Call To Order

Pledge Of Allegiance

Roll Call

Report On Posting

City Officials:

<table>
<thead>
<tr>
<th>CHAIRPERSON</th>
<th>COMMISSIONERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gil Hurtado</td>
<td>Sylvia Masushige</td>
</tr>
<tr>
<td></td>
<td>Jose Delgado</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>VICE CHAIRPERSON</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Jenny Perez</td>
<td>Carlos Velasquez</td>
</tr>
</tbody>
</table>

Meeting Compensation Disclosure

Pursuant to Government Code Section 54952.3: Disclosure of compensation for meeting attendance by the Planning Commission Commissioners is $125.00 per meeting.

Item No. 1

The Planning Commission will consider approving the minutes for the regular Planning Commission meeting of June 4, 2019.

Documents:

ITEM 1 - 06-04-19 MINUTES.PDF

Item No. 2
The Planning Commission will discuss Planning Commission Meetings.

Documents:

ITEM NO. 2.PDF

Item No. 3

The Planning Commission will discuss Accessory Dwelling Units.

Documents:

ITEM NO. 3.PDF

Comments

At this time, members of the public and staff may address the City Planning Commission regarding any items within the subject matter jurisdiction of the Planning Commission. No action may be taken on items not listed on the agenda unless authorized by law.

General Business

Audience Comments

City Staff Comments

Planning Commission Comments

Adjournment

Adjournment to the Regular Planning Commission meeting on Tuesday, July 2, 2019 at 7:00 p.m.

I, Victor H Ferrer, Management Analyst, certify that a true and correct copy of the foregoing Meeting Agenda was properly posted on June 13, 2019, at 5:00 p.m., as required by law.

Victor H Ferrer, Management Analyst  Victor H Ferrer

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the Planning Commission Meetings, please contact the Comm.Development Department.

Notification 48 hours prior to the Meeting will enable the City to make reasonable arrangements to assure accessibility.

Any final action of the Planning Commission, on this agenda, is appealable to the City Council upon filing the request with the City Clerk prior to 5:00 pm on Monday, July 1, 2019.

Materials related to an item on the Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Clerk's office, 8650 California Avenue, South Gate, CA 90280 (323) 563-9510 * fax (323) 563-5411 *
Planning Commission Agenda
8650 California Avenue, South Gate, CA
Council Chamber
Tuesday, June 18, 2019 at 7:00 p.m.

Call To Order
Pledge Of Allegiance
Roll Call
Report On Posting

City Officials:

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MINUTES OF THE REGULAR MEETING
OF THE SOUTH GATE CITY PLANNING COMMISSION
TUESDAY, JUNE 4, 2019

INTRODUCTORY PROCEDURES

Chairperson Gil Hurtado called the meeting to order at 7:01 P.M.

The Pledge of Allegiance was led by Commissioner Jose Delgado.

ROLL CALL: By Victor H Ferrer, Management Analyst/Recording Secretary.

Present: Chairperson Gil Hurtado, Vice-Chairperson Jenny Perez, Commissioner Sylvia Masushige, Jose Delgado and Carlos Velasquez.

Absent/Excused: None.

Staff: City Attorney Craig Hardwick, Management Analyst Dianne Guevara, Management Analyst Victor Ferrer, Contract Senior Planner Steve Masura and Administrative Services Coordinator Erika Soriano.

REPORT ON POSTING: By Victor H Ferrer, Management Analyst/Recording Secretary.

1. MINUTES

The Planning Commission considered approving the minutes for the regular Planning Commission meeting of May 21, 2019. Chairperson Hurtado motioned and Commissioner Masushige seconded the motion to approve the Planning Commission minutes of May 21, 2019. The motion carried (5-0) with all Commissioners in favor.

2. PUBLIC HEARING

2.1 APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DENIAL OF AN ACCESSORY DwELLING UNIT (ADU) AT 9707 MADISON AVENUE

Management Analyst Guevara introduced the Appeal of the Community Development Director's Denial of an Accessory Dwelling Unit (ADU) at 9707 Madison Avenue to the Planning Commission.

Contract Senior Planner Steve Masura gave a slide presentation regarding this appeal. Contract Senior Planner Masura stated that the appeal of the Community Development Director's denial of an Accessory Dwelling Unit (ADU) at 9707 Madison Avenue is requested by Benjamin de la Cruz to allow for the conversion of an existing garage into a dwelling unit.

Chairperson Hurtado opened the public hearing.

There being no comments from the audience Chairperson Hurtado closed the public hearing.

Commissioner Velasquez spoke about a previous recommendation given to the City Council regarding ADU’s and inquired to staff about the status of said recommendation. City Attorney Hardwick responded to the inquiry stating that the zoning code had not been changed and that it was his recollection that City Staff was to bring back proposals to the Planning Commission at a later date. Steve Masura stated that the City Council did in fact deliberate and reviewed the ADU ordinance and had staff map out the properties affected if the ADU requirements would be lowered to 5,000 sq. ft.; however, the City Council decided to maintain the current 6,000 sq. ft. requirements. Chairperson Hurtado interjected and stated that the Planning Commission recommended a
lower square footage requirement and a presentation to be made to the City Council and that Council approved staff’s original recommendation.

Commissioner Masushige expressed concern regarding the applicant not being present in the public hearing and questioning whether the applicant is interested in having the appeal approved. Chairperson Hurtado expressed that he understands the concern; however, the Planning Commission must base their decisions on the information being presented before them and not on absent information.

Vice Chairperson Perez expressed that the issue is larger than that of this particular appeal to an ADU and the City may be over restricting families in expanding their homes to accommodate their family size.

Commissioner Delgado inquired about the process of approving or denying the appeal: will any action be sent over to the City Council or if the process ends with the Planning Commission. City Attorney Hardwick explained that if the Planning Commission denies the appeal, the applicant may appeal to the City Council. Commissioner Delgado stated that although the Planning Commission preferred a different set of requirements than the City Council, it is ultimately the City Council’s decision to adopt changes to the Municipal Code/Zoning Ordinance to be followed by the Planning Commission. Finally, Commissioner Delgado requested staff to add an item to discuss the determination the City Council made regarding ADUs.

Commissioner Masushige motioned and Chairperson Hurtado seconded to adopt the findings as outlined in Resolution No. 2019-05; and deny the appeal by the applicant for an Accessory Dwelling Unit (ADU) at 9707 Madison Avenue. The motion carried (5-0), with all Commissioners in favor.

3. PRESENTATION REVIEW AND SELECT TWELVE HOMES FOR THE HOME RECOGNITION PROGRAM

Management Analyst Guevara provided a presentation regarding the Home Recognition Program and recommended that the Planning Commission select 12 of 40 homes to be recognized before the City Council.

Chairperson Hurtado recommended that three homes be chosen from each of the four City areas, totaling 12.

The Planning Commission proceeded with reviewing homes from Area 1, Area 2, Area 3, and Area 4 while selecting homes from each area, respectively.

Commissioner Delgado motioned and Commissioner Velasquez seconded to award the following homes as part of the Home Recognition Program:

<table>
<thead>
<tr>
<th>Area 1</th>
<th>Area 2</th>
<th>Area 3</th>
<th>Area 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>8173 Chestnut Avenue</td>
<td>8968 Dearborn Avenue</td>
<td>10317 Annetta Avenue</td>
<td>10544 Blumont Road</td>
</tr>
<tr>
<td>8964 Cypress Avenue</td>
<td>9238 Victoria Avenue</td>
<td>9713 Annettta Avenue</td>
<td>12011 Pennsylvania Avenue</td>
</tr>
<tr>
<td>2631 Missouri Avenue</td>
<td>8620 San Antonio Avenue</td>
<td>9637 Hildreth Avenue</td>
<td>11621 Utah Avenue</td>
</tr>
</tbody>
</table>

The motion carried (5-0) with all Commissioners in favor.

3. PRESENTATION DISCUSS PLANNING COMMISSION MEETINGS

Chairperson opened the item for discussion and requested that the item be continued to the following meeting.

Chairperson Hurtado opened the item to the public for discussion.

There being no comments from the audience Chairperson Hurtado closed the public comment for this item.
Chairperson Hurtado explained the reason behind his request to place this item for discussion. Chairperson Hurtado expressed his concerns over the amount of time that the City Attorney and Staff allot to the Planning Commission meetings which equate to costs in overtime salaries for staff. Chairperson Hurtado expressed that if the meetings were consolidated, the City could save in salary costs, City Attorney costs, and be conscious of the time staff dedicates to work. Chairperson Hurtado also expressed his interest in recommending to the City Council to change the compensation for Commissioners from $125 per meeting to $250 per month and to further discuss a change to the regular meeting dates. Chairperson Hurtado also commented on the amount of meetings that have been cancelled. Commissioner Velasquez requested that staff provide information regarding the amount of meetings that have been cancelled and the number of items that are placed on the agendas.

Chairperson Hurtado motioned to continue the discussion to another meeting.

There was consensus among the Commission that this item be continued to a future Planning Commission meeting.

**General Business**

Commissioner Masushige requested that staff provide the agenda packet earlier due to Commissioners being busy on weekends and that does not give them ample time to review items. City Attorney Hardwick explained to the Commission the minimum posting requirements for agendas. Commissioner Delgado explained that he understands staff’s multiple responsibilities and prefers to follow the current preparation and posting schedule.

Management Analyst Guevara thanked the Planning Commission for supporting the Tweedy Mile Fair and expressed that the event was successful.

**Audience Comments**

Virginia Johnson – 5751 McKinley Avenue: Expressed her desire that the Hollydale area not be referred to as Area 4 in the Home Recognition Program. On ADUs, she shared with the Planning Commission key points that Mayor Morales made during a regular City Council meeting regarding the state legislature discussing lowering ADU requirements.

**City Staff Comments**

Management Analyst Guevara informed the Planning Commission of the following events:

- On Saturday, June 8th the City will be hosting a community meeting regarding the Urban Orchard project.

**Planning Commission Comments**

Commissioner Masushige inquired about construction taking place on the southeast corner of Long Beach Boulevard and Ardmore Avenue. Management Analyst Guevara explained that a new KIPP School is being constructed and that demolition of the former building was completed.
ADJOURNMENT

There being no further business before the Planning Commission, Vice Chairperson Perez motioned and Chairperson Hurtado seconded the motion to adjourn the meeting. The motion carried (5-0) to adjourn the meeting to June 18, 2019. The meeting was adjourned at 8:08 P.M.

Respectfully,

__________________________
Joe Perez, Secretary

APPROVED:

__________________________
Gil Hurtado, Chairperson
SUBJECT:  PLANNING COMMISSION MEETINGS

PURPOSE:  This item is on the agenda at the request of Chairperson Hurtado to discuss the number of monthly Planning Commission meetings and Planning Commissioner compensation. This item was continued from the June 4, 2019 meeting.

RECOMMENDED ACTION:  Receive and File the report and analysis regarding Planning Commission meetings.

FISCAL IMPACT:  None.

REPORT SUMMARY:  On May 21, 2019, Chairperson Hurtado requested that staff include an item at the next Planning Commission meeting to discuss the number of monthly Planning Commission meetings and Planning Commissioner compensation. On June 4, 2019, the Planning Commission discussed and continued the item to a future meeting. The Planning Commission also requested that staff provide: 1) the number of meetings scheduled in the last 12-months; 2) the number of meetings cancelled in the last 12-months; 3) the number of items per meeting; and 4) the reason for the cancellation of meetings.

Staff has prepared the analysis requested by the Planning Commission (Attachment A) and found that in the last 12 months:

- 27 meetings were scheduled
- 11 meetings were cancelled:
  - 2 due to lack of quorum
  - 5 due to lack of items
  - 2 due to holidays
  - 2 due to City Council Budget sessions
- Average: 2.5 items per meeting

The Planning Commission currently has two regular scheduled meetings per month, held on the first and third Tuesdays of the month in the City Hall Council Chambers at 7:00 PM. Commissioners currently receive $125 per meeting.

ATTACHMENTS:  A.) Planning Commission Meeting Analysis
<table>
<thead>
<tr>
<th>Meetings</th>
<th>Cancelled (Y/N)</th>
<th>Items on Agenda</th>
<th>Reason for Cancellation</th>
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</thead>
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<tr>
<td>5/1/2018</td>
<td>Y</td>
<td>5</td>
<td>No meeting scheduled/Lack of Agenda Items</td>
</tr>
<tr>
<td>5/15/2018</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>6/5/2018</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>6/19/2018</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>7/3/2018</td>
<td>Y</td>
<td>2</td>
<td>No meeting scheduled/Holiday</td>
</tr>
<tr>
<td>7/17/2018</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>8/7/2018</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>8/21/2018</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>9/4/2018</td>
<td>Y</td>
<td></td>
<td>No meeting scheduled/Lack of Agenda Items</td>
</tr>
<tr>
<td>9/18/2018</td>
<td>Y</td>
<td>2</td>
<td>No meeting scheduled/Lack of Agenda Items</td>
</tr>
<tr>
<td>10/2/2018</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>10/16/2018</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>11/6/2018</td>
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</tr>
<tr>
<td>11/20/2018</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>12/4/2018</td>
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<td>3</td>
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<tr>
<td>12/18/2019</td>
<td>Y</td>
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<td>No meeting scheduled/Lack of Agenda Items</td>
</tr>
<tr>
<td>1/1/2019</td>
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<td>No meeting scheduled/Holiday</td>
</tr>
<tr>
<td>1/15/2019</td>
<td></td>
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</tr>
<tr>
<td>2/5/2019</td>
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<tr>
<td>2/19/2019</td>
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<td></td>
<td>No meeting scheduled/Lack of Agenda Items</td>
</tr>
<tr>
<td>2/21/2019</td>
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<td>3</td>
<td></td>
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<tr>
<td>3/5/2019</td>
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<td>No meeting scheduled/Lack of quorum</td>
</tr>
<tr>
<td>3/19/2019</td>
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<td></td>
<td>No meeting scheduled/No meeting room (Council budget session)</td>
</tr>
<tr>
<td>4/2/2019</td>
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<td>3</td>
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<tr>
<td>4/16/2019</td>
<td>Y</td>
<td></td>
<td>No meeting scheduled/Lack of quorum</td>
</tr>
<tr>
<td>5/7/2019</td>
<td>Y</td>
<td></td>
<td>No meeting scheduled/No meeting room (Council budget session)</td>
</tr>
<tr>
<td>5/21/2019</td>
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<td>4</td>
<td></td>
</tr>
</tbody>
</table>

27  11  41
City of South Gate  
PLANNING COMMISSION  
AGENDA BILL  
For the Regular Meeting of: June 18, 2019

Management Analyst: Dianne Guevara  
Community Development Director: Joe Perez

SUBJECT: ACCESSORY DWELLING UNITS

PURPOSE: This item is on the agenda at the request of Commissioner Delgado. The purpose of this item is to discuss the Accessory Dwelling Unit Ordinance adopted by the City Council at its March 26, 2019 meeting.

RECOMMENDED ACTION: Receive and File.

ANALYSIS: On March 26, 2019, the City Council adopted Ordinance No. 2360 repealing interim urgency Ordinance Nos. 2336 and 2338 and adding a new Chapter 11.43 (Accessory Dwelling Units and Accessory Structures), to the Municipal Code. Ordinance No. 2360 is substantially the same as the Interim Urgency Ordinances, but includes additional language designed to clarify the City's ADU regulations. Provided below are key provisions in the recently adopted Ordinance:

Minimum Lot Requirements  
- An ADU must be located within the Neighborhood Low (i.e. single-family) Zone.
- An ADU must be located on a lot that is equal to or larger than 6,000 square feet (unless the ADU is located entirely within the Main Dwelling).
- Only one ADU may exist on a lot.

Size of ADU  
- An ADU, whether attached, detached, or a part of the Main Dwelling will not have a gross floor area greater than six-hundred-forty (640) square feet or 30% of the area of the main structure, whichever is less.
- An ADU will contain no more than one bedroom.

Unit Size  
- An ADU shall not be less than two-hundred-forty (240) square feet in size or the minimum size for an efficiency unit.

Lot Coverage  
- The Main Dwelling and the ADU, together with all other structures, shall not exceed a total lot coverage of forty-five (45%) percent.

Location of New Construction  
- An ADU constructed apart from the Main Dwelling and not within an existing garage...
that is to be converted to residential use, must be located outside of all required setbacks and in the rear one-half of the lot.

Parking
- One parking space will be provided per ADU and may be provided as tandem parking, including on an existing driveway or in setback areas, but excluding the non-driveway front yard setback.
- ADUs are exempt from parking standards if the ADU is:
  - Part of the existing Main Dwelling unit or an existing accessory structure that is not being removed to accommodate the ADU;
  - Located within one-half mile of a public transit stop;
  - Located within a historic district;
  - Located within an area where on-street parking permits are required but not offered to the occupant of the secondary unit; or
  - Located within one block of a dedicated car share space.

Replacement Parking
- When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, replacement parking will be required and may be located in any configuration on the same lot as the ADU (except that replacement spaces are not allowed within the non-driveway front yard setback).
- Replacement spaces will be provided on the same lot as the ADU. The number of replacement spaces will be no fewer than the spaces that were removed.
- The minimum dimensions for any replacement spaces will be 10 feet by 20 feet.
- Parking spaces are required to be maintained in good order and repair and clear of all vegetation, equipment, trash, debris.

Utilities
- Separate utility connections are not required for ADUs contained within an existing Main Dwelling or existing accessory units.
- All other ADUs, including new ADU structures, are required to have new and separate utility connections.

Ownership
- An ADU must be under the same ownership as the remainder of the lot.
- An ADU may not be partitioned from the Main Dwelling or sold/transferred separately from the Main Dwelling.

Continuous Owner Occupancy
- Property owner must occupy either the ADU or Main Dwelling.
- One of the two dwelling units may be rented for a period of not less than thirty (30) days.

Revocation of Permit
- The circumstances and process for the revocation of an ADU permit are included in the proposed Ordinance.

Survey of Surrounding Cities
Many cities nearby and statewide have adopted permanent ADU Ordinances or are also in the process of adopting permanent Ordinances with urgency Ordinances in place (see a survey of
nearby cities (attached to the March 12, 2019 Agenda Bill). Most of these Ordinances have similar regulations for designated areas and zoning standards to help address issues of potential impacts of new housing development to adjacent lots and neighborhoods, street parking, and traffic. Similar to South Gate’s proposed Ordinance, the surveyed cities for example: show zone restrictions to R-1 only; minimum lot sizes ranging from 5,000 to 10,000 square feet; and maximum ADU sizes ranging from 500 square feet to 1,500 square feet.

South Gate Eligible ADU Properties
There are a total of 3,101 properties in the City that are eligible for ADUs based on the criteria in the Ordinance for properties 6,000 square feet or larger in the Neighborhood Low zone. There are a total of 12,306 properties in the City that are zoned Neighborhood Low, therefore the 3,101 represents 25% of all Neighborhood Low zoned properties. There are a total of 16,583 residential properties in the City, therefore the 3,101 represents 19% of all residential properties in the City.

ADUs Approved and Built
Since the approval of the Urgency Ordinance in 2017, the City has received 109 ADU applications, with 60 applications approved for zoning, 40 building permits issued, 27 under construction, and 13 ADUs completed construction. This shows a strong interest in ADUs in the city and that the current regulations as proposed are providing adequate ability for residents to add significant numbers of ADUs in the city now and in the future.

State Legislation
There continues to be new proposed State legislation affecting ADUs that could affect cities’ ability to regulate local approvals. Many bills introduced last year did not get approved, however there are at least three recently introduced bills being considered that could potentially affect the cities’ ordinances. Any new legislation approved would then be addressed at a future time with any zoning amendments as necessary.

BACKGROUND: Effective January 1, 2017, the California state legislature adopted Government Code Section 65852.2, which made sweeping changes to state law regarding “accessory dwelling units” (formerly known as “second dwelling units”). In response, the City Council, at its regularly scheduled meeting of April 25, 2017, adopted Urgency Ordinance No. 2336 to establish interim approval standards with respect to applications for alternative dwelling unit permits, and to identify procedures for ministerial approval of accessory dwelling units within the City, all as necessary to cause the City’s process for approving those applications to comply with Government Code Section 65852.2. Interim Urgency Ordinance No. 2336 was scheduled to expire on June 9, 2017. On May 23, 2017, the City Council adopted Interim Urgency Ordinance No. 2338, which extended Interim Urgency Ordinance No. 2336 through and including April 24, 2019. Furthermore, the City Council directed staff to study and develop permanent regulations that may be adopted prior to the April 24, 2019 expiration date.

Planning Commission Review
On February 21, 2019, the Planning Commission conducted a public hearing and adopted Resolution No. 2019-02, recommending that the City Council adopt the proposed ADU Ordinance with the following changes:

- **Minimum Lot Requirements (Section 11.43.030(I)(2)):** Reduce the minimum lot size for an attached/detached ADU from 6,000 square feet to 5,000 square feet. This increase would significantly increase the number of lots eligible for an ADU, the extent of which will be discussed later in this report. The Commission considered testimony from
residents who owned lots and contractors who represented property owners with lots smaller than 6,000 square feet. The Commission also considered the average single family lot size in South Gate, which is approximately 5,763 square feet.

- **Gross Floor Area** (Section 11.43.030(M)(6)): Increase the maximum size of an ADU from 640 square feet or 30% of the main dwelling (whichever is less), to 640 square feet or 50% of the main dwelling (whichever is less). This increase would enable larger ADUs to be constructed.

- **Continuous Owner Occupancy** (Section 11.43.030(H) and 11.43.050(D)): Insert the word “continuous” in sections stating that an ADU may be rented for not less than 30 days. The new verbiage would read as follows: “The other dwelling unit may be rented for a period of not less than thirty (30) continuous days” and “That any rental of either the Main Dwelling or Accessory Dwelling Unit not occupied by a natural person who is an owner of the subject property or the beneficial interest holder must be for a term longer than thirty (30) continuous days.”

The Commission also requested that the requirements included in the draft Ordinance proposed by Staff be communicated to the City Council.

**City Council Review**
At its February 26, 2019 meeting, the City Council requested a visual depiction of the number of lots eligible for an ADU with thresholds of 5,000 and 6,000 square feet. These maps, which are included in the attached March 12, 2019 City Council Agenda Bill, display the following:

- All 12,306 lots within the Neighborhood Low Zone
- The 3,101 lots 6,000 square feet and larger
- The 4,584 lots 5,500 square feet and larger
- The 6,821 lots 5,000 square feet and larger

The Council also requested information regarding garages converted into living areas. The Table below lists various unpermitted conversions since fiscal year 2014/15 through December 2018:

**Table 1 - Unpermitted Dwellings**

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<thead>
<tr>
<th>Fiscal Year</th>
<th>Garage Conversion</th>
<th>Improper Occupancy</th>
<th>Patio Conversion</th>
<th>Storage Room Conversion</th>
<th>Subdivided Dwelling</th>
<th>Total</th>
</tr>
</thead>
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<td>20</td>
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<td>39</td>
<td>204</td>
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<td>FY 2015-16</td>
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<td>153</td>
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</tr>
<tr>
<td>FY 2018-19</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(July 2018 - Dec 2018)</td>
<td>37</td>
<td>10</td>
<td>1</td>
<td>3</td>
<td>7</td>
<td>58</td>
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<tr>
<td><strong>TOTAL</strong></td>
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<td><strong>78</strong></td>
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<td><strong>90</strong></td>
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</tbody>
</table>
Table 2 below provides a summary of the types of ADUs that received building permits or were completed and finalized by the Building and Safety Division from January 2017 through February 2019:

Table 2 - Approved ADUs (2017-2019)

<table>
<thead>
<tr>
<th>Year</th>
<th>ADU Status</th>
<th>Garage Conversion</th>
<th>Detached</th>
<th>Attached</th>
<th>W/in Main Dwelling</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>Permits Issued</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Completed</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>2018</td>
<td>Permits Issued</td>
<td>8</td>
<td>9</td>
<td>0</td>
<td>1</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>Finalized</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td>11</td>
<td>12</td>
<td>1</td>
<td>1</td>
<td>25</td>
</tr>
<tr>
<td>2019 (Jan-Feb)</td>
<td>Permits Issued</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Finalized</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>TOTAL 2017 - CURRENT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permits Issued</td>
<td>12</td>
<td>14</td>
<td>0</td>
<td>1</td>
<td></td>
<td>27</td>
</tr>
<tr>
<td>Finalized</td>
<td>6</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td></td>
<td>13</td>
</tr>
<tr>
<td>TOTAL</td>
<td>18</td>
<td>19</td>
<td>1</td>
<td>2</td>
<td></td>
<td>40</td>
</tr>
</tbody>
</table>

Following the conclusion of a public hearing on March 12, 2019, the City Council introduced Ordinance No. 2360, which include Staff’s recommendation regarding minimum lot size and maximum ADU size, as well as the Planning Commission’s recommendation concerning continuous occupancy as follows:

**Continuous Owner Occupancy** (Section 11.43.030(H) and 11.43.050(D)): Insert the word “continuous” in sections stating that an ADU may be rented for not less than 30 days. The new verbiage would read as follows: “The other dwelling unit may be rented for a period of not less than thirty *(30)* continuous days” and “That any rental of either the Main Dwelling or Accessory Dwelling Unit not occupied by a natural person who is an owner of the subject property or the beneficial interest holder must be for a term longer than thirty *(30)* continuous days.”

**ATTACHMENTS:**
A. Ordinance No. 2360
B. City Council Agenda Bill- March 26, 2019
C. City Council Agenda Bill- March 12, 2019
ORDINANCE NO. 2360
CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, REPEALING INTERIM URGENCY ORDINANCE NOS. 2336 AND 2338 IN THEIR ENTIRETY AND ADDING NEW CHAPTER 11.43 (ACCESSORY DWELLING UNITS AND ACCESSORY STRUCTURES), TO TITLE 11 (ZONING), OF THE SOUTH GATE MUNICIPAL CODE

WHEREAS, effective January 1, 2017, California Government Code Section 65852.2 deemed null and void any existing ordinance that fails to provide an approval process that includes only ministerial provisions for the approval of Accessory Dwelling Units; and

WHEREAS, Government Code Section 65852.2 permits local governments to establish development standards for ministerial review of Accessory Dwelling Units and directs that Accessory Dwelling Units be approved subject to state standards when no local standards or process for accessory dwellings has been established; and

WHEREAS, Government Code Section 65858 permits cities to adopt interim procedures and criteria while studying potential permanent processes and zoning standards; and

WHEREAS, on April 25, 2017, the City Council adopted Interim Urgency Ordinance No. 2336 for the purpose of regulating Accessory Dwelling Units in the Neighborhood Low residential zone of the City of South Gate; and

WHEREAS, on May 23, 2017, the City Council adopted Interim Urgency Ordinance No. 2338, extending the term of Interim Urgency Ordinance No. 2336 through April 24, 2019; and

WHEREAS, the City Council finds that a permanent Ordinance regulating Accessory Dwelling Units in the Neighborhood Low residential zone of the City of South Gate is necessary for the public health, welfare and safety and residents, citizens, businesses and visitors of the City of South Gate; and

WHEREAS, the City Council finds that this permanent Ordinance No. 2360 is consistent with the City’s General Plan and not in conflict with any applicable specific plan; and

WHEREAS, this permanent Ordinance No. 2360 complies with California Code Section 65852.2 that requires cities to establish standards to allow for ministerial approval of Accessory Dwelling Units so as to provide additional rental housing stock as Accessory Dwelling Units as a component of the housing supply in California; and

WHEREAS, this permanent Ordinance No. 2360 is largely identical to Interim Urgency Ordinance No. 2338, except for minor modifications; and
WHEREAS, during the regularly scheduled City Council meeting of February 26, 2019, the City Council held a duly noticed public hearing to take public testimony and continued the public hearing to the regularly scheduled City Council meeting of March 12, 2019, to consider introducing this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1 The City Council hereby repeals Interim Urgency Ordinance Nos. 2336 and 2338 in their entirety.

SECTION 2. The City Council hereby adds new Chapter 11.43 (Accessory Dwelling Units and Accessory Structures), to Title 11 (Zoning), of the South Gate Municipal Code in its entirety to read as follows:

Title 11 (Zoning)
Chapter 11.43 (Accessory Dwelling Units and Accessory Structures)

Sections:
11.43.010 Purpose and Intent.
11.43.020 Definitions.
11.43.030 Accessory Dwelling Unit Requirements.
11.43.040 Application Process and Permit Requirements.
11.43.050 Recordation of Covenant.
11.43.060 Revocation.
11.43.070 Hearings and Appeals.
11.43.080 Responsible Persons.
11.43.090 Declaration of Nuisance; Enforcement.
11.43.100 No Authorization to Violate Law.
11.43.110 Accessory Structures.

11.43.010 Purpose and Intent.
This chapter of the South Gate Municipal Code (the “Chapter”) establishes the standards for permitting accessory dwelling units (“Accessory Dwelling Units”) within the City of South Gate, formerly known as “second dwelling units” on residential properties in accordance with Section 65852.2 as of the California Government Code, as amended and effective January 1, 2017.

11.43.020 Definitions.
For purposes of this Chapter the following terms shall have the meanings indicated:

A. “Accessory Dwelling Unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An Accessory Dwelling Unit also includes (i) an efficiency unit, as defined in Section 17958.1 of the Health and Safety
Code and (ii) a manufactured home, as defined in Section 18007 of the Health and Safety Code.

B. "Accessory Dwelling Unit Permit" means the formal, written approval, of the Community Development Director approving the application for an Accessory Dwelling Unit.

C. "Application" means an application for an Accessory Dwelling Unit Permit.

D. "Building Codes" means all of the requirements for authorization for the construction, alteration, improvement, modification, demolition or removal of any structure within the City of South Gate, including all codes adopted by reference in the Municipal Code, including but not limited to the California Building Code, the California Electrical Code, the California Plumbing Code, the California Mechanical Code, the California Residential Code and all local amendments thereto as adopted by the City in the Municipal Code.

E. "Building Permits" means all authorizations and permissions required in accordance with all applicable Building Codes.

F. "City" means the City of South Gate.

G. "Director" means the Community Development Director of the City of South Gate and all of his/her designees.

H. "Existing Structure" for the purposes of defining an allowable space that can be converted to an Accessory Dwelling Unit means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

I. "Initiate the Use" means to commence occupying the Accessory Dwelling Unit by persons for human habitation.

J. "Living Area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

K. "Lot" shall mean the single legal parcel of real property upon which the Accessory Dwelling Unit shall be located.

L. "Main Dwelling" means a lawfully constructed single-family residence existing on the Lot where the Accessory Dwelling Unit may be permitted.

N. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the Accessory Dwelling Unit.

O. Other words and phrases used in this Chapter shall have the same meaning as provided in the South Gate Municipal Code.

11.43.030 Accessory Dwelling Unit Requirements.
A. Location of Accessory Dwelling Units. An Accessory Dwelling Unit for which a valid Accessory Dwelling Unit Permit has been issued and that is, at all times, maintained, utilized and improved in accordance with this Chapter shall be permitted within the NL Zone within the City. The foregoing notwithstanding, Accessory Dwelling Units shall not be established or permitted within a planned community, including but not limited to planned unit developments and condominium projects, unless Accessory Dwelling Units were specifically incorporated into the approved project plans and the recorded covenants, conditions and restrictions or other document reflecting the land use restrictions applicable to the development.

B. Compliance with Chapter. No Accessory Dwelling Unit may be constructed, maintained, improved, altered, enlarged, modified, permitted or allowed within the City except as provided in this Chapter and only in the NL Zone.

C. Residential Use. An Accessory Dwelling Unit shall be used only for residential purposes and no business, enterprise or occupation shall be conducted, permitted or allowed within the Accessory Dwelling Unit.

D. Applications for Accessory Dwelling Unit Permit. All applications for an Accessory Dwelling Unit Permit shall be submitted to the Director on the form approved by the Director, together with all information and documents requested, which shall include scaled and fully dimensioned plans, and elevations for the lot including the proposed Accessory Dwelling Unit, Main Dwelling, any other structures on site, parking, set-backs and entrances and driveways.

E. Building Permits. Building Permit(s) shall be required for all Accessory Dwelling Units. All existing Building Permits for a proposed Accessory Dwelling Unit shall be submitted with the Application. In addition, all applications for all Building Permits or other authorizations and approvals required for the legal use of the structure where the Accessory Dwelling Unit will be located shall be submitted with the Application. together with all permit, planning, development or other fees required under the Municipal Code, except as otherwise expressly provided in this Chapter.

F. Design Compatibility. All Accessory Dwelling Units shall be architecturally compatible with the Main Dwelling with respect to styling, roofline, window and door treatment, materials, colors, textures, height, scale, and bulk, and shall be compatible with the surrounding neighborhood.

G. Community Impact. The design and establishment of the Accessory Dwelling Unit
shall not adversely affect the neighborhood with respect to on-street parking demand and use, traffic noise, or other impacts that could result in adverse impacts on public services and resources.

H. **Continuous Owner Occupancy.** At the time that an application for Accessory Dwelling Unit Permit is submitted and at all times thereafter at least one of the dwelling units (Main Dwelling or Accessory Dwelling Unit) on the Lot must be occupied by a natural person who a is lawful owner or beneficial interest holder of a lawful trust holding title to the Lot. The other dwelling unit may be rented for a period of not less than thirty (30) continuous days. It is the intent of this Chapter that once established, at least one of the units on the Lot shall be owner occupied. In the event that no such person occupies one of the units on the Lot, the Accessory Dwelling Unit may not be occupied or rented and shall be deemed to be non-habitable as provided in Section 11.43.060, in which case all owners and all persons in control, management or possession of the Lot shall comply with Section 11.43.060(C).

I. **Minimum Lot Requirements.** Accessory Dwelling Units shall only be permitted on legal parcels that meet all the following Lot qualifications:

1. The Lot is located within an NL zone as designated by the South Gate zoning map.

2. The Lot size is equal to or larger than six thousand (6,000) square feet, unless the Accessory Dwelling Unit is located entirely within the Living Area of the existing Main Dwelling, in which case the Lot size may be smaller.

3. The Lot has an existing single-family Main Dwelling.

4. The Lot does not have an existing Accessory Dwelling Unit on site. Only one Accessory Dwelling Unit, regardless of size or configuration, may exist on a Lot at any one time. No more than two (2) dwelling units may exist at any time on a Lot containing an Accessory Dwelling Unit.

5. When an Accessory Dwelling Unit is to be contained within the existing space of a Main Dwelling or accessory structure, it shall have independent exterior access from the existing residence and the side and rear setbacks shall be sufficient for fire safety, including compliance with all applicable Fire Codes.

J. **Applicability of Other Municipal Code Requirements.** The Accessory Dwelling Unit, and any other improvements located on the Lot where it is located, shall comply with all applicable Building Codes and Zoning Code requirements, except as modified expressly by this Chapter. The foregoing notwithstanding. Accessory Dwelling Units shall not be required to be equipped with fire sprinklers, unless they are required for the Main Dwelling.

K. **Density and Use.** The existence of an Accessory Dwelling Unit shall not be deemed to cause a Lot to exceed the allowable density for the Lot upon which the Accessory
Dwelling Unit is located. An Accessory Dwelling Unit shall be considered a residential use consistent with the existing general plan and zoning designation for the Lot.

L. Ownership. An Accessory Dwelling Unit shall, at all times, be held under the same ownership as the remainder of the Lot on which it is located. An Accessory Dwelling Unit may not be partitioned from the Main Dwelling and may not be sold, transferred or assigned separately from the Main Dwelling.

M. Development Standards. An Accessory Dwelling Unit shall at all times comply with the following requirements.

1. Development Standards. Except as expressly provided herein, all development standards set forth in the Municipal Code applicable to the Main Dwelling shall be applicable to all Accessory Dwelling Units.

2. Maximum Occupancy. Occupancy loads of the Accessory Dwelling Unit shall be the same as applicable to the Main Dwelling pursuant to applicable regulatory requirements of the Municipal Code or the State of California, including without limitation all applicable Building and Fire Codes.

3. Compliance with Building Codes. All construction, alteration, modification, demolition, improvement or other work required to comply with this Chapter, the Accessory Dwelling Unit Permit or any other condition related thereto, shall be in compliance with all applicable Building Codes and shall be completed and final inspection requested within one-hundred-eighty (180) calendar days after the issuance of such permit, approval or authorization. Upon a request made by the Applicant prior to the expiration of a permit, approval or authorization and upon good cause having been shown that the work could not reasonably completed within the said time period, the building official or department issuing such authorization may grant one (1) extension of no more than one-hundred-eighty (180) days.

4. Utilities. If the Accessory Dwelling Unit is contained within an existing Main Dwelling or an existing accessory structure, has independent exterior access from the existing Main Dwelling, and has side and rear setbacks sufficient for fire safety, then a new or separate utility connection directly between the Accessory Dwelling Unit and the utility shall not be required. In all other cases, an Accessory Dwelling Unit shall be equipped with a new and separate utility connection directly between the Accessory Dwelling Unit and the utility. The City shall charge a connection fee or capacity charge, as applicable to the specific property, that shall be proportionate to the burden of the proposed Accessory Dwelling Unit, based upon either its size or the number of plumbing fixtures, and upon the water or sewer system, as determined by the Director; provided, however, that the charge shall not exceed the reasonable cost of providing the service. All newly constructed or installed utilities for the Accessory Dwelling Unit shall be underground and subject to and comply with Municipal Code Section 11.30.060.
5. **Smoke Detectors.** If the Main Dwelling is required to be equipped with functioning hardwired smoke detectors with battery backup, the Accessory Dwelling Unit shall also be so equipped.

6. **Gross Floor Area.** The Accessory Dwelling Unit, whether attached, detached or a part of the Main Dwelling shall not have a gross floor area greater than six-hundred-forty (640) square feet or 30% of the area of the Main Dwelling, whichever is less, and shall contain no more than one bedroom.

7. **Unit Size.** The Accessory Dwelling Unit shall not be less than two-hundred-forty (240) square feet in size or the minimum size for an efficiency unit, as defined in California Health and Safety Code Section 17958.1, whichever is greater.

8. **Lot Coverage.** The Main Dwelling and the Accessory Dwelling Unit, together with all other structures, shall not exceed a total structural lot coverage of forty-five percent (45%).

9. **Location of New Construction Setbacks.** In the event that the Accessory Dwelling Unit is to be constructed separate and apart from the Main Dwelling and not within an existing garage that is to be converted to residential use, the Accessory Dwelling Unit shall be located outside of all setback requirements set forth in the Municipal Code that are applicable to the Main Dwelling and shall be located in the rear one-half of the Lot. An existing garage that is converted to an Accessory Dwelling Unit shall not be required to have any setback, other than the setback that may be required by Building or Fire Codes for fire or safety purposes. A newly constructed Accessory Dwelling Unit that is located above a garage shall be located not closer than five (5) feet from the side and rear lot lines. A minimum building separation (eave to eave) of ten (10) feet shall be maintained between the Main Dwelling and a detached Accessory Dwelling Unit.

10. **Height.** The Accessory Dwelling Unit shall be no taller than thirty-four (34) feet or the height of the existing Main Dwelling, whichever is lower, and may not exceed one (1) story unless the existing Main Dwelling has at least two (2) stories.

11. **Passageways.** No passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.

12. **Entrance.** The Accessory Dwelling Unit shall have a separate entrance from the Main Dwelling that shall not be visible from the front of the Main Dwelling or the public right of way.

13. **Parking.**
   A. In addition to the parking requirement in the Municipal Code for the Main Dwelling, parking shall be provided for the Accessory Dwelling Unit as follows:
For units containing one or fewer bedrooms: one (1) space. This parking space, in combination with the other parking spaces required for the Lot, may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.

B. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an Accessory Dwelling Unit, replacement parking shall be required and may be located in any configuration on the same lot as the Accessory Dwelling Unit, except that replacement parking spaces shall not be located within the non-driveway front yard setback. Replacement spaces shall be provided in any configuration on the same lot as the Accessory Dwelling Unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. The number of replacement parking spaces shall be no fewer than the spaces that were removed. The minimum dimensions for any replacement parking spaces shall be ten (10) feet by twenty (20) feet. Parking spaces shall be maintained in good order and repair and clear of all vegetation, equipment, trash, debris or any other condition that would prevent or impede the use of the spaces for parking.

C. The parking requirement for an Accessory Dwelling Unit set forth in this section shall not be required in the following instances:
   i. The Accessory Dwelling Unit is located within one-half mile of a regularly used public transit stop, depot or station.
   ii. The Accessory Dwelling Unit is part of the existing Main Dwelling or an existing accessory structure that is not being removed to accommodate the Accessory Dwelling Unit.
   iii. The Accessory Dwelling Unit is located within an architecturally and historically significant historic district.
   iv. When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.
   v. When there is a car share vehicle located within one block of the Accessory Dwelling Unit.

11.43.040 Application Process and Permit Requirements.

A. Processing Application. Within 120 days of receipt of a completed Application, submitted with all supporting documentation and, if applicable, all fees required for Building Permits, Development and Planning, approvals, authorizations and permissions, in accordance with Government Code Sections 66000, et seq., the Director shall issue an Accessory Dwelling Unit Permit, ministerially, upon making a determination that the proposed Accessory Dwelling Unit would be in compliance with this Chapter and that all required approvals, permits, authorizations and permissions exist for the lawful use of the Accessory Uses or will be issued by the appropriate agency or department. If the Director has information or reasonable belief that all such approvals, permits authorization and permissions do not exist and will not be issued within a reasonable time, the Director shall deny the Application.
B. Health Official Approval. In the event that that the property is served by a functioning private sewage disposal system, any Application for an Accessory Dwelling Unit must be approved by health official for the City before an Accessory Dwelling Unit Permit may be issued by the Director.

C. Conditions of Approval. The Director may include conditions on the Accessory Dwelling Unit Permit that are consistent with this Chapter.

D. Denial of Application. The Director shall deny an Application for an Accessory Dwelling Unit Permit upon making a determination that the Requirements of this Chapter have not been satisfied and in the event that the Director finds that any of the following conditions exist or may occur if the application is granted:

1. The Accessory Dwelling Unit would be detrimental to the public health and safety or that it would unreasonably impact the privacy of the surrounding properties.

2. The Lot or any structure located there upon contains any active violations of the Municipal Code or other applicable regulation or law, except in the event that such violation shall be abated in the course of construction or other activities authorized by permits or other authorizations or permissions granted by the City.

11.43.050 Recordation of Covenant.
Within thirty (30) days of the approval of an Application for an Accessory Dwelling Unit Permit, the owner of the Lot shall record a covenant ("Covenant") reflecting the obligations, rights and restrictions provided in the Permit and in this Chapter. The Covenant shall "run with the land" and be binding on the Lot and all owners, lenders, lien holders, occupants and all other persons having an interest or estate in the Lot, now or in the future. The Covenant shall be recorded in the Registrar-Recorder's Office of Los Angeles County. A copy of the Accessory Dwelling Unit Permit shall be incorporated in or attached to the Covenant and shall be recorded therewith. A copy of the Covenant shall be filed with the City's Community Development Department. The Covenant shall be in a form approved in writing by the City Attorney and shall provide the following:

A. That at all times that an Accessory Dwelling Unit is located on the subject Lot a natural person who is a lawful owner, or beneficial interest holder of a lawful trust holding title to the Lot must continuously occupy the Main Dwelling or the Accessory Dwelling Unit as that person's principal residence.

B. At all times there shall be no more than two (2) residential units on any Lot containing an Accessory Dwelling Unit.

C. That the Accessory Dwelling Unit may not be sold separately from the remainder of the Lot and that it shall not be subject to partition or separation from the Lot where the Main Dwelling is located.
D. That any rental of either the Main Dwelling or Accessory Dwelling Unit not occupied by a natural person who is an owner of the subject property or the beneficial interest holder must be for a term longer than thirty (30) continuous days.

E. That the Accessory Dwelling Unit Permit for the Lot and each of the terms and conditions set forth therein bind the Lot and all owners and all beneficial interest holders, lenders, lien holders, occupants and all other persons having an interest or estate in the Lot, now or in the future.

F. That the use of the Accessory Dwelling Unit is subject to the provisions of this Chapter.

G. That the Accessory Dwelling Unit Permit may be subject to revocation in the event of breach of the terms of the Covenant or as otherwise provided in this Chapter.

11.43.060 Revocation.
A. The Director may revoke any Accessory Dwelling Unit Permit in the event of any of the following:

1. Misrepresentation or any false, untrue or inaccurate statement in the Application or any supporting documentation.

2. Failure to execute and record the Covenant required pursuant to Section 11.43.050.

3. The Accessory Dwelling Unit ceases to be used for human habitation.

4. Failure to initiate the use as authorized under the Accessory Dwelling Unit Permit within 180 days, together with any extension authorized by the Director, after final inspection of any applicable building permits or the issuance of the Accessory Dwelling Unit Permit, whichever is later.

5. The use of the Accessory Dwelling Unit causes detriment or becomes incompatible to the surrounding homes as a result of the manner in which it is maintained.

6. Parking as required under this Chapter is not provided or maintained.

7. Failure to comply with any condition of approval of the Accessory Dwelling Unit Permit.

8. The use of the Accessory Dwelling Unit causes or becomes a nuisance, as defined in the Municipal Code.

9. If any term or condition of the Covenant is violated.

10. The Accessory Dwelling Unit was not constructed in accordance with the plans and buildings permits approved by the City that were submitted with the Application for
the Accessory Dwelling Unit Permit. This includes the failure to obtain a final inspection within 180 days after the issuance of building permits.

11. Maintenance of the Accessory Dwelling Unit in violation of applicable laws, regulatory codes or the Municipal Code.

B. Notification of Revocation. The Director shall give written notice of the revocation of the Accessory Dwelling Unit by mail or hand delivery to the property owner and the occupants of the Main Dwelling and the Accessory Dwelling Unit and by posting a copy of the notice of revocation at the front entrance to each unit.

C. Effect of Revocation. Within ten (10) days after notice of the revocation is given, human habitation of the Accessory Dwelling Unit must cease. The Accessory Dwelling Unit shall thereafter be deemed non-habitable space. Within thirty (30) days after notice of the revocation is given, all electrical, plumbing, kitchen and bathroom facilities, fixtures, equipment and appliances shall be removed. To the extent that removal of any of the foregoing cannot be completed without significant risk to the structural integrity of any structure upon the Lot, any such facility, equipment, fixture or appliance may, with the consent of the building official, in lieu of removal, be permanently disabled in place. Provided, further, that any such facility, equipment, fixture or appliance shall not be required to be removed if they would otherwise be permitted within an accessory structure within the NL zone pursuant to the Municipal Code.

11.43.070 Hearings and Appeals.

A. Director’s Hearing. In the event that the Director denies an Application for an Accessory Dwelling Unit or revokes an Accessory Dwelling Unit Permit, the applicant or permittee may request a hearing before the Director within 10 days after being advised of the decision. If there is a request for a hearing in accordance with this Subsection, the order of the Director shall be stayed until the Director makes his determination after the hearing is concluded. If there is no request for hearing within the ten (10) day period, or upon a determination of the Director upholding the revocation, the Accessory Dwelling Unit shall brought into compliance with Subsection 11.43.060(C), above or in the case of an denial of an application, the property shall be brought into compliance with all applicable building and zoning requirements of the Municipal Code.

B. Appeal of Director’s Determination After Hearing. If the Director does not rescind a denial of the application or the revocation after the hearing, the applicant or permittee may appeal to the planning commission in accordance with Municipal Code Section 11.50.040. The Accessory Dwelling Unit may continue to be used until the appeal is decided.

C. Preclusion of Further Application. In the event that an Application is denied or a permit is revoked, no Application may be made for an Accessory Dwelling Unit Permit for the same Lot for a period of one (1) year from the date of the revocation or the conclusion of the appeal process, whichever is later.
11.43.080 Responsible Persons.
All owners, occupants, managers and persons with dominion or control over the Accessory Dwelling Unit or the Lot upon which it is located shall comply with the terms of this Chapter and all applicable conditions, covenants, permits and restrictions created thereby.

11.43.090 Declaration of Nuisance; Enforcement.
Any condition, construction, improvement, alteration or use that is created, permitted, allowed or maintained in violation of this Chapter is declared to be a nuisance and may be abated in accordance with any and all remedies available to the City, whether legal or equitable, civil, criminal or administrative, all of which shall be deemed cumulative. A violation of this Chapter shall be subject to enforcement as provided in Chapter 11.56 of the Municipal Code. Any violation of this Chapter is declared to be a misdemeanor.

11.43.100 No Authorization to Violate Law.
Nothing in this Chapter allows or permits the violation of any Federal or State Law or the Municipal Code. Except as provided hereunder, nothing herein cures or makes legal any illegal condition or use. Any work, improvement, construction or alteration required or permitted by this Chapter shall comply with all applicable building permit and regulatory requirements of the Municipal Code.

11.43.110 Accessory Structures.
The following provisions, in combination with Section 11.43.040 (Application Process and Permit Requirements), are minimum requirements for all accessory structures that are not an Accessory Dwelling Unit.

A. Detached Garage. Detached garages shall be limited to accommodating four vehicles and shall conform to all development standards of the NL Zone.

B. Garage Doors. Garage doors shall not comprise more than 50% of any single parcel frontage.

SECTION 3. The City Council hereby finds and determines, for the reasons set forth in Section 1, hereof that this Ordinance is exempt from the California Environment Quality Act of 1970 ("CEQA"), as amended, because it can be seen with certainty that this ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council's action of adopting this ordinance and the effects derivative from the adoption are exempt from the application of CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines (15 Cal. Code Regs. § 15061(b)(3)). Furthermore, the adoption and implementation of the Ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA "does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code." This Ordinance was adopted and is extended to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA's environmental review requirements.

SECTION 4. This Ordinance shall take effect on the thirty first (31st) day after its adoption.
SECTION 5. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one of more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. The City shall submit a certified copy of this Ordinance to the State Department of Housing and Community Development not later than sixty (60) days after the date of adoption of this Ordinance, as required by Government Code Section 65852.2(h).

SECTION 7. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this 26th day of March, 2019.

CITY OF SOUTH GATE:

[Signature]

María Belén Bernal, Mayor

ATTEST:

[Signature]
Carmen Avalos, City Clerk

(SEAL)

APPROVED AS TO FORM:

[Signature]
Raul F. Salinas, City Attorney
STATE OF CALIFORNIA   
COUNTY OF LOS ANGELES          SS
CITY OF SOUTH GATE          

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Ordinance No. 2360 was adopted by the City Council at their Regular Meeting held on March 26, 2019, by the following vote:

Ayes: Council Members: Bernal, Morales, Davila, and Rios

Noes: Council Members: None

Absent: Council Members: Diaz,

Abstain: Council Members: None

Witness my hand and the seal of said City on March 27, 2019.

__________________________
Carmen Avalos, City Clerk
City of South Gate, California
SUBJECT: ORDINANCE REPEALING INTERIM URGENCY ORDINANCE NOS. 2336 AND 2338 AND ADDING NEW CHAPTER 11.43 (ACCESSORY DWELLING UNITS AND ACCESSORY STRUCTURES), TO THE MUNICIPAL CODE

PURPOSE: After conclusion of the public hearing on March 12, 2019, the City Council introduced Ordinance No. 2360 regarding Accessory Dwelling Units that will permanently replace Interim Urgency Ordinance Nos. 2336 and 2338 (which is scheduled to expire on April 24, 2019) and comply with State law. When adopting the Urgency Ordinances, the City Council directed staff to study and develop permanent regulations that may be adopted prior to the April 24, 2019 expiration date. Unless the City adopts a permanent ADU Ordinance, the City will have no effective ordinance addressing ADUs. Without a permanent Ordinance in place, ADU applications will be processed by default under State regulations, resulting in a loss of City authority to process and apply standards for new ADUs.

RECOMMENDED ACTION: Waive the reading in full and adopt Ordinance No. 2360 repealing Interim Ordinance Nos. 2336 and 2338 in their entirety and adding new Chapter 11.43 (Accessory Dwelling Units and Accessory Structures), to Title 11 (Zoning), of the South Gate Municipal Code.

FISCAL IMPACT: None.

ALIGNMENT WITH CITY COUNCIL GOALS: The adoption of the proposed Ordinance supports the goal of creating and protecting strong and sustainable neighborhoods by enabling the City to apply standards and processes for the development of Accessory Dwelling Units in the City's residential neighborhoods.

PUBLIC NOTIFICATION: Advertising and notification of the public hearing for this item was conducted in compliance with Chapter 11.42, Title 11 of the South Gate Municipal Code. A legal notice was published in the "Los Angeles Wave" newspaper on February 14, 2019.

ENVIRONMENTAL EVALUATION: Adoption of the proposed Ordinance is exempt from the California Environmental Quality Act of 1970 ("CEQA"), as amended, pursuant to Public Resources Code Section 21080.17, which provides that CEQA "does not apply to the adoption of an Ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of
the Government Code.” The proposed Ordinance is recommended for adoption to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA’s environmental review requirements.

**ANALYSIS:** Effective January 1, 2017, the California state legislature adopted Government Code Section 65852.2, which made sweeping changes to state law regarding “accessory dwelling units” (formerly known as “second dwelling units”). Among other things, it required ministerial approval of applications for permits to construct alternative dwelling units, subject to certain specified conditions. Government Code Section 65852.2 effectively rendered void the City’s then-existing ordinance regarding applications for permits to construct accessory dwelling units, which called for discretionary approval rather than ministerial approval.

In response, the City Council, at its regularly scheduled meeting of April 25, 2017, adopted Urgency Ordinance No. 2336 to establish interim approval standards with respect to applications for alternative dwelling unit permits, and to identify procedures for ministerial approval of accessory dwelling units within the City, all as necessary to cause the City’s process for approving those applications to comply with Government Code Section 65852.2. Interim Urgency Ordinance No. 2336 was scheduled to expire on June 9, 2017, unless extended. Pursuant to Government Code Section 65858(b), the City Council was entitled to enact an extension to that Interim Urgency Ordinance in order to extend that Ordinance an additional 22 months and fifteen days. On May 23, 2017, the City Council adopted Interim Urgency Ordinance No. 2338, which extended Interim Urgency Ordinance No. 2336 through and including April 24, 2019. Furthermore, the City Council directed staff to study and develop permanent regulations that may be adopted prior to the April 24, 2019 expiration date.

In the intervening months, we have studied the degree to which those Interim Urgency Ordinances were effective in increasing the supply of housing in the City without adversely affecting the City’s other obligations and responsibilities to its residents. We have concluded that those Interim Urgency Ordinances have worked well, but could be modified slightly to improve their effectiveness. Accordingly, the proposed ordinance has been prepared. The redlined copy of the Ordinance Summary of Changes is attached hereto as Attachment B to indicate the manner in which it differs from the earlier Interim Urgency Ordinances. Attachment C also shows a summary of changes comparing the new ADU regulations with the prior original zoning regulations for Second Dwelling Units/Granny Flats. The new ADU Ordinance will completely replace the prior code.

The Proposed Ordinance is substantially the same as the Interim Urgency Ordinances and provides clean-up language designed to clarify the City’s ADU regulations. Provided below are key provisions in the proposed Ordinance:

**Minimum Lot Requirements**
- An ADU must be located within the Neighborhood Low (i.e. single-family) Zone.
- An ADU must be located on a lot that is equal to or larger than 6,000 square feet (unless the ADU is located entirely within the Main Dwelling).
- Only one ADU may exist on a lot.
Size of ADU
- An ADU, whether attached, detached, or a part of the Main Dwelling will not have a gross floor area greater than six-hundred-forty (640) square feet or 30% of the area of the main structure, whichever is less.
- An ADU will contain no more than one bedroom.

Unit Size
- An ADU shall not be less than two-hundred-forty (240) square feet in size or the minimum size for an efficiency unit.

Lot Coverage
- The Main Dwelling and the ADU, together with all other structures, shall not exceed a total lot coverage of forty-five (45%) percent.

Location of New Construction
- An ADU constructed apart from the Main Dwelling and not within an existing garage that is to be converted to residential use, must be located outside of all required setbacks and in the rear one-half of the lot.

Parking
- One parking space will be provided per ADU and may be provided as tandem parking, including on an existing driveway or in setback areas, but excluding the non-driveway front yard setback.
- ADUs are exempt from parking standards if the ADU is:
  - Part of the existing Main Dwelling unit or an existing accessory structure that is not being removed to accommodate the ADU;
  - Located within one-half mile of a public transit stop;
  - Located within a historic district;
  - Located within an area where on-street parking permits are required but not offered to the occupant of the secondary unit; or
  - Located within one block of a dedicated car share space.

Replacement Parking
- When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, replacement parking will be required and may be located in any configuration on the same lot as the ADU (except that replacement spaces are not allowed within the non-driveway front yard setback).
- Replacement spaces will be provided on the same lot as the ADU. The number of replacement spaces will be no fewer than the spaces that were removed.
- The minimum dimensions for any replacement spaces will be 10 feet by 20 feet.
- Parking spaces are required to be maintained in good order and repair and clear of all vegetation, equipment, trash, debris.

Utilities
- Separate utility connections are not required for ADUs contained within an existing Main
Dwelling or existing accessory units.

- All other ADUs, including new ADU structures, are required to have new and separate utility connections.

**Ownership**

- An ADU must be under the same ownership as the remainder of the lot.
- An ADU may not be partitioned from the Main Dwelling or sold/transfered separately from the Main Dwelling.

**Continuous Owner Occupancy**

- Property owner must occupy either the ADU or Main Dwelling.
- One of the two dwelling units may be rented for a period of not less than thirty (30) days.

**Revocation of Permit**

- The circumstances and process for the revocation of an ADU permit are included in the proposed Ordinance.

**Survey of Surrounding Cities**

Many cities nearby and statewide have adopted permanent ADU Ordinances or are also in the process of adopting permanent Ordinances with urgency Ordinances in place (see a survey of nearby cities [attached]). Most of these Ordinances have similar regulations for designated areas and zoning standards to help address issues of potential impacts of new housing development to adjacent lots and neighborhoods, street parking, and traffic. Similar to South Gate’s proposed Ordinance, the surveyed cities for example: show zone restrictions to R-1 only; minimum lot sizes ranging from 5,000 to 10,000 square feet; and maximum ADU sizes ranging from 500 square feet to 1,500 square feet.

**South Gate Eligible ADU Properties**

There are a total of 3,101 properties in the City that are eligible for ADUs based on the criteria in the Ordinance for properties 6,000 square feet or larger in the Neighborhood Low zone (See Map in Attachment G). There are a total of 12,306 properties in the City that are zoned Neighborhood Low, therefore the 3,101 represents 25% of all Neighborhood Low zoned properties. There are a total of 16,583 residential properties in the City, therefore the 3,101 represents 19% of all residential properties in the City.

**ADUs Approved and Built**

Since the approval of the Urgency Ordinance in 2017, the City has received 109 ADU applications, with 60 applications approved for zoning, 40 building permits issued, 27 under construction, and 13 ADUs completed construction. This shows a strong interest in ADUs in the city and that the current regulations as proposed are providing adequate ability for residents to add significant numbers of ADUs in the city now and in the future. There continues to be new proposed State legislation affecting ADUs that could affect cities’ ability to regulate local approvals. Many bills introduced last year did not get approved, however
there are at least three recently introduced bills being considered that could potentially affect the cities’ ordinances. Any new legislation approved would then be addressed at a future time with any zoning amendments as necessary.

Planning Commission Review

On February 21, 2019, the Planning Commission conducted a public hearing and adopted Resolution No. 2019-02 (attached), recommending that the City Council adopt the proposed ADU Ordinance with the following changes:

- **Minimum Lot Requirements (Section 11.43.030(I)(2))**: Reduce the minimum lot size for an attached/detached ADU from 6,000 square feet to 5,000 square feet. This increase would significantly increase the number of lots eligible for an ADU, the extent of which will be discussed later in this report. The Commission considered testimony from residents who owned lots and contractors who represented property owners with lots smaller than 6,000 square feet. The Commission also considered the average single family lot size in South Gate, which is approximately 5,763 square feet.

- **Gross Floor Area (Section 11.43.030(M)(6))**: Increase the maximum size of an ADU from 640 square feet or 30% of the main dwelling (whichever is less), to 640 square feet or 50% of the main dwelling (whichever is less). This increase would enable larger ADUs to be constructed.

- **Continuous Owner Occupancy (Section 11.43.030(H) and 11.43.050(D))**: Insert the word “continuous” in sections stating that an ADU may be rented for not less than 30 days. The new verbiage would read as follows: “The other dwelling unit may be rented for a period of not less than thirty (30) continuous days” and “That any rental of either the Main Dwelling or Accessory Dwelling Unit not occupied by a natural person who is an owner of the subject property or the beneficial interest holder must be for a term longer than thirty (30) continuous days.”

The Commission also requested that the requirements included in the draft Ordinance proposed by Staff be communicated to the City Council. As a result, the attached draft Ordinance contains Staff’s recommended requirements.

City Council – Request for Additional Information

At its February 26, 2019 meeting, the City Council requested a visual depiction of the number of lots eligible for an ADU with thresholds of 5,000 and 6,000 square feet. Attached are maps displaying the following:

- All 12,306 lots within the Neighborhood Low Zone
- The 3,101 lots 6,000 square feet and larger
- The 4,584 lots 5,500 square feet and larger
- The 6,821 lots 5,000 square feet and larger

The Council also requested information regarding garages converted into living areas. The table below lists various unpermitted conversions since fiscal year 2014/15 through December 2018:
Table 1 - Unpermitted Dwellings

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Garage Conversion</th>
<th>Improper Occupancy</th>
<th>Patio Conversion</th>
<th>Storage Room Conversion</th>
<th>Subdivided Dwelling</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2014-15</td>
<td>140</td>
<td>20</td>
<td>1</td>
<td>4</td>
<td>39</td>
<td>204</td>
</tr>
<tr>
<td>FY 2015-16</td>
<td>118</td>
<td>13</td>
<td>2</td>
<td>4</td>
<td>16</td>
<td>153</td>
</tr>
<tr>
<td>FY 2016-17</td>
<td>93</td>
<td>22</td>
<td>1</td>
<td>9</td>
<td>19</td>
<td>144</td>
</tr>
<tr>
<td>FY 2017-18</td>
<td>91</td>
<td>13</td>
<td>0</td>
<td>8</td>
<td>9</td>
<td>121</td>
</tr>
<tr>
<td>FY 2018-19</td>
<td>37</td>
<td>10</td>
<td>1</td>
<td>3</td>
<td>7</td>
<td>58</td>
</tr>
<tr>
<td>(July 2018 - Dec 2018)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>479</strong></td>
<td><strong>78</strong></td>
<td><strong>5</strong></td>
<td><strong>28</strong></td>
<td><strong>90</strong></td>
<td><strong>680</strong></td>
</tr>
</tbody>
</table>

Table 2 below provides a summary of the types of ADUs that received building permits or were completed and finalized by the Building and Safety Division from January 2017 through February 2019:

Table 2 - Approved ADUs (2017-2019)

<table>
<thead>
<tr>
<th>Year</th>
<th>ADU Status</th>
<th>Garage Conversion</th>
<th>Detached</th>
<th>Attached</th>
<th>W/in Main Dwelling</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2017</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Permits Issued</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Completed</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td><strong>3</strong></td>
<td><strong>3</strong></td>
<td><strong>0</strong></td>
<td><strong>1</strong></td>
<td><strong>7</strong></td>
</tr>
<tr>
<td><strong>2018</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Permits Issued</td>
<td>8</td>
<td>9</td>
<td>0</td>
<td>1</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>Finalized</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td><strong>11</strong></td>
<td><strong>12</strong></td>
<td><strong>1</strong></td>
<td><strong>1</strong></td>
<td><strong>25</strong></td>
</tr>
<tr>
<td><strong>2019 (Jan-Feb)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Permits Issued</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Finalized</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td><strong>4</strong></td>
<td><strong>4</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>8</strong></td>
</tr>
<tr>
<td><strong>TOTAL 2017 - CURRENT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permits Issued</td>
<td>12</td>
<td>14</td>
<td>0</td>
<td>1</td>
<td></td>
<td>27</td>
</tr>
<tr>
<td>Finalized</td>
<td>6</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td></td>
<td>13</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>18</strong></td>
<td><strong>19</strong></td>
<td><strong>1</strong></td>
<td><strong>2</strong></td>
<td></td>
<td><strong>40</strong></td>
</tr>
</tbody>
</table>

**BACKGROUND:** Following the conclusion of a public hearing on March 12, 2019, the City Council introduced Ordinance No. 2360, which includes Staff's recommendation regarding
minimum lot size and maximum ADU size, as well as the Planning Commission's recommendation concerning continuous occupancy as follows:

Continuous Owner Occupancy (Section 11.43.030(H) and 11.43.050(D)): Insert the word "continuous" in sections stating that an ADU may be rented for not less than 30 days. The new verbiage would read as follows: "The other dwelling unit may be rented for a period of not less than thirty (30) continuous days" and "That any rental of either the Main Dwelling or Accessory Dwelling Unit not occupied by a natural person who is an owner of the subject property or the beneficial interest holder must be for a term longer than thirty (30) continuous days."

ATTACHMENT: Ordinance No. 2360
ORDINANCE NO. 2360
CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, REPEALING INTERIM URGENCY ORDINANCES NOS. 2336 AND 2338 IN THEIR ENTIRETY AND ADDING NEW CHAPTER 11.43 (ACCESSORY DWELLING UNITS AND ACCESSORY STRUCTURES), TO TITLE 11 (ZONING), OF THE SOUTH GATE MUNICIPAL CODE

WHEREAS, effective January 1, 2017, California Government Code Section 65852.2 deemed null and void any existing ordinance that fails to provide an approval process that includes only ministerial provisions for the approval of Accessory Dwelling Units; and

WHEREAS, Government Code Section 65852.2 permits local governments to establish development standards for ministerial review of Accessory Dwelling Units and directs that Accessory Dwelling Units be approved subject to state standards when no local standards or process for accessory dwellings has been established; and

WHEREAS, Government Code Section 65858 permits cities to adopt interim procedures and criteria while studying potential permanent processes and zoning standards; and

WHEREAS, on April 25, 2017, the City Council adopted Interim Urgency Ordinance No. 2336 for the purpose of regulating Accessory Dwelling Units in the Neighborhood Low residential zone of the City of South Gate; and

WHEREAS, on May 23, 2017, the City Council adopted Interim Urgency Ordinance No. 2338, extending the term of Interim Urgency Ordinance No. 2336 through April 24, 2019; and

WHEREAS, the City Council finds that a permanent Ordinance regulating Accessory Dwelling Units in the Neighborhood Low residential zone of the City of South Gate is necessary for the public health, welfare and safety and residents, citizens, businesses and visitors of the City of South Gate; and

WHEREAS, the City Council finds that this permanent Ordinance No. 2360 is consistent with the City's General Plan and not in conflict with any applicable specific plan; and

WHEREAS, this permanent Ordinance No. 2360 complies with California Code Section 65852.2 that requires cities to establish standards to allow for ministerial approval of Accessory Dwelling Units so as to provide additional rental housing stock as Accessory Dwelling Units as a component of the housing supply in California; and

WHEREAS, this permanent Ordinance No. 2360 is largely identical to Interim Urgency Ordinance No. 2338, except for minor modifications; and

WHEREAS, during the regularly scheduled City Council meeting of February 26, 2019, the
City Council held a duly noticed public hearing to take public testimony and continued the public hearing to the regularly scheduled City Council meeting of March 12, 2019, to consider introducing this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1  The City Council hereby repeals Interim Urgency Ordinance Nos. 2336 and 2338 in their entirety.

SECTION 2.  The City Council hereby adds new Chapter 11.43 (Accessory Dwelling Units and Accessory Structures), to Title 11 (Zoning), of the South Gate Municipal Code in its entirety to read as follows:

Title 11 (Zoning)
Chapter 11.43 (Accessory Dwelling Units and Accessory Structures)

Sections:
11.43.010 Purpose and Intent.
11.43.020 Definitions.
11.43.030 Accessory Dwelling Unit Requirements.
11.43.040 Application Process and Permit Requirements.
11.43.050 Recordation of Covenant.
11.43.060 Revocation.
11.43.070 Hearings and Appeals.
11.43.080 Responsible Persons.
11.43.090 Declaration of Nuisance; Enforcement.
11.43.100 No Authorization to Violate Law.
11.43.110 Accessory Structures.

11.43.010 Purpose and Intent.
This chapter of the South Gate Municipal Code (the “Chapter”) establishes the standards for permitting accessory dwelling units (“Accessory Dwelling Units”) within the City of South Gate, formerly known as “second dwelling units” on residential properties in accordance with Section 65852.2 as of the California Government Code, as amended and effective January 1, 2017.

11.43.020 Definitions.
For purposes of this Chapter the following terms shall have the meanings indicated:

A. “Accessory Dwelling Unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An Accessory Dwelling Unit also includes (i) an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code and (ii) a manufactured home, as defined in Section 18007 of the Health and Safety Code.

B. “Accessory Dwelling Unit Permit” means the formal, written approval, of the Community Development Director approving the application for an Accessory Dwelling Unit.
C. “Application” means an application for an Accessory Dwelling Unit Permit.

D. “Building Codes” means all of the requirements for authorization for the construction, alteration, improvement, modification, demolition or removal of any structure within the City of South Gate, including all codes adopted by reference in the Municipal Code, including but not limited to the California Building Code, the California Electrical Code, the California Plumbing Code, the California Mechanical Code, the California Residential Code and all local amendments thereto as adopted by the City in the Municipal Code.

E. “Building Permits” means all authorizations and permissions required in accordance with all applicable Building Codes.

F. “City” means the City of South Gate.

G. “Director” means the Community Development Director of the City of South Gate and all of his/her designees.

H. “Existing Structure” for the purposes of defining an allowable space that can be converted to an Accessory Dwelling Unit means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

I. “Initiate the Use” means to commence occupying the Accessory Dwelling Unit by persons for human habitation.

J. “Living Area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

K. “Lot” shall mean the single legal parcel of real property upon which the Accessory Dwelling Unit shall be located.

L. “Main Dwelling” means a lawfully constructed single-family residence existing on the Lot where the Accessory Dwelling Unit may be permitted.


N. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the Accessory Dwelling Unit.

O. Other words and phrases used in this Chapter shall have the same meaning as provided in the South Gate Municipal Code.

11.43.030 Accessory Dwelling Unit Requirements.

A. Location of Accessory Dwelling Units. An Accessory Dwelling Unit for which a valid Accessory Dwelling Unit Permit has been issued and that is, at all times, maintained, utilized and improved in accordance with this Chapter shall be permitted within the NL Zone within the City. The foregoing notwithstanding, Accessory Dwelling Units shall not be
established or permitted within a planned community, including but not limited to planned unit developments and condominium projects, unless Accessory Dwelling Units were specifically incorporated into the approved project plans and the recorded covenants, conditions and restrictions or other document reflecting the land use restrictions applicable to the development.

B. Compliance with Chapter. No Accessory Dwelling Unit may be constructed, maintained, improved, altered, enlarged, modified, permitted or allowed within the City except as provided in this Chapter and only in the NL Zone.

C. Residential Use. An Accessory Dwelling Unit shall be used only for residential purposes and no business, enterprise or occupation shall be conducted, permitted or allowed within the Accessory Dwelling Unit.

D. Applications for Accessory Dwelling Unit Permit. All applications for an Accessory Dwelling Unit Permit shall be submitted to the Director on the form approved by the Director, together with all information and documents requested, which shall include scaled and fully dimensioned plans, and elevations for the lot including the proposed Accessory Dwelling Unit, Main Dwelling, any other structures on site, parking, set-backs and entrances and driveways.

E. Building Permits. Building Permit(s) shall be required for all Accessory Dwelling Units. All existing Building Permits for a proposed Accessory Dwelling Unit shall be submitted with the Application. In addition, all applications for all Building Permits or other authorizations and approvals required for the legal use of the structure where the Accessory Dwelling Unit will be located shall be submitted with the Application, together with all permit, planning, development or other fees required under the Municipal Code, except as otherwise expressly provided in this Chapter.

F. Design Compatibility. All Accessory Dwelling Units shall be architecturally compatible with the Main Dwelling with respect to styling, roofline, window and door treatment, materials, colors, textures, height, scale, and bulk, and shall be compatible with the surrounding neighborhood.

G. Community Impact. The design and establishment of the Accessory Dwelling Unit shall not adversely affect the neighborhood with respect to on-street parking demand and use, traffic noise, or other impacts that could result in adverse impacts on public services and resources.

H. Continuous Owner Occupancy. At the time that an application for Accessory Dwelling Unit Permit is submitted and at all times thereafter at least one of the dwelling units (Main Dwelling or Accessory Dwelling Unit) on the Lot must be occupied by a natural person who is lawful owner or beneficial interest holder of a lawful trust holding title to the Lot. The other dwelling unit may be rented for a period of not less than thirty (30) continuous days. It is the intent of this Chapter that once established, at least one of the units on the Lot shall be owner occupied. In the event that no such person occupies one of the units on the Lot, the Accessory Dwelling Unit may not be occupied or rented and shall be deemed to be non-habitable as provided in Section 11.43.060, in which case all owners and all persons in control, management or possession of the Lot shall comply with Section 11.43.060(C).
I. **Minimum Lot Requirements.** Accessory Dwelling Units shall only be permitted on legal parcels that meet all the following Lot qualifications:

1. The Lot is located within an NL zone as designated by the South Gate zoning map.

2. The Lot size is equal to or larger than six thousand (6,000) square feet, unless the Accessory Dwelling Unit is located entirely within the Living Area of the existing Main Dwelling, in which case the Lot size may be smaller.

3. The Lot has an existing single-family Main Dwelling.

4. The Lot does not have an existing Accessory Dwelling Unit on site. Only one Accessory Dwelling Unit, regardless of size or configuration, may exist on a Lot at any one time. No more than two (2) dwelling units may exist at any time on a Lot containing an Accessory Dwelling Unit.

5. When an Accessory Dwelling Unit is to be contained within the existing space of a Main Dwelling or accessory structure, it shall have independent exterior access from the existing residence and the side and rear setbacks shall be sufficient for fire safety, including compliance with all applicable Fire Codes.

J. **Applicability of Other Municipal Code Requirements.** The Accessory Dwelling Unit, and any other improvements located on the Lot where it is located, shall comply with all applicable Building Codes and Zoning Code requirements, except as modified expressly by this Chapter. The foregoing notwithstanding, Accessory Dwelling Units shall not be required to be equipped with fire sprinklers, unless they are required for the Main Dwelling.

K. **Density and Use.** The existence of an Accessory Dwelling Unit shall not be deemed to cause a Lot to exceed the allowable density for the Lot upon which the Accessory Dwelling Unit is located. An Accessory Dwelling Unit shall be considered a residential use consistent with the existing general plan and zoning designation for the Lot.

L. **Ownership.** An Accessory Dwelling Unit shall, at all times, be held under the same ownership as the remainder of the Lot on which it is located. An Accessory Dwelling Unit may not be partitioned from the Main Dwelling and may not be sold, transferred or assigned separately from the Main Dwelling.

M. **Development Standards.** An Accessory Dwelling Unit shall at all times comply with the following requirements.

1. **Development Standards.** Except as expressly provided herein, all development standards set forth in the Municipal Code applicable to the Main Dwelling shall be applicable to all Accessory Dwelling Units.

2. **Maximum Occupancy.** Occupancy loads of the Accessory Dwelling Unit shall be the same as applicable to the Main Dwelling pursuant to applicable regulatory requirements of the Municipal Code or the State of California, including without limitation all.
applicable Building and Fire Codes.

3. Compliance with Building Codes. All construction, alteration, modification, demolition, improvement or other work required to comply with this Chapter, the Accessory Dwelling Unit Permit or any other condition related thereto, shall be in compliance with all applicable Building Codes and shall be completed and final inspection requested within one-hundred-eighty (180) calendar days after the issuance of such permit, approval or authorization. Upon a request made by the Applicant prior to the expiration of a permit, approval or authorization and upon good cause having been shown that the work could not reasonably completed within the said time period, the building official or department issuing such authorization may grant one (1) extension of no more than one-hundred-eighty (180) days.

4. Utilities. If the Accessory Dwelling Unit is contained within an existing Main Dwelling or an existing accessory structure, has independent exterior access from the existing Main Dwelling, and has side and rear setbacks sufficient for fire safety, then a new or separate utility connection directly between the Accessory Dwelling Unit and the utility shall not be required. In all other cases, an Accessory Dwelling Unit shall be equipped with a new and separate utility connection directly between the Accessory Dwelling Unit and the utility. The City shall charge a connection fee or capacity charge, as applicable to the specific property, that shall be proportionate to the burden of the proposed Accessory Dwelling Unit, based upon either its size or the number of plumbing fixtures, and upon the water or sewer system, as determined by the Director; provided, however, that the charge shall not exceed the reasonable cost of providing the service. All newly constructed or installed utilities for the Accessory Dwelling Unit shall be underground and subject to and comply with Municipal Code Section 11.30.060.

5. Smoke Detectors. If the Main Dwelling is required to be equipped with functioning hardwired smoke detectors with battery backup, the Accessory Dwelling Unit shall also be so equipped.

6. Gross Floor Area. The Accessory Dwelling Unit, whether attached, detached or a part of the Main Dwelling shall not have a gross floor area greater than six-hundred-forty (640) square feet or 30% of the area of the Main Dwelling, whichever is less, and shall contain no more than one bedroom.

7. Unit Size. The Accessory Dwelling Unit shall not be less than two-hundred-forty (240) square feet in size or the minimum size for an efficiency unit, as defined in California Health and Safety Code Section 17958.1, whichever is greater.

8. Lot Coverage. The Main Dwelling and the Accessory Dwelling Unit, together with all other structures, shall not exceed a total structural lot coverage of forty-five percent (45%).

9. Location of New Construction Setbacks. In the event that the Accessory Dwelling Unit is to be constructed separate and apart from the Main Dwelling and not within an existing garage that is to be converted to residential use, the Accessory Dwelling Unit shall be located outside of all setback requirements set forth in the Municipal Code that
are applicable to the Main Dwelling and shall be located in the rear one-half of the Lot. An existing garage that is converted to an Accessory Dwelling Unit shall not be required to have any setback, other than the setback that may be required by Building or Fire Codes for fire or safety purposes. A newly constructed Accessory Dwelling Unit that is located above a garage shall be located not closer than five (5) feet from the side and rear lot lines. A minimum building separation (eave to eave) of ten (10) feet shall be maintained between the Main Dwelling and a detached Accessory Dwelling Unit.

10. Height. The Accessory Dwelling Unit shall be no taller than thirty-four (34) feet or the height of the existing Main Dwelling, whichever is lower, and may not exceed one (1) story unless the existing Main Dwelling has at least two (2) stories.

11. Passageways. No passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.

12. Entrance. The Accessory Dwelling Unit shall have a separate entrance from the Main Dwelling that shall not be visible from the front of the Main Dwelling or the public right of way.

A. In addition to the parking requirement in the Municipal Code for the Main Dwelling, parking shall be provided for the Accessory Dwelling Unit as follows: For units containing one or fewer bedrooms: one (1) space. This parking space, in combination with the other parking spaces required for the Lot, may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.

B. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an Accessory Dwelling Unit, replacement parking shall be required and may be located in any configuration on the same lot as the Accessory Dwelling Unit, except that replacement parking spaces shall not be located within the non-driveway front yard setback. Replacement spaces shall be provided in any configuration on the same Lot as the Accessory Dwelling Unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. The number of replacement parking spaces shall be no fewer than the spaces that were removed. The minimum dimensions for any replacement parking spaces shall be ten (10) feet by twenty (20) feet. Parking spaces shall be maintained in good order and repair and clear of all vegetation, equipment, trash, debris or any other condition that would prevent or impede the use of the spaces for parking.

C. The parking requirement for an Accessory Dwelling Unit set forth in this section shall not be required in the following instances:
   i. The Accessory Dwelling Unit is located within one-half mile of a regularly used public transit stop, depot or station.
   ii. The Accessory Dwelling Unit is part of the existing Main Dwelling or an existing accessory structure that is not being removed to accommodate the Accessory Dwelling Unit.
iii. The Accessory Dwelling Unit is located within an architecturally and historically significant historic district.

iv. When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.

v. When there is a car share vehicle located within one block of the Accessory Dwelling Unit.

11.43.040 Application Process and Permit Requirements.

A. Processing Application. Within 120 days of receipt of a completed Application, submitted with all supporting documentation and, if applicable, all fees required for Building Permits, Development and Planning, approvals, authorizations and permissions, in accordance with Government Code Sections 66000, et seq., the Director shall issue an Accessory Dwelling Unit Permit, ministerially, upon making a determination that the proposed Accessory Dwelling Unit would be in compliance with this Chapter and that all required approvals, permits, authorizations and permissions exist for the lawful use of the Accessory Uses or will be issued by the appropriate agency or department. If the Director has information or reasonable belief that all such approvals, permits authorization and permissions do not exist and will not be issued within a reasonable time, the Director shall deny the Application.

B. Health Official Approval. In the event that that the property is served by a functioning private sewage disposal system, any Application for an Accessory Dwelling Unit must be approved by health official for the City before an Accessory Dwelling Unit Permit may be issued by the Director.

C. Conditions of Approval. The Director may include conditions on the Accessory Dwelling Unit Permit that are consistent with this Chapter.

D. Denial of Application. The Director shall deny an Application for an Accessory Dwelling Unit Permit upon making a determination that the Requirements of this Chapter have not been satisfied and in the event that the Director finds that any of the following conditions exist or may occur if the application is granted:

1. The Accessory Dwelling Unit would be detrimental to the public health and safety or that it would unreasonably impact the privacy of the surrounding properties.

2. The Lot or any structure located there upon contains any active violations of the Municipal Code or other applicable regulation or law, except in the event that such violation shall be abated in the course of construction or other activities authorized by permits or other authorizations or permissions granted by the City.

11.43.050 Recordation of Covenant.

Within thirty (30) days of the approval of an Application for an Accessory Dwelling Unit Permit, the owner of the Lot shall record a covenant ("Covenant") reflecting the obligations, rights and restrictions provided in the Permit and in this Chapter. The Covenant shall "run with the land" and be binding on the Lot and all owners, lenders, lien holders, occupants and all other persons having an interest or estate in the Lot, now or in the future. The Covenant shall be recorded in the Registrar-Recorder’s Office of Los Angeles County. A copy of the Accessory Dwelling Unit Permit shall be incorporated in or attached to the Covenant and shall be recorded therewith. A copy of the Covenant shall be filed with the City’s Community.
Development Department. The Covenant shall be in a form approved in writing by the City Attorney and shall provide the following:

A. That at all times that an Accessory Dwelling Unit is located on the subject Lot a natural person who is a lawful owner, or beneficial interest holder of a lawful trust holding title to the Lot must continuously occupy the Main Dwelling or the Accessory Dwelling Unit as that person’s principal residence.

B. At all times there shall be no more than two (2) residential units on any Lot containing an Accessory Dwelling Unit.

C. That the Accessory Dwelling Unit may not be sold separately from the remainder of the Lot and that it shall not be subject to partition or separation from the Lot where the Main Dwelling is located.

D. That any rental of either the Main Dwelling or Accessory Dwelling Unit not occupied by a natural person who is an owner of the subject property or the beneficial interest holder must be for a term longer than thirty (30) continuous days.

E. That the Accessory Dwelling Unit Permit for the Lot and each of the terms and conditions set forth therein bind the Lot and all owners and all beneficial interest holders, lenders, lien holders, occupants and all other persons having an interest or estate in the Lot, now or in the future.

F. That the use of the Accessory Dwelling Unit is subject to the provisions of this Chapter.

G. That the Accessory Dwelling Unit Permit may be subject to revocation in the event of breach of the terms of the Covenant or as otherwise provided in this Chapter.

11.43.060 Revocation.

A. The Director may revoke any Accessory Dwelling Unit Permit in the event of any of the following:

1. Misrepresentation or any false, untrue or inaccurate statement in the Application or any supporting documentation.

2. Failure to execute and record the Covenant required pursuant to Section 11.43.050.

3. The Accessory Dwelling Unit ceases to be used for human habitation.

4. Failure to initiate the use as authorized under the Accessory Dwelling Unit Permit within 180 days, together with any extension authorized by the Director, after final inspection of any applicable building permits or the issuance of the Accessory Dwelling Unit Permit, whichever is later.

5. The use of the Accessory Dwelling Unit causes detriment or becomes incompatible to the surrounding homes as a result of the manner in which it is maintained.

6. Parking as required under this Chapter is not provided or maintained.
7. Failure to comply with any condition of approval of the Accessory Dwelling Unit Permit.

8. The use of the Accessory Dwelling Unit causes or becomes a nuisance, as defined in the Municipal Code.

9. If any term or condition of the Covenant is violated.

10. The Accessory Dwelling Unit was not constructed in accordance with the plans and buildings permits approved by the City that were submitted with the Application for the Accessory Dwelling Unit Permit. This includes the failure to obtain a final inspection within 180 days after the issuance of building permits.

11. Maintenance of the Accessory Dwelling Unit in violation of applicable laws, regulatory codes or the Municipal Code.

B. Notification of Revocation. The Director shall give written notice of the revocation of the Accessory Dwelling Unit by mail or hand delivery to the property owner and the occupants of the Main Dwelling and the Accessory Dwelling Unit and by posting a copy of the notice of revocation at the front entrance to each unit.

C. Effect of Revocation. Within ten (10) days after notice of the revocation is given, human habitation of the Accessory Dwelling Unit must cease. The Accessory Dwelling Unit shall thereafter be deemed non-habitable space. Within thirty (30) days after notice of the revocation is given, all electrical, plumbing, kitchen and bathroom facilities, fixtures, equipment and appliances shall be removed. To the extent that removal of any of the foregoing cannot be completed without significant risk to the structural integrity of any structure upon the Lot, any such facility, equipment, fixture or appliance may, with the consent of the building official, in lieu of removal, be permanently disabled in place. Provided, further, that any such facility, equipment, fixture or appliance shall not be required to be removed if they would otherwise be permitted within an accessory structure within the NL zone pursuant to the Municipal Code.

11.43.070 Hearings and Appeals.

A. Director’s Hearing. In the event that the Director denies an Application for an Accessory Dwelling Unit or revokes an Accessory Dwelling Unit Permit, the applicant or permittee may request a hearing before the Director within 10 days after being advised of the decision. If there is a request for a hearing in accordance with this Subsection, the order of the Director shall be stayed until the Director makes his determination after the hearing is concluded. If there is no request for hearing within the ten (10) day period, or upon a determination of the Director upholding the revocation, the Accessory Dwelling Unit shall brought into compliance with Subsection 11.43.060(C), above or in the case of an denial of an application, the property shall be brought into compliance with all applicable building and zoning requirements of the Municipal Code.

B. Appeal of Director’s Determination After Hearing. If the Director does not rescind a denial of the application or the revocation after the hearing, the applicant or permittee may
appeal to the planning commission in accordance with Municipal Code Section 11.50.040. The Accessory Dwelling Unit may continue to be used until the appeal is decided.

C. Preclusion of Further Application. In the event that an Application is denied or a permit is revoked, no Application may be made for an Accessory Dwelling Unit Permit for the same Lot for a period of one (1) year from the date of the revocation or the conclusion of the appeal process, whichever is later.

11.43.080 Responsible Persons.
All owners, occupants, managers and persons with dominion or control over the Accessory Dwelling Unit or the Lot upon which it is located shall comply with the terms of this Chapter and all applicable conditions, covenants, permits and restrictions created thereby.

11.43.090 Declaration of Nuisance; Enforcement.
Any condition, construction, improvement, alteration or use that is created, permitted, allowed or maintained in violation of this Chapter is declared to be a nuisance and may be abated in accordance with any and all remedies available to the City, whether legal or equitable, civil, criminal or administrative, all of which shall be deemed cumulative. A violation of this Chapter shall be subject to enforcement as provided in Chapter 11.56 of the Municipal Code. Any violation of this Chapter is declared to be a misdemeanor.

11.43.100 No Authorization to Violate Law.
Nothing in this Chapter allows or permits the violation of any Federal or State Law or the Municipal Code. Except as provided hereunder, nothing herein cures or makes legal any illegal condition or use. Any work, improvement, construction or alteration required or permitted by this Chapter shall comply with all applicable building permit and regulatory requirements of the Municipal Code.

11.43.110 Accessory Structures.
The following provisions, in combination with Section 11.43.040 (Application Process and Permit Requirements), are minimum requirements for all accessory structures that are not an Accessory Dwelling Unit.

A. Detached Garage. Detached garages shall be limited to accommodating four vehicles and shall conform to all development standards of the NL Zone.

B. Garage Doors. Garage doors shall not comprise more than 50% of any single parcel frontage.

SECTION 3. The City Council hereby finds and determines, for the reasons set forth in Section 1, hereof that this Ordinance is exempt from the California Environment Quality Act of 1970 ("CEQA"), as amended, because it can be seen with certainty that this ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council's action of adopting this ordinance and the effects derivative from the adoption are exempt from the application of CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines (15 Cal. Code Regs. § 15061(b)(3)). Furthermore, the adoption and implementation of the Ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA "does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code." This Ordinance was adopted
and is extended to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA’s environmental review requirements.

SECTION 4. This Ordinance shall take effect on the thirty first (31st) day after its adoption.

SECTION 5. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one of more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. The City shall submit a certified copy of this Ordinance to the State Department of Housing and Community Development not later than sixty (60) days after the date of adoption of this Ordinance, as required by Government Code Section 65852.2(h).

SECTION 7. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this 26th day of March, 2019.

CITY OF SOUTH GATE:

____________________________
María Belén Bernal, Mayor

ATTEST:

____________________________
Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

____________________________
Paul F. Salinas, City Attorney
City of South Gate
CITY COUNCIL

AGENDA BILL

For the Regular Meeting of March 12, 2019
Originating Department: Community Development

Department Director: Joe Perez  City Manager: Michael Flad

SUBJECT: ORDINANCE REPEALING INTERIM URGENCY ORDINANCE NOS. 2336 AND 2338 AND ADDING NEW CHAPTER 11.43 (ACCESSORY DWELLING UNITS AND ACCESSORY STRUCTURES), TO THE MUNICIPAL CODE

PURPOSE: To consider the proposed Ordinance regarding Accessory Dwelling Units that will permanently replace Interim Urgency Ordinance Nos. 2336 and 2338 (which is scheduled to expire on April 24, 2019) and comply with State law. When adopting the Urgency Ordinances, the City Council directed staff to study and develop permanent regulations that may be adopted prior to the April 24, 2019 expiration date. Unless the City adopts a permanent ADU Ordinance, the City will have no effective ordinance addressing ADUs. Without a permanent Ordinance in place, ADU applications will be processed by default under State regulations, resulting in a loss of City authority to process and apply standards for new ADUs.

This public hearing was continued from the February 26, 2019, regularly scheduled City Council meeting.

RECOMMENDED ACTION: Following the conclusion of the public hearing, waive further reading in full and introduce Ordinance repealing Interim Ordinance Nos. 2336 and 2338 in their entirety and adding new Chapter 11.43 (Accessory Dwelling Units and Accessory Structures), to Title 11 (Zoning), of the South Gate Municipal Code.

FISCAL IMPACT: None.

ALIGNMENT WITH CITY COUNCIL GOALS: The adoption of the proposed Ordinance supports the goal of creating and protecting strong and sustainable neighborhoods by enabling the City to apply standards and processes for the development of Accessory Dwelling Units in the City’s residential neighborhoods.

PUBLIC NOTIFICATION: Advertising and notification of the public hearing for this item was conducted in compliance with Chapter 11.42, Title 11 of the South Gate Municipal Code. A legal notice was published in the “Los Angeles Wave” newspaper on February 14, 2019.

ENVIRONMENTAL EVALUATION: Adoption of the proposed Ordinance is exempt from the California Environmental Quality Act of 1970 (“CEQA”), as amended, pursuant to Public
Resources Code Section 21080.17, which provides that CEQA “does not apply to the adoption of an Ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code.” The proposed Ordinance is recommended for adoption to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA’s environmental review requirements.

**ANALYSIS:** Effective January 1, 2017, the California state legislature adopted Government Code Section 65852.2, which made sweeping changes to state law regarding “accessory dwelling units” (formerly known as “second dwelling units”). Among other things, it required ministerial approval of applications for permits to construct alternative dwelling units, subject to certain specified conditions. Government Code Section 65852.2 effectively rendered void the City’s then-existing ordinance regarding applications for permits to construct accessory dwelling units, which called for discretionary approval rather than ministerial approval.

In response, the City Council, at its regularly scheduled meeting of April 25, 2017, adopted Urgency Ordinance No. 2336 to establish interim approval standards with respect to applications for alternative dwelling unit permits, and to identify procedures for ministerial approval of accessory dwelling units within the City, all as necessary to cause the City’s process for approving those applications to comply with Government Code Section 65852.2. Interim Urgency Ordinance No. 2336 was scheduled to expire on June 9, 2017, unless extended. Pursuant to Government Code Section 65858(b), the City Council was entitled to enact an extension to that Interim Urgency Ordinance in order to extend that Ordinance an additional 22 months and fifteen days. On May 23, 2017, the City Council adopted Interim Urgency Ordinance No. 2338, which extended Interim Urgency Ordinance No. 2336 through and including April 24, 2019. Furthermore, the City Council directed staff to study and develop permanent regulations that may be adopted prior to the April 24, 2019 expiration date.

In the intervening months, we have studied the degree to which those Interim Urgency Ordinances were effective in increasing the supply of housing in the City without adversely affecting the City’s other obligations and responsibilities to its residents. We have concluded that those Interim Urgency Ordinances have worked well, but could be modified slightly to improve their effectiveness. Accordingly, the proposed ordinance has been prepared. The redlined copy of the Ordinance Summary of Changes is attached hereto as Attachment B to indicate the manner in which it differs from the earlier Interim Urgency Ordinances. Attachment C also shows a summary of changes comparing the new ADU regulations with the prior original zoning regulations for Second Dwelling Units/Granny Flats. The new ADU Ordinance will completely replace the prior code.

The Proposed Ordinance is substantially the same as the Interim Urgency Ordinances and provides clean-up language designed to clarify the City’s ADU regulations. Provided below are key provisions in the proposed Ordinance:

**Minimum Lot Requirements**
- An ADU must be located within the Neighborhood Low (i.e. single-family) Zone.
- An ADU must be located on a lot that is equal to or larger than 6,000 square feet (unless the ADU is located entirely within the Main Dwelling).
• Only one ADU may exist on a lot.

Size of ADU
• An ADU, whether attached, detached, or a part of the Main Dwelling will not have a gross floor area greater than six-hundred-forty (640) square feet or 30% of the area of the main structure, whichever is less.
• An ADU will contain no more than one bedroom.

Unit Size
• An ADU shall not be less than two-hundred-forty (240) square feet in size or the minimum size for an efficiency unit.

Lot Coverage
• The Main Dwelling and the ADU, together with all other structures, shall not exceed a total lot coverage of forty-five (45%) percent.

Location of New Construction
• An ADU constructed apart from the Main Dwelling and not within an existing garage that is to be converted to residential use, must be located outside of all required setbacks and in the rear one-half of the lot.

Parking
• One parking space will be provided per ADU and may be provided as tandem parking, including on an existing driveway or in setback areas, but excluding the non-driveway front yard setback.
• ADUs are exempt from parking standards if the ADU is:
  o Part of the existing Main Dwelling unit or an existing accessory structure that is not being removed to accommodate the ADU;
  o Located within one-half mile of a public transit stop;
  o Located within a historic district;
  o Located within an area where on-street parking permits are required but not offered to the occupant of the secondary unit; or
  o Located within one block of a dedicated car share space.

Replacement Parking
• When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, replacement parking will be required and may be located in any configuration on the same lot as the ADU (except that replacement spaces are not allowed within the non-driveway front yard setback).
• Replacement spaces will be provided on the same lot as the ADU. The number of replacement spaces will be no fewer than the spaces that were removed.
• The minimum dimensions for any replacement spaces will be 10 feet by 20 feet.
• Parking spaces are required to be maintained in good order and repair and clear of all vegetation, equipment, trash, debris.
Utilities
- Separate utility connections are not required for ADUs contained within an existing Main Dwelling or existing accessory units.
- All other ADUs, including new ADU structures, are required to have new and separate utility connections.

Ownership
- An ADU must be under the same ownership as the remainder of the lot.
- An ADU may not be partitioned from the Main Dwelling or sold/transfered separately from the Main Dwelling.

Continuous Owner Occupancy
- Property owner must occupy either the ADU or Main Dwelling.
- One of the two dwelling units may be rented for a period of not less than thirty (30) days.

Revocation of Permit
- The circumstances and process for the revocation of an ADU permit are included in the proposed Ordinance.

Survey of Surrounding Cities

Many cities nearby and statewide have adopted permanent ADU Ordinances or are also in the process of adopting permanent Ordinances with urgency Ordinances in place (see a survey of nearby cities (attached). Most of these Ordinances have similar regulations for designated areas and zoning standards to help address issues of potential impacts of new housing development to adjacent lots and neighborhoods, street parking, and traffic. Similar to South Gate’s proposed Ordinance, the surveyed cities for example: show zone restrictions to R-1 only; minimum lot sizes ranging from 5,000 to 10,000 square feet; and maximum ADU sizes ranging from 500 square feet to 1,500 square feet.

South Gate Eligible ADU Properties

There are a total of 3,101 properties in the City that are eligible for ADUs based on the criteria in the Ordinance for properties 6,000 square feet or larger in the Neighborhood Low zone (See Map in Attachment G). There are a total of 12,306 properties in the City that are zoned Neighborhood Low, therefore the 3,101 represents 25% of all Neighborhood Low zoned properties. There are a total of 16,583 residential properties in the City, therefore the 3,101 represents 19% of all residential properties in the City.

ADUs Approved and Built

Since the approval of the Urgency Ordinance in 2017, the City has received 109 ADU applications, with 60 applications approved for zoning, 40 building permits issued, 27 under construction, and 13 ADUs completed construction. This shows a strong interest in ADUs in the city and that the current regulations as proposed are providing adequate ability for residents to add significant numbers of ADUs in the city now and in the future.
There continues to be new proposed State legislation affecting ADUs that could affect cities’ ability to regulate local approvals. Many bills introduced last year did not get approved, however there are at least three recently introduced bills being considered that could potentially affect the cities’ ordinances. Any new legislation approved would then be addressed at a future time with any zoning amendments as necessary.

Planning Commission Review

On February 21, 2019, the Planning Commission conducted a public hearing and adopted Resolution No. 2019-02 (attached), recommending that the City Council adopt the proposed ADU Ordinance with the following changes:

- **Minimum Lot Requirements (Section 11.43.030(I)(2))**: Reduce the minimum lot size for an attached/detached ADU from 6,000 square feet to 5,000 square feet. This increase would significantly increase the number of lots eligible for an ADU, the extent of which will be discussed later in this report. The Commission considered testimony from residents who owned lots and contractors who represented property owners with lots smaller than 6,000 square feet. The Commission also considered the average single family lot size in South Gate, which is approximately 5,763 square feet.

- **Gross Floor Area** (Section 11.43.030(M)(6)): Increase the maximum size of an ADU from 640 square feet or 30% of the main dwelling (whichever is less), to 640 square feet or 50% of the main dwelling (whichever is less). This increase would enable larger ADUs to be constructed.

- **Continuous Owner Occupancy** (Section 11.43.030(H) and 11.43.050(D)): Insert the word “continuous” in sections stating that an ADU may be rented for not less than 30 days. The new verbiage would read as follows: “The other dwelling unit may be rented for a period of not less than thirty (30) continuous days” and “That any rental of either the Main Dwelling or Accessory Dwelling Unit not occupied by a natural person who is an owner of the subject property or the beneficial interest holder must be for a term longer than thirty (30) continuous days.”

The Commission also requested that the requirements included in the draft Ordinance proposed by Staff be communicated to the City Council. As a result, the attached draft Ordinance contains Staff’s recommended requirements.

City Council – Request for Additional Information

At its February 26, 2019 meeting, the City Council requested a visual depiction of the number of lots eligible for an ADU with thresholds of 5,000 and 6,000 square feet. Attached are maps displaying the following:

- All 12,306 lots within the Neighborhood Low Zone
- The 3,101 lots 6,000 square feet and larger
- The 4,584 lots 5,500 square feet and larger
- The 6,821 lots 5,000 square feet and larger
The Council also requested information regarding garages converted into living areas. The table below lists various unpermitted conversions since fiscal year 2014/15 through December 2018:

Table 1 - Unpermitted Dwellings

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Garage Conversion</th>
<th>Improper Occupancy</th>
<th>Patio Conversion</th>
<th>Storage Room Conversion</th>
<th>Subdivided Dwelling</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2014-15</td>
<td>140</td>
<td>20</td>
<td>1</td>
<td>4</td>
<td>39</td>
<td>204</td>
</tr>
<tr>
<td>FY 2015-16</td>
<td>118</td>
<td>13</td>
<td>2</td>
<td>4</td>
<td>16</td>
<td>153</td>
</tr>
<tr>
<td>FY 2016-17</td>
<td>93</td>
<td>22</td>
<td>1</td>
<td>9</td>
<td>19</td>
<td>144</td>
</tr>
<tr>
<td>FY 2017-18</td>
<td>91</td>
<td>13</td>
<td>0</td>
<td>8</td>
<td>9</td>
<td>121</td>
</tr>
<tr>
<td>FY 2018-19</td>
<td>37</td>
<td>10</td>
<td>1</td>
<td>3</td>
<td>7</td>
<td>58</td>
</tr>
<tr>
<td>(July 2018 - Dec 2018)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>479</td>
<td>78</td>
<td>5</td>
<td>28</td>
<td>90</td>
<td>680</td>
</tr>
</tbody>
</table>

Table 2 below provides a summary of the types of ADUs that received building permits or were completed and finalized by the Building and Safety Division from January 2017 through February 2019:

Table 2 - Approved ADUs (2017-2019)

<table>
<thead>
<tr>
<th>Year</th>
<th>ADU Status</th>
<th>Garage Conversion</th>
<th>Detached</th>
<th>Attached</th>
<th>W/in Main Dwelling</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>Permits Issued</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Completed</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>2018</td>
<td>Permits Issued</td>
<td>8</td>
<td>9</td>
<td>0</td>
<td>1</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>Finalized</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td>11</td>
<td>12</td>
<td>1</td>
<td>1</td>
<td>25</td>
</tr>
<tr>
<td>2019 (Jan-Feb)</td>
<td>Permits Issued</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Finalized</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>TOTAL 2017 - CURRENT</td>
<td>Permits Issued</td>
<td>12</td>
<td>14</td>
<td>0</td>
<td>1</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>Finalized</td>
<td>6</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td>TOTAL</td>
<td>18</td>
<td>19</td>
<td>1</td>
<td>2</td>
<td></td>
<td>40</td>
</tr>
</tbody>
</table>
BACKGROUND: The California Government Code for ADUs allows for cities to create their own Ordinances for ADUs to address their own local needs by designating certain areas or zones and related zoning regulations to protect the health, safety, and welfare of the community. These code sections in particular are: Section 65852.150(b) states “It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.”; Section 65852.2(a)(1) states “A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use.”; and Section 65852.2(a)(1)(A) states that the ordinance shall “Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.” Therefore, the proposed Ordinance designates areas with reasonable zoning standards in the City that would best accommodate new ADU units.

ATTACHMENTS: A: Proposed Ordinance
B: ADU Ordinance – Summary of Changes Redlined
C: Survey of Nearby Cities
D: Map of Lots in Neighborhood Low Zone
E: Map of Eligible ADU Lots - 6,000 SF & Larger
F: Map of Eligible ADU Lots - 5,500 SF & Larger
G: Map of Eligible ADU Lots - 5,000 SF & Larger
H: Planning Commission Resolution No. 2019-02
I: Full Text of Government Code Section 65852.2
ORDINANCE NO.______

CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, REPEALING INTERIM URGENCY ORDINANCE NOS. 2336 AND 2338 IN THEIR ENTIRETY AND ADDING NEW CHPTER 11.43 (ACCESSORY DWELLING UNITS AND ACCESSORY STRUCTURES), TO TITLE 11 (ZONING), OF THE SOUTH GATE MUNICIPAL CODE

WHEREAS, effective January 1, 2017, California Government Code Section 65852.2 deemed null and void any existing ordinance that fails to provide an approval process that includes only ministerial provisions for the approval of Accessory Dwelling Units; and

WHEREAS, Government Code Section 65852.2 permits local governments to establish development standards for ministerial review of Accessory Dwelling Units and directs that Accessory Dwelling Units be approved subject to state standards when no local standards or process for accessory dwellings has been established; and

WHEREAS, Government Code Section 65858 permits cities to adopt interim procedures and criteria while studying potential permanent processes and zoning standards; and

WHEREAS, on April 25, 2017, the City Council adopted Interim Urgency Ordinance No. 2336 for the purpose of regulating Accessory Dwelling Units in the Neighborhood Low residential zone of the City of South Gate; and

WHEREAS, on May 23, 2017, the City Council adopted Interim Urgency Ordinance No. 2338, extending the term of Interim Urgency Ordinance No. 2336 through April 24, 2019; and

WHEREAS, the City Council finds that a permanent Ordinance regulating Accessory Dwelling Units in the Neighborhood Low residential zone of the City of South Gate is necessary for the public health, welfare and safety and residents, citizens, businesses and visitors of the City of South Gate; and

WHEREAS, the City Council finds that this permanent Ordinance No. _____ is consistent with the City’s General Plan and not in conflict with any applicable specific plan; and

WHEREAS, this permanent Ordinance No. _____ complies with California Code Section 65852.2 that requires cities to establish standards to allow for ministerial approval of Accessory Dwelling Units so as to provide additional rental housing stock as Accessory Dwelling Units as a component of the housing supply in California; and

WHEREAS, this permanent Ordinance No. _____ is largely identical to Interim Urgency Ordinance No. 2338, except for minor modifications; and

WHEREAS, during the regularly scheduled City Council meeting of February 26, 2019, the
City Council held a duly noticed public hearing to take public testimony and continued the public hearing to the regularly scheduled City Council meeting of March 12, 2019, to consider introducing this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1 The City Council hereby repeals Interim Urgency Ordinance Nos. 2336 and 2338 in their entirety.

SECTION 2. The City Council hereby adds new Chapter 11.43 (Accessory Dwelling Units and Accessory Structures), to Title 11 (Zoning), of the South Gate Municipal Code in its entirety to read as follows:

Title 11 (Zoning)
Chapter 11.43 (Accessory Dwelling Units and Accessory Structures)

Sections:
11.43.010 Purpose and Intent.
11.43.020 Definitions.
11.43.030 Accessory Dwelling Unit Requirements.
11.43.040 Application Process and Permit Requirements.
11.43.050 Recordation of Covenant.
11.43.060 Revocation.
11.43.070 Hearings and Appeals.
11.43.080 Responsible Persons.
11.43.090 Declaration of Nuisance; Enforcement.
11.43.100 No Authorization to Violate Law.
11.43.110 Accessory Structures.

11.43.010 Purpose and Intent.
This chapter of the South Gate Municipal Code (the “Chapter”) establishes the standards for permitting accessory dwelling units (“Accessory Dwelling Units”) within the City of South Gate, formerly known as “second dwelling units” on residential properties in accordance with Section 65852.2 as of the California Government Code, as amended and effective January 1, 2017.

11.43.020 Definitions.
For purposes of this Chapter the following terms shall have the meanings indicated:

A. “Accessory Dwelling Unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An Accessory Dwelling Unit also includes (i) an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code and (ii) a manufactured home, as defined in Section 18007 of the Health and Safety Code.

B. “Accessory Dwelling Unit Permit” means the formal, written approval, of the Community Development Director approving the application for an Accessory Dwelling Unit.
C. “Application” means an application for an Accessory Dwelling Unit Permit.

D. “Building Codes” means all of the requirements for authorization for the construction, alteration, improvement, modification, demolition or removal of any structure within the City of South Gate, including all codes adopted by reference in the Municipal Code, including but not limited to the California Building Code, the California Electrical Code, the California Plumbing Code, the California Mechanical Code, the California Residential Code and all local amendments thereto as adopted by the City in the Municipal Code.

E. “Building Permits” means all authorizations and permissions required in accordance with all applicable Building Codes.

F. “City” means the City of South Gate.

G. “Director” means the Community Development Director of the City of South Gate and all of his/her designees.

H. “Existing Structure” for the purposes of defining an allowable space that can be converted to an Accessory Dwelling Unit means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

I. “Initiate the Use” means to commence occupying the Accessory Dwelling Unit by persons for human habitation.

J. “Living Area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

K. “Lot” shall mean the single legal parcel of real property upon which the Accessory Dwelling Unit shall be located.

L. “Main Dwelling” means a lawfully constructed single-family residence existing on the Lot where the Accessory Dwelling Unit may be permitted.


N. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the Accessory Dwelling Unit.

O. Other words and phrases used in this Chapter shall have the same meaning as provided in the South Gate Municipal Code.

11.43.030 Accessory Dwelling Unit Requirements.

A. Location of Accessory Dwelling Units. An Accessory Dwelling Unit for which a valid Accessory Dwelling Unit Permit has been issued and that is, at all times, maintained, utilized and improved in accordance with this Chapter shall be permitted within the NL Zone within the City. The foregoing notwithstanding, Accessory Dwelling Units shall not be
established or permitted within a planned community, including but not limited to planned unit developments and condominium projects, unless Accessory Dwelling Units were specifically incorporated into the approved project plans and the recorded covenants, conditions and restrictions or other document reflecting the land use restrictions applicable to the development.

B. Compliance with Chapter. No Accessory Dwelling Unit may be constructed, maintained, improved, altered, enlarged, modified, permitted or allowed within the City except as provided in this Chapter and only in the NL Zone.

C. Residential Use. An Accessory Dwelling Unit shall be used only for residential purposes and no business, enterprise or occupation shall be conducted, permitted or allowed within the Accessory Dwelling Unit.

D. Applications for Accessory Dwelling Unit Permit. All applications for an Accessory Dwelling Unit Permit shall be submitted to the Director on the form approved by the Director, together with all information and documents requested, which shall include scaled and fully dimensioned plans, and elevations for the lot including the proposed Accessory Dwelling Unit, Main Dwelling, any other structures on site, parking, set-backs and entrances and driveways.

E. Building Permits. Building Permit(s) shall be required for all Accessory Dwelling Units. All existing Building Permits for a proposed Accessory Dwelling Unit shall be submitted with the Application. In addition, all applications for all Building Permits or other authorizations and approvals required for the legal use of the structure where the Accessory Dwelling Unit will be located shall be submitted with the Application, together with all permit, planning, development or other fees required under the Municipal Code, except as otherwise expressly provided in this Chapter.

F. Design Compatibility. All Accessory Dwelling Units shall be architecturally compatible with the Main Dwelling with respect to styling, roofline, window and door treatment, materials, colors, textures, height, scale, and bulk, and shall be compatible with the surrounding neighborhood.

G. Community Impact. The design and establishment of the Accessory Dwelling Unit shall not adversely affect the neighborhood with respect to on-street parking demand and use, traffic noise, or other impacts that could result in adverse impacts on public services and resources.

H. Continuous Owner Occupancy. At the time that an application for Accessory Dwelling Unit Permit is submitted and at all times thereafter at least one of the dwelling units (Main Dwelling or Accessory Dwelling Unit) on the Lot must be occupied by a natural person who is lawful owner or beneficial interest holder of a lawful trust holding title to the Lot. The other dwelling unit may be rented for a period of not less than thirty (30) days. It is the intent of this Chapter that once established, at least one of the units on the Lot shall be owner occupied. In the event that no such person occupies one of the units on the Lot, the Accessory Dwelling Unit may not be occupied or rented and shall be deemed to be non-habitable as provided in Section 11.43.060, in which case all owners and all persons in control, management or possession of the Lot shall comply with Section 11.43.060(C).
I. **Minimum Lot Requirements.** Accessory Dwelling Units shall only be permitted on legal parcels that meet all the following Lot qualifications:

1. The Lot is located within an NL zone as designated by the South Gate zoning map.

2. The Lot size is equal to or larger than six thousand (6,000) square feet, unless the Accessory Dwelling Unit is located entirely within the Living Area of the existing Main Dwelling, in which case the Lot size may be smaller.

3. The Lot has an existing single-family Main Dwelling.

4. The Lot does not have an existing Accessory Dwelling Unit on site. Only one Accessory Dwelling Unit, regardless of size or configuration, may exist on a Lot at any one time. No more than two (2) dwelling units may exist at any time on a Lot containing an Accessory Dwelling Unit.

5. When an Accessory Dwelling Unit is to be contained within the existing space of a Main Dwelling or accessory structure, it shall have independent exterior access from the existing residence and the side and rear setbacks shall be sufficient for fire safety, including compliance with all applicable Fire Codes.

J. **Applicability of Other Municipal Code Requirements.** The Accessory Dwelling Unit, and any other improvements located on the Lot where it is located, shall comply with all applicable Building Codes and Zoning Code requirements, except as modified expressly by this Chapter. The foregoing notwithstanding, Accessory Dwelling Units shall not be required to be equipped with fire sprinklers, unless they are required for the Main Dwelling.

K. **Density and Use.** The existence of an Accessory Dwelling Unit shall not be deemed to cause a Lot to exceed the allowable density for the Lot upon which the Accessory Dwelling Unit is located. An Accessory Dwelling Unit shall be considered a residential use consistent with the existing general plan and zoning designation for the Lot.

L. **Ownership.** An Accessory Dwelling Unit shall, at all times, be held under the same ownership as the remainder of the Lot on which it is located. An Accessory Dwelling Unit may not be partitioned from the Main Dwelling and may not be sold, transferred or assigned separately from the Main Dwelling.

M. **Development Standards.** An Accessory Dwelling Unit shall at all times comply with the following requirements.

1. **Development Standards.** Except as expressly provided herein, all development standards set forth in the Municipal Code applicable to the Main Dwelling shall be applicable to all Accessory Dwelling Units.

2. **Maximum Occupancy.** Occupancy loads of the Accessory Dwelling Unit shall be the same as applicable to the Main Dwelling pursuant to applicable regulatory requirements of the Municipal Code or the State of California, including without limitation all
applicable Building and Fire Codes.

3. **Compliance with Building Codes.** All construction, alteration, modification, demolition, improvement or other work required to comply with this Chapter, the Accessory Dwelling Unit Permit or any other condition related thereto, shall be in compliance with all applicable Building Codes and shall be completed and final inspection requested within one-hundred-eighty (180) calendar days after the issuance of such permit, approval or authorization. Upon a request made by the Applicant prior to the expiration of a permit, approval or authorization and upon good cause having been shown that the work could not reasonably completed within the said time period, the building official or department issuing such authorization may grant one (1) extension of no more than one-hundred-eighty (180) days.

4. **Utilities.** If the Accessory Dwelling Unit is contained within an existing Main Dwelling or an existing accessory structure, has independent exterior access from the existing Main Dwelling, and has side and rear setbacks sufficient for fire safety, then a new or separate utility connection directly between the Accessory Dwelling Unit and the utility shall not be required. In all other cases, an Accessory Dwelling Unit shall be equipped with a new and separate utility connection directly between the Accessory Dwelling Unit and the utility. The City shall charge a connection fee or capacity charge, as applicable to the specific property, that shall be proportionate to the burden of the proposed Accessory Dwelling Unit, based upon either its size or the number of plumbing fixtures, and upon the water or sewer system, as determined by the Director; provided, however, that the charge shall not exceed the reasonable cost of providing the service. All newly constructed or installed utilities for the Accessory Dwelling Unit shall be underground and subject to and comply with Municipal Code Section 11.30.060.

5. **Smoke Detectors.** If the Main Dwelling is required to be equipped with functioning hardwired smoke detectors with battery backup, the Accessory Dwelling Unit shall also be so equipped.

6. **Gross Floor Area.** The Accessory Dwelling Unit, whether attached, detached or a part of the Main Dwelling shall not have a gross floor area greater than six-hundred-forty (640) square feet or 30% of the area of the Main Dwelling, whichever is less, and shall contain no more than one bedroom.

7. **Unit Size.** The Accessory Dwelling Unit shall not be less than two-hundred-forty (240) square feet in size or the minimum size for an efficiency unit, as defined in California Health and Safety Code Section 17958.1, whichever is greater.

8. **Lot Coverage.** The Main Dwelling and the Accessory Dwelling Unit, together with all other structures, shall not exceed a total structural lot coverage of forty-five percent (45%).

9. **Location of New Construction Setbacks.** In the event that the Accessory Dwelling Unit is to be constructed separate and apart from the Main Dwelling and not within an existing garage that is to be converted to residential use, the Accessory Dwelling Unit shall be located outside of all setback requirements set forth in the Municipal Code that
are applicable to the Main Dwelling and shall be located in the rear one-half of the Lot. An existing garage that is converted to an Accessory Dwelling Unit shall not be required to have any setback, other than the setback that may be required by Building or Fire Codes for fire or safety purposes. A newly constructed Accessory Dwelling Unit that is located above a garage shall be located not closer than five (5) feet from the side and rear lot lines. A minimum building separation (eave to eave) of ten (10) feet shall be maintained between the Main Dwelling and a detached Accessory Dwelling Unit.

10. **Height.** The Accessory Dwelling Unit shall be no taller than thirty-four (34) feet or the height of the existing Main Dwelling, whichever is lower, and may not exceed one (1) story unless the existing Main Dwelling has at least two (2) stories.

11. **Passageways.** No passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.

12. **Entrance.** The Accessory Dwelling Unit shall have a separate entrance from the Main Dwelling that shall not be visible from the front of the Main Dwelling or the public right of way.

13. **Parking.**

A. In addition to the parking requirement in the Municipal Code for the Main Dwelling, parking shall be provided for the Accessory Dwelling Unit as follows: For units containing one or fewer bedrooms: one (1) space. This parking space, in combination with the other parking spaces required for the Lot, may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.

B. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an Accessory Dwelling Unit, replacement parking shall be required and may be located in any configuration on the same lot as the Accessory Dwelling Unit, except that replacement parking spaces shall not be located within the non-driveway front yard setback. Replacement spaces shall be provided in any configuration on the same Lot as the Accessory Dwelling Unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. The number of replacement parking spaces shall be no fewer than the spaces that were removed. The minimum dimensions for any replacement parking spaces shall be ten (10) feet by twenty (20) feet. Parking spaces shall be maintained in good order and repair and clear of all vegetation, equipment, trash, debris or any other condition that would prevent or impede the use of the spaces for parking.

C. The parking requirement for an Accessory Dwelling Unit set forth in this section shall not be required in the following instances:

i. The Accessory Dwelling Unit is located within one-half mile of a regularly used public transit stop, depot or station.

ii. The Accessory Dwelling Unit is part of the existing Main Dwelling or an existing accessory structure that is not being removed to accommodate the Accessory Dwelling Unit.
iii. The Accessory Dwelling Unit is located within an architecturally and historically significant historic district.
iv. When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.
v. When there is a car share vehicle located within one block of the Accessory Dwelling Unit.

11.43.040 Application Process and Permit Requirements.
A. Processing Application. Within 120 days of receipt of a completed Application, submitted with all supporting documentation and, if applicable, all fees required for Building Permits, Development and Planning, approvals, authorizations and permissions, in accordance with Government Code Sections 66000, et seq., the Director shall issue an Accessory Dwelling Unit Permit, ministerially, upon making a determination that the proposed Accessory Dwelling Unit would be in compliance with this Chapter and that all required approvals, permits, authorizations and permissions exist for the lawful use of the Accessory Uses or will be issued by the appropriate agency or department. If the Director has information or reasonable belief that all such approvals, permits authorization and permissions do not exist and will not be issued within a reasonable time, the Director shall deny the Application.

B. Health Official Approval. In the event that that the property is served by a functioning private sewage disposal system, any Application for an Accessory Dwelling Unit must be approved by health official for the City before an Accessory Dwelling Unit Permit may be issued by the Director.

C. Conditions of Approval. The Director may include conditions on the Accessory Dwelling Unit Permit that are consistent with this Chapter.

D. Denial of Application. The Director shall deny an Application for an Accessory Dwelling Unit Permit upon making a determination that the Requirements of this Chapter have not been satisfied and in the event that the Director finds that any of the following conditions exist or may occur if the application is granted:

1. The Accessory Dwelling Unit would be detrimental to the public health and safety or that it would unreasonably impact the privacy of the surrounding properties.

2. The Lot or any structure located there upon contains any active violations of the Municipal Code or other applicable regulation or law, except in the event that such violation shall be abated in the course of construction or other activities authorized by permits or other authorizations or permissions granted by the City.

11.43.050 Recordation of Covenant.
Within thirty (30) days of the approval of an Application for an Accessory Dwelling Unit Permit, the owner of the Lot shall record a covenant ("Covenant") reflecting the obligations, rights and restrictions provided in the Permit and in this Chapter. The Covenant shall "run with the land" and be binding on the Lot and all owners, lenders, lien holders, occupants and all other persons having an interest or estate in the Lot, now or in the future. The Covenant shall be recorded in the Registrar-Recorder's Office of Los Angeles County. A copy of the Accessory Dwelling Unit Permit shall be incorporated in or attached to the Covenant and shall be recorded therewith. A copy of the Covenant shall be filed with the City's Community
Development Department. The Covenant shall be in a form approved in writing by the City Attorney and shall provide the following:

A. That at all times that an Accessory Dwelling Unit is located on the subject Lot a natural person who is a lawful owner, or beneficial interest holder of a lawful trust holding title to the Lot must continuously occupy the Main Dwelling or the Accessory Dwelling Unit as that person’s principal residence.

B. At all times there shall be no more than two (2) residential units on any Lot containing an Accessory Dwelling Unit.

C. That the Accessory Dwelling Unit may not be sold separately from the remainder of the Lot and that it shall not be subject to partition or separation from the Lot where the Main Dwelling is located.

D. That any rental of either the Main Dwelling or Accessory Dwelling Unit not occupied by a natural person who is an owner of the subject property or the beneficial interest holder must be for a term longer than thirty (30) days.

E. That the Accessory Dwelling Unit Permit for the Lot and each of the terms and conditions set forth therein bind the Lot and all owners and all beneficial interest holders, lenders, lien holders, occupants and all other persons having an interest or estate in the Lot, now or in the future.

F. That the use of the Accessory Dwelling Unit is subject to the provisions of this Chapter.

G. That the Accessory Dwelling Unit Permit may be subject to revocation in the event of breach of the terms of the Covenant or as otherwise provided in this Chapter.

11.43.060 Revocation.

A. The Director may revoke any Accessory Dwelling Unit Permit in the event of any of the following:

1. Misrepresentation or any false, untrue or inaccurate statement in the Application or any supporting documentation.

2. Failure to execute and record the Covenant required pursuant to Section 11.43.050.

3. The Accessory Dwelling Unit ceases to be used for human habitation.

4. Failure to initiate the use as authorized under the Accessory Dwelling Unit Permit within 180 days, together with any extension authorized by the Director, after final inspection of any applicable building permits or the issuance of the Accessory Dwelling Unit Permit, whichever is later.

5. The use of the Accessory Dwelling Unit causes detriment or becomes incompatible to the surrounding homes as a result of the manner in which it is maintained.

6. Parking as required under this Chapter is not provided or maintained.
7. Failure to comply with any condition of approval of the Accessory Dwelling Unit Permit.

8. The use of the Accessory Dwelling Unit causes or becomes a nuisance, as defined in the Municipal Code.

9. If any term or condition of the Covenant is violated.

10. The Accessory Dwelling Unit was not constructed in accordance with the plans and buildings permits approved by the City that were submitted with the Application for the Accessory Dwelling Unit Permit. This includes the failure to obtain a final inspection within 180 days after the issuance of building permits.

11. Maintenance of the Accessory Dwelling Unit in violation of applicable laws, regulatory codes or the Municipal Code.

B. Notification of Revocation. The Director shall give written notice of the revocation of the Accessory Dwelling Unit by mail or hand delivery to the property owner and the occupants of the Main Dwelling and the Accessory Dwelling Unit and by posting a copy of the notice of revocation at the front entrance to each unit.

C. Effect of Revocation. Within ten (10) days after notice of the revocation is given, human habitation of the Accessory Dwelling Unit must cease. The Accessory Dwelling Unit shall thereafter be deemed non-habitable space. Within thirty (30) days after notice of the revocation is given, all electrical, plumbing, kitchen and bathroom facilities, fixtures, equipment and appliances shall be removed. To the extent that removal of any of the foregoing cannot be completed without significant risk to the structural integrity of any structure upon the Lot, any such facility, equipment, fixture or appliance may, with the consent of the building official, in lieu of removal, be permanently disabled in place. Provided, further, that any such facility, equipment, fixture or appliance shall not be required to be removed if they would otherwise be permitted within an accessory structure within the NL zone pursuant to the Municipal Code.

11.43.070 Hearings and Appeals.
A. Director’s Hearing. In the event that the Director denies an Application for an Accessory Dwelling Unit or revokes an Accessory Dwelling Unit Permit, the applicant or permittee may request a hearing before the Director within 10 days after being advised of the decision. If there is a request for a hearing in accordance with this Subsection, the order of the Director shall be stayed until the Director makes his determination after the hearing is concluded. If there is no request for hearing within the ten (10) day period, or upon a determination of the Director upholding the revocation, the Accessory Dwelling Unit shall brought into compliance with Subsection 11.43.060(C), above or in the case of an denial of an application, the property shall be brought into compliance with all applicable building and zoning requirements of the Municipal Code.

B. Appeal of Director’s Determination After Hearing. If the Director does not rescind a denial of the application or the revocation after the hearing, the applicant or permittee may
appeal to the planning commission in accordance with Municipal Code Section 11.50.040. The Accessory Dwelling Unit may continue to be used until the appeal is decided.

C. Preclusion of Further Application. In the event that an Application is denied or a permit is revoked, no Application may be made for an Accessory Dwelling Unit Permit for the same Lot for a period of one (1) year from the date of the revocation or the conclusion of the appeal process, whichever is later.

11.43.080 Responsible Persons.
All owners, occupants, managers and persons with dominion or control over the Accessory Dwelling Unit or the Lot upon which it is located shall comply with the terms of this Chapter and all applicable conditions, covenants, permits and restrictions created thereby.

11.43.090 Declaration of Nuisance; Enforcement.
Any condition, construction, improvement, alteration or use that is created, permitted, allowed or maintained in violation of this Chapter is declared to be a nuisance and may be abated in accordance with any and all remedies available to the City, whether legal or equitable, civil, criminal or administrative, all of which shall be deemed cumulative. A violation of this Chapter shall be subject to enforcement as provided in Chapter 11.56 of the Municipal Code. Any violation of this Chapter is declared to be a misdemeanor.

11.43.100 No Authorization to Violate Law.
Nothing in this Chapter allows or permits the violation of any Federal or State Law or the Municipal Code. Except as provided hereunder, nothing herein cures or makes legal any illegal condition or use. Any work, improvement, construction or alteration required or permitted by this Chapter shall comply with all applicable building permit and regulatory requirements of the Municipal Code.

11.43.110 Accessory Structures.
The following provisions, in combination with Section 11.43.040 (Application Process and Permit Requirements), are minimum requirements for all accessory structures that are not an Accessory Dwelling Unit.

A. Detached Garage. Detached garages shall be limited to accommodating four vehicles and shall conform to all development standards of the NL Zone.

B. Garage Doors. Garage doors shall not comprise more than 50% of any single parcel frontage.

SECTION 3. The City Council hereby finds and determines, for the reasons set forth in Section 1, hereof that this Ordinance is exempt from the California Environment Quality Act of 1970 ("CEQA"), as amended, because it can be seen with certainty that this ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council’s action of adopting this ordinance and the effects derivative from the adoption are exempt from the application of CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines (15 Cal. Code Regs. § 15061(b)(3)). Furthermore, the adoption and implementation of the Ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA “does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code.” This Ordinance was adopted
and is extended to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA’s environmental review requirements.

SECTION 4. This Ordinance shall take effect on the thirty first (31st) day after its adoption.

SECTION 5. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one of more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. The City shall submit a certified copy of this Ordinance to the State Department of Housing and Community Development not later than sixty (60) days after the date of adoption of this Ordinance, as required by Government Code Section 65852.2(h).

SECTION 7. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this ____ day of March, 2019.

CITY OF SOUTH GATE:

__________________________
Maria Belén Bernal, Mayor

ATTEST:

__________________________
Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

__________________________
Raul F. Salinas, City Attorney
<table>
<thead>
<tr>
<th>Regulations</th>
<th>New State Law</th>
<th>Prior City Code</th>
<th>Interim Urgency Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning</strong></td>
<td>➢ Any lot zoned for single or multifamily housing</td>
<td>➢ NL (Neighborhood Low) Zone</td>
<td>➢ NL (Neighborhood Low) Zone</td>
</tr>
<tr>
<td>Minimum Lot Requirement</td>
<td>➢ No lot size requirement</td>
<td>➢ 6,000 sq. ft. or larger</td>
<td>➢ 6,000 sq. ft. or larger</td>
</tr>
<tr>
<td></td>
<td></td>
<td>➢ Existing single-family dwelling residence required</td>
<td>➢ Existing single-family residence required</td>
</tr>
<tr>
<td></td>
<td></td>
<td>➢ Must not have existing ADU on site</td>
<td>➢ Must not have existing ADU on site</td>
</tr>
<tr>
<td><strong>Size of ADUs</strong></td>
<td>➢ Maximum of 50% of the existing main dwelling, with maximum increase in floor area of 1,200 sq. ft.; total area of floorspace for detached ADU not to exceed 1,200 sq. ft.</td>
<td>➢ Maximum of 30% of the existing dwelling or 640 sq. ft. of gross floor area, whichever is less.</td>
<td>➢ Maximum of 30% of the existing main dwelling or 640 sq. ft. of gross floor area, whichever is less, unless ADU located entirely within main dwelling</td>
</tr>
<tr>
<td></td>
<td>➢ Minimum size for an “efficiency unit” as defined in CA Health &amp; Safety Code</td>
<td>➢ Minimum of 240 sq. ft.</td>
<td>➢ Minimum of 240 sq. ft. or the minimum size for an efficiency unit as defined in CA Health &amp; Safety Code</td>
</tr>
<tr>
<td></td>
<td></td>
<td>➢ Maximum of one bedroom</td>
<td>➢ Maximum of one bedroom</td>
</tr>
<tr>
<td><strong>Lot Coverage</strong></td>
<td>➢ Not specified</td>
<td>➢ Maximum lot coverage is 45% for any NL Zone parcel (sum of main dwelling and ADU)</td>
<td>➢ Maximum lot coverage is 45% for any NL Zone parcel (sum of main dwelling and ADU)</td>
</tr>
<tr>
<td><strong>Location of New ADU Construction (Setbacks)</strong></td>
<td>➢ Maximum 5 ft. setback from side and rear lot for ADU constructed above garage</td>
<td>➢ NL setback regulations • 5ft from interior/rear • Constructed on rear ½ of lot • May be located on first or second floor, attached or detached from main dwelling</td>
<td>➢ ADUs constructed apart from main dwelling and not within existing garage must meet required setbacks</td>
</tr>
<tr>
<td></td>
<td>➢ No setback requirement for converted garages</td>
<td></td>
<td>➢ Minimum 5 ft. setback from side and rear lot for ADU constructed above garage</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>➢ Constructed on rear ½ of lot if not constructed within an existing garage</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>➢ Minimum building separation of 10 ft. maintained between main dwelling and ADU</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>➢ No setback requirement for converted garages</td>
</tr>
</tbody>
</table>
# ADU Ordinance - Summary of Changes

(Underlined sections are changes to prior code)

<table>
<thead>
<tr>
<th>Regulations</th>
<th>New State Law</th>
<th>Prior City Code</th>
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</tr>
</thead>
<tbody>
<tr>
<td>New Parking for ADUs</td>
<td>➢ Maximum of one parking space per unit or bedroom; and may be provided as tandem, covered, uncovered, or by use of mechanical automobile lifts</td>
<td>➢ A minimum of one on-site paved parking space.</td>
<td>➢ Maximum of one parking space for units containing one or fewer bedrooms</td>
</tr>
<tr>
<td></td>
<td>➢ Required spaces are permitted in setback areas as determined by local agency</td>
<td>➢ No tandem or perpendicular parking</td>
<td>➢ May be provided through tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback</td>
</tr>
<tr>
<td></td>
<td>➢ No parking is required if ADU is:</td>
<td>➢ Minimum parking space dimensions 10 ft. by 20 ft.; not block access to main dwelling garage</td>
<td>➢ Minimum parking space dimensions 10 ft. by 20 ft.</td>
</tr>
<tr>
<td></td>
<td>1. Located within one-half mile of a public transit stop, depot or station</td>
<td></td>
<td>➢ Parking spaces are to be maintained and free of debris</td>
</tr>
<tr>
<td></td>
<td>2. A part of the existing main dwelling or an existing ADU that is not being removed to accommodate the ADU</td>
<td></td>
<td>➢ No parking is required if ADU is:</td>
</tr>
<tr>
<td></td>
<td>3. Located within a historically significant historic district</td>
<td></td>
<td>1. Located within one-half mile of a public transit stop, depot or station</td>
</tr>
<tr>
<td></td>
<td>4. In an area where on-street parking permits are required, but not offered to the occupant of the secondary ADU</td>
<td></td>
<td>2. A part of the existing main dwelling or an existing ADU that is not being removed to accommodate the ADU</td>
</tr>
<tr>
<td></td>
<td>5. Located within one block of a dedicated car share vehicle</td>
<td></td>
<td>3. Located within a historically significant historic district</td>
</tr>
<tr>
<td>Replacement ADU Parking</td>
<td>➢ When a parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement space may be located in any configuration on the same lot as the ADU as:</td>
<td>➢ Not specified</td>
<td>4. In an area where on-street parking permits are required, but not offered to the occupant of the secondary ADU</td>
</tr>
<tr>
<td></td>
<td>➢ Covered spaces</td>
<td></td>
<td>5. Located within one block of a dedicated car share vehicle</td>
</tr>
<tr>
<td></td>
<td>➢ Uncovered spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>➢ Tandem spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>➢ Mechanical automobile lift</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

When garage or covered parking structure is demolished or converted with construction of an ADU, replacement parking is required but cannot be located within the non-driveway front yard setback. The number of replacement parking spaces is no fewer than the spaces that were removed; minimum dimensions being 10 ft. by 20 ft.
# ADU Ordinance- Summary of Changes
(Underlined sections are changes to prior code)

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Utilities</td>
<td>➢ Separate utilities cannot be required if ADU is within existing main</td>
<td>➢ Shall not be metered separately from main dwelling (gas, electricity, trash, water, or sewer services)</td>
<td>➢ <strong>New detached ADUs will require new and separate utility connections</strong></td>
</tr>
<tr>
<td></td>
<td>dwelling or accessory structure</td>
<td></td>
<td>➢ <strong>Separate utilities will not be required if the ADU is:</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1. <strong>Contained within an existing main dwelling and/or:</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. <strong>Has independent exterior access from the existing main dwelling, and has side and rear setbacks sufficient for fire safety</strong></td>
</tr>
<tr>
<td>Owner Occupancy</td>
<td>➢ Allows a local agency to require one of the units to be owner occupied or</td>
<td>➢ One of the dwelling units shall be owner occupied</td>
<td>➢ <strong>One of the dwelling units shall be owner occupied</strong></td>
</tr>
<tr>
<td></td>
<td>to be used for rentals for terms longer than 30 days</td>
<td></td>
<td>➢ <strong>Any rental of ADU or main dwelling must be for longer than 30 days</strong></td>
</tr>
<tr>
<td>Maximum Occupancy</td>
<td>➢ Not specified</td>
<td>➢ Occupancy of the second dwelling unit is limited to a maximum of two persons</td>
<td>➢ <strong>Must meet the requirements of the Municipal Code or the State of California</strong></td>
</tr>
<tr>
<td>Passageways</td>
<td>➢ No passageway shall be required in conjunction with the construction of an ADU</td>
<td>➢ Not specified</td>
<td>➢ <strong>No passageway shall be required in conjunction with the construction of an ADU</strong></td>
</tr>
</tbody>
</table>
# ADU Ordinance- Summary of Changes

(Underlined sections are changes to prior code)

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Covenant (Deed Restriction)</td>
<td>Not specified</td>
<td>Deed restriction including the following:</td>
<td>Deed restriction including the following:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>➢ Total number of dwelling units on the property shall be limited to two units</td>
<td>➢ Owner must continuously occupy the primary residential structure or the ADU as their principal residence</td>
</tr>
<tr>
<td></td>
<td></td>
<td>➢ One of the dwelling units shall be continuously owner-occupied</td>
<td>➢ At all times there shall be no more than two (2) residential units on any Lot containing an ADU</td>
</tr>
<tr>
<td></td>
<td></td>
<td>➢ Parking spaces, including garage, shall be maintained free and clear of storage and debris</td>
<td>➢ ADU may not be sold separately from the remainder of the parcel and that it shall not be subject to partition or separation from the Lot where the Main Dwelling is located</td>
</tr>
<tr>
<td></td>
<td></td>
<td>➢ Units (main and second dwelling unit) shall not be metered separately</td>
<td>➢ That any rental of either the Main Dwelling or Accessory Dwelling Unit must be longer than thirty (30) days</td>
</tr>
<tr>
<td></td>
<td></td>
<td>➢ Units not sold separately</td>
<td>➢ That the use of the ADU is subject to the provisions of this Code Section 11.43</td>
</tr>
<tr>
<td></td>
<td></td>
<td>➢ Second dwelling unit approval shall be revoked if any portion of the deed restriction is violated or not complied with.</td>
<td>➢ That the ADU Permit may be subject to revocation in the event of breach of the terms of the Covenant</td>
</tr>
</tbody>
</table>

<p>| Hearing and appeals | Not specified | Administrative decision subject to appeal to Planning Commission per Municipal Code Section 11.50.040 | ➢ If permit denied, permittee may request a hearing before the Director. If Director denies the application, the permittee may appeal to the Planning Commission per Municipal Code Section 11.50.040. The Accessory Dwelling Unit may continue to be used until the appeal is decided. |</p>
<table>
<thead>
<tr>
<th>City</th>
<th>Zoning</th>
<th>ADU Size</th>
<th>Minimum Lot Size</th>
<th>Lot Coverage</th>
<th>ADU Setback requirements</th>
<th>Replacement parking</th>
<th>Utility requirements for ADUs</th>
<th>Owner occupancy &amp; rental of ADUs</th>
<th>Maximum occupancy</th>
<th>Covenant (deed restriction)</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Bell</td>
<td>R1, R2, R-3, R-4, R-5</td>
<td>Max is 1,200 sf or 50% of the primary residence, whichever is less</td>
<td>no minimum lot size requirement</td>
<td>varies, depending on zone, max is 50% in residential zones</td>
<td>Side -5'-0 Rear 5'-0</td>
<td>no parking requirement for new ADU for garage conversion, parking must be replaced</td>
<td>no utility requirement</td>
<td>Property owner must occupy ADU or primary unit if Yes, can be rented</td>
<td>no max occupancy</td>
<td>Required</td>
</tr>
<tr>
<td>Bellflower</td>
<td>Any residential zone</td>
<td>Attached: 50% of existing house. Detached: 1,200 sf</td>
<td>varies on zone, must meet min lot size</td>
<td>Based on zone, most 45%</td>
<td>setback requirement applicable to primary unit</td>
<td>1 space (can be uncovered or tandem)/ Exempt if it's 1 mile from public transit</td>
<td>not specified</td>
<td>Owner must occupy one unit/yes, can be rented</td>
<td>none specified</td>
<td>Required</td>
</tr>
<tr>
<td>Cerritos</td>
<td>Single family residential zone</td>
<td>750 sf</td>
<td>10000 sf</td>
<td>Not exceed 40% of lot area</td>
<td>comply with all setback requirements applicable to primary unit</td>
<td>Not specified</td>
<td>none specified</td>
<td>not specified</td>
<td>2 people</td>
<td>not specified</td>
</tr>
<tr>
<td>Downey</td>
<td>all residential zones, but redefined only in ADU overlay zones</td>
<td>Max is 850 sf, Min: 220 sf</td>
<td>varies, must meet minimum lot size of zone</td>
<td>Floor Area Ratio (60%)</td>
<td>New detached, 0 ft rear</td>
<td>varies depending on total enclosed area</td>
<td>Separate utilities not permitted</td>
<td>Owner must occupy one unit/yes, can be rented</td>
<td>Not applicable</td>
<td>Must sign and record covenant</td>
</tr>
<tr>
<td>Huntington Park</td>
<td>all residential zones</td>
<td>Attached 50% of SFD or 1200 sf, whichever is less</td>
<td>no minimum lot size requirement</td>
<td>varies, depending on zone, max 65% in residential zones</td>
<td><em>garage conversion, 0 ft</em></td>
<td>1 space (can be uncovered or tandem)/Exempt if it’s 1 mile from public transit</td>
<td>cannot be separate from the main unit</td>
<td>Owner must occupy one unit/yes, can be rented</td>
<td>None, but limited to 1 bedroom</td>
<td>agreement with County Recorder's, property owner occupied</td>
</tr>
<tr>
<td>Santa Fe Springs</td>
<td>R1 &amp; R3</td>
<td>ADU not exceed 50% of the primary residence, not exceed 840 sf max</td>
<td>5,000 sf</td>
<td>Not specified</td>
<td><em>for garage conversions, 0 ft</em></td>
<td>1 space (can be uncovered or tandem)/Exempt if it’s 1 mile from public transit</td>
<td>detached or multi-family zones, require a new or separate utility connection, attached units not Required</td>
<td>Owner must occupy one unit/yes, can be rented</td>
<td>not specified</td>
<td>deed restriction satisfactory to the city attorney</td>
</tr>
<tr>
<td>Norwalk</td>
<td>allowed in all single-family residential zones</td>
<td>Max 720 sf, shall not exceed 50% of primary dwelling</td>
<td>varies on zone</td>
<td>not specified</td>
<td>varies on zone</td>
<td><em>no parking required for new ADU</em></td>
<td>Owner must occupy one unit/yes, can be rented</td>
<td>Agreement with County Recorder's, property will be owner occupied</td>
<td>not specified</td>
<td>not specified</td>
</tr>
<tr>
<td>Paramount</td>
<td>R1 only</td>
<td>Attached is 50% of existing dwelling or 500 sqft, whichever is less</td>
<td>5000 sf</td>
<td>not specified</td>
<td>Minimum of 10 foot separation</td>
<td><em>garage conversions, replaced as originally configured</em></td>
<td>Owner must occupy primary unit or ADU</td>
<td>not specified</td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td>Whittier</td>
<td>All single family and multi-family zoned properties</td>
<td>Min: 150sf Lots Under 20,000sf 50% primary residence Max 1,200sf; Lots over 20,000sf 50% of living area Max 1,500 sf</td>
<td>varies on zone, cannot be less than 5% of min lot size</td>
<td>Lot coverage varies on zone, floor area ratio will not apply to multi-family zones</td>
<td>Setbacks vary on zone, require the setback of the primary dwelling unit</td>
<td>If within 1/2 mile of a transit stop replacement parking is not required</td>
<td>Not specified</td>
<td>Not specified</td>
<td>not specified</td>
<td>not specified</td>
</tr>
</tbody>
</table>
Citywide NL (Neighborhood Low) Lots

Legend

NL Lots Citywide (Total 12,306)
Citywide NL (Neighborhood Low) Lots 6,000 sq. ft. and larger

Legend
- NL Lots Citywide (Total 12,306)
- NL Lots 6000 sq. ft. or greater w/ SFD (Total 3,101)
Citywide NL Lots 5,500 sq. ft. and larger w/ SFD

Legend
- NL Lots Citywide (Total 12,306)
- NL Lots 5,500 sq. ft. and larger w/SFD (4,584)
RESOLUTION NO. 2019-02

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE SOUTH GATE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 11 (ZONING), BY ESTABLISHING STANDARDS AND MINISTERIAL PROCESS FOR APPROVING ACCESSORY DWELLING UNITS (ADUS)

WHEREAS, effective January 1, 2017, California Government Code Section 65852.2 deemed null and void any existing ordinance that fails to provide an approval process that includes only ministerial provisions for the approval of Accessory Dwelling Units; and

WHEREAS, Government Code Section 65852.2 permits local governments to establish development standards for ministerial review of Accessory Dwelling Units and directs that Accessory Dwelling Units be approved subject to state standards when no local standards or process for accessory dwellings has been established; and

WHEREAS, Government Code Section 65858 permits cities to adopt interim procedures and criteria while studying potential permanent processes and zoning standards; and

WHEREAS, on April 25, 2017, the City Council adopted Interim Urgency Ordinance No. 2336 for the purpose of regulating Accessory Dwelling Units in the Neighborhood Low residential zone of the City of South Gate; and

WHEREAS, on May 23, 2017 the City Council adopted Interim Urgency Ordinance No. 2338, extended the term of Interim Urgency Ordinance No. 2336 through April 24, 2019; and

WHEREAS, Urgency Ordinance No. 2338 is scheduled to expire on April 24, 2019; and

WHEREAS, the proposed permanent Ordinance (attached hereto) complies with California Code Section 65852.2 that requires cities to establish standards to allow for ministerial approval of Accessory Dwelling Units so as to provide additional rental housing stock as Accessory Dwelling Units as a component of the housing supply in California; and

WHEREAS, the proposed permanent Ordinance is largely identical to Interim Urgency Ordinance No. 2338, except for minor modifications; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 21st day of February, 2019, conducted a duly advertised public hearing as required by law; notice of the hearing was published in the “Press Telegram” Newspaper on February 8, 2019; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted; and

WHEREAS, the Planning Commission determined that the facts of this matter are as follows:

1. Urgency Ordinance No. 2338 is scheduled to expire on April 24, 2109 and, unless the City adopts a permanent ADU ordinance, the City will have no effective ordinance addressing ADUs. Without a permanent ordinance in place, ADU applications will be processed by default under State regulations, resulting in a loss of City authority to process and apply standards for new ADUs.

2. Notice for the Planning Commission hearing was published in the “Press Telegram” Newspaper on February 8, 2019.
WHEREAS, the City Planning Commission made the following findings:

1. The public health, safety and welfare would not be adversely affected by approval of the proposed Ordinance since the Ordinance would be consistent with the General Plan and the requirements specified in state law.

2. The proposed Ordinance would not be detrimental to surrounding properties, since the proposed Ordinance furthers General Plan policies that promote increased housing opportunities.

3. This Ordinance is exempt from the California Environment Quality Act of 1970 ("CEQA"), as amended, because it can be seen with certainty that this ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council’s action of adopting this ordinance and the effects derivative from the adoption are exempt from the application of CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines (15 Cal. Code Regs. § 15061(b)(3)). Furthermore, the adoption and implementation of the Ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA “does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code.” This Ordinance was adopted and is extended to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA’s environmental review requirements.

NOW, THEREFORE, BE IT RESOLVED: That after careful consideration of maps, facts, exhibits, testimony, staff reports, public comments, other evidence submitted in this matter, and the substantial evidence in the record, the Planning Commission recommends that the City Council:

1. Find that the adoption of the Ordinance is exempt from the California Environmental Quality Act of 1970 ("CEQA") pursuant to Public resources Code Section 21080.17; and

2. Adopt Ordinance amending the South Gate Municipal Code Chapter 11.43 Second Dwelling Ordinance to replace Interim Urgency Ordinances Nos. 2336 and 2338 to establish standards and ministerial process for approving Accessory Dwelling Units.
   a. Minimum Lot Requirements (Section 11.43.030(I)(2)): Reduce the minimum lot size for an attached/detached ADU from 6,000 square feet to 5,000 square feet.
   b. Gross Floor Area (Section 11.43.030(M)(6)): Increase the maximum size of an ADU from 640 square feet or 30% of the main dwelling (whichever is less), to 640 square feet or 50% of the main dwelling (whichever is less).
   c. Continuous Owner Occupancy (Section 11.43.030(H) and 11.43.050(D)): Insert the word “continuous” in sections stating that an ADU may be rented for not less than 30 days. The new verbiage would read as follows: “The other dwelling unit may be rented for a period of not less than thirty (30) continuous days” and “That any rental of either the Main Dwelling or Accessory Dwelling Unit not occupied by a natural person who is an owner of the subject property or the beneficial interest holder must be for a term longer than thirty (30) continuous days.”

BE IT FURTHER RESOLVED, that the Secretary of this Commission be directed to transmit to the City Council a copy of this resolution as the report of the findings and recommendations of the Planning Commission with reference to this matter.

This Resolution was adopted by the following vote at the Planning Commission meeting of February 21, 2019.
AYES: Chairperson Delgado, Vice Chairperson Hurtado, Commissioners Masushige, Perez, and Velasquez

NOES:

ABSENT:

NOT VOTING:

APPROVED and ADOPTED this 21st day of February, 2019.

[Signature]
Joe Perez
Secretary
City Planning Commission

APPROVED:

[Signature]
Jose Delgado
Chairperson, City Planning Commission
Codes Display Text

Accessory Dwelling Unit State Law

§ 65852.156. (a) The Legislature finds and declares all of the following:

1. Accessory dwelling units are a valuable form of housing in California.
2. Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.
3. Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.
4. Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.
5. California faces a severe housing crisis.
6. The state is falling far short of meeting current and future housing demand with serious consequences for the state’s economy, our ability to build green in fill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.
7. Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.
8. Accessory dwelling units are, therefore, an essential component of California’s housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

(c) Notwithstanding Section 65803, this section shall also apply to a charter city.

(Amended by Stats. 2018, Ch. 856, Sec. 4. (SB 1333) Effective January 1, 2019.)

§ 65852. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

Attachment I
(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (1) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of a public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(6) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 90 days after adoption. The department may review and comment on this submitted ordinance.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(6) "Tandem parking" means that two or more automobiles are parked on a driveway or, in any other location on a lot, lined up behind one another.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(Amended by Stats. 2017, Ch. 502, Sec. 1.5. (AB 494) Effective January 1, 2018.)