ORDINANCE NO. 3167

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING ZONING CODE AMENDMENT NO. ZCA25-0001 TO AMEND THE WHITTIER MUNICIPAL CODE TO BE CONSISTENT WITH NEW STATE LAWS REGARDING ACCESSORY DWELLING UNITS (ADUS) AND JUNIOR ACCESSORY DWELLING UNITS (JADUS), AND TO FIND SUCH AMENDMENTS TO BE STATUTORILY AND CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECITALS

A. In September 2024, two new housing bills (AB 2533 and SB 1211) were signed by Governor Newsom that made amendments to the existing statutes regarding accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).

B. It is desirable that the City update its laws based on the new laws that went into effect to be consistent with current state law.

C. The Planning Commission considered Zoning Code Amendment No. ZCA25-0001 at a duly noticed public hearing on July 7, 2025, and recommended the City Council approve this Ordinance in the Planning Commission's Resolution No. PC 2025-08.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES HEREBY ORDAIN THE FOLLOWING:

SECTION 1. Recitals. The above recitals are true and are a substantial part of this ordinance.

SECTION 2. CEQA. The City Council hereby finds and determines that this Ordinance is exempt under California Public Resources Code § 21080.17, the California Environmental Quality Act (CEQA), in that CEQA does not apply to the adoption of an ordinance by a city to implement the provisions of Sections 66310 - 66342 of the Government Code, which is the State accessory dwelling unit law and also CEQA Guidelines § 15282(h) [statutory exemption for second unit ordinances]. Further, this O rdinance is exempt pursuant to CEQA Guidelines Section 15061(b)(1), (2), and (3) statutory and categorical exemptions, and because this action will not have a significant effect on the environment, CEQA Guidelines 15301 [existing facilities], 15303 [new construction or conversion of small structures] and 15304 [minor alterations to land].

SECTION 3. Municipal Code Amendment. Municipal Code section 18.10.020(I) is hereby amended in its entirety as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 4. Ordinance vs. Resolutions. Notwithstanding the general rule that a resolution may not amend an ordinance, nothing in this ordinance shall prohibit the City Council from further amending, by resolution, any of the specific plans affected by this ordinance.

SECTION 5. Severability. If any provision(s) of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, even though any one or more sections, subsections, clauses, phrases, parts or portions thereof was declared invalid or unconstitutional.

SECTION 6. Attest. The Mayor shall sign, and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption and submitted to the Department of Housing and Community Development within 60 days after adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AND ADOPTED this 23rd day of September 2025.

_____
JOSEPH A. VINATIERI, Mayor

ATTEST:

_____
RIGOBERTO GARCIA JR., City Clerk

Date: _____

EXHIBIT A – 18.10.020(I)

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 3167 was introduced on the 9th day of September 2025, and was adopted by the City Council of the City of Whittier at the regular meeting held on the 23rd day of September 2025, by the following vote:

AYES:	4	Council Members:	Vinatieri, Martinez, Pacheco, Warner
NOES:	0		
ABSTAIN:	0		
ABSENT:	0	Council Members:	Dutra

_____

RIGOBERTO GARCIA JR., City Clerk

(seal)

EXHIBIT A

Section 18.10.020(I)

18.10.020 Accessory uses.

Except as otherwise stated, for all zones where the municipal code allows residential uses, the following are the only accessory uses which are allowed based upon the residential use on such lot:

I. Accessory Dwelling Units. Accessory dwelling units shall be permitted in the single-family residential, multi-family residential and mixed-use zones in accordance with the following regulations:

1. Intent and Findings.

a. Intent. The intent of this subsection (I) is to ensure that accessory dwelling units and junior accessory dwelling units remain as an accessory use to the residence(s) on site, that structures on parcels are organized to accommodate an accessory dwelling unit and/or junior accessory dwelling unit, and that such dwelling units will not adversely impact surrounding residents or the community. Notwithstanding any wording within this subsection (I), this subsection (I) should be interpreted to affect the requirements of Government Code sections 66310 through 66342, but to not authorize more than is legally required.

b. General Plan Consistency. In adopting these standards, the city recognizes that the approval of dwelling units may, in some instances, result in dwelling densities exceeding the maximum densities prescribed by the general plan. The city finds that this occurrence is consistent with the general plan, as allowed under state planning and zoning law applicable to accessory dwelling units and junior accessory dwelling units, and that the amendment furthers the goals, objectives, and policies of the general plan housing element.

c. Denial. If the city denies an application for an accessory dwelling unit or junior accessory dwelling unit, the city shall, within sixty days from the date the city receives a complete application, 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.

d. Any additional changes to a primary dwelling unit (single-family, multi-family or mixed-use) that do not relate to the creation of an accessory dwelling unit or junior accessory dwelling unit must comply with the requirements of Title 18, as applicable.

2. Occupancy and Rental. Except as otherwise authorized by law, accessory dwelling units and junior accessory dwelling units may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence. Rental periods shall not be less than thirty-one days.

3. Definitions. For purposes of this subsection (I) only:

a. The terms "accessory dwelling unit", "passageway", "public transit", and "tandem parking" each have the same meaning as that stated in Government Code section 66313 as that section may be amended time to time. For the sake of convenience only, currently Government Code 66313 defines these terms as follows:

i. "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, and (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

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

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

iv. "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.

b. "Junior accessory dwelling unit" shall have same meaning as that stated in Government Code section 66313 as that section may be amended from time to time, and developed pursuant to Government Code sections 66333 through 66339. For the sake of convenience only, currently Government Code 65852.22(h)(1) provides:

i. "Junior accessory dwelling unit" means a unit that is no more than five hundred square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure."

ii. "Efficiency kitchen" means a kitchen that includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of a junior accessory dwelling unit.

c. "Existing structure" shall mean a structure (primary residence, multi-family residence or accessory structure) that has proper permits issued and finalized for at least one year or the structure has been in existence at least fifty years prior to the submittal of the application.

4. Accessory dwelling units—Development standards. Except for dwelling units approved pursuant to subsection 6 of this subsection (I), below, all accessory dwelling units shall comply with the requirements of this subsection 4. Except as otherwise provided in this subsection 4 or subsection 6, accessory dwelling units shall conform to the development standards of the underlying zone. Accessory dwelling units are only allowed in zones which allow residential uses.

a. Legal residence. An accessory dwelling unit shall only be allowed on a lot within the city that contains or will be developed with a legal, single-family or multiple-family residence.

b. Setback requirements.

i. Consistent with subsection 6.A.ii, below, no setbacks are required for:

a. Those portions of accessory dwelling units that are created by converting existing living area or existing accessory buildings to new accessory dwelling units; or

b. Construction of a new accessory dwelling unit in the same location and to the same dimensions as an existing lawful structure.

ii. For all other accessory dwelling units (including accessory dwelling units listed in subsections 6.a.ii, 6.b.i, 6.b.ii. below), there must be a minimum four feet setbacks from interior side and rear lot lines and the accessory dwelling unit must comply with all applicable front and street side yard setbacks, unless doing so would prohibit the construction of at least an eight hundred square foot accessory dwelling unit. The first priority placement shall be in the rear of a property, developed in compliance with the above required setbacks. If proposed at the front of a property, the front setback shall be maximized to the extent allowed within these requirements. Distance. The distance between any detached accessory dwelling unit and the primary dwelling unit shall not be less than five feet, unless it would prohibit the construction of an up to eight hundred square foot accessory dwelling unit. The distance separation does not apply to existing structures converted to an accessory dwelling unit.

c. Maximum Number of Dwelling Units.

i. Single-Family. For lots with a proposed or existing single-family residence, no more than one detached and one attached accessory dwelling unit and no more than one junior accessory dwelling unit may be on the lot

ii. Multi-family. For lots with existing multi-family residential dwellings:

a. Accessory dwelling units may be constructed within enclosed/attached portions of multifamily "dwellings" structures that are not used as livable space (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior accessory dwelling units permitted on the lot shall not exceed twenty-five percent of the current number of units of the multi-family complex on the lot and at least one such unit shall be allowed.

b. If the existing multifamily dwelling has a rear or side setback of less than four feet, the city shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this subparagraph.

c. For lots with existing or proposed multi-family residential dwellings, accessory dwelling units that are detached from that multifamily dwelling, are subject to a height limitation set forth in subsection H below, as applicable, and rear yard and side setbacks of no more than four feet and limited as follows:

(i) On a lot with an existing multifamily dwelling, not more than eight (8) detached accessory dwelling units. The total number of detached accessory dwelling units shall not exceed the number of existing units on the lot.

(ii) On a lot with a proposed multifamily dwelling, not more than two (2) detached accessory dwelling units.

iii. Notwithstanding anything else in this section to the contrary, if the lot was previously involved in a subdivision pursuant to municipal code Section 17.06.100 et seq. (Urban Lot Split — Approval Process), then an ADU or JADU is allowed if, after construction, there would be no more than two housing units on the lot, including, but not limited to units otherwise allowed pursuant to density bonus provisions, ADUs, and JADUs.

d. Floor Area. Accessory dwelling units shall not exceed the size standards listed below:

i. Attached accessory dwelling units: The maximum floor area of an attached accessory dwelling unit shall be the greater of:

a. For new construction of a primary dwelling, eight hundred fifty square feet for an accessory dwelling unit with zero to one bedroom or one thousand square feet for an accessory dwelling unit with two or more bedrooms; or

b. If there is an existing primary dwelling, fifty percent of the square footage of the existing primary dwelling.

ii. Detached accessory dwelling units: For new construction, the size shall be limited to one thousand two hundred square feet. On lots of twenty thousand square feet and greater, the maximum floor area of the accessory dwelling unit shall not exceed one thousand five hundred square feet. Notwithstanding the above, if a detached accessory dwelling unit is constructed in an existing accessory structure, the new detached accessory structure shall be constructed in the same footprint as the existing detached structure. If the existing detached accessory structure is less than one thousand two hundred square feet, the accessory dwelling unit may be increased up to one thousand two hundred square feet. If existing detached accessory structure is over one thousand two hundred square feet, it may only be expanded by one hundred and fifty square feet to accommodate ingress and egress.

e. Zones of Insufficient Sewer or Water. New accessory dwelling units are prohibited if the director determines the area has insufficient water or sewer service. The director shall maintain a map showing the known areas in the city with insufficient water or sewer service; such map shall be promptly made available to the public upon request. The director shall update the map periodically and shall do so only after consulting with the relevant water or sewer service provider if such service is not provided by the city.

f. Parking.

i. One parking space shall be provided for the accessory dwelling unit. The required parking space may be provided as:

a. Tandem parking on an existing driveway in a manner that does not encroach onto a public sidewalk and otherwise complies with city parking requirements; or

b. Within a setback area or as tandem parking in locations determined feasible by the city for such use. Locations will be determined infeasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the city.

ii. Notwithstanding the foregoing, no parking space shall be required for an accessory dwelling unit if:

a. It is located within one-half mile of public transit (purposes of this subsection, "public transit" has the same meaning as in Government Code 66313 as it may be amended from time to time);

b. It is located within an architecturally and historically significant district;

c. It is part of a proposed or existing primary residence or accessory building;

d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit;

e. Where there is a car share vehicle located within one block of the accessory dwelling unit; or

f. 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 section.

iii. When a garage, carport, covered parking structure or uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the off-street parking spaces do not have to be replaced. However, all portions of any existing driveway should remain except to the extent that the driveway becomes blocked by a new habitable structure. Any subsequent additional development in the primary dwelling shall comply with the single-family, multi-family, or mixed-use as applicable, parking standards set forth in this code.

g. Conversion of existing primary unit. An existing single-family dwelling may be converted to an accessory dwelling unit if it complies with all applicable requirements of this chapter when a new primary residence is proposed to be constructed.

h. Creation of an accessory dwelling unit. The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages, carports, covered parking or uncovered parking spaces.

i. Demolition. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time. If the property is located within a historic district or is a designated historic landmark subject to the certificate of appropriateness provisions of Chapter 18.84, the requirements of Chapter 18.84 must be followed.

5. Accessory dwelling and junior accessory units — Universal Standards. All accessory dwelling units shall comply with the requirements of this subsection 5, plus either the requirements of subsection 4 or 6. Junior accessory dwelling units shall comply with the requirements of this subsection 5 in addition all other applicable requirements, including those listed in subsection 7.

a. Building Code Compliance. All new accessory dwelling units must comply with Title 15 of the municipal code ("Buildings and Construction") and any other applicable provisions of the California Building Standards Code, including all applicable sewer, utility, and water connection requirements, unless the requirements of the California State Historic Building Code apply, in which case those requirements shall apply. (See municipal code Chapter 18.84, Historic Resources). Notwithstanding the forgoing, in either instance, fire sprinklers shall not be required if sprinklers would not be required if the accessory dwelling unit or junior accessory dwelling unit were instead an addition to the primary residence, are not required for the primary unit, nor shall fire sprinklers be required in an existing multi-family dwelling.

b. Easements. No accessory dwelling unit or junior accessory dwelling unit may be constructed in a location that would violate any easement unless approved in writing by the holder of the easement.

c. Separate Utility Connections. In general, the city may require a new or separate utility connection between the utility on the one hand and any accessory dwelling unit(s) or junior accessory dwelling unit on the other. If, however, the accessory dwelling unit is constructed pursuant to subsection 6.A.i of this subsection (l) (i.e., constructed within an existing single-family structure), then the city cannot require a separate utility connection unless the accessory dwelling unit is constructed with a new single-family home.

d. Architectural Standards. The accessory dwelling unit shall be compatible with or compliment the exterior appearance of the primary unit, and the existing dwellings in the vicinity of the lot or parcel on which it is proposed to be constructed, in accordance with code design standards and guidelines applicable to the zone, and as determined by the director. Junior accessory dwelling units may only be allowed in a primary dwelling and attached garages that meets all requirements applicable to the primary dwelling.

Notwithstanding the above, if the applicant may use a plan for an accessory dwelling unit that has been preapproved by the city or a plan that is identical to a plan used in an application for a detached accessory dwelling unit approved by the city within the current triennial California Building Standards Code cycle.

e. Historic Preservation. A proposed accessory dwelling or junior accessory dwelling unit shall comply with any applicable requirements of Chapter 18.84 ("Historic Resources"). For example, if an accessory dwelling unit is to be constructed on a parcel identified on any federal, state or local list of historic or eligible historic resources, the accessory dwelling unit shall not adversely impact the property's integrity to convey its historic significance through the seven aspects of integrity consisting of: setting, location, design, materials, workmanship, feeling and association, as described in National Register Bulletin 15. Likewise, the dwelling unit shall not be placed or constructed so as to result in a modification to any existing historic resource on the parcel or to a designated historic district, unless alterations to the existing historic resource(s) on the property or within a designated historic district conform to the United States Secretary of Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating Restoring and Reconstructing historic buildings. In addition, any detached garages and structures that contribute to the historic significance of an on-site resource shall retain its exterior integrity and comply with the United States Secretary of the Interior's Standards with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. Certain accessory dwelling units and junior accessory dwelling units may be eligible for a waiver pursuant to the procedures of Chapter 18.84.

f. Height. In general, except as set forth below, an accessory dwelling unit shall not exceed one level and shall comply with the height requirements set forth herein; the height shall be measured from the top of the first-floor top plate.

    i. A height of sixteen 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 eighteen 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 to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit shall be allowed.

    iii. A height of eighteen feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

    iv. A height of twenty-five feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. If the existing primary dwelling is a two-story structure, the attached accessory dwelling unit may also be two-stories, subject to the height limitations herein.

g. An accessory dwelling unit may be built on a second floor if the accessory dwelling unit is solely to be above a garage, the primary dwelling, or accessory building, and the following requirements are met:

i. Accessory buildings with "habitable space", as defined by the California Building Code, or which have bathing facilities, are considered accessory area and therefore must comply with the requirements of Section 18.10.030(H).

ii. If an accessory dwelling unit will be within an existing accessory building which is two stories, then the enclosed floor area of the second floor shall not exceed the footprint of the existing second floor.

iii. If an accessory dwelling unit will be constructed above an accessory structure or primary dwelling, a stairwell of not more than one hundred fifty square feet may be constructed to provide ingress and egress.

iv. The stairway access to a second floor shall be interior, unless demonstrated to be infeasible. Exterior stairway access to the second floor may be permitted when it is not readily visible from the street or public right-of-way. The location and the design of the stairway shall be architecturally integrated into the design of the accessory dwelling unit.

h. Conversion of existing primary unit. An existing single-family dwelling may be converted to an accessory dwelling unit when all requirements of this section are met and a new single-family dwelling will be constructed in compliance with all requirements of this code.

i. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

j. Nonconforming.

i. Accessory dwelling units and junior accessory dwelling units shall not be required to correct legal nonconforming zoning conditions (e.g., physical development upon the property) as a pre-condition to obtaining authorization to construct an accessory dwelling unit or junior accessory dwelling unit. However, this authorization shall not be interpreted as allowing non-conforming use on a property (e.g., a single-family dwelling in a commercial zone) to be expanded or intensified by allowing either a new accessory dwelling unit or new junior accessory dwelling unit on the property.

ii. No application or permit shall be denied for an accessory dwelling unit or junior accessory dwelling unit that was constructed prior to January 1, 2020, based on either of the following:

(a) The ADU is in violation of building standards pursuant to Article 1 of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code (commencing with Section 17960); or

(b) The ADU does not comply with state law or the provisions of this chapter.

iii. The provisions of subsection ii shall not apply if the city makes a finding that correcting the violation is necessary to comply with the standards specified in Health and Safety Code Section 17920.3 or if the building is deemed substandard pursuant to Health and Safety Code Section 17920.3.

iv. Before submitting an application for a permit, the homeowner may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before submitting an application for a permit.

v. Upon receiving an application to permit a previously unpermitted accessory dwelling unit or junior accessory dwelling unit constructed before January 1, 2020, an inspector from the city may inspect the unit for compliance with health and safety standards and provide recommendations to comply with such standards in order to obtain a permit. The city shall not penalize an applicant for having the unpermitted junior or accessory dwelling unit and shall approve necessary permits to correct noncompliance with health and safety standards.

vi. No impact fees or connection or capacity charges shall be imposed on a homeowner applying for a permit for a previously unpermitted junior or accessory dwelling unit built before January 1, 2020, except when the utility infrastructure is required to comply with Health and Safety Code Section 17920.3 and authorized by Government Code Section 66324(e).

k. Driveway Maintenance/Removal. If an existing garage for a single-family dwelling is demolished or converted to allow an accessory dwelling unit, after creation of the accessory dwelling unit, either (1) the driveway must continue to operate in a manner that one or more cars can lawfully park on the driveway; or (2) at the applicant's sole cost, the driveway shall be removed, the curb cut and driveway apron removed, a replacement curb and gutter installed, and a parkway installed in a manner consistent with the immediate surroundings.

l. Applications for junior and accessory dwelling units shall be ministerially processed within sixty days of receipt of a complete application and approved if they meet the requirements of this section.

i. The city shall grant a delay if requested by the applicant.

ii. If the application is submitted in conjunction with an application for a new single-family or multi-family residential dwelling, the application for the junior or accessory dwelling unit shall not be acted upon until the application for the new single-family or multi-family residential dwelling is approved, but thereafter it shall be ministerially approved within sixty (60) days if it meets all requirements of this section.

iii. If the application is denied, the city shall return a full set of comments in writing to the applicant with a list of items that are defective or deficient with a description of how the application can be remedied by the applicant. These comments shall be provided to the applicant within sixty (60) days of a complete application.

iv. Notwithstanding the above, if the applicant uses a plan for an accessory dwelling unit that has been preapproved by the city or a plan that is identical to a plan used in an application for a detached accessory dwelling unit approved by the city within the current triennial California Building Standards Code cycle, the application shall be approved or denied within 30 days from the date of a complete application.

6. Accessory Dwelling Unit and Junior Accessory Dwelling Unit Exceptions. The following types of accessory dwelling units shall be approved regardless of whether the proposed accessory dwelling unit meet the requirements of subsection 4. However, accessory dwelling units approved via this subsection 6 must meet all other applicable requirements of this code, including those listed in subsection 5 above.

   a. On lot with a proposed or existing single-family dwelling within a zone that allows residential uses, either:

      i. One accessory dwelling unit and/or one junior accessory dwelling unit per lot may be constructed within an existing or proposed single-family or attached accessory building, including the construction of up to a one hundred fifty square foot expansion beyond the same physical dimensions as the existing accessory building to accommodate ingress and egress. Any accessory dwelling unit and any junior accessory dwelling unit must have exterior access and side and rear setbacks sufficient for fire safety. If the unit is a junior accessory dwelling unit, it must also comply with the requirements of subsection 7 below ("Junior Accessory Dwelling Units"); or

      ii. One detached, new construction, accessory dwelling unit with setbacks of at least four feet from side and rear yards, no more than eight hundred square feet floor area, with a height as set forth in (5)(f) above. A junior accessory dwelling unit may also be built within the existing or proposed single-family dwelling of such residence in connection with the accessory dwelling unit.

   b. On a lot with an existing or proposed multifamily dwelling within a zone that allows residential uses, the following shall apply:

      i. In an existing multifamily dwelling, accessory dwelling units may be constructed within enclosed/attached portions of multifamily dwellings structures that are not used as livable space (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior accessory dwelling units permitted on the lot shall not exceed twenty-five percent of the current number of units of the multi-family complex on the lot and at least one such unit shall be allowed.

      ii. Detached accessory dwelling units may be newly constructed, or converted from an existing accessory structure, provided they comply with the height requirements under (5)(H), and they have at least four feet of side and rear yard setbacks not to exceed eight hundred square feet in floor area as follows:

         (a) On a lot with an existing multifamily dwelling, not more than eight (8) detached accessory dwelling units. The total number of detached accessory dwelling units shall not exceed the number of existing units on the lot.

(b) On a lot with a proposed multifamily dwelling, not more than two (2) detached accessory dwelling units.

(c) If the lot is entirely within a multifamily zone, the detached accessory dwelling unit(s) may be two stories, (if located on top of each other), provided that the height does not exceed twenty-five feet.

7. Junior Accessory Dwelling Units.

   a. Purposes: This section provides standards for the establishment of junior accessory dwelling units. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit and will be constructed within the walls of an existing or proposed single-family residence.

   b. Size: A junior accessory dwelling unit shall not exceed five hundred square feet in size.

   c. Owner Occupancy: The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a primary residence either the primary dwelling or the junior accessory dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or "housing organization" as that term is defined in Government Code Section 65589.5(k)(2), as that section may be amended from time to time.

   d. Sale Prohibited: A junior accessory dwelling unit shall not be sold independent of the primary dwelling on the parcel.

   e. Short-term rentals: The junior accessory dwelling unit shall not be rented for periods of less than thirty-one days.

   f. Location of Junior Accessory Dwelling Unit: A junior accessory dwelling unit shall be entirely within a legally established single-family residence, including an attached garage. As such, the structure in which the junior accessory dwelling unit is located (i.e., the primary dwelling) must be in a zone that allows single-family dwellings, and must comply with all development requirements (e.g., architectural, historic preservation) otherwise applicable to the primary dwelling.

   g. Kitchen Requirements: The junior accessory dwelling unit shall include an efficiency kitchen as defined in this Section.

   h. Parking. No additional parking is required beyond that already required for the primary dwelling.

   i. Fire Protection; Utility Service. For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit, unless the junior accessory dwelling unit was constructed in conjunction with a new single-family dwelling. No separate connection between the junior accessory dwelling unit and the utility shall be required for units created within a single-family dwelling, unless the junior accessory dwelling unit is being constructed in connection with a new single-family dwelling.

   j. Deed Restriction. Prior to the finalization of the building permit for a junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the

city that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence and restricts the size and attributes of the junior dwelling unit to those that conform with this section.