

ORDINANCE NO. 1052

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD REPEALING AND REPLACING SECTION 17.100.005 OF THE BRENTWOOD MUNICIPAL CODE REGARDING ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS, AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

WHEREAS, the City of Brentwood ("City") is a municipal corporation, duly organized under the constitution and the laws of the State of California; and

WHEREAS, the Planning and Zoning Law authorizes local agencies to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amended Government Code sections 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in September of 2020, the California Legislature approved, and the Governor signed into law, Assembly Bill 3182 ("AB 3182"); and

WHEREAS, in 2022, the California Legislature approved, and the Governor signed into law, a new bill (SB 897) that further amends Government Code sections 65852.2 and 65852.22; and

WHEREAS, SB 897 takes effect January 1, 2023; and

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety; and

WHEREAS, the City Council has reviewed and considered the public testimony and agenda reports prepared in connection with this ordinance, including the policy considerations discussed therein, and the deliberations of the City's Planning Commission; and

WHEREAS, in accordance with the California Environmental Quality Act (Public Resources Code, § 21000 et seq.) ("CEQA") and the State CEQA Guidelines (14 Cal. Code Regs. 14, § 15000 et seq.), the City has determined that the revisions to the Brentwood Municipal Code are exempt from environmental review; and

WHEREAS, the City desires to update the Brentwood Municipal Code ("BMC") for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, in light of the foregoing, this Ordinance amends the BMC by repealing the currently applicable ADU regulations in Section 17.100.005 and replacing them with regulations that comply with the newly amended state law; and

WHEREAS, on November 25, 2022, the City gave public notice of a Planning Commission public hearing to be held to consider this Ordinance by advertisement in the Brentwood Press, a newspaper of general circulation; and

WHEREAS, on December 6, 2022, the Planning Commission held a duly-noticed public hearing to consider the staff report, recommendation by staff, and public testimony concerning this Ordinance. Following the public hearing, the Planning Commission moved to forward the Ordinance to the City Council with a recommendation in favor of its adoption, but the motion failed by a 2-2 vote; and

WHEREAS, on December 30, 2022, the City gave public notice of a City Council public hearing to be held to consider this Ordinance by advertisement in the Brentwood Press; and

WHEREAS, on January 10, 2023, the City Council held a duly-noticed public hearing to consider the Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the Ordinance, (2) the policy considerations discussed therein, and (3) the consideration by the City's Planning Commission; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, the City Council of the City of Brentwood does hereby ordain as follows:

SECTION 1. Recitals. The above recitals are incorporated into this Ordinance as though fully set forth herein.

SECTION 2. CEQA. Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

SECTION 3. REZONING. Brentwood Municipal Code Section 17.870.008 provides:

No rezoning of property or text amendment shall occur which is inconsistent with the city's community development plan. In making a decision, the planning commission and council shall consider the consistency of the proposed action to the community development plan and other applicable city plans, and shall consider whether the proposed action is inappropriate or otherwise contrary to the public interest.

The City Council finds that the proposed amendment to the Zoning Ordinance is consistent with the General Plan, which is the City's community development plan, and will comply with State requirements. In particular, the proposed amendment implements General Plan Land Use Policy LU 2-8 ('Provide for a variety of residential products through the Zoning Ordinance in order to accommodate the housing needs of all segments of the city's population') in that it will allow for the development of housing accessible to all segments of Brentwood's population.

Moreover, the amendment will not impede the City's ability to meet its General Plan goals, and the amendment is necessary to carry out the purposes of the Brentwood Municipal Code,

including the orderly planned use of land resources. Moreover, the amendment is neither inappropriate nor otherwise contrary to the public interest, as it serves the vital public interest in facilitating housing development and implements state requirements governing this matter.

SECTION 4. Amendment. Section 17.100.005 (Accessory dwelling units) is hereby amended and restated to read in its entirety as provided in Exhibit A, attached hereto and incorporated herein by reference. Revisions to existing Section 17.100.005 are reflected in ~~strikethrough~~ for deletions and underline for additions.

SECTION 5. Replace. Section 17.100.005 (Accessory dwelling units) is hereby added to the Brentwood Municipal Code and shall read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 6. Effective Date; Publication Date. This ordinance takes effect immediately upon its adoption. The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within 15 days after its adoption or (b) have a summary of this ordinance published twice in a newspaper of general circulation, within 15 days after its adoption.

SECTION 7. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 8. Submittal to HCD. The City Clerk shall submit a copy of this Ordinance to the Department of Housing and Community Development within 60 days after adoption.

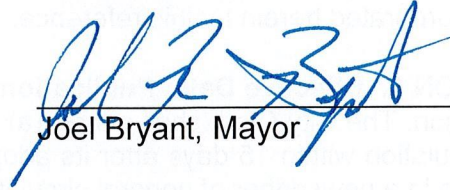
The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Brentwood held on the 10th day of January, 2023 and

AYES: Meyer, Oerlemans, Pierson, and Mayor Bryant
NOES: Mendoza
ABSENT: None
RECUSED: None

And was adopted at a regular meeting thereof held on the 24th day of January, 2023, by the following vote:

AYES: Mendoza, Meyer, Oerlemans, Pierson, and Mayor Bryant
NOES: None
ABSENT: None
RECUSED: None

APPROVED:



Joel Bryant, Mayor

ATTEST:



Margaret Wimberly, MMC
City Clerk

EXHIBIT A**§ 17.100.005 Accessory dwelling units.**

- A. Purpose. The purpose of this section is to allow, encourage, and regulate the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code Sections 65852.2 and 65852.22; to increase the opportunities to provide affordable housing meeting the City's very low, low, and moderate income housing objectives; and to protect property values and the integrity of neighborhoods by adopting design and development standards for units to ensure that they are compatible.
- B. Effect of Conforming. An ADU or JADU that conforms to the standards in this section will not be:
1. Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.
 2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
 4. Required to correct a nonconforming zoning condition, as defined in subsection C.10 below.
- C. Definitions. As used in this section, terms are defined as follows:
1. "Accessory dwelling unit" or "ADU" 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 parcel with a proposed or existing primary dwelling. 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 by Section 17958.1 of the California Health and Safety Code; and
 - b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
 2. "Attached" means a building shares a common wall, in whole or in part, with a single-family dwelling.
 3. "Complete independent living facilities" means 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.
 4. "Conversion" means converting space within a proposed or existing single-family dwelling, an existing multifamily dwelling, an existing accessory building that was legally constructed, or in the same location and to the same dimensions as an existing accessory building that was legally constructed in accordance with any applicable building permits for use as an accessory dwelling unit. Where an accessory building is converted to an accessory dwelling unit on a parcel containing a single-family dwelling, conversion includes an increase of up to an additional one hundred fifty square feet to accommodate ingress and egress.
 5. "Detached" means a building not structurally part of and not sharing a common wall or any other attachment other than utilities with a single-family dwelling or multifamily dwelling.
 6. "Efficiency kitchen" means a kitchen that includes all of the following:
 - a. A cooking facility with appliances.

- b. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
7. "Efficiency unit" has the same meaning as defined in Section 17958.1 of the California Health and Safety Code.
8. "Junior accessory dwelling unit" or "JADU" means a residential unit that satisfies all of the following: is no more than five hundred square feet in size and contained entirely within any portion of an existing or proposed single-family dwelling including an attached garage. It includes its own separate provisions for living, sleeping, cooking, and eating, and may include separate sanitation facilities or may share sanitation facilities with the single-family dwelling.
- a. It is no more than 500 square feet in size.
- b. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
- c. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
- d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
- e. It includes an efficiency kitchen, as defined above.
9. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory building.
10. "Nonconforming zoning condition" means a "nonconforming facility" as defined in Section 17.610.003(D) and refers to a physical improvement on a property that conformed with zoning when constructed but does not conform with current zoning standards.
11. "Primary dwelling" means the proposed or existing single-family dwelling or the existing multifamily dwelling on the lot.
12. "Proposed single-family dwelling" means a single-family dwelling that is the subject of a building permit application and that meets the requirements for permitting.
13. "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.
14. "Setback" as used in this section means the distance between the exterior wall of the ADU accessory dwelling unit, which includes any and all appurtenant features, to the property line.
15. "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.
- D. Approvals. The following approvals apply to ADUs and JADUs under this section:
1. Ministerial Approvals. An accessory dwelling unit ADU or junior accessory dwelling unit JADU is subject only to ministerial review through the building permit process if it meets the following conditions:
- a. Parcels Permitting Single-Family Dwellings-. Accessory dwelling units are permitted on parcels zoned to allow single-family dwellings with a proposed or existing single-family dwelling One ADU as described in this subsection D.1. and one JADU are permitted on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

- i. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
 - ii. Has exterior access that is independent of that for the single-family dwelling; and
 - iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - iv. A JADU must comply with the requirements of Government Code Section 65852.22.
- b. Limited Detached on Single-Family Lot. A new construction accessory dwelling unit on a parcel with a proposed or existing single-family dwelling, shall comply with the following One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection D.1. above) if the detached ADU satisfies each of the following limitations:
- ~~i. Allowable accessory dwelling units: One~~
 - i. An accessory dwelling unit up to eight hundred square feet in size, sixteen feet in height, and with at least four-foot side and rear setbacks may be developed on the same parcel as a junior accessory dwelling unit The side- and rear-yard setbacks are at least four feet, and the ADU is set back from the primary dwelling at least four feet.
 - ii. Maximum size: Eight hundred fifty square feet for a studio or one-bedroom unit and one thousand square feet for a two or more bedroom unit The total floor area is 800 square feet or smaller.
 - ~~iii. Minimum side yard setback: Four feet~~
 - ~~iv. Minimum rear yard setback: Four feet~~
 - ~~v. Setback from primary dwelling: Four feet~~
 - iii. Maximum height: Sixteen feet above grade The peak height above grade does not exceed the applicable height limit in subsection E.2., below.
 - ~~iv. Notwithstanding parking requirements or design standards contained in this section, or development standards contained in the underlying zoning district, a detached accessory dwelling unit is permitted on lots zoned single family with an existing or proposed single family dwelling if it meets the following standards:~~
 - ~~(A) Maximum size: Eight hundred square feet.~~
 - ~~(B) Maximum height: Sixteen feet above grade~~
 - ~~(C) Minimum side yard setback: Four feet~~
 - ~~(D) Minimum rear yard setback: Four feet~~
- c. Parcels Permitting Multifamily Dwellings. One or more ADUs within 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 converted ADU complies with state building standards for dwellings. Under this subsection D.1., at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

- d. Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot that has an existing or proposed multifamily dwelling if each detached ADU satisfies both of the following limitations:
- i. The side- and rear-yard setbacks are each at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.
 - ii. Maximum height: The peak height above grade does not exceed the applicable height limit in subsection E.2., below.
- e. ~~Attached. An attached accessory dwelling unit on a parcel with a proposed or existing single-family dwelling.~~
- i. ~~Allowable accessory dwelling units: One~~
 - ii. ~~Maximum size: Total floor area allowed is fifty percent of the square footage of the existing single-family dwelling or eight hundred fifty square feet for a studio or one-bedroom unit or one thousand square feet for two or more bedrooms, whichever is greater. No accessory dwelling unit may exceed one thousand two hundred square feet.~~
 - iii. ~~Minimum side yard setback: Four feet~~
 - iv. ~~Minimum rear yard setback: Four feet~~
 - v. ~~Maximum height: Sixteen feet above grade~~
 - vi. ~~Share at least one common wall, in whole or in part, with the single-family dwelling.~~
- f. ~~Conversion. An accessory dwelling unit within existing space of a single-family dwelling or an existing accessory building or in the same location and to the same dimensions of an existing legal accessory building, shall comply with the following:~~
- i. ~~Allowable accessory dwelling units: One.~~
 - ii. ~~An accessory dwelling unit converted from an existing accessory building or a single-family dwelling may be developed on the same parcel as a junior accessory dwelling unit.~~
 - iii. ~~Setbacks and height: There are no setback or height requirements for an existing legally constructed space that is converted to an accessory dwelling unit or for a building that is constructed in the same location and to the same dimensions as an existing legal structure.~~
 - iv. ~~An existing accessory building may be expanded up to one hundred fifty square feet beyond the physical dimensions to accommodate ingress and egress for an accessory dwelling unit. Side and rear setbacks shall be adequate for fire and safety.~~
- g. ~~Junior Accessory Dwelling Unit.~~
- i. ~~A junior accessory dwelling unit shall be contained within an existing or proposed single-family dwelling, shall not exceed five hundred square feet in size, and shall contain at least an efficiency kitchen, which includes cooking appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.~~
 - ii. ~~A junior accessory dwelling unit shall have a separate entrance from the primary dwelling unit.~~
 - iii. ~~The junior accessory dwelling unit may include separate sanitation facilities. If separate sanitation facilities are not provided, the junior~~

- ~~accessory dwelling unit shall share sanitation facilities with the single-family dwelling.~~
- ~~iv. If the bathroom is provided as part of the single-family home, the junior accessory dwelling unit shall have direct access to the main living area of the home so as to not need to go outside to access the bathroom.~~
 - ~~v. Unless the parcel is owned by a governmental agency, land trust, or housing organization, one of the dwellings must be the bona fide principal dwelling of the legal owner or owners of the parcel.~~
- ~~2. Multi-Family Residential Parcels. Either detached units or converted units, but not both, may be allowed on any one parcel zoned to allow multifamily dwellings of two units or more. Notwithstanding parking requirements or design standards contained in this section, or development standards contained in the underlying zoning district, accessory dwelling units are permitted on parcels zoned for multifamily use with an existing multifamily dwelling that meet the following requirements:~~
- ~~a. Detached.

 - ~~i. Allowable accessory dwelling units: Two~~
 - ~~ii. Minimum side yard setback: Four feet~~
 - ~~iii. Minimum rear yard setback: Four feet~~
 - ~~iv. Maximum height: Sixteen feet above grade~~~~
 - ~~b. Conversion.

 - ~~i. Allowable units: Multiple accessory dwelling units within the portions of existing multifamily dwellings that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted unit complies with state building standards for dwellings. At least one converted accessory dwelling unit is allowed within an existing multifamily dwelling, and each multifamily building may create ADUs equal to twenty-five percent of the existing multifamily dwelling units in the building.~~
 - ~~ii. Setbacks and height: There are no setback or height requirements for an existing legally constructed space that is converted, as long as the footprint of the existing building is not increased.~~~~

~~No accessory dwelling unit or junior accessory dwelling unit will be permitted on a parcel that utilized both the authority contained in California Government Code Section 65852.21 and that contained in Section 66411.7, as set forth in the provisions of Chapters 16.169 and 17.797 of this code. No more than two dwelling units of any kind will be permitted on a parcel created through the exercise of the authority contained in California Government Code Section 66411.7 and Chapter 17.797 of this code.~~

~~2. ADU Permit Required.~~

- ~~a. An ADU that exceeds 800 square feet in size, which is otherwise permitted with a building permit only pursuant to subsection D.1., requires a building permit and an ADU permit in accordance with this subsection D.2.~~
- ~~b. The maximum size of a detached or attached ADU subject to this subsection D.2. is 850 square feet for a studio or one-bedroom unit, and 1,000 square feet for a unit with two or more bedrooms.~~
 - ~~i. Notwithstanding the foregoing, an attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.~~
 - ~~ii. Application of other development standards in subsection E., below, may further limit the size of the ADU, but no application of~~

- the percent-based size limit described above or any front setback, lot coverage limit, or open-space requirement may require the ADU to be less than 800 square feet.
- c. The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU permit processing fee is determined by the Director of Community Development and approved by the city council by resolution.
3. Process and Timing. Except as set forth in subsection D.2.b above, an ADU permit must be considered ministerially, without discretionary review or a hearing.
 - a. The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application. If the city has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
 - i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - ii. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
 - b. If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection D.3.b., above.
- E. General Requirements.
1. Access. An accessory dwelling unit ADU shall have a separate exterior entrance and exit from the primary dwelling unit.
 2. Height.
 - a. Except as otherwise provided by subsections E.2.b. and E.2.c. below, a detached ADU created on a lot with an existing or proposed single-family or multifamily dwelling unit may not exceed 16 feet in height.
 - b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half 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, and in such locations, the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
 - c. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
 - d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection E.2.d. may not exceed two stories.

- e. For purposes of this subsection E.2., height is measured above existing legal grade to the peak of the structure.
3. Design. The exterior of the ~~accessory dwelling unit~~ ADU shall be designed so that its roof slope, siding materials, and colors are the same as the primary dwelling. Outdoor lights shall be shielded and directed downward.
4. Building and Fire Code.
- a. The ~~accessory dwelling unit~~ ADU must comply with all building and fire code requirements. (BMC Title 15.)
- b. The ~~accessory dwelling unit~~ ADU must have a permanent foundation.
- c. An existing ~~accessory dwelling unit~~ ADU or ~~junior accessory dwelling unit~~ JADU constructed without permits, existing at the time of adoption of this ordinance, that meets the requirements of this section may be legalized if the property owner modifies the ~~accessory dwelling unit~~ ADU or ~~junior accessory dwelling unit~~ JADU to address any deficiencies identified through a life safety inspection conducted by the Chief Building Official or designee. An owner may request a delay in enforcement under Government Code Section 65852.2(n) and Health and Safety Code Section 17980.12.
- d. No change of occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or a city code enforcement officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection E.4.d. prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.
5. Building Separation. A new detached ~~accessory dwelling unit~~ ADU shall be no closer than four feet from any other building on the lot with the exception of subsection ~~(C)(1)(a)(viii)~~ D.1.b of this section.
6. Deed Restriction.
- a. Prior to issuance of a building permit for an ~~accessory dwelling unit~~ ADU or JADU, the property owner shall record with the County Recorder a deed restriction setting forth the following:
- i. The single-family or multifamily dwelling and the accompanying ~~accessory dwelling unit(s)~~ ADU(s) or ~~junior accessory dwelling unit~~ JADU are on a single parcel, and the units cannot be sold separately.
- ii. The ~~accessory dwelling unit(s)~~ ADU(s) or ~~junior accessory dwelling unit~~ JADU is restricted to the approved size and other attributes allowed by this section.
- iii. Any rental of the ~~accessory dwelling unit(s)~~ ADU(s) or ~~junior accessory dwelling unit~~ JADU must be for a term of more than thirty calendar days.
- b. For ~~junior accessory dwelling units~~ JADUs only, prior to issuance of a building permit, the deed restriction shall require that either the single-family dwelling or the ~~junior accessory dwelling unit~~ JADU is the bona fide principal dwelling of the legal owner or owners of the parcel, unless the owner is a governmental agency, land trust, or housing organization.
7. Fees.

- a. Impact Fees. Development impact fees for an ~~accessory dwelling unit~~ ADU are as outlined in the city's adopted development fee program, as amended from time to time by city council resolution. Impact fees do not include any connection fee or capacity fee charge for water or sewer service.
 - i. Impact fees are not required for an ~~accessory dwelling unit~~ ADU or ~~junior accessory dwelling unit~~ JADU that is less than seven hundred fifty square feet in total area.
 - ii. Impact fees required for units seven hundred fifty square feet and greater shall be charged proportionately in relation to the square footage of the primary dwelling unit.
 - b. Utility Fees.
 - i. Converted ~~accessory dwelling units~~ ADUs and ~~junior accessory dwelling units~~ JADUs on parcels zoned for single-family use are not required to have a new or separate utility connection directly between the ~~accessory dwelling unit~~ ADU or ~~junior accessory dwelling unit~~ JADU and the utility. Nor is a connection fee or capacity charge required unless the ~~accessory dwelling unit~~ ADU or ~~junior accessory dwelling unit~~ JADU is constructed concurrently with a new single-family dwelling.
 - ii. Other ~~accessory dwelling units~~ ADUs may not have water and wastewater utility connections as an extension from the primary dwelling unit, except for: (a) ~~accessory dwelling units~~ ADUs existing water and wastewater connections; and (b) Contra Costa Health Services approved septic systems. Utility services may be extended from the private utility lateral, between the public utility main and the primary dwelling unit, or may be a separate connection to the public utility main. Applicants must follow the application procedures and pay all applicable charges, including any applicable security deposit, application fee, service connection charge, meter charge, service line charge, existing facilities charge, and any other charges as set forth in the city's cost allocation plan, except that any connection fee and capacity charge must be proportional to the size in square feet of the accessory dwelling unit or its drainage fixture unit (DFU) value.
8. Fire Sprinklers.
 - a. Fire sprinklers shall be required in ~~accessory dwelling units~~ ADUs only where they are also required for the primary dwelling unit.
 - b. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
 9. ADUs of Eight Hundred Square Feet or Less. Notwithstanding any restrictions on maximum size of the ~~accessory dwelling unit~~ ADU, limits on lot coverage, floor area ratio, or open space, any attached or detached ~~accessory dwelling unit~~ ADU equal to or less than eight hundred square feet in size, sixteen feet in height, and with four-foot side and rear yard setbacks must be allowed on a parcel with a proposed or existing single-family dwelling.
 10. Municipal Code Conformance. All development standards contained in the underlying zoning district shall apply to ~~accessory dwelling units~~ ADUs and ~~junior accessory dwelling units~~ JADUs unless they are inconsistent with the provisions of this section, in which case the standards of this section shall apply. However, the city cannot require the correction of nonconforming zoning conditions as a condition of approval for an ~~accessory dwelling unit~~ ADUs or ~~junior accessory dwelling unit~~

~~JADU, accessory dwelling units ADUs and junior accessory dwelling units JADUs~~ are not calculated towards and do not exceed the allowable density for the parcels on which they are located.

11. Owner Occupancy. Owner occupancy requirements are as follows:
- a. All ~~accessory dwelling units ADUs~~ for which a building permit was issued before ~~January 1, 2020~~ December 31, 2024 are not subject to the owner occupancy requirement.
 - ~~b. All accessory dwelling units for which a building permit was issued for the period between January 1, 2020, and January 1, 2025, are not subject to the owner occupancy requirement.~~
 - b. All ~~accessory dwelling units ADUs~~ for which a building permit was issued on or after January 1, 2025, are subject to an owner occupancy requirement. The legal owner or owners shall reside on the property as their permanent residence.
 - c. ~~Junior accessory dwelling units JADUs~~ are subject to an owner occupancy requirement. The legal owner or owners shall reside in either the remaining portion of the single-family dwelling, the newly created ~~Junior accessory dwelling unit JADU~~, or, if applicable, the ~~accessory dwelling unit ADU~~. The owner occupancy restriction shall not be required if the owner is another governmental agency, land trust, or housing organization.
12. Parking.
- a. ~~ADUs Accessory Dwelling Units~~. Required parking shall not exceed one parking space per ~~accessory dwelling unit ADU~~. The parking space may be covered, uncovered, off-site, or as tandem parking on a driveway. The parking space must be in compliance with the city's parking ordinance (Section 17.620.007(A)). The parking space is in addition to the parking requirements for the single-family or multifamily dwelling unit, except as provided in subsection b. below.
 - b. Exceptions. Parking standards shall not be imposed for an ~~accessory dwelling unit ADU~~ that meets one or more of the following criteria:
 - i. The ~~accessory dwelling unit ADU~~ is located within one-half mile walking distance of public transit.
 - ii. The ~~accessory dwelling unit ADU~~ is located within an architecturally and historically significant historic district.
 - iii. The ~~accessory dwelling unit ADU~~ is part of the proposed or existing primary dwelling, or an existing accessory building conversion.
 - iv. When on-street parking permits are required but not offered to the occupant of the ~~accessory dwelling unit ADU~~.
 - v. When there is an established car share vehicle located within one block of the ~~accessory dwelling unit ADU~~.
 - vi. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections 12.b.i.-v. above.
 - c. ~~JADUs Junior Accessory Dwelling Units~~. Parking shall not be required for a ~~junior accessory dwelling unit JADU~~.
 - d. Converted Parking Structure. When a parking structure is converted or destroyed in the construction of an ~~accessory dwelling unit ADU~~, the lost parking is not required to be replaced. However, replacement parking is required if parking in an attached garage is converted into a ~~junior accessory dwelling unit JADU~~.

- ~~13. Process.~~
- ~~a. Accessory dwelling units or junior accessory dwelling units are subject to a ministerial review for compliance through an application for a building permit and shall be processed within sixty days of receipt of a completed application. The city shall grant a delay in processing if requested by the applicant.~~
 - ~~b. If the permit application is submitted with a permit application to create a new single-family dwelling on the parcel, the permitting agency may delay acting on the application for the accessory dwelling unit or junior accessory dwelling unit until the application for the new single-family dwelling is approved and permits issued, but thereafter shall be ministerially processed within sixty days of receipt of a complete application and approved if it meets the requirements of this section. Occupancy of the accessory dwelling unit or junior accessory dwelling unit will not be allowed until the city approves occupancy of the single-family dwelling.~~
14. Rental Term. No accessory dwelling unit- ADU or junior accessory dwelling unit JADU may be rented for a term of less than thirty days. This prohibition applies regardless of when the ADU or JADU was created.
 15. Subdivision No Separate Conveyance. The primary single-family or multifamily dwelling and the accessory dwelling unit or junior accessory dwelling unit are on a single parcel; the units cannot not be sold separately, and no subdivision of land or air rights shall be allowed An ADU or JADU may be rented in accordance with section E.14., but except as otherwise provided in Government Code Section 65852.26, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
 16. Utilities. All new utilities for detached ADUs ~~accessory dwelling units~~ shall be installed underground.
 17. Solar Panels. Solar panels are required when mandated under the California Energy Code.
- ~~F. Alternative Standards. If a zoning district permits accessory dwelling units that do not meet the objective standards of this section, the applicant can opt to submit an application for an accessory dwelling unit that meets the standards of the underlying zone through the ministerial procedures specified by subsection (D)(12) of this section.~~