

# Exhibit 4

No.	Topic	Zoning Code Section	Gov't Code Section Cited <i>New Section</i>	HCD Claim	City Response	Proposed/Suggested Amendments
1	Dwelling Unit Size	30.11.050	65852.2 (j)(1) <i>66313 (a) and (d)</i>	GMC standard for dwelling unit size minimums are more restrictive than State's ADU regulations and definition.	Those standards are for standard dwelling units in a multi-family zone and does not apply to an ADU, which has a separate definition and standards. <i>Clarifying language proposed</i>	30.11.050 Sub-Section A Development Standards for Dwelling Unit Size in Multi-Family Zones Amend language to clarify that the dwelling unit sizes in this section do not include Accessory Dwelling Units or Junior Accessory Dwelling Units, which are defined and governed separately in GMC Section 30.34.080.
2	Where JADUs are Permitted	Table 30.11-A 30.11.020  <i>The State only identifies this section, however, the change would impact many code sections .</i>	65852.22 (a) <i>66333</i>	Under State law JADUs can only be created in single-family zones, where the GMC also allows them in multi-family zones.	The definition of a JADU as well as the standards specified in GMC Section 30.34.080 are clear that they are only allowed on single-family properties, meaning there is only 1 dwelling unit existing on-site. The GMC allows JADUs on properties with a single-family use, regardless of zone and this was done intentionally in order to be fair and equitable as there are many single-family use properties located in multi-family and non-residential zones. While the City acknowledges that State Law specifies single-family residential zones, the City does not interpret this section as a prohibition on the allowance of JADU construction in multi-family zones that contain a single-family residence. Nevertheless, the City will bring an amendment forward for Council consideration.	Table 30.11-A, Section 30.11.020 (Residential Districts) Table 30.12-A, Section 30.12.020 (Commercial Districts) Table 30.14-A, Section 30.14.020 (Mixed Use Districts) Table 30.15-A, Section 30.15.020 (Special Purpose Districts) Table 30.16.020-A, Section 30.16.020 (TOD Districts) Table 3-A-I, Section 3.3 of the DSP Omit references to JADUs in the various land use charts so that they are only permitted in single-family zones.
3	ADUs in proposed multi-family development	30.34.080 (D) (1)	65852.2 (a)(1)(D)(ii) <i>66314 (d)(2) and (3)</i>	GMC prohibits ADUs within proposed multi-family developments.	The intent of this section is not to limit ADUs with proposed dwelling units in single-family zones. The City has always and will continue to allow a proposed multi-family development to construct one or more ADUs in conformance with the multi-family ADU standards.	Amend Referenced Section - Accessory dwelling units shall be permitted in any zone that allows residential uses and is developed with residential uses or, <del>in the case of single-family zones only,</del> is proposed to be developed with a residential <b>use</b> . <del>a residential dwelling unit.</del>  Also Amend GMC 30.34.080.F Additional Standards Specific Only to Accessory Dwelling Units on Lots Developed with Existing Multiple Residential Dwelling Units. The following standards and criteria apply to accessory dwelling units on lots developed with existing <b>or proposed</b> multiple residential dwelling units.
4	Size Limits on Attached ADUs	30.34.080 (D) (3), (D)(7), (E)(1)	65852.2 (c)(2)(C) <i>66321(b)(3)</i>	GMC restricts new construction ADUs attached to the primary residence to 50% of the existing house SF, but the City has to allow ADUs up to 800 SF even if it exceeds 50% of the existing house SF.	The City currently abides by the requirement in State Law to allow an exception to any development standard when those would preclude the construction of at least an 800 square foot ADU with 4-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.	Amend 30.34.080 (D)(7)  All new construction accessory dwelling units attached to the existing primary dwelling shall not exceed 50% of the existing floor area of the primary dwelling, but in no event shall an accessory dwelling unit exceed the maximum square feet stated in subsection (D)(6) above. <b>This prohibition does not apply when compliance with this section precludes development of an accessory dwelling unit that qualifies under (E)(4) below.</b>  Note: HCD's letter also cites 30.34.080(F)(1) with this claim, but that section refers to multi-family properties and based on state law new construction ADUs are not allowed to be attached to primary dwellings
5	JADUs and Development Standards	30.34.080 (D)(3)	65852.2(e) <i>66323(a)(1)(A) ??</i>	The proper exception for JADUs is not in the City's Ordinance as it relates to the underlying zoning development standards.	Ordinance is in compliance with State Law. GMC states that ADUs and JADUs are subject to the underlying zoning development standards (setback, floor area, height, parking, etc.) that are applicable to the primary residential dwelling, except as otherwise set forth in this section. The exception in the section are the mandatory ADUs and JADUs allowed in GMC 30.34.080(E)(4)(a).	Amend Referenced Section - Accessory dwelling units and junior accessory dwelling units are subject to the underlying zoning development standards for setback, floor area ratio, lot coverage, height, parking, open space and landscaping that are applicable to the primary residential dwelling, or dwellings, except as otherwise set forth in this section, <b>including subsection (E)(4) below.</b>
6	Accessory Living Quarters	30.34.080(D)(9)	65852.2(a)(1) <i>66314(d)(3)</i>	GMC prohibits accessory living quarters and ADUs on a site which is more stringent than State ADU Law which provides a choice of the type of ADU created and does not require an existing area such as an accessory living quarters to be converted to an ADU.	Ordinance is in compliance with State Law because it does not prohibit a City from requiring that a property with an existing guest house either convert their guest house into a detached ADU or demolish it it to build an ADU. Applicants are not forced - they make a choice to convert their guest house into an ADU.  The purpose is to minimize a proliferation of detached accessory buildings on lots which reduce landscaping and open space, and contribute to additional lot coverage and FAR and to encourage applicants to convert guest houses to ADUs which contributes to independent living facilities that can support renters.	<i>Staff Recommendation</i> No amendments required, but findings must be drafted and adopted in a resolution that "explain the reasons the local agency believes that the ordinance complies with [State Law] despite [HCD's findings]." Gov't Code §66326  State law allows conversions to add no more than 150 SF to accommodate ingress and egress only. Consider allowing an owner to expand more than that to build up to a 1000 SF ADU.  <i>Option:</i> Amend the ADU ordinance to allow owners to maintain their accessory living quarters <u>and</u> build an ADU.

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7	Street-Front and Street-Side Setback	30.34.080 (D)(10)	65852.2 (c)(2)(C) <i>66321(b)(3)</i>	Regardless of a local agency's street front and street side setback requirements, the city must allow for an 800 SF attached or detached ADU in the street front and street side setback areas so long as a 4-0" side and rear yard setbacks is provided.	Current language allows this for single-family properties. Staff oversight in drafting the ordinance originally excluded the multi-family ADUs, but that is how it is practiced. Language will be amended to clarify/add a reference to multi-family ADUs.	In no case shall new construction of an accessory dwelling unit be located between the primary residential dwelling(s) and the street front and street side setback. Notwithstanding such prohibition, in cases where a lot has more than one street front (through lot), a new construction attached or detached accessory dwelling unit may be located between the street front setback and the side or rear façade of the primary residential dwelling(s). Further, no additional driveway shall be allowed from any street frontage. These prohibitions do not apply when compliance with this section precludes development of an accessory dwelling unit or junior accessory dwelling unit that qualifies under subsection (E)(4) <b>and (F)(2)(b)</b> below.  <i>Advisory note:</i> There is no street-front or street-side setback requirement established in the state law - they only identify side and rear.
8	JADUs and Short Term Rentals	30.34.080 (D)(11) and (H)(1)(d)	65852.2 (e)(5) <i>66323(d)</i>	State law does not establish a minimum rental term for JADUs, where the City establishes a term for 30 days or more. Only ADUs are required to have a rental term of at least 30 days.	Just because the State law does not have a provision for short-term rentals of JADUs does not mean that the City cannot impose one. Nevertheless, the City will request that Council consider removing this restriction on JADU rentals.	Amend the referenced code sections to omit JADUs
9	JADUs and separate sales	30.34.080 (D)(12) and (H)(1)(a)	65852.22(a)(3)(A) 65852.26 <i>66333(c)(1)</i>	Starting January 1, 2024, cities have the option to allow the separate sale of ADUs from the primary dwelling. The separate sale of JADUs is prohibited. The City's ordinance should clarify that prohibition for JADUs.	Clarification in the City's ordinance is not required based on how it's written and references the government code sections as well. Nevertheless, if HCD believes an amendment to clarify that JADUs cannot be sold separately is needed, the City will consider presenting this to the council.	Amendthe referenced sections to clarify that the separate sale of JADUs is prohibited. GMC 30.34.080(D)(12) Except as provided in Government Code Section 65852.26, the accessory dwelling unit <del>and/or the junior accessory dwelling unit</del> cannot be sold separately from the residential dwelling(s). <b>In no event may a junior accessory dwelling unit be sold separately.</b>  GMC 30.34.080 (H)(1)(a) 1. A covenant and agreement shall be executed by the property owner and recorded for an <del>accessory dwelling unit and/or</del> junior accessory dwelling unit prior to final approval of the building permit. The covenant and agreement shall include the following: a. The accessory dwelling unit <del>and junior accessory dwelling unit</del> shall not be sold separately from the primary residential dwelling, except as provided in Government Code Section 65852.26 <b>.In no event may a junior accessory dwelling unit be sold separately.</b>
10	Unit Mix - Number of ADUs allowed	30.34.080 (E)(4)(b) and (F)(2)	65852.2 (e)(1)(C) and (e)(1)(D) <i>66323(a)(1) thru (4)</i>	On single-family properties, up to three ADUs are permitted under State law - one converted ADU, one detached new construction ADU, and one JADU. On multi-family properties, State law allows owners to combine the right to build two detached ADUs and multiple ADUs by converting existing non-livable space.	The City does not agree that the intent of State Law is to allow single-family developments to construct up to three types of ADUs on a lot, nor to allow multi-family developments to construct multiple ADUs by combining construction of two new ADUs and conversion of existing nonlivable space. This is based on legislative history - AB68 and AB881 that amended the ADU law in 2019 have reports that the legislatures intents is to allow a maximum of one ADU and one JADU in single-family developments. HCD argues that the word "any" in the State law means a property owner could construct "any <i>and all</i> " types of ADUs, but this specific phrase is missing from State law and goes against the intent of the legislature when these rules were adopted. The same applies for multi-family properties, where an applicant must choose either two detached ADUs or conversion of non-livable existing spaces up to 25% of the existing units.	<i>Staff Recommendation:</i> No amendments are required, but findings must be drafted and adopted in a resolution that "explain the reasons the local agency believes that the ordinance complies with [State Law] despite [HCD's findings]." Gov't Code §66326  <i>Option:</i> At CC direction we can amend the ADU ordinance to reflect HCD's interpretation of this section
11	Architectural Compatibility	30.34.080(E)(6) and (F)(5)	65852.2(a)(1)(B)(i) and (a)(7) <i>66314(b)(1) and 66313(h)</i>	The City's ADU ordinance has subjective standards because it says the ADU/JADU shall be architecturally compatible with the primary dwelling which is in conflict with State law which requires objective design standards to be implemented.	Current language in the GMC requires that the ADU/JADU be architecturally compatible with the existing primary residence and must use matching or complementary building materials unless compliance with this section precludes development of a mandatory ADU. The City acknowledges the language of the State Law requiring objective standards during architectural review and will propose amendments to council.	<i>Staff Recommendation:</i> Omit references in code to the subjective requirement of "architectural compatibility". Amend ADU ordinance to implement objective standards similar to what was created for SB9 units, with a focus on the facades directly facing the street. <i>Staff is currently working on a draft.</i>  <i>Option:</i> At CC direction we can amend the ADU ordinance to have no architectural compatibility or objective standards for all ADUs. The only exception is related to historic properties where we would keep existing language prohibiting changes visible from the public realm.
12	ADUs above a detached garage	30.34.080 (E)(7) and (F)(6)	65852.2(a)(1)(D)(iii) <i>66314(d)(3)</i>	ADUs above a garage could not be prohibited because State law allows them to be attached to detached garages.	The State is suggesting that the term "attached" includes an ADU built on top of an existing detached garage. The City maintains that neither the language or intent of State Law supports this claim. The language mandates that the City allow an ADU to be attached to or located within the space of the primary dwelling (including attached garages and other areas that are attached), or mandates that the City allow an ADU to be converted from an accessory structure, or that the ADU be detached from the primary dwelling, including detached garages. The City allows these scenarios and is therefore in compliance.	<i>Staff Recommendation:</i> No amendments required , but findings must be drafted and adopted in a resolution that "explain the reasons the local agency believes that the ordinance complies with [State Law] despite [HCD's findings]." Gov't Code §66326  <i>Option:</i> At CC direction we can amend the ADU requirements to allow an ADU above a detached garage or carport.  <i>Advisory Note:</i> In 2020 the council amended the ADU ordinance to prohibit ADUs above detached garages and carports. This change was in response to an increase in the number of complaints from residents.

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13	ADUs in proposed multi-family development	30.34.080(F)(4)	65852.2(a)(1)(D)(ii) and (e)(1)(D) <i>66314(d)(2) and 66323(4)</i>	GMC prohibits ADUs in proposed multi-family developments	See No. 3 above for response.	See No. 3 above for response.
14	Parking	30.34.080(G)	65852.2(d)(1)(F) <i>66322(a)(6)</i>	GMC does not include one of the required parking exceptions specified in State Law for ADUs in conjunction with proposed/new residential development.	It was an oversight by the City to not include this exception in the ADU regulations and will bring forward an amendment to the Council.	Amend section referenced to include: 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 multi-family dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subdivision.
15	Covenant and Agreement	30.34.080(H)	65852.22(a)(3) <i>66333(c)</i>	State law does not require deed restrictions for ADUs and it is only required for JADUs and is limited to prohibit separate sale and regulate the size and attributes as required by law. The City does not have the authority to require deed restrictions for ADUs.	The City disagrees that simply because State ADU Law does not require a deed restriction for ADUs, that it prohibits the City to require one. Nevertheless, the City will bring an amendment forward for Council consideration.	Amend the referenced code section to omit language related to ADUs. Revise JADU references to reflect the limitations specified in State law.
16	JADUs and Owner Occupancy	30.34.080(H)(1)(c)	65852.22(a)(2) <i>66333(b)</i>	The GMC doesn't require owner-occupancy for JADUs because it says if it is not owner-occupied, the entire property can only be rented as a single rental property. This conflicts with State law which mandates owner-occupancy when a JADU is permitted - the owner must live in either the JADU or the remaining portion of the residence.	The City concedes this point and will amend the ordinance to comply.	For properties with junior accessory dwelling units, at all times, the property owner shall comply with one of the following requirements: (i) the property owner must be an owner-occupant and reside in either the residential dwelling or in the junior accessory dwelling unit; <del>or (ii) if the property owner does not reside in either the residential dwelling or the junior accessory dwelling unit, then the property owner shall only rent or lease the property as a single rental property and shall not rent or lease the residential dwelling and junior accessory dwelling unit separately from each other.</del>