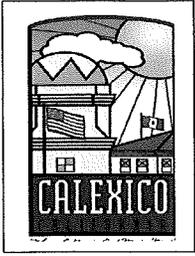


**AGENDA
ITEM**

09



AGENDA STAFF REPORT

DATE: June 20, 2018

TO: Mayor and City Council

APPROVED BY: David B. Dale, City Manager 

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

SUBJECT: Second Reading and Adoption of Ordinance No. 1181 – An Ordinance Adding/Amending Chapter 17.03 of the Calexico Municipal Code Pertaining to Accessory Dwelling Unit Regulations and Ordinance No. 1182 – 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

=====

Recommendation:

Conduct Second Reading and Adopt Ordinance No. 1181 – An Ordinance Adding/Amending Chapter 17.03 of the Calexico Municipal Code Pertaining to Accessory Dwelling Unit Regulations and Ordinance No. 1182 – 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.

Background:

A public hearing was conducted on June 6, 2018, purpose was to acquire comments in favor and against the proposed ordinance for Assessor Dwelling Units also known as ADU's. At the public hearing is was requested by City Council to amend section 17.03 of the Residential Zones by deleting item B-4 which requires property owners to reside on the ADU property. Removal of this section would not require property owners to reside on the ADU properties.

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 and May 16, 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 An Ordinance Adding/Amending Chapter 17.03 of the Calexico Municipal Code Pertaining to Accessory Dwelling Unit Regulations.
2. Ordinance No. 1182 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.

ORDINANCE NO. 1181

AN ORDINANCE ADDING/AMENDING CHAPTER 17.03 OF THE 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(s) 17.03 of the Calexico Municipal Code is hereby amended to read as follows:

CHAPTER 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

- 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 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 magisterially without any discretionary review or a hearing.
- 2. The Director 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 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 or if the accessory dwelling unit is a detached unit.
 - (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) [As provided in Chapter **15** of the Municipal 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 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, unless specific findings are made under subparagraph (II).

(II) Parking arrangements in subparagraph (I) may be prohibited if 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, 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.

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.

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 following standards:

- (a) [Standard]

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 meet the Municipal Code requirements.

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 17 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 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 to 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 JUNIOR ACCESSORY DWELLING UNITS

SEC. Z201. 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 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. Z202. 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. Z203. 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. Z204. LOCATIONS PERMITTED.

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

SEC. Z205. 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] 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] 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 will approve or disapprove of an application for a junior accessory dwelling unit permit within 120 days after receiving the complete application.

SEC. Z206. 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 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.

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. Z207. 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 Calexico. 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 as evidenced by removal of the kitchen facilities and provide excess to the main structure.

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

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 20th day of June, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF CALEXICO

MARITZA HURTADO, Mayor

ATTEST:

GABRIELA T. GARCIA, Deputy City Clerk

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

CARLOS CAMPOS, City Attorney

ORDINANCE NO. 1182

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 20th day of June, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF CALEXICO

MARITZA HURTADO, Mayor

ATTEST:

GABRIELA T. GARCIA, Deputy City Clerk

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

CARLOS CAMPOS, City Attorney