ORDINANCE 619-AC

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, AMENDNG NEEDLES MUNICIPAL CODE (NMC) SECTION 96.08 "DWELLING UNIT" ADDING ACCESSORY DWELLING UNIT" AND SECTION 96.00 "TABLE OF PERMISSIBLE USES"

WHEREAS, it is the intent of the City to implement federal and state housing laws and the policies and programs contained in the City of Needles' General Plan, including the Housing Element; and

WHEREAS, SB 229 and AB 494 identifies the permitting requirements for Accessory Dwelling Units, previously referred to as Second Dwelling Units, and Junior Accessory Dwelling Units; and

WHEREAS, a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on Wednesday, June 12, 2019 and the San Bernardino Sun on Sunday, June 9, 2019; and

WHEREAS, on June 19, 2019, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to **RESOLUTION 06-19-2019-4** PC, recommending City Council approval on the Needles Municipal Code (NMC) change; and

WHEREAS, a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on Wednesday, June 12, 2019 and the San Bernardino Sun on Sunday, June 9, 2019; and posted in two conspicuous locations in the city; and

WHEREAS, on July , 2019, the Needles City Council held a duly noticed and advertised public hearing to receive oral and written testimony relative to the amendment to the Needles Municipal Code (NMC); and

WHEREAS, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination:

SECTION 1. The City Council HEREBY FINDS AND DETERMINES that this activity is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Section §§ 15060 (c)(2), the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment

SECTION 2. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve an amendment to the Needles Municipal Code (NMC), attached as "Exhibit "A".

SECTION 3. The City Council HEREBY APPROVES Ordinance 619-AC for an amendment to the Needles Municipal Code (NMC) attached as Exhibit "A".

SECTION 4. This action shall become final and effective 30 days after this decision by the City Council as provided by the Needles City Code.

8-13-19 #12

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Needles, California, approves an amendment to the City Code.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of July, 2019, by the following roll call vote:

AYES: Councilmembers Gudmundson, Terral, Paget, Belt and Longacre
NOES None
ABSENT Councilmember Hazlewood
ABSTAIN None

Mayor

Attest: Dave Jones
City Clerk

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 13th day of August, 2019.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

(Seal)

Attest:

City Clerk

Approved as to form:

City Attorney

EXHIBIT "A"

Amendments to City Code

A. **Section 96.00 "Permissible Use Table":**

Uses Descriptions	R1	R2	R3	CR	Cl	C2	C3	M1	M2	P
1.00 RESIDENTIAL										
1.20 Single-Family, one du/lot	Z	Z	Z	Z	Z					
1.30 Single-Family, two du/lot	Z/ *S	Z/ *S	Z/ *S	Z/ *S	Z/ *S					

*S Applications that do not comply with the criteria for ministerial review are subject to the review and approval of the Planning Commission through a Special Use Permit w/o a public hearing

Uses Descriptions	R1	R2	R3	CR	Cl	C2	C3	M1	M2	P
1.00 RESIDENTIAL										
1.20.1 Single-Family, one du/lot	Z	Z	Z	Z	Z					
1.20.2 Single-Family, two du/lot	Z/ *S	Z/ *S	Z/ *S	Z/ *S	Z/ *S					

*S Applications that do not comply with the criteria for ministerial review are subject to the review and approval of the Planning Commission through a Special Use Permit w/o a public hearing

1.30 Accessory Dwelling Units (ADU)	Z	Z	Z	Z	Z					

B. **Section 96.08 Dwelling Units**

(A) "Definitions to be Added

1. "Accessory dwelling unit". An attached or a detached residential dwelling unit which provides independent living facilities for one or more persons. It shall include permanent provisions for living, eating, sleeping, cooking, and sanitation on the same parcel as a single-family dwelling is situated. An accessory dwelling unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code, **and a manufactured home as defined in Section** 18007 of the Health and Safety Code. (See also "Secondary

dwelling unit").

2. "Accessory building or structure". A building or structure that is subordinate to the main building on the same site, or the use of which is incidental to the use of the site or the use of the main building on the site. A building that shares a common wall with a main building shall be deemed a part of the main building.

3. "Accessory use". A use customarily incidental, related, and subordinate to the principal legal use of the parcel or lot and located on the same

4. "Attached accessory dwelling unit" means an accessory dwelling unit that shares a common wall with the primary unit, either by being constructed as a physical expansion (i.e., addition) of a primary unit, conversion of an existing garage attached to a primary unit, or installation of a new basement underneath an existing primary unit.

5. "Detached accessory dwelling unit" means an accessory dwelling unit that is constructed as a separate structure from the primary unit, or is created through conversion (full or partial) of an existing lawfully-constructed detached accessory building into an accessory dwelling unit.

6. Second Dwelling Unit. A "Second Dwelling Unit" is defined as a permanent dwelling unit that is accessory to a primary dwelling on the same site. A second dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. A second dwelling unit may be attached to or detached from the primary dwelling.

7. "Floorspace" means the gross floor area as measured to the outside surface of exterior walls, including its living area.

8. "Junior accessory dwelling unit". A unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

9. "Living area" means the interior habitable area of a dwelling unit including the basement and attics but not including a garage or any accessory building or structure.

10. "Primary unit" means the building (or portion of the building in cases of an attached accessory dwelling unit) in which the principal residential use of the lot takes place. An accessory dwelling unit cannot constitute the primary unit.

11. "Public transit" means a signed and designated bus stop, train stop, ferry terminal or other public transit station.

12. "Passageway" means a pathway that is unobstructed clear to the sky and extends

from a street to one entrance of the accessory dwelling unit.

13. "Secondary dwelling unit". The predecessor to an accessory dwelling unit under local zoning laws. Secondary dwelling unit permits were issued under local zoning laws in effect after February 3, 1984 and prior to January 1, 2017.

(B) Second Dwelling Units

(1) Over the Counter Review: Pursuant to City of Needles Development Code, second units that comply with the following criteria may be reviewed and approved ministerially, without review by the Planning Commission:

(a) The parcel will include, or already includes, a single-family dwelling.

(b) The second unit is detached from the first dwelling unit.

(c) Number of Units. Only one second dwelling unit is permitted per primary single-family dwelling on the same lot.

(d) The second dwelling unit provides complete, independent living facilities for one (1) or more persons and includes permanent provisions for living, sleeping, eating, cooking and sanitation.

(e) The second dwelling unit shall comply with all height, setback, lot coverage and other applicable zoning requirements of this part. An additional parking space(s) shall be provided if sufficient space is available.

(f) The second dwelling unit maintains the scale of adjoining residences and blends into the existing setting by use of appropriate building form, height, materials, color and landscaping appropriate to that setting.

(g) Side and rear yard setbacks for second dwelling units shall be the same as the primary residence; detached second units shall be separated from the primary residence by a minimum of 6 feet.

(h) Required parking for the primary single-family dwelling may not be removed for the creation of a second dwelling unit (e.g. garage conversions), or allocated to meet the parking requirement for the second dwelling unit, unless replacement parking is provided in accord with this title.

(i) Emergency Access. A detached second dwelling unit may be permitted only on a lot with access from a roadway/easement that meets the fire apparatus access road requirements of the California Fire Code Section 902.2.2.1 s

~~(j) *Existing guest or accessory living quarters may be converted into a second dwelling unit provided that all zoning and structural requirements are met.*~~

(k) The second unit may be rented and shall not be sold separately from the main dwelling unit unless the lot on which such units are located is subdivided. The lot upon which the second unit is located shall not be subdivided unless each lot which would be created by

the subdivision will comply with the requirements of this title, the City's Subdivision Ordinance, and the Subdivision Map Act.

(1) Building code requirements which apply to additions to existing single-family residence shall apply. (Ord. No. 427-AC, (part).)

(C) Accessory Dwelling Unit (ADU). This section provides for the establishment and reasonable regulation of accessory dwelling units in order to encourage housing opportunities for all segments of the population while ensuring the public health, safety, and welfare.

(1) Application and fee. Application for an accessory dwelling unit permit shall be accompanied by the appropriate fee.

(2) Director of community development, or his/her designated replacement, as review authority. Applications for accessory dwelling unit shall be acted upon by the director, or his/her designee, magisterially without discretionary review or a public hearing. Said action shall occur no more than 120 days following submission of the application. Courtesy notice shall be provided to owners of property within one hundred feet of the subject property, as set forth on equalized county tax assessment rolls, at least ten days prior to a decision by the director, or his/her designee.

(3) Grant of accessory dwelling unit permit.

(a) In order to grant an accessory dwelling unit permit for an accessory dwelling unit created through construction of or additions to a detached accessory building or by construction of or additions to a single-family dwelling, the director, or his/her designee, shall find that the accessory dwelling unit would comply with all of the standards set forth in Section 96.08(D) for such accessory dwelling units as adopted by council resolution.

(4) In order to grant an accessory dwelling unit permit for an accessory dwelling unit created exclusively through conversion of existing floorspace in a primary unit or a detached accessory building, the director, or his/her designee, shall find that the accessory dwelling unit would comply with all of the standards set forth in Section 96.08 (F) for such accessory dwelling units as adopted by council resolution.

(5) Building permits. A building permit shall be required in conjunction with the issuance of an accessory dwelling unit permit if repair, rehabilitation, or other work otherwise requiring a building permit is necessary.

(6) Approved secondary dwelling units still valid. Any secondary dwelling unit legally established with an approved secondary dwelling unit permit between July 1, 2003 and _____ 2019 and in continued existence shall be deemed a legal, conforming dwelling unit. Secondary dwelling units established by any such permit shall continue to comply with all zoning requirements for secondary dwelling units in effect at the time of permit approval.

(7) Premises identification. Any assigned street address number for the accessory dwelling unit shall be plainly visible and legible from the street fronting the property as

required by the applicable building code.

(8) Expiration. Accessory dwelling unit permits issued in compliance with this section shall expire and become null and void three years after issuance unless a certificate of occupancy has been issued by the building division.

(9) Revocation. Upon written notice to the holder of an accessory dwelling unit permit or a secondary dwelling unit permit, and a hearing before the director, or his/her designee, the director may revoke or modify any accessory dwelling unit permit or secondary dwelling unit permit on any one or more of the following grounds:

(a) That the approval was based on false information submitted by the applicant;

(b) That the use for which such approval was granted has ceased to exist or has been suspended for one year or more; or

(c) That the permit granted is being or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.

(10) Reporting of violations. All reporting of accessory dwelling unit permit or secondary dwelling unit permit violations shall be submitted in writing to the director, or his/her designee, the director, or his/her designee, shall notify the owner of record of the property that a complaint has been registered, within ten calendar days from receipt of any such complaint. The director, or his/her designee, shall investigate and issue a written report to the complainant within thirty days from the date of the issuance of the notice outlining the status of any alleged violation and the steps that have been requested of the owner of record to remedy the situation.

(11) Violations considered an infraction. Violations of this section shall be punished as infractions or by administrative citation, in the discretion of the director, or his/her designee, and shall be subject to the provisions of section 16-56.030 (violations and penalties) and/or chapter 31 (enforcement of code). This subsection also applies to violations of conditions of approval or requirements of operation issued in association with any accessory dwelling unit permit or secondary dwelling unit permit.

(12) Violations—Additional remedies—Injunctions. As an additional remedy, the existence and/or maintenance of any accessory dwelling unit or secondary dwelling unit in violation of any provisions herein, or of any conditions of approval or requirements of operation placed thereon, shall be cause for revocation and shall be deemed and is declared to be a public nuisance and may be subject to summary abatement (i.e., including, without limitation, administrative abatement in compliance with chapter 31 [enforcement of code]), and/or restrained and enjoined by a court of competent jurisdiction. In the event legal action is instituted to abate said violation, the City shall be entitled to recover its costs and reasonable attorney's fees incurred in prosecuting said action.

(13) Appeals. The decision of the director, or his/her designee, granting or denying an accessory dwelling unit permit is a ministerial decision as required by state law, and not subject to a public hearing. Any appeal of the decision shall constitute an administrative review of the objective standards and criteria established by the City

for accessory dwelling units. Any such appeal must be filed within ten calendar days of the date of decision and shall be heard by the City Council. The appeal shall be heard in a timely manner.

(14) Density. Pursuant to California Government Code Section 68552.2, no accessory dwelling unit approved under these provisions shall be considered in calculating the density of the lot allowed by the land use designation contained in the land use element of the Needles General Plan, and accessory dwelling units are deemed a residential use that is consistent with the existing general plan and zoning for the lot.

(D) **Junior Accessory Dwelling Unit (JADU).** This section provides for the establishment and reasonable regulation of junior accessory dwelling units to encourage housing opportunities for all segments of the population while ensuring the public health, safety and welfare.

(1) Zoning permit required. No junior accessory dwelling unit shall be established or used unless a junior accessory dwelling unit permit has been issued by the City.

(2) Application and fee. Application for a junior accessory dwelling unit permit shall be accompanied by the appropriate filing fee.

(3) Director, of community development, or his designee, as review authority. Applications for junior accessory dwelling unit shall be acted upon by the director, or his/her designee, without discretionary review or a public hearing. Said action shall occur no more than 120 days following submission of the application. Courtesy notice shall be provided to owners of property within one hundred feet of the subject property, as set forth on equalized county tax assessment rolls, at least ten days prior to a decision by the director, or his/her designee.

(4) Grant of junior accessory dwelling unit permit. In order to grant a junior accessory dwelling unit permit, the director, or his/her designee, shall find that the proposed unit would comply with this section and Section 96.08(G) *Standards for Junior Accessory Dwelling Units* as adopted by council resolution.

(5) Building permits. A building permit and a certificate of occupancy shall be required in conjunction with the installation of a junior accessory dwelling unit. Any repair, rehabilitation, or other work associated with the installation of the junior accessory dwelling unit shall also obtain building permits where required by law.

(6) Premises identification. Any assigned street address number for the junior accessory dwelling unit shall be plainly visible and legible from the street fronting the property as required by the applicable building code.

(7) Expiration. Junior accessory dwelling unit permits issued in compliance with this section shall expire and become null and void three years after issuance unless a certificate of occupancy has been issued by the building division.

(8) Revocation. Upon written notice to the holder of a junior accessory dwelling unit permit and a hearing before the director, or his/her designee, the director, or his/her designee, may revoke or modify any such permit, on any one of the following grounds:

a) That the approval was based on false information submitted by the applicant.

b) That the permit granted is being or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.

c) For other good cause.

(9) Periodic update. The director, or his/her designee, shall maintain a record of all authorized junior accessory dwelling units and shall review and update the record every two years. At the review, the owner of record shall verify in writing under penalty of perjury that the junior accessory dwelling unit is in compliance with the standards for junior accessory dwelling units and with all operating requirements of the permit as set forth in applicable ordinances and regulations.

(10) Reporting of violations. All reporting of junior accessory dwelling unit violations shall be submitted in writing to the director, or his/her designee, The director, or his/her designee, shall notify the owner of record of the property that a complaint has been registered within ten calendar days from receipt of any such complaint. The director, or his/her designee, shall investigate and issue a written report to the complainant within thirty days from the date of the issuance of the notice outlining the current status of any alleged violation and the steps that have been requested of the owner of record to remedy the situation.

(11) Violations considered an infraction. Violations of this section shall be punished as infractions or by administrative citation, in the discretion of the director, or his/her designee, and shall be subject to the provisions of Municipal Code Article XVIII "Enforcement and Review" This subsection also applies to violations of requirements of operation issued in association with any junior accessory dwelling unit approval.

(12) Violations—Additional remedies—Injunctions. As an additional remedy, the existence and/or maintenance of any junior accessory dwelling unit in violation of any provisions herein, or of any requirements of operation placed thereon, shall be cause for revocation and shall be deemed and is declared to be a public nuisance and may be subject to summary abatement (i.e., including, without limitation, administrative abatement in compliance with Municipal Code chapter 31), and/or restrained and enjoined by a court of competent jurisdiction. In the event legal action is instituted to abate said violation, the City shall be entitled to recover its costs and reasonable attorney's fees incurred in prosecuting said action.

(13) Appeals. The decision of the director, or his/her designee, granting or denying a junior accessory dwelling unit permit is a ministerial decision as required by state law, and not subject to a public hearing. Any appeal of the decision shall constitute an administrative review of the objective standards and criteria established by the City for junior accessory dwelling units. Any such appeal must be filed within ten calendar days of the date of decision and shall be heard by the City Council. The appeal shall be heard in a timely manner.

(E) Standards for Accessory Dwelling Units Created Through Construction of or Additions to a Detached Accessory Building or by Construction of or Additions to a Single Family Dwelling

(1) Zones. The proposed unit would be located on a lot that contains a single family dwelling located in one of the following residential zones: R-1, R-2, R-3, CRR.

(2) Regulatory considerations. Accessory dwelling units that meet the requirements of this section shall not be considered by the City when calculating the allowable density for the lot upon which the accessory dwelling unit is located, and shall be deemed to be a residential use that this consistent with the General Plan and applicable zoning.

(3) One per lot. The proposed unit would be the only *Accessory Dwelling Unit* on the lot and there would be no *Junior Accessory Dwelling Unit* on the lot.

(4) Rental. The *Accessory Dwelling Unit* may be rented but may not be rented for a period of less than 30 consecutive days or used as a *Vacation Rental.*

(5) Owner occupancy. One of the dwelling units on the site shall be owner-occupied. For purposes of this standard, "ownership" is defined as a majority (i.e., fifty-one percent or greater) interest in the property in question. Property owned in joint tenancy shall be considered a single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for the party named, unless shares are specified, in which case ownership requires a majority interest.

(6) Location on lot. The *Accessory Dwelling Unit* shall either be attached to the existing dwelling or located within the *Living Area* of the existing dwelling, or shall be detached from the existing dwelling and located on the same lot as the existing dwelling. If detached, the *Accessory Dwelling Unit* shall be separated from the *Primary Unit* and any *Detached Accessory Building* a minimum of three feet.

(7) Zoning Development Standards. The proposed unit shall comply with development standards for the underlying zone in which it is located, specifically standards for lot coverage, setback, height, and floor area ratio, except as explicitly set forth herein.

(8) Separate Kitchen and Bathroom. The proposed *Accessory Dwelling Unit* shall contain a separate kitchen and bathroom; both the *Primary Unit* and the *Accessory Dwelling Unit* shall comply at a minimum with all requirements of the current residential code; and the *Accessory Dwelling Unit* shall comply with the building code at the time it was constructed.

(9) Size. The increased floor area of an *Attached Accessory Dwelling Unit* shall not exceed 50 percent of the existing *Living Area,* with a maximum allowable increase in floor area of 1,200 square feet. The total area of floorspace for a newly-constructed *Detached Accessory Dwelling Unit* shall not exceed 1,200 square feet.

(10) *Passageway.* No *Passageway* shall be required in conjunction with the construction of an *Accessory Dwelling Unit.*

(11) Setback Exceptions. No setback shall be required for a lawfully-constructed garage in existence prior to execution of this Ordinance that is converted to an *Accessory Dwelling Unit,* and a setback of no more than five (5) feet from the side and rear lot lines shall be required for an *Accessory Dwelling Unit* that is constructed above a garage.

(12) Parking. The application shall comply with parking provisions of Needles' Municipal Code Section 111, including parking setback limitations, except as may be set forth below:

(a) One on-site parking space shall be required for each bedroom of the proposed *Accessory Dwelling Unit* in addition to those required for the *Primary Unit.*

(b) Required parking for the *Accessory Dwelling Unit* may be uncovered.

(c) Off-street parking for an *Accessory Dwelling Unit* may be in tandem with parking for the *Primary Unit* or may be allowed in the front setback, unless specific findings are made that such is not feasible based on specific site topographical or fire and life safety conditions. All parking spaces shall be on an *Improved Parking Surface.*

(d) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an *Accessory Dwelling Unit,* and the City requires that those parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the *Accessory Dwelling Unit,* including, but not limited to, as covered spaces, uncovered spaces, or by the use of mechanical automobile parking lifts.

(e) Subsections A through D of this Standard 11 shall not apply to a unit described in subsection 11 F below.

(f) On-site parking is not required for an *Accessory Dwelling Unit* in any of the following circumstances:

(1) The unit is located within one-half mile of *Public Transit.*
(2) The unit is located within an architecturally and historically significant historic district.
(3) The unit is part of the existing *Primary Unit* or an existing *Accessory Building.*
(4) When on-street parking permits are required but not offered to the occupant of the unit.
(5) When there is a car share vehicle located within one block of the unit.

14. Feasibility Inspection. Unless the project constitutes new construction, a building inspection shall be performed by the City's Building Dept. at applicant's cost, and a report establishing the feasibility of the project to meet applicable building and residential codes shall be provided to the Director, or his/her designee, of Development Services prior to approval of an *Accessory Dwelling Unit* permit.

15. Adequate sanitary service capacity for the additional increment of effluent resulting from the *Accessory Dwelling Unit* would be available. If the lot is connected to the public sewer system, the applicant has submitted a letter from the appropriate Sanitary District to that effect. If the lot is not connected to the public sewer system, the applicant will need to demonstrate that the individual or alternative sewage disposal system serving the lot has adequate capacity to accommodate the proposed *Accessory Dwelling Unit.*

16. The *Accessory Dwelling Unit* would comply with all applicable Fire District regulations, subject to provisions and limitations set forth in Government Code Section 65852.2.

17. The *Accessory Dwelling Unit* would comply with all applicable Water District regulations, subject to provisions and limitations set forth in Government Code Section 65852.2.

(F) Standards for Accessory Dwelling Units Created Exclusively through Conversion of Existing Floorspace in a Single Family Dwelling or a Detached Accessory Building

(1) The unit shall be located in a single-family zone.

(2) The unit shall be created within an existing legal structure (a single-family dwelling or a *Detached Accessory Building* appurtenant to a single-family dwelling).

(3) The unit shall provide independent exterior access from the *Primary Unit.*

(4) The unit has sufficient setbacks to meet fire safety requirements.

(5) There shall be no more than one *Accessory Dwelling Unit* on the lot.

(6) Rental. The unit may be rented but may not be rented for a period less than 30 consecutive days or used as a *Vacation Rental.*

(7) Owner Occupancy. One of the dwelling units on the site (either the *Primary Unit* or the *Accessory Dwelling Unit)* shall be owner-occupied. For purposes of this standard, "ownership" is defined as a majority (i.e., fifty-one percent or greater) interest in the property in question. Property owned in joint tenancy shall be considered a single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for the party named, unless shares are specified, in which case ownership requires a majority interest.

(8) Feasibility Inspection. A building inspection shall be performed by the City's Building Division at applicant's cost, and a memo establishing the feasibility of the project to meet applicable building and residential codes shall be provided to the *Director, or his/her designee, of Community Development,* prior to approval of a permit.

(G) <u>Standards for Junior Accessory Dwelling Units</u>

(1) The proposed junior accessory dwelling unit would be located in a single-family residential zone, including the R-1, R-1-R-3 and CRR zones.

(2) Owner occupancy of one of the dwelling units on the site (either the primary residence or the junior accessory dwelling unit) is required, unless the owner is a governmental agency, a land trust, or a housing organization. For purposes of this standard,

ownership is defined as a majority (i.e., fifty-one percent or greater) interest in the property in question. Property owned in joint tenancy shall be considered a single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for the party named, unless shares are specified, in which case ownership requires a majority interest.

(3) The junior accessory dwelling unit would be in conformance with the current building codes adopted by the City. A memo prepared following inspection of the premises by the Needles Building Division, documenting the feasibility of the project to meet current building codes, shall be provided to the Director, or his/her designee, of Community Development prior to approval of a junior accessory dwelling unit permit.

(4) The junior accessory dwelling unit would be created within the existing walls of a single-family dwelling and would include the utilization of a pre-existing bedroom.

(5) The junior accessory dwelling unit would have a separate exterior entry from that of the primary residence, and internal access to the primary residence is established. A second interior doorway separation may be provided for sound attenuation purposes.

(6) The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:

a. A sink with a maximum waste line diameter of one-and-a-half (1.5) inches.

b. A cooking facility with appliances that do not require electrical service greater than one hundred-twenty (120) volts. Gas appliances are not permitted.

c. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(7) The junior accessory dwelling unit would be located on a lot where the primary residence complies with current parking standards for a single-family dwelling.

(8) Adequate sanitation (bathroom) facilities are provided, either a) separately for the exclusive use of the junior accessory dwelling unit; or b) shared with the primary residence through internal access from the junior accessory dwelling unit to the primary residence.

(9) The junior accessory dwelling unit shall comply with applicable requirements of the fire protection district serving the lot, subject to the provisions of Government Code Section 65852.22(d) or successor sections thereto.

(10) The junior accessory dwelling unit shall comply with applicable requirements of the public water agency serving the lot, subject to the provisions of Government Code Section 65852.22(e) or successor sections thereto.

(11) The junior accessory dwelling unit may be rented but shall not be rented for less than thirty (30) consecutive days.

(12) The property on which the junior accessory dwelling unit is located shall have deed restrictions recorded upon it as set forth below prior to issuance of a building permit for the unit. Said restrictions shall be reviewed and approved by the City Attorney and recorded with the Marin County Recorder's Office.

(a) The junior accessory dwelling unit shall not be sold separately from the primary residence, and shall not be rented for less than thirty (30) consecutive days.

(b) The junior accessory dwelling unit shall not exceed five-hundred (500) square feet in floor area, shall not be smaller than allowed by applicable building regulations, and shall be entirely contained within an existing single-family structure.

(c) The junior accessory dwelling unit shall be considered legal only so long as it or the single-family dwelling in which it is located is owner-occupied, unless the owner is a governmental agency, a land trust or a housing organization. Ownership is defined as a majority (i.e., fifty-one percent or greater) interest in the property in question. Property owned in joint tenancy shall be considered a single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for the party named, unless shares are specified, in which case ownership requires a majority interest.

(d) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with any provisions of Needles Municipal Code Section 16-52.105 (or successor sections) may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.