

PLANNING COMMISSION RESOLUTION- EXHIBIT A
DRAFT CITY COUNCIL ORDINANCE

An Ordinance Amending Title 20 of the South San Francisco Municipal Code to update regulations pertaining to accessory dwelling units to comply with California state law and facilitate housing development.

WHEREAS, the City of South San Francisco (“City”) regulates the development of Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) through definitions and zoning regulations under South San Francisco Municipal Code Title 20, including specifically Chapter 20.350, Section 20.350.003; and

WHEREAS, the Title 20 ADU and JADU regulations aim to conform with California state law standards for regulating such units and its intent to reduce governmental barriers and to increase the supply of smaller and affordable housing; and

WHEREAS, new state legislation related to ADUs and JADUs was enacted in 2025, including Assembly Bill (AB) 462, AB 1154, Senate Bill (SB) 9, and SB 543, which build upon prior changes to state law and further reduce barriers to the development of ADUs and JADUs and streamline the creation of ADUs and JADUs as a housing opportunity, and which necessitate additional changes to the City’s ADU and JADU regulations; and

WHEREAS, state laws related to the review and approval of ADUs apply whether or not a local agency has adopted a local ordinance; and

WHEREAS, the City desires to continue enforce its existing ADU and JADU regulations and therefore it is the intent of the City to adopt amendments to the existing ADU and JADU ordinance that have the effect of providing for the creation of ADUs and JADUs, including provisions relating to matters including unit size, parking, and other requirements that will facilitate creation of ADUs and JADUs in zones in which they are authorized by local ordinance; and

WHEREAS, the amendments to the City’s Zoning Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact, and would implement the updated requirements provided for in Government Code Sections 66314 *et seq.*; and

WHEREAS, on May 21, 2026 and July 16, 2026, the Planning Commission for the City of South San Francisco held a lawfully noticed public hearing to solicit public comment and consider the proposed Zoning Amendments and associated CEQA determination, take public testimony; following the public hearing, the Planning Commission adopted Resolution No. XXXXX making findings and determination under CEQA and recommending the City Council adopt an ordinance implementing the on the Zoning Amendments; and

WHEREAS, on XXXXXXXX the City Council for the City of South San Francisco held a lawfully noticed public hearing to solicit public comment and consider the CEQA finding and the proposed

zoning ordinance amendments, take public testimony, and consider the recommendation of the Planning Commission on the proposed revisions to the City's Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that based on the entirety of the record before it, which includes without limitation, the California Environmental Quality Act, Public Resources Code §21000, et seq. ("CEQA") and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the South San Francisco General Plan and General Plan EIR, including all amendments and updates thereto; the South San Francisco Municipal Code; the draft Zoning Text Amendments prepared by City staff; all reports, minutes, and public testimony submitted as part of the Planning Commission's duly noticed May 21, 2026 and July 16, 2026 public hearings, and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2) ("Record"), the City Council of the City of South San Francisco does hereby ORDAIN as follows:

SECTION 1. **Findings.**

1. The City Council of South San Francisco finds that all Recitals are true and correct and are incorporated herein by reference.
2. The City Council of South San Francisco further finds that this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282.1(h) because they are implementing the provisions of Government Code Section 66314 et seq. relating to secondary dwellings.

SECTION 2. **Amendments.**

The City Council hereby amends various sections of Title 20 of the South San Francisco Municipal Code to read as set forth in Exhibit A, attached hereto and incorporated herein. Sections, subsections, subdivisions, tables, paragraphs and texts that are not amended by this Ordinance are not included in Exhibit A, and shall remain in full force and effect.

SECTION 3. **Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part of provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of South San Francisco hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 4. **Publication and Effective Date.**

Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this

Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk's Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise not voting. This Ordinance shall become effective thirty (30) days from and after its adoption.

Exhibit A to City Council Ordinance
Amendments to Title 20 of the South San Francisco Municipal Code

The following chapters of the South San Francisco Municipal Code are amended as shown here, with additions in red double underline and deletions in ~~striketrough~~. Sections, subsections, subdivisions, tables, paragraphs and texts that are not amended by this Ordinance and Exhibit A are not included and shall remain in full force and effect.

Note: for the purposes of clarity, changes introduced at the July 16, 2026 Planning Commission public hearing are also highlighted in **yellow**.

1. Revisions to Chapter 20.350 “Standards and Requirements for Specific Uses and Activities” under Title 20

Chapter 20.350 (Standards and Requirements for Specific Uses and Activities)

...

Section 20.350.003 (Accessory Dwelling Units)

A permit shall be issued ministerially without discretionary review or hearing for an accessory dwelling unit within 60 days of receiving a complete application if there is an existing single-unit or multiple-unit dwelling on the lot and if the requirements of this chapter, other requirements of the Zoning Ordinance, and other applicable City codes are met. If the permit application to create an accessory dwelling unit is submitted with a permit application to create a new single-unit or multiple-unit dwelling on the lot, the application for the accessory dwelling unit shall not be acted upon until the application for the new single-unit or multiple-unit dwelling is approved.

- A. **Location.** Accessory dwelling units may be established on any lot in any district where single-unit and/or multiple-unit dwellings are permitted or conditionally permitted, and a single-unit or multiple-unit dwelling has been previously established or is proposed to be established in conjunction with construction of an accessory dwelling unit.
- B. **Type of Unit.** An accessory dwelling unit shall provide separate, independent living quarters for one or more persons. An accessory dwelling unit may be one of the following:
1. ***Attached Accessory Dwelling Unit.*** Added to a primary dwelling unit, typically to the side or rear that is either newly constructed or an expansion of an existing structure that is not a converted accessory dwelling unit as defined herein. Attached accessory dwelling units

may be located on a single-unit or multiple-unit residential lot, as provided in subsection C below.

2. ***Detached Accessory Dwelling Unit.*** A freestanding structure that is newly constructed, demolished and reconstructed, or an expansion of an existing freestanding structure that is not a converted accessory dwelling unit as defined herein. Detached accessory dwelling units may be located on a single-unit or multiple-unit residential lot, as provided in subsection C below.

3. ***Converted Accessory Dwelling Unit.*** Located within the physical dimensions of an existing or proposed single-unit dwelling (with exterior access therefrom) or existing accessory structure, or within the non-livable area in an existing multiple-unit dwelling structure. Modifications to building footprints and physical dimensions are not permitted for converted accessory dwelling units, except within an existing or proposed single-unit dwelling or existing accessory structure, where necessary to accommodate ingress and egress or habitability requirements under applicable building code provisions. In such instances, an expansion of up to 150 square feet would be permitted as long as the side and rear setbacks are sufficient for fire and safety.

C. Number of Units Allowed and Maximum Floor Area.

1. ***Single-Unit Lot.*** ~~On a lot with an existing or proposed single-unit dwelling, one accessory dwelling units, of any type, and one junior accessory dwelling unit.~~ The number, combination, and maximum square footages of accessory dwelling units and junior accessory dwelling units on a single-unit lot shall be permitted in accordance with the table below.

<u>Table 20.350.003.C.1: Allowable ADUs on a Single-Unit Lot</u>			
<u>Type</u>	<u>Number Allowed</u>	<u>Maximum Square Footage¹</u>	<u>“State-Exempt” Status²</u>
<u>Lots with an Existing or Proposed Single-Unit Dwelling</u>			
<u>Detached</u>	<u>1</u>	<u>800 sf</u>	<u>Exempt</u>
<u>Converted</u>	<u>1</u>	<u>N/A³</u>	<u>Exempt</u>
<u>JADU</u>	<u>1</u>	<u>500 sf</u>	<u>N/A</u>
<u>Attached OR Detached OR Converted</u>	<u>1</u>	<u>1000 sf⁴</u>	<u>Not Exempt</u>
<u>Notes:</u>			

1. The maximum square footage for an accessory dwelling unit shall refer to interior “livable space,” as defined under California Government Code Section 66313 or its successor statute.
2. Per State Government Code Section 66323 or its successor statute, certain ADUs are not subject to local development and design standards (and therefore are colloquially referred to as “state-exempt”). For such state-exempt ADUs, zoning and development standards in this chapter applicable to ADUs are waived.
3. Allowed within the square footage of the dwelling or structure per SSFMC Section 20.350.003(B)(3).
4. Allowed up to 800 sf for attached or detached if FAR and/or lot coverage requirements are not met. For converted, allowed within the square footage of any dwelling or accessory structure, notwithstanding the definition in SSFMC Section 20.350.003(B)(3).

2. **Multiple-Unit Lot.** The number, combination, and maximum square footages of accessory dwelling units on a multiple-unit lot shall be permitted in accordance with the table below.

- a. Up to two detached accessory dwelling units are permitted on a lot with an existing or proposed multiple-unit dwelling. Within an existing multiple-unit dwelling structure, converted accessory dwelling units shall be permitted up to 25 percent of the existing number of units or one unit, whichever is greater. Such converted accessory dwelling unit shall only be permitted within the portions of the structure that is not used as livable space, provided that the unit complies with the California Building Standards Code as set forth in Title 15.
- b. If there are existing accessory structures on a lot with an existing or proposed multiple-unit dwelling, converted accessory dwelling units may be permitted within all such existing accessory structures provided that the lot does not otherwise contain one or more proposed or existing accessory dwelling unit permitted under subsection (C)(2)(a) above, and that the converted accessory dwelling unit(s) meet the requirements of subsection (B)(3) above, the development standards of the zoning district in which the property is located, and all other applicable requirements of this chapter.
- c. One attached accessory dwelling unit, provided that there is no existing or proposed accessory dwelling units on the same lot utilizing subsection (2)(a) or (2)(b) above.

Table 20.350.003.C.2: Allowable ADUs on a Multiple-Unit Lot

Type	Number Allowed	Maximum Square Footage ¹	State-Exemption Status ²
<u>Lots with an Existing Multiple-Unit Dwelling</u>			

Table 20.350.003.C.2: Allowable ADUs on a Multiple-Unit Lot			
Type	Number Allowed	Maximum Square Footage¹	State-Exemption Status²
Detached	8 or the number of existing units, whichever is less	N/A	Exempt
Converted	25% of existing primary units, or 1, whichever is greater	N/A ³	Exempt
Attached OR Detached OR Converted	1	1,000 sf ⁴	Not Exempt
Lots with a Proposed Multiple-Unit Dwelling			
Detached	Up to 2	N/A	Exempt
Attached OR Detached OR Converted	1	1,000 sf ⁴	Not Exempt
Notes: 1. The maximum square footage for an accessory dwelling unit shall refer to interior “livable space,” as defined under California Government Code Section 66313 or its successor statute. 2. Per State Government Code Section 66323 or its successor statute, certain ADUs are not subject to local development and design standards (and therefore are colloquially referred to as “state-exempt”). For such state-exempt ADUs, zoning and development standards in this chapter applicable to ADUs are waived. 3. Allowed within the non-livable square footage of the dwelling per SSFMC Section 20.350.003(B)(3). 4. Allowed up to 800 sf for attached or detached if FAR and/or lot coverage requirements are not met. For converted, allowed within the square footage of any dwelling or accessory structure, notwithstanding the definition in SSFMC Section 20.350.003(B)(3).			

D. Development Standards. Accessory dwelling units shall conform to the specific development standards set forth below, and unless specified otherwise below, shall comply with the landscaping, lot coverage, and other zoning requirements of the zoning district in which the site is located; other applicable development standards in this chapter; other requirements of the Zoning Ordinance; and other applicable City building, electrical, fire, utility and structural safety codes.

1. **Setbacks.** The minimum street side, interior side, and rear yard setbacks for accessory dwelling units shall be as follows:

- a. Detached accessory dwelling unit: four feet
 - b. Attached accessory dwelling unit: four feet
2. ***Separation Between Units.*** The distance between an accessory dwelling unit to the rear of the primary dwelling and any other existing or proposed structures on the lot, inclusive of eaves, as applicable, shall be as follows:
- a. Attached accessory dwelling unit: four feet
 - b. Detached accessory dwelling unit: four feet
3. ***Height.*** The maximum height for an accessory dwelling unit shall be as follows:
- a. Attached accessory dwelling unit: the height requirements of the zoning district where the site is located.
 - b. Detached accessory dwelling unit: 18 feet maximum, except where a detached accessory dwelling is located within one-half a mile walking distance from a major transit stop or a high-quality transit corridor as defined under Public Resources Code Section 21155, an additional two feet in height is permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
4. ***Entry and Exterior Access.*** Each accessory dwelling unit shall have an entry or exterior door access separate from the primary unit. Where possible, the exterior entry for an attached accessory dwelling unit or an accessory dwelling unit located within an existing single-unit dwelling shall not be located adjacent to the primary front door of the primary dwelling unit.

~~E. Maximum Floor Area.~~

- ~~1. ***Attached Accessory Dwelling Unit.*** The total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the floor area of the primary unit or 800 square feet, whichever is greater, with a maximum allowable floor area of 1,000 square feet.~~
- ~~2. ***Detached Accessory Dwelling Unit.*** The total floor area of a detached accessory dwelling unit shall not exceed 1,000 square feet.~~

F. Architectural Compatibility. Except as provided in subsection D above, an accessory dwelling unit shall be designed and constructed in accordance with applicable site and design standards listed in Chapter 20.310 ("Site and Building Design Standards"), and the following:

1. ***Attached Accessory Dwelling Unit.***

- a. *On Single-Unit Lot.* An attached accessory dwelling unit on a single-unit lot shall be subject to the site and design standards specified in Section 20.310.003 ("Single-Unit and Duplex Residential Design").
- b. *On Multiple-Unit Lot.* An attached accessory dwelling unit on a multiple-unit lot shall be subject to the site and design standards specified in Section 20.310.004 ("Multifamily Residential and Residential Mixed-Use Design").

2. ***Detached Accessory Dwelling Unit.*** A detached accessory dwelling unit on a single- or multiple-unit lot shall be subject to the site and design standards specified in Section 20.310.003 ("Single-Unit and Duplex Residential Design").

G. Parking. ~~One independently usable on-site parking space shall be provided for each accessory dwelling unit or bedroom, whichever is less, unless the accessory dwelling unit meets any of the following criteria, in which case no parking spaces shall be required:~~

1. One independently usable on-site parking space shall be provided for each accessory dwelling unit or bedroom, whichever is less, unless the accessory dwelling unit meets any of the following criteria, in which case no parking spaces shall be required:

~~1a.~~ Within a one-half-mile walking distance of public transit;

~~2b.~~ Within an architecturally and historically significant historic district;

~~3c.~~ Is a part of the proposed or existing primary residence or an accessory structure;

~~4d.~~ Is submitted with an application to create a new primary single-unit or multiple-unit dwelling, provided that the accessory dwelling unit satisfies any other criteria listed in this subsection G;

~~5e.~~ Is in an area where on-street parking permits are required, but not offered to the occupant of the accessory dwelling unit; or

~~6f.~~ Within one block of a car share area.

2. If a space is required, it shall be provided in addition to the required parking for the primary single-unit or multiple-unit dwelling and shall comply with all development standards set forth in Chapter 20.330 ("On-Site Parking and Loading"). Required parking may be provided as tandem parking on a driveway or in setback areas unless the Chief Planner makes specific findings that tandem parking and parking in setback areas is not feasible because of specific topographical conditions and/or conditions that would pose a risk to health and safety or violate any fire or building code provisions. ~~Replacement parking shall not be required when existing off-street parking for the primary single-unit or multiple-unit dwelling is converted to an accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit.~~
3. Replacement parking shall not be required when existing off-street parking for the primary single-unit or multiple-unit dwelling is converted to an accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit.
4. 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.
5. The applicant shall not be required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

H.G. Exceptions. Development **and design** standards described in this chapter and elsewhere in the Zoning Ordinance, including, but not limited to, setbacks (including front setbacks), height, density, lot coverage, distance between buildings, minimum or maximum floor area ratio, or another property development standards, shall be waived for **the following accessory dwelling units defined in Table 20.350.003.C.1 and C.2:**

1. **Exempt** converted accessory dwelling units located on single-unit lots;
2. ~~Attached or~~ **Exempt** detached accessory dwelling units that have a maximum size of 800 square feet ~~with at most 18 feet in height~~ **and in compliance with height requirements under (D)(3) above**, does not exceed four-foot side and rear yard setbacks, and located on single-unit lots;

3. ~~C-Exempt~~ converted accessory dwelling units located on a lot with one or more existing multiple-unit dwelling(s) as set forth in ~~subsection (C)(2)(a)~~ **Table 20.350.003(C)(2)** above; and
4. **Exempt D** detached accessory dwelling units located on a lot with one or more existing multiple-unit dwelling(s) as permitted by ~~subsection (C)(2)(a)~~ **Table 20.350.003(C)(2)** above, provided that such units have a maximum height of 18 feet and four-foot rear and side yard setbacks.

However, the foregoing accessory dwelling units under subsections ~~(H)~~**G**(1) through (4) shall continue to comply with applicable building, electrical, fire, utility and structural safety codes for the issuance of a Building Permit.

H. Code Compliance. An accessory dwelling unit shall comply with all applicable provisions of the South San Francisco Municipal Code relating to health, welfare, public peace and safety, in effect at the time of approval of the Building Permit, and as follows:

1. If the proposed accessory dwelling unit is attached or within the primary dwelling unit, the primary unit must comply with all building, electrical, plumbing, and housing code requirements in effect at the time the Building Permit is issued for the accessory dwelling unit.
2. Products of combustion detectors shall be required for each primary and accessory dwelling unit.
3. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary dwelling unit. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling unit.

34. Delay of Enforcement of Building Standards.

- a. ~~Prior to January 1, 2030~~ Notwithstanding any other provisions of this code, the owner of an accessory dwelling unit that was built before January 1, 2020 may submit an application to the Chief Building Official requesting that correction of any violation of building standards be delayed for five years. For purposes of this section, “building standards” refers to those standards enforced by local agencies under the authority of Section 17960 of the California Health and Safety Code.

- b. The Chief Building Official shall review the request in accordance with Section 17980.12 of the California Health and Safety Code, and, except for issues that relate to an immediate danger to health or safety, shall provide a written response to the property owner not less than ten (10) calendar days prior to the issuance of any administrative citations or fines. ~~grant the application if the Chief Building Official determines that enforcement of the building standard is not necessary to protect health and safety. In making this determination, the Chief Building Official shall consult with the Fire Chief.~~
- c. No applications pursuant to this section shall be approved on or after January 1, 2030. However, any delay that was approved before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the approval of the application.
- d. ~~Until January 1, 2030, any~~ Any notice to correct a violation of building standard that is issued to the owner of an accessory dwelling unit built before January 1, 2020 shall include a statement that the owner has a right to request a delay in enforcement of the building standard for an accessory dwelling unit pursuant to this section.
- e. ~~This section shall remain in effect until January 1, 2035 or, if such date is further extended by State law, until that extended date, and thereafter is repealed.~~
- f. In accordance with Government Code section 66311.7 or its successor statute, for an unpermitted accessory dwelling unit that was constructed before January 1, 2020, except for a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code, the property owner may apply for a permit to legalize the unit. The City shall not deny the permit unless it finds that correcting the violation of the unpermitted unit is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code.

J. Use Limitation.

1. An accessory dwelling unit may be rented separate from a primary single-unit or multiple-unit dwelling but may not be sold or otherwise conveyed separately from the primary unit, unless specifically authorized under California Government Code Section ~~65852.26~~ 66341 or its successor statute.
2. An accessory dwelling unit shall not be used for rentals of terms shorter than 31 consecutive days.

K. Deed Restrictions. Prior to obtaining a Building Permit for an accessory dwelling unit, a deed restriction, in a form approved by the City Attorney, shall be recorded with the County Recorder's

Office, which shall include the pertinent restrictions and limitations of an accessory dwelling unit identified in this chapter. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the City stating that:

1. The accessory dwelling unit cannot be sold separately. However, this clause shall be omitted from a deed restriction for an accessory dwelling unit that is specifically authorized under California Government Code Section 65852.26 ~~66341~~ **or its successor statute**.
2. The accessory dwelling unit cannot be used for rentals for terms shorter than 31 consecutive days.
3. The accessory dwelling unit is restricted to the maximum size allowed per the requirements of this chapter.
4. The restrictions shall be binding upon any successor in ownership of the property, the City may enforce these provisions at the cost of the owner, and enforcement may include legal action against the property owner including revocation of any right to maintain an accessory dwelling unit on the property.

~~L~~K. Junior Accessory Dwelling Units. A junior accessory dwelling unit is a unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-unit dwelling within the existing footprint. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

1. ***Development Standards.*** 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 lot in any district where single-unit dwellings are permitted or conditionally permitted. A junior accessory dwelling unit may only be combined with an accessory dwelling unit that conforms to the development standards in this chapter.
 - b. *Location.* A junior accessory dwelling unit may only be located on a lot where a single-unit dwelling has been previously constructed or is proposed to be constructed in conjunction with construction of a junior accessory dwelling unit. A junior accessory dwelling unit must be created within the walls of an existing or proposed single-unit dwelling.

- c. *Separate Entry Required.* A separate exterior entry shall be provided to serve a junior accessory dwelling unit. Where possible, the exterior entry for a junior accessory dwelling unit shall not be located adjacent to the primary front door of the primary dwelling unit.
- d. *Interior Entry Required.* If a junior accessory dwelling unit is constructed without a separate sanitation facility, the unit shall have interior doorway access to the primary dwelling unit.
- e. *Kitchen Requirements.* The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
 - i. A sink;
 - ii. A cooking facility with appliances; and
 - iii. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the unit.
- f. *Minimum and Maximum Floor Area.* The minimum total floor area of a junior accessory dwelling unit shall be at least the minimum area of an efficiency unit as described in Section 17958.1 of the California Health and Safety Code but shall not exceed a maximum of 500 square feet of floor area.

- 2. ***Parking.*** No additional parking shall be required.
- 3. ***Owner Occupancy.*** The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling unit or the junior accessory dwelling unit if the junior accessory dwelling unit has shared sanitation facilities with the primary dwelling unit. Owner occupancy shall not be required if the junior accessory dwelling unit has separate sanitation facilities.
- 4. ***Sale Prohibited.*** A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
- 5. ***No Short-Term Rental.*** A junior accessory dwelling unit shall not be used for rentals of terms shorter than 31 consecutive days.

6. ***Deed Restriction.*** Prior to obtaining a Building Permit for a junior accessory dwelling unit, a deed restriction, approved by the City Attorney, shall be recorded with the County Recorder's Office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this section. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the City stating that:
- a. The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit;
 - b. The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;
 - c. The junior accessory dwelling unit shall be considered legal only so long as either the primary dwelling unit, or the junior accessory dwelling unit, is occupied by the owner of record of the property if the junior accessory dwelling unit has shared sanitation facilities with the primary dwelling unit;
 - d. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

14.14.040. Utilities and Impact Fees.

- 1. No accessory dwelling unit shall be permitted if it is determined that there is not adequate water or sewer service to the property.
- 2. For all utility services other than sewer services, only an accessory dwelling unit constructed with a new single-unit or multiple-unit dwelling shall be required to have a new or separate utility connection, including a separate sewer lateral, between the accessory dwelling unit and a utility. If a new or separate utility connection is required pursuant to this section or installed upon request of the property owner, a connection fee or capacity charge shall be charged that is proportionate to the size in square feet of the accessory dwelling unit or its drainage fixture unit (DFU) values. Separate electric and water meters shall be required for the accessory dwelling unit. For sewer services, the number of sewer laterals/connections to the City's wastewater collection system shall comply with Section 14.14.040 ("Building Drain and Building Sanitary Sewer Lateral") of this Code and only an accessory dwelling unit constructed with a new single-unit or multiple-unit residential dwelling shall be required to pay a sewer capacity charge, the

amount of which shall be proportionate to the size in square feet of the accessory dwelling unit or its DFU values.

3. ***Impact Fees.*** No impact fees may be imposed on an accessory dwelling unit that is less than 750 square feet in size. For purposes of this section, “impact fees” include the fees specified in Sections 66000 and 66477 of the Government Code, but do not include utility connection fees or capacity charges. For accessory dwelling units that have a floor area of 750 square feet or more, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit in accordance with the then most current applicable fee schedule as adopted by the City Council.