

1 **ORDINANCE NO. 774**

2 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY,**
3 **CALIFORNIA, REPEALING AND REPLACING SECTION 18.30.170 OF TITLE 18**
4 **OF THE SUISUN CITY CODE AND AMENDING THE WATERFRONT DISTRICT**
5 **SPECIFIC PLAN, RELATING TO REGULATIONS FOR ACCESSORY DWELLING**
6 **UNITS IN RESIDENTIAL PROPERTIES**

7 **WHEREAS**, The State legislature amendments to California law, effective January 1,
8 2020, regarding the creation of accessory dwelling units (ADU) and junior accessory dwelling
9 units (JADU). Chapter 653, Statutes of 2019 (Senate Bill 13, Section 3), Chapter 655, Statutes
10 of 2019 (Assembly Bill 68, Section 2) and Chapter 659 (Assembly Bill 881, Section 1.5 and
11 2.5) build upon recent changes to ADU and JADU law (Government Code Section 65852.2,
12 65852.22 and Health & Safety Code Section 17980.12) and further address barriers to the
13 development of ADUs and JADUs; and

14 **WHEREAS**, SB13 requires jurisdictions to exempt ADU’s below 750 square feet from
15 Development Impact Fees.

16 **WHEREAS**, the Suisun City Planning Commission held a public hearing on March 10,
17 2020 in which they voted 4-1 recommending City Council adoption of the ordinance.; and

18 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY**
19 **DOES ORDAIN AS FOLLOWS:**

20 **SECTION 1. RECITALS.** The City Council finds that the above recitals are true and correct
21 and are incorporated as though fully set forth herein.

22 **SECTION 2. SECTION 18.04 “DEFINITIONS” OF TITLE 18 OF THE SUISUN CITY**
23 **CODE IS HEREBY REPEALED AND REPLACED AS FOLLOWS:**

24 **18.04 Definitions**
25 Amending 18.04 Definitions

26 **Accessory Dwelling Unit.** An attached or a detached residential dwelling unit that provides
27 complete, independent living facilities for one or more persons and is located on a lot with a
28 proposed or existing primary residence. It shall include permanent provisions in accordance to
California state building code for living, sleeping, eating, cooking, and sanitation on the same
parcel as the single-family or multi-family dwelling is or will be situated. An accessory
dwelling unit also includes an efficiency unit and a manufactured home but does not include
trailers.

- a. Attached Accessory Dwelling Unit. An accessory dwelling unit that shares at least one
common wall with the primary dwelling and is not fully contained within the existing
space of the primary dwelling or an accessory structure.

- 1 b. Detached Accessory Dwelling Unit. An accessory dwelling unit that does not share a
2 common wall with the primary dwelling and is not fully contained within the existing
3 space of an accessory structure.
- 4 c. Internal Accessory Dwelling Unit. An accessory dwelling unit that is fully contained
5 within the existing space of the primary dwelling or an accessory structure.
- 6 d. Junior Accessory Dwelling Unit. A unit that is no more than 500 square feet in size and
7 contained entirely within a single-family residence. A junior accessory dwelling unit
8 may include separate sanitation facilities or may share sanitation facilities with the
9 existing structure.

**SECTION 3. SECTION 18.30.170 “ACCESSORY DWELLING UNITS” OF TITLE 18
OF THE SUISUN CITY CODE IS HEREBY REPEALED AND REPLACED AS
FOLLOWS:**

18.30.170 Accessory Dwelling Units

10 Purpose. This section is intended to achieve the goals of the City’s housing element and of the
11 California Government Code by permitting accessory dwelling units, thereby increasing
12 housing opportunities for the community through use of existing housing resources and
13 infrastructure.

The following regulations shall apply to all accessory dwelling units in a residential zoning
district:

- 14 A. An accessory dwelling unit may be established on any residentially zoned parcels, in
15 any district where single-family or multi-family dwellings are a permitted use; and on
16 any lot with an existing or proposed single-family or multi-family dwelling.
- 17 B. Accessory dwelling units shall not exceed the allowable density for the lot upon which
18 the accessory dwelling unit is located.
- 19 C. Accessory dwelling units are a residential use that shall be consistent with the existing
20 general plan and zoning designation for the lot.
- 21 D. There will be only up to one accessory dwelling unit and one junior accessory dwelling
22 unit per lot.
- 23 E. The accessory dwelling unit can either be attached to and designed to be located within
24 the living area of the existing dwelling or detached from and no less than 5 feet from
25 the existing single family dwelling.
- 26 ~~F.~~ The proposed increase in gross floor area of an attached or detached accessory dwelling
27 unit shall not exceed 50 percent of the existing living area up to a maximum of 1000
28 square feet.
- G. Accessory dwelling units shall be located no closer than 4 feet from any side or rear
property lines, be on the rear 50% of the lot and must meet the requirements of Section
18.31 Standards for Residential Districts, Table 18.31.01 Development Standards in
Residential Zones.
- H. An internal ADU may be constructed regardless of whether it conforms to the current
zoning requirement for building separation or setbacks.

- 1 I. If an internal ADU is proposed to be constructed within an existing accessory structure,
2 the city shall ministerially permit an expansion of the existing accessory structure by up
3 to 150 square feet for the purpose of accommodating ingress and egress.
- 4 J. If an existing structure is demolished and replaced with an accessory dwelling unit, an
5 accessory dwelling unit may be constructed in the same location and to the same
6 dimensions as the demolished structure.
- 7 K. The accessory dwelling unit shall be architecturally integrated into the existing building
8 design.
- 9 L. Foundation. An accessory dwelling unit shall be constructed on a permanent foundation .
- 10 M. The accessory dwelling unit shall not be placed on top of any easements.
- 11 N. Connection Fees. A local agency is prohibited from requiring a new or separate utility
12 connection for an accessory dwelling unit if contained within the existing space of a
13 single-family residence or accessory structure (in accordance with Government Code
14 Section 65852.2(f)).
- 15 O. Parking
- 16 a. Maximum of one space per unit or one space per bedroom. Tandem parking on
17 an existing driveway is allowed, which may be within setback areas.
- 18 b. No additional parking for accessory dwelling units can be required when:
- 19 a. An accessory dwelling unit is located:
- 20 1. Within one-half mile walking distance of public transit;
- 21 2. Within an architecturally and historically significant historic
22 district;
- 23 3. Within an existing primary residence or an existing accessory
24 structure;
- 25 4. Within an area where off-street parking is required, but no permit
26 is offered to the occupant of the accessory dwelling unit;
- 27 5. Within one block of a car share vehicle.
- 28 c. When a garage, carport, or covered parking structure is demolished in
conjunction with the construction of an accessory dwelling unit or converted to
an accessory dwelling unit, replacement parking stalls are not required for the
demolished parking structure.
- P. Rental
- a. An accessory dwelling unit may be rented but shall not be sold or otherwise
conveyed separately from the primary dwelling.
- b. The rented unit shall not be leased for any period less than 30 days.
- Q. Recordation of Deed Restriction: An executed deed restriction, on a form provided by
the city, shall be submitted to the city prior to issuance of a building permit and shall be
recorded prior to final occupancy. The deed restriction shall stipulate all of the

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following:

- a. That the rented unit shall not be rented for any period less than 30 days at a time; and
- b. That the accessory dwelling shall not be sold separately from the primary dwelling.
- c. For junior accessory dwelling units, restrictions on size and attributes in conformance with this section.

R. Ministerial consideration

1. New Construction. If the Development Services Department receives an application to construct an accessory dwelling unit (by either adding on to an existing structure, or constructing a new detached structure), and the proposal meets all of the requirements of the Municipal Code as determined by Section 18.30.170 Accessory Dwelling Units, then within 60 days of receipt of a complete application for the accessory dwelling unit, the Development Services Department staff shall ministerially approve the application without a hearing.
2. No Expansion. If the applicant will not be adding floor area, and instead has submitted a complete application for an accessory dwelling unit entirely within the existing space of a single-family residence or accessory structure, then the director shall, without a hearing, ministerially approve a complete application for a building permit to create an accessory dwelling unit if all of the following apply:
 - a. The unit is contained entirely within the existing space of a single-family residence or accessory structure (without adding floor area to the existing residence or accessory structure) and doesn't exceed 50 percent of the existing primary dwelling.
 - b. The unit is in any district where single-family or multi-family dwellings are a permitted use.
 - c. On any lot with an existing or proposed single-family or multi-family dwelling.
 - d. The unit has independent exterior access from the existing residence.
 - e. Fire sprinklers are provided to the same extent that they are required for the primary residence.

18.31 Standards for Residential Districts

Amend Section 18.31 Standards for Residential Districts

Table 18.31.01 Development Standards in Residential Zones					
Development Standards	RL	RM	RH1	RH2	RMU
Lot Size					
Setback					
Accessory Dwelling Unit 7.					
New Construction, Conversion and Replacing 8. 10.					
Minimum Side Setback, interior	4	4	4	4	4
Minimum Side Setback, street	4	4	4	4	4
Minimum Rear Setback	4	4	4	4	4
Maximum Height of stand-alone unit	16	16	16	16	16
Maximum Floor Area 9.	Attached 1000 sq. ft. Detached 1000 sq. ft. Internal 50 percent of the existing primary dwelling. Junior 500 sq. ft.				
Front Building Separation	Must be in the rear 50% of the lot A minimum 5-foot distance shall be maintained between a detached accessory dwelling unit the primary building on the site. A detached accessory structure shall be set back from other structures on the site as required by the building code.				

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Notes:

7. For Junior Accessory Dwelling Units and Internal ADUs, no setbacks and height required, other than that of the primary dwelling.

8. Conversion and replacing applies only to existing, permitted accessory dwelling units.

9. The proposed increase in gross floor area of an attached or detached accessory dwelling unit shall not exceed 50 percent of the existing living area.

10. Please refer to section 18.30.170 - H., I., J.”

- H. An internal ADU may be constructed regardless of whether it conforms to the current zoning requirement for building separation or setbacks;
- I. If an internal ADU is proposed to be constructed within an existing accessory structure, the city shall ministerially permit an expansion of the existing accessory structure by up to 150 square feet for the purpose of accommodating ingress and egress;
- J. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.

SECTION 4. THE WATERFRONT DISTRICT SPECIFIC PLAN IS HEREBY AMENDED AND ENFORCED IN ACCORDANCE WITH THE IMPLEMENTING REGULATIONS, ATTACHED AS EXHIBIT A, AND INCORPORATED BY REFERENCE.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Suisun City hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption following second reading.

SECTION 7. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance and shall cause the same to be posted and codified in the manner required by law.

1 **PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council
2 of the City of Suisun City, California, on this August 18, 2020.

3
4 _____
Lori D. Wilson, Mayor

5 ATTEST:

6 _____
7 Donna Pock, CMC
8 Deputy City Clerk

9 **CERTIFICATION**

10 I, Linda Hobson, City Clerk of the City of Suisun City and ex-officio Clerk of the City
11 Council of said City, do hereby certify that the above and foregoing ordinance was introduced
12 at a regular meeting of the said City Council held on Tuesday, August 4, 2020 and passed and
13 adopted at a regular meeting of said City Council held on Tuesday, August 18, 2020, by the
following vote:

14 **AYES:** Councilmembers: Adams, Williams, Mayor Wilson
15 **NOES:** Councilmembers: Segala
16 **ABSENT:** Councilmembers: Day
ABSTAIN: Councilmembers: None

17 **WITNESS** my hand and the seal of said City this 18th day of August 2020.

18
19 _____
Donna Pock, CMC
20 Deputy City Clerk