



## ADU & JADU STANDARDS

### Section .5809-26 – Accessory Dwelling Units.

- A. Purpose and Intent. The purpose of this section is to regulate the establishment of Accessory Dwelling Units in accordance with Government Code Section 65852.2 and 65852.22; to provide affordable housing to meet the needs of the citizens of Pomona; to ensure that the development of ADUs is compatible with existing development; to preserve the city of Pomona's cultural, historical, and architectural heritage; and to implement and promote the goals and policies of the Pomona General Plan.
- B. Effect of Conforming. An ADU or JADU that conforms to the standards in this section will not be:
1. Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.
  2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
  3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
  4. Required to correct a nonconforming zoning condition, as defined in subsection (C)(11) below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.
- C. Definitions. For the purpose of this section, the following terms shall have the following meanings:
1. Accessory Dwelling Unit. An Accessory Dwelling Unit or ADU means an attached or a detached residential dwelling unit that provides complete independent living facilities (permanent provisions for living, sleeping, eating, cooking, and sanitation) for one or more persons and is located on a lot with a proposed or existing primary residence. An ADU also includes the following:
    - a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
    - b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
  2. Accessory Dwelling Unit, Attached. An Attached ADU means an ADU that is newly constructed and attached to the Primary Dwelling Unit.



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An Attached ADU may be located, in part, within the existing floor area of the Primary Dwelling Unit.

3. Accessory Dwelling Unit, Detached. A Detached ADU means an ADU that is newly constructed and not attached to the Primary Dwelling Unit or multi-unit dwelling. A Detached ADU may be attached to an Accessory Structure (e.g. garage).
4. Accessory Dwelling Unit, Interior. An Interior ADU means an ADU that is located entirely within the existing space of a Primary Dwelling Unit, multiunit dwelling, or Accessory Structure.
5. Accessory Structure. Accessory Structure means a structure that is accessory to and incidental to that of the Primary Dwelling Unit and that is located on the same lot.
6. Bedroom. An unsubdivided portion of the interior of a dwelling unit, at least seventy square feet in area. A bedroom shall be provided with a separate closet.
7. Cooking Facility. A Cooking Facility means an area containing a refrigeration appliance, a kitchen sink and cooking appliance, each having a clear working space of not less than 30 inches. "Cooking appliance" includes any appliance capable of cooking food, including a range, stove, oven, microwave, or hot plate, but not including a toaster or electric kettle.
8. Crawl Space. Crawl Space means an underfloor space that is not a basement as defined in the 2019 California Residential Code. Any crawl space taller than thirty-six inches shall be included in the calculation of the total floor area for an ADU. (Ord. No. 4307)
9. Floor Area. Floor Area as defined in the 2019 California Building Code means the floor area within the inside perimeter of the exterior walls of the building under consideration exclusive of pent shafts and courts without deduction for corridors stairways, ramps closets the thickness of interior walls columns or other features. The floor area of a building, or portion thereof not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts. (Ord. No. 4307)
10. Historic Properties. Historic Properties mean those structures and properties listed on the National Register of Historic Places, California



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Register of Historic Places, Pomona Register of Historic Properties , or any property in a designated historic district.

11. Junior Accessory Dwelling Unit. Junior Accessory Dwelling Unit or JADU, as defined in Section 65852.2 of the Government Code, means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
12. Living Area. Living Area means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any Accessory Structure as defined in Section 65852.2 of the Government Code.
13. Nonconforming Zoning Condition. Nonconforming Zoning Condition means a physical improvement on a property that does not conform with current zoning standards.
14. Owner. Owner means the property owner on the latest equalized property tax assessment roll. If the Owner is not a natural person or group of natural persons (e.g. the Owner is a trust or corporation), then the Owner(s) shall designate a natural person for the purpose of satisfying the owner occupancy requirements set forth in Subsection (F)(6). The Owner(s) designated natural person(s) shall reside on site, shall have authority to bind the owner in all matters related to the site, and shall not pay rent or other compensation, nor provide services to the owner.
15. Owner-occupancy. Owner-occupancy means that an Owner currently resides on the property in either the Primary Dwelling Unit, ADU or JADU.
16. Passageway. Passageway means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU as defined in Section 65852.2 of the Government Code.
17. Primary Dwelling Unit. Primary Dwelling Unit means any legally established, single-unit dwelling, existing or proposed, located on the same lot as an ADU or JADU.
18. Proposed Dwelling. Proposed Dwelling means a dwelling that is the subject of a permit application and that meets the requirements for permitting.



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19. Public Transportation. Public Transportation means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

20. Tandem Parking. Tandem Parking means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another as defined in Section 65852.2 of the Government Code.

D. Ministerial Approvals. The following approvals apply to ADUs and JADUs under this section.

1. Building-permit only. If an ADU or JADU complies with each of the general requirements in subsection (F) "General ADU and JADU Requirements " below, it is allowed with only a building permit in the following scenarios (Ord. No. 4307):

a. Interior ADU on Single- unit Lot. One Interior ADU as described in this subsection(D)(1)(a) and one JADU on a lot with a proposed or existing single-unit dwelling on it, where the ADU or JADU:

i. Is either within the space of a proposed Primary Dwelling Unit; within the existing space of a Primary Dwelling Unit; or within the existing space of an Accessory Structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.

1. An existing, Accessory Structure of any size may be converted to an Interior ADU. (Ord. No. 4307)

2. Any proposed expansions greater than the 150 additional square feet limited to accommodating ingress and egress are not permitted. (Ord. No. 4307)

ii. Has exterior access that is independent of that for the Primary Dwelling Unit.

iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.



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- iv. No other development standards other than those identified in this subsection (D) Ministerial Approvals, as applicable, and subsection (F) General ADU standards shall be required. (Ord. No. 4307)
- b. Limited Detached ADU on Single-unit Lot. One detached, new construction ADU on a lot with a proposed or existing Primary Dwelling Unit (in addition to any JADU that might otherwise be established on the lot under subsection (D)(1)(a) "Interior ADU on Single-unit Lot" above, if the Detached ADU satisfies the following limitations:
  - i. The side- and rear-yard setbacks are at least four (4) feet.
  - ii. The total floor area is eight-hundred (800) square feet or smaller.
  - iii. The peak height above grade is sixteen (16) feet or less.
  - iv. No other development standards other than those identified in this subsection (D) Ministerial Approvals, as applicable, and subsection (F) General ADU standards shall be required. (Ord. No. 4307)
- c. Interior ADU on Multi-unit Lot. One or more ADUs within portions of existing multi-unit dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each Interior ADU complies with state building standards for dwellings. Under this subsection (D)(1)(c), at least one Interior ADU is allowed within an existing multi-unit dwelling, up to a quantity equal to 25 percent of the existing multi-unit dwelling units. (Ord. No. 4307)
  - i. For the purposes of state ADU law, a structure with two or more attached dwellings on a single lot is considered a multi-unit dwelling structure and multiple detached single-unit dwellings on the same lot are not considered multi-unit dwellings. (Ord. No. 4307)
  - ii. No other development standards other than those identified in this subsection (D) Ministerial Approvals, as applicable and subsection (F) General ADU standards shall be required. (Ord. No. 4307)



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- d. Limited Detached ADU on Multi-unit Lot. No more than two Detached ADUs on a lot that has an existing multi-unit dwelling if each Detached ADU satisfies the following limitations:
  - i. The side- and rear-yard setbacks are at least four ( 4) feet.
  - ii. The peak height above grade is sixteen (16) feet or less.
  - iii. For the purposes of state ADU law, a structure with two or more attached dwellings on a single lot is considered a multi-unit dwelling structure and multiple detached single-unit dwellings on the same lot are not considered multi-unit dwellings. (Ord. No. 4307)
  - iv. No other development standards other than those identified in this subsection (D) Ministerial Approvals, as applicable and subsection (F) General ADU standards shall be required. (Ord. No. 4307)
- e. Historic Properties. Any of the four types of ADUs listed in subsection (D)(1)(a-d) above shall be permitted on Historic Properties in accordance with subsection (D) "Ministerial Approvals". However, to the extent that any modifications to the exterior of the existing structure is required as part of an Interior ADU or for any Limited Detached ADU, they shall be consistent with the historically significant architecture of the existing structure. The following elements of the ADU must be the same in appearance as those of the existing structure:
  - i. Architectural style (e.g. Craftsman, Victorian, Modern, etc.),
  - ii. Architectural detailing (e.g. exposed rafters, knee braces, decorative tile, etc.),
  - iii. Construction materials, finishes , and colors,
  - iv. Door trim and style, and
  - v. Window trim and style (i.e ., grid pattern, frame thickness, opening direction, etc.).



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- vi. For the purposes of applying ministerial standards in accordance with Government Code Section 65852.2, no Attached ADU, Detached ADU, or external modifications to existing structures except for those in subsection (D)(1)(a - d) above are permitted on Historic Properties.
  2. Ministerial ADU Permit. Except as allowed under subsection (D)(1) "Building Permit Only" above, no ADU or JADU may be created without a building permit and a Ministerial ADU Permit in compliance with the standards set forth in subsections (F) "General ADU and JADU Requirements ", (G) "Specific ADU Requirements ", and (H) "Specific JADU Requirements" below.
  3. Process and Timing.
    - a. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
    - b. The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application. If the City does not act upon the completed application within 60 days, the application is deemed approved unless either: (Ord. No. 4307)
      - i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
      - ii. When the application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing. (Ord. No. 4307)
- E. Discretionary Review.
1. Minor Deviation Variance. The Development Services Director or designee may consider a request to deviate from the following standards for ADUs subject to the requirements of Section .560-J Minor Deviation Variances: Coverage, Minimum distance between buildings, and Yards.



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2. Conditional Use Permit. An ADU that deviates from the following standards in subsection (G) "Specific ADU Requirements" may be approved through a Conditional Use Permit under section .580: number of rooms, unit size, location restriction, roof eaves, and architecture.
  3. If a Conditional Use Permit is required under (E)(2) above, then any additional deviation that requires a Minor Deviation Variance under (E)(1) above may be approved through the Conditional Use Permit.
  4. Major Certificate of Appropriateness. A Major Certificate of Appropriateness shall be required for any ADU or JADU located on a Historic Property that does not comply with subsection (D)(1)(a - d) above. Any ADU or JADU requiring a Major Certificate of Appropriateness shall comply with subsection (F) - (J).
- F. General ADU and JADU Requirements. The following requirements apply to all ADUs and JADUs that are approved under subsections (D)(1) or (D)(2) above:
1. Zoning.
    - a. An ADU or JADU subject only to a building permit under subsection (D)(1) above may be created on a lot in a residential or mixed-use zone.
    - b. An ADU or JADU subject to an ADU permit under subsection (D)(2) above may be created on a lot that is zoned to allow single unit dwelling residential use or multi-unit dwelling residential use.
  2. Fire Sprinklers. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence. For purposes of this paragraph, in the case of multi-unit structures, the entire residential structure shall be considered the primary residence. (Ord. No. 4307)
  3. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days.
  4. No Separate Conveyance. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-unit lot) or from the lot and all of the dwellings (in the case of a multi-unit lot).





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5. **Septic System.** If the ADU or JADU will connect to an onsite water-treatment system, the Owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
6. **Owner-occupancy.**
  - a. All ADUs created before January 1, 2020 are subject to the Owner occupancy requirement that was in place when the ADU was created.
  - b. An ADU that is created after that date but before January 1, 2025, is not subject to any Owner-occupancy requirement.
  - c. All ADUs that are created on or after January 1, 2025 are subject to an Owner-occupancy requirement.
  - d. All JADUs are subject to an Owner-occupancy requirement. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
7. **Deed restrictions.** Prior to the issuance of a certificate of occupancy for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. A deed restriction or similar instrument that runs with the land, shall be recorded against the property and shall include the following:
  - a. A declaration prohibiting the sale of the ADU or JADU separate from the sale of the Primary Dwelling Unit.
  - b. A declaration that the ADU or JADU shall not be rented for a period of fewer than thirty (30) days.
  - c. A declaration restricting the size and attributes of the ADU or JADU to that which conforms to this section.
  - d. A declaration that all of the above deed restrictions may be enforced against future property owners.
  - e. The deed restrictions may be removed if the owner eliminates the ADU (as evidenced by removal of the kitchen facilities).



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- f. The deed restrictions shall be enforced by the Development Services Director or designee for the benefit of the City of Pomona. Failure of the Owner to comply with the deed restrictions may result in legal action against the Owner and the City shall be authorized obtain any remedy available to it at law or equity, including but not limited to obtaining an injunction enjoining use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.
- G. Specific ADU Requirements. The following requirements apply only to ADUs that require an ADU permit under subsection (D)(2) "Ministerial ADU Permit " above.
  1. Primary Dwelling Unit requirement.
    - a. There shall be a Primary Dwelling Unit located on the same lot as an ADU.
    - b. Where a Primary Dwelling Unit does not exist on a lot but is proposed, an ADU may be constructed concurrently with the construction of the Primary Dwelling Unit.
  2. Number of units allowed. No more than one ADU may be allowed on the same lot as a Primary Dwelling Unit.
    - a. No more than one ADU may be allowed on the same lot as a Primary Dwelling Unit. (Ord. No. 4307)
    - b. No more than one ADU may be permitted on lots with multiple detached single unit dwellings. (Ord. No. 4307)
    - c. A structure with two or more attached dwellings on a single lot is considered a multi-unit dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multi-unit dwellings for the purposes of Section .5809-26 of the City of Pomona Zoning Ordinance. (Ord. No. 4307)
  3. Number of Rooms.
    - a. For ADUs less than 850 square feet in area.
      - i. The total number of Rooms, as defined in Section .062, permitted in an ADU may not exceed four (4).
    - b. For ADUs 850 square feet in area or greater.



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- i. The total number of Rooms, as defined in Section .062 , permitted in an ADU may not exceed six (6).

#### 4. Unit size.

##### a. For lots less than 7,200 square feet in area.

- i. The total floor area of an Attached ADU may not exceed eight hundred fifty (850) square feet for a studio or one bedroom unit or one thousand (1,000) square feet for a unit with two or more bedrooms. (Ord. No. 4307)
- ii. The total floor area of a Detached ADU with no more than one bedroom may not exceed eight hundred fifty (850) square feet.
- iii. The total floor area of a Detached ADU with two or more bedrooms may not exceed one thousand (1,000) square feet.
- iv. In no case shall the total floor area of an ADU be smaller than two hundred (220) square feet in accordance with California Building Code section 1208.4.

##### b. For lots 7,200 square feet in area or greater.

- i. The total floor area of an Attached ADU may not exceed one thousand two hundred (1,200) square feet. (Ord. No. 4307)
- ii. The total floor area of an Attached ADU or Detached ADU may not exceed one thousand two hundred (1,200) square feet in total floor area.
- iii. In no case shall the total floor area of an ADU be smaller than two hundred (220) square feet in accordance with California Building Code section 1208.4.

##### c. For lots of any size.

- i. Any Interior ADU that does not comply with subsection (D)(1)(a) Interior ADU on Single-unit Lot shall be subject to all applicable developments standards identified in



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subsection (G) Specific ADU Requirements, such as, Coverage, Yards, etc. (Ord. No. 4307)

- d. Application of other development standards in this subsection (G) "Specific ADU Requirements", such as lot coverage, might further limit the size of the ADU, but no application of lot coverage or open-space requirements may require the ADU to be less than eight hundred (800) square feet. (Ord. No. 4307)
5. Coverage. The maximum coverage of the lot by all structures shall be thirty-five (35) percent. Any patio with roof, open slats or other covering shall constitute lot coverage but not square footage.
6. Building height.
  - a. No ADU shall have a height greater than two (2) stories or thirty-five (35) feet. However, in no case shall an ADU be taller than the Primary Dwelling Unit. (Ord. No. 4307)
  - b. In instances where any portion of an abutting lot, zoned for residential use, has a ten foot difference in elevation or greater from the lot proposing an ADU and portions of the ADU are within twenty-five (25) feet of any side or rear property line, the entire ADU shall be no taller than sixteen (16) feet. (Ord. No. 4307)
  - c. In instances where an abutting lot, zoned for residential use has a ten foot difference in elevation or greater from the lot proposing an ADU and portions of the ADU are greater than, twenty-five (25) feet from of any side or rear property line, the ADU shall be no taller than those heights permitted in subsection (a). (Ord. No. 4307)
7. Minimum distance between buildings.
  - a. The distance between an ADU and the Primary Dwelling Unit shall be at least ten (10) feet.
  - b. The distance between an ADU and an Accessory Structure shall be at least six ( 6) feet.
8. Location restriction. Detached ADUs shall not be located between the proposed or existing Primary Dwelling Unit and the street adjoining the front yard, except where the Primary Dwelling Unit is on a through lot.



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### 9. Yards.

- a. Front Yard. ADUs shall have a minimum front yard of twenty-five (25) feet.
- b. Side Yard. ADUs shall have a minimum side yard of four (4) feet.
- c. Rear Yard. ADUs shall have a minimum rear yard of four (4) feet.
- d. No yard shall be required for:
  - i. An existing living area.
  - ii. An existing accessory structure.
  - iii. A structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU.

10. Roof eaves. Roof eaves of an ADU may project into the required side yard for a distance not to exceed one (1) foot, and the eaves shall not be closer than two (2) feet from the side property line.

11. Landscaping. A minimum of twenty (20%) percent of the entire parcel shall be landscaped with plant materials, including some combination of trees, shrubs, groundcover, and turf. In addition, ADUs shall comply with all applicable landscaping requirements of Section .503-J.

### 12. Parking.

- a. No parking is required for any ADU.
- b. If provided, parking spaces shall be located on an approved surface only.
- c. If provided, open parking spaces shall have a minimum dimension of nine and one-half ( $9\frac{1}{2}$ ) feet by eighteen (18) feet.
- d. If provided, covered parking spaces (carports and garages) shall have a minimum dimension of ten (10) feet by twenty (20) feet.
- e. If provided, parking may be provided in yard areas or as Tandem Parking as defined in subsection (C) "Definitions ".



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- f. 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, those off-street parking spaces are not required to be replaced. (Ord. No. 4307)
- 13. Architecture. To ensure that the architectural style of the ADU is consistent with the architecture of the primary dwelling unit the following elements of the ADU must be the same in appearance as those of the primary dwelling:
  - a. Architectural style (e.g. Craftsman, Victorian, Modern, etc.),
  - b. Architectural detailing (e.g. exposed rafters, knee braces, decorative tile, etc.),
  - c. Construction materials, finishes and colors,
  - d. Door trim and style,
  - e. Window trim and style (i.e., grid pattern, frame thickness, opening direction, etc.), and
  - f. Roof pitch, roof type and roof material. However, the roof pitch must be a minimum of a three (3) inch rise for every horizontal twelve (12) inch run.
- 14. Manufactured or prefabricated structures . Nothing in this section prohibits the installation of manufactured or prefabricated structures that comply with Subsection (G)(13) "Architecture " above.
- 15. Exterior access. All ADUs must provide independent access to the exterior of the unit.
- 16. Passageways. No Passageway is required in conjunction with the construction of an ADU.
- 17. Utility connections. ADUs are not required to install a new or separate utility connection directly between the ADU and the utility.
- 18. Building codes. Local building code requirements apply to ADUs.
- 19. Certificate of Occupancy.



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- a. In no case shall an ADU be issued a certificate of occupancy prior to the issuance of a certificate of occupancy for the Primary Dwelling Unit.
- b. A certificate of occupancy may be issued concurrently for both the Primary Dwelling Unit and the ADU.

### H. Specific JADU Requirements. The following requirements apply to all JADUs:

1. Primary Dwelling Unit requirement. There shall be a Primary Dwelling Unit, existing or proposed, located on the same lot as the JADU.
2. Number of units allowed. No more than one JADU may be allowed on the same lot as a Primary Dwelling Unit, existing or proposed. A JADU may not be allowed if there is an existing JADU on the same lot.
3. Unit size. A JADU shall have a total area not to exceed five hundred (500) square feet in total area.
4. Location. A JADU shall be constructed within the existing walls of the Primary Dwelling Unit, including any attached garage. (Ord. No. 4307)
5. Parking. No parking shall be required for a JADU.
6. Access. A JADU shall have a separate entrance from the main entrance to the single family dwelling.
7. Efficiency kitchen. A JADU shall be required to provide an efficiency kitchen which shall include the following:
  - a. A food preparation counter or counters that total at least 15 square feet in area.
  - b. Storage cabinets that that total at least 30 square feet of shelf space.
8. Building and fire codes. For the purpose of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit.

### I. Fees.

1. Impact Fees.



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- a. No impact fee is required for an ADU that is less than 750 square feet in area.
- b. Any impact fee that is required for an ADU that is 750 square feet or larger in area must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling.) "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

### **2. Utility Connections and Fees.**

- a. Interior ADUs and JADUs on a single-unit lot, created under subsection (D)(1)(a) above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADU or JADU is constructed with a new single-unit dwelling.

### **J. Revocation of Permit.**

1. Revocation by Director. The Development Services Director or designee shall have the authority to revoke a permit for an ADU if one or more of the requirements of this section are no longer met.
2. Request for Hearing. Within twenty (20) days of the deposit of the notice of the decision to revoke the ADU permit in the United States mail, the Owner may request a hearing before the Planning Commission. If the City receives a timely request for a hearing in accordance with this section, the decision to revoke shall be stayed until the hearing is concluded and the Planning Commission has made its determination. If the City does not receive a request for a hearing within twenty (20) days, the revocation of the permit for an ADU shall be final.
3. Appeal of Planning Commission Decision. The appeal shall be considered by the Planning Commission as a consent item. The decision of the Planning Commission shall be final unless a notice of appeal is filed pursuant to Section .580(F)(1).
4. If a permit for an ADU is revoked, the Owner shall, within sixty (60) days, remove the kitchen facilities from the ADU.





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b. Major projects shall include changes which significantly alter the following: height, proportions , the relationship of the building mass and space, roof shape, scale or distinctive facades of the structure. Examples of major projects shall include , but not be limited to room additions, adding dormers, expanding a garage, adding a porch, removing distinctive shutters or part or all of a structure. This category also includes demolition and/or replacement of primary use buildings or structures, and construction/installation of new buildings, structures, Attached ADUs, Detached ADUs, Interior ADUs, and JADUs that do not comply with the ministerial standards of Section 5809-26(D)(1 ), new public sidewalks, new public streetscape improvements, new street lamps, new public buildings and structures, and development of new public spaces within an historic district. Additional examples shall be established at a later time by the commission. Applications for major projects shall include the following submittal:



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### **Section .560 – Variances**

m. For Minor Deviation Variances related to ADUs:

- 1) Lot Coverage. An increase of not more than ten (10) percent in the maximum allowable lot coverage.
- 2) Minimum distance between buildings. A decrease of not more than four (4) feet in the minimum distance between an Accessory Dwelling Unit and an Accessory Structure.
- 3) Side yard. A decrease of not more than one (1) foot in the minimum side yard requirement. (Ord. No. 4307)
- 4) Rear yard. A decrease of not more than one (1) foot in the minimum rear yard requirement. (Ord. No. 4307)



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### Section .580 - Conditional Use Permits

J. The following uses shall be permitted in the zones indicated, provided that a conditional use permit shall first be obtained pursuant to the provisions of this chapter:

Subject to conditional use permit:

	USE	ZONES IN WHICH ALLOWED
*	Accessory Dwelling Units that are described by Section 5809-26(E)(2)	Any zoning district, overlay district, or specific plan that allows Accessory Dwelling Units, as set forth in Section 5809-26(F)(1).