

ORDINANCE NO. 1657

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND AMENDING SECTION 17.104.010 OF CHAPTER 17 OF THE CITY OF WOODLAND MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

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

WHEREAS, the Planning and Zoning Law authorizes cities 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 2019, the California Legislature approved, and the Governor signed into law a number of bills (“New ADU Laws”) that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the New ADU Laws take effect January 1, 2020, and if the City’s ADU ordinance does not comply with the New ADU Laws, the City’s ordinance becomes null and void on that date as a matter of law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, failure to comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 renders the City’s ordinance regulating ADUs and JADUs null and void, thereby limiting the City to the application of the few default standards provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs; 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.

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 consideration and recommendation by the City’s Planning Commission; and

WHEREAS, in accordance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (Cal. Code Regs.,

tit. 14, § 15000 et seq.), the City has determined that the revisions to the Woodland Municipal Code are exempt from environmental review.

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

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. 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.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot. Moreover, the City Council finds that none of the “exceptions” to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here. Specifically, the City Council finds that the ordinance will:

- (1) Not result in the construction of ADUs or JADUs within a particularly sensitive environment because these accessory structures will necessarily be built on a lot already developed with a primary dwelling;
- (2) Not result in a potentially significant cumulative impact because these accessory structures will necessarily be built on a lot already developed with a primary dwelling;
- (3) Not result in a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances because the construction of small structures or conversion of existing structures are accessory to a primary dwelling on sites that are already be developed;
- (4) Not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway because no residential property is located adjacent to a state scenic highway and new structures will be required to comply with the City’s Tree Preservation Ordinance as appropriate;

- (5) Not be located on a hazardous waste site included on any list compiled pursuant to § 65962.5 of the Government Code because no property zoned residential is located on a hazardous waste site; or
- (6) Not result in a substantial adverse change in the significance of a historical resource because any demolition of a potential historic structure will be required to comply with the City's Historical Preservation Ordinance.

Section 3. Section 17.104.010 of Chapter 17 of the Woodland Municipal Code is hereby amended and restated as provided in Exhibit "A", attached hereto and incorporated herein by reference.

Section 4. This ordinance shall take effect 30 days following its adoption.

Section 5. 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, once five days before its adoption and again within 15 days after its adoption.

Section 6. The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

Section 7. The City Council hereby directs staff to prepare, execute and file with the Yolo County Clerk a Notice of Exemption within five working days of first reading of this ordinance.

Section 8. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

Section 9. The documents and materials that constitute the record of proceedings on which this Ordinance and the above findings have been based are located in the Community Development Department at 300 First Street, Woodland, CA 95695

PASSED, APPROVED AND ADOPTED by the City Council of the City of Woodland, California, at a regular meeting of the City Council held on the 7th day of January, 2020 by the following vote:

EXHIBIT A

Amendments to Municipal Code

(follows this page)

17.104.010 Accessory dwelling units

- A. Purpose. The purpose of this section is to provide reasonable regulations for the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in certain areas and on lots developed or proposed to be developed with single-family residential dwellings, duplexes and multiple family units. Such accessory dwelling units contribute needed housing to the community's housing stock and promote housing opportunities for the persons wishing to reside in the City of Woodland. In addition, the regulations in this section are intended to promote the goals and policies of the City's General Plan and comply with requirements codified in the State Planning and Zoning Law related to accessory dwelling units in residential areas, including California [Government Code](#) Section 65852.2. and 65852.22.
- B. Effect of Conforming Accessory Dwelling Unit. An accessory dwelling unit that conforms to this chapter shall:
1. Be deemed an accessory use and not be considered to exceed the allowable density for the lot upon which it is located;
 2. Be deemed a residential use that is consistent with the General Plan and the zoning designations for the lot;
 3. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and
 4. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.
- C. Definitions.
1. "Accessory dwelling unit" (ADU) means a residential dwelling unit that is detached from, attached to, or located within the living area of an existing primary dwelling unit, and that provides independent living facilities for one or more persons. An accessory dwelling unit also includes:
 - a. an efficiency unit, as defined in California Health and Safety Code Section 17958.1, and
 - b. a manufactured home, as defined in Section 18007.
 2. "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.
 3. "Efficiency kitchen" means a kitchen that includes each of the following:
 - a. A cooking facility with appliances.
 - b. A food preparation counter or counters that total at least 15 square feet in area.

- c. Food storage cabinets that total at least 30 square feet of shelf space.
4. “Floor area” means the gross floor area of an attached or detached accessory dwelling unit as measured to the outside surface of exterior walls, including its living area, basement whether conditioned or unconditioned, and any garage or other enclosed accessory structure attached to the detached accessory dwelling unit.
5. “Junior accessory dwelling unit” or “JADU” means a residential unit that
 - a. is no more than 500 square feet in size,
 - b. is contained entirely within an existing or proposed single-family structure,
 - c. includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and
 - d. includes an efficiency kitchen, as defined in subsection (C)(3) above
6. “Living area” is defined as the interior habitable area of a dwelling unit, including basements and attics, but not including a garage or any accessory structure.
7. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
8. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
9. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
10. “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.
11. “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. Locations Permitted.

1. Accessory dwelling units and junior accessory dwelling units are permitted in all zoning districts that allow for any single-family or multifamily residential use, including the corridor mixed use districts if they allow for any residential use.

E. Approvals. The following approvals apply to ADUs and JADUs under this section:

1. Building-permit Only. If an ADU or JADU complies with each of the general requirements in subsection (F) below, it is allowed with only a building permit in the following scenarios:

- a. **Converted Space or Structure on Single-family Lot:** Only one ADU or JADU 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 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.
 - ii. Has exterior access that is independent of that for the single-family dwelling.
 - iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

- b. **Limited Detached on Single-family Lot:** 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 (E)(1)(a)), if the detached ADU satisfies the following limitations:
 - i. The side- and rear-yard setbacks are at least four-feet.
 - ii. The total floor area is 800 square feet or smaller.
 - iii. The peak height above grade is 16 feet or less.

- c. **Converted on Multifamily Lot:** Multiple 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 that satisfied the following:
 - i. If each converted, ADU complies with state building standards for dwellings.
 - ii. At least one converted ADU is allowed within an existing multifamily dwelling structure, but the number of ADUs created under this paragraph (E)(1)(c) may not exceed 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 multifamily dwelling if each detached ADU satisfies the following limitations:
 - i. The side- and rear-yard setbacks are at least four-feet.
 - ii. The total floor area is 800 square feet or smaller.

2. ADU Permits.

- a. Except as allowed under subsection (E)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth (in subsections (F) and (G) below)
- b. Impact Fee.
 - i. No impact fee is required for an ADU or JADU that is less than 750 square feet in size.
 - ii. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling.) “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.
 - iii. Except as otherwise provided in this chapter, the construction of an accessory dwelling and junior accessory dwelling unit shall be subject to any applicable fees adopted pursuant to the requirements of California [Government Code](#), Title 7, Division 1, Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

3. Application Process and Timing.

- a. An ADU permit is considered and approved ministerially without discretionary review or hearing.
- b. The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, 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. In the case of a JADU, and the application to create a junior accessory dwelling unit is submitted with a permit application to create a new single family dwelling on the lot, the city may delay acting on the permit application for the JADU until the City acts on the permit application to create the JADU will still be considered ministerially without discretionary review or a hearing.
- c. Application requirements. Applications for an accessory dwelling unit permit shall be made in writing by the property owner or his or her authorized agent, on forms provided by the Community Development Department, and accompanied by such data and information as may be necessary to fully describe the request including:

- i. A to-scale and fully dimensioned site plan showing the proposed accessory dwelling unit or junior accessory dwelling unit and all existing structures on the property including patio covers, other accessory structures, fences and driveways;
 - ii. Elevations of the proposed accessory dwelling unit including building dimensions, material call outs and a color and materials sample board as requested by the Community Development Director;
 - iii. Photographs of the exterior of the primary residence as requested by the Community Development Director; and
 - iv. Construction Management Plan. Construction hours and staging to minimize impacts on surrounding residential properties.
 - d. The filing and review fee shall be as prescribed by City Council resolution or ordinance. 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.
- 4. Nonconforming ADUs and Discretionary Approval.
 - a. Any proposed ADU or JADU that does not conform to the objective standards set forth in subsections (F) and (G) may be allowed by the City with a Zoning Administrator permit in accordance with Chapters 17.132 and 17.148 of this title. A noticed public hearing shall be held in accordance with Sections 17.132.030 and 17.148.030.
 - i. The maximum size of an ADU subject to this subsection (E)(4) is 1,200 square feet, or three bedrooms.
 - b. Findings. Before approval of the Zoning Administrator permit granting the exception, the Zoning Administrator shall find that:
 - i. The exterior design of the accessory dwelling unit is in harmony with, and maintains the scale of, the neighborhood;
 - ii. If an exception to parking requirements is requested, the exception will not result in excessive parking congestion;
 - iii. The site plan provides adequate open space usable and useful for both the accessory dwelling unit and the primary residence;
 - iv. Where applicable, open space and landscaping provides for privacy and screening of adjacent properties;
 - v. The location and design of the accessory unit maintains a compatible relationship to adjacent properties and does not significantly impact the

privacy, noise, light air, solar access or parking of adjacent properties;
and

- vi. Windows that impact the privacy of the neighboring side or rear yard have been minimized. Major windows, access stairs, entry doors and decks are generally limited to the walls facing the primary residence or the alley, if applicable.

F. General ADU and JADU Requirements. The following requirements apply to all ADUs and JADUs that are approved under subsections (E)(1) or (E)(2):

1. Zoning

- a. An ADU or JADU subject only to a building permit under subsection (E)(1) may be created on a lot in a residential or mixed-use zone.
- b. An ADU or JADU subject to an ADU permit under subsection (E)(2) may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

2. Fire Sprinklers. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

3. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days.

4. No Separate Conveyance. An ADU or JADU may be rented, but 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).

5. Owner Occupancy.

- a. All ADUs created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.
- b. An ADU that is created after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.
- c. All ADUs that are created on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.
- d. All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

6. Building and Construction.

- a. An accessory unit shall meet the requirements of the building code, as adopted and amended by Chapter 15.04 of the municipal code, that apply to detached dwellings, as appropriate.
- b. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

G. Specific ADU and JADU Requirements. The following requirements apply only to ADUs that require an ADU permit under subsection (E)(2) above.

1. Maximum Size.

- a. The maximum size of a detached or attached ADU subject to this subsection (G)(1) is 850 for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.
- b. An attached ADU that is created on a lot within an existing primary dwelling shall not exceed 50 percent of the existing floor area of the primary dwelling.
- c. The accessory dwelling unit shall contain no less than the 150 square feet area minimum required for an efficiency dwelling unit as defined in Section 17958.1 of the Health and Safety Code.
- d. Application of other development standards in this subsection (G), such as FAR or lot coverage, might further limit the size of the ADU, but no application of FAR, lot coverage, or open-space requirements may require the ADU to be less than 800 square feet.

2. Parking.

General Requirement. Accessory dwelling units must meet the following parking standards:

- a. One off street parking space is required for an ADU that is approved under subsection (E)(2) above.
- b. Parking configuration, if required:
 - i. The required parking spaces may be located in setback areas or tandem parking on an existing driveway, unless specific findings are made under subparagraph (G)(2)(b)(ii).
 - ii. Parking arrangements in subparagraph (G)(2)(b)(i) are not permitted if the Community Development Director (or designee) makes specific findings that such parking arrangements are not feasible based upon specific site or regional topographical or fire or life safety conditions.

- c. Exceptions. Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:
 - i. The accessory dwelling unit is located within one-half mile of public transit, including a public bus stop, bus station or transit station.
 - ii. The accessory dwelling unit is located within a designated historic district.
 - iii. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
 - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - v. When there is an established car share vehicle stop located within one block of the accessory dwelling unit
 - d. No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
3. Height.
- a. The height of a second-story or two story attached ADU shall not exceed the height of the primary structure or 30-feet in height above grade, whichever is greater, measured to the peak of the structure.
 - b. A detached ADU may not exceed 16-feet in height, above grade, measured to the peak of the structure.
 - c. A unit above a detached garage located contiguous to an alley may not exceed 25-feet in height above grade, measured to the peak of the structure.
4. Setbacks.
- a. Attached and Detached Accessory Dwelling Unit. Except as provided in subsection (E)(1), an attached or detached ADU is subject to side and rear setbacks of four feet.
 - b. Alley Adjacent Accessory Dwelling Units and Accessory Dwelling Units Adjacent to Non-residentially Zoned Property. Side or rear yard setbacks adjacent to an alley or non-residentially zoned property shall be zero feet. Parking provided off the alley shall maintain a 24-foot back out, which includes the alley.
 - c. Garage and Accessory Building Conversion. No setback shall be required for a legally established, existing garage or accessory building that is converted to an accessory dwelling unit, provided the structure is not expanded under subsection

(E)(1)(a)(i). Any expansion of the structure under subsection (E)(1)(a)(i) is subject to side and rear setbacks of four feet.

- d. Addition Over a Garage. A minimum side and rear setback of four feet shall apply to the newly constructed portion for an accessory dwelling unit constructed above a legally established existing garage.

5. Lot Coverage

- a. Lot Coverage. No ADU subject to this subsection (G) may cause the total lot coverage of the single-family lot to exceed 50 percent.
- b. Rear Yard Coverage. An accessory dwelling unit shall not result in more than 30% rear yard coverage as measured from the rear wall of the primary residence to the rear property line (or as measured from the average distance of the rear wall from the rear property boundary if the rear wall does not follow a straight line).

6. Architecture Requirements

- a. The materials and colors of the exterior walls, roof, and windows and doors must be the same the appearance of the primary dwelling
- b. The roof slope must be the same that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
- c. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
- d. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must be located on the side or rear building façade, not facing a public-right-of-way.
- e. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.
- f. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
- g. All second-story windows and doors in a second unit that are less than 30 feet from a property line that is not a right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.
- h. Access stairs, entry doors and decks must face the primary residence or the alley, if applicable.

- i. A garage converted to an accessory dwelling unit shall include removal of garage door(s) which shall be replaced with architectural features, including walls, doors, windows, trim and accent details.
 - j. The architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the federal, state, or local register of historic places must comply with all applicable ministerial requirements imposed by the Secretary of Interior.
7. Landscape Requirements
- a. Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels as follows:
 - i. At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24" box size plant shall be provided for every ten linear feet of exterior wall.
 - ii. For a ground-level ADU, plant specimens must be at least six feet tall when installed. As an alternative, for a ground level ADU, a solid fence of at least 6 feet in height may be installed.
 - k. For a second-story ADU, plant specimens must be at least 12 feet tall when installed.
 - l. All landscaping must be drought-tolerant.
8. Other
- a. The ADU and primary dwelling must use the same driveway to access the street, unless otherwise required for fire-apparatus access, as determined by the fire authority.
 - b. Each unclosed parking space shall be at least eight and one-half feet wide and eighteen feet long.
 - c. Each parking space that is provided in an enclosed garage shall be at least ten feet wide and twenty feet long and have at least seven and a half feet vertical clearance.
9. Notice of Construction
- a. At least ten business days before starting any construction of a second unit, the property owner shall give written notice to all the owners of record of each of the adjacent residential parcels, which notice shall include the following information:
 - i. Notice that construction has been authorized,
 - ii. The anticipated start and end dates for construction,

- iii. The hours of construction,
 - iv. Contact information for the project manager (for construction-related complaints), and
 - v. Contact information for the city building division.
- b. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City of Woodland has no discretion in approving or denying a particular ADU project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.