



## MEMORANDUM

**TO: PLANNING COMMISSION**

**FROM: BRIAN PEDROTTI, COMMUNITY DEVELOPMENT DIRECTOR**

**BY: ANDREW PEREZ, ASSOCIATE PLANNER**

**SUBJECT: CONSIDERATION OF 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 17, 2021**

**SUMMARY OF ACTION:**

A recommendation to City Council to adopt amendments to the accessory dwelling unit ordinance, including tiny homes on wheels (THOW), will allow for submittal to the State for final review and certification.

**IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

Adoption of a recommendation will not impact financial or personnel resources.

**RECOMMENDATION:**

It is recommended that the Planning Commission adopt a Resolution recommending the City Council adopt amendments to the accessory dwelling unit ordinance (Attachment 1).

**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 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.

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Planning Commission Study Session

On August 3, 2021, the Planning Commission reviewed and commented on the proposed amendments to the city's ADU ordinance (Attachment 2). The Commission was supportive of the changes to the ordinance made to comply with state law, and the inclusion of provisions to permit tiny homes on wheels (THOW). The Commission provided the following comments to staff to consider when revising the draft ordinance:

- Modify architectural compatibility standards to be more permissive for pre-fabricated units as ADUs
- Clarify the phrase “no feasible alternative” with regards to lots that cannot accommodate an ADU in the backyard.
- Consider design standards that allow for flexibility in designs that provide light and air for THOW.

The draft ordinance for the Commission's review includes changes to the architectural compatibility provisions for both ADUs and THOW, defines the phrase “no feasible alternative” and private entries, and includes additional design standards for THOW. The draft ordinance also includes revisions to the rental terms for ADUs based on a recent clarification from the City Attorney.

**ANALYSIS OF ISSUES:**

Revisions to the ADU Ordinance

The draft ordinance presented to the Commission was inadvertently restrictive for permitting pre-fabricated or manufactured units as ADUs due to architectural compatibility standards. Those standards required ADUs to use the same colors and materials as the primary dwelling, which is not always feasible for pre-fabricated units. In response to the comments received from the Commission, staff clarified that the architectural compatibility standards requiring matching colors and materials is only required of ADUs either attached to the primary dwelling or created through the conversion of existing space. For example, if a garage were proposed to be converted to an ADU, the materials and colors used for the wall area replacing the removed garage door would be required to match the primary dwelling. Detached ADUs are encouraged to use similar materials and colors, but are not required to use the same materials as to not discourage the use of pre-fabricated units as ADUs.

The previously reviewed draft ordinance included a provision that encouraged ADUs to be located in the backyard, and only allowed the construction of an ADU in the front yard where “no feasible alternative” exists. Staff removed the phrase “no feasible alternative” from this standard and revised it to encourage ADU construction behind the primary dwelling. Front yard setbacks requirements are still applicable to ADU development, however front setbacks may not preclude a statewide exemption ADU and must not unduly constrain the creation of all types of ADUs.

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Short Term Rentals

Staff proposed prohibiting short term rentals (term of less than 30 days) for all ADUs created after the adoption of ordinance updates. The City Attorney clarified that state legislation only prohibits short term rentals of units created under the by-right provisions. City leadership may choose to prohibit short term rentals of all ADUs, but the draft ordinance for the Commission's consideration at this time only mirrors state legislation. For the benefit of the Commission, there are currently eighteen (18) permitted short term rentals that identify the ADU, either wholly or in part, as the rental space.

Tiny Homes on Wheels

In response to comments from the Commission and the public, staff has also revised the design standards for THOW. Language was added to Section 7 that states that THOW "shall resemble the appearance of a traditional home". Provisions for the addition of decks, patios, landings, and other similar features to THOW were added to the ordinance. Staff proposes limiting the area of these features to twenty-five percent (25%) of floor area of the living area. Standards for minimum roof pitch were also modified to allow for designs that contain features that provide increased natural light and airflow for the comfort of the occupants and reduce the reliance on electricity for ventilation and lighting. The standard prohibiting slide-out extensions or pop outs was removed from the ordinance to be more permissive of a variety of designs.

**ADVANTAGES:**

Amending the City's ADU ordinance will bring it into compliance with state law and allow for a streamlined review process. Incorporating provisions to allow THOW will provide an 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:**

A notice of public hearing was published in the Tribune and posted at City Hall and on the City's website on August 6, 2021. The meeting 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.

Attachments:

1. Draft Resolution

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2. Minutes from the August 3, 2021 Planning Commission Meeting
3. Accessory Dwelling Unit Ordinance
4. Draft Tiny Home on Wheels Ordinance

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE RECOMMENDING THE CITY COUNCIL ADOPT ORDINANCES APPROVING DEVELOPMENT CODE AMENDMENT NO. 20-001; AMENDMENTS TO TITLE 16 OF THE ARROYO GRANDE MUNICIPAL CODE (AGMC) REGARDING ACCESSORY DWELLING UNITS AND TINY HOMES ON WHEELS; LOCATION- CITYWIDE**

**WHEREAS**, Section 16.52.150 of the Arroyo Grande Municipal Code (AGMC) contains the City's existing regulations for Accessory Dwelling Units (ADUs); and

**WHEREAS**, AGMC Section 16.52.150 of the Arroyo Grande Municipal was last amended in 2017, after the State legislature had amended Government Code §65852.2 and also added Government Code §65852.22 to provide an option for Junior Accessory Dwelling Units (JADUs), however, the 2017 amendment to AGMC 16.52.150 did not include an option for JADUs at that time; and

**WHEREAS**, in 2019, the California Legislature approved, and the Governor signed into law a number of bills ("New ADU Laws") that, among other things, amended Government Code Section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

**WHEREAS**, the New ADU Laws mandate that cities with accessory dwelling unit ordinances that are inconsistent with the State laws apply the State standards for ADU and JADU approval; and

**WHEREAS**, according to the State Department of Housing and Community Development website the New ADU Laws were adopted to promote the development of ADUs and JADUs, and include allowing ADUs and JADUs to be built concurrently with a single-family dwelling, opening areas where ADUs can be created to include all zoning districts that allow single-family and multifamily uses, modifying fees from utilities such as special districts and water corporations, limited exemptions or reductions in impact fees, and reduced parking requirements; and

**WHEREAS**, the New ADU Laws took effect January 1, 2020, and because the City's ADU ordinance did not comply with the New ADU Laws, the City's ordinance became null and void on that date as a matter of law; and

**WHEREAS**, the City desires to amend its local regulatory scheme for the construction of ADUs and provide for JADUs and to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

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**WHEREAS**, alternative housing models, such as tiny houses on wheels, can provide flexible housing options for a variety of households living at different income levels; and

**WHEREAS**, this Ordinance adds Tiny Homes on Wheels as a separately regulated residential use to encourage housing supply, choices, and affordability; and

**WHEREAS**, Tiny Homes on Wheels will allow for in-fill development that maintains the scale and character of existing development; and

**WHEREAS**, Tiny Homes on Wheels will contribute to the equitable distribution of housing opportunities that are cost accessible to all residents; therefore, reducing regulatory and procedural barriers to increasing housing production and capacity in appropriate locations; and

**WHEREAS**, the City of Arroyo Grande has duly initiated amendments to AGMC Sections 16.52.150 and 16.52.250; and

**WHEREAS**, the Planning Commission of the City of Arroyo Grande, after giving notices thereof as required by law, held a public hearing on August 17, 2021 concerning this code amendment and carefully considered all pertinent testimony and the staff report offered in the case as presented; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Arroyo Grande hereby recommends the City Council adopt Ordinances approving Development Code Amendment 20-001 amending Title 16 of the Arroyo Grande Municipal Code as attached hereto as Exhibit "A" and incorporated herein by this reference.

On motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and by the following roll call vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

the foregoing Resolution was adopted this 17<sup>th</sup> day of August, 2021.

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**GLENN MARTIN  
CHAIR**

**ATTEST:**

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**PATRICK HOLUB  
SECRETARY TO THE COMMISSION**

**AS TO CONTENT:**

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**BRIAN PEDROTTI  
COMMUNITY DEVELOPMENT DIRECTOR**

**EXHIBIT 'A'**

**WHEREAS**, Section 16.52.150 of the Arroyo Grande Municipal Code (AGMC) contains the City's existing regulations for Accessory Dwelling Units (ADUs); and

**WHEREAS**, AGMC Section 16.52.150 of the Arroyo Grande Municipal was last amended in 2017, after the State legislature had amended Government Code §65852.2 and also added Government Code §65852.22 to provide an option for Junior Accessory Dwelling Units (JADUs), however, the 2017 amendment to AGMC 16.52.150 did not include an option for JADUs at that time; and

**WHEREAS**, in 2019, the California Legislature approved, and the Governor signed into law a number of bills ("New ADU Laws") that, among other things, amended Government Code Section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

**WHEREAS**, the New ADU Laws mandate that cities with accessory dwelling unit ordinances that are inconsistent with the State laws apply the State standards for ADU and JADU approval; and

**WHEREAS**, according to the State Department of Housing and Community Development website the New ADU Laws were adopted to promote the development of ADUs and JADUs, and include allowing ADUs and JADUs to be built concurrently with a single-family dwelling, opening areas where ADUs can be created to include all zoning districts that allow single-family and multifamily uses, modifying fees from utilities such as special districts and water corporations, limited exemptions or reductions in impact fees, and reduced parking requirements; and

**WHEREAS**, the New ADU Laws took effect January 1, 2020, and because the City's ADU ordinance did not comply with the New ADU Laws, the City's ordinance became null and void on that date as a matter of law; and

**WHEREAS**, the City desires to amend its local regulatory scheme for the construction of ADUs and provide for JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

**WHEREAS**, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values and personal privacy; and

**WHEREAS**, alternative housing models, such as tiny houses on wheels, can provide flexible housing options for a variety of households living at different income levels; and

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**WHEREAS**, this Ordinance adds Tiny Homes on Wheels as a separately regulated residential use to encourage housing supply, choices, and affordability; and

**WHEREAS**, Tiny Homes on Wheels will allow for in-fill development that maintains the scale and character of existing development; and

**WHEREAS**, Tiny Homes on Wheels will contribute to the equitable distribution of housing opportunities that are cost accessible to all residents; therefore, reducing regulatory and procedural barriers to increasing housing production and capacity in appropriate locations; and

**WHEREAS**, the City desires to preserve its cultural, historical, and architectural heritage and resources as living parts of community life that benefit and enrich the lives of its present and future residents; and

**WHEREAS**, the City has duly initiated this amendment to the Arroyo Grande Municipal Code to amend Section 16.52.150, and add Section 16.52.250 to Title 16, Chapter 52 in order to provide regulations relating to Tiny Homes on Wheels; and

**WHEREAS**, the Planning Commission of the City of Arroyo Grande, after giving notices thereof as required by law, held a public hearing on August 17, 2021 concerning this code amendment and carefully considered all pertinent testimony, the staff report, its attachments and all supporting materials referenced therein or offered in the matter as presented; and

**WHEREAS**, on August 17, 2021, the Planning Commission of the Arroyo Grande recommended to the City Council amending Section 16.52.150 and adding Section 16.52.250 to the Arroyo Grande Municipal Code; and

**WHEREAS**, the City Council of the City of Arroyo Grande has, after giving notice thereof as required by law, held a public hearing on \_\_\_\_\_, 2021, concerning proposed amendments to AGMC Section 16.52.150 and adding AGMC Section 16.52.250; and

**WHEREAS**, the City Council of the City of Arroyo Grande, at its regularly scheduled public meeting on \_\_\_\_\_, 2021 introduced this Ordinance to amend Section 16.52.150 and add Section 16.52.250 to Title 16, Chapter 52 of the Arroyo Grande Municipal Code; and

**WHEREAS**, the City Council has carefully considered all pertinent testimony and the staff report, its attachments and all supporting materials referenced therein or offered in the matter as presented at the public hearing.

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**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DOES ORDAIN AS FOLLOWS:**

SECTION 1. The above recitals and findings are true and correct and are incorporated herein by this reference.

SECTION 2. Section 16.52.150 of the Arroyo Grande Municipal Code is hereby amended in its entirety to read as follows:

**A. 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.

**B. 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.

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- 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.

**C. 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

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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.

**D. 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.

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- 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.

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- c. ADUs shall comply with the front yard setback and be located on the rear portion of a parcel whenever possible.
  - 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.
- a. An ADU created through the conversion of an existing structure shall incorporate the same colors, materials, and architectural features as the primary residence.

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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. ADUs approved ministerially in accordance with subdivision (e) of Government Code Section 65852.2, and JADUs shall be rented for terms longer than 30 days. (Gov. Code, § 65852.2, subds. (a)(6) & (e)(4).) 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.

SECTION 3. Section 16.52.250 is hereby added to Title 16, Chapter 52 of the Arroyo Grande Municipal Code to read as follows:

**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 living area 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

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Dwelling Unit on a lot consisting of a single-family dwelling. A THOW shall cannot 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;

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- 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 resemble the general appearance of a traditional home and 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. Exceptions to this provision may be made for designs that incorporate openings to provide light and air flow for the occupants.
  - d. Mechanical equipment shall be incorporated into the structure and not be located on the roof.
  - e. Decks: Attached patios, decks, landings, or similar architectural features, whether covered or uncovered, shall be open on at least two sides and are limited to 25 percent of the floor area of the THOW.
8. Height. A THOW shall not exceed one story.

SECTION 4. This Ordinance is exempt from the California Environmental Quality Act in accordance State CEQA Guidelines, Article 18: Statutory Exemptions, Section 15282(h). This section of CEQA provides a statutory exemption for “the adoption of an ordinance regarding second units [accessory dwelling units] in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of Government Code as set forth in Section 21080.17 of the Public Resources Code.” The City Clerk shall file a Notice of Exemption from CEQA review in accordance with CEQA Guidelines.

SECTION 5. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within

**RESOLUTION NO.**

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fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

SECTION 6. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

SECTION 7. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

On motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and by the following roll call vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

the foregoing Ordinance was adopted this \_\_\_\_ day of \_\_\_\_\_, 2021.

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**CARON RAY RUSSOM, MAYOR**

**ATTEST:**

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**JESSICA MATSON, CITY CLERK**

**APPROVED AS TO CONTENT:**

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**WHITNEY McDONALD, CITY MANAGER**

**APPROVED AS TO FORM:**

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**TIMOTHY J. CARMEL, CITY ATTORNEY**

**ACTION MINUTES  
MEETING OF THE PLANNING COMMISSION  
TUESDAY, AUGUST 3, 2021  
ARROYO GRANDE COUNCIL CHAMBERS  
215 EAST BRANCH STREET  
ARROYO GRANDE, CALIFORNIA**

**1. CALL TO ORDER**

Chair Martin called the Planning Commission meeting to order at 6:04 p.m.

**2. ROLL CALL**

Planning Commission: Commissioners Kevin Buchanan, Jim Guthrie, Jamie Maraviglia, Vice Chair Frank Schiro and Chair Glenn Martin were present.

Staff Present: Community Development Director Brian Pedrotti, Associate Planner Andrew Perez and Assistant Planner Patrick Holub were present.

**3. FLAG SALUTE**

Chair Martin led the flag salute.

**4. AGENDA REVIEW**

None.

**5. COMMUNITY COMMENTS AND SUGGESTIONS**

None.

**6. WRITTEN COMMUNICATIONS**

None.

**7. CONSENT AGENDA**

**7.a. CONSIDERATION OF APPROVAL OF MINUTES**

**Recommended Action:** Approve the minutes of the June 15, 2021 Regular Planning Commission meeting.

**Action:** Commissioner Maraviglia moved and Commissioner Guthrie seconded the motion to approve the minutes of June 15, 2021.

The motion passed on the following roll-call vote:

**AYES:** Maraviglia, Guthrie and Martin

**NOES:** None

**ABSENT:** None

**ABSTAIN:** Buchanan and Schiro

**8. PUBLIC HEARINGS**

None.

**9. NON-PUBLIC HEARINGS**

**9.a 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**

**Recommended Action:** 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.

Associate Planner Perez presented the staff report and highlighted areas of the ADU ordinance that are proposed to be amended in response to changes to state law. He also responded to questions from the Commission.

Chair Martin opened the public comment.

Joe Dollan spoke in favor of adding provisions to regulate tiny homes on wheels and offered suggestions to the draft ordinance that would make installation of tiny home easier.

Chair Martin closed the public comment.

The Commission was supportive of the proposed amendments, but wanted the architectural compatibility standards in the draft ordinance revised to be more permissive of pre-fabricated units. The Commission also encouraged staff to revise the design standards for tiny homes to allow for flexibility in designs that provide light and air for occupants.

Commissioner Guthrie made a motion to direct staff to make revisions to the draft ordinance in response to comments from the Commission and the public. The motion was unanimously supported.

**10. ADMINISTRATIVE DECISIONS SINCE JULY 20, 2021**

<b>Case No.</b>	<b>Applicant</b>	<b>Address</b>	<b>Description</b>	<b>Action</b>	<b>Appeal Deadline</b>
PPR21-021	Verizon Wireless	459 Puesta del Sol	Upgrade of existing wireless communications facility located at City Reservoir 5	A	8/9/21
PPR21-022	Verizon Wireless	1275 Ash Street	Modifications to an existing wireless telecommunication facility	A	8/4/21

**11. COMMISSION COMMUNICATIONS**

Members of the Planning Commission welcomed Commissioner Buchanan.

**12. STAFF COMMUNICATIONS**

Community Development Director Pedrotti informed the Commission of the Downtown Parking Advisory Board meeting on August 12, 2021 where the Board would discuss parklets in the Village as well as limited time parking signage and curb painting.

**13. ADJOURNMENT**

The meeting adjourned at 7:25 p.m.

**ATTEST:**

\_\_\_\_\_  
**PATRICK HOLUB  
ASSISTANT PLANNER**

\_\_\_\_\_  
**GLENN MARTIN, CHAIR**

(Approved at PC Meeting \_\_\_\_\_)

DRAFT

**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:

$$S = \frac{I \times L \times 100}{A \times 43,560}$$

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 comply with the front yard setback and be located on the rear portion of a parcel whenever possible. ~~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.

- a. The An ADU created through the conversion of an existing structure shall incorporate the same colors and, materials, and architectural features 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.~~ ADUs approved ministerially in accordance with subdivision (e) of Government Code Section 65852.2, and JADUs shall be rented for terms longer than 30 days. (Gov. Code, § 65852.2, subs. (a)(6) & (e)(4).) 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.

**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 living area 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 cannot 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 resemble the general appearance of a traditional home and 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~~ Exceptions to this provision may be made for designs that incorporate openings to provide light and air flow for the occupants
  - 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.
  - f. Decks: Attached patios, decks, landings, or similar architectural features, whether covered or uncovered, shall be open on at least two sides and are limited to 25 percent of the floor area of the THOW
8. Height. A THOW shall not exceed one story.