

**ORDINANCE NO.****AN ORDINANCE AMENDING TITLE 16 OF THE STOCKTON MUNICIPAL CODE (SMC) DIVISION 3, CHAPTER 16.80 (STANDARDS FOR SPECIFIC LAND USES), SECTION 16.80.310 ACCESSORY DWELLING UNITS (ADUs) AND JUNIOR ACCESSORY DWELLING UNITS (JADUs) AND DIVISION 8, CHAPTER 16.244 (USE CLASSIFICATIONS), SECTION 16.244.010 (RESIDENTIAL UNITS)**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:

**SECTION I: FINDINGS AND INTENT**

The City Council is authorized by section 16.212.030 of the Stockton Municipal Code (SMC) to adopt amendments to Title 16 (Development Code) based on the following Mandatory Findings of Fact for Development Code Amendments.

1. Finding #1: The proposed amendment ensures and maintains internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with this Development Code.

Evidence: The proposed amendment is to carry out implementation of the City of Stockton 2023-2031 Housing Element, Program 6, Accessory Dwelling Units, in conformance with Stockton General Plan policies LU-6.2, HE-2.7, and HE-1.8 and consistent with State regulations for the review and permitting of ADUs.

2. Finding #2: The proposed amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City.

Evidence: The purpose of the proposed amendment is to carry out implementation of the City of Stockton 2023-2031 Housing Element program, more specifically Program 6 to ensure the City's ADU regulations are consistent with State regulations and encourage the construction of ADUs to accommodate the Regional Housing Needs Assessment (RHNA). The amendment is within the scope and consistent with the City's General Plan Environmental Impact Report (EIR) (SCH No. 2017052062). There is no evidence or expectation that the proposed amendment will endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City.

3. Finding #3: The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

Evidence: On December 4, 2018, the City certified the Envision Stockton 2040 General Plan Environmental Impact Report (GPEIR) (SCH No. 2017052062). The GPEIR

provides a programmatic review of the potential impacts associated with the implementation of the General Plan. The proposed amendment is to carry out implementation of the City of Stockton 2023-2031 Housing Element Program 6 that will ensure consistency with State law and encourage the construction of ADUs to achieve the Regional Housing Needs Assessment (RHNA) and will not result in intensification beyond what was previously analyzed in the GPEIR. The proposed amendment will not impact the analysis or conclusions of the GPEIR. Additionally, the proposed amendment does not create any specific impacts not considered in the GPEIR, any significant impact not evaluated in GPEIR, any significant off-site or cumulative impacts not evaluated in the GPEIR, or any identified impacts more severe based on new information not known when the GPEIR was certified. Therefore, pursuant to CEQA Guidelines § 15183 the proposed amendment is compliant with the CEQA and the City's CEQA Guidelines and does not require additional environmental review.

In addition, section 16.212.030.B.2 of the Stockton Municipal Code (SMC) requires the following Findings of Fact be made for Development Code Amendments.

4. Finding #4: The proposed amendment would be internally consistent with other applicable provisions of this Development Code.

Evidence: The proposed amendment is to ensure consistency with State law and encourage the construction of ADUs to achieve the Regional Housing Needs Assessment (RHNA). This amendment will maintain consistency with other application provisions of the Development Code.

## **SECTION II: AMENDMENT OF CODE**

Title 16, Division 3, Chapter 16.80, Section 16.80.310 of the Stockton Municipal Code (SMC) is amended to read, as follows:

Chapter 16.80 Standards for Specific Land Uses

### **§ 16.80.310. Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).**

This section provides standards for the establishment of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in a manner consistent with Government Code Sections 66310 through 66342. The standards granted per the California Government Code pertaining to ~~accessory dwelling units ADUs~~, shall preempt and supersede any local standards that conflict with the allowances granted under State law.

- A. **Review Procedures.** The Review Authority shall issue a ministerial building permit for an ~~accessory dwelling unit (ADU)~~ or ~~junior accessory dwelling unit (JADU)~~ without discretionary review or a hearing, consistent with the provisions of this ~~chapter section~~ and State law, unless otherwise provided. The City shall process applications for ADUs and JADUs as follows:

1. The application for an ADU or JADU shall be submitted to the Community

Development Department. An ADU shall be reviewed as part of the established Building Permit process, and compliance with the standards of this section will be verified through the ministerial planning review process.

2. The City shall determine whether an application to create or serve an ADU is complete and shall provide written notice of this determination to the applicant no later than 15 business days after the City receives the application.
3. The City shall act on an application to create an ADU or JADU within 60 days from the date the City receives a complete application when there is an existing single-unit or multi-unit dwelling on the lot, unless either of the following applies:
  - a. If the applicant requests a delay, the 60-day time period shall be tolled for the duration of the delay.
  - b. If the permit application to create an ADU is submitted concurrently with a permit application to create a new single-unit dwelling on the lot, the City may delay acting on the ADU permit application until the City acts on the permit application for the new single-unit dwelling, provided that the ADU application shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the duration of the delay.
4. If the City denies an application for an ADU, the City shall provide the applicant with a written explanation within 60 days from the date the City receives a complete application, identifying all items that are defective or deficient and describing how the application may be remedied. If the City denies an application for an ADU or JADU, the City will provide in writing a full set of comments within 60 days to the applicant from the date they received a completed application with a list of items that are defective or deficient, and a description of how the application can be remedied by the applicant. When the primary dwelling is proposed concurrent with the ADU then more than 60 days can be taken by the City.
5. When an ADU is constructed subject to a Governor-declared state of emergency issued on or after February 1, 2025, the City shall issue a certificate of occupancy for the ADU, even if the primary dwelling has not yet received a certificate of occupancy, provided all applicable requirements are met, including verification that the primary dwelling was substantially damaged or destroyed by the declared emergency, consistent with Government Code Section 66328.

- B. **Primary Dwelling Unit Required.** The lot must be in a zoning district that allows single-unit or multi-unit dwellings and contain an existing or proposed primary dwelling unit or multi-unit dwelling at the time an application for an ADU is submitted, or the application for an ADU may be made in conjunction with the development of a primary single-unit dwelling.
- C. **Number of Accessory Dwelling Units Allowed.** ~~One ADU shall be allowed per parcel except as follows.~~ An application for a permit to establish an ADU or JADU that meets at least one of the following:

1. When a parcel has existing multi-unit development, at least one ADU, but not more than 25% of the existing multi-unit units are permitted within the portions of existing multi-unit dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. ~~if each ADU complies with the applicable provisions of Title 15.~~
  2. When the parcel has existing multi-unit development, a maximum of eight detached ADUs is permitted, not to exceed the number of existing units on the lot., but no more than the number existing units on site, detached ADUs are permitted, above and beyond the 25% limit described above.
  3. When the parcel has proposed multi-unit development, a maximum of two detached ~~accessory dwelling units~~ ADUs is allowed.
  4. One attached ADU and/or one JADU internal to the primary dwelling unit may be constructed on lots with proposed or existing single-unit dwellings.
  5. One detached new construction ADU. One JADU may also be combined with a detached ADU.
  6. In addition to the allowances of 4 and 5, above, one ADU per lot may be constructed within the converted space of an existing single-family dwelling or accessory structure in compliance with Government Code Section 66323.
  7. When a parcel has been subdivided under California Government Code Sections 65852.21, 66411.7, and 66452.6, only one ADU per subdivided parcel shall be permitted.
- D. Development Standards.** Except as provided pursuant to California Government Code Section 66323, ADUs shall comply with the development standards of the base, overlay, or specific plan district in which it is located, except as modified below.
1. **Density.** An ADU shall not be included in the calculation of the density of the lot on which it is located.
  2. **Setbacks.**
    - a. Attached and detached ADUs may encroach into the rear, street side and side yard setback when a minimum setback of three feet is provided.
    - b. When an existing detached accessory structure is converted in whole or part to an ADU, only those portions located outside the existing building envelope are subject to a minimum setback of three feet.
    - c. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or a portion of an ADU, and a setback of no more than three feet from the side and rear lot lines shall be required for an ADU that is not converted from

an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

- d. No setback shall be required for an ADU or JADU created within an existing living area or accessory structure or an ADU created in a new structure in the same location and to the same dimensions as an existing structure.

3. **Height.**

- a. The maximum height of an attached ADU shall be two stories and 25 feet or the maximum height specified by the base zone district for the primary dwelling, whichever is lower.
- b. Attached ADUs that are interior to an existing structure that is converted shall not exceed the height of that existing structure.
- c. The maximum height of a detached ADU shall be 16 feet for one story and 25 feet for two stories.
- d. Where the detached ADU is within one-half-mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the California Public Resources Code, or with an existing or proposed multi-unit dwelling of more than one story, the maximum height shall be 18 feet.
- e. Height Exceptions are as follows:
- i. An additional two feet in height shall be allowed to accommodate a roof pitch on an ADU that is aligned with the roof pitch of the primary dwelling unit.
- ii. When an existing accessory structure is converted to a detached ADU, the maximum height may exceed the limits of subsection (3)(c) to an amount equal to the height of the existing accessory structure to be converted.

4. **Floor Area.**

- a. The maximum floor area of a detached ADU is 1,200 square feet, excluding, where present, any enclosed parking space(s), exterior stairs, or similar non-habitable features.
- b. The total floor area of an attached ADU shall not exceed 50% of the existing primary dwelling or 850 square feet, whichever is greater.
- c. The maximum floor area of a JADU is 500 square feet of interior livable space.

5. **Passageway.** No passageway shall be required in conjunction with the construction of an ~~accessory dwelling unit~~ ADU. However, ADUs ~~accessory dwelling units~~ attached to single-unit dwellings shall have independent, exterior access and side and rear setbacks sufficient for fire and safety.

**E. Parking.**

1. No off-street parking is required for ADUs.
2. If off-street parking space is voluntarily provided, the following standards apply:
  - a. It may be uncovered, covered, ~~or enclosed~~, or tandem;
  - b. It must be on a paved surface and accessible from a paved driveway; and
  - c. It may exceed the front yard pavement limit at Section 16.64.090.A.2.
3. When an existing garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU, there is no replacement requirement.

**F. Rental or Sale of Unit.** An ADU and JADU may be rented. The rental term shall be at least 30 days. The ADU shall not be sold or otherwise conveyed separately from the main dwelling unit, except as provided at California Government Code Sections 66341 through 66342 and below.

1. An ADU may be conveyed separately from the primary dwelling unit as a condominium, pursuant to the following requirements.
  - a. The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the California Civil Code).
  - b. The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of Division 6 (Subdivision Regulations).
  - c. Before recordation of the condominium plan, a safety inspection of the ~~accessory dwelling unit ADU~~ shall be conducted as evidenced either through a certificate of occupancy from the local agency or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.
  - d. Neither a subdivision map nor a condominium plan shall be recorded with the County Recorder without each lienholder's consent. The following shall apply to the consent of a lienholder:
    - i. A lienholder may refuse to give consent.
    - ii. A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.
  - e. Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the County Recorder along with a signed statement from each lienholder that states as follows:

"(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have."

- f. The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:
  - i. The lienholder's signature.
  - ii. The name of the record owner or ground lessee.
  - iii. The legal description of the real property.
  - iv. The identities of all parties with an interest in the real property as reflected in the real property records.
  - v. The lienholder's consent shall be recorded in the office of the County Recorder.
- g. The ~~local agency City~~ shall include the following notice to consumers on any ~~accessory dwelling ADU~~ or ~~junior accessory dwelling unit JADU~~ submittal checklist or public information issued describing requirements and permitting for ~~accessory dwelling units ADUs~~, including as standard condition of any ~~accessory dwelling unit ADU~~ building permit or condominium plan approval:

"NOTICE: If you are considering establishing your primary dwelling unit and ~~accessory dwelling unit ADU~~ as a condominium, please ensure that your building permitting agency allows this practice. If you decide to establish your primary dwelling unit and ~~accessory dwelling unit ADU~~ as a condominium, your condominium plan or any future modifications to the condominium plan must be recorded with the County Recorder. Prior to recordation or modification of your subdivision map and condominium plan, any lienholder with a lien on your title must provide a form of written consent either on the condominium plan, or on the lienholder's consent form attached to the condominium plan, with text that clearly states that the lender approves recordation of the condominium plan and that you have satisfied their terms and conditions, if any.

In order to secure lender consent, you may be required to follow additional lender requirements, which may include, but are not limited to, one or more of the following:

- h. Paying off your current lender.

You may pay off your mortgage and any liens through a refinance or a new loan. Be aware that refinancing or using a new loan may result in changes to your interest rate or tax basis. Also, be aware that any subsequent modification to your subdivision map or condominium plan must also be consented to by your lender, which consent may be denied.

- i. Securing your lender's approval of a modification to their loan collateral

due to the change of your current property legal description into one or more condominium parcels.

- ii. Securing your lender's consent to the details of any construction loan or ground lease.

This may include a copy of the improvement contract entered in good faith with a licensed contractor, evidence that the record owner or ground lessee has the funds to complete the work, and a signed statement made by the record owner or ground lessor that the information in the consent above is true and correct."

- i. If an ~~accessory dwelling unit~~ ADU is established as a condominium, the homeowner shall notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.
- j. The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the California Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the California Civil Code without the express written authorization by the existing association.
  - i. For purposes of this subdivision, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the California Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.
- k. An ~~accessory dwelling unit~~ ADU shall be sold or otherwise conveyed separate from the primary residence ~~only under the conditions outlined in this section and State law. to a qualified buyer if all the requirements of Government Code Section 66341 are met.~~

**G. Owner Occupancy. Owner occupancy is not required on a property with an ADU.**

**H. Junior Accessory Dwelling Units.** In addition to the other standards provided in this section, each JADU shall be subject to compliance with the building permit requirements and the following standards:

1. Each JADU may contain separate sanitation facilities or may share sanitation facilities with the primary dwelling unit.
2. Each JADU shall include a separate entrance from the main entrance to the principal dwelling unit and may include an interior entry to the main living area. ~~A second, "double" interior door may be included for sound attenuation.~~
3. Each JADU shall, at a minimum, include an efficiency kitchen, as required by the building code, which shall include all of the following:
  - a. A cooking facility with appliances; and
  - b. Food preparation counters and storage cabinets.
4. One JADU is permitted per lot zoned for single-unit dwellings that is developed

or proposed to be developed with a single-unit dwelling.

5. Additional parking is not required for a JADU.
6. Owner-occupancy is required ~~in the primary dwelling unit in which the JADU will be permitted. The owner may reside in either the primary dwelling unit or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization if a JADU shares sanitation facilities with the existing structure. In such cases, the owner shall occupy the single-unit residence in which the JADU is permitted and may reside in either the remaining portion of the structure or in the JADU. Owner occupancy shall not be required if the JADU has separate sanitation facilities, or if the owner is a governmental agency, land trust, or housing organization.~~
7. Recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:
  - a. A prohibition on the sale of the JADU separate from the sale of the primary dwelling, including a statement that the deed restriction may be enforced against future purchasers.
  - b. A restriction on the size and attributes of the JADU that conforms with this ~~chapter section.~~

#### I. Other Operational Standards.

1. Fire sprinklers shall not be required for an ADU or JADU if they are not required for the primary dwelling unit. The construction of an ADU or JADU shall not trigger a requirement to install fire sprinklers in the existing primary dwelling unit. However, if the primary dwelling unit undergoes substantial remodeling and is required to install fire sprinklers, any ADU or JADU created after the remodel shall also be required to install fire sprinklers.
2. Fees
  - a. Connection Fees or Capacity Charges. An ADU shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was constructed with a new single-unit dwelling. This only applies to ADUs, not JADUs.
  - b. Impact fees. Impact fees shall not be imposed on an ADU that is less than 750 square feet in floor area or any JADU with 500 square feet or less of interior floor area. For all other ADUs, impact fees shall be charged proportionate to the square footage of the primary dwelling unit.
  - c. School mitigation fee. An ADU or JADU with less than 500 square feet of interior livable space shall not be subject to school mitigation fees, pursuant to Education Code Section 17620(a)(1)(C).

- d. Reasonable restrictions in any covenant, condition, or restriction, as described in Civil Code Section 714.3(b), shall not include any fee or other financial requirement.
  - 3. Availability of Utilities. All ADUs shall be connected to public utilities or their equivalent, including water, electric, and sewer services, unless the ADU was constructed with a new single-unit dwelling.
    - a. Utility Connections. The City may require a new or separate utility connection directly between an ADU and the utility.
    - b. Water and Sewer System: The City may require a water or sewer service connection directly between an ADU and the water and sewer service, or demonstration that the well and septic system is adequately sized for the new demand.
  - 4. Building code requirements for detached dwellings shall be applied to ADUs, except that the construction of an ADU shall not constitute a Group R occupancy change under the building code, as described in California Building Code Section 310 (Title 24 of the California Code of Regulations)
  - 5. A demolition permit for a detached garage that is to be replaced with a detached or attached ADU shall be reviewed with the application for the ADU and issued at the same time, and no written notice or placard shall be required unless the property is within an architecturally and historically significant historic district.
- J. **Nonconforming Conditions.**
- 1. Notwithstanding Chapter 16.228, Nonconforming Uses, Structures, and Parcels, to the contrary, until January 1, 2030, an owner of an ADU or JADU that receives a notice to correct violations or abate nuisance, in relation to the ADU or JADU, may request a delay for five years in enforcement of a building standard, as long as the violation is not a health and safety issue as determined by the City, subject to compliance with the Government Code Section 66331 and Health and Safety Code Section 17980.12(a)-(c), and the following conditions:
    - a. The ADU or JADU was built before January 1, 2020.
    - b. The ADU or JADU was built on or after January 1, 2020, in a local jurisdiction that, at the time the ADU or JADU was built, had a noncompliant ADU or JADU ordinance, but the ordinance is compliant at the time the request is made.
  - 2. The City shall not deny an application for a permit to create an ADU due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ADU in compliance with Government Code Section 66322(b).

Title 16, Division 8, Chapter 16.244, Section 16.244.010 is amended to read as follows:

## Chapter 16.244 USE CLASSIFICATIONS

### § 16.244.010 Residential uses.

**Residential Dwelling Units.** Dwelling units designed for occupancy by one household.

**Single-Unit Dwelling, Detached.** A dwelling unit that is designed for occupancy by one household with private yards on all sides and located on a separate lot from any other unit (except an accessory dwelling unit, where permitted). This subclassification includes individual manufactured housing units.

**Single-Unit Dwelling, Attached.** A dwelling unit that is designed for occupancy by one household located on a separate lot from any other unit (except an accessory dwelling unit, where permitted), and is attached through common walls to more than one dwelling on abutting lots, such as half-plexes, townhomes and condominiums.

**Multi-Unit Dwelling.** Two or more attached or detached dwelling units on a single lot. Types of multi-unit dwellings can include duplexes, tri-plexes, four-plexes, multiple detached residential units, and apartment buildings.

#### Accessory Dwelling Unit.

**Accessory Dwelling Unit (ADU).** An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-unit or multi-unit dwelling unit is or will be situated; An accessory dwelling unit also includes the following as prescribed by Government Code Section 66313(a):

- (1) An efficiency unit.
- (2) A manufactured home, as defined in Health and Safety Code Section 18007.

~~further accessory dwelling units are as defined in California Government Code Section 66313(a).~~

**Junior Accessory Dwelling Unit (JADU).** A unit that is no more than 500 square feet of interior livable space in size and contained entirely within a single-unit residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure as prescribed by Government Code Section 66313(db).

**Caretaker Unit.** A dwelling unit on the site of a nonresidential use, occupied by the business owner or employees and their immediate families employed for the purpose of on-site management, maintenance, or upkeep. Business guests/employees on temporary assignment are allowed to reside in the unit.

**Co-Living.** A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, and rented to one or two-person households. This use classification includes extended stay hotels intended for long-term occupancy (more than 30 days) but excludes hotels and motels, and residential care facilities.

**Emergency Shelter.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

**Employee Housing (for Farmworkers).** Has the same meaning as "employee housing" as

set forth in Health and Safety Code § **17008** for farmworkers.

**Family Day Care.** A day care facility licensed by the State of California, located in a residential unit where the resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

**Small.** A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10 (California Health and Safety Code Section **1597.44**).

**Large.** A facility that provides care for seven to 14 children, including children who reside at the home and are under the age of 10 (California Health and Safety Code Section **1597.465**).

**Group Residential.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories, fraternity and sorority housing, convents, monasteries, and other types of organizational housing operated by institutions or organizations but excludes hotels and motels and residential care facilities.

**Live-Work Space.** A unit that combines a work space and residential occupancy occupied and used by a single household in structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with the California Building Code. The working space is reserved for and regularly used by one or more occupants of the unit.

**Low Barrier Navigation Center.** A Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing (California Government Code Section **65660**, et seq.).

**Mobile Home Park.** A development occupied by manufactured housing units, including facilities and amenities used in common by residents who rent, lease, or own spaces for manufactured housing units through a subdivision, cooperative, condominium, or other form of resident ownership.

**Residential Care Facilities.** A facility licensed by the State of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Facilities may include shared living quarters, with or without a private bathroom or kitchen facilities. This classification includes both for-profit and not-for-profit institutions, but excludes supportive housing and transitional housing.

**Small.** A facility that is licensed by the State of California to provide care for six or fewer persons.

**Large.** A facility that is licensed by the State of California to provide care for more than six persons.

**Residential Facility, Assisted Living.** A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. Examples include assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or apartments, sometimes containing kitchen facilities and common amenities. The residents in these facilities require varying levels of assistance.

**Supportive Housing.** Dwelling units with no limit on length of stay that are occupied by the target population, and that are linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community (California Government Code Section **65582(h)**).

**Transitional Housing.** Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance (California Government Code Section **65582(j)**).

**SECTION IV: SEVERABILITY**

If any of this ordinance or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end, the provisions of this act are severable.

**SECTION V: EFFECTIVE DATE**

This Ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

\_\_\_\_\_  
CHRISTINA FUGAZI  
Mayor of the City of Stockton

ATTEST:

\_\_\_\_\_  
KATHERINE ROLAND, CMC, CPMC  
City Clerk of the City of Stockton