



**STAFF REPORT – PLANNING
CITY OF VALLEJO
PLANNING COMMISSION**

DATE: April 20, 2026
TO: Planning Commission
FROM: Hector Rojas, Long-Range Planning Manager
SUBJECT: **HOLD A PUBLIC HEARING TO CONSIDER A RESOLUTION RECOMMENDING THE CITY COUNCIL AMEND THE VALLEJO MUNICIPAL CODE BY REPEALING AND REPLACING CHAPTER 16.303 (ACCESSORY DWELLING UNITS) AND FINDING SUCH ACTIONS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.17 AND CEQA GUIDELINES SECTION 15282(h)**

PROJECT INFORMATION

Project Summary: The Project consists of amending Chapter 16.303 (Accessory Dwelling Units) of Title 16 (Zoning) of the Vallejo Municipal Code. The proposed amendments would repeal and replace the City’s existing Accessory Dwelling Unit (ADU) ordinance in order to maintain consistency with State ADU laws contained in Government Code Sections 66310 through 66342. The proposed ordinance would establish updated standards and procedures governing the development of ADUs and JADUs, including provisions related to ministerial approval, development standards, application review timelines, parking requirements, and design standards.

File Number: PLN26-036
Location: Citywide
Applicant: City of Vallejo Planning and Development Services Department
Owner: Not applicable
General Plan Land Use Designation: Various
Zoning District: Various residential zoning districts
CEQA: The Project is statutorily exempt from environmental review pursuant to Public Resources Code Section 21080.17 CEQA Guidelines Section 15282(h), which exempt the adoption of local ordinances implementing State ADU law.

RECOMMENDATION

Hold a public hearing to consider a Resolution recommending the City Council amend the Vallejo Municipal Code by repealing and replacing Chapter 16.303 (Accessory Dwelling Units) and finding such actions exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h).

ATTACHMENTS

1.	Staff Report Continuation
2.	Recommended Resolution
3.	Exhibit A to Recommended Resolution

Date: April 20, 2026

Subject: HOLD A PUBLIC HEARING TO CONSIDER A RESOLUTION RECOMMENDING THE CITY COUNCIL AMEND THE VALLEJO MUNICIPAL CODE BY REPEALING AND REPLACING CHAPTER 16.303 (ACCESSORY DWELLING UNITS) AND FINDING SUCH ACTIONS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.17 AND CEQA GUIDELINES SECTION 15282(h)

Page 2

CONTACT

Hector Rojas, Long-Range Planning Manager (707) 553-7283

Hector.Rojas@cityofvallejo.net

**Subject: HOLD A PUBLIC HEARING TO CONSIDER ADOPTING A RESOLUTION
RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING
CHAPTER 16.303 (ACCESSORY DWELLING UNITS) OF TITLE 16 (ZONING) OF THE
VALLEJO MUNICIPAL CODE TO UPDATE THE CITY'S ACCESSORY DWELLING
UNIT REGULATIONS CONSISTENT WITH STATE LAW**

BACKGROUND AND DISCUSSION

An accessory dwelling unit (ADU) is a secondary residential unit located on the same lot as a primary dwelling that includes independent living facilities, such as a kitchen and bathroom. ADUs may be constructed as detached units, attached additions to an existing home, or created through the conversion of existing space, such as garages or portions of a primary residence. A related unit type, known as a junior accessory dwelling unit (JADU), is a smaller unit (limited to 500 square feet) that is located entirely within a single-family home and may share sanitation facilities with the primary residence. For purposes of this report, references to “ADUs” may include both accessory dwelling units and junior accessory dwelling units, unless otherwise specified.

In recent years, the State of California has adopted numerous legislative changes intended to promote the development of ADUs as a strategy to increase housing supply and improve housing affordability. These legislative changes significantly expanded the circumstances under which ADUs must be permitted ministerially and limited the ability of local jurisdictions to impose development standards that could constrain ADU construction.

The current State ADU statutes are codified in Government Code Sections 66310 through 66342. These provisions require cities and counties to allow ADUs ministerially in residential zones, establish maximum review timelines for ADU applications, and limit certain development standards that could otherwise act as barriers to ADU construction.

On December 30, 2024, the City Council adopted the 2023–2031 Housing Element Update. The Housing Element includes programs to remove governmental constraints to housing development, including Program A 3.1.1, which directs the City to periodically review and update its ADU regulations to ensure consistency with State ADU law. The City’s current ADU ordinance was adopted in 2021 and has not been updated since that time.

Project Description

The proposed ordinance would repeal and replace Chapter 16.303 (Accessory Dwelling Units) of the Vallejo Municipal Code (VMC). The revised chapter would establish updated standards and procedures governing the development of ADUs within the City.

The proposed amendments include:

- Updated definitions for ADUs, JADUs, and related terms
- Clarified ministerial approval procedures and application requirements
- A 60-day timeline for approval or denial of complete ADU applications
- Development standards governing conversion, attached, and detached ADUs
- Standards for ADUs on both single-family and multi-family residential lots
- Updated parking requirements and exemptions consistent with State law
- Objective design standards applicable to certain newly constructed ADUs
- Clarified provisions regarding utility connections, impact fees, and unit addressing

**Subject: HOLD A PUBLIC HEARING TO CONSIDER ADOPTING A RESOLUTION
RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING
CHAPTER 16.303 (ACCESSORY DWELLING UNITS) OF TITLE 16 (ZONING) OF THE
VALLEJO MUNICIPAL CODE TO UPDATE THE CITY'S ACCESSORY DWELLING
UNIT REGULATIONS CONSISTENT WITH STATE LAW**

The proposed ordinance reorganizes and clarifies the City's ADU regulations to improve usability for both City staff and applicants while ensuring consistency with current State law. It also includes a limited provision that provides additional flexibility beyond minimum State requirements. Specifically, the ordinance exempts ADUs that are 500 square feet or less from parking requirements, which may reduce development costs and barriers for smaller units. Otherwise, the ordinance is intended to maintain consistency with State ADU law.

ADU Development Trends in Vallejo

Data from the California Department of Housing and Community Development (HCD) indicates that approximately 186 ADUs were permitted in Vallejo between 2018 and 2024, reflecting sustained ADU activity in the city over recent years. Additional insight is provided by the Metropolitan Transportation Commission (MTC) ADU survey program. In Calendar Year 2025, the City issued planning approvals for 19 ADUs and received 17 completed surveys from applicants. Survey results indicate that most ADUs constructed in Vallejo are newly built detached units, with a smaller number consisting of garage conversions. The median unit size was approximately 525 square feet, with most units configured as studios or one-bedroom units, although some two-bedroom units and one three-bedroom unit were also reported.

ADUs are being used for a mix of purposes, including housing for family members and rental units. Estimated rents generally ranged between \$1,000 and \$2,000 per month, while several respondents indicated that the units would not be rented and would instead be occupied by family members. The most commonly identified challenge among respondents was understanding permitting requirements, highlighting the importance of clear, objective development standards and accessible guidance materials. This feedback underscores the need for a clear and well-organized regulatory framework that is easy for both applicants and staff to navigate.

In response, the City published an ADU Mini-Guide in July 2025 to provide an overview of applicable regulations, development standards, and permitting requirements, helping property owners better navigate the ADU development process. The guide is available on the Planning and Development Services Department website (planning.cityofvallejo.net) and will be updated following adoption of the proposed ordinance.

State Review

Pursuant to Government Code Section 66326, the City must submit the adopted ADU ordinance to HCD within 60 days of adoption. Following submission, HCD may review the ordinance and provide written findings regarding whether the ordinance complies with State ADU law. If HCD identifies provisions that do not comply with State law, the City would have an opportunity to amend the ordinance to address those findings or re-adopt the ordinance with findings explaining why the City believes the ordinance complies. If revisions are required, staff would return to the Planning Commission and City Council with proposed amendments.

**Subject: HOLD A PUBLIC HEARING TO CONSIDER ADOPTING A RESOLUTION
RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING
CHAPTER 16.303 (ACCESSORY DWELLING UNITS) OF TITLE 16 (ZONING) OF THE
VALLEJO MUNICIPAL CODE TO UPDATE THE CITY'S ACCESSORY DWELLING
UNIT REGULATIONS CONSISTENT WITH STATE LAW**

CODE COMPLIANCE

VMC Chapter 16.611.02(D) requires that any proposed amendments to the Zoning Code be reviewed and recommended by the Planning Commission at a duly noticed public hearing prior to consideration by the City Council.

To recommend adoption of zoning text amendments, the Planning Commission must make the following findings pursuant to VMC Section 16.611.03(A):

1. The ordinance amendment is consistent in principle with the General Plan and any applicable specific plan; and
2. The ordinance amendment is consistent with the purpose of the Zoning Code to promote the growth of the city in an orderly manner and to promote and protect the public health, safety, and general welfare.

Staff Analysis

The proposed amendments are consistent with the General Plan because they implement Housing Element Program A 3.1.1, which directs the City to maintain consistency between the Zoning Code and current State ADU law. The amendments ensure that the City's regulations do not conflict with or impose constraints beyond those allowed under State law.

Accessory dwelling units are considered residential uses that are consistent with the underlying General Plan land use designations and zoning districts pursuant to Government Code Section 66314. Updating the City's ADU ordinance ensures that the municipal code remains consistent with State law while continuing to allow ADUs as an accessory residential use within residential neighborhoods.

The proposed amendments also support the purposes of the Zoning Code by establishing clear, objective standards governing the development of ADUs. These standards provide predictable development regulations while facilitating the construction of additional housing units within existing residential areas. In doing so, the amendments support the City's broader housing goals by encouraging infill development, expanding housing opportunities for residents, and promoting efficient use of existing residential land. Because many ADU development standards are governed by State law, the City's ability to impose additional local regulations is limited.

NOTICE AND COMMENTS

In accordance with VMC Section 16.602.08(A), notice of the public hearing for this item was published in the Times-Herald and electronically distributed prior to the Planning Commission hearing on April 13, 2026. As of the date of preparation of this staff report, no public comments have been received regarding the proposed ordinance.

ENVIRONMENTAL REVIEW

**Subject: HOLD A PUBLIC HEARING TO CONSIDER ADOPTING A RESOLUTION
RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING
CHAPTER 16.303 (ACCESSORY DWELLING UNITS) OF TITLE 16 (ZONING) OF THE
VALLEJO MUNICIPAL CODE TO UPDATE THE CITY'S ACCESSORY DWELLING
UNIT REGULATIONS CONSISTENT WITH STATE LAW**

The proposed ordinance is statutorily exempt from environmental review pursuant to Public Resources Code Section 21080.17. This section exempts the adoption or amendment of local ordinances that implement State ADU law. The proposed amendments update the VMC solely to maintain consistency with State law governing ADUs and do not authorize development beyond what is already permitted by State statute.

CONCLUSION

The proposed amendments to Chapter 16.303 would update the City's ADU regulations to ensure consistency with current State law and implement Housing Element Program A 3.1.1. The revised ordinance establishes clear and objective standards that will facilitate the development of ADUs while maintaining orderly development consistent with the City's General Plan and Zoning Code.

Staff recommends that the Planning Commission adopt the attached Resolution recommending that the City Council approve the proposed amendments.

APPEAL PROCEDURE

This agenda item is a request for the Planning Commission's recommendation to the City Council and is not subject to appeal procedures, as it is advisory in nature and does not constitute a final decision on the Project.

LEVINE ACT:

This item is subject to the Levine Act. City elected and appointed officials, including candidates for City elected office, (City Officers) who have received a campaign contribution of more than \$500 within 12 months prior from a party, participant, or their representatives involved in this proceeding may do either of the following: (1) disclose the contribution on the record and recuse themselves from this proceeding; OR (2) return the portion of the contribution that exceeds \$500 within 30 days from the time the elected official knew or should have known about the contribution and participate in the proceeding.

All parties, participants, and their representatives must disclose on the record of this proceeding any contribution of more than \$500 made to the City Officers, such as the Mayor and/or Councilmembers, within 12 months prior to the date of the proceeding. City Officers are prohibited from accepting, soliciting, or directing a contribution of more than \$500 from a party, participant, or their representatives during a proceeding and for 12 months following the date a final decision is rendered.

CONTACT

Hector Rojas, Long-Range Planning Manager (707) 553-7283
Hector.Rojas@cityofvallejo.net

CITY OF VALLEJO PLANNING COMMISSION

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL AMEND THE VALLEJO MUNICIPAL CODE BY REPEALING AND REPLACING CHAPTER 16.303 (ACCESSORY DWELLING UNITS) AND FINDING SUCH ACTIONS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO PUBLIC RESOURCES SECTION 21080.17 AND CEQA GUIDELINES SECTION 15282(H)

WHEREAS, Vallejo Municipal Code (“VMC”) Chapter 16.303 addresses accessory dwelling units (“ADU” or “ADUs”); and

WHEREAS, the State of California amended state law regarding ADUs and JADUs, effective January 1, 2026, including Assembly Bill No. 1154 and Senate Bill No. 9 and Senate Bill No. 543; and

WHEREAS, the ADU ordinance of the VMC is recommended to be amended to be consistent with State Law; and

WHEREAS, in accordance with the Vallejo Municipal Code Chapter 16.611, any proposed amendments to the Zoning Code must first be reviewed and recommended by the Planning Commission at a duly noticed public hearing prior to being considered by the City Council; and

WHEREAS, notices describing the Planning Commission’s public hearing on the proposed ADU ordinance and its accompanying CEQA determination were mailed to all persons requesting notice pursuant to Section 16.602.08 of the Vallejo Municipal Code, emailed to the members of the Planning Commission, and published in a 1/8th page advertisement in the Times-Herald, a newspaper of local circulation, on March 28, 2026; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the regarding the proposed ADU ordinance on April 20, 2026, at which time all interested persons were given an opportunity to be heard.

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby finds, determines, and resolves as follows:

Section 1. Recitals.

The foregoing recitals are true and correct, and the same are incorporated herein by reference.

Section 2. Record.

The Record of Proceedings (“Record”) upon which the Planning Commission bases its recommendation includes but is not limited to: (1) the staff reports, City files and records, and other documents prepared for the proposed ADU ordinance; (2) the evidence, facts, findings and other determinations set forth in this resolution; (3) the Vallejo General Plan 2040 and its FEIR; (4) the Addendum to the General Plan 2040 FEIR adopted for the 2023-2031 Housing Element; (5) the VMC and its related environmental documents; (6) all documentary and oral

evidence received at public meetings, hearings, or submitted to the City relating to the proposed ADU ordinance; and (7) all other matters of common knowledge to the Planning Commission including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records, and projections related to development within the City of Vallejo and its surrounding areas.

The location and custodian of the records is the Planning and Development Services Department of the City of Vallejo, 555 Santa Clara Street, Vallejo, California 94590.

Section 3. California Environmental Quality Act Findings.

Based on the Record as described above, and all matters deemed material and relevant prior to adopting this Resolution, the Planning Commission hereby finds and determines that the proposed ADU ordinance is statutorily exempt from environmental review pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), which specifically exempt the adoption of an ordinance to comply with the provisions of Government Code Sections 66310 to 66342. Accordingly, no further environmental review is required, and this determination reflects the Planning Commission's independent judgment and analysis.

Section 4. Findings.

In accordance with Vallejo Municipal Code Section 16.611.03.A.1 and A.2 (Required Findings, Zoning Code Text Amendments), the Planning Commission hereby makes the following findings regarding the ADU ordinance amendment, as detailed in Exhibit A attached hereto and incorporated herein by reference.

A.1 The ordinance amendment is consistent in principle with the general plan and any applicable specific plan;

Facts in support: The proposed ADU ordinance is intended to modify the City's existing zoning regulations applicable to ADUs and JADUs to comply with recently adopted State ADU law and to streamline the City's current ADU review process. The proposed ordinance implements Housing Element Program A 3.1.1, which requires the City to update its Zoning Code to incorporate the most up to date version of State ADU law, as well as Program H 4.1.2, which promotes the construction of affordable ADUs. Based on the direction and goals of these Housing Element Programs, the proposed ADU ordinance amendment is consistent with the General Plan. The proposed ordinance is also consistent with the City's specific plans because each specific plan permits ADU development consistent with State ADU law.

A.2. The zoning text amendments are consistent with the purpose of the Zoning Code to promote the growth of the city in an orderly manner and to promote and protect the public health, safety, and general welfare.

Facts in support: The proposed ADU ordinance amendment is intended to comply with State law directing local jurisdictions to reduce barriers to the production of accessory dwelling units in an effort to address demand for housing in California. Consistent with this statewide goal, the construction and occupancy of these types of housing units would promote the

public health, safety, and general welfare of Vallejo by facilitating appropriate infill housing and expanding housing supply while maintaining orderly development consistent with the Zoning Code.

Section 5. Decision.

BE IT FURTHER RESOLVED that, based on the findings set forth herein and the record as a whole, the Planning Commission hereby recommends that the City Council amend the Vallejo Municipal Code by repealing and replacing Chapter 16.303 (Accessory Dwelling Units), as shown in Exhibit A, attached hereto, and incorporated by reference.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 20th day of April 2026 by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

ANTHONY TAYLOR, CHAIRPERSON
City of Vallejo Planning Commission

Attest:

KRISTIN POLLOT, AICP – SECRETARY
City of Vallejo Planning Commission

Exhibits:

- A. Proposed Ordinance Amending Chapter 16.303 of the Vallejo Municipal Code Relating to Accessory Dwelling Units

EXHIBIT A

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALLEJO AMENDING
CHAPTER 16.303 OF THE VALLEJO MUNICIPAL CODE RELATED TO
ACCESSORY DWELLING UNITS**

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 16.303 of the Vallejo Municipal Code is hereby repealed in its entirety.

SECTION 2. There is hereby added a new Chapter 16.303 to the Vallejo Municipal Code which is adopted to read as follows:

**Chapter 16.303
ACCESSORY DWELLING UNITS**

- 16.303.01 Purpose and applicability.**
- 16.303.02 Definitions.**
- 16.303.03 Permit required.**
- 16.303.04 Submittals.**
- 16.303.05 Fees.**
- 16.303.06 Application review, denial, and remedies.**
- 16.303.07 Density and consistency.**
- 16.303.08 General ADU Standards.**
- 16.303.09 Local objective design standards.**
- 16.303.10 Conversion ADU standards.**
- 16.303.11 Attached ADU standards.**
- 16.303.12 Detached ADU standards.**
- 16.303.13 JADU Standards.**
- 16.303.14 Permitted combinations of ADUs and JADUs.**
- 16.303.15 State law preemption.**

16.303.01 – Purpose and applicability.

The purpose of this chapter is to implement Government Code Sections 66310 through 66339.5 by establishing objective standards and a ministerial review process for the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).

16.303.02 – Definitions.

“Accessory dwelling unit (ADU).” An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with an existing or proposed single-family or multifamily dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation (including a tub or shower, sink, and toilet) on the same parcel as the single-family or multifamily dwelling is or will be situated. An ADU includes an efficiency unit, as defined in Health and Safety Code Section 17958.1, and a manufactured home, as defined in Health and Safety Code Section 18007.

“Accessory dwelling unit (ADU), attached.” An ADU created through new construction that is physically attached to and shares at least one wall with an existing or proposed single-family dwelling.

"Accessory dwelling unit (ADU), conversion." On a lot with an existing single-family dwelling, an ADU created from space within that dwelling or within an existing accessory structure. On a lot with an existing multifamily dwelling, an ADU created from nonhabitable space within an existing multifamily structure, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.

"Accessory dwelling unit (ADU), detached." An ADU created through new construction that is structurally independent from and does not share a wall with any existing or proposed single-family or multifamily dwelling on the lot.

“Efficiency kitchen.” A kitchen that includes a cooking appliance, a food preparation counter, and storage cabinets of reasonable size in relation to the overall size of the junior accessory dwelling unit. An efficiency kitchen may include a gas or electric range or oven but is not required to do so.

“Junior accessory dwelling unit (JADU).” A residential dwelling unit that is no more than 500 square feet in size; is contained entirely within an existing or proposed single-family dwelling; includes a separate exterior entrance; includes at least an efficiency kitchen; and may include separate sanitation facilities or share sanitation facilities with the existing residence. A JADU shall not be considered a separate or new dwelling unit for the purposes of the California Fire Code.

“Multi-family residential lot.” For the purposes of this chapter, a multi-family residential lot is a lot developed with two or more attached dwelling units within the same structure or structures. A lot with multiple detached single-unit dwellings shall not be considered a multi-family residential lot.

16.303.03 – Permit required.

- A. Building permit. A building permit shall be required prior to the construction, establishment, alteration, enlargement, or modification of any ADU or JADU.

- B. Ministerial approval. A building permit application for an ADU or JADU that complies with the provisions of this chapter shall be approved ministerially, without a public hearing or discretionary decision.
- C. Building code compliance. ADUs and JADUs shall be subject to the building code requirements applicable to detached dwellings. However, the construction of an ADU or JADU shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the chief building official makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety.

16.303.04 – Submittals.

A building permit application for an ADU or JADU shall be submitted in writing on forms provided by the Building Division and shall include all information specified in the application submittal checklist established by the Division.

16.303.05 – Fees.

- A. Review fees. A building permit application for an ADU or JADU shall be accompanied by the application review fees set forth in the City’s Master Fee Schedule.
- B. Impact fees. Newly constructed ADUs with a total floor area of 750 square feet or greater shall be subject to impact fees. Any such impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling.
- C. Utility connections and fees.
 - 1. Utility connections. An ADU shall be required to install a new or separate utility connection directly from the utility to the ADU, except when the ADU is created entirely from existing space within a dwelling unit. In such cases, a new or separate connection shall not be required, unless the ADU is constructed concurrently with a new single-family or multi-family dwelling.
 - 2. Connection fee exemptions. A conversion ADU or JADU shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer services, unless it is constructed concurrently with a new single-family dwelling.
 - 3. Fee proportionality. Any connection fee or capacity charge imposed on a conversion ADU or JADU shall be proportionate to the burden of the unit on the water or sewer system, based on either its square footage or the number of plumbing fixtures, as compared to the primary dwelling.

16.303.06 – Application review, denial, and remedies.

- A. Completeness determination. Within 15 business days of receipt of an application for an ADU or JADU, the Building Division shall determine whether the application is complete and shall provide written notice of that determination to the applicant. If the application is

determined to be incomplete, the written notice shall include a list of incomplete items and a description of how the application may be made complete. The Building Division shall not require additional items on resubmittal that were not included in the original notice of incompleteness.

- B. Approval or denial. The Building Division shall approve or deny a complete application for an ADU or JADU within 60 days of receipt of the complete application. If the permit application for an ADU or JADU is submitted concurrently with a permit application to create a new single-family or multifamily dwelling on the lot, the Building Division may delay approving or denying the ADU or JADU application until the application for the new dwelling is approved or denied. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. An application for an ADU or JADU shall be considered and approved ministerially, without discretionary review or a public hearing. If the Building Division fails to approve or deny a complete application within the applicable time period, the application shall be deemed approved.
- C. Denial. If an application is denied, the Building Division shall, within 60 days of receipt of a complete application, return to the applicant in writing a full set of comments with a list of items that are defective or deficient and a description of how the application may be remedied.
- D. Appeal. An applicant may appeal in writing to the Planning Commission a determination that an application is incomplete or denied. The Planning Commission shall provide a final written determination within 60 business days of receipt of the written appeal. The decision of the Planning Commission shall be final and shall not be further appealable.
- E. Certificate of occupancy. A certificate of occupancy for an ADU shall not be issued before a certificate of occupancy is issued for the primary dwelling.

16.303.07 – Density and consistency.

An ADU or JADU that complies with the requirements of this chapter shall not count toward the allowable density for the lot on which it is located. It shall be considered a residential use consistent with the existing General Plan land use designation and zoning for the lot.

16.303.08 – General ADU standards.

The following general standards shall apply to ADUs and JADUs:

- A. Non-conforming conditions. The correction of non-conforming zoning conditions, building code violations, or unpermitted structures that do not pose a threat to public health or safety and are not affected by the construction of an ADU or JADU shall not be required as a condition of ministerial approval of a building permit application for an ADU or JADU.
- B. Demolition permit timing. A demolition permit for a detached garage that is proposed to be replaced with a detached or attached ADU shall be reviewed concurrently with the ADU application and issued at the same time as the building permit for the ADU. If the

property is designated as a landmark or located within a historic district, written notice or the posting of a placard on the property shall be required.

- C. Historic resources. ADUs and JADUs proposed on properties located within a historic district, designated as a landmark, or listed in the California Register of Historical Resources or the National Register of Historic Places shall comply with applicable objective standards adopted to protect the historic character of the property or district. These standards may include requirements related to massing, materials, location, and architectural features, provided they do not preclude the creation of an ADU or JADU of at least 800 square feet. This provision does not exempt an ADU or JADU from review under CEQA if it would result in a significant impact to a historic resource, as defined in CEQA Guidelines Section 15064.5.

- D. Solar energy system. A newly constructed, detached ADU shall be equipped with a solar photovoltaic system in compliance with the applicable provisions of the California Energy Code, unless exempt under the California Electrical Code. The system may be installed on the detached ADU or on the primary dwelling, in accordance with the standards established by the California Energy Commission and the California Electrical Code.

- E. Fire sprinklers. Fire sprinklers shall not be required in an ADU or JADU unless they are required for the existing primary dwelling at the time of the ADU or JADU's construction. The construction of an ADU or JADU shall not trigger a requirement to install fire sprinklers in the primary dwelling. If the primary dwelling does not have fire sprinklers, the construction of an ADU or JADU shall not impose a sprinkler requirement on the primary dwelling, even if the added floor area would otherwise trigger such a requirement.

- F. Addressing. Each ADU or JADU shall be assigned a separate address or unit designation, consistent with the City's addressing policy and emergency response requirements. Addressing shall ensure that:
 - 1. The ADU or JADU can be individually identified by emergency responders;
 - 2. The address is compatible with utility service and billing systems; and
 - 3. Mail and package delivery to the ADU or JADU is not impeded.

The Public Works Department shall assign or approve all addresses during the building permit process, in coordination with applicable departments and service providers.

G. Urban lot splits. On any lot created through an urban lot split approved pursuant to Government Code Section 66411.7, no more than two total dwelling units shall be permitted, including any combination of primary dwellings, ADUs, or JADUs.

H. Parking. The following parking requirements shall apply to ADUs and JADUs:

1. Minimum number. One off-street parking space shall be provided for each ADU, except as provided below. No off-street parking shall be required for a JADU.
2. Configuration and location. Required parking for ADUs may be provided as tandem parking on an existing driveway.
3. Exemptions. No off-street parking shall be required for an ADU if any of the following apply:
 - i. The ADU has a floor area of 500 square feet or less.
 - ii. The ADU is located within ½ mile walking distance of public transit, as defined in Government Code Section 66313.
 - iii. The ADU is located within an architecturally or historically significant historic district.
 - iv. The ADU is located entirely within the proposed or existing primary dwelling or accessory structure.
 - v. On-street parking permits are required but not offered to the occupant of the ADU.
 - vi. A car share vehicle, as defined in Vehicle Code Section 22507.1, is located within one block of the ADU.

- I. Replacement Parking. When a garage, carport, covered parking structure, or uncovered off-parking space is demolished or converted in conjunction with the construction of an ADU or JADU, replacement parking shall not be required.
- J. Owner occupancy. Owner-occupancy shall not be required for ADUs. If a JADU has shared sanitation facilities with the primary structure, owner-occupancy shall be required. If the JADU does not have shared sanitation facilities, owner-occupancy shall not be required.
- K. Rentals. An ADU or JADU may be rented only for a term longer than 30 consecutive days.
- L. Sale and separate conveyance. An ADU or JADU shall not be sold or conveyed separately from the primary dwelling. The separate sale, transfer, or conveyance of an ADU or JADU is prohibited, except as expressly allowed under Government Code Section 66341, which provides an exception for properties developed and sold by qualified nonprofit housing organizations to low-income homebuyers under specific conditions.

16.303.09 – Local objective design standards.

The following local objective design standards shall apply only to newly constructed attached and detached ADUs that exceed 800 square feet in floor area. These standards shall not apply to any ADU that is subject to Government Code Section 66323, including conversion ADUs created entirely within the existing space of a primary dwelling or accessory structure.

- A. Materials and colors. The exterior materials and colors of the ADU, including walls, roof, eaves, windows, and doors, shall match the type, color range, and finish of the primary dwelling's exterior materials and colors.
- B. Roof slope, form, and eaves. The roof slope and form of the ADU shall match the slope of the largest portion of the primary dwelling's roof, or shall be flat if the primary dwelling has a flat roof. Roof eaves shall match the size and style of the eaves on the primary dwelling, unless the primary dwelling does not include eaves or overhangs.
- C. Access path. A clear and unobstructed path measuring at least 3 feet wide shall be provided between the entrance of the ADU and the public right-of-way, driveway, or alley.

- D. Mechanical equipment screening. HVAC equipment, water heaters, and other exterior mechanical units shall be screened from public view using fencing, landscaping, or placement behind the ADU.
- E. External staircases. External staircases serving a second-story ADU shall be located at least 5 feet from any side or rear property line unless replacing a legally established staircase in the same location.
- F. Structure separation. A detached ADU shall maintain a minimum separation of 5 feet from the primary dwelling and any other structures on the lot, unless a greater separation is required by the Building or Fire Code.

16.303.10 – Conversion ADU standards.

The following standards shall apply to conversion ADUs:

- A. Location. A conversion ADU shall be located entirely within existing space of a legally established structure, as follows:
 - 1. For single-family residential lots, a conversion ADU may be created only from the proposed or existing space of the primary dwelling, or from the existing space of an accessory structure.
 - 2. For multi-family residential lots, a conversion ADU may be created only from non-livable space of multi-family dwelling structures, such as storage rooms, boiler rooms, passageways, attics, basements, or garages.
- B. Quantity.
 - 1. For single-family residential lots, only one conversion ADU may be permitted per lot with an existing or proposed single-family dwelling.
 - 2. For multi-family residential lots, multiple conversion ADUs may be permitted within the non-livable space of existing multi-family dwelling structures, if each unit complies with state building standards for dwellings. The total number of permitted conversion ADUs shall not exceed 25 percent of the number of existing multi-family dwelling units, or at least one, whichever is greater.
- C. Size. There shall be no minimum or maximum floor area requirement for a conversion ADU.
- D. Ingress and egress expansion. A conversion ADU created from existing space within an accessory structure may include an expansion of up to 150 square feet beyond the existing physical dimensions of the structure, solely for the purpose of accommodating ingress and egress.
- E. Setbacks. No setbacks shall be required for a conversion ADU.

- F. Height. The height of a conversion ADU shall be limited to the existing height of the structure or portion of the structure being converted.
- G. Exterior access. Access shall be provided to the conversion ADU independent from the primary dwelling.

16.303.11 – Attached ADU standards.

The following standards shall apply to attached ADUs:

- A. Location. An attached ADU shall be physically connected to the primary dwelling and may be created by constructing new space that shares at least one common wall with the proposed or existing single-family dwelling.
- B. Quantity. Only one attached ADU may be permitted on a lot with a proposed or existing single-family dwelling.
- C. Size.
 - 1. Minimum floor area. The minimum floor area of an attached ADU shall not be less than 190 square feet.
 - 2. Maximum floor area. The maximum floor area of an attached ADU shall be the lesser of:
 - i. Fifty percent of the floor area of the existing or proposed primary dwelling, or
 - ii. At least 850 square feet for a studio or one-bedroom unit, or 1,000 square feet for a unit with two or more bedrooms.
- D. Setbacks.
 - 1. Side and rear setbacks. An attached ADU shall comply with a minimum setback of no more than 4 feet from the side and rear lot lines.
 - 2. Front yard setbacks. Attached ADUs shall comply with the front yard setback requirements of the underlying zoning district, except where such requirements would preclude the development of an ADU of at least 800 square feet. In such cases, the ADU may encroach into the front setback to the extent necessary to allow construction of an ADU of at least 800 square feet.
 - 3. Setback exceptions for existing structures. No setback shall be required for an attached ADU that is created within the existing livable space of the primary dwelling, or that is constructed in the same location and to the same dimensions as a legally established existing structure.
- E. Height. An attached ADU may be constructed up to 25 feet in height, or the maximum height permitted for the primary dwelling in the applicable zoning district, whichever is lower.

- F. Exterior access. Access shall be provided to the attached ADU independent from the primary dwelling. An interior connection between an attached ADU and the primary dwelling is permitted, provided the ADU maintains a separate exterior entrance.

16.303.12 – Detached ADU standards.

The following standards shall apply to detached ADUs:

- A. Location. A detached ADU may be constructed on the same lot as an existing or proposed single-family or multi-family dwelling. Detached ADUs shall be physically separate from the primary dwelling and any attached ADU or JADU.

- B. Quantity.

- 1. For single-family residential lots. Only one detached ADU may be permitted on a lot with a proposed or existing single-family dwelling.
- 2. For multi-family residential lots. On lots with existing multi-family dwellings, up to eight detached ADUs may be permitted, provided the number of detached ADUs does not exceed the number of existing dwelling units on the lot. On lots with proposed multi-family dwellings, not more than two detached ADUs may be permitted. The detached ADUs may be attached to one another, provided they are detached from the existing or proposed multi-family structure and meet all applicable development standards.

- C. Size.

- 1. Minimum floor area. The minimum floor area of a detached ADU shall not be less than 190 square feet.
- 2. Maximum floor area. The maximum floor area of a detached ADU shall be 1,200 square feet.

- D. Setbacks.

- 1. Side and rear setbacks. A detached ADU shall be subject to a minimum setback of four feet from the side and rear lot lines.
- 2. Front yard setbacks. Detached ADUs shall comply with the front yard setback requirements of the underlying zoning district, except where such requirements

would preclude the development of an ADU of at least 800 square feet. In such cases, the ADU may encroach into the front setback to the extent necessary to allow construction of an ADU of at least 800 square feet.

3. Distance between structures. Detached ADUs shall comply with applicable building and fire code requirements for separation between structures.
4. Setback exceptions for existing structures. No setback shall be required for a detached ADU that is created within an existing accessory structure, or that is constructed in the same location and to the same dimensions as a legally established existing structure.

E. Height.

1. Base height limit. A detached ADU may be constructed up to 16 feet in height on a lot with an existing or proposed single-family or multi-family dwelling.
2. Increased height near transit. A detached ADU may be constructed up to 18 feet in height, plus an additional 2 feet to accommodate a roof pitch that matches the roof pitch of the primary dwelling, if the lot meets both of the following criteria:
 - i. It contains an existing or proposed single-family or multi-family dwelling; and
 - ii. It is located within ½ mile of either a major transit stop or a high-quality transit corridor, as defined in Public Resources Code Sections 21064.3 and 21155.
3. Multistory multi-family lots. A detached ADU may be constructed up to 18 feet in height on a lot with an existing or proposed multi-family, multistory dwelling, regardless of proximity to transit.

- F. Other standards. The site development standards in chapters 16.501 through 16.509, including but not limited to lot coverage, floor area ratio, open space, and landscaping, shall not be applied in a manner that would preclude the development of at least one

detached ADU of at least 800 square feet in floor area that maintains four-foot side and rear setbacks.

16.303.13 – JADU standards.

The following standards shall apply to JADUs:

- A. Location. A JADU shall be located entirely within the walls of the proposed or existing single-family dwelling. Attached garages shall be considered a part of the proposed or existing single-family residence.
- B. Quantity. Only one JADU may be permitted per lot with a proposed or existing single-family dwelling.
- C. Size.
 - 1. Minimum floor area. The minimum floor area of a JADU shall not be less than 190 square feet.
 - 2. Maximum floor area. The floor area of a JADU shall not exceed 500 square feet.
- D. Setbacks. No setback shall be required for a JADU, as it must be located entirely within the existing or proposed single-family dwelling.
- E. Height. Height limits shall not apply to JADUs created entirely within the existing or proposed structure of the primary dwelling. However, any exterior modifications to accommodate a JADU shall comply with the applicable height standards of the primary dwelling, as set forth in this title.
- F. Exterior access. Access shall be provided to the JADU independent from the primary dwelling.
- G. Interior connection. An interior connection between the JADU and the primary dwelling shall not be required, unless the JADU does not include a separate bathroom, in which case the JADU shall provide an interior entrance to the main living area of the primary dwelling for shared sanitation access.
- H. Efficiency kitchen. A JADU shall include an efficiency kitchen.
- I. Deed restriction. Prior to the issuance of a certificate of occupancy for a JADU, the applicant shall provide the Building Division with proof of recordation of a deed restriction with Solano County Assessor/Recorder Department that:
 - 1. Prohibits the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction shall be enforced against future purchasers; and
 - 2. Restricts the size and attributes of the JADU as approved by the building permit.

16.303.14 – Permitted combinations of ADUs and JADUs.

This section summarizes the combinations of ADUs and JADUs permitted on single-family and multi-family lots, based on the standards in this chapter:

- A. Single-family residential lots. On a lot with a proposed or existing single-family dwelling:
1. One JADU; plus
 2. One attached or conversion ADU; plus
 3. One detached ADU.
 4. A conversion ADU created pursuant to Subsection A.2 shall not be prohibited due to the presence of either an attached or detached ADU on the same lot.
 5. Notwithstanding Subsection A.4, the total number of ADUs and JADUs permitted on a single-family lot shall not exceed three units.
- B. Multi-family residential lots. On a lot with existing or proposed multi-family dwellings:
1. Multiple conversion ADUs, up to 25 percent of the number of existing units (or at least one); and
 2. Up to two detached ADUs on lots with newly constructed or proposed multi-family dwellings, where the ADUs are developed concurrently with the multi-family structure; or
 3. Up to eight detached ADUs on lots with existing multi-family dwellings, provided the total number of detached ADUs does not exceed the number of existing units on the lot.

16.303.15 – State law preemption.

To the extent that any provision of this chapter conflicts with Government Code Sections 66310 through 66339.5, or any other applicable provision of state law governing ADUs and JADUs, the state law shall control. The provisions of this chapter shall otherwise remain in full force and effect to the extent they are not in conflict with state law.

SECTION 3. Effective Date.

This Ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage.