

RESOLUTION NUMBER PC-2025-04

CITY OF UKIAH

JULY 9, 2025

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UKIAH RECOMMENDING CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING THE UKIAH CITY CODE REGARDING ACCESSORY DWELLING UNITS (ADUs) AND JUNIOR ACCESSORY DWELLING UNITS (JADUs), IN COMPLIANCE WITH STATE LAW (GOVERNMENT CODE §§ 66310 – 66342)

WHEREAS, on December 7, 2022, the Ukiah City Council adopted Resolution No. 2022-79 certifying the Environmental Impact Report for the Ukiah 2040 General Plan (State Clearinghouse No. 2022050556), which analyzed the environmental impacts of the City's General Plan and included adoption of a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations; and

WHEREAS, pursuant to Government Code Section 65850, the City is authorized to adopt zoning regulations, including regulations governing accessory dwelling units and junior accessory dwelling units, consistent with the General Plan; and

WHEREAS, the City of Ukiah adopted ADU Ordinance No. 1244 on September 4, 2024, regulating the construction and development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) within the city; and

WHEREAS, the California Department of Housing and Community Development (HCD), in its letter dated April 24, 2025, issued formal findings pursuant to Government Code § 66326(a), determining that Ukiah's Ordinance No. 1244 did not fully comply with State ADU Law (Government Code §§ 66310 – 66342); and

WHEREAS, the City of Ukiah timely responded to HCD's letter on May 23, 2025, confirming its intent to amend Ordinance No. 1244 to fully align with updated ADU laws, including recent changes under SB 1211, AB 2533, and other applicable legislation; and

WHEREAS, on June 3, 2025, HCD confirmed the City's response was substantially compliant and instructed the City to proceed with formal adoption of the revised Ordinance and submit the adopted version to HCD; and

WHEREAS, the proposed Ordinance amendments are consistent with the goals and policies of the Ukiah General Plan and 6th Cycle Housing Element, and reflect the City's designation as a Pro-Housing community actively working to address its Regional Housing Needs Allocation (RHNA); and

WHEREAS, on June 23, 2025, the City of Ukiah received informal comments from the California Department of Housing and Community Development (HCD) and subsequently incorporated revisions to the proposed ordinance to ensure compliance with State law, including but not limited to Government Code section 66323, subdivision (a), and other applicable provisions. On June 25, 2025, the Planning Commission continued to a certain date, July 9, 2025, at which time the Planning Commission held a duly noticed public hearing to consider the ordinance, receive the staff report,

as well as public comments from interested parties, and after closing the public comments portion discussed the matter; and

WHEREAS, the proposed Ordinance amendments align with the requirements of State law, including recent statutory amendments; promote housing development through clear, objective, and ministerial review processes; are necessary to maintain the validity of the City's ADU Ordinance and Housing Element certification; reflect HCD-reviewed best practices in regulating ADUs and JADUs; and will benefit Ukiah residents by facilitating a wider range of housing options while minimizing potential impacts on existing neighborhoods;

WHEREAS, the Planning Commission has reviewed the ordinance, considered all written and oral testimony, and finds that the ordinance is in the public interest, supports streamlined permitting for compatible uses, and is consistent with the General Plan and applicable state law.

WHEREAS, the Planning Commission has reviewed the ordinance, considered all written and oral testimony, and finds that the ordinance is in the public interest, supports streamlined permitting for compatible uses, and is consistent with the General Plan and applicable state law.

WHEREAS, the Planning Commission has been advised of the guidance from the California Department of Housing and Community Development (HCD), which clarifies that maintaining a non-compliant ordinance while intending to follow State Accessory Dwelling Unit (ADU) Law does not satisfy Government Code section 66326(b), and that the appropriate action is to repeal the existing ordinance pursuant to Government Code section 66326(b)(2) to ensure legal clarity and compliance.

NOW, THEREFORE, BE IT RESOLVED that the City of Ukiah Planning Commission, based upon evidence in the record and oral and written testimony presented at public hearings, and all information contained in the record of proceedings related to the Accessory Dwelling Unit Ordinance, makes the following findings and recommendations:

1. The above recitals are true and correct and incorporated herein by this reference.
2. The proposed amendments to the Accessory Dwelling Unit Ordinance are consistent with the City of Ukiah 2040 General Plan and implement the goals, objectives, and policies of the certified 6th Cycle Housing Element. In accordance with Government Code Section 65860, the zoning amendments remain compatible with the objectives, policies, and land use designations of the General Plan.
3. The proposed ordinance amendments have been reviewed for compliance with the California Environmental Quality Act (CEQA) and are exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3), the "common sense exemption," as it can be seen with certainty that there is no possibility the adoption of the ordinance will have a significant effect on the environment.
4. That the City Council adopt an ordinance amending Ukiah City Code Chapter 2 of Division 9, as shown in the attached Exhibit A, to ensure consistency with current State ADU Law and address the findings issued by the California Department of Housing and Community Development (HCD).

BE IT FURTHER RESOLVED that the Planning Commission designates the City Clerk as the custodian of the document and other materials that constitute the record of proceedings upon which the

Planning Commission decision herein is based. These documents may be found at the office of the City of Ukiah Department of Community Development, 300 Seminary Avenue, Ukiah, CA 95482.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST:

Kristine Lawler, City Clerk
City Clerk

Craig Schlatter, AICP
Community Development Director

Alex De Grassi, Chair
City of Ukiah Planning Commission

Exhibit A: Revised Draft Ordinance (06.30.2025)

ORDINANCE NO.**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING VARIOUS SECTIONS OF THE UKIAH CITY CODE REGULATING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

The City Council of the City of Ukiah hereby ordains as follows:

SECTION ONE. FINDINGS AND DECLARATIONS

1. The proposed amendments to Division 9, Chapter 2 of the Ukiah City Code are consistent with the 2040 Ukiah General Plan and support the goals, objectives, and policies outlined in the 6th Cycle Housing Element. The amendments are specifically designed to conform local zoning standards with state housing laws to meet the statutory requirements and policy expectations of the California Department of Housing and Community Development (HCD), thereby supporting the City's obligation to facilitate housing production and maintain certification of its 6th Cycle Housing Element.
2. The adoption of this Ordinance is a necessary action to continue progress towards production of affordable housing in a way that minimizes impacts to local neighborhoods.
3. When the State revises ADU law, a local jurisdiction's ADU Ordinance, if non-compliant with the new ADU laws, is rendered "null and void" and local jurisdictions must continue to process ADU applications through a ministerial process in accordance with State law.
4. On April 24, 2025, the California Department of Housing and Community Development (HCD) completed its review of the City of Ukiah's ADU Ordinance No. 1244, which was adopted on September 4, 2024 and submitted to HCD on September 5, 2024. Per Government Code § 66326(b)(1), the City responded on May 23, 2025 (within 30 days of receipt of HCD's findings). On June 3, 2025, HCD responded that they found the City's response substantially compliant with State ADU Law. Once amended, the City is instructed to upload the adopted Ordinance to HCD.
5. On June 23, 2025, the City of Ukiah received informal comments from the California Department of Housing and Community Development (HCD) and subsequently incorporated revisions to the proposed ordinance to ensure compliance with State law, including but not limited to Government Code section 66323, subdivision (a), and other applicable provisions.
- 5.6. On June 25, 2025, the Planning Commission continued to a certain date, July 9, 2025, at which time the Planning Commission held a duly noticed public hearing to consider the ordinance, receive the staff report, as well as public comments from interested parties, and after closing the public comments portion discussed the matter.
- 6.7. Through adoption of this ADU Ordinance, the City has responded to HCD's findings and intends to bring the City's ADU Ordinance into compliance with applicable State ADU laws.

SECTION TWO.

Division 9, Chapter 2, Article 5.3 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “* * *”):

§9056 PURPOSE AND INTENT

The purpose of this article is to create an expedient ministerial approval process for residential accessory

dwelling units (ADUs). To do so, this article sets forth development standards in conformance with the California Government Code and tailored to meet the changing needs of Ukiah communities and expand housing choices in all neighborhoods.

§9056.1 GENERAL REQUIREMENTS

Accessory dwelling units (ADU) on lots developed with a primary single-family or multifamily residence or for which a primary residence is proposed shall be ministerially permitted and subject to the following standards/criteria:

- A. The requirements of this article are applicable to all existing ADUs, as well as those proposed after the effective date hereof, except for legal nonconforming units, or as specifically provided herein. Existing ADUs as of the date hereof inconsistent with the provisions listed herein shall be considered legal nonconforming; provided, that they were legal at the time of their creation.
- B. ADUs shall be deemed not to exceed the allowable density for the residential lot upon which an ADU is located. ADUs are deemed a residential use that is consistent with the existing general plan and zoning designation for the lot on which an ADU is located with a primary residence.
- C. These regulations do not allow the division of property upon which an accessory dwelling unit is located unless all requirements of the applicable zoning district or State law are met.
- D. An ADU may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence unless the conveyance meets the requirements of Government Code sections 66340 through 66342.
- E. Accessory dwelling units provide complete independent living facilities for one or more persons. The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.
- F. An ADU must meet all applicable building and fire codes, and shall have electric, water and sewer or septic service with the type of meter arrangement at the property owner's option. Water, sewer, and electrical services shall be available prior to the issuance of a building permit for an ADU. No new water or sewer connection fees may be required for ADUs that are contained within the existing space of a single-family or multifamily residence or accessory structure, unless the ADU is constructed with a new single-family home. Any impact fees charged for an accessory dwelling unit of seven hundred fifty (750) square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- G. Nothing in this chapter shall preclude the development of a junior accessory dwelling unit as regulated by Ukiah City Code and Government Code sections 66333 through 66339.

§9056.2 DEVELOPMENT REQUIREMENTS

- A. Applications for a building permit for an ADU shall be deemed approved if the local agency has not approved or denied the completed application within sixty (60) days. If approved, no additional parking or other development standards shall be applied except for building code and fire safety requirements.
- B. Applications for a building permit within any zoning district where residential uses are allowed or permitted shall be approved ministerially to develop any of the following:

1. Unit Type: An ADU may be attached to an existing primary residence converted from a portion of the existing living area of the primary residence or attached garage, detached and on the same legal lot as a primary residence, converted from the entirety of or a portion of an existing accessory structure, or attached to an existing or proposed accessory structure.
2. Number of Units: The number of ADUs allowed on a single lot shall be:
 - a) On a lot that contains an existing or proposed single-family dwelling: One (1) new ADU attached or detached. Additionally, one (1) converted ADU created from existing space of the single-family residence or an existing accessory structure. Converted ADUs must have exterior access. ADUs converted from existing structures are eligible for a 150 square-foot expansion to accommodate ingress and egress.
 - b) On a lot that contains an existing multifamily dwelling: Eight (8) ADUs, detached from the multifamily structure, and up to twenty-five percent (25%) of the number of units in the existing multifamily dwelling converted from existing non-livable space in a multifamily structure. The number of Accessory Dwelling Units, however, allowable pursuant to this Subsection shall not exceed the number of existing units on the lot.
 - c) On a lot that contains a proposed multifamily dwelling: Two (2) ADUs, detached from the multifamily structure.
- C. Size: The maximum size of a detached ADU shall be one thousand two hundred (1,200) square feet, unless located on the same parcel as a multi-family structure, in which case there shall be no maximum unit size. The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to unit size requirements.
- D. Improvements: The City shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU, the correction of nonconforming zoning conditions. For purposes of this section, "nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- E. Lot Size: No minimum lot size shall be required.
- F. Lot Coverage: The lot coverage limitation of the base zoning district shall not apply to the construction of an ADU.
- G. Construction Standards: Not exclusive of other applicable State and local building and fire regulations, ADUs shall comply with the following requirements:
 1. Structures within the State responsibility area (SRA) must comply with applicable local and state regulations for setbacks and fire-resistive construction.
 2. Structures outside of the SRA must comply with building code regulations for fire-resistive construction, unless more restrictive standards are required pursuant to State law or regulation.
 3. Fire sprinklers are not required for the ADU if not required for the primary residence, and the construction of an ADU may not trigger the requirement for fire sprinklers in an existing primary dwelling.

§9056.3 SETBACKS

The following yard setback requirements shall apply to ADUs:

A. Front Yard: The same as the existing primary residence, but no closer than five feet (5') for the construction of a new detached ADU greater than 800 square feet.

1. For construction of a detached ADU, the application of front yard setbacks do not apply to an ADU of eight hundred (800) square feet or less when associated with a Single-Family Dwelling unit.

1-2. For construction of a detached ADU, the application of front yard setbacks does not apply to construction an ADU when associated with a Multiple-Family Dwelling.

A-B. Side Yard or Rear Yard: Four feet (4').

B-C. No setback shall be required for an existing living area, garage, or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU.

C-D. The application of front yard setbacks cannot preclude an ADU of eight hundred (800) square feet or less. An ADU created within the existing space of an accessory structure can be expanded beyond the physical dimensions of the structure up to 150 square feet solely for the purpose of accommodating ingress and egress. The resulting ADU shall conform only to setbacks sufficient for fire and safety

§9056.4 PARKING

1. Parking requirements for the ADU shall be one off-street space (independently accessible or tandem) in addition to the accessible parking spaces required for the existing single-family or multifamily residence. If the primary residence was legally constructed at a time when on-site parking was not required, then only the parking space(s) for the ADU shall be required.
2. Off-street parking shall be permitted in setback areas in compliance with the definition of "off-street parking" found in section 9278B of this code or through tandem parking.
3. Parking standards will not be imposed for an ADU in any of the following instances:
 1. The ADU is located within one-half (1/2) mile of a public transit stop;
 2. The ADU is located within an architecturally and historically significant district;
 3. The ADU is part of the existing primary residence or an existing accessory structure;
 4. When on-street parking permits are required but not offered to the occupant of the ADU;
 5. When there is a car share vehicle located within one block of the ADU;
 6. When an application for an ADU is submitted with an application to create a new single-family or multifamily dwelling on the same lot.
4. If a garage (attached or detached), carport, or uncovered or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the City shall

not require that those off-street parking spaces be replaced.

5. No parking shall be required for ADUs created pursuant to Government Code § 66323, including:

1. Converted ADUs in existing single-family homes or accessory structures;
2. New detached ADUs (≤ 800 square feet);
3. ADUs converted from non-livable space in multifamily buildings (up to 25% of units);
4. Detached ADUs on lots with multifamily structures.

§9056.5 LEGAL NONCONFORMING ACCESSORY STRUCTURES

ADUs converted from residential accessory structures determined to be legal nonconforming shall be subject to the following requirements:

- A. A legal nonconforming residential accessory structure that is converted to an ADU, or reconstructed as an ADU to the same footprint and dimensions as the original structure, shall not be subject to setback requirements.
- B. A legal nonconforming residential accessory structure that is converted to an ADU may be expanded up to one thousand two hundred (1,200) square feet if the expansion will comply with the height limit and setbacks for new detached ADUs.
- C. Expansion of floor area within a nonconforming setback is limited to one hundred fifty (150) square feet, if necessary, to accommodate associated utilities, ingress and egress.
- D. Delay of Enforcement of Building Standards.
 1. The owner of an Accessory Dwelling Unit that was built before January 1, 2020, may submit an application to the Building Official ~~requesting that~~requesting correction of any violation of building standards. For purposes of this Section, “building standards” refers to those standards enforced by permitting agencies under the authority of Section 17960 of the California Health and Safety Code.
 2. The Building Official shall grant the application if determined that enforcement of the building standard is not necessary to protect health and safety. In making this determination, the Building Official shall consult with the Fire Official.
 3. Any notice to correct a violation of a building standard that is issued to the owner of an Accessory Dwelling Unit built before January 1, 2020, shall include a statement that the owner has a right to request a delay in enforcement of the building standard for an Accessory Dwelling Unit pursuant to this Section.
 4. The City shall not impose impact fees or connection or capacity charges for ADUs ~~or JADUs~~ legalized under this Section.

§9056.6 HEIGHT

- A. The maximum height for detached ADUs shall be twenty feet (20').

- B. ADUs attached to the primary structure can be constructed to a height of twenty-five feet (25') or the maximum height for the zoning district in which the unit is located.
- C. ADUs may be taller than the primary residential structure.
- D. ADUs above a garage (attached or detached) can be constructed to the maximum height for the zoning district in which the unit is located, or twenty-five feet (25'), whichever is greater.
- E. Detached ADUs greater than twenty feet (20') in height may be approved through the granting of a minor site development permit.

SECTION THREE.

Division 9, Chapter 2, Article 5.4 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “* * *”):

§9057 PURPOSE AND INTENT

The purpose of this article is to implement the requirements of the Government Code and provisions of the General Plan Housing Element that encourage the production of affordable housing by expanding housing opportunities for all economic segments of the community.

§9057.1 GENERAL REQUIREMENTS

Junior accessory dwelling units (JADUs) shall be ministerially permitted in zoning districts that allow single-family dwelling units as permitted uses, in compliance with Government Code sections 66333 through 66339, the requirements of this section, and all other requirements of the applicable zoning district. The Department shall approve or deny an application to create a JADU within sixty (60) days from the date it receives a completed application if there is an existing single-family dwelling on the lot.

For the purposes of constructing a JADU, attached garages are part of a single-family dwelling.

- A. Permit Requirements and Fees: Construction permits (including, but not limited to, a building, electrical, or mechanical permit) shall be required to establish a JADU. A JADU shall not be considered a separate or new dwelling unit for purposes of applying building codes, fire codes, well and septic requirements, or collection of impact fees.
- B. Timing: A JADU may be established after or concurrently with the single-family residence.
- C. Development Standards:
 - 1. Number of Units: One JADU is allowed per lot, within a single-family residence.
 - 2. Unit Size: The floor area of a JADU shall not exceed five hundred (500) square feet. If the bathroom is shared with the single-family residence, it shall not be included in the floor area.
 - 3. Location: A JADU shall be created from space in an existing, fully permitted, or proposed single-family dwelling or garage attached to the single-family residence.
 - 4. Access: A separate, exterior entrance to the JADU shall be provided.
 - 5. Bathroom: If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main

living area.

6. Kitchen: A JADU shall include an efficiency kitchen. The efficiency kitchen must be removed when the JADU use ceases.
7. The owner of a Junior Accessory Dwelling Unit that was built before January 1, 2020, may submit an application to the Building Official requesting that correction of any violation of building standards be delayed for five years. For purposes of this Section, "building standards" refers to those standards enforced by permitting agencies under the authority of Section 17960 of the California Health and Safety Code.
 - a. The Building Official shall grant the application if the Building Official determines that enforcement of the building standard is not necessary to protect health and safety. In making this determination, the Building Official shall consult with the Fire Marshal.
 - b. Any notice to correct a violation of a building standard that is issued to the owner of a Junior Accessory Dwelling Unit built before January 1, 2020, shall include a statement that the owner has a right to request a delay in enforcement of the building standard for a Junior Accessory Dwelling Unit pursuant to this Section.
 - ~~b.c. The City shall not impose impact fees or connection or capacity charges for JADUs legalized under this Section.~~

D. Use Restrictions

1. JADUs may be rented but shall not be sold separate from the single-family residence.
2. JADUs may not be rented for periods of less than thirty (30) days.
3. The owner of the property must reside in either the single-family home or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
4. Deed Restriction: The property owner shall record a deed restriction that:
 - a) Includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and
 - b) Specifies that the deed restriction runs with the land and is enforceable against future property owners; and
 - c) Restricts the size and attributes of the JADU to those established by this section and Government Code section 66333; and
 - d) Makes the City of Ukiah a third-party beneficiary of the deed restriction with the right to enforce the provisions of the deed restriction.

SECTION FOUR.

1. PUBLICATION: Within fifteen (15) days after its adoption, this Ordinance shall be published once in a newspaper of general circulation in the City of Ukiah. In lieu of publishing the full text of the Ordinance, the City may publish a summary of the Ordinance once 5 days prior to its adoption and again within fifteen (15) days after its adoption.
2. EFFECTIVE DATE: The ordinance shall become effective thirty (30) days after its adoption.
3. SEVERABILITY: Pursuant to Government Code section 66316, if any part of this ordinance is

determined to be inconsistent with the requirements of state law governing accessory dwelling units or junior accessory dwelling units, the ordinance shall be deemed null and void. In such an event, the City shall apply the standards established in state law for the approval of accessory dwelling units, unless a revised ordinance that complies with state law is duly adopted.

4. ENVIRONMENTAL REVIEW: The ordinance regulates the construction and development of accessory dwelling units, which are either additions to existing structures or new small structures, both of which are categorically and statutorily exempt under CEQA. The City Council, exercising its independent judgment, finds that the adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3, beginning at Section 15000). Because the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, it is also exempt under Section 15061(b)(3), the “common sense” exemption, as it can be seen with certainty that there is no possibility the ordinance may have a significant effect on the environment

Introduced by title only on , 2025, by the following roll call vote: AYES:

NOES:

ABSENT:

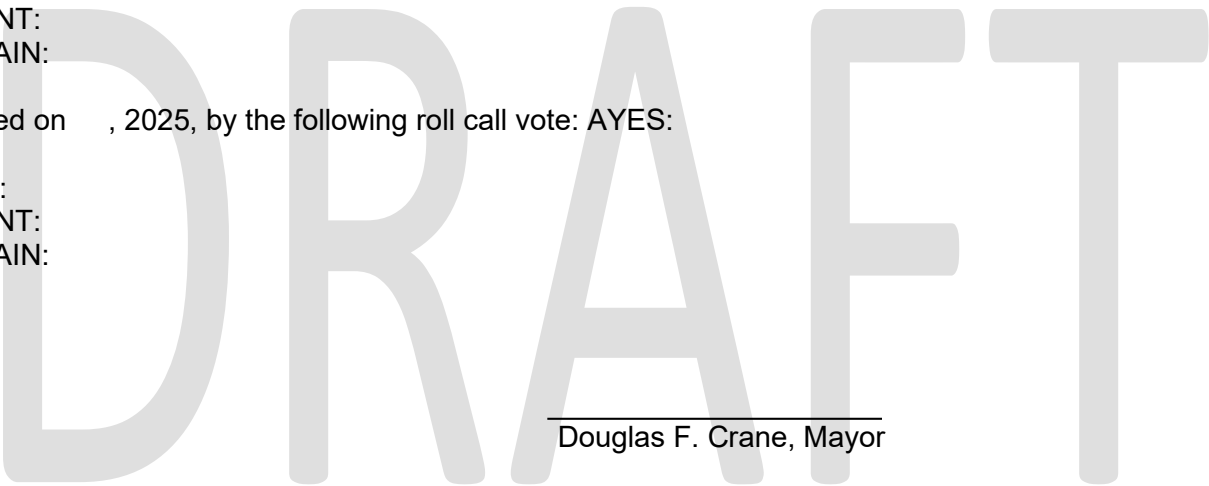
ABSTAIN:

Adopted on , 2025, by the following roll call vote: AYES:

NOES:

ABSENT:

ABSTAIN:



Douglas F. Crane, Mayor

ATTEST:

Kristine Lawler, CMC/City Clerk