

DRAFT

ACCESSORY DWELLING UNIT ORDINANCE

[proposed additions **highlighted**;
proposed deletions marked by ~~strike-outs~~]

Section 11.4.05.115 (Accessory Dwelling Units) of Chapter 11.4.05 (Standards for Specific Uses) of Part IV (Regulations Applying in Some or All Districts) of Title 11 (Zoning) of the Seal Beach Municipal Code is hereby amended in its entirety to read as follows:

“Sec. 11.4.05.115. - Accessory dwelling units.

- A. *Purpose and applicability.* The purpose of this chapter is to implement the requirements of Government Code Sections 65852.2 and 65852.22 to allow accessory dwelling units and junior accessory dwelling units in a manner that encourages their development but simultaneously minimizes impacts on traffic, parking, density, and other areas where the City is still permitted to exercise local control.
- B. *Definitions.* For the purposes of this section, the following definitions apply. **Terms and phrases not defined in this section shall have the meaning ascribed to them in Section 11.6.05.010. In the event of any conflict or inconsistency between these definitions and the definitions contained in Section 11.6.05.010 or any other provisions of this code, the following definitions shall take precedence.**
- 1) **“Accessory dwelling unit or ADU means an attached or a detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking (including a kitchen as defined herein), and sanitation on the same parcel as the primary dwelling is situated. An accessory dwelling unit also includes efficiency units, as defined in Section 17958.1 of Health and Safety Code, and manufactured homes, as defined in Section 18007 of the Health and Safety Code.**
 - 2) “Attached **accessory dwelling unit**” or “**attached** ADU” means an ADU that is constructed **within or attached to** as a physical expansion (i.e. addition) of the **an existing or proposed** Primary Dwelling and shares a common wall with the Primary Dwelling.”
 - 3) “Detached **accessory dwelling unit**” or “**detached** ADU” means an ADU that is constructed as a separate structure from the **an existing or proposed** Primary Dwelling, which does not share any walls with the Primary Dwelling.
 - 4) “Existing structure” means an existing single-family dwelling, ~~duplex~~, **multifamily dwelling**, or other accessory structure that can be safely converted into habitable space under the California Building Standards Code, as amended by the City, and other applicable law.

- 5) “Junior Accessory Dwelling Unit” or “JADU” has the same meaning ascribed in Government Code Section 65852.22, as the same may be amended from time to time. JADU standards apply to properties containing a Primary Dwelling.
 - 6) **“Mixed use,” for the purposes of this section only, means property within a mixed use zone identified within Chapter 11.2.10 of the Municipal Code where residential uses are permitted by-right or by conditional use.**
 - 7) **“Multi-family *Multifamily* Dwelling,” for purposes of this chapter *section only*, means a property containing ~~three~~two (3~~2~~2) or more attached dwelling units. Multiple separate *single-family* residential structures on the same lot do not qualify as a multi-family *multifamily* building *dwelling*. *Single-family dwellings with an ADU, JADU, or both do not qualify as a multifamily dwelling.***
 - 8) **“Nonconforming zoning condition,” for purposes of this section only, means a physical improvement on a property that does not conform with current zoning standards.**
 - 9) “Primary Dwelling,” for purposes of this chapter *section only*, means the existing or proposed single-family dwelling or duplex **multifamily dwelling** on the lot where an ADU would be located.
 - 10) “Public transit,” for purposes of this chapter, has the meaning ascribed in Government Code Section 65852.2(j), as the same may be amended from time to time.
 - 11) **“SB 9” or “Senate Bill 9” means Government Code Section 65852.21(b) and 66411.7(c), as adopted by Senate Bill 9, Chapter 162, Stat. 2021, as the same may be amended from time to time.**
 - 12) **Statewide Exemption ADU” means an ADU allowed by right pursuant to Government Code Section 65852.2(e).**
- C. **Permits Required. In addition to other requirements of this section, all accessory dwelling units and junior accessory dwelling units shall be subject to the following ministerial requirements.**
- 1) **Zoning Conformance Review. Accessory dwelling units and junior accessory dwelling units consistent with the requirements of this section are allowed by-right on a lot that is zoned to allow single family use or multifamily residential use. A JADU shall only be allowed within an existing or proposed single family dwelling. An application for zoning conformance review shall be submitted to the Community Development Department on the City-approved form concurrently with the building permit application, for confirmation of single-family or multifamily zoning by the Director or designee.**
 - 2) **Building Permit. A Building Permit application is required to be filed with the Building and Safety Division. Approval of a building permit is required for**

construction of an ADU, and all accessory dwelling units and junior accessory dwelling units shall comply with all applicable Building Code requirements.

- 3) Illegal construction. An ADU or JADU may not be constructed within or attached to a structure or building that was illegally constructed in violation of this code or any prior code. For lawful nonconforming zoning conditions, see Subdivision D.3.

D. Statewide Exemption ADUs, Building permit approval only. (Tier 1)

~~1) An accessory dwelling unit application is not required to be filed with the Community Development Director for an ADU or JADU that satisfies the requirements of subsection C(2) of this section (Government Code Section 65852.2(e)(1), as the same may be amended from time to time), subsections (G), (H), and (I) of this section, and Title 8, Building and Construction, of the Seal Beach Municipal Code. A Building Permit application is required to be filed with the Building and Safety Department~~

1) Pursuant to Government Code Section 65852.2(e), upon Zoning Conformance Review, the City shall ministerially approve an application for a building permit within a residential or mixed use zone on a lot that is zoned to allow single family or multifamily residential use, to create any of the following:

a) ADU and JADU within Primary Single-Family Dwelling and ADUs within Existing Accessory Structures. One ADU and one JADU per lot with a proposed or existing single-family dwelling if all of the following apply:

i. ~~The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling (including any attached garage) or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.~~

ii. The ADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling (including any attached garage) or accessory structure, and may include an expansion of not more than 150 square feet beyond the same physical dimensions of the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress. ADUs constructed within the footprint of a proposed space of a single-family dwelling, existing space of a single-family dwelling (including any attached garage) or existing space of an accessory structure shall not be subject to a maximum square-footage of living area.

iii. ~~When an ADU is attached to a single family dwelling, the ADU shall have exterior access from the proposed or existing single family dwelling. The~~

ADU has an exterior access from the proposed or existing single-family dwelling.

- iv. The side and rear setbacks are sufficient for fire and safety.
 - v. The JADU complies with the requirements of Government Code Section 65852.22 and with the requirements set forth in subsection (F) of this section.
- b) *Detached new construction ADU for ~~Primary~~ **Single-Family** Dwelling.* One detached, new construction ADU for a lot with a proposed or existing single-family dwelling if all of the following apply. The ADU may be combined with a JADU described in subsection ~~(C)(2)(a)~~ **(D)(1)(a)** of this section.
- i. The ADU shall be no more than 800 square feet in size.
 - ii. The ADU shall not exceed a height limit of 16 feet.
 - iii. The ADU shall be setback a minimum of four feet from side and rear lot lines. However, in districts which allow lesser side setbacks, the lesser shall apply.
- c) ~~ADU within Non-Livable Space in~~ **ADUs on Parcel with Existing Multifamily Dwelling. A property owner may be allowed to develop ADUs on a lot in accordance with only one of the following two categories (i or ii):**
- (i)** ~~(e)~~ *ADU within Non-Livable Space in Existing Multifamily Dwelling.* One ADU within the portions of existing multifamily 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 unit complies with state building standards for dwellings. If requested, multiple ADUs shall be allowed, **within non-livable space, but the total number of ADUs allowed shall not exceed up to the number of ADUs that equals 25 percent of the existing multifamily dwelling units in the structure.; or**
 - (ii)** ~~(d)~~ *Detached New Construction ADUs for Existing Multifamily Dwelling.* Not more than two detached ADUs located on a lot that has an existing multifamily dwelling, subject to a height limit of 16 feet and minimum four-foot rear yard and side setbacks. However, in districts which allow lesser side setbacks, the lesser shall apply. Multiple separate **single-family** residential structures on the same lot do not qualify as a multi-family building **dwelling.**
- ~~d) Detached new construction ADUs for existing multifamily dwelling. Not more than two detached ADUs located on a lot that has an existing multifamily dwelling, subject to a height limit of 16 feet and minimum four foot rear yard and side setbacks. However, in districts which allow lesser side setbacks, the lesser shall~~

apply. Multiple separate residential structures on the same lot do not qualify as a multi-family building.

2) Lot Split Pursuant to Senate Bill 9. In the event that a property owner in a single-family zone obtains approval of a lot split pursuant to Senate Bill 9, any existing or proposed ADU or JADU shall count toward the maximum two units allowed on each lot resulting from the lot split.

3) Lawful Nonconforming Conditions. The City shall not require, as a condition of ministerial approval of a permit application for the creation of an ADU or JADU, the correction of nonconforming zoning conditions.

E. **ADUs not subject to Statewide Exemption. Planning permit (Tier 2).**

1) Pursuant to Government Code Sections 65852.2(a) through (d), for an An accessory dwelling unit application is required to be filed with the Community Development Director for an ADU that does not satisfy the requirements of subsection ~~(C)(2)~~ **(D), approval of Zoning Conformance Review and a building permit shall be required in accordance with** of this section **subdivision**. An accessory dwelling unit application shall be made in writing to the Community Development Director on the forms provided by the Planning Department, shall be accompanied by the filing fee as established by resolution of the City Council, and shall include the following information as may be required by the director:

a) ~~Name and address of the applicant.~~

b) ~~Completed Owner's Affidavit.~~

c) ~~Assessor's parcel number(s) of the property.~~

d) ~~A site plan drawn in sufficient detail to clearly describe the following:~~

i. ~~Physical dimensions of the property.~~

ii. ~~Location and dimensions of all existing and proposed structures, walls, and fences.~~

iii. ~~Location and dimensions of all existing and proposed easements, septic tanks, leach lines, seepage pits, drainage structures, and utilities.~~

iv. ~~Location, dimensions, and names of all adjacent roads, whether public or private.~~

v. ~~Setbacks.~~

vi. ~~Existing and proposed methods of circulation, including ingress and egress, driveways, parking areas, and parking structures.~~

- ~~vii. Panoramic color photographs showing the property from all sides and showing adjacent properties.~~
 - ~~viii. A description of architectural treatments proposed for the ADU.~~
 - ~~ix. Written confirmation from any water district or sewer district providing service of the availability of service.~~
 - ~~e) Floor plans. For an attached ADU, the plans must include the Primary Dwelling, as well.~~
 - ~~f) Elevations. For an attached ADU, the plans must include the Primary Dwelling as well.~~
 - ~~g) Such additional information as shall be required by the Planning Director.~~
- 2) All ADUs shall satisfy the requirements of Title 8, Building and Construction, of the Seal Beach Municipal Code. A Building Permit application is required to be filed with the Building Department ***and approved by the Building Official or designee.***
 - 3) In accordance with State law, ADUs are an accessory use or an accessory structure to the Primary Dwelling on the lot. ADUs shall not be considered to exceed the allowable density for the lot.
 - 4) The Community Development Director shall ministerially review and approve an accessory dwelling unit application ***for Zoning Conformance Review of a proposed ADU,*** provided that the submitted application is complete and demonstrates that the ADU complies with the requirements contained in this chapter and any other applicable law. A public hearing is not required.
 - 5) Accessory dwelling unit applications ***for Zoning Conformance Review and building permit review*** subject to ministerial approval shall be processed within the timelines established by California Government Code Section 65852.2. The City shall act upon the accessory dwelling unit permit ***Zoning Conformance Review and building permit*** within 60 days of receiving the application, or as the deadline required by Government Code Section 65852.2, as the same may be amended from time to time. Notice of decision on the application shall be mailed to the applicant. The decision of the Community Development Director ***on Zoning Conformance Review*** shall be final. ***The building permit application shall be reviewed in accordance with the Building Code.***
 - 6) Where an accessory dwelling unit application for an ADU is submitted with an application for a Primary Dwelling that is subject to discretionary review under Title 9 of the Seal Beach Municipal Code, the accessory dwelling unit application shall be processed in accordance with this section, separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.

7) Lot Split under SB 9. In the event that a property owner in a single-family zone obtains approval of a lot split pursuant to Senate Bill 9, any existing or proposed ADU or JADU shall count toward the maximum two units allowed on each lot resulting from the lot split.

F. *Standards for ADUs.* Except those ADUs approved pursuant to subsection ~~(C)~~(D)(2) of this section (Statewide Exemption ADUs-Building Permit Approval Only (Tier 1)), ADUs shall comply with the following development standards:

1) *Location Restrictions:* One ADU shall be allowed on a lot with a proposed or existing Primary Dwelling that is zoned to allow single family or multi-family residential use.

2) *Development Standards:*

a) *Size restrictions.*

i. Attached ADU (Existing Primary Dwelling): ADU shall not exceed the lesser of: 1) fifty percent (50%) of the gross floor area for the Primary Dwelling or 2) 850 square feet in gross floor area if it contains one or fewer bedrooms or 1,000 square feet in gross floor area if it contains more than one bedroom. Notwithstanding the above, an ADU with a gross floor area between 1,001 and 1,200 square feet is allowed provided a minimum of one parking space is provided for the ADU.

ii. Attached ADU (New Primary Dwelling): ADU shall not exceed 850 square feet in gross floor area if it contains one or fewer bedrooms or 1,000 square feet in gross floor area if more than one bedroom. Notwithstanding the above, an ADU with a gross floor area between 1,001 and 1,200 square feet is allowed provided a minimum of one parking space is provided for the ADU.

iii. Detached ADU: ADU shall not exceed ~~fifty percent (50%) of the gross floor area for the Primary Dwelling~~ or 850 square feet in gross floor area if it contains one or fewer bedrooms or 1,000 ~~1,200~~ square feet in gross floor area if more than one bedroom, whichever is less. Notwithstanding the above, an ADU with a gross floor area between 1,001 and 1,200 square feet is allowed provided a minimum of one parking space is provided for the ADU.

iv. In no case shall the gross floor area of an ADU be less than that of an “efficiency unit” as defined in Health and Safety Code Section 17958.1.

b) *Height restrictions.* A newly constructed detached ADU shall not exceed 16 feet in height, and a newly constructed attached ADU shall not exceed the height of the Primary Dwelling to be attached to, or 16 feet, whichever is greater. A detached ADU may be constructed above an existing detached accessory structure including detached garage subject to the height limits of the underlying zone, and the size restrictions in subsection (F)(2)(a)(iii), subject to recordation of a

declaration of restrictions, in a form approved by the City Attorney, agreeing to maintain the existing garage as functionally available for parking.

- c) *Setbacks.* No setback shall be required for an ADU that is within a legally Existing Structure or new ADU that is constructed in the same location and with the same dimensions as a legally Existing Structure. For all other ADUs, the required minimum setback from side and rear lot lines shall be four feet, except in districts which allow lesser side setbacks, in which case the lesser shall apply. An ADU shall comply with all required front yard setbacks otherwise required by the Seal Beach Municipal Code.
- d) **Minimum Distance - Detached ADU. In accordance with Table 11.2.05.05 of Section 11.2.05.015 of this title (Minimum Distance Between Buildings on the Same Lot), the minimum distance between a detached ADU and the primary dwelling on the same lot shall not be less than 6 feet. The six-foot distance shall be measured from the nearest point of any portion of the ADU to the primary dwelling. Notwithstanding the foregoing, this provision shall not preclude construction of an ADU that is at least 800-square feet in size.**
- e) *Lot coverage.* An ADU shall conform to all lot coverage requirements applicable to the zoning district in which the property is located, except where the application of the lot coverage regulations would not permit construction of an 800-square-foot ADU that is 16 feet in height with at least four-foot side and rear yard setbacks, except in districts which allow lesser side setbacks, in which case the lesser shall apply. **Exception: If compliance with this lot coverage standard would preclude the development of an 800 square-foot ADU, the maximum size of the ADU shall be 800 square feet.**
- f) *Design.* ~~The~~ **A newly constructed** ADU shall have the same design, ~~architecture,~~ colors and materials **and architectural details (including windows and roof pitch)** of the Primary Dwelling, and shall comply with any objective design standards adopted by the City that are applicable to the zoning district or Specific Plan area where the ADU is located.
 - ~~i. An ADU that is architecturally and aesthetically complimentary to the Primary Dwelling with regards to design, architecture, colors and materials may be considered subject to the City's minor use permit process.~~
- g) *Exterior access.* An ADU shall have a separate exterior access. **An ADU above a detached garage may be accessed by an exterior staircase.**
- h) *Fire sprinklers.* ADUs are required to provide fire sprinklers if required for the Primary Dwelling.
- i) *Historic resources.* An ADU that has the potential to adversely impact any historical resource listed on the California Register of Historic Resources, shall be designed and constructed in accordance with the "Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving,

Rehabilitating, Restoring, and Reconstructing Historic Buildings” found at 36 CFR 68.3, as the same may be amended from time to time. An ADU shall also comply with all local historic register requirements, as well as all objective local requirements, ordinances, or Specific Plans that pertain to historic resources.

3) *Parking Requirements:*

a) ***Except as otherwise provided in subparagraph (b) and (c) of this Subsection (E)(3), in*** addition to the off-street parking space(s) required for the Primary Dwelling, one off-street parking space shall be provided for each ADU, ~~except~~ ~~when:~~

b) ***Exception. If an ADU does not exceed the lesser of either 850 square feet in gross floor area if it contains one or fewer bedrooms or 1,000 square feet in gross floor area if more than one bedroom, an additional off-street parking space is not required for such ADU if any of the following provisions are met:***

- i. The ADU is located within one-half mile walking distance of Public Transit; or
- ii. The ADU is located within an architecturally and historically significant historic district; or
- iii. The ADU is an attached ADU proposed with a new single-family development, or a proposed conversion of an existing Primary Dwelling or accessory structure; or
- iv. The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant; or
- v. The ADU is located within one block of a city-approved and dedicated parking space for a car share vehicle.

c) When the ADU is created by converting or demolishing a garage, carport or covered parking structure, replacement of parking space(s) eliminated by the construction of the ADU shall not be required as long as the ADU remains in use as a legal ADU.

4) *Other provisions:*

a) Recreational trailers are not permitted to be used as ADUs. This includes, but is not limited, to recreational vehicles, **campers, camping trailers** and mobile/motor homes.

G. *Standards for JADUs.* In accordance with the standards set forth in Government Code Section 65852.22, JADUs shall comply with the following requirements, unless State law is amended to set forth different standards in which case State law standards will govern:

- 1) A JADU shall be a minimum of ~~220~~ **150** square feet and a maximum of 500 square feet of gross floor area. The gross floor area of a shared sanitation facility (bathroom) shall not be included in the maximum gross floor area of a JADU.
- 2) A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling. **For purposes of this subsection, an attached garage is considered to be within the walls of the existing or proposed single-family dwelling.**
- 3) A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU.
- 4) A JADU may include a separate sanitation facility (bathroom), or may share sanitation facilities (bathroom(s)) with the existing single-family dwelling.
- 5) A JADU shall include an efficiency kitchen which shall meet the requirements of Government Code Section 65852.22.
- 6) No additional parking is required for a JADU.

H. *Covenant required.* Prior to the issuance of a Certificate of Occupancy for the ADU or JADU, the property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest:

- 1) **Except as otherwise required by Government Code Section 65852.26, the** The ADU or JADU shall not be sold, transferred, or assigned separately from the Primary Dwelling, but may be rented.
- 2) The ADU shall not be used for short-term rentals for less than 30 consecutive days.
- 3) If there is a JADU on the property, either the JADU or Primary Dwelling shall be occupied by the owner of record.

I. *Fees and utility connections.*

- 1) ADUs and JADUs shall have adequate water and sewer services. These services may be provided from the water and sewer points of connection for the Primary Dwelling and not be a separate set of services, **unless the local water and sewer service provider requires a new or separate utility.** For an ADU that is not a conversion of an existing space, a separate utility connection directly between the accessory dwelling unit and the utility may be required. Consistent with Government Code Section 65852.2(f), the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit.
- 2) The owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees, including impact fees set forth in Government Code Section 66000 et seq., except as follows:

- a) ADUs that are less than 750 square feet shall not be subject to impact fees.
- b) ADUs that are 750 square feet or more shall be charged impact fees that are proportional in relation to the square footage of the Primary Dwelling unit.

~~3) The City shall not issue a building permit for an ADU or JADU until the applicant provides a will serve letter from the local water and sewer provider. Notwithstanding the foregoing, if a private sewage disposal system is being used, the applicant must provide documentation showing approval by the Building Official in lieu of the will serve letter by the local sewer provider. If a private well is being used, the applicant must provide documentation showing approval by the Building Official and Orange County Health Department in lieu of the will serve letter by the local water provider.~~

J. *Fire safety requirements.* The construction of all new accessory dwelling units shall meet minimum standards for fire safety as defined in the Building Code of the City of Seal Beach and the Fire Code of the City of Seal Beach, as the same may be amended by the City from time to time. All applications for accessory dwelling units in areas designated as high or very high fire hazard zones shall be reviewed by the Building Official and Fire Marshal to ensure the standards for fire safety as defined in the Building Code of the City of Seal Beach and the Fire Code of the City of Seal Beach will be met. Fuel modification treatments (clearing requirements) will be greater for those properties in high and very high fire hazard severity zones, which may be characterized by steeper terrain, larger and denser fuels, fuels that are highly volatile, and subject to frequent fires. Clearing requirements shall meet the state’s State’s “General Guidelines for Creating Defensible Space.”

Subparagraph 2 (Exception for Surfside) of Subdivision A (General) of Section 11.1.15.025 (Measuring Height) of Chapter 11.1.15 (Rules of Measurement) of Part I (General Provisions) of Title 11 (Zoning) is hereby amended to read as follows:

“2. Exception for Surfside. Maximum building height for residential structures, including second accessory dwelling units, shall be measured pursuant to Section 11.2.05.015.A.3: Building Height Limit.”

Table 11.2.05.010 (Use Regulations – Residential Districts) of Chapter 11.2 (Residential Districts) of Part II (Base District Regulations) of Title 11 (Zoning) of the Seal Beach Municipal Code is hereby amended to replace the term “Second Unit” with “Accessory Dwelling Unit” as follows, with all other portions of Table 11.2.05.010 remaining the same:

	RLD	RMD	RHD	Additional Regulations
Residential Use Types				
Single-Unit Residential	P	P	P	See Section 11.4.05.100
Second <u>Accessory Dwelling</u> Unit	P	P	P	See Section 11.4.05.115
Two-Unit Residential (Duplex)	—	P	P	
Multiple-Unit Residential	—	P	P	See Section 11.4.05.110

Minimum Floor Area of Table 11.2.05.015 (Development Standards for Residential Uses) of Section 11.2.05.015 (Development Standards) of Chapter 11.2 (Residential Districts) of Part II (Base District Regulations) of Title 11 (Zoning) of the Seal Beach Municipal Code is hereby amended to modify the minimum floor area for Junior Accessory Dwelling Units (“JADUs”) to be 150 square feet, consistent with state law as follows, with all other portions of Table 11.2.05.015 remaining the same:

<i>Minimum Floor Area (sq. ft.)</i>							
Junior Accessory Dwelling Unit	220 150						

Building Design of Table 11.2.05.015 (Development Standards for Residential Uses) of Section 11.2.05.015 (Development Standards) of Chapter 11.2 (Residential Districts) of Part II (Base District Regulations) of Title 11 (Zoning) of the Seal Beach Municipal Code is hereby amended to modify the prohibition on Exterior Stairways to allow exterior stairways for access to accessory dwelling units and JADUs as follows, with all other portions of Table 11.2.05.015 remaining the same:

“Building Design							
Exterior Stairways Prohibited	Yes	Yes	Yes	Yes	No	No	L-1
Porches	Yes	--	--	Yes	--	--	(K)

L-1: *Exterior stairways* providing access from the ground level and/or the first floor to the second floor or above are prohibited when such *stairways* are not specifically required by the Cali Building Code. *Exterior stairways* may be permitted through the building permit process in the RLD-9 district on properties with a second story kitchen existing as of March 9, 1998. In such a case, a covenant shall be recorded on the title of the property stipulating the property is to be used only as a Single-Unit dwelling. Exception #1: Exterior stairways may be permitted on Single-Unit dwellings located within identified flood zones upon approval of an administrative use permit pursuant to Chapter 11.5.20: Development Permits. Exception #2: Exterior stairways may be permitted on a residential lot to provide ingress and egress to an accessory dwelling unit or junior accessory dwelling unit constructed in accordance with Section 11.4.05.115 of this title.”

Subparagraph 3 (Building Height) of Subdivision A (Standards for Surfside) of Section 11.2.05.015 (Development Standards) of Chapter 11.2.05 (Residential Districts) of Part II (Base District Regulations) of Title 11 (Zoning) is hereby amended to read as follows:

“3. Building Height Limit. Not subject to 2-story maximum set by Table 11.2.05.015. Maximum building height for residential structures, including ~~Second~~**Accessory** Dwelling Units, shall be 35 feet, as measured from the crown of Surfside Avenue at the center of the subject property.”

Table 11.2.05.015.A.4 of Section 11.2.05.015 (Development Standards) of Chapter 11.2 (Residential Districts) of Part II (Base District Regulations) of Title 11 (Zoning) of the Seal Beach Municipal Code is hereby amended with respect to the minimum floor area for accessory dwelling units that are efficiency second dwelling units, consistent with state law as follows, with all other portions of Table 11.2.05.015.A.4 remaining the same:

"SURFSIDE MINIMUM UNIT SIZES	
Unit Type	Minimum Unit Size (sq. ft.)
Primary dwelling unit	750
Efficiency Second <u>Accessory</u> Dwelling Unit	220 <u>150</u>
1-Bedroom Second <u>Accessory</u> Dwelling Unit	400
2 or more Bedroom Second <u>Accessory</u> Dwelling Unit	600"

The first paragraph of Section 11.4.05.100 (Residential Accessory Uses, Structures, and Vehicle Parking) of Chapter 11.4.05 (Standards for Specific Uses) of Part IV (Regulations Applying in Some or All Districts) is hereby amended to read as follows, with the balance of Section 11.4.05 remaining unchanged:

"This section provides standards for residential accessory uses, structures, and vehicle parking allowed in the zoning district applicable to a parcel (see Table 11.2.05.015: Development Standards for Residential Districts). Accessory uses include any use that is customarily related to a residence, including carports, garages, greenhouses, storage sheds, studios, above ground swimming pools/spas, and workshops; **but excludes Accessory Dwelling Units and Junior Accessory Dwelling Units.**"

Subdivision B (Other Parking Reductions) of Section 11.4.20.020 (Parking Reductions) of Chapter 11.4.20 (Off-Street Parking and Loading) of Part IV (Regulations Applying in Some or All Districts) of Title 11 (Zoning) is hereby amended to read as follows:

"B. Other Parking Reductions. Required parking for any use except a single-unit dwelling, ~~second-unit~~ **accessory dwelling unit**, or two-unit dwelling may be reduced through approval of a conditional use permit pursuant to Chapter 11.5.20: Development Permits, Section 11.5.20.020: Required Findings."

Subdivision H (Direction of Vehicle Ingress/Egress) of Section 11.4.20.025 (General Parking Design Standards" of Chapter 11.4.20 (Off-Street Parking and Loading) of Part IV Part IV (Regulations Applying Some or All Districts) of Title 11 (Zoning) is hereby amended to read as follows:

"H. Direction of Vehicle Ingress/Egress. Off-street parking areas shall allow vehicles to enter and exit from or onto a public street by a forward motion only. Off-street parking areas for single-unit dwellings, ~~second-units~~ **accessory dwelling units**, and two-unit dwellings are exempted."

Subparagraph (2) (Second Unit) of Subdivision (A) (Residential Housing Types) of Section 11.4.85.015 (Residential Use Classifications) of Chapter 11.4.85 (Use Classifications)

of Part IV (Regulations Applying Some or All Districts) of Title 11 (Zoning) is hereby amended to read as follows:

“2. ~~Second Unit~~ **Accessory Dwelling Unit**. An attached or detached accessory residential dwelling unit per state law that provides complete independent living facilities for one or more persons and is located on the same lot as a primary, single-family dwelling. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same lot as the primary dwelling. **See Section 11.4.05.115: Residential Uses, Accessory Dwelling Units in Chapter 11.4.05: Standards for Specific Uses.**”

Subparagraph (1) of Subdivision (A) (Applicability) of Section 11.4.30.040 (Buffer Yards) of Chapter 11.4.30 (Landscaping and Buffer Yards) of Part IV (Regulations Applying in Some or All Districts) of Title 11 (Zoning) is hereby amended to read as follows, and all other provisions of Section 11.4.30.040 shall remain the same:

“2. Redevelopment or expansion of existing development by 15% or more of existing floor area, except for new construction of single units, ~~second units~~ **accessory dwelling units**, or two-unit dwellings.”

Table 11.4.30.040.A (Required Buffer Yards) of Section 11.4.30.040.C (Required Buffer Yards -- Minimum Dimensions and Standards) of Chapter 11.4.30 (Landscaping and Buffer Yards) of Part IV (Regulations Applying in Some or All Districts) of Title 11 (Zoning) is hereby amended to read as follows:

“Table 11.4.30.040.A

REQUIRED BUFFER YARDS

Proposed Land Use on Project Site	Existing Land Use on Adjacent Lot	Minimum Buffer Yard Width (ft.)	Required Screening Wall Height (ft.)
Commercial Use, Mixed-Use Use	Residential Use; Residential Care Facility; Park and Recreation Facility; Day Care Center	10	8
Light Manufacturing Use	Residential Use; Residential Care Facility; Park and Recreation Facility; Day Care Center	20	10
Public and Semi-Public Uses	Residential Use	5	6
Multiple-Unit Residential; Transitional Housing; Senior Housing with 3 or more units on a lot;	Single-Unit Dwelling; Single-Unit Dwelling with <i>Second Accessory Dwelling</i> Unit; or Two-Unit Dwelling”	5	7

Group Housing; Residential Care Facility; Large Family Day Care			
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Section 11.6.06.010 (Definitions of Specialized Terms and Phrases), of Chapter 11.6.05 (Terms and Definitions) of Part VI (Terms and Definitions) of Title 11 (Zoning) of the Seal Beach Municipal Code is hereby amended to repeal the definition of “second dwelling unit” and to amend the definitions of “accessory dwelling unit,” “accessory residential structure,” “accessory living units”, “attached accessory dwelling unit,” “accessory structure (or building),” “detached accessory dwelling unit,” “residential accessory use or structure,” as follows, with all other definitions remaining the same:

~~“Accessory Dwelling Unit *or* ADU: an attached or a detached residential dwelling unit which provides complete independent living facilities for 1 or more persons. It shall include permanent provisions for living, sleeping, eating, cooking (including a kitchen as defined herein), and sanitation on the same parcel as the single family dwelling is situated. An accessory dwelling unit also includes efficiency units, as defined in Section 17958.1 of Health and Safety Code, and manufactured homes, as defined in Section 18007 of the Health and Safety Code. See As defined in Section 11.4.05.115: Residential Uses—Accessory Dwelling Units in Chapter 11.4.05: Standards for Specific Uses.~~

Accessory Residential Structure: a building or other structure on the same parcel as a single-family dwelling that does not alter the single-family residential character of the dwelling or the site. Allowable accessory residential structures include:

- Enclosures such as arbors and gazebos;
- Structures such as workshops, studios, home offices;
- Detached garages and other storage buildings; and
- Private residential recreational facilities such as swimming pools and sport courts.

For accessory dwelling units, see Section 11.4.05.115: Residential Uses, Accessory Dwelling Units in Chapter 11.4.05: Standards for Specific Uses. See also Section 11.4.05.100: Residential Accessory Uses, Structures, and Vehicle Parking in Chapter 11.4.05: Standards for Specific Uses.”

Accessory Living Units: See Section 11.4.05.115: Residential Uses, ~~Second~~ Accessory Dwelling Units in Chapter 11.4.05: Standards for Specific Uses.

Attached Accessory Dwelling Unit (*or attached ADU*): ~~a new or existing second unit that occupies part of the floor area of the primary residence or, is attached to the primary residence by 1 or more common walls. As defined in Section 11.4.05.115: Residential Uses—Accessory Dwelling Units in Chapter 11.4.05: Standards for Specific Uses.~~

Accessory Structure (or Building): a building, part of a building, or structure that is detached from the principal structure or building on a site, and with a use that is incidental to the principal building. Examples include, but are not limited to, detached garages, detached decks, storage buildings, woodsheds, workshops and gazebos. **“Accessory Structure (or building) shall not include an accessory dwelling unit as defined in Section 11.4.05.115: Residential Uses—Accessory Dwelling Units in Chapter 11.4.05: Standards for Specific Uses.”**

Detached Accessory Dwelling Unit (or detached ADU): ~~a new or existing structure that is located on the property such that the unit does not share any walls with the primary residence and the distance between nearest point of any portion of the unit and the primary residence is 6 feet or more.~~ **As defined in Section 11.4.05.115: Residential Uses—Accessory Dwelling Units in Chapter 11.4.05: Standards for Specific Uses.**

Residential Accessory Use or Structure: any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. See Section 11.4.05.100: Residential Accessory Uses and Structures in Chapter 11.4.05: Standards for Specific Uses.

This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property:

- Barbecue islands
- Detached fireplaces
- Garages
- Gazebos
- Greenhouses (non-commercial)
- Patio covers
- Spas, hot tubs, and saunas
- Storage sheds
- Studios
- Swimming pools
- Tennis and other on-site courts
- Workshops

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use.

Does not include: ~~second units~~ *accessory dwelling units*, which are separately defined; ~~guest houses, which are included under the definition of second units~~ (see Section 11.4.05.115: Residential Uses - ~~Second Dwelling Units~~ *Accessory Dwelling Units* in Chapter 11.4.05: Standards for Specific Use); or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (see Chapter 11.4.70: Wireless Telecommunications Facilities).”

~~**Second Dwelling Unit:** an attached or a 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 on the same parcel as the single-family dwelling. A second dwelling unit also includes efficiency units and manufactured homes, as those terms are defined. A second dwelling unit is not an “accessory structure or building.” See Section 11.4.05.115: Residential Uses - Second Dwelling Units in Chapter 11.4.05: Standards for Specific Uses.”~~