

ORDINANCE NO. 1631-NS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS AMENDING SECTIONS 9-4.202, 9-4.2104, 9-4.2402, 10-1.701, AND 9-4.2521, AND ADDING SECTION 9-4.2521.1 TO THE THOUSAND OAKS MUNICIPAL CODE, REGARDING REGULATIONS FOR ACCESSORY DWELLING UNITS (**MCA 2016-70540**)

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 Municipal Code with regard to regulations for accessory dwelling units, in order to comply with California Government Code Sections 65852.2 and 65852.22.

PART 2
(Uncodified)

Based on the information contained in the Staff Report, the recommendation of the Planning Commission, and testimony provided at the public hearing, the City Council makes the following findings:

1. The ordinance is consistent with the Goals and Policies of the Thousand Oaks General Plan, including the goal “to develop appropriate additional tools enabling commercial, industrial and residential development to flourish in an efficient and compatible manner.”
2. The ordinance complies with California Government Code Sections 65852.2, and 65852.22 regarding accessory dwelling units.
3. The ordinance is exempt from the California Environmental Quality Act (CEQA) per California Public Resources Code Section 21080.17, and CEQA Guidelines Section 15268.

PART 3

Section 9-4.202 of Chapter 4 of Title 9 of the Thousand Oaks Municipal Code is hereby amended to change the definition of “Secondary dwelling unit,” and to add definitions for “Efficiency unit,” “Efficiency kitchen,” “Junior accessory dwelling unit,” “Living area,” “Non-habitable area,” and “Passageway,” as follows:

“Sec. 9-4.202. Definitions.

...
“Accessory dwelling unit” shall mean a separate residential unit, which provides independent living facilities including a bathroom, kitchen, and sleeping quarters for one or more persons on a residentially zoned lot that already contains one legally established residential dwelling unit.

“Efficiency unit” shall mean a dwelling unit with a separate bedroom, closet, and kitchen, per California Building Code Section 1208.4. Efficiency units shall have a living room not less than 220 square feet of floor area, with a separate bathroom and closet area, with an additional 100 square feet of floor area for each occupant in excess of two.

“Efficiency kitchen” shall mean a kitchen that at the minimum contains the following: a sink with a maximum waste line diameter of 1.5 inches, a cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the accessory dwelling unit.

“Junior accessory dwelling unit” shall mean a dwelling unit that is no more than 500 square feet in size and contained entirely within the living area of an existing single-family structure. 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.

“Non-habitable area” means bathrooms, closets, halls, storage or utility spaces, and garages.

“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

“Dwelling, one family,” “one-family dwelling” also known as “single-family dwelling,” shall mean a dwelling unit on a lot that is not part of a condominium project, which is detached from any other dwelling unit on the lot except an accessory dwelling unit permitted under this title.”

PART 4

Section 9-4.2521 of Chapter 4 of Title 9 of the Thousand Oaks Municipal Code is hereby re-titled and amended 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 on residentially zoned lots that already contain one legally established unit. By the adoption of this ordinance, the City finds that accessory dwelling units are consistent with the allowable density for the lot upon which the accessory unit is located, and that accessory dwelling units are a residential use that is consistent with the existing General Plan and zoning designation for the lot.
- (b) Authority. City may designate areas for ADUs based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.
- (c) Permits: Conditions and limitations. Accessory dwelling units may be constructed only if a permit is obtained, and are ministerially approved in residential zones, only if they meet the following conditions:
 - (1) The unit shall not be sold separately from the primary residence and may be rented.
 - (2) The lot shall be zoned for single-family or multi-family residential use.
 - (3) The lot shall contain an existing single-family dwelling unit.
 - (4) The accessory dwelling unit must contain at minimum an efficiency kitchen.
 - (5) The accessory dwelling unit may be attached to the existing dwelling, located within the living area of the existing dwelling, or detached from the existing dwelling and located on the same lot as the existing dwelling unit.
 - (6) The accessory dwelling unit, if attached to the existing dwelling, shall be a minimum size of an efficiency unit with a maximum size of five hundred (500) square feet. Whenever an increase in floor area of the structure within which the accessory unit is located is involved, it shall not exceed fifty (50%) percent of the existing living area.
 - (7) The accessory dwelling unit, if detached from the existing dwelling, shall be a minimum size of an efficiency unit with a maximum size of six hundred (600) square feet.
 - (8) Any construction shall conform to the maximum size of a unit, height, setback, lot coverage, architectural review, oak and landmark tree protection, ridgeline protection, parking, landscape, site plan review, privacy, existing restricted use areas, avoidance of off-site brush clearance on public and private open space, and other development standards and zoning regulations generally applicable to residential construction in the zone in which the property is located.

- (9) The accessory dwelling unit shall comply with local building code requirements, which apply to additions to existing single-family dwellings, as appropriate.
- (10) Approval by the local health office where a private sewage disposal system is being used, if required.
- (11) One of the residential units on the lot shall be occupied by the property owner.
- (12) Parking requirements: Accessory dwelling units shall provide the following:
- i. One parking space per bedroom.
 - ii. Parking may be permitted in certain setback areas in locations determined by the City, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life/safety conditions, or that it is not permitted anywhere else in the jurisdiction.
 - iii. No parking shall be allowed in the front setback areas.
- (13) Parking Requirement Exemption. Parking requirements are not applicable for accessory dwelling units in any of the following instances:
- i. The accessory dwelling unit is located within one-half mile of public transit, which shall mean the walking distance from the accessory dwelling unit, to the nearest bus stop.
 - ii. The accessory dwelling unit is located within an architecturally and historically significant 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 a car share vehicle located within one block of the accessory dwelling unit.
- (14) Attached accessory dwelling units may be one or two stories in height. Detached accessory structures are limited to one story in height.
- (15) Accessory dwelling units shall be limited to two bedrooms or less.
- (16) Accessory dwelling units shall be limited to one per residential lot zoned for single-family detached residences, whether a junior, attached, or detached unit.
- (17) All applicable fees and charges shall be paid including but not limited to building permit processing fees, water and wastewater connection fees, and other applicable capital facility fees.
- (18) Attached or detached accessory dwelling units shall not be located within one hundred (100) feet of any publicly or privately-owned natural open space.
- (19) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
- (20) No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than

five (5) feet from the side and rear lot lines shall be required for any new accessory dwelling unit that is constructed above a garage.

(21) Accessory dwelling units may not be rented for less than 30 consecutive days.

(22) Attached or detached accessory dwelling units shall be reviewed ministerially.

(23) A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section.

(24) The accessory dwelling unit shall comply with local building code requirements, which apply to additions to existing single-family dwellings, as appropriate.

(25) The accessory dwelling unit shall not be located in the front yard area between the primary residence and the street.

(26) A deed restriction shall be recorded and filed with the City of Thousand Oaks. Said deed restriction shall run with the land and provide notice and disclosure to future owners that the accessory dwelling unit must comply with the provisions of this ordinance, including, but not limited to the following:

- i. Owner-occupancy is required in the single-family residence in which the accessory dwelling unit is permitted.
- ii. The accessory dwelling unit cannot be sold separately from the sale of the single-family residence.
- iii. The size of the unit must not exceed five hundred (500) square feet for attached units and not exceed six hundred (600) square feet for detached units.
- iv. The accessory dwelling unit must contain at minimum an efficiency kitchen.

PART 5

Sec. 9-4.2521.1 of Chapter 4 of Title 9 of the Thousand Oaks Municipal Code is hereby added as follows:

Sec. 9-4.2521.1. Junior 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 junior accessory dwelling units on residentially zoned lots that already contain one legally established unit. By the adoption of this ordinance the City finds that junior accessory dwelling units are consistent with the allowable density for the lot upon * ~~with~~ the accessory unit is located, and that accessory dwelling units are a residential use that is consistent with the existing General Plan and zoning designation for the lot.

* Administrative Correction 8/3/2017 due to typographical error. Should read: "...upon which..."

- (b) Permits: Conditions and limitations. Junior accessory dwelling units may be constructed only if a permit is obtained, and are permitted in residential zones only if they meet the following conditions:
- (1) Junior accessory dwelling units must be constructed entirely within the existing walls of the main dwelling, include an existing bedroom, and a separate entrance from the main entrance to the structure with an interior entry to the main living area of the primary home.
 - (2) A junior accessory dwelling unit shall be a minimum size of an efficiency unit with a maximum size of five hundred (500) square feet.
 - (3) A deed restriction shall be recorded and filed with the City of Thousand Oaks. Said deed restriction shall run with the land and provide notice and disclosure to future owners that the junior accessory dwelling unit must comply with the provisions of this ordinance, including, but not limited to the following:
 - i. Owner-occupancy is required in the single-family residence in which the junior accessory dwelling unit is permitted.
 - ii. The junior accessory dwelling unit cannot be sold separately from the sale of the single-family residence.
 - iii. The size of the unit must not exceed five hundred (500) square feet.
 - iv. The junior accessory dwelling unit must contain at minimum an efficiency kitchen.
 - (4) The lot shall be zoned for single-family or multi-family residential use.
 - (5) The lot shall contain an existing single-family residence.
 - (6) The junior accessory dwelling unit shall comply with local building code requirements, which apply to additions to existing single-family dwellings, as appropriate.
 - (7) No additional parking is required for junior accessory dwelling units.
 - (8) Junior accessory dwelling units shall be limited to two bedrooms or less.
 - (9) Accessory dwelling units shall be limited to one per residential lot zoned for single-family detached residences, whether a junior, attached, or detached unit.
 - (10) All applicable fees and charges shall be paid including but not limited to building permit processing fees, and applicable capital facility fees.
 - (11) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
 - (12) No passageway shall be required in conjunction with the construction of a junior accessory dwelling unit.
 - (13) Junior accessory dwelling units may not be rented for less than 30 consecutive days.
 - (14) Junior accessory dwelling units shall be reviewed ministerially.

(15) A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section.

PART 6

Section 9-4.2402 of Chapter 4 of Title 9 of the Thousand Oaks Municipal Code is hereby amended as follows:

Sec. 9-4.2402 Parking spaces required.

- (a) Residential types
 - (7) Dwellings, accessory
 - (i) Refer to Sec. 9-4.2521(c)(12), Sec. 9-4.2521(c)(13) and Sec. 9-4.2521.1(b)(7) concerning accessory dwelling units.

PART 7

Section 9-4.2104 of Chapter 4 of Title 9 of the Thousand Oaks Municipal Code is hereby amended as follows:

Sec. 9-4.2104 Permitted use matrix – Residential Zones

Accessory Dwelling Units, per Sec. 9-4.2521 and 9-4.2521.1

PART 8

Section 10-1.701 of Chapter 1 of Title 10 of the Thousand Oaks Municipal Code is hereby amended as follows:

Sec.10-1.701. Wastewater connection charge.

- (k) Changed uses: Additional charges. If a building or the use of a parcel of property is enlarged, altered or changed, including the addition of an accessory dwelling unit, a new connection charge is greater than that credited to the parcel of property, the difference (based on fixture units or equivalent service units) shall be paid to the City. The payment is due before the issuance of a plumbing permit or building permit, as appropriate. The provisions of this subsection shall not apply, however, to the enlargement of a single family dwelling

PART 9

(Uncodified)
Severability

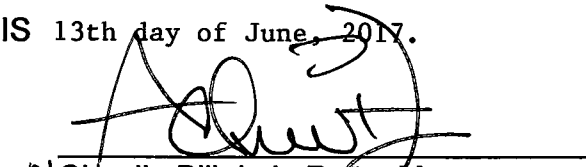
If any section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of

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.

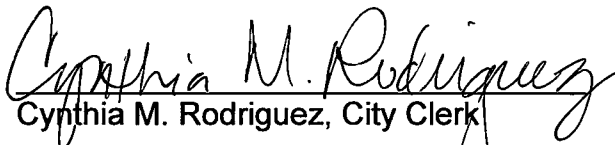
PART 10
(Uncodified)
Effective Date

This Ordinance shall take effect on the thirty-first (31st) day from the date of its final passage and adoption.

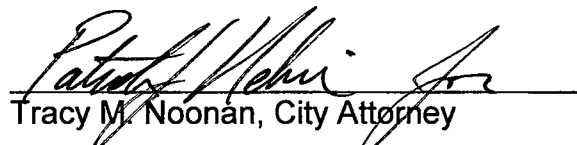
PASSED AND ADOPTED THIS 13th day of June, 2017.


for Claudia Bill de la Peña, 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

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. 1631-NS that was introduced by said City Council at a regular meeting held May 30, 2017 and adopted by said City Council at a regular meeting held June 13, 2017 by the following vote:

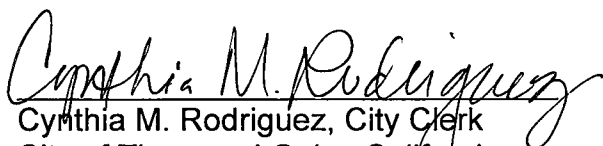
AYES: Councilmembers Price, Adam, McCoy, and Mayor Pro Tem Fox

NOES: None

ABSENT: Mayor Bill-de la Peña

I further certify that said Ordinance No. 1631-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

June 14, 2017
Date Attested