

**ORDINANCE NO. 585**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, AMENDING TITLE 18 (ZONING CODE), SECTION 18.90.080 (ACCESSORY DWELLING UNITS) AND OTHER APPLICABLE SECTIONS OF THE ZONING CODE OF THE HAWAIIAN GARDENS MUNICIPAL CODE**

**WHEREAS**, the City of Hawaiian Gardens ("City") is a California general law city, constitutionally vested with the power to make and enforce local laws and ordinances necessary to protect the general health, safety, and welfare of its residents, including comprehensive zoning and land use regulations, to the extent such regulations are not preempted by the State's general laws;

**WHEREAS**, the City Council has received a Draft Zoning Code Text Amendment, a request to amend Title 18 of the Hawaiian Gardens Municipal Code (HGMC), Section 18.90.08 (Accessory Dwelling Unit) and other applicable sections of the Zoning Code of the Hawaiian Gardens Municipal (HGMC) to conform the Zoning Code with State Law;

**WHEREAS**, the State of California has amended Government Code Section 65852.2 to include additional regulations pertaining to the development of accessory dwelling units;

**WHEREAS**, in the absence of a State-compliant ordinance enacted after January 1, 2017, the City's ADU Regulations may be considered null and void pursuant to Government Code Section 65852.2(a)(4), and the City would then be required to approve any application for a new ADU that meets minimal State criteria, regardless of negative impacts to surrounding properties and the community;

**WHEREAS**, on April 10, 2018, the City Council adopted Interim Urgency Ordinance No. 578U, imposing temporary standards on ADUs, and imposing a temporary moratorium on all ADUs that do not comply with such standards, based upon the City Council's findings that approving new ADUs without regard to local regulation may have severe negative impacts on the community, and the establishment of these new ADUs in certain particularly problematic areas of the City described above has the potential to conflict with the City's permanent ADU regulations;

**WHEREAS**, on May 22, 2018, the City Council adopted Interim Urgency Ordinance No. 581U, imposing temporary standards, for a period of 10 months and 15 days, that was set to expire on April 10, 2019 on ADUs, and imposing a temporary moratorium on all ADUs that do not comply with such standards, based upon the City Council's findings that approving new ADUs without regard to local regulation may have severe negative impacts on the community, and the establishment of these new ADUs in certain particularly problematic areas of the City described above has the potential to conflict with the City's permanent ADU regulations;

**WHEREAS**, on March 26, 2019, the City Council received and approved a report describing the actions taken since the adoption of Interim Urgency Ordinance No. 581U to eliminate the conditions given rise thereto, and a public hearing on the proposed extension of

Interim Urgency Ordinance No. 581U has been duly noticed and held;

**WHEREAS**, on March 26, 2019, the City Council held a public hearing and approved Ordinance No. 584U extending the Interim Urgency Ordinance to April 10, 2020;

**WHEREAS**, on January 8, 2019, the City Council approved Resolution No. 005-2019, approving a professional services agreement with MIG, Inc., to prepare an Accessory Dwelling Unit Technical Report and draft an ADU Ordinance, and MIG, Inc., has completed the study along with the recommendation for the proposed ordinance;

**WHEREAS**, on October 9, 2019, the Planning Commission approved Resolution No. 2019-018, recommending that the Hawaiian Gardens City Council approve and adopt the Ordinance amending Title 18 of the Hawaiian Gardens Municipal Code to establish Zoning Code text amendments pertaining to Section 18.90.08 (Accessory Dwelling Unit) and other applicable sections of the Zoning Code of the Hawaiian Gardens Municipal (HGMC) to conform the Zoning Code with State Law;

**WHEREAS**, THE City Council conducted a duly notice public hearing on November 12, 2019, to consider the findings and recommendations of the Planning Commission, and desires to adopt the proposed Zoning Ordinance amendments set forth in Exhibit "A" and Exhibit "B", attached;

**WHEREAS**, City staff has evaluated all information, including the study and analysis of the State's ADU regulations, technical analyses of development standards and development review processes concerning ADUs, building safety and fire standards, proportional impact fees, location limitations, as well as recent ordinances adopted by other similarly situated California cities to assess "best practice" standards that may be relevant and applicable in the City;

**WHEREAS**, the proposed Ordinance will establish the City of Hawaiian Garden's permanent regulations of ADUs that addresses the conditions given rise to the conditions thereto for the adoption of the Interim Urgency Ordinances;

**WHEREAS**, a growing body of research indicates the success of ADUs as a means to increase housing inventory, the State finds that the development of accessory dwelling units can provide an essential additional housing stock;

**WHEREAS**, accessory dwelling units are a housing option that meet the needs of a variety of populations, including low-income households in need of affordable housing, elders seeking to age in place, and adult children;

**WHEREAS**, ADUs offer homeowners an additional source of income and an opportunity to increase property values while adding to the housing inventory; and

**WHEREAS**, ADUs use already existing infrastructure but due to smaller household sizes use less sewer capacity and require fewer parking spaces than new developments.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN AS FOLLOWS:**

**SECTION 1. INCORPORATION OF RECITALS.** The City Council hereby finds that all of the foregoing recitals and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

**SECTION 2. MUNICIPAL CODE AMENDMENTS.** Existing Section 18.90.080 (Accessory Dwelling Units) will be deleted in its entirety and revised as show on Exhibit "A" to this Ordinance. Other applicable sections, including Section 18.50.010 (Parking and Loading Requirements), Section 18.100.040 (Administrative Review and Approval), and Section 18.20.030 (Definitions), are revised as shown on Exhibit "B" to this Ordinance. Section 18.90.090 (Granny Units) and Section 18.90.100 (Guest House) will be deleted in its entirety.


**SECTION 2. REPEAL OF INTERIM URGENCY ORDINANCE.** Ordinance No. 584U shall be repealed upon adoption of this Ordinance.

**SECTION 3. CEQA COMPLIANCE.** The City Council hereby finds that this ordinance implements the provisions of Government Code Section 65582.1, 65852.2 and 65852.22 respectively and is therefore exempt from the California Environmental Quality Act pursuant to Public Resource Code Section 21080.17 and California Code of Regulations, Title 14, Chapter 3, Section 152829(h).

**SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 5. CERTIFICATION.** The Mayor shall sign, and the City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted as prescribed by law. This Ordinance shall become effective 30 days from its adoption.

**APPROVED AND ADOPTED,** this December 10, by the City Council for the City of Hawaiian Gardens.

  
\_\_\_\_\_  
Jesse Alvarado, Mayor

ATTEST:

  
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Lucie Colombo, CMC, CPMC  
City Clerk

**CITY OF HAWAIIAN GARDENS  
CITY CLERK'S OFFICE  
CERTIFICATION**

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) SS  
CITY OF HAWAIIAN GARDENS   )

I, Lucie Colombo, CMC, City Clerk of the City of Hawaiian Gardens, do hereby certify that **Ordinance No. 585**, was duly and regularly introduced and placed upon it first reading at a Regular meeting of the City Council on the **12th day of November 2019**, and that thereafter, said Ordinance was duly adopted and passed at a Regular meeting of the City Council on this **10<sup>TH</sup> day of December 2019** by the following votes as the same appears on file and of record in the Office of the City Clerk.

**AYES:**           ROA, RODRIGUEZ, TRIMBLE, ALVARADO, MARAVILLA  
**NOES:**           NONE  
**ABSENT:**        NONE  
**ABSTAIN:**       NONE

  
\_\_\_\_\_  
LUCIE COLOMBO, CMC  
CITY CLERK/RECORDS MANAGER

## EXHIBIT A

### ACCESSORY DWELLING UNITS SECTION OF THE ZONING CODE

#### Chapter 18.90 Supplemental Regulations

#### 18.90.080 Accessory Dwelling Units and Junior Accessory Dwelling Units.

##### A. General

1. **Purpose.** The purpose of this Section is to allow for the creation, through a ministerial process, of Accessory Dwelling Units and Junior Accessory Dwelling Units in accordance with California Government Code sections 65852.2 and 65852.22. Facilitating the development of Accessory Dwelling Units and Junior Accessory Dwelling Units will increase the housing options for family members, seniors, low-wage workers, persons with disabilities, students, and others in the community. This Section prescribes standards to minimize adverse impacts on the public health, safety, and general welfare associated with the establishment of Accessory Dwelling Units and Junior Accessory Dwelling Units.
2. **Applicability.**
  - a. Any construction, establishment, alteration, enlargement, or modification of an Accessory Dwelling Unit and Junior Accessory Dwelling Unit approved under this Section shall comply with the requirements of this Section and of the City's Building Code.
  - b. An existing residential unit may be designated as an Accessory Dwelling Unit, but not as a Junior Accessory Dwelling Unit, at the time that a new primary dwelling is proposed for construction, provided the existing residential unit conforms to all the standards under this Section. A Junior Accessory Dwelling Unit may be designated as part of the construction of and within a new primary dwelling.
3. **Ministerial Action.** Approval or denial of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit under this Section is a ministerial action not subject to discretionary review. Such action shall be taken within 60 days of the City receiving a complete application for an Accessory Dwelling Unit Permit, as provided on forms established by the Community Development Director and subject to a fee as authorized by City Council resolution.
4. **Deemed Consistent with Density, General Plan, and Zoning.** An Accessory Dwelling Unit or Junior Accessory Dwelling Unit that conforms to the requirements of this Section shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential

use consistent with the City of Hawaiian Gardens General Plan and zoning designation for the lot.

**B. Definitions.** For purposes of this Section,

1. **“Accessory Dwelling Unit.”** Defined as an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons on the same parcel with either a single-family or multifamily structure. An Accessory Dwelling Unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code and a manufactured home as defined in Section 18007 of the Health and Safety Code. Also includes Multiple Accessory Dwelling Units within portions of existing multifamily structures that are not used as livable space, including, but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with building standards for dwellings.
2. **“Efficiency Kitchen.”** Defined for purposes of establishing a Junior Accessory Dwelling Unit as a cooking facility with appliances, a food-preparation counter of a size that is at least 1.25 percent of the square footage of the unit, and food-storage cabinets with a total shelf area of at least 3.5 percent of the square footage of the unit.
3. **“Independent living facilities.”** Defined as a residential dwelling unit having permanent provisions for living, sleeping, eating, cooking, and sanitation.

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4. **“Junior Accessory Dwelling Unit.”** Defined as a residential dwelling unit up to 500 square feet in size contained entirely within a single-family dwelling, with an efficiency kitchen, an entrance that is separate from the main entrance of the primary dwelling, and sanitation facilities that are either shared with or separate from those of the primary dwelling.

**C. Types of Accessory Dwelling Units.** An Accessory Dwelling Unit approved under this Section must be one of the following three types:

1. **Converted.** An Accessory Dwelling Unit that: (a) is entirely contained within the existing space of a legal primary dwelling or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, except that it may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is limited to accommodating ingress and egress; and (b) has independent exterior access from the existing primary dwelling. An Accessory Dwelling Unit that does not satisfy both of these elements is either an attached or detached Accessory Dwelling Unit or a Junior Accessory Dwelling Unit.
2. **Attached.** An Accessory Dwelling Unit that is created in whole or in part from newly constructed space that is attached to the proposed or existing primary dwelling.

3. **Detached.** An Accessory Dwelling Unit that is created in whole or in part from newly constructed space that is detached from the proposed or existing primary dwelling and that is located on the same lot.

**D. Standards Applicable to All Accessory Dwelling Units.** The following standards apply to all Accessory Dwelling Units constructed or moved to a new site and to the remodeling or rebuilding of existing single-family or multifamily structures to create an Accessory Dwelling Unit.

1. **Location and Number.**

- a. An Accessory Dwelling Unit is only allowed on a lot that is both:  
(i) currently zoned to allow any residential use and (ii) currently contains or will contain a primary dwelling. A lot that has a legal nonconforming single-family detached dwelling or a multifamily dwelling on it but that is not currently zoned to allow any residential uses is not eligible for an Accessory Dwelling Unit under this Section.
- b. No Accessory Dwelling Unit may be created on a lot that already contains a granny housing unit/flat, guest house, or caretaker's house. However, an existing granny housing unit/flat, guest house, or caretaker's house may be converted to an Accessory Dwelling Unit in accordance with this Section.
- c. On a lot with a proposed or existing single-family dwelling that includes a Junior Accessory Dwelling Unit, a separate Accessory Dwelling Unit may also be created if the Accessory Dwelling Unit is detached from the primary dwelling, is 800 square feet or smaller in size, is 16 feet or shorter in height, and has side and rear setbacks of at least 4 feet. No other type or configuration of Accessory Dwelling Unit may be combined with a Junior Accessory Dwelling Unit on a lot with a single-family primary dwelling.
- d. Accessory Dwelling Units are permitted in multifamily zones as follows:
  - i. One converted Accessory Dwelling Unit is permitted in a dwelling, provided that the combined total number of Accessory Dwelling Units and Junior Accessory Dwelling Units does not exceed 25 percent of the total number of multifamily dwellings within that multifamily development.
  - ii. Up to two detached Accessory Dwelling Units may be allowed on a lot where a multifamily structure exists if each of the detached Accessory Dwelling Units is 16 feet or shorter in height and has side and rear setbacks of at least 4 feet.

2. **Parcel Size and Lot Width.** There is no minimum parcel size or lot width for construction of an Accessory Dwelling Unit.

3. **Access.** Every Accessory Dwelling Unit shall have direct exterior access independent of the exterior access of the primary dwelling.
4. **Building Code Requirements.**
  - a. Each Accessory Dwelling Unit shall comply with all applicable building code requirements. Where it does not comply, the property owner shall be required to make improvements to comply with building code requirements prior to the issuance of an occupancy permit. The City shall enforce compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.
  - b. No Accessory Dwelling Unit is required to provide fire sprinklers unless they are required for the primary dwelling.
5. **Use.**
  - a. *Separate Conveyance.* No Accessory Dwelling Unit may be sold separately from the primary dwelling, but they may be rented separately from the primary dwelling.
  - b. *No Short-term Rentals.* No Accessory Dwelling Unit may be rented for a term that is shorter than 30 days.
  - c. *Business License Required.* The property owner shall obtain a City of Hawaiian Gardens Business License for property rental before renting out any Accessory Dwelling Unit separately from the primary dwelling.
6. **Illegal Uses and Structures.**
  - a. The correction of nonconforming zoning conditions is not required in order to establish an Accessory Dwelling Unit on a lot with a primary dwelling. The provisions of this Section do not validate any existing unpermitted Accessory Dwelling Unit. All such unpermitted units shall be made to comply with the applicable requirements of this Section.
  - b. All Accessory Dwelling Units that were legally constructed or initiated, but which do not conform to this Section, are deemed legal nonconforming and shall be subject to the provisions of *Section 18.100.130 Nonconforming Uses and Structures* of this Zoning Code.
7. **Permanent Foundation.** Each attached or detached Accessory Dwelling Unit must be permanently attached to a permanent foundation. Each converted Accessory Dwelling Unit must be created from space in a primary dwelling that is permanently attached to a permanent foundation.

**E. Additional Standards Applicable to Converted Accessory Dwelling Units.** The following standards apply only to converted Accessory Dwelling Units, as defined in this Section.

1. **Setbacks.** No setback is required for an existing structure that is converted to an Accessory Dwelling Unit or that replaces an existing structure and that has the same dimensions as the existing structure, plus up to 150 square feet if the additional footage is solely to accommodate ingress and egress.
2. **Parking.** No additional off-street parking space for the converted Accessory Dwelling Unit is required, including the conversion of existing space in a garage, carport, or covered parking structure to an Accessory Dwelling Unit. If replacement parking is provided, the replacement spaces shall be located in any configuration on the same lot as the Accessory Dwelling Unit, and may include but is not limited to covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on driveways leading to a required parking space or in rear yard on a paved surface, provided such paved area can be easily accessed via the driveway or an alley. No parking shall be permitted in the front yard other than on the paved driveway.
3. **Approval of a Building Permit Required.** The property owner shall obtain a valid building permit for a converted Accessory Dwelling Unit, subject to all the standard application and processing fees and procedures that apply to building permits generally.

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**F. Additional Standards Applicable to Attached and Detached Accessory Dwelling Units.** The following standards apply only to attached and detached Accessory Dwelling Units.

1. **Permits Required**
  - a. *Ministerial Accessory Dwelling Unit Permit.* Prior to constructing any attached or detached Accessory Dwelling Unit, the property owner shall obtain an Accessory Dwelling Unit Permit from the City. The City shall issue the permit ministerially within 60 days receipt of a complete application if the objective standards in this Section have been satisfied. Application and processing fees for the Accessory Dwelling Unit Permit shall be determined by the Community Development Director and approved by the City Council by resolution.
  - b. *Building Permit.* An attached or detached Accessory Dwelling Unit shall also require a building permit, subject to all the standard application and processing fees and procedures that apply to building permits generally.
2. **Utilities.** The City shall not require the applicant to install a new or separate utility connection directly between the Accessory Dwelling Unit and the utility unless the utility connection is required by the utility provider. The applicant may

voluntarily install a new or separate utility connection. Any utility charges or fees must be consistent with California Government Code section 65852.2.

3. **Size.** Floor area standards are applicable as follows:
  - a. A detached Accessory Dwelling Unit may not exceed 850 square feet if it has fewer than two bedrooms or 1,000 square feet if it has two bedrooms. No more than two bedrooms are allowed.
  - b. An attached Accessory Dwelling Unit may not exceed 850 square feet if it has fewer than two bedrooms or 1,000 square feet if it has two bedrooms. No more than two bedrooms are allowed. Nor may an attached Accessory Dwelling Unit exceed 50 percent of the floor area of the primary dwelling.
  - c. In no event shall any maximum floor area; maximum percentage of primary dwelling floor area; limit on lot coverage, open space, or floor area ratio preclude an attached or detached Accessory Dwelling Unit of at least 800 square feet in size.
4. **Lot coverage.** No attached or detached Accessory Dwelling Unit that is larger than 800 square feet may cause the total lot coverage of the lot to exceed 50 percent. This provision shall not preclude approval of an Accessory Dwelling Unit that is up to 800 square feet in size.
5. **Floor Area Ratio.** No attached or detached Accessory Dwelling Unit that is larger than 800 square feet may cause the total floor area ratio of the lot to exceed 45 percent. This provision shall not preclude approval of an Accessory Dwelling Unit that is up to 800 square feet in size.
6. **Minimum Open Space.** No attached or detached Accessory Dwelling Unit that is larger than 800 square feet may cause the open-space area of the lot to be less than 50 percent. This provision shall not preclude approval of an Accessory Dwelling Unit that is up to 800 square feet in size.
7. **Setbacks.** No attached or detached Accessory Dwelling Unit or portion thereof shall be located in the following setback areas:
  - a. Front: 20 feet
  - b. Rear and Side: Four feet
8. **Location:** Every part of a detached Accessory Dwelling Unit shall be located behind the primary dwelling.
9. **Height.** No attached or detached Accessory Dwelling Unit shall exceed two stories or 30 feet in height or the existing height of the legal primary dwelling on the lot, whichever is less. However, in no event shall this provision preclude an Accessory Dwelling Unit that has a height of up to 16 feet.

10. **Separation.** Detached Accessory Dwelling Units shall be located at least eight feet from the primary dwelling or an accessory structure other than a fence or a wall. However, in no event shall this provision preclude an Accessory Dwelling Unit that is up to 800 square feet in size.
11. **No Subdivision.** A lot with an Accessory Dwelling Unit may not be subdivided if the Accessory Dwelling Unit would be on the lot separate from the primary dwelling unless the proposed subdivision meets all City requirements and the Accessory Dwelling Unit complies or is made to comply with all requirements for residential development within the underlying zone.

12. **Parking**

- a. In addition to the parking spaces required for the primary dwelling, one off-street parking space shall be provided for each attached or detached Accessory Dwelling Unit, which may be provided in setback areas or as tandem parking in an existing driveway. No parking shall be permitted in the front yard other than on the paved driveway.
- b. Notwithstanding the requirement of subsection (a) above, parking for the Accessory Dwelling Unit shall not be required when the Accessory Dwelling Unit is:
  - i. Within one-half mile walking distance from public transit. Public transit means location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
  - ii. Within an architecturally and historically significant historic district as adopted by the City.
  - iii. In an area where on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.
  - iv. Located within one block of a fixed car-share area.

13. **Design Guidelines**

- a. The attached or detached Accessory Dwelling Unit shall be designed and constructed to match the primary dwelling unit in architectural style, exterior materials and colors, and roof pitch.
- b. If the attached or detached Accessory Dwelling Unit is a manufactured home, the manufactured home shall be erected and permanently anchored on a permanent foundation and shall be made to match the primary dwelling in accordance with paragraph F.13.a of this Section.

- c. A recreational vehicle, a commercial coach, park trailer, motor home, truck camper, camping trailer, trailer, or boat shall not be used as an Accessory Dwelling Unit.

**G. Standards Applicable to Junior Accessory Dwelling Units.** The following standards apply only to Junior Accessory Dwelling Units.

**1. Location and Number.**

- a. A Junior Accessory Dwelling Unit is only allowed on a lot that is both: (i) currently zoned to allow any residential use and (ii) currently contains or will contain a primary dwelling. A lot that has a legal nonconforming single-family detached dwelling on it but that is not currently zoned to allow any residential uses is not eligible for establishment of a Junior Accessory Dwelling Unit under this Section.
- b. Junior Accessory Dwelling units are permitted in multifamily zones provided that the combined total number of Accessory Dwelling Units and Junior Accessory Dwelling Units does not exceed 25 percent of the total number of multifamily dwellings within that multifamily development.

**2. Parcel Size and Lot Width.** There is no minimum parcel size or lot width for establishment of a Junior Accessory Dwelling Unit.

**3. Access.** A Junior Accessory Dwelling Unit shall have direct exterior access independent of the main exterior access of the primary dwelling.

**4. Building Code Requirements.**

- a. A Junior Accessory Dwelling Unit shall comply with all applicable building code requirements. Where it does not comply, the property owner shall be required to make improvements to comply with building code requirements prior to the issuance of an occupancy permit. The City shall enforce compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.
- b. No Junior Accessory Dwelling Unit is required to provide fire sprinklers unless they are required for the primary dwelling.

**5. Use.**

- a. *Separate Conveyance.* No Junior Accessory Dwelling Unit may be sold separately from the primary dwelling, but they may be rented separately from the primary dwelling.
- b. *No Short-term Rentals.* No Junior Accessory Dwelling Unit may be rented for a term that is shorter than 30 days.

- c. *Business License Required.* The property owner shall obtain a City of Hawaiian Gardens Business License for property rental before renting out a Junior Accessory Dwelling Unit separately from the primary dwelling.

6. **Illegal Uses and Structures.**

- a. The correction of nonconforming zoning conditions is not required in order to establish a Junior Accessory Dwelling Unit on a lot with a primary dwelling. The provisions of this Section do not validate any existing unpermitted Junior Accessory Dwelling Unit. All such unpermitted units shall be made to comply with the applicable requirements of this Section.
- b. All Junior Accessory Dwelling Units that were legally constructed or initiated, but which do not conform to this Section, are deemed legal nonconforming and shall be subject to the provisions of *Section 18.100.130 Nonconforming Uses and Structures* of this Zoning Code.

7. **Permanent Foundation.** A Junior Accessory Dwelling Unit must be created from space within a primary dwelling that is permanently attached to a permanent foundation.

8. **Permits Required**

- a. *Ministerial Junior Accessory Dwelling Unit Permit.* Prior to establishing a Junior Accessory Dwelling Unit, the property owner shall obtain a Junior Accessory Dwelling Unit Permit from the City. The City shall issue the permit ministerially within 60 days receipt of a complete application if the objective standards in this Section have been satisfied. Application and processing fees for the Junior Accessory Dwelling Unit Permit shall be determined by the Community Development Director and approved by the City Council by resolution.
- b. *Building Permit.* A Junior Accessory Dwelling Unit shall also require a building permit, subject to all the standard application and processing fees and procedures that apply to building permits generally.

9. **Utilities.** The City shall not require the applicant to install a new or separate utility connection directly between Junior Accessory Dwelling Unit and the utility unless the utility connection is required by the utility provider. The applicant may voluntarily install a new or separate utility connection. Any utility charges or fees must be consistent with California Government Code section 65852.2.

10. **Size.** A Junior Accessory Dwelling Unit shall not expand the size of an existing single-family dwelling by more than 150 square feet, and such expansion shall be limited to the area necessary to accommodate ingress and egress.

11. **Lot coverage.** A Junior Accessory Dwelling Unit including any additional square footage as described in Section G.10 may not cause the total lot coverage of the lot to exceed 50 percent.
12. **Floor Area Ratio.** A Junior Accessory Dwelling Unit including any additional square footage as described in Section G.10 may not cause the total floor area ratio of the lot to exceed 45 percent.
13. **Minimum Open Space.** A Junior Accessory Dwelling Unit including any additional square footage may not cause the open-space area of the lot to be less than 50 percent.
14. **Setbacks.** A Junior Accessory Dwelling Unit or portion thereof, including an additional square footage as described in Section G.10, shall not be located in the following setback areas:
  - a. Front: 20 feet
  - b. Rear and Side: Four feet
15. **Parking.** No additional parking is required for a Junior Accessory Dwelling Unit.
16. **Design Guidelines.** The establishment of a Junior Accessory Dwelling Unit within a primary dwelling unit, including the construction of the direct exterior access, shall match architectural style, exterior materials and colors, and roof pitch of the existing or proposed primary dwelling unit.

### **~~18.90.080 Accessory Dwelling Units.~~**

~~The purpose of this Section is to allow for the creation of Accessory Dwelling Units in the City's single-family and multi-family residential districts, in accordance with Government Code Section 65852.2. This Section prescribes standards for such Accessory Dwelling Units to minimize adverse impacts on the public health, safety and general welfare from the establishment of the Accessory Dwelling Units.~~

~~Approval of an Accessory Dwelling Unit Permit pursuant to this Section is a ministerial action not subject to discretionary review.~~

~~An Accessory Dwelling Unit that conforms to these requirements shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use consistent with the City of Hawaiian Gardens General Plan and zoning designation for the lot.~~

#### **~~A. Applicability.~~**

- ~~1. *New Accessory Dwelling Units.* Any construction, establishment, alteration, enlargement or modification of an Accessory Dwelling Unit shall comply with the requirements of this Section, other development standards in this Title as applicable to the underlying zone district in which the Accessory Dwelling Unit is located, and the City's Building Code.~~
- ~~2. *Nonconforming Accessory Dwelling Units.* All Accessory Dwelling Units that were legally constructed or initiated, but which do not conform to this Section, are deemed nonconforming and shall be subject to the provisions of *Section 18.100.130 Nonconforming Uses and Structures* of this Zoning Code.~~
- ~~3. *Existing Illegal Accessory Dwelling Units.* The provisions of this Section shall in no way validate any existing illegal Accessory Dwelling Unit. An application may be made pursuant to this Section to convert an illegal Accessory Dwelling Unit to a legal conforming Accessory Dwelling Unit, and shall be subject to the same standards and requirements as for a newly proposed Accessory Dwelling Unit.~~
- ~~4. *Designation of Existing Primary Unit as Accessory Dwelling Unit.* An existing residential unit may be designated as an Accessory Dwelling Unit at the time that a new primary unit is proposed for construction, provided the existing structure conforms to all the development standards for an Accessory Dwelling Unit under this Section.~~

~~**B. Development Standards.** The following development standards shall apply to all Accessory Dwelling Units constructed or moved to a new site and to the remodeling or rebuilding of existing single-family homes to create an Accessory Dwelling Unit subsequent to the effective date of the ordinance codified in this Title.~~

##### ~~1. Unit Type.~~

- ~~a. The Accessory Dwelling Unit shall have a separate and independent entrance from the primary unit and shall provide independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation.~~

b. — An Accessory Dwelling Unit may be an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code.

2. — *Location.*

a. — Accessory Dwelling Units shall be allowed on residential lots containing only one single-family detached unit in any residential zone in the City.

b. — Accessory Dwelling Units are not allowed on lots containing 2 or more dwelling units or on any lot developed with a multi-family residential project.

c. — Accessory Dwelling Units are not allowed in the commercial or industrial zones of the City, including any legally nonconforming parcel or use, even if they contain a detached or attached single-family residential unit.

d. — Accessory Dwelling Units are not allowed within planned-unit developments, condominium projects, or condominium conversion projects.

e. — An Accessory Dwelling Unit shall not be constructed or moved into a lot that already contains a granny housing unit/flat, guest house, or caretaker's house.

f. — An Accessory Dwelling Unit may be attached to the existing primary unit on the lot or detached from the existing dwelling unit but located on the same lot as the existing dwelling unit.

g. — No more than one Accessory Dwelling Unit shall be allowed on a residential lot.

h. — No more than 20% of the lots within any one block of the City shall have Accessory Dwelling Units.

i. — Accessory Dwelling Units shall not be placed in front of the primary dwelling unit on the lot.

3. — *Minimum Areas.*

a. — Minimum lot size: 6,000 square feet.

b. — Lot coverage: same as underlying zone.

c. — Setbacks:

i. — Front yard setback: 20 feet.

ii. — Side yard setback: 10% of lot width; minimum of 5 feet and maximum of 7 feet.

iii. — Rear yard setback: 15 feet on R-1, R-3 and R-4 lots and 10 feet on R-2 lots, except that through lots shall have a front and rear yard setback of 20 feet.

iv. — No Accessory Dwelling Units shall be located within the required front and side yards.

- d. ~~Rear Yard Coverage. Accessory Dwelling Units are not allowed within the required rear yard setback.~~
- e. ~~Minimum Living Area. 400 square feet, excluding any attached covered parking, enclosed garage, and unenclosed patio covers.~~
- f. ~~Maximum Living Area. The maximum floor area of a detached Accessory Dwelling Unit shall not exceed 1,200 square feet, or, for an attached Accessory Dwelling Unit, 30% of the existing floor area of the primary unit on the lot on which the Accessory Dwelling Unit will be located.~~
- g. ~~Building Height. A detached Accessory Dwelling Unit shall conform to the building height requirements of the underlying zone. However, a second-story addition to a dwelling unit, that is constructed with a building permit that is issued separately from the building permit for the primary dwelling unit, may not be converted to an Accessory Dwelling Unit.~~

4. ~~Number of Units.~~

- a. ~~Lots With One Dwelling Unit. An Accessory Dwelling Unit that is added or moved onto a residential lot in a residential zone with one detached single family unit shall not count towards the number of dwelling units allowed on the lot, as defined by the maximum density standard of the underlying zone district.~~
- b. ~~Lots With More Than One Dwelling Unit. A dwelling unit that is added or moved into a residential lot with 2 or more detached or attached dwelling units, or on lots developed with a multi-family development will not be considered an Accessory Dwelling Unit and shall only be allowed on the lot if it will not result in exceeding the maximum density standard of the underlying zone and subject to all applicable requirements of the underlying zone.~~
- e. ~~Additional Unit(s) on a Lot with an Accessory Dwelling Unit. If an additional dwelling unit or units are constructed or moved into a residential lot containing a primary unit and an Accessory Dwelling Unit, the following shall apply:~~
  - i. ~~The Accessory Dwelling Unit shall no longer be considered an Accessory Dwelling Unit under this Section and shall be counted towards the number of dwelling units allowed on the lot, as defined by the maximum density standard of the underlying zone district;~~
  - ii. ~~The total dwelling unit count (including the Accessory Dwelling Unit) on the lot cannot exceed the maximum density standard for the underlying zone;~~
  - iii. ~~The Accessory Dwelling Unit shall no longer be permitted under this Section and will have to comply with all requirements for residential development within the underlying zone, including the minimum floor area, allowable density, etc.; and~~
  - iv. ~~The development shall obtain the necessary permits and approvals, as required by the City's zoning and building code regulations, in~~

order to make the Accessory Dwelling Unit and the additional unit or units comply with the development standards for the underlying zone.

5. ~~Required Parking.~~

- a. ~~The Accessory Dwelling Unit shall have a separate, off-street, minimum one car, enclosed parking space. The parking space(s) for the Accessory Dwelling Unit shall be located on the same lot as the Accessory Dwelling Unit.~~
- b. ~~Required off-street parking shall be provided at one space per bedroom or per efficiency unit, whichever is greater.~~
- c. ~~The residential lot should have the required parking spaces for primary unit in accordance to the City's parking requirements, which would be separate from the parking spaces to be provided for the Accessory Dwelling Unit. Any noneonforming parking space or parking space provision for the primary unit shall be corrected, prior to the Accessory Dwelling Unit application.~~
- d. ~~The parking space for the Accessory Dwelling Unit shall be in addition to the parking spaces required or provided for the primary dwelling unit.~~
- e. ~~No substitution of parking spaces shall be allowed for the provision of an enclosed parking space for the Accessory Dwelling Unit. Any existing enclosed parking spaces for the primary unit cannot be utilized, reassigned or used to comply with the parking requirements for the Accessory Dwelling Unit on the same lot.~~
- f. ~~The parking spaces for the primary unit or the Accessory Dwelling Unit shall not be permitted within the front yard setback or the front yard driveway.~~
- g. ~~Tandem parking is not allowed.~~
- h. ~~No additional driveways and driveway openings are permitted on lot frontages to provide access to an Accessory Dwelling Unit. For lots with alley access, a secondary driveway or access on the alley side of the lot shall be provided for the Accessory Dwelling Unit, subject to the requirements of this Title. For corner lots, no additional driveways and driveway openings are permitted on any street frontage to provide access to the Accessory Dwelling Unit.~~

6. ~~Building Separation.~~ A detached Accessory Dwelling Unit shall have a minimum building wall separation from the primary dwelling unit of at least 15 feet. Also, an Accessory Dwelling Unit placed more than 150 feet from the public right-of-way shall provide all weather access for emergency vehicles.

7. ~~Design Guidelines.~~

- a. ~~The Accessory Dwelling Unit shall be designed and constructed to match the primary dwelling unit in architectural style, color and exterior façade materials.~~
- b. ~~If the Accessory Dwelling Unit is a manufactured home, the manufactured home shall be erected and permanently anchored on a permanent foundation and shall be made to match the architecture style of the primary unit on the same lot in terms of color, exterior façade and siding, roofing, and other outdoor features.~~
- c. ~~The provision of a skirt to conceal the base, axle or wheels of a manufactured home, trailer or mobilehome or the use of temporary anchors which would allow for future transfer of the unit by a built-in motor, by truck mounting, or by towing shall not be allowed for an Accessory Dwelling Unit under this Title.~~
- d. ~~A recreational vehicle, a commercial coach, park trailer, motor home, truck camper, or camping trailer, or trailer cannot be used as an Accessory Dwelling Unit.~~
- e. ~~A dedicated, separate and independent entrance or main door to the Accessory Dwelling Unit shall be provided, which does not require any full or partial entry into the primary unit.~~
- f. ~~The addition of an Accessory Dwelling Unit on a residential lot shall require the provision and identification of a minimum of 50 square feet of common open space and 80 square feet of private open space area for a total of 130 square feet of open space for each of the primary unit and the Accessory Dwelling Unit, which would be located outside and separate from the required front, side and rear setback areas on the lot.~~
- g. ~~The private open space areas may be provided on the second story of the structure as separate balconies. On the ground floor, the private open space areas shall be enclosed on at least 3 sides by a solid fence made of wood slats or masonry blocks. The fence shall be no higher than 6 feet.~~
- h. ~~The lot and the primary unit, where the Accessory Dwelling Unit shall be added, shall be made to comply with all applicable regulations of the zoning district in which it is located, as well as other applicable City ordinances and building requirements, prior to the acceptance of the Accessory Dwelling Unit application. This includes removal of nonconforming uses and structures and correction of code violations issued for the property.~~

8. ~~*Use of Accessory Dwelling Unit.*~~

- a. ~~The Accessory Dwelling Unit shall not be sold as a separate unit from the primary unit and may be rented.~~
- b. ~~The Accessory Dwelling Unit may be rented out on a monthly basis and the property owner shall obtain a City of Hawaiian Gardens Business License for property rental.~~

- e. ~~Accessory Dwelling Units shall not be rented out for transient use, in which rent is charged and collected on a daily or weekly basis.~~
- d. ~~One of the 2 dwellings on the lot with an Accessory Dwelling Unit, either the primary unit or the Accessory Dwelling Unit, is required to be occupied by the owner of the property.~~
- e. ~~If one of the dwelling units is not owner-occupied for any period longer than 30 days, one of the 2 dwellings will be required to be converted to an accessory structure or a guest house and its kitchen facilities shall be removed in accordance with this Title. This conversion will require the processing and approval of a development permit from the Community Development Director, as well as the necessary building permits and associated fees.~~
- f. ~~A covenant shall be recorded with the Los Angeles County Recorder on the property, subject to approval of the Community Development Director, to restrict the property with the requirements of this Section, prior to issuance of a building permit for the Accessory Dwelling Unit. This use restriction shall be binding upon any successor in ownership of the property.~~
- g. ~~A lot with an Accessory Dwelling Unit cannot be subdivided if the Accessory Dwelling Unit would be on the lot separate from the primary unit unless the proposed subdivision meets all City requirements and the Accessory Dwelling Unit complies or is made to comply with all requirements for residential development within the underlying zone.~~
- h. ~~An Accessory Dwelling Unit cannot be converted into a bedroom, living area, enclosed patio or other part of the primary dwelling unit or to an accessory structure to the primary unit unless the kitchen, bathroom and toilet facilities are removed from the Accessory Dwelling Unit prior to conversion. This conversion will require the processing of a development permit and approval of any permit as may be needed for the conversion and proposed use in compliance with the requirements of this Title, as well as the necessary building permits and associated fees.~~
- i. ~~One of the 2 dwelling units shall be rented at an affordable housing cost to a lower income household, as defined in *Chapter 18.20 Definitions* of this Zoning Code. The Community Development Director shall monitor and require applicable documents on a yearly basis to maintain affordability.~~

~~**C. Site Development Plan Approval.** The Development Permit for an Accessory Dwelling Unit shall be subject to administrative review and approval by the Community Development Director. Appeals shall also be made to the Community Development Director. The Accessory Dwelling Unit shall not be required to go through a discretionary approval process before the Planning Commission or the City Council, even if the applicant is appealing the decision of the Community Development Director.~~

1. ~~*Site Plan Review.* Prior to the submission of plans for a plan check or an application for a building permit for any building or structure associated with the Accessory Dwelling Unit, the plans shall be submitted to the Community Development Director or his/her designee for site plan review and approval and to obtain an Accessory Dwelling Unit Permit.~~
2. ~~*Environmental Review.* Accessory Dwelling Units are considered categorically exempt from the requirements of the California Environmental Quality Act.~~
3. ~~*Development Application.* Generally, it is anticipated that Accessory Dwelling Unit applications will be processed for lots already containing a single family dwelling unit. In cases where the development of an Accessory Dwelling Unit is proposed as part of the development application for the primary unit or a single family dwelling unit and the permit application requires a public hearing or discretionary permit, the Accessory Dwelling Unit shall be considered in conjunction with the permit process for the overall project proposal in order to ensure consistency with relevant site and development standards.~~
4. ~~*Permit Fees.* The Accessory Dwelling Unit shall be subject to application and processing fees similar to other administrative approvals.~~
5. ~~*Building Code Requirements.* The Accessory Dwelling Unit shall comply with all applicable building code requirements which apply to residential construction in the zone district in which the property is located.~~
6. ~~*Nonconforming or Illegal Uses.* Nothing in this Section shall be construed to legalize any currently nonconforming or illegally established Accessory Dwelling Unit in the City. In order to legalize an Accessory Dwelling Unit, the property owner would have to apply to the City for a development plan approval and building permit, subject to the requirements and standards of this Chapter. It is the property owner's responsibility to legalize the Accessory Dwelling Unit by demonstrating that the Accessory Dwelling Unit meets all the requirements of this Section and obtains a building permit, as required. (Ord. 537 § 1, 2011; Ord. 505 § 2, 2006)~~

**EXHIBIT B**

**OTHER APPLICABLE ACCESSORY DWELLING UNIT SECTIONS OF THE ZONING CODE**

**Chapter 18.50 Residential Regulations**

**18.50.010 Parking and Loading Requirements**

***B. Parking and Loading Spaces.***

1. *Number of Parking Spaces.* Required off-street parking spaces for specific uses are listed below and in *Section 18.70.010 Non-Residential Parking and Loading Requirements*. The requirement for a use not specifically mentioned shall be the same as for a specified use which has the most similar traffic and/or parking generation characteristics, as determined by the Community Development Director.

<b>RESIDENTIAL OFF-STREET PARKING REQUIREMENTS</b>	
<b>Use</b>	<b>Required Parking</b>
<b>A. Residential Uses.</b>	
1. Single-family residences and two dwelling unit multi-family residential	2 spaces in an enclosed garage; 5 or more bedrooms shall require the provision of a third parking space in an enclosed garage. For lots 25 feet in width or less 1 space in an enclosed garage is required.
2. Townhomes/condominiums	2 spaces in an enclosed garage plus 0.75 guest space per unit.
3. Multi-family residential Single room occupancy 1-bedroom unit 2-bedroom unit 3-bedroom unit Larger than 3-bedroom units	1.0 space/dwelling unit plus 0.5 guest space/unit. 2.0 spaces/dwelling unit plus 0.75 guest space/unit. 2.0 spaces/dwelling unit plus 0.75 guest space/unit. 2.0 spaces/dwelling unit plus 0.75 guest space/unit. 2.0 spaces/dwelling unit plus 1.0 space for each additional bedroom over 3 bedrooms plus 0.75 guest space/unit. All spaces, except guest spaces shall be in an enclosed garage.
4. Senior housing	0.6 space/dwelling unit plus 0.5 guest space/unit.
5. Mobilehome park	2 spaces/mobilehome plus 1 guest space/4 mobilehomes.
6. Convalescent/congregate care facility	0.5 space/room plus 1 space/employee.
7. Rooming houses, lodging houses, clubs and fraternity houses with sleeping rooms	1 space/room.
8. Accessory dwelling unit (ADU) Attached and Detached ADU  Converted ADU	1 space/unit, except for exceptions in Section 18.90.080(F)(12)(c).  No parking required.

<b>RESIDENTIAL OFF-STREET PARKING REQUIREMENTS</b>	
<b>Use</b>	<b>Required Parking</b>
Junior ADU	No parking required.
9. Accessory dwelling unit, subject to Section 18.90.100	1 space per bedroom or efficiency unit, whichever is greater, with a minimum of 1 space in an enclosed garage.

**Chapter 18.100 Administration**

**18.100.040 Administrative Review and Approval**

- A. Purpose.** To ensure that all provisions of this Zoning Code are followed, the Community Development Director shall issue an Administrative Approval for all new construction, replacement, alteration, renovation, and demolition projects in accordance with the regulations below.
1. If no specific permits are needed under this Zoning Code, the Administrative Approval shall be required prior to:
    - a. Issuance of a building permit;
    - b. Use of a property;
    - c. Change in the use of an improved or unimproved property;
    - d. Change in the occupancy of a property;
    - e. Issuance of a license or permit concerning use of a property.
  2. Administrative Approvals are required for demolitions, renovations and alterations that do not result in a change or introduction of a new land use, as well as for some projects that may not lead to an increase in the floor area of the existing structure. These include, but are not limited to:
    - a. On-site walls and fences;
    - b. Demolition of a structure;
    - c. Sculptures, fountains and other similar improvements;
    - d. Normal repairs and maintenance of an existing building or structure; and
    - e. Interior alterations that do not affect the external dimensions of an existing building or structure, unless the alterations are made to change the use or type of occupancy within part or all of the altered building or structure.
    - f. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit under Section 18.90.080.
- B. Processing.** Permit processing and approval of an Administrative Approval shall follow the procedures shown in Figure A.
- C. Required Findings.** An Administrative Approval may be granted only if all of the following findings can be made regarding the proposal and are supported by the record:

1. That the granting of the proposed Administrative Approval will not:
    - a. Be detrimental to the public health, safety, and general welfare;
    - b. Adversely affect the established character of the surrounding vicinity and planned uses; nor
    - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
  2. That the granting of the proposed Administrative Approval is consistent and compatible with the intent of the goals, objectives and policies of the City of Hawaiian Gardens General Plan.
  3. That all conditions necessary to mitigate the impacts of the proposed use are conditions that are measurable and can be monitored and enforced.
  4. That all requirements for a specific use have been addressed by the applicant.
- D. *Burden of Proof.*** The applicant has the burden of proving that the proposed use meets all of the criteria set forth in *Subsection C Required Findings* for Administrative Approvals above.
- E. *Approval.*** The Community Development Director may grant an Administrative Approval, approve with additional requirements, or require modification of the proposal to comply with specified requirements or local conditions.
- F. *Denial.*** The Community Development Director may deny an application for an Administrative Approval if any of the Required Findings are not supported by evidence in the record as determined by the Community Development Director.
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## 18.20.030 Definitions

**Accessory Dwelling Unit.** A detached or attached residential dwelling unit on the same lot as the primary dwelling unit, as regulated in Section 18.90.080 of this Title.

**Granny Flat or Granny Unit.** A secondary dwelling unit that is attached or detached to the primary residence on a residential lot, designed for the sole occupancy of one or two adults aged 62 or over. The floor area of an attached granny flat does not exceed 30% of the existing living area of the primary residence and the floor area of the detached granny flat does not exceed 1,200 square feet.

## Chapter 18.90 Supplemental Regulations

### 18.90.090 ~~Granny Units.~~

The purpose of this Section is to provide special standards for the addition of a dwelling unit intended solely for the occupancy of one or two persons aged 62 years or over, in conjunction with a single family residence and pursuant to the State's Planning and Zoning Law:

- A. ~~Minor Use Permit Required.~~* A minor use permit may be granted for the creation of a granny unit or granny flat if the granny flat or granny unit complies with all of the requirements of this Section.
- B. ~~Design and Development Standards.~~*
1. ~~The granny unit shall either be attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~
  2. ~~Any increase in the floor area of an attached granny unit shall not exceed 30% of the living area of the existing dwelling.~~
  3. ~~The total area of the floor space for a detached granny unit shall not exceed 1,200 square feet.~~
  4. ~~A covenant shall be recorded with the Los Angeles County Recorder on the property, subject to approval of the Community Development Director, to restrict the property with the requirements of this Section, prior to issuance of a building permit for the granny unit.~~
  5. ~~If the property containing a granny unit is sold and the granny unit's primary occupant is not over 62 years of age, then the detached granny unit shall be converted to an accessory structure or a guest house and its kitchen and bathroom facilities shall be removed. This conversion will require the processing and approval of a development permit from the Community Development Director, as well as the necessary building permits and associated fees.~~
  6. ~~Any construction necessary to allow a granny unit shall conform to all property development regulations in the zone in which the project is located, including those related to accessory structures and uses. The exterior design shall be in harmony with the immediate neighborhood. Building materials, architectural design, colors, and exterior finishes shall be substantially the same as those on the principal dwelling. Granny units shall be designed so as not to adversely affect the single family character of the surrounding neighborhood. (Ord. 537 § 1, 2011; Ord. 505 § 2, 2006)~~

## Chapter 18.90 Supplemental Regulations

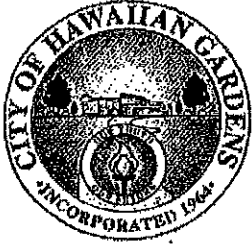
### 18.90.100 Guest House.

This Section provides standards for the development of guest houses intended solely for the occupancy of short-term guests of the residents of the primary single-family dwelling unit.

*A. Minor Use Permit Required.* A minor use permit may be granted for the creation of a guest house in compliance with the standards in this Section.

*B. Design and Development Standards:*

1. The maximum size of a guest house shall be 400 square feet and shall be either attached to the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
  2. A guest house shall contain only sleeping and sanitary facilities. No kitchen or food preparation area or appliances shall be provided.
  3. One additional parking space shall be required for the guest house, which may be uncovered and located within the rear yard setback.
  4. Guest houses shall conform to all property development regulations in the zone in which they are located, including those related to accessory structures and uses.
  5. Building materials, architectural design, colors, and exterior finishes of the guest house shall be substantially the same as those on the principal dwelling. Guest houses shall be designed so as not to adversely affect the single-family character of the surrounding neighborhood. (Ord. 537 § 1, 2011)
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**CITY OF HAWAIIAN GARDENS  
CITY COUNCIL  
STAFF REPORT**

Agenda Item No.: A-2City Manager: [Signature]

**DATE:** November 12, 2019  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Ernie Hernandez, City Manager  
**BY:** Joseph Colombo, Community Development Director  
**SUBJECT:** ORDINANCE NO. 585,

**ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF CITY OF HAWAIIAN GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AMENDING HAWAIIAN GARDENS MUNICIPAL CODE SECTION 18.90.080 (ACCESSORY DWELLING UNITS) AND OTHER APPLICABLE SECTIONS OF THE ZONING CODE**

### SUMMARY

The proposed Ordinance would amend Title 18 of the Hawaiian Gardens Municipal Code (HGMC) and establish the City's zoning regulations for accessory dwelling units (ADU), consistent with Government Code Section 65852.2. It would also repeal Ordinance No. 548U, an Interim Zoning Ordinance that places a moratorium on the permitting and construction of certain ADUs.

On October 9, 2019, the Planning Commission held a public hearing and voted (4-1) approving Resolution No. 2019-018 recommending the City Council adopt the Draft Zoning Code Text Amendment with revisions that address new State laws signed by the Governor in October 2019 and take effect in January 2020.

### BACKGROUND

In 2017, amendments to Government Code Section 65852.2 effectively made null and void the City's Second Dwelling Unit Regulations (Section 18.90.080 -18.90.100). In absence of such an ordinance, the City must approve ADUs applying only limited standards and regulations of Sections 65852.2(a)(1)(A) and (B) ("State Standards").

#### Interim Urgency Ordinance

Pursuant to the requirements of Government Code Section 65858, the City has in effect a moratorium set to expire on April 10, 2020, on the permitting and construction of

certain ADUs and establishes interim regulations for ADUs under Ordinance No. 548U. The current ADU regulations are the "State Standards" per the Ordinance.

On June 12, 2018, staff presented to City Council a recommendation to hire a consultant to further study the technical analyses within the City that would provide a detail analysis of the streets, safety issues, evaluation of all sites in the City for potential build out scenarios, and related impact to public health, safety and welfare.

#### Accessory Dwelling Units Technical Report

In May 2019, MIG prepared an ADU report that provides a technical and regulatory overview of the City of Hawaiian Garden's ADU regulations and examines the physical conditions that may influence how the City responds to a series of State law that promote the development of ADUs. This report evaluates existing characteristics of the City's population, housing units, lot sizes, transportation services, parking, and infrastructure systems, as well as the potential capacity for allowing additional ADUs. See the Discussion section in the report for more information on the Accessory Dwelling Unit Technical Report findings.

#### Planning Commission Recommendation

On October 9, 2019, the Planning Commission held a public hearing and voted (4-1) approving Resolution No. 2019-018 recommending that the City Council approve the draft Ordinance establishing the City's zoning regulations for ADUs consistent with Government Code Section 65852.2. The Planning Commission also recommended that the City Council consider revisions to the draft Ordinance that would incorporate State ADU legislation that were signed by Governor Gavin Newsom on the same day as the public hearing. These legislations signed on October 9 includes SB 13/AB 68/AB 881, AB 587, and AB 671/AB 139. The proposed Ordinance also include provisions signed on August 30, 2019, AB 670 (Friedman), which prevents homeowners' associations from barring ADUs.

#### New Accessory Dwelling Units Laws Signed Between 2016 and 2019

Since 2016, there has been considerable discussion throughout California in developing innovative solutions that could aid in the production of housing. The State-wide housing crisis prevails with a limited supply of affordable housing options, increased spatial mismatch, exponential growth in housing costs, and people who qualify as housing burdened.

In recognition of the State's housing crisis, the California legislature found and declared that, among other strategies, allowing ADU's in zones allowing single-family and multi-family residential uses provides additional housing stock and are an essential component in addressing California's housing needs. As a result, the State Legislature passed a handful of new laws that further limit local regulation of accessory dwelling units, or ADUs. The Legislature's goal is to accelerate ADU development throughout the State. New State laws related to ADU's was authored and amended between 2016 and 2017 through, AB 2406, AB 2299, SB 1089, AB 494, SB 229, and SB 1226 making significant changes to the ability of local municipalities to regulate such units.

In September 2016 Governor Brown signed three legislative bills (Senate Bill 1069, and Assembly Bills 2299 and 2406) that amended Government Code Section 65852.2, which regulates ADUs. The intent of the three bills is to spur the increased production of ADUs. Follow-up legislation passed in 2017 (SB 229 and AB 494) clarified certain changes in the Government Code made through the first round of legislation.

Notable provisions of State Law include mandating that local municipalities allow an ADU that is created by converting existing space (including a garage or accessory structure) on any single-family zoned property, reduction in parking requirements for accessory dwelling units, invalidating local ADU ordinances if they do not fully comply with the newly amended State Law, allowing for a ministerial or nondiscretionary approval process, and mandating that local governments approve JADUs. The newest applicable State Law regarding ADUs also amends the California Health and Safety Code to allow ADUs constructed without proper building permits to be brought into compliance within five years, unless delaying compliance is demonstrably unsafe.

On October 2019, Governor Newsom signed three legislative bills (Assembly Bills 881 and 68 and Senate Bill 13). The following summarized collectively the key components of all the bills:

#### *More Locations*

- State law now clearly prohibits a city from requiring a minimum lot size.
- ADUs are now allowed on lots with multifamily dwellings (not just single-family dwellings).
- The no-setback rule is expanded beyond just nonconforming garages to include any existing structure, or any new structure in the same place and with the same dimensions as an existing structure.
- The most a city may require for a side or rear setback is now 4 feet.
- Before, the adequacy of water and sewer services and ADU impact on traffic flow and public safety were just examples of reasons that might justify a city in restricting ADUs in a certain area. Now, they're the only allowed reasons, and cities must consult with utility providers before deciding that water and sewer services are inadequate.

#### *Fewer Opportunities to Regulate Size*

- Minimum size must be 220 square feet, or as low as 150 square feet if the city has adopted a lower efficiency-unit standard by local ordinance.
- Maximum size must be at least 850 square feet for attached and detached studio and one-bedroom ADUs and at least 1,000 square feet for two or more bedrooms. In practice, an ADU might be limited to less than these minimum maximums by the application of development standards, such as lot coverage and floor-area ration. But another new provision prohibits the application of any

standard that wouldn't allow for at least an 800-square foot, 16-foot tall ADU with 4-foot side and rear setbacks.

- Converted ADUs may now include an expansion of the existing structure of up to 150 square feet for ingress and egress.
- Attached ADUs are no longer limited to 1,200 square feet — just 50 percent of the existing primary dwelling.

### *Less Parking*

- Cities may no longer require replacement parking when a garage is converted to an ADU.
- A city cannot require ADU parking within a 1/2 mile of public transit. State law now clarifies that "public transit" includes any bus stop, which may considerably expand parking-exempt areas for many cities.

### *More Limited Review*

- Whether or not a city has a compliant ADU ordinance, it must ministerially approve a compliant ADU, and now a junior ADU as well, within 60 days of receiving a complete application — a decrease from 120 days. But the city must extend that time if an applicant requests it. Cities may charge a fee to recover review costs.
- Any new primary dwelling that requires a discretionary review may still be subjected to the normal discretionary process, and consideration of an ADU on the same lot may be delayed until the primary dwelling is approved. But the ADU decision must remain ministerial.
- Cities now have to approve new detached ADUs with only a building permit (as they do for converted ADUs), without applying any standard except for 4-foot setbacks, an 800-square foot max and a 16-foot height limit.
- Cities may not require correction of physical nonconforming zoning conditions for an ADU or junior ADU.

### *Multiple ADUs and Multifamily*

- Cities must now allow both a junior ADU and either a converted ADU or a detached building-permit-only ADU on the same lot.
- A city must now allow junior ADUs even if the city doesn't have an ADU ordinance, in which case it may only impose the few standards in state law.
- Cities must now allow multiple converted ADUs on lots with a multifamily dwelling.
- Cities must now allow up to two detached ADUs on lots with a multifamily dwelling, subject only to a 16-foot height limit and 4-foot setback.

*More Limited Fees*

- Utility providers are now more limited in whether and how they can charge connection fees and capacity charges.
- Impact fees are prohibited for ADUs smaller than 750 square feet. They're allowed for large ADUs, but only proportional to the primary dwelling.

*No Owner-occupancy*

- All ADUs are exempt from owner-occupancy requirements until Jan. 1, 2025. Cities may then impose occupancy requirements, but only to ADUs created after that date.

*No Short-term*

- Cities may no longer allow short-term rentals of ADUs.

*Heavier Consequences for Cities*

- Now, a local ADU ordinance is null and void if it does not fully comply with whatever the current state law requires — not just with the 2017 amendments (which was previously the case). So cities will have to proactively conform their ordinances before changes in state law take effect or continually risk voiding their entire local ordinance.
- Cities are more accountable now to the California Department of Housing Community Development for confirming their local ordinances to the state ADU law, and HCD may refer a violation to the Attorney General.

These laws signed by Governor Newsom do not come into effect until January 1, 2020. However, Staff proposes the draft Ordinance as described below to accommodate for these more recent ADU laws.

Additionally, it should be noted that State law still authorizes local municipalities to adopt additional restrictions as long as the additional restrictions do not conflict with the regulations established in State law.

**Proposed Accessory Dwelling Unit Ordinance**

Staff presented the draft Accessory Dwelling Unit Ordinance to the Planning Commission. The Commission recommended to revise the Draft Ordinance to reflect the changes in State law. The changes to the Ordinance are described in the following sections.

The proposed draft Ordinance would amend Title 18, primarily Section 18.90.080 (Accessory Dwelling Units). Once the draft Ordinance has been adopted, Section 18.90.080 (Accessory Dwelling Units) would contain all the City's Accessory Dwelling Unit regulations, though they would also be reflected in other parts of the code as indicated by the targeted amendments to Section 18.50.010 (Parking and Loading Requirements), Section 18.100.040 (Administrative Review and Approval), and 18.20.030 (Definitions).

#### Defining "Accessory Dwelling Units" (ADUs)

The proposed Ordinance would incorporate the definition of Accessory Dwelling Units based on State law and would effectively replace and supplant Granny Unit and Guest House zoning text and regulations. In addition, the Ordinance would define "Junior Accessory Dwelling Units" (JADU) as a unit up to 500 square feet in size contained entirely within a single-family dwelling, and that is created in whole or in part from within a primary dwelling by modifying an existing bedroom. Three types of ADUs are recognized in the Ordinance (Converted, Attached, Detached), in addition to JADUs, and each is subject to slightly different regulations per State Law.

#### Location/Zones/Areas

As allowed by the State ADU law, the City's proposed ordinance would allow ADUs in all the City's residential zones (R-1, R-2, R-3 and R-4) that currently contains or will contain only one single-family detached primary dwelling<sup>1</sup>. It would also allow ADUs on lots with multifamily structures both as ADUs converted from space that is not currently used as livable space and as detached ADUs.

In the situation where the Converted ADUs is proposed on an existing structure that is non-conforming with regards to zoning regulations, the proposed Ordinance abides by State regulations by not requiring corrections of zoning non-conformity. In other situations where the nonconformity is not through zoning regulations, the provisions of HGMC Section 18.100.130 (Nonconforming Uses and Structures) apply. In addition, unpermitted/illegal ADUs will not be deemed conforming unless it conforms to the City's ADU Ordinance.

#### Ministerial Review and Approval

ADUs that meet the provisions of the proposed Ordinance would be subject to a ministerial review and approval process and will not require a discretionary permit. No additional planning review would be required for "Converted" ADUs. Planning and other department review of Converted ADUs would occur prior to building permit issuance. For all other ADUs, planning review and approval of a ministerial Accessory Dwelling Unit Permit would be required prior to building permit application.

#### Development Standards

<sup>1</sup> Government Code Section 65852.2(a)(1)(A)

Through the adoption of the proposed Ordinance, the State ADU law explicitly allows for the City<sup>2</sup> to impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places. In the case of Converted ADUs, the City conforms with State ADU law by not requiring additional zoning development standards.

Development Standard	Description of Requirement
Size	Up to 800 square feet. Detached ADU: Maximum 1,200 square feet of floor area Attached ADU: Maximum 50 percent of the floor area of the primary dwelling
Lot Coverage	Per Zone requirement, usually 50%
Setbacks	Front: 20 feet Rear and side: 4 feet
Location	Located being primary dwelling unit
Height	Minimum of 16 feet. As applicable, whichever is less of <ul style="list-style-type: none"> <li>▪ Maximum two stories or 30 feet; or</li> <li>▪ Height of primary dwelling unit</li> </ul>
Building Separation	Detached ADU must be minimum 8 feet from primary dwelling or another ADU

**Parking**

Although the proposed Ordinance establishes a minimum of one space per unit, since nearly all of Hawaiian Gardens are within 0.5-mile of transit (bus stops), State law would preclude its enforcement on almost all ADU permits. The proposed Ordinance would also eliminate the off-street parking requirement for converted ADUs.

When replacement parking is required, the proposed Ordinance would allow any configuration except that the front yard other than the paved driveway shall not be used for parking.

**Other Requirements**

The Ordinance also imposes objective design standards including the requirement to match the existing primary dwelling. It would require that ADUs to have permanent foundations and would still prohibit short-term rentals.

In compliance with the new ADU legislation taking effect in January 1, 2020, the proposed Ordinance does not include an "owner occupancy" requirement. However,

<sup>2</sup> Government Code Section 65852.2(a)(1)(B)(i)

the proposed Ordinance would still incorporate restrictions that would effectively ensure that the ADU and primary dwelling unit will occupy the same lot under one property owner.

## **DISCUSSION**

With all of the new State laws addressing accessory dwelling units, as well as other housing laws that are being enacted to address the State's housing crisis, has placed additional pressures on local governments to revise their zoning codes to be compliant. The rush from the State's legislature to enact multiple bills concurrently and within a short time period has also caused confusion among cities to fully understand the implications of such State laws and requires cities to revise the zoning code frequently, thereby creating confusion for property owners.

Additionally, City staff recognizes that certain residential blocks with higher residential densities and small parcel sizes experience overcrowding challenges, which has resulted in parking and related issues. To prevent undue burdens to government services and infrastructure, the City wanted to fully study the existing conditions and make the sure the revisions the ADU Zoning section would not exacerbate current overcrowding and parking conditions.

### **Accessory Dwelling Unit Technical Report Findings**

The purpose of Accessory Dwelling Unit Technical Report was to examines the physical conditions that may influence how the City responds to a series of State law that promote the development of ADUs. Specifically, the report was to examine whether garage conversions and additional ADUs would have an overall negative impact on infrastructure and emergency vehicle access due to narrow streets, illegal parking, and congested parking conditions within in particular residential blocks of the City.

The discussion of the report's findings includes information current as of September 2019 and remain Informative in light of recent ADU laws singed in October 2019, and the proposed Ordinance. The report serves to provide a snapshot of the City's underlying zoning, land use, infrastructure and demographic environment as to inform discussion of State-mandated creation of new dwelling units. The following sections summarized the key components and findings of the report.

#### **Land Use and Zoning**

The City has 3,721 housing units, and 61% are single-family dwellings within a mostly medium-density residential environment. Since 2018, cities with no ordinance must allow ADUs in zones where single-family uses are allowed in addition to single-family residential zones. Single-family uses are allowed in all the City's residential zones (R-1, R-1-10000, R-2, R-3 and R-4). Although current and proposed ADU regulations would affect all residential zones, the R-2 zone applies to 60% of these lots. The R-2 Zone is consistent with the General Plan's Medium Residential Density land use designation. Per Section 18.10.030(J), the Medium Density Residential Land Use designation allows up to 17 dwelling units per acre and minimum lot size requirement of 3,750 square feet.

In the Southwest area, almost all residential zones are R-2 with a portion south of 226th street zoned R-4 (maximum 24 dwelling units per acre).

#### Population and Housing

The City of Hawaiian Gardens is the smallest city in Los Angeles County with a geographic area of less than one square mile (611 acres). The southern section of the City, south of Carson Street to the Long Beach border, accommodates 10,370 persons or 73% of the City's total population of 14,690. Population growth has slowed in recent years, with a minor decline in absolute population numbers. The report identifies demographic profile that influence the demand and creation of supply of ADUs. In Hawaiian Gardens, the average household size is 4.1 persons and 58.6% are renters. Median households have incomes of \$38,553, 63% of the County's median. The median population age of 30.9 is 5.1 years younger than the County.

Overcrowding conditions apply to 20.3% of households, twice as high as the County's. Overcrowding increases health and safety concerns and stresses the condition of the housing stock and infrastructure. New dwelling units could potentially provide relief from existing overcrowding conditions.

#### Transportation and Parking

The report examines the capacity and performance of the City's street system to absorb new parking demand generated by an ADU. Most of the streets in Hawaiian Garden's residential neighborhoods are local streets with a right-of-way width substantially less than 50 feet to accommodate sidewalks and parkways. Over 50% of the streets are less than 40 feet wide. When refined geographically, almost all streets in the City's southwest portion are 30 feet in width, and 35 feet wide in the southwest portion.

Findings of the field investigations of the City's roadway on May 4, 2019, identify the following observations:

#### *Parking*

- General Plan statements and policy direction to address overcrowding impacts of parking were confirmed
- Most on-street parking spaces were occupied. Driveways and sidewalks being are blocked by apron parking
- Off-street parking spaces are almost always at full capacity utilized; sometimes, cars exceed the number of what could typically be accommodated within driveways

#### *Traffic/Congestion*

- Blocked travel lanes as a result of loading and unloading being conducted within travel lanes due to the lack of available on-street parking

- Street widths are typically 30 to 35 feet within certain residential blocks. When parking takes up the curb, at these street widths vehicles passing each other would have to yield (stop or pull to the side) to allow the other vehicle to pass and could impede emergency vehicles. This could ultimately limit emergency response times and access.

#### Infrastructure and Services

Based on contact with the City's water provider, Golden State Water Company, company representatives confirmed that the City does not have any water deficiency issues as of 2019. GSWC regularly updates aging water pipes on a replacement schedule of approximately 100 years. The City's Sewage Disposal Charges – Reconstruction of Sewer System (Chapter 13.12 of the City's Municipal Code) provides funding for a sewer reconstruction program to accommodate new development and redevelopment. The City's Master Plan of Storm Drains identifies the potential need for four new storm drains and seven storm drain extensions located within the City's single-family zones (R-1 and R-1-10,000).

The Los Angeles County Fire Department operates out of Station 34 located at 21207 South Norwalk Boulevard. The department responded to approximately 1,113 incidents in 2018 with average response time of four minutes and fifty seconds (4:50). National standards say most responses should be under six minutes.

#### Response to Report Findings

Based on the findings of the report, City staff considered placing additional Zoning Code restrictions within certain residential blocks that are characterized as overcrowded population conditions per Census data, have higher residential densities allowed by General Plan, consist of narrow streets, include off-street and on-street parking issues per field observations, and the majority of parcels exceed current residential development standards, specifically the lot coverage standard. These revisions the proposed ADU regulations would restrict additional ADUs projects. However, after discussion with City Staff, the recommended approach was to update the ADU Zoning Code to meet State law and not target certain residential blocks, but to revisit this issue in the future. On a regular basis, City staff would evaluate the number of ADU projects that are proposed and constructed. In the future, if additional problems resulted from the constructing ADUs, the City could impose additional residential standards, so long as they meet State law.

### **ENVIRONMENTAL ANALYSIS**

The proposed project would implement the provisions of Government Code Sections 65852.1 and 65852.2 and is therefore, statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17.

### **RECOMMENDATION**

Staff recommends that the City Council take the following actions to amend the Accessory Dwelling Units regulations:

1. **Find** that the proposed Zoning Code Text Amendments are exempt from the California Environmental Quality Act (CEQA); and
2. **Adopt** an Ordinance (Attached A) amending Hawaiian Gardens Municipal Code Section 18.90.080 (Accessory Dwelling Units) and other applicable sections of the Zoning Code.

**Attachments:**

- A. Draft Ordinance No. 585
- B. Accessory Dwelling Unit Technical Report
- C. Exhibit A strikethroughs/changes
- D. Exhibit B strikethroughs/changes

CITY OF HAWAIIAN GARDENS  
CITY COUNCIL  
STAFF REPORT



Agenda Item No.: B-1

City Manager: *WJ*

CITY OF HAWAIIAN GARDENS  
ACTION:  Approved  
 Denied  
 Amended  
 Receive & File  
 Other

DATE: December 10, 2019  
TO: Honorable Mayor and Members of the City Council  
FROM: Ernie Hernandez, City Manager  
BY: Joseph Colombo, Community Development Director  
SUBJECT: **SECOND READING: ORDINANCE NO. 585**

VOTE: 5-0  
DATE: 12/10/2019  
*WJ*

**ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF CITY OF HAWAIIAN GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AMENDING HAWAIIAN GARDENS MUNICIPAL CODE SECTION 18.90.080 (ACCESSORY DWELLING UNITS) AND OTHER APPLICABLE SECTIONS OF THE ZONING CODE**

**SUMMARY**

At its meeting on November 12, 2019, the City Council reviewed and approved the draft ordinance amending various elements of Hawaiian Gardens Municipal Code (HGMC) Section 18.19.080 (Accessory Dwelling Units) and other application sections of the Zoning Code.

The motion cited below passed with a 5-0 vote:

1. **Find** that the proposed Zoning Code Text Amendments are exempt from the California Environmental Quality Act (CEQA); and
2. **Adopt** an Ordinance (Attachment "A") amending Hawaiian Gardens Municipal Code Section 18.90.080 (Accessory Dwelling Units) and other applicable sections of the Zoning Code.

The ordinance is now presented to City Council for adoption.

**RECOMMENDATION**

Staff recommends that the City Council take the following actions to amend the Accessory Dwelling Units regulations:

1. **Find** that the proposed Zoning Code Text Amendments are exempt from the California Environmental Quality Act (CEQA); and

2. **Adopt** Ordinance No. 585 amending Hawaiian Gardens Municipal Code Section 18.90.080 (Accessory Dwelling Units) and other applicable sections of the Zoning Code.

Attachments:

- A. Ordinance No. 585
- B. City Council Staff Report (November 12, 2019)