

RESOLUTION NO. ____ - 20 (PC)

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WATSONVILLE, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL ADOPTION OF TEXT AMENDMENTS TO TITLE 14 (ZONING) OF THE WATSONVILLE MUNICIPAL CODE, AMENDING CHAPTER 14-16 (DISTRICT REGULATIONS), CHAPTER 14-18 (DEFINITIONS), CHAPTER 14-40 (GENERAL PROVISIONS, EXCEPTIONS, AND MODIFICATIONS), AND REPEALING CHAPTER 14-23 (ACCESSORY DWELLING UNITS) AND REPLACEMENT WITH NEW CHAPTER 14-23 FOR THE REGULATION OF ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS LOCATED WITHIN THE CITY

WHEREAS, the state Legislature has found the following: (1) Accessory dwelling units are a valuable form of housing in California; (2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods; (3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security; (4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California; (5) California faces a severe housing crisis; (6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners; (7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character; (8) Accessory dwelling units are, therefore, an essential component of California's housing supply; and

WHEREAS, the state Legislature has declared that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance; and

WHEREAS, on August 26, 2003, the City Council of the City of Watsonville passed Ordinance No. 1162-03 amending Title 14 (Zoning) of the Watsonville Municipal Code by amending Chapter 16 (District Regulations), Chapter 18 (Definitions), Chapter 23 (Accessory Dwelling Units), and Chapter 40 (General Provisions, Exceptions, and Modifications), to allow creation of Accessory Dwelling Units to comply with regulations in Section 65852 of the California Government Code relating to granny units and second dwellings; and

WHEREAS, the State of California, recognizing the importance of Accessory Dwelling Units (ADUs) in addressing California's severe housing crisis, amended Government Code Section 65852.2 and Section 65852.22, added Government Code Section 65852.26, added Section 17980.12 to the Health and Safety Code, and amended Civil Code Section 4751 to help reduce development barriers and expand potential capacity to build ADUs and Junior Accessory Dwelling Units (JADUs); and

WHEREAS, Senate Bill 13, Assembly Bill 68, Assembly Bill 587, Assembly Bill 670, and Assembly Bill 881 were signed into law on October 9, 2019, and become

effective on January 1, 2020; and

WHEREAS, Senate Bill 13, Assembly Bill 68, and Assembly Bill 881 make changes to existing state legislation regarding development standards, development impact and capacity fees, and amnesty for ADUs and JADUs; and

WHEREAS, Assembly Bill 670 voids restrictions within common interest developments that inhibit construction of ADUs according to specific criteria; and

WHEREAS, Assembly Bill 587 established a process by which ADUs may be sold separately from a primary residence; and

WHEREAS, in order to ensure consistency with new changes to State laws affecting ADUs and JADUs, it will be necessary to amend Chapter 14-16 (District Regulations) to identify those zoning districts where ADUs and JADUs may be allowed; and

WHEREAS, in order to comply with the new changes to State Laws affecting ADUs and JADUs, it will be necessary to amend Title 14 (Zoning) of the Watsonville Municipal Code amending Chapter 14-12 (Zoning Permits), Chapter 14-16 (District Regulations), Chapter 14-18 (Definitions), Chapter 14-40 (General Provisions, Exceptions, and Modifications), and repeal Chapter 14-23 (Accessory Dwelling Units) and replace with new Chapter 14-23 (Accessory Dwelling Units and Junior Accessory Dwelling Units) to provide development standards consistent with new changes to State laws; and

WHEREAS, Senate Bill 13, Assembly Bill 68, Assembly Bill 881, Assembly Bill 670 and Assembly Bill 587 became effective on January 1, 2020; and,

WHEREAS, due to the late adoption of these statutes in the state legislative cycle, the new State ADU laws include provisions declaring void local ADU regulations that do not meet the requirements of the new State ADU laws, and/or provisions requiring submission of local ADU regulations to the State for review, and for referral to the Attorney General of local ADU regulations the State deems not compliant with the new State ADU laws; and

WHEREAS, the new State ADU laws and their local implementation raise important public health and safety issues, including the availability of affordable housing in a community, maintenance of livable neighborhoods, effective local administration of applications for new ADU development, and preservation of development fee revenues critical for funding infrastructure required to serve new ADU development; and

WHEREAS, absent the adoption of the new ADU ordinance to achieve compliance of the ADU regulations with the new State ADU laws, and the new State ADU laws may void current City requirements related to ADUs and JADUs, threatening the City's ability to protect the public health and safety by providing for the availability of affordable housing in the community, the maintenance of livable neighborhoods, effective local administration of applications for new ADU development, and the preservation of development fee revenues critical for funding infrastructure required to serve new ADU development; and

WHEREAS, the Planning Commission has conducted a public hearing in accordance with Part 10 of WMC Chapter 14-10, considered all written and verbal evidence regarding the proposed Zoning Code text amendments, and made the following findings to recommend approval of the Ordinance text to the City Council per WMC Section 14-12.807:

(a) That the proposed Zoning Code text amendment is consistent with the policies embodied in the General Plan, in that the ordinance allows the City to facilitate development standards for creation of ADUs and JADUs that are consistent with Housing Element Goal 1.0 - Improve, conserve and preserve both the safe conditions of and the continued availability of Watsonville's existing affordable housing stock in order to meet the housing needs of all economic segments of the community, Goal 2.0 - Expand and protect housing opportunities for all economic segments and special needs groups within the community, Goal 4.0 - Where appropriate, mitigate unnecessary government constraints to the maintenance, improvements and development of housing and Goal 5.0 - Ensure fair and equal housing opportunity for all person regardless of race, religion, sex, marital status, family type, ancestry, national origins, color or protected status.

(b) That the proposed Zoning Code text amendment is compatible to the extent possible with the actual and general planned use of the adjacent properties, in that the Ordinance includes development standards compliant with state legislation changes regarding the planning and creation of ADUs and JADUs

effective January 1, 2020. The proposed Zoning Code text amendment is related to the following residential zones, R-1 (Single Family Residential), R-1P (Single Family Planned Residential District), RM-2 (Multiple Residential - Medium Density), and RM-3 (Multiple Residential - High Density) where the surrounding general planned use of adjacent properties is zoned residential and will be compatible with the actual and general planned use of the adjacent properties.

WHEREAS, the Planning Commission has found that the proposed Zoning Code text amendment is exempt from the California Environmental Quality Act (CEQA), in that the action is in accordance with Section 2180.17 of the California Environmental Quality Act (CEQA), adoption of ordinances by cities to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code are exempt from the requirements of CEQA;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Watsonville, California, as follows:

Good cause appearing, therefore, the Planning Commission of the City of Watsonville does hereby recommend the City Council adopt an Ordinance amending Titles 14 (Zoning) amending Chapter 14-12 (Zoning Permits), Chapter 14-16 (District Regulations), Chapter 14-18 (Definitions), Chapter 14-40 (General Provisions, Exceptions, and Modifications), and repeal Chapter 14-23 (Accessory Dwelling Units) of the Watsonville Municipal Code and replace with new Chapter 14-23 regarding the creation of Accessory Dwelling Units and Junior Accessory Dwelling Units. The proposed Zoning Code text amendment language is attached as Exhibits “A” and “B.”

I HEREBY CERTIFY that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Watsonville, California, held on the 14th day of July, 2020, by Commissioner , who moved its adoption, which motion being duly seconded by Commissioner , was upon roll call, carried and the resolution adopted by the following vote:

Ayes: Commissioners:

Noes: Commissioners:

Absent: Commissioners:

Suzi Merriam, Secretary
Planning Commission

Mathew H. Jones, Chairperson
Planning Commission

EXHIBIT

"A"

CITY OF WATSONVILLE PLANNING COMMISSION

Chapter 14-12 Zoning Permits

Part 4: Design Review Permit

14-12.400

(c) The following projects are subject to Minor Design Review under subdivision (c) of § 14-12.400:

- ~~1) Accessory dwelling units;~~
- 1) Expansions of multi-family residential, institutional, commercial or industrial buildings of less than twenty-five percent (25%) in total floor area, where the proposed expansion will not cause increased impacts on existing infrastructure and public services, as determined by the Zoning Administrator;
- 2) Changes in use requiring additional parking, where the proposed parking can be accommodated, and the use will not cause increased impacts on existing infrastructure and public services, as determined by the Zoning Administrator, and the use is proposed in existing structures;
- 3) Exterior remodel;
- 4) Residential multi-family projects consisting of two (2) of three (3) dwelling units.

14-16 District Regulations

Part 2: R-1 Single-Family Residential District (Low Density)

14-16.202 Accessory uses.

The following uses require an Administrative Review Permit under Part 3 of Chapter 12 of this Title 14, commencing with § 14-12.300:

DLU	4821	Amateur radio antennas
	6325	Private garage accessory to a principal residence

	872	Private swimming pool accessory to a principal residence
	9130	Greenhouses
	9131	Lathhouses
	–	Residential accessory uses
	–	Home occupations
	07	Residential care facility, six (6) or less persons, and any similar use presently pre-empted by State regulatory controls
	724	Child care homes (small family), six (6) children or less
	724	Child care home (large family) seven (7) to fourteen (14) children
	02	Accessory dwelling unit
	02	Junior accessory dwelling unit

Part 2-A: R-1P—Single-Family Planned Residential District

14-16.252 Accessory uses.

The following uses require an Administrative Review Permit under Part 3 of Chapter 12 of this Title 14, commencing with § 14-12.300:

DLU	02	Accessory dwelling unit
	02	Junior accessory dwelling unit
DLU	4821	Amateur radio antennas

	6324	Private garage accessory to a principal residence
	872	Private swimming pool accessory to a principal residence
	9130	Greenhouses
	9131	Residential accessory uses
		Home occupations (if permitted in individual subdivision CC&Rs)
	724	Child care homes (small family), six (6) children or less
	724	Child care homes (large family), seven (7) to fourteen (14) children

Part 3: RM-2—Multiple Residential District (Medium Density)

14-16.302 Accessory uses.

The following uses require an Administrative Review Permit under Part 3 of Chapter 12 of this Title 14, commencing with § 14-12.300:

DLU	02	Accessory dwelling unit
	02	Junior accessory dwelling unit
	4821	Amateur radio antennas
	6325	Private garage accessory to a principal residence
	812	Private Park and recreation facilities
	9130	Greenhouses

	9131	Residential accessory uses
		Home occupations
	07	Residential care facility, six (6) or less persons, and any similar use presently preempted by State law
	724	Child care homes (large family), seven (7) to fourteen (14) children

Part 4: RM-3—Multiple Residential District (High Density)

14-16.401 Principal permitted uses.

The following uses require an Administrative Review Permit under Part 3 of Chapter 12 of this Title 14, commencing with § 14-12.300:

GLU	03	Multi-family dwelling
	04	Apartment units, sixteen (16) or less on one site
	06	Townhouses, row houses containing ten (10) or less dwelling units
	02	Accessory dwelling unit

14-16.402 Accessory uses.

The following uses require an Administrative Review Permit under Part 3 of Chapter 12 of this Title 14, commencing with § 14-12.300:

DLU	02	Accessory dwelling unit
	02	Junior accessory dwelling unit
	4821	Amateur radio antennas

	6325	Private garage accessory to a principal residence
	812	Private Park and recreation facilities
	9130	Greenhouses
	9131	Residential accessory uses
		Home occupations
	07	Residential care facility, six (6) or less persons, and any similar use presently preempted by State law
	724	Child care homes (small family), six (6) children or less
	724	Child care homes (large family), seven (7) to twelve (12) children

Chapter 14-18 Definitions

~~14-18.324 Dwelling unit, accessory (accessory dwelling unit).~~

~~An “accessory dwelling unit” shall mean a unit having separate living, sleeping, eating, cooking and sanitation facilities attached to or detached from an existing single-family dwelling which is not intended for sale, but may be rented.~~

14-18.324 Dwelling unit, accessory (accessory dwelling unit.)

Accessory Dwelling Unit (ADU) means an attached or a detached subordinate residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence or residences. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- a) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
- b) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

14-18.325 Dwelling unit, Junior Accessory.

A junior accessory dwelling unit (JADU) shall mean a unit that is no more than 500 square feet in size and contained within an existing or proposed single-family dwelling. A JADU shall include an efficiency kitchen and may include separate sanitation facilities, or may share sanitation facilities with the existing single-family dwelling. A JADU shall have its own exterior access for ingress/egress separate from the existing or proposed single-family dwelling.

~~**14-18.326 Dwelling unit, efficiency.** “Dwelling unit, efficiency” shall mean any habitable room having cooking facilities and intended or designed to be used for combined living, dining, and sleeping purposes. The term shall include efficiency apartments and studio apartment.~~

14-18.326 Dwelling unit, efficiency.

“Dwelling unit, efficiency” shall have the same meaning specified in [Section 17958.1](#) of the Health and Safety Code.

14-18.490. Living Area. Living area shall mean the interior habitable area of a dwelling unit, including basements and attics but does not include a garage or any attached accessory structure.

Chapter 14-40

General Provisions, Exceptions and Modifications

14-40.030 Accessory buildings.

The following shall apply to accessory buildings within the City:

(a) Residential related accessory buildings.

(1) Accessory buildings must utilize compatible material, architecture, and color as the principal residence on the site. Accessory buildings may only be constructed on a lot containing a main/principal residence.

(2) No accessory buildings shall be located in a front or exterior side yard.

~~(3) No accessory buildings shall be located within one foot from any rear or interior side property line. Buildings exceeding fifteen (15') feet in height shall have a minimum five (5') foot set back and shall be set back an additional one foot for each foot over fifteen (15') feet to a maximum ten (10') foot set back and a minimum five (5') feet from any property line abutting a public or private alley. In no event shall an accessory dwelling unit be located closer than five (5') feet to any property line.~~

(3) No setback shall be required for an existing accessory structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU so long as the height does not exceed 16-feet. For rebuilt accessory structures exceeding 16-feet in height, minimum rear and side yard setbacks shall be 4-feet.

~~(4) No accessory building shall be designated or utilized as habitable space as defined by the California Building Code (CBC).~~

(5) A minimum of six (6') feet shall be provided between accessory buildings and the principal building or another accessory building.

~~(6) Accessory buildings may not occupy an area in excess of thirty (30%) percent of the rear or interior side yard area. All such buildings shall be considered in calculating lot coverage.~~

**EXHIBIT
“B”**

CHAPTER 23

ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS

CONTENTS

ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS.	Error! Bookmark not defined.
14-23.005 Name.....	1
14-23.006 Definitions.....	1
14-23.010 Purpose.....	2
14-23.020 Maximum Number of Occupants.....	2
14-23.030 ADU and JADU Use Standards.	2
14-23.040 ADU and JADU Design Standards.....	Error! Bookmark not defined.
14-23.050 Fire Sprinkler Standards.	Error! Bookmark not defined.
14-23.060 Parking Standards.	5
14-23.070 Non-Profit Affordable ADU Standards.....	6
14-23.080 Impact Fees.....	6
14-23.090 Utility Connections.....	Error! Bookmark not defined.
14-23.100 Deferred Code Enforcement.....	6
14-23.110 Restrictions.....	7
SECTION 2. PUBLICATION.	Error! Bookmark not defined.

14-23.005 NAME

This ordinance shall be known as the Watsonville ADU Ordinance

14-23.006 DEFINITIONS

- a. Accessory Dwelling Unit or ADU shall have the meaning set forth in Section 14-18.324
- b. Junior Accessory Dwelling Unit or JADU shall have the meaning set forth in Section 14-18.325.
- c. “Occupant” shall mean a person or person(s) who permanently reside in a dwelling.
- d. “Primary dwelling unit” shall mean the existing or proposed single family dwelling located on a parcel meeting all development standards for the

underlying zoning district.

14-23.010 PURPOSE

The purposes of this Ordinance are to:

- a. Implement and comply with §§ 65852.2, 65852.22, 65852.26 of the California Government Code, and §17980.12 of the California Health and Safety Code as those statutes exist on January 1, 2020
- b. Revise standards for development of ADUs and JADUs.

14-23.020 MAXIMUM NUMBERS OF OCCUPANTS

Occupants shall be limited to no more than two (2) persons for an efficiency dwelling unit as defined in [Section 17958.1](#) of the Health and Safety Code, three (3) persons for a one-bedroom dwelling unit, four (4) persons for a two-bedroom dwelling unit, and five (5) persons for a three-bedroom dwelling unit.

14-23.030 ADU AND JADU USE STANDARDS

- a. The maximum permitted living area for ADUs in any residential district shall not exceed that shown in Table 1.

TABLE 1: MAXIMUM ADU LIVING AREA	
Lot Size (SF)	Maximum AD Living Area (SF)
Lots less than 5,999 SF	One 850 SF (maximum 2 bedrooms)
Lots less than 9,999 SF	One 1,000 SF (maximum 2 bedrooms)
Lots greater than 10,000 SF	One 1,200 SF (maximum 3 bedrooms)
Lots greater than 12,000 SF	One 1,200 SF (maximum 3 bedrooms) or two ADUs (maximum 750 SF and 2 bedrooms)

- b. The number of ADUs and JADUs on any one parcel in any residential district shall not exceed the number shown in Table 2.

TABLE 2: NUMBER OF PERMISSIBLE ADUS OR JADUS			
District	R-1	R-1P	RM-2/RM-3
ADUs Permitted	1 ¹	1	25% of # of units when converting a portion of an existing structure not used as livable space ² or up to 2 new detached units
JADUs Permitted	1	1	One ADU and one JADU if a single-family dwelling exists on the lot at time of application ³

- c. The minimum set back distances for ADUs and JADUs on any one parcel in any residential district shall be not less than shown in Table 3.

TABLE 3: MINIMUM SETBACK DISTANCE			
District	R-1	RM-2	RM-2/RM-3
Front yard	20'		
Interior side yard	4'		
Exterior side yard	10'		
Rear yard	4'		
Setback from alleyway	5'		

- d. The maximum building height for any ADU and JADU on any one parcel in any residential district shall be not more than shown in Table 4.

TABLE 4: MAXIMUM BUILDING HEIGHT			
District	R-1	R-2	RM-2/RM-3
Attached ADU	28'		
Detached ADU	28'		
Conversions of existing accessory structures	16'		

¹ Subject to subdivision a.

² Conversion of existing multifamily dwelling structures must meet all applicable building and fire codes.

³ JADUs are permitted in an RM-2 or RM-3 district only if the lot contains one existing primary single-family dwelling.

- e. A JADU shall be contained within a proposed or existing single-family dwelling and subject to a maximum area of 500 square feet of living space. An expansion to an existing single family dwelling may include not more than 150 square feet beyond the same physical dimensions as the existing single-family dwelling. Such expansion beyond the physical dimensions of the existing single family dwelling shall be limited to accommodating ingress and egress. The JADU shall have its own exterior access separate from the existing single family dwelling.
- f. If the proposed ADU is attached to an existing dwelling unit, any increase in floor area of the dwelling unit to accommodate an attached ADU shall not exceed 50 percent of the existing dwelling unit living area or 850 square feet, whichever is less.
- g. If the ADU is not attached to an existing dwelling unit but is attached to or above an accessory structure, that structure shall comply with subdivision (i), (ii), and (iii) below:
 - i. The accessory structure shall not contain any restroom facilities
 - ii. The attached accessory structure may have interior access to the ADU.
 - iii. If a detached existing legally constructed accessory structure is converted into an ADU and rebuilt in the same location and to the same dimensions as the existing accessory structure, the conversion may include an expansion of no more than 150 square feet beyond the existing physical building footprint to accommodate ingress and egress. The rebuilt accessory structure may be allowed in the same location so long as the building height does not exceed 16-feet. Any expansions to accommodate ingress and egress shall meet minimum fire and building code setbacks.

14-23.040 ADU AND JADU DESIGN STANDARDS

- a. **Exterior.** The exterior design of the ADU or JADU unit shall be consistent with the principal residence and/or multifamily development as well as the immediate neighborhood. Building materials, architectural style, roof form and pitch, height, scale, exterior colors and finishes shall be substantially the same as the existing dwelling unit and/or the multifamily development.
- b. **Landscaping.** No less than 20 percent of the lot shall be landscaped. All areas of the site that are not utilized for buildings, patios, parking, pedestrian or

vehicular access shall be landscaped and provided with a permanent irrigation system. The front yard shall be landscaped, exclusive of walkways and driveways.

- c. **Private Open Space/Patios and Decks.** Each ADU or JADU shall have a deck or a patio, directly adjoining individual units. The minimum private open space required for each unit shall be no less than 96 square feet with a minimum width of six feet for a deck/patio and 8 feet for landscaped area.
- d. **Access.** The ADU or JADU entrance shall face the interior of the property unless the ADU or JADU is directly adjacent to an alleyway or a public street.
- e. **Window Design.** Windows which face an adjoining residential property shall protect the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.

14-23.050 FIRE SPRINKLER STANDARDS

Except when the primary dwelling or existing multifamily structure does not contain a sprinkler system, all newly constructed ADUs and JADUs shall comply with Chapter 9 of Title 8 (Fire Code) of the Watsonville Municipal Code for residential fire sprinkler systems.

14-23.060 PARKING STANDARDS

- a. The primary residential unit(s) shall comply with the City's Parking and Loading Ordinance in Chapter 14-17, except that conversions of existing covered parking to accommodate an ADU, covered parking shall not be required.
- b. All ADUs shall provide one parking space per unit or per bedroom, whichever is less, which space(s) may be provided as tandem parking on an existing driveway apron.
- c. No additional off street parking is required if converting an existing garage, carport, or covered parking structure to an ADU or JADU.
- d. No additional off street parking required if converting an existing residential space.
- e. No off-street parking shall be required if any one of the following findings is made:
 - 1. The ADU is within one-half mile of a public transit bus stop.
 - 2. The ADU is within an architecturally and/or historically significant district.

3. On-street parking permits are required but not available to the occupant of the ADU.
4. A car share vehicle is located within one block of the unit.

14-23.070 NON-PROFIT AFFORDABLE ADU OR JADU DEVELOPMENT

Development of an ADU by a non-profit housing developer to create an affordable unit may sell the ADU separately. Such ADU shall meet all requirements of Chapter 46 of Title 14 (Affordable Housing).

14-23.080 IMPACT FEES

- a. Any ADU proposed to be less than 750 SF shall not be subject to development impact fees (parks, traffic, etc.). For the purposes of this section, “impact fee” has the same meaning as the term “fee” defined in subdivision (b) of [Section 66000](#) of the California Government Code, except that it also includes fees specified in [Section 66477](#) of the Government Code.
 1. ADUs over 750 SF shall be charged impact fees proportionate to fees applicable to the primary dwelling, determined as a ratio of square footage. The ratio shall be determined by comparing the square foot living space of the ADU to the living space of the existing primary dwelling.

14-23.090 UTILITY CONNECTIONS

Separate utility connections are not required for ADUs less than 800 square feet, unless the ADU is being constructed in conjunction with a new single family dwelling.

14-23.100 DEFERRED CODE ENFORCEMENT

1. Until 2030, any ADU constructed without permits before January 1, 2020 that face code enforcement action may request a delay of up to 5 years in enforcement so long as the illegally constructed unit complies with [Section 17980.12](#) of the Health and Safety Code. Additionally, a property owner may request amnesty from code enforcement if the property owner discloses the code violation to the City before January 1, 2030.
 - a. If the owner is requesting amnesty and/or a delay in code enforcement, the owner shall submit an application to the Building Official requesting that enforcement of the violation be delayed for five years from the activation date of the code enforcement case, on the basis that correcting the violation is not necessary to protect health and safety.

- b. The Building Official may approve the application for delay in code enforcement action if the Building Official finds that correcting the violation is not necessary to protect health and safety. In making this determination, the Building Official shall confirm with the Fire Marshall that the non-permitted ADU/JADU does not constitute a threat to health and safety. The approval shall be granted with following conditions:
 - i. The unit shall be vacated before approval, verified by a site inspection.
 - ii. All non-permitted sewer and water lines shall be capped outside the building footprint of the unit. All non-permitted electric service shall be disconnected
 - iii. The unit receiving a delay in code enforcement action must remain vacant for the agreed-upon term or until such time that the unit has been brought into full compliance with all development codes. Non-compliance with this Section shall be subject to Administrative Citations as outlined in WMC Chapter 1-2, Penalty Provisions.
 - iv. If a property owner freely discloses the existence of a non-permitted ADU or JADU before January 1, 2030 outside of any code-enforcement action, the Building Official may reduce building permit fees for the legalization of the unit by 50 percent.
 - v. This Section shall remain in effect until January 1, 2035, and as of that date shall be repealed.

14-23.110 RESTRICTIONS

1. For construction of ADUs on vacant parcels, a building permit application shall be delayed until a building permit to construct the primary single-family dwelling has been issued.
2. The ADU, JADU, and/or the primary unit shall not be used as a short term or vacation rental for less than 30 consecutive days.
3. For all proposed JADUs, owner-occupancy in the single family dwelling or the newly created JADU is required by deed restriction recorded in County of Santa Cruz Recorder's Office. Proof of recordation shall be provided to the City before building permit issuance. Owner occupancy shall not be required if the owner is another governmental agency, land trust, or nonprofit housing organization.

4. A restriction on the sale of the ADU or JADU separate from the sale of the single-family dwelling, including a statement that the deed restriction may be enforced against future purchasers, shall be recorded with the County of Santa Cruz Recorder's Office

SECTION 2. PUBLICATION.

This ordinance shall be published in the Watsonville Register-Pajaronian and/or Santa Cruz Sentinel in compliance with the provisions of the Charter of the City of Watsonville

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SECTION 3. EFFECTIVE DATE.

This ordinance shall be in force and take effect thirty (30) days after its final adoption.

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