



City of Calimesa
REGULAR MEETING OF THE PLANNING COMMISSION
AGENDA

Monday, February 12, 2018
6:00 P.M.

Norton Younglove Multi-Purpose Senior Center
908 Park Avenue, Calimesa, CA 92320

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk's Office, (909) 795-9801. Notification of at least 24 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Any public writings distributed by the City to at least a majority of the Commissioners regarding any item on this special meeting agenda will be made available at the public counter at City Hall located at 908 Park Avenue, Calimesa, CA 92320.

ANNOUNCEMENT REGARDING SPEAKER SLIPS

Anyone wishing to address the City Council either during "Communications from the Public" or on any item on the agenda should fill out a **blue speaker slip** and give that slip to the Commission Secretary **prior to the item being heard**. Please write the number of the agenda item or the subject of your presentation on the slip. **Please observe a time limit of three (3) minutes when giving your presentation**. When called upon, please step forward to the microphone, state your name for the record, whom you represent and any statement you wish to make. **Please be advised that you may not defer your three (3) minutes to another speaker.**

CALL TO ORDER 6:00 p.m.

ROLL CALL Chair Brittingham, Vice-Chair Barron, Commissioner Hurt, Commissioner Keith, Commissioner LaRock

STAFF Mark DeManicor, Community Development Director
Kelly Lucia, Assistant Planner
Megan Shea, Commission Secretary

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Anyone wishing to address the Commission on any item within the Commission's jurisdiction that is not on the agenda may do so at this time. This is not a time for City Commission discussion of non-agenda items. After receiving public comments, Commission Members or staff, after being recognized by the Chairperson, may briefly respond to statements made by the public or questions posed by the public. In addition, Commissioners may ask questions for clarification or make a referral to staff for factual information to be reported back to the Commission at a later meeting.

APPROVAL OF MINUTES

There are no minutes ready for approval at this time.

ITEMS FOR DISCUSSION

Item 1. Annual Reorganization of the Planning Commission

Pursuant to Section 2.20.030 of the Calimesa Municipal Code, the Commission is required to meet annually to choose one of its members as Chairperson and another of its members as Vice Chairperson. Staff recommends the following:

- a) That the Commission Secretary open nominations for Chairperson.
Motion: _____ Second _____ Vote _____

Commission Members

Mike Brittingham, Chairperson ♦ Mike Barron, Vice-Chairperson
Charles Hurt, Commissioner ♦ John Keith, Commissioner ♦ Larry LaRock, Commissioner



b) That the new Chairperson open nominations for Vice-Chairperson.
Motion: _____ Second _____ Vote _____

PUBLIC HEARING ITEMS

Item 2. Zoning Text Amendment 18-01, City Ordinance No. 357

RECOMMENDATION: That the Planning Commission open the public hearing on the proposed amendments to the Calimesa Zoning Code to amend various sections of the zoning ordinance (Title 18 of the Calimesa Municipal Code) regarding Accessory Dwelling Units within the text and finding the project exempt pursuant to Section 15282 (h) of the California Environmental Quality Act., take public testimony and, if desired, adopt Planning Commission Resolution No. 2018-01 recommending adoption of proposed Ordinance No. 357 to the City Council, with additional changes if deemed appropriate by the Commission.

COMMISSIONERS' REPORTS AND COMMENTS

This is the time for additional general comments, announcements, reports on meetings attended, requests of staff, and other issues of concern to Commissioners which may be presented briefly at this time. The Commission may not legally take action on any item presented at this time other than to request staff to investigate a complaint or place an item on a future agenda.

ADJOURNMENT

Adjourn to a Regular meeting of the Planning Commission meeting on Monday, March 12, 2018 at 6:00 p.m. at the Norton Younglove Multipurpose Senior Center, located at 908 Park Avenue.

Commission Members

Mike Brittingham, Chairperson ♦ Mike Barron, Vice-Chairperson
Charles Hurt, Commissioner ♦ John Keith, Commissioner ♦ Larry LaRock, Commissioner



STAFF REPORT

CITY OF CALIMESA PLANNING COMMISSION MEETING

MEETING DATE: February 12, 2018

TO: Planning Commission

FROM: Mark de Manincor, Community Development Director

SUBJECT: Public Hearing - Zoning Text Amendment 18-01 to amend various sections of the zoning ordinance (Title 18 of the Calimesa Municipal Code) regarding Accessory Dwelling Units

RECOMMENDED ACTION:

That the Planning Commission adopt Resolution 2018-01, recommending approval to the City Council of Zoning Text Amendment 18-01 (“Project”) regarding Accessory Dwelling Units and finding the Project to be exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and Section 15282(h) of the State CEQA Guidelines, and making findings in support thereof.

BACKGROUND:

The California Legislature, in an attempt to address housing unaffordability, has spent the past years prioritizing several proposals to create a greater supply of more affordable housing. In 2016, the Legislature adopted Assembly Bills (“AB”) 2299 and 2406, and Senate Bill (“SB”) 1069 to restrict local authority to regulate accessory dwelling units. In 2017, the Legislature adopted AB 494 and SB 229 to clarify the State law requirements applicable to accessory dwelling units, which are codified in California Government Code Section 65852.2.

Commonly referred to as “second units,” accessory dwelling units (“ADUs”) are additional living quarters on single-family lots that are independent of the primary dwelling unit. Also known as accessory apartments, accessory dwellings, mother-in-law units, or granny flats, ADUs are either attached to or detached from the primary dwelling unit and provide complete independent living facilities for one or more persons; including, permanent provisions for living, sleeping, eating, cooking, and sanitation. AB 2299 and SB 1069 effectively rendered the term “second units” obsolete by replacing that term with “accessory dwelling units.” For this reason, all references to second units, accessory apartments, accessory dwellings, mother-in-law units, or granny flats shall hereafter be collectively referred to as “accessory dwelling units” or “ADUs.”

Prior to the adoption of these bills, local governments were authorized to adopt ordinances for the creation of second units in single-family zones; however, they were not required to do so. The City enacted, Section 18.20.050 L., to regulate the procedures and standards for the development of second units in certain residential zones.



However, because the Legislature has determined that ADUs can provide for additional rental housing stock, such prohibitions have now been invalidated regardless of the sufficiency of the City's findings in support thereof. SB 1069 and AB 2299 apply a clear standard for the ADU permit review process, regardless of whether a local government has an adopted ordinance or not.¹ The Legislature has now eliminated the ability of cities to prohibit ADUs within their jurisdictions and has required that every city in the state accommodate the creation of ADUs.

PROPOSAL/ANALYSIS:

State law generally requires that cities create zoning regulations that allow ADUs in single-family residential zones on lots that contain an existing or proposed single-family dwelling.² Specifically, the amendments enacted pursuant to AB 2299, SB 1069, AB 494 and SB 229 include specified provisions regarding (among other things) parking, types and size of units, approval process and timelines, and water and sewer utility fees. These bills create a state-mandated local program that nullifies any local ordinance that does not comply with the requirements of these bills.

Below are the suggested changes to the City of Calimesa Development Code (Title 18).

All text that has a strikethrough, such as; ~~Second Unit~~, is to be deleted and all text that is underlined, such as; Accessory Dwelling Unit, is new text to be included in the development code. ***Bold Italics*** describe the changes.

Section 18.10.020, Definitions - insert new definition for Accessory Dwelling Units and Tandem Parking and remove definition for Second dwelling units.

18.10.020 Definitions

Dwelling Unit, Accessory. An attached or 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.

Parking, Tandem. Two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

¹ If a local government has an ADU ordinance, that ordinance must include specified provisions for standards such as parking, setback and zoning requirements. If a local agency has not adopted an ordinance, it must review the application pursuant to limited standards included in State law. An application must be ministerially reviewed and approved or disapproved within 120 days after receipt.

² See Government Code section 65852.2 (a)(1)(D)(ii).



~~Second dwelling unit. An additional dwelling unit providing independent living facilities for one or more persons located on the same parcel as a single family dwelling. See, Dwelling unit, Accessory.~~

Table 18.20.030 - remove, “Second,” insert, “Accessory,” in the table and foot note.

**Table 18.20.030
 Uses Permitted Within Residential Districts**

Use	O-S-R	R-E	R-R	R-L	R-L-M	R-M	R-H
A. Residential Uses							
Second Accessory dwelling unit ^e	P	P	P	P	P	P	P

e. Subject to the provisions of Subsection 18.20.050. L, ~~Second~~ Accessory Dwelling Units in Residential Zones.

Section 18.20.050 L.- change subsection L in its entirety.

L. Accessory Dwelling Units in Residential Zones.

1. These standards are adopted pursuant to California Government Code Section 65852.2. The purpose of these standards is to establish procedures and standards for the development of accessory dwelling units in a manner that preserves the integrity of single-family and multi-family residential areas, avoids adverse impacts on such areas, and ensures a safe and attractive residential environment. It is not the intent of this chapter to override private, lawful use restrictions as may be set forth in conditions, covenants and restrictions (CC&Rs) or similar instruments.
2. An application for an accessory dwelling unit shall be considered ministerially, without discretionary review or a hearing, within 120 days after receiving the application.
3. The following standards shall apply to accessory dwelling units:
 - a) The lot shall contain an existing primary unit at the time an application for an accessory dwelling unit is submitted, or the application for the accessory dwelling unit may be made in conjunction with the development of the primary unit.
 - b) No more than one accessory dwelling unit shall be permitted on any one lot.
 - c) The minimum gross floor area of an accessory dwelling unit shall be 150 square feet.
 - d) The total area of floor space for an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area, with a maximum increase in floor area of 1,200 square feet.
 - e) The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.
 - f) The owner of the lot shall reside on the lot, either in the primary unit or in the accessory dwelling unit. Prior to issuance of a building permit approval, the property owner shall enter into a restrictive covenant with the city regarding such owner-occupancy requirement on a form prepared by the city, which shall be recorded



against the property. Such covenant shall further provide that the accessory dwelling unit shall not be sold, or title thereto transferred separate from that of the property. If the owner ceases to reside on the property, use of the accessory dwelling unit shall be discontinued and (a) if it is an attached accessory dwelling unit, the unit converted into a portion of the primary unit, or (b) if it is a detached accessory dwelling unit, the unit removed or converted to a legal use.

- g) An attached accessory dwelling unit shall have a separate entrance.
- h) In addition to the required parking for the primary unit, one off-street parking space shall be provided on the same lot that the accessory dwelling unit is located. This paragraph shall not apply to a unit described in item i).
 - i. Off street parking shall be permitted in setback areas in locations determined by the Planning Department or through tandem parking. This paragraph shall not apply to a unit described in item i).
 - ii. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or where such structure is converted into an accessory dwelling unit, any off-street parking required for the primary residence that are lost shall be replaced. The required replacement spaces may be replaced 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 paragraph shall not apply to a unit described in item i).
- i) No parking requirements shall be imposed on the proposed accessory dwelling unit if the unit satisfies any of the following:
 - i. The accessory dwelling unit is located within one-half mile of public transit, including bus stops.
 - ii. The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - iii. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
 - v. When there is a designated parking space for a car share vehicle located within one block of the accessory dwelling unit.
- j) The design, colors and materials of an accessory dwelling unit shall match the primary unit.
- k) No setback shall be required for an existing legally constructed garage or portion of a garage that is converted to 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.



- l) Upon approval of an accessory dwelling unit on a lot, the lot shall not be further divided unless there is adequate land area to divide the lot consistent with the general plan and zoning designation.
 - m) Except as otherwise required herein, all construction, structural alterations or additions made to create an accessory dwelling unit shall comply with current development standards and building, electrical, fire and plumbing codes.
 - n) The accessory dwelling unit may be rented, but shall not be sold or otherwise conveyed separately from the primary residence on the lot.
 - o) Except as otherwise required herein, the accessory dwelling unit shall be subject to the same minimum required front, side, and rear yard setbacks as the main dwelling on the parcel.
4. Notwithstanding the other provisions herein, the Director of Community Development, or designee, shall approve an application for an accessory dwelling unit if all of the following requirements are met and the applicant complies with section 3.f) and 3.n) herein:
- a) The accessory dwelling unit is located within a zone allowing for single-family uses;
 - b) There is only one accessory dwelling unit per single-family lot and 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;
 - c) The accessory dwelling unit has independent exterior access from the existing residence; and
 - d) The side and rear setbacks are sufficient for fire safety.
5. Fees charged for accessory dwelling units.
- a) Accessory dwelling units shall not be considered to be new residential uses for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.
 - i. For an accessory dwelling unit described in item 4., the applicant shall not be required 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.
 - ii. For an accessory dwelling unit that is not described in item 4., the applicant shall be required to install new or separate utility connections directly between the accessory dwelling unit and the utility.
6. In the event of any conflicts between the standards set forth in this chapter and those set forth in the regulations of the applicable zoning district, the provisions of this chapter shall prevail.
7. The applicant shall pay to the city all applicable fees imposed on such new development, including, but not limited to, park and recreational facility fees.
8. An accessory dwelling unit that conforms to this section shall be deemed to be in compliance with the General Plan.



Table 18.28.040 - remove, “Second,” insert, “Accessory.”

**Table 18.28.040
 Uses Permitted Within Mixed Use Districts**

Use	R-MU	C-MU	O-MU
Residential Uses			
Second <u>Accessory</u> dwelling units	P	X	X

Section 18.90.030 B 9 - remove, “Second,” insert “Accessory.”

- 9. ~~Second~~ Accessory dwelling units.

Section 18.105.030 G 8 - remove, “second,” insert “accessory dwelling.”

- 8. Detached ~~second~~ accessory dwelling units.

ENVIRONMENTAL ANALYSIS:

California Environmental Quality Act (CEQA)

In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed Zone Text Amendment and determined that it is exempt from CEQA under Public Resources Code Section 21080.17 and Section 15282(h) of the CEQA Guidelines because the Zone Text Amendment implements the provisions of Government Code Section 65852.2.

Multiple Species Habitat Conservation Plan (MSHCP)

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

ATTACHMENTS:

- Attachment A: Resolution 18-01
- Attachment B: California Government Code Section 65852.2
- Attachment C: California Health and Safety Code Section 17958.1
- Attachment D: California Health and Safety Code Section 18007
- Attachment E: Draft Ordinance 357



ATTACHMENT A

PC Resolution 2018-01

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PC RESOLUTION 2018-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALIMESA, CALIFORNIA RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A NOTICE OF EXEMPTION AND ZONING TEXT AMENDMENT 18-01 AMENDING VARIOUS SECTIONS OF THE ZONING CODE (TITLE 18 OF THE CALIMESA MUNICIPAL CODE) REGARDING ACCESSORY DWELLING UNITS WITHIN THE TEXT

WHEREAS, Recent amendments to California Government Code Section 65852.2 became effective that regulate Residential Second Units which will now be defined as Accessory Dwelling Units; and

WHEREAS, Staff has identified areas within the text of the Zoning Code, Title 18, of the City of Calimesa Municipal Code that require amending to become compliant with California Government Code 65852.2; and

WHEREAS, Staff has identified the need to amend Section 18.10.020 Definitions of the City of Calimesa Municipal Code; and

WHEREAS, Staff has identified the need to amend Table 18.20.030 Uses Permitted Within Residential Districts, and Section 18.20.050 L. Second dwelling units in residential zones of the City of Calimesa Municipal Code; and

WHEREAS, Staff has identified the need to amend Table 18.28.040 Uses Permitted Within Mixed Use Districts of the City of Calimesa Municipal Code; and

WHEREAS, Staff has identified the need to amend Section 18.90.030 B. 9. Minor development plan review of the City of Calimesa Municipal Code; and

WHEREAS, Staff has identified the need to amend Section 18.105.030 G. 8. Establishment of the transportation uniform mitigation fee of the City of Calimesa Municipal Code; and

WHEREAS, the Planning Commission has authority pursuant to Section 18.15.060 (Zoning Code Amendments) of the City of Calimesa Municipal Code to make a written recommendation to the City Council to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

WHEREAS, the City has reviewed the proposed Zoning Text Amendment for compliance with the California Environmental Quality Act (CEQA) and it is determined that Zone Text Amendment 18-01 is exempt pursuant to CEQA Guidelines 15282(h); and

WHEREAS, on November 13, 2017, the City of Calimesa Planning Commission provided direction to City Staff to amend the Zoning Code regarding Accessory Dwelling Units; and,

WHEREAS, on February 12, 2018, the Planning Commission held the duly noticed meeting where interested persons had an opportunity to testify in support of, or opposition to, the project and at which time the Planning Commission considered the Notice of Exemption and Zone Text Amendment 18-01.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CALIMESA DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

Section 1. Environmental Findings.

The following environmental findings are made and supported by substantial evidence on the record before the Planning Commission, including and incorporating all evidence in the staff report and attendant attachments thereto:

California Environmental Quality Act (CEQA)

In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment 18-01 and has determined that it is Exempt from CEQA pursuant to Section 15282(h) of the CEQA Guidelines which provides an exemption for adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.

Multiple Species Habitat Conservation Plan (MSHCP)

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

Section 2. Required findings for Zone Text Amendment 18-01.

The California Government Code and Section 18.15.060 (Findings) of the City of Calimesa Municipal Code require that Zone Text Amendments meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The Planning Commission hereby makes the following findings, as supported by substantial evidence on the record including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of the recommendation for approval of Zone Text Amendment 18-01:

Finding 1. The proposed amendment is consistent with the General Plan.

Proposed Zone Text Amendment 18-01 is consistent with the General Plan, insofar as the General Plan designations and Zoning designations within the City will not change, and the text amendment will result in clarifying the implementation of the goals, policies and programs of the General Plan. The proposed amendments are intended to establish consistency between regulations within the Zoning Ordinance.

Finding 2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

Proposed Zone Text Amendment 18-01 will not be detrimental to the public interest, health, safety, convenience, or welfare of the city as it is an amendment to the Zoning Code to be compliant with state law in regulating Accessory Dwelling Units in residential zones.

PASSED, APPROVED AND ADOPTED, this 12th Day of February 2018.

Mike Brittingham, Chairperson

ATTEST:

I, Megan Shea, the undersigned, hereby certify that I am the Planning Commission Secretary of the Planning Commission of the City of Calimesa, California; that Planning Commission Resolution 2018-01 was duly passed and adopted at a meeting of the Calimesa Planning Commission, held on the 12th day of February 2018.

Megan Shea, Secretary to the Planning Commission

CERTIFICATION:

I, Megan Shea, Secretary to the Planning Commission of the City of Calimesa, California, do hereby certify that the foregoing Resolution, 2018-01, was duly adopted by the Planning Commission of the City of Calimesa, California, at a regular meeting thereof held on the 12th day of February 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Megan Shea, Secretary to the Planning Commission
City of Calimesa, California



ATTACHMENT B

California Government Code Section 65852.2

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State of California

GOVERNMENT CODE

Section 65852.2

65852.2. (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.

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

(x) (I) 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 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.

(e) 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 60 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. 602, Sec. 1.5. (AB 494) Effective January 1, 2018.)

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ATTACHMENT C

California Health and Safety Code Section 17958.1

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State of California

HEALTH AND SAFETY CODE

Section 17958.1

17958.1. (a) Notwithstanding Sections 17922, 17958, and 17958.5, a city, county, or city and county may, by ordinance, permit efficiency units for occupancy by no more than two persons which have a minimum floor area of 150 square feet and which may also have partial kitchen or bathroom facilities, as specified by the ordinance. In all other respects, these efficiency units shall conform to minimum standards for those occupancies otherwise made applicable pursuant to this part.

(b) “Efficiency unit,” as used in this section, has the same meaning specified in the International Building Code of the International Code Council, as incorporated by reference in Part 2 of Title 24 of the California Code of Regulations.

(c) A city, county, or city and county shall not do any of the following:

(1) Limit the number of efficiency units in an area zoned for residential use and located within one-half mile of public transit or where there is a car share vehicle located within one block of the efficiency unit.

(2) Limit the number of efficiency units in an area zoned for residential use and located within one mile of a University of California or California State University campus.

(3) For purposes of this subdivision, any requirements related to density, setbacks, lot coverage, or height restrictions established by local ordinance are not considered a limit on the number of efficiency units.

(Amended by Stats. 2017, Ch. 400, Sec. 1. (AB 352) Effective January 1, 2018.)

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ATTACHMENT D

California Health and Safety Code Section 18007

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State of California

HEALTH AND SAFETY CODE

Section 18007

18007. (a) “Manufactured home,” for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

(b) Notwithstanding any other provision of law, if a codified provision of state law uses the term “manufactured home,” and it clearly appears from the context that the term “manufactured home” should apply only to manufactured homes, as defined under subdivision (a), the codified provision shall apply only to those manufactured homes. If any codified provision of state law, by its context, requires that the term applies to manufactured homes or mobilehomes without regard to the date of construction, the codified provision shall apply to both manufactured homes, as defined under subdivision (a), and mobilehomes as defined under Section 18008.

(Amended by Stats. 2007, Ch. 540, Sec. 4. Effective January 1, 2008.)

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ATTACHMENT E

Draft Ordinance 357

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ORDINANCE NO. 357

AN ORDINANCE OF THE CITY OF CALIMESA, CALIFORNIA APPROVING ZONE TEXT AMENDMENT 18-01, AMENDING VARIOUS SECTIONS OF THE ZONING CODE (TITLE 18 OF THE CALIMESA MUNICIPAL CODE) REGARDING ACCESSORY DWELLING UNITS WITHIN THE TEXT, FINDING THE PROJECT EXEMPT PURSUANT TO SECTION 15282(h) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Calimesa has enacted procedural regulations as part of the adopted Municipal Code; and,

WHEREAS, the City Council has authority pursuant to Section 18.15.060 (Zoning Code Amendments) of the City of Calimesa Municipal Code to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and,

WHEREAS, recent amendments to California Government Code Section 65852.2 became effective that regulate Residential Second Units which are now defined as Accessory Dwelling Units; and,

WHEREAS, text within the Development Code, Title 18, of the City of Calimesa Municipal Code require amending to become compliant with California Government Code Section 65852.2; and,

WHEREAS, on February 12, 2018, during a duly noticed public hearing, the Planning Commission adopted Resolution 2018-01 recommending to the City Council the adoption of Ordinance 357 approving a Notice of Exemption and Zoning Text Amendment 18-01; and,

WHEREAS, on the 1st day of February 2018, the City gave public notice as required under Chapter 18.15.080 (Hearings and Appeals) of the City of Calimesa Municipal Code by advertising in the News Mirror newspaper of the holding of a public hearing which the Notice of Exemption and Zoning Text Amendment would be considered; and,

WHEREAS, on the 5th day of March 2018, the City Council held the noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to the proposed amendments, and at which time the City Council considered the Notice of Exemption and Zoning Text Amendment;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALIMESA DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

Section 1. The above recitals are all true and correct.

Section 2. The City Council has reviewed and considered the information included in the General Plan, Zoning Code and Staff Report for the Public Hearing and public testimony prior to taking action on the proposed Zoning Text Amendment and Ordinance. This information is on file and available at the Community Development Department at Calimesa City Hall.

Section 3. The City Council finds that the Zoning Text Amendment is consistent with the goals and policies of the General Plan and would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Section 4. The City Council has independently reviewed and considered the requirements of the California Environmental Quality act and finds and determines that the adoption of Ordinance 357 and Zoning Text Amendment 18-01 is exempt pursuant to Section 15282 (h).

Section 5. The City Council of the City of Calimesa hereby adopts Ordinance 357, adopting Zoning Text Amendment 18-01, amending various sections of the Development Code, Title 18 as described below:

18.10.020 Definitions.

Dwelling unit, Accessory. An attached or 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 Health and Safety Code.
- B. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Parking, Tandem. Two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

Second dwelling unit. See, Dwelling unit, Accessory.

18.20.030 Use regulations for residential districts.

**Table 18.20.030
Uses Permitted Within Residential Districts**

Use	O-S-R	R-E	R-R	R-L	R-L-M	R-M	R-H
A. Residential Uses							
Accessory dwelling unit ^e	P	P	P	P	P	P	P

Notes:

e. Subject to the provisions of Subsection 18.20.050. L, Accessory Dwelling Units in Residential Zones.

18.20.050 Specific development standards for residential districts.

L. Accessory Dwelling Units in Residential Zones.

1. These standards are adopted pursuant to California Government Code Section 65852.2. The purpose of these standards is to establish procedures and standards for the development of accessory dwelling units in a manner that preserves the integrity of single-family and multi-family residential areas, avoids adverse impacts on such areas, and ensures a safe and attractive residential environment. It is not

the intent of this chapter to override private, lawful use restrictions as may be set forth in conditions, covenants and restrictions (CC&Rs) or similar instruments.

2. An application for an accessory dwelling unit shall be considered ministerially, without discretionary review or a hearing, within 120 days after receiving the application.
3. The following standards shall apply to accessory dwelling units:
 - a) The lot shall contain an existing primary unit at the time an application for an accessory dwelling unit is submitted, or the application for the accessory dwelling unit may be made in conjunction with the development of the primary unit.
 - b) No more than one accessory dwelling unit shall be permitted on any one lot.
 - c) The minimum gross floor area of an accessory dwelling unit shall be 150 square feet.
 - d) The total area of floor space for an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area, with a maximum increase in floor area of 1,200 square feet.
 - e) The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.
 - f) The owner of the lot shall reside on the lot, either in the primary unit or in the accessory dwelling unit. Prior to issuance of a building permit approval, the property owner shall enter into a restrictive covenant with the city regarding such owner-occupancy requirement on a form prepared by the city, which shall be recorded against the property. Such covenant shall further provide that the accessory dwelling unit shall not be sold, or title thereto transferred separate from that of the property. If the owner ceases to reside on the property, use of the accessory dwelling unit shall be discontinued and (a) if it is an attached accessory dwelling unit, the unit converted into a portion of the primary unit, or (b) if it is a detached accessory dwelling unit, the unit removed or converted to a legal use.
 - g) An attached accessory dwelling unit shall have a separate entrance.
 - h) In addition to the required parking for the primary unit, one off-street parking space shall be provided on the same lot that the accessory dwelling unit is located. This paragraph shall not apply to a unit described in item i).
 - i. Off street parking shall be permitted in setback areas in locations determined by the Planning Department or through tandem parking. This paragraph shall not apply to a unit described in item i).
 - ii. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or where such structure is converted into an accessory dwelling unit, any off-street parking required for the primary residence that are lost shall be replaced. The required replacement spaces may be replaced 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 paragraph shall not apply to a unit described in item i).

- i) No parking requirements shall be imposed on the proposed accessory dwelling unit if the unit satisfies any of the following:
 - i. The accessory dwelling unit is located within one-half mile of public transit, including bus stops.
 - ii. The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - iii. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
 - v. When there is a designated parking space for a car share vehicle located within one block of the accessory dwelling unit.
 - j) The design, colors and materials of an accessory dwelling unit shall match the primary unit.
 - k) No setback shall be required for an existing legally constructed garage or portion of a garage that is converted to 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.
 - l) Upon approval of an accessory dwelling unit on a lot, the lot shall not be further divided unless there is adequate land area to divide the lot consistent with the general plan and zoning designation.
 - m) Except as otherwise required herein, all construction, structural alterations or additions made to create an accessory dwelling unit shall comply with current development standards and building, electrical, fire and plumbing codes.
 - n) The accessory dwelling unit may be rented, but shall not be sold or otherwise conveyed separately from the primary residence on the lot.
 - o) Except as otherwise required herein, the accessory dwelling unit shall be subject to the same minimum required front, side, and rear yard setbacks as the main dwelling on the parcel.
4. Notwithstanding the other provisions herein, the Director of Community Development, or designee, shall approve an application for an accessory dwelling unit if all of the following requirements are met and the applicant complies with section 3.f) and 3.n) herein:
- a) The accessory dwelling unit is located within a zone allowing for single-family uses;
 - b) There is only one accessory dwelling unit per single-family lot and 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;
 - c) The accessory dwelling unit has independent exterior access from the existing residence; and
 - d) The side and rear setbacks are sufficient for fire safety.
5. Fees charged for accessory dwelling units.

- a) Accessory dwelling units shall not be considered to be new residential uses for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.
 - i. For an accessory dwelling unit described in item 4., the applicant shall not be required 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.
 - ii. For an accessory dwelling unit that is not described in item 4., the applicant shall be required to install new or separate utility connections directly between the accessory dwelling unit and the utility.
- 6. In the event of any conflicts between the standards set forth in this chapter and those set forth in the regulations of the applicable zoning district, the provisions of this chapter shall prevail.
- 7. The applicant shall pay to the city all applicable fees imposed on such new development, including, but not limited to, park and recreational facility fees.
- 8. An accessory dwelling unit that conforms to this section shall be deemed to be in compliance with the General Plan.

18.28.040 Use regulations for mixed use districts.

**Table 18.28.040
Uses Permitted Within Mixed Use Districts**

Use	R-MU	C-MU	O-MU
Residential Uses			
Accessory dwelling units	P	X	X

18.90.030 B.

- 9. Accessory dwelling units.

18.105.030 G.

- 8. Detached accessory dwelling units.

Section 6. 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 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 or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 7. Neither the adoption of this Ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution of any violation of any City ordinance or provision of the Calimesa Municipal Code, committed prior to the effective date hereto, nor be

construed as a waiver of any license or penalty or the penal provision applicable to any violation thereof.

Section 8. The City Clerk shall certify to the adoption of this Ordinance and shall cause it to be published in the manner required by law.

INTRODUCED AND APPROVED UPON FIRST READING this ___ day of _____, 2018, upon the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED, APPROVED AND ADOPTED UPON SECOND READING this _____ day of _____, 2018, upon the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN"

JEFF HEWITT, MAYOR

ATTEST:

DARLENE GERDES, CITY CLERK

APPROVED AS TO FORM:

KEVIN G. ENNIS, CITY ATTORNEY