



## MEMORANDUM

**TO:** City Council

**FROM:** Brian Pedrotti, Community Development Director

**BY:** Andrew Perez, Planning Manager

**SUBJECT:** Discussion of Draft Ordinance Addressing Tiny Homes on Wheels

**DATE:** September 13, 2022

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### **SUMMARY OF ACTION:**

The purpose of the study session is to provide City Council an opportunity to review and provide direction on a proposed Ordinance regulating the use of Tiny Homes on Wheels (THOW) for residential purposes as an accessory use to a single-family dwelling.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

No financial impact is projected.

### **RECOMMENDATION:**

Review the proposed Tiny Homes on Wheels Ordinance, receive public comment, and provide direction to staff regarding the development of the Ordinance.

### **BACKGROUND:**

On February 8, 2022, the City Council considered introducing amendments to the City's accessory dwelling unit (ADU) ordinance. That version of the ADU ordinance included regulations that would allow for the use of THOW as an accessory use on properties with an existing single-family dwelling, with the intent of providing an alternative means to address housing supply shortages and affordability. At that meeting, the City Council directed staff to separate regulations for THOW from the ADU ordinance, research applicable building standards and certification of THOW, and return to Council for a study session to further refine those regulations. The draft THOW Ordinance provided for Council's consideration in Attachment 1 would allow THOW as an accessory structure on lots developed with a single-family dwelling.

### **ANALYSIS OF ISSUES:**

The draft ordinance defines a THOW as an accessory structure built on a chassis that is intended for independent living quarters for a household. Due to their small size and transient quality, THOW have been identified as an alternative affordable housing option

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to stick-built and pre-fabricated ADUs that must be affixed to a permanent foundation. A THOW is considered a temporary residential unit because it is not permanently affixed to a foundation.

The regulations for THOW contained in the draft ordinance differ greatly from those presented to Council at the February 8, 2022 meeting. The modifications to the ordinance were made to address the wide variety of structures that have been proposed as THOW and ensure that the ordinance appropriately regulates each to ensure a safe, habitable dwelling unit. Additionally, the draft ordinance is modeled after the ordinance adopted by Grover Beach in an effort to provide a consistent, regional approach to THOW regulation. The draft ordinance proposes regulations for size, placement on a lot, design criteria, utility connections, and building code compliance. Because THOW are towable and not moveable under their own power, the proposed ordinance requires a THOW to remain licensed and registered with the California Department of Motor Vehicles.

Types of Tiny Homes

Currently, there is not a standard statewide definition for THOW. Therefore, the draft ordinance allows for a variety of structures to be used as a THOW, such as HUD-manufactured homes, park trailers, or any structure that can demonstrate compliance with the California Residential Code, or California Building Code. A park trailer is defined in Health and Safety Code Section 18009.3 as a type recreational vehicle designed as temporary living quarters built on a single chassis with a maximum floor area of 400 square feet. Park trailers and manufactured homes are specifically identified because there are State codes that regulate their construction and installation. Recreational vehicles, unless otherwise noted, are not allowed for use as a THOW by the draft ordinance. Recreational vehicles may include motor homes, travel trailers, truck campers, or camping trailers, with or without motive power, and are not intended as permanent dwellings. Both park trailers and manufactured homes resemble traditional dwellings, whereas motor homes, truck trailers, fifth wheels, do not have that resemblance and are more likely to alter neighborhood character.

Council previously directed staff to include design criteria in the draft ordinance to ensure THOW resemble the appearance of a traditional home. Park trailers, although defined as a type of RV, are allowed because they resemble the appearance of a traditional home. Camping cabins are specifically not allowed because pursuant to the California Code of Regulations, they cannot include plumbing, and therefore could not support daily cooking, cleaning, and sanitation for the inhabitants as required for a residential unit.

As a residential structure, a THOW must receive approval from the Building Official prior to occupancy, and depending on the type of structure proposed for the THOW, the structure may require certification from a State regulatory body. Currently, the State Department of Housing and Community Development (HCD) does not have a regulatory definition for a tiny home; therefore, the type of approval and relevant Code requirements may change depending on the type of structure proposed for the THOW. For example, a

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park trailer is defined as a type of recreational vehicle by the California Health and Safety Code; therefore, park trailers are subject to the requirements of the Recreational Vehicle Industry Association. The draft ordinance authorizes the Building Official to apply the appropriate code requirements for the type of structure proposed as the THOW. Previous editions of the THOW draft ordinance required all structures proposed as THOW to furnish an insignia of approval issued by HUD, which effectively limited the types of structures that could be proposed as a THOW. The current draft makes a wider variety of structures available for use as a THOW and provides the Building Official flexibility to use the appropriate construction standards based on the type of tiny home.

Siting and Design Criteria

The draft ordinance considers a THOW to be an accessory structure and allowed on all lots developed with an existing single-family dwelling. Properties that have an existing ADU would be prohibited from adding a THOW. Single family dwellings that have a Junior ADU would still be allowed to add a THOW.

The draft ordinance includes several siting and design criteria, as well. The ordinance would require a four-foot setback from side and rear property lines, and a ten-foot setback from a street side property line. A THOW must be located behind the existing single-family dwelling to minimize aesthetic impacts and maintain community character. The THOW must be parked on a surface paved with asphalt, concrete, or approved alternate materials such as pavers. With regards to utilities, a THOW must connect to City water and sewer service, but may be “off grid” for electrical and natural gas service. When a unit proposes to be “off grid,” the applicant must demonstrate that the means of heating and electrical power for the unit meet the requirements of the California Energy Code. For example, the off-grid system must show that it can maintain a comfortable temperature for the occupants, adequately ventilate the unit, and meet the energy requirements for the building envelope. These standards shall be provided with a building permit application and will be approved ministerially by the Building Official.

Next Steps

Positive feedback from Council at the study session will allow staff to present the draft ordinance to the Planning Commission for a recommendation. Support from the Planning Commission will result in the ordinance returning to Council for an introduction hearing, then adoption.

**ALTERNATIVES:**

The following alternatives are provided for the Council’s consideration:

1. Support the proposed ordinance and direct staff to proceed to Planning Commission for a recommendation hearing;
2. Revise the proposed ordinance and direct staff to proceed to Planning Commission for a recommendation hearing; or
3. Provide other direction to staff

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**ADVANTAGES:**

The ordinance proposes regulations for allowing THOW as an alternative housing solution that is more affordable than a traditional single-family dwelling or ADU.

**DISADVANTAGES:**

None identified.

**ENVIRONMENTAL REVIEW:**

No environmental review is required for a study session with Council. Adoption of the ordinance is not anticipated to have the potential for causing a significant effect on the environment and no review under the California Environmental Quality Act (CEQA) will likely be needed per CEQA Guideline Sections, 15061(b)(3), and Sections 15301, 15303 and 15305

**PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachments:

1. Draft Ordinance
2. [Staff Report](#) and [Minutes](#) from the February 8, 2022 City Council meeting
3. HCD Information Bulletin