SOUTH GATE PLANNING COMMISSION
REGULAR PC AGENDA

Tuesday, September 15, 2026 at 6:30 p.m.

SOUTH GATE COUNCIL CHAMBERS
8650 CALIFORNIA AVE
SOUTH GATE, CA 90280

PARTICIPATE IN THE MEETING ONLINE VIA ZOOM:
HTTPS://US06WEB.ZOOM.US/J/89844402273
DIAL-IN NUMBER 1 (213) 338-8477
MEETING ID: 898 4440 2273

VIEW MEETING LIVE ONLINE AT:
HTTPS://YOUTUBE.COM/@SOUTHGATECA90280

1. **Call To Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **City Officials**

CHAIRPERSON
Daisy Prieto

VICE CHAIRPERSON
Margarita Valenzuela

COMMISSIONERS
Mayra Castaneda
Lizette Ruiz

If you would like to participate in this meeting, you can participate via the following options:

1. VIEW THE MEETING LIVE ONLINE VIA YOUTUBE: South Gate, CA - YouTube
Please allow up to 24 hours after the meeting for the archive to be available.

2. PARTICIPATE IN THE MEETING ONLINE VIA ZOOM:
https://us06web.zoom.us/j/89844402273 (Captions available via Wordly)
DIAL-IN NUMBER 1 (213) 338-8477 MEETING ID:898 4440 2273
To address the Planning Commission press *9 to raise your hand and *6 to unmute yourself when instructed.
3. PARTICIPATE BEFORE THE MEETING by emailing the City Clerk at: yglaze@sogate.org no later than 4:00 p.m. on the day of the meeting. Please write "Public Comment" in the subject line.
4. ATTEND THE MEETING IN PERSON
***The disruption in service of any alternative method does not preclude the Planning Commission or other legislative body from taking further action and moving forward on the agenda.**

Meeting Schedule

The regular meetings of the Planning Commission are held on the first and third Tuesday of each month, commencing at 6:30 p.m.

Brown Act

Agendas are drafted to accurately state what the governing body is being asked to consider. The governing body can take action on "all items" listed on the agenda and be in compliance with the open meeting laws. Under the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The governing body may direct staff to investigate and/or schedule certain matters for consideration at a future meeting.

5. Report On Posting

I, Javier Barraza, Special Projects Coordinator, certify that a true and correct copy of the foregoing meeting agenda was properly posted on September 10, 2026, seventy-two hours prior to the scheduled meeting, as required by law.

6. Consent Calendar

Business items, except those formally noticed for public hearing or require discussion, are placed in the Consent Calendar. Any Commissioner may request that any Consent Calendar item(s) be removed, discussed, and acted upon separately. Items remaining on the Consent Calendar will be approved in one motion unless another action is taken. The Chair will call on anyone wishing to address the Commission on any Consent Calendar item, which has not been pulled for discussion.

A. **PLANNING COMMISSION MINUTES FOR SEPTEMBER 1, 2026**
The Planning Commission will consider approval of the minutes for the Regular Planning Commission meeting of September 1, 2026.

Documents:

PC Minutes 09.01.26.pdf

7. Public Hearings

Public hearings are those items formally noticed under the requirements of South Gate Municipal Code Section 11.50.020. The Planning Commission shall hold a public hearing and make required findings to either approve, approve with conditions, or deny an application by adopting a resolution.

A. **ZONING CODE AMENDMENT TO MODIFY TITLE 11, CHAPTER 11.43 (ACCESSORY DWELLING UNITS AND ACCESSORY STRUCTURES) OF THE SOUTH GATE MUNICIPAL CODE AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

Staff recommends that the Commission take the following actions:

1. **CONDUCT** a public hearing;
2. **ACCEPT** the determination that the Planning Commission's action recommending adoption of the Zone Change Amendment ("ZCA") is not subject to California Environmental Quality Act ("CEQA") review because it does not constitute an "approval" of the ZCA, as defined in CEQA Guidelines Section 15352, but rather a recommendation of approval that does not commit the City to any definite course of action regarding the ZCA; and
3. **FURTHER ACCEPT** the determination that the ZCA is statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15284(h), which exempt the adoption of an ordinance implementing the provisions of Government Code Sections 66314 through 66339.5 (regulations regarding Accessory Dwelling Units and Junior Accessory Dwelling Units), and is additionally categorically exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility the ZCA may have a significant effect on the environment; and
4. **APPROVE** Resolution No. 2026-11 recommending approval of an Ordinance to the City Council to amend Chapter 11.43 (Accessory Dwelling Units and Accessory Structures) of the South Gate Zoning Code.

Documents:

SGMC_11.43-Amendment-Agenda_Bill_FINAL.pdf
Attachment_1_PC_Reso_ZCA_SGMC_11.43_09.15.26_FINAL.pdf
Attachment_2_SGMC_11_43_Summary_of_Changes_FINAL.pdf
Attachment 3_HCD Findings Letter.pdf
Attachment 4A-SGMC 11.43-Code Amendment-CLEAN FINAL.pdf
Attachment 4B-SGMC 11.43-Code Amendment-REDLINED FINAL.pdf

8. Open Session Items

Open session items are intended to be discussed by the Planning Commission but do not require a public hearing. These include presentations, trainings, and workshops.

9. Comments

At this time, members of the public and staff may address the City Planning Commission regarding any items within the subject matter jurisdiction of the Planning Commission. No action may be taken on items not listed on the agenda unless authorized by law.

A. AUDIENCE COMMENTS

B. CITY STAFF COMMENTS

C. PLANNING COMMISSION COMMENTS

10. Adjournment

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the Planning Commission meeting, please contact the Community Development Department. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility.

All of the above resolutions and zoning case items have been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines unless otherwise stated.

Any final action of the Planning Commission, on this agenda, is appealable to the City Council upon filling the request with the City Clerk prior to 5:00 p.m. on Thursday, October 1, 2026.

Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Community Development Department, 8650 California Ave., South Gate, CA 90280. For more information, call (323) 563-9565 or visit the City's website at www.cityofsouthgate.org.

ACTION MINUTES OF THE REGULAR MEETING

OF THE SOUTH GATE CITY PLANNING COMMISSION

Tuesday, September 1, 2026

https://www.youtube.com/watch?v=YBgmIt8Sqv4

1. CALL TO ORDER — 6:33 p.m.

The Planning Commission of the City of South Gate met in-person and remotely on September 1, 2026. Chairperson Prieto called the meeting to order at 6:33 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Ruiz led the Pledge of Allegiance.

3. ROLL CALL

Commissioner(s) Present:	Commissioner Mayra Castaneda Commissioner Lizette Ruiz Chairperson Daisy Prieto
Commissioner(s) Absent:	Vice Chairperson Margarita Valenzuela

4. CITY OFFICIALS

Staff Present:	Gabriel Perez, Community Development Director John F. Signo, AICP, Planning Manager Javier Barasa, Special Projects Coordinator Craig Hardwick, Assistant City Attorney

5. REPORT ON POSTING

Special Projects Coordinator Barasa certified that the meeting agenda was properly posted on August 27, 2026, seventy-two hours prior to the scheduled meeting, as required by law.

6. CONSENT CALENDAR

Approval of Meeting Minutes for the Regular Planning Commission meeting of August 18, 2026.

Discussion

None.

Public Comments

None.

Action: Approved, 3-0.

Motion by Commissioner Ruiz to approve the meeting minutes for August 18, 2026.

Seconded by Commissioner Castaneda.

COMMISSIONER	VOTE
Ruiz	Yes
Castaneda	Yes
Chairperson Prieto	Yes

7. PUBLIC HEARINGS

A. TENTATIVE MAP NO. 84774; VARIANCE AND DESIGN REVIEW – PLANNING CASE NO. 25-272

Community Development Director Gabriel Perez presented the staff report on a request by applicant Michael Johnson to subdivide an approximately 26.81-acre site at 5037 Patata Street (M-3 Manufacturing zone) into three parcels and to develop a 513,430-square-foot industrial park consisting of three buildings (approximately 175,000; 165,000; and 65,000 square feet of floor area, respectively), together with a variance to allow a 10-foot perimeter wall at the north end of the site where the development standard permits 6 feet. Staff recommended continuing the public hearing to the regular meeting of October 6, 2026, to allow time to finalize comments from the adjacent City of Cudahy before incorporating them into the project.

Staff Comments

• Community Development Director Perez

Public Comments

• Peter Jin (written comment)
• Mario Dominguez Jr. (written comment)

Commissioner Comments

None.

Action: Continued to October 6, 2026, 3-0.

Motion by Commissioner Ruiz to continue the public hearing on Planning Case No. 25-272 to the regular Planning Commission meeting of October 6, 2026.

Seconded by Commissioner Castaneda.

COMMISSIONER	VOTE
Ruiz	Yes
Castaneda	Yes
Chairperson Prieto	Yes

8. OPEN SESSION ITEMS

A. WORKSHOP: CONDITIONAL USE PERMITS VS. VARIANCES

Planning Manager John F. Signo, AICP presented a study-session workshop comparing conditional use permits (CUPs) and variances under the City's zoning code, including the distinction between administrative and discretionary permits, the findings required to approve each type of permit, the discretionary review and public noticing process and typical timeframes, the appeals process and

associated fees, other discretionary approvals that come before the Commission, and an overview of subdivision map review (parcel maps and tract maps).

Staff Comments

• Planning Manager Signo
• Assistant City Attorney Hardwick

Public Comments

None.

Commissioner Comments

• Commissioner Castaneda
• Commissioner Ruiz
• Chairperson Prieto

Action: Received and filed, 3-0.

Motion by Commissioner Castaneda to receive and file.

Seconded by Commissioner Ruiz.

COMMISSIONER	VOTE
Ruiz	Yes
Castaneda	Yes
Chairperson Prieto	Yes

9. COMMENTS

A. Audience Comments

• Mario Dominguez Jr.

B. City Staff Comments

• Planning Manager Signo

C. Planning Commission Comments

• Commissioner Castaneda
• Commissioner Ruiz
• Chairperson Prieto

10. ADJOURNMENT

The meeting was adjourned at 7:21 p.m.

Respectfully submitted by:

John F. Signo, AICP, Planning Manager

Daisy Prieto, Chairperson

City of South Gate

PLANNING COMMISSION

AGENDA BILL

For the Regular Meeting of: ***September 15, 2026***

Associate Planner: *Joshua Valdez* — *Joshua Valdez*

Planning Manager: _____ — *John F. Signo, AICP*

SUBJECT: ZONING CODE AMENDMENT TO MODIFY TITLE 11, CHAPTER 11.43 (ACCESSORY DWELLING UNITS AND ACCESSORY STRUCTURES) OF THE SOUTH GATE MUNICIPAL CODE AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PURPOSE: To consider Resolution No. 2026-11 regarding a proposed Zone Code Amendment to Chapter 11.43 (Accessory Dwelling Units and Accessory Structures) of the South Gate Zoning Code (which is set forth in Title 11 of the South Gate Municipal Code (SGMC)), and making a recommendation to the City Council ("Council') that the City's Zoning Code be revised to align with state law.

RECOMMENDED ACTIONS: Staff recommends that the Commission take the following actions:

a. **CONDUCT** a public hearing;
b. **ACCEPT** the determination that the Planning Commission's action recommending adoption of the Zone Change Amendment ("ZCA") is not subject to California Environmental Quality Act ("CEQA") review because it does not constitute an "approval" of the ZCA, as defined in CEQA Guidelines Section 15352, but rather a recommendation of approval that does not commit the City to any definite course of action regarding the ZCA; and
c. **FURTHER ACCEPT** the determination that the ZCA is statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15284(h), which exempt the adoption of an ordinance implementing the provisions of Government Code Sections 66314 through 66339.5 (regulations regarding Accessory Dwelling Units and Junior Accessory Dwelling Units), and is additionally categorically exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility the ZCA may have a significant effect on the environment; and
d. **APPROVE** Resolution No. 2026-11 recommending approval of an Ordinance to the City Council to amend Chapter 11.43 (Accessory Dwelling Units and Accessory Structures) of the South Gate Zoning Code.

PUBLIC NOTIFICATION: Advertising and notification of the public hearing for this item was conducted in compliance with SGMC Sections 11.50.020 and 11.50.030. Notice of the hearing was originally posted and published in the *"South Gate Press"* on August 13, 2026.

ENVIRONMENTAL EVALUATION: Many actions undertaken by the City of South Gate are subject to the California Environmental Quality Act, a state law codified at Public Resources Code Sections 21000 through

21189.91 (“CEQA”), and related regulations enacted by the State Resources Agency codified at Title 14 of the California Code of Regulations, Sections 15000 through 15387 (the “CEQA Guidelines”). An action defined as a “project” under CEQA and the CEQA Guidelines is subject to compliance with CEQA, unless exempt or otherwise not subject to review.

The Planning Commission’s action on Resolution 2026-11 is a recommendation of approval of the Zone Change Amendment (“ZCA”) to the City Council, and does not itself constitute an “approval” of the ZCA as that term is defined in CEQA Guidelines Section 15352, nor does it commit the City to any definite course of action regarding the ZCA. Accordingly, the Planning Commission’s action is not subject to CEQA review.

Further, the ZCA is statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15284(h), which exempt the adoption of an ordinance implementing the provisions of Government Code Sections 66314 through 66339.5 (regulations regarding Accessory Dwelling Units and Junior Accessory Dwelling Units).

The ZCA is additionally categorically exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which applies to projects where it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment. The ZCA does not involve physical changes to the environment but rather amends the City’s Zoning Code to bring it into compliance with State law; since the proposed Ordinance does not result in any direct or indirect physical changes to the environment, there is no possibility that it could have a significant environmental impact.

BACKGROUND: In January 2021, the City of South Gate established Chapter 11.43 of the SGMC, which allowed Accessory Dwelling Units (ADUs) as required by former Government Code Section 65852.2. Previously, ADUs were commonly referred to as "granny flats," "in-law suites," or "second dwelling units." Subsequently, on September 23, 2025, City Council adopted Ordinance No. 2025-01-CC, updating SGMC 11.43 to comply with State legislation, which became effective on October 14, 2025. On March 16, 2026, the Department of Housing and Community Development ("HCD") issued a finding letter (Attachment 3) regarding Ordinance No. 2025-01-CC. Since that time, State law regarding ADUs and Junior Accessory Dwelling Units (JADUs) has continued to be modified as new bills are signed into law by the Governor, including Assembly Bill (AB) 130, Assembly Bill (AB) 462, Assembly Bill (AB) 1154, Senate Bill (SB) 543, and Senate Bill (SB) 9. The proposed changes discussed below relate to these five bills and are now incorporated into SGMC Chapter 11.43. The table below summarizes the content of the bills staff is proposing to codify.

State Law Changes Affecting ADUs/ JADUs		
Bill	Effective Date	Summary
AB 130	June 30, 2025	Existing law voids any covenant, restriction, or condition in a deed, contract, or other instrument that effectively prohibits or unreasonably restricts the construction or use of an ADU or JADU on a single-family lot, while still permitting reasonable restrictions that do not unreasonably increase construction cost or effectively prohibit construction. AB 130 prohibits fees and other financial requirements from being included among those “reasonable restrictions.” Existing law required a local agency that had adopted an ordinance by July 1, 2018, allowing ADUs in multifamily dwelling structures to ministerially consider permit applications for specified ADU variations, and authorized

		that agency to impose objective standards (design, development, historic standards, etc.) on those ADUs – except minimum lot size requirements. AB 130 removes both the ministerial-consideration requirement and the authorization for the local agency to impose objective standards on that specific category of ADUs.
AB 462	October 10, 2025	Existing law prohibits a local agency from issuing a certificate of occupancy for an ADU before the primary dwelling receives its own certificate of occupancy. AB 462 creates an exception: a local agency must issue a certificate of occupancy for an ADU built in a county under a Governor's state-of-emergency proclamation made on or after February 1, 2025, even if the primary dwelling hasn't yet received its certificate of occupancy, provided certain conditions are met – including that the primary dwelling was substantially damaged or destroyed by the event reference in the emergency proclamation. AB 462 also includes findings that its changes address a matter of statewide concern rather than a municipal affair, making it applicable to all cities, including charter cities, and it took effect immediately as an urgency statute.
AB 1154	January 1, 2026	Existing law requires an ordinance authorizing JADUs to, among other things, require owner-occupancy in the single-family residence where the JADU is permitted. AB 1154 limits that owner-occupancy requirement so it applies only if the JADU shares sanitation facilities with the existing structure. In other words, a JADU with its own separate bathroom (not shared with the primary residence) would no longer trigger the owner-occupancy requirement. AB 1154 requires an ordinance authorizing JADUs to mandate that any rental of a JADU be for a term longer than 30 days – effectively prohibiting short-term/ vacation rental use of JADUs.
SB 543	January 1, 2026	Existing law defines a JADU as no more than 500 square feet in size, contained entirely within a single-family structure. SB 543 revises this to specify the 500-square-foot limit as interior livable space. Existing law already requires local agencies to submit ADU ordinances to HCD within 60 days for review, with ADU standards superseding conflicting local ordinances. SB 543 extends this same framework to JADU ordinances — requiring submission within 60 days, HCD notification of noncompliance, and nullification of the ordinance if the agency fails to submit it or respond to HCD's findings — and specifies that JADU standards likewise supersede conflicting local ordinances. If a local agency has not adopted a JADU ordinance, SB 543 requires JADU permit applications to be considered under the same ministerial approval process as ADUs, and prohibits any local ordinance/policy/regulation (other than a compliant JADU ordinance) from being used to delay or deny a JADU permit. SB 543 requires permitting agencies to determine whether an ADU or JADU application is complete and provide written notice within 15 business days of receipt. If incomplete, the agency must list the missing items and allow the applicant to cure. If an application is deemed incomplete or is denied, the agency must provide an appeal process, with a final written determination

		required within 60 business days of receiving the appeal. Existing law prohibits impact fees on ADUs of 750 square feet or less and requires proportional fees above that threshold; it also restricts utility connection fees/charges for certain ADUs. SB 543 extends these same fee limitations to JADUs, revising the ADU threshold to be based on 750 square feet of interior livable space and the JADU threshold at 500 square feet of interior livable space. SB 543 specifies that an ADU or JADU with less than 500 square feet of interior livable space does not count toward the 500-square-foot assessable space threshold that triggers school facility fees. Existing law prohibits a local agency from capping ADU size below 850 sq ft (or 1,000 sq ft for more than one bedroom), and separately requires local agencies to permit at least an 800-square-foot ADU with 4-foot side/rear setbacks. SB 543 revises these size limitations to be based on interior livable space rather than the prior undefined "size" standard. SB543 requires ministerial approval of a building permit application for a combination of ADU and JADU on the same lot, revises the 800-square-foot floor area limit to be based on interior livable space, and extends the existing prohibition on requiring fire sprinklers (when not required for the primary residence) to JADUs as well.
SB 9 (2025)	January 1, 2026	Existing law requires a local agency to submit its ADU ordinance to the Department of Housing and Community Development (HCD) within 60 days of adoption. HCD may submit written findings on whether the ordinance complies with state standards, and if it finds noncompliance, must give the local agency up to 30 days to respond. If the local agency does not amend the ordinance or adopt a resolution explaining why it complies, existing law requires HCD to notify the local agency and authorizes HCD to notify the Attorney General of the violation. SB9 would invalidate the local agency's ADU ordinance if the agency either fails to submit the ordinance to HCD within 60 days of adoption, or fails to respond to HCD's noncompliance findings within the 30-day window.

ANALYSIS:

To align SGMC Chapter 11.43 with new State legislation, Staff proposes the following changes:

1. Assembly Bill (AB) 130: Amending the chapter to reflect the State's prohibition on fees and other financial requirements being imposed as a condition on the sale, rental, or transfer of an ADU or JADU, consistent with the amendment to Civil Code Section 714.3.
2. Assembly Bill (AB) 462: Amending the chapter to allow issuance of a certificate of occupancy for an ADU prior to issuance of a certificate of occupancy for the primary dwelling, where the primary dwelling was substantially damaged or destroyed by an event referenced in a Governor-declared state of emergency proclaimed on or after February 1, 2025.
3. Assembly Bill (AB) 1154: Amending the chapter to limit the owner-occupancy requirement for JADUs to only those instances where the JADU shares sanitation facilities with the existing primary dwelling, and to require that any JADU rental be for a term of more than thirty (30) days.
4. Senate Bill (SB) 543: Amending the chapter to (a) define JADU and ADU size limitations by reference to

"interior livable space," (b) extend impact fee limitations to JADUs of five hundred square feet or less of interior livable space, and (c) require ministerial approval of combined ADU/JADU applications on single-family parcels.

5. Senate Bill (SB) 9 Compliance Note: In addition to the code amendments described above, SB 9 requires a local agency to submit its ADU ordinance to the Department of Housing and Community Development ("HCD") within sixty (60) days of adoption for HCD's review. If HCD determines the ordinance does not comply with State standards, the local agency must respond to HCD's findings within thirty (30) days, either by amending the ordinance or adopting a resolution with findings explaining why the ordinance complies. SB 9 further provides that an ADU ordinance is invalidated if the local agency fails to timely submit the ordinance to HCD or fails to timely respond to HCD's noncompliance findings. SB 9 does not require any additional substantive amendment to Chapter 11.43; rather, it establishes a procedural compliance obligation. Staff will submit the amended ordinance to HCD within the required timeframe following adoption to ensure continued validity of the chapter.

Attachment 2 provides a detailed list of the proposed changes as they relate to aligning SGMC Chapter 11.43 with the latest ADU State laws. While Attachment 4A is an example of the revised municipal code.

CONCLUSION: Staff recommends that the Planning Commission adopt Resolution No. 2026-11, recommending approval of the amendments to SGMC Chapter 11.43 to Council.

ATTACHMENTS:
1. Resolution No. 2026-11
2. South Gate Municipal Code Section 11.43 (Accessory Dwelling Units and Accessory Structures) – Summary of Changes
3. California Housing and Community Development Findings Letter
4. Proposed Ordinance
    - A. SGMC Chapter 11.43 (clean)
    - B. SBMC Chapter 11.43 (redlined)

RESOLUTION NO. 2026-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH GATE, RECOMMENDING THAT THE CITY OF SOUTH GATE CITY COUNCIL ADOPT AN ORDINANCE TO MODIFY TITLE 11, CHAPTER 11.43 (ACCESSORY DWELLING UNITS AND ACCESSORY STRUCTURES) OF THE SOUTH GATE MUNICIPAL CODE AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the City of South Gate first updated Chapter 11.43 of the Municipal Code was in 2021; and

WHEREAS, the City of South Gate adopted Ordinance No. 2025-01-CC in 2025 to update Chapter 11.43 of the Municipal Code; and

WHEREAS, the State of California has enacted several new laws related to accessory dwelling units, such as Assembly Bill (AB) 130, Assembly Bill (AB) 462, Assembly Bill (AB) 1154, Senate Bill (SB) 543, and Senate Bill (SB) 9; and

WHEREAS, the Zone Code Amendment ("ZCA") would revise Chapter 11.43, Accessory Dwelling Units and Accessory Structures, to align with state law; and

WHEREAS, the ZCA would affect all parcels within the city boundaries, as applicable within Chapter 11.43, Accessory Dwelling Units and Accessory Structures; and

WHEREAS, notice of the Planning Commission regular public hearing of September 15, 2026, was published in compliance with State law in a local newspaper of general circulation on August 13, 2026, indicating the date and time of the public hearing in accordance with California Government Code 65091; and

WHEREAS, on September 15, 2026, the Planning Commission held a regular public hearing to receive public testimony and other comments regarding the zone code amendment, including without limitation, information provided to the Planning Commission by City staff and public testimony; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the Commission at its public hearing including, without limitation, the staff report submitted by the Community Development Department; and

WHEREAS, it has been determined that recommending adoption of the ZCA is not subject to California Environmental Quality Act ("CEQA") review because it does not constitute an "approval" of the ZCA, as defined in CEQA Guidelines Section 15352, but rather a recommendation of approval that does not commit the City to any definite course of action regarding the ZCA; and

WHEREAS, the determination that the ZCA is statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15284(h), which exempt the adoption of an ordinance implementing the provisions of Government Code Sections 66314 through 66339.5 (regulations regarding Accessory Dwelling Units and Junior Accessory Dwelling Units), and is additionally categorically exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility the ZCA may have a significant effect on the environment.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE AND DECLARE AS FOLLOWS:

SECTION 1. Adoption. Recommend adoption of an ordinance to the City Council amending Chapter 11.43 Accessory Dwelling Units and Accessory Structures to ensure compliance with state law.

SECTION 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution 2026-11 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 Resolution. The Planning Commission hereby recommends adoption of this Resolution for City Council's consideration.

SECTION 3. CEQA Determination**.** Many actions undertaken by the City of South Gate are subject to the California Environmental Quality Act, a state law codified at Public Resources Code Sections 21000 through 21189.91 ("CEQA"), and related regulations enacted by the State Resources Agency codified at Title 14 of the California Code of Regulations, Sections 15000 through 15387 (the "CEQA Guidelines"). An action defined as a "project" under CEQA and the CEQA Guidelines is subject to compliance with CEQA, unless exempt or otherwise not subject to review. The Planning Commission's action on Resolution 2026-11 is a recommendation of approval of the ZCA to the City Council, and does not itself constitute an "approval" of the ZCA as that term is defined in CEQA Guidelines Section 15352, nor does it commit the City to any definite course of action regarding the ZCA. Accordingly, the Planning Commission's action is not subject to CEQA review. Further, the ZCA is statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15284(h), which exempt the adoption of an ordinance implementing the provisions of Government Code Sections 66314 through 66339.5 (regulations regarding Accessory Dwelling Units and Junior Accessory Dwelling Units). The ZCA is additionally categorically exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which applies to projects where it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment. The ZCA does not involve physical changes to the environment but rather amends the City's Zoning Code to bring it into compliance with State law; since the proposed Ordinance does not result in any direct or indirect physical changes to the environment, there is no possibility that it could have a significant environmental impact.

SECTION 4. The Planning Commission hereby recommends adoption of an Ordinance to City Council to modify Title 11, Chapter 11.43 (Accessory Dwelling Units and Accessory Structures) of the South Gate Municipal Code.

This recommendation was adopted by the following vote at the Planning Commission meeting of September 15, 2026.

AYES:

NOES:

APPROVED and ADOPTED this 15th day of September 2026.

_____
John F. Signo, AICP
Planning Manager

Community Development

APPROVED:

_____
Daisy Prieto
Chairperson
City Planning Commission

South Gate Municipal Code Section 11.43 (Accessory Dwelling Units and Accessory Structures)
Summary of Changes

Regulations	State Law	Municipal Code 11.43	Ordinance Update
South Gate Municipal Code (SGMC) Ch. 11.43 – Accessory Dwelling Units and Accessory Structures	➢ Senate Bill (SB) 543 amends multiple Government Code sections within the Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) statutory framework (Government Code Sections 66310 – 66342), including revised definitions and standards addressed throughout this chapter.	Currently references outdated Government Code Sections. Revised to be consistent with SB 543.	➢ SGMC 11.43.010 – 11.43.060.
SGMC Sect. 11.43.020 – Definitions.	➢ Senate Bill (SB) 543 revises the definition of a Junior Accessory Dwelling Unit (JADU) to require the unit's size to be based on square feet of interior livable space, and makes related definitional changes throughout the ADU/JADU statutory scheme.	These definitions are currently absent or outdated in SGMC 11.43.020. Additional definitions need to be amended or added to provide clarification and align with State definitions.	➢ Amended the definition of a Junior Accessory Dwelling Unit (JADU) to be no more than five hundred square feet of interior livable space, consistent with SB 543. ➢ Amended the definition of livable space to be consistent with State law.
SGMC Sect. 11.43.030 – Location and Number.	➢ Senate Bill (SB) 543 requires local agencies to ministerially approve building permit applications for specified ADUs and JADUs, including a combination of the two on single-family parcels, and revises applicable size and setback standards to be based on interior livable space.	The current iteration of SGMC 11.43 does not align with State requirements.	➢ Amend SGMC 11.43.030.B regarding setback requirements, location placement, and the maximum number of ADUs allowed on parcels with multifamily structures.
SGMC Sect. 11.43.040 – General Provisions.	➢ Assembly Bill (AB) 1154 limits the JADU owner-occupancy requirement to instances where the JADU shares sanitation facilities with the existing primary dwelling, and requires that any JADU rental be for a term of more than thirty (30) days. ➢ Assembly Bill (AB) 462 requires a local agency to issue a certificate of occupancy for an ADU constructed in a county subject to a Governor-declared state of emergency proclaimed on or after February 1, 2025, even if the primary dwelling has not yet received its own certificate of occupancy,	The current iteration of SGMC 11.43 does not align with State requirements.	➢ Amend SGMC 11.43.040.F to require that any rental of a Junior Accessory Dwelling Unit be for a term of more than thirty (30) days, consistent with AB 1154. ➢ Amend SGMC 11.43.040.G regarding residency requirements for ADUs and JADUs, limiting the JADU owner-occupancy requirement to instances where the JADU shares sanitation facilities with the existing primary dwelling, consistent with AB 1154. ➢ Amend SGMC 11.43.040.I to add an exception allowing issuance of a certificate of occupancy for an ADU prior to issuance of a certificate of occupancy for the primary

Regulations	State Law	Municipal Code 11.43	Ordinance Update
	provided the primary dwelling was substantially damaged or destroyed by the event referenced in the proclamation.		dwelling, where the primary dwelling was substantially damaged or destroyed by an event referenced in a Governor-declared state of emergency proclaimed on or after February 1, 2025, consistent with AB 462.
SGMC Sect. 11.43.050 – Development Standards.	➢ Senate Bill (SB) 543 revises ADU floor area, setback, and design standards to be based on square feet of interior livable space; extends fire-sprinkler and impact-fee limitations to JADUs; and requires ministerial approval of a combination of specified ADUs and JADUs on single-family parcels.	The current iteration of SGMC 11.43 does not align with State requirements.	➢ Amend SGMC 11.43.050.A to align the total allowed floor area for an ADU to be based on interior livable space, consistent with SB 543. ➢ Amend SGMC 11.43.050.C to align setback requirements with State law. ➢ Amend SGMC 11.43.050.D to maintain a building separation requirement, but not to preclude the development of an ADU of at least eight hundred square feet, consistent with SB 543. ➢ Amend SGMC 11.43.050.N to allow for the creation of JADUs through new construction, subject to the development standards of the underlying zone and limited to five hundred square feet of interior livable space, consistent with SB 543. ➢ Add SGMC 11.43.050.Q to prohibit impact fees on an ADU of seven hundred fifty square feet of interior livable space or less, or a JADU of five hundred square feet of interior livable space or less, and to require proportional impact fees above those thresholds, consistent with SB 543.
SGMC Sect. 11.43.070 – Accessory Structures.	➢ Not specified.	SGMC 11.43.070.E currently limits the maximum height of all detached accessory structures to ten feet. This has led to various pitch proposals that may not always be architecturally compatible with the primary structure.	➢ Add a new subsection allowing an accessory structure proposed to be attached to an Accessory Dwelling Unit to be constructed to the same height as a single-story Accessory Dwelling Unit, provided the accessory structure does not exceed one story in height.

Senate Bill (SB) 9 – Compliance Note (Not a Code Text Amendment)

SB 9 requires a local agency to submit its ADU ordinance to the Department of Housing and Community Development ("HCD") within sixty (60) days of adoption for HCD's review. If HCD determines the ordinance does not comply with State standards, the local agency must respond to HCD's findings within thirty (30) days, either by amending the ordinance or adopting a resolution with findings explaining why the ordinance complies. SB 9 further provides that an ADU ordinance is invalidated if the local agency fails to timely submit the ordinance to HCD or fails to timely respond to HCD's noncompliance findings. SB 9 does not require any additional substantive amendment to Chapter 11.43; rather, it establishes a procedural compliance obligation. Staff will submit the amended ordinance to HCD within the required timeframe following adoption to ensure continued validity of the chapter.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
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March 16, 2026

Gabriel Perez, Community Development Director
Community Development Department
City of South Gate
8650 California Ave
South Gate, CA 90280

Dear Gabriel Perez:

RE: Review of City of South Gate's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66310 - 66342)

Thank you for submitting the City of South Gate (City) ADU Ordinance No. 2025-01-CC (Ordinance), adopted October 22, 2025, to the California Department of Housing and Community Development (HCD). HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance fails to comply with State ADU Laws in the manner noted below. Pursuant to Government Code section 66326, subdivision (b)(1), the City has up to 30 days to respond to these findings. Accordingly, the City must provide a written response to these findings no later than April 15, 2026 with a plan to either amend the current ordinance or adopt a resolution with findings.[1] Responses should be submitted formally on agency letterhead.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law as follows:

1. Please note, recent legislation has amended State ADU Law. Language relevant to these changes should be incorporated into the Ordinance. The bills referenced below are relevant to State ADU Law since the Ordinance was adopted:
    - Assembly Bill (AB) 130 – Effective June 30, 2025
    - AB 462 – Effective October 10, 2025
    - AB 1154 – Effective January 1, 2026
    - Senate Bill (SB) 9 – Effective January 1, 2026
    - SB 543 – Effective January 1, 2026

2. 11.43.020.L. and 11.43.050.N.2. – *JADU Size* – The Ordinance states, "Junior Accessory Dwelling Unit" means a unit that is no more than *500 square feet in size* and contained entirely within a single-family residence" (emphasis added) and that a JADU "shall be no more than five hundred square feet in floor area." However, the definition of "junior accessory dwelling unit" at Government Code section 66313, subdivision (d) has been updated. A JADU is now defined as "a

[1] Gov. Code, § 66326, subd. (b)(2)(B).

unit that is no more than ***500 square feet of interior livable space in size*** and contained entirely within a single-family residence." The City must amend the Ordinance so the definition of JADU uses "interior livable space" to set the 500 square feet size limit in alignment with State ADU Law.

3. 11.43.030.B.1. – *Number of ADUs Allowed on Single-Family Lots* – The Ordinance states, "On lots with one existing or proposed single-family dwelling or two single-family dwelling, detached from each other, one Accessory Dwelling Unit and one Junior Accessory Dwelling Unit may be permitted", as specified and that "As an alternative to (but not in addition to) the number allowed by paragraph B.1. (a) above, on lots with one existing or proposed single-family dwelling, one detached, new construction, Accessory Dwelling Unit that does not exceed four-foot side and rear yard setbacks may be permitted." However, this does not fully reflect what current State ADU Law allows. Under Government Code section 66323 (a)(1), a property owner may create both one JADU and one conversion ADU within an existing or proposed single-family dwelling or within the existing space of an accessory structure. In addition, Government Code section 66323(a)(2) allows one newly constructed detached ADU.

   SB 543, effective January 1, 2026, clarifies that these ADUs - those allowed under section 66323 (a)(1) and (2) - may be combined on the same lot. State law also allows a property owner to build an additional ADU under Government Code section 66314. Section 66314 authorizes one ADU - detached, attached, or conversion - subject only to the objective standards in a local ordinance. Those objective standards may regulate the physical characteristics of the ADU and certain review procedures, but do not allow a jurisdiction to prohibit an ADU otherwise authorized by state law. Therefore, nothing in section 66314 permits a local jurisdiction to prevent an ADU allowed under that section from being built in combination with the ADUs authorized under section 66323.

4. 11.43.030.B.2. – *MFD Unit Allowances* – The Ordinance correctly describes the number and types of ADUs that may be created pursuant to Government Code section 66323 subdivisions (a)(3) and (4). However, the Ordinance shall also establish that a property owner may combine an ADU created pursuant to Government Code section 666314 with the ADUs described in Government Code section 66323 subdivisions (a)(3) and (4). Government Code section 66314 authorizes the creation of ***at least*** one detached, attached, or conversion ADU that is subject to the objective standards in a local ADU ordinance. Nothing in Government Code section 66314 permits a local jurisdiction to prohibit an ADU authorized under that section from being constructed in combination with the ADUs authorized under Government Code section 66323. Therefore, the City must amend the Ordinance to accurately describe the combination of ADUs allowed on a lot with a proposed or existing multifamily dwelling by Government Code sections 66314 and 66323, subdivisions (a)(3) and (4).

5. 11.43.040.G.2. – *Junior Accessory Dwelling Units* – The Ordinance includes owner occupancy requirement for JADUs. However, AB 1154 (Carillo, Statutes of 2025), Government Code section 66333, subdivision (b), which went into effect on January 1, 2026, amends State ADU Law to remove owner occupancy requirements for JADUs that do not share sanitation facilities with the existing primary dwelling. Therefore, the City must amend the Ordinance to remove owner occupancy requirements for JADUs that do not share sanitation facilities with the existing primary dwelling.

6. 11.43.040.H.5. – *Separate Utilities Required* – The Ordinance states, "If requested by a utility providing service to the primary dwelling, the accessory dwelling unit shall have a separate water, sewer, and/or electrical connection to that utility." However, Government Code section 66311.5 states, "For an accessory dwelling unit or a junior accessory dwelling unit described in paragraph (1) of subdivision (a) of Section 66323, a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the unit and the utility or impose a related connection fee or capacity charge, unless the unit was constructed with a new single-family dwelling, or upon separate conveyance of the accessory dwelling unit pursuant to Section 66342." Therefore, the City must amend the Ordinance to exempt ADUs created pursuant to Government Code section 66323, subdivision (a)(1) from being required by a utility to install a separate water, sewer, and/or electrical connection to that utility.

7. 11.43.050.A. – *ADU Floor Area Restrictions* – The Ordinance states that, "The total floor area of an Accessory Dwelling Unit shall not exceed 850 square feet if the Accessory Dwelling Unit has one bedroom or less, and shall not exceed 1,000 square feet if the Accessory Dwelling Unit has more than one bedroom." The Ordinance establishes a maximum square footage requirement for all ADU types, including ADUs that would be developed within a proposed or existing dwelling or convert an accessory structure. However, State ADU Law states a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.[2] Conversion ADUs that would be developed within a proposed or existing dwelling or convert an accessory structure shall not be required to meet the floor area restriction under this section of the Ordinance. In addition, State ADU Law establishes that a local agency shall not impose objective development or design standards that are not authorized by Government Code section 66323 upon ADUs that meet the requirements of Government Code section 66323, subdivision (a).[3] Government Code section 66323, subdivision (a)(4) provides for the creation of detached ADUs on multifamily lots, and does not establish a maximum square footage. The Ordinance does not clearly state that the maximum square footage shall not apply to ADUs that are created under Government Code section 66323, subdivision (a)(4).

[2] Gov. Code, § 66321, subd. (b).
[3] Gov. Code, § 66323, subd. (b).

In addition, State ADU Law has been updated so that the "maximum square footage" for ADUs and JADUs shall be calculated based on the "interior livable space" of an ADU.[4] The City must update the Ordinance to list the types of ADUs discussed above that are exempt, by State ADU Law, from the maximum square footage requirements established in this section, and that the square footage calculation for all ADU shall be based on interior livable space.

8. 11.43.050.D. – *Building Separation Requirements* – The Ordinance states, "There shall be a minimum of six feet separating all construction of the detached Accessory Dwelling Unit from the main building(s) or other accessory structure(s) on the same lot; however, the building separation shall not preclude the development of an 800 square foot Accessory Dwelling Unit, per Government Code Section 66323, subdivision (a)(2)." However, State ADU Law establishes that a local agency shall not impose objective development or design standards that are not authorized by Government Code section 66323 upon ADUs that meet the requirements of Government Code section 66323, subdivision (a).[5] Government Code section 66323 does not include specific minimum separation requirements for detached or attached ADUs. No separation beyond what is required for fire and safety shall be required for detached and attached ADUs developed pursuant to Government Code section 66323, subdivision (a). The City must amend the Ordinance to clarify that this provision shall not apply to ADUs developed pursuant to Government Code section 66323.

9. 11.43.050.L. – *Applicable Design Standards* – The Ordinance states, "The following design standards shall apply to all Accessory Dwelling Units; however, the façade limitation shall not preclude the development of an 800 square foot or less Accessory Dwelling Unit, per Government Code Section 66323, subdivision (a)(1)-(4)." However, State ADU Law establishes that a local agency shall not impose objective development or design standards that are not authorized by Government Code section 66323 upon ADUs that meet the requirements of Government Code section 66323, subdivision (a).[6] None of the requirements included in this section shall apply to ADUs that meet the requirements of Government Code section 66323, subdivision (a). Therefore, the City must amend the Ordinance to state this exception.

10. 11.43.050.L.3-5. – *Subjective Design Standards* – The Ordinance establishes design standards that are subjective using terms such "consistent with design and character", "substantially the same" and "similar to and compatible" when describing the relationship between elements of the ADU and the primary dwelling. However, Government Code section 66314, subdivision (b)(1), allows local jurisdictions to "Impose objective standards on accessory dwelling units". Government Code section 66313, subdivision (h), defines "Objective standards" as "standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark

[4] Gov. Code, § 66321, subd. (b)(2); Gov. Code, § 66313, subd. (d).
[5] Gov. Code, § 66323, subd. (b).
[6] Gov. Code, § 66323, subd. (b).

or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal." Therefore, the City must amend the Ordinance to include only objective standards.

11. 1.43.050.Q.4. – *Impact Fees* – The Ordinance states, "The city shall not impose any impact fee upon the development of an Accessory Dwelling Unit less than 750 *square feet*. Any impact fees charged for an Accessory Dwelling Unit of 750 *square feet* or more shall be charged proportionately in relation to the square footage of the primary dwelling unit" (emphasis added). However, Government Code section 66311.5, subdivision (c) states, " A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit that has 750 *square feet of interior livable space* or less or a junior accessory dwelling unit that has 500 square feet of interior livable space or less. Any impact fees charged for an accessory dwelling unit that has more than *750 square feet of interior livable space* shall be charged proportionately in relation to the square footage of the primary dwelling unit" (emphasis added). Due to recent updates to State ADU Law, the calculation to determine whether an ADU is subject to impact fees shall be based on 'the square feet of interior livable space'. The City must amend the Ordinance to align its requirements with this change to State ADU Law.

12. 11.43.060.A. – *Approve or Deny* – The Ordinance states, "if the permit application to create an Accessory Dwelling Unit or 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 Accessory Dwelling Unit or the Junior Accessory Dwelling Unit until the city *acts on* the permit application to create the new single-family dwelling, but the application to create the Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be considered without discretionary review or hearing" (*emphasis added*). However, Government Code section 66317, subdivision (a)(3) states, "If the permit application to create or serve an accessory dwelling unit is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the permitting agency may delay *approving or denying* the permit application for the accessory dwelling unit until the permitting agency *approves or denies* the permit application to create the new single-family or multifamily dwelling, but the application to create or serve the accessory dwelling unit shall be considered without discretionary review or hearing" (emphasis added). Therefore, the City must amend the Ordinance so that when a permit application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit until the permitting agency approves or denies the permit application to create the new single-family or multifamily dwelling.

The City has two options in response to this letter.[7] The City can either 1) amend the Ordinance to comply with State ADU Law[8] or 2) adopt the Ordinance without changes and include findings in its resolution accompanying the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD's findings.[9] If the City fails to take either course of action, or if HCD finds that the newly adopted Ordinance remains out of compliance with State ADU Law despite the City findings and explanations, HCD must notify the City and may notify the California Office of the Attorney General that the City is in violation of State ADU Law.[10]

HCD appreciates the City's efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the City in fully complying with State ADU Law. Please feel free to contact Auzzie Sheard at Auzzie.Sheard@hcd.ca.gov if you have any questions or wish to discuss any of HCD's findings.

Sincerely,

Jamie Candelaria

Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit

[7] Gov. Code, § 66326, subd. (c)(1).
[8] Gov. Code, § 66326, subd. (b)(2)(A).
[9] Gov. Code, § 66326, subd. (b)(2)(B).
[10] Gov. Code, § 66326, subd. (c)(1).

Chapter 11.43

ACCESSORY DWELLING UNITS AND ACCESSORY STRUCTURES*

Sections:

11.43.010 Purpose and intent.
11.43.020 Definitions.
11.43.030 Location and number.
11.43.040 General provisions.
11.43.050 Development standards.
11.43.060 Application and review process.
11.43.070 Accessory structures.

* Prior ordinance history: Ord. 2323.

11.43.010 Purpose and intent.

A. This chapter (the "chapter") establishes the standards for permitting Accessory Dwelling Units ("ADUs") within the City of South Gate, formerly known as "second dwelling units," on residential properties in accordance with Sections 66310 through 66342 and Sections 65852.27, and 65863.3 of the California Government Code, and Section 714.3 of the California Civil Code, as amended and effective January 1, 2026. An Accessory Dwelling Unit that conforms to the development and design standards in this chapter shall:

1. Be deemed an accessory use or an accessory building and not be considered to exceed the allowable density for the lot upon which it is located;

2. Be deemed a residential use that is consistent with the existing general plan and zoning designation for the lot upon which it is located;

3. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and

4. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(Ord. 2025-01-CC § 1 (Exh. A), 10-14-25; Ord. 2021-01-CC § 3, 1-26-21)

11.43.020 Definitions.

For purposes of this chapter, the following terms shall have the meanings indicated:

A. "Accessory Dwelling Unit" or "ADU" means an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling is or will be situated. An Accessory Dwelling Unit also includes (i) an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code and (ii) a manufactured home, as defined below and in Section 18007 of the Health and Safety Code. An ADU must be either (a) attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or (b) detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

B. "Accessory Dwelling Unit permit" means the formal, written approval of the community development director approving the application for an Accessory Dwelling Unit.

C. "Application" means an application for an Accessory Dwelling Unit permit.

D. "Attached" means attached to the primary dwelling.

E. "Building codes" means all of the requirements for authorization for the construction, alteration, improvement, modification, demolition or removal of any structure within the City of South Gate, including all

codes adopted by reference in the municipal code, including but not limited to the California Building Code, the California Electrical Code, the California Plumbing Code, the California Mechanical Code, the California Residential Code and all local amendments thereto as adopted by the city in the Municipal Code.

F. "Building permits" means all authorizations and permissions required in accordance with all applicable building codes.

G. "City" means the City of South Gate.

H. "Detached" means detached from the primary dwelling unit.

I. "Director" means the community development director of the City of South Gate and all of his/her designees.

J. "Efficiency unit" means a dwelling unit which contains all of the following: (i) a living area of not less than one hundred and fifty square feet, plus an additional one hundred square feet for each occupant in excess of two; (ii) a separate closet; (iii) a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty inches in front, together with light and ventilation conforming to Part 2.5 of Title 24 of the California Code of Regulations; and (iv) a separate bathroom containing a water closet, lavatory and bathtub or shower.

K. "Existing structure" for the purposes of defining an allowable space that can be converted to an Accessory Dwelling Unit means any accessory structure or any space within an existing single-family dwelling or within an existing multifamily dwelling that can be made safely habitable under local building codes at the determination of the building official, regardless of any noncompliance with zoning standards.

L. "Junior Accessory Dwelling Unit" or "JADU" means a unit that is no more than five hundred square feet of interior livable space in size and contained entirely within a single-family dwelling. A Junior Accessory Dwelling Unit may include separate sanitation facilities or may share sanitation facilities with the existing single-family dwelling.

M. "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

N. "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.

O. "Lot" shall mean the single legal parcel of real property upon which the Accessory Dwelling Unit shall be located.

P. "Lot coverage" shall be calculated including all covered structures (dwellings, attached and detached garages, shops, sheds, porches, greenhouses, etc.) that require building permits, including lattice and other patio covers. Lot coverage does not include eaves that project two feet or less from the building. Lot coverage is determined by the amount of coverage on the lot divided by the lot size, except for flag lots, where the pole is not considered as part of the lot size when determining lot coverage.

Q. "Multifamily," "multi-family" or "multiple family" when used in this chapter shall mean buildings containing two or more primary dwelling units. Multiple detached single-family dwellings on the same lot are not considered multifamily for the purposes of this chapter, limited to two detached single-family dwellings.

R. "Municipal code" means the municipal code of the City of South Gate.

S. "Passageway" means a pathway that is unobstructed and clear to the sky and extends from a street to one entrance of the Accessory Dwelling Unit.

T. "Primary dwelling" means a lawfully constructed single-family or multifamily dwelling existing or proposed on the lot where the Accessory Dwelling Unit may be permitted.

U. "Proposed dwelling" means a dwelling that is the subject of a permit Application submitted to the City and that meets the requirements for permitting in the City.

V. "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.

W. "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

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

Y. Other words and phrases used in this chapter shall have the same meaning as provided in the South Gate Municipal Code.

(Ord. 2025-01-CC § 1 (Exh. A), 10-14-25; Ord. 2021-01-CC § 3, 1-26-21)

11.43.030 Location and number.

A. Location of Accessory Dwelling Units. The provisions of this section authorize an Accessory Dwelling Unit to be located on a lot in any zoning district where residential use is permitted or conditionally permitted that includes a proposed or existing primary dwelling.

B. Number Allowed. The City shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following units, or any combination of the following units:

1. Single-Family Parcels.

(a) On lots with one existing or proposed single-family dwelling or two single-family dwellings, detached from each other, one Accessory Dwelling Unit and one Junior Accessory Dwelling Unit may be permitted if all of the following apply:

(i) The Accessory Dwelling Unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The Junior Accessory Dwelling Unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling.

(v) The JADU complies with the requirements of Government Code Sections 66333 through 66339.5.

(b) On lots with one existing or proposed single-family dwelling, one detached, new construction, Accessory Dwelling Unit that does not exceed four-foot side and rear yard setbacks may be permitted, and that ADU may be combined with a JADU meeting the requirements of subsection (B)(1)(a) of this section. The total floor area of the ADU shall not exceed eight hundred square feet; whereas, the total floor area of the JADU shall not exceed five hundred square feet.

2. Multifamily Parcel.

(a) At least one such ADU shall be allowed within an existing multifamily structure, and up to a maximum of twenty-five percent of the existing multifamily dwelling units may be converted to ADUs.

Multiple Accessory Dwelling Units may be created within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(b) Multiple detached Accessory Dwelling Units, not to exceed the number specified in subsection (B)(2)(b)(i) or (B)(2)(b)(ii) of this section, as applicable, may be built on a lot that has an existing or proposed multifamily dwelling. The detached ADUs are subject to side and rear yard setbacks of four feet.

(i) On a lot with an existing multifamily dwelling, not more than eight detached ADUs. However, the number of ADUs allowable pursuant to this clause shall not exceed the number of existing units on the lot.

(ii) On a lot with a proposed multifamily dwelling, not more than two detached ADUs.

(Ord. 2025-01-CC § 1 (Exh. A), 10-14-25; Ord. 2021-01-CC § 3, 1-26-21)

11.43.040 General provisions.
The following provisions shall apply to all Accessory Dwelling Units and Junior Accessory Dwelling Units:

A. Residential Use. An Accessory Dwelling Unit shall be used only for residential purposes, and no business, enterprise, or occupation shall be conducted, permitted, or allowed within the ADU.

B. Compliance with Chapter. No Accessory Dwelling Unit may be constructed, maintained, improved, altered, enlarged, modified, permitted, or allowed within the city except as provided in this chapter and within zones that permit residential uses.

C. Rental and Sale Limitations. Accessory Dwelling Units may be rented separate from the primary residence. If rented, the rental term shall not be for less than thirty days. The Accessory Dwelling Unit shall not be sold or otherwise conveyed separately from the primary dwelling, except as set forth in subsection H of this section.

D. Nonconforming Conditions, Code Violations, or Unpermitted Structures. The city shall not deny an application for a permit to create an Accessory Dwelling Unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ADU.

E. No Minimum Size. 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 for an efficiency unit.

F. Deed Restrictions for Junior Accessory Dwelling Units. Before the city will issue a certificate of occupancy for a Junior Accessory Dwelling Unit in a single-family dwelling, the property owner shall record a deed restriction with the Los Angeles County Recorder, and provide the city with a copy bearing the recording information, which deed restriction has been approved by the city attorney as to its form and content and which includes both of the following:

1. A prohibition on the sale of the Junior Accessory Dwelling Unit separate from the sale of the single-family dwelling, including a statement that the deed restriction may be enforced against future purchasers.

2. A restriction on the size and attributes of the Junior Accessory Dwelling Unit that conforms with this chapter.

G. Residency Requirements.

1. Accessory Dwelling Units. Except for a sale pursuant to subsection H of this section, and except for Junior Accessory Dwelling Units pursuant to subsection (G)(2) of this section, no owner of the subject lot shall be required to occupy either the primary residence or Accessory Dwelling Unit as the owner's residence.

2. Junior Accessory Dwelling Units. Owner-occupancy shall be required in the single-family dwelling in which the Junior Accessory Dwelling Unit shares sanitation facilities with the existing primary dwelling. The owner may reside in either the remaining portion of the structure or the newly created Junior Accessory Dwelling Unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.

H. Sales to Qualified Buyers. An Accessory Dwelling Unit may be sold or conveyed separately from the primary dwelling to a qualified buyer if all of the criteria in subsections (H)(1) through (H)(5) of this section are met. For the purposes of this subsection, the term "qualified buyer" means persons or families of low or moderate income, as that term is defined in Health and Safety Code Section 50093.

1. The Accessory Dwelling Unit or the primary dwelling was built or developed by a qualified nonprofit corporation. For purposes of this subsection, the term "qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Internal Revenue Code Section 501(c)(3) that has received a welfare exemption under Revenue and Taxation Code Section 214.15 for properties intended to be sold to low-income families who participate in a special no-interest loan program.

2. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in Revenue and Taxation Code Section 402.1(a)(10).

3. The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(a) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.

(b) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation a right to buy the Accessory Dwelling Unit or primary dwelling if the buyer desires to sell or convey the property.

(c) A requirement that the qualified buyer occupy the Accessory Dwelling Unit or primary dwelling as the buyer's principal residence.

(d) Affordability restrictions on the sale and conveyance of the Accessory Dwelling Unit or primary dwelling that ensure the Accessory Dwelling Unit and primary dwelling will be preserved for low-income housing for forty-five years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(e) Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant; provided, that the latter cotenant's obligations to each of the other cotenants have been satisfied.

(f) Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or agreement with a third party.

(g) Procedures for dispute resolution among the parties before resorting to legal action.

4. A grant deed naming the grantor and grantee, and describing the property interest being transferred, shall be recorded in Los Angeles County. A preliminary change of ownership report shall be filed concurrently with that grant deed pursuant to Revenue and Taxation Code Section 480.3.

5. Notwithstanding Government Code Section 66324, if requested by a utility providing service to the primary dwelling, the Accessory Dwelling Unit shall have a separate water, sewer, and/or electrical connection to that utility.

I. Issuance of Certificate of Occupancy.

1. Except as specified in subsection I.2 below, the city shall not issue a certificate of occupancy for an Accessory Dwelling Unit before the city issues a certificate of occupancy for the primary dwelling.

2. Notwithstanding subsection I.1 above, at any time when Los Angeles County is subject to a proclamation of a state of emergency made by the Governor, the city shall issue a certificate of occupancy for a detached Accessory Dwelling Unit if both of the following requirements are met, even if the primary dwelling has not yet been issued a certificate of occupancy:

(a) The primary dwelling was substantially damaged or destroyed by an event referenced in the state of emergency proclamation issued by the Governor; and

(b) The Accessory Dwelling Unit has been issued construction permits and has passed all required inspections.

(Ord. 2025-01-CC § 1 (Exh. A), 10-14-25; Ord. 2022-02-CC (Exh. A § 7), 3-8-22; Ord. 2021-01-CC § 3, 1-26-21)

11.43.050 Development standards.

An Accessory Dwelling Unit may be attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas, or similar uses, or an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

A. Floor Area. The following floor area standards for Accessory Dwelling Units apply:

1. The total floor area of an Accessory Dwelling Unit shall not exceed eight hundred fifty square feet if the Accessory Dwelling Unit has one bedroom or less, and shall not exceed one thousand square feet if the Accessory Dwelling Unit has more than one bedroom. The maximum square footage limitations specified in the preceding sentence shall not apply to ADUs created under Government Code section 66323, subdivision (a)(4).

2. If the Accessory Dwelling Unit is attached to an existing primary dwelling, the maximum total floor area of the Accessory Dwelling Unit shall be limited to the smaller of (a) the square footage specified in subsection (A)(1) of this section, or (b) fifty percent of the total floor area of the existing primary dwelling.

3. Junior Accessory Dwelling Units shall not exceed five hundred square feet.

B. Lot Coverage. The following lot coverage standards for Accessory Dwelling Units apply:

1. The first eight hundred square feet of either an attached or detached Accessory Dwelling Unit will not count towards the lot coverage of the subject property. Any additional footprint after eight hundred square feet will count towards the lot coverage of the property, and the lot coverage limits of the underlying zone shall apply.

C. Minimum Setbacks. The following setback requirements apply:

1. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an Accessory Dwelling Unit or to a portion of an Accessory Dwelling Unit.

2. For all other Accessory Dwelling Units, a setback of four feet from the front, side, and rear lines shall be required. Accessory Dwelling Units that are greater than eight hundred square feet shall not be allowed within the front yard setback area.

D. Building Separation. There shall be a minimum of six feet separating all construction of the detached Accessory Dwelling Unit from the main building(s) or other accessory structure(s) on the same lot; however, the building separation shall not preclude the development of an eight-hundred-square-foot Accessory Dwelling Unit, per Government Code Section 66323, subdivision (a). Furthermore, the separation requirements of this paragraph shall not apply to ADUs created under Government Code section 66323

E. Building Height. The following maximum building height limits (measured from the finished grade to the peak of the roof) apply:

1. A height of sixteen feet for a detached Accessory Dwelling Unit on a lot with an existing or proposed single-family or multifamily dwelling unit.

2. A height of eighteen feet for a detached Accessory Dwelling Unit on a lot with an existing or proposed single-family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. The city shall also allow an additional seven feet in height to accommodate a roof pitch on the Accessory Dwelling Unit that is aligned with the roof pitch of the primary dwelling unit.

3. A height of eighteen feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

4. A height of twenty-five feet or the height limitation in the city's zoning code that applies to the primary dwelling, whichever is lower, for an Accessory Dwelling Unit that is attached to a primary dwelling. Notwithstanding the foregoing, no ADU shall exceed two stories.

F. No Passageway. No passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.

G. Expansion of Existing Structure. An Accessory Dwelling Unit created within an existing accessory structure or an existing primary dwelling may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure or existing primary dwelling. An expansion beyond the physical limitation of the existing accessory structure or existing primary dwelling shall be limited to accommodating ingress and egress. This expansion will be exempt from local development standards.

1. Accessory structures located within parcels with a single-family dwelling are allowed to be converted and expanded to a maximum of one thousand square feet. The proposed expansion is subject to the development standards of the underlying zone.

2. Accessory structures located within parcels with multi-family dwellings are not allowed to be expanded beyond one hundred fifty square feet as listed in this subsection G.

H. Parking. One off-street parking space shall be provided for each Accessory Dwelling Unit. These spaces may be provided as tandem parking on a driveway. Off-street parking shall also be permitted in setback areas in locations determined by the city or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions. Notwithstanding the foregoing, no additional parking spaces shall be required in any of the following instances:

1. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an Accessory Dwelling Unit or converted to an Accessory Dwelling Unit, those off-street parking spaces need not be replaced.

2. No parking is required for a Junior Accessory Dwelling Unit.

3. No parking is required for an Accessory Dwelling Unit in any of the following circumstances:

(a) Where the Accessory Dwelling Unit is located within one-half of one mile walking distance of public transit;

(b) Where the Accessory Dwelling Unit is located within an architecturally and historically significant historic district;

(c) Where the Accessory Dwelling Unit is part of the proposed or existing primary residence or an accessory structure;

(d) When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit;

(e) When there is a car share vehicle located within one block of the Accessory Dwelling Unit; or

(f) When a permit application for an Accessory Dwelling Unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot; provided, that the ADU or the parcel satisfies any other criteria listed in this subdivision.

I. Local Building Code Requirements. Local building code requirements that apply to detached dwellings shall apply to detached Accessory Dwelling Units, except that the construction of an Accessory Dwelling Unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the city building official makes a written finding based on substantial evidence in the record that the construction of the Accessory Dwelling Unit could have a specific, adverse impact on public health and safety. Nothing in this subsection shall be interpreted to prevent the city from changing the occupancy code of a space that was unhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this chapter.

J. Private Sewage Disposal or On-Site Wastewater Treatment Systems. If a private sewage disposal system will be used in connection with the Accessory Dwelling Unit, approval by the local health officer shall be a condition to the issuance of the permit for the Accessory Dwelling Unit. The city may require, as part of the application for a permit to create an ADU connected to an on-site wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last ten years.

K. Detached Garages. A demolition permit application for a detached garage that is to be replaced with an Accessory Dwelling Unit shall be reviewed with the application for the ADU, and both permits shall be issued at the same time. The applicant shall not be required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an ADU, unless the property is located within an architecturally and historically significant historic district.

L. Design Standards. The following design standards shall apply to all Accessory Dwelling Units, except for those created under Government Code Section 66323:

1. An attached Accessory Dwelling Unit shall not involve any changes to existing street-facing walls nor to existing floor and roof elevations.

2. This subsection shall not be interpreted to prohibit a prefabricated structure or manufactured home, as defined in Section 18007 of the California Health and Safety Code.

3. Accessory Dwelling Unit design shall integrate the same building-mounted lighting at all proposed exterior entrances, as the primary unit.

(a) All exterior lighting shall be shielded in a way so that no light spills onto adjacent properties.

4. The pitch, color, material, and texture of the roof and eave details of an Accessory Dwelling Unit shall be the same as the primary unit.

5. The color, material, and texture of all building walls, windows, and doors of an Accessory Dwelling Unit shall be the same as the primary unit.

6. Accessory Dwelling Unit's architectural scale shall match the primary dwelling.

M. Garage Conversions. Garage conversions shall be allowed subject to the following provisions:

1. No additional setback shall be required for an existing garage that is converted to an Accessory Dwelling Unit.

2. The garage door shall be removed and replaced with a new facade. The new facade shall include a minimum of one window or entryway.

N. Junior Accessory Dwelling Units.

1. The Junior Accessory Dwelling Unit shall be fully located within the walls of an existing or proposed single-family residence. For purposes of the preceding sentence, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.

a. A Junior Accessory Dwelling Unit may be proposed as new construction as long as all the following criteria are met:

i. A Junior Accessory Dwelling Unit is limited to five hundred square feet of interior livable space.

ii. New construction to accommodate a Junior Accessory Dwelling Unit is subject to all development standards applicable to the underlying zone.

2. The JADU shall be no more than five hundred square feet of interior livable space.

3. The JADU shall provide an exterior entrance separate from the primary dwelling entrance.

4. The JADU may contain separate sanitation facilities or may share sanitation facilities with the primary dwelling. If those facilities are shared, the Junior Accessory Dwelling Unit shall include (in addition to the separate entrance from the main entrance to the structure as required in subsection (N)(3) of this section), an interior entry to the main living area.

5. The JADU shall include an efficiency kitchen that shall include the following components:

a. A cooking facility with appliances; and

b. A food preparation counter and storage cabinets.

O. Interior Amenities. Washer/dryer hookups shall be provided within an Accessory Dwelling Unit, or the hookups may be provided within a shared common space.

P. Fire Sprinklers. Accessory Dwelling Units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an Accessory Dwelling Unit shall not trigger a requirement for fire sprinklers to be installed in the existing dwelling.

Q. Utility Connections and Fees.

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 ADU was constructed in conjunction with a new primary dwelling.

2. For a Junior Accessory Dwelling Unit or an Accessory Dwelling Unit located within the existing primary dwelling, a new or separate utility meter shall not be required, and a related connection or capacity fee may not be charged, unless the ADU has been constructed with a new primary dwelling.

3. When the Accessory Dwelling Unit is attached or detached, a new or separate utility meter shall not be required.

4. The city shall not impose any impact fee upon the development of an Accessory Dwelling Unit that has seven hundred fifty square feet or less of interior livable space, or a Junior Accessory Dwelling Unit that has five hundred square feet or less of interior livable space. Any impact fees charged for an Accessory Dwelling Unit containing more than seven hundred fifty square feet of interior livable space shall be charged proportionately in relation to the square footage of the primary dwelling unit. As used herein, "impact fee" has the same meaning as the term "fee" as defined in subdivision (b) of Government Code Section 66000, except that it also includes fees specified in Government Code Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by the city or any other local agency, special district, or water corporation.

(Ord. 2025-01-CC § 1 (Exh. A), 10-14-25; Ord. 2021-01-CC § 3, 1-26-21)

11.43.060 Application and review process.

A. Processing Application. Within sixty days of receipt of a completed application, submitted with all supporting documentation to the specifications provided by the director and, if applicable, all fees required for building permits, development and planning approvals, authorizations and permissions, in accordance with Government Code Sections 66000 et seq., the permit application shall be either approved or denied. The permit application shall be considered and approved ministerially, without discretionary review or hearing, upon making a determination that the proposed Accessory Dwelling Unit would be in compliance with this chapter and that all required approvals, permits, authorizations and permissions exist for the lawful use of the accessory uses or will be issued by the appropriate agency or department. Notwithstanding the foregoing sixty-day issuance requirement, if the permit application to create an Accessory Dwelling Unit or 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 approving or denying the permit application for the Accessory Dwelling Unit or the Junior Accessory Dwelling Unit until the city acts on the permit application to create the new single-family dwelling, but the application to create the Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the sixty-day time period shall be tolled for the period of the delay.

B. Health Official Approval. In the event that the property is served by a functioning private sewage disposal system, any application for an Accessory Dwelling Unit must be approved by the health official for the city before an Accessory Dwelling Unit permit may be issued by the director.

C. Conditions of Approval. The director may include conditions on the Accessory Dwelling Unit permit that are consistent with this chapter.

D. If the city denies an application for an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit pursuant to subsection A of this section, the city shall, within the time period described in subsection A of this section, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(Ord. 2025-01-CC § 1 (Exh. A), 10-14-25; Ord. 2021-01-CC § 3, 1-26-21)

11.43.070 Accessory structures.

The following provisions, in combination with Section 11.43.060 (Application and review process), are minimum requirements for all accessory structures:

A. Nonhabitable accessory buildings or structures include, but are not limited to the following:

1. Garages;

2. Carports;

3. Workshops;

4. Storage rooms or sheds;

5. Detached patio covers;

6. Pool bathrooms;

7. Rumpus Rooms:

8. Recreation Rooms.

B. All nonhabitable accessory buildings or structures, with the exception of a pool bathroom, are not permitted to contain a bathroom.

C. Pool bathrooms consisting of a three-quarter bathroom are permitted in conjunction with the development of a pool or when a pool exists on the lot.

D. With the exception of a garage or an Accessory Dwelling Unit, a detached accessory structure shall not be located in the front of the main building or directly between the main building and the street.

E. All detached accessory structures or buildings within residential zones, except Accessory Dwelling Units, shall be a minimum of five feet from any property line, unless otherwise expressed in this code, be located at least six feet from the main building, and be no taller than twelve feet high.

1. Notwithstanding section (E), an accessory structure proposed to be attached to an Accessory Dwelling Unit may be constructed to the same height as a single-story Accessory Dwelling Unit, provided that the accessory structure shall not exceed one story in height.

F. Accessory structures are not permitted above a detached garage in residential zones, except for Accessory Dwelling Units.

G. Canopy Structures. The following regulations apply to canopy structures on a residential lot:

1. Canopy structures shall not be not be located on any lot for a period of more than three days.

2. Canopy structures shall not be located within the view of a public right-of-way, front or side yard area, or driveway.

3. Canopy structures with a maximum projected canopy area of two hundred square feet, a maximum height of twelve feet, and a maximum length of twenty feet may be located within a rear yard area.

4. Reflective, mirrored type covering material shall be prohibited.

H. Storage Containers. Storage containers may be located on a lot developed with a single-family dwelling on a temporary basis, subject to the following standards:

1. Short-Term Location. One storage container may be located on a lot for up to a total of fourteen days in any calendar year without the approval of any permit.

2. Administrative Review. One storage container may be located on a lot for up to six months in conjunction with permitted construction activity on the same lot, subject to approval pursuant to an administrative review. Approval pursuant to an administrative review for this purpose may only be undertaken in conjunction with construction activity for which a valid city building and/or grading permit has been issued and continues to remain active and valid. Regardless of the time period for which the presence of the container is approved pursuant to an administrative review, the right to keep the storage container on the lot shall automatically expire upon the expiration or termination of all grading and building permits, or upon the final inspection and completion of associated construction activity. In cases where a storage container has been located on a lot in an unauthorized manner prior to approval by an administrative review, any approved time duration shall commence and run from the date on which the location of the storage container on the lot was first documented.

3. Where the temporary presence of a storage container has been approved by an administrative review, the deadline for removal of the container may be extended for up to six months by the director of community development for good cause.

4. Location. The location of a temporary storage container shall be subject to approval pursuant to an administrative review and shall take into consideration such factors as visibility from the street and surrounding properties, and visual and privacy impacts to surrounding properties. The storage container may only be located in the front yard when location in other areas is not feasible or would create other impacts. Location of a storage container on a driveway may only be approved where access to the garage or carport can continue to be provided for at least one vehicle.

5. Size. Storage containers shall be no greater than twenty feet in length, ten feet in height, and ten feet in width.

6. Permanent Placement. Permanent placement of storage containers is prohibited on vacant lots and lots developed with residential uses.

I. Garages and Carports. Garages and carports shall have a minimum interior clear width of eighteen feet and a depth of twenty feet between columns or walls. Three-car garages shall have a minimum interior clear width of twenty-seven feet and a depth of twenty feet.

1. Tandem garage parking is permitted in NL or NM zones to comply with a required three-car garage for a single residential unit. This requires a garage to have a minimum of two parking spaces side-by-side at the garage entrance, and a minimum of nine feet by twenty feet shall be provided behind.

(Ord. 2025-01-CC § 1 (Exh. A), 10-14-25; Ord. 2021-01-CC § 3, 1-26-21)

Chapter 11.43

ACCESSORY DWELLING UNITS AND ACCESSORY STRUCTURES*

Sections:

11.43.010 Purpose and intent.
11.43.020 Definitions.
11.43.030 Location and number.
11.43.040 General provisions.
11.43.050 Development standards.
11.43.060 Application and review process.
11.43.070 Accessory structures.

* Prior ordinance history: Ord. 2323.

11.43.010 Purpose and intent.

A. This chapter (the "chapter") establishes the standards for permitting Aaccessory Ddwelling Uunits ("ADUsaccessory dwelling units") within the cCity of South Gate, formerly known as "second dwelling units," on residential properties in accordance with Sections 66310 through 66342 and Sections 65852.27, and 65863.3 of the California Government Code, and Section 714.3 of the California Civil Code, as amended and effective March 25, 2024January 1, 2026. An Aaccessory Ddwelling Uunit that conforms to the development and design standards in this chapter shall:

1. Be deemed an accessory use or an accessory building and not be considered to exceed the allowable density for the lot upon which it is located;

2. Be deemed a residential use that is consistent with the existing general plan and zoning designation for the lot upon which it is located;

3. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and

4. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(Ord. 2025-01-CC § 1 (Exh. A), 10-14-25; Ord. 2021-01-CC § 3, 1-26-21)

11.43.020 Definitions.

For purposes of this chapter, the following terms shall have the meanings indicated:

A. "Accessory Ddwelling Uunit" 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. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling is or will be situated. An Aaccessory Ddwelling Uunit also includes (i) an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code and (ii) a manufactured home, as defined below and in Section 18007 of the Health and Safety Code. An ADUaccessory dwelling unit must be either (a) attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or (b) detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

B. "Accessory Ddwelling Uunit permit" means the formal, written approval of the community development director approving the application for an Aaccessory Ddwelling Uunit.

C. "Application" means an application for an Aaccessory Ddwelling uUnit permit.

D. "Attached" means attached to the primary dwelling.

E. "Building codes" means all of the requirements for authorization for the construction, alteration, improvement, modification, demolition or removal of any structure within the Ceity of South Gate, including all codes adopted by reference in the municipal code, including but not limited to the California Building Code, the California Electrical Code, the California Plumbing Code, the California Mechanical Code, the California Residential Code and all local amendments thereto as adopted by the city in the Mmunicipal Ceode.

F. "Building permits" means all authorizations and permissions required in accordance with all applicable building codes.

G. "City" means the eCity of South Gate.

H. "Detached" means detached from the primary dwelling unit.

I. "Director" means the community development director of the eCity of South Gate and all of his/her designees.

J. "Efficiency unit" means a dwelling unit which contains all of the following: (i) a living area of not less than one hundred and fifty square feet, plus an additional one hundred square feet for each occupant in excess of two; (ii) a separate closet; (iii) a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty inches in front, together with light and ventilation conforming to Part 2.5 of Title 24 of the California Code of Regulations; and (iv) a separate bathroom containing a water closet, lavatory and bathtub or shower.

K. "Existing structure" for the purposes of defining an allowable space that can be converted to an Aaccessory Ddwelling Uunit means any accessory structure or any space within an existing single-family dwelling or within an existing multifamily dwelling that can be made safely habitable under local building codes at the determination of the building official, regardless of any noncompliance with zoning standards.

L. "Junior Aaccessory Ddwelling Uunit" or "JADU" means a unit that is no more than five hundred square feet of interior livable space in size and contained entirely within a single-family dwellingresidence. A Jjunior Aaccessory Ddwelling Uunit may include separate sanitation facilities, or may share sanitation facilities with the existing single-family dwellingstructure.

M. "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

N. "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.

O. "Lot" shall mean the single legal parcel of real property upon which the Aaccessory Ddwelling Uunit shall be located.

P. "Lot coverage" shall be calculated including all covered structures (dwellings, attached and detached garages, shops, sheds, porches, greenhouses, etc.) that require building permits, including lattice and other patio covers. Lot coverage does not include eaves that project two feet or less from the building. Lot coverage is determined by the amount of coverage on the lot divided by the lot size, except for flag lots, where the pole is not considered as part of the lot size when determining lot coverage.

Q. "Multifamily," "multi-family" or "multiple family" when used in this chapter shall mean buildings containing two or more primary dwelling units. Multiple detached single-family dwellings on the same lot are not considered multifamily for the purposes of this chapter, limited to two detached single-family dwellings.

R. "Municipal code" means the municipal code of the Ceity of South Gate.

S. "Passageway" means a pathway that is unobstructed and clear to the sky and extends from a street to one entrance of the aAccessory dDwelling uUnit.

T. "Primary dwelling" means a lawfully constructed single-family or multifamily dwellingresidence existing or proposed on the lot where the aAccessory dDwelling uUnit may be permitted.

U. "Proposed dwelling" means a dwelling that is the subject of a permit ~~a~~Application submitted to the ~~c~~City and that meets the requirements for permitting in the ~~c~~City.

V. "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.

W. "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

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

Y. Other words and phrases used in this chapter shall have the same meaning as provided in the South Gate Municipal Code.

(Ord. 2025-01-CC § 1 (Exh. A), 10-14-25; Ord. 2021-01-CC § 3, 1-26-21)

11.43.030 Location and number.

A. Location of Accessory Dwelling Units. The provisions of this section authorize an A~~a~~ccessory D~~d~~welling U~~u~~nit to be located on a lot in any zoning district where residential use is permitted or conditionally permitted that includes a proposed or existing primary dwelling.

B. Number Allowed. The City shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following units, or any combination of the following units:

1. Single-Family Parcels.

(a) On lots with one existing or proposed single-family dwelling or two single-family dwellings, detached from each other, one A~~a~~ccessory D~~d~~welling U~~u~~nit and one J~~j~~unior A~~a~~ccessory D~~d~~welling U~~u~~nit may be permitted if all of the following apply:

(i) The A~~a~~ccessory D~~d~~welling U~~u~~nit ~~or junior accessory dwelling unit~~ is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The Junior Accessory Dwelling Unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling.

(v) The JADU~~junior accessory dwelling unit~~ complies with the requirements of Government Code Sections 66333 through 66339.5.

(b) ~~As an alternative to (but not in addition to) the number allowed by subsection (B)(1)(a) of this section, o~~On lots with one existing or proposed single-family dwelling, one detached, new construction, A~~a~~ccessory D~~d~~welling U~~u~~nit that does not exceed four-foot side and rear yard setbacks may be permitted, and that ADU~~accessory dwelling unit~~ may be combined with a JADU~~junior accessory dwelling unit~~ meeting the requirements of subsection (B)(1)(a) of this section. The total floor area of the ~~accessory dwelling unit~~ADU shall not exceed eight hundred square feet; whereas, the total floor area of the JADU~~junior accessory dwelling unit~~ shall not exceed five hundred square feet.

2. Multifamily Parcel.

(a) At least one such ~~accessory dwelling unit~~ADU shall be allowed within an existing multifamily structure, and up to a maximum of twenty-five percent of the existing multi~~ple~~-family dwelling units may be converted to ~~accessory dwelling units~~ADUs.

Multiple A~~a~~ccessory D~~d~~welling U~~u~~nits may be created within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(b) Multiple detached A~~a~~ccessory D~~d~~welling U~~u~~nits, not to exceed the number specified in subsection (B)(2)(b)(i) or (B)(2)(b)(ii) of this section, as applicable, may be built on a lot that has an existing or proposed multifamily dwelling. The detached ~~accessory dwelling units~~ADUs are subject to side and rear yard setbacks of four feet.

(i) On a lot with an existing multifamily dwelling, not more than eight detached ~~accessory dwelling units~~ADUs. However, the number of ~~accessory dwelling units~~ADUs allowable pursuant to this clause shall not exceed the number of existing units on the lot.

(ii) On a lot with a proposed multifamily dwelling, not more than two detached ~~accessory dwelling units~~ADUs.

(Ord. 2025-01-CC § 1 (Exh. A), 10-14-25; Ord. 2021-01-CC § 3, 1-26-21)

11.43.040 General provisions.
The following provisions shall apply to all ~~a~~Accessory ~~d~~Dwelling ~~u~~Units and J~~j~~unior Accessory D~~d~~welling U~~u~~nits:

A. Residential Use. An A~~a~~ccessory D~~d~~welling U~~u~~nit shall be used only for residential purposes, and no business, enterprise, or occupation shall be conducted, permitted, or allowed within the ADU~~accessory dwelling unit~~.

B. Compliance with Chapter. No A~~a~~ccessory D~~d~~welling U~~u~~nit may be constructed, maintained, improved, altered, enlarged, modified, permitted, or allowed within the city except as provided in this chapter and within zones that permit residential uses.

C. Rental and Sale Limitations. Accessory D~~d~~welling U~~u~~nits may be rented separate from the primary residence. If rented, the rental term shall not be for less than thirty days. The A~~a~~ccessory D~~d~~welling U~~u~~nit shall not be sold or otherwise conveyed separately from the primary dwelling, except as set forth in subsection H of this section.

D. Nonconforming Conditions, Code Violations, or Unpermitted Structures. The city shall not deny an application for a permit to create an A~~a~~ccessory D~~d~~welling U~~u~~nit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ADU~~accessory dwelling unit~~.

E. No Minimum Size. There shall be no minimum size for A~~a~~ccessory D~~d~~welling U~~u~~nits which are converted from existing space, besides that which is necessary per building code standards for an efficiency unit.

F. Deed Restrictions for Junior Accessory Dwelling Units. Before the city will issue a certificate of occupancy for a J~~j~~unior A~~a~~ccessory D~~d~~welling U~~u~~nit in a single-family dwelling~~residence~~, the property owner shall record a deed restriction with the Los Angeles County Recorder, and provide the city with a copy bearing the recording information, which deed restriction has been approved by the city attorney as to its form and content and which includes both of the following:

1. A prohibition on the sale of the J~~j~~unior A~~a~~ccessory D~~d~~welling U~~u~~nit separate from the sale of the single-family dwelling~~residence~~, including a statement that the deed restriction may be enforced against future purchasers.

2. A restriction on the size and attributes of the J~~j~~unior A~~a~~ccessory D~~d~~welling U~~u~~nit that conforms with this chapter.

~~3. The Junior Accessory Dwelling Unit may be rented separately from the primary residence, but the term of the lease or rental agreement shall be for a period of more than thirty (30) days. ?~~

G. Residency Requirements.

1. Accessory Dwelling Units. Except for a sale pursuant to subsection H of this section, and except for Jjunior Aaccessory Ddwelling Uunits pursuant to subsection (G)(2) of this section, no owner of the subject lot shall be required to occupy either the primary residence or Aaccessory Ddwelling Uunit as the owner's residence.

2. Junior Accessory Dwelling Units. Owner-occupancy shall be required in the single-family dwelling~~residence~~ in which the Jjunior Aaccessory Ddwelling Uunit shares sanitation facilities with the existing primary dwelling~~will be permitted~~. The owner may reside in either the remaining portion of the structure or the newly created ~~j~~Junior Aaccessory Ddwelling Uunit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.

H. Sales to Qualified Buyers. An Aaccessory Ddwelling Uunit may be sold or conveyed separately from the primary dwelling to a qualified buyer if all of the criteria in subsections (H)(1) through (H)(5) of this section are met. For the purposes of this subsection, the term "qualified buyer" means persons or families of low or moderate income, as that term is defined in Health and Safety Code Section 50093.

1. The Aaccessory Ddwelling Uunit or the primary dwelling was built or developed by a qualified nonprofit corporation. For purposes of this subsection, the term "qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Internal Revenue Code Section 501(c)(3) that has received a welfare exemption under Revenue and Taxation Code Section 214.15 for properties intended to be sold to low-income families who participate in a special no-interest loan program.

2. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in Revenue and Taxation Code Section 402.1(a)(10).

3. The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(a) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.

(b) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation a right to buy the Aaccessory Ddwelling Uunit or primary dwelling if the buyer desires to sell or convey the property.

(c) A requirement that the qualified buyer occupy the Aaccessory Ddwelling Uunit or primary dwelling as the buyer's principal residence.

(d) Affordability restrictions on the sale and conveyance of the Aaccessory Ddwelling Uunit or primary dwelling that ensure the Aaccessory Ddwelling Uunit and primary dwelling will be preserved for low-income housing for forty-five years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(e) Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant; provided, that the latter cotenant's obligations to each of the other cotenants have been satisfied.

(f) Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or

liability associated with the property where such liability is otherwise established by law or agreement with a third party.

(g) Procedures for dispute resolution among the parties before resorting to legal action.

4. A grant deed naming the grantor and grantee, and describing the property interest being transferred, shall be recorded in Los Angeles County. A preliminary change of ownership report shall be filed concurrently with that grant deed pursuant to Revenue and Taxation Code Section 480.3.

5. Notwithstanding Government Code Section 66324, i~~I~~f requested by a utility providing service to the primary dwelling, the A~~a~~ccessory D~~d~~welling U~~u~~nit shall have a separate water, sewer, and/or electrical connection to that utility.

I. Issuance of Certificate of Occupancy.

1. Except as specified in subsection I.2 below, the~~The~~ city shall not issue a certificate of occupancy for an A~~a~~ccessory D~~d~~welling U~~u~~nit before the city issues a certificate of occupancy for the primary dwelling.

2. Notwithstanding subsection I.1 above, at any time when Los Angeles County is subject to a proclamation of a state of emergency made by the Governor, the city shall issue a certificate of occupancy for a detached Accessory Dwelling Unit if both of the following requirements are met, even if the primary dwelling has not yet been issued a certificate of occupancy:

(a) The primary dwelling was substantially damaged or destroyed by an event referenced in the state of emergency proclamation issued by the Governor; and

(b) The Accessory Dwelling Unit has been issued construction permits and has passed all required inspections.

(Ord. 2025-01-CC § 1 (Exh. A), 10-14-25; Ord. 2022-02-CC (Exh. A § 7), 3-8-22; Ord. 2021-01-CC § 3, 1-26-21)

11.43.050 Development standards.

An A~~a~~ccessory D~~d~~welling U~~u~~nit may be attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas, or similar uses, or an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

A. Floor Area. The following floor area standards for A~~a~~ccessory D~~d~~welling U~~u~~nits apply:

1. The total floor area of an A~~a~~ccessory D~~d~~welling U~~u~~nit shall not exceed eight hundred fifty square feet if the A~~a~~ccessory D~~d~~welling U~~u~~nit has one bedroom or less, and shall not exceed one thousand square feet if the A~~a~~ccessory D~~d~~welling U~~u~~nit has more than one bedroom. ~~-~~The maximum square footage limitations specified in the preceding sentence shall not apply to ADUs created under Government Code section 66323, subdivision (a)(4).

2. If the A~~a~~ccessory D~~d~~welling U~~u~~nit is attached to an existing primary dwelling, the maximum total floor area of the A~~a~~ccessory D~~d~~welling U~~u~~nit shall be limited to the smaller of (a) the square footage specified in subsection (A)(1) of this section, or (b) fifty percent of the total floor area of the existing primary dwelling.

3. Junior A~~a~~ccessory D~~d~~welling U~~u~~nits shall not exceed five hundred square feet.

B. Lot Coverage. The following lot coverage standards for A~~a~~ccessory D~~d~~welling U~~u~~nits apply:

1. The first eight hundred square feet of either an attached or detached A~~a~~ccessory D~~d~~welling U~~u~~nit will not count towards the lot coverage of the subject property. Any additional footprint after eight hundred square feet will count towards the lot coverage of the property, and the lot coverage limits of the underlying zone shall apply.

~~2. An accessory dwelling unit constructed in the same location and to the same dimensions as an existing accessory structure that is converted to an accessory dwelling does not count towards the lot coverage of the property.~~

C. Minimum Setbacks. The following setback requirements apply:

1. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an Aaccessory Ddwelling Uunit or to a portion of an Aaccessory Ddwelling Uunit.

2. For all other Aaccessory Ddwelling Uunits, a setback of four feet from the front, side, and rear lines shall be required~~, and the front setback as required in the underlying zoning designation of the subject property shall apply~~. Accessory Ddwelling Uunits that are greater than eight hundred square feet shall not be allowed within the front yard setback area. ~~or less may be located within the front yard setback area of the underlying zoning designation, if there is no other area on the parcel that can accommodate the accessory dwelling unit, as determined by the director of community development; provided, that the front yard setback shall not be less than four feet.~~

D. Building Separation. There shall be a minimum of six feet separating all construction of the detached Aaccessory Ddwelling Uunit from the main building(s) or other accessory structure(s) on the same lot; however, the building separation shall not preclude the development of an eight-hundred-square-foot Aaccessory Ddwelling Uunit, per Government Code Section 66323, subdivision (a)~~(2)~~. ~~-~~Furthermore, the separation requirements of this paragraph shall not apply to ADUs created under Government Code section 66323

E. Building Height. The following maximum building height limits (measured from the finished grade to the peak of the roof) apply:

1. A height of sixteen feet for a detached Aaccessory Ddwelling Uunit on a lot with an existing or proposed single-~~-~~family or multifamily dwelling unit.

2. A height of eighteen feet for a detached Aaccessory Ddwelling Uunit on a lot with an existing or proposed single-~~-~~family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. The city shall also allow an additional ~~two~~ seven feet in height to accommodate a roof pitch on the Aaccessory Ddwelling Uunit that is ~~aligne~~aligned with~~d identical with~~ the roof pitch of the primary dwelling unit~~ or multifamily, multistory dwelling~~.

3. ~~A height of eighteen feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.~~ A height of eighteen feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

4. A height of twenty-five feet or the height limitation in the city's zoning code that applies to the primary dwelling, whichever is lower, for an ~~a~~Accessory Ddwelling Uunit that is attached to a primary dwelling. Notwithstanding the foregoing, no ~~accessory dwelling unit~~ADU shall exceed two stories.

F. No Passageway. No passageway shall be required in conjunction with the construction of an Aaccessory Ddwelling Uunit.

G. Expansion of Existing Structure. An Aaccessory Ddwelling Uunit created within an existing accessory structure or an existing primary dwelling may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure or existing primary dwelling. An expansion beyond the physical limitation of the existing accessory structure or existing primary dwelling shall be limited to accommodating ingress and egress. This expansion will be exempt from local development standards.

1. Accessory structures located within parcels with a single-family dwelling are allowed to be converted and expanded to a maximum of one thousand square feet. The proposed expansion is subject to the development standards of the underlying zone.

2. Accessory structures located within parcels with multi-family dwellings are not allowed to be expanded beyond one hundred fifty square feet as listed in this subsection G.

H. Parking. One off-street parking space shall be provided for each Aaccessory Ddwelling Uunit. These spaces may be provided as tandem parking on a driveway. Off-street parking shall also be permitted in setback areas in locations determined by the city or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions. Notwithstanding the foregoing, no additional parking spaces shall be required in any of the following instances:

1. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an Aaccessory Ddwelling Uunit or converted to an Aaccessory Ddwelling Uunit, those off-street parking spaces need not be replaced.

2. No parking is required for a Jjunior Aaccessory Ddwelling Uunit.

3. No parking is required for an Aaccessory Ddwelling Uunit in any of the following circumstances:

(a) Where the Aaccessory Ddwelling Uunit is located within one-half of one mile walking distance of public transit;

(b) Where the Aaccessory Ddwelling Uunit is located within an architecturally and historically significant historic district;

(c) Where the Aaccessory Ddwelling Uunit is part of the proposed or existing primary residence or an accessory structure;

(d) When on-street parking permits are required but not offered to the occupant of the Aaccessory ddDwelling Uunit;

(e) When there is a car share vehicle located within one block of the Aaccessory Ddwelling Uunit; or

(f) When a permit application for an Aaccessory Ddwelling Uunit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot; provided, that the ADUaccessory dwelling unit or the parcel satisfies any other criteria listed in this subdivision.

I. Local Building Code Requirements. Local building code requirements that apply to detached dwellings shall apply to detached Aaccessory Ddwelling Uunits, except that the construction of an Aaccessory Ddwelling Uunit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the city building official makes a written finding based on substantial evidence in the record that the construction of the Aaccessory Ddwelling Uunit could have a specific, adverse impact on public health and safety. Nothing in this subsection shall be interpreted to prevent the city from changing the occupancy code of a space that was unhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this chapter.

J. Private Sewage Disposal or On-Site Wastewater Treatment Systems. If a private sewage disposal system will be used in connection with the Aaccessory Ddwelling Uunit, approval by the local health officer shall be a condition to the issuance of the permit for the Aaccessory Ddwelling Uunit. The city may require, as part of the application for a permit to create an accessory dwelling unitADU connected to an on-site wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last ten years.

K. Detached Garages. A demolition permit application for a detached garage that is to be replaced with an Aaccessory Ddwelling Uunit shall be reviewed with the application for the accessory dwelling unitADU, and both permits shall be issued at the same time. The applicant shall not be required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unitADU, unless the property is located within an architecturally and historically significant historic district.

L. Design Standards. The following design standards shall apply to all Aaccessory Ddwelling Uunits, except for those created under ~~; however, the facade limitation shall not preclude the development of an eight hundred square foot or less accessory dwelling unit~~ADU, per ~~Government~~ Government Code Section 66323~~, subdivision (a)(1) through (a)(4)~~:

1. An attached Aaccessory Ddwelling Uunit shall not involve any changes to existing street-facing walls nor to existing floor and roof elevations.

2. This subsection shall not be interpreted to prohibit a prefabricated structure or manufactured home, as defined in Section 18007 of the California Health and Safety Code.

3. Accessory Ddwelling Uunit design shall integrate the same building-mounted lighting ~~consistent with the design and character of the structure,~~ at all proposed exterior entrances, as the primary unit.

(a) All exterior lighting shall be shielded in a way so that no light spills onto adjacent properties.

4. The ~~design,~~ pitch, color, material, and texture of the roof and eave details of an Aaccessory Ddwelling Uunit shall be ~~substantially~~ the same as the primary unit.

5. The color, material, and texture of all building walls, windows, and doors of an ~~a~~Accessory Ddwelling Uunit shall be the same as~~similar to and compatible with~~ the primary unit.

6. Accessory Ddwelling Uunit's architectural ~~style and~~ scale shall match the primary dwelling.

~~7. Except for a master bedroom that leads to an exterior area, no bedroom shall have a door that leads to an exterior area.~~

M. Garage Conversions. Garage conversions shall be allowed subject to the following provisions:

1. No additional setback shall be required for an existing garage ~~which~~ that is converted to an Aaccessory Ddwelling Uunit.

2. The garage door shall be removed and replaced with a new facade. The new facade shall include a minimum of one window or entryway.

N. Junior Accessory Dwelling Units.

1. The Jjunior Aaccessory Ddwelling Uunit shall be fully located within the walls of an existing or proposed ~~primary~~single-family ~~dwelling~~residence. For purposes of the preceding sentence, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing ~~primary~~single-family ~~dwelling~~residence.

a. A Jjunior Aaccessory Ddwelling Uunit may be proposed as new construction as long as all the following criteria are met:

i. ~~—~~. A Junior Aaccessory Ddwelling Uunit is limited to five hundred square feet of interior livable space.

~~ii. Junior Aaccessory Ddwelling Uunit is limited to a studio.~~

~~i~~ii. New construction to accommodate a Jjunior Aaccessory Ddwelling Uunit is subject to all development standards applicable to the ~~underlining~~ underlying zone.

2. The JADU~~unit~~ shall be no more than five hundred square feet of interior livable space ~~in floor area~~.

3. The JADU~~unit~~ shall provide an exterior entrance separate from the primary dwelling entrance.

4. The JADU~~unit~~ may contain separate sanitation facilities or may share sanitation facilities with the primary dwelling. If those facilities are shared, the J~~j~~unior A~~a~~ccessory D~~d~~welling U~~u~~nit shall include (in addition to the separate entrance from the main entrance to the structure as required in subsection (N)(3) of this section), an interior entry to the main living area.

5. The JADU~~unit~~ shall include an efficiency kitchen that shall include the following components:

a. A cooking facility with appliances; and

b. A food preparation counter and storage cabinets.

O. Interior Amenities. Washer/dryer hookups shall be provided within an A~~a~~ccessory D~~d~~welling U~~u~~nit, or the hookups may be provided within a shared common space.

P. Fire Sprinklers. Accessory D~~d~~welling U~~u~~nits shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an A~~a~~ccessory D~~d~~welling U~~u~~nit shall not trigger a requirement for fire sprinklers to be installed in the existing dwelling.

Q. Utility Connections and Fees.

1. Accessory D~~d~~welling U~~u~~nits 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~~ADU was constructed in conjunction with a new primary dwelling.

2. For a J~~j~~unior A~~a~~ccessory D~~d~~welling U~~u~~nit or an A~~a~~ccessory D~~d~~welling U~~u~~nit located within the existing primary dwelling, 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~~ADU has been constructed with a new primary dwelling.

3. When the ~~a~~Accessory D~~d~~welling U~~u~~nit is attached or detached, a new or separate utility meter shall not be required.

4. The city shall not impose any impact fee upon the development of an ~~a~~Accessory D~~d~~welling U~~u~~nit ~~less than~~ that has seven hundred fifty square feet or less of interior livable space, or a Junior Accessory Dwelling Unit that has five hundred square feet or less of interior livable space ~~or les~~. Any impact fees charged for an ~~a~~Accessory D~~d~~welling U~~u~~nit ~~of~~ containing more than seven hundred fifty square feet of interior livable space ~~or more~~ shall be charged proportionately in relation to the square footage of the primary dwelling unit. As used herein, "impact fee" has the same meaning as the term "fee" as defined in subdivision (b) of Government Code Section 66000, except that it also includes fees specified in Government Code Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by the city or any other local agency, special district, or water corporation.

(Ord. 2025-01-CC § 1 (Exh. A), 10-14-25; Ord. 2021-01-CC § 3, 1-26-21)

11.43.060 Application and review process.

A. Processing Application. Within sixty days of receipt of a completed application, submitted with all supporting documentation to the specifications provided by the director and, if applicable, all fees required for building permits, development and planning approvals, authorizations and permissions, in accordance with Government Code Sections 66000 et seq., the permit application shall be either approved or denied. The permit application shall be considered and approved ministerially, without discretionary review or hearing, upon making a determination that the proposed A~~a~~ccessory D~~d~~welling U~~u~~nit would be in compliance with this chapter and that all required approvals, permits, authorizations and permissions exist for the lawful use of the accessory uses or will be issued by the appropriate agency or department. Notwithstanding the foregoing sixty-day issuance requirement, if the permit application to create an A~~a~~ccessory D~~d~~welling U~~u~~nit or a J~~j~~unior A~~a~~ccessory D~~d~~welling U~~u~~nit is submitted with a permit application to create a new single-family dwelling on the lot, the city may delay approving or denying~~acting on~~ the permit application for the ~~a~~Accessory D~~d~~welling U~~u~~nit or the J~~j~~unior A~~a~~ccessory D~~d~~welling U~~u~~nit until the city acts on the permit application to create the new single-family dwelling, but the application to create the

Aaccessory Ddwelling Uunit or Jjunior Aaccessory Ddwelling Uunit shall be considered without discretionary review or hearing. If the applicant requests a delay, the sixty-day time period shall be tolled for the period of the delay.

B. Health Official Approval. In the event that the property is served by a functioning private sewage disposal system, any application for an Aaccessory Ddwelling Uunit must be approved by the health official for the city before an Aaccessory Ddwelling Uunit permit may be issued by the director.

C. Conditions of Approval. The director may include conditions on the Aaccessory Ddwelling Uunit permit that are consistent with this chapter.

D. If the city denies an application for an Aaccessory Ddwelling Uunit or a Jjunior Aaccessory Ddwelling Uunit pursuant to subsection A of this section, the city shall, within the time period described in subsection A of this section, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(Ord. 2025-01-CC § 1 (Exh. A), 10-14-25; Ord. 2021-01-CC § 3, 1-26-21)

11.43.070 Accessory structures.

The following provisions, in combination with Section 11.43.060 (Application and review process), are minimum requirements for all accessory structures:

A. Nonhabitable accessory buildings or structures include, but are not limited to the following:

1. Garages;
2. Carports;
3. Workshops;
4. Storage rooms or sheds;
5. Detached patio covers;
6. Pool bathrooms;

7. Rumpus Rooms;

8. Recreation Rooms.

B. All nonhabitable accessory buildings or structures, with the exception of a pool bathroom, are not permitted to contain a bathroom.

C. Pool bathrooms consisting of a three-quarter bathroom are permitted in conjunction with the development of a pool or when a pool exists on the lot.

D. With the exception of a garage or an aAccessory Ddwelling Uunit, a detached accessory structure shall not be located in the front of the main building or directly between the main building and the street.

E. All detached accessory structures or buildings within residential zones, except Aaccessory Ddwelling Uunits, shall be a minimum of five feet from any property line, unless otherwise expressed in this code, be located at least six feet from the main building, and be no taller than twelveen feet high. Garages are allowed an additional two feet in height to accommodate a roof pitch that is aligned with the roof pitch of the primary structure.

1. Notwithstanding section (E), an accessory structure proposed to be attached to an Accessory Dwelling Unit may be constructed to the same height as a single-story Accessory Dwelling Unit, provided that the accessory structure shall not exceed one story in height.

F. Accessory structures are not permitted above a detached garage in residential zones, except for Accessory Dwelling Units.

G. Canopy Structures. The following regulations apply to canopy structures on a residential lot:

1. Canopy structures shall not be not be located on any lot for a period of more than three days.

2. Canopy structures shall not be located within the view of a public right-of-way, front or side yard area, or driveway.

3. Canopy structures with a maximum projected canopy area of two hundred square feet, a maximum height of twelve feet, and a maximum length of twenty feet may be located within a rear yard area.

4. Reflective, mirrored type covering material shall be prohibited.

H. Storage Containers. Storage containers may be located on a lot developed with a single-family dwelling~~residence~~ on a temporary basis, subject to the following standards:

1. Short-Term Location. One storage container may be located on a lot for up to a total of fourteen days in any calendar year without the approval of any permit.

2. Administrative Review. One storage container may be located on a lot for up to six months in conjunction with permitted construction activity on the same lot, subject to approval pursuant to an administrative review. Approval pursuant to an administrative review for this purpose may only be undertaken in conjunction with construction activity for which a valid city building and/or grading permit has been issued and continues to remain active and valid. Regardless of the time period for which the presence of the container is approved pursuant to an administrative review, the right to keep the storage container on the lot shall automatically expire upon the expiration or termination of all grading and building permits, or upon the final inspection and completion of associated construction activity. In cases where a storage container has been located on a lot in an unauthorized manner prior to approval by an administrative review, any approved time duration shall commence and run from the date ~~during~~ on which the location of the storage container on the lot was first documented.

3. Where the temporary presence of a storage container has been approved by an administrative review, the deadline for removal of the container may be extended for up to six months by the director of community development for good cause.

4. Location. The location of a temporary storage container shall be subject to approval pursuant to an administrative review and shall take into consideration such factors as visibility from the street and surrounding properties, and visual and privacy impacts to surrounding properties. The storage container may only be located in the front yard when location in other areas is not feasible or would create other impacts. Location of a storage container on a driveway may only be approved where access to the garage or carport can continue to be provided for at least one vehicle.

5. Size. Storage containers shall be no greater than twenty feet in length, ten feet in height, and ten feet in width.

6. Permanent Placement. Permanent placement of storage containers is prohibited on vacant lots and lots developed with residential uses.

I. Garages and Carports. Garages and carports shall have a minimum interior clear width of eighteen feet and a depth of twenty feet between columns or walls. Three-car garages shall have a minimum interior clear width of twenty-seven feet and a depth of twenty feet.

1. Tandem garage parking is permitted in NL or NM zones to comply with a required three-car garage for a single residential unit. This requires a garage to have a minimum of two parking spaces side-by-side at the garage entrance, and a minimum of nine feet by twenty feet shall be provided behind.

(Ord. 2025-01-CC § 1 (Exh. A), 10-14-25; Ord. 2021-01-CC § 3, 1-26-21)

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