

Agenda Submittal

Agenda #:	6	Status:	ALUC-Regular-NW
Type:	ALUC-Document	Department:	Airport Land Use Commission
File #:	AC 24-039	Contact:	Nedzlene Ferrario
Agenda date:	11/14/2024	Final Action:	
Title:	ALUC-24-17 (City of Vacaville ADU Ordinance Update)		

Determine that Application No. ALUC 24-17, (City of Vacaville ADU Ordinance Update) located within the Travis Air Force Base (TAFB) Compatibility Zone D and E and Nut Tree Airport Compatibility Zones, is consistent with the applicable Airport Land Use Compatibility Plans (City of Vacaville).

Governing body: Airport Land Use Commission

District:

Attachments: [A - Airport Compatibility Zones Criteria](#), [B - Compatibility Zone Map](#), [C - Draft ADU Ordinance](#), [D - Draft Resolution](#)

Date:	Ver.	Action By:	Action:	Result:
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RECOMMENDATION:

Adopt a resolution determining Application No. ALUC 24-17, (City of Vacaville ADU Ordinance Update) located within the Travis Air Force Base (TAFB) Compatibility Zone D and E and Nut Tree Airport Compatibility Zones, is consistent with the applicable Airport Land Use Compatibility Plans.

DISCUSSION:

Section 21676 (d) of the State Aeronautics Act requires the Airport Land Use Commission (ALUC) review of zoning regulations amendments within an Airport Influence Area.

The City of Vacaville Community Development Department is proposing amendments to the Vacaville Municipal Code under Division 14.09 entitled Zoning. In September 2024, the Governor signed three ADU bills, two of which (AB 2533 and SB 1211) directly affect Vacaville's Accessory Dwelling Units Ordinance (Section 14.09.270.040).

The amendments are proposed to comply with State legislation and pertain to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). The amendments include the following:

1. Allowing up to eight(8) detached ADUs on lots with existing multifamily dwellings, but not allowing the number of ADUs to exceed the number of existing multifamily units on the lot.
2. Allowing up to two (2) detached ADUs on lots with proposed multifamily.
3. Including in the exemption for the replacement of parking: demolition of uncovered parking spaces in

conjunction with an ADU or converted to an ADU.

4. Procedural update to provide comments to the applicant of a denied ADU permit within 60 days and a description of how deficient items may be remedied.
5. Modifications and removal of certain owner occupancy and deed restriction requirements for ADUs.
6. The inclusion of attached garages as a part of a single-family residence where JADUs may be constructed.
7. Requiring a permitted JADU without a separate bathroom to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
8. Restrictions and conditions for application or permit denial of ADUs and JADUs meeting certain criteria.

AIRPORT PLANNING CONTEXT & ANALYSIS

Zoning regulations amendments must undergo review by the ALUC for consistency with the applicable LUCPs (State Aeronautics Act section 21676). The proposed amendments would apply city-wide, which is located in Compatibility Zones D and E of the Travis AFB LUCP and all compatibility zones of the Nut Tree Airport Land Use Compatibility Plan (LUCP) (Attachment B).

The proposed amendments, specifically items 1 and 2, are intended to allow no more than eight (8) detached ADUs on a lot with existing multiple family units, without exceeding the number of existing units on the lot, and two (2) detached ADUs on a multifamily dwelling project. The proposed language would allow the construction of detached units instead of attached units without exceeding the density. Refer to Section 14.09.270.040 4 (a) and (b) of Attachment C for specific amendments.

Nut Tree Airport Compatibility Zones that restrict residential density are Zones A-E. Zone F does not limit residential densities. City zoning districts that lie within Zone A-E are Residential, Manufactured Home Park (MHP), Commercial General (CG), Commercial Highway (CH), Commercial Office (CO) and Business Park (BP).

However, the proposed language allows design flexibility instead of increased density; therefore, staff finds no conflict with the compatibility zone criteria. Attachment B is a map and overlay of the City Zoning Districts that allow or do not allow ADUs, and the Nut Tree Airport LUCP compatibility zones. Portions of the City are located within Travis AFB Compatibility Zone D and E which do not limit density and the proposed ordinance does not conflict with the TAFB LUCP.

The remaining proposed amendments pertain to procedures and parking standards which do not affect any compatibility criteria.

Staff evaluated the City's project applicable Compatibility Zone Criteria and analysis of the project is summarized in Attachment A.

Analysis Finding

Based on the review, staff finds that the proposed changes comply with the requirements of the zones to protect flight and are consistent with the Travis AFB Land Use Compatibility Plan and the Nut Tree Airport Land Use Compatibility Plan.

Attachments

Attachment A - Airport Compatibility Zones Criteria

Attachment B - Compatibility Zone Map

Attachment C - Draft ADU Ordinance

Attachment D - Draft Resolution

Travis AFB Land Use Compatibility Zone Criteria

ALUC-24-17 Vacaville ADU Ordinance Update

Compatibility Zone Criteria	Consistent	Not Consistent	Comment
Zone D			
Max Densities – No limits	X		The proposed amendments do not conflict
Prohibited uses: hazards to flight	X		The proposed amendments do not propose hazards to flight
Additional Criteria			
<ul style="list-style-type: none"> • ALUC review required for objects > 200 feet AGL • Deed Notice Required • All proposed wind turbines must meet line-of-sight criteria in Policy 5.6.1(b) • All new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review and coordination with Travis AFB • All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review • For areas within the Bird Strike Hazard Zone, reviewing agencies shall prepare a WHA for projects that have the potential to attract wildlife that could cause bird strikes. ALUC will use this information to coordinate with the Travis AFB Bird/Wildlife Aircraft Strike Hazard (BASH) Team. Based on the findings of the WHA and coordination with the Travis AFB BASH Team, all reasonably feasible mitigation measures must be incorporated into the planned land use. For areas outside of the Bird Strike Hazard Zone but within the Outer Perimeter, any new or expanded land use that has the potential to attract the movement of wildlife that could cause bird strikes are required to prepare a WHA. 	X		The proposed amendments do not propose such uses
Zone E			
Max Densities – No limits	X		The proposed amendments do not conflict
Prohibited Uses: None	X		The proposed amendments do not propose hazards to flight
Additional Criteria:			
<ul style="list-style-type: none"> • ALUC review required for objects > 200 feet AGL • All proposed wind turbines must meet line-of-sight criteria in Policy 5.6.1(b) • All new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review • All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review • Outside of the Bird Strike Hazard Zone but within the Outer Perimeter, any new or expanded land use that has the potential to attract the movement of wildlife that could cause bird strikes are required to prepare a WHA. 	X		The proposed amendments do not propose such uses

NUT TREE AIRPORT LAND USE COMPATIBILITY ZONE CRITERIA

ALUC 24-17 Vacaville ADU Ordinance Update

Compatibility Zone Criteria	Consistent	Not Consistent	Comment
Zone A			
Max Densities: residential – 0 du/acre, other uses/in structures – 10; in/out of structure – 15 people/acre, required open land – 65%	X		Dwellings are not allowed in this zone. The proposed amendments do not apply to this Zone
Prohibited uses: the assemblage of people; new structures >FAR 77 height limits; noise-sensitive uses	X		The proposed amendments do not conflict
No uses hazardous to flight	X		The proposed amendments do not propose hazards to flight
Avigation easement	X		No avigation easement required
50ft. setback from extended runway centerline for all structures	X		The proposed amendment does not propose structures
Zone B			
Max Densities: residential – 0.3 du/acre, other uses/in structures – 20; in/out of structure – 40 people/acre, required open land – 50%	X		The proposed amendment will not increase densities
Prohibited uses: noise-sensitive uses; schools, libraries, hospitals, nursing homes; involving substantial amounts of highly flammable or explosive materials	X		The proposed amendments do not propose prohibited uses
Structures to be as far as possible from the extended runway centerline	X		The proposed amendments do not propose structures
Minimum NLR ⁸ of 25 dBA in residential and office buildings	X		The proposed amendments do not change noise attenuation measures
No uses hazardous to flight	X		The proposed amendments do not propose hazards to flight
Avigation easement	X		No avigation easement required
Zone C			
Max Densities: residential – 1 du/acre, other uses/in structures – 50; in/out of structure – 75 people/acre, required open land – 15%	X		The proposed amendment will not increase densities
Prohibited uses: schools, libraries, hospitals, nursing homes; noise-sensitive outdoor activities	X		No prohibited uses proposed
Residential structures, especially mobile homes, to have a minimum NLR of 20 dBA	X		The proposed amendment does not change noise attenuation measures
Clustering of development is encouraged	X		No development proposed
No uses hazardous to flight	X		No such uses proposed
Avigation easement	X		No avigation easement required
Zone D			
Max Densities: residential – 4 du/acre, other uses/in structures – 100; in/out of structure – 150 people/acre, required open land – 10%	X		The proposed amendments will not increase densities

Compatibility Zone Criteria	Consistent	Not Consistent	Comment
Prohibited uses: noise-sensitive outdoor activities	X		The proposed amendment does not propose noise sensitive uses
Residential structures, especially mobile homes, to have a minimum NLR of 20 dBA	X		The proposed amendment does not change noise attenuation measures
Clustering of development is encouraged	X		No development proposed
No uses hazardous to flight	X		The proposed amendment does not propose hazards to flight
Overflight easement	X		No avigation easement required
Zone E			
Max Densities: residential – 6 du/acre	X		The proposed amendment will not increase densities
Prohibited uses: Highly noise-sensitive outdoor activities; e.g. amphitheaters	X		The proposed amendment does not propose noise-sensitive uses
Residential uses should have limited outdoor living areas and should be oriented away from noise sources, clustering is encouraged	X		The proposed amendment does not change noise attenuation measures
No uses hazardous to flight	X		No hazards to flight proposed
Overflight easement	X		No avigation easement required



City of Vacaville
Zoning Districts Permitting
Accessory Dwelling Units
(ADUs)

- Vacaville Municipal Boundary
- Nut Tree Airport Land Use Compatibility Zones

Note: Nut Tree Airport Land Use Compatibility Zones are labeled in black. Zoning Districts are labeled in white.

Zoning Districts Permitting ADUs

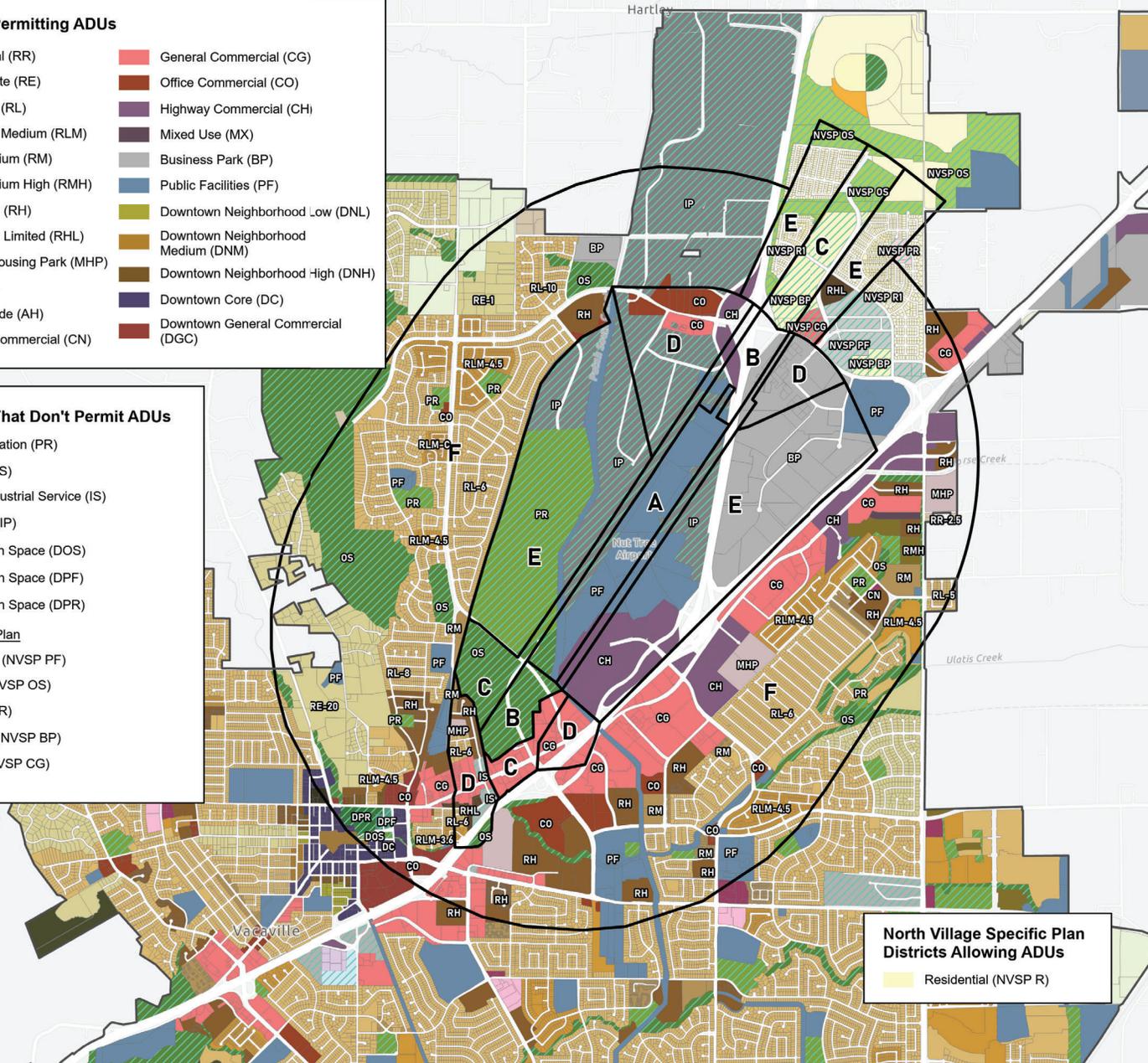
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|---------------------------------|------------------------------------|
| Residential Rural (RR) | General Commercial (CG) |
| Residential Estate (RE) | Office Commercial (CO) |
| Residential Low (RL) | Highway Commercial (CH) |
| Residential Low Medium (RLM) | Mixed Use (MX) |
| Residential Medium (RM) | Business Park (BP) |
| Residential Medium High (RMH) | Public Facilities (PF) |
| Residential High (RH) | Downtown Neighborhood Low (DNL) |
| Residential High Limited (RHL) | Downtown Neighborhood Medium (DNM) |
| Manufactured Housing Park (MHP) | Downtown Neighborhood High (DNH) |
| Agriculture (AG) | Downtown Core (DC) |
| Agriculture Hillside (AH) | Downtown General Commercial (DGC) |
| Neighborhood Commercial (CN) | |

Zoning Districts That Don't Permit ADUs

- Park and Recreation (PR)
- Open Space (OS)
- Commercial/Industrial Service (IS)
- Industrial Park (IP)
- Downtown Open Space (DOS)
- Downtown Open Space (DPF)
- Downtown Open Space (DPR)

North Village Specific Plan

- Public Facilities (NVSP PF)
- Open Space (NVSP OS)
- Parks (NVSP PR)
- Business Park (NVSP BP)
- Commercial (NVSP CG)



**North Village Specific Plan
Districts Allowing ADUs**

- Residential (NVSP R)



City of Vacaville
Community Development Department

Exhibit C to Attachment 1

URGENCY ORDINANCE NO.

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VACAVILLE AMENDING CHAPTER 14.09.270.040 OF THE VACAVILLE MUNICIPAL CODE AND REAFFIRMING THE VACAVILLE GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT AND FINAL SUPPLEMENTAL EIR AND CONCLUDING THAT NO SUBSEQUENT EIR IS REQUIRED PURSUANT TO SECTION 15162 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES FOR THE ACCESSORY DWELLING UNIT ORDINANCE AMENDMENT, AND FINDING THAT IN THE ALTERNATIVE THE PROJECT IS EXEMPT FROM CEQA

WHEREAS, the City of Vacaville (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, numerous bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the City’s regulations governing the creation of ADUs and JADUs are provided in Chapter 14.09.270.040 of the Vacaville Municipal Code (“VMC”). The City most recently updated this section in July 2023 to comply with the then-latest changes in state law; and

WHEREAS, in 2024, the California Legislature approved, and the Governor signed into law, Assembly Bill 2533 (“AB 2533”) and Senate Bill 1211 (“SB 1211”), which further amend state ADU law; and

WHEREAS, AB 2533 and SB 1211 take effect on January 1, 2025, and for any portion of the City’s ADU ordinance to remain valid, it must be amended to reflect the requirements of AB 2533 and SB 1211; and

WHEREAS, the City desires to amend VMC Chapter 14.09.270.040 to incorporate AB 2533’s and SB 1211’s changes to state law and other modifications aimed at augmenting clarity for the benefit of staff and the general public; and

WHEREAS, on November 5, 2024, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this proposed Ordinance. Following the public hearing, the Planning Commission voted to forward the Ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, on December 10, 2024, the City Council held a duly-noticed public hearing to consider the Ordinance, including (1) the public testimony and agenda reports prepared in connection with the Ordinance, (2) the policy considerations discussed therein, and (3) the consideration and recommendation by the Planning Commission; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VACAVILLE DOES ORDAIN AS FOLLOWS:

Section 1: Recitals. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2: CEQA. The City Council finds, based on substantial evidence in the record, including the Findings of Fact and Statement of Overriding Consideration adopted by the Planning Commission and attached hereto as Exhibits A and B respectively, that under the 2015 General Plan FEIR and 2021 Transportation Element FSEIR, no subsequent or supplemental EIR is required for the proposed amendments to VMC Chapter 14.09.270.040, pursuant to Section 15162 of the CEQA Guidelines. In the alternative, the City Council finds that this action is exempt from CEQA pursuant to Public Resources Code section 21080.17, which provides that CEQA does not apply to the adoption of an ordinance by a city implementing the provisions of California ADU/JADU law.

Section 3: Vacaville Municipal Code Amended. Chapter 14.09.270.040 of the Vacaville Municipal Code is amended to read in full as follows (additions are shown in underline, deletions in ~~strikethrough~~):

14.09.270.040 Accessory Dwelling Units.

A. Purpose. The California Legislature has declared that accessory dwelling units are a valuable and essential component of California's housing supply. Accessory dwelling units provide a form of lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting the character of the neighborhoods. The purpose of this section is:

1. To promote and encourage the creation of legal accessory dwelling units in a manner that enhances residential neighborhoods and helps residents meet their housing needs.
2. To provide the opportunity for the development of small rental housing units designed to meet the special housing needs of families and individuals.
3. To establish development requirements for the creation of accessory dwelling units.
4. To incorporate Section 66310 et seq. of the California Government Code requirements regarding accessory dwelling units into the City's regulations and development standards.
5. To provide for the creation of accessory dwelling units and junior

accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential uses.

B. Number and Permitted Location.

1. One accessory dwelling unit is allowed in all areas zoned to allow single-family or multifamily dwelling residential uses and where there is an existing or proposed dwelling on site, subject to the standards of this chapter. The accessory dwelling unit may be attached to, detached from, or located entirely within the living area of the existing primary single-family dwelling.

2. One junior accessory dwelling unit is allowed per lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot, subject to the standards of this chapter. A junior accessory dwelling unit may be in addition to one approved accessory dwelling unit on that site. Junior accessory dwellings are not permitted within multifamily dwelling structures or sites.

3. Accessory dwelling units may be created within a multifamily dwelling in all residential and mixed use zones provided they are created outside of the living area of any dwelling unit, such as within storage rooms, boiler rooms, passageways, attics, basements, or garages. This does not include closets, family/living rooms, or hallways within any dwelling unit. The maximum number of accessory dwelling units allowed within each multifamily dwelling is one or 25 percent of the number of existing apartments within the multifamily dwelling, whichever is greater.

4. Up to two Multiple detached accessory dwelling units, not to exceed the number specified below, as applicable, are allowed on a lot that has an existing or proposed multifamily dwelling provided the accessory dwelling units do not exceed 16 feet in height for a detached accessory dwelling unit on a lot with an existing or proposed multifamily dwelling unit or 18 feet in height for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

a. On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units. However, the number of accessory dwelling units pursuant to this provision shall not exceed the number of existing units on the lot.

b. On a lot with a proposed multifamily dwelling, not more than two detached

accessory dwelling units.

5. An accessory dwelling unit shall not count toward the minimum or maximum allowable density for the site upon which the accessory dwelling unit is located.

C. Process.

1. Ministerial Review. A request for an accessory dwelling unit or junior accessory dwelling unit shall be subject to ministerial review by the Community Development Director of Community Development for compliance with the provisions of this section. The Director of Community Development shall ~~take action~~ approve or deny within 60 calendar days of receiving a complete application. If the applicant requests a delay, the 60-day time period shall be tolled for period of the delay. Approval shall be subject to the issuance of a building permit. The application shall clearly indicate that the request is for an accessory dwelling unit and/or a junior accessory dwelling unit. Should the permit application to create an ADU be denied, the Director of Community Development shall within 60 days, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied.

2. Alternative Discretionary Review. When a request for an accessory dwelling unit does not comply with the provisions of this section, the applicant may elect to use any of the following alternative discretionary review processes:

a. If a proposed accessory dwelling unit does not meet the architectural development standards identified in this section, the applicant may elect to have the application reviewed using the discretionary design review process described in Chapter 14.09.290 of this code, Design Review. The decision maker may vary the architectural standards in this section provided the design review criteria are met.

b. If a proposed accessory dwelling unit is on any site that contains any resource listed in the California Register of Historic Resources or on any abutting site, the applicant shall have the application reviewed using the historic design review process described in Chapter 14.09.130 of this code, Historic Preservation (HP) Overlay District. The decision maker

shall allow exterior alterations to the building or site provided the applicable historic review criteria are met.

c. If a proposed accessory dwelling unit does not meet the yard, setback, height or site coverage requirements in this section, the applicant may elect to apply for an administrative clearance process using the discretionary process described in Chapter 14.09280 of this code, Zoning Clearance, or a variance using the discretionary process described in Chapter 14.09.320 of this Code, Variances.

3. Alternative Concurrent Review. While accessory dwelling units and junior accessory dwelling units are subject to ministerial review, construction of structures that could later be eligible for conversion to accessory dwelling units may be subject to discretionary review processes such as design review, conditional use or planned development review. Normally these processes shall be completed prior to an applicant filing for an accessory dwelling unit or junior accessory dwelling unit. At the applicant's request, the applicant may choose to have the accessory dwelling unit or junior accessory dwelling unit application reviewed concurrently with the discretionary review application. Such concurrent review does not change the standards, criteria, or process for review of the discretionary application.

4. For the purposes of this section, an application for an ADU or JADU will be processed, and the applicable permit will be issued based on the square footage of the proposed floor area and compliance with the relevant development standards, including the location of the unit. Additional living spaces attached to the main dwelling unit which have an efficiency kitchen and meet the criteria of a JADU or ADU under state law or this section, but are otherwise identified under a synonymous term (e.g., next-generation units, granny flats), shall be processed and permitted as a JADU or ADU, based on the total floor area.

D. Development Standards for Accessory Dwelling Units.

1. Site Coverage.

a. New Construction and Additions.

i. New accessory dwelling units with 800 square feet or less gross floor area are not subject to site coverage standards;

ii. For any accessory dwelling unit with over 850 square feet gross floor area proposed within a new detached structure or an addition to an existing structure that increases the site coverage of the lot, the maximum site coverage for all structures on the site shall be no more than 10 percent above the maximum allowable site coverage of the underlying district, as identified in Chapter [14.09.060](#) of this code, Residential Zoning Districts. For example, if the maximum allowable site coverage for a district is 40 percent, the maximum allowable site coverage may be up to 50 percent of the site covered for the purpose of constructing an accessory dwelling unit.

b. Converted Structures. Conversions of existing legally established structures to accessory dwelling units shall not be subject to nor required to meet site coverage standards.

2. Rear Yard Coverage.

a. New accessory dwelling units with 800 square feet or less gross floor area are not subject to rear yard coverage standards.

b. The maximum required rear yard coverage for accessory dwelling units with over 850 square feet gross floor area may be increased from 20 percent to no more than 35 percent for the purpose of constructing a new detached accessory dwelling within the required rear yard.

3. Permitted Size.

a. Minimum Living Area. The minimum living area of an accessory dwelling unit shall be 190 square feet.

b. Maximum Living Area. The maximum living area of accessory dwelling units shall not exceed the following:

i. If the accessory dwelling unit is detached: 1,200 square feet.

ii. If the primary dwelling has 1,700 square feet or less living area and an attached accessory dwelling unit provides one or fewer bedrooms: 850 square feet.

iii. If the primary dwelling has 2,000 square feet or less living area and an attached accessory dwelling unit provides two or more bedrooms: 1,000 square feet.

iv. In all other cases: 50 percent of the living area of the primary dwelling or 1,200 square feet, whichever is less.

c. When calculating the maximum permitted living area of the accessory dwelling unit, the size of the primary dwelling is the total of the living area of the primary dwelling after creation of the proposed accessory dwelling unit.

d. In all cases, the smaller dwelling unit shall be considered the accessory dwelling unit, and the larger unit shall be considered the primary dwelling unit.

4. Yard, Setback, and Height Requirements.

a. New Detached Accessory Dwelling Units.

i. A height of 16 feet or less for new detached accessory dwelling units on a lot with an existing or proposed single-family or multifamily dwelling unit shall meet the setbacks applicable to accessory structures on that site, or four feet side and rear yard setbacks, whichever is less.

ii. A height of 18 feet or less for new detached accessory dwelling units on a lot with an existing or proposed single-family or multifamily dwelling unit that is within one-half mile walking distance of a major transit stop or a high-quality transit corridor (California Public Resources Code Section [21155](#)) shall meet the setbacks applicable to accessory structures on that site, or four feet side and rear yard setbacks, whichever is less. An additional two feet in height is permitted, for a height of 20 feet or less, to accommodate roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

iii. A height of 18 feet or less for new detached accessory dwelling units on a lot with an existing or proposed multifamily, multistory dwelling shall meet the setbacks applicable to accessory structures on that site, or four feet side and rear yard setbacks, whichever is less.

iv. New detached accessory dwelling units measuring over 16, 18, or 20 feet if accommodating roof pitch, in height shall meet the

yard, setback, and height standards otherwise applicable to the primary dwelling on that site, as identified in Chapter [14.09.060](#) of this code, Residential Zoning Districts, or four feet side and rear yard setbacks, whichever is less.

b. New Attached or Expanded Accessory Dwelling Units.

i. Building additions to a primary single-family dwelling to accommodate an accessory dwelling unit shall meet the yard, setback, and height standards otherwise applicable to a residential addition to the primary single-family dwelling in that district, or four-foot side and rear yard setbacks, or a height of 25 feet, whichever is less.

ii. A building addition to an existing secondary structure or accessory structure on the same lots as a primary single-family dwelling to accommodate an accessory dwelling unit measuring 12 feet or less in height shall meet the yard and setback requirements otherwise applicable to accessory structures on that site, or a minimum four-foot side setback and rear setback; whichever is less.

iii. A building addition to an existing secondary structure or accessory structure on the same lots as a primary single-family dwelling to accommodate an accessory dwelling unit that exceeds 12 feet in height shall meet the yard, setback, and height standards otherwise applicable to the primary single-family dwelling on that site or a minimum four-foot side setback and rear setback; whichever is less.

iv. A building addition to multifamily dwelling or to an existing secondary structure or accessory structure on the same lot as multifamily dwelling to accommodate an accessory dwelling unit shall meet the yard, setback, height, and other requirements that would otherwise be required for an addition adding living area to the dwelling or structure.

c. Conversions of Existing Structures to Accessory Dwelling Units.

i. Accessory dwellings units that are created within the existing primary dwelling or within an accessory structure or secondary structure on the same lot as the primary dwelling are not subject to additional height or setback requirements.

ii. Illegally constructed structures may not be converted to an accessory dwelling unit.

iii. Removal of an existing structure and replacement with a new structure housing an accessory dwelling unit in the same location and to the same dimensions as existing structure is not subject to additional yard, setback or height requirements. Any other replacement is subject to the yard, setback, and height requirements applicable to new detached or attached accessory dwelling units, as applicable, and as described above. Removal of an existing structure includes removal of the walls or roof structure existing as of the effective date.

5. Independent Entrance. All accessory dwelling units shall have exterior access independent from the primary dwelling.

6. Architectural Requirements. The following architectural requirements shall be subject to new detached accessory dwelling units and new or expanded accessory dwelling units in building over 800 square feet:

a. The accessory dwelling shall be constructed with the same roofing and siding materials and colors as the primary dwelling.

b. The entrance to the accessory dwelling unit shall not be on the same building frontage as the entrance to the primary dwelling unless the proposed accessory dwelling unit has no other exterior wall that could accommodate an entrance in compliance with all applicable standards. In such cases, the entrance door shall be painted to match the color of the adjoining wall.

c. The roof pitch shall be the same as the roof pitch existing on at least 25 percent of the primary dwelling.

d. Trim around windows and doors shall be same style as the trim around windows and doors on the primary dwelling.

e. Exterior stairways leading to an accessory dwelling unit shall not be constructed in the required front yard for the underlying zoning district and shall be set back a minimum of four feet from any side or rear property line.

7. Manufactured Homes. A manufactured home may be used as an

accessory dwelling unit provided it meets the standards for new detached accessory dwelling units in this section, including the yard, setback, height, and architectural requirements. The manufactured home shall be constructed on a permanent foundation. Other types of portable or temporary housing, such as mobile homes, recreational vehicles, or tents may not be used as accessory dwelling units.

8. Fire Sprinklers. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary dwelling.

9. Landscaping. Accessory dwelling units shall meet the landscaping standards of Chapter [14.09.060](#) of this code, Residential Zoning Districts.

10. Historic Resources. For any accessory dwelling unit proposed on or adjacent to any property that is listed in the California Register of Historic Resources, the following additional requirements apply:

a. If the unit is created entirely within an existing historic structure, exterior changes to that structure shall be limited to creation of required openings, stairs, and landings. Such changes shall duplicate the style of existing features on the structure.

b. If the unit is attached to an existing historic structure, new exterior features shall be designed to duplicate and continue the exterior features and materials of the existing structure. The roofline of the addition shall be a continuation of the roof line of the existing structure or be below the roof line of the existing structure. The existing structure shall not be modified except to provide required attachments.

c. If the unit is created within a new detached structure on a site containing a historic resource, the structure shall either be constructed to duplicate the architectural style and materials of the existing or a prior structure on the site.

d. If the unit is created on a site adjacent to a historic property and would be visible from the historic property, the unit shall be located as far as possible from the property line of the historic property and still meet the standards of this chapter.

E. Parking Requirements for Accessory Dwelling Units.

1. Each accessory dwelling unit shall provide a minimum of one parking space per accessory dwelling unit, except in any instances where parking for the accessory dwelling unit is not required by state law, including:

- a. The accessory dwelling unit is located within one-half mile walking distance of public transit, as defined in California Government Code Section [66313\(l\)](#).
- b. The accessory dwelling unit is located within an architecturally and historically significant historic district.
- c. The accessory dwelling unit is part of the existing primary dwelling or an existing accessory structure or secondary structure.
- d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- e. When there is a car share vehicle located within one block of the accessory dwelling unit.
- f. The accessory dwelling unit is a studio unit.
- g. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot; provided, that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subsection.

2. Required parking spaces may be provided as tandem parking on an existing driveway and in setback areas.

3. Parking shall be provided for the primary dwelling in accordance with Chapter [14.09.230](#), Parking and Loading. However, when a garage, carport, or covered parking structure, or uncovered parking space is demolished in conjunction with an accessory dwelling unit or converted to an accessory dwelling unit, there shall be no requirement to replace the off-street parking spaces.

F. Owner Occupancy and Deed Restrictions for Accessory Dwelling Units.

~~1. For any permit for an accessory dwelling unit issued on or after January 1,~~

~~2025, on a lot that includes a proposed or existing single-family dwelling, either the primary single-family dwelling unit or the accessory dwelling unit shall be occupied by owner of the site upon which the accessory dwelling unit is located. In the event ownership is through a trust, partnership (general, limited, limited liability, or limited liability limited), joint venture, company (limited liability or corporation), nonprofit, or some other form of ownership other than personal individual ownership, the term "owner" shall mean such individual person designated by the trust, partnership, company, or other form of ownership to reside within either the primary single-family dwelling unit or the accessory dwelling unit. For purposes of this section, such designated person shall have an equitable interest in the trust, partnership, company, or other form of ownership at all times in order to meet the definition of the term "owner." The owner of the site shall present satisfactory evidence to the Director of Community Development of the appointment of such designated individual person prior to the occupancy of the primary dwelling unit or the accessory dwelling unit.~~

1. The accessory dwelling unit shall not be rented, occupied, or offered for rental or occupancy for periods of less than 31 calendar days.
2. The accessory dwelling unit shall not be sold independently of the primary dwelling on the site except when sold by a qualified nonprofit corporation to a qualified buyer in accordance with California Government Code Section 66340-66342 with affordability restrictions.
3. For any permit subject to subsection A of this section, the property owner shall record a deed restriction in the official records of Solano County, California, which includes substantially the following restriction:

The premises include an accessory dwelling unit. In order to use the accessory dwelling unit as a dwelling, the property owner shall reside in as a principal residence, either the primary single-family dwelling or the accessory dwelling unit. If neither the primary single-family dwelling nor the accessory dwelling unit is occupied by the property owner, then the accessory dwelling unit may not be rented, leased, or occupied as a separate dwelling unit. The accessory dwelling unit shall not be rented, occupied, or offered for rental or occupancy for a period of less than 31 calendar days. The accessory dwelling unit shall not be sold independently of the primary single-family dwelling on the premises.

4. The applicant shall submit proof of deed restriction recordation to the Director of Community Development prior to receiving final building permit inspection and prior to occupancy.

G. Standards for Junior Accessory Dwelling Units.

1. A junior accessory dwelling unit shall be constructed within the walls of the existing or proposed or existing single-family residence, including an attached garage.
2. The junior accessory dwelling unit shall not exceed 500 square feet gross floor area.
3. The junior accessory dwelling unit shall have a separate entrance from the main entrance to the proposed or existing single-family dwelling. If a permitted JADU does not include a separate bathroom, the permitted JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
4. The junior accessory dwelling unit shall include an efficiency kitchen, which shall include the following:
 - a. A cooking facility with appliances;
 - b. At least one food preparation counters that is at least two square feet and total preparation counter area of no more than 100 square feet; and
 - c. Storage cabinet space totaling at least two cubic feet and not more than 250 cubic feet.
5. Additional parking is not required for the creation of the unit.
6. For any junior accessory dwelling unit, the owner shall occupy the junior accessory dwelling unit or the remaining portion of the single-family dwelling or an accessory dwelling unit, if one exists; unless the owner is another governmental agency, land trust, or housing organization. The term "owner" shall have the same meaning as in subsection A.(1) of this section. The owner shall record a deed restriction in the official records of Solano County, California, that includes substantially the following restriction:

The single-family dwelling on the premises includes a junior accessory dwelling unit. In order to allow occupancy of the junior accessory dwelling

unit, the property owner shall reside in the single-family dwelling or the junior accessory dwelling unit. If the property owner does not reside in the single-family dwelling or the junior accessory dwelling unit, then the junior accessory dwelling unit may not be rented, leased, or occupied as a separate dwelling unit. The junior accessory dwelling unit shall not be rented, occupied, or offered for rental or occupancy for a period of less than 31 calendar days. The junior accessory dwelling unit shall not be sold independently of the single-family dwelling on the premises. The junior accessory dwelling unit may not be expanded or modified except as allowed by the laws of the City and State of California. This deed restriction may be enforced against future purchasers.

H. Nonconforming Zoning Code Conditions; Building Code Violations; Unpermitted Structures.

1. The City will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety, and that is not affected by the construction of the ADU or JADU.
2. As required by state law, the City may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the denial would be based on either of the following grounds:
 - a. The ADU or JADU violates applicable building standards; or
 - b. The ADU or JADU does not comply with state ADU law or this Chapter 14.09.270.
3. Notwithstanding subsection H.2. above, the City may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the City makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3. Subsection H.2. above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

I. Conflicts and Interpretations of State Law. This chapter is intended to be consistent with the provisions of California Government Code Section [66310](#) et seq. However, those sections contain a number of undefined terms, internally conflicting requirements, and requirements subject to multiple interpretations. In the event that a court of competent jurisdiction issues an opinion, the California

Department of Housing and Community Development issues guidelines, or the California Legislature adopts amendments that modify, interpret or define requirements or terms, the Director of Community Development is authorized to issue an order consistent with that opinion, guidance, or modifications. Applications filed pursuant to this chapter will thereafter be reviewed for compliance with that order in lieu of any provision of this chapter determined in be in conflict with that opinion, guidance or modification.

J. Severability. This chapter is intended to be the ordinance providing for creation of accessory dwelling units and junior accessory dwelling units as permitted by California Government Code Section [66310](#) et seq. If any section, subsection, phrase or clause of this chapter is for any reason held to be in conflict with state law, including any provision that would cause the ordinance otherwise to be null and void per California Government Code Section [66310](#) et seq., such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. The City Council hereby declares that it would have adopted this chapter and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared in conflict with state law.

Section 4: Severability. If any section, subsection, phrase or clause of this Ordinance is for any reason held to be unconstitutional, 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 section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

Section 4: Effective Date. This Ordinance shall become effective (30) days after passage thereof.

Section 6: Publication. This Ordinance shall be published in accordance with the provisions of Government Code Section 36933.

I HEREBY CERTIFY that this ordinance was **INTRODUCED** at a regular meeting of the City Council of the City of Vacaville, held on the ____ day of _____, and **ADOPTED** and **PASSED** at a regular meeting of the City Council of the City of Vacaville held on the ____ day of _____, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

Michele A. Thornbrugh, City Clerk

John Carli, Mayor

Date: _____

DRAFT

**SOLANO COUNTY AIRPORT LAND USE COMMISSION
RESOLUTION NO. 24-**

**RESOLUTION REGARDING CONSISTENCY WITH
AIRPORT LAND USE COMPATIBILITY PLANS
(City of Vacaville ADU Ordinance Update)**

WHEREAS, pursuant to California Public Utilities Code section 21675 the Solano County Airport Land Use Commission (“**Commission**”) has the responsibility to prepare and adopt airport land use plans for any public and military airports within Solano County and to amend any such adopted plan as necessary; and

WHEREAS, pursuant to such authority, the Commission has adopted airport land use compatibility plans for Travis Air Force Base, Rio Vista Municipal Airport, and the Nut Tree Airport, and the Solano County Airport Land Use Compatibility Review Procedures (the “**Compatibility Plans**”); and

WHEREAS, in enacting the sections within the State Aeronautics Act (the “**Act**”) that provide for airport land use commissions, the California Legislature has declared that the purposes of the legislation include: (1) to provide for the orderly development of each public use airport in this state; (2) to provide for the orderly development of the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards; (3) to provide for the orderly development of the area surrounding these airports so as to prevent the creation of new noise and safety problems; (4) to protect the public health, safety, and welfare by ensuring the orderly expansion of airports; and (5) to protect the public health, safety, and welfare by the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses (Pub. Util. Code, § 21670, subd. (a)); and

WHEREAS, the Act provides that an airport land use commission's powers and duties include: (a) to assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses; (b) to coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare; (c) to prepare and adopt an airport land use compatibility plan pursuant to Public Utilities Code section 21675; and (d) to review the plans, regulations, and other actions of local agencies and airport operators pursuant to Public Utilities Code section 21676 (Pub. Util. Code, § 21674); and

WHEREAS, the Act provides that the purpose of compatibility plans is to provide for the orderly growth of the airports and the area surrounding the airports, and to safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general (Pub. Util. Code, § 21675, subd. (a)); and

WHEREAS, Public Utilities Code section 21675, subdivision (a), authorizes the Commission, in formulating a compatibility plan, to develop height restrictions on buildings, specify the use of land, and determine building standards, including sound-proofing adjacent to airports; and

WHEREAS, Public Utilities Code section 21675, subdivision (b), directs the Commission to prepare a compatibility plan for areas surrounding military airports, and the Legislature's intent in enacting subdivision (b) was to protect the continued viability of military installations in California,

to protect the operations of military airports from encroachment by development, and to encourage land use policies that reflect the contributions military bases make to their communities, as well as their vital importance in the state's economy and in the defense of our nation; and

WHEREAS, pursuant to such authorities, the Compatibility Plans set forth criteria to be applied by the Commission when evaluating local land use plans and specific development proposals; and

WHEREAS, Public Utilities Code section 21676, subdivision (b), requires that prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the Commission, local agencies within Solano County are required to first refer the proposed action to the Commission for a consistency determination; and

WHEREAS, the City of Vacaville ("**Local Agency**") is considering approving the following project (the "**Project**"), as set forth in greater detail in the Staff Report and its Attachments concerning "Item AC 24-039" of the Commission's November 14, 2024 Regular Meeting ("**Staff Report**"): "Determine that Application No. ALUC-24-17, (City of Vacaville ADU Ordinance Update) located within the Travis Air Force Base (TAFB) Compatibility Zone D and E and Nut Tree Airport Compatibility Zones, is consistent with the applicable Airport Land Use Compatibility Plans," and

WHEREAS, the Commission has duly considered the Project, at a noticed public meeting, in order to ensure consistency of the Project with the Compatibility Plans.

RESOLVED, that after due consideration and based upon the administrative record, the Commission does adopt and incorporate by this reference as its findings and determinations the analysis, conclusions, and recommended findings of the Staff Report.

RESOLVED, that after due consideration and based upon the administrative record, the Commission does find and determine that the Project is consistent with the Travis AFB and Nut Tree Land Use Compatibility Plans.

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RESOLVED, that after adoption of this Resolution Staff is authorized to correct any clerical errors in this Resolution or the Staff Report.

I certify that the foregoing resolution was adopted at a regular meeting of the Solano County Airport Land Use Commission on November 14, 2024 by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSTAIN: Commissioners _____

ABSENT: Commissioners _____

By _____
Ross Sagun, Chair
Solano County Airport Land Use Commission

Attest:

By: _____
James Bezek, Secretary to the Commission