

Exhibit 1

Chapter 17.08 DEFINITIONS

17.08.020 Words, terms, phrases defined.

"Accessory dwelling units" ~~also known as a "second unit,"~~ means [the same as provided by Government Code section 66313](#) ~~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 that the single family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code.~~

["Livable space" means the same as provided by Government Code section 66313 and where the interior livable space is regulated under Title 17 of this code, it shall be measured from the interior side of the walls enclosing the dwelling unit, and including interior walls.](#)

"Living area" means the [same as provided by Government Code section 66313](#) ~~interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.~~

Chapter 17.22 ACCESSORY DWELLING UNITS

17.22.010 Purpose and intent.

The purpose of this chapter is to implement the requirements under Government Code [66310 et seq. Sections 65852.2 and 65852.22](#) for accessory dwelling units and junior accessory dwelling units. If [this chapter of the Government Code Sections 65852.2 or 65852.22 are](#) ever repealed or deemed to be unconstitutional or no longer in effect, this chapter of the code shall automatically be repealed.

Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, shall be considered a residential use that is consistent with the existing general plan and zoning designation for the lot and shall not be considered to exceed the allowable density for the lot upon which the accessory dwelling unit is located.

17.22.015 Applicability of other zoning standards.

Nothing in this chapter shall be construed to mean that an accessory dwelling unit or junior accessory dwelling unit is at all times exempt from any other section of this code, as applicable.

Although this chapter permits the new construction of an accessory dwelling unit or junior accessory dwelling unit that may exceed otherwise allowable zoning requirements for lot coverage, open space, floor area and front setback, or structure conversion, such an accessory dwelling unit or junior accessory dwelling unit, once permitted and built, may preclude the addition, expansion or enlargement of the primary dwelling unit or accessory structure otherwise permitted or conditionally permitted prior to the permitting of said accessory dwelling unit.

Section Footnotes:

Example 1: The new construction of an eight hundred square foot accessory dwelling unit increases the gross floor area of a property in the R-1 zone to a number equal to the maximum allowed in the R-1 zone. Future additions, expansions and enlargements are no longer possible without removal of floor area to compensate the addition, expansion or enlargement.

Example 2: The conversion of a two-car garage to an accessory dwelling unit or junior accessory dwelling unit, located on a lot in the R-1 zone, creates a nonconformity with the Parking Code (Chapter 17.68) where the minimum requirement for parking is the provision for two covered spaces. Bedroom additions in the R-1 zone are required to meet compliance with the Parking Code and thus the size of the bedroom addition would be limited or entirely precluded to necessitate the additional area for a garage or carport.

17.22.020 ~~Eligibility~~ Use permitted by-right.

~~One a~~ Accessory dwelling units and one junior accessory dwelling unit shall be a use permitted ~~within zones that permit or conditionally permit residential uses-~~ by-right with the following limitations: when the following conditions are met.

- ~~1. — Except as provided by Government Code Section 65852.26, the accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence;~~
- ~~2~~A. The lot is zoned to allow single-family or multifamily residential use and includes at least one proposed or existing primary dwelling;
- ~~3~~B. The a Accessory dwelling units is-are either attached to, or located within, the-a proposed or existing primary dwelling, including an 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; and
- C. Accessory dwelling units meeting all applicable development standards of this code.
- ~~4. — Neither the primary residential dwelling unit nor the accessory dwelling units shall be a mobile home, trailer, or vehicle; and~~
- ~~5. — Manufactured homes and modular dwelling units mounted to a permanent foundation shall be permitted as an accessory dwelling, unit or as a junior accessory dwelling unit when proposed as part of a primary dwelling unit that is a manufactured home or modular dwelling unit.~~

17.22.025 Limitations.

Accessory dwelling units shall be subject to the following limitations on use.

- A. Accessory dwelling units may be rented separate from the primary residence, but shall not be sold or otherwise conveyed separate from the primary residence; and
- B. A proposed primary dwelling unit or accessory dwelling units shall not be a mobile home, trailer, or vehicle. Except that, manufactured homes and modular dwelling units mounted to a permanent foundation shall be permitted as an accessory dwelling, unit or as a junior accessory dwelling unit when proposed as part of a primary dwelling unit that is a manufactured home or modular dwelling unit.
- C. Multifamily dwellings. Accessory dwelling units shall not be created by conversion of existing living area within a multifamily dwelling. Not more than 25% of existing units within a multifamily dwelling, not including accessory dwelling units, shall be created by conversion of existing non-livable area within the multifamily dwelling. This limitation shall allow at least one accessory dwelling unit to be created by converting existing non-livable areas within a multifamily dwelling. Junior accessory dwelling units shall not be permitted within a multifamily dwelling.

17.22.030 Development standards.

For accessory dwelling units created with existing or proposed multifamily development, the standards of this Chapter 17.22 shall be considered in combination with the City of Sierra Madre Objective Design Standards (Chapter 17.50). Where there may be conflict, the City of Sierra Madre Objective Design Standards shall override. To the extent that a development is other than for multifamily accessory dwelling units, the requirements of this Chapter 17.22 shall prevail.

A. Building and Design Standards.

1. Except when necessary to preserve historic architectural value, ~~For an attached unit,~~ the exterior materials, windows and other architectural features of an attached new construction accessory dwelling unit shall match the existing structure by employing the same building form, color tones,

- window design, door and window trims, roofing materials and roof pitch, ~~except as stated otherwise in this subsection.~~
2. No new roof decks are permitted on any accessory dwelling unit or junior accessory dwelling unit.
- B. Fire Safety Standards.
1. Fire Sprinklers. The construction of an accessory dwelling unit or junior accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing single family, multifamily, or primary dwelling. ~~Unless otherwise required by the fire department, t~~The installation of a fire sprinkler system in an accessory dwelling unit or junior accessory dwelling unit shall not be required except in the following circumstances.
 - ~~(i)~~a. Where a fire sprinkler system has been installed in the primary residence.
 - ~~(ii)~~b. Where a fire sprinkler system is required to be installed in the primary residence.
 - c. When otherwise deemed necessary by the fire department.
 2. All new accessory dwelling units are required to comply with Chapter 15.24 of this code.
 3. Where two accessory dwelling units are configured as sharing a common wall, a one-hour fire wall between the units is required.
 4. All new accessory dwelling units are required to use fire-resistant building materials.
 5. All new accessory dwelling units are required to comply with Chapter 8.36 (Hazardous Brush Clearance).
- C. ~~Floor~~-Area Standards. The area requirements of this subsection are subject to compliance with the requirements of the underlying zone for floor area.
1. Attached accessory dwelling units. The interior livable space of an ~~An attached~~ accessory dwelling unit attached to or converted from the existing area of a single-family dwelling shall not exceed the greater of:
 - a. 850 square feet of interior livable space;
 - b. 1,000 square feet of interior livable space if the accessory dwelling unit provides more than one bedroom; or
 - c. fifty percent of the existing ~~interior livable~~ing area space (including a habitable basement and attic) of the ~~single~~ single-family dwelling.
 - d. The interior livable space for a junior accessory dwelling unit shall not exceed 500 square feet.
 2. Detached accessory dwelling units.
 - a. The total ~~floor area~~ interior livable space for a newly constructed detached ~~or attached~~ accessory dwelling units shall not exceed ~~one thousand two hundred~~ 1,200 square feet.
 - b. The total interior livable space for the conversion of an existing detached accessory structure shall not exceed the greater of the existing area of the accessory structure or 1,200 square feet.
 - ~~3. The maximum floor area for a junior accessory dwelling unit shall not exceed five hundred square feet.~~
 43. The minimum floor area for a ~~detached or attached~~ any accessory dwelling unit shall be governed by the California Building Standards Code Section ~~1207~~.
 54. Floor area that is not the interior livable space of ~~Except as provided by Section 17.22.060, the total floor area of all buildings on the lot, including the~~ accessory dwelling units (e.g. storage areas or garages); shall not exceed the maximum floor area otherwise allowed in accordance with this title conform with applicable floor area and lot coverage requirements governed by the underlying

zone. For the purpose of this requirement, the area of structural framing necessary to enclose the interior livable area of accessory dwelling units shall not apply.

- D. Height and Building Massing Standards. Height shall be measured as prescribed by the underlying zone's standards for measuring height. Building mass shall comply with angle plane standards as required by the underlying zone.

1. Attached accessory dwelling units.

5a. For an newly constructed accessory dwelling unit that is attached to a primary dwelling, the height shall not exceed the lesser of twenty-five feet or as governed by the applicable zoning requirements.

b. For accessory dwelling units converted from a portion of a primary dwelling, the height shall not exceed the existing height of the primary dwelling.

12. Detached accessory dwelling units, new construction or addition onto an existing detached accessory structure.

a. For a detached accessory dwelling unit on a lot with an existing or proposed single-family or single-story multifamily dwelling unit, the height of a newly constructed accessory dwelling unit or addition onto an existing accessory structure shall not exceed sixteen feet.

b. On a lot with an existing or proposed multistory multifamily dwelling, the height shall not exceed eighteen feet.

c. 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, the height shall not exceed eighteen feet. 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.

d. Where the height of an existing building detached accessory structure exceeds sixteen feet, the conversion of that building to an accessory dwelling unit, in whole or in part, shall not exceed the existing height.

~~2. Where the height of an existing building exceeds sixteen feet, the conversion of that building to an accessory dwelling unit, in whole or in part, shall not exceed the existing height.~~

~~3. 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, the height shall not exceed eighteen feet. 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.~~

~~4. A detached accessory dwelling unit shall be allowed an additional two feet of height, not to exceed eighteen feet in total, if all of the following conditions are met:~~

~~a. There is more than one dwelling unit on the property; and~~

~~b. The main building on the property is more than one story~~

~~5. For an accessory dwelling unit that is attached to a primary dwelling, the height shall not exceed the lesser of twenty five feet or as governed by the applicable zoning requirements.~~

~~63. This section shall not be construed to allow an accessory dwelling unit to exceed two stories.~~

- E. ~~Lot Coverage Standards. Except as provided by Section 17.22.060, the lot coverage standards in this chapter shall be governed by the lot coverage standards in the underlying zone.~~

F. Parking Standards.

1. One on-site parking space shall be ~~designated~~required for each accessory dwelling unit in addition to parking required for the primary dwelling(s). In order to accommodate required parking on site, parking for an accessory dwelling unit may be allowed in setback areas (in locations determined by the city) and through tandem parking. In no event shall parking be allowed in a designated front yard landscaped area.
2. When a garage, carport, or other covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or is converted to an accessory dwelling unit, ~~the required replacement of~~ off-street parking ~~for the primary unit need not be replaced~~shall not be required.
3. Exemptions. No additional parking space is required for ~~the~~ accessory dwelling units if meeting any one of the following ~~is true~~:
 - ~~(i)~~a. The unit is ~~not~~ located within one-half of one mile of a regularly scheduled public transit stop.
 - ~~(ii)~~b. The unit is ~~not~~ located within a city council formally designated historic district.
 - ~~(iii)~~c. The unit is ~~part~~ of ~~the~~ an existing legal ~~primary residence~~ single-family dwelling or an existing legal accessory structure.
 - ~~(iv)~~d. On-street parking permits are required by the city but not offered to the occupant of the unit.
 - ~~(v)~~e. A publicly accessible and presently operating car share vehicle parking facility is located within one block of the unit.
 - ~~(vi)~~f. The unit is ~~proposed~~ a State-mandated accessory dwelling unit in accordance with Section 17.22.060.
 - ~~(vii)~~g. The unit is a junior accessory dwelling unit.
 - ~~(viii)~~h. The unit is ~~not~~ located in the R-1 (One-family Residential) ~~or R-H (Hillside Management)~~ zone.
- ~~(ix)~~4. 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 at least one other criteria for exemption listed in this paragraph.

G. Setback Standards. Accessory dwelling units shall be subject Sections 17.48.030 (Yard regulations), 17.48.120 (Permissible projections of structures into yards), 17.48.130 (Walls and fences) and the standards below:

1. No setback shall be required for the conversion of an existing structure that is built to the same dimensions, including height, as the existing structure.
2. A setback of no less than four feet from the side and rear lot lines shall be required for new construction or replacement structures not built to the same dimensions as the existing structure.

17.22.040 ~~Conversion of existing structures into~~ Legalization of unpermitted accessory dwelling units.

- A. Prior to the approval of an accessory dwelling unit permit for the conversion of an existing structure for which there is no record of a building permit being issued, satisfactory completion of a safety inspection by the city's building official and fire department is required. An applicant must commit to upgrade the accessory dwelling unit to health and safety codes in order to be granted approval of an accessory dwelling unit permit, including without limitations the following items:
1. Independent entrance to accessory dwelling unit.
 2. Direct access to exterior of building from bedroom (door or window).

3. Adequate light and ventilation in each habitable room.
 4. Minimum seven-foot high ceiling in all rooms, kitchens, halls, and baths.
 5. Properly installed electrical wiring including separate access to electrical shut off.
 6. Structural Integrity:
 - (i)a. Foundation not cracked, damaged, or shifting.
 - (ii)b. Framing not sagging or deteriorated.
 7. Comfort Heating:
 - (i)a. Heating as required per the building code.
 - (ii)b. Separate access to gas shut-off, if applicable.
 8. Working Plumbing:
 - (i)a. Kitchen and bathroom facilities with hot water, except for junior accessory dwelling units served by a shared bathroom.
 - (ii)b. Water heater strapped and properly vented.
 - (iii)c. Connection to approved sewage system.
 9. Fire Safety:
 - (i)a. Hallways serving sleeping rooms must have smoke and carbon monoxide detectors.
 - (ii)b. Each sleeping room must have a smoke detector.
- B. Once an inspection by the city's building official and fire department occurs, the applicant is required to correct those items that are identified as violating current health and safety codes for the structure's current use even in the event that the applicant decides to withdraw the accessory dwelling unit permit application.
- C. In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit that was built on or before May 24, 2022, the city, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code.

17.22.050 Junior accessory dwelling units.

- A. The owner must reside in either the single-family dwelling or within the ~~newly created~~ junior accessory dwelling unit if the junior accessory dwelling unit shares sanitation facilities with the primary structure.
- B. All junior accessory dwelling units shall include, at a minimum, an efficiency kitchen and living area. It may include separate sanitation facilities or may share sanitation facilities with the existing structure.
- C. The junior accessory dwelling unit must include a separate entrance from the main entrance to the proposed or existing single-family residence.
- D. A junior accessory dwelling unit shall be constructed within the walls of a proposed or existing single-family residence. For purposes of this paragraph, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.

17.22.060 ~~Exemptions~~ State-mandated accessory dwelling units.

- A. Notwithstanding any section of this chapter, ~~the city shall approve an application for a building permit within areas zoned to allow single-family or multi-family dwelling a~~ residential or mixed-use zone, a building permit shall be ministerially issued to create any of the following:

1. One accessory dwelling unit and/or one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following ~~conditions are met~~apply:
 - ~~(i)~~a. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one-hundred 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)~~b. The space has exterior access from the proposed or existing single-family dwelling;
 - ~~(iii)~~c. The side and rear setbacks are sufficient for fire and safety; and
 - ~~(iv)~~d. The junior accessory dwelling unit complies with the requirements of Section 17.22.050.
 2. One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks, an interior livable space ~~total floor area~~ of eight hundred square feet, and a height as defined in Section 17.22.030(D) of this Chapter for a lot with a proposed or existing single-family dwelling. Any non-livable space attached to the exterior walls enclosing the interior livable space of an accessory dwelling unit shall not be exempt under this Section 17.22.060(A)(2) and shall be subject to compliance with the underlying zone's development standards; any such non-livable space subject to discretionary approval shall be considered prior to and separately from a building permit for an accessory dwelling unit permit subject to these terms. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in paragraph (1).
 3. Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. One accessory dwelling unit within an existing multifamily dwelling and up to twenty-five percent of the existing multifamily dwelling units may be permitted.
 4. Not more than ~~two~~eight accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit as defined in Section 17.22.030(D) of this chapter and four-foot rear yard and side setbacks. However, the number of accessory dwelling units shall not exceed the number of existing primary dwelling units on the lot. 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 paragraph.
 5. Not more than two accessory dwelling units that are located on a lot with a proposed multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit as defined in Section 17.22.030(D) of this chapter and four-foot rear yard and side setbacks.
- B. A permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit shall not require the correction of existing nonconforming zoning conditions.
 - C. The installation of fire sprinklers shall not be required in an accessory dwelling unit or junior accessory dwelling unit if sprinklers are not required for the primary residence.
 - D. Rental of an accessory dwelling unit created pursuant to this Section shall be for a term longer than 30 days.
 - E. Use of these provisions is not assumed in the review of a building permit application. Any building permit application proposing the creation of an ADU pursuant to this Section 17.22.060 or Government Code section 66323 shall expressly state within the application an intent to utilize these provisions and shall reference specific code section(s) applicable to the proposal.

17.22.070 Utilities.

All accessory dwelling units and junior accessory dwelling units shall have the utilities be connected to the primary dwelling. The city shall not impose a related connection fee or capacity charge, unless the accessory dwelling unit or junior accessory dwelling unit was constructed with a new single-family dwelling.

17.22.080 Ownership.

Neither an accessory dwelling unit nor a junior accessory dwelling unit may be owned or sold separately from the primary dwelling unit.

17.22.090 Recordation.

- A. As a prerequisite to obtaining a building permit, the applicant for an accessory dwelling unit permit shall record a covenant or deed restriction specifying that the accessory dwelling unit will at all times comply with the provisions of this chapter and applicable state law. The recorded covenant shall run with the land, shall set forth the requirements of this chapter, shall contain provisions implementing the requirements of this chapter and the terms of the recorded covenant, and authorizing the city to abate any violation of this chapter at the cost of the then owner, including that the city may record a lien to recover the cost of such abatement proceedings including all reasonable administrative costs in connection therewith.

17.22.100 Application review.

- A. Application Contents. A ~~complete-building permit~~ application for an accessory dwelling unit permit shall ~~include~~ be supplemented by the following:
1. A vicinity map reflecting a one-half mile radius street system surrounding the project site, with the project site identified;
 2. A project data table containing the following information:
 - ~~(i)~~a. Total area of the site in square feet;
 - ~~(ii)~~b. Gross and net building area calculations of (a) existing and proposed square footage, and (b) existing and proposed number of buildings and dwelling units;
 - ~~(iii)~~c. Existing building construction dates;
 - ~~(iv)~~d. Existing and proposed vehicular parking spaces reflecting the minimum number required by this title;
 - ~~(v)~~e. Existing and proposed floor area ratio, including the maximum allowed by this title. Floor area ratio is the total floor area of all buildings including garages and other nonhabitable areas, and each floor within, divided by the total area of the lot, as a percentage;
 - ~~(vi)~~f. Existing and proposed lot coverage, reflecting the maximum allowed by this title;
 - ~~(vii)~~g. Existing and proposed building heights and number of stories;
 - ~~(viii)~~h. Total area of the project site proposed to be dedicated towards landscaping, if any;
 - ~~(ix)~~i. Total area of the project site proposed to be dedicated towards hardscape/paving, if any;
 - ~~(x)~~j. Existing zoning and land use designation;
 - ~~(xi)~~k. Existing and proposed Universal Building Code occupancy group classifications and construction types for each building;
 3. A site or plot plan of the existing conditions of the subject property drawn to a scale no greater than one-quarter inch to one foot and not less than a scale of one inch to one hundred feet, reflecting the following information:

- ~~(i)~~a. Property lines and adjoining sidewalks and streets.
 - ~~(ii)~~b. Existing structures — location, outside dimensions and use of all existing buildings and structures including building features such as elevated porches and outside stairs.
 - ~~(iii)~~c. Existing trees with accurate canopies depicted, numbered to correspond to the tree survey provided and indicating those that are protected by the tree preservation and protection ordinance and those that are proposed to be removed, retained or relocated.
 - ~~(iv)~~d. Existing landscaped areas.
 - ~~(v)~~e. Existing paved areas.
 - ~~(vi)~~f. Existing fences, walls or retaining walls.
 - ~~(vii)~~g. Footprints of adjacent buildings on abutting property.
- 4. A site or plot plan of the proposed conditions of the subject property drawn to a scale no greater than one-quarter inch to one foot and not less than a scale of one inch to one hundred feet, reflecting the following information:
 - ~~(i)~~a. All information listed on the existing site plan that is proposed to remain.
 - ~~(ii)~~b. If on-site structure or tree relocation is proposed, depict the proposed new locations.
 - ~~(iii)~~c. For additions and new construction, clearly indicate location, outside dimensions and use of proposed new construction.
 - ~~(iv)~~d. Indicate proposed location of electrical vault, gas and electrical meters, fire sprinkler valves, backflow preventer, HVAC condensers, and any other ground-level mechanical equipment, including proposed method of screening from public view.
- 5. Existing floor plan for each floor of buildings proposed to be affected by the project, including the following information and clearly indicating any walls, windows, doors or other building elements proposed to be removed or altered (not required for projects proposing demolition of all existing structures):
 - ~~(i)~~a. Exterior and interior walls of the affected structure.
 - ~~(ii)~~b. Attached exterior features such as awnings, canopies or balconies.
 - ~~(iii)~~c. Locations and sizes of all window and door openings.
- 6. Proposed floor plan for each floor of buildings proposed to be affected by the project or for proposed new buildings, including the following information:
 - ~~(i)~~a. All information listed on the existing floor plan that is proposed to remain or for each floor of proposed new buildings.
 - ~~(ii)~~b. Clearly indicate all proposed new walls, windows, doors or other features.
 - ~~(iii)~~c. Include callouts to locations of building sections provided.
- 7. Existing roof plan for buildings proposed to be affected by the project, including the following information and clearly indicating any areas or features of the roof proposed to be removed or altered (not required if no changes are proposed to be made to the roof or for projects proposing demolition of all existing structures):
 - ~~(i)~~a. Ridges and valleys of the existing roof.
 - ~~(ii)~~b. Direction and pitch of roof slopes.
 - ~~(iii)~~c. Existing roof materials.

- ~~(iv)~~d. Existing eaves or parapets, including any exposed rafters, beams, brackets fasciae, gutters and other features of the roof.
8. Proposed roof plan for buildings proposed to be affected by the project, including the following information, if changes to the roof are proposed or for proposed new construction:
- ~~(i)~~a. All information listed on the existing roof plan that is proposed to remain or that is proposed for new construction.
- ~~(ii)~~b. Clearly indicate new roof areas and new roof features.
- ~~(iii)~~c. Proposed locations of all exterior rooftop mechanical equipment.
9. Existing building elevations for building facades proposed to be affected by the project, including the following information and clearly indicating any features proposed to be removed or altered (not required for projects proposing demolition of all existing structures):
- ~~(i)~~a. Accurate depiction of affected facades including roof form, eaves or parapets, building walls, window and door openings and detailing, foundations and all architectural features including awnings, canopies, bulkheads, cornices, gutters, downspouts and other architectural details on the façade.
- ~~(ii)~~b. Depict and call out all existing exterior façade materials and features.
- ~~(iii)~~c. Call out building heights.
- ~~(iv)~~d. For projects proposing replacement of historical exterior materials, provide accurate representation, dimensions and finishes of existing materials proposed to be replaced.
10. Proposed building elevations in color and black and white including courtyard or other secondary elevations with the following information:
- ~~(i)~~a. All information listed on the existing building elevations that is proposed to remain or for proposed new construction.
- ~~(ii)~~b. For alterations of existing buildings, clearly indicate new façade elements, window or door openings, light fixtures, etc.
- ~~(iii)~~c. For additions, clearly demarcate the location of existing walls and new walls.
- ~~(iv)~~d. For new construction, provide:
- ~~(a)~~i) Elevations of existing buildings adjacent to front elevation.
- ~~(b)~~ii) Locations of through-the-wall mechanical vents.
- ~~(c)~~iii) Locations of downspouts and drainage outlets or scuppers.
- ~~(d)~~iv) Locations of lighting fixtures.
- ~~(v)~~e. Include callouts to locations of wall sections provided.
- ~~(vi)~~f. Street elevation drawing or photographic rendering of proposed elevation and adjacent building(s) on abutting property, to scale.
11. Proposed building and site sections (cross and longitudinal, for new construction, referenced to callouts provided on the proposed floor plans):
- ~~(i)~~a. Building walls (including freestanding walls).
- ~~(ii)~~b. Floor-to-floor dimensions.
- ~~(iii)~~c. Cut, fill, and spot elevations, as required.

12. Phasing plan (for multi-phased projects) depicting all elements of the project proposed to be completed within each construction phase.
 13. Proposed landscape plan (not required for projects not proposing any changes to landscaping or hardscaping):
 - ~~(i)~~a. Planting plan showing location, spacing, common name, botanical name, container size, quantity of all proposed new plant material, with distinct plant symbols for each specimen.
 - ~~(ii)~~b. Landscape construction plan with dimensions, materials, finishes (drawings, manufacturer specifications, and/or photographs of an existing installation).
 - ~~(iii)~~c. Hardscape details including paving, trash enclosure, raised planters, water features, fences, walls, site furniture, etc.
 - ~~(iv)~~d. Exterior lighting including type of fixture and manufacturer specifications.
 - ~~(v)~~e. Existing trees proposed to remain (trees with a four-inch diameter or greater shall be identified by species and diameter-at-breast height).
 - ~~(vi)~~f. Tree protection plan if existing public or private protected trees are proposed to be retained during construction.
 14. Manufacturer's specifications (e.g., brochures/cut-sheets) for new manufactured features including new windows, doors, light fixtures, vent/drain caps, etc. including materials, finishes and colors.
 15. Materials palette (digital) including images, manufacturer and product name/number and finishes and textures for all proposed exterior materials including cladding, accent materials, proposed color/paint and fabric swatches.
 16. Project Site Context. Color photographs of the existing project site taken from various vantage points from the street and from within the project site showing the existing structure(s), tree(s), and other existing site improvements. Provide full elevation photographs of all site structures including detailed images of affected architectural features proposed for alteration.
 17. Neighborhood Context. Color photographs of existing buildings on both sides of the street on which the project is proposed, between two cross streets. Photographs should identify the address of the property depicted and should be taken perpendicular to the building. If the project is on a corner lot, photographs should include both streets.
 18. Photographic key map indicating from where and at what angle the photographs were taken. All photographs provided should be labeled to correspond to the locations on the photographic key map.
- B. Procedure. [A building permit application for an accessory dwelling unit\(s\) and/or junior accessory dwelling unit shall be considered ministerially in the following manner, notwithstanding the issuance of variances or special use permits.](#)
1. [Application completeness.](#)
 - a. [The director shall determine whether a building permit application for an accessory dwelling unit and/or junior accessory dwelling unit permit is complete and provide written notice of this determination within fifteen \(15\) business days after receipt of the application.](#)
 - b. [If the director determines an application is incomplete, along with the notice of such determination, the director shall, within the time period described in this subsection, provide the applicant with a list of incomplete items and a description of how the application shall be made complete.](#)
 - c. [An applicant whose application was deemed incomplete may re-submit the application to cure the items included in the list provided.](#)

- d. If the application is determined to be incomplete, the applicant shall submit the specific information needed to complete the application within 90 days of receiving the written notice and list of incomplete items. If the applicant does not re-submit their application with the necessary items within the 90-day period, the preliminary application shall expire and have no further force or effect.
 - e. If an applicant re-submits an application, the director shall determine whether the additional application has remedied all incomplete items listed in the determination notice. This additional application is subject to the timeliness and requirements specified in subparagraph (a).
 - f. If the director has not made a determination regarding the completeness of the application within fifteen (15) business days, the application shall be deemed complete for purposes of application review.
12. Project compliance review. ~~The director shall complete the review of the~~ A building permit application for an accessory dwelling unit ~~permit~~ and/or junior accessory dwelling unit ~~permit~~ shall be approved or denied within sixty (60) days of receipt of a complete application if there is an existing single-family or multifamily dwelling on the lot. If the permit application for an accessory dwelling unit permit and/or junior accessory dwelling unit is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, a decision may be delayed for the permit application for the accessory dwelling unit permit and/or junior accessory dwelling unit until the permit application to create the new single-family or multifamily dwelling is approved or denied, but the building permit application for the accessory dwelling unit permit and/or junior accessory dwelling unit shall still be considered ministerially. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay submission. ~~Review of, and the approval or denial of, an application for an accessory dwelling unit permit by the city is a ministerial action.~~
3. ~~The director shall not approve an~~ A building permit application for an accessory dwelling unit ~~permit~~ and/or junior accessory dwelling unit shall not be approved or issued ~~an accessory dwelling unit permit~~ unless the proposed accessory dwelling unit and/or junior accessory dwelling unit complies with the requirements of this chapter. All proposed accessory dwelling units are subject to review for compliance with all applicable provisions of this code and all applicable federal, state, and county laws ~~the terms of this chapter by the director of planning and community preservation.~~
24. If ~~the director denies an~~ a building permit application for an accessory dwelling unit and/or junior accessory dwelling unit is denied, the ~~director~~ applicant shall be provided in writing, within the time period described in this subsection, ~~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.
3. ~~If the applicant has taken no action to remedy the defective or deficient application within one year from the date the written comments were provided to the applicant, the application shall be considered abandoned and withdrawn for consideration.~~
45. If ~~the director has not approved or denied the~~ a building permit application is not approved or denied within sixty (60) days, the application shall be deemed approved.
5. For the purposes of this subsection, an application being deemed incomplete has the same effect as an application being denied.
6. If a permit is determined to be incomplete under paragraph (1) or denied under paragraph (2) of this subsection, the applicant may appeal that decision in writing to the planning commission. The planning commission shall provide a final written determination within sixty (60) business days of receipt of the written appeal.
- C. ~~The decision of the director shall be final and conclusive. An~~ a Applicants proposing to create an accessory dwelling unit and/or junior accessory dwelling unit, whether by conversion of an existing guest house, legalization of an unpermitted dwelling unit, or otherwise, who obtains an accessory dwelling unit permit

shall be required to obtain a building permit for the accessory dwelling unit [and/or junior accessory dwelling unit](#).

- D. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be reviewed, in accordance with Code Section 15.04.115 (Section 105.7 Demolition Permits), with the application for the accessory dwelling unit and issued at the same time.
- E. A certificate of occupancy for an accessory dwelling unit or junior accessory dwelling unit shall not be issued before the issuance of a certificate of occupancy for the primary dwelling. [In the event that a primary dwelling is substantially damaged or destroyed by an event triggering referenced a proclaimed state of emergency made by the Governor, a certificate of occupancy for an ADU shall be issued even if the primary dwelling has not yet been issued a certificate of occupancy. The primary dwelling shall be repaired or rebuilt within the later of: \(a\) a year after the sunset of the applicable proclaimed state of emergency, or \(b\) six years of the date of the Governor's proclamation of a state of emergency. If the primary dwelling is not repaired or rebuilt within the time periods prescribed herein, the accessory dwelling unit's occupancy shall be recertified as a primary dwelling.](#)

17.22.110 Permit termination.

- A. An accessory dwelling unit permit validly issued pursuant to this chapter shall terminate when any one or more of the following occur:
 - 1. The permit has been abandoned, discontinued or is not used within one year from the date of permit issuance;
 - 2. The accessory dwelling unit owner files a declaration with the director that the permit has been abandoned or discontinued; or
 - 3. The permit has been revoked because it was obtained by fraud or misrepresentation or failed to abide by the terms of this chapter, this code, or applicable state or federal law.
- B. If a permit is terminated pursuant to subsection (A), then any improvement related to a permit for accessory dwelling unit shall be removed from the property.

(Ord. No. 1454, § 3(Exh. 2), 5-24-22)

17.22.120 Fees.

- A. ~~An~~ [building permit application for an](#) accessory dwelling unit ~~application~~ [or junior accessory dwelling unit](#) must be submitted to the city along with the appropriate fee as established by the city council by resolution in accordance with applicable law.
- B. The city will not consider an accessory dwelling unit or junior accessory dwelling unit to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.
- C. The city shall not impose any impact fee [or public facilities fees \(Chapter 15.52\)](#) upon the development of an accessory dwelling unit ~~that is less than~~ seven hundred fifty square feet [or less of interior livable space or a junior accessory dwelling unit](#). Any impact fees [or public facilities fees \(Chapter 15.52\)](#) charged for an accessory dwelling unit ~~of that is more than~~ seven hundred fifty square feet ~~or more may shall~~ be charged proportionately in relation to the square footage of the primary dwelling unit. [Any impact fees or public facilities fees \(Chapter 15.52\) may be reduced as determined by resolution of the city council.](#)
- D. The city may charge a fee to inspect an accessory dwelling unit or junior accessory dwelling unit to determine compliance with applicable building standards in accordance with Section 17.22.040.

17.22.130 Rental restrictions.

- A. An accessory dwelling unit or junior accessory dwelling unit may be rented for terms no less than thirty days. The person or party responsible for ownership of property that has an accessory dwelling unit or junior accessory dwelling unit shall obtain and maintain an annual business license, in accordance with Title 5, for dwelling accommodations when actively renting or advertising the rental of the dwelling unit.
- B. No accessory dwelling unit or junior accessory dwelling unit shall be used or advertised as a short-term rental.

17.22.140 Historic preservation.

- A. If the creation of an accessory dwelling unit requires a structure be altered or a project proposes to demolish a structure and the structure is a preservation candidate as defined of the type protected under Section 17.60.056 of this code, the applicant ~~will shall~~ prepare a written historic resource evaluation report assessment or survey as described defined in paragraph D of Section 17.60.056 of this code. For the purpose of this requirement, "altered or demolished", "historic resource evaluation report", and "preservation candidate" shall have the same meaning as ascribed under Section 17.60.056. Furthermore, the creation of an accessory dwelling unit shall not be subject to the granting of a discretionary demolition permit under Section 17.60.056. To facilitate the creation of accessory dwelling units through a ministerial permitting process, the provisions of this section shall apply when the provisions under Section 17.60.056 would otherwise apply. However, when the scope of a project also requires a structure be altered or demolished but does not involve the creation of an accessory dwelling unit, the provisions of Section 17.60.056 shall apply and a discretionary demolition permit shall be required for that portion of the proposed project.
- B. All historic resource evaluation reports assessments or surveys shall be prepared in the form of State of California Department of Parks and Recreation Series 523 Forms and shall ~~further~~ report a status code of eligibility as a historic resource according to the California Office of Historic Preservation.
- C. When a historic resource evaluation report reports that a structure to be altered or demolished is eligible for historic designation assessment or survey results in (a status code of categories one through five, inclusive), the applicant ~~is required to shall~~ obtain a Historic Resource Design Review prepared by a historian certified by the Secretary of Interior Professional Qualification Standards for the treatment of historic properties selected at the discretion of the city. The Historic Resource Design Review ~~will shall~~ list measures to mitigate the harmful impacts of the proposed project on the ~~historic structure~~ eligible for historic designation, and those To the extent that mitigation measures will be made a condition of approval of the accessory dwelling unit requires the preservation of any physical attribute of a structure, building plans shall reflect the required mitigation as a requisite for issuance of a building permit.
- D. When a historic resource evaluation reports assessment or survey results in a status code of category six, an applicant may proceed in accordance with this chapter.
- E. When a historic resource evaluation reports assessment or survey results in a status code of category seven, the property shall be reevaluated according to the missing criteria identified in such report; the application shall be deemed incomplete until a historic assessment or survey results in a status code of categories one through six.

17.22.150 Tree preservation.

- A. When the director of public works determines that an application for an accessory dwelling unit permit requires removal or substantial trimming of a protected tree, as defined in Section 12.20.020 of this code, a certified arborist selected by the city and paid for by the applicant shall prepare a tree survey and arborist report in accordance with paragraph A of Section 12.20.115 of this code.
- B. The arborist report will list measures to mitigate the harmful impact of the proposed project on ~~the~~ protected trees and those mitigation measures will be made a condition of approval of the accessory dwelling unit permit.

- C. Prior to the removal or substantial trimming of any protected tree, the applicant must obtain a [tree removal or tree trimming](#) permit and pay all accompanying fees.