

ORDINANCE NO. 1414-20 (CM)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE RESCINDING CHAPTER 14-23 (ACCESSORY DWELLING UNITS) OF TITLE 14 (ZONING) OF THE WATSONVILLE MUNICIPAL CODE IN ITS ENTIRETY AND ADDING A NEW CHAPTER 14-23 ENTITLED ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Amends Ordinance No. 1162-03 (CM)

WHEREAS, on July 14, 2020, the Watsonville Planning Commission adopted Resolution No. 15-20 (PC) recommending that the City Council rescind Chapter 14-23 (Accessory Dwelling Units), in its entirety and replace with a new Chapter 14-23 entitled (Accessory Dwelling Units and Junior Accessory Dwelling Units) in accordance with the Findings attached hereto and marked as Exhibit "A", for regulating accessory dwelling units and junior accessory dwelling units; and;

WHEREAS, the City Council has reviewed the Ordinance, held a public hearing thereon, and found the request to be consistent with the Findings required for a zoning text amendment pursuant to Section 14-12.807 of the Watsonville Municipal Code.

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**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WATSONVILLE,
CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. ENACTMENT.

Title 14 (Zoning) of the Watsonville Municipal Code is hereby amended by rescinding Chapter 14-23 (Accessory Dwelling Units) in its entirety and adding a new Chapter 14-23 entitled Accessory and Junior Accessory Dwelling Units to read in words and figures as follows:

CHAPTER 14-23 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Sec. 14-23.006 Purpose.

The purpose of this chapter of the Watsonville Municipal Code (Chapter 14-23) establishes the development standards for permitting Accessory Dwelling Units and Junior Accessory Dwelling Units within the City of Watsonville, in accordance with Section 65852.2, Section 65852.22, Section 65852.26 of the California Governor Code, and Section 17980.12 of the Health and Safety Code, as amended by SB13, AB 68, AB 587, AB 670, and AB 881, effective January 1, 2020.

Sec. 14-23.010 Definitions.

- (a) Accessory Dwelling Unit or ADU shall have the meaning set forth in Section 14-18.324
- (b) Junior Accessory Dwelling Unit or JADU shall have the meaning set

forth in Section 14-18.325.

(c) "Occupant" shall mean a person or person(s) who permanently reside in a dwelling.

(d) "Primary dwelling unit" shall mean the existing or proposed single family dwelling located in a parcel meeting all development standards for the underlying zoning district.

Sec. 14-23.020 Maximum number of occupants.

Occupants shall be limited to no more than two (2) persons for an efficiency dwelling unit as defined in [Section 17958.1](#) of the Health and Safety Code, three (3) persons for a one-bedroom dwelling unit, four (4) persons for a two-bedroom dwelling unit, and five (5) persons for a three-bedroom dwelling unit.

Sec. 14-23.030 ADU and JADU use standards.

(a) The maximum permitted living area for ADUs in any residential district shall not exceed that shown in Table 1.

TABLE 1: MAXIMUM ADU LIVING AREA	
Lot Size (SF)	Maximum ADU Living Area (SF)
Lots less than 5,999 SF	One 850 SF (maximum 1 bedroom)
Lots less than 9,999 SF	One 1,000 SF (maximum 2 bedrooms)
Lots greater than 10,000 SF	One 1,200 SF (maximum 3 bedrooms)
Lots greater than 12,000 SF	One 1,200 SF (maximum 3 bedrooms) or two ADUs (maximum 750 SF and 2 bedrooms)

(b) The number of ADUs and JADUs on any one parcel in any residential district shall not exceed the number shown in Table 2.

TABLE 2: NUMBER OF PERMISSIBLE ADUS OR JADUS			
District	R-1	R-1P	RM-2/RM-3
ADUs Permitted	1 ¹	1	25% of # of units when converting a portion of an existing structure not used as livable space ² or up to 2 new detached units
JADUs Permitted	1	1	One ADU and one JADU if a single-family dwelling exists on the lot at time of application ³

(c) The minimum set back distances for ADUs and JADUs on any one parcel in any residential district shall be not less than shown in Table 3.

TABLE 3: MINIMUM SETBACK DISTANCE			
District	R-1	RM-2	RM-2/RM-3
Front yard		20'	
Interior side yard		4'	
Exterior side yard		10'	
Rear yard		4'	
Setback from alleyway		5'	

(d) The maximum building height for any ADU and JADU on any one parcel in any residential district shall be not more than shown in Table 4.

TABLE 4: MAXIMUM BUILDING HEIGHT			
District	R-1	R-2	RM-2/RM-3
Attached ADU		28'	
Detached ADU		28'	
Conversions of existing accessory structures		16'	

¹ Subject to subdivision a. Townhomes and condominium units are not eligible for an ADU or JADU. Multi-family planned developments are not eligible for an ADU but can have a JADU subject to all requirements outlined in WMC Chapter 14-23.

² Conversion of existing multifamily dwelling structures must meet all applicable building and fire codes. A multifamily dwelling structure is a structure with two or more attached dwellings on a single lot (i.e. apartment buildings). Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings. Multiple detached single-unit dwellings on the same lot are allowed one ADU and must meet all requirements outlined in WMC Chapter 14-23.

³ JADUs are permitted in an RM-2 or RM-3 or PD district only if the lot contains one existing single-family dwelling.

(e) A JADU shall be contained within a proposed or existing single-family dwelling and subject to a maximum size of 500 square feet of living space. An expansion to an existing single-family dwelling may include not more than 150 square feet beyond the same physical dimensions as the existing single-family dwelling. Such expansion beyond the physical dimensions of the existing single-family dwelling shall be limited to accommodating ingress and egress. The JADU shall have its own exterior access separate from the existing single-family dwelling.

(f) If the proposed ADU is attached to an existing dwelling unit, any increase in floor area of the dwelling unit to accommodate an attached ADU shall not exceed 50 percent of the existing dwelling unit living area or 850 square feet, whichever is less.

(g) If the ADU is not attached to an existing dwelling unit but is attached to or above an accessory structure, that structure shall comply with subdivision (1), (2), and (3) below:

- (1) The accessory structure shall not contain any restroom facilities.
- (2) The attached accessory structure may have interior access to the ADU.

(3) If a detached existing legally constructed accessory structure is converted into an ADU and rebuilt in the same location and to the same dimensions as the existing accessory structure, the conversion may include an expansion of no more than 150 square feet beyond the existing physical building footprint to accommodate ingress and egress. The rebuilt accessory structure may be allowed in the same location so long as the building height does not exceed 16-feet. Any

expansions to accommodate ingress and egress shall meet minimum fire and building code setbacks.

Sec. 14-23.040 ADU and JADU design standards.

(a) **Exterior.** The exterior design of the ADU or JADU unit shall be consistent with the principal residence and/or multifamily development as well as the immediate neighborhood. Building materials, architectural style, roof form and pitch, height, scale, exterior colors and finishes shall be substantially the same as the existing dwelling unit and/or the multifamily development.

(b) **Landscaping.** No less than 20 percent of the lot shall be landscaped. All areas of the site that are not utilized for buildings, patios, parking, pedestrian or vehicular access shall be landscaped and provided with a permanent irrigation system. The front yard shall be landscaped, exclusive of walkways and driveways.

(c) **Private Open Space/Patios and Decks.** Each ADU or JADU shall have a deck or a patio, directly adjoining individual units. The minimum private open space required for each unit shall be no less than 96 square feet with a minimum width of six feet for a deck/patio and 8 feet for landscaped area.

(d) **Access.** The ADU or JADU entrance shall face the interior of the property unless the ADU or JADU is directly adjacent to an alleyway or a public street.

(e) **Window Design.** Windows which face an adjoining residential property shall protect the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.

Sec. 14-23.050 Fire sprinkler standards.

Except when the primary dwelling or existing multifamily structure does not contain a

sprinkler system, all newly constructed ADUs and JADUs shall comply with Chapter 9 (Fire Code) of Title 8 (Building Regulations) of the Watsonville Municipal Code for residential fire sprinkler systems.

Sec. 14-23.060 Parking standards.

- (a) The main residential unit(s) shall comply with the City's Parking and Loading Ordinance in Chapter 14-17, except that conversions of existing covered parking to accommodate an ADU, covered parking shall not be required.
- (b) All ADUs shall provide one parking space per unit or per bedroom, whichever is less, which spaces may be provided as tandem parking on an existing driveway apron.
- (c) No additional off-street parking required if converting an existing garage, carport, or covered parking structure.
- (d) No additional off-street parking required if converting an existing residential space.
- (e) No off-street parking shall be required if any one of the following findings is made:
 - (1) The ADU is within one-half mile of a public transit bus stop.
 - (2) The ADU is within an architecturally and/or historically significant district.
 - (3) On-street parking permits are required but not available to the occupant of the ADU.
 - (4) A car share vehicle is located within one block of the unit.

Sec. 14-23.070 Non-profit affordable ADU or JADU development.

Development of an ADU by a non-profit housing developer to create an affordable unit may sell the ADU separately. Such ADU shall meet all requirements of Chapter 46 of Title 14 (Affordable Housing Ordinance).

Sec. 14-23.080 Impact fees.

(a) Any ADU proposed to be less than 750 SF shall not be subject to development impact fees (parks, traffic, etc.). For the purposes of this section, “impact fee” has the same meaning as the term “fee” defined in subdivision (b) of [Section 66000](#) of the Government Code, except that it also includes fees specified in [Section 66477](#) of the Government Code.

(1) ADUs over 750 SF shall be charged impact fees proportionate to fees applicable to the primary dwelling, determined as a ratio of square footage.

The ratio shall be determined by comparing the square foot living space of the ADU to the living space of the existing primary dwelling.

Sec. 14-23.090 Utility connections.

Separate utility connections are not required for ADUs less than 750 square feet, unless the ADU is being constructed in conjunction with a new single-family dwelling.

Sec. 14-23.100 Deferred code enforcement.

Until 2030, any ADU constructed without permits before January 1, 2020 that face code enforcement action may request a delay of up to 5 years in enforcement so long as the illegally constructed unit complies with [Section 17980.12](#) of the Health and Safety Code. Additionally, a property owner may request amnesty from code enforcement if the property owner discloses the code violation to the City before January 1, 2030.

(a) If the owner is requesting amnesty and/or a delay in code enforcement, the owner shall submit an application to the Building Official requesting that enforcement

of the violation be delayed for five years from the activation date of the code enforcement case, on the basis that correcting the violation is not necessary to protect health and safety.

(b) The Building Official may approve the application for delay in code enforcement action if the Building Official finds that correcting the violation is not necessary to protect health and safety. In making this determination, the Building Official shall confirm with the Fire Marshall that the non-permitted ADU/JADU does not constitute a threat to health and safety. The approval shall be granted with following conditions:

(1) The unit shall be vacated before approval, verified by a site inspection.

(2) All non-permitted sewer and water lines shall be capped outside the building footprint of the unit. All non-permitted electric service shall be disconnected

(3) The unit receiving a delay in code enforcement action must remain vacant for the agreed-upon term or until such time that the unit has been brought into full compliance with all development codes. Non-compliance with this Section shall be subject to Administrative Citations as outlined in WMC Chapter 1-2, Penalty Provisions.

(4) If a property owner freely discloses the existence of a non-permitted ADU or JADU before January 1, 2030 outside of any code-enforcement action, the Building Official may reduce building permit fees for the legalization of the unit by 50 percent.

(5) This Section shall remain in effect until January 1, 2035, and as of that date shall be repealed.

Sec. 14-23.110 Restrictions.

- (a) For construction of ADUs on vacant parcels, a building permit application shall be delayed until a building permit to construct the primary single-family dwelling has been issued.
- (b) The ADU, JADU, and/or the primary unit shall not be used as a short term or vacation rental for less than 30 consecutive days.
- (c) For all proposed JADUs, owner-occupancy in the single-family dwelling or the newly created JADU is required by deed restriction recorded at the County of Santa Cruz Recorder's Office. Proof of recordation shall be provided to the City before building permit issuance. Owner occupancy shall not be required if the owner is another governmental agency, land trust, or nonprofit housing organization.
- (d) A restriction on the sale of the ADU or JADU separate from the sale of the single-family dwelling, including a statement that the deed restriction may be enforced against future purchasers, shall be recorded with the County of Santa Cruz Recorder's Office.

SECTION 2. PUBLICATION.

This ordinance shall be published in the Watsonville Register-Pajaronian in compliance with the provisions of the Charter of the City of Watsonville.

SECTION 3. EFFECTIVE DATE.

This ordinance shall be in force and take effect thirty (30) days after its final adoption.

The foregoing ordinance was introduced at regular City Council meeting of the City of Watsonville, held on the 13th day of October, 2020, by Member Hernandez, who moved its adoption, which motion being duly seconded by Mayor Garcia, was upon roll call carried and ordered printed and published by the following vote:

AYES: COUNCIL MEMBERS: **Estrada, Gonzalez, Hernandez, Hurst, García**

NOES: COUNCIL MEMBERS: **Coffman-Gomez, Parker**

ABSENT: COUNCIL MEMBERS: **None**

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Rebecca J. García, Mayor

ATTEST:

DocuSigned by:

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Bev O'Neal
City Clerk

APPROVED AS TO FORM:

DocuSigned by:

7E876792E9514D5...
Alan J. Smith
City Attorney

ORDINANCE NO. 1414-20 (CM)

The foregoing ordinance, having been printed and published as required by the Charter of the City of Watsonville, and coming on for final consideration at the regular meeting of the Council of the City of Watsonville, held on the 27th day of October, 2020, by Member Gonzalez, who moved its adoption, which motion being duly seconded by Member Parker, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: COUNCIL MEMBERS: **Garcia, Gonzalez, Hernandez, Hurst, Parker, Estrada**
NOES: COUNCIL MEMBERS: **Coffman-Gomez**
ABSENT: COUNCIL MEMBERS: **None**

DocuSigned by:

Rebecca J. García

Rebecca J. García, Mayor

ATTEST:

DocuSigned by:



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City Clerk

10/29/2020 | 10:39 AM PDT

Date

EFFECTIVE DATE:

November 26, 2020

CERTIFICATION

STATE OF CALIFORNIA
COUNTY OF SANTA CRUZ

I, Beatriz Vázquez Flores, City Clerk of the City of Watsonville, in the County of Santa Cruz, State of California, hereby certify that the attached Ordinance No. 1414-20 (CM) is a true and correct copy of the original of said ordinance as it appears upon the official records of said City of Watsonville.

DocuSigned by:



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Beatriz Vázquez Flores, City Clerk

Date 10/29/2020 | 10:39 AM PDT

I, Beatriz Vázquez Flores, City Clerk of the City of Watsonville, do hereby certify that the foregoing Ordinance No. 1414-20 (CM) of the Council of the City of Watsonville was passed and adopted by the Council thereof on the 27th day of October, 2020, and a summary was published according to law to-wit: by publication for one day in the Register Pájaronian issue of October 23, 2020.

DocuSigned by:

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City Clerk, City of Watsonville

Dated: 11/9/2020 | 3:08 PM PST

**CITY OF WATSONVILLE
TEXT AMENDMENT**

EXHIBIT "A"

APN: Citywide
Address: Citywide
Applicant: City of Watsonville
Hearing Date: October 13, 2020

Text Amendment Findings (Section 14-12.807)

1. That the proposed amendment is consistent with the policies embodied in the General Plan.

Supportive Evidence

The proposed text amendments to Chapters 14-12 (Zoning Permits), Chapter 14-16 (District Regulations), Chapter 14-18 (Definitions), Chapter 14-23 (Accessory Dwelling Units), and Chapter 14-40 (General Provision, Exceptions, and Modifications) are consistent with the policies embodied in the General Plan, in that the Ordinance allows the City to facilitate development standards for creation of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) for residential zones except multi-family planned developments. The updated ADU and JADU development standards are also consistent with the following Housing Element Goals:

- Goal 1.0 — Improve, conserve and preserve both the safe conditions of and the continued availability of Watsonville's existing affordable housing stock in order to meet the housing needs of all economic segments of the community.
- Goal 2.0 — Expand and protect housing opportunities for all economic segments and special needs groups within the community.
- Goal 4.0 — Where appropriate, mitigate unnecessary government constraints to the maintenance, improvements and development of housing.
- Goal 5.0 — Ensure fair and equal housing opportunity for all persons regardless of race, religion, sex, marital status, family type, ancestry, national origins, color or protected status.

2. That the proposed amendment is compatible to the extent possible with actual and general planned use of the adjacent properties.

Supportive Evidence

The proposed text amendments are compatible to the extent possible with the actual and general planned use of the adjacent properties, in that the Ordinance includes development standards concerning lot size, setbacks, parking, and building height that comply with state legislation changes regarding the planning

for and creation of ADUs and JADUs effective January 1, 2020. The proposed Zoning Code text amendments are related to the following residential zones: R-1 (Single Family Residential), R-1P (Single Family Planned Residential District), RM-2 (Multiple Residential – Medium Density), and RM-3 (Multiple Residential – High Density). The surrounding general planned use of adjacent properties is zoned residential and the proposed development standards will be compatible with the actual and general planned use of the adjacent properties.