

1 implementing document of the City's Local Coastal Program, as specified in Exhibit A, is hereby
2 adopted.

3 **SECTION 2.** The City Clerk of the City of Oceanside is hereby directed to publish this
4 Ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
5 days after its passage in a newspaper of general circulation published in the City of Oceanside.

6 **SECTION 3.** Severability.

7 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be
8 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
9 shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby
10 declares that it would have passed this Ordinance and adopted this Ordinance and each section,
11 sentence, clause or phrase thereof, irrespective of the fact that any one or more sections,
12 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

13 **SECTION 4.** Notice is hereby given that the time within which judicial review must
14 be sought on this decision is governed by Government Code Section 65009(c).

15 **SECTION 5.** This ordinance shall be effective 30 days after its adoption.

16 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
17 California, held on the 5th day of December, 2018; and, thereafter;

18 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
19 Oceanside, California, held on the 19th of December 2018 by the following vote:

20 AYES: Weiss, Feller, Sanchez

21 NAYS: None

22 ABSENT: None

23 ABSTAIN: Rodriguez

24 
25 MAYOR OF THE CITY OF OCEANSIDE

26 ATTEST:

27 
28 CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

EXHIBIT A

3006 Accessory Dwelling Units

The purpose of this section is to provide regulations for the establishment of accessory dwelling units (ADU) in areas zoned to allow single-family or multifamily use pursuant to Government Code Section 65852.2 et seq. and the goals and policies of the City's Housing Element. ADUs provide an important source of affordable housing in existing residential neighborhoods where adequate public facilities and services are available.

Consistent with state law, an ADU which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a single-family residential use which is consistent with the existing general plan and zoning designations for the lot. An ADU shall not be considered development for the purposes of the imposition of development impact fees.

A. Definition.

1. Accessory Dwelling Unit (ADU): An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and shall be located on the same parcel as a single-family dwelling. An ADU also includes an efficiency unit and manufactured home, as defined in Section 17958.1 and Section 18007 of the Health and Safety Code, respectively. An ADU may serve as a rental unit for more than 30 days or be occupied by a person or persons including, but not limited to family members, guests, or caretakers.
2. Efficiency Unit: An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code may be permitted for occupancy by no more than two persons. The efficiency unit shall have a minimum floor area of 150 square-feet and shall have a bathroom facility and a partial kitchen with a kitchen sink, cooking appliance, and refrigerator.
3. Manufactured Home: A manufactured home, as defined in Section 18007 of the Health and Safety Code, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the travelling mode, or, when

EXHIBIT A

erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A manufactured home shall comply with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401).

B. Where Permitted.

1. ADUs are permitted in all zone districts allowing single-family or multifamily use on lots developed, or proposed to be developed, with a single-family dwelling.
2. An ADU may be established as a new detached structure, or within the existing space of a single-family residence or detached accessory structure, including, but not limited to, a studio, pool house, or other similar structure, or as an attached addition to a single-family residence.
3. Only one ADU may be created per legal lot. An ADU shall not be permitted on lots developed with duplexes or multi-family housing.

C. Permit Requirements:

1. The City shall ministerially approve an application for a building permit to create an ADU, within 120 days after receiving the application.
2. ADUs within the coastal zone shall be subject to applicable requirements of the Local Coastal Program except for that no public hearing shall be required.
2. ADUs shall comply with all applicable Building Code requirements.
3. ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence.

D. Development Standards.

EXHIBIT A

1. Unit Type, Size, & Location.
 - a. Attached Unit: An ADU constructed within or attached to an existing primary dwelling shall contain at least 350 square feet but shall not exceed 50 percent of the total existing or proposed living area of the primary dwelling or 1,200 square feet, whichever is less. In addition, the living area of the existing primary dwelling shall not be reduced by more than 20 percent to accommodate an attached ADU. An efficiency unit no smaller than 150 sq. ft. shall be permitted subject to compliance with all applicable development standards.
 - b. Detached Unit: An ADU structurally independent and detached from the existing primary dwelling shall not exceed 1,200 square feet. An efficiency unit no smaller than 150 sq. ft. shall be permitted subject to compliance with all applicable development standards.
 - c. The existing unit may be considered the ADU, and a new dwelling unit built, if all applicable standards and requirements of this ordinance are met.
 - d. No passageway shall be required in conjunction with the construction of an ADU.
 - e. Mobile homes, as defined in Section 18008 of the Health and Safety Code, shall not be allowed as an ADU pursuant to Section 3033(C) Mobile Homes.
2. Required Setbacks.
 - a. ADUs shall meet the setback requirements of the underlying zoning district.
 - b. No setback shall be required for an existing garage or accessory structure converted, or portion thereof, to an ADU. An ADU constructed above an existing garage shall provide a minimum setback of five feet from the side and

EXHIBIT A

rear lot lines. However, within the coastal zone, an existing garage or accessory structure that is converted to an accessory dwelling unit or an accessory dwelling unit that is constructed above a garage shall be consistent with all habitat preserve buffers and geologic stability setbacks in the certified Local Coastal Program.

- c. An ADU contained within the existing space of a single-family residence or accessory structure must have independent exterior access from the existing residence, and the side and rear setbacks must be sufficient for fire safety as determined by the Fire Department.
3. Height and Maximum Lot Coverage. ADUs shall meet the height and maximum lot coverage of the underlying zoning district.
 4. Parking.
 - a. One additional off-street parking space shall be required per unit; with exceptions per section 3006.D.4.e.
 - b. Additional parking spaces shall be a minimum dimension of 9 foot by 19 foot except as specified below.
 - c. Required off-street parking shall be permitted in front, side, and rear setback areas subject to the following:
 - i. Parking may be located on an existing driveway but shall not block sidewalk access or encroach into the public right-of-way.
 - ii. Parking spaces within a side yard adjacent to a dwelling must have a minimum clear space width of 11-feet. Vehicles must not block exterior windows or doors of habitable space in a dwelling or access to utility boxes or meters.
 - iii. Tandem parking, defined as two or more

EXHIBIT A

automobiles parked on a driveway or in any other location on a lot, lined up behind one another, shall be permitted subject to compliance with the above-referenced parking requirements.

- iv. Except for an approved driveway, vehicles must be parked on an acceptable surface of concrete, asphalt, gravel, brick, permeable paver or other stable, dust-free surface deemed acceptable by the Planning Division.
 - v. No parking shall be allowed in front yard landscaping areas.
 - vi. No more than 30% of a front yard shall be dedicated to vehicle parking, except lots with a substandard width shall not exceed 50%.
 - vii. Ingress and egress to parking spaces shall be provided via an approved driveway location only. Except for driveways, access to on-site parking spaces shall not include sidewalks, curbs, or landscape areas.
- d. When a garage, carport, or covered parking structure that provides the required spaces for the primary dwelling is demolished in conjunction with the construction of an ADU, or converted to an ADU, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.
- e. Parking Exemption: Pursuant to Section 65852.2, the City shall not impose parking standards for an ADU in any of the following instances:
- i. The ADU is located within one-half mile of public transit.

EXHIBIT A

- ii. The ADU is located within an architecturally and historically significant historic district.
 - iii. The ADU 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.
5. Design. The ADU shall be architecturally compatible with the primary dwelling in terms of design, building materials, roof pitch, colors, and exterior finishes.
6. Utilities. ADU's shall comply with water and sewer requirements as determined by the Water Utilities Department; subject to the following:
- a. ADUs shall not be considered new residential uses for the purposes of calculating utility connection fees or capacity charges, including water and sewer service.
 - b. The City shall not require an applicant to install new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory structure.
 - c. For new attached and detached ADUs, the fee must be proportionate to the burden of the unit on the water or sewer system and may not exceed the reasonable cost of providing the service.
 - d. Where a private sewage disposal system is being used by the ADU, approval by the local health officer may be required.

EXHIBIT A

E. Conditions.

1. An ADU shall not be sold separate from the primary residence.
2. An ADU may serve as a rental unit or be occupied by family members, guests, or in-home health care providers, and others at no cost.
3. Neither the ADU nor the primary dwelling unit shall be rented for less than 31 days.
4. Required parking spaces shall be kept clear and used exclusively for vehicle parking. Such space shall not be used for storage or other uses.
5. The property owner shall record a covenant, approved as to form by the City Attorney, declaring compliance with each and every condition referenced in this section.