

ORDINANCE NO. 2020-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA TO INTRODUCE AND READ BY TITLE ONLY ORDINANCE 2020- REPEALING MARINA MUNICIPAL CODE CHAPTER 17.06.040 (SECONDARY DWELLINGS AND GUEST HOUSES) AND REPLACE IT IN ITS ENTIRETY WITH A NEW CHAPTER 17.06.040 (ACCESSORY DWELLING UNITS) GOVERNING THE DEVELOPMENT OF ACCESSORY DWELLING UNITS IN THE CITY OF MARINA.

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THE CITY COUNCIL OF THE CITY OF MARINA DOES ORDAIN AS FOLLOWS

1. Chapter 17.06.040—Secondary Dwellings and Guest Houses Removed. The Municipal Code is hereby amended by removing this section of code.
2. Chapter 17.06.040—Accessory Dwelling Units Added. The Municipal Code is hereby amended by the addition of Chapter 17.06.040 entitled “Accessory Dwelling Units” to read as set forth on the attached five (5) page marked EXHIBIT “A” and incorporated herein by this reference thereto.
3. Effective Date. This ordinance shall take effect and be in force 30 days from and after its final passage.
4. Posting of Ordinance. Within 15 days after the passage of this ordinance, the City Clerk shall cause it to be posted in the three public places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on the 6th Day of October 2020, and was passed and adopted at a regular meeting duly held on the 20th Day of October 2020, by the following vote:

AYES, COUNCIL MEMBERS: Burnett, Berkley, O’Connell, Morton

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: Delgado

ABSTAIN, COUNCIL MEMBERS: None

Gail Morton, Mayor Pro-Tem

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT A

Repeal Chapter 17.06.040 and replace with the following:

17.06.040 Accessory dwelling units

This chapter establishes standards for the location and construction of accessory dwelling units and junior accessory dwelling units (jointly referred to “accessory units” in this chapter) in conformance with California Government Code Sections 65852.2 and 65852.22. These standards are intended to allow for accessory units as an important form of affordable housing and to comply with State Law.

A. Accessory Dwelling Units

1. Permits required

- a. Accessory units consistent with the requirements of this chapter are allowed by right with the issuance of a building permit.
- b. Time Limit to Act. The City shall complete its review of an accessory unit application and approve or deny the application within sixty days of receipt of the application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory unit is submitted with a permit application to create a new single-family dwelling on the lot, the City shall delay acting on the permit application for the accessory unit until the City acts on the permit application to create the new single-family dwelling. If the applicant requests a delay, the sixty-day time limit shall be extended for the period of the requested delay. In either case the application to create the accessory unit shall be considered without discretionary review or hearing.

2. Permitted zoning districts

- a. Accessory dwelling units are permitted in any zoning district where single-family or multifamily dwellings are a permitted or conditionally permitted land use as identified in Title 17 of the Municipal Code. Junior accessory dwelling units are permitted in any zoning district where single-family dwellings are a permitted or conditionally permitted land use as identified in Title 17 of the Municipal Code.

3. Site and design standards

- a. General. Accessory units are subject to the same requirements that apply to primary dwellings on the same lot in the applicable zoning district except as specified in this section.
- b. Number of Accessory Units. No more than one junior accessory dwelling unit and one accessory dwelling unit is permitted on a single lot with a single-family dwelling. Lots with existing multifamily dwellings shall have a number of internal or attached accessory dwelling units equal to 25% of the existing multifamily dwelling units. Fractions of units of 0.5 and above shall be

rounded up. Accessory dwelling units may include portions of dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that each unit complies with state building standards for dwellings. At least one accessory dwelling unit shall be permitted per lot within existing multifamily dwellings. Not more than two detached accessory dwelling units shall be permitted on lots with existing multifamily dwellings.

c. Relationship to Primary Dwelling.

1. An accessory dwelling unit may be within, attached to, or detached from the primary dwelling. Attachment to the primary dwelling shall be by sharing a common interior wall or common roof. No passageway (as defined in California Government Code Section 65852.2) is required in conjunction with the construction of an accessory dwelling unit.
2. An accessory dwelling unit shall have its own kitchen, bathroom facilities, and entrance separate from the primary dwelling.
3. The City shall allow junior accessory dwelling units as defined in California Government Code Section 65852.22 to be constructed within the walls of the proposed or existing single-family residence with a separate entrance from the main entrance to the primary dwelling, an efficiency kitchen as defined herein, and shared or independent bathroom facilities.

d. Height

1. An accessory unit is limited to sixteen feet in height.

e. Maximum Unit Size.

1. The maximum floor area for a studio or 1-bedroom accessory dwelling unit shall be 850 square feet, except accessory dwelling units which do not conform to Sections D.1 and F.3 of this code which shall be limited to 800 square feet. The maximum floor area for an accessory dwelling unit of 2 bedrooms or more shall be 1,000 square feet. In situations where an existing accessory structure is being converted to an accessory dwelling unit, an additional 150 square feet are allowed for expansion beyond the physical dimensions of the accessory dwelling unit, limited to providing ingress and egress only.
2. The maximum floor area of a junior accessory dwelling unit shall be five hundred square feet.

f. Property Line Setbacks.

1. No setback is required for an existing accessory structure or living area as defined herein that is converted to an accessory dwelling unit.
2. No setback is required for an accessory dwelling unit constructed in the same location and the same footprint as an existing accessory structure.
3. A minimum setback of four feet from the side and rear property lines is required for an accessory dwelling unit sixteen feet in height or less. Front and street side yard setbacks shall be the same as the underlying zoning district. An accessory dwelling unit in excess of sixteen feet in height shall comply with setback requirements of the main structure of the applicable zoning district.

g. Parking.

1. Except as specified in this subsection, on-site parking for accessory dwelling units shall comply with all parking requirements in Chapter 17.44 of the Municipal Code.
2. On-site parking is not required for junior accessory dwelling units.
3. In addition to on-site parking spaces required for the primary dwelling, one on-site parking space shall be provided for each accessory dwelling unit per unit or bedroom, whichever is less.
4. On-site parking spaces for accessory dwelling units may be covered or uncovered, may be tandem, and may be located within the front, side, or rear setbacks areas unless there is a specific site or regional condition related to fire or life safety that would make parking in setback areas unsafe.
5. No on-site parking is required for an accessory dwelling unit in the following cases:
 - a. The accessory dwelling unit is located within one-half mile walking distance of public transit.
 - b. The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the City Council.
 - c. The accessory dwelling unit is constructed within the primary residence or within an accessory structure.
 - d. On-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - e. A car-share vehicle pick-up/drop-off location is located within one block of the accessory dwelling unit.

h. Utility Connections.

1. General. An accessory unit shall not be considered a new residential use for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service unless constructed in conjunction with a new single-family residence.
2. Accessory Units in Existing Space. For accessory units within an existing primary dwelling, garage, or other accessory structure, the City shall not require an applicant to install a new or separate utility connection directly between the accessory unit and utility or impose a related connection fee or capacity charge.
3. Attached and Detached Accessory Dwelling Units. Consistent with California Government Code Section 66013, a utility connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

4. Fire Sprinklers. The installation of fire sprinklers shall not be required in an accessory unit if sprinklers are not required for the primary residence.
- i. Septic Tank Disposal System.
 1. In areas where septic tank disposal systems are allowed due to lack of sanitary sewer lines, detached accessory dwelling units shall be served by separate and independent septic tank sewage disposal systems. All leach lines shall be designed and installed in accordance with current septic system requirements of the County of Monterey Health Department.
 2. In other areas of the City, accessory dwelling units shall be connected to the sanitary sewer system through the existing lateral line serving the primary dwelling.
- j. Deed restrictions.
 1. Deed Restriction Required. Before obtaining a building permit for an accessory unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:
 - a. The accessory unit may not be sold separately from the primary dwelling.
 - b. The accessory unit is restricted to the approved size as set forth in subsection 17.61.040(D).
 - c. The accessory unit shall not be rented for a period of less than thirty-one days.
 2. Binding on Future Owners. The above declarations shall be binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the City's approval of the accessory unit.
- k. Fees.
 1. Impact fees shall not be imposed on an accessory dwelling unit less than seven hundred fifty square feet in size.
 2. Impact fees charged for an accessory dwelling unit of seven hundred fifty square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling.

Adding the following definitions:

17.04 Definitions

“Accessory dwelling unit”, as defined in California Government Code Section 65852.2, 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 lot with a proposed or existing primary residence. 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; (B) a manufactured home, as defined in Section 18007 of the Health and Safety Code.

“Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.

“Accessory unit” means an accessory dwelling unit or junior accessory dwelling unit.

“Efficiency kitchen” means a cooking facility with appliances, a food preparation counter, and storage cabinets.

“Efficiency unit”, as defined in California Government Code Section 17958.1, has the same meaning specified in the International Building Code of the International Code Council, as incorporated by reference in Part 2 of Title 24 of the California Code of Regulations.

“Junior accessory dwelling unit”, as defined in California Government Code Section 65852.22, means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence.

“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.