



MEMORANDUM

TO: PLANNING COMMISSION

FROM: BRIAN PEDROTTI, COMMUNITY DEVELOPMENT DIRECTOR

BY: ANDREW PEREZ, ASSOCIATE PLANNER

SUBJECT: STUDY SESSION FOR THE PLANNING COMMISSION TO REVIEW, RECEIVE COMMENT AND PROVIDE DIRECTION ON AMENDMENTS TO TITLE 16 OF THE ARROYO GRANDE MUNICIPAL CODE (AGMC) REGARDING ACCESSORY DWELLING UNITS AND TINY HOMES ON WHEELS; DEVELOPMENT CODE AMENDMENT 20-001; LOCATION – CITYWIDE;

DATE: AUGUST 3, 2021

SUMMARY OF ACTION:

The purpose of this hearing is to give the Planning Commission an opportunity to review amendments and provide direction for updates to the accessory dwelling unit (ADU) ordinance, including tiny homes on wheels (THOW).

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

Review and feedback on the ordinance update will not impact financial or personnel resources.

RECOMMENDATION:

It is recommended that the Planning Commission review the proposed amendments, take public comment, and direct staff to return to the Commission for a recommendation hearing.

BACKGROUND:

The state legislature has identified production of Accessory Dwelling Units (ADUs) as an important strategy to increase housing statewide. In 2017, the state made significant changes to the manner by which local governments can regulate ADUs, primarily with respect to parking, types and sizes of ADUs, approval process and timelines, and utility fees. In response, the City adopted Ordinance 688 in October 2017, bringing local regulations consistent with 2017 state law at that time.

While state legislators acknowledged that the ADU permitting process was significantly streamlined as a result of the 2017 legislation, some were concerned that local jurisdictions' regulations, such as unit size maximums and impact fees, continued to

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impede property owners from constructing ADUs. As a result, in October 2019, Governor Newsom signed new state housing bills that further amended Government Code §65852.2 and §65852.22 related to regulations for development of ADUs. Therefore, Title 16 must be amended again for consistency with state law.

ANALYSIS OF ISSUES:

State Legislation

The passage of Assembly Bills 68, 881, 587,670, and 671, and Senate Bill 13 impacted the City’s regulatory authority over the construction of ADUs. A total of six amendments to state law for ADUs were included in the 2019 legislation and made effective on January 1, 2020. Table 1 summarizes each of the six (6) and how each is implemented.

Table 1: 2019 State Law Amendments Affecting ADU Development

Bill	Code Section	Summary	Status
AB 881 AB 68 SB 13	Government Code §65852.2 Accessory Dwelling Units & §65852.22 Junior Accessory Dwelling Units	<ul style="list-style-type: none"> • Allows ADUs up to 850 square feet or 1,000 square feet on any residential or mixed-use lot • Prohibits owner-occupancy requirement. • Requires ministerial approval within 60 days of application. • Prohibits impact fees on ADUs under 750 square feet. • Prohibits minimum lot size requirements for ADU • Reduces parking requirements • Allows one ADU plus one junior ADU 	Amendments proposed to Title 16 to comply
AB 587	New Government Code §65852.22	Option for local agencies to adopt by ordinance a provision that allows an ADU to be sold or conveyed separate from the primary residence if the property was built or developed by a qualified nonprofit corporation	Not proposed in the draft ordinance.
AB 670	Civil Code §4751	Removes covenants, conditions, and restrictions (CC&Rs) in a planned development that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU.	Not required to be incorporated in the AGMC
AB 671	Government Code §65583(c)(7)	Amends housing element law and requires the City to incentivize and promote ADUs that can be offered at an affordable rent.	Addressed in Housing Element update Programs A.2-1 & A.2-2

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The proposed draft ordinance amends existing the development standards for ADUs, including allowed locations, setbacks, size limitations, parking, and owner occupancy (Attachment 1).

Development Standards

Several existing property development standards are required to be amended in response to the changes to state legislation. The existing ordinance prohibits ADU development on mixed-use zoned parcels and requires a minimum lot size requirement of 6,750 square feet. Amendments to state law allow ADUs on any parcel that allows a residential use, including mixed-use zones, regardless of lot size. An ADU may be established within an existing or proposed primary dwelling, conversion of an existing accessory structure, reconstruction of an existing structure proposed to be converted to an ADU, or construction of a new detached structure.

Perhaps the most significant change mandated by state law allows a parcel developed with a primary dwelling unit and an ADU to also establish a Junior Accessory Dwelling Unit (JADU) within the space of an existing primary dwelling unit, for a total of three (3) units on a single property. A JADU, as defined in Government Code Section 65852.22, is a dwelling unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family structure. A JADU shall include an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing dwelling.

Size Limits & Setbacks

State legislation includes a “By-Right Provision” which allows an attached or detached ADU with a maximum size of 850 square-feet for studio or one-bedroom units, or 1,000 square-foot for a unit with more than one bedroom, in any circumstance. ADUs permitted through this provision are subject to a maximum height of 16 feet, four-foot side and rear setbacks, and compliance with all building codes. No minimum lot size or lot coverage requirement shall apply to units permitted by this provision.

The standards proposed in the amended ordinance would limit the maximum size of attached ADUs to 1,200 square feet, or fifty percent (50%) of the total living area of the existing or proposed living area of the primary dwelling unit, whichever is less. This is a change from the existing regulations, which restrict the maximum size of both attached and detached ADUs to the lesser of:

- The maximum unit size allowed in the zone in which the ADU is proposed, which ranged from 850 square feet the Single Family and Village Residential zones, to 1,200 square feet in all others, or
- Fifty percent (50%) of the primary unit.

ADUs proposed to exceed the sizes permitted by the By-Right Provision would remain subject to the setbacks, height limit, lot coverage and floor-area limitations of the zoning district in which they are located.

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Parking

The existing ordinance requires one parking space per bedroom in the ADU, with a maximum of two parking spaces per unit. Amendments to state legislation establish a maximum of one parking space per ADU. Parking spaces for ADUs do not need to be covered and may be located in the driveway or setbacks, a provision that remains the same as the existing ordinance. The proposed ordinance establishes areas in the front yard where parking is prohibited and clarifies that ADU parking spaces must be on fully paved surfaces, consistent with AGMC Section 16.56.070. The five (5) existing parking exemptions in the Municipal Code remain applicable, and the following two exemptions are newly added by state law:

1. Parking spaces are not required when an ADU is created within an existing or proposed structure.
2. Parking spaces for a primary dwelling are not required to be replaced when a garage, carport, or other covered parking structure is demolished or converted in conjunction with the construction of an ADU.

The proposed ordinance retains a parking requirement for ADUs when applicable. However, given the ADU parking space exemptions in the state law, particularly the exemption for ADUs within a half mile of a bus stop, a significant portion of parcels within the City will not be required to provide parking spaces for ADUs.

The existing ordinance also requires parking spaces in a garage or carport to be replaced when converted to an ADU, but that is no longer required under state law. As a result, a property that chooses to convert their garage to an ADU is not required to provide parking for either the primary dwelling unit or ADU.

Owner Occupancy, Rental, and Sales

Owner occupancy is not required for ADUs whose permits were issued after January 1, 2020 and on or before January 1, 2025. ADUs constructed during this time period may be rented separately from the primary dwelling unit, but may not be sold separately. State law allows local ordinance to require owner occupancy for properties developed with a JADU, and the proposed ordinance includes that requirement. The owner may reside in either the primary unit or JADU to satisfy this requirement. Neither ADUs nor JADUs permitted under the amended Code will be eligible to be permitted for use as a short term rental. For purposes of compliance with this standard, a short term rental is defined as any rental of less than 31 days. Properties developed with ADUs at the time of the revisions discussed herein will remain eligible for use as short term rentals.

Tiny Homes on Wheels

City Council authorized staff to develop an ordinance to allow Tiny Homes on Wheels (THOW) on all residentially zoned parcels in the City to address housing supply shortages and affordability (Attachment 2). THOW will be an alternative to permanent ADU structures and have been identified as a means to increase housing supply, choices, and affordability.

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A THOW is considered a type of ADU, and more narrowly defined as a structure intended for separate, independent living quarters for one household that meets the following conditions:

- 1) Is a detached self-contained unit, designed and built to look like a conventional building structure, and which includes basic functional areas that support normal daily routines such as cooking, sleeping, toilet and bathing facilities; and
- 2) Is licensed and registered with the California Department of Motor Vehicles; and
- 3) Meets the American National Standards Institute (ANSI) 119.5 requirements or the National Fire Protection Association (NFPA) 1192 standards, and is certified for ANSI or NFPA compliance. Certification must be made by a qualified third-party inspector; and
- 4) Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection, cannot move under its own power and is no larger than allowed by California State Law for movement on public highways; and
- 5) Has a minimum of 100 square feet and maximum of 400 square feet as measured within the exterior faces of the exterior walls

A recreational vehicle, camper, trailer, or manufactured home, as defined in Section 18010 of the California Health and Safety Code would not be viable as a THOW.

Allowed Locations

THOW are proposed to be allowed on any residential lot with an existing single family dwelling. Both a THOW and ADU would not be allowed on a single lot, as currently proposed. The proposed Ordinance would require the THOW to be located on the rear portion of a lot, and setback at least four feet (4') from an interior or rear property line and ten feet (10') from a street side property line. Additionally, the proposed ordinance requires a THOW to be parked on a surface paved with concrete, asphalt, or an equivalent paving material.

Design Standards

A THOW would be subject to design criteria to maintain the scale and character of the existing residential development. For example, the undercarriage of the THOW shall be hidden from view by the installation of a skirt around its perimeter. The ordinance would also limit the height of the structure to one-story, require that mechanical equipment is integrated into the structure, and prohibits any form of room area extensions, such as slide-outs. The THOW would be required to connect to electric, water, and sewer utilities.

Other Considerations

A THOW would not be eligible for use as a short term rental.

Stakeholder and Community Outreach and Involvement

The sixth cycle Housing Element prioritizes development of ADUs as a strategy to meet housing needs and the Regional Housing Needs Allocation assigned to the City. Housing Element Program A-2.1 calls for an update of the ADU ordinance and publicize

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the ADU program to increase public awareness. During the Housing Element Update, staff received comments from both the Planning Commission and City Council about the desire to update the ADU ordinance to encourage the creation of more ADUs. The SLO County ADU Task Force, a volunteer group promoting development of ADUs, has also identified obstacles in the planning and permitting process that this update hopes to resolve. For example, the ordinance will clarify requirements for maximum unit sizes, parking requirements, and utility connections. Additionally, after adopting the new ordinance, the City's website will be updated to include information about ADU development.

Next Steps

The Planning Commission is being asked to review and comment on the draft ADU ordinance. Revisions to the draft ordinance, as directed by the Commission, will be incorporated by staff before returning for a recommendation to Council for adoption. Staff may also seek input from the SLO County ADU Task Force before returning to the Commission for a recommendation.

ADVANTAGES:

Amending the ADU ordinance will bring it into compliance with state law and allow for a streamlined review process. Incorporating provisions to allow THOW will provide another option to increase housing production and housing options.

DISADVANTAGES:

None identified.

ENVIRONMENTAL REVIEW:

In compliance with the California Environmental Quality Act (CEQA), the Community Development Department has determined that the project is statutorily exempt per Section 15282(h) of the Guidelines regarding projects involving the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city to implement provisions of Government Code Section 65852.2.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2. Notifications about the discussion were also sent to members of the public that have expressed interest in the ordinance update.

Attachment:

1. Draft Accessory Dwelling Unit Ordinance
2. Draft Tiny Home on Wheels Ordinance

**Proposed Amendments to
Title 16 (Arroyo Grande Municipal Code)**

**Accessory Dwelling Units (ADUs)
Planning Commission Study Session Draft (August 2021)**

16.52.150 - Accessory Dwelling Units and Junior Accessory Dwelling Units.

A. Purpose.

The purpose of this section is to provide regulations for the establishment of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) 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 or JADU which conforms to the requirements of this section shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot.

B. Effect of Conforming.

Pursuant to Government Code Section 65852.2(a)(1)(D)(x)(8), 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.

C. Definitions/Prohibited Units.

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 the primary dwelling or multi-family development. An ADU also includes an efficiency unit and manufactured home as provided in Government Code Section 65852.2(j).

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. Junior Accessory Dwelling Unit (JADU): A residential dwelling unit, as defined in Government Code Section 65852.22, that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family structure. A JADU shall include an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing dwelling. A JADU may serve as a rental unit for more than 30 days. Owner-occupancy of either primary dwelling or JADU is required by state law.
3. Prohibited Units: Mobile homes, as defined in Section 18008 of the Health and Safety Code, recreational vehicles, trailers, or similar units, shall not be allowed as ADUs. Tiny Homes on Wheels are allowed as an ADU and are separately defined in Section 16.52.250.

D. Where Permitted/Establishment.

1. ADUs are permitted in all zoning districts allowing single-family or multifamily use on lots developed with existing or proposed dwellings.
2. An ADU may be established by the following methods:
 - a. Attached to, or located within, an existing or proposed primary dwelling.
 - b. A new detached structure, or located within or attached to an accessory structure, including detached garages or similar structures.
 - c. Conversion of permitted existing attached or detached accessory structures, including garages, storage areas, or similar structures.
 - d. Reconstruction of a permitted existing structure or living area that is proposed to be converted to an ADU, or a portion thereof, in the same location and to the same dimensions and setbacks as the existing structure.
3. A Junior Accessory Dwelling Unit (JADU) may be established within the space of the primary dwelling, including an attached garage or attached accessory structure.
4. A JADU may be established within the space of the primary dwelling in combination with the construction of one detached, new construction ADU not exceeding 850 square-feet and a height of 16 feet with four-foot side and rear setbacks.

5. The existing unit may be considered the ADU, in conjunction with the construction of a new primary dwelling unit built, if all applicable zoning requirements are met.
6. ADUs shall be permitted on lots developed with existing multi-family dwellings subject to the following provisions:
 - a. The property shall be developed with an existing multi-family structure(s).
 - b. A minimum of one ADU may be constructed, or up to 25 percent of the existing unit count, within non-livable space, including, but not limited to, storage rooms, passageways, attics, basements, or closets.
 - c. The construction of two detached ADUs with a maximum size of 850 square feet, or 1,000 square feet with more than one bedroom, shall be permitted in addition to ADUs created within non-livable space, subject to a maximum height of 16 feet, and four-foot side and rear setbacks.
 - d. Existing livable space of multi-family dwelling units shall not be converted to ADUs.

E. Permit Requirements:

1. The City shall ministerially review and act on a building permit application for an ADU or JADU within 60 days after receiving the application. An ADU or JADU proposed with a permit application for a new primary dwelling shall not be approved until the primary dwelling receives approval. A certificate of occupancy for an ADU or JADU shall not be issued before occupancy is granted for the primary dwelling.
2. Unless otherwise preempted by state law, the design and construction of all newly constructed ADUs and JADUs shall comply with all applicable building, housing, zoning and site development standards of the Arroyo Grande Development Code, including but not limited to standards regarding setbacks, floor area ratio standards, height, lot coverage, and in the surrounding neighborhood that are listed in the California Register of Historic Places. Applicants shall also comply with all applicable fee and charge requirements, and other applicable zoning requirements.
3. Pursuant to Government Code Section 65852.2(e) (2), the City shall not require the correction of nonconforming zoning conditions as a condition for ministerial approval.

F. Development Standards.

1. ADU Type, Location & Size.

- a. Attached Unit: An ADU attached to an existing primary dwelling shall have a minimum size of 150 square feet and shall not exceed 50 percent of the total existing or proposed living area of the primary dwelling, except as provided by the By-Right Provision below.
- b. Detached Unit: An ADU structurally independent and detached from the existing primary dwelling shall have a minimum size of 150 square feet and shall not exceed 1,200 square feet.
- c. Conversion of Existing Structure: An ADU constructed within the footprint of an existing dwelling or attached or detached structure shall not be subject to a maximum square-footage of living area.
- d. By-Right Provision: An attached or detached ADU with a maximum size of 850 square-feet or 1,000 square-foot with more than one bedroom shall be permitted in any circumstance subject to a maximum height of 16 feet, four-foot side and rear setbacks, and compliance with all building codes. No minimum lot size or lot coverage requirement shall apply.
- e. ADUs shall have independent exterior access from the primary dwelling. No passageway to the primary dwelling shall be required.
- f. Maximum Slope. The building site upon which the accessory dwelling unit will be constructed shall not have an average slope in excess of twenty (20) percent. A topographic map and slope analysis, as recommended by the community development director, shall be stamped and signed by either a registered civil engineer, registered architect, or registered landscape architect. Average slope is defined as follows:

$$S = \frac{I \times L}{A} \times 100$$

Where

S = average natural slope, in percent.

I = interval, in feet, of the contour lines.

L = the sum, in feet, of the length of the contour lines, at selected contour interval "I".

A = the total area, in acres, of the site.

- g. ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence.

2. JADU Location and Size.

- a. A JADU shall be constructed entirely within an existing or proposed primary dwelling and shall not exceed 500 square-feet.
- b. JADUs shall have an independent exterior entrance from the primary dwelling, but may also include shared access between the two units.

3. Required Setbacks.

- a. An attached or detached ADU not exceeding 850 square feet or 1,000 square feet with more than one bedroom, and a height no greater than 16 feet shall provide a minimum setback of four feet from the side and rear property lines. ADUs exceeding the maximum square footage or height specified in this provision shall be subject to compliance with setbacks of the underlying zoning district.
- b. Cornices and eaves may project into the required yards by no more than one foot.
- c. ADUs shall be located on the rear portion of a parcel unless there is no feasible alternative and in no circumstance shall an ADU be located in the front yard setback.
- d. When an ADU is created within an existing structure, the side and rear setbacks must be sufficient for fire safety as determined by the Fire Department.
- e. No setback shall be required for an existing garage or accessory structure converted, or portion thereof, to an ADU and no setback shall be required for a new structure constructed in the same location and same dimensions as an existing structure.
- f. An ADU constructed above an existing garage or dwelling unit, exceeding 16-feet in height, shall meet the side and rear setbacks of the underlying zoning district.
- g. Roof top decks shall be permitted subject to the provisions of Section 16.48.180.

- h. Staircases serving an ADU shall provide a minimum setback of four feet from the side and rear property lines subject to approval by the Fire Department.

4. Height and Maximum Lot Coverage.

ADUs exceeding 850 square feet or 1,000 square feet with more than one bedroom, and/or a height of 16 feet shall comply with the height, floor-area ratio, and maximum lot coverage of the underlying zoning district.

5. Parking.

- a. One additional off-street parking space shall be required per unit; with exceptions per subsection g, below.
- b. No parking space shall be required for an ADU or JADU established within an existing structure.
- c. Parking spaces shall be a minimum dimension of 9 foot by 18 foot except as specified below.
- d. Parking spaces may be located in any configuration on the same lot as the ADU, including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.
- e. 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 must have a minimum clear space width of 10-feet. Vehicles shall not block exterior windows or doors of a dwelling or access to utility boxes or meters.
 - iii. Vehicles must be parked on an acceptable surface of concrete, asphalt, gravel, brick, permeable paver or other stable, dust-free surface.
 - iv. No more than 50% of a front yard shall be dedicated to vehicle parking.
 - v. No parking shall be allowed in front yard landscaping areas.
 - vi. Access to on-site parking spaces shall be provided via an approved driveway location only.

- f. When a garage, carport, or covered parking structure that provides the required spaces for the primary dwelling is demolished or converted in conjunction with the construction of an ADU, no replacement parking shall be required.
- g. Parking Exemption: As required by Government Code Section 65852.2(d), parking space for an ADU shall not be required in any of the following instances:
 - i. The ADU is located within one-half mile walking distance of public transit.
 - ii. The ADU is located within an architecturally and historically significant historic district.
 - iii. The ADU is part of the existing or proposed primary residence or an existing accessory structure.
 - iv. When on-street parking permits are required but not offered to the occupant of the ADU.
 - v. When there is a car share vehicle located within one block of the ADU.
- 5. Architectural Compatibility. The ADU shall incorporate the same colors and materials as the primary residence.
- 6. Impact Fees & Utilities.
 - a. An ADU under 750 square feet shall not be charged development impact fees. An ADU equal to or greater than 750 square feet may be charged development impact fees. These development impact fees shall be proportional to the square footage of the main dwelling and calculated using the ADU square footage.
 - b. ADUs and JADUs shall comply with water and sewer requirements as determined by the Public Works Department.
 - c. The City shall not require a new or separate utility connection or impose a related connection fee or capacity charge for ADUs or JADUs that are contained within an existing residence or accessory structure. Pursuant to Government Code Section 65852.2(f)(5) an ADU not built within the existing space of a single family house or accessory structure may be required to obtain a new or separate utility connection as determined by the Public Works Department and may be subject to a connection fee or

capacity charge based on its square footage or the number of its drainage fixtures unit values.

G. Conditions.

1. An ADU/JADU shall not be sold or otherwise conveyed separate from the primary residence.
2. An ADU/JADU 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/JADU nor the primary dwelling unit shall be rented for a term of less than 31 days. ADUs on multi-family properties shall be subject to this provision, except the restriction shall not apply to existing multi-family units.
4. Owner-occupancy shall be required for a property developed with a JADU. The owner may reside in either the primary dwelling or the JADU.
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.

**Proposed Amendments to
Title 16 (Arroyo Grande Municipal Code)**

**Tiny Homes on Wheels (THOWs)
Planning Commission Study Session Draft (August 2021)**

16.52.250 – Tiny Homes on Wheels (THOW)

- A. Purpose. Tiny Homes on Wheels shall be considered an additional type of Accessory Dwelling Unit, allowed as an accessory use to a single-family residential dwelling, consistent with Government Code, Section 65852.2, subdivision (g) which allows cities to adopt less restrictive requirements than the State-mandated minimums for Accessory Dwelling Units. A Tiny Home on Wheels that meets the definition in this Section may be built and occupied as a new detached Accessory Dwelling Unit, subject to the ministerial review and approval of an application if it complies with the standards of this Section.
- B. Definition. A Tiny Home on Wheels (THOW) is a structure intended for separate, independent living quarters for one household that meets all of the following conditions:
1. Is a detached self-contained unit, designed and built to look like a conventional building structure, and which includes basic functional areas that support normal daily routines such as cooking, sleeping, toilet and bathing facilities; and
 2. Is licensed and registered with the California Department of Motor Vehicles; and
 3. Meets the American National Standards Institute (ANSI) 119.5 requirements or the National Fire Protection Association (NFPA) 1192 standards, and is certified for ANSI or NFPA compliance. Certification must be made by a qualified third-party inspector; and
 4. A pre-fabricated or manufactured THOW shall bear the California Insignia of Approval issued by the State Department of Housing and Community Development to demonstrate compliance with electrical, heat producing, plumbing, and fire and life safety systems and equipment; and
 5. Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection, cannot move under its own power and is no larger than allowed by California State Law for movement on public highways; and
 6. Has a minimum of 100 square feet and maximum of 400 square feet as measured within the exterior faces of the exterior walls.

Tiny Homes on Wheels do not include an RV, camper, trailer, or manufactured home as defined in Section 18010 of the California Health and Safety Code.

C. Criteria. Notwithstanding any other provision of this Code to the contrary, a Tiny Home on Wheels (THOW) shall be allowed as a type of detached Accessory Dwelling Unit on a lot consisting of a single-family dwelling. A THOW shall not be attached to or located within a primary residence, or created through the conversion of an existing structure, as shall be subject to all of the following criteria:

1. Number. One THOW shall be allowed in all residential zones with an existing single-family dwelling. No THOW shall be allowed if there is a permitted Accessory Dwelling Unit. A THOW shall be removed prior to granting final occupancy for an Accessory Dwelling Unit.
2. Limitation on Use. A THOW shall not be utilized as a short-term rental of less than 30 days.
3. Location. A THOW shall be located behind the primary residence unless there is no feasible alternative with a minimum setback of four (4) feet from any interior side or rear property line, and ten (10) feet from a street side lot line.
4. Skirting. The THOW undercarriage (wheels, axles, tongue and hitch) shall be skirted and hidden from view. The THOW shall not have its wheels removed.
5. Parking and surface. The THOW shall be parked on a paved or alternate pad that includes bumper guards, curbs, or other installations adequate to prevent movement of the THOW. The wheels and leveling or support jacks must sit on a paving surface that meet either of the following criteria:
 - a. A parking area for a moveable THOW shall be paved with hard, durable asphaltic paving that is at least two inches thick after compaction, or with cement paving at least three inches thick; or
 - b. Alternative paving materials may consist of porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, decomposed granite, crushed rock or gravel, plastic or concrete grid system confined on all sides and filled with gravel or grass in the voids, or other similar materials that meet the following requirements:
 - i. Permeable interlocking concrete pavers and permeable pavers shall have a minimum thickness of 80 mm (3.14 inches); and

- ii. Products and underlying drainage material shall be installed to meet manufacturers' specifications. Sub-grade soils shall be compacted as required to meet the product installation specifications;
 - iii. No additional parking shall be required for the THOW, and displaced parking resulting from the placement of THOW is not required to be replaced.
6. Utilities. The THOW shall be connected to electric, water, and sewer utilities.
7. Design. The THOW shall incorporate all of the following design elements:
- a. Cladding and trim: Materials used on the exterior of THOW shall exclude single piece composite laminates, or interlocked metal sheathing;
 - b. Windows and doors: Windows shall be at least double pane glass, and include exterior trim. Windows and doors shall not have rounded corners;
 - c. Roofing: Roofs shall have a minimum of a 12:2 pitch for greater than 50 percent of the roof area and not be composed of wooden shingles;
 - d. Extensions. All exterior walls and roof of a THOW shall be fixed with no slide-outs, tip-outs, nor other forms of mechanically articulating room area extensions;
 - e. Mechanical equipment shall be incorporated into the structure and not be located on the roof.
8. Height. A THOW shall not exceed one story.