   5. *When there is a car share vehicle located within one block of the accessory dwelling unit.*
2. Parkiflg req uirements for second ooits shall not exceed one parlcfog space per unit or per eedroom. Add itional parking may ee req uired pro·t'idcd that a finding is made that tee a:dditieAal

parking requ irements are diieetly related lo the use ef the seeend unjt and are consistent with existing neighborhood staRdards applicable to existiag dwelliAgs. Off street parking shall be permitted .i:a setback areas in locations determined by the local agency or through l!ffldem parkiflg, 1:1:eless specific Rfldiflgs are made tnat parki ng in setbaek areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety eeRditioAs or that it is not permitted any,.vhere else i n the jurisdietion . *Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to*

*create within a single-family residential zone one accessory dwelling unitper single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior accessfrom the existing residence, and the side and rear setbacks are sufficientfor fire safety. Accessory dwelling units shall not be required toprovide fir e sprinklers if they are not required for theprimary residence.*

1. *(1)* Fees charged for the construction of seeond *accessory dwelling* units shall be determined in accordance with Chapter 5 (commencing with Section 66000). *66000) and Chapter* 7 *(commencing with Section 66012).*
2. *Accessory dwelling units shall not be considered new residential usesfor thepurposes of calculating local agency connection fees or capacity charge for utilities, including water and sewer service.*
   1. *For an accessory dwelling unit described in subdivision (e), a local agency shali 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 connectionfee or capacity charge.*

*(8) For an acces ory dwe/Ling unit that is not de cribed in ubdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013. the connection may be ubject to a connectionfee or capacity charge that shall be proportionate to the burden of the proposed access01y d welling unit, based upon either its size or the number of itsplumbing ft:c tures, upon the water or sewer system. Thi fee or charge hall not exceed the reasonable co t a/ providing this ervice.*

1. This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second u *an accessory dwelling unit.*
2. Local agencies shall submit a copy of the ordinances *ordinance* adopted pursuant to subdivision (a) er-fet- to the Department of Housing and Community Development within 60 days after adoption.
3. As used in this section, the following terms mean:
   1. "Living areaf: *area "* means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
   2. "Local agency" means a city, county, or city and county, whether general law or chartered.
   3. For purposes ofthis section, "neighborhood" has the same meaning as set forth in Section 65589.5.
   4. ·'Second *"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. A second *An accessory dwelling* unit also includes the following:
      1. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
      2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

*(5) "Passageway" means a pathway that is unobstructed clear to the sky and extendsfrom a street to one entrance of the accessory dwelling unit.*

1. Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearjngs for coastal development permit applications for seeoRd *acces ory d welling* units.

**ATTACH M ENT 5**

California Government Code Section 65852.22 JADU

***SECTION 1.***

*Section 65852.22 is added to the Government Code, immediatelyfollowing Section 65852.2, to read:*

*65852.22.*

* 1. *Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation ofjunior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of ajunior accessory dwelling unit, and shall do all of thefollowing:*
     1. *Limit the number ojjunior accessory d welling units to oneper re idential lot zoned for single-family residences with a single-family residence already built on the lot.*
     2. *Require owner-occupancy in the single-family residence in which lhejunior accessory dwelling unit will bepermitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be*

*required if the owner is another governmental agency, land trust, or housing organization.*

* + 1. *Require the recordation of a deed restriction, which shall run with the land, shall befiled with the permitting agency, and hall include both of thefollowing:*
       1. *A prohibition on the sale of thejunior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.*

*(BJ A restriction on the size and attributes of thejunior accessory dwelling unit that conforms with this section.*

* + 1. *Require a permitted junior accessory dwelling unit to be constructed within the exi ting walls of the structure, and require the inclusion of an existing bedroom.*
    2. *Require a permitted junior accessory dwelling to include a separate entrancefrom the main entrance to the structure, with an interior entry to the main living area. A permitt edjunior accessory dwelling may include a second interior doorwayfor sound attenuation.*
    3. *Require thepermitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of thefollowing:*
       1. *A sink with a maximum waste line diameter of 1.5 inches.*

*(BJ A cookingfacility with appliances that do not require electrical service greater than 120 volts, or natural orpropane gas.*

*(C) Afood preparation counter and storage cabinets that are of reasonable size in relation to the size of thejunior accessory dwelling unit.*

* 1. *(1) An ordinance shall not require additional parking as a condition to grant a permit.*

*(2) This subdivision shall not be interpreted toprohibit the requirement of an inspection, including the imposition of afee for that inspection, to determine whether thejunior accessory dwelling unit is in compliance with applicable building standards.*

* 1. *An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special usepermits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section. A local agency may charge afee to reimburse the local agencyfor costs incurred in connection with the issuance of a permit pursuant to this section.*
  2. *For thepurpo es of anyfire or life protection ordinance or regulation, a junior acces ory dwelling unit shall not be considered a separate or new d welling unit. This section shall not be construed toprohibit a city, county, city and county, or other localpublic entityfrom adopting an ordinance or regulation relating tofire and life protection requirements within a single­ family residence that contains ajunior accessory d welling unit so long a* · *the ordinance or*

*regulation applies uniformly to all ingle-family residences within the zone regard/es of whether the single-family re idence includes ajunior accesso,y dwelling unit or not.*

* 1. *For the purposes of providing service for water, sewer, or power, including a connectionfee, ajunior accessory dwelling unit shall not be considered a separate or new dwelling unit.*

*(I) This section hall not be con trued toprohibit a local agencyfrom adopting an ordinance or regulation, related toparldng or a service or a connection fee for water, sewer, orpower, that applies to a single-family residence that contain ajunior accessory dwelling unit, so long as that ordinance or regulation applies unfformly to all single-family re idences regardle of whether the single-family residence include ajunior acces ory dwelling unit.*

1. *For purposes of this section, thefollowing terms have thefollowing meanings:*
   1. *"Junior accesso,y dwelling unit " means a unit that is no more than 500 squarefeet in size and contained entirely within an existing ingle-family ·tructure. A junior accesso,y dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.*
   2. *"Local agency" means a city, county, or city and county, whether general law or chartered.*

*SEC. 2.*

*This act is an urgency statute necessaryfor the immediate preservation of thepublic peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. Thefacts constituting the necessity are:*

*In order to allow localjurisdictions the ability topromulgate ordinances that create secure incomefor homeowners and secure housingfor renters, at the earliest possible time, it is necessaryfor this act to take effect immediately.*

**ATIACH M ENT 6**

JADU & ADU Comparison Table

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | | **floor area**  **(sq. ft.)** | **location** | | | **entryways** | **kitchen** | **bathroom** | **rental** | | **parking** |
| **ADU - State** | | min 150  max 1200 | may be within, attached to, or detached from the primary unit |  |  | required separate entry | [an ADU] shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated | | Town may require owner occupancy or  minimum 30 day rental requirement of ADU | | [Parking is not required in the following instances]  -The accessory dwelling unit is located within one-half mile of public transit.  -The accessory dwelling unit is located within an architecturally and historically significant historic district.  -The accessory dwelling unit is part of The existing primary residence or an existing accessory structure.  -When on-street parking permits are required but not offered to The occupant of The accessory dwelling unit.  -When there is a car share whicle located within one block of The accessory dwellinq unit. |
| **ADU - Existing** |  | min 350  max 750 | may be within, attached to, or detached from the primary unit | | | . | "Cooking facilities" are defined as any combination of the following: sink, other than that appurtenant to a bathroom, food storage and preparation areas, refrigerator, stow, microwaw own, conwction own, cooking burners or similar appliances which may  reasonably be used for the preparation of food. | | Though not currently specified in code, rental under 30 days is not permitted under  permissiw zoning code | | * one parking space is require for each bedroom of an ADU * zoning administrator may waw parking for one required space if ADU is within 1/4 mile of a public transit route |
| **ADU - Proposed** | | min 220  max 1200 | . | | | . | . | " | now specified in code, rentals under 30 days are not permitted |  | same as new state requirements |
| **JADU • State** | | min 220  max 500 | A Junior Accessory Dwelling Unit must be created within the existing walls of an existing primary dwelling, and must include an existing bedroom. | | | Must include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation. | must include an efficiency kitchen with all of the following: a sink with a maximum waste line diameter of 1.5 inches, a cooking facility with appliances that do not require electrical service greater than 120 \Oils, propane or gas, and a food preparation area that is of reasonable size in relation to the size of the unit. | A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. | JADU may be rented | | An ordinance shall not require additional parkinq as a condition to grant a permit. |
| **JADU - Proposed** | | • | . | | | . | .. | . | if rented, 30 day minimum | | . |

# ATTACH M ENT 7

Chapter 18.20 - Amended Parking Ordinance

**Chapter 18.20 - OFF-STREET PARKING AND LOADING**

* + 1. - Purposes.

Requirements and standards for off-street parking facilities and off-street loading facilities are established by this chapter to achieve the following purposes:

* + - 1. To alleviate or progressively prevent traffic congestion and shortage of curb spaces;
      2. To ensure that off-street parking and loading facilities are provided incidental to new land uses and major alterations and enlargements of existing land uses in proportion to the need for such facilities created by the particular type of land use;
      3. To ensure that off-street parking and loading areas are designed in a manner that will ensure maximum efficiency, protect the public safety, and where appropriate, insulate surrounding land uses from their impact.

(Ord. 785 § 3(b) (part), 1994)

* + 1. - Basic requirements for off-street parking and loading.

The following requirements shall apply:

* + - 1. At the time of initial occupancy of a site or construction of a structure, off-street parking facilities and off-street loading facilities shall be provided in accord with this chapter, except as prescribed in overlay districts.
      2. Except for residential property, no existing use of land or structures shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter; provided, that facilities being used for off-street parking and loading as of April 30, 1958, or as of the date of construction of the parking or loading facility, whichever is later, shall not be reduced in number to less than that required by this chapter.
      3. The number of parking spaces or loading berths required for an enlargement of an existing use or structure, or for a change of use, shall be in addition to the number of spaces or berths existing before the enlargement or change of use unless the number of spaces on the site equals or exceeds the number required by this chapter for both the existing use and the change in use or enlargement. Requirements for additional parking shall be based on new additions to square footage only.
      4. A parking lot may provide required parking for more than one use if the lot contains at least the sum of the required spaces for the individual uses. Where uses on the same site have different hours of operation, the same parking spaces may be considered to provide required parking for both uses.
      5. This chapter's requirements for off-street loading facilities may be satisfied by a common truck loading facility; provided, that the total number of berths provided on the site shall not be less than the sum of the individual requirements, and; provided, that an executed copy of a contract between the parties agreeing to joint use of the common truck loading facility is filed with the planning director.
      6. If, in calculating required parking spaces or loading berths, a fractional number is obtained, one parking space or loading berth shall be provided for a fraction of one-half or more, and no space or berth shall be required for a fraction of less than one-half.
      7. Each off-street parking area having ten or more spaces shall have landscaped areas equivalent to at least ten percent of the area of the parking lot. Additional landscaping may also be required as is appropriate to the design and function of the parking area.

All landscaped areas shall be equipped with an automatic irrigation system. A landscape plan, showing the locations and varieties of plant materials and specifying provisions for maintenance, shall be submitted for design review approval as prescribed in Chapter 18.30, Design Review.

(Ord. 785 § 3(b) (part), 1994)

* + 1. - Required number of parking spaces .

Subject to the provisions of Section 18.20 .020, off-street parking spaces shall be provided at least in accord with the following schedule:

Use

Single-family dwelling

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Requirement

Two spaces per dwelling unit containing less than 4,000 square feet of gross habitable area, one of which must be covered, and one additional covered space for dwelling units containing over 4,000 square feet of gross habitable area

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Multiple dwelling

Junior Accessory Dwelling Unit

One and one-half spaces, one of which is located in a garage or carport, for each efficiency or one-bedroom unit

Two spaces, one of which is located in a garage or carport for each two-bedroom unit

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One space per ten dwelling units, for the purpose of guest parking, for projects containing ten or more units - these spaces need not be located in a garage or carport

Notwithstanding the above requirements, parking spaces for multiple dwellings in a non-residential district need not be located in a garage or carport, and at least 50 percent of the parking spaces shall be considered; within the meaning of Section 18.20.020(4), as having different hours of operation than non-residential uses

Recreational vehicle storage as may be prescribed by the planning commission

No additional parking required

Accessory r

Dwelling Unit SecoRd unit

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* One parking space shall be required for each bedroom of the proposed accessory dwelling unit in addition to those required for the primary unit.
* The required parking spaces for the accessory dwelling unit may be uncovered. If an accessory dwelling unit requires two additional on-site parking spaces, they may be uncovered and in tandem with each other.
* Parking for an accessory dwelling unit shall not be in tandem with parking for the primary unit on the site. With the approvalof the town engineer, one of the

parking spaces for an accessory dwelling unit may be located within the front setback between an existing driveway and the closest side of the property line if the slope of the site Is ten percent or less.

* When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those off-street parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
* Onsite parking is not required 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 .

1. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
2. When there is a car share vehicle located within one block of the accessory dwelling unit.

The following additional parking FflUst be 13rovieleel for all seconel units: one parking space per bedreeFfl

On any site, parking spaces pro¥ided for a second UFlit may be uncoi;ered. If a second unit requires two additional on site parking spaces,diey rnay be uncovered and in

tandern with each other, provided that neither parking space intrudes into the public 1

right of way . Parking fora second unit shall not ee in tandem with parking ror the primary unit on the site. If tl:le slepe of the site is ten percent or less within the front yard setbacl<, enc parking space f.or a second unit Fflay be located within the front setback bet....,een an C\*isting driveway and the closest side property line, if acceptable to the town engineer

O:\Planning Department\S UBJECT FILESVunior Second Units - Accessory Dwelling Units\Staff Report\ATTACHMENT 5 Chapter 18.20 - amended parking ordinance.docx

**ATTACH M ENT 8**

Chapter 18.04 Definitions

18.04.007 - Accessory Dwelling Unit

"Accessory dwelling unit" means an attached or a detached residentia l dwelling unit which provides complete Independent living fac ilities 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.

18.04.210 - Dwelling unit.

"Dwelling unit" means a building or portion of a building containing one or more rooms, a separate bathroom, and a kitchen, access to a bathroom. and designed for occupancy by one family for living and/or sleeping purposes, including nonpaying guests and servants employed on the premises.

18.04.215 - Dwelling unit, additional.

"Additional dwelling unit" means a detached building, accessory structure or a portion of the primary dwelling unit which has sleeping .J!O.Q..cooking and sanitation facilities separate from the primary dwelling unit and access to sanitation facilities . May also be referred to as "second unit," "mother-in-law" or "granny" unit.

18.04.392 - Junior Accessory Dwelling Unit.

"Junior accessory dwelling unit" means a housing unit that is no more than 500 square feet and no l ess than 220 square feet in size and contained entirely within an existing s!ngle-family structure. Including the utilization of an existing bedroom. A iunior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the ex isting structure . A junior accessory dwelling unit must include an efficiency l<itchen with all of the following : a sink with a maximum waste line diameter of 1.5 inches, a cooking facility with appliances that do not require electr ical service greater than 120 volts, propane or gas. and a food preparation area that is of reasonable size in relation to the size of the unit.

**ATTACHMENT 9**

Public Transit Buffer Map

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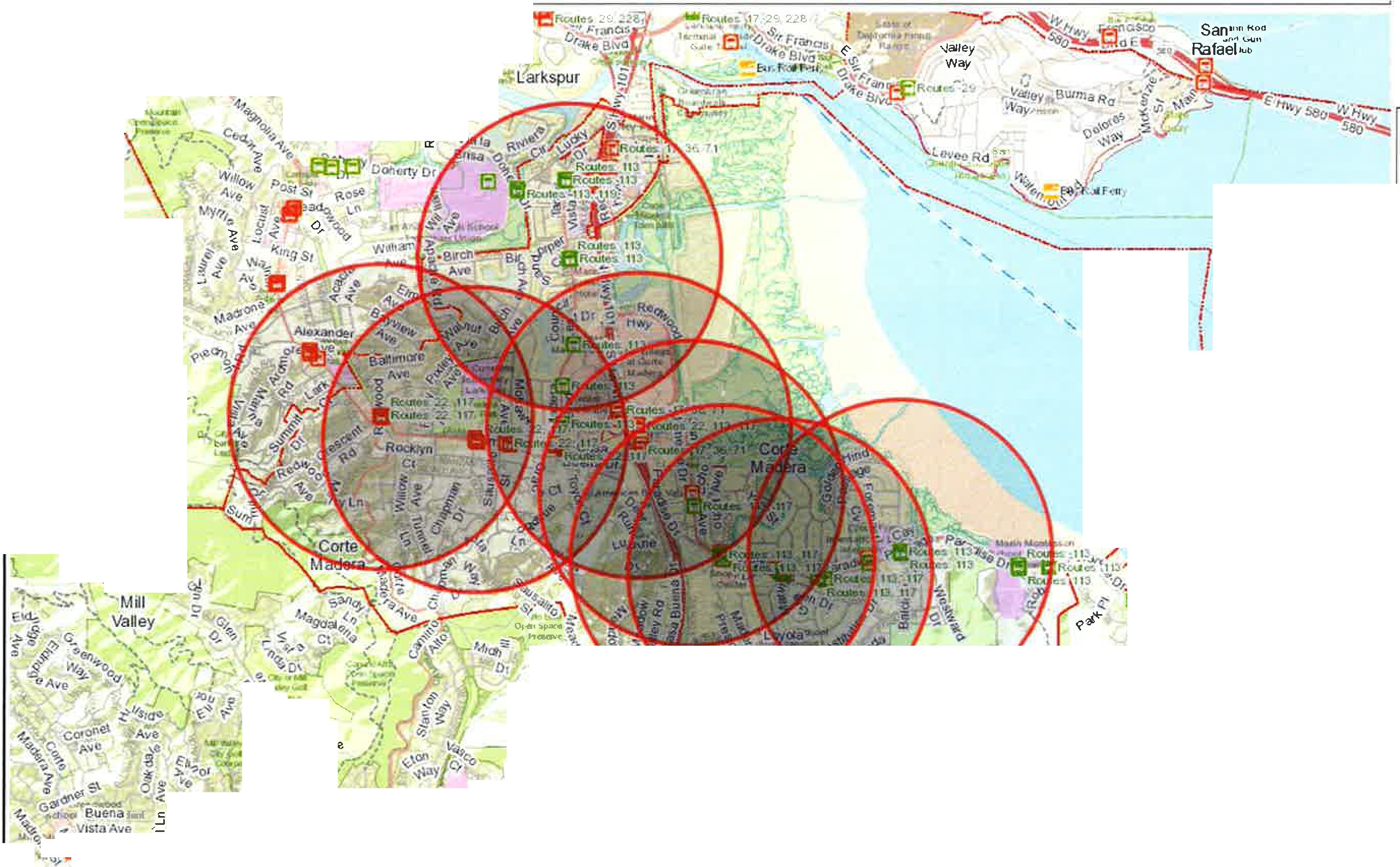
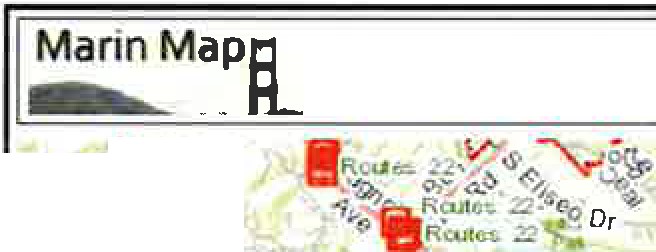
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