Modify Section 20.16.040(A)(1)(b), under Property Development Regulations/Floor Area Calculations to read as follows:

“b. Up to 500 square feet of garage area may be subtracted from the paragraph 20.16.040(A)(1)(a) above, for the primary purpose of storing vehicles.”

Modification of Section 20.08 “Definitions” to modify and replace the following definitions:

20.08.070 Dwelling.

A. Single Family Dwelling. “Single Family Dwelling” or “Single Family Dwelling Unit” means a building on an individual lot, designed for and used as a dwelling unit for one family or housekeeping unit, which is not arranged, or designed, or equipped to permit two or more families or housekeeping units to live independently of each other.

B. Multiple Family Dwelling. “Multiple Family Dwelling” or Multiple Family Dwelling Unit” means a building or buildings designed for or used as dwelling units for two or more families or housekeeping units living independently of each other, including condominiums, apartment houses, flats, rooming and boarding houses for three or more separate tenants, but not including automobile courts, motels, apartment hotels, rest homes, ADUs, or JADUs.

1. Duplex. A “Duplex” is a residential development with two primary dwelling units within one structure. This use type is distinguished from a residential ADU, which is an Accessory Dwelling Unit as defined by state law and 20.80.070(E).

2. Multiplex. A “Multiplex” is three or more dwelling units on a single lot that may be either attached or detached. Typical uses include condominiums and apartment buildings.

3. Multi-Family Efficiency. A “Multi-Family Efficiency Unit” (also referred to as “microapartment units” or “micro-units”) is a small multi-family dwelling unit that includes a full bathroom and Kitchen and sleeping quarters and functions as an independent housekeeping unit.

C. Mixed-Use Building. A “Mixed-Use Building” means any building containing one or more Dwelling Units, together with commercial and/or business and professional office use. Mixed-Use Buildings include, but are not limited to:
1. **Mixed-Use.** “Mixed-Use” means a property on which various uses such as office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A single site may include contiguous properties.

2. **Live/Work Unit.** “Live/Work Unit” is a unit used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

D. **Single Room Occupancy Dwelling.** “Single Room Occupancy Dwelling (SRO)” means a residential building consisting of individual secure rooms that are each rented to one or two persons. Individual rooms within an SRO may share common Kitchen facilities and may or may not have private sanitation facilities.

E. **Accessory Dwelling Unit** (also “ADU,” “Second Unit,” “Accessory Dwelling Unit,” or “Granny Unit”) shall have the same meaning as defined in the California Government Code Section 65852.2, as amended from time to time, and shall include permanent provisions for independent living from the primary residence including sleeping, eating, cooking, and sanitation.

1. **Attached ADU** shall mean a new ADU is constructed as a physical expansion (i.e. addition) of the primary dwelling and is attached to the Single Family Dwelling Unit by one or more common walls.

2. **Converted ADU** shall mean an ADU created within the interior of an Existing Structure that occupies part of the Floor Area of the Existing Structure, as defined in this chapter. A Converted ADU does not include an ADU that would (a) increase the height of an Existing Structure; (b) require removal of more than 50 Cubic Yards as part of the excavation of an Existing Structure; or (c) increase the Gross Floor Area of the Existing Structure by more than 150 square feet beyond its existing physical dimensions for the purpose of accommodating ingress and egress.

3. **Detached ADU** shall mean a new ADU that is located on the property such that the unit does not share any walls with the Single Family Dwelling Unit or Multiple Family Dwelling Unit, and the distance between the nearest point of any portion of the unit and the Single Family Dwelling Unit or Multiple Family Dwelling Unit is six feet or more.

F. **“Junior Accessory Dwelling Unit”** (also known as “Junior ADU” or “JADU”) shall have the same meaning as defined in the California Government Code Section 65852.22, as amended from time to time.
Repeal and Delete the Following Definitions:

20.08.135 Nonconforming residential second unit.
“Nonconforming residential second unit” means a residential second unit which was constructed on a parcel of land in a manner which did not conform to the regulations for the district in which it is situated at the time of construction.

20.08.100 Legal nonconforming residential second unit.
“Legal nonconforming residential second unit” means a residential second unit which currently does not conform to the regulations for the district in which it is situated, but did conform at the time it was constructed or erected. The unit shall be considered to conform to requirements of this title, until the same is thereafter removed or destroyed. (Ord. 1188 § 3, June 2, 2003)

Modification of Section 20.08 “Definitions” to add the following to definitions:

20.90.091.2 “Existing Structure” shall mean an existing permitted or otherwise legal Single Family Dwelling (including all fully enclosed areas such as a partial basement or an attached garage), Multiple Family Dwelling, or other permitted Accessory Structure that can be safely converted into habitable space under building and fire codes.

20.08.095.4 “Gross Floor Area” shall mean the total Floor Area within a building, as defined in 20.16.040(A)(1)(a). Measurements must be taken from the exterior faces of exterior walls.

20.08.096.5 “Kitchen” shall mean a room or portion thereof containing permanent facilities designed and used for food preparation, cooking, eating and dish washing. A Kitchen shall include all of the following: a sink with hot and cold running water; a range or stove-top and an oven; at a minimum, an apartment-sized refrigerator; and built-in dish and utensil storage spaces. In addition to the aforementioned improvements, a Kitchen may also include any of the following: microwave, convection oven, hot plate or automatic dish washer.

20.80.149 “Owner” includes the beneficial Owners of any trust, limited liability company, corporation or other legal entity that is the legal Owner of the Single Family Dwelling Unit or Multiple Family Dwelling Unit.
Replace Section 20.90 “Accessory Dwelling Units” in its entirety with the following:

Chapter 20.90
ACCESSORY DWELLING UNITS

Sections:
20.90.010 Purpose.
20.90.020 Definitions.
20.90.030 General Requirements and Restrictions for ADUs and JADUs.
20.90.040 Process, Review and Fees for ADUs and JADUs.
20.90.050 ADU Development Standards and Objective Design Guidelines.
20.90.060 JADU Development Standards.
20.90.070 Termination of Permit and Use for ADUs and JADUs.
20.90.080 Violations and Enforcement for ADUs and JADUs.

20.90.010 Purpose.
It is the intent of these regulations to provide opportunities for new Accessory Dwelling Units (ADUs) and Junior ADUs (JADUs) consistent with state law and local regulations. ADUs and JADUs are intended to provide independent living units for family members, students, the elderly, in-home health and childcare providers, and others within existing residential neighborhoods.

20.90.020 Definitions.
See Chapter 20.08.

20.90.030 General Requirements and Restrictions for ADUs and JADUs.
A. General Requirements. An ADU and JADU shall comply with the following requirements:
1. One ADU may be constructed on a lot zoned to allow Single Family or Multiple Family Dwelling residential use.
2. One JADU may be constructed per residential lot in Zoning Districts permitting Single Family Dwelling residential use.
3. One JADU and one ADU may be constructed on a Single Family Residential lot where the JADU and ADU meet the requirements in Government Code Section 65852.2(e).
4. Multiple Converted or Detached ADUs may be constructed on a lot with an existing Multiple Family Dwelling, where consistent with Government Code Section 65852.2(e)(1)(C) and (D).
5. All proposed ADUs and JADUs must satisfy building, fire and safety standards, such as fire lane widths, minimum fire flows and emergency egress, as established through State of California’s Fire and Building Codes.

6. All ADUs and JADUs located in the Floodplain shall comply with Title 18 of this Code.

7. If the construction of an ADU is proposed within (30) feet of the top of the bank for any watercourse identified in Section 20.76, the applicant shall provide the Building Department with all applicable permits from outside agencies, including but not limited to, the San Francisco Bay Regional Water Quality Control Board, California Department of Fish and Wildlife, The Army Corps of Engineers, State Water Resources Control board and/or U.S. Fish and Wildlife Service.

8. A permanent address is required for an ADU.

9. Prior to receiving a building permit for an ADU, the local water or sewer agency shall submit letters of service availability for water and sewer disposal to the Building Official.

10. Any ADU or JADU legally created shall be governed by the Zoning regulations in effect at the time of approval.

B. Restrictions. All ADUs and JADUs shall be subject to the following restrictions:

1. The development and use of the ADU or JADU shall only be valid and permitted based on the terms established in the Chapter.

2. A Deed Restriction shall be required for all ADUs or JADUs. Prior to obtaining a building permit for an ADU or JADU, a deed restriction shall be recorded with the County Recorder’s Office, which shall include the restrictions and limitations identified in this Section. Said deed restriction shall run with the land, and shall be binding upon any successor in ownership of the property. A copy of the final recorded deed restriction shall be filed with the Planning Department prior to the final inspection for the construction of the project, stating that:
   a. The ADU or JADU shall not be sold separately from the primary residence.
   b. If the ADU or JADU is rented, it shall not be rented for a period of less than 30 consecutive days.
   c. The ADU or JADU shall be restricted to the Gross Floor Area granted at the time of building permit. Any Owner wishing to incorporate the Gross Floor Area of the ADU OR JADU back into the primary Dwelling Unit must request termination of the ADU OR JADU use under this Chapter, satisfying all Zoning and development standards such as setbacks, Floor Area and Lot Coverage.
d. The Owner and all successors in interest in the subject property shall agree to respond to the City of Mill Valley’s annual survey of Owners of all ADUs or JADUs to determine use, code consistency and for reporting purposes to the State Department of Housing and Community Development (HCD).
e. The Owner and all successors in interest in the subject property shall maintain the ADU OR JADU in accordance with all applicable regulations established in this Chapter. Violations and lack of compliance with any provisions of this Section may result in legal action against the property Owner, including revocation of any right to maintain an ADU OR JADU on the property as outlined in 20.90.070-080, and shall be subject to administrative fines and penalties as contained in Chapter 8.02 of the Mill Valley Municipal Code.
f. JADUs only: Owner-occupancy is required for parcels with a JADU, consistent with Section 20.90.060.

20.90.040 Process, Review and Fees for ADUs and JADUs.

A. Projects Exempt from Obtaining an ADU Permit
1. As provided under Government Code Section 65852.2(e)(1), an Owner shall not be required to submit an application for an ADU permit under subsection (B) below, and may instead seek building permit approval for the following types of units that are located within residential or mixed-use zones:
   a. Junior ADUs meeting the requirements of Government Code Sections 65852.2(e)(1)(A) and 65852.22.
   b. Converted ADUs meeting the requirements of Government Code Sections 65852.2(e)(1)(A) or 65852.2(e)(1)(C).
   c. New construction of Detached ADUs meeting the requirements of Government Code Sections 65852.2(e)(1)(B) or 65852.2(e)(1)(D).
2. Projects that are exempt from obtaining an ADU Permit under this provision are still subject to tree removal permit, grading permit, and other applicable construction-related permit requirements.

B. Projects Subject to ADU Permit Review and Timelines
1. The Planning Director or his/her designee shall ministerially review and approve an ADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the ADU complies with the requirements contained in this Title 20, including Chapter 20.67.
2. ADU permit applications subject to ministerial approval shall be processed within the timelines established by California Government Code Section 65852.2.

3. Where an ADU permit application is submitted with an application for a Single Family Dwelling or Multiple Family Dwelling that is subject to Design Review under Chapter 20.66, the ADU permit application will be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to Section 20.66.

4. In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit, tree removal permit if applicable, and other applicable construction permit requirements prior to the construction of the unit.

C. Fees

1. The Owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees except as specifically provided in California Government Code Sections 65852.2 and 65852.22.

20.90.050 ADU Development Standards and Objective Design Guidelines. Except for those ADUs approved under 20.90.040(A), an ADU shall comply with the following development standards. Exceptions to the development standards may be requested and granted through the discretionary Design Review process subject to Chapter 20.66.

A. Development Standards

1. An ADU shall conform to all lot coverage, Adjusted Floor Area, and setback regulations applicable to the Zoning District in which the property is located, except in the following cases:

   a. ADUs or JADUs that are not required to obtain an ADU permit as provided under Section 20.90.040(A).

   b. Where the application of lot coverage, Adjusted Floor Area, and setback violates Government Code Section 65852.2(c)(2)(C).

   c. No setback shall be required for a Converted ADU that is within an Existing Structure or that is within a structure constructed in the same location and to the same dimensions as an Existing Structure. For all other ADUs, the maximum required setback from side and rear lot lines shall be four feet.

2. Studio and one-bedroom ADUs shall not exceed 850 square feet of Gross Floor Area. ADUs with more than 1 bedroom shall be limited to a maximum of 1,000 square feet of Gross Floor Area, except for those internal Converted ADUs that are within the existing walls of a primary Single-Family residence, which shall be limited to a maximum of 1,200 square feet of Gross Floor Area.
3. If there is an existing primary dwelling, an Attached ADU shall not exceed 50% of
the maximum Adjusted Floor Area for the primary dwelling as calculated in
Section 20.16.040(A)(2) for the subject lot, but in no case shall the ADU be less
than 150 square feet, nor more than 1,000 square feet in Gross Floor Area.
4. A Detached ADU shall not exceed 16 feet in height; or, when located above a
garage, shall not exceed 25 feet in height subject to applicable development
standards and planning review established by way of this chapter.

B. Architectural Style and Building Form

1. An ADU shall include permanent provisions for living and sleeping, including a
closet or other reasonable storage.
2. An ADU shall be similar in materials, color, style and form of the primary
residence. Architectural details, including, but not limited to, windows, roof
pitch, and trim shall be similar to the main building on the property.
3. Lighting shall be shielded or directed so that it does not glare off-site or
illuminate the primary residence or adjacent property.
4. Windows shall be located to avoid line of sight to windows of adjacent
properties. Obscured glass and other techniques may be used to avoid line of
sight.
5. An ADU shall have a separate exterior access. The exterior access shall be a
standard exterior door and shall be located in a manner that will preserve, to the
greatest extent feasible, the privacy of the primary residence, other accessory
structures and any adjoining residences.
6. A permanent foundation shall be required for all ADUs.

C. Off-Street Parking

1. In addition to the off-street parking space(s) required for the primary residence,
one off-street parking space shall be provided for each ADU, except when:
a. The ADU is located within one-half mile walking distance of Public Transit.
For purposes of this chapter, “Public Transit” has the same meaning as in
Government Code Section 65852.2(j).
b. The ADU is entirely within a proposed or existing primary dwelling or other
Existing Structure.
c. The ADU is located within a historic district.
d. On-street parking permits are required but not offered to the occupant of
the ADU.
e. There is a City-approved and dedicated parking space for a car share vehicle
located within one block of the ADU.
2. When the ADU is created by converting or demolishing a garage, carport or covered parking structure, replacement of parking space(s) eliminated by the construction of the ADU shall not be required as long as the ADU remains in use as a legal ADU. If the ADU is removed from use, the Single Family Dwelling Unit shall be required to comply with parking standards established in Section 20.60.090, as well as all other development standards applicable to the Zoning District.

3. The location of the required parking space(s) shall not obstruct the parking of the primary residence, and shall be a minimum of 20 feet in length. The required parking spaces for the ADU may be uncovered. Parking may be provided within the front setback between an existing driveway and the closest side of the property line if the slope of the site is ten percent or less, with the approval of the Planning Director.

20.90.060 JADU Development Standards. Junior Accessory Dwelling Units shall comply with the following:

A. Owner Occupancy

1. The Owner of a parcel proposed for a JADU shall occupy as a principal residence either the Single Family Dwelling Unit or the JADU. The JADU shall be considered legal only so long as the Owner occupies either the Single Family Dwelling Unit or the JADU.

2. Notwithstanding subsection 1, owner-occupancy shall not be required if the Owner is another governmental agency, land trust, or housing organization.

B. Development Standards

1. The JADU shall be a minimum of 150 square feet and a maximum of 500 square feet of Gross Floor Area. The Gross Floor Area of a shared sanitation facility shall not be included in the maximum Gross Floor Area of the JADU.

2. One JADU may be constructed on a lot zoned for single-family residential use, where there is a Single Family Dwelling Unit existing or proposed to be built on the lot. The JADU must be contained entirely within the walls of the existing or proposed Single Family Dwelling Unit.

3. The JADU shall include an efficiency kitchen meeting the requirements of California Government Code Section 65852.22.

4. A separate exterior entry from the main entrance to the Single Family Dwelling shall be provided to serve a JADU.

5. An interior entry to the main living area shall be provided to serve a JADU. Such interior entry may include a second interior doorway for sound attenuation.
6. A JADU may include separate sanitation facilities, or may share sanitation facilities with the Existing Structure.

7. Any exterior improvements associated with the development of a JADU shall conform to Zoning regulations and any existing land use entitlements on the property.

C. Parking. No additional parking is required for a JADU.

20.90.070 Termination of Permit and Use for ADUs and JADUs.

A. No building permit shall be issued to remove permanent features of an ADU, including the provisions for eating, cooking and sanitation, and separate exterior entrance until written approval to terminate the use of living space as an ADU or JADU is granted by Planning Department.

B. At its discretion, the Planning Director may grant an Owner’s written request to terminate an ADU OR JADU and deed restriction. The Planning Director shall consider the length of time such permit has been in force, the conditions of approval, the exceptions granted for the ADU OR JADU, and the impact on the City’s affordable housing supply.

C. As a condition of termination, the Planning Director shall require the Owner to make modifications to the property to comply with: 1) current building code requirements and 2) current development standards in effect at the time the request is made to terminate use, including but not limited to, setbacks, heights, parking and Adjusted Floor Area. The Owner shall apply for a building permit to make such modifications as required by the City’s building and fire codes.

D. In no case shall the ADU or JADU be terminated, if the proposed termination would require a variance to exceed Adjusted Floor Area for the Single Family Dwelling Unit.

E. Requests to terminate an ADU created from either: 1) the conversion of space including a garage, carport or covered parking structure or 2) the exemption from Lot Coverage or Floor Area: ADU may be terminated, should the Owner illustrate compliance with off-street parking requirements established in 20.60.090, as well as all applicable development standards for the Zoning District, including but not limited to: height, setback and allowable Floor Area.
20.90.080 Violations and Enforcement for ADUs and JADUs.

A. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Chapter. An ADU or JADU will be found in violation of this Chapter when the dwelling unit has been created without the required City approvals, or does not comply with standards and deed restrictions established in this Chapter. Violations are subject to the enforcement penalties and procedures of Chapter 8.02 of this Code.

B. In addition to the enforcement penalties and procedures included in Chapter 8.02 of this Code, the City may pursue any remedies provided by law against the Owner of an ADU or JADU found to be in violation of this Chapter, or an ADU or JADU not maintained in conformance with this Chapter including:

1. Revocation of the ADU OR JADU permit;
2. Where an ADU OR JADU has been improperly terminated and is being used as habitable space for the primary Dwelling Unit, removal of the Floor Area serving as habitable space may be required; and
3. In any civil enforcement action, the City is entitled to recover attorneys’ fees and costs from an Owner who is determined to have an illegal ADU or JADU, or is in violation of this ordinance.