

**PLANNING COMMISSION
MEETING AGENDA
THURSDAY DECEMBER 19, 2024 6:00 PM
SAN DIMAS COUNCIL CHAMBER
245 EAST BONITA AVENUE**

COMMISSION MEMBERS

Chair David Bratt, Vice Chair John Davis, Commissioner Doran Barnes, Commissioner Margie Green, Commissioner James Shirley

CALL TO ORDER AND FLAG SALUTE

CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the Planning Commission requests separate discussion.)

CC 1. Approval of minutes for November 21, 2024 Planning Commission meeting.

RECOMMENDATION: Approve the November 21, 2024 Planning Commission meeting minutes.

PUBLIC HEARING

PH 1. Municipal Code Text Amendment 24-11; Discussion and Consideration of a Municipal Code Text Amendment to amend the City of San Dimas Municipal Code, Title 18 as necessary to remove verbiage regarding the Development Plan Review Board (DPRB) and to remove the “Initiation/Petition” process for municipal code text amendments.

RECOMMENDATION: Staff is requesting the Planning Commission continue the public hearing to the next regularly scheduled Planning Commission meeting of January 16, 2025.

PH 2. Municipal Code Text Amendment 24-01, Discussion and consideration of a Municipal Code Text Amendment of Title 18-Chapter 18.38 Accessory Dwelling Units and Chapter 18.170 Electronic Vehicle Charging Stations to comply with State law updates and to make various clean-up text amendments.

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution PC-1691 recommending approval to the City Council of Municipal Code Text Amendment 24-01.

ORAL COMMUNICATION

- a. Community Development Department
- b. Members of the Audience

(Members of the audience are invited to address the Planning Commission on any item not on the agenda. Under the provisions of the Brown Act, the Commission is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date.)

- c. Planning Commission
 - Commissioners' Report on Meetings Attended at the Expense of the Local Agency (Pursuant to AB 1234 – G.C. §53232.3(d))

ADJOURNMENT



Notice Regarding Americans with Disabilities Act: In compliance with the ADA, if you need assistance to participate in a city meeting, please contact the City Clerk's Office at (909) 394-6216. Early notification before the meeting you wish to attend will make it possible for the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

Copies of documents distributed for the meeting are available in alternative formats upon request. Any writings or documents provided to the Planning Commission regarding any item on this agenda will be made available for public review Monday through Thursday 7:30 a.m. to 5:30 p.m. and on Fridays from 7:30 a.m. to 4:30 p.m. in the Planning Division. In addition, most documents are posted on the City's website at www.sandimasca.gov.

If you are unable to attend, you may submit comments via email to planning@sandimasca.gov or call (909) 394-6250 no later than December 19, 2024 at 3:00 p.m.

Posting Statement: I declare under penalty of perjury that on December 12, 2024 I posted a true and correct copy of this agenda on the bulletin board in the Civic Center Plaza of City Hall at 245 E. Bonita Ave., San Dimas Library 145 N. Walnut Ave., San Dimas Post Office 300 E. Bonita Ave., Von's Via Verde Shopping Center 1160 Via Verde Ave., and on the City's website www.sandimasca.gov/agendas-minutes/ as required by law.

December 12, 2024

Kimberly Neustice

Kimberly Neustice, Senior Management Analyst

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CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, November 21, 2024, at 6:00 p.m.
245 East Bonita Avenue, City Council Chamber

PRESENT

Chairman David Bratt
Vice-Chairman John Davis
Commissioner Margie Green
Commissioner Doran Barnes
Commissioner James Shirley
Director of Community Development Luis Torrico
Planning Manager Marco Espinoza
Senior Planner Anne Moore
Assistant Planner Taylor Galindo
Assistant Planner Yasmin Dabbous
Senior Management Analyst Kimberly Neustice
Administrative Analyst Caitlyn Cortez

CALL TO ORDER AND FLAG SALUTE

Commissioner Bratt called the regular meeting of the Planning Commission to order at **6:02 p.m.** and **Commissioner Green** led the flag salute.

CONSENT CALENDAR

CC 1. Approve October 17, 2024 Planning Commission minutes.

MOTION: Moved by **Commissioner Green** moved, seconded by **Commissioner Shirley** to approve the consent calendar. Motion carried 5-0.

PUBLIC HEARING

PH 1. Municipal Code Text Amendment 20-05; Discussion and consideration of a Municipal Code Text Amendment of Title 18-Zoning, Chapter 18.518 Specific Plan 11 of the San Dimas Municipal Code, to amend grading limits within Planning Area I and make various clean-up text amendments, and adoption of the associated Mitigated Negative Declaration.

Vice-Chairman Davis recused himself from this item.

Staff report presented by **Director of Community Development Torrico** recommending Planning Commission approve Resolutions PC-1689 and PC-1670 recommending City Council approve the final revised Mitigated Negative Declaration (MND) and Municipal Code Text Amendment 20-0005 (MCTA).

Commissioner Barnes clarified that the current exemption of two-hundred cubic yards doesn't apply to pool construction.

Director of Community Development Torrico stated that was correct under the existing Environmental Impact Report (EIR). However, staff stopped this practice four years ago when this item was initiated.

Commissioner Barnes asked if the current exemption of two-hundred cubic yards would qualify under the new Environmental Impact Report (EIR).

Director of Community Development Torrico stated that was correct. Anything that was graded beyond the house and garage before this new EIR is approved they will be able to stay. This only applies to any new grading which would have to comply with the measures in the new Mitigated Negative Declaration. He also stated that there is a correction on page twenty-nine, it states that pools are exempt but they are not. Page thirty section B1A staff would like to add text that includes the mitigation measures from the MND so that future readers know that these are a requirement of the additional grading in the area.

Commissioner Barnes asked if an owner wanted to build an Accessory Dwelling Unit (ADU) and needed to do grading, would it be exempt of the requirements of the new MND.

Director of Community Development Torrico stated yes.

Chairman Bratt opened the public hearing.

Speaker 1 – John Begin – stated that he felt that the owners of the seven vacant lots left can afford to absorb the cost of these measures in their development process. He stated that the existing developed lots, the studies alone will cost more than the proposed project they want to build. He felt pools should still be exempt from the grading requirements because that's mostly what people are building on these lots. However, he does feel that the new review of the MND is much better than the original report. He's in support of the item and hopes that the change goes through.

Speaker 2 – Kathy Begin – stated that she approves of the one-thousand cubic yards of extra grading however, many of the residents oppose the biological resources requirement. Many residents have spoke against the grading limits and mitigation measures of the MND over the years and she also has signed petitions showing that most of the residents are against this. The fact that people have to spend sixty thousand on biological surveys isn't right. They already have to do various mitigation

measures for fire protections. A lot has happened in the four years that this was being reviewed and now the owners are being saddled with the added cost of these studies if they want to build on their lot.

Speaker 3 – Psomas Consultant – She prepared the biological sections of the new MND. The mitigation measures of the table that was shown in the presentation, just because the survey is listed in the table for the parcel doesn't mean that all of these surveys apply. The required surveys are based on the location of the proposed project. This report is based on all possible projects so they have to prepare the worst-case scenario in the report to cover all possibilities. She doesn't like to require a lot of surveys but unfortunately, they are meant to protect the natural habitat.

Speaker 4 – Pauline, Property owner of 1544 Calle Cristina – She has lived in Via Verde Ridge for over twenty years and their properties face Covina Hills Road. In all her time there she has never seen a frog, turtle or rare plants. The county comes and digs everything up every year for fire protection and no care is given to the natural habitat. She feels that some of this information is absurd but it's time that a decision is made.

Chairman Bratt closed public.

RESOLUTION PC-1689

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, RECOMMENDING TO THE CITY COUNCIL ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION AND MONITORING REPORTING PROGRAM FOR MUNICIPAL CODE TEXT AMENDMENT NO. 20-0005, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED

RESOLUTION PC-1670

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 20-05, AN AMENDMENT TO CHAPTER 18.518 – SPECIFIC PLAN 11, OF THE SAN DIMAS MUNICIPAL CODE

Director of Community Development Torrico stated that he would like to add a revision to section 18.518.170 - Grading design - removing the existing language of item D.1.a.iii. which states "One pool/spa and a five (5) foot wide deck around the perimeter of the pool/spa" and to add language to the section that the Grading Limits are subject to Resolution PC-1670 and the measures of the Final Initial Study/Mitigated Negative Declaration.

MOTION: Moved by **Commissioner Barnes** to approve Resolution PC-1689 and PC-1670 with the revision to section 18.518.170.D.1.a, seconded by **Commissioner Shirley** recommending City Council adopt Municipal Code Text Amendment 20-05. Motion carried 4-0-0-1 (Davis recused).

Commissioner Barnes stated in the short time he's been on the Commission, he's been surprised by the challenges the City faces as to what we can or cannot control because of State legislation and he understands that such mandates can be frustrating to the residents.

PH 2. Vesting Tentative Tract Map 24-01 (VTTM 84436); Discussion and Consideration of a request to subdivide two adjoining parcels into five parcels within the Single-Family Agriculture Zone, which are addressed as 720 N. Oakway Avenue (APN: 8392-020-034) and an unaddressed parcel (APN: 8392-015-041).

Staff report presented by **Senior Planner Moore** recommending Planning Commission approve Resolution PC-1687 recommending City Council approve Vesting Tentative Tract Map 24-01 (VTTM 84436).

Chairman Bratt asked if there will be an entry to the site off Cody Road.

Senior Planner Moore stated that there will not be an entrance off Cody or Gladstone, only off of Oakway.

Chairman Bratt asked for clarification on the improvements for the proposed access easement up to Gladstone.

Senior Planner Moore stated that the access road is only for the sewer line but the condition requires the paved area to be all the way through to Gladstone for maintenance access only.

Chairman Bratt asked how the private road for the development will be maintained.

Senior Planner Moore stated the private road will require an access easement and maintenance agreement between all neighbors to maintain the private driveway.

Chairman Bratt asked if they don't maintain the private drive, what recourse does the City have. Maintenance of private drives and streets has been an issue in the City before and he wants to make sure that this is going to be maintained and if it's not that the City has some kind of recourse.

Community Development Director Torrico stated that Staff can add a condition to the approval that all residents must enter a maintenance and that failure to maintain the private drive would be subject to Code Compliance action. Staff will discuss the condition with the City Attorney and add the appropriate language to the conditions of approval to the tract map.

Commissioner Green stated that at the far east end there's no turn around and she's concerned for fire vehicles getting to and from the residences.

Chairman Bratt stated that the fire code requires a turnaround within one hundred and fifty feet and there is in fact a turnaround on the third parcel.

Chairman Bratt opened the public hearing.

Speaker 1 – Applicant Dean Hakkak – stated he wants to be respectful of his neighbors as he wants to remain on a friendly and cordial basis with them. He feels that the area is underutilized and wants to make sure that this development is in accordance with the City requirements.

Speaker 2 – Lora Smith – Currently there is a fire hydrant by her house. Where is the new development going to connect to if there's a fire. She doesn't believe that a hose would reach back to the last lot.

Senior Planner Moore stated that the presentation doesn't include the requirements set by Los Angeles County fire and they are requiring one new private fire hydrant to be installed. The new hydrant location will be located at the east corner of the turnaround on lot three and is required to be installed prior to the final inspections on the houses.

Speaker 2 – Lora Smith – stated that lots one, two and three have been constantly under construction with water trucks that come in the wrong direction. She wants to make sure that the hydrant is installed before they start construction in case there is a fire during construction. Also, she didn't see a traffic study and Amelia Avenue is already a very busy street. Right where the entrance to the private road is, the construction people were going in and out carelessly from Ghent to Oakway, and she has asked repeatedly to have this entry yield to slow down traffic. Before any construction begins there should be a sign installed that yields construction traffic before they head out of the construction site.

Chairman Bratt asked what is the requirement for a traffic study to be done for a development.

Community Development Director Torrico stated that this project is exempt under the thresholds of traffic study requirements. Under the new Vehicle Miles Traveled (VMT) guidelines there are certain projects that are exempt so that's why there wasn't a traffic study done.

Speaker 2 – Lora Smith – She feels like there will be too much traffic coming and going from these new homes with the construction of the house, ADU's, pools and other construction.

Community Development Director Torrico stated that Staff can check with Public Works to see if there is anything that can be added to the Conditions to help the traffic issue.

Speaker 1 – Applicant Dean Hakkak – Stated that there is currently a gate at the entrance. The plumbing trucks that are coming and going are from 716 Oakway and there's nothing he can do to control this traffic since it isn't from his property. He stated that he got a permit to add a water meter to the existing fire hydrant to use the water. Anyone driving in this area on the streets or private drive need to follow the rules of the road in general which includes yielding to oncoming traffic and following speed limits. Law enforcement needs to enforce the rules as far as vehicle issues.

Vice-Chairman Davis asked the applicant if he plans on developing the houses.

Speaker 1 – Applicant Dean Hakkak – Stated that he does intend to develop all five lots.

Chairman Bratt closed the public hearing.

Commissioner Barnes asked about the traffic issue where Ghent Street travels east and dead ends at Oakway where this private driveway comes out. What is the traffic control at this intersection if any.

Chairman Bratt stated that there is no traffic control.

Commissioner Barnes asked if it will remain an uncontrolled intersection when these lots are developed.

Planning Manager Espinoza stated that at this time there is not a condition to add a stop sign. Public Works has a Traffic Safety Committee that reviews different areas and issues to see if additional traffic control is needed due to hazardous situations. He encourages the resident to submit an application to the Traffic Safety Committee for this issue so they can review the situation.

Commissioner Barnes stated he feels that the added homes, while might not bring a lot of traffic, will change the dynamics of this intersection. The addition of the private road may or may not warrant some additional thought from the Traffic Safety Committee.

RESOLUTION PC- 1687

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF VESTING TENTATIVE TRACT MAP 24-01 (VTTM 84436), A REQUEST TO SUBDIVIDE TWO (2) ADJOINING PARCELS INTO FIVE (5) PARCELS LOCATED AT 720 N. OAKWAY AVENUE (APN: 8392-020-034 AND AN UNADDRESSED PARCEL (APN: 8392-015-041) WITHIN THE SINGLE-FAMILY AGRICULTURE 16000 ZONE.

MOTION: Moved by **Vice-Chairman Davis**, seconded by **Commissioner Shirley** to approve Resolution PC-1687 with a revision to Condition twenty-two adding that failure to maintain the private drive may lead to Code Compliance action. Motion carried 5-0

PH 3. Municipal Code Text Amendment 24-09; Discussion and Consideration of a Municipal Code Text Amendment to amend Title 18-Zoning, Chapter 18.20 Residential Zones Generally, Chapter 18.24 S-F Single-Family Residential Zone, Chapter 18.28 SF-A Single-Family Agriculture Zone, and Chapter 18.35 SF-DR Single-Family Downtown Residential Zone of

the San Dimas Municipal Code to clarify the intent of certain sections, add language to sections where policies have been in place, but never codified, and various clean up items as required.

Staff report presented by **Senior Planner Moore** recommending Planning Commission adopt Resolution PC-1688, recommending City Council approve MCTA 24-09.

Vice-Chairman Davis stated that it sounds like a lot of this code has been rewritten.

Senior Planner Moore stated that over the years Staff has made policies that need to be codified in the code.

Vice-Chairman Davis asked if a policy is easier to change than a Municipal Code.

Planning Manager Espinoza stated that it's easier to change a policy but in the past few years staff had been directed not to create policies but to codify items into the code because that makes it more enforceable. For example, if a Use Determination is made it would have been written into a policy but not in the code which then requires Staff to look in more than once place for the information. Codifying these items in the code makes it easier for everyone to understand the requirements.

Community Development Director Torrico reminded the Commission that these changes are just to codify existing policies, Use Determinations, and other clean up items and does not change the overall use or intent of the zone. There are no uses being added or deleted. The only new item being added to the code is the prohibition of Air B&B's and a rear yard setback.

Chairman Bratt asked Davis if he would like to continue the item so he has more time to go through the changes.

Vice-Chairman Davis stated he's ok to move forward, it just sounded like a lot of items being changed. He is ok as long as we aren't adding additional rules.

Senior Planner Moore stated that the short-term rental prohibition, the five foot rear yard setback and the required distance from horse corrals are new items.

Planning Manager Espinoza stated that one item that has come up with the City Attorney is that the code is more permissive and now we are changing this to clarify items that are prohibited. The City Attorney stated that items like these should be codified in the code so that Code Compliance has more enforcement power.

Commissioner Barnes asked for clarification on the twelve-foot setback on one of the side yards. For example, if he buys a house on Fourth Street and knocks the house down, would he have to have to rebuild the new house with the current setbacks.

Planning Manager Espinoza stated that was correct.

Commissioner Barnes stated that might be something that Staff would like to consider because requiring these setbacks may change the look of the area. He believes properties in the downtown typically don't comply with the twelve-foot and five-foot setbacks and maybe staff wants to reconsider the change in the downtown area.

Chairman Bratt asked what would happen if there's a property with an eight-foot setback, is it grandfathered in.

Community Development Director Torrico stated that the existing lot and building become legal non-conforming however, new construction would have to meet the new setbacks.

Planning Manager Espinoza did clarify that the Code allows additions to continue existing nonconforming setbacks with not less than a five-foot setback.

Chairman Bratt opened the public hearing.

No communications were made at this time.

Chairman Bratt closed the public hearing

RESOLUTION PC-1688

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 24-09, AN AMENDMENT TO TITLE 18-ZONING, CHAPTER 18.20 RESIDENTIAL ZONES GENERALLY, CHAPTER 18.24 S-F SINGLE-FAMILY RESIDENTIAL ZONE, CHAPTER 18.28 SF-A SINGLE-FAMILY AGRICULTURE ZONE, AND CHAPTER 18.35 SF-DR SINGLE-FAMILY DOWNTOWN RESIDENTIAL ZONE OF THE SAN DIMAS MUNICIPAL CODE TO CLARIFY THE INTENT OF CERTAIN SECTIONS, ADD LANGUAGE TO SECTIONS WHERE POLICIES HAVE BEEN IN PLACE, BUT NEVER CODIFIED, AND VARIOUS CLEAN UP ITEMS AS REQUIRED.

MOTION: Moved by **Vice-Chairman Davis**, seconded by **Commissioner Green** to approve Resolution PC-1688 recommending City Council approve MCTA 24-09. Motion carried 5-0.

OTHER BUSINESS

OB 1. Consideration and discussion of a city-initiated request to initiate a Municipal Code Text Amendment to amend Chapter 18.38 Accessory Dwelling Units and 18.170 Electric Vehicle Charging Stations of the San Dimas Municipal Code in an effort to be in compliance with changes to the State laws effecting these uses, along with associated clean up items.

Staff Report presented by **Assistant Planner Galindo** recommending Planning Commission initiate the Municipal Code Text Amendment.

Commissioner Barnes stated that he understands that the City needs to comply with State mandated requirements but the one thing that he feels Staff should look at, and because the City doesn't have much control over Accessory Dwelling Unit (ADU) development, is the parking situation. For example, someone can build an ADU but if they try to put in a garage for the ADU it could put the project over the lot coverage threshold, However, someone can build an ADU and no garage or parking on site which then pushes the parking issue out to the street. He would like to Staff to consider options that encourage on site parking to help alleviate on street parking.

Community Development Director Torrico stated that this issue will be looked at during the MCTA process and the Planning Commission can also recommend additional changes once the MCTA comes back to the Commission for reading.

Vice-Chair Davis stated that his HOA limits ADU's at one thousand square feet. Will the HOA have a say in this going forward.

Community Development Director Torrico stated that multi-bedroom ADU's are capped at twelve hundred square feet per State code, but cities are allowed to further limit floor area. Our Code limits studio and one bedroom ADUs to 800 square feet and multi-bedroom ADUs to 1,000 square feet. Unfortunately the State takes the control away from the HOA's and therefore the City does not require HOA approvals and will not enforce the HOA rules. Currently the first eight hundred square feet of an ADU does not count towards lot coverage. Staff will be adding language that items such as patios and garages that are attached to the ADU will count towards lot coverage. He understands that Commissioner Barnes is asking Staff to look at possibly exempting an ADU garage from the lot coverage calculation to help encourage on-site parking.

Commissioner Shirly asked if he's building an ADU, would a garage be allowed to be attached to an ADU.

Planning Manager Espinoza stated that the garage is only allowed if there's enough room in the lot coverage calculation.

Commissioner Shirly asked what happens if they have to park on a street that doesn't allow parking without the owner paying for it.

Planning Manager Espinoza stated that is the owner's responsibility, so if someone needs to park on the street they would have to buy a parking permit.

Community Development Director Torrico stated that the overnight parking restrictions is City wide and you cannot park overnight on city streets if you don't have an overnight parking permit. The owner needs to consider this when they are deciding to build an ADU. Tonight, we are just initiating the MCTA, staff is not suggesting any changes at this time.

Vice-Chairman Davis stated he believes the City cannot regulate parking onsite for ADU's.

Community Development Director Torrico stated that is correct, the City cannot require on-site parking to build an ADU per State law.

Commissioner Shirley stated that the on-street parking has increased and that's a concern for residents. He feels that this needs to be considered.

Chairman Bratt asked for clarification on the EV Charger streamline act. He understands that the application has to be deemed complete within 5 or 10 business days, does that mean if we don't approve the application that they can move forward and build it without City approval.

Community Development Director Torrico stated that the streamlining act will allow the item to go straight into building plan check and is a ministerial approval for Planning and there won't be any kind of Planning approval process. The Building Department does have a checklist for submittals and approval can be done quickly and possibly even over the counter.

Chairman Bratt stated that it talks about height requirements that the ADU can go up to twenty-six feet. Can the City have a say in the height of the ADU.

Assistant Planner Galindo stated that under AB 976 it does have language about the height limitation and the requirements.

MOTION: Moved by **Vice-Chairman Davis**, seconded by **Commissioner Barnes** to approve the city-initiated request for a Municipal Code Text Amendment to amend Chapter 18.38 Accessory Dwelling Units and 18.170 Electric Vehicle. Motion carried 5-0

ORAL COMMUNICATIONS

a. Community Development Department

Community Development Director Torrico updates Planning Commission:

- Discussion of the Tree removal ordinance and SB9 went to the City Council Study Session on November 12, 2024. The SB 9 discussion was about the affordability requirement however staff was made aware of a new state mandate that restricts any limitations such as affordability requirements so for now this will have to be reconsidered in the proposed SB 9 code.
- The Tree removal ordinance was discussed at the City Council study session as well. The changes that Planning Commission and Staff recommended were presented and City Council gave direction to staff to work on exempting single family zones from the ordinance. The City Council did direct staff to research whether other agencies protect certain trees and

if so, provide a list of said trees. This was informational purposes only and will not be written into the Code. An MCTA will be brought to Planning Commission in the near future.

b. Members of the Audience

No communications were made.

c. Planning Commission

No communications were made.

ADJOURNMENT

MOTION: *Chairman Green* moved, seconded by *Commissioner Davis*. Motion carried 5-0. The meeting adjourned at 8:20 p.m. to the regular Planning Commission Meeting scheduled for Thursday, December 19, 2024.

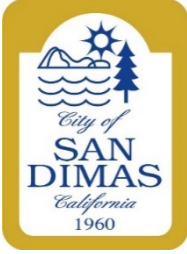
David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Kimberly Neustice
Senior Management Analyst

Approved: December 19, 2024

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Agenda Item Memorandum

To: Honorable Mayor and Members of City Council
For the Meeting of December 19, 2024

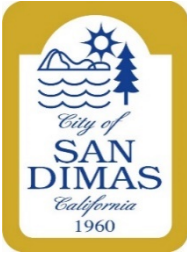
From: Luis Torrico, Director of Community Development

Prepared by: Marco Espinoza, Planning Manager

Subject: Municipal Code Text Amendment 24-11; Discussion and Consideration of a Municipal Code Text Amendment to amend the City of San Dimas Municipal Code, Title 18 as necessary to remove verbiage regarding the Development Plan Review Board (DPRB) and to remove the “Initiation/Petition” process for municipal code text amendments.

Staff is requesting the Planning Commission open the public hearing to hear any public comments and continue the public hearing to the next regularly scheduled Planning Commission meeting of January 16, 2025.

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Agenda Item Staff Report

To: Honorable Chair and Members of Planning Commission
For the Meeting of December 19, 2024

From: Luis Torrico, Director of Community Development

Prepared by: Taylor Galindo, Assistant Planner

Subject: Municipal Code Text Amendment 24-01, Discussion and consideration of a Municipal Code Text Amendment of Title 18-Chapter 18.38 Accessory Dwelling Units and Chapter 18.170 Electronic Vehicle Charging Stations to comply with State law updates and to make various clean-up text amendments.

SUMMARY

Municipal Code Text Amendment 24-01 proposes to amend Chapter 18.38, Accessory Dwelling Units (ADU), and Chapter 18.170, Electric Vehicle Charging Stations (EVCS), of the City's Municipal Zoning Code. This amendment aims to ensure compliance with State laws AB 345, AB 976 and SB 477, direction provided by the Department of Housing and Community Development (HCD) for ADU's and AB 970 for EVCS updates and align with the intent outlined in these chapters.

On November 21, 2024, the Planning Commission considered an initiation to amend Chapters 18.38 and 18.170 to bring both chapters into compliance with State law. The Commission voted 5-0 to approve the initiation and move forward with the amendments.

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution PC-1691 recommending approval to the City Council of Municipal Code Text Amendment 24-01.

FISCAL IMPACT

There is no fiscal impact for the recommended action.

BACKGROUND

Accessory Dwelling Units

In 1993, the City of San Dimas established Chapter 18.38 of the San Dimas Municipal Code (SDMC), which allowed for second units - also known as accessory dwelling units (ADUs) - as required by Government Code Section 65852.2. There have been subsequent changes to Chapter 18.38 in accordance with the evolving State laws. The latest update was on October 13, 2020, in which San Dimas City Council approved and adopted Ordinance 1281 in response to Assembly Bill (AB) 68, AB 881, and Senate Bill (SB) 13. Since this time, the State law regarding ADUs and Junior Accessory Dwelling Units (JADUs) has continued to be modified as new bills are signed into law by the Governor, such as AB 345, AB 976 and SB 477. The table below briefly summarizes the context of the bills staff is proposing to codify.

State Law Changes Affecting ADUs/JADUs		
Bill	Effective Date	Summary
AB 345	January 1, 2022	Amendment to Government Code Section 65852.26 allows the separate conveyance of an ADU under specific conditions. This applies only if a qualified nonprofit corporation is involved in a program that enables low-income families to buy the ADU with a no-interest loan. It also requires the definition of “qualified nonprofit corporation” and “qualified buyer” to ensure these specific criteria are met.
AB 976	January 1, 2024	Amendment to Government Code Section 65852.2 to remove the owner-occupancy requirement for new ADU applications submitted after January 1, 2025. This change allows ADU properties to be rented or sold without the property owner being required to reside on-site
SB 477	March 25, 2024	Reorganizes and clarifies existing State laws regarding ADUs and JADUs. Previously covered under Government Code Sections 65852.2, 65852.22, 65852.23, and 65852.26, ADU regulations are now consolidated under Sections 66310 through 66342 to improve coherence without substantive changes to the regulations.

In addition to the above-referenced bills, Staff is also proposing changes to comply with the direction received from the Department of Housing and Community Development (HCD). On January 29, 2024, the City of San Dimas received a letter from HCD’s Division of Housing Policy Development regarding their recent review of the City’s ADU Ordinance (See Attachment 2). HCD determined that the ordinance did not comply with State law and noted the City’s intent to provide an updated ordinance by Spring 2025.

Electric Vehicle Charging Stations

In 2019, in response to AB 1236, the City of San Dimas enacted Ordinance 1267 to introduce Chapter 18.170, "Electric Vehicle Charging Stations" (EVCS), into the SDMC. This chapter streamlines the installation of EVCS in accordance with State law. To maintain alignment with the intent of Chapter 18.170 and comply with current State requirements, updates to this chapter are now necessary. The following table provides details on the aforementioned Assembly Bills pertaining to EV Charging Stations.

Assembly Bills Affecting EVCS		
Bill	Effective Date	Summary
AB 1236 <i>*Provided for context</i>	September 30, 2017	An act to add Government Code Section 65850.7 mandating local governments to streamline and expedite the permitting process for the installation of electric vehicle charging stations to support the expansion of EV infrastructure, limiting the review to health and safety issues and prohibiting the imposition of development standards related to aesthetics, such as screening and landscaping.
AB 970	January 1, 2023	AB 970 codified in Government Code Section 65850.71, builds on California's existing permit streamlining law, AB 1236. AB 970 requires applications to be deemed complete within 5 or 10 business days and approved within 20 or 40 days based on the number of EVCS proposed. Additionally, AB 970 prohibits jurisdictions from requiring replacement parking.

Per San Dimas Municipal Code (SDMC) Chapter 18.208, in order to make amendments to Title 18, an initiation must be considered and approved by the Planning Commission. On November 21, 2024, the Planning Commission considered an initiation to amend Chapters 18.38 and 18.170 of the SDMC to bring both chapters into compliance with State law. The Commission voted 5-0 to approve the initiation and move forward with the amendments.

DISCUSSION/ANALYSIS

Accessory Dwelling Units

In light of the signing of AB 345, AB 976, and SB 477, Staff proposes the following changes to Chapter 18.38;

1. AB 345: Amending the chapter to allow for separate conveyance of an ADU under specific circumstances and include pertinent definitions for “qualified nonprofit corporation” and “qualified buyer.”
2. AB 976: Eliminating the requirement for an owner-restrictive covenant for all ADU applications.
3. SB 477: Updating the referenced government code sections to Government Code Sections 66310 – 66342.

In response to the HCD letter, Staff proposes the following modifications to the Accessory Dwelling Units Chapter;

1. Modify development standards to ensure the permitting and the construction of an ADU that is 800 square feet or less and adheres to four-foot side and rear setback requirements.
2. Revising existing verbiage to allow for the construction of a JADU on lots where single-family dwellings are being proposed.
3. Allow for attached ADUs on multifamily lots slated for development.
4. Update height requirements to reflect state allowances of 16 to 25 feet, depending on the location of the property (See the table below)

Height Restrictions	
Detached ADU	16 feet on a lot with existing/proposed single or multi-family dwelling
Detached ADU	18 feet on a lot with an existing or proposed single-family or multifamily dwelling unit that is within one-half of one-mile walking distance of a major transit stop or a high-quality transit corridor, plus two additional feet for roof alignment
Multi-Story Multi-Family	18 feet for a lot with an existing or proposed multi-story multi-family dwelling
Attached ADU	25 feet or local primary dwelling height limit, whichever is lower (not exceeding two stories)

5. Mandate a permit decision within sixty days and provide detailed feedback on deficiencies.
6. Reducing the minimum size of an efficiency unit to one hundred and fifty square feet as per State Health and Safety standards.

Electric Vehicle Charging

Staff has reviewed the zoning code in light of the signing of AB 1236, and AB 970 and sees the need to significantly amend Chapter 18.38 of the SDMC to ensure compliance with the aforementioned bills. Staff is proposing modifications to include the following:

1. Expanding Chapter 18.170's definitions to include "specific, adverse impact" and using "charging station" as an alternative term.
2. Allowing EVCS as primary use by right in areas designated for service stations while clarifying exceptions to the applicability section in line with AB 970;
3. Removing restrictions on development standards that limit EVCS due to parking space loss.
4. Aligning approval authority with the City Building Official as per AB 970.

The proposed amendments to Chapters 18.38 and 18.170 are regarded as routine cleanup items in response to the constantly evolving State laws. These updates also include moving definitions from these chapters to Chapter 18.08 Definitions.

ALTERNATIVES

There are no alternatives proposed for this request.

ENVIRONMENTAL REVIEW

Pursuant to CEQA guidelines Section 15061 (b)(3), CEQA does not apply to this item because there is no potential for causing a significant effect on the environment. Therefore, no additional environmental review is needed at this time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Taylor Galindo", with a horizontal line extending to the right.

Taylor Galindo
Assistant Planner

Attachments:

1. Resolution PC-1691
2. Letter from the Department of Housing and Community Development

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RESOLUTION PC-1691

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 24-01, WHICH AMENDS TITLE 18 - ZONING, CHAPTER 18.38 ACCESSORY DWELLING UNITS, AND CHAPTER 18.170 ELECTRIC VEHICLE CHARGING STATIONS, ALONG WITH ASSOCIATED CLEAN-UP ITEMS TO ENSURE COMPLIANCE WITH STATE LAW AND ALIGNMENT WITH THE INTENT OF THESE CHAPTERS.

WHEREAS, and Amendment to the San Dimas Municipal Code has been duly initiated by the City of San Dimas; and

WHEREAS, the Amendment is described as an amendment to Title 18-Zoning, Chapter 18.38 Accessory Dwelling Units, and Chapter 18.170 Electric Vehicle Charging Stations, along with associated clean-up items to ensure compliance with State law and alignment with the intent of these chapters; and

WHEREAS, the Amendment would also revise Chapter 18.08, Definitions, to add applicable definitions and move definitions from Chapters 18.38 Accessory Dwelling Units and 18.170 Electric Vehicle Charging Stations Definitions into Chapter 18.08, Definitions; and

WHEREAS, the Amendment would affect all residentially zoned parcels of the City as applicable within Chapter 18.38 Accessory Dwelling Units, and would also affect all new electric vehicle charging stations; and

WHEREAS, on November 21, 2024, the Planning Commission approved to initiate the Municipal Code Text Amendment; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on December 19, 2024 at the hour of 6:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, all requirements of the California Environmental Quality Act have been met for the consideration of whether the project will have a significant effect on the environment. It has been determined that this action is not a project under CEQA, as there will be no direct physical or reasonably foreseeable indirect physical change to the environment.

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, the Planning Commission now finds as follows:

- A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value, precedent or be detrimental to the area.

The proposed amendments would codify existing State law and help bring the City's zoning ordinance into compliance with State Law. Municipal Code Text Amendment 24-01 would clarify existing State regulations that aim to streamline and promote the development and construction of Accessory Dwelling Units and Electric Vehicle Charging Stations.

- B. The proposed Municipal Code Text Amendment will further the public health, safety, and general welfare.

The proposed Municipal Code Text Amendment aims to align the City's regulations with new State laws governing Accessory Dwelling Units and Electric Vehicle Charging stations. More specifically, the amendments to the Accessory Dwelling Unit ordinance will provide clarity, remove certain barriers, and provide flexibility for providing on-site parking. The intent of the State law regarding EVCS is to streamline the permitting proposed in an effort to provide more readily available charging stations for electric vehicles, which aids in lowering carbon emissions and improving air quality. The proposed amendments do not undermine the City's objectives of ensuring compatibility with surrounding uses and safeguarding public health, safety, and general welfare.

- C. The proposed Municipal Code Text Amendment is consistent with the General Plan.

The proposed amendments are consistent with applicable Zoning by ensuring both ADU and EVCS Chapters are in compliance with State Law. In addition, the amendments will be consistent with the following goals of the General Plan:

Housing Element

- Goal Statement HE-2 seeks to provide opportunities for well-designed and appropriate housing that is diverse in type and location. Affordability and tenure that meet the full spectrum of current and future housing needs in San Dimas.
- Goal Statement HE-4 aims to assist in the development, provision, and retention of long-term affordable housing opportunities for lower—and moderate-income households, including individuals and families with special needs.

Land Use

- Goal Statement L-3 states a goal of ensuring all portions of the City are adequately served with essential services and utilities.
- Goal statement L-4 states a goal of planning and creating an urban form that efficiently utilizes urban infrastructure and resources.

NOW, THEREFORE, BE IT FURTHER RESOLVED, PURSUANT TO THE ABOVE FINDINGS, that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 24-01 as set forth in the Attached Exhibit A.

PASSED, APPROVED and ADOPTED, the 19th day of December, 2024 by the following vote:

AYES:

NOES:

ABSENT:

RECUSE:

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Kimberly Neustice, Senior Administrative Analyst

ATTACHMENT A

*New text changes are in Blue and Underlined

*Deleted text is in ~~Red and Strikethrough~~

SECTION 1. Section 18.08 is hereby amended to add the following:

§18.08.011. Accessory dwelling unit. “Accessory dwelling unit” means either an attached or detached dwelling unit which provides complete, independent living facilities for one or more persons and includes permanent provision for living, sleeping, eating, cooking, and sanitation. Such unit shall be located on the same parcel as other dwelling units and shall be located on a fixed, permanent foundation. Notwithstanding the requirement that an accessory dwelling unit must be located on a fixed, permanent foundation, this requirement shall not preclude a “manufactured home,” as defined in Section 18007 of the California Health and Safety Code, from uses as an accessory dwelling unit subject to the requirements of this chapter.

§18.08.213. Electric Vehicle Charging Station (EVCS) or Charging Station.

“Electric Vehicle Charging Station” or “Charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of the ordinance codified in this chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

§18.08.214. Electric Vehicle Charging Station (EVCS) or Charging Station, standalone.

“Electric Vehicle Charging Station, standalone” or “Charging station, standalone” means any level of electric vehicle supply equipment station in a quantity upward of two for private for-profit standalone use.

§18.08.325. Junior Accessory Dwelling Unit.

“Junior accessory dwelling unit” means a dwelling unit created out of space entirely within an existing or proposed single-family residence, and of no more than five hundred square feet in size, which provides independent living facilities for one or more persons and includes permanent provisions for living, cooking, eating, and sleeping. For the purpose of this definition, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence. A junior accessory dwelling unit shall have independent exterior access. Provision for sanitation may be provided within the unit or may share sanitation facilities with the main residence.

§ 18.08.385. Multifamily dwelling.

“Multifamily dwelling” means a structure or portion thereof containing three or more dwelling units designed for the independently occupancy of three or more households. Development types include apartments, townhomes, single-room occupancy, and residential condominiums.

§18.08.467. Qualified buyer.

“Qualified buyer” means persons or families of low income or moderate income, at that term is defined in Section 50093 of the California Health and Safety Code.

§18.08.468. Qualified nonprofit corporation.

“Qualified nonprofit corporation” means an a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest program.

§18.08.518. Specific, adverse impact.

“Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health and safety standards, policies, or conditions as they existed on the date the application was deemed complete.

§ 18.08.539. Two-family dwelling (duplex) unit.

“Two-family dwelling (duplex) unit” means a building containing two complete dwelling units designed for the independent occupancy of two households. A “Two-family dwelling (duplex) unit” is not a “multifamily dwelling”.

SECTION 2. Section 18.38 is hereby amended to read as follows:

**CHAPTER 18.38
ACCESSORY DWELLING
UNITS**

Sections:

- § 18.38.010 Purpose.**
- § 18.38.015 Definitions.**
- § 18.38.020 Permitted Uses.**
- § 18.38.030 General Provisions**
- § 18.38.040 Development standards.**
- § 18.38.050 Plan review.**
- § 18.38.060 Appeals.**

§ 18.38.010. Purpose.

A. The provisions of this chapter are intended to set forth standards, in accordance with state law, for the creation or conversion of at least one accessory dwelling unit (ADU) per lot zoned single-family or multifamily use. An ADU is an accessory use for the purpose of calculating allowable density under the general plan and zoning and does not count toward the allowable density ~~dwelling unit does not exceed the allowable density for the lot on which it is located.~~

B. The California State Legislature has identified that the need exists for new housing to shelter California's population. Creating the opportunity to provide accessory dwelling units on existing residential property addresses this need and would provide additional housing options within the community.

(Ord. 979 § 2, 1993; Ord. 1251 § 1, 2017; Ord. 1281 Exh. A, 2020)

§ 18.38.015. Definitions.

For the purpose of this chapter, words and terms used in this chapter shall have the meaning respectively ascribed to them set forth in Chapter 18.08 of this title.

~~Accessory Dwelling Unit. Either an attached or detached dwelling unit which provides complete, independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation. Such unit shall be located on the same parcel as other dwelling units and shall be located on a fixed, permanent foundation. Notwithstanding the requirement that an accessory dwelling unit must be located on a fixed, permanent foundation, this requirement shall not preclude a "manufactured home," as defined in Section 18007 of the California Health and Safety Code, from use as an accessory dwelling unit subject to the requirements of this chapter.~~

~~Junior Accessory Dwelling Unit. A dwelling unit created out of space entirely within an existing single-family residence, and of no more than five hundred square feet in size, which provides independent living facilities for one or more persons and includes permanent provisions for living, cooking, eating, and sleeping. A junior accessory unit shall have independent exterior access. Provisions for sanitation may be provided within the unit or may share sanitation facilities with the main residence.~~

(Ord. 1281 Exh. A, 2020)

§ 18.38.020. Permitted uses.

A. A maximum of one accessory dwelling unit, either attached or detached, and one junior accessory dwelling unit shall be permitted in zoning districts where single-family residential uses are allowed or on multiple family zoned properties which have been improved with a single-family dwelling.

B. Accessory Dwelling Units within Existing or Proposed Multifamily Structures. Multiple accessory dwelling units are allowable within the portions of existing or proposed 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. At least one accessory dwelling unit shall be allowed within an existing or proposed multifamily structure, and up to a maximum of twenty-five percent of the existing or proposed multifamily dwelling units may be allowed in zoning districts where multifamily dwelling residential uses are permitted.

C. Detached Accessory Dwelling Units with Existing or Proposed Multifamily Structures. Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from the multifamily dwelling shall be allowed in zoning districts where multifamily dwelling residential uses are allowed. (Ord. 979 § 2, 1993; Ord. 1135 § 1, 2003; Ord. 1251 § 1, 2017; Ord. 1281 Exh. A, 2020)

§ 18.38.030. General provisions.

The following provisions shall apply to all accessory dwelling units:

A. Accessory dwelling units shall be permitted in any zone where single-family or multifamily dwelling residential uses are allowed or as part of any proposed residential development.

- B. Accessory dwelling units may be rented. If rented, the rental term shall not be for less than thirty days.
- C. Any legally permitted structure, or a structure constructed in the same location and to the same dimensions as a legally permitted structure, which is to be converted to an accessory dwelling unit may be converted without any additional setbacks.
- D. ~~There shall be no minimum size for accessory dwelling units which are converted from existing space, besides that which is necessary per building code standards.~~
- E. Accessory dwelling units may not be sold separately from the main residence, unless the accessory dwelling unit or the primary dwelling was built or developed by a qualified nonprofit corporation, then the ADU can be sold or conveyed separately from the primary residence to a qualified buyer consist with Government Code Section 66341 (a)-(e).
- ~~F. For any accessory dwelling unit application on a single family developed property which is received on or after January 1, 2025, the owner of the subject property shall be the occupant of either the primary residence or the accessory dwelling unit, and such restriction shall be recorded on an instrument as approved by the city attorney and shall run with the land.~~
- G. F. No certificate of occupancy shall be issued for an accessory dwelling unit constructed concurrently with a primary dwelling unit. The primary dwelling unit shall be completed and have first obtained a certificate of occupancy prior to issuance of a certificate of occupancy for the accessory dwelling unit.
- (Ord. 979 § 2, 1993; Ord. 1135 § 2, 2003; Ord. 1251 § 1, 2017; Ord. 1281 Exh. A, 2020)

§ 18.38.040. Development standards.

The following property development standards shall apply to all accessory dwelling units:

- A. Floor Area. The following floor area standards for accessory dwelling units apply:
1. Attached accessory dwelling units shall not exceed fifty percent of the existing primary dwelling or either eight hundred fifty square feet for a studio or one-bedroom unit or one thousand square feet for a multi-bedroom unit, whichever is less, provided, however, that these floor area requirements shall not preclude an accessory dwelling unit of at least eight hundred square feet from being constructed.
 2. Detached accessory dwelling units shall not exceed eight hundred fifty square feet for a studio or one-bedroom unit or one thousand square feet for a multi-bedroom unit.
 3. Junior accessory dwelling units shall not exceed five hundred square feet.
 4. All newly constructed accessory dwelling units and junior accessory dwelling units have a minimum size of one hundred fifty square feet, the size of two hundred twenty square feet, the size of an efficiency unit as defined in Section 17958.1 of the California Health and Safety Code in the International Building Code of the International Code Council.
- B. Lot Coverage. The lot coverage of the underlying zone shall apply provided, however, that these lot coverage limitations shall not preclude an accessory dwelling unit of at least eight hundred square feet from being constructed.
- C. Minimum Yard Areas. The following minimum yard requirements apply.
1. Front Yards. The provisions of the applicable underlying zoning designation of the subject property shall apply. Accessory dwelling units that are 800 square feet or less may be located within the front yard setback area of the underlying zoning designation, if there is no other area on the

parcel that can accommodate the accessory dwelling unit, as determined by the director of community development, provided that the front yard setback shall not be less than four feet.

2. Rear Yards. The minimum rear yard shall be four feet.
 3. Side Yards. The minimum side yard shall be four feet.
- D. Nonconforming Residential Structures. Any nonconforming zoning conditions on the subject property shall not require correction for the purposes of adding either an accessory dwelling unit or junior accessory dwelling unit.
- E. Building Height. The following maximum height requirements shall apply for all accessory dwelling units:
1. Sixteen feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multi-family dwelling unit.
 2. Eighteen feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multi-family dwelling unit that is within one-half of one-mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet (2') in height is permitted, solely, to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit. ~~The provisions of the applicable underlying zoning designation of the subject property shall apply. For corner lots, the maximum height within the street-side setback shall be sixteen feet.~~
 3. Eighteen feet for a detached accessory dwelling unit on a lot with an existing or proposed multi-family, multi-story dwelling.
 4. Twenty-five feet or the height limitation in the underlying zone designation of the subject parcel shall apply, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling.
 5. Accessory dwelling units shall not exceed two stories.
- F. Building Separation. The minimum separation for a detached accessory dwelling unit from the primary dwelling unit shall be six feet, provided, however, that this minimum separation requirement shall not preclude an accessory dwelling unit of at least eight hundred square feet from being constructed.
- G. Parking. No additional parking shall be required for an accessory dwelling unit.
- H. Design Standards. The following design standards shall apply to all accessory dwelling units:
1. All accessory dwelling units shall be designed to architecturally match the existing or proposed residence located on the same property.
 2. The entrance to an attached accessory dwelling unit shall be on a separate elevation from the main entrance of the residence. Entry to an accessory dwelling unit or junior accessory dwelling unit shall not be on the elevation of the residence or garage which is parallel to the street; however, the entrance requirements in this subsection shall not preclude the development of an 800 square foot or less accessory dwelling unit, per Government Code Section 66323, subdivision (a)(1)-(4).
 3. A detached accessory dwelling unit shall have no exterior entrances on elevations where the distance to a side property line is less than fifteen feet; however, the entrance requirements in this subsection shall not preclude the development of an 800 square foot or less accessory dwelling unit, per Government Code Section 66323, subdivision (a)(1)-(4), from being constructed.

4. An accessory dwelling unit with less than a five-foot side or rear setback shall only have clerestory windows which are a minimum six feet above the floor on those sides.
 5. All exterior lighting shall be shielded in a way so that no light spills onto adjacent properties.
 6. All accessory dwelling units must have a minimum of one hundred square feet of usable open space on the subject property, provided, however, that the usable open space requirement shall not preclude an accessory dwelling unit of at least eight hundred square feet, that is sixteen feet in height with four-foot side and rear yard setbacks. Such open space may be fenced off to provide a separate yard for the accessory dwelling unit or be located within a yard shared with the main residence.
- I. Garage Conversions. Garage conversions shall be allowed subject to the following provisions:
1. No additional setback shall be provided for an existing garage which is converted to an accessory dwelling unit. A setback of no more than four feet from side and/or rear lot lines shall be allowed for an accessory dwelling unit constructed above a garage.
 2. The garage door shall be removed. The new façade shall ~~include a minimum of one window and shall~~ match the primary residence in regards to materials, colors and architectural elements.
 3. ~~A minimum of three feet of landscaping shall be added between the accessory dwelling unit and the driveway.~~
- J. Interior Amenities. The following interior amenity standards shall apply for all accessory dwelling units:
1. Washer/dryer hookups shall be provided within the accessory dwelling unit. For junior accessory dwelling units, the hookups may be provided within a shared common space within the main residence.
- K. Equestrian/Agricultural Property. Notwithstanding any other provisions of this chapter, accessory dwelling units shall be located in such a manner so as not to conflict with the equestrian setback standards of adjoining properties, as set forth in Chapter 18.28 and 18.112 of the San Dimas Municipal Code, to the extent physically feasible. In the event locating an accessory dwelling unit on a parcel in compliance with the setbacks required by this subsection is not physically feasible, this subsection shall not be construed to prohibit the construction of an accessory dwelling unit as described in California Government Code Section ~~66323(a)(1)-(4)65852.2(e)(1)(A)-(B)~~.
- L. Hillside Property. The grading standards of the underlying zoning designation shall apply.
- M. Fire Sprinklers. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
- N. Utility Connections.
1. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating city and county connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed in conjunction with a new single-family residence.
 2. For a junior accessory dwelling unit or an accessory dwelling unit located within the existing residence, a new or separate utility meter shall not be required and a related connection or capacity fee may not be charged, unless the accessory dwelling unit has been constructed with a new single-family dwelling.
 3. When the accessory dwelling unit is attached or detached, a new or separate utility meter may be required. Any connection fee or capacity charge shall be proportionate

to the burden of the proposed accessory dwelling unit based upon either its size or the number of plumbing fixtures for a water or sewer system.

4. All new accessory dwelling units within urban service areas shall connect to public wastewater systems. Outside urban service areas, sanitation facilities, plumbing, and water supply for the accessory dwelling unit, including any septic or waterless toilet systems used, shall comply with all applicable County Health Department requirements for sewage disposal and water supply.

O. ADU Accessory Structures. These structures are subject to the same four-foot setback requirements as the ADU and shall count towards lot coverage. Any other accessory structure not listed in this subsection shall comply with the development standards of the underlying zone.

1. An attached or detached ADU may include an attached covered patio and/ or porch, which, if, provided, shall be integrated into the design of the ADU and shall not exceed a total combined area of one hundred square feet in size.

2. An attached or detached ADU may include an attached two-car garage, which, if provided, shall be integrated into the design of the ADU and shall not exceed 441 square feet in size, with a minimum interior area of ten feet by twenty feet per vehicle.

3. An attached ADU located on the second floor, or a detached two-story ADU may include a deck(s), which, if provided, shall be integrated into the design of the ADU and shall not exceed a total combined area of forty square feet in size. The deck shall not extend past the footprint of the existing building nor encroach into the required four-foot setback.

(Ord. 979 § 2, 1993; Ord. 1135 §§ 3—5, 2003; Ord. 1156 §§ 1, 2, 2006; Ord. 1251 § 1, 2017; Ord. 1281 Exh. A, 2020)

§ 18.38.050. Plan review.

The city shall ~~act on~~ approve or deny the building permit application for an accessory dwelling unit within sixty (60) days from the date the completed application is received if there is an existing single-family or multifamily dwelling on the lot. If a permit application to create an ADU is submitted with a permit application to create a new single-family dwelling on the parcel, the City may delay in acting on the permit application for the ADU until the City acts on the permit application to create the new single-family dwelling. If the City denies an application for an ADU or JADU, the City shall, within the time period described, return in writing a full set of comments to the applicants with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(Ord. 979 § 2, 1993; Ord. 1135 § 6, 2003; Ord. 1251 § 1, 2017; Ord. 1281 Exh. A, 2020)

~~§ 18.38.060. Appeals.~~

~~Any aggrieved party may file an appeal of a decision of the development plan review board pursuant to the provisions of Chapter 18.212. Any appeal filed shall be limited to matters associated with the application of the provisions of this chapter to the accessory dwelling unit request and shall not be based on objections to approving the accessory dwelling unit as a use on property where the accessory dwelling unit is permitted. (Ord. 979 § 2, 1993; Ord. 1135 § 7, 2003; Ord. 1251 § 1, 2017)~~

SECTION 3. Section 3 is hereby amended to read as follows:

**Chapter 18.170
ELECTRIC VEHICLE CHARGING STATIONS**

Sections:

§ 18.170.010 Purpose.

§ 18.170.020 Definitions.

§ 18.170.030 Applicability.

§ 18.170.040 Development standards.

§ 18.170.050 Procedure.

§ 18.170.010 Purpose.

The intent of this chapter is to encourage the streamlined installation of electric vehicle charging stations (EVCS) in accordance with Assembly Bill 1236 and Assembly Bill 970, Government Code section 65850.7, to state law and in a manner that also achieve timely and cost-effective installations of EVCS while promotinges functional site design and circulation.

(Ord. 1267 (Exh. A), 2019)

§ 18.170.020 Definitions.

For the purposes of this chapter, the words and terms used in this chapter shall have the meaning ascribed to them, respectively, as set forth in Chapter 18.08 of this title. Where terms are not defined through the methods authorized by this chapter, such terms shall have their ordinary meanings such as the context implies.

~~"electric vehicle charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of the ordinance codified in this chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.~~

(Ord. 1267 (Exh. A), 2019)

§ 18.170.030 Applicability.

The standards set forth in this chapter shall apply to all the use of new electric vehicle charging stations. ~~as a for-profit commercial business and as an accessory use in industrial, commercial, and professional office developments. The standards and provisions of this chapter shall not apply to:~~

~~A. Private residential installations;~~

~~B. Private installations on commercial or industrial property that are not-for-profit; such as but not limited to a business owner installing the charging station at a private site exclusively for use by employees; and~~

~~C. Not-for-profit installations available at no fee for general public use, such as, but not limited to, installations available for public use at civic sites.~~

~~D. Stand-alone charging stations which are not an accessory use to another development.~~

(Ord. 1267 (Exh. A), 2019)

§ 18.170.040 **Development standards.**

- A. General. The siting and design of an electric vehicle charging station should show proper consideration for both the functional aspects of the site, such as automobile, pedestrian, and bicycle circulation, and for its visual effect upon other properties from the view of the public street.
- B. Where Permitted. Subject to the provisions of this chapter, standalone electric vehicle charging stations shall be allowed as a primary use in areas of the city where service stations are permitted by right.
- C. Siting/Circulation. Electric vehicle charging stations shall be sited in a manner which minimizes interference with existing operations and circulation patterns.
- ~~D~~G. Utilities. All new utility lines associated with the electric vehicle charging station shall be underground. Any proposed utilities associated with the electric vehicle charging station shall be subject to approval by the director of public works and director of community development.
- ~~E~~D. Lighting. Any new lighting provided shall match the lighting in the existing development in terms of fixture type, light output, height, color, and design. New lighting shall comply with the provisions of this chapter. Any light fixtures proposed to be removed to accommodate the installation of an electric vehicle charging station shall not result in unacceptable light levels and may require replacement at the discretion of the planning division.
- ~~F~~E. Aesthetics.
1. Bollards. When the use of bollards is necessary to ensure the safety of the facility, bollards shall be decorative and shall be reviewed by the planning division prior to installation.
 2. Painting/~~Screening~~.
 - a. When the charging stations are entirely self-contained, the equipment cabinets shall be painted to match the adjacent development.
 - ~~b. When excess equipment is required, the equipment shall be screened within an equipment enclosure constructed of decorative masonry with a decorative cap and trellis cover in a style to match the adjacent development.~~
 3. Stalls shall be striped white and marked with white or green only.
- ~~G~~F. Parking.
1. The number of required parking spaces shall be reduced by the minimum amount necessary to accommodate the electric vehicle charging station. ~~Parking Loss Tolerances. The installation of charging stations shall only be permitted when the installation does not cause the removal of required parking beyond the following accepted loss tolerances:-~~
 - ~~a. When the required parking for the development is one hundred spaces or less, one hundred percent of the required parking must be provided or not more than one station shall be installed.~~
 - ~~b. When the required parking for the development is one hundred one to three hundred spaces, ninety-five percent of the total required parking spaces must be provided or not more than one station shall be installed.~~
 - ~~c. When the required parking for the development is three hundred one spaces or greater, ninety percent of the total required parking spaces must be provided or not more than one station shall be installed.~~
 - ~~d. Electrical vehicle charging parking spaces may be counted as required parking spaces.~~
- ~~H~~G. Landscape.

1. ~~Landscape Removal.~~ Landscaping shall be protected in place to the greatest extent possible. ~~If required landscaping is removed, replacement landscaping shall be installed elsewhere on-site to the extent physically possible.~~
2. ~~Landscaping plans may be required to be incorporated into submittals in order to address disturbed landscape areas and additional landscaping may be required to properly screen and soften installations at the discretion of the planning division. Landscaping shall be installed in accordance with the provisions of Chapter 18.14.~~ Any trees proposed for removal to accommodate the installation of an electric vehicle charging station shall be identified on the plans and subject to the provisions of **Chapter 18.162.**
- H. Signage. Signage shall be limited to the charging station unit and parking stalls, and only for the purpose of identifying the charger. Signage shall not be permitted on equipment cabinets or equipment enclosures. Directional or pricing signage shall not be permitted. Signage not associated with the charging station shall not be permitted. Signage, including parking stall stenciling, shall be reviewed by the planning division prior to installation.
- J. Operational and Maintenance.
 1. Any landscaping or other site damage caused by the installation or maintenance of the charging station and equipment shall be refurbished to the satisfaction of the ~~development services director~~ director of community development.
 2. The electric vehicle charging station shall be maintained in a clean, orderly manner free from litter, weeds, graffiti, and debris.
 3. Should an electric vehicle charging station fall into disrepair, be damaged, or become inoperable during the course of operation, the charging station shall be replaced or repaired as deemed appropriate by the director of community development.
 34. ~~Should the operation of the charging station cease, the charging station shall be removed and the parking lot shall be restored to its previous condition.~~

(Ord. 1267 (Exh. A), 2019)

§ 18.170.050 **Procedure.**

- A. Proposals which comply with the standards set forth in **Section 18.170.040** may be reviewed and approved by the building official and/ or director of community development. ~~Director of Development Services~~ Upon the approval of a permit application, a building permit will be issued for work as described in the application.
- B. If the building official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, the City may require the applicant to apply for a conditional use permit pursuant to the provisions of Chapter 18.200 of this title.

~~Proposals which deviate from the standards set forth in Section 18.170.040 are subject to review by the development plan review board. The development plan review board is granted the authority to permit deviations when it finds that the deviations result in an equal or better site design or operational layout and when the deviations do not negatively impact the public health, safety, or welfare.~~ (Ord. 1267 (Exh. A), 2019)

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**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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January 29, 2024

Luis Torrico
Planning Manager
City of San Dimas
245 E. Bonita Avenue
San Dimas, CA 91773

Dear Luis Torrico:

RE: Review of San Dimas' Accessory Dwelling Unit (ADU) Ordinance under ADU Law (Gov. Code, § 65852.2)

Thank you for submitting the City of San Dimas (City) accessory dwelling unit (ADU) Ordinance, No. 1281 adopted October 13, 2020, ("Ordinance") to the California Department of Housing and Community Development (HCD). HCD has reviewed the ordinance and is submitting these written findings pursuant to Government Code section 65852.2, subdivision (h). HCD has determined that the ordinance does not comply with section 65852.2 in the manner noted below. Under the statute, the City has up to 30 days to respond to these findings. Accordingly, the City must provide a written response to these findings no later than February 29, 2024.

The adopted ADU ordinance addresses many statutory requirements; however, HCD finds that the ordinance does not comply with ADU law in the following respects:

- 18.38.015 B – *JADU Definition* – The Ordinance defines junior accessory dwelling units (JADUs) as "A dwelling unit created out of space entirely within an existing single-family residence." This definition omits JADUs in "proposed" single-family residences. Government Code section 65852.22, subdivision (a)(1) refers to "a single-family residence built, or *proposed* to be built, on the lot." (Emphasis added.) Furthermore, Government Code section 65852.22, subdivision (a)(4) states, "enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence." Therefore, the omission of "proposed" and the allowance of JADUs within attached accessory structures violates State JADU Law. The City must amend the definition to comply with statute.
- 18.35.020 A. – *Unit Mixture* – The Ordinance states, "A maximum of one accessory dwelling unit, either attached or detached, and one junior accessory dwelling unit shall be permitted..." with a single-family primary dwelling. However, Government Code section 65852.2, subdivision (e)(1) states,

“Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application...to create any of the following: (A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling...(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure.” Moreover subpart (B) permits “One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks.” The use of the term “any” followed by an enumeration of by-right ADU types permitted indicate that any of these ADU types can be combined on a lot zoned for single-family dwellings. Statute does not use ‘or’ nor “one of” to indicate only one or another would be applicable to the exclusion of the other.

Thus, if the local agency approves an ADU that is created from existing (or proposed) space of a single-family dwelling, or created from an existing accessory structure, and the owner subsequently applies for a detached ADU permit (or vice versa), which meets the size and setback requirements, pursuant to the subdivision, the local agency cannot deny the applicant, nor deny a permit for a JADU under this section. This permits a homeowner, who meets specified requirements, to create one (1) converted ADU, one (1) detached, new construction ADU, and one (1) JADU, in any order without prejudice, totaling three units. This standard simultaneously applies to ADUs created pursuant to Government Code section 65852.2, subdivision (e)(1)(C) and (D), on lots with proposed or existing multifamily dwellings according to specified requirements. The City must amend the Ordinance to allow for these combinations.

- 18.38.020 B./C. – *Bulleting Error* – There seems to be an error in the bulleting where C. heads a section that is midsentence in B. It seems that C. was intended to head the sentence, “At least one accessory dwelling unit...” as this addresses the third of four categories created under Government Code section 65852.2, subdivision (e). The City should address the error.
- 18.38.020 D. – *Permitted Uses* – The Ordinance allows for detached ADUs in existing multifamily structures. However, the Ordinance fails to include detached ADUs with *proposed* multifamily structures. ADUs are permitted with *proposed* or existing multifamily dwelling structures pursuant to Government Code section 65852.2, subdivisions (a)(1) and (a)(1)(D)(ii). The City must amend the Ordinance to comply with State ADU Law.
- 18.38.030 D. and 18.38.040 A.4. – *Minimum Sizes* – The Ordinance states “there shall be no minimum size for [ADUs] which are converted from existing space.” It adds that “All newly constructed accessory dwelling units and junior accessory dwelling units have a minimum size of 220 square feet.” However, Government Code section 65852.2, subdivision (j)(1), defines an ADU to include “An efficiency unit”. Subdivision (j)(3) cites section 17958.1 of the Health and Safety

Code that defines an efficiency unit as a minimum of 150 square feet. Therefore, the City must amend the language to comply with State ADU Law.

- 18.38.020 D. – *Height of Detached ADUs with a Multifamily Dwelling Structure* – The Ordinance states that “Not more than two accessory dwelling units that are located on a lot that has an existing multi-family dwelling but are detached from the multi-family dwelling shall be allowed in zoning districts where multi-family dwelling residential uses are allowed. Such units are subject to a height limit of 16 feet and minimum four-foot rear yard and side yard setbacks.” Government Code section 65852.2, subdivision (c)(2)(D), provides for a maximum height for detached ADUs of 16, 18 or 20 feet based on the applicable provisions. The City must amend the Ordinance to comply with State ADU Law.
- 18.38.030 E. – *Separate Sale* – The Ordinance prohibits separate sale of an ADU from its respective primary dwelling. This does not reflect recent changes to state statute. Government Code section 65852.26, subdivision (a)(1), creates a narrow exception to allow separate conveyance of an ADU with the involvement of a “qualified nonprofit corporation” for “properties intended to be sold to low-income families who participate in a special no-interest loan program”. The City must amend to the Ordinance to allow for this exception. Please note that recent amendments to the statute now provide for a local agency to allow the separate sale or conveyance of a primary dwelling and an ADU as condominiums pursuant to Government Code section 65852.2, subdivision (a)(10).
- 18.38.030 F. – *Owner Occupancy* – The Ordinance states “For any accessory dwelling unit application on a single family developed property which is received on or after January 1, 2025, the owner of the subject property shall be the occupant of either the primary residence or the accessory dwelling unit and such restriction shall be recorded on an instrument as approved by the city attorney and shall run with the land.” However, effective January 1, 2024, Assembly Bill (AB) 976 (Chapter 751, Statutes of 2023) amended Government Code section 65852.2, subdivision (a)(8). This subdivision prohibits the City from imposing owner occupancy requirements for ADUs. Therefore, the City must remove this section from the Ordinance.
- 18.38.040 C. – *Front Yards* – The Ordinance states that for front yards, “the provisions of the applicable underlying zoning designation of the subject property shall apply.” However, Government Code section 65852.2, subdivision (c)(2)(C) prohibits, “Any requirement for a zoning clearance or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, **front setbacks**, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.”

(Emphasis added.) Therefore, front setbacks may not apply to or preclude a unit subject to the section. The City must note the exception.

- 18.38.040 H. – *Design Standards* – The Ordinance states, “The following design standards shall apply to all accessory dwelling units...” However, local design standards provided by the Ordinance pursuant to Government Code section 65852.2, subdivisions (a) through (d), may not preclude a unit built subject Government Code section 65852.2, subdivision (e). Therefore, the City must add an exception for ADUs provided by subdivision (e).
- 18.38.040 E. and H.6. – *Height* – For height, the Ordinance states that “the provisions of the applicable underlying zoning designation of the subject property shall apply. For corner lots, the maximum height within the street-side setback shall be 16 feet.” However, Government Code section 65852.2, subdivision (c)(2)(D), sets height maximums at 16, 18, or 25 feet depending on circumstances on the lot. The City must review recent changes to ADU statute and amend the Ordinance accordingly.
- 18.38.040 H.2. and H.3. – *Entry* – The Ordinance requires that “The entrance to an attached accessory dwelling unit shall be on a separate elevation from the main entrance of the residence. Entry to an accessory dwelling unit or junior accessory dwelling unit shall not be on the elevation of the residence or garage which is parallel to the street.” It requires “no exterior entrances on elevations where the distance to a side property line is less than 15 feet.” However, local development standards provided by the Ordinance pursuant to Government Code section 65852.2, subdivisions (a) through (d), may not preclude ADUs created under Government Code section 65852.2, subdivision (e). Therefore, the City must remove or revise these sections.
- 18.38.040 I.2. and I.3. – *Garage Conversions* – The Ordinance states that for garage conversions a new façade “shall include a minimum of one window.” It also states that “a minimum of three feet of landscaping shall be added between the accessory dwelling unit and the driveway.” Local development standards provided by the Ordinance pursuant to Government Code section 65852.2, subdivisions (a) through (d), do not apply to ADUs created under Government Code section 65852.2, subdivision (e). All garage conversions are created pursuant to subdivision (e). Therefore, an ADU or JADU garage conversion is not required to comply with the window or landscaping requirements. The City must remove these requirements.
- 18.38.040 J.1. – *Washer/Dryer Hookups* – The Ordinance states. “Washer/dryer hookups shall be provided within the accessory dwelling unit. For junior accessory dwelling units, the hookups may be provided within a shared common space within the main residence.” However, Government Code section 65852.2, subdivision (a)(8) states, “This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional

standards, other than those provided in this subdivision, shall be used or imposed.” Washer and dryer hookups may not be required for an ADU. The City should amend this section. Local development standards provided by the Ordinance pursuant to Government Code section 65852.2, subdivisions (a) through (d), cannot preclude a unit subject to subdivision (e). Therefore, the City must add this exception.

- 18.38.040 K. – *Equestrian/Agricultural Property* – The Ordinance states. “Notwithstanding any other provisions of this chapter, accessory dwelling units shall be located in such a manner so as not to conflict with the equestrian setback standards of adjoining properties.” However, Government Code section 65852.2, subdivision (a)(7) states, “No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.” Thus, equestrian setback standards of adjoining properties may not impede an ADU application. Additionally, ADUs created pursuant to Government Code section 65852.2, subdivision (e) must be ministerially approved notwithstanding any standards pursuant to subdivisions (a)-(d). Therefore, the City must amend the Ordinance to comply with State ADU Law. Please note that Government Code section 65852.2, subdivision (a)(1)(D)(viii), provides that local building code requirements remain applicable to the construction of ADUs. If the City adopted the equestrian setback standard to comply with building code requirements, please inform HCD so that we may further review this finding.
- 18.38.050 A. – *Timeline* – The Ordinance states, “The City shall act on the building permit... within 60 days...” However, Government Code section 65852.2, subdivision (a)(3)(A), requires that “the permitting agency shall **either approve or deny** the application....within 60 days.” (Emphasis added.) Additionally, if the ADU application is submitted with a *proposed* primary dwelling, the ADU or JADU application may be delayed until the permitting agency approves the primary dwelling application. The ADU application; however, must be considered without discretionary review or hearing.

Subdivision (a)(3)(B) states, “If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subparagraph (A), the permitting agency shall, within the time period described in subparagraph (A), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.” Therefore, the City must review current Government Code section 65852.2, subdivision (a)(3) and amend the Ordinance accordingly.

In response to the findings in this letter, and pursuant to Government Code section 65852.2, subdivision (h)(2)(B), the City must either amend the Ordinance to comply with State ADU Law or adopt the Ordinance without changes. Should the City choose to adopt the Ordinance without the changes specified by HCD, the City must include findings in its resolution that explain the reasons the City finds that the Ordinance complies with State ADU Law despite the findings made by HCD. Accordingly, the City's response should provide a plan and timeline to bring the Ordinance into compliance.

Please note that, pursuant to Government Code section 65852.2, subdivision (h)(3)(A), if the City fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD may notify the City and the California Office of the Attorney General that the City is in violation of State ADU Law.

HCD appreciates the City's efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the City in fully complying with State ADU Law. Please contact Mike Van Gorder, of our staff, at (916) 776-7541 or at mike.vangorder@hcd.ca.gov if you have any questions or would like HCD's technical assistance in these matters.

Sincerely,



Jamie Candelaria
Senior Housing Accountability Manager