AGENDA ITEM

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AGENDA STAFF REPORT

DATE: March 7, 2018

TO: Mayor and City Council

APPROVED BY: David Dale, Interim City Manager

PREPARED BY: Ralph B. Morales, Building/Planning/Code Enforcement Manager

SUBJECT: Public Hearing - Second Reading and Adoption of Zoning Text Amendment - Ordinance No. 1181 - Pertaining to Accessory Dwelling Unit Regulations & Ordinance No. 1182 Amending Section 17.01.900 Definitions & Chapter 17.03 Residential Zones

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Recommendation:

Staff requests that a public hearing is held and:

1. Adopt Ordinance No. 1181 - Pertaining to Accessory Dwelling Unit Regulations; and

1. Find the requested project exempt from the California Environmental Quality Act (CEQA); and

2. Adopt Ordinance No. 1182 Amending Section 17.01.900 Definitions & Chapter 17.03 Residential Zones.

Background:

Section 65852.2 of the California Government Code regulates Accessory Dwelling Units (ADUs).

On September 27, 2016, Governor Jerry Brown signed Senate Bill 1069 and Assembly Bill 2299, which amended Section 65852.2 to streamline processing and encourage development of ADUs. Among other changes, the amendment replaced the term "secondary unit" with "accessory dwelling unit," limited cities' ability to require parking for ADUs, and required cities approve with only a building permit certain ADUs built entirely within an existing home or accessory structure. SB 1069 and AB 2299 became effective January 1, 2017.

On October 8, 2017, Governor Brown signed SB 229 and AB 494, which again amended Section 65852.2 to, among other changes, further limit cities' ability to require parking for ADUs and to require setbacks for garage-conversion ADUs, The State Legislature's purpose for enacting Section 65852.2 and its subsequent amendments is to provide additional rental housing to help solve California's housing deficit.

Discussion & Analysis:

This comprehensive update includes code clean up, streamlined procedures, and adherence to the recently amended State law.

Code Clean Up

The Calexico Zoning Code has various terminology and definitions for second units. The Code makes reference to "guest dwellings," "accessory living quarters," "second single family dwellings," "second kitchen dwelling unit," and "second kitchen granny flats." The proposed code amendments will delete all the various terminologies and use the new terminology of "accessory dwelling units" (ADU) for all of these uses. State law also defines "accessory dwelling unit" to expressly include manufactured homes. (Cal. Government Code, Section 65852.2(i) (4) (B).) Accordingly, the Calexico Code reference to "mobile homes on individual lots, and permanent foundations which are certified under the National Mobile home Const. and Safety Standards Act of 1974 and which were constructed after Oct. 1976" has been combined into the ADU regulations as well.

Streamline Procedures

The proposed zoning text amendments will streamline the procedures for building an ADU, so a discretionary permit and a hearing will not be required. For an ADU that is converted from an existing, legal structure the project will require a building permit only if the project meets certain state law requirements. (See Proposed Section 17.03.120(D); ref. Gov. Code § 65852.2(e).) All other ADU projects (primarily, new structures and additions to existing structures) would require a ministerial use permit to be approved by the Director of Development Services and would have to meet the development standards set forth in the newly proposed Section 17.03.165. (See Proposed Section 17.03.120(C); ref. Gov. Code § 65852.2(a).)

Amended State Law

Given the recent amendments to state law, Government Code, Section 65852.2, the Zoning Code must be amended to meet the adopted legislation as it relates to ADUs. The proposed changes include, but are not limited to:

1. Increasing maximum size of units to 1,200 square feet for detached ADUs, or 50% of the existing living area or 1,200 square feet for attached units.
2. Allowing uncovered replacement parking for a garage-conversion ADU.
3. Exceptions to the required parking.
4. Exceptions to setbacks for garage conversions to accessory dwelling units.

Textual changes to the existing Chapter 17.03 of the Calexico Municipal Code as briefly outlined above are fully identified in Exhibit "A – Draft Accessory Dwelling Unit Ordinance. The proposed changes are considered required in order to comply with the mandates from the State.

If the City's Zoning Code provisions regarding ADUs do not conform to Section 65852.2, then Section 65852.2(a)(4) renders those provisions null and void and the City may only enforce the minimal standards provided in Section 65852.2(a)(1)(D).

Noticing:

A legal notice of the public hearing on the proposed Municipal Code Amendment was published in the Calexico Chronicle on January 25, 2018 following with a second notice of the public hearing being published on February 22, 2018. These notices were posted in three public places and posted on the City's website at 608 Heber Ave. As of the date of this Staff Report, no public correspondence has been received. A Public Hearing was also presented at the Planning Commission meeting on January 22, 2018 all comments were positive and for amending the code for ADU. First Reading of the ordinance was presented to the City Council on February 7, 2018.

Environmental Review:

Staff has reviewed the project for conformance with the California Environmental Quality Act (CEQA) and determined that the activity is statutorily exempt from the requirements of CEQA pursuant to Section 21080.17 of the Public Resources Code because it is an ordinance regarding second units in a single-family or multifamily residential zone to implement the provisions of Government Code Section 65852.1 and 65852.2.

Zoning Code Amendment Finding of Facts:

Staff reviewed the proposed zoning text amendment and determined it to be consistent with the Calexico General Plan. The amendment conforms to the vision of the General Plan. This amendment will allow for the City to continue its regulation of ADUs in conformance with State law.

Specifically, the proposed Zoning Code amendment furthers the following Land Use goals of the General Plan:

> **Vision 2.1.1(a): Open up additional opportunities for our families to have a choice in living environments and satisfies a diversity of housing needs.**
>
> ADUs can be an important component of neighborhood development or redevelopment by contributing to a neighborhood's affordable housing options and contributing to a neighborhood's economic sustainability by affording homeowners the opportunity lease space on their lots.
>
> **Objective 6: To continue to promote the development of quality housing for all segments of the population.**
>
> The proposed amendments will continue to enable the development of ADUs, which offer a more affordable options, opportunities for senior citizens to remain in their hometown or continue living with family, space for caretakers, among other beneficial uses. The proposed amendments will ensure that the City regulates the size, occupancy, and architecture of accessory dwelling units, in a manner

consistent with state law that promotes compatibility with adjacent residential structures.

Objective 7: To ensure that residents are provided a safe and healthful environment in which to live and work

The proposed amendments allow the City to, consistent with state law, regulate accessory dwelling units in a manner more tailored to the needs of the City's neighborhoods and residents. If the City's Development Code provisions regarding ADUs do not conform to Government Code Section 65852.2, then Section 65852.2(a)(4) renders those provisions null and void and the City may only enforce only the minimum standards provided in Section 65852.2.

The proposed zoning text amendment conforms with the intent of Zoning Code, specifically with the intent of Calexico Municipal Code, Chapter 17.03, that the residential zones reserve appropriately located areas for family living at a broad range of dwelling unit densities consistent with the general plan and with sound standards of public health, safety and welfare; ensure adequate light, air, privacy, and open space for each dwelling; minimize traffic congestion and to avoid the overloading of public services and utilities by preventing the construction of buildings of excessive bulk or number in relation to the land area around them; and protect residential properties from noise, illumination, unsightliness, odors, smoke and other objectionable influences. The Zoning Code amendment includes various development standards, including setbacks, architectural compatibility, rear yard setback, and required parking to the extent allowed by state law.

Therefore, the proposed zoning code amendments are consistent with the goals, policies, and objectives of the General Plan and the Zoning Code.

Fiscal Impact:

None.

Attachments:

1. Ordinance No. 1181 - Pertaining to Accessory Dwelling Unit Regulations.
2. Ordinance No. 1182 Amending Section 17.01.900 Definitions & Chapter 17.03 Residential Zones.

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 17.01.900, DEFINITIONS, AND CHAPTER 17.03, RESIDENTIAL ZONES, OF THE CALEXICO MUNICIPAL CODE TO REVISE THE CITY'S ACCESSORY DWELLING UNIT REGULATIONS AS REQUIRED BY STATE LAW

The Council of the City of Calexico does ordain as follows:

SECTION 1. FINDINGS. The City Council of the City of Calexico hereby finds that:

A. The City of Calexico, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California.

B. The Planning and Zoning Law authorizes cities to provide by ordinance for the creation of second units.

C. To address California's shortage of housing supply, the California Legislature approved, and the Governor signed into law, Assembly Bill 2299 (Bloom, Chapter 735, Stats. 2016), Senate Bill 1069 (Wieckowski, Chapter 720, Stats. 2016) which imposed new limitations on local authority to regulate second units, which are now referred to as "accessory dwelling units" ("ADU").

D. Assembly Bill 494 (Bloom, Chapter 602, Stats. 2017) and Senate Bill 229 (Wieckowski, Chapter 594, Stats. 2017), which become effective January 1, 2018, further amended Government Code Section 65852.2 and impose new restrictions on local authority to regulate accessory dwelling units; and

E. The City desires to amend the local regulatory scheme for the construction of accessory dwelling units that fully complies with Government Code Section 65852.2 to provide reasonable regulations for the development of accessory dwelling units on lots developed or proposed to be developed with single-family residential dwellings. Such accessory dwelling units promote the goals and policies of the City's General Plan, contribute needed housing to the community's housing stock, and promote housing opportunities for the persons wishing to reside in the City of Calexico.

SECTION 2. AMENDMENT. Chapter 17.03 of the Calexico Municipal Code is hereby amended to read as fully set forth in Exhibit "A" attached hereto, and incorporated herein by reference.

SECTION 3. AMENDMENT. Subsection (A)(71) - "Dwelling Unit, Accessory (Second-Kitchen)" of Section 17.01.900 - Definitions of the Calexico Municipal Code is hereby amended and restated as follows:

"71. Dwelling Unit, Accessory. "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 an efficiency unit, as defined in California Health and Safety Code section 17958.1, and a manufactured home, as defined in section 18007."

SECTION 4. AMENDMENT. Section 17.01.900(A) - Definitions of the Calexico Municipal Code is hereby amended to delete and reserve the following subsections as shown in underline/strikeout:

4. ~~"Accessory living quarters" means a living quarters on the same building site as a dwelling; designed or used for housing servants or guests, having no cooking facilities or kitchen and not rented or otherwise used as a separate dwelling.~~ Reserved.

5. ~~"Accessory (second kitchen) granny flat" means a secondary but independent living facility that is located or established on the same lot as an existing dwelling unit. An accessory granny flat unit may be attached, and become an accessory structure, but shall not have a gross floor area in excess of six hundred forty square feet, nor contain more than one bedroom; shall conform to the land use, height, bulk and area regulations of the zone in which it is located or established; shall be occupied by a maximum of two adults, of which at least one person shall be a minimum of sixty years of age, or have a physical handicap, as defined by the State Health and Safety Code. The owner of the property must reside on the parcel on which the accessory unit is located or established, and upon death or foreclosure, owner-occupancy must be reestablished within a period of one year.~~ Reserved.

65. ~~Dwelling, Guest. "Guest dwelling" means living quarters within an accessory building for use exclusively by temporary nonpaying guests of the resident family and having no cooking facilities or kitchen.~~ Reserved.

83. ~~"Guesthouse" means living quarters within an accessory building for the sole use of persons employed on the premises or for temporary use by guests of the occupants of premises, which living quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling.~~ Reserved.

125. ~~"Second unit" (granny flat or unit) means an attached single family 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.~~ Reserved.

All remaining subsections of Section 17.01.900(A) shall remain in full force and effect.

SECTION 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION 6. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDING. The City Council of the City of Calexico finds the adoption of this ordinance to be statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code because it is an ordinance regarding second units in a single-family or multifamily residential zone to implement the provisions of Government Code Section 65852.2.

SECTION 7. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 8. PUBLICATION. The City Clerk shall certify to the adoption of this ordinance. Not later than fifteen (15) days following the passage of this ordinance, the ordinance, or a summary thereof, along with the names of the City Council members voting for and against the ordinance, shall be published in a newspaper of general circulation in the City of Calexico.

SECTION 9. FILING. The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Calexico, California, at a regular meeting of the City Council held on the 7th day of February, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF CALEXICO

MARITZA HURTADO

Mayor

ATTEST:

City Clerk

EXHIBIT "A"

Chapter 17.03 - RESIDENTIAL ZONES

Sections:

17.03.100 - Purposes.

In addition to the objectives outlined in Section 17.01.110, Purpose and scope, the residential zones are included in the zoning regulations to achieve the following purposes:

A. To reserve appropriately located areas for family living at a broad range of dwelling unit densities consistent with the general plan and with sound standards of public health, safety and welfare.

B. To ensure adequate light, air, privacy, and open space for each dwelling.

C. To minimize traffic congestion and to avoid the overloading of public services and utilities by preventing the construction of buildings of excessive bulk or number in relation to the land area around them.

D. To protect residential properties from noise, illumination, unsightliness, odors, smoke and other objectionable influences.

E. To facilitate the provision of utility services and other public facilities commensurate with anticipated population, dwelling unit densities, and service requirements.

RR Residential Rural Zone. This zone is intended as an area for very low density residential uses with minimum lot sizes of one acre and maximum densities of one unit per net acre. It is intended to permit the continuation of agricultural and farm uses while allowing the development of single-family residential. Additional uses are permitted that are complimentary to, and can exist in harmony with, a rural residential neighborhood.

R-1 Residential Single-Family Zone. This zone is intended as an area for single-family residential development on minimum lot sizes of six thousand square feet and maximum densities of six units per net acre. Additional uses are permitted that are complimentary to, and can exist in harmony with, a residential neighborhood.

RC Residential Condominium Zone. This zone is intended as an area for the development of residential condominiums with provisions for adequate light, air, open space and landscaped areas at a maximum density of twenty units per net acre. Additional uses are permitted that are complimentary to, and can exist in harmony with, a residential condominium development.

RA Residential Apartment Zone. This zone is intended as an area for the development of residential apartments with provisions for adequate light, air, open space and landscaped areas at a maximum density of thirty units per net acre. Additional uses are permitted that are complimentary to, and can exist in harmony with, a residential apartment development.

R-2 Zone. This zone provides for the development of a mix of residential dwelling units, including single-family detached homes, mobilehomes, patio homes, duplexes and townhomes. The purpose of this zone is to bridge the gap between traditional single-family detached units on large parcels and attached owner-occupied units.

(1992 zoning ord. (part))

(Ord. No. 1108, § 3(Exh. A), 2-2-10)

17.03.110 - Permitted and conditional uses—R zones.

The following uses shall be permitted uses where the symbol "P" appears and shall be permitted uses subject to a conditional use permit where the symbol "C" appears in the column beneath each zone designation; the symbol "X" indicates prohibition:

	RR	R-1	RC	RA	R-2
A. Residential Uses					
1. Single-family dwellings	P	P	P	P	P
2. Two-family dwellings	X	C	P	P	P
3. Accessory dwelling units (see Sections 17.03.120(C) and 17.03.165)	P	P	P	P	P
4. Accessory dwelling units – conversions (see Section 17.03.120(D))	P	P	P	P	P
5. Reserved.					
6. Group residential, including, but not limited to, boarding or rooming homes, dormitories, retirement homes	X	C	C	C	C
7. Multiple dwellings:					
a. Rental	X	X	P	P	C
b. Condo conversions	X	X	C	X	X
8. Reserved.					
9. Reserved.					
10. Emergency shelter, homeless shelters	X	X	P	X	X
11. Transitional housing, supporting housing	P	P	P	P	P
12. Employee housing	X	P	P	P	X
B. Agricultural Uses					
1. All types of horticulture only for residential use	P	P	P	P	P

2. Animal grazing and raising commercial or noncommercial, only when said property is vacant and 1 acre or greater in size	P	C	C	C	X
3. 4-H or FFA animal raising and/or keeping in accordance with Section 17.11.120	P	X	X	X	X
4. The wholesaling of products raised on the premises, only when said property is two acres or greater in size	X	X	X	X	X
5. Keeping of large animals in accordance with Section 17.11.400	P	X	X	X	X
6. Keeping of small animals in accordance with Section 17.11.400 (land must be vacant in Zones R-1 through RA)	P	X	X	X	X
7. Keeping of poultry and adult rabbits for noncommercial purposes in accordance with Section 17.11.400	P	X	X	X	X
8. Riding academies and commercial stables	C	X	X	X	X
9. Kennels, commercial in accordance with Section 17.11.500	C	X	X	X	X
10. Kennels, noncommercial in accordance with Section 17.11.500	C	X	X	X	X
11. The keeping of wild, exotic or nondomestic animals	C	X	X	X	X
12. Large animal hospital	C	X	X	X	X
13. Keeping of beehives:					
a. 1 to 3 beehives	P	X	X	X	X
b. 4 or more beehives	C	X	X	X	X
14. The raising of earthworms providing: a) the area devoted to the raising of earthworms shall not exceed 10% of the minimum lot size permitted in the zone; b) the area devoted to the raising of earthworms shall be no closer than 50 feet from any adjoining residential dwelling; and c) the operation shall be fully enclosed or in an enclosed structure	P	X	X	X	X
C. Public and Semi-Public Uses (see Section 17.03.120(B)(6))					

1. Day nurseries, day care	C	C	C	C	C
2. Convalescent homes (sites must be two net acres or greater in size)	X	C	C	C	C
3. Churches, convents, monasteries and other religious institutions	P	P	C	C	C
4. Educational institutions: public or private schools not including art, business or trade schools and colleges	C	C	C	C	C
5. Public facilities including, but not limited to, city headquarters, libraries, parks, public offices, substations, reservoirs, pumping plants, and similar installations	P	P	P	P	P
6. Private recreational facilities including, but not limited to, country clubs, tennis and swim clubs, golf courses, racquetball and handball. Limited commercial uses which are commonly associated and directly related to the primary use are permitted	C	C	C	C	C
D. Home Occupations					
1. Home occupations subject to the provisions of Section 17.11.200	P	P	P	P	P
E. Accessory Uses					
1. Accessory structures and uses located on the same site as a permitted use	P	P	P	P	P
2. Accessory structures and uses located on the same site as a conditional use	C	C	C	C	C
F. Temporary Uses					
1. Temporary uses as prescribed in Section 17.11.120	P	P	P	P	P

(Ord. No. 1108, § 3(Exh. A), 2-2-10; Ord. No. 1072, § 1, 3-4-08; Ord. 1006 § 2, 2003; Ord. 959 § 2, 1996; 1992 zoning ord. (part))

(Ord. No. 1148, § 3, 12-17-13)

17.03.120 - Property development standards—R zones.

Except as otherwise provided, prior to the construction of any building or structure on any lot within the R zones, a development review is required pursuant to Section 17.01.700. The following property development standards shall apply to all land and buildings other than accessory buildings, permitted in their respective residential zones. Any legal lot may be used as a building site, except no building permit shall be issued for a lot size of less than four thousand square feet. Each building site shall have a minimum twenty-foot wide vehicular access to a street.

A. General Requirements. The following requirements are minimum unless otherwise stated.

	RR	R-1	RC	RA	R-2
1. Density-maximum units per net acre	0.5—1.0	1.1—5.0	12—20*	20—30*	5.1—12 [2]
2. Net lot area (in square feet)	1 acre	6,000	6,000	6,000	6,000 [3]
3. a. Lot width (in feet)	110	60 int.; 65 cor.	60 int.; 65 cor.	60 int.; 65 cor.	60 int.; 65 cor.
b. Cul-de-sac or odd-shaped lot width (in feet)	30	30	—	—	30
c. Flag lots	20	20	—	—	20
4. Lot depth (in feet)	150	100	100 int.	100 int.	100
5. Front yard setback	40	25	25	25	25
6. Side yard setback each side (in feet)	20	5	15	10	5
7. Side yard setback street side (in feet)	20	10	10	15	10
8. Rear setback	50	20	20	10	20
9. Lot coverage, maximum	35%	40%	50%	50%	50%
10. Building and structure height (in feet)	35 feet or 2 stories, whichever is less				

11. Parking spaces per unit in a garage except as noted in Section 17.03.120(B)(9): in the RC, R-2 and RA zones carports may be approved by the city council to meet covered requirement	2	2	1.0 spaces (1 garage)/studios or bedroom unit	1.0 spaces (1 covered)/1 studios or 1 bedroom unit	1.0 spaces (1 garage)/studios or bedroom unit
			1.5 spaces (2 garages)/2 bedroom unit	1.5 spaces (1 covered)/2 bedroom unit	1.5 spaces (2 garages)/2 bedroom unit
			2.0 spaces (2 garages)/3 bedroom> unit	2.0 spaces (1 covered)/3 bedroom> unit	2.0 spaces (2 garages)/3 bedroom> unit
12. Distances between buildings, not exceeding 15 feet in height	—	—	10	10	10
13. Distance between buildings, where one or more exceed 15 feet in height	—	—	10	10	10

[2] The maximum density permitted may be increased for affordable housing projects that qualify for a density bonus in accordance with state law.

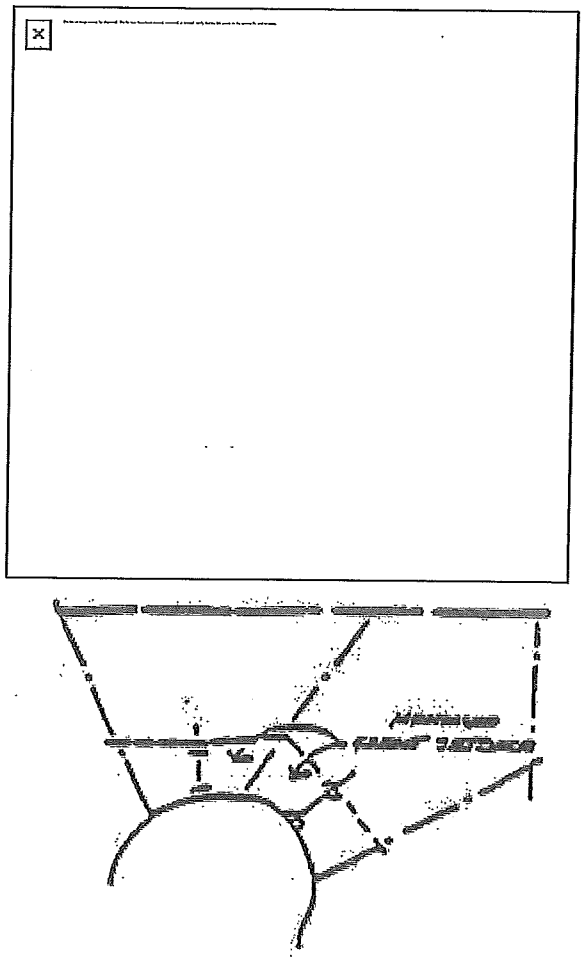
[3] Minimum lot sizes may vary in this zone for planned communities and affordable housing projects provided that the lot size shall only be reduced if appropriate amenities or affordability criteria are met.

* In the RC, R-2 and RA zones, approval of projects at the maximum density shall only be given on the basis that the project exceeds the standards of the zone and the general plan. Any density beyond the maximum of 20 units/acre permitted by the zone will require planning commission and city council approval.

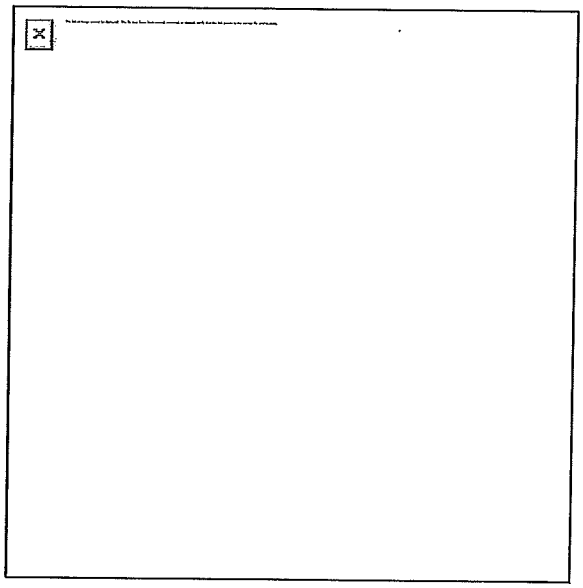
B. Special Requirements. In all residential zones the following special requirements are applicable:

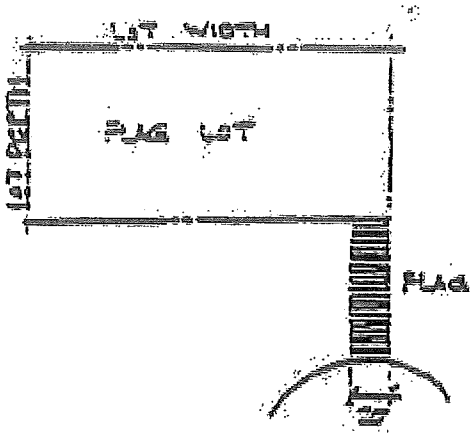
1. Street setbacks shall be measured from the ultimate street right-of-way or the maximum required street width if said street or proposed street is to be private.

2. Each lot or parcel on a cul-de-sac, curved street or dead-end street shall meet the minimum lot width requirement at the required front setback of the zone except for RC, R-2 and RA zones (see example as follows):



3. Flag lots shall meet the minimum lot width requirement at the termination of the flag except for the RC, R-2 and RA zones (see example as follows):





4. The flag portion of a flag lot shall not be counted toward the minimum lot area requirement.
5. Lot coverage shall include all buildings, structures and accessory buildings and structures. Patio covers, open on three sides, pools, spas and freestanding open air gazebos and patios shall not count toward the lot coverage requirement.
6. For public and semi-public buildings and uses a minimum of fifty feet landscaped setback shall be maintained from any single-family zone.
7. In RC, R-2 and RA zones, any building exceeding fifteen feet in height shall maintain a minimum setback of fifty feet from any single-family zone; and buildings less than fifteen feet in height shall maintain a minimum setback of twenty-five feet from any single-family zone.
8. New construction of R-1 dwelling units shall include two-car covered garage situated in accordance with zoning setback requirements.
9. Conversion of existing garages into habitable space is permitted when in compliance with the following requirements:
    a. Suitable replacement covered off-street parking spaces shall be provided with direct street access;
    b. Parking spaces and driveway access shall be improved with asphalt or concrete;

c. Replacement covered parking spaces shall be provided as carport or garage, in compliance with the zoning regulations for yard setbacks.

d. These requirements shall not apply to accessory dwelling units. See Sections 17.03.120(D) and 17.03.165(B)(13).

10. Exceptions to the garage conversion requirements under Section 17.03.120(B)(9)(a), (b) and (c) may be granted in order to allow the construction of a carport within the front yard setback area of single-family residences located in the R-1 zone that:

a. Were originally constructed with single-car garages or carports located behind and adjacent to the front yard setback;

b. Never included garages or carports; or

c. Include single-car garages or carports that were legally converted.

11. Qualifying residences may be allowed to construct carports within the front yard setback area subject to the following conditions:

a. Carport shall encroach no more that one-half the distance into the required front yard setback;

b. Carport shall be attached to the residence and shall be designed to match the architecture of the existing residence;

c. Carport shall be designed and constructed to provide for a minimum of two off-street parking spaces.

C. Accessory Dwelling Units. Except as provided in subsection D below, new accessory dwelling units in any R zone shall obtain a ministerial use permit and meet the development standards as set forth in Section 17.03.165. In addition:

1. The accessory unit may be rented. Separate sale or ownership of said unit from the primary dwelling on a lot or parcel is prohibited. No lot split.

2. The owner/applicant shall sign an affidavit agreeing to accessory dwelling unit occupancy requirements as stipulated. The affidavit shall include provisions stating that:

a. The owner/applicant consents to inspection of the accessory unit by the code enforcement officer in order to verify occupancy; and

b. That the owner/applicant shall furnish a new affidavit to said officer upon request (yearly).

D. Accessory Dwelling Unit - Conversions. An accessory dwelling unit that is converted from an existing, legal structure shall only require a building permit if the project meets the following requirements. Development review under Article VII of Chapter 17.01 shall not be required.

1. There is only one accessory dwelling unit per single-family lot located within a single-family residential zone.

2. The unit is contained within the existing living area space of a single-family residence or accessory structure.

3. The unit has independent exterior access from the existing residence.

4. The side and rear setbacks are sufficient for fire safety.

5. Fire sprinklers are required only if the primary residence is also required to have fire sprinklers.

6. No additional parking shall be required for the unit. When a garage, carport, or covered parking structure is demolished or converted, replacement parking spaces to serve the primary residence shall be required.

7. The unit shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, or to be charged a related connection fee or capacity charge.

8. The accessory unit may be rented. Separate sale or ownership of said unit from the primary dwelling on a lot or parcel is prohibited. No lot split.

9. The owner/applicant shall sign an affidavit agreeing to accessory unit occupancy requirements as stipulated. The affidavit shall include provisions stating that:

   a. The owner/applicant consents to inspection of the accessory unit by the code enforcement officer in order to verify compliance with occupancy requirements; and

   b. That the owner/applicant shall furnish a new affidavit to said officer upon request yearly.

(Ord. 1006 § 3, 2003; Ord. 959 § 3, 1996; Ord. 955, 1995; 1992 zoning ord. (part))

(Ord. No. 1072, §§ 2, 3, 3-4-08; Ord. No. 1108, § 3(Exh. A), 2-2-10)

17.03.125 - R-1 zone—Improvement on more than forty percent of lots.

In blocks in the R-1 residence zone wherein forty percent or more of the lots facing such street have been improved, the setbacks on all remaining lots shall be not less than the average setbacks of the improved lots. A building to be placed upon a building site, located between two existing buildings not more than one hundred feet apart, shall observe not less than the average of the two existing buildings.

(Ord. 606 § 2 (part), 1966: prior code § 8152)

(Ord. No. 1108, § 3(Exh. A), 2-2-10)

17.03.126 - R-2 zone—Affordable housing lot size reduction.

Lots of no less than five thousand square feet may be considered for development of affordable housing projects provided the following criteria are met:

A. The project is proposed to be developed by a recognized organization that promotes affordable housing;

B. The project developer verifies that all home sales are to below moderate income purchasers;

C. The project developer submits information justifying the need for reduced lot size in order to meet affordability criteria; and

D. The project is consistent with the adopted general plan housing element targeted goals and policies for very-low, low and special needs families.

(Ord. No. 1108, § 3(Exh. A), 2-2-10)

17.03.130 - Performance standards—R zones.

A. In all R zones, the following performance standards shall be met:

1. Air conditioners, antennas, heating, cooling, ventilating equipment and all other mechanical, lighting or electrical devices shall be so operated they do not disturb the peace, quiet and comfort of neighboring residents and shall be screened, shielded and/or sound buffered from surrounding properties and streets. All equipment shall be installed and operated in accordance with all other applicable ordinances. Heights of said equipment shall not exceed the required height of the zone in which they are located.

2. Required front and street side yards shall be landscaped and shall consist predominantly of trees, plant materials, groundcover and decorative rocks, except for necessary walks, drives and fences. All required landscaping shall be permanently maintained in healthy and thriving condition, free from weeds, trash and debris.

3. For accessory dwelling units located on the same lot as an existing or proposed single-family dwelling the following standard(s) must be met:

   a. A deed restriction shall be recorded which states the lot shall not be further divisible and shall list all requirements contained in this chapter.

4. All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with any appropriate screening treatment. Power lines and overhead cables shall be installed underground.

5. The noise level emanating from any residential use or operation shall not exceed 60 dBA CNEL for the RR, R-2 and R-1 zones and 65 dBA CNEL for the RC and RA zones, as the acceptable outdoor noise exposure level when measured at the property line. The interior noise levels shall not exceed 45 dBA CNEL for all residential uses.

6. For schools, libraries, churches, hospitals, nursing homes, parks and recreation areas, the outdoor acceptable exposure level shall not exceed 70 dBA CNEL when measured at the property line.

7. Energy conservation buildings shall be located on the site to provide adjacent buildings adequate sunlight for solar access. All new construction and remodeling shall be preplumbed for solar hot water heating. Buildings shall be designed to minimize energy consumption requirements, and may include, but not necessarily be limited to, the following conservation measures:

   a. Cogeneration;

   b. South facing windows;

   c. Eave coverage for windows;

   d. Double glazed windows;

   e. Earth berming against exterior walls;

   f. Green houses; and

   g. Deciduous shade trees.

B. In the RC, R-2 and RA zones, including the conversion of apartments to condominiums where permitted by Section 17.03.110(A)(7), the following performance standards shall be met:

1. Masonry walls six feet in height, from the highest finished grade, shall be required on the rear and side property lines. No walls are required on street side yards unless needed for noise attenuation and/or privacy.

2. Where a lot fronts on more than one street it shall be considered to have multiple frontages and be required to meet the front yard setback requirement on all street frontages.

3. When a RC, R-2 and/or RA lot is adjacent to any single-family zone, a minimum of fifteen feet of landscaping shall be maintained on the RC, R-2 and/or RA lot between such uses.

4. A minimum of two hundred square feet of private open area per ground floor unit shall be provided and a minimum of one hundred fifty square feet of private open space for units contained wholly on the second story shall be provided.

5. A minimum of two hundred fifty cubic feet of lockable, enclosed storage per unit shall be provided in the garage or carport area; substitutions may be approved by the planning director.

6. The following recreation facilities shall be provided at a minimum unless waived by the planning commission:

   a. Landscaped park-like quiet area;

   b. Children's play area;

   c. Family picnic area; and

   d. Swimming pool with cabana or patio cover.

7. A minimum of two clothes washers and one clothes dryer per eight dwelling units located conveniently throughout the development.

8. Individual trash areas, screened from view of a roadway, shall be provided for each dwelling unit in the RC zone; conveniently located trash enclosures, per city standards, shall be provided for dwelling units in the R-2 and RA zone.

9. A minimum of thirty-five trees per gross acre shall be required as part of the landscaping requirements; twenty percent shall be twenty-four inch box size or larger, seventy percent shall be fifteen gallon size and ten percent shall be five gallon size. Drought tolerant species with low maintenance requirements shall be utilized, where possible.

10. Recreation vehicle parking areas shall be provided, fully screened from view or the development shall prohibit all parking of recreation vehicles.

(1992 zoning ord. (part))

(Ord. No. 1108, § 3(Exh. A), 2-2-10)

17.03.140 - Accessory structures—R zones.

A. Accessory Buildings and Structures. Accessory buildings and structures, attached or detached, used either wholly or in part for living purposes, shall meet all of the requirements for location of the main structure, except as provided in this section:

   1. Accessory buildings or structures that are attached to the main building shall be allowed to encroach into the required rear yard setback up to one-half of the distance.

   2. A detached accessory structure shall meet the setback requirements of the main building for the front and street side yard areas.

   3. A detached accessory structure may be located within an interior side yard or rear yard; provided, that such structure is located no closer than five feet to an interior side or rear lot line and is at least ten feet from the main structure.

   4. Exceptions: No setback shall be required for an existing 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.

B. Canopies, Patios and Breezeways. Canopies, patios and breezeways attached to the main building or connecting the main building with a detached accessory building, may extend into a required rear or interior side yard provided that portions of such structures extending into the yard:

1. Shall not exceed fifteen feet in height or project closer than five feet to an interior side yard or rear lot line.

2. Shall be entirely open on at least three sides for patios and canopies except for necessary supporting columns. A roof connecting main building and an accessory building shall be open on two sides.

C. Other structures, porches, steps, architectural features, such as eaves, awnings, chimneys, balconies, stairways, wing walls or bay windows may project not more than four feet into any required front or rear yard area, nor into any required side yard area more than one-half of said required side yard.

(1992 zoning ord. (part))

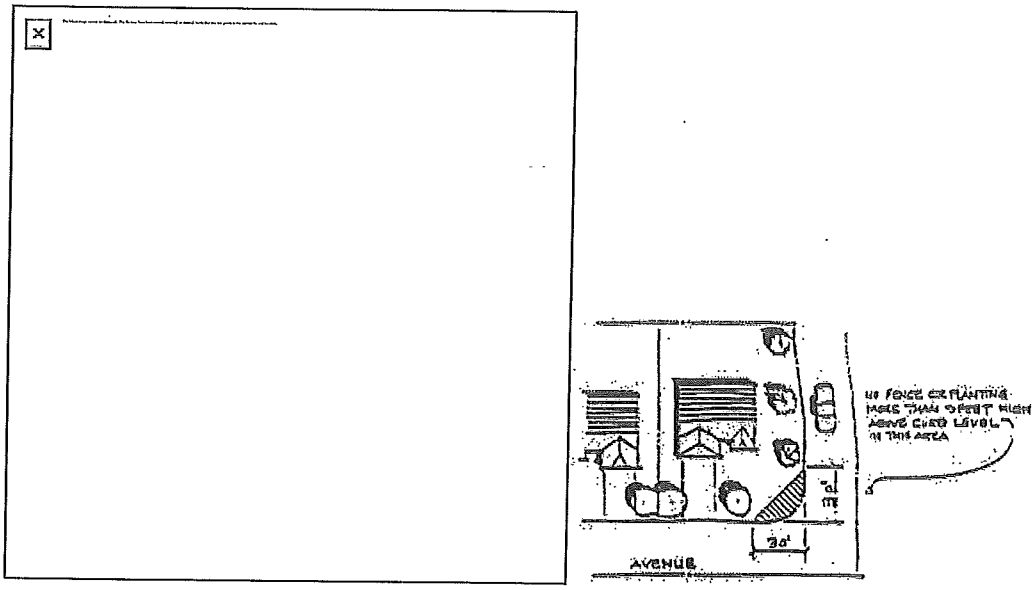
(Ord. No. 1108, § 3(Exh. A), 2-2-10)

17.03.150 - Walls and fences—R zones.

A. In any required front yard or side yard adjacent to a street, a wall or fence shall not exceed six feet in height, except as provided in this section.

B. A wall or fence not more than six feet in height may be maintained along the interior side or rear lot lines; provided, that such wall or fence does not extend into a required front yard or side yard adjacent to a street except as provided in this section.

C. A wall or fence adjacent to a driveway or street providing vehicular access to an abutting lot or street shall not exceed thirty-six inches in height within fifteen feet of the intersection of said driveway and the street right-of-way. Corner cut-offs may be required in special circumstances for safety and visibility (see example as follows):



D. A wall or fence shall not be constructed in such a manner so as to block or restrict vehicular access to a dedicated or implied dedicated alley, access, or way.

E. A wall or fence may be constructed a minimum distance of five feet from the ultimate right-of-way at a maximum height of five feet when there is no parkway planting area adjacent to the sidewalk. Where there is a parkway planting area adjacent to the curbing no setback is required to construct a fence five feet in height.

F. Fiberglass sheeting, bamboo sheeting or other similar temporary material shall not be permitted as a fencing material on street yard frontages.

(1992 zoning ord. (part))

(Ord. No. 1108, § 3(Exh. A), 2-2-10)

17.03.160 - Signs—R zones.

No sign or outdoor advertising structure shall be permitted in any R zone except as provided in Chapter 17.01, Article XI.

(1992 zoning ord. (part))

(Ord. No. 1108, § 3(Exh. A), 2-2-10)

17.03.165 – Accessory dwelling units.

A. Permits. Except for accessory dwelling units converted from existing legal structures meeting the requirements in Section 17.03.120(D), applications for an accessory dwelling unit use permit must be submitted to the Director of Development Services on a form and with information and materials, as adopted by the Director. The applicant shall also obtain a building permit as required by the building code and record a deed restriction as provided in Section 17.03.130. No development review under Article VII of Chapter 17.01 shall be required.

1. The Director may collect a fee for processing the application, provided such fee is approved by resolution or ordinance of the City Council.

2. The Director will review and approve complete applications for an accessory dwelling unit permit that comply with the requirements of this chapter. The accessory dwelling unit permit application shall be considered ministerially without any discretionary review or a hearing.

3. The Director will approve or disapprove of an application for an accessory dwelling unit permit within 120 days after receiving the complete application.

4. Except as otherwise provided in this chapter, the construction of an accessory dwelling unit shall be subject to any applicable fees adopted pursuant to the requirements of California Government Code, Title 7, Division 1, Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

B. Development Standards. An accessory dwelling unit meeting the following development standards shall be deemed a residential use that is consistent with the existing general plan and zoning designation for the lot:

1. A primary single-family dwelling must exist on the lot or will be constructed in conjunction with the accessory dwelling unit. Only one accessory dwelling unit shall be allowed per lot.

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

3. The accessory dwelling unit is not intended for sale separate from the primary residence.

4. The property owner must occupy either the primary dwelling or accessory dwelling unit.

5. The accessory dwelling unit may be rented. The accessory dwelling unit shall be rented for terms of 30 days or more.

6. The accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.

7. Development standards of the applicable zoning district listed in Section 17.03.120.A, except for the density regulation, shall apply to accessory dwelling unit. Setbacks shall be required as provided in Section 17.03.140(A).

8. The accessory dwelling unit shall not exceed one story in height unless it is contained within or an addition to a two-story structure.

9. Unit Size.

    a. The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the living area of the primary dwelling, with a maximum increase in floor area of 1,200 square feet. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but not including a garage or any accessory structure.

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

    c. The accessory dwelling unit shall contain no less than the 150 square feet area minimum required for an efficiency dwelling unit as defined in Section 17958.1 of the Health & Safety Code.

10. An accessory unit shall meet the requirements of the building code, as adopted and amended by Title 15 of the Municipal Code, that apply to detached dwellings, as appropriate. Except: An accessory dwelling unit is required to have fire sprinklers, only if the primary residence is also required to have fire sprinklers.

11. If required by Title 15 of the Municipal Code, a separate utility connection shall be installed directly between the accessory dwelling unit and the utility. The connection shall be subject to a connection fee or capacity charge, or both, proportionate to the burden of the proposed unit, based on either its size or the number of its plumbing fixtures, upon the water or sewer system.

12. The design of the accessory dwelling unit shall relate to the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch.

13. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. "Passageway" is defined as a pathway that is unobstructed clear to the sky and extends from to street to one entrance of the accessory dwelling unit.

14. Parking.

    a. One off-street parking space shall be provided per unit or per bedroom, whichever is less. The required parking spaces may be located on setback areas approved by the Director or tandem parking on a driveway, unless the Director makes specific findings that such parking arrangements are not feasible based upon specific site or regional topographical or fire or life safety conditions.

    b. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, the replacement spaces for the primary residence 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, tandem spaces, or by the use of mechanical automobile parking lifts.

    c. Notwithstanding subparagraph (a), above, parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:

        (i) The accessory dwelling unit is located within one-half mile of a public transit stop or station.

        (ii) The accessory dwelling unit is located within an architecturally and historically significant historic district, as determined and approved by the City.

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

        (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.

ORDINANCE NO. _____

AN ORDINANCE ADDING/AMENDING CHAPTER 17.3 OF THE CITY OF CALEXICO MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNIT REGULATIONS

The Council of the City of Calexico does ordain as follows:

SECTION 1. FINDINGS. The City Council of the City of Calexico hereby finds that:

A. The City of Calexico, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California.

B. The Planning and Zoning Law authorizes cities to provide by ordinance for the creation of second units.

C. To address California's shortage of housing supply, the California Legislature approved, and the Governor signed into law, Assembly Bill 2299 (Bloom, Chapter 735, Stats. 2016), Senate Bill 1069 (Wieckowski, Chapter 720, Stats. 2016) and Assembly Bill 2406 (Thurmond, Chapter 755, Stats. 2016).

D. Assembly Bill 2299 and Senate Bill 1069 are double jointing bills, which among other things, amend California Government Code Section 65852.2. These statutes impose new limitations on local authority to regulate second units, which are now referred to as "accessory dwelling units" ("ADU").

E. Assembly Bill 2299 will become effective on January 1, 2017 and will render all non-compliant local ordinances null and void on that date unless and until an agency adopts an ordinance that complies with Government Code Section 65852.2.

F. [Assembly Bill 2406 adds California Government Code Section 65852.22, which authorizes a local agency to provide by ordinance for the creation of junior accessory dwelling units, as defined, in single-family residential zones.

G. As an urgency statute, Assembly Bill 2406 became effective upon signing on September 28, 2016.]

H. The City desires to amend a local regulatory scheme for the construction of accessory dwelling units that fully complies with Assembly Bill 2299 [and for the construction of junior accessory dwelling units that fully complies with Assembly Bill 2406].

SECTION 2. AMENDMENT Chapter 17.03 of the Calexico Municipal Code is hereby amended to read as follows:

CHAPTER 17.03 ACCESSORY DWELLING UNITS

SEC. Z101. PURPOSE.

The purpose of this chapter is to provide reasonable regulations for the development of accessory dwelling units in certain areas and on lots developed or proposed to be developed with single-family residential dwellings. Such accessory dwelling units contribute needed housing to the community's housing stock and promote housing opportunities for the persons wishing to reside in the City of Calexico. In addition, the regulations in this ordinance are intended to promote the goals and policies of the City's General Plan and comply with requirements codified in the state Planning and Zoning Law related to accessory dwelling units in residential areas, including California Government Code section 65852.2.

SEC. Z102. DEFINITIONS.

A. "Accessory dwelling unit" means a residential dwelling unit that is detached from, attached to, or located within the living area of an existing primary dwelling unit, and that provides independent living facilities for one or more persons. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code section 17958.1, and a manufactured home, as defined in section 18007.

B. "Living area" is defined as the interior habitable area of a dwelling unit, including basements and attics, but not including a garage or any accessory structure.

SEC. Z103. EFFECT OF CONFORMING ACCESSORY DWELLING UNIT

An accessory dwelling unit that conforms to this chapter shall:

A. Be deemed an accessory use or an accessory building and not be considered to exceed the allowable density for the lot upon which it is located;

B. Be deemed a residential use that is consistent with the general plan and the zoning designations for the lot;

C. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and

D. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

SEC. Z104. LOCATIONS PERMITTED.

A. Except as provided in subparagraph (B), accessory dwelling units may be permitted in the following zones:

1. The zones must be single-family residential. Having adequacy of water and sewer services.

B. Accessory dwelling units that meet the requirements of Section Z106 (B) may be located in any single-family residential zone.

SEC. Z105. PERMIT PROCEDURES.

A. Permits.

1. Except as provided in subparagraph (2), approved applications for an accessory dwelling unit will result in an accessory dwelling unit permit. The applicant shall also obtain a building permit as required by the building code and record a deed restriction as provided in Section Z107.

2. Exception. Accessory dwelling units that meet the requirements of Section Z106(B) shall obtain a building permit as required by the building code and record a deed restriction as provided in Section Z107.

B. Application Processing.

1. Applications for an accessory dwelling unit permit must be submitted to the [Director of Development Services on a form and with information and materials, as adopted by the [Director].

2. The Director may collect a fee for processing the application, provided such fee is approved by resolution or ordinance of the City Council.

C. Review.

1. The Director of Development Services will review and approve complete applications for an accessory dwelling unit permit that comply with the requirements of Sections Z106 (Standards) and Z107 (Deed Restrictions). The accessory dwelling unit permit application shall be considered ministerially without any discretionary review or a hearing.

2. The Director of Development Services will approve or disapprove of an application for an accessory dwelling unit permit within 120 days after receiving the complete application.

3. Except as otherwise provided in this chapter, the construction of an accessory dwelling unit shall be subject to any applicable fees adopted pursuant to the requirements of California Government Code, Title 7, Division 1, Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

SEC. Z106. STANDARDS.

A. Except as provided in subparagraph (B), accessory dwelling units must meet the following standards:

1. Development on the Lot.

(a) A single-family dwelling must exist on the lot or will be constructed in conjunction with the accessory dwelling unit.

(b) The accessory dwelling unit must be:

(i) Detached from the existing primary dwelling, but located on the same lot as the existing dwelling;

(ii) Attached to the existing dwelling; or

(iii) Located within the living area of the existing dwelling.

(c) Only one accessory dwelling unit shall be allowed per lot.

(d) The accessory dwelling unit is not intended for sale separate from the primary residence.

2. Occupancy.

(a) The property owner must occupy either the primary dwelling or accessory dwelling unit.

(b) The accessory dwelling unit may be rented. The accessory dwelling unit shall be rented for terms longer than 30 days.]

3. Building and Construction.

(a) An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.

(b) An accessory dwelling unit is required to have fire sprinklers, only if the primary residence is also required to have fire sprinklers.

(c) An accessory unit shall meet the requirements of the building code, as adopted and amended by Chapter 17.03 of the Municipal Code, that apply to detached dwellings, as appropriate.

(d) A separate utility connection shall be installed directly between the accessory dwelling unit and the utility. The connection shall be subject to a connection fee or capacity charge, or both, proportionate to the burden of the proposed unit, based on either its size or the number of its plumbing fixtures, upon the water or sewer system.]

(e) No passageway shall be required in conjunction with the construction of an accessory dwelling unit. "Passageway" is defined as a pathway that is unobstructed clear to the sky and extends from to street to one entrance of the accessory dwelling unit.

4. Parking.

(a) Except as provided in subparagraph (b):

(i) Accessory dwelling units must meet the following parking standards:

(I) For accessory dwelling units with no separate bedrooms, one off-street parking space shall be provided per unit.

(II) For accessory dwelling units with at least one separate bedroom, one off-street parking space shall be provided per bedroom.

(ii) If parking is required:

(I) The required parking spaces may be located on setback areas approved by the Director Development Services or tandem parking on an existing driveway, unless specific findings are made under subparagraph (II).

(II) Parking arrangements in subparagraph (I) may be prohibited if the Director Development Services makes specific findings that such parking arrangements are not feasible based upon specific site or regional topographical or fire or life safety conditions, or that such arrangements are not permitted anywhere in the jurisdiction.

(III) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of 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, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.

(b) Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:

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

5. Height.

The accessory dwelling unit must meet the height standards of the applicable zoning district.

6. Setbacks.

(a) Except as provided in subparagraphs (b) and (c), an accessory dwelling unit must meet the setback standards of the applicable zoning district. No setback shall be required for a legally established existing garage that is converted to an accessory dwelling unit.

(b) A minimum setback of five (5) feet shall be required from the side and rear lot lines for an accessory dwelling unit constructed above a legally established existing garage.

7. Unit Size.

(a) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

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

(c) The accessory dwelling unit shall contain no less than the 150 square feet area minimum required for an efficiency dwelling unit as defined in Section 17958.1 of the Health & Safety Code.

8. Lot Coverage.

The accessory dwelling unit must meet the lot coverage standards of the applicable zoning district.

9. Landscape.

The accessory dwelling unit must meet the landscaping standards of the applicable zoning district.

10. Architecture Review.

The design of the accessory dwelling unit shall relate to the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch.

11. Impacts to Historic Places.

To prevent adverse impacts to any real property that is listed in the California Register of Historic Places, accessory dwelling units must meet the California Historic requirements

B. An accessory dwelling unit is exempt from the requirements of subparagraph (A) if the unit meets all the requirements of subparagraph (B)(1):

1. The accessory dwelling unit:

(a) Is one accessory dwelling unit per single-family lot located within a single-family residential zone;

(b) Is contained within the existing living area space of a single-family residence or accessory structure;

(c) Has independent exterior access from the existing residence; and

(d) The side and rear setbacks as per the Calexico Municipal Code are sufficient for fire safety.

2. If subparagraphs requirements of subparagraph (B)(1) are met, then the applicant:

(a) Is required to install fire sprinklers in the accessory dwelling unit if the primary residence is also required to have fire sprinklers;

(b) Is not required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, or to be charged a related connection fee or capacity charge.

(c) Shall record a deed restriction as provided in Section Z107 and obtain a building permit as required by the building code as adopted and amended by Chapter 15 of the Municipal Code.

SEC. Z107. DEED RESTRICTION.

A. Prior to issuance of a building permit for an accessory dwelling unit, a deed restriction shall be recorded against the title of the property in the County Recorder's office and a copy filed with the City Department of Development Services. Said deed restriction shall run with the land, and shall bind all future owners, heirs, successors, or assigns. The form of the deed restriction shall be provided by the City and shall provide that:

1. The accessory dwelling unit shall not be sold separately from the primary residence.

2. The unit is restricted to the approved size and attributes of this chapter.

3. The deed restrictions run with the land and may be enforced against future purchasers.

4. The deed restrictions may be removed if the owner eliminates the accessory dwelling unit as evidenced removal of the kitchen facilities.

5. The deed restrictions shall be enforced by the Director of Development Services or his or her designee for the benefit of the City of Calexico. Failure of the property owner to comply with the deed restrictions may result in legal action against the property owner and the City shall be authorized obtain any remedy available to it at law or equity, including but not limited to obtaining an injunction enjoining use of the accessory dwelling unit in violation of the recorded restrictions or abatement of the illegal unit.

CHAPTER 17.03 JUNIOR ACCESSORY DWELLING UNITS

PURPOSE.

The purpose of this chapter is to provide reasonable regulations for the development of junior accessory dwelling units in certain areas and on lots developed or proposed to be developed with single-family residential dwellings. Such junior accessory dwelling units are allowed because they contribute needed housing to the community's housing stock and promote housing opportunities for the persons wishing to reside in the City of Calexico. In addition, the regulations in this ordinance are intended to promote the goals and policies of the City's General Plan and comply with requirements codified in the state Planning and Zoning Law related to accessory and second dwelling units in single family residential areas including California Government Code, Section 65852.22.

SEC. Z201. DEFINITIONS.

A. "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

SEC. Z202. EFFECT OF CONFORMING JUNIOR ACCESSORY DWELLING UNIT

In addition to the effects stated in Section Z103, a junior accessory dwelling unit:

A. Shall not be considered a separate or new dwelling unit for the purposes of any fire or life protection ordinance or regulation. This section shall not be construed to prohibit fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation

applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

B. Shall not be considered a separate or new dwelling unit for the purposes of providing service for water, sewer, or power, including a connection fee.

SEC. Z203. LOCATIONS PERMITTED.

Junior accessory dwelling units shall be permitted in any single-family residential zone.

SEC. Z204. PERMIT PROCEDURES.

A. Permit.

An approved application for junior accessory dwelling unit results in a junior accessory dwelling unit permit.

B. Application Processing.

1. Applications for a junior accessory dwelling unit permit must be submitted to the Director of Development Services on a form and with information and materials, as adopted by the Director of Development Services.

2. The Director of Development Services may collect a fee for processing the application, provided such fee is approved by resolution or ordinance of the City Council.

C. Review.

1. The Director of Development Services will review and approve complete applications for a junior accessory dwelling unit permit that comply with Sections Z206 (Standards) and Z207 (Deed Restrictions). The junior accessory dwelling unit permit application shall be considered ministerially without any discretionary review or a hearing.

2. The Director of Development Services will approve or disapprove of an application for a junior accessory dwelling unit permit within 120 days after receiving the complete application.

SEC. Z205. STANDARDS.

A. Development on Lot.

Only one junior accessory dwelling unit per single family residential lot shall be allowed and the unit must be:

1. Constructed within the existing walls of the single-family residence structure; and

2. Include an existing bedroom.

B. Occupancy.

The property owner must occupy either the primary or junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust or housing organization.

C. Building and Construction.

1. A junior accessory dwelling unit must include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A junior accessory dwelling unit may include a second interior doorway for sound attenuation.

2. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

3. A junior accessory dwelling unit must include an efficiency kitchen, which includes all of the following:

   (a) A sink with a maximum waste line diameter of 1.5 inches;

   (b) A cooking facility with appliances that do not require electrical services greater than 120 volts, or natural or propane gas;

   (c) A food preparation counter of reasonable size in relation to the size of the junior accessory dwelling unit;

   (d) Storage cabinets that of reasonable size in relation to the size of the junior accessory dwelling unit;

4. The junior accessory unit shall meet the requirements of the building code, as adopted and amended by Chapter 17.03 of the Municipal Code, provided the unit shall not be considered a separate or new dwelling unit for the purposes of any fire or life protection regulation.

D. Parking.

No additional parking is required for a junior accessory dwelling unit.

E. Unit Size.

A junior accessory dwelling unit may be no more than 500 square feet in size.

SEC. Z206. DEED RESTRICTIONS.

A. Prior to issuance of a building permit for a junior accessory dwelling unit, a deed restriction shall be recorded against the title of the property in the County Recorder's office and a copy filed with the City Department of Development Services. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, successors or assigns. The form of the deed restriction shall be provided by the City and shall provide that:

1. The junior accessory dwelling unit shall not be sold separately from the primary residence.

2. The unit is restricted to the approved size and attributes of this chapter.

3. The deed restrictions run with the land and may be enforced against future purchasers.

4. The deed restrictions may be removed if the owner eliminates the junior accessory dwelling unit by removal of the kitchen facilities.

5. The deed restrictions shall be enforced by the [Director of Development Services or his or her designee for the benefit of the City of Calexico. Failure of the property owner to comply with the deed restrictions may result in legal action against the property owner and the City shall be authorized obtain any remedy available to it at law or equity, including but not limited to obtaining an injunction enjoining use of the accessory dwelling unit in violation of the recorded restrictions or abatement of the illegal unit.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDING. The City Council of the City of Calexico finds the adoption of this ordinance to be statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code because it is an ordinance regarding second units in a single-family or multifamily residential zone to implement the provisions of Government Code Section 65852.2. [To the extent that junior accessory dwelling units are not covered by the statutory exemption under Public Resources Code Section 21080.17, the ordinance as to junior accessory dwelling units is exempt from CEQA pursuant to the Class One categorical exemption for existing facilities because it provides for the creation of junior accessory dwelling units within an existing bedroom of existing single-family residences involving negligible expansion of existing residential use and any required interior and/or exterior alterations will not increase the floor area of the residential structure.]

SECTION 5. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION. The City Clerk shall certify to the adoption of this ordinance. Not later than fifteen (15) days following the passage of this ordinance, the ordinance, or a summary thereof, along with the names of the City Council members voting for and against the ordinance, shall be published in a newspaper of general circulation in the City of Calexico.

SECTION 7. FILING. The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Calexico, California, at a regular meeting of the City Council held on the 7th day of March, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF CALEXICO

_____

Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

_____

City Attorney