

**CITY OF OJAI**  
**ORDINANCE NO. 923**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA, AMENDING OJAI MUNICIPAL CODE SECTION 10-2.1709 GOVERNING ACCESSORY DWELLING UNITS TO ADD A NEW SUBSECTION (M) ALLOWING AND REGULATING A LIMITED, PILOT PROGRAM FOR MOVEABLE TINY HOUSES AS ACCESSORY DWELLING UNITS AND FINDING THAT THE ADOPTION OF THESE AMENDMENTS IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, a second residential unit, also known as an accessory dwelling unit, is an attached or a detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons that includes permanent provisions for living, sleeping, eating, cooking, and sanitation and is situated on the same parcel or parcels as the primary residential unit; and

**WHEREAS**, as permitted by Government Code section 65852.2, the City Council previously adopted and recently amended its ordinance providing for the creation and regulation of accessory dwelling units; and

**WHEREAS**, permitted accessory dwelling units are deemed affordable by design and thus qualify as units affordable to moderate income households as part of the City's compliance with its obligation to zone for sufficient levels of housing to meet its share of the state-mandated Regional Housing Needs Allocation for housing affordable to persons at the very-low, low, moderate, and above-moderate income levels; and

**WHEREAS**, Government Code section 65852.2, subdivision (g) allows cities to adopt less restrictive requirements for accessory dwelling units; and

**WHEREAS**, the City Council, mindful of the limited availability of housing and affordable housing in Ojai, recognizes the importance of allowing reasonable alternative approaches to providing additional housing deemed affordable to moderate income residents via accessory dwelling units; and

**WHEREAS**, the City of Ojai's Housing Element provides that "the City will consider additional amendments to second unit regulations to encourage construction of second units" (Page 58); and

**WHEREAS**, the City Council finds that allowing certain Moveable Tiny Houses, built, sited, and maintained in compliance with specified standards, as an additional type of permitted accessory dwelling unit enabling residents who seek to purchase or build smaller, moveable,

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chassis-mounted but not self-propelled, tiny houses that are compatible with the community and neighborhood's design and character to do so; and

**WHEREAS**, on March 27, 2018, the City Council considered the proposed ordinance and voted to move it forward for detailed evaluation by the Planning Commission and City Council in noticed public hearings; and

**WHEREAS**, on July 18 and August 1, 2018, the Planning Commission held noticed public hearings regarding the zoning code amendment and environmental determination and, notice of said hearing, including the proposed CEQA exemption determination was published in the *Ojai Valley News* at least 10 days prior to the initial public hearing on July 18, 2018; and

**WHEREAS**, on July 18 and August 1, 2018, the Planning Commission received and considered all public testimony, documentary evidence and staff recommendations submitted at the public hearings, and recommended adoption of both the text amendment and the environmental determination by the City Council, and

**WHEREAS**, on August 28, 2018, the City Council held a noticed public hearing regarding the proposed movable tiny houses ordinance and declined to adopt it at that time; and

**WHEREAS**, on April 13, 2021, the City Council considered options for increasing the City's available housing supply and determined to revisit the proposed moveable tiny houses ordinance with minor modifications, to be implemented, if approved, as a limited, pilot project; and

**WHEREAS**, on August 10, 2021 and August 24, 2021, the City Council held noticed public hearings regarding the zoning code amendment and environmental determination and, notice of said hearing, including the proposed CEQA exemption determination was published in the *Ojai Valley News* at least 10 days prior to the hearing; and

**WHEREAS**, on August 10, 2021 and August 24, 2010, the City Council received and considered all public testimony, documentary evidence and staff recommendations submitted at the public hearings, and discussed this ordinance, and

**WHEREAS**, on October 12, 2021, the City Council further considered all public testimony, documentary evidence and staff recommendations, and voted to introduce the ordinance; and

**WHEREAS**, the City Council finds the proposed text amendment is consistent with and necessary to carry out the policies of the City's adopted General Plan because the proposed amendments modifying the requirements for accessory dwelling units will not permit land uses that are inconsistent with the approved residential land uses and densities in the Land Use Element and will affirmatively further the development of additional accessory dwelling units in the City as required by, and consistent with, the City's stated goal in the Housing Element of promoting the construction of accessory dwelling units and

**WHEREAS**, the proposed text amendment will not adversely affect the public health, safety, or welfare as the amendments do not authorize any land uses with adverse impacts on the public health, safety, or welfare, and the amendments maintain existing protections in the Ojai Municipal Code against the maintenance of any land use that constitutes a public nuisance.

**WHEREAS**, the proposed text amendment is exempt from review under the California Environmental Quality Act under California Code of Regulations, Title 14, Section 15301 of the CEQA Guidelines and is also exempt from review because it does not meet the definition of a project under CEQA Guidelines section 15061, subdivision (b)(3) and section 15378, subdivision (a) and subdivision (b)(5). The proposed changes to the accessory dwelling unit ordinance, allowing and adopting standards for moveable tiny houses as a new type of accessory dwelling unit as authorized by state law, has no potential for resulting in physical changes in the environment because it consists of changes in the standards governing issuance of ministerial permits for accessory dwelling units and does not directly or indirectly approve any applications for particular accessory dwelling units.

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

**SECTION 1. Recitals.** The above set forth recitals and findings are true and correct and incorporated herein by reference, as if set forth herein in full.

**SECTION 2. Text Amendment.** Ojai Municipal Code section 10-2.1709 is hereby amended to add a new subsection (m) to read as follows:

**Subsection (m) Moveable Tiny Houses.** Notwithstanding any other provision of this Code to the contrary, a moveable tiny house that meets the requirements and definition in this subsection may be built and occupied as a new detached accessory dwelling unit if it complies with the standards of this subsection and the applicable requirements in Table A in subsection (d) of this section. The prohibition of subsection (d)(1)(C) of this section shall not apply to a moveable tiny house that complies with the requirements of this subsection. The requirement of subsection (d)(1)(D) of this section shall not apply to the extent inconsistent with the standards of this subsection, except that all moveable tiny houses shall comply with the requirements of subsection (m)(4)(k) of this subsection, and the rules of ANSI Standards 119.2 or 119.5.

(1) Purpose. The purpose of this subsection is to:

(A) adopted a limited, pilot project to permit moveable tiny houses as an additional type of accessory dwelling unit as part of the City of Ojai's housing inventory in a manner compatible with the character of the City's existing single-family neighborhoods; and

(B) ensure that moveable tiny houses are in harmony with developed neighborhoods; and

(C) allow moveable tiny houses as an accessory use to single-family residential dwelling units, consistent with Government Code, section 65852.2, subdivision (g), which allows Cities to adopt less restrictive requirements than the state-mandated minimums for accessory dwelling units. Moveable tiny houses and permanent movable

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tiny house foundations must comply with all standards and regulations applicable to accessory dwelling units except as specified in this subsection.

(2) Definition. A “moveable tiny house” is a residential dwelling unit that is: (i) accessory to a principal residential dwelling unit located on the same parcel of land, (ii) provides complete independent living quarters for one household, and (iii) meets all of the following conditions:

(A) is licensed and registered with the California Department of Motor Vehicles and has been certified as meeting ANSI Standard 119.2 or 119.5 requirements;

(B) is certified by a qualified third-party inspector for ANSI compliance with ANSI Standard 119.2 or 119.5 or NFPA Standard 1192, or provides sufficient evidence to the satisfaction of the Director that the moveable tiny house was built to equivalent fire and life safety standards;

(C) is itself towable, or located on a frame that is towable, by a bumper hitch, frame-towing hitch, or fifth-wheel connection and is designed not to and cannot move under its own power;

(D) is no larger than allowed by California state law for movement on public highways;

(E) has at least 150 square feet of first floor interior living space;

(F) is a detached residential dwelling unit which includes permanent facilities and functional areas for living, sleeping, eating, cooking, and sanitation;

(G) is designed and built to look like a conventional building structure, using conventional building materials, and is thus architecturally distinct from traditional mobile homes and recreational vehicles;

(H) is sited behind the principal residential dwelling unit, between the applicable rear setback line and the principal residential dwelling unit; and

(I) is placed on a permitted permanent moveable tiny house foundation.

(3) Application. In addition to submitting the application materials and information required by subsection (c) for an accessory dwelling unit, an applicant for a moveable tiny house shall submit proof that:

(A) the proposed moveable tiny house is licensed and registered with the California Department of Motor Vehicles;

(B) the proposed moveable tiny house has been certified by a qualified third-party inspector as meeting ANSI 119.2 or 119.5 or NFPA 1192 standard requirements, or was built to meet ANSI 119.2 or 119.5 or NFPA 1192 standards or equivalent fire and life safety standards requirements as demonstrated by sufficient evidence satisfactory to the Director;

(C) the applicant is the property owner, or, if not, that the property owner has signed the application form, consenting in writing to the intended location of the proposed moveable tiny house; and

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(D) the proposed moveable tiny house meets the standards of this subsection; and

(E) the proposed moveable tiny house will be located on a permitted permanent movable tiny house foundation, which may be either simultaneously permitted with the proposed moveable tiny house or a previously permitted permanent moveable tiny house foundation.

(4) Moveable Tiny House Standards. Moveable tiny houses must meet the standards of this subsection and the applicable requirements in Table A in subsection (d) of this section.

(A) Design. The Director shall review the design of each proposed moveable tiny house to ensure that the structure is designed to look like a conventional building structure and is architecturally distinct from traditional mobile homes and recreational vehicles.

(B) Development Standards. Moveable tiny houses must conform with the requirements in Table A of subsection (d) of this section for new detached accessory dwelling units and thus must conform to the setbacks, lot coverage, height, and other applicable zoning requirements of the zoning district in which the site of the proposed moveable tiny house is located, except as modified by this subsection.

(C) Maximum Floor Area. The maximum square footage of habitable floor space for a moveable tiny house shall be 440 square feet.

(D) Parking. Moveable Tiny Houses shall not require additional parking.

(E) Pedestrian Access. An all-weather surface pedestrian path from the street frontage to the main entrance of the moveable tiny house shall be provided.

(F) Mechanical Equipment. All mechanical equipment, other than solar energy panels or collectors, for a moveable tiny house shall be incorporated into the structure and shall not be located on the roof.

(G) Utility Connections and Requirements. Moveable tiny houses shall have adequate, safe, and sanitary utility systems providing water, sewer, heat, cooling, and electric power, as determined by the Director and the Building Official. Moveable tiny houses shall comply with the utility requirements applicable to accessory dwelling units as stated in subsection (d)(1)(F).

(H) Addresses. Moveable tiny houses may be given separate street addresses from the primary unit.

(I) Permanent Moveable Tiny House Foundation Requirements. Once sited on the parcel of the primary unit, moveable tiny houses shall be mounted onto a permitted, permanent foundation that meets the requirements of NFPA 225 or equivalent foundation and installation safety standards as determined by the Director and Building Official, and shall meet the following additional foundation requirements:

(i) If the wheels are removed so the moveable tiny house sits directly on the permanent foundation, the foundation shall follow the state approved requirements for foundation systems for manufactured housing.

(ii) If the moveable tiny house does not have its wheels removed, then all wheels and leveling/support jacks must sit on a permitted, permanent concrete or asphalt surface sufficient to support its weight, secured to prevent movement, and the wheels, leveling/support jacks, and undercarriage must be skirted and not visible.

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(J) Prohibition on Excessive Movement. No parcel may be approved for more than one moveable tiny house in a one year period. No parcel may contain more than one moveable tiny house at a time.

(K) Emergency and Rescue Openings. All moveable tiny houses shall have emergency escape and rescue openings sufficient to ensure emergency escape, including a means of escape, if not an exterior passage door, from each sleeping space that provides an opening of sufficient size to permit the unobstructed passage, with its major axis parallel to the plane of the opening and horizontal at all times, of an ellipsoid generated by rotating about the minor axis an ellipse having a major axis of 24 in. (610 mm) and a minor axis of 17 in. (432 mm). An exterior passage door, if used for a means of escape, shall provide an unobstructed opening with a minimum horizontal dimension of 18 in. (432 mm) and a minimum vertical dimension of 48 in. (1219 mm). Egress roof access windows in lofts used as sleeping rooms shall be deemed to meet this requirement if installed such that the bottom of the opening is not more than 44 inches above the loft floor, provided the egress roof access window has a net clear opening of not less than 5.7 square feet (0.530 m<sup>2</sup>), the net clear height of the opening is not less than 24 inches (610 mm) tall, and the net clear width of the opening is not less than 20 inches (508 mm) wide.

(L) Outside Decking Requirement. All moveable tiny houses shall have a minimum of eighty square feet of exterior deck area adjacent to the moveable tiny house.

(M) Class "A" Roof Requirement. All moveable tiny houses shall have a roof, including skylights and any egress roof access window, that meets the standards for a Class "A" roof assembly as tested in accord with ASTM E108 or UL 790 standards or equivalent fire roof assembly safety standards requirements as demonstrated by sufficient evidence satisfactory to the Director.

(N) Defensible Space Requirement. All moveable tiny houses shall have a minimum of five feet of defensible space surrounding the moveable tiny home and the adjacent, exterior deck area, consistent with the defensible space standards in Public Resources Code section 4291.

(5) Dual Permit Requirement. Applicants for a proposed moveable tiny house must secure approval by the Director, through separate zoning clearances, for both the proposed moveable tiny house and the proposed permanent moveable tiny house foundation. An applicant may apply simultaneously for both zoning clearances for a proposed moveable tiny house to be located on a new permanent moveable tiny house foundation. The zoning clearance for the proposed permanent moveable tiny house foundation shall be approved by the Director if the proposed permanent moveable tiny house foundation meets the requirements of this subsection. The zoning clearance for the proposed moveable tiny house shall be approved by the Director if the proposed moveable tiny house meets the requirements of this subsection. A permitted moveable tiny house may be moved, upon approval of a zoning clearance for the newly proposed location, to another permitted permanent moveable tiny house foundation, in compliance with the requirements of this subsection.

(6) Limited Pilot Program. The City's moveable tiny house ordinance is a limited, two-year pilot program and therefore the City shall issue no more than ten zoning clearances for

permanent moveable tiny house foundations per calendar year, on a first come, first available basis, during the two-year pilot program period.

**SECTION 6. Environmental Determination.** The City Council determines that the following findings and conclusions reflect the independent judgment of the City Council. The City Council finds that the adoption of the foregoing amendment to the Ojai Municipal Code is exempt from the California Environmental Quality Act (CEQA) for the following reasons:

- a. The adoption of the proposed ordinance does not meet the definition of a project under CEQA Guidelines section 15061, subdivision (b)(3) and section 15378, subdivision (a) and subdivision (b)(5). The proposed changes to the accessory dwelling unit ordinance, allowing and adopting standards for moveable tiny houses as a new type of accessory dwelling unit as authorized by state law, has no potential for resulting in physical changes in the environment because it consists of changes in the standards governing issuance of ministerial permits for accessory dwelling units and does not directly or indirectly approve any applications for particular accessory dwelling units. The adoption of this ordinance is also exempt from CEQA review pursuant to California Code of Regulations, Title 14, Sections 15301 of the CEQA Guidelines.

**SECTION 7. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

**SECTION 8. Certification.** The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

**SECTION 9. Effective Date.** This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937, shall supersede any conflicting provision of any City of Ojai ordinance, and shall continue in effect until terminated by further action of the City Council in accord with applicable law.

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**SECTION 10. Limited Pilot Program.** The City Council shall receive a report from the City Manager and Community Development Director regarding the moveable tiny house ordinance program within two years after the effective date of this Ordinance and shall consider whether to modify the moveable tiny house program requirements, including whether to extent the pilot program, or adjust or eliminate the numeric limits on the number of permanent moveable tiny house foundation permits issued per year.

CITY OF OJAI, CALIFORNIA

By Betsy Stix  
Betsy Stix, Mayor

Nov 12, 2021  
Date signed

ATTEST:

Gail Davis  
Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:

Matthew T. Summers  
Matthew T. Summers, City Attorney




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STATE OF CALIFORNIA )  
COUNTY OF VENTURA )  
CITY OF OJAI )

I, Gail Davis, Deputy City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on October 12, 2021 and adopted at a regular meeting held on October 26, 2021 by the following vote:

AYES: Blatz, Francina, Weirick  
NOES: Haney, Stix  
ABSTAIN: None  
ABSENT: None

  
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Gail Davis  
Deputy City Clerk for the City of Ojai