

ORDINANCE NO. 11-26 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF RICHMOND AMENDING SECTIONS
15.04.104.020, 15.04.201.030, 15.04.201.050, AND 15.04.610.020 OF THE RICHMOND
MUNICIPAL CODE TO COMPLY WITH STATE ACCESSORY DWELLING UNIT
LAW, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA)**

WHEREAS, California’s Accessory Dwelling Unit Law (Government Code § 66310 *et seq.*) encourages the production of housing by requiring local jurisdictions to allow accessory dwelling units in any zoning district that allows single-family or multifamily residential use, apply limited development standards for accessory dwelling units, and provide for a streamlined review process; and

WHEREAS, California Government Code § 66314 allows local governments to adopt an ordinance regulating accessory dwelling units, provided the regulations are consistent with State law; and

WHEREAS, Section 15.04.610.020 of the Richmond Municipal Code (RMC) contains regulations for accessory dwelling units (ADUs) and Junior Accessory Dwellings (JADUs); and

WHEREAS, Richmond Municipal Code Section 15.04.610.020 was last amended via Ordinance No. 27-20 N.S., adopted on November 10, 2020; and

WHEREAS, this ordinance (“Ordinance”) amends various sections of the RMC to align with recent changes to State law related to ADUs and JADUs (including but not limited to Government Code § 66310 *et seq.*); and

WHEREAS, on July 2, 2026, the Planning Commission held a duly noticed public hearing to consider the proposed Ordinance related to ADUs and JADUs, received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter. Following the public hearing, the Planning Commission adopted Resolution No. 26-15 recommending the City Council adopt the proposed Ordinance; and

WHEREAS, on July 21, 2026, the City Council held a duly noticed public hearing to consider the proposed Ordinance related to ADUs and JADUs, received the staff report and staff presentation, received comments from the public and interested parties, considered the recommendation of the Planning Commission, and discussed the matter; and

WHEREAS, on the basis of the application, plans, materials, and testimony at or before the public hearing, the City Council adopts the following findings and statements of fact in approving the proposed zoning text amendment pursuant to RMC Section 15.04.814.050:

A. The proposed amendment is consistent with the General Plan.

Statement of Fact: The proposed zoning text amendment is consistent with General Plan Housing Element Program H-1.4.3 which aims to continue the facilitation of accessory dwelling unit production in part to provide a balanced supply of housing types, densities, and prices to meet the needs of all income groups and amend the ordinance to ensure compliance with State law.

B. The proposed amendment is necessary for public health, safety, and general welfare or will be of benefit to the public.

Statement of Fact: The proposed zoning text amendment will benefit the public by increasing housing production within the City of Richmond and ensuring local regulations comply with State law. California's housing production is not keeping pace with demand and the lack of housing supply impacts affordability. The State legislature has determined that ADUs and JADUs are critical forms of infill housing development that can be affordable and offer important housing choices within existing neighborhoods, and an effective option for adding much needed housing in California.

C. The proposed amendment has been reviewed in compliance with the requirements of the California Environmental Quality Act.

Statement of Fact: The proposed zoning text amendment to the Richmond Municipal Code is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code, which provides that CEQA does not apply to the adoption of an ordinance to implement Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code. The proposed amendment is also exempt from environmental review pursuant to General Rule, Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines since it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. Regardless of whether the City adopts this Ordinance, accessory dwelling units and junior accessory dwelling units must be allowed in the City in accordance with the standards set forth in State law. Therefore, it can be seen with certainty that the project will not cause any significant impacts.

D. For a change to the Zoning Maps, that the subject property is suitable for the uses permitted in the proposed zone in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations, and that the proposed change of zoning district is not detrimental to the use of adjacent properties.

Statement of Fact: The proposed zoning text amendment will not change the Zoning map; therefore, the subject finding is not applicable.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby adopted as the City Council's findings.

SECTION 2. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 *et seq.*) pursuant to Public Resources Code Section 21080.17, which statutorily exempts the adoption of an ordinance by a city or county implementing Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code (State ADU Law), and pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines since it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION 3. The Ordinance would not be detrimental to the public interest, health, safety, convenience, or welfare of the City, as the proposed Ordinance will ensure the City's zoning ordinance complies with State law related to ADUs and JADUs.

SECTION 4. The City Council has reviewed, considered, and evaluated all of the information prior to acting upon this Ordinance.

SECTION 5. The documents and other materials that constitute the record of proceedings upon which the City Council has based its recommendation are located in and may be obtained from the Planning Division, 450 Civic Center Plaza, Richmond, CA 94804.

SECTION 6. By this ordinance, the City Council approves the zoning text amendment as redlined in Exhibit A, attached hereto and made a part hereof.

SECTION 7. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, the remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, paragraph, sentence, clause or phrase.

SECTION 8. Effective Date. This Ordinance becomes effective thirty (30) days after its final passage and adoption.

First introduced at a regular meeting of the City Council of the City of Richmond held on July 21, 2026, and finally passed and adopted at a regular meeting held on July 28, 2026, by the following vote:

AYES:	Councilmembers Bana, Brown, Jimenez, Wilson, Zepeda, and Mayor Martinez.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	Vice Mayor Robinson.

PAMELA CHRISTIAN

CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:
EDUARDO MARTINEZ
Mayor

Approved as to form:
SHANNON MOORE
Interim City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 11-26 N.S.**, passed and adopted by the City Council of the City of Richmond at a regular meeting held on July 28, 2026.
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Pamela Christian, Clerk of the City of Richmond

EXHIBIT A

All definitions within this section remain unchanged, except the following definitions are modified or added as noted below:

15.04.104.020 - Definitions.

Accessory Dwelling Unit. An attached or detached residential dwelling that provides complete, independent living facilities for one or more persons, and is located on the same lot as a proposed or existing single-family dwelling or multifamily dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the single-family or multifamily dwelling is, or will be, situated. An accessory dwelling unit may be within the same structure as the primary dwelling, in an attached structure, or in a separate detached structure on the same lot. An accessory dwelling unit also includes the following: (i) an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code; and (ii) a manufactured home as defined in Section 18007 of the Health and Safety Code. This use is distinguished from a duplex.

Duplex. A single building that contains two dwelling units or two single unit dwellings on a single parcel. An accessory dwelling unit or junior accessory dwelling unit does not count as either of the dwelling units that make up a duplex.

Efficiency Unit. Efficiency unit has the same meaning as defined in Section 17958.1 of the California Health and Safety Code.

Junior Accessory Dwelling Unit. A residential dwelling that is no more than 500 square feet of interior livable space in size and is contained entirely within a proposed or existing single-family dwelling, including within accessory spaces enclosed within the residence such as an attached garage. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities that are within the existing structure.

Livable Space. A space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

Multifamily Dwelling. For the purposes of Section 15.04.610.020, a structure with two or more attached dwellings on a single lot is considered a multifamily dwelling. Multiple detached single-family dwellings on the same lot are not considered multifamily dwellings for the purposes of Section 15.04.610.020.

The following Section 15.04.201.030 remains unchanged, except for the following subsection A is modified and subsection J is added as noted below:

15.04.201.030 - Development Standards—RH, RL1 and RL2 Districts.

Additional Development Standards for RH and RL Districts

- A. **Accessory Building Maximum Height.** A 14-foot height limit applies to accessory buildings or structures.
- J. **Accessory Dwelling Unit Development Standards.** The applicable development standards for accessory dwelling units are provided in Section 15.04.610.020.

The following Section 15.04.201.050 remains unchanged, except for the following subsection B is modified and subsection H is added as noted below:

15.04.201.050 - Development Standards—RM Districts.

Additional Development Standards—RM Districts

B. **Accessory Building Height.** If a peak roof is used, the height limit may be increased to 14 feet.

H. **Accessory Dwelling Unit Development Standards.** The applicable development standards for accessory dwelling units are provided in Section 15.04.610.020.

The following Section 15.04.610.020 is deleted and replaced as noted below:

15.04.610.020 - Accessory Dwelling Units and Junior Accessory Dwelling Units.

Accessory dwelling units (ADUs) must be located, developed, and operated in compliance with the standards of this Section 15.04.610.020 on a legal lot where single-family or multi-family dwellings are permitted and that contains an existing or proposed single family dwelling or an existing or proposed multifamily dwelling. Junior accessory dwelling units (JADUs) must be located, developed, and operated in compliance with the standards of this Section 15.04.610.020 on a legal lot that is zoned for single-family residential use, and that contains an existing or proposed single family dwelling.

- A. **Zoning Compliance Review and Building Permit Applications.** An accessory dwelling unit or junior accessory dwelling unit application must be considered through the building permit process, which requires the submission and approval of a zoning compliance review application and a building permit application. An applicant for an accessory dwelling unit or junior accessory dwelling unit must submit the application fees and all of the information contained on the zoning compliance review application form and building permit application form provided by the City to the Zoning Administrator and Building Official, as applicable, for ministerial review. No discretionary review or hearing may be permitted unless the application includes other work unrelated to the accessory dwelling unit or junior accessory dwelling unit, in which case the discretionary review or hearing shall be limited to the work unrelated to the application for the accessory dwelling unit or junior accessory dwelling unit.
- B. **Time Limit to Act on Applications.**
 - 1. *Completeness Determination.* The City must determine if an accessory dwelling unit or junior accessory dwelling unit application is complete and provide written notice of the completeness determination within 15 business days of receipt. If the permit application is incomplete, the written notice to the applicant must include a comprehensive list of incomplete items and a description of how the permit application can be made complete. The applicant may address the items that are deemed to be incomplete by the City and resubmit the application. If an applicant resubmits an application, the City must determine whether the resubmitted application has remedied all incomplete items listed in the determination within 15 business days after the permitting agency received the resubmitted application. Upon review of the resubmitted application, the City will not require the application to include an item that was not included in the initial application if it was not included in the comprehensive list of incomplete items. If the City does not make a timely determination as required by this paragraph, the application or resubmitted application shall be deemed to be complete.
 - 2. *Approval or Denial.* All accessory dwelling unit and junior accessory dwelling unit permit applications shall be approved or denied within 60 days of the City's receipt of a complete application if there is an existing single-family or multifamily dwelling on the lot. When an accessory dwelling unit or a junior accessory dwelling unit application is submitted concurrently with an application to create a new single-family or multifamily dwelling, the City may delay approving or denying the accessory dwelling unit and junior accessory dwelling unit permit applications until the City approves or denies the application for the new single-family or multifamily dwelling. If the City has not approved or denied a complete application within 60 days, the application shall be deemed approved.
 - a. As part of a denial of an application for an accessory dwelling unit or junior accessory dwelling unit, within the 60-day review period, the City must return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant if the City denies the application.
 - b. The City shall grant a delay in processing if requested by the applicant. The 60-day period to approve or deny the permit shall be tolled for the period of the delay.

- c. Applications utilizing pre-approved detached accessory dwelling unit plans that meet the requirements under Government Code Section 65852.27 shall be approved or denied within 30 days from the date that the City receives a completed application.
 - d. Occupancy of an accessory dwelling unit or junior accessory dwelling unit shall not be permitted until the City approves occupancy of the primary dwelling.
3. *Appeal Process.* If a permit application is determined to be incomplete or is denied, the applicant may appeal the City's decision to the Planning Commission by filing a written appeal with the Planning Division. The appeal must be written on the appropriate form provided by the City, identify the decision being appealed, clearly and concisely state the reasons for the appeal, and state specifically how and where the underlying decision is not supported by substantial evidence. The appeal must be accompanied by the required fee.
- a. A written appeal must be submitted within ten days of the decision regarding the completeness or denial of the application. In the event an appeal period ends on a Saturday, Sunday, or any other day the City is closed, the appeal period is extended to the next consecutive business day.
 - b. At the appeal hearing, the Planning Commission will consider the application, plans, exhibits, and related project materials that were the subject of the original decision.
 - c. At the appeal hearing, the Planning Commission shall review whether the underlying decision is supported by substantial evidence. The same standards, evaluation criteria, and findings applicable to the original application shall apply. The Planning Commission's review is limited to the issue(s) raised in the petition for appeal.
 - d. The Planning Commission will make a final written determination on the applicant's appeal within 60 business days of receiving the applicant's written appeal.

C. General Requirements.

1. *Exempt Accessory Dwelling Units.* Any of the following ADUs described in subsection (C)(1)(a) through (C)(1)(d) shall be permitted and are exempt from certain development and design standards, as specified in subsections D and E below. The ADUs described in this subsection C are referred to as "exempt accessory dwelling units". Accessory dwelling units that satisfy the requirements of subsection (C)(1)(a) and (C)(1)(b) may be permitted on the same lot. Accessory dwelling units that satisfy the requirements of subsection (C)(1)(c) and (C)(1)(d) may be permitted on the same lot.
- a. One accessory dwelling unit on a legal lot with up to one junior accessory dwelling unit and a proposed or existing single-family dwelling if the accessory dwelling unit and junior accessory dwelling unit comply with the following:
 - i. The accessory dwelling unit is within the proposed or existing space of a single-family dwelling or existing space of an accessory structure and may include an expansion of not more than one hundred and fifty square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - ii. The accessory dwelling unit has separate exterior access from the proposed or existing single-family dwelling.
 - iii. The side and rear setbacks are sufficient for fire and safety.
 - iv. The junior accessory dwelling unit complies with the requirements of this Section.
 - b. One detached, new construction accessory dwelling unit on a legal lot with a proposed or existing single-family dwelling if the accessory dwelling unit provides four-foot side and rear yard setbacks; does not exceed eight hundred square feet of interior livable space in floor area, and the height does not exceed the following, as applicable:
 - i. Eighteen feet on a legal lot with an existing or proposed single-family dwelling if the lot is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155. An additional two feet in height may be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the single-family dwelling.
 - ii. Sixteen feet on all other legal lots with an existing or proposed single-family dwelling unit.

- c. Up to two detached accessory dwelling units on a legal lot with a proposed multifamily dwelling. On a legal lot with an existing multifamily dwelling, the number of detached accessory dwelling units permitted is equivalent to the number of primary dwelling units existing on the lot or eight, whichever is less. The accessory dwelling units shall have at least four-foot side and rear yard setbacks. However, if the existing multifamily dwelling has a rear or side setback of less than four feet, no modification of the existing multifamily dwelling shall be required as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this subsection. The height of the accessory dwelling units shall not exceed the following, as applicable:
 - i. Eighteen feet on a legal lot with an existing or proposed multifamily dwelling if the lot is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155. An additional two feet in height may be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the multifamily dwelling;
 - ii. Eighteen feet on a legal lot with an existing or proposed multistory multifamily dwelling;
 - iii. Sixteen feet on all other legal lots with an existing or proposed multifamily dwelling;
 - d. A legal lot with an existing multifamily dwelling may contain accessory dwelling units converted from portions of the building that are not used as livable space. The number of accessory dwelling units permitted is equivalent to up to 25 percent of the number of existing, legally permitted units in the multifamily dwelling, or one, whichever is greater.
- 2. *Building Code.* Junior accessory dwelling units and accessory dwelling units shall comply with all applicable building code requirements, except as follows:
 - a. Fire sprinklers shall not be required for an accessory dwelling unit or a junior accessory dwelling unit if they are not required for the primary dwelling. Fire sprinklers shall not be required for an existing primary dwelling unit as a condition of the approval of an accessory dwelling unit.
 - b. The new construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety or the accessory dwelling unit is converted from uninhabitable or nonresidential space.
- 3. *Owner Occupancy and Short-Term Rentals.*
 - a. Owner Occupancy. If a junior accessory dwelling unit shares a bathroom with the single-family dwelling unit, the owner must occupy as a principal residence either the primary dwelling or the junior accessory dwelling unit, unless the owner is another governmental agency, land trust, or housing organization. Owner occupancy is not required for a junior accessory dwelling unit that has its own bathroom or for an accessory dwelling unit.
 - b. Short-Term Rentals. Renting or leasing an accessory dwelling unit or junior accessory dwelling unit for fewer than thirty (30) consecutive days is prohibited.
- 4. *Tenancy in Common.* Neither an accessory dwelling unit nor junior accessory dwelling unit may be sold separately from the single-family or multifamily dwelling. The accessory dwelling unit and primary unit may be owned by multiple owners as tenants in common if the single-family dwelling and accessory dwelling unit were developed by a qualified nonprofit, as that term is defined in Government Code Section 66340, and if all of the provisions of Government Code Section 66341 are met.
- 5. *Conditions.*
 - a. Acknowledgements:
 - i. Accessory Dwelling Units. At the time of application for an accessory dwelling unit, the property owner shall acknowledge in writing that the accessory dwelling unit cannot be used for short-term residential rentals of less than thirty (30) days; and
 - ii. Junior Accessory Dwelling Units. At the time of application for a junior accessory dwelling unit, the property owner shall acknowledge in writing that the junior accessory dwelling unit cannot be used for short-term residential rentals of less than thirty (30) days and that if the single family dwelling and junior accessory dwelling share a bathroom, either the single-family dwelling or the junior

accessory dwelling unit shall be the owner's bona fide principal residence, unless the owner is a governmental agency, land trust, or housing organization.

- b. Covenants for Junior Accessory Dwelling Units. Prior to obtaining building permits for a junior accessory dwelling unit, a property owner shall file with the Contra Costa County Recorder a deed restriction in a form approved by the City Attorney. A copy of the recorded deed restriction shall be filed with the Zoning Administrator. This deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns purchasers and shall include:
 - i. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family principal dwelling; including a statement that the deed restriction may be enforced against future purposes.
 - ii. A restriction on the size and attributes of the junior accessory dwelling unit consistent with this Section.

- 6. *Exceptions.* An accessory dwelling unit shall comply with the requirements of this Section 15.04.610.020, the underlying zoning district, and other provisions of the City Municipal Code except:
 - a. If the requirements of the underlying zoning district or other provisions of the City Municipal Code are inconsistent with the provisions of this Section, the standards of this Section shall apply.
 - b. Limits on lot coverage, front yard setback, floor area ratio, open space, and size must permit or shall be waived to allow a detached or attached accessory dwelling unit with eight hundred square foot of interior livable space and at least four-foot side and rear yard setbacks, if the proposed accessory dwelling unit is in compliance with all other applicable development standards.
 - c. The City will not deny an application for an accessory dwelling unit or junior accessory dwelling unit because of nonconforming zoning conditions, building code violations, or unpermitted structures on the property that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit. The City will not require as a condition of approval for an application for an accessory dwelling unit or junior accessory dwelling unit the correction of nonconforming zoning conditions.
 - d. If the application is to legalize an unpermitted accessory dwelling unit or unpermitted junior accessory dwelling unit that was constructed before January 1, 2020, the City will not deny an application to legalize the unpermitted accessory dwelling unit or unpermitted junior accessory dwelling unit if the unpermitted accessory dwelling unit or unpermitted junior accessory dwelling unit does not conform with this Section or building standards pursuant to Health & Safety Code Section 17960 *et seq.* However, the City may deny the application for an unpermitted accessory dwelling unit or unpermitted junior accessory dwelling unit constructed before January 1, 2020 if the building official makes a finding that correcting the violation is necessary to comply with the standards specified in Health & Safety Code Section 17920.3.
 - e. No setback is required for a new structure constructed in the same location and to the same dimensions as an existing structure.
 - f. If the accessory dwelling unit is an exempt accessory dwelling unit that satisfies the applicable requirements provided in subsection 15.04.610.020(C)(1) above.

- D. **Objective Design Standards.** The following design standards apply to all accessory dwelling units except exempt accessory dwelling units.
 - 1. The materials and colors of the exterior walls, roof, eaves, and windows and doors shall match the appearance and architectural design of those of the primary dwelling.
 - 2. The roof slope shall match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
 - 3. The exterior lighting shall be limited to down-lights or as otherwise required by the building or fire code.
 - 4. All windows that are located 12 feet in height above the finished floor shall be clerestory windows and must be frosted or obscure glass.
 - 5. A new detached ADU shall not be located closer to the front property line than the primary residence unless it is not physically feasible to construct an attached or detached ADU with 800 square feet of interior livable space and at least four-foot side and rear setbacks anywhere else on the property.
 - 6. The architectural treatment of an attached ADU to be constructed on a lot that is listed in the California Register of Historical Resources shall comply with all applicable objective standards imposed by the Secretary of Interior. These standards shall not include requirements on minimum lot size. Further, any new attached ADU proposed on a

property listed in the California Register of Historical Resources shall be located behind the main structure where physically feasible. If placing the ADU behind the main structure is not physically feasible, the ADU shall be developed to the side of the main structure. If placing the ADU behind or to the side of the main structure is not physically feasible, the ADU shall be developed in front of the main structure.

E. **Objective Development Standards.** The following development standards apply to all accessory dwelling units except exempt accessory dwelling units.

1. Accessory Dwelling Units.

- a. *Number of Units Allowed.* Only one accessory dwelling unit shall be permitted on a legal lot that is zoned to allow and contains a proposed or existing single-family or multifamily dwelling.
- b. *Setbacks.* A four feet setback is required from the rear and side property lines. No setback shall be required for the conversion of an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU.
- c. *Floor Area.* The maximum floor area for an accessory dwelling unit attached to or detached from a dwelling shall not exceed 850 square feet of interior livable space for a studio or one bedroom or 1,000 square feet of interior livable space for a unit that contains two or more bedrooms. No accessory dwelling unit shall be smaller than the size required to allow an efficiency unit pursuant to Health and Safety Code Section 17958.1.
- d. *Height.* The maximum height of a detached or attached ADU shall not exceed:
 - i. A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.
 - ii. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height shall be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
 - iii. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.
 - iv. A height of 25 feet or the height limitation in the then current City zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. However, the accessory dwelling unit may not exceed two stories.
- e. *Parking.* Accessory dwelling units shall have one parking space per unit, except that studio units shall not require a parking space. Parking for an accessory dwelling unit may be provided as tandem parking on an existing driveway or in a setback area. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another. Parking is not required for an accessory dwelling unit in any of the following instances:
 - i. Where the accessory dwelling unit is located within one-half of one mile walking distance of public transit.
 - ii. Where the accessory dwelling unit is located within an architecturally and historically significant historic district.
 - iii. Where the accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - v. When there is a car share vehicle located within one block of the accessory dwelling unit.
 - vi. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subsection (e).
 - vii. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, the parking spaces need not be replaced.

2. Supplemental Standards for Attached Accessory Dwelling Units.

- a. An attached accessory dwelling unit must share at least one common wall or roofline with the living area of the primary dwelling.

- b. An attached accessory dwelling unit shall have a separate entrance, located on the side or the rear of the primary dwelling; provided, however, that in no event shall any external stairwell be placed within the side yard setback.
 - 3. *Supplemental Standards for Detached Accessory Dwelling Units.*
 - a. The distance between the primary dwelling and a detached accessory dwelling unit must be at least five feet.
 - 4. *Junior Accessory Dwelling Units.* Junior accessory dwelling units shall comply with the following standards:
 - a. *Number of Units Allowed.* Only one junior accessory dwelling unit may be located on any legal lot zoned for and containing a proposed or existing single-family dwelling. If there are multiple detached single-family dwelling units on one legal lot, there can only be one junior accessory dwelling unit.
 - b. *Location of Junior Accessory Dwelling Unit.* A junior accessory dwelling unit must be created within the existing walls of a proposed or existing single-family dwelling, including enclosed accessory uses within the single-family dwelling, such as attached garages, which are considered a part of the proposed or existing single-family dwelling for purposes of this Section.
 - c. *Size.* The total floor space of a junior accessory dwelling unit shall not exceed five hundred square feet of interior livable space.
 - d. *Entrance.* An exterior entry separate from the exterior entry for the single-family dwelling unit shall be provided to serve a junior accessory dwelling unit. However, if the junior accessory dwelling unit shares sanitation facilities with the single-family dwelling unit, there must also be an interior entry to the main living area of the single-family dwelling unit.
 - e. *Kitchen.* The junior accessory dwelling unit shall include at least an efficiency kitchen which includes cooking appliances, a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
 - f. *Parking.* Parking is not required for a junior accessory dwelling unit.
- F. **Utilities and Impact Fees.**
 - 1. Fees and Utility Connections.
 - a. Utility Extensions. All utility extensions shall be placed underground.
 - b. Accessory Dwelling Units. All permit and mitigation fees and other charges applicable to primary dwellings in the zone in which the property is located shall apply to an accessory dwelling unit except:
 - i. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating any connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit is constructed with a new single-family dwelling.
 - ii. An exempt accessory dwelling unit developed under subsection (C)(1)(a) above on a single-family property is exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges, unless the interior accessory dwelling unit was constructed with a new single-family dwelling.
 - iii. Any connection or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit on the water or sewer system, based on either its square feet or the number of drainage fixture units.
 - c. Junior Accessory Dwelling Units.
 - i. For the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit is not considered a separate or new dwelling unit. No water, sewer, or power requirements may be applied to single-family dwellings containing a junior accessory dwelling unit unless they apply uniformly to all single-family dwellings in the zone regardless of whether or not they contain a junior accessory dwelling unit.
 - ii. Unless the junior accessory dwelling unit is constructed with a new single-family dwelling, a junior accessory dwelling unit may not be required to install a new or separate utility connection between the junior accessory dwelling unit and the utility, may not be considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, and may not be required to pay any associated connection or capacity fees or charges.
 - d. Utility Connections and Meters. Previously unpermitted accessory dwelling units or previously unpermitted junior accessory dwelling units constructed before January 1, 2020 and permitted pursuant to subsection (C)(6)(d) are not required

to pay connection or capacity charges except when utility infrastructure is required to comply with Health & Safety Code Section 17920.3.

2. Impact Fees.
 - a. No impact fees shall be imposed upon a previously unpermitted accessory dwelling unit or previously unpermitted junior accessory dwelling unit constructed before January 1, 2020 that is permitted pursuant to subsection (C)(6)(d).
 - b. No impact fees shall be imposed upon the development of an accessory dwelling unit less than seven hundred fifty square feet of interior livable space or a junior accessory dwelling unit. Any impact fees charged for an accessory dwelling unit of seven hundred fifty square feet of interior livable space or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this provision, an "impact fee" includes the fees specified in Government Code Sections 66000 and 66477. Impact fees do not include connection fees or capacity charges.
- G. **Conformance with State Law.** In cases of conflict between this section and any other provision of this title, the provisions of this section shall prevail. To the extent that any provision of this section is in conflict with State law, the applicable provision of State law shall control, but all other provisions of this section shall remain in full force and effect.