

ORDINANCE NO. 19-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 13.06.010 AND 13.08.010 OF THE LAGUNA WOODS MUNICIPAL CODE, AND ADDING SECTION 13.26.230 TO THE LAGUNA WOODS MUNICIPAL CODE, RELATED TO ACCESSORY DWELLING UNITS

WHEREAS, state law (Senate Bill 1069 and Assembly Bill 2299, California Statutes of 2016; Senate Bill 229 and Assembly Bill 494, California Statutes of 2017) requires cities to either adopt ordinances that conform to the provisions of California Government Code Section 65852.2 related to accessory dwelling units, or apply the provisions of state law set forth therein; and

WHEREAS, staff has recommended amendments and additions to the Laguna Woods Municipal Code as set forth in the attached Exhibit A to this Ordinance (the "Code Amendments") which, if adopted, would add local regulations related to accessory dwelling units consistent with the City's existing Zoning Code, as well as ensure that regulations are clear and consistent with state law; and

WHEREAS, the Community Development Director or his or her designee prepared an exhibit, including proposed language and terminology for the proposed Code Amendments and any additional information and documents deemed necessary for the City Council to take action, and such exhibit was available for public inspection at City Hall and, upon request, was supplied to all persons desiring a copy, at least 10 days prior to the scheduled City Council public hearing date; and

WHEREAS, on March 20, 2019, the City Council held a duly noticed public hearing on the proposed Code Amendments at which it considered all of the information, evidence, and testimony presented, both written and oral.

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that (i) each of the recitals to this Ordinance are true and correct, and are adopted herein as findings; (ii) the Code Amendments comply with all applicable requirements of State law; (iii) the Code Amendments will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the Code Amendments are in the public interest

of the City of Laguna Woods; and, (v) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that the Code Amendments are exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to sections 15378(b) and 15061(b)(3) of Title 14 of the California Code of Regulations, in that they are consistent with California law, specifically California Government Code sections 65852.2 *et seq.* It can be seen with certainty that this project has no possibility of having a significant effect on the environment. In the absence of any pending application for any project that might implicate accessory dwelling unit considerations, any specific environmental effects would be speculative. The Code Amendments are further statutorily exempt from the provisions of the CEQA pursuant to Section 15282(h) of Title 14 of the California Code of Regulations, in that they constitute adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city in order to implement the provisions of California Government Code sections 65852.1 and 65852.2 as set forth in California Public Resources Code Section 21080.17.

SECTION 3. Sections 13.06.010 and 13.08.010 of the Laguna Woods Municipal Code are hereby amended, and Section 13.26.230 is hereby added to the Laguna Woods Municipal Code, to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

SECTION 4. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by 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 of 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 or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 6. The Deputy City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.


SECTION 7. All of the above-referenced documents and information have been and are on file with the City Clerk of the City.

PASSED, APPROVED AND ADOPTED this 17th day of April 2019.



CYNTHIA CONNERS, Mayor

ATTEST:



YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:




DAVID B. COSGROVE, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 19-02** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 20th day of March 2019, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 17th day of April 2019 by the following vote to wit:

AYES: COUNCILMEMBERS: Conners, Horne, Moore, Rainey
NOES: COUNCILMEMBERS: -
ABSENT: COUNCILMEMBERS: Hatch



YOLIE TRIPPY, Deputy City Clerk

EXHIBIT A
CODE AMENDMENTS

Section 13.06.010 (“Definitions”) of Chapter 13.06 (“Definitions”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining):

(18) Accessory dwelling unit: An attached or a detached dwelling unit that provides complete independent living facilities for one or more persons including, at a minimum, permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a separate single-family dwelling is situated. “Accessory dwelling unit” shall also include efficiency units, as defined in California Health and Safety Code § 17958.1, and manufactured homes, as defined in California Health and Safety Code § 18007.

Section 13.08.010 (“Intent and permitted uses”) of Chapter 13.08 (“Residential Districts”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to add the following (additions shown with underlining):

	Districts			
Land Use Types	RMF	RC	RT	Code References
<u>Accessory Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>13.26.230</u>

Section 13.26.230 (“Accessory dwelling units”) is added to Chapter 13.26 (“Special Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code, to read as follows:

Sec. 13.26.230. - Accessory dwelling units.

(a) *Purpose and intent.* The purpose and intent of this section is to provide for the development of accessory dwelling units, consistent with California Government Code §§ 65852.150 and 65852.2, and other applicable law.

(b) *Applicability.* This section applies to all lots located within a residential zoning district that are occupied, or proposed to be occupied, with a single-family dwelling unit. Nothing in this section shall interfere with nor prohibit a private property owner's or homeowner's association's ability to regulate or prohibit accessory dwelling units on lots for which they have such control.

(c) *Definitions.* For the purpose of this section, the following definitions, and the definitions set forth in California Government Code § 65852.2, as may be amended from time to time, shall apply:

(05) *Lot* shall have the same meaning as set forth in Chapter 13.06 of this Code, as may be amended from time to time.

(d) *Regulatory considerations.* Accessory dwelling units that meet the requirements of this section shall not be considered by the City when calculating the allowable density for the lot upon which the accessory dwelling unit is located, and shall be deemed to be a residential use that is consistent with the General Plan and applicable zoning.

(e) *Review times.* Applications for accessory dwelling units shall be approved or disapproved within 120 days after receiving the application.

(f) *Development standards for accessory dwelling units contained within the existing space of a single-family residence or accessory structure.*

(1) Applications for accessory dwelling units shall be ministerially approved with a building permit if all of the following are true:

- a. The accessory dwelling unit complies with applicable City building codes.
- b. The accessory dwelling unit has independent exterior access from the existing residence.
- c. The accessory dwelling unit has side and rear setbacks sufficient for fire safety.

(2) The following provisions apply to accessory dwelling units contained within the existing space of a single-family residence or accessory structure:

- a. Accessory dwelling units shall not be sold or otherwise conveyed separately from the primary residence.
- b. Accessory dwelling units may be rented or leased separately from the primary residence.
- c. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
- d. A local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.
- e. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.
- f. The owner of the property on which an accessory dwelling unit is located shall reside in either of the dwelling units on the property as his/her/their principal residence as long as the condition of the accessory dwelling unit remains on the property. This is a perpetual requirement that runs with the land, and a restrictive covenant establishing this requirement shall be recorded, with proof of recordation presented to the Community Development Director, prior to issuance of a final building permit for the accessory dwelling unit.

(g) *Development standards for attached or detached accessory dwelling units.*

(1) Applications for accessory dwelling units shall be ministerially approved with a building permit if all of the following are true:

- a. The accessory dwelling unit complies with applicable City building codes.

b. The gross floor area of the attached accessory dwelling unit does not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

c. The gross floor area of the detached accessory dwelling unit does not exceed 1,200 square feet.

d. The accessory dwelling unit complies with applicable setback requirements for the respective zoning district, except that no setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

e. The accessory dwelling unit complies with applicable height requirements for the respective zoning district.

f. The accessory dwelling unit complies with the parking requirements set forth in this section.

(2) The following provisions apply to attached or detached accessory dwelling units:

a. Accessory dwelling units shall not be sold or otherwise conveyed separately from the primary residence.

b. Accessory dwelling units may be rented or leased separately from the primary residence.

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

d. A local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with California Government Code § 66013, the connection may be subject to a connection fee or capacity charge that shall (1) not exceed the reasonable cost of providing service and (2) be proportionate to the burden of the proposed accessory dwelling

unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system.

e. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.

f. The owner of the property on which an accessory dwelling unit is located shall reside in either of the dwelling units on the property as his/her/their principal residence as long as the condition of the accessory dwelling unit remains on the property. This is a perpetual requirement that runs with the land, and a restrictive covenant establishing this requirement shall be recorded, with proof of recordation presented to the Community Development Director, prior to issuance of a final building permit for the accessory dwelling unit.

(h) *Parking requirements and exemptions for attached or detached accessory dwelling units.*

(1) Parking requirements for accessory dwelling units are one parking space per unit or per bedroom, whichever is less.

(2) Required parking spaces for accessory dwelling units shall be permitted in setback areas in locations determined by the City or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(3) Accessory dwelling units are exempt from the parking requirements set forth in this section when any one or more of the following are true:

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

b. The accessory dwelling unit is located within an architecturally and historically significant historic district.

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

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

(4) When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking shall be required and may be allowed in any configuration on the same lot as the accessory dwelling unit, including but not limited to, covered spaces, uncovered spaces, or tandem spaces.