

## ORDINANCE 1281

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, CALIFORNIA, ADOPTING MUNICIPAL CODE TEXT AMENDMENT 19-0004 TO AMEND CHAPTER 18.38 ACCESSORY DWELLING UNITS OF THE SAN DIMAS MUNICIPAL CODE

**WHEREAS**, an 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 amend Municipal Code Chapter 18.38 Accessory Dwelling Units in response to Assembly Bill 68, Assembly Bill 881 and Senate Bill 13 and make revisions to Chapter 18.12 of the Municipal Code as clean-up items for the implementation of Chapter 18.38; and

**WHEREAS**, the Amendment would affect areas of the City with residential zoning; and

**WHEREAS**, notice was duly given of the public hearings on the matter and that the public hearings were held on December 12, 2019 and January 14, 2020 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

**WHEREAS**, at its meeting on December 12, 2019 the Planning Commission unanimously voted to recommend approval of MCTA 19-0004 to the City Council.

**NOW, THEREFORE**, the CITY COUNCIL of the CITY OF SAN DIMAS, California, does ordain as follows:

**Title 18 of the San Dimas Municipal Code shall be amended as provided for in Exhibit A.**

**SECTION 1. SEVERABILITY** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

**SECTION 2. CEQA DETERMINATION** The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment. Thus, the adoption of this

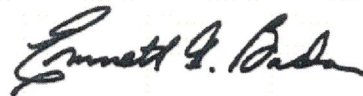
ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**SECTION 3. EFFECTIVE DATE AND PUBLICATION** This Ordinance shall take effect 30 days after its final passage. The City Clerk shall certify to the adoption of this Ordinance

and cause the same to be posted at the duly designated posting places within the City and published once within 15 days after passage and adoption as may be required by law in a newspaper of general circulation in the City of San Dimas hereby designated for that purpose; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within 15 days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of San Dimas this 13<sup>th</sup>, day of October 2020, by the following vote:

**AYES:** Badar, Bertone, Ebiner, Vienna, Weber  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None



Emmett G. Badar, Mayor

**ATTEST:**



Debra Black, City Clerk

**APPROVED AS TO FORM:**



Jeff Malawy, City Attorney

**I, DEBRA BLACK, CITY CLERK** of the City of San Dimas, do hereby certify that Ordinance 1281 was introduced at a regular meeting of the City Council of the City of San Dimas on the 22<sup>nd</sup>, day of September, 2020, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the 13<sup>th</sup>, day of October, 2020.



Debra Black, City Clerk

## **EXHIBIT A**

### **Chapter 18.38 – Accessory Dwelling Units**

#### **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 multi-family use. An Accessory 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.

#### **18.38.015 Definitions**

- A. 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.
- B. Junior accessory dwelling unit – A dwelling unit created out of space entirely within an existing single-family residence, and of no more than 500 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.

#### **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 Multi-Family Structures – Multiple accessory dwelling units are allowable within the portions of existing multi-family

- C. 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 multi-family structure, and up to a maximum of 25 percent of the existing multi-family dwelling units may be allowed in zoning districts where multi-family dwelling residential uses are permitted.
- D. Detached Accessory Dwelling Units with Existing Multi-Family Structures – 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.

### **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 multi-family 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 30 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.
- 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. 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.

### **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 50 percent of the existing primary dwelling or either 850 square feet for a studio or one-bedroom unit or 1,000 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 800 square feet from being constructed.
2. Detached accessory dwelling units shall not exceed 850 square feet for a studio or one-bedroom unit or 1,000 square feet for a multi-bedroom unit.
  3. Junior accessory dwelling units shall not exceed 500 square feet.
  4. All newly constructed accessory dwelling units and junior accessory dwelling units have a minimum size of 220 square feet, the size of an efficiency unit as defined 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 800 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.
  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 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.
- F. Building Separation. The minimum separation for a detached accessory dwelling unit from the primary dwelling unit shall be 6 feet, provided, however, that this minimum separation requirement shall not preclude an accessory dwelling unit of at least 800 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.
  3. A detached accessory dwelling unit shall have no exterior entrances on elevations where the distance to a side property line is less than 15 feet.
  4. An accessory dwelling unit with less than a 5-foot side or rear setback shall only have clerestory windows which are a minimum 6 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 100 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 800 square feet, that is 16 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 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.

**18.38.050 Plan Review**

- A. The City shall act on the building permit application for an accessory dwelling unit within 60 days from the date the completed application is received if there is an existing single-family or multi-family dwelling on the lot.

**Chapter 18.12 – Development Plan Review**

**Table 18.12.050**

**Development Plan Review Authority**

<b>Exemptions</b>	<b>Director of Development Services</b>	<b>Development Plan Review Board (DPRB)</b>
Single-family residential additions or structural modifications where addition is 1-story in height and where designed to match existing building exterior	Single-family residential additions or structural modifications where addition is greater than 1-story in height; provided neighbors are notified	New single-family residences; new multiple-family residences, office, commercial, institutional, public, industrial and other nonresidential buildings.
Accessory Dwelling Units and/or Junior Accessory Dwelling Units		
Ground-mounted mechanical equipment where screened from view of adjoining properties and public streets	Roof-mounted mechanical equipment	