File #: 20-0002, **Version:** 1

AGENDA REPORT
REQUEST FOR CITY COUNCIL ACTION

DATE: 01/15/2020

TO: Honorable Mayor and City Council Members

FROM: Community Development Department

SUBJECT:
Public Hearing for City Council consideration of Urgency Ordinance No. 3310, and Regular Ordinance 3311, first reading of an Ordinance of the City of Corona, California for ZTA2019-0004, amending Chapter 17.85 of the Corona Municipal Code (CMC) to update the regulations pertaining to Accessory Dwelling Units and amendments to various sections regarding definitions for accessory dwelling units, and certain development standards regarding the distance between buildings for various single family residential zones, and amendment to Chapter 16.23 of the CMC regarding Development Impact Fees for accessory dwelling units. (Applicant: City of Corona)

RECOMMENDED ACTION:
That the City Council:

1. Adopt Urgency Ordinance No. 3310 for immediate consideration of an amendment to Title 17 of the Corona Municipal Code (CMC) amending Sections 17.04.016, 17.04.018, 17.06.110, 17.08.110, 17.10.110, 17.11.110, 17.12.110, 17.14.110, 17.16.110, 17.18.110, 17.20.110, 17.22.110, 17.66.010, 17.66.015, and Chapter 17.85 relating to accessory dwelling units in residential zones.

2. Consideration of Ordinance No. 3311, first reading of an ordinance to Tile 17 of the Corona Municipal Code (CMC) amending Sections 17.04.016, 17.04.018, 17.06.110, 17.08.110, 17.10.110, 17.11.110, 17.12.110, 17.14.110, 17.16.110, 17.18.110, 17.20.110, 17.22.110, 17.66.010, 17.66.015, and Chapter 17.85 relating to accessory dwelling units in residential zones.

ANALYSIS:
Background
In 2017, state legislation was enacted by Senate Bill 1069 and Assembly Bill 2299 addressing the construction of Accessory Dwelling Units, commonly known as ADU. The legislation established new mandatory regulations for allowing ADUs in single family residential zones. The city already allowed

secondary residential dwelling units, but imposed certain limitations allowed by the prior legislation. In April 2017, the city renamed the secondary residential unit ordinance to accessory dwelling unit and updated the ordinance to be consistent with the legislation enacted by SB 1069 and AB 2299, which was intended to make the development of ADUs easier for property owners by easing the barriers of existing local laws that might have discouraged ADUs. Furthermore, the bills were intended to address the severe shortage of housing experienced in the state.

On October 9, 2019, the governor signed several bills into state law to address the state's housing shortage and affordability crisis, several of which are related to ADUs. Assembly Bill 881 (AB 881) goes into effect on January 1, 2020, and is intended to accelerate the development of ADUs throughout the state by allowing for more streamlined approval by local agencies. Additionally, the law removed impediments to the construction of ADUs on properties zoned for single family and multiple family residential and now allows more than one ADU to be constructed on property. Therefore, to address the changes enacted by AB 881, the city is amending its Accessory Dwelling Unit ordinance to be consistent with state law. This change also affects other chapters in the city's municipal code with respect to certain development standards for detached accessory dwelling units. Therefore, this zone text amendment also addresses those changes.

PROPOSED AMENDMENT

The amendment to the city's ADU ordinance affects several chapters in Title 17 of the CMC. In summary, ZTA 2019-0004 will:

- Amend the city's ADU definition in Chapter 17.06.
- Provide supplemental definitions used in AB 881 to Chapter 17.85, Accessory Dwelling Units.
- Remove the parking replacement requirement if a garage or carport is converted to an ADU.
- Amend the side and rear yard setback of an ADU from five feet to four feet.
- Clarify that no development standards shall prevent the construction of an ADU that is at least 800 square feet and 16 feet in height.
- Amend the development standards in other R-1 zones as it relates to the distance between buildings for accessory dwelling units and the primary unit.

The majority of the changes will be in Chapter 17.85 which is the ordinance governing ADUs. Other amendments are in the city's various R-1 zones which describe the distance between buildings for accessory dwelling units to the primary unit.

<u>Section 17.85.020 Definitions</u>

This section is being amended to refer the definitions for accessory dwelling unit and junior accessory dwelling unit to Chapter 17.04, Definitions. Chapter 17.04 covers the various definitions used throughout Title 17 and already includes the definition for ADU and Junior ADU. Rather than having to track the definition in another chapter it is easier to keep the actual definitions in the definition chapter of the Zoning Ordinance. The definitions are being revised as followed in Chapter 17.04 in accordance with the newly enacted legislation.

17.04.016 Accessory Dwelling Unit.

"Accessory dwelling unit" means ~~repurposed existing space within the primary unit or accessory building,~~ an attached ~~unit attached to the primary unit,~~ or detached residential dwelling unit that is located on the same lot as an existing or proposed single family or multiple family ~~separate from the~~ primary unit or a unit that is contained entirely within an existing or proposed single family primary unit or accessory structure and that ~~which~~ provides complete independent living facilities for one or more persons~~.~~ ~~The independent living space~~ includes~~s~~ing permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the primary unit is situated. An accessory dwelling unit also includes the following:

(1) An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code.

(2) A manufactured home, as defined in Section 18007 of the California Health and Safety Code.

The definition for larger accessory dwelling unit is being eliminated as this is no longer needs a separate definition based on the amended legislation.

~~17.04.017 Accessory dwelling unit, larger.~~

~~"Larger accessory dwelling unit" means an accessory dwelling unit that is greater than 1,200 square feet in size.~~

The Junior ADU definition is being slightly revised to replace existing single-family structure with primary unit. Primary unit is the common terminology used throughout the state legislation instead of existing single family structure.

17.04.018 Accessory dwelling unit, junior.

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

Section 17.85.020 however will add definitions for passageway and public transit. These definitions are specific to ADUs in AB 881 and should be referenced in this section as opposed to being placed in Chapter 17.04.

17.85.020

(D) "**Passageway**" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of an accessory dwelling unit.

(E) "**Public transit**" means a 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.

Section 17.85.030 General Requirements.

Prior legislation mandated at a minimum that ADUs be allowed on properties zoned single family

residential. The newly enacted legislation now mandates that ADUs also be allowed on properties zoned multiple family residential. Per Section 17.85.030 (B), the city already allowed ADUs on properties zoned single family and multiple family residential. The amendment now includes properties zoned mixed-use for residential and commercial. This is being done to further clarify that ADUs would also be allowed within developments that include multiple family residential mixed with commercial land uses. This section was also renumbered to Section 17.85.030 (C) by this amendment.

17.85.030 (C)

The lot proposed for an accessory dwelling unit is zoned for single family, ~~or~~ multiple family residential or residential/commercial mixed-use and contains an existing or proposed primary unit.

The state legislation also makes provisions for reasonable water and sewer connection fees related to ADUs. This cost can be burdensome for property owners and prior legislation required that the fees associated with water and sewer connection be proportionate to the burden of the ADU on the water system. The amended legislation further expands on this and stipulates that no water or sewer connection fee or capacity charge shall be required for the development of an ADU within the existing living area of the primary unit or an existing accessory building being converted to an ADU. However, said fees can be charged if the ADU is being constructed in tandem with a new primary unit.

17.85.030 (F)

An accessory dwelling unit located within the existing ~~space~~ living area of a single-family primary unit or ~~an~~ accessory building does not require a new or separate utility connection directly between the accessory dwelling unit and the utility ~~or the payment of a connection fee or capacity charge~~.

17.85.030 (G)

For an attached ~~and~~ or detached accessory dwelling unit or an accessory dwelling unit that is constructed with a new single-family primary unit, the applicant shall be required to pay a ~~a~~ water and sewer connection fee and/or capacity charge established by resolution of the City Council that is proportionate to the burden of the proposed accessory dwelling unit on the water and sewer system, based upon either its ~~size~~ square footage or the number of its ~~plumbing fixtures~~ drainage fixture unit value, as defined in the California Plumbing Code, as adopted in Chapter 15.20 ~~upon the water and sewer system~~. No water or sewer connection fee or capacity charge shall be required for the development of an accessory dwelling unit located within the existing living area of a single-family primary unit or accessory building unless the accessory dwelling unit is being constructed at the same time as a new primary unit.

Prior legislation only mandated that one ADU be allowed per property. The amended legislation now mandates that up to two ADUs may be allowed on property zoned single-family. The combination can include a junior ADU and an ADU attached/within the existing primary unit, or a detached ADU with either a junior ADU or an ADU attached/within the existing primary unit. Therefore, a property in

a single-family residential zone can include the primary unit, an ADU within the existing living area of the primary unit in combination with a junior ADU, or a detached ADU. This means three separate independent residential living quarters can be established on the property. This language was revised since the Planning and Housing Commission due to public comment and to provide better clarity on what is allowed by state law.

On property zoned multiple family residential the law states multiple accessory dwelling units within the portions of existing multifamily dwelling 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 state building standards for dwellings, may be constructed within up to 25 percent of the existing multiple family residential units on the lot. However, at least one ADU or junior ADU shall be permitted within the building space of the existing multiple family residential units on the lot. As an example, if a multiple family residential property contains 20 residential units at least five ADUs within the existing building space of the multiple family units can be constructed. In the case of smaller multiple family residential developments where the 25 percent of the units may result in less than one ADU, the property would be allowed at least one ADU or junior ADU within the existing building space. As it relates to detached ADUs in multiple family residential zones, no more than two detached ADUs are allowed. Furthermore, the ADUs constructed under this provision shall not be considered to exceed the allowable density of the property.

The provision related to the number of ADUs allowed on single family residential and multiple family residential properties is being added as Section 17.85.030 (K).

17.85.030 (K)

(K) The maximum number of accessory dwelling units and/or junior accessory dwelling units that may be constructed on each lot shall be as follows:

(1) On lots with an existing or proposed single-family primary unit, a maximum of two (2) accessory dwelling units are permitted in any of the following combinations provided that the side and rear setbacks are sufficient for fire and safety:

(a) one (1) detached accessory dwelling unit that otherwise complies with the requirements of this chapter and either one (1) junior accessory dwelling unit or one (1) accessory dwelling unit that is contained entirely within the existing or proposed single-family primary unit and that otherwise complies with the requirements of this chapter;

(b) one (1) junior accessory dwelling unit and one (1) accessory dwelling unit that is contained entirely within the existing or proposed single-family primary unit and that otherwise complies with the requirements of this chapter; or

(c) two (2) junior accessory dwelling units.

(2) On lots with existing multi-family residential units, accessory structures located on the same lot that are not used as livable space, including, but not limited to, storge rooms, boiler rooms, passageways, attics, basements or garages, may be converted to accessory dwelling units or junior accessory dwelling units provided such units comply with the requirements of this chapter and all applicable regulations set forth in Title 15 of this code.

(3) On lots with existing multi-family residential units, accessory dwelling unit(s) or junior accessory dwelling unit(s) may be constructed within up to twenty-five percent (25%) of the existing multi-family residential units on the lot provided that at least one (1) accessory

dwelling unit or junior accessory dwelling unit shall be permitted within the existing multi-family residential units on the lot.

(4) On lots with existing multi-family residential units, no more than two (2) detached accessory dwelling units.

Prior legislation allowed local jurisdictions to require replacement parking for the primary unit if a garage or carport serving the primary unit was converted to an ADU. However, the law did not require the parking to be replaced in the same manner. The law allowed the parking to be replaced as off-street uncovered parking or tandem parking on the property. Covered parking was allowed but not required by state law. The amended legislation completely removes the provision of requiring replacement parking if the existing parking for the primary unit is converted to an ADU. Also, if an ADU is constructed within the existing living area of the primary unit or an existing accessory structure no additional parking for that unit was required by the law. That is still the case with the amended legislation. However, parking is still required for an ADU attached or detached from the primary unit and shall only be provided at one space per unit or one parking space per bedroom, whichever is less. Parking may be provided as covered or uncovered on the property. Section 17.85.040 (B) describes the changes to the parking requirement for ADUs.

17.85.040 (B)

Parking for an accessory dwelling unit is required in the following manner:

(1) No additional parking is required for an accessory dwelling unit contained within the existing ~~space~~ living area of a primary unit or an existing accessory structure. ~~Existing parking area for the primary unit converted to an accessory dwelling unit shall be replaced with off-street parking on the lot the primary unit is located. Replacement parking may be provided as covered parking, uncovered parking and tandem parking and may be provided on an existing driveway in the front yard setback, provided that the driveway is at least 20 feet in depth.~~

(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. Notwithstanding the foregoing, if an existing garage, carport, or covered parking structure is converted to an accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit, the parking provided by such garage, carport, or covered parking structure is not required to be replaced.

The amended legislation now imposes different size limitations for an attached and detached ADU. Currently, an attached or detached ADU shall not exceed 1,200 square feet or result in a total built area that would exceed the maximum lot coverage required by the underlying residential zone. The amendment now establishes a total floor area of no more than 1,200 square feet for a detached ADU, or no more than 50 percent of the total floor area of the primary unit for an attached ADU subject to certain development standards. Additionally, if development standards prevent the construction of an ADU on the property, the law allows at least one ADU to be constructed that is at least 16 feet in height and at least 800 square feet in size. Also, the law mandates that a minimum setback shall be

no more than four feet from the side and rear lot lines including lot lines adjacent to streets for an ADU that is not converted from existing living area or an existing accessory structure. Currently, the minimum setback is five feet if an ADU was constructed above an existing accessory building and no ADU was allowed within the street side yard setback which is generally 10 feet or 15 feet depending on the underlying zone of the property. Sections 17.85.040 (D), 17.85.040 (E) and 17.85.040 (F) describe the provisions related to this amendment.

17.85.040

(D) The total floor area for ~~an attached or~~ an ~~detached~~ accessory dwelling unit shall not exceed 1,200 square feet, if detached, or fifty percent (50%) of the primary unit if attached, or, subject to subsection (F) of this section, otherwise result in ~~a~~ the total built area of the primary unit and the accessory dwelling unit ~~that would result in~~ exceeding the maximum lot area coverage as prescribed per the underlying residential zone. This standard shall not apply to an accessory dwelling unit that is contained within the existing space of an existing or proposed primary unit or ~~an existing~~ accessory building.

(E) Nothing in this chapter shall be construed and no development standard shall apply to prohibit the construction of an accessory dwelling unit that is at least 16 feet in height and at least 800 square feet in size.

(F) The location of, and improvements for, the accessory dwelling unit shall conform with the yard setback, ~~distance between buildings~~, building height, and landscaping requirements of the zone in which it is to be located, except as applied in the following:

(1) No setback shall be required when existing living area or an existing accessory structure for an existing garage that is converted to an accessory dwelling unit, or a portion of an accessory dwelling unit, or when an accessory dwelling unit or a portion of an accessory dwelling unit is constructed in the same location and to the same dimensions as existing living area or an existing accessory structure.

(2) ~~,~~ ~~and a~~ A ~~minimum~~ setback of no more than ~~five~~ four feet from the side and rear lot lines, including lot lines adjacent to streets, shall be required for ~~an~~ all other accessory dwelling units ~~that is constructed above a garage.~~

The amended legislation enacts a review time of 60 days on all ADU applications that are submitted to the city and considered complete applications. This provision was added to Section 17.85.070 Review and approval process.

Additional amendments related to the Zoning Ordinance in Title 17 of the CMC as a result of the amendments to the ADU ordinance are being included with this zone text amendment. The city's various R-1 zones and R-2 zone are described in the following Chapters.

- Chapter 17.06, Agricultural Zone
- Chapter 17.08, A14.4 Single Family Residential Zone
- Chapter 17.10, R-1A Single Family Residential Zone
- Chapter 17.11, R-20.0 Single Family Residential Zone

- Chapter 17.12, R-12.0 Single Family Residential Zone
- Chapter 17.14, R-1-9.6 Single Family Residential Zone
- Chapter 17.16, R-1-8.6 Single Family Residential Zone
- Chapter 17.18, R-1-7.2 Single Family Residential Zone
- Chapter 17.20, R-1-14.4 Single Family Residential Zone
- Chapter 17.22, R-2 Low Density Multiple Family Residential Zone

All of these chapters have a section requiring a distance between buildings. The distances are specific to accessory buildings to the primary unit and residential accessory buildings, which is an ADU, to the primary unit. Some residential zones have a different building separation from a residential accessory building to the primary unit. In some zones the separation can be 10 feet and in other zones the separation is 25 feet. There is no rational reasoning for the building separation as the construction standards imposed by the California Building Code are intended to protect the use of the building and the residential construction standards that apply to the primary unit will also apply to the ADU. Therefore, the construction standards are designed to protect property and ensure a safe living environment for residents. Also, with the side and rear yard setbacks for ADUs now being four feet to the side and rear property lines there should be more flexibility to allow the ADU to be placed closer to the primary unit.

Building separations to accessory buildings are also described in the affected sections, but an accessory building is not the same as an ADU. An accessory building is defined by CMC Section 17.04.015 as *a building or structure, part of a building or structure that is subordinate to and the use of which is incidental to that of the main building, structure or use on the same lot. An accessory building does not include a patio cover and is not the same as an "accessory dwelling unit."* Basically, an accessory building is a nonresidential structure, such as a detached garage, pool house and other similar building. The building separation is not being changed with this amendment and will maintain a minimum building separation of five feet to the primary unit.

Chapter 17.66 covers accessory buildings and Section 17.66.010 is being amended to provide consistency in the terminology being used for primary unit. Primary unit will replace the previous use of *main structure* in this section. Section 17.66.015 describes patio covers. Over the years the city has received several inquiries from the public on why a freestanding patio cover needs to be separated at least five feet from the main structure or an accessory building when an attached patio cover abuts the main structure. A detached and attached patio cover have the same type of building material and a freestanding patio cover is supported by its own footings on all sides. Staff has no reason for requiring the five-foot separation for detached patio covers and decided to remove this requirement with this amendment to allow property owners greater flexibility when it comes to improving their property.

COMMITTEE ACTION:
Not applicable.

STRATEGIC PLAN:
Not applicable.

FISCAL IMPACT:

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

ENVIRONMENTAL ANALYSIS:
A preliminary exemption assessment has been conducted by the City of Corona and it has shown that this project does not require further environmental assessment because under CEQA Guidelines Section 15061(b)(3), General Rule exemptions apply to actions that have no possibility of significant environmental effect. This action amends language in the municipal code pursuant to state law, and there is no possibility that the adoption of the ordinance will have a significant effect on the environment.

PLANNING AND HOUSING COMMISSION ACTION:
At its meeting of December 9, 2019, the Planning and Housing Commission considered the subject matter and took the following action:

Motion was made, seconded (Jones/Siqueland) and carried with Commissioner Shah absent and with Commissioner Hooks abstaining, that the Planning and Housing Commission recommend approval of ZTA2019-0004 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 6.

PREPARED BY: JOANNE COLETTA, COMMUNITY DEVELOPMENT DIRECTOR

SUBMITTED BY: JACOB ELLIS, CITY MANAGER

Attachments:

1. Exhibit 1 - City Urgency Ordinance No. 3310 - Clean.
2. Exhibit 2 - City Urgency Ordinance No. 3310 - Redline.
3. Exhibit 3 - City Regular Ordinance No. 3311 - Clean.
4. Exhibit 4 - City Regular Ordinance No. 3311 - Redline
5. Exhibit 5 - Planning and Housing Commission Staff Report.
6. Exhibit 6 - Minutes of the Planning and Housing Commission meeting of December 9, 2019**.**

APPLICANT INFORMATION
City of Corona, 400 S. Vicentia Avenue, Corona CA 92882