



## Agenda Report

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**File #:** 18-2356

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### **AGENDA REPORT REQUEST FOR CITY COUNCIL ACTION**

**DATE:** 12/10/2018

**TO:** Honorable Mayor and City Council Members

**FROM:** Community Development Department

**SUBJECT:**

Public Hearing for City Council consideration of Ordinance No. 3291 for ZTA2018-0001 amending various sections of, and add a new subsection to, Title 17 pertaining to: 1) lot coverage for legal non-conforming smaller lots in residential zones with larger minimum lot size standards (CMC Sections 17.06.120; 17.08.120; 17.10.120; 17.11.120; 17.12.120; 17.20.120; 17.64.010[E] (new); and 2) amend Sections 17.85.040(B)(2) and (C)(3) pertaining to parking requirements for accessory dwelling units in order to conform with recent state legislation. (Applicant: City of Corona)

**RECOMMENDED ACTION:**

That the City Council:

1. Approve ZTA2018-0001 as recommended by the Planning and Housing Commission.
2. Introduce by title only and waive full reading for consideration of Ordinance No. 3291, first reading of an ordinance amending various sections of Title 17 (Zoning) of the Corona Municipal Code relating to maximum lot coverage limitations on smaller legal lots located within zoning districts that are zoned for larger lots and clarifying the parking requirements for accessory dwelling units in residential zones. (ZTA2018-0001).

**ANALYSIS:**

Zone Text Amendment 2018-0001 (ZTA2018-0001) is an application by the City of Corona amending certain sections in Title 17 (Zoning Ordinance) of the Corona Municipal Code (CMC). The amendment covers two topics: 1) the lot coverage limitations on legally created lots that are considered non-conforming to the zone in which they are located because the lot size is smaller than the minimum required lot size of the zone, and 2) parking requirements for Accessory Dwelling Units (ADU) as adopted by state legislation.

Lot Coverage - Single Family Residential

Title 17 of the CMC is the city's Zoning Ordinance which prescribes the on-site development standards for properties located in the various zoning designations. The amendment specifically focuses on the lot coverage allowed in the single family residential zones. Lot coverage means the lot area covered by buildings or structures. (Example: *The R-1-7.2 zone requires a minimum lot size of 7,200 square feet for a single-family home and the maximum allowed lot coverage for a single story home is 45% and 35% for a two story home. If the lot is 7,200 square feet the building square footage of a single story home shall not exceed 3,240 square feet, and the first floor of a two story home shall not exceed 2,520 square feet.*) The lot coverage also includes square footage associated with any detached accessory buildings on the same lot.

The CMC describes the development standards for the various single family residential zones. Table 1 identifies the single family residential zones governed by the CMC and the code sections describing the lot coverage for each zone.

Table 1  
Single Family Zones

CMC Chapters	Zoning								
	Chapter 17.06	Chapter 17.08	Chapter 17.10	Chapter 17.11	Chapter 17.12	Chapter 17.14	Chapter 17.16	Chapter 17.18	Chapter 17.20
Single Family Zones	<b>Agriculture</b>	<b>A-14.4</b>	<b>R-1A</b>	<b>R-20</b>	<b>R-12</b>	<b>R-1-9.6</b>	<b>R-1-8.4</b>	<b>R-1-7.2</b>	<b>R-1-14.4</b>
Minimum Allowed Lot Size	5 acres	14,400 s.f.	40,000 s.f.	20,000 s.f.	12,000 s.f.	9,600 s.f.	8,400 s.f.	7,200 s.f.	14,400 s.f.
Maximum Lot Coverage	30%	40% / 30%	25%	35% / 30%	40% / 30%	40% / 35%	40% / 35%	45% / 35%	40% / 30%
CMC Section	17.06.120	17.08.120	17.10.120	17.11.120	17.12.120	17.14.120	17.16.120	17.18.120	17.20.120

Single story coverage / Two story coverage shown as #% / #%.

There are limited areas in the city where lot sizes are smaller than the zoning shown for the property. This situation sometimes occurs when the size of the property was legally created before the zoning on the property was established. This situation creates a substandard condition because the lot size is smaller than the minimum lot size required for the zone. In this case the development standards prescribed for the zone may make it difficult for a property owner to maximize the building square footage of the property when compared to other properties of the same or similar size in the city.

The above scenario primarily exists in an area of the city known as the Overlook Addition, which is the map reference for the subdivision in this area. The zoning for this area is R-1-14.4, which requires a minimum lot size of 14,400 square feet, but many of the lots in the Overlook Addition subdivision are less than 7,000 square feet, but greater than 6,000 feet. As shown above in Table 1, the smallest lot size allowed by the CMC for single family is 7,200 square feet in the R-1-7.2 zone. When the R-1-7.2 zone is compared to the R-1-14.4 zone, the lot coverage in the R-1-7.2 zone is more lenient than compared to the zones requiring a larger minimum lot size. This puts the smaller lots in the Overlook Addition at a distinct disadvantage than compared to other properties in the city.

The zone text amendment proposes to make a provision within the Zoning Ordinance that would allow these types of smaller lots to use a lot coverage more at parity with the R-1-7.2 zone. This will result in a more equitable standard for lots that are themselves less than 7,200 square feet by virtue of the older subdivisions.



The following shows the text changes being made to the applicable code sections. New text is shown with an underline.

#### CMC CHAPTER 17.64 - LOTS AND YARDS

##### 17.64.010(E) Lots - Area, dimension, and coverage.

Legal lots in single family residential zones that are substandard in area based on the requirements of the respective zone and are 9,600 square feet in area or smaller are allowed to have a building lot coverage of 45% for single-story residences and 35% for two-story residences.

#### CMC CHAPTER 17.06 AGRICULTURE ZONE

##### 17.06.120 Coverage.

Lot area coverage by buildings or structures shall not exceed 30% of the total lot area, except for special provisions for legal, non-conforming lots in CMC 17.64.010(E).

#### CMC CHAPTER 17.08 A-14.4 SINGLE FAMILY RESIDENTIAL ZONE

##### 17.08.120 Coverage.

Lot area coverage by buildings or structures shall not exceed 30% of the total lot area, except for special provisions for legal, non-conforming lots in CMC 17.64.010(E).

#### CMC CHAPTER 17.10 R-1A SINGLE FAMILY RESIDENTIAL ZONE

17.10.120 Coverage.

Lot area coverage by buildings or structures shall not exceed 30% of the total lot area, except for special provisions for legal, non-conforming lots in CMC 17.64.010(E).

CMC CHAPTER 17.11 R-1-20 SINGLE FAMILY RESIDENTIAL ZONE

17.11.120 Coverage.

Lot area coverage by buildings or structures shall not exceed 30% of the total lot area, except for special provisions for legal, non-conforming lots in CMC 17.64.010(E).

CMC CHAPTER 17.12 R-1-12 SINGLE FAMILY RESIDENTIAL ZONE

17.12.120 Coverage.

Lot area coverage by buildings or structures shall not exceed 30% of the total lot area, except for special provisions for legal, non-conforming lots in CMC 17.64.010(E).

CMC CHAPTER 17.20 R-1-14.4 SINGLE FAMILY RESIDENTIAL ZONE

17.20.120 Coverage.

Lot area coverage by buildings or structures shall not exceed 30% of the total lot area, except for special provisions for legal, non-conforming lots in CMC 17.64.010(E).

The amendment does not affect the density of the property, as the density is regulated by the General Plan. The properties in single family residential zones are limited to one primary dwelling unit per lot, and if the property is large enough an accessory dwelling unit that meets the building setbacks and lot coverage of the zone may also be constructed in accordance with CMC Chapter 17.85. Only one accessory dwelling unit is allowed per single family residential lot that contains a primary residence.

ACCESSORY DWELLING UNIT - PARKING REQUIREMENT

The city allows the construction of Accessory Dwelling Units (ADU) in accordance with the development standards required in CMC Chapter 17.85. The ADU ordinance replaced the city's previous secondary dwelling unit ordinance in response to legislation passed by the state per Senate Bill 1069 and Assembly Bill 2299. Both bills became effective January 1, 2017, and the city adopted an ordinance in April 2017 enacting this legislation. The ordinance was adopted into the CMC as Chapter 17.85.

The ADU law was later amended by SB 229 and AB 494 with one of the changes being to the parking requirement for ADUs. The initial legislation allowed the local jurisdiction to require parking based on one parking space per unit or per bedroom. The city's ordinance requires one parking space bedroom. However, the amendment to this law was changed to now require the more lenient of the two. Basically, the new law states the *parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.* (CA Gov't Code Section 65852.2 (D)(x)(I)). A copy of the revised legislation is shown in Exhibit 2 and became effective January 1, 2018.

The following shows the changes being made to the city's ADU ordinance governed by CMC Chapter 17.85.

**CMC SECTION 17.85.040 Development Standards.**

(B) (2) An accessory dwelling unit attached or detached from the primary unit shall provide one parking space per unit or one parking space per bedroom, whichever is less. Parking may be provided on an existing driveway in the front yard setback area of the lot on which the accessory dwelling unit is located, provided that the driveway is at least 20 feet in depth

(C)(3) The accessory dwelling unit is contained within the existing primary unit or **existing** accessory building

**COMMITTEE ACTION:**

Not applicable.

**STRATEGIC PLAN:**

Not applicable.

**FISCAL IMPACT:**

The amendment was initiated by the city. Therefore, no fees are associated with this request.

**ENVIRONMENTAL ANALYSIS:**

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for Implementing the California Environmental Quality Act (CEQA) and Section 3.07 of the City's Local CEQA Guidelines, which state that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action amends language in the municipal code, and there is no possibility that adopting the referenced ordinance will have a significant effect on the environment. Therefore, a Notice of Exemption was prepared.

**PLANNING AND HOUSING COMMISSION ACTION:**

At its meeting of November 13, 2018, the Planning and Housing Commission considered the subject matter and took the following action:

Motion was made, seconded (Jones/Dunn) and carried unanimously, that the Planning and Housing Commission recommend approval of ZTA2018-0001 to the City Council, based on the findings and conditions contained in the staff report. The minutes of the Planning and Housing Commission meeting are included as Exhibit 4.

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**PREPARED BY:** JOANNE COLETTA, COMMUNITY DEVELOPMENT DIRECTOR

**REVIEWED BY:** KERRY D. EDEN, ASSISTANT CITY MANAGER/ADMINISTRATIVE SERVICES DIRECTOR

**REVIEWED BY:** MICHELE NISSEN, ASSISTANT CITY MANAGER

**SUBMITTED BY:** DARRELL TALBERT, CITY MANAGER

**EXHIBITS**

1. City Ordinance No. 3291 and Redline Version.
2. Memo from California Housing and Community Development dated May 29, 2018.
3. Planning and Housing Commission Staff Report.
4. Draft Minutes of the Planning and Housing Commission meeting of November 13, 2018.

**APPLICANT INFORMATION**

*City of Corona, 400 S. Vicentia Avenue, Corona, CA 92882*