

Supplemental Communications (2)

(The following are communications received after noon on **April 6 - 5pm, April 7, 4pm.**)

The new State ADU law sets minimum requirements that every local ADU ordinance must meet, including limits on size and height restrictions that can be imposed, and limits on restrictions that can be imposed on conversions of existing structures. The State law allows restrictions such as those proposed in 23C.24.040 B.4. However, the State law also allows local ordinances to set more liberal development standards than the State minimums. In particular, the State law allows more lenient rules for conversion of nonconforming structures. The State ADU Handbook (page 13) says that “setbacks must not unduly constrain the creation of ADUs...” By adopting new rules for ADU conversions that are significantly more restrictive than those previously in force, Berkeley would be violating the intent of the State law.

I suggest that 23C.24.040 B.4. be restated something like this:

4. An ADU created by conversion or addition to a nonconforming building or structure shall conform to the standards of this Chapter. For an existing building or structure lying partly within a setback, the portion of the conversion ADU lying with the setback shall maintain the same dimensions as the corresponding portion of the original building or structure.

Sincerely,
John Arthur

Communication

From: Arthur, John [mailto:jarthur@slac.stanford.edu]
Sent: Tuesday, April 6, 2021 4:59 PM
To: Pearson, Alene <apearson@cityofberkeley.info>
Subject: Comments on Planning Commission agenda item 9, ADU ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. Pearson,
Here are my comments regarding the proposed ADU ordinance changes, for discussion at Wednesday's Planning Commission meeting.
Regards,
John Arthur

Dear Planning Commissioners:

I am a homeowner in North Berkeley who would like to convert an existing garage into an ADU. More than a year ago, I described to the Planning Commission how the Urgency ADU Ordinance disrupted my plans at the last minute, after my project had been submitted for approval. I have been waiting, hopeful that a new ADU ordinance would allow my project to proceed. Unfortunately, the proposed ordinance does not offer relief. I would like to explain why and offer a proposal.

I am sympathetic to the desire of the Berkeley Planning Department to create a new ADU ordinance which is not controversial and can be speedily approved by the City Council. Of course, the ordinance must conform to State law. I propose that the new ordinance should as much as possible try to recreate the requirements of the previous Berkeley ADU ordinance, with modification as necessary to conform to State law. The proposed ordinance adheres to this proposal except for the section on conversion of nonconforming structures:

23C.24.040 Development Standards

B. Maximum Size

4. An ADU created by conversion or addition to a nonconforming building or structure may only alter original building or structure size, location and dimensions by adding 150 square feet. Additions shall conform with the standards of this Chapter. Other modifications to existing nonconforming buildings and structures are not permitted.

It is not clear to me what exactly are "other modifications" (new windows or doors?), but I am confident that my project, which involves both added area and a modification to the roof (roof deck), would not be allowed. The proposed standard would be a big change from previous Berkeley ADU rules, which allowed modifications to an existing structure lying partly within a setback, as long as the building envelope within the setback was not changed.

Lapira, Katrina

From: Pearson, Alene
Sent: Tuesday, April 6, 2021 8:52 AM
To: Ching/Battles
Cc: Lapira, Katrina
Subject: ADU Questions - Answers

Hi Janis,
Thanks for following up this morning. I looked into the outstanding questions and have provided edits in red below. I can share this email with the public and commissioners if that works for you.
Thanks again,
Alene

+++++

From: Ching/Battles
Sent: Sunday, April 4, 2021 10:06 PM
To: Pearson, Alene
Subject: Planning Commission meeting 4-7

1. I am confused that the ADU item referred from City Council is "to address public safety concerns" and seemed to apply to the fire zones, yet the Notice of Public Hearing and the changes to the zoning codes (except the limit on size to 800 sq ft) seem to apply City-wide. Do I have it right that what we are considering on Wednesday are objective standards for ADU/JADUs in general?

The recommendation does refer to the fire zones, but then if you look at the action, it actually asks for citywide amendments. In prepping this item, staff re-reviewed the City Council meeting video to confirm the intentions of their actions and it actually does request citywide changes. This request came from CM Harrison and CM Bartlett. The stricter standards (ADUs no larger than 800 feet) are applied to the fire zones, but then other objective standards are applied citywide.

2. I just want to make sure I am reading the information correctly. Is the text in red that is underlined what is being added to the zoning code? And the text in red that is crossed out is text that was proposed, but not passed, prior to the State Law but is now being deleted? And the black text is text currently in the zoning code that is staying?

Red underline is new proposed language, red strike-out is existing language that is proposed to be deleted and black is existing and unchanged.

3. I'm wondering if you could clarify how the Rent Control ordinances would apply to ADU/JADUs. Would they be subject to price (rent) controls and eviction controls? Is there a difference in how these would apply to attached versus detached units?

On November 6, 2018, the voters of Berkeley passed Measure Q with nearly 60% in favor. Measure Q amends the Rent Stabilization Ordinance to include an exemption for residential properties containing a single Accessory Dwelling Unit (ADU). **This exemption applies to properties with 1 ADU where the owner lives in either the ADU or the primary unit. For properties with other ADU configurations, owners/tenants should check with the Rent Board to understand nuances of the law.**

4. I see that the ordinances apply to GLAs, but not to Fraternity/Sorority/dorms. What about mini dorms? Residential hotels?

Yes they do. SROs are a type of GLA and mini-dorms are a type of residential unit.

5. I'm confused about line 22-25 of the proposed zoning code revisions. If there is an existing duplex, they may convert a basement, attic, etc. into an ADU, but given that the max number of ADU's cannot exceed 25% of the number of existing dwelling units, wouldn't that only allow 1/2 of an ADU?

It's at least one ADU and no more than 25%. And then if 25% is a fraction, we round up per this section of code:

23A.08.040 Rounding of Quantities: *Except as otherwise specified, whenever a numerical quantity specified by this Ordinance is a fraction of a whole number, such quantities are to be rounded to the nearest highest whole number when the fraction is one-half (0.5) or more and to the next lowest whole number when the fraction is less than one-half (0.5).*

6. What is the difference between a duplex and an ADU? Is the only difference that each unit of a duplex can be sold separately and a home with an ADU must be sold together? If 2 detached ADUs are added to a duplex, does each unit of the duplex "own" one ADU?

State law is silent on which primary unit "owns" the ADU. **When there is more than one owner, the deed restriction(s) will designate which units are connected.**

You are correct, that there are few distinctions between ADUs and full units. ADUs can't be sold separately from one of the primary units. They are also not subject to paying (full) fees that a primary unit would be subject to (BUSD fees, utility fees, affordable housing fees). If rented, they cannot be rented on a short-term basis (less than 30 days).

7. Why does setting the max size of ADUs negate the need for objective standards around open space and lot coverage? If someone's lot is small, or already has a large home on it and they build a 1000 sq ft ADU, that could cover the entire lot except for the 4' between buildings and the 4' side and rear setbacks. It seems odd to call a dwelling an "accessory" unit if it is actually the same size or larger than the existing home.

State law says that without an ADU ordinance, an ADU of 1200 square feet is allowed on any lot. If jurisdictions want to reduce this, they can go down to 850 and 1000 square feet for studio/1 bedroom and 2+ bedrooms respectively. IF cities choose to adopt objective standards for open space and coverage, they can limit ADU size to 800 square feet IF those standards can't be met.

The ADU may be larger than the primary dwelling unit.

8. Can't we require that neighbors are noticed of proposed construction?

Although neighbors can't provide input on or appeal projects, the City can provide notice (i.e. send out postcards to neighbors) alerting them that a building permit for an ADU was issued. This is a great question/suggestion and we're looking into how we can implement this.

Thank you for helping me understand the issues better,
Janis

Alene Pearson

Principal Planner, Land Use Planning Division
Planning and Development Department
City of Berkeley
apearson@cityofberkeley.info

Communication

From: Dean Metzger [mailto:drm1a2@sbcglobal.net]

Sent: Wednesday, April 7, 2021 2:31 PM

To: Pearson, Alene <apearson@cityofberkeley.info>

Subject: Planning Commission communication - ref: Item 9 on April 7, 2021 agenda

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Alene,

Please send each commissioner a copy of the attached letter for tonight's Planning Commission meeting.

Thank you,

Shirley Dean & Dean Metzger

April 7, 2021

To: Planning Commission Chair Robb Kapla and
Commissioners Brad Wilbin, Jeff Vincent, Christine Schildt, Mary Kay Lacey,
Benjamin Beach, Shane Krpata, Savlan Hauser and Barnali Ghosh

From: Shirley Dean and Dean Metzger

Via: Email

Re: Item 9: Public Hearing: April 7, 2021.
Response to Short Term Referral for Amendments to the ADU Ordinance and Related
Definitions to Address Public Safety Concerns

Dear Members of the Planning Commission,

By this e-mail, we are requesting that the Planning Commission take no action regarding the above referenced item. We urge you to hear from any member of the public who wishes to speak during the public hearing scheduled for this date and following this meeting, schedule a special meeting for you to consider and respond to the “Short Term Referral” sent to you by the City Council.

The reason that we make this request is that the material before you is not responsive to the Council’s request and is confusing and misleading to members of the public and possibly to you as well in the following ways:

1. The Notice of the public hearing is not responsive to the Council request made on January 26, 2021 which made the following recommendation:

Refer to the City Manager, the Disaster and Fire Safety Commission and the Planning Commission to evaluate and recommend to Council within 90 days, a set of ordinance amendments and implementation programs to address emergency access and egress parking and objective development standards to address the constraints presented by high fire hazard conditions and narrow and curving roadways in Fire Zones 2 and 3.

The material before you this evening does not address either public safety issues in the broad sense nor specifically as concerns Fire Zones 2 and 3

- a. The map, Attachment 3, in your packet, entitled “City of Berkeley Hillside Conditions Map” indicates the ES-R Zoning District, the Hillside Overlay and a black line labeled “Very High Fire Hazard Severity Zone” that separates two areas. Is the Very High Fire Hazard Severity Zone to the east or west of this line? Is the entire area shown Fire Zone 2?
- b. No street names are shown in the map.
- c. Pavement Width on the map is shown as “less than or equal to 20 feet, 21 to 26 feet or greater than 27 feet. A list of addresses on “Narrow Streets” that are 26 feet wide or less was prepared by the City in 2015, but is not mentioned or included. The map and list of addresses attached to it has been interpreted in the past as streets that impeded emergency vehicle access and evacuation routes for residents. Both must be considered as absolutely necessary to function at the same time during “red flag”

days. Especially at this time since experts have issued warnings of very high fire danger in the year to come. However, the April 7 staff report mentions streets that are “less than 26 feet” but then completely dismisses parking as something to be considered at a later date, even though State law discusses on-site parking as one of the land use factors in the regulation of ADUs. For example, if a garage or space used for parking is used to create an ADU, on-site parking does not have to be included in allowing an ADU or JADU. Does this apply to Fire zone 2 as ADUs are banned in ES-R, Fire Zone 3 – see below for further discussion re Fire Zone 3? Or does it apply only to ADUs in other zones?

2. Attachment 1, indicating changes to Berkeley Municipal Code 23C.24, Section B of 23C.24.010 “Applicability of Regulations” lists five “ADUs and JADUs which are allowed on lots. However, none of this list indicates which ones apply to the areas where there is an increase of public safety risk, or whether this is a general list for all zoning districts.
3. There is no question that objective standards are necessary. These need to include a front setback, but that should be spelled out, Again, what is indicated in the staff report fails to separate out standards for the high-risk public safety areas in that detached ADUs need to be four ft from other buildings, including the main building. However, it allows that four feet to be reduced by various ways which is exactly how many existing buildings within the Fire Zones have come to be so close together that they create a hazardous path for embers and flames to advance especially with the 4 ft distance is reduced and subsequently filled with vegetation. None of this is included in the material before you.
4. The proposed amendments to the ADU ordinance shown in Attachment 1 indicate that it will apply to “all (emphasis added) lots that have at least one existing or proposed Dwelling Unit or Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory.” Since there is no exception mentioned for high-risk public safety areas, one must assume this applies to those areas as well, but he staff report states in writing the report, it relied on what it calls the “Technical Assistance Handbook” and refers the reader to “Link 1” which is the Department of Housing and Community Handbook on Accessory Dwelling Units dated December 2020. Page 9 of that Handbook states the following:

any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service, and the impacts on traffic flow and public safety. Further, local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors.

Examples of public safety include severe fire hazard areas and inadequate water and sewer service and includes cease and desist orders. Impacts on traffic flow should consider factors like lesser car ownership rates for ADUs and the potential for ADUs to be proposed pursuant to Government Code section 65852.2, subdivision (e). Finally, local governments may develop alternative procedures, standards, or special conditions

*with mitigations for allowing ADUs in areas with potential health and safety concerns.
(Gov. Code, § 65852.2, subd. (e))*

This indicates regulating ADUs because of public safety must be accompanied by findings which explain why those limitation are required and that Berkeley cannot ban ADUs in certain areas such as Fire Zone 3. None of this is addressed in the staff report, the recommendations you are asked to consider, and as much as BNC disagrees with the State law regarding banning ADUs in certain areas, we reluctantly remind you it is in the law so we want to know exactly how the City proposes to deal with decreasing the public safety risks while at the same time increasing the density in designated elevating high-risk safety areas. That's the essential question before you.

There is more to be said especially around the issues of speculation, tenant protections, demolitions and the outrageous increase in home pricing that is occurring as we write this email today. But little will be gained by covering each of those points at this time. Because of the confusion and uncertainty surrounding the meaning and applicability of these amendments, the public which will be affected one way or the other, for or against approving these proposed ADU amendments has not received adequate notice of what is being proposed. Such a situation adds to a general mistrust of government and makes finding a pathway toward solutions all the more difficult. This should not be the hallmark of the City of Berkeley's land use policies. We have been promised a "robust public participation process" by the Council, and you now need to honor that promise.

Sincerely,

Shirley Dean and Dean Metzger

Communication

From: Pearson, Alene
Sent: Wednesday, April 7, 2021 3:26 PM
To: Lapira, Katrina
Subject: Supplemental Materials to Item 9
Attachments: Supp_Att1_ADU ordinance Final Draft.docx

Hi Katrina,

Please add this to the next Supplemental Communication Packet.

Since the release of the Planning Commission packet, we've received valuable feedback from internal and external stakeholders that has resulted in revisions to the proposed Zoning Ordinance language. These edits clarify Government Code Sections 65852.2 and 65852.22, as written into BMC language and local amendments, where allowed.

Thank you,

Alene

Alene Pearson

Principal Planner, Land Use Planning Division

Planning and Development Department

City of Berkeley

apearson@cityofberkeley.info

1 **Chapter 23C.24**
2 **Accessory Dwelling Units**

3 ~~NOTE: Chapter 23C.24 is repealed by operation of law, effective December 6, 2020. (See Ord. 7685-NS;~~
4 ~~Gov. Code A§ 65858(a)65858(a).)~~

5 **Sections:**

6 ~~23C.24.010~~ Applicability of Regulations

7 ~~23C.24.020~~ Purposes

8 ~~23C.24.030~~ Permit Procedures

9 ~~23C.24.040~~ ~~Repealed by Ord. 7683-NS-Development Standards~~

10 ~~23C.24.050~~ ~~Repealed by Ord. 7683-NS-Special Provisions~~

11 ~~23C.24.060~~ ~~Repealed by Ord. 7683-NS.~~

12 ~~23C.24.070~~ ~~Repealed by Ord. 7683-NS.~~

13 **23C.24.010 Applicability of Regulations**

14 A. ~~The provisions of this Chapter apply to all lots that have at least one existing or proposed Dwelling~~
15 ~~Unit or Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory.~~

16 B. ~~ADUs and JADUs are allowed on lots as follows:~~

17 1. ~~One ADU is allowed on a lot with one Single Family Dwelling.~~

18 2. ~~One ADU is allowed on a lot with multiple Single Family Dwellings.~~

19 3. ~~For lots with a Duplex or Multiple Dwelling Uses, one of the following is allowed:~~

20 a. ~~Two detached ADUs; or~~

21 b. ~~At least one ADU created from non-habitable portions of the existing dwelling structure (e.g.~~
22 ~~basement, attic, storage room). The maximum number of ADUs created from non-habitable~~
23 ~~portions of the existing dwelling structure shall not exceed 25% of the number of existing~~
24 ~~Dwelling Units on the lot.~~

25 4. ~~One ADU is allowed on a lot with a Group Living Accommodation that is not a Fraternity House,~~
26 ~~Sorority House or Dormitory.~~

27 5. ~~One JADU is allowed on a lot with one Single Family Dwelling.~~

28 ~~The provisions of this Chapter apply to all lots that are zoned for residential use except 1) in the following~~

29 ~~zoning districts: Environmental Safety Residential (ES-R), Manufacturing (M), Mixed Manufacturing (MM),~~

30 ~~Mixed Use Light Industrial (MU-LI), and Unclassified (U); and 2) on a lot with frontage on a roadway with less~~

31 ~~than 26 feet in pavement width in the Hillside Overlay. (Ord. 7685-NS § 2 (part), 2020; Ord. 7683-NS § 2 (part),~~

32 ~~2019; Ord. 7599-NS § 2 (part), 2018)~~

33 **23C.24.020 Purposes**

34 The purposes of this Chapter are to:

35 A. Implement California Government Code Section ~~65852.2~~ and ~~65852.22~~.

36 B. Increase overall supply and range of housing options in Berkeley.

37 C. Expedite small-scale infill development.

38 D. Support Housing Element goals of facilitating construction of Accessory Dwelling Units and increasing
39 the number of housing units that are more affordable to Berkeley residents.

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- 45 E. Encourage development of Accessory Dwelling Units in zoning districts with compatible land uses
46 and infrastructure.
47
48 F. Reduce potential impacts of new development in high fire hazard severity areas. (Ord. 7685-NS § 2
49 (part), 2020: Ord. 7683-NS § 2 (part), 2019: Ord. 7599-NS § 2 (part), 2018)

50 **23C.24.030 Permit Procedures**

- 51 A. An application for an ADU or JADU is subject to ministerial review. Review must be completed within 60
52 days of submission of a complete application.
53
54 B. If an application to create an ADU or JADU is submitted as part of a project that requires discretionary
55 review, a building permit shall not be issued for the ADU or JADU until the discretionary approval(s)
56 has/have been granted and any applicable appeal periods have expired.
57 Zoning Certificates will be issued for Accessory Dwelling Units and Junior Accessory Dwelling Units per
58 California Government Code Section 65852.2 and 65852.22. (Ord. 7685-NS § 2 (part), 2020: Ord. 7683-NS § 2
59 (part), 2019: Ord. 7599-NS § 2 (part), 2018)

Commented [PA1]: PREVIOUS LANGUAGE:
A.An application for an ADU or JADU is subject to ministerial **building permit** review. Review must be completed within 60 days of submission of a complete application.

60 **23C.24.040 Special Provisions Development Standards**

- 61 A. Development Standards in paragraphs B through G, below, apply as follows:
62 1. A detached, new construction ADU is subject to Development Standards for ADUs. A detached, new
63 construction ADU is defined as having a 3 foot separation from a Main Building per Section
64 23E.04.030.
65 2. An ADU, converted entirely from an existing building or structure, is not subject to Development
66 Standards for ADUs. These include:
67 a. An ADU created entirely within an existing Single Family Dwelling.
68 b. An ADU created entirely within the existing non-habitable space of a Duplex or Multiple Dwelling
69 Use.
70 c. An ADU created entirely within an existing detached Accessory Structure or Accessory Building.
71 3. An ADU, fully or partially created by an addition of square footage to or changes in roof height of an
72 existing Single Family Dwelling, Accessory Building or Accessory Structure, is subject to Development
73 Standards for ADUs as follows:
74 a. Paragraph B applies to entire ADU.
75 b. Paragraphs C through G apply to new square footage and roof design.
76 4. An ADU created within a building or structure that was rebuilt in the same location and with the same
77 dimensions as the building or structure demolished is not subject to Development Standards for ADUs.
78 5. Notwithstanding any other provision of this Chapter, no ADU is permitted to be built in the Hillside
79 Overlay or Environmental Safety Residential (ES-R) districts unless it complies with the requirements
80 of Government Code Section 65852.2(e)(1).
81
82 B. Maximum Size
83 1. The maximum size of a studio or one bedroom ADU is 850 square
84 feet.
85 2. The maximum size of an ADU with two or more bedrooms is 1000 square feet.
86 3. An ADU created by conversion or addition to a building or structure that does not conform to the
87 Development Standards in paragraphs C and D may include an expansion of not more than 150
88 square feet beyond the same physical dimensions as the existing building or structure. Additions shall
89 conform with the Development Standards in this Chapter.
90 4. The maximum size of a JADU is 500 square feet.
91 C. Maximum Height is applied to ADUs as follows. See Chapter 23F.04 for definition.
92 1. Maximum Height of a new free-standing ADU is 16 feet.
93 2. Maximum Height of new square footage added to a Single Family Dwelling, Accessory Building or
94 Accessory Structure to create an ADU is 16 feet.
95

Commented [PA2]: PREVIOUS LANGUAGE
1. A new **free-standing** ADU is subject to Development Standards for ADUs.

Commented [PA3]: REMOVED FROM B – but added line to A.5

1.The maximum size of an ADU in the Very High Fire Hazard Severity Zone is 800 square feet.

Commented [PA4]: PREVIOUS LANGUAGE:

1.An ADU created by conversion or addition to a **nonconforming building or structure** may only **alter** original building or structure size, location and dimensions by adding 150 square feet. Additions shall conform with the standards in this Chapter. **Other modifications to existing nonconforming buildings and structures are not permitted.**

Commented [PA5]: PREVIOUS LANGUAGE

a)Maximum Height of a new free-standing ADU is 16 feet.
b)Maximum Height of an addition to **a Single Family Dwelling** is the same as is established in the underlying zoning district as provided by this Title for the building in which the ADU will be located.
c)Maximum Height of new square footage added to **an Accessory Building or Accessory Structure** to create an ADU is 16 feet.

96 C.D. The required rear and side setbacks for a detached, new construction ADU or addition to an existing
97 building or structure are 4 feet, unless a lesser setback is allowed for a comparable Accessory Building
98 or Accessory Structure in the underlying zoning district.
99
100 E. The required front yard setback is the same as is established in the underlying zoning district.
101
102 F. Architectural features (Chimneys, Water Heater Enclosures, Flues, Heating and Cooling Equipment,
103 Eaves, Cornices, Canopies, Awnings and Bay Window) may project two feet into the required setbacks, so
104 long as there remains at least a two-foot setback from property lines.
105
106 G. Parking
107 1. Off-street parking is not required.
108 2. Replacement parking is not required, but is allowed if in compliance with Chapter 23D.12 and/or
109 Chapter 23E.28.
110
111 H. Nothing in this Chapter shall preclude the issuance of Zoning Certificate for the construction or conversion
112 of an ADU or JADU that complies with the requirements of Government Code section 65852.2(e)(1).
113
114 ~~H.I. A Zoning Certificate for the construction of an ADU or JADU may not be denied based on the failure of the~~
115 ~~applicant to correct a nonconforming zoning condition.~~
116 *Repealed by Ord. 7683-NS. (Ord. 7599-NS § 2 (part), 2018)*

Commented [PA6]: PREVIOUS LANGUAGE

D.The required rear and side setbacks are 4 feet, unless a lesser setback is allowed for a comparable Accessory Building or Accessory Structure in the underlying zoning district.

Commented [PA7]: PREVIOUS LANGUAGE

E.The required front yard is the same as is established in the underlying zoning district, and is subject to reductions as provided by this Title for the building in which the ADU will be located.

Commented [PA8]: This erroneously said "three"

Commented [PA9]: DELETED – building code applies.

Separation between an ADU and buildings and/or structures on a lot must be four feet

Commented [PA10]: H and I added.

117 **23C.24.050 Development Standards Special Provisions**
118 A. A rooftop deck may be established provided that the entire roof, deck and railing comply with Development
119 Standards for ADUs in paragraphs C through G.
120
121 B. A JADU must be owner-occupied. For purposes of this paragraph, "owner-occupied" means that a person
122 with legal title to the property must reside in either the Single Family Dwelling or the JADU as their legal
123 permanent residence.
124
125 C. The property owner shall file a deed restriction with the County Recorder providing that:
126 1. The ADU and/or JADU shall not be sold separately from the Dwelling Unit,
127 2. The ADU and/or JADU shall not be rented for a term that is shorter than 30 days.
128 *Repealed by Ord. 7683-NS. (Ord. 7599-NS § 2 (part), 2018)*

Commented [PA11]: Added paragraph numbers for clarity.

129 ~~**23C.24.060 Modification of Development Standards with an Administrative Use Permit**~~
130 ~~*Repealed by Ord. 7683-NS. (Ord. 7599-NS § 2 (part), 2018)*~~

132 **23F.04.010 Definitions – TO BE AMENDED**
133 **Accessory Dwelling Unit (ADU):** A secondary Dwelling Unit that is located on a lot with a proposed or existing
134 Single Family Dwelling, Duplex, Multiple Dwelling Use, or Group Living Accommodation, which is occupied by
135 one legally established Single Family Dwelling that conforms to the standards of Section 23C.24. An Accessory
136 Dwelling Unit must comply with local building, housing, safety and other code requirements unless the City is
137 prohibited from applying such requirements by Government Code Section 65852.2 or 65858.22 and provide the
138 following features independent of the Single Family Dwelling, Duplex, Multiple Dwelling Use, or Group Living
139 Accommodation: 1) exterior or independent access to Accessory Dwelling Unit; 2) living and sleeping quarters;
140 3) a full kitchen; and 4) a full bathroom. An Accessory Dwelling Unit also includes the following:
141 A. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
142 B. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Commented [PA12]: Add abbreviation

Commented [PA13]: Added clarification.

143
144 Efficiency Kitchen: A kitchen that includes a sink, a cooking facility with appliances (e.g. microwave, toaster,
145 oven, hot plate), and food preparation counter space and cabinets.

146 Junior Accessory Dwelling Unit (JADU): A unit that is contained within the walls of a Single Family Dwelling
147 and includes a separate exterior entrance. A JADU may not be located in an Accessory Building or an
148 Accessory Structure. A JADU may include separate sanitation facilities, or may share sanitary facilities with a
149 Single Family Dwelling. At a minimum, a JADU shall include an Efficiency Kitchen with a working refrigerator.
150

Commented [PA14]: Added abbreviation.

151 **23F.04.010 Definitions – TO BE DELETED**

152 Primary Dwelling Unit: A legally established Single Family Dwelling that is on a lot with an Accessory
153 Dwelling Unit.
154
155
156