

ORDINANCE NO. 18-951

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PUENTE, CALIFORNIA, REPEALING SECTION 10.10.080 (ACCESSORY DWELLING UNITS) OF CHAPTER 10.10 (RESIDENTIAL ZONES) OF ARTICLE 2 (ZONES, ALLOWABLE USES, AND DEVELOPMENT AND DESIGN STANDARDS) OF TITLE 10 (ZONING) OF THE LA PUENTE MUNICIPAL CODE IN ITS ENTIRETY, AND ADOPTING A REVISED SECTION 10.10.080 (ACCESSORY DWELLING UNITS) AND AMENDING CHAPTER 10.132 (DEFINITIONS) OF ARTICLE 9 (DEFINITIONS) OF TITLE 10 (ZONING) OF THE LA PUENTE MUNICIPAL CODE TO ADD DEFINITIONS RELATED TO ACCESSORY DWELLING UNITS, AND A NOTICE OF EXEMPTION REGARDING SAME

WHEREAS, the City of La Puente Municipal Code (“LPMC”) currently has standards for Accessory Dwelling Units (“ADUs”) that were adopted in 2015; and

WHEREAS, on September 27, 2016, Governor Brown signed AB 2299 and SB 1069 (Government Code Section 65852.2) into law, amending sections of State law regulating ADUs, which require that local jurisdictions allow ADUs by-right under certain mandatory development standards, and require that local jurisdictions, if seeking to establish additional ADU regulations, do so via an ordinance facilitating the ministerial creations of ADUs, consistent with State law; and

WHEREAS, City Staff is recommending that the City amend the Zoning Code to comply with the State’s ADU laws; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), the proposed amendment is considered to be exempt pursuant to Section 15282(h) of the CEQA Guidelines which exempts adoption of ordinances regarding second dwelling units, including accessory dwelling units; and

WHEREAS, notice of the Planning Commission’s November 8, 2017 public hearing on the proposed Municipal Code Amendment was published in *The San Gabriel Valley Tribune* on October 27, 2017 in compliance with the City’s Code, and Government Code Section 65091; and

WHEREAS, on November 8, 2017, the Planning Commission of the City of La Puente conducted a duly noticed public hearing on the proposed Zoning Code amendment, and considered all testimony written and oral; and

WHEREAS, the Planning Commission reviewed and carefully considered the information, including all comment letters submitted, and made the findings set forth herein, and based upon substantial evidence presented to the Planning Commission during the public hearing on November 8, 2017, including public testimony and oral staff reports, the Planning Commission recommended that the City Council adopt an ordinance repealing and Section

will increase the housing options and housing stock in the city. This section addresses the specific needs of the city by providing limitations consistent with State Law in order maximize neighborhood compatibility.

B. Applicability

The provisions of this section apply to all lots that are developed with a single family dwelling unit and zoned residential.

C. Not Part of Density Calculation

An accessory dwelling unit that conforms to all applicable requirements of this Section shall not be considered in the calculation of allowable density for the lot upon which it is located, and is deemed to be a residential use that is consistent with the existing General Plan and zoning designations for the lot.

D. Requirements Applicable to All Accessory Dwelling Units.

1. Permitted by Right. An accessory dwelling unit may be constructed on a lot by right, provided that such accessory dwelling unit complies with all requirements set forth in this section.
2. Relationship to Primary Dwelling. The accessory second unit may be either attached to the primary dwelling or be a detached structure.
3. Maximum of One per Lot. There shall be no more than one accessory dwelling unit allowed on each single-family residential lot.
4. Entrances. Entrances shall be incidental to the primary dwelling and minimally visible from the front of the primary dwelling. No passageway to the primary dwelling shall be required with the construction of the accessory dwelling unit.
5. Fire Sprinklers. Accessory dwelling units shall not be required to provide fire sprinklers unless required for the primary residence.
6. Utility Hookups. Separate utility hookups are permitted, but are not mandatory.
7. Occupancy Requirements. The applicant for a building permit for an accessory dwelling unit shall be the owner and occupant of the property. The owner shall be required to permanently occupy either the primary unit or the accessory dwelling unit.
8. Deed Restriction Required. Before obtaining a building permit for an allowed accessory dwelling unit, the property owner shall file with the County Recorder a declaration or agreement of restrictions, which has been approved by the City Attorney as to its form and content. The declaration or agreement of restrictions shall contain a reference to the deed under which the property was acquired by the owner and shall state that:

- b. If a garage, carport, or covered parking structure is converted or demolished in conjunction with the construction of an accessory dwelling unit, those off-street parking spaces shall 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, covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on paved driveways leading to a required parking space.
- c. Additional parking is not required in the following instances:
 - i. Where a property is located within one-half mile from a public transit stop. Public transit stop is defined to be a stop at which service is provided at no greater than 15-minute intervals during peak hours. Public transit means scheduled services provided by a public agency.
 - ii. For properties located within an architecturally and historically significant historic district, as adopted by the city.
 - iii. For properties in an area where on-street parking permits are required but not offered to the occupant of the ADU.
 - iv. For properties located within one block of a car share area approved by the city.

F. Requirements to Convert Existing Space in a Single-Family Structure to an Accessory Dwelling Unit.

1. Building Permit. An application for a building permit to create one accessory dwelling unit per single-family lot within the existing space of a legally permitted accessory structure or single-family dwelling shall be ministerially approved.
2. Setbacks. Side and rear setbacks must be sufficient for fire safety. Conversion of detached structures that meet applicable zone district standards for side and rear setbacks and distance between buildings may be denied if a finding is made that the setbacks are insufficient for fire safety.
3. Access. The unit shall have an exterior access independent from the primary residence. No passageway between the primary residence and the accessory dwelling unit shall be required.
4. Size. No conversions of existing space shall exceed 800 square feet in size and shall not exceed 50 percent of the living area of the primary dwelling unit.
5. Parking. An off-street parking space for the accessory dwelling unit shall not be required. However, the applicant shall be required to replace any parking spaces lost as a result of the conversion of the existing space to an accessory dwelling unit. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including but not limited to covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on driveways leading to a required parking space.

Section 7. Clerical Errors.

The City Council directs the City Clerk to correct any clerical errors found in this Chapter, including, but not limited to, typographical errors, irregular numbering, and incorrect section references.

Section 8. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid, unenforceable, or unconstitutional.

Section 9. Effective Date.

In accordance with California Government Code section 36937, this Ordinance shall take effect and be in force thirty (30) days from passage and adoption.

Section 10. Publication.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this ordinance to be published and posted as required by law.

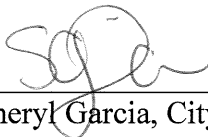
PASSED, APPROVED AND ADOPTED this 13th day of February, 2018, by the following vote:

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| AYES: | COUNCILMEMBERS: Lewis, Holloway, Argudo, Munoz, Solis |
| NOES: | COUNCILMEMBERS: None |
| ABSENT: | COUNCILMEMBERS: None |
| ABSTAIN: | COUNCILMEMBERS: None |



Violeta Lewis, Mayor

ATTEST:



Sheryl Garcia, City Clerk