



CITY OF STANTON
STANTON CITY HALL, 7800 KATELLA AVENUE, STANTON, CA
PLANNING COMMISSION REGULAR MEETING
WEDNESDAY, DECEMBER 18, 2019, 6:30 P.M.

AGENDA

Supportive and descriptive documentation for agenda items, including staff reports, is available for review in the Planning Secretary's Office.

In compliance with the American Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Community Development Department at (714) 379-9222, extension 210. Notification by noon on the Monday prior to the Commission meeting will enable the City to make the reasonable arrangements to assure accessibility to this meeting.

Please turn off all cellular phones and pagers while the Planning Commission meeting is in session.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**

Chairperson Ash
Vice Chairman Frazier
Commissioner Marques
Commissioner Moua
Commissioner Grand

4. **SPECIAL PRESENTATION**

None.

5. **APPROVAL OF MINUTES**

None.

6. **PUBLIC COMMENTS**

At this time members of the public may address the Planning Commission regarding any items within the subject matter jurisdiction of the Planning Commission, for a maximum of three (3) minutes, provided that **NO** action may be taken on non-agenda items.

7. **PUBLIC HEARINGS**

7A. **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ACZ19-03 AND ADOPT BOTH (A) AN URGENCY ORDINANCE AND (B) A NON-URGENCY ORDINANCE AMENDING TITLE 20 OF THE STANTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA**

RECOMMENDED ACTION

That the Planning Commission:

1. Adopt Resolution No. 2520 Entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE AZC19-03 AND ADOPT BOTH (A) AN URGENCY ORDINANCE AND (B) A NON-URGENCY ORDINANCE AMENDING TITLE 20 OF THE STANTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

8. **NEW BUSINESS**

None.

9. **OLD BUSINESS**

None.

10. **PLANNING COMMISSION COMMENTS**

At this time Commissioners may report on items not specifically described in the agenda which are of interest to the Commission provided no discussion or action may be taken except to provide staff direction to report back or to place the item on a future agenda.

11. **PLANNER'S REPORT**

12. **ADJOURNMENT**

I hereby certify under penalty of perjury under the laws of the State of California, the foregoing agenda was posted at the Post Office, Stanton Community Services Center and City Hall, not less than 72 hours prior to the meeting. Dated this 12th day of December, 2019.



Amy Stonich, AICP
City Planner



**CITY OF STANTON
REPORT TO THE
PLANNING COMMISSION**

TO: Chair and Members of the Planning Commission

Date: December 18, 2019

SUBJECT: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ACZ19-03 AND ADOPT BOTH (A) AN URGENCY ORDINANCE AND (B) A NON-URGENCY ORDINANCE AMENDING TITLE 20 OF THE STANTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

RECOMMENDED ACTION

That the Planning Commission:

1. Adopt Resolution No. 2520 Entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE AZC19-03 AND ADOPT BOTH (A) AN URGENCY ORDINANCE AND (B) A NON-URGENCY ORDINANCE AMENDING TITLE 20 OF THE STANTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

EXECUTIVE SUMMARY

Zone Change AZC19-03 is a proposed ordinance to amend Title 20 (Zoning), section 20.400.330 and other sections of the Stanton Municipal Code (SMC), regarding Accessory Dwelling Units (ADU). The ADU regulations are modified in compliance with the provisions of Government Code sections 65852.2 and 65852.22 as amended by

recently approved legislation that will take effect on January 1, 2020. The Planning Commission's action serves as a recommendation to the City Council.

BACKGROUND AND ANALYSIS

An ADU is a secondary dwelling unit with complete independent living facilities for one or more persons and generally takes the following forms:

- Detached: The unit is separated from the primary structure
- Attached: The unit is attached to the primary structure
- Repurposed Existing Space: Space (e.g., master bedroom) within the primary residence is converted into an independent living unit
- Junior Accessory Dwelling Units (JADU): Similar to repurposed space with various streamlining measures

State legislation that took effect January 1, 2017 gave California cities more flexibility and latitude for allowing homeowners to build ADUs. More recently, the California Legislature approved and the Governor signed into law, a number of bills ("New ADU Laws") that amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs. The New ADU Laws take effect January 1, 2020, and, if the City's ADU ordinance does not comply with the New ADU Laws, the City's ordinance becomes null and void on that date as a matter of law.

Overall, changes to the statutes related to ADUs and JADUs reduce the restrictions in which a local agency may impose on these units. For example, new state law requires a local agency to approve/deny a permit application for ADUs or JADUs within 60 days rather than 120 days as previously implemented. Agencies must also permit a minimum 800 square foot ADU by-right and ADUs must now be permitted in any zone where a residential use is permitted. Clarification was also included that any covered parking structure that is converted into an ADU is not required to be replaced.

While the City can make minor changes to their ordinance, these changes cannot be more restrictive. For example, the City can allow a larger maximum size of the ADU, but cannot make it more restrictive than the draft ordinance which would permit a detached or attached ADU of 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms.

SUMMARY

As is intended by the State government, new standards have paved the way for a steady increase in ADU development throughout the state. The proposed ordinance amends the City's local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22.

It is important to note that failure to comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 renders the City's ordinance

regulating ADUs and JADUs null and void, thereby limiting the City to the application of the few default standards provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs. The approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety.

The attached resolution (Attachment 1) and the draft ordinances (Attachments 2 and 3) include changes to the Stanton Municipal Code Title 20. The ADU code amendments are proposed for adoption by both urgency ordinance, in accordance with Government Code section 36937, subdivision (b), and, in parallel, by non-urgency ordinance. This would ensure that the timeframe without a City initiated ordinance is minimized.

ENVIRONMENTAL REVIEW

Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State’s ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot. Moreover, the City Council finds that none of the “exceptions” to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here.

PUBLIC NOTICING

Posted at three public places, and made public through the agenda-posting process.

Prepared by,



Amy Stonich, AICP
City Planner

ATTACHMENTS

- A. PC Resolution No. 2520
- B. Draft Urgency Ordinance No. 1096
- C. Draft (Non-urgency) Ordinance No. 1097
- D. Existing SMC Section 20.400.330 Accessory Dwelling Units

RESOLUTION NO. 2520

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE AZC19-03 AND ADOPT BOTH (A) AN URGENCY ORDINANCE AND (B) A NON-URGENCY ORDINANCE AMENDING TITLE 20 OF THE STANTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

THE PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills ("New ADU Laws") that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the New ADU Laws take effect January 1, 2020, and if the City's ADU ordinance does not comply with the New ADU Laws, the City's ordinance becomes null and void on that date as a matter of law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, failure to comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 renders the City's ordinance regulating ADUs and JADUs null and void, thereby limiting the City to the application of the few default standards provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs; and

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety; and

WHEREAS, staff and the City Attorney prepared the proposed ordinance, including the proposed language and terminology, and any additional information and documents deemed necessary for the Planning Commission to take action; and

WHEREAS, on December 5, 2019, the City gave public notice of a Planning Commission public hearing to be held to consider Zoning Code Amendment AZC19-03 by posting the public notice at three public places including Stanton City Hall, the Post

Office, and the Stanton Community Services Center, and made the public notice available through the agenda posting process; and

WHEREAS, on December 18, 2019, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF STANTON DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1: Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State’s ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot. Moreover, the City Council finds that none of the “exceptions” to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here. Specifically, the City Council finds that the ordinance will:

- (1) Not result in the construction of ADUs or JADUs within a particularly sensitive environment because these accessory structures will necessarily be built on a lot already developed with a primary dwelling;
- (2) Not result in a potentially significant cumulative impact in that accessory dwelling units are permitted in residential zones. Such accessory dwellings contribute needed housing to the community’s housing stock, including enhancing housing opportunities on single family lots near transit;
- (3) Not result in a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances in that accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations. Further, ADUs are statutorily exempt under the Class 3 Exemption for the construction of appurtenant accessory structures and garages;
- (4) Not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway

officially designated as a state scenic highway in that Stanton has no scenic highways and lacks natural resources such as beaches, wetlands, state or national parks. Therefore, there is no impact to scenic resources;

- (5) Not be located on a hazardous waste site included on any list compiled pursuant to § 65962.5 of the Government Code in that no property zoned residential is located on a hazardous waste site; or
- (6) Not result in a substantial adverse change in the significance of a historical resource in that historical resources are subject to separate permitting system.

SECTION 2: Based on the entire record before the Planning Commission and all written and oral evidence presented, the Planning Commission hereby finds that the proposed ordinance is consistent with the City's adopted General Plan as the purpose of the proposed ordinance is to comply with the amended provisions of Government Code sections 65852.2 and 65852.22. The proposed ordinance does not otherwise conflict with any of the General Plan's goals or policies.

SECTION 3: The Planning Commission hereby recommends that the City Council adopt the attached proposed urgency Ordinance No. 1096 entitled: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON AMENDING TITLE 20 OF THE CITY OF STANTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

SECTION 4: The proposed ordinance entitled: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON AMENDING TITLE 20 OF THE CITY OF STANTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA is on file and has been available for public review for at least ten days prior to the date of this Resolution, in the Community Development Department, at Stanton City Hall, 7800 Katella Avenue, Stanton, California.

SECTION 5: The Planning Commission hereby recommends that the City Council adopt the attached proposed Ordinance No. 1097 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON AMENDING TITLE 20 OF THE CITY OF STANTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

SECTION 6: The proposed ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON AMENDING TITLE 20 OF THE CITY OF STANTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA is on file and has been available for public review for at least ten days prior to the date of this Resolution, in the Community Development Department, at Stanton City Hall, 7800 Katella Avenue, Stanton, California.

ADOPTED, SIGNED AND APPROVED by the Planning Commission of the City of Stanton at a regular meeting held on December 18, 2019 by the following vote, to wit:

AYES: COMMISSIONERS: _____

NOES: COMMISSIONERS: _____

ABSENT: COMMISSIONERS: _____

ABSTAIN: COMMISSIONERS: _____

Elizabeth Ash, Chairperson
Stanton Planning Commission

Amy Stonich, AICP
Planning Commission Secretary

URGENCY ORDINANCE NO. 1096

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON AMENDING TITLE 20 OF THE CITY OF STANTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

WHEREAS, the City of Stanton, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California;

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs");

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills ("New ADU Laws") that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs;

WHEREAS, the New ADU Laws take effect January 1, 2020, and if the City's ADU ordinance does not comply with the New ADU Laws, the City's ordinance becomes null and void on that date as a matter of law;

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22;

WHEREAS, there is a current and immediate threat to the public health, safety, or welfare based on the passage the New ADU Laws because if the City's ordinance does not comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 and the City's ordinance regulating ADUs and JADUs becomes null and void, the City would thereafter be limited to applying the few default standards that are provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs;

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety. These threats to public safety, health, and welfare justify adoption of this ordinance as an urgency ordinance to be effective immediately upon adoption by a four-fifths vote of the City Council; and

WHEREAS, to protect the public safety, health, and welfare, the City Council may adopt this ordinance as an urgency measure in accordance with Government Code section

36937, subdivision (b), after consideration and recommendation by the City's Planning Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON DOES ORDAIN AS FOLLOWS:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot. Moreover, the City Council finds that none of the "exceptions" to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here. Specifically, the City Council finds that the ordinance will:

- (1) Not result in the construction of ADUs or JADUs within a particularly sensitive environment because these accessory structures will necessarily be built on a lot already developed with a primary dwelling;
- (2) Not result in a potentially significant cumulative impact in that accessory dwelling units are permitted in residential zones. Such accessory dwellings contribute needed housing to the community's housing stock, including enhancing housing opportunities on single family lots near transit;
- (3) Not result in a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances in that accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations. Further, ADUs are statutorily exempt under the Class 3 Exemption for the construction of appurtenant accessory structures and garages;
- (4) Not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway in that Stanton has no scenic

highways and lacks natural resources such as beaches, wetlands, state or national parks. Therefore, there is no impact to scenic resources;

(5) Not be located on a hazardous waste site included on any list compiled pursuant to § 65962.5 of the Government Code in that no property zoned residential is located on a hazardous waste site; or

(6) Not result in a substantial adverse change in the significance of a historical resource in that historical resources are subject to separate permitting system.

Section 3. Title 20 of the Stanton Municipal Code is hereby amended and restated as provided in Exhibit “A”, attached hereto and incorporated herein by reference.

Section 4. This ordinance takes effect immediately upon its adoption.

Section 5. The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within 15 days after its adoption or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five days before its adoption and again within 15 days after its adoption.

Section 6. The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

Section 7. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

(Continues on next page)

PASSED, APPROVED, AND ADOPTED this 14th day of January, 2020.

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF STANTON)

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California do hereby certify that the foregoing Ordinance No. 1096 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 14th day of January, 2020, and thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 28th day of January, 2020, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

CITY CLERK, CITY OF STANTON

EXHIBIT A

Amendments to Municipal Code

(follows this page)

- A. **Stanton Municipal Code Title 20 Section 20.400.330 Accessory Dwelling Units is hereby deleted in its entirety and restated to read as follows:**

Section 20.400.330 Accessory Dwelling Units

- A. **Purpose.** The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22.
- B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:
- (1) Deemed to be inconsistent with the City's General Plan and zoning designation for the lot on which the ADU or JADU is located.
 - (2) Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 - (3) Considered in the application of any local ordinance, policy, or program to limit residential growth.
 - (4) Required to correct a nonconforming zoning condition, as defined in subsection C(7) below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.
- C. **Definitions.** As used in this section, terms are defined as follows:
- (1) "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - (A) An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - (B) A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
 - (2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot. Refer to Section 20.700.070.
 - (3) "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
 - (4) "Efficiency kitchen" means a kitchen that includes each of the following:

Ordinance No. 1096

Exhibit A

- (A) A cooking facility with appliances.
- (B) A food preparation counter or counters that total at least 15 square feet in area.
- (C) Food storage cabinets that total at least 30 square feet of shelf space.
- (5) “Junior accessory dwelling unit” or “JADU” means a residential unit that
 - (A) is no more than 500 square feet in size,
 - (B) is contained entirely within an existing or proposed single-family structure,
 - (C) includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and
 - (D) includes an efficiency kitchen, as defined in subsection C(4) above
- (6) “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (7) “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
- (8) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- (9) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (10) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- (11) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

D. **Approvals.** The following approvals apply to ADUs and JADUs under this section:

- (1) **Building-permit Only.** If an ADU or JADU complies with each of the general requirements in subsection E below, it is allowed with only a building permit in the following scenarios:
 - (A) **Converted on Single-family Lot:** Only one ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

Exhibit A

- (i) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.
 - (ii) Has exterior access that is independent of that for the single-family dwelling.
 - (iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - (B) **Limited Detached on Single-family Lot:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection D(1)(A) above), if the detached ADU satisfies the following limitations:
 - (i) The side- and rear-yard setbacks are at least four-feet.
 - (ii) The total floor area is 800 square feet or smaller.
 - (iii) The peak height above grade is 16 feet or less.
 - (C) **Converted on Multifamily Lot:** Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units may each have a converted ADU under this paragraph.
 - (D) **Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:
 - (i) The side- and rear-yard setbacks are at least four-feet.
 - (ii) The total floor area is 800 square feet or smaller.
- (2) **ADU Permit.**
- (A) Except as allowed under subsection (1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections E and F below.

Exhibit A

- (B) The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The ADU-permit processing fee is determined by the Director and approved by the City Council by resolution.

(3) **Process and Timing.**

- (A) An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- (B) The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:
 - (i) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - (ii) In the case of a JADU and the application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the JADU will still be considered ministerially without discretionary review or a hearing.

E. **General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under subsections D(1) or D(2) above:

(1) **Zoning.**

- (A) An ADU or JADU subject only to a building permit under subsection D(1) above may be created on a lot in a residential or mixed-use zone that allows residential uses.
- (B) An ADU or JADU subject to an ADU permit under subsection D(2) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

- (2) **Fire Sprinklers.** Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
- (3) **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days.
- (4) **No Separate Conveyance.** An ADU or JADU may be rented long-term, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the

Exhibit A

primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

- (5) **Septic System.** If the ADU or JADU will connect to an onsite water-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
- (6) **Owner Occupancy.**
 - (A) All ADUs created before January 1, 2020, are subject to the owner-occupancy requirement that was in place when the ADU was created.
 - (B) An ADU that is created after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.
 - (C) All ADUs that are created on or after January 1, 2025, are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.
 - (D) All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
- (7) **Deed Restriction.** Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:
 - (A) The ADU or JADU may not be sold separately from the primary dwelling.
 - (B) The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
 - (C) The deed restriction runs with the land and may be enforced against future property owners.
 - (D) The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been

eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

- (E) The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

F. **Specific ADU Requirements.** The following requirements apply only to ADUs that require an ADU permit under subsection D(2) above.

(1) **Maximum Size.**

- (A) The maximum size of a detached or attached ADU subject to this subsection F is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.
- (B) An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
- (C) Application of other development standards in this subsection F, such as FAR or lot coverage, might further limit the size of the ADU, but no application of FAR, lot coverage, or open-space requirements may require the ADU to be less than 800 square feet.

(2) **Floor Area Ratio (FAR).** No ADU subject to this subsection F may cause the total FAR of the lot to exceed 50 percent, subject to subsection F(1)(C) above.

(3) **Lot Coverage.** No ADU subject to this subsection F may cause the total lot coverage of the lot to exceed 65 percent, subject to subsection F(1)(C) above.

(4) **Impervious surface coverage.** Maximum percentage of the total gross lot area that may be covered by structures and impervious surfaces shall not exceed 70 percent, subject to subsection F(1)(C) above.

(5) **Height.**

Ordinance No. 1096

Exhibit A

- (A) A single-story attached or detached ADU may not exceed 16 feet in height above grade, measured to the peak of the structure.
- (B) A second story or two-story attached ADU may not exceed the height of the primary dwelling.
- (C) A detached ADU may not exceed one story.
- (6) **Passageway.** No passageway, as defined by subsection C(8) above, is required for an ADU.
- (7) **Parking.**
 - (A) Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection C(11) above.
 - (B) Exceptions. No parking under subsection F(7)(A) is required in the following situations:
 - (i) The ADU is located within one-half mile walking distance of public transit, as defined in subsection C(10) above.
 - (ii) The ADU is located within an architecturally and historically significant historic district.
 - (iii) The ADU is part of the proposed or existing primary residence (single-family converted ADUs, not multifamily converted) or an accessory structure under subsection D(1)(A) above.
 - (iv) When on-street parking permits are required but not offered to the occupant of the ADU.
 - (v) When there is an established car share vehicle stop located within one block of the ADU.
 - (C) No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those offstreet parking spaces are not required to be replaced.
- (8) **Architectural Requirements.**
 - (A) An accessory dwelling unit may be attached or detached from the primary dwelling unit, or located within the living area of the existing dwelling.

Ordinance No. 1096

Exhibit A

- (B) An accessory dwelling unit shall be compatible with the design of the primary dwelling unit in terms of height, bulk, architectural character, materials, color, and landscaping treatment.
- (C) An entrance to an accessory dwelling unit shall not be visible from the public right-of-way.

G. Fees.

(1) Impact Fees.

- (A) No impact fee is required for an ADU that is less than 750 square feet in size.
- (B) Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling.) “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.

(2) Utility Fees.

- (A) Converted ADUs and JADUs on a single-family lot, created under subsection D(1)(A) above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADO or JADU is constructed with a new single-family home.
- (B) All ADUs and JADUs not covered by subsection G(2)(A) above require a new, separate utility connection directly between the ADU or JADU and the utility. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system. The fee or charge may not exceed the reasonable cost of providing this service.

Exhibit A

B. Stanton Municipal Code Title 20 Section 20.410.020 Applicability is amended as follows:

B. The standards in this Chapter shall not apply to the following:

1. Accessory structures used for animal-keeping purposes that comply with Section 20.400.040 (Animal Keeping);
2. Detached accessory units used for living purposes that comply with Section ~~20.400.340~~ 20.400.330 (Accessory Dwelling Units);

C. Stanton Municipal Code Title 20 Section 20.410.050 Accessory Structures in Residential Zones is amended as follows:

20.410.050 Accessory Structures in Residential Zones

B. Detached accessory structures.

1. The use of an accessory structure as a dwelling unit, sleeping quarters, or a housekeeping unit is prohibited, except for an accessory dwelling unit approved in compliance with Section ~~20.400.340~~ 20.400.330 (Accessory Dwelling Units)

D. Stanton Municipal Code Title 20 Section 20.210.020 Residential Zone Land Uses and Permit Requirements is amended as follows:

Accessory Dwelling Units <u>(1)</u>	P	P	P (+)	P (+)	20.400.330
-------------------------------------	---	---	------------------	------------------	------------

Accessory Residential Structures/Uses

1) Accessory dwelling units are ~~only~~ allowed in the ~~RM and RH~~ any zones on a lot where a ~~single family dwelling unit exists as of the date of adoption of this Zoning Code~~ a residential use is permitted.

E. Stanton Municipal Code Title 20 Section 20.700.070 Other Uses is amended as follows:

Also includes the indoor storage of automobiles (including their incidental noncommercial restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include: accessory ~~second~~ dwelling

Ordinance No. 1096

Exhibit A

units (“~~Second~~ Accessory Dwelling Units”); guest houses (“Guest Houses”); or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (“Satellite/Dish and Amateur Radio Antenna”).

F. Stanton Municipal Code Title 20 Section 20.700.090 Residential Uses is amended as follows:

4. Accessory Dwelling Unit. ~~A detached or attached permanent residential dwelling unit that is accessory to a principal dwelling on the same site. An accessory dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. Refer to section 20.400.330~~

G. Stanton Municipal Code Title 20 Section 20.710.050 “E” Definitions is amended as follows:

Efficiency Unit. See ~~“Studio Apartment.”~~ as defined by Section 17958.1 of the California Health and Safety Code.

ORDINANCE NO. 1097

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON AMENDING TITLE 20 OF THE CITY OF STANTON MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

WHEREAS, the City of Stanton, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills ("New ADU Laws") that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the New ADU Laws take effect January 1, 2020, and if the City's ADU ordinance does not comply with the New ADU Laws, the City's ordinance becomes null and void on that date as a matter of law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, failure to comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 renders the City's ordinance regulating ADUs and JADUs null and void, thereby limiting the City to the application of the few default standards provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs; and

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety.

WHEREAS, the City Council has reviewed and considered the public testimony and agenda reports prepared in connection with this ordinance, including the policy considerations discussed therein, and the consideration and recommendation by the City's Planning Commission; and

WHEREAS, in accordance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") and the State CEQA Guidelines (Cal.

Code Regs., tit. 14, § 15000 et seq.), the City has determined that the revisions to the Stanton Municipal Code are exempt from environmental review.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON DOES ORDAIN AS FOLLOWS:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State’s ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot. Moreover, the City Council finds that none of the “exceptions” to the use of the Class 3 exemption, set forth in State CEQA Guidelines section 15300.2, apply here. Specifically, the City Council finds that the ordinance will:

- (1) Not result in the construction of ADUs or JADUs within a particularly sensitive environment because these accessory structures will necessarily be built on a lot already developed with a primary dwelling;
- (2) Not result in a potentially significant cumulative impact in that accessory dwelling units are permitted on lots developed or proposed to be developed with single family dwellings. Such accessory dwellings contribute needed housing to the community’s housing stock, including enhancing housing opportunities on single family lots near transit;
- (3) Not result in a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances in that accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations. Further, ADUs are statutorily exempt under the Class 3 Exemption for the construction of appurtenant accessory structures and garages;
- (4) Not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway in that Stanton has no scenic

highways and lacks natural resources such as beaches, wetlands, state or national parks. Therefore, there is no impact to scenic resources;

- (5) Not be located on a hazardous waste site included on any list compiled pursuant to § 65962.5 of the Government Code in that no property zoned residential is located on a hazardous waste site; or
- (6) Not result in a substantial adverse change in the significance of a historical resource in that historical resources are subject to separate permitting system.

Section 3. Title 20 of the Stanton Municipal Code is hereby amended and restated as provided in Exhibit “A”, attached hereto and incorporated herein by reference.

Section 4. This ordinance shall take effect 30 days following its adoption.

Section 5. The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within 15 days after its adoption or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five days before its adoption and again within 15 days after its adoption.

Section 6. The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

Section 7. The City Council hereby directs staff to prepare, execute and file with the Orange County Clerk a Notice of Exemption within five working days of first reading of this ordinance.

Section 8. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

Section 9. The documents and materials that constitute the record of proceedings on which this Ordinance and the above findings have been based are located at Community Development Department, 7800 Katella Avenue, Stanton, California.

(Continues on next page)

PASSED, APPROVED, AND ADOPTED this 14th day of January, 2020.

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF STANTON)

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California do hereby certify that the foregoing Ordinance No. 1096 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 14th day of January, 2020, and thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 28th day of January, 2020, by the following vote, to wit:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

CITY CLERK, CITY OF STANTON

EXHIBIT A

Amendments to Municipal Code

(follows this page)

A. Stanton Municipal Code Title 20 Section 20.400.330 Accessory Dwelling Units is hereby deleted in its entirety and restated to read as follows:

Section 20.400.330 Accessory Dwelling Units

- A. **Purpose.** The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22.
- B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:
- (1) Deemed to be inconsistent with the City's General Plan and zoning designation for the lot on which the ADU or JADU is located.
 - (2) Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 - (3) Considered in the application of any local ordinance, policy, or program to limit residential growth.
 - (4) Required to correct a nonconforming zoning condition, as defined in subsection (c)(7) below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.
- C. **Definitions.** As used in this section, terms are defined as follows:
- (1) "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - (A) An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - (B) A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
 - (2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot. Refer to Section 20.700.070.
 - (3) "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
 - (4) "Efficiency kitchen" means a kitchen that includes each of the following:

- (A) A cooking facility with appliances.
- (B) A food preparation counter or counters that total at least 15 square feet in area.
- (C) Food storage cabinets that total at least 30 square feet of shelf space.
- (5) “Junior accessory dwelling unit” or “JADU” means a residential unit that
 - (A) is no more than 500 square feet in size,
 - (B) is contained entirely within an existing or proposed single-family structure,
 - (C) includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and
 - (D) includes an efficiency kitchen, as defined in subsection (c)(4) above
- (6) “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (7) “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
- (8) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- (9) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (10) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- (11) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

D. **Approvals.** The following approvals apply to ADUs and JADUs under this section:

- (1) **Building-permit Only.** If an ADU or JADU complies with each of the general requirements in subsection (e) below, it is allowed with only a building permit in the following scenarios:
 - (A) **Converted on Single-family Lot:** Only one ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

- (i) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.
 - (ii) Has exterior access that is independent of that for the single-family dwelling.
 - (iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - (B) **Limited Detached on Single-family Lot:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (d)(1)(A) above), if the detached ADU satisfies the following limitations:
 - (i) The side- and rear-yard setbacks are at least four-feet.
 - (ii) The total floor area is 800 square feet or smaller.
 - (iii) The peak height above grade is 16 feet or less.
 - (C) **Converted on Multifamily Lot:** Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units may each have a converted ADU under this paragraph.
 - (D) **Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:
 - (i) The side- and rear-yard setbacks are at least four-feet.
 - (ii) The total floor area is 800 square feet or smaller.
- (2) **ADU Permit.**
- (A) Except as allowed under subsection (d)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections (e) and (f) below.

- (B) The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The ADU-permit processing fee is determined by the Director and approved by the City Council by resolution.

(3) **Process and Timing.**

- (A) An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- (B) The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:
 - (i) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - (ii) In the case of a JADU and the application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the JADU will still be considered ministerially without discretionary review or a hearing.

E. **General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under subsections (d)(1) or (d)(2) above:

(1) **Zoning.**

- (A) An ADU or JADU subject only to a building permit under subsection (d)(1) above may be created on a lot in a residential or mixed-use zone that allows residential uses.
- (B) An ADU or JADU subject to an ADU permit under subsection (d)(2) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

(2) **Fire Sprinklers.** Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

(3) **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days.

(4) **No Separate Conveyance.** An ADU or JADU may be rented long-term, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the

primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

- (5) **Septic System.** If the ADU or JADU will connect to an onsite water-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
- (6) **Owner Occupancy.**
 - (A) All ADUs created before January 1, 2020, are subject to the owner-occupancy requirement that was in place when the ADU was created.
 - (B) An ADU that is created after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.
 - (C) All ADUs that are created on or after January 1, 2025, are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.
 - (D) All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
- (7) **Deed Restriction.** Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:
 - (A) The ADU or JADU may not be sold separately from the primary dwelling.
 - (B) The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
 - (C) The deed restriction runs with the land and may be enforced against future property owners.
 - (D) The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been

eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

- (E) The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

F. **Specific ADU Requirements.** The following requirements apply only to ADUs that require an ADU permit under subsection (d)(2) above.

(1) **Maximum Size.**

- (A) The maximum size of a detached or attached ADU subject to this subsection (f) is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.
- (B) An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
- (C) Application of other development standards in this subsection (f), such as FAR or lot coverage, might further limit the size of the ADU, but no application of FAR, lot coverage, or open-space requirements may require the ADU to be less than 800 square feet.

(2) **Floor Area Ratio (FAR).** No ADU subject to this subsection (f) may cause the total FAR of the lot to exceed 50 percent, subject to subsection (f)(1)(C) above.

(3) **Lot Coverage.** No ADU subject to this subsection (f) may cause the total lot coverage of the lot to exceed 65 percent, subject to subsection (f)(1)(C) above.

(4) **Impervious surface coverage.** Maximum percentage of the total gross lot area that may be covered by structures and impervious surfaces shall not exceed 70 percent, subject to subsection (f)(1)(C) above.

(5) **Height.**

- (A) A single-story attached or detached ADU may not exceed 16 feet in height above grade, measured to the peak of the structure.
 - (B) A second story or two-story attached ADU may not exceed the height of the primary dwelling.
 - (C) A detached ADU may not exceed one story.
- (6) **Passageway.** No passageway, as defined by subsection (c)(8) above, is required for an ADU.
- (7) **Parking.**
- (A) Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection (c)(11) above.
 - (B) Exceptions. No parking under subsection (f)(7)(A) is required in the following situations:
 - (i) The ADU is located within one-half mile walking distance of public transit, as defined in subsection (c)(10) above.
 - (ii) The ADU is located within an architecturally and historically significant historic district.
 - (iii) The ADU is part of the proposed or existing primary residence (single-family converted ADUs, not multifamily converted) or an accessory structure under subsection (d)(1)(A) above.
 - (iv) When on-street parking permits are required but not offered to the occupant of the ADU.
 - (v) When there is an established car share vehicle stop located within one block of the ADU.
 - (C) No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those offstreet parking spaces are not required to be replaced.
- (8) **Architectural Requirements.**
- (A) An accessory dwelling unit may be attached or detached from the primary dwelling unit, or located within the living area of the existing dwelling.

- (B) An accessory dwelling unit shall be compatible with the design of the primary dwelling unit in terms of height, bulk, architectural character, materials, color, and landscaping treatment.
- (C) An entrance to an accessory dwelling unit shall not be visible from the public right-of-way.

G. Fees.

(1) Impact Fees.

- (A) No impact fee is required for an ADU that is less than 750 square feet in size.
- (B) Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling.) “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.

(2) Utility Fees.

- (A) Converted ADUs and JADUs on a single-family lot, created under subsection (d)(1)(A) above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADO or JADU is constructed with a new single-family home.
- (B) All ADUs and JADUs not covered by subsection (g)(2)(A) above require a new, separate utility connection directly between the ADU or JADU and the utility. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system. The fee or charge may not exceed the reasonable cost of providing this service.

B. Stanton Municipal Code Title 20 Section 20.410.020 Applicability is amended as follows:

B. The standards in this Chapter shall not apply to the following:

1. Accessory structures used for animal-keeping purposes that comply with Section 20.400.040 (Animal Keeping);
2. Detached accessory units used for living purposes that comply with Section ~~20.400.340~~ 20.400.330 (Accessory Dwelling Units);

C. Stanton Municipal Code Title 20 Section 20.410.050 Accessory Structures in Residential Zones is amended as follows:

20.410.050 Accessory Structures in Residential Zones

B. Detached accessory structures.

1. The use of an accessory structure as a dwelling unit, sleeping quarters, or a housekeeping unit is prohibited, except for an accessory dwelling unit approved in compliance with Section ~~20.400.340~~ 20.400.330 (Accessory Dwelling Units)

D. Stanton Municipal Code Title 20 Section 20.210.020 Residential Zone Land Uses and Permit Requirements is amended as follows:

Accessory Dwelling Units <u>(1)</u>	P	P	P (+)	P (+)	20.400.330
-------------------------------------	---	---	------------------	------------------	------------

Accessory Residential Structures/Uses

1) Accessory dwelling units are ~~only~~ allowed in ~~the RM and RH~~ any zones on a lot where a ~~single family dwelling unit exists as of the date of adoption of this Zoning Code~~ a residential use is permitted.

E. Stanton Municipal Code Title 20 Section 20.700.070 Other Uses is amended as follows:

Also includes the indoor storage of automobiles (including their incidental noncommercial restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include: accessory ~~second~~ dwelling

units (“~~Second~~ Accessory Dwelling Units”); guest houses (“Guest Houses”); or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (“Satellite/Dish and Amateur Radio Antenna”).

F. Stanton Municipal Code Title 20 Section 20.700.090 Residential Uses is amended as follows:

4. Accessory Dwelling Unit. ~~A detached or attached permanent residential dwelling unit that is accessory to a principal dwelling on the same site. An accessory dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. Refer to section 20.400.330~~

G. Stanton Municipal Code Title 20 Section 20.710.050 “E” Definitions is amended as follows:

Efficiency Unit. See ~~“Studio Apartment.”~~ as defined by Section 17958.1 of the California Health and Safety Code.

Stanton Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 20 ZONING](#)[Article 4 Standards for Specific Land Uses](#)[Chapter 20.400 STANDARDS FOR SPECIFIC LAND USES](#)**20.400.330 Accessory Dwelling Units**

This Section establishes standards for residential accessory dwelling units, where allowed by Article 2 (Zones, Allowed Uses, and Zone-Specific Standards).

A. Application processing.

1. Applications for an accessory dwelling must be submitted to the Director of Community Development on a form provided by the City. The City may charge a fee to submit the application, as approved by resolution or ordinance by the City Council.
2. **Building permit required.** No accessory dwelling unit shall be established or maintained until there has been a building permit approved by the City.
3. **Review.**
 - a. The Director will approve or disapprove of an application for an accessory dwelling unit standard permit within 120 days after receiving the complete application.
 - b. The Director may impose fees for the construction of an accessory dwelling unit in accordance with California Government Code, Chapters 5 and 7.
 - c. An applicant may appeal the Director's decision to the Planning Commission as provided in Chapter 20.615, Appeals.
 - d. An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standards within the chapter if complying with:
 - i. Building and safety codes;
 - ii. Independent exterior access from the existing residence; and
 - iii. Sufficient side and rear setbacks for fire safety.

B. Number. A maximum of one accessory dwelling unit shall be allowed per recorded lot.

C. Location. An accessory dwelling unit shall only be allowed where there is an existing single-family detached dwelling.

D. Dimensional standards.

1. An accessory dwelling unit shall conform to the height, setback, and lot coverage requirements appropriate to the zone where it is located, except that a detached accessory dwelling unit shall be located only in the rear portion of the lot and shall be screened from the street by the primary residence and/or its garage.
2. **Floor area.**
 - a. **Attached Unit.** An attached accessory dwelling unit shall have a floor area that does not exceed 50 percent of the existing living area of the primary residence, or 700 square feet, whichever is less.
 - b. **Detached Unit.** A detached accessory dwelling unit shall have a floor area that does not exceed 50 percent of the existing living area of the primary residence, or 700 square feet, whichever is less.
3. **Structure coverage.**
 - a. **Interior Lot.** Maximum percentage of the total gross lot area that may be covered by structures shall not exceed 50 percent.
 - b. **Corner Lot.** Maximum percentage of the total gross lot area that may be covered by structures shall not exceed 55 percent.

4. Impervious surface coverage. Maximum percentage of the total gross lot area that may be covered by structures and impervious surfaces shall not exceed 60 percent.

E. Occupancy.

1. The property owner shall occupy either the primary residence or the accessory dwelling unit.
2. An accessory dwelling unit shall not be sold separately from the main dwelling unit. The accessory dwelling unit may be rented or leased for terms of 30 days or more, and shall not be rented or leased for a term of less than 30 days.

F. Design.

1. An accessory dwelling unit may be attached or detached from the primary dwelling unit, or located within the living area of the existing dwelling.
2. An accessory dwelling unit shall be compatible with the design of the primary dwelling unit in terms of height, bulk, architectural character, materials, color, and landscaping treatment.
3. An entrance to an accessory dwelling unit shall not be visible from the public right-of-way.
4. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
5. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

G. Garage conversion. An accessory dwelling unit may be created by converting garage space to living space, subject to the following:

1. The garage parking space that is being converted into an accessory dwelling unit shall be replaced elsewhere on the site before the time that Building Permits are issued. Verification of completion of replacement garage parking shall be required as a condition of issuance of a Building Permit for the garage conversion. The replacement garage parking may be replaced with another garage, covered parking or uncovered parking.
2. Parking for the converted garage used as an accessory dwelling unit shall be provided in compliance with subsection H, in addition to the spaces being replaced.
3. No setback shall be required for an existing garage that is converted into a whole or partial accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

H. Parking. Parking for an accessory dwelling unit shall comply with the following specifications:

1. One parking space per unit or one parking space per bedroom, whichever is less. Parking for the accessory dwelling unit is in addition to the required parking for the primary residence.
2. Parking in setback areas shall be allowed to meet the parking requirements for accessory dwelling units.
3. Tandem parking is restricted to driveway parking located adjacent to a garage.
4. Parking is not required if the accessory dwelling unit:
 - a. Is within one-half mile of public transit, as designated by a public agency; or
 - b. Is in an architecturally or historically significant district; or
 - c. Is in an existing primary residence or an existing accessory structure; or
 - d. When an on-street parking permit is required but not offered to the occupant of the accessory dwelling unit; or
 - e. When there is a car share vehicle, as designated by a public agency, located within one block of the accessory dwelling unit.

I. Deed restrictions. Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the County Recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

1. The accessory unit shall not be sold separately.
2. The unit is restricted to the approved size.

3. The main dwelling unit or the accessory unit shall be occupied by the owner of record as the owner's principal residence.
4. The accessory unit shall not be rented or leased for a period of less than 30 days.
5. The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for code enforcement.

J. Legal/tax implications. Approval of an accessory dwelling unit shall not be deemed to be a division of land for purposes of Government Code Section 66410 et seq., nor shall the approval of an accessory dwelling unit application entitle the property owner to:

1. A division of land; or
2. Receive a separate assessment on each dwelling unit on a lot of land containing a primary dwelling and an accessory dwelling.

K. Modifications allowed in exchange for affordability covenant. If a property owner agrees to record an affordability covenant to maintain an accessory dwelling unit as an affordable unit to very-low income residents adjusted for family size with rents based on the number of bedrooms per unit, consistent with State law, for a period of not less than 55 years, in a form approved by the Director and the City Attorney, the development standards for an accessory dwelling unit may be modified as follows:

1. The maximum gross floor area of an attached or detached accessory dwelling unit may be increased up to 1,200 square feet.
2. Minimum setbacks for an accessory dwelling unit may be reduced up to 20 percent. (Ord. 1071 § 7, 2017; Ord. 1017, 2013)

View the [mobile version](#).