

ORDINANCE NO. 1678-NS

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS AMENDING SECTIONS 9-4.202, 9-4.1802(c), 9-4.1803, 9-4.2104, 9-4.2501(a)(3), 9-4.2402(a)(7), 9-4.2509(a), 9-4.2509.5, AND 9-4.2521; AND DELETING IN ITS ENTIRETY SECTION 9-4.2521.1 OF CHAPTER 4 OF TITLE 9 OF THE THOUSAND OAKS MUNICIPAL CODE REGARDING REGULATIONS FOR ACCESSORY DWELLING UNITS (MCA 2019-70990)

The City Council of the City of Thousand Oaks, California, DOES ORDAIN AS FOLLOWS:

PART 1
(Uncodified)

The purpose of this ordinance is to amend the Thousand Oaks Municipal Code with regard to regulations for accessory dwelling units consistent with California Government Code Sections 65852.2 and 65852.22.

PART 2
(Uncodified)

Based on the information contained in the staff report and testimony provided at the public hearing, the City Council makes the following findings:

1. California 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).
2. In 2019, the California Legislature approved, and the Governor signed into law, several bills that amended Government Code Sections 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs. The legislation took effect on January 1, 2020.
3. Since the City's ordinance regulating ADUs and JADUs does not comply with amended Government Code Sections 65852.2 and 65852.22 as of January 1, 2020, the City's ordinance is null and void as a matter of law, thereby limiting the City to the application of the default standards provided in Government Code Sections 65852.2 and 65852.22 for the approval of ADUs and JADUs.

4. The approval of ADUs and JADUs based solely on the default statutory standards, without benefit of local zoning regulations, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety.
5. The City therefore 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 while preserving community character and quality of life through local zoning regulations.
6. The ordinance complies with California Government Code Sections 65852.2 and 65852.22.
7. The ordinance is consistent with the Thousand Oaks General Plan.
8. The ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080.17, and CEQA Guidelines Section 15282(h).

PART 3

Section 9-4.202 of the Thousand Oaks Municipal Code is hereby amended in part to delete the definition of "Secondary dwelling unit" in its entirety and to change the definitions of "Accessory dwelling unit," "Efficiency unit," "Efficiency kitchen," "Junior accessory dwelling unit," and "Living area" to read as follows:

Sec. 9-4.202. Definitions.

...

"Accessory dwelling unit" shall mean an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary 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 may be an efficiency unit or a manufactured home as defined in Section 18007 of the Health and Safety Code.

"Efficiency unit" shall mean a dwelling unit with a separate bedroom, closet, and kitchen, per California Building Code Section 1208.4.

"Efficiency kitchen" shall mean a kitchen that contains a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the dwelling unit. An efficiency kitchen may or may not contain a sink.

“Junior accessory dwelling unit” shall mean an accessory dwelling unit that is contained entirely within the living area of an existing or proposed single-family dwelling and has an efficiency kitchen. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

“Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure, except accessory dwelling units.

PART 4

Section 9-4.1802(c) of the Thousand Oaks Municipal Code is hereby amended to read as follows:

(c) First floor room addition to the footprint of the principal structure to an existing single-family detached dwelling unit where the added floor area is more than 1,000 square feet;

PART 5

Section 9-4.1803 of the Thousand Oaks Municipal Code is hereby amended to read as follows:

(7) First floor room addition-to an existing single family detached dwelling unit of less than the applicable threshold defined by Section 9-4.1802(c) of this article;

PART 6

Section 9-4.2104 of the Thousand Oaks Municipal Code is hereby amended to state that the land use category “Accessory dwelling units, per Sec. 9-4.2521 and 9-4.2521.1” is a permitted use “P” in all residential zoning classifications; and to delete the land use category “Secondary dwelling units, per Sec. 9-4.2521” from the list of land use categories.

PART 7

Section 9-4.2501(a)(3) of the Thousand Oaks Municipal Code is hereby amended to read as follows:

(3) Accessory buildings shall be limited to a maximum building height of fifteen (15') feet, except accessory dwelling units as provided in Section 9-4.2521.

PART 8

Section 9-4.2402(a)(7) of the Thousand Oaks Municipal Code is hereby amended to read as follows:

Use	Parking Spaces Required
...	...
(7) Dwelling, accessory	As provided in Section 9-4.2521

PART 9

Section 9-4.2509(a) of the Thousand Oaks Municipal Code is hereby amended in part to read as follows:

- (a) Accessory buildings in rear yards, exclusive of detached accessory dwelling units pursuant to Section 9-4.2521.

PART 10

Section 9-4.2509.5 of the Thousand Oaks Municipal Code is hereby amended to read as follows:

- (a) Accessory buildings, excluding any secondary residential accessory dwelling units authorized by Section 9-4.2521, in all R Zones shall not have a floor area in excess of six hundred (600) square feet nor shall any accessory building in any R Zone have a floor area in excess of fifty (50%) percent of the footprint of the principal or main building unless otherwise authorized as part of a residential planned development permit in the RPD and HPD zones or subject to the approval of an Administrative Approval in the R-A, R-E, R-O, R-1 and R-2 Zones in accordance with Section 94.2815.
- (b) Cumulative floor area of accessory buildings in any R Zone exclusive of accessory dwelling units pursuant to Section 9-4.2521 shall not exceed one hundred (100%) percent of the footprint of the principal or main building on a single lot or parcel of land.
- (c) Estate lots in the R-A, R-E, R-O and R-1 Zones which are five (5) acres in size or greater shall be considered exempt from area requirements for accessory buildings except for area requirements applicable to accessory dwelling units pursuant to Section 9-4.2521.

PART 11

Section 9-4.2521 of the Thousand Oaks Municipal Code is hereby amended in its entirety to read as follows:

Sec. 9-4.2521. Accessory Dwelling Units.

- (a) Intent and purpose. The intent and purpose of this Section is to provide a means by which the City's existing housing resources and infrastructure may be more effectively utilized to produce less costly rental housing through the creation of new accessory dwelling units (ADUs) on residentially zoned lots that already contain one legally established unit. By the adoption of this ordinance, the City finds that ADUs are consistent with the allowable density for the lot upon which the ADU is located, and that ADUs are a residential use that is consistent with the existing General Plan and zoning designation for the lot.
- (b) Authority. California Government Code Sections 65852.2 and 65852.22 allow local agencies to provide for the creation of ADUs and Junior ADUs, respectively, in areas zoned for single-family and multifamily residential use. The City may designate areas for ADUs based on the adequacy of water and sewer services and the impact on traffic flow and public safety.
- (c) Location and Number of ADUs.
 - (1) Single-Family Zones.
 - (i) ADUs may be constructed on any lot in the R-A, R-E, R-O, R-1, or HPD zone that is improved with one legal existing or proposed primary dwelling unit, subject to the requirements of this Section.
 - (ii) Lots in the R-A, R-E, R-O, R-1, or HPD zone may have a maximum of one Junior ADU and one additional ADU that is attached to the primary dwelling or detached, for a maximum total of two ADUs.
 - (2) Multiple Family Zones.
 - (i) ADUs may be constructed on any lot in the R-2, R-3, or RPD zone that is improved with one or more legal existing or proposed dwelling units, subject to the requirements of this Section.

- (ii) Lots in the R-2, R-3, or RPD zone may have a maximum of two detached ADUs. In addition, portions of existing dwelling structures that are not used as livable space, including but limited to storage rooms, boiler rooms, passageways, attics, basements, and garages, may be converted into attached ADUs. The number of attached ADUs on a lot may not exceed 25 percent of the number of existing multifamily dwelling units.
- (d) Development Standards. ADUs are subject to all development standards applicable to the zone in which they are located except as provided in this Section. The standards provided in this Section supersede any conflicting standards otherwise applicable to the zone.
- (1) Development Standards Table. All ADUs must comply with the applicable standards in the table.

Development Standard	Junior ADU	ADU Within or Attached to Primary Dwelling	ADU Detached from Primary Dwelling
Front setback	Same as required for primary dwelling		Same as required for primary dwelling, and no closer to the front property line than the proposed or existing primary dwelling structure
Rear setback	Same as required for primary dwelling		4 feet
Side setback	Same as required for primary dwelling		4 feet
Street side setback	Same as required for primary dwelling		
Maximum height	Same as required for primary dwelling		16 feet
Minimum size	Same as efficiency dwelling unit		
Maximum size	500 square feet	50% of primary dwelling area or 800 square feet, whichever is greater	850 square feet for studio or 1-bedroom unit 1,000 square feet for unit with 2 or more bedrooms

Development Standard	Junior ADU	ADU Within or Attached to Primary Dwelling	ADU Detached from Primary Dwelling
Minimum number of parking spaces	None required	None required for efficiency and studio units 1 space per unit for units with 1 or more bedrooms, except as provided in Subsection (e)	
Required cooking facilities	Efficiency kitchen	Full kitchen	
Required sanitation facilities	May be separate from, or shared with, primary dwelling	Must be separate from primary dwelling	

- (2) **Maximum Size.** The maximum size of an ADU may be limited to less than that shown in the above table through the application of other development standards such as lot coverage, floor area ratio, or open space. However, in no case may the maximum allowed size of an ADU, other than a Junior ADU, be limited to less than 800 square feet, notwithstanding any other development standards.
- (3) **Conversion of Existing Structures.**
- (i) A portion of an existing legally established single-family dwelling, or all or a portion of an existing legally established accessory structure, may be converted to an ADU, even if such structure does not comply with the otherwise applicable height and setback requirements.
 - (ii) An accessory structure may be demolished and reconstructed in the same location and to the same dimensions and may be fully or partially converted to a detached ADU, even if such structure does not comply with the otherwise applicable height and setback requirements.
 - (iii) An accessory structure, including a demolished and reconstructed structure, that is being fully or partially converted to a detached ADU, may be expanded by up to 150 square feet to accommodate ingress and egress, so long as such expansion does not increase the nonconformity of the structure.

(4) Objective Design Standards.

- (i) The materials and colors of exterior walls, roof, eaves, windows, and doors of an ADU must match those of the primary dwelling.
- (ii) The roof slope of an ADU must match the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
- (iii) The ADU must have an independent exterior entrance separate from the primary dwelling.

(e) Parking.

- (1) ADU parking spaces may be covered or uncovered, may be located in any setback area, and may be tandem in a driveway.
- (2) ADU parking spaces are in addition to those required for the primary dwelling on the lot. Provided however that when a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, those parking spaces are not required to be replaced.
- (3) No on-site parking is required for an ADU in any of the following instances:
 - (i) The ADU is located within one-half mile walking distance of public transit.
 - (ii) The ADU is located within an architecturally and historically significant historic district.
 - (iii) The ADU is part of the proposed or existing primary dwelling or an accessory structure and/or is created from the conversion or reconstruction of an existing structure pursuant to Subsection (d)(3).
 - (iv) On-street parking permits are required but not offered to the occupant of the ADU.

- (v) There is a car share vehicle located within one block of the ADU.
- (f) Fire Sprinklers and Utilities.
 - (1) The City may not require fire sprinklers for ADUs if they are not required for the primary dwelling.
 - (2) New or separate utility connections from the primary dwelling may be required for ADUs, except in the following instances, when new or separate connections are not required and connection fees and capacity charges may not be imposed:
 - (i) Junior ADUs
 - (ii) Attached or detached ADUs created from the conversion or reconstruction of an existing structure pursuant to Subsection (d)(3), unless constructed with a new single-family dwelling.
- (g) Applications and Approvals.
 - (1) ADU applications must be approved through a ministerial process and are not subject to architectural design review or precise plan of design. The requirements set forth in Article 18 of this Chapter are not applicable to ADUs.
 - (2) The City may not require the correction of any existing nonconforming zoning conditions prior to approving an ADU application.
 - (3) ADU applications must be acted upon within 60 days from the date a complete application is submitted unless the applicant requests a delay, in which case the time period is tolled for the period of the delay, and except as provided in Subsection (4).
 - (4) If an application for an ADU is submitted in conjunction with an application to construct a new single-family or multifamily dwelling, the ADU application may not be approved until the application is approved for the new dwelling. The application for the ADU must be processed ministerially regardless of the approvals required for the dwelling. The 60-day time period is tolled until the application to construct the new dwelling is approved.

- (5) A certificate of occupancy for an ADU may not be issued before issuance of a certificate of occupancy for the primary dwelling.
- (h) Occupancy and Conveyance.
- (1) An ADU may be rented separately from the primary dwelling but may not be sold or otherwise conveyed separately from the primary dwelling.
 - (2) An ADU may not be rented for a period of less than 30 consecutive days.
 - (3) On a lot with a Junior ADU, the property owner must occupy either the primary dwelling or the Junior ADU. The City may require a covenant to be recorded on the property to provide notice and disclosure to future owners of the owner occupancy requirement.
 - (4) On a lot with an ADU permitted prior to January 1, 2020, or on or after January 1, 2025, the property owner must occupy the primary dwelling or the ADU. The City may require a covenant to be recorded on the property to provide notice and disclosure to future owners of the owner occupancy requirement. There is no owner occupancy requirement for ADUs permitted on or after January 1, 2020 and before January 1, 2025.
- (i) Fees.
- (1) An ADU may not be considered a new residential use for the purpose of calculating utility connection fees or capacity charges unless the ADU is constructed with a new single-family dwelling.
 - (2) Impact fees may not be assessed on an ADU smaller than 750 square feet. Impact fees may be assessed on an ADU of 750 square feet or greater in an amount proportionate to the square footage of the primary dwelling unit.

PART 12

Section 9-4.2521.1 of the Thousand Oaks Municipal Code is hereby deleted in its entirety.

PART 13
(Uncodified)
Severability

If any section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council hereby declares that this Ordinance, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

PART 10
(Uncodified)
Effective Date

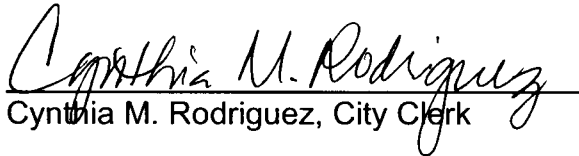
This Ordinance shall take effect immediately upon adoption by a four-fifths (4/5) vote of the City Council.

PASSED AND ADOPTED THIS 28th day of January, 2020.



Al Adam, Mayor
City of Thousand Oaks, California

ATTEST:


Cynthia M. Rodriguez, City Clerk

APPROVED AS TO FORM:


Tracy M. Noonan, City Attorney

APPROVED AS TO ADMINISTRATION:


Andrew P. Powers, City Manager

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TO ALLOW FOR INSERTION OF CERTIFICATION
BY CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF THOUSAND OAKS)

I, CYNTHIA M. RODRIGUEZ, City Clerk of the City of Thousand Oaks, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 1678-NS that was passed and adopted as an Urgency Ordinance by the City Council of the City of Thousand Oaks at a regular meeting held January 28, 2020, by the following vote:

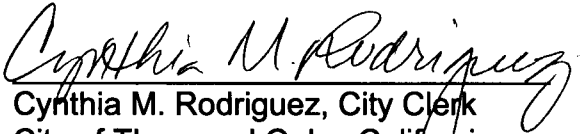
AYES: Councilmembers Bill-de la Peña, Engler, Jones, Adam and Mayor McCoy

NOES: None

ABSENT: None

I further certify that said Ordinance No. 1678-NS was published as required by law in the VENTURA COUNTY STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Thousand Oaks, California.


Cynthia M. Rodriguez, City Clerk
City of Thousand Oaks, California


Date Attested