CITY OF LA VERNE
PLANNING COMMISSION
AGENDA

City Hall Council Chambers
3660 D Street
La Verne, CA 91750
(909) 596-8706
www.cityoflaverne.org

Wednesday, April 26, 2023 - 6:30 p.m.
City Hall Council Chambers
3660 "D" Street, La Verne, CA 91750

Attendance and participation at the City of La Verne Planning Commission meetings are welcomed and appreciated. Community engagement provides the Planning Commission with valuable information. Regular Meetings are held on the 2nd Wednesday of every month. In compliance with the American Disabilities Act, any person with a disability who requires a modification or accommodation in order to participate in a meeting should contact the City Clerk's Office at (909) 596-8726 at least 48 hours prior to the meeting.

The Council Chambers will be open to the public at 6:00 p.m. Materials related to an item on this agenda, submitted to the Planning Commission after distribution of the agenda packet, are available for public inspection at the meeting or in the Community Development Department during normal business hours.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES – None

PUBLIC COMMENT

This is the time set aside for anyone wishing to address the Planning Commission on items not listed in any other place on this agenda.

California Law does not allow the Planning Commission to take action in response to your statements at this meeting. Your concerns may be referred to staff or set for hearing at a later date.

PUBLIC HEARINGS

1.	**CONTINUED PROJECT:**	**DRAFT ACCESSORY DWELLING UNIT ORDINANCE**
	RESOLUTION NO.:	**1303**
	PROPOSAL:	**ADOPTING AND UPDATING TITLE 18.120 (ACCESSORY DWELLING UNITS)**
	STAFF:	**Gabriel Rivera**
2.	**CONTINUED PROJECT:**	**DRAFT SB9 ORDIANANCE**
	RESOLUTION NO.:	**1302**
	PROPOSAL:	**ADOPTING CHANGES TO TITLE 16 (SUBDIVISIONS) & TITLE 18 (ZONING) TO GOVERN SB9 DEVELOPMENT**
	STAFF:	**Parker Stringfellow**

ADJOURNMENT

The next meeting of the Planning Commission is scheduled to be held on May 10, 2023 at 6:30 p.m. in the Council Chambers, 3660 “D” Street, La Verne, CA 91750.

Proof of Posting — I declare under penalty of perjury that I am employed by the City of La Verne in the Planning Department; and that I posted this agenda in the City Hall Council Chambers and the City’s website on April 20, 2023.

_____ _____

Date Signature

City of La Verne, Planning Commission
Agenda Report

DATE: April 26, 2023

TO: Planning Commission

FROM: Gabriel Rivera, Assistant Planner

SUBJECT: A Draft Ordinance Update on Accessory Dwelling Units (ADUs) which updates and modifies the City's existing ADU provisions.

SUMMARY

In 2019 a number of bills were enacted by the State of California which related to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), which went into effect on January 1, 2020. In December of 2019, the City Council adopted an urgency ordinance, under Ordinance No. 1089, to comply with the aforementioned laws. In 2022, the State passed amendments to laws which further clarified the existing State ADU regulations, which took effect on January 1, 2023. In order to comply with these new updated regulations, Staff is presenting a Draft Ordinance which will update the existing ADU provisions of the La Verne Municipal Code Section 18.120.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the City Council of Draft Ordinance No. 1116 by adopting Resolution No. 1303.

DISCUSSION

Staff is proposing a number of changes to the existing ADU code, under Ordinance No. 1116, which will allow for the City to remain in compliance with the state's current ADU regulations. On January 1, 2023, new regulations went into effect, under Senate Bill No.897 and Assembly Bill No. 2221, which amended and clarified portions of Government Code section § 65852.2, along with adding section Government Code section § 65852.23. These amendments and clarifications, as they relate to the City's existing ADU code sections are as follows:

- Section 18.120.020 *Definitions*
    - Defined what constitutes a detached structure.
- Section 18.120.030

    - Subsection C. Inclusion of a section which states that the City cannot deny ADU permit applications based on a need to correct nonconforming zoning, building, or unpermitted structures, which do not affect the construction of the ADU itself.
- Section 18.120.040
    - The removal of the section which prohibited ADUs from being located within the Very High Fire Severity zone (VHFSZ). After reviewing the language with our City Attorneys, it was found that, per Government Code § 65852.2(e), ADUs built under the mandatory provisions would be exempt from the VHFSZ.
- Section 18.120.050
    - Subsection C. Changed the height standards for ADUs to reflect the changes in the state's provisions. ADUs shall have a minimum height of at least sixteen feet (16'). Detached ADUs, if within ½ mile walking distance of a major transit stop or transit corridor, can have a maximum height of eighteen feet (18') or if the ADU is on a lot with a multifamily dwelling. Lastly, attached ADUs shall have a maximum height of twenty-five feet (25)', or the height allowed for the primary dwelling, whichever is lower.
    - Subsection H. Added further clarification that lot coverage, outdoor living area, and minimum distance between dwelling units (ten feet 10' minimum) shall not prohibit the construction of an eight hundred square foot (800 SF) ADU.
    - Subsection I.6(f). Added a section which exempts ADUs from being required to have parking if the ADU proposal is in conjunction with a new single or multi-family dwelling on the same lot.
    - Subsection J. Removed any subjective design standards.
- Section 18.120.070 *Junior Accessory Dwelling Units (JADU)*
    - Subsection D. Clarified that JADUs shall have an interior entry to the main living area of the primary residence.
- Section 18.129.080 *Regulations*
    - Subsection A.1. Clarified that JADUs/ADUs cannot be sold separately from the primary unit unless the sale is to a qualified nonprofit corporation in accordance with provisions from Government Code section § 65852.26
    - Subsection E. Added a section that clarifies that the City cannot deny a permit for an unpermitted ADU that was constructed before 2018, unless staff can present findings that correcting the violation is necessary to protect the health and safety of the occupants or the public.
    - Subsection H.1. Adds a section which requires JADUs/ADUs to obtain a separate address from building and safety.

Other changes not listed are minor updates to refine the syntax of the code and formatting.

ENVIRONMENTAL ANALYSIS

The proposed Draft Ordinance No. 1116 is exempt from CEQA pursuant to Public Resources Code section 21080.17 which provides CEQA does not apply to the adoption of an ordinance to implement ADU law.

No further environmental review is required at this time.

LEGAL REVIEW

The attached Draft Ordinance No. 1116 and Resolution No. 1303 were prepared under the supervision of and reviewed by City legal counsel for compliance with state law.

ATTACHMENTS

A. Draft Resolution No. 1303
B. Draft Ordinance No. 1116

RESOLUTION NO. 1303

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECOMMENDING THE APPROVAL OF ORDINANCE NO. 1116 AN ORDINANCE TO MODIFY AND UPDATE TITLE 18 OF THE LA VERNE MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS TO THE CITY COUNCIL

WHEREAS, Sections 2.48.020 through 2.48.165 of the La Verne Municipal Code empower the Planning Commission to recommend appropriate legislation to the City Council regarding the orderly growth, development, and environmental character of the community; and

WHEREAS, Sections 18.112.010 through 18.112.060 of the La Verne Municipal Code authorize the Planning Commission to consider and recommend action to the City Council concerning zoning amendments and specific plan amendments; and

WHEREAS, a notice of public hearing was published in the Inland Valley Daily Bulletin ON March 31, 2023; and

WHEREAS, the proposed changes are exempt from CEQA pursuant to Public Resources Code section 21080.17 which provides CEQA does not apply to the adoption of an ordinance to implement ADU law.

WHEREAS, the public hearing before the Planning Commission was opened and continued to April 26, 2023; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed changes to the La Verne Municipal Code at which time it considered all evidence presented, both written and oral; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of La Verne as follows:

Section 1. **Environmental Determination**. The Planning Commission HEREBY FINDS and DETERMINES that the proposed zoning amendment is exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080.17.

Section 2. **Findings**. In recommending approval of the proposed zoning amendment, the Planning Commission HEREBY FINDS AND DETERMINES that Ordinance No. 1116 satisfies the following findings of Section 18.112.060 of the La Verne Municipal Code in that:

1. The proposed amendments are consistent with the general plan in that the process for considering changes in land use and zoning is in keeping with La Verne General Plan policies which require Planning Commission and City Council consideration and approval prior to making such a change.

2. The proposed amendments serve the public necessity, convenience, and general welfare in that they will help regulate Accessory Dwelling Units in the City of La Verne

3. The proposed amendments are consistent with good city planning and zoning practices in that they further City and State housing goals.

Section 4. **Approval.** Based upon the above findings, the Planning Commission HEREBY RECOMMENDS THE APPROVAL of the proposed zoning amendments in Ordinance No. 1116 attached hereto as Exhibit A.

Section 5. The Chairperson shall sign, and the Secretary shall attest to the passage of this resolution.

APPROVED AND ADOPTED this twenty-sixth day of April, 2023, by the Planning Commission at La Verne, California.

ATTEST: _____
Chairperson, Planning Commission

_____
Secretary, Planning Commission

ORDINANCE NO. 1116

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, CALIFORNIA AMENDING THE ZONING PROVISIONS OF THE LA VERNE MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN ACCORDANCE WITH STATE LAW

WHEREAS, the California State legislature adopted more than eighteen housing bills in 2019 to deal with the housing problem; and

WHEREAS, In December of 2019, the City adopted Urgency Ordinance No. 1089 which combat this problem through adopting regulations which allowed for the construction of accessory dwelling units (also known as second units, in-law units, and granny flats) and Junior Accessory Dwelling Units (JADUs); and

WHEREAS, since the City adopted Ordinance No. 1089, the State legislature has continued to amend the provisions of state law in order to encourage the construction of accessory dwelling units and junior dwelling units. The most recent took effect on January 1, 2023; and

WHEREAS, the City is required to be in compliance with the new provisions or the state law relating to these units prevail and the City loses local control; and

WHEREAS, the public hearing before the Planning Commission was opened and continued to April 26, 2023; and

WHEREAS, on April 26, 2023 the Planning Commission of the City of La Verne held a duly noticed public hearing at which time it considered all evidence presented, both written and oral; and

WHEREAS, at the close of the public hearing the Planning Commission adopted a resolution recommending that the City Council adopt this Ordinance; and

WHEREAS, the City desires to amend its regulations to comply with the current state law; and

WHEREAS, on May 15, 2023, the City Council held a duly noticed public hearing at which time it considered all evidence presented, both written and oral;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA VERNE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 18.120 of the La Verne Municipal Code is hereby amended to read as follows:

CHAPTER 18.120 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

18.120.010 Purpose.

A. The purpose of this Chapter is to provide for accessory dwelling units and junior accessory dwelling units in accordance with the provisions of state law in order to assist with the housing crisis.

18.120.020 Definitions.

For purposes of this Chapter, the following definitions shall apply.

“Accessory dwelling unit” shall mean an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence which includes permanent provisions for living, sleeping, eating, cooking and sanitation facilities on the same parcel of land as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following: an efficiency unit; and a manufactured home, as defined in 18007 of the Health & Safety Code.

“Detached” shall mean where there is a physical separation between the accessory dwelling unit and the primary unit or an accessory structure.

“Junior accessory dwelling unit” shall mean a unit that is no more than 500 square feet in size and contained entirely within a single-family residence or an attached structure, including a garage.

“Junior or/Accessory dwelling units” shall mean that the section refers to both a junior and accessory dwelling unit.

“Primary unit” shall mean an existing single-family dwelling, or the larger of two proposed units.

18.120.030 Applications.

A. Applications for Junior or/Accessory dwelling units shall be ministerially processed within 60 days of receipt of a complete application and approved if they meet the requirements of this Chapter.

1. Notwithstanding subsection A above, if the application is submitted in conjunction with an application for a new single- or multi-family dwelling, the application for the Junior or/Accessory dwelling unit shall not be acted upon until the application for the new dwelling is acted upon.

2. The City shall grant a delay if requested by the applicant.

3. If the construction of an accessory dwelling unit requires demolition of a detached garage, the demolition application shall be reviewed and issued at the same time as the accessory dwelling unit.

4. If the application is denied, the City shall detail in writing all items that are defective or deficient and a how the applicant can remedy the application.

B. All applications for Junior or/Accessory dwelling units shall be accompanied by an application fee which amount shall be set by resolution of the City Council.

C. A permit application may not be denied due to the need to correct a nonconforming zoning condition, building code violation, or unpermitted structures that do not present a threat to the public health and safety and are not affected by the construction of the accessory dwelling unit.

18.120.040 Allowed Zones.

A. An application for an accessory dwelling unit shall be approved by the community development director or the director's designee upon the director's or designee's determination that the application meets all the requirements set out in Section 18.120.050 in the zoning districts listed below and in specific plan areas where residential or mixed-use development in allowed.

1. A-1 limited agricultural;
2. PR-1/5 planned residential, 1 detached dwelling unit/5 acres;
3. PR-1D planned residential, 1 detached dwelling unit/acre;
4. PR-2D planned residential, 2 detached dwelling units/acre;
5. PR-3D planned residential, 3 detached dwelling units/acre;
6. PR-4.5D planned residential, 4.5 detached dwelling units/acre;
7. PR-5D planned residential, 5 detached dwelling units/acre;
8. PR-6A planned residential, 6 attached dwelling units/acre;
9. PR-7A planned residential, 7 attached dwelling units/acre;
10. PR-7.5A planned residential, 7.5 attached dwelling units/acre;
11. PR-8A planned residential, 8 attached dwelling units/acre;
12. PR-10A planned residential, 10 attached dwelling units/acre;
13. PR-15A planned residential, 15 attached dwelling units/acre.
14. C-P-D commercial-professional mixed development, where residential has been allowed by Section 18.120.060.

B. An accessory dwelling unit may only be constructed on a lot which contains an existing or proposed single- or multi-family dwelling.

C. Accessory dwelling units shall not count in determining density or lot coverage and are considered a residential use consistent with the existing general plan and zoning designation for the lot.

18.120.050 Development Standards/Requirements – Accessory Dwelling Units.

A. Location/Number.

1. Junior or/Accessory dwelling units shall be located only on lots with an existing or proposed single- or multi-family dwelling.

2. Attached and detached accessory dwelling units shall be located behind the rear building line of the primary residence in a single-family zone. However, this

requirement shall not apply if the accessory dwelling unit is being converted from a legally existing accessory structure, including a garage, or constructed in the exact same location and to the exact same dimensions as a legal, previously existing accessory structure.

3. Only one accessory dwelling unit shall be allowed on a residentially zoned lot, unless otherwise permitted in accordance with Section 18.120.060 below.

B. Type of building. An attached or detached accessory dwelling unit shall be a permanent structure on a permanent foundation with permanent provisions for living, sleeping, food preparation, sanitation, and bathing. A manufactured home as defined in California Health and Safety Code section 18007 shall qualify.

C. Height. The height of an attached or detached accessory dwelling unit shall not be any higher than the primary unit and no higher than the height limit of the zoning district or specific plan in which it is located.

1. In no event shall the allowed height be less than 16 feet.

2. A detached accessory dwelling unit shall not exceed a maximum height of 18 feet if the accessory dwelling unit is on a lot with an existing or proposed single- or multi-family dwelling unit that is within a half mile walking distance of a major transit stop or a high-quality transit corridor as those terms are defined in Public Resources Code section 21155. An additional two feet in height shall be allowed to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

2. A detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling shall not exceed 18 feet.

3. An attached accessory dwelling unit shall have a maximum height of 25 feet, or the height allowed for the primary dwelling, whichever is lower. Accessory dwelling units shall not exceed two stories.

D. Size.

1. The maximum size of an attached or detached accessory dwelling unit is 850 square feet if it has zero or one bedrooms, and 1,000 square feet if it has two or more bedrooms.

2. The minimum square footage for an attached or detached accessory dwelling unit shall not be less than the size allowed for an efficiency unit as defined in Health and Safety Code section 17958.1.

3. Notwithstanding any other provision of this section, development standards shall be waived to allow an applicant to build an 800 square foot accessory dwelling unit provided that the height requirements do not exceed those set forth in subsection C above with at least four foot side and rear yard setbacks.

4. Junior accessory dwelling units shall comply with Government Code 65852.22.

E. Setbacks.

1. Attached and detached accessory dwelling units shall be located behind the rear building line of the primary residence.

2. An accessory dwelling unit, including a unit added above a permitted garage, shall have rear and side yard setbacks of at least four feet.

3. The setback requirements in subsections (E)(1) and (E)(2) above shall not apply if the accessory dwelling unit is being converted from an approved accessory structure, including a garage, or being constructed in the same location and to the same dimensions as an approved existing accessory structure, including a garage.

4. Accessory dwelling units shall be required to comply with the requirements of the California Building Standards Code as set forth in Title 8.04 of this Code relating to the distance between buildings.

5. Detached accessory dwelling units shall be a minimum of ten feet from other buildings on the same property.

6. No portion of an accessory dwelling unit may encroach into any public or private easement such as a utility easement unless the easement holder has provided written permission to construct the accessory dwelling unit in the manner proposed. To establish a rebuttable presumption of compliance with this requirement, the applicant may provide a written declaration under penalty of perjury affirming compliance with this requirement. The declaration shall be in a form acceptable to the City Attorney.

F. Lot Coverage. The lot coverage standards of the underlying zoning district or specific plan area where the unit is located shall control.

G. Outdoor Living. For accessory dwelling units in single family zones, there must be outdoor living spaces that meet the following requirements:

1. Each unit shall have a separate usable outdoor living area of 400 square feet, with 15 feet minimum in any direction.

2. Outdoor living areas shall be landscaped.

3. Outdoor living areas do not include parking areas, driveways, or front and rear yard setback areas of the primary residence.

H. Exceptions. The provisions of subsection E.5, F, and G above shall not apply if they would prohibit the construction of an accessory dwelling unit that is 800 square feet.

I. Parking.

1. Parking shall be required at the rate of one space for each accessory dwelling unit. No parking spaces shall be required for an accessory dwelling unit created within an existing living space.

2. Parking spaces may be provided through tandem parking on an existing driveway provided that such parking does not encroach into the public sidewalk.

3. Parking spaces for accessory dwelling units may be provided in paved portions of setback areas provided that the amount of paving does not exceed the total amount of paving and hardscaped areas that are otherwise allowed by this Title.

4. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, such parking spaces need not be replaced.

5. Tandem parking and parking in setback areas shall not be allowed if the community development director makes specific findings that such parking is not feasible based upon specific site or regional topographical, or fire and life safety conditions.

6. Notwithstanding any other provision of this subsection, no parking shall be required for the accessory dwelling unit if any of the following conditions apply:

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

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

c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure;

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

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

f. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single- or multi-family dwelling on the same lot provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subsection 6.

J. Design.

1. The accessory dwelling unit shall be of the exact same architectural style, including roof design, windows, doors, wall treatment materials, and color as the primary unit.

4. The accessory dwelling unit shall have a separate entrance from the primary dwelling unit.

5. The accessory dwelling unit shall not alter the appearance of the primary single-family dwelling unit.

K. Fire sprinklers – shall be required in any accessory dwelling unit if they were required in the primary unit. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

L. Utilities – connections, fees and capacity charges.

1. Attached/Interior accessory dwelling units.

a. The unit shall be connected to utilities, but a separate utility connection shall not be required unless the accessory dwelling unit is being constructed in connection with a proposed residential dwelling.

b. No connection fee or capacity charge shall be required unless the accessory dwelling unit is being constructed in connection with a proposed residential dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit based on the size or number of plumbing fixtures.

2. Detached accessory dwelling units

a. The unit shall be connected to utilities, but a direct connection between the utility at the unit shall not be required unless the accessory dwelling unit is being constructed in connection with a proposed residential dwelling.

3. Photovoltaic System –

a. All new low-rise residential buildings (single-family or multi-family buildings with three (3) habitable stories or less, including detached Accessory Dwelling Units) shall have a photovoltaic (PV) system meeting the minimum qualification requirements specified by the California Energy Commission's Building Energy Efficiency Standards. Attached ADUs are exempt from this requirement.

b. The connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit based on the size or number of plumbing fixtures.

M. Fees.

1. No impact fee shall be imposed on any accessory dwelling unit less than 750 square feet in size.

2. For accessory dwelling units 750 square feet or greater, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling.

3. All applicable public service and recreation impact fees shall be paid prior to occupancy in accordance with Government Code sections 66000 et seq. and 66012 et seq.

18.120.060 Mandatory Approvals.

A. Notwithstanding any other provision of this chapter, the City shall ministerially approve an application for any of the following accessory dwelling units within a residential or mixed-use zone:

1. One accessory dwelling unit and one junior accessory dwelling unit per lot within the existing or proposed space of a single-family dwelling or accessory structure.

a. An expansion of up to 150 square feet shall be allowed in an accessory structure solely for the purposes of accommodating ingress and egress.

b. The Junior/or Accessory dwelling unit shall have exterior access separate from the existing or proposed single-family dwelling.

c. The side and rear setbacks shall be sufficient for fire and safety.

d. If the unit is a junior accessory dwelling unit, it shall comply with the requirements of Sections 18.120.070 and 18.120.080 below.

2. One detached accessory dwelling unit that does not exceed four foot side and rear yard setbacks on a lot with an existing or proposed single-family dwelling, provided that the unit shall not be more than 800 square feet and shall not exceed the height specified in subsection 18.120.050.C above.

a. A junior accessory dwelling unit may be developed with this type of detached accessory dwelling unit and shall comply with all requirements of Sections 18.120.070 and 18.120.080 below.

3. On a lot with a multifamily dwelling structure, up to 25 percent of the total multifamily dwelling units, but no less than one unit, shall be allowed within the portions of the existing structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that each unit complies with state building standards for dwellings.

4. On a lot with an existing or proposed multifamily dwelling structure, up to two detached units, provided that they meet the height requirements of subsection C above and have at least four foot side and rear yard setbacks.

18.120.070 Junior Accessory Dwelling Units.

A. One junior accessory dwelling unit shall be allowed in the single-family residential zone within an existing or proposed single-family dwelling. A junior accessory dwelling unit shall be allowed in conjunction with an accessory dwelling unit as specified in section 18.120.060.

B. The junior accessory dwelling unit shall contain at least an efficiency kitchen which includes cooking appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.

C. The junior accessory dwelling unit shall have a separate entrance from the primary residence.

D. The junior accessory dwelling unit may, but is not required to, include separate sanitation facilities. If separate sanitation facilities are not provided, the junior accessory dwelling unit shall share sanitation facilities with the single-family residence and must have an interior entry to the main living area of the single-family residence.

E. No additional parking shall be required for a junior accessory dwelling unit.

F. A junior accessory dwelling unit shall be required to comply with applicable building standards.

G. The owner of property on which a junior accessory dwelling unit is constructed shall abide by the following and record a deed restriction which shall run with the land and shall provide for the following:

1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence;

2. A prohibition from enlarging the junior accessory dwelling unit from being enlarged beyond 500 square feet;

3. A prohibition from renting the property for less than 31 consecutive, calendar days;

4. A restriction that the owner shall reside in either the primary residence or the junior accessory dwelling unit. Notwithstanding the foregoing:

a. The owner may rent both the primary residence and junior accessory dwelling unit to one party with a restriction in the lease that that such party may not further sublease any unit or portion thereof; and

b. This restriction shall not apply if the owner of the single-family residence is a governmental agency, land trust, or housing organization; and

5. A statement that the deed restrictions may be enforced against future purchasers.

A copy of the deed restriction shall be filed with the Community Development Department after recordation.

H. For the purposes of providing service water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered to be a separate or new dwelling unit.

J. The City shall impose application, permit and inspection fees on junior accessory dwelling units.

18.120.080 Regulations.

A. Sales.

1. Accessory dwelling units shall not be sold separately from the primary unit unless the sale is to a qualified nonprofit corporation in accordance with the provisions of Government Code section 65852.26.

2. Junior Accessory dwelling units shall not be sold separately from the primary unit.

B. Rental. All Junior or/Accessory dwelling units shall be rented for a minimum of 30 days.

C. Owner/Occupancy.

1. The City shall not enforce any owner/occupancy requirement previously imposed on an accessory dwelling unit until January 1, 2025.

2. No unit permitted between January 1, 2020, and January 1, 2025 shall be subject to an owner-occupancy requirement.

3. All junior accessory dwelling units shall have an owner/occupancy requirement.

D. This Chapter shall in no way validate any existing illegal accessory dwelling unit nor shall it change a legal nonconforming unit to a conforming unit.

E. Unpermitted Accessory Dwelling Units.

1. An application for an accessory dwelling unit to convert an illegal and/or nonconforming accessory dwelling unit to a legal conforming accessory dwelling unit shall be subject to the same standards and requirements as for a newly proposed unit.

2. Notwithstanding subsection E.1 above, the City shall not deny a permit for an unpermitted accessory dwelling unit constructed before January 1, 2018 on the grounds that it is violation of the California Building Standards (Health & Safety Code section 17960 et seq.) or that it does not comply with this Chapter unless the City makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.

F. Guesthouses that were previously approved and which have a valid building permit on file shall not be affected by this Chapter. However, an application to convert a guesthouse to an accessory dwelling unit shall be subject to this Chapter.

G. Revocation. The community development director shall have the authority to revoke an accessory dwelling unit permit if one or more of the requirements of this chapter are no longer met.

H. Enforcement. Until January 1, 2030, the City shall issue a statement with a notice to correct a violation of any building standard relating to an accessory dwelling unit that provides substantially as follows:

> You have been issued an order to correct violations or abate nuisances relating to your accessory dwelling unit. If you believe that this correction or abatement is not necessary to protect the public health and safety, you may file an application with the Community Development Department. If the City determines that enforcement is not required to protect the health and safety, enforcement shall be delayed for a period of five years from the date of the original notice.

1. Accessory Dwelling units, and Junior Accessory shall be required to obtain a separate address for the unit from the Department of Building and Safety.

SECTION 2. CEQA. This Ordinance is exempt from CEQA pursuant to Public Resources Code section 21080.17 which provides CEQA does not apply to the adoption of an ordinance to implement ADU law.

SECTION 3. Effective Date. This Ordinance shall take effect immediately pursuant to Government Code section 36937.

SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

SECTION 5. Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be processed as required by law.

SECTION 6. Transmission to HCD. The City Clerk shall send a copy of this Ordinance to the Department of Housing and Community Development as required by State law.

APPROVED AND ADOPTED this fifteenth day of May, 2023, by the City Council at La Verne, California.

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mayor of the City of La Verne

ATTEST:

_____
Assistant City Clerk

City of La Verne, Planning Commission
Agenda Report

DATE: April 26, 2023

TO: Planning Commission

FROM: Parker Stringfellow, Assistant Planner

SUBJECT: Draft SB 9 Ordinance Reading

SUMMARY

On September 16, 2021, Governor Newsom signed Senate Bill (SB) 9 into law, which became effective on January 1, 2022. SB 9 adds two new sections to the Government Code (65852.21 and 66411.7) relating to the development of residential housing. Section 65852.21 requires that local agencies approve a housing development of no more than two residential units within a single-family residential zone ministerially, without discretionary review or a hearing, when the proposed development meets certain requirements. Similarly, Section 66411.7 require a local agency to ministerially approve a parcel map for an "urban lot split" when the map meets certain requirements. Both statutes allow the City to impose objective zoning, subdivision, and design standards on these projects, provided those standards would not have the effect of physically precluding the construction of a maximum of two housing units on a lot or preclude either of the two units from being at least 800 square feet in floor area. The proposed ordinance (Attachment B) establishes the objective development standards for SB 9 two-unit and urban lot split developments in the City based on feedback and direction received from City Council.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the City Council of Draft Ordinance 1117 by adopting Resolution No. 1302.

DISCUSSION

Study sessions were held last year with both the Planning Commission and City Council to summarize SB 9, introduce the standard requirements (see Attachment B) and review prospective objective standards that the City could impose on SB 9 developments. Council provided direction and comments to staff on the desired zoning, subdivision and

design standards that would govern these developments via the adoption of a future ordinance.

In addition to the standard requirements, staff is proposing a number of objective standards which currently apply to most residential developments. These standards will be prioritized in ascending order (with subsection g, regarding front yard setback being of the highest priority, and subsection a, regarding frontage, being the lowest priority) if, and only if those standards preclude two 800 square foot residential units from existing/being constructed as a part of an SB 9 project. These standards are:

a. Minimum 10-foot lot frontage to street or alleyway for urban lot splits.

b. Residential driveway standards as set forth in Section 18.76.060.

c. Minimum 10-foot building separation.

d. Outdoor Living. For SB 9 units in single family zones, there must be outdoor living spaces that meet the following requirements:

    1. Each unit shall have a separate useable outdoor living area of four hundred square feet, with fifteen feet minimum in any direction.

    2. Outdoor living areas and the immediate surroundings shall be landscaped.

    3. Outdoor living areas do not include parking areas, driveways, or front and rear yard setback areas.

e. Maximum lot coverage allowed by the underlying zone.

f. Maximum building height allowed by the underlying zone.

g. Front yard setback required by the underlying zone.

The City cannot impose any zoning or design standards that would have the effect of physically precluding the construction of two units on a lot or that would result in a unit size of less than 800 square feet.

It was previously anticipated that SB 9 development would be restricted in the Very High Fire Severity Zone in La Verne, but legal counsel has recommended that development should be allowed since current building codes work to mitigate fire concerns. This opinion is believed to be consistent with the intent and interpretation of state law.

ENVIRONMENTAL ANALYSIS

This Ordinance is exempt from CEQA pursuant to the specific provisions of Senate Bill 9 which provides that an ordinance adopted pursuant to that statute is not subject to CEQA.

No further environmental review is required at this time.

LEGAL REVIEW

The attached Draft Ordinance No. 1117 and Resolution No. 1302 were prepared under the supervision of and reviewed by City legal counsel for compliance with state law.

ATTACHMENTS

A. Draft Resolution No. 1302
B. Draft Ordinance No. 1117

RESOLUTION NO. 1302

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECOMMENDING: THE APPROVAL OF ORDINANCE NO.1117, MODIFYING TITLE 16 (SUBDIVISIONS) AND TITLE 18 (ZONING) OF THE LA VERNE MUNICIPAL CODE TO IMPLEMENT THE PROVISIONS OF SENATE BILL 9 RELATING TO THE CREATION OF URBAN LOT SPLITS AND TWO RESIDENTIAL UNIT DEVELOPMENT AND MAKING A DETERMINATION THAT THE ADOPTION OF THE ORDINANCE IS EXEMPT FROM CEQA

WHEREAS, on September 16, 2021, the Governor approved Senate Bill 9 (SB 9, Chapter 162) relating to the creation of two residential units per lot which requires local agencies to ministerially approve housing development containing no more than two residential units per lot and ministerially approve an urban lot split; and

WHEREAS, SB 9 took effect on January 1, 2022; and

WHEREAS, SB 9 allows local agencies to impose objective zoning, subdivision, and design standards; and

WHEREAS, SB 9 study sessions were held with the City Council and Planning Commission on March 7, 2022 and April 13, 2022, respectively; and

WHEREAS, a notice of public hearing was published in the Inland Valley Daily Bulletin on March 31, 2023 for a public hearing to be held on April 12, 2023; and

WHEREAS, the public hearing before the Planning Commission was opened and continued to April 26, 2023; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed changes to the La Verne Municipal Code at which time it considered all evidence presented, both written and oral; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of La Verne as follows:

Section 1. **Environmental Determination.** The Planning Commission HEREBY FINDS AND DETERMINES that the adoption of this ordinance is exempt from CEQA pursuant to the specific provisions of Senate Bill 9 which provides that an ordinance adopted pursuant to that statute is not subject to CEQA.

Section 2. **Findings.** In recommending approval of the proposed zoning amendment, the Planning Commission HEREBY FINDS AND DETERMINES that Ordinance No. 1117 satisfies the following findings of Section 18.112.060 of the La Verne Municipal Code in that:

1. The proposed amendments are consistent with the general plan in that the process for considering changes in land use and zoning is in keeping with La Verne General Plan policies which require Planning Commission and City Council consideration and approval prior to making such a change.

2. The proposed amendments serve the public necessity, convenience, and general welfare in that they will help regulate SB 9 development in the City of La Verne.

3. The proposed amendments are consistent with good city planning and zoning practices in that they further City and State housing goals.

Section 3. **Approval.** The Planning Commission HEREBY RECOMMENDS THE APPROVAL of the proposed amendments to the La Verne Municipal Code in Ordinance No. 1117 attached hereto as Exhibit A.

Section 4. The Chairperson shall sign and the Secretary shall attest to the passage of this resolution.

APPROVED AND ADOPTED this twenty-sixth day of April, 2023, by the Planning Commission at La Verne, California.

_____
Chairperson, Planning Commission

ATTEST:

_____
Secretary, Planning Commission

ORDINANCE NO. 1117

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, CALIFORNIA MODIFYING TITLE 16 (SUBDIVISIONS) AND TITLE 18 (ZONING) OF THE LA VERNE MUNICIPAL CODE TO IMPLEMENT THE PROVISIONS OF SENATE BILL 9 RELATING TO THE CREATION OF URBAN LOT SPLITS AND TWO RESIDENTIAL UNIT DEVELOPMENT AND MAKING A DETERMINATION THAT THE ADOPTION OF THE ORDINANCE IS EXEMPT FROM CEQA

WHEREAS, on September 16, 2021, the Governor approved Senate Bill 9 (SB 9, Chapter 162) relating to the creation of two residential units per lot which requires local agencies to ministerially approve housing development containing no more than two residential units per lot and ministerially approve an urban lot split; and

WHEREAS, SB 9 took effect on January 1, 2022; and

WHEREAS, SB 9 allows local agencies to impose objective zoning, subdivision, and design standards; and

WHEREAS, SB 9 study sessions were held with the City Council and Planning Commission on March 7, 2022 and April 13, 2022, respectively; and

WHEREAS, a notice of public hearing was published in the Inland Valley Daily Bulletin on March 31, 2023 for a public hearing to be held on April 12, 2023; and

WHEREAS, the public hearing before the Planning Commission was opened and continued to April 26, 2023; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed changes to the La Verne Municipal Code at which time it considered all evidence presented, both written and oral; and

WHEREAS, on May 15, 2023, the City Council held a duly noticed public hearing at which time it considered all evidence presented, both written and oral; and

WHEREAS, at the close of the public hearing the Planning Commission adopted a resolution recommending that the City Council adopt this Ordinance; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA VERNE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 16.12.060 is hereby added to the La Verne Municipal Code to read as follows:

Section 16.12.060 Parcel Maps for Urban Lot Splits.

A. Definitions. For purposes of this Section, the following definitions shall apply:

1. “Urban lot split” means a lot split of a single-family residential lot into two parcels that meets the requirements of this section.

2. “Unit” means any dwelling unit, including but not limited to, a unit created pursuant to section 18.122.020, an accessory dwelling unit or a junior accessory dwelling unit.

B. The city shall ministerially approve a parcel map for a lot split that meets the following requirements:

1. The parcel is located within a single-family residential zone.

2. The parcel map divides an existing parcel to create no more than two new parcels of approximately equal lot area, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel.

3. Both newly created parcels are no smaller than 1,200 square feet.

4. The parcel is not located in any of the following areas and does not fall within any of the following categories:

a. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.

b. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code section 25356, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

c. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city’s building department.

d. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in

order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

i. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or

ii. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);

e. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.

f. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

5. The proposed lot split would not require demolition or alteration of any of the following types of housing:

    a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

    b. Housing on a parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date of the application; or

c. Housing that has been occupied by a tenant in the last three years.

6. The lot split does not result in more than two units on a parcel.

C. Standards and Requirements. Notwithstanding any other provisions of this Municipal Code to the contrary, the following requirements shall apply:

1. The lot split conforms to all applicable objective requirements of the Subdivision Map Act, Title 16 (Subdivisions) and Title 18 (Zoning) of the Municipal Code, except as the same are modified by this section.

2. No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.

3. Except for circumstances described in Section C.2 above, the setback for side and rear lot lines shall be four feet.

4. The applicant shall provide easements for the provision of public services and facilities as required.

5. Landlocked parcels created by an urban lot split shall have a frontage to the public right of way that is no less than 10 feet in width resulting in the creation of a flag lot, provided that requiring the frontage does not preclude two 800 square foot residential units from existing on each lot. Where a flag lot is not possible, an access easement over the other parcel on the same map shall be required. The easement shall be not less than 10 feet in width and must connect to the same curb cut and apron as the other parcel on the same map.

6. Residential units developed on a lot created pursuant to this section shall be subject to the provisions of Section 18.122.020.

7. The split of the lot will not result in less than one parking space per unit. This does not apply in either of the following instances:

a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in Public Resources Code section 21155 of a major transit stop as defined in Public Resources Code section 21064.3; or

b. There is a car share vehicle located within one block of the parcel.

D. The city shall not require or deny an application based on any of the following:

1. The city shall not require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map.

2. The city shall not impose any subdivision standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

3. The city shall not require the correction of nonconforming zoning conditions as a condition for the lot split.

4. The city shall not deny an application solely because it proposes adjacent or connected structures provided that that all building code safety standards are met, and they are sufficient to allow a separate conveyance.

E. An applicant for an urban lot split shall be required to sign an affidavit in a form approved by the City Attorney to be recorded against the property stating the following:

1. That applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of approval. This requirement does not apply when the applicant is a “community land trust” or a “qualified nonprofit corporation” as the same are defined in the Revenue and Taxation Code.

2. That the uses shall be limited to residential uses.

3. That any rental of any unit created by the lot split shall be for a minimum of 31 days.

4. That the maximum number of units to be allowed on each parcel is two, including units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to Section 18.122.020.

F. The city may deny the lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

G. This section shall not apply to:

1. Any parcel which has been established pursuant to a lot split in accordance with this section; or

2. Any parcel where the owner of the parcel being subdivided or any person acting in concert with the owner has previously subdivided an adjacent parcel in accordance with this section. For purposes of this section, "acting in concert" shall include, but not be limited to, where the owner of a property proposed for an urban lot split is the same, related to, or connected by partnership to the owner, buyer or seller (if transferred within the previous three years) of an adjacent lot.

SECTION 2. Chapter 18.122 is hereby added to the La Verne Municipal Code to read as follows:

18.122.010 Two-unit Housing Development

A. For purposes of this section, the following definitions shall apply:

1. "Housing development" shall mean no more than two residential units within a single-family zone that meets the requirements of this section. The two units may consist of two new units or one new unit and one existing unit.

2. "Unit" shall mean any dwelling unit, including but not limited to a primary dwelling unit or any unit created pursuant to this section. "Unit" shall not include an accessory dwelling unit or a junior accessory dwelling unit which shall be allowed as provided for in Chapter 18.120 of this Code.

3. "Urban lot split" shall have the same meaning as set forth in Section 18.122.010.

B. The city shall ministerially approve a housing development containing no more than two residential units if it meets the following requirements:

1. The parcel is not located in any of the following areas and does not fall within any of the following categories:

a. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.

b. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code Section 25356, unless the State Department of Public Health, State Water Resources

Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

c. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.

d. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

    i. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or

    ii. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);

e. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.

f. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10

(commencing with Section 1900) of Division 2 of the Fish and Game Code).

2. The proposed housing development would not require demolition or alteration of any of the following types of housing:

    a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

    b. Housing on a parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date of the application; or

    c. Housing that has been occupied by a tenant in the last three years.

3. Unless demolition or alternation is prohibited pursuant to subsection B.2 above, a housing unit may be demolished if it has not been occupied by a tenant in the last three years.

C. Standards and Requirements.

1. The following objective standards for residential development currently applicable in La Verne will be prioritized in ascending order (with subsection g, regarding front yard setback being of the highest priority, and subsection a, regarding frontage, being the lowest priority) if, and only if those standards preclude two 800 square foot residential units from existing/being constructed as a part of an SB 9 project:

    a. Minimum 10-foot lot frontage to street or alleyway for urban lot splits.

    b. Residential driveway standards as set forth in Section 18.76.060.

    c. Minimum 10-foot building separation.

    d. Outdoor Living. For SB 9 units in single family zones, there must be outdoor living spaces that meet the following requirements:

        1. Each unit shall have a separate useable outdoor living area of four hundred square feet, with fifteen feet minimum in any direction.

        2. Outdoor living areas and the immediate surroundings shall be landscaped.

3. Outdoor living areas do not include parking areas, driveways, or front and rear yard setback areas.

e. Maximum lot coverage allowed by the underlying zone.

f. Maximum building height allowed by the underlying zone.

g. Front yard setback required by the underlying zone.

2. Notwithstanding any other provisions of the Municipal Code to the contrary, the following requirements shall apply in addition to all other objective standards applicable to this zone:

a. Setbacks.

i. No setback shall be required for an existing structure, or a structure constructed in the same location and within the same dimensions as an existing structure.

ii. Except for those circumstances described in section C.2.a above, the setback for side and rear lot lines shall be four feet.

iii. The front setback shall be that required by the underlying zone, provided the setback does not preclude two 800 square foot residential units from existing on each lot.

iv. For landlocked parcels side yard setbacks shall apply to all property lines.

b. The applicant shall provide easements for the provision of public services and facilities as required.

c. One parking space per unit shall be required on the lot unless the parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3. The parking space need not be covered, but tandem parking between units shall not be allowed.

D. Limitations on city actions.

1. The city shall not impose any zoning or design standards that would have the effect of physically precluding the construction of two units on a lot or that would result in a unit size of less than 800 square feet.

2. The city shall not deny an application solely because it proposes adjacent or connected structures provided that that all building code safety standards are met, and they are sufficient to allow a separate conveyance.

E. An applicant for a second house on a lot shall be required to sign an affidavit in a form approved by the City Attorney to be recorded against the property stating the following:

1. That the uses shall be limited to residential uses.

2. That the rental of any unit created pursuant to this section shall be for a minimum of 31 days.

3. That the maximum number of units, as defined in Section 18.122.020.A, to be allowed on the parcels is two.

F. The city may deny the housing development on any grounds in addition to that set forth in Section 18.122.010B.4.g above, if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

SECTION 3. CEQA. This Ordinance is exempt from CEQA pursuant to the specific provisions of Senate Bill 9 which provides that an ordinance adopted pursuant to that statute is not subject to CEQA.

SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

SECTION 5. Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be processed as required by law.

APPROVED AND ADOPTED this fifteenth day of May, 2023, by the City Council at La Verne, California.

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mayor of the City of La Verne

ATTEST:

_____
Assistant City Clerk