

ORDINANCE NO. 2021-03

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA AMENDING SECTION 11-29-010 TO DELETE REFERENCE TO SECOND UNITS;
REPEALING SECTION 11-04-050 AND ADDING A NEW SECTION 11-04-050 OF THE SAN JUAN
BAUTISTA MUNICIPAL CODE TO CONFORM WITH STATE REGULATIONS RELATING TO
ACCESSORY DWELLING UNITS**

WHEREAS, the California Legislature adopted and Governor Newsom signed Senate Bill 13 and Assembly Bills 68 and 881 in 2019 amending California Government Code Sections 65852.2 and 65852.22, which took effect January 1, 2020, imposing new limitations on local agencies', including charter cities', ability to regulate accessory dwelling units and junior accessory dwelling units; and

WHEREAS, Government Code Section 65852.2(a)(4) deems existing ordinances governing accessory dwelling units that do not meet the requirements of its provisions null and void as of the legislation's effective date in which case the standards established under state law apply; and

WHEREAS, the San Juan Bautista Municipal Code does not currently have a section regulating accessory dwelling units in compliance with current California law pertaining to accessory dwelling units (as defined by Government Code Sections 65852.2 and 65852.22); and

WHEREAS, the City desires to amend Title 11's (Zoning) provisions by repealing Section 11-04-050 and adding a new Section 11-04-050 to include guidelines related to accessory dwelling units and junior accessory dwelling units; and

WHEREAS, accessory dwelling units and junior accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others within existing neighborhoods while also benefitting homeowners who construct these units with added income and increased financial security; and

WHEREAS, allowing accessory dwelling units and junior accessory dwelling units in conjunction with existing or proposed residential development provides additional rental housing stock, some of which will satisfy the City's Regional Housing Needs Assessment (RHNA); and

WHEREAS, a public hearing was held by the City Council on September 21 2021, in the Council Chambers and notice of time, place and purpose of the public hearing was given in accordance to the Ralph M. Brown Act. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
HEREBY ORDAINS AS FOLLOWS:**

Section 1. The purpose of this Ordinance is to repeal Section 11-04-050 and the definition of Second Units from Section 11-29-010, add a new Section 11-04-050 of the San Juan Bautista Municipal Code, consistent with Legislative Findings and Intent in Government Code 65852.150, to conform with new State law regulations pertaining to Accessory Dwelling Units, including but not limited to AB 68, AB 139, AB 587, AB 670, AB 671, AB 881, and SB 13 adopted during the 2018-2019 legislative session.

Section 2. Chapter 11-04 of the San Juan Bautista Municipal Code is hereby added to read as follows:

Chapter 11-04

ACCESSORY DWELLING UNITS

Sections:

11-04-010	Purpose, Applicability and Where Permitted
11-04-020	Definitions
11-04-030	Types
11-04-040	Accessory Dwelling Units Subject to Administrative Approval
11-04-050	Accessory Dwelling Units in a Historic District
11-04-060	Limitation on Unit Combinations in Single-Unit (R-1) Zones
11-04-070	Single-Unit (R-1) Zones: Detached Accessory Dwelling Unit
11-04-080	Single-Unit (R-1) Zones: Attached Accessory Dwelling Unit
11-04-090	Single-Unit (R-1) Zones: Junior Accessory Dwelling Unit
11-04-100	Multi-Unit (R-1, R-2, & R-3) Zones
11-04-110	Mixed-Use (MU) Zones
11-04-120	Additional Standards Applicable to Attached and Detached Units
11-04-130	Additional Standards Applicable to Converted Accessory Dwelling Units
11-04-140	Standards Applicable to Junior Accessory Dwelling Units
11-04-150	Additional Standards Applicable to All Accessory Dwelling Units
11-04-160	All Zones - Design Standards (For units larger than 800 sf or taller than 16 ft)
11-04-170	Historic District Zones — Design Standards (For units larger than 800 sf or taller than 16 ft)
11-04-180	Permits and Action on an Application

11-04-010 Purpose, Applicability and Where Permitted

A. Purpose. This Chapter establishes regulations and procedures for reviewing and permitting Accessory Dwelling Units and Junior Accessory Dwelling Units through a ministerial process consistent with Government Code Sections 65852.2 and 65852.22.

B. Applicability. Any construction, establishment, alteration, enlargement, or modification of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit shall comply with the requirements of this Chapter and the City's Building and Fire Codes. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit that conforms to the standards of this Chapter shall not be:

1. Deemed to be inconsistent with the General Plan designation and zone for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.
2. Deemed to exceed the allowable density for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.
3. Considered in the application of any City ordinance, policy, or program to limit residential growth.
4. Required to correct a nonconforming structure or nonconforming use as defined in Section 11-29 (Definitions). This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

C. Where Permitted. Accessory Dwelling Units are allowed on parcels zoned for single-unit (R-1), multi-unit (R-1, R-2, & R-3), or mixed-use (MU) residential uses where such parcel includes a proposed or existing dwelling.

11-04-020 Definitions

A. "Accessory Dwelling Unit" or "ADU." A residential dwelling unit that is either attached to or located within a proposed or existing primary dwelling or is detached from the proposed or existing primary dwelling and located on the same parcel as the proposed or existing primary dwelling. Accessory Dwelling Unit provides complete independent living facilities for one or more persons and includes a separate exterior entrance in addition to permanent provisions for living, sleeping, eating, cooking (including a sink), and a bathroom. Accessory Dwelling Units include efficiency units, as defined in Section 17958.1 of the Health and Safety Code, and manufactured homes, as defined in Section 18007 of the Health and Safety Code.

B. "Accessory Structure." A structure that is accessory and incidental to a dwelling located on the same parcel.

C. "Car Share." A program that allows customers hourly access to shared vehicles from a dedicated home location, with the vehicles required to be returned to that same location at the end of the trip.

D. "Converted Accessory Dwelling Unit." Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.

E. "Efficiency Kitchen." Defined for purposes of establishing a Junior Accessory Dwelling Unit as a cooking facility that includes all of the following:

1. A sink with a drain.
2. A cooking facility with appliances.
3. A food preparation counter.
4. Food storage cabinets.

F. "Historic Resource" An area or residential dwelling, including those in a Mixed Use (MU) District designated in Section 11-06-050, 060 and 090 (A).

G. "Independent Living Facilities." A residential dwelling unit having permanent provisions for living, sleeping, eating, cooking, and sanitation.

H. "Junior Accessory Dwelling Unit" or "JADU." A residential dwelling 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.

I. "Ministerial Approval." Approval process involving little or no personal judgment by public officials. Public officials shall only ensure the proposed development meets all objective standards including zoning, subdivision, or design, including objective standards requiring little or no personal judgment relating to "Automatic Historic Resources" and those contained in Chapter 6 the City of San Juan Bautista Design Guidelines referenced in Zoning Ordinance Chapter 11-06.

J. "Objective Standards" means those contained in the adopted Building Code, Plumbing Code, Electrical Code, Historical Building Code, Engineering Design Standards, and UBC Chapter 70 Appendix. Such standards shall also include treatment of Historically significant buildings and properties referenced in Chapter 6 of the San Juan Bautista Design Guidelines and the Secretary of the Interior Standards for the Treatment of Historic Properties required in Chapter 11-06 of this Title

K. "Mixed-Use (MU) Zones." Zones in the City that allow for the development of both residential and commercial units. The allowed number of units will vary per lot size.

L. "Multi-Unit (R-1, R-2, & R-3) Zones." Zones in the City that allow for the development of multi-family residential units. Such zonings include: Low-density residential (R-1), medium-

density residential (R-2), and high-density residential (R-3). The allowed number of units will vary per lot size.

M. "Living Area." The interior habitable area of a dwelling unit, including habitable basements and attics, but does not include a garage or any accessory structure.

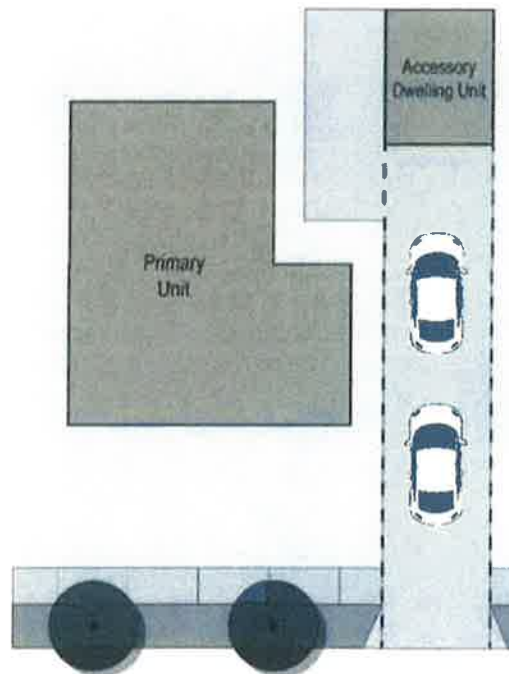
N. "Passageway." A pathway that extends from a street or alley to one entrance of the accessory dwelling unit.

O. "Public Transit." A location, including but not limited to a bus stop or train station, where the public may access buses, trains, subway, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

P. "Single-Unit (R-1) Zones." Zones in the City that allow for the development of single-family residential units. The only zoning type that allows for such developments is the low-density (R-1) residential zoning. However, the allowed number of units can increase with larger lot sizes.

Q. "Tandem Parking." Two or more automobiles parked on a driveway or in any other location on a parcel, lined up behind one another.

Tandem Parking



11-04-030 Types

An Accessory Dwelling Unit approved under this Chapter shall be one of the following types:

A. Attached. An Accessory Dwelling Unit that is created in whole or in part from newly constructed or existing space that is attached to the proposed or interior to the existing primary dwelling, such as through a shared wall, floor, or ceiling.

B. Detached. An Accessory Dwelling Unit that is created in whole or in part from newly constructed space that is detached or separated from the primary dwelling. The Detached Accessory Dwelling Unit shall be located on the same parcel as the proposed or existing primary dwelling. Detached includes a second-story addition above an existing detached garage.

C. Converted. An Accessory Dwelling Unit that meets the following requirements:

1. Is located within the proposed or existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, detached garage, or other similar structure. Such conversion may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is for the sole purpose of accommodating ingress and egress to the converted structure.

2. If a proposed conversion of a structure into an Accessory Dwelling Unit does not satisfy the requirements of Subsection 1 above, it shall be defined by the Community Development Director as (a) an Attached Accessory Dwelling Unit; (b) a Detached Accessory Dwelling Unit; or c) a Junior Accessory Dwelling Unit. However, if the structure does not fulfill the definition of either, it shall be defined as an accessory structure and not an Accessory Dwelling Unit.

D. Junior. An Accessory Dwelling Unit that meets all the following:

1. Is no more than 500 square feet in size and contained entirely within a single-unit primary dwelling. A Junior Accessory Dwelling Unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

2. Is located and contained entirely within a proposed single-unit primary dwelling or entirely within an existing single-unit primary dwelling.

3. Has a separate entrance from the main entrance to the proposed or existing single-unit dwelling.

4. Has a bathroom that is either shared with or separate from those of the primary dwelling.

5. Includes an efficiency kitchen.

11-04-040 Accessory Dwelling Units Subject to Mandatory Approval

The City shall ministerially approve any application for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit as described in this Section, provided all requirements applicable for the particular application in this Chapter are met. However, in no case shall the application of the requirements of this Chapter preclude the development of:

A. Any Accessory Dwelling Unit that is:

1) 800 square feet or smaller in size;

- 2) has a height above grade of no more than 16 feet;
- 3) has minimum four-foot-wide side and rear yard setbacks;
- 4) located within a Historic District or on a property containing a primary single or multi-family unit identified as an "Automatic Resource in accordance with Zoning Ordinance Section 11-06-090 where the Accessory Dwelling Unit meets the objective standards of Chapter 6 of the City Design Guidelines

B. A Junior Accessory Dwelling Unit that is:

- 1) 500 square feet or smaller in size; and
- 2) located within a Historic District or within a residential dwelling unit identified as an "Automatic Resource" in accordance with provisions of Zoning Ordinance Section 11-06-090. where the Accessory Dwelling Unit meets the objective standards of Chapter 6 of the City Design Guidelines

An application for the creation of an ADU or JADU shall be deemed approved (not just subject to ministerial approval) if the City has not acted on the completed application within 60 days.

11-04-050 Limitation on Unit Combinations in Single-Unit (R-1) Zones

Accessory Dwelling Units are permitted in single-unit (R-1) zones with an existing or proposed single-unit dwelling as long as the number does not exceed either:

- A. One Attached Accessory Dwelling Unit located within the required setbacks of an existing or proposed single-family dwelling or accessory structure, plus one Junior Accessory Dwelling Unit; or
- B. One Detached Accessory Dwelling Unit, which does not have less than four-foot side and rear yard setbacks, does not exceed a height limit of 16 feet, and is no more than 800 square feet in total floor area, plus one Junior Accessory Dwelling Unit.

11-04-060 Single-Unit (R-1) Zones: Detached Accessory Dwelling Unit

A. Generally. One Detached Accessory Dwelling Unit of new construction shall be allowed on a parcel with an existing or proposed single-unit dwelling if it meets all the following requirements:

1. Location. Is detached from the primary dwelling.
2. Size. At a minimum meets the requirements of an efficiency unit and at a maximum shall not exceed 850 square feet if it has no more than one bedroom or 1,000 square feet if it has two or more bedrooms.

3. Setbacks. Has a front yard setback that is not less the setback required in this Title for the Zoning District in which it is located, or as illustrated in Section 11-04-120, has side and rear setbacks of at least four feet, and complies with applicable building and fire codes.

4. Height. Does not exceed a height of 16 feet, excepting the creation of a Converted Accessory Dwelling Unit within the existing footprint on a property of an existing detached accessory structure.

5. Planning Commission Approval. Any proposed Detached Accessory Dwelling Unit that exceeds a height of 16 feet shall obtain a Site Plan and Design Review Permit by the Planning Commission pursuant to Section 11-18-030 of the San Juan Bautista Municipal Code.

11-04-070 Single-Unit (R-1) Zones: Attached Accessory Dwelling Unit

A. Generally. One Attached Accessory Dwelling Unit shall be allowed on a separate legal lot that contains a single-unit if it meets all the following requirements:

1. Location. Shares at least one common wall with the primary structure.
2. Size. At a minimum meets the requirements of an efficiency unit, does not exceed 850 square feet if it has no more than one bedroom or 1,000 square feet if it has two or more bedrooms. Subject to the foregoing maximum size limitation, if there is an existing primary dwelling, the total floor area of an Attached Accessory Dwelling Unit shall not exceed 50 percent of the existing primary dwelling or 800 square feet, whichever is greater.
3. Setbacks. Is located behind the plane of the front façade of the primary building, has side and rear setbacks of at least four feet, and complies with applicable building and fire codes.
4. Height. Does not exceed a height of 16 feet, excepting the creation of a Converted Accessory Dwelling Unit within the existing space of the primary dwelling.
5. Access. Has exterior access that is separate from the proposed or existing single-unit dwelling.

B. Setback and Height Limitations.

1. Attached to Primary Dwelling. Any Attached Accessory Dwelling Unit that is attached to a primary dwelling shall meet all the requirements of this Title applicable to the main building for the zone in which the Accessory Dwelling Unit is located.
2. Attached to an Existing Accessory Structure. Any Attached Accessory Dwelling Unit that is built on top of an existing accessory structure, such as a garage or shop building, may maintain the same side and rear setbacks as the accessory structure, unless in maintaining such setbacks the Accessory Dwelling Unit cannot meet the design standards set forth in Sections 11-04-170 for Historic Resources or in Section 11-04-160

for an Accessory Dwelling Unit located outside of a Historic Districts or not on the same property as an Automatic Resource referenced in 11-06-090.

3. Notwithstanding subsection A. B.2. of this section, Cornices, eaves, canopies, fireplaces, oriel windows, bay windows and other similar architectural features, proposed for an Accessory Dwelling Unit constructed on top of an existing or proposed accessory building, such as a garage or shop, or on top of another Accessory Dwelling Unit (see 11-04-100 for multi-family dwelling building) , shall not exceed the required side and rear setback areas for accessory buildings in the same Zoning District.

4. Open stairways, landings or second floor decks proposed for Accessory Dwelling Units shall not be located within any side or rear setback area.

11-04-080 RESERVED

11-04-090 Single-Unit (R-1) Zones: Junior Accessory Dwelling Unit

One Junior Accessory Dwelling Unit shall be allowed on a parcel with a proposed or existing single-unit dwelling, if the Junior Accessory Dwelling Unit meets all the following requirements:

- A. Location. Is within the proposed space or existing space of a single-unit dwelling.
- B. Size. At a minimum meets the requirements of an efficiency unit and at a maximum does not exceed 500 square feet.
- C. Setbacks. No adjustment to the existing setback is required for an existing living area that is converted to a Junior Accessory Dwelling Unit; however, the Junior Accessory Dwelling Unit must comply with applicable fire and building codes.
- D. Access. Has exterior access that is independent of that for the proposed or existing single-unit dwelling.
- E. Additional Requirements. The Junior Accessory Dwelling Unit shall comply with the requirements of Section 11-04-140.

11-04-100 Multi-Unit (R-1, R-2, & R-3) Zones & Planned Unit Developments

Accessory Dwelling Units are permitted in multi-unit (R-1, R-2, & R-3) zones as follows:

- A. Converted Spaces within a Multi-Unit Development. At least one Accessory Dwelling Unit shall be allowed on a parcel with an existing multi-unit structure or structures used for residential use if each Accessory Dwelling Unit meets all the following requirements:
 - 1. Location. Is converted from portions of a multi-unit structure that is not used as livable space, including but not limited to storage rooms, boiler rooms, passageways,

attics, basements, or garages, provided that any such space converted to an Accessory Dwelling Unit complies with minimum State building standards for dwellings.

2. Number. The total number of Accessory Dwelling Units within the development does not exceed 25 percent of the original number of approved primary units within the development. When calculating the required number of allowed Accessory Dwelling Units, any fractions of units shall be rounded to the next larger whole number.

3. Attached and Detached. Not more than two (2) Accessory Dwelling Units attached to the primary unit or to each other, or similarly detached shall be allowed on a parcel where a multi-unit structure is proposed or exists. subject to the following requirements:

a. Height shall not exceed the maximum height required by this Title for multi-family structures.

b. Setbacks shall be consistent with the setbacks required by this Title for the primary structure.

c. Gross floor area for each Accessory Dwelling Unit shall not exceed more than 800 square feet for one-bedroom units and not more than 1,000 sq. ft. for two bedroom units.

d. Accessory Dwelling Units on properties surrounded on two or more sides by separate properties that contain more than 50% of one story existing buildings shall be not more than 16' in height. In such cases, side and rear yards shall be at least 4 feet

11-04-110 Mixed-Use (MU) Zones

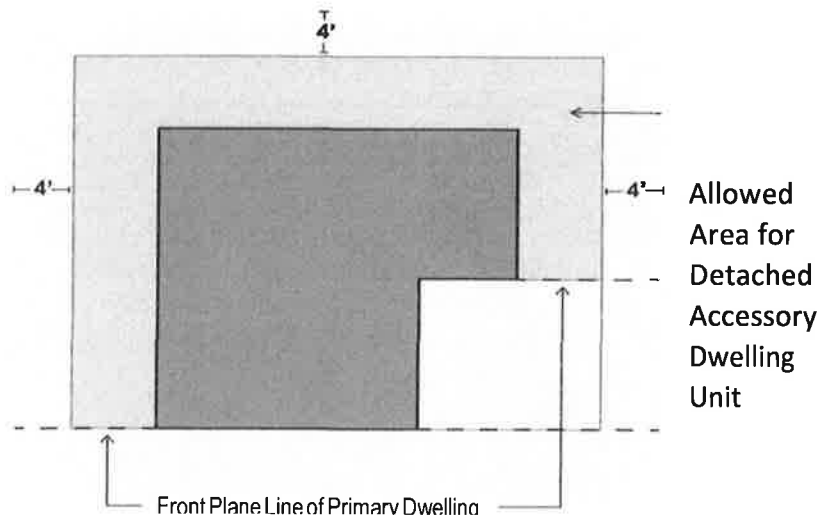
Accessory Dwelling Units and Junior Accessory Dwelling Units are permitted in Mixed-Use (MU) zones on properties with single units or multi-family buildings subject to requirements of San Juan Bautista Design Guidelines Chapters 4-6 and applicable Sections 11-04-160 through 190 of this Chapter.

11-04-120 Additional Standards Applicable to Attached and Detached Units

The following standards shall apply to all Attached and Detached Accessory Dwelling Units in all zones that allow single-family unit and multi-unit dwellings. However, in no event shall these provisions preclude an Accessory Dwelling Unit that is 800 square feet or smaller in size, has a height above grade of 16 feet or lower, has minimum four-foot side and rear yard setbacks,

Location. Every part of a Detached Accessory Dwelling Unit shall be located behind the front plane of the primary dwelling, regardless of setbacks required in the Zoning District.

Location of Detached Accessory Dwelling Unit



- A. Corner Lots. No Accessory Dwelling Unit shall extend beyond a four-foot interior and a 10 foot street-side side yard setback, and in no case shall the Accessory Dwelling Unit break the front plane of the primary dwelling.
- B. Easements. The Accessory Dwelling Unit shall not encroach onto a recorded easement.
- C. Separation. Detached Accessory Dwelling Units shall be located at least six feet from the primary dwelling or an accessory structure on the same parcel other than a fence or a wall.
- D. Parcel Coverage. For any Attached or Detached Accessory Dwelling Unit that is larger than 800 square feet, the parcel coverage standard and pervious surface standard, if applicable, for the zone in which it is located shall apply.
- E. Rear Yard Coverage – Single Unit (R-1) Districts. Notwithstanding the standards in Subsection 11-04-120, the area covered by an Accessory Dwelling Unit in an R-1 District shall not exceed forty percent (40%) of the rear yard or at least 850 square feet, whichever is greater.
- F. Rear Yard Coverage – Multi Family (R-2 and R-3) Residential Districts. The area covered by Accessory Dwelling Unit(s) may exceed the Floor Area Ratio (FAR) and Building Coverage Requirements of those districts by not more than 25%, subject to applicable rear yard, side yard, height and setback requirements in section 11-04-130.
- G. Open Space. Accessory Dwelling Units shall not encroach into required open space areas, excluding side and rear setback areas otherwise required by this Title, in accordance with the requirements of this Chapter.
- H. Kitchen. An applicant may choose to include an efficiency kitchen as defined in Subsection 11-04-020(D) to satisfy the cooking requirement for any Accessory Dwelling Unit as set forth in the definition in Subsection 11-04-020(A).

I. Utilities. The City shall not require the applicant to install a new or separate utility connection directly between the Attached or Detached Accessory Dwelling Unit and the utility unless the utility provider requires the utility connection. The applicant may voluntarily install a new or separate utility connection. Any utility charges or fees must be consistent with California Government Code Section 65852.2.

J. Addressing.

1. An Accessory Dwelling Unit located on a parcel with a single-unit residence must have its own address. The address shall be the same address as the primary residence but with 1/2 following the residence number. For example: 50 1/2 Sixth Street, San Juan Bautista, CA 95045 would be the address for the Accessory Dwelling Unit at 50 Sixth Street. If more than one Accessory Dwelling Unit, including Junior Accessory Dwelling Units, is present, then the address shall be the same as the primary residence followed by Unit A, Unit B, or Unit C, etc. For example, 50 Sixth Street Unit A and 50 Sixth Street Unit B would be the addresses for each of the two Accessory Dwelling Units located at 50 Sixth Street. The primary residence address will remain the same.

2. For multi-family developments with Accessory Dwelling Units, an individual unit number will be assigned to each unit, such as Unit 11, etc.

K. Parking. One off-street parking space is required for each Attached and Detached Accessory Dwelling Unit. The parking requirement for an Attached or Detached Accessory Dwelling Unit shall be in addition to the parking requirement for the existing residence on the property. This space may be provided as tandem parking, including on a paved driveway.

1. Replacement. When a garage, carport, parking space, or covered parking structure providing required parking for the primary residence or residences is demolished to allow for the construction of an Accessory Dwelling Unit or is converted to an Accessory Dwelling Unit, those off-street parking spaces are not required to be replaced.

2. Additional parking for an Accessory Dwelling Unit is not required in the following instances:

a. The Accessory Dwelling Unit has zero bedrooms. Pursuant to the law, parking requirements shall not exceed one parking space per unit or bedroom, whichever is less.

b. The Accessory Dwelling Unit is located within one-half mile walking distance of public transit, as defined in Section 11-04-020, including transit stations and bus stations.

c. The Accessory Dwelling Unit is located within a Historic District or on property designated as an "Automatic Resource" pursuant to Zoning Ordinance Section 11-06-090.

- d. The Accessory Dwelling Unit is part of the proposed or existing primary residence or an accessory structure.
- e. When on-street parking permits are required by the City but not offered to the occupant of the Accessory Dwelling Unit.
- f. When there is a designated car share vehicle parking space located within one block of the Accessory Dwelling Unit.

11-04-130 Additional Standards Applicable to Converted Accessory Dwelling Units

The following standards apply only to Converted Accessory Dwelling Units. However, in no event shall these provisions preclude a converted Accessory Dwelling Unit that is 800 square feet or smaller in size, has a height above grade of 16 feet or lower, has minimum four-foot side and rear yard setbacks, and does not involve any changes to a building exterior.

- A. Size. At a minimum meets the requirements of an efficiency unit and at a maximum shall not exceed 850 square feet if it has no more than one bedroom or 1,000 square feet if it has two or more bedrooms.
- B. Height. The height of the existing structure being converted to an Accessory Dwelling Unit shall not be increased.
- C. Setbacks. No new setback is required for an existing living area or accessory structure that is converted to an Accessory Dwelling Unit or a portion of an Accessory Dwelling Unit that has the same dimensions as the existing structure. The only exception is if up to an additional 150 square feet is necessary to allow for ingress and egress (entry and exiting). In that case, the side and rear setbacks may be reduced to no less than four feet from the property line. If the setback is reduced, the Accessory Dwelling Unit must still comply with applicable building and fire codes.
- D. Utilities. A Converted Accessory Dwelling Unit is not required to have a new or separate utility connection directly between the Accessory Dwelling Unit and the utility, nor is a connection fee or capacity charge required. The applicant may voluntarily install a new or separate utility connection. Any utility charges or fees shall be consistent with Government Code Section 65852.2.
- E. Parking. No replacement of off-street parking is required when a garage, carport, or other parking structure is converted to an Accessory Dwelling Unit. In all other situations where off-street parking is required for a converted Accessory Dwelling Unit, the parking requirement shall not exceed one parking space per converted Accessory Dwelling Unit or per bedroom, whichever is less. The off-street parking spaces may be provided as tandem parking on a driveway or in rear yard setback areas on a paved surface.

11-04-140 Standards Applicable to Junior Accessory Dwelling Units

The following shall apply to all Junior Accessory Dwelling Units:

- A. Location. The Junior Accessory Dwelling Unit shall be located entirely within a proposed single-unit primary dwelling or entirely within an existing single-unit primary dwelling.
- B. Size. The total area of floor space for a Junior Accessory Dwelling Unit shall not exceed 500 square feet.
- C. Access. Access shall consist of a separate entrance from the main entrance to the proposed or existing single-unit primary dwelling.
- D. Efficiency Kitchen. The Junior Accessory Dwelling Unit shall include an efficiency kitchen.
- E. Utilities. A Junior Accessory Dwelling Unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or capacity charges for utilities, including water, sewer, or power service, or impact fees. No new or separate utility connection between the Junior Accessory Dwelling Unit and the utility shall be required. The applicant may voluntarily install a submeter for the Accessory Dwelling Unit. Any utility charges or fees shall be consistent with Government Code Section 65852.2.
- F. Parking. No additional off-street parking is required for the Junior Accessory Dwelling Unit.
- G. Owner Occupancy Requirements. All Junior Accessory Dwelling Units shall be subject to an owner-occupancy requirement. A person with legal or equitable title to the primary single-unit dwelling shall reside on the property in either the primary dwelling or Junior Accessory Dwelling Unit as that person's legal domicile and permanent residence. However, the owner-occupancy requirement does not apply if the property is entirely owned by a governmental agency, land trust, or non-profit housing organization.
- H. Setbacks. No setback is required except
 - 1. where a Junior Accessory Dwelling Unit permissibly expands the footprint of an existing primary building by up to 150 square feet, in which case setbacks required for primary building shall apply and
 - 2. when a Junior Accessory Dwelling expands unless necessary to comply with fire and building codes.
- I. Number. The total number of Junior Accessory Dwelling Units is limited to one per residential parcel zoned for single-unit residences with a single-unit residence built, or proposed to be built, on the parcel.
- J. Zone. Junior Accessory Dwelling Units are permitted only in single-unit residential zones.
- K. Deed Restriction. Prior to issuance of a Building Permit for a Junior Accessory Dwelling Unit, a deed restriction shall be recorded in the chain of title of the primary single-unit

property. The form of the deed restriction shall be approved by the City Attorney and shall provide that:

1. The Junior Accessory Dwelling Units shall not be sold separately from the primary dwelling.
2. The Junior Accessory Dwelling Units are restricted to the approved size and other attributes allowed by this Chapter, including owner occupancy.
3. The deed restriction shall run with the land and shall be enforced against future property owners.

11-04-150 Additional Standards Applicable to All Accessory Dwelling Units

The following standards shall apply to all Accessory Dwelling Units and Junior Accessory Dwelling Units.

- A. **Parcel Size and Width.** No minimum parcel size or parcel width shall apply to the construction of an Accessory Dwelling Unit.
- B. **Access.** Every Accessory Dwelling Unit shall have direct exterior access independent of the exterior access of the primary dwelling. The entrance to the Accessory Dwelling Unit shall, whenever possible, be located on a different side of the building from the entrance to the primary dwelling unit.
- C. **Passageways.** No passageway, breezeway, or similar connection between structures on the parcel shall be required in conjunction with the construction of an Accessory Dwelling Unit.
- D. **Fire Sprinklers.** Fire sprinklers are required in an Accessory Dwelling Unit if they are required in the primary dwelling.
- E. **Septic System.** If allowed by the City, the Accessory Dwelling Unit may connect to an onsite water-treatment system. The owner shall include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years. Such test must demonstrate the ability of the site to accommodate waste discharge associated with the Accessory Dwelling Unit.
- F. **Permanent Foundations.**
 1. All Accessory Dwelling Units shall be permanently attached to a permanent foundation.
 2. A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, or boat shall not be used as an Accessory Dwelling Unit.
- G. **Nonconforming Conditions; Former Secondary Dwelling Units;** The correction of a physical improvement on a property that does not conform with the City's current zoning standards is not required in order to establish an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit on a parcel with a primary dwelling.

Secondary Dwellings established in accordance with laws in effect at the time of Building Permit issuance, that also do not conform to this chapter, shall be classified as Nonconforming Buildings and Uses.

H. Correction of Unlawful Occupancies. Any accessory building that is currently used as a residence, not previously approved as a Secondary Dwelling, and which does not currently comply with the requirements of this Title (Zoning), Residential Building Code, and California Building Code in effect at the time of occupancy or construction, are unlawful. Such units may be lawfully established as Non-Conforming Accessory Dwelling Units, or lawfully established as Accessory Dwelling Units consistent with the requirements of this Chapter, provided that:

1. Residential occupancy in a Historic District or on property identified as an "Automatic Resource" pursuant to Zoning Ordinance Section 11-06-090 is determined to be consistent with the applicable requirements of Chapter 11-06; subject to review by the Historic Resources Review Board in accordance with procedures set forth in Section 11-06-120, and occupancy is established in a manner consistent with applicable California Historic Building Code, California Residential Codes and California Building Code; Electrical Code, Plumbing Code, and Fire Code; and

2. Residential occupancy of a dwelling unit located outside a Historic District is established in accordance with the California Residential Building Codes, or the California Building Code, Electrical Code, Plumbing Code and Fire Code pursuant to a City of San Juan Bautista Building Permit.

I. No Separate Conveyance. No Accessory Dwelling Unit may be sold or otherwise conveyed separately from the primary dwelling in the case of a single-unit parcel, or from the parcel and all of the dwellings in the case of a multi-unit parcel.

J. Rental Term. The Accessory Dwelling Unit may be rented separately from the primary residence; however, the rental must be for a term longer than 30 days.

K. Owner Occupancy Requirements.

Accessory Dwelling Units, other than Junior Accessory Dwelling Units, including those that are non-conforming are not subject to owner-occupancy requirements.

L. Impact Fees.

1. No City-imposed impact fees shall be charged to an Accessory Dwelling Unit that is less than 750 square feet in size.

2. For Accessory Dwelling Units 750 square feet or larger, City-imposed impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the primary dwelling, divided by the floor area of the Accessory Dwelling Unit, times the typical fee amount charged for a new dwelling).

3. For the purposes of this Subsection, impact fees do not include any connection fee or capacity charge for water or sewer service, nor do they include charges for garbage or recycling service.

4. If any agency or special district other than the City imposes impact fees collected by the City, the City shall collect such fees in accordance with such agency's or district's fee schedule.

11-04-160 Design Standards - All Zones

A. Design. The design standards set forth in this Section shall apply to all Accessory Dwelling Units in the City, as follows:

1. The standards set forth in Section 11-04-170 shall apply to all Accessory Dwelling Units in a Historic District and on the property of a "Automatic Resource" pursuant to Zoning Ordinance Section 11-06-090.

2. The exterior design elements (roof, windows, siding, porches, colors, materials, finishes) of attached or detached Accessory Dwelling Units, shall match those of the primary structure on the property on which the Accessory Dwelling Unit is located, including:

a. expansion, up to 150 square feet, of a primary single dwelling unit to accommodate a Junior Accessory Dwelling Unit; and

b. converted accessory structures such as a garage or shop.

3. Subsection 2. Design requirements shall not apply to

a) Nonconforming Accessory Dwelling Units; and

b) construction required by applicable provisions of the Residential Building Codes and the California Building Code.

11-04-170 Design Standards - Historic Districts and Properties

A. The objective, ministerial guidelines provided in Chapters 6 of the San Juan Bautista Design Guidelines, applicable objective standards of the "Secretary of the Interior Standards for the Treatment of Historic Properties - Standards for Rehabilitation" numbers 9 and 10 (new additions, exterior alterations, related new construction and new additions adjacent to new construction) and Design Review procedures and requirements outlined in Zoning Ordinance Section 11-06-120 shall apply to:

1. All new Accessory Dwelling Units in a Historic District referenced in Chapter 11-06; and

2. All Accessory Dwelling Units on properties referenced in Zoning Ordinance Section 11-06-090 as "Automatic Resources".

B. Detached or Attached Accessory Dwelling Units on the site of an Automatic Resource referenced in 11-06-090 shall incorporate the following key elements of the primary building:

1. roof pitch,
2. building proportions,
3. exterior siding
4. roofing materials,
5. door and window style and
6. color.

11-04-180 Permits and Action on an Application

A. Ministerial Action. Approval or denial of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit application that complies with the provisions of this Chapter is a ministerial action not subject to discretionary review. The City has the authority to review applications for completeness and compliance with the provisions of this Section.

B. The City shall issue the building permit within 60 days from the date that the City received a completed application, unless either:

1. The applicant requests a delay, in which case the 60-day time period is put on hold for the period of the requested delay; or
2. The application to create an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is submitted with an application to create a new single-unit dwelling on the parcel. The City may delay acting on the permit application for the Accessory Dwelling Unit or Junior Accessory Dwelling Unit until the City acts on the permit application to create the new single-unit dwelling, but the application to create the Accessory Dwelling Unit or Junior Accessory Dwelling Unit will still be considered ministerial without discretionary review or a hearing.

C. Building Permit. Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall require a Building Permit, subject to all the standard application and processing fees and procedures that apply to Building Permits generally.

D. Fees. All applications for Accessory Dwelling Units must be accompanied by the required application fee. Application fees are established by Council resolution.

Section 3. Environmental Assessment. The City Council declares that the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") because pursuant to CEQA Guidelines Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); and, 15060 (c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the

environment, directly or indirectly. Alternatively, the approval of this ordinance is not a "Project" under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

Section 4. Severability. This Ordinance and the various parts thereof are hereby declared to be severable. Should any section of the Ordinance be declared by a court to be unconstitutional or invalid, such decisions shall not affect the validity of the Ordinance as a whole, or any parts thereof, so declared unconstitutional or invalid.

Section 5. Effective Date. This Ordinance shall go into effect thirty (30) days after the date of its adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 19th day of October, 2021, and adopted at a regular meeting of the San Juan Bautista City Council on the 16th day of November 2021, by the following vote:

AYES: Jordan, Edge, Flores, Freels, Freeman

NOES: None

ABSENT: None

ABSTAIN: None



Leslie Q. Jordan, Mayor

ATTEST:



Trish Paetz, Deputy City Clerk