

ORDINANCE NO. 2021-07

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA  
AMENDING ARTICLE II TO CHAPTER 27 ARTICLE XII SECTION 27.201 OF THE  
BRAWLEY MUNICIPAL CODE TO AMEND THE SECOND UNIT SECTION WITH THE  
ACCESSORY DWELLING UNIT ORDINANCE ALTERNATIVE.

**A. RECITALS.**

- (i) On September 8, 2021, the Planning Commission of the City of Brawley conducted and concluded a duly noticed public hearing concerning the Municipal Code amendments contained herein, as required by law. At the conclusion of the hearing, the Planning Commission recommended adoption of said amendments.
- (ii) On October 19, 2021, the City Council of Brawley conducted and concluded a duly noticed public hearing concerning the Municipal Code amendments contained herein as required by law.
- (iii) All legal prerequisites to the adoption of this Ordinance have accrued.

**B. ORDINANCE.**

**NOW, THEREFORE,** the City Council hereby ordains as follows:

**SECTION 1.** The facts set forth in the Recitals, Part A of this Ordinance, are true and correct.

**SECTION 2.** The provisions of this Ordinance and the Municipal Code amendments contained herein have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act, as amended, and the Guidelines promulgated there under. The City Council finds that this Ordinance and said Municipal Code amendments are exempt from the requirements of the California Environmental Quality Act pursuant to the provisions of Section 15061(b)(3) of the Guidelines.

**SECTION 3.** Section 27.201 is hereby amended to Chapter 27 of the Brawley Municipal Code to read as follows:

**Section 27.201      Accessory Dwelling Units and Junior Accessory Dwelling Units**

**A.      Purpose**

This Ordinance provides for the creation of accessory dwelling units and junior accessory dwelling units as defined in Government Code Section 65852(j)(1). The purpose of the Ordinance is to achieve the following objectives:

- 1.      Contribute to alleviating the housing supply shortage by increasing the housing unit capacity of lots zoned to permit single-family homes and multi-family housing developments.
- 2.      Facilitate the development of new housing with land and construction costs lower than single family homes built on vacant land because accessory dwelling units will be constructed on already developed land, will have housing unit sizes smaller than single-family homes, and utilize existing infrastructure.

3. Create the opportunity for new housing units to be built to accommodate the needs of diverse household types including, but not limited to, seniors, disabled persons, caretakers, students, and multi-generational families.
4. Provide the opportunity to create new housing at costs affordable to lower and moderate income households.
5. Produce housing that will satisfy a portion of the Brawley's share of the regional housing need.

**B. Accessory Dwelling Unit Defined**

"Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

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

**C. General Plan Consistency**

In adopting this Ordinance, the City recognizes that the development of accessory dwelling units and junior accessory dwelling units may result in residential densities exceeding the maximum densities prescribed by the General Plan Land Use Element and Zoning Ordinance. Pursuant to Government Code Section 65852.2(a)(1)(C), the City finds that this occurrence is consistent with the General Plan. Government Code Section 65852.2(a)(1)(C) provides that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

**D. Types of ADUs**

1. Detached: The unit is separated from the primary structure.
2. Attached: The unit is attached to the primary structure.
3. Converted Existing Space: 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.
4. Junior Accessory Dwelling Unit (JADU): A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.

**E. Statewide Exempt ADUs**

A statewide exemption ADU is an ADU of up to 800 square feet, 16 feet in height and with 4 feet side and rear yard setbacks. No lot coverage, floor area ratio, open space, or minimum lot size requirement can preclude the construction of a statewide exemption ADU. The construction of a detached new construction statewide exemption ADU can be combined on the same lot with a JADU in a single-family residential zone.

**F. General Standards for ADUs**

Each ADU shall comply with the following standards:

1. The ADU shall be constructed on a lot zoned for residential uses that includes an existing or proposed single family or multi-family dwelling unit.
2. Maximum unit size requirements: At least 850 square feet and 1,000 square feet for ADUs with more than one bedroom.
3. Height: No ADU shall exceed 16 feet in height. However, an increase in height up to the limit allowed for the principal dwelling unit may be permitted with approval of the Planning Director.
4. Setback and yard requirements:
  - a. Each attached ADU must comply with the setback requirements in the underlying zoning district for the principal dwelling unit except as otherwise provided herein.
  - b. Each attached and detached ADU shall have a rear and side setback of four (4) feet
  - c. No setback shall be required for an existing accessory structure that is converted to an ADU or an ADU that is constructed within the same location and to the same dimensions as an existing accessory structure.
5. Number of ADUs permitted.
  - a. Single family dwellings: One ADU or JADU is permitted per lot developed with a single-family dwelling unless the ADU is a detached ADU, in which case a JADU is also permitted.
  - b. Multifamily dwellings: ADUs may be constructed on lots developed with multifamily dwellings in accordance with California Government Code Section 65852.2(e).
6. ADUs shall be rented for terms longer than 30 days in accordance with Government Code Section 65852.2(a)(6) and (e)(4).
7. Parking:
  - a. Each ADU shall have one parking space per unit or bedroom, whichever is less.
  - b. Parking spaces may be covered or uncovered, provided as tandem parking on an existing driveway, or on a paved surface in a setback or yard area.
  - c. Notwithstanding subsection (a) above, parking requirements shall be waived if the ADU is located: (1) within one-half (1/2) mile walking distance of a public transit stop; (2) in a designated historic district; (3) in part of a principal dwelling unit or an existing accessory structure; (4) in an area requiring on-street parking permits but the permits are not offered to the ADU occupant; or (5) within one block of a car-sharing pickup/drop-off location.
  - d. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, replacement of the lost parking is not required. However, replacement parking is encouraged and may be located in any configuration on the same lot as the ADU as a covered, uncovered, or tandem parking space.

**G. Additional Standards for Conversion of an Existing Accessory Structure to an Accessory Dwelling Unit**

1. Conversion of a non-habitable accessory structure/garage or other living space to an ADU shall meet all building codes for residential occupancy.

#### **H. Fire Sprinkler Requirements.**

1. Each ADU shall comply with all applicable fire safety provisions of state law, as well as the City of Brawley adopted building and fire codes.
2. An ADU is not required to be equipped with fire sprinklers unless fire sprinkler installation is required for the principal dwelling unit.

#### **I. Junior Accessory Dwelling Units.**

Each Junior Accessory Dwelling Unit (JADU) shall be subject to compliance with the building permit requirements and the following standards:

1. A JADU may be created on a lot zoned for single family residences with one primary dwelling. JADUs are limited to one per residential lot with an existing or proposed single-family residence.
2. The JADU may be created within the walls of the proposed or existing single-family residence, including attached garages, as attached garages are considered within the walls of the existing single-family residence.
3. The maximum size of a JADU is 500 square feet.
4. Each JADU may contain separate sanitation facilities or may share sanitation facilities with the principal dwelling unit.
5. Each JADU shall include a separate entrance from the main entrance to the existing or proposed principal dwelling unit and may include an interior entry to the main living area. A second interior door may be included for sound attenuation.
6. Each JADU shall, at a minimum, include an efficiency kitchen, including a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit. Minimum requirements are a hot and cold water sink, 4.5 cubic foot refrigerator, two ground fault circuit interrupter outlets, eight (8) square feet of counter spaces, and five (5) linear feet of cabinet space.
7. Additional parking is not required for a JADU.
8. The property owner shall reside in either the principal dwelling unit or the JADU.
9. Prior to issuance of a building permit for the JADU, the property owner shall file with the City a deed restriction for recordation with the Imperial County Recorder, which shall run with the land and include the following provisions:
  - a. A prohibition on the sale of the JADU separate from the sale of the principal dwelling unit.
  - b. A restriction on the size and attributes of the JDAU that conforms with this Section.
  - c. A prohibition on using the JADU for transient occupancy.
  - d. A statement that the restrictions shall be binding upon any successor owner of the property and that failure to comply with the restrictions shall result in legal action against the owner.

#### **J. Government Code Section 65852**

If there is a conflict between the provisions of this City of Brawley Zoning Ordinance Section 27.201 and those of Government Code Section 65852, the Government Code provisions shall prevail.

**APPROVED, PASSED AND ADOPTED** at a regular meeting of the City Council held on the 2<sup>nd</sup> day of November 2021.

CITY OF BRAWLEY, CALIFORNIA

---

*Luke Hamby*, Mayor

ATTEST:

---

*Alma Benavides*, City Clerk

STATE OF CALIFORNIA)  
COUNTY OF IMPERIAL)  
CITY OF BRAWLEY)

**1st Reading**

I, **Alma Benavides**, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY** that the foregoing Ordinance No. 2021-07 was passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the 19th day of January 2021 and that it was so adopted by the following roll call vote: m/s/c Wharton/Couchman 5-0

**AYES:** Castro, Couchman, Hamby, Nava, Wharton  
**NAYES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**DATED:** October 19, 2021

---

*Alma Benavides*, City Clerk

**2nd Reading & Adoption**

I, **Alma Benavides**, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY** that the foregoing Ordinance No. 2021-07 was passed and adopted by the City Council of the City of Brawley, California, at a adjourned regular meeting held on the 2<sup>nd</sup> day of November 2021 and that it was so adopted by the following roll call vote: m/s/c Nava/Couchman

**AYES:** Castro, Couchman, Hamby, Nava, Wharton  
**NAYES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**DATED:** November 2, 2021

---

*Alma Benavides*, City Clerk