SOUTH GATE PLANNING COMMISSION
REGULAR PC AGENDA

Tuesday, August 19, 2025 at 6:30 p.m.

SOUTH GATE COUNCIL CHAMBERS AND/OR TELECONFERENCE
8650 CALIFORNIA AVENUE
SOUTH GATE, CA 90280

1. Call To Order

2. Pledge of Allegiance

3. Roll Call

4. City Officials

CHAIRPERSON	**COMMISSIONERS**
Lizette Ruiz	Mayra Castaneda
	Jimmy Ozaeta
VICE CHAIRPERSON	Margarita Valenzuela
Daisy Prieto	

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 August 14, 2025, seventy-two hours prior to the scheduled meeting, as required by law.

6. Meeting Compensation Disclosure

Pursuant to Government Code Section 54952.3: Disclosure of compensation for meeting attendance by the Planning Commission is $125.00 per meeting.

7. 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 NOVEMBER 19, 2024**
The Planning Commission will consider approval of the minutes for the Regular Planning Commission meeting of November 19, 2024.

Documents:

PC Minutes.11.19.2024.pdf

B. **PLANNING COMMISSION MINUTES FOR JUNE 18, 2025**
The Planning Commission will consider approval of the minutes for the Regular Planning Commission meeting of June 18, 2025.

Documents:

PC Minutes 06.18.25_D.pdf

8. 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.**

1. **CONDUCT** a public hearing;
2. **ACCEPT** the determination that the proposed Zone Change Amendment is exempt from the California Environmental Quality Act (“CEQA”) as a “ministerial” project pursuant to CEQA Guidelines Section 15268(a); and
3. **APPROVE** Resolution No. 2025-07 recommending approval of an Ordinance to City Council to amend Chapter 11.43 (Accessory Dwelling units and Accessory Structures) of the South Gate Zoning Code.

Documents:

AB_ADU_Ordinance_PC_081925_F_E.pdf

9. 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.

10. 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

11. Adjournment

In compliance with the American with Disabilities Act, if you need special assistance to participate in the Planning Commission Meetings, please contact Community Development Department. Notification 48 hours prior to the City Council 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 Monday, September 8, 2025.

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, NOVEMBER 19, 2024

CALL TO ORDER – 6:34 PM

The Planning Commission of the City of South Gate met in-person on November 19, 2024, at 6:34 PM, Vice Chair Laborin presiding.

PLEDGE OF ALLEGIANCE

Commissioner Ruiz led the Pledge of Allegiance.

ROLL CALL

Commissioners Present:	Vice Chair Jovanna Laborin Commissioner Daisy Prieto Commissioner Lizette Ruiz
Commissioners Absent:	Chair Jimmy Ozaeta Commissioner Jenny Perez

Community Development Director Elguira announced Chair Ozaeta and Commissioner Perez requested to be excused for the meeting.

CITY OFFICIALS

Staff Present:	Meredith Elguira, Community Development Director John F. Signo, AICP, Planning Manager Craig Hardwick, Assistant City Attorney Rodrigo Pelayo, Senior Planner Kimberly Hernandez, Housing Assistant

REPORT ON POSTING

Housing Assistant Hernandez certified the meeting agenda was properly posted.

MEETING COMPENSATION DISCLOSURE

Housing Assistant Hernandez disclosed the Commissioners' compensation.

OPEN SESSION ITEM

1. **ZONING CODE AMENDMENT & CONDITIONAL USE PERMIT (CUP 24-15)**

Director Elguira indicated this item would be continued to a special meeting on December 5, 2024, due to an issue with the public notice. She indicated the applicant was notified and agreed to the continuance.

MOTION: Continue to a special meeting on December 5, 2024
ACTION: Approved 3-0.

COMMISSIONER	VOTE
Jovanna Laborin	Yes
Daisy Prieto	Yes
Lizette Ruiz	Yes

COMMENTS

Audience Comments

Speakers: Matty Saucedo, Western States Carpenters Union
Adolfo Beltran, Western States Carpenters Union

Planning Commission Comments

Commissioner Ruiz asked for better communication and indicated onboarding with emails for new commissioners needs improvement.

Vice Chair Laborin echoed the need for better communication and asked about delays in response and project processing.

City Staff Comments

Director Elguira introduced new Planning Manager Signo. She indicated staff can provide a presentation at the next meeting on project processing.

ADJOURNMENT

The meeting was adjourned at 6:55 PM.

Respectfully submitted by:

_____
John F. Signo, AICP, Planning Manager

APPROVED:

_____
Jimmy Ozaeta, Chair

ACTION MINUTES OF THE REGULAR MEETING
OF THE SOUTH GATE CITY PLANNING COMMISSION
TUESDAY, JUNE 18, 2025

I. CALL TO ORDER – 6:33 PM

The Planning Commission of the City of South Gate met in-person on June 18, 2025, at 6:33 PM, Chair Ozaeta presiding.

II. PLEDGE OF ALLEGIANCE

Commissioner Valenzuela led the Pledge of Allegiance.

III. ROLL CALL

Commissioners Present:	Chair Jimmy Ozaeta Commissioner Mayra Castaneda (6:36 PM) Commissioner Daisy Prieto Commissioner Lizette Ruiz Commissioner Margarita Valenzuela
Commissioners Absent:	None

IV. CITY OFFICIALS

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

V. REPORT ON POSTING

Housing Assistant Hernandez certified the meeting agenda was properly posted.

VI. MEETING COMPENSATION DISCLOSURE

Housing Assistant Hernandez disclosed the Commissioners' compensation.

VII. CONSENT CALENDAR

1. PLANNING COMMISSION MINUTES FOR MAY 20, 2025

Written Correspondence:

- Mario Dominguez

ACTION: Approved 4-0.
Motion by Commissioner Prieto.
Seconded by Commissioner Ruiz.

COMMISSIONER	VOTE
Jimmy Ozaeta	Yes
Mayra Castaneda	Yes
Daisy Prieto	Yes
Lizette Ruiz	Yes
Margarita Valenzuela	Abstain

2. EXPIRATION OF CONDITION USE PERMIT NO. 23-0032 FOR A PROPERTY LOCATED AT 9501 ATLANTIC AVE

Commissioner Prieto asked questions about the item. Planning Manager Signo and Assistant City Attorney Hardwick answered the questions.

ACTION: Approved 5-0.
Motion by Commissioner Ruiz.
Seconded by Commissioner Prieto.

COMMISSIONER	VOTE
Jimmy Ozaeta	Yes
Mayra Castaneda	Yes
Daisy Prieto	Yes
Lizette Ruiz	Yes
Margarita Valenzuela	Yes

VIII. OPEN SESSION ITEMS

1. REORGANIZATION OF THE PLANNING COMMISSION TO NOMINATE AND SELECT A NEW CHAIR AND VICE CHAIR FOR THE PLANNING COMMISSION

Written Correspondence:

- Mario Dominguez

Chair Ozaeta thanked the commission and appreciated his time as Chair.

Commissioner Prieto nominated Commissioner Ruiz for Chair and Commissioner Casteneda seconded the nomination.

ACTION: Approved 5-0.
Motion by Commissioner Prieto.
Seconded by Commissioner Castaneda.

COMMISSIONER	VOTE
Jimmy Ozaeta	Yes
Mayra Castaneda	Yes
Daisy Prieto	Yes
Lizette Ruiz	Yes
Margarita Valenzuela	Yes

Commissioner Ozaeta nominated Commissioner Prieto for Vice Chair and Commissioner Ruiz seconded the nomination.

ACTION: Approved 5-0.
Motion by Commissioner Ozaeta.
Seconded by Commissioner Ruiz.

COMMISSIONER	VOTE
Jimmy Ozaeta	Yes
Mayra Castaneda	Yes
Daisy Prieto	Yes
Lizette Ruiz	Yes
Margarita Valenzuela	Yes

The Planning Commission reorganized and rearranged seating.

2. WORKSHOP: UNDERSTANDING THE BROWN ACT

Assistant City Attorney Hardwick gave a Power Point presentation about the Brown Act.

Commissioners asked questions about the Brown Act and Assistant City Attorney Hardwick responded.

Public Comment / Written Correspondence:

- Mario Dominguez

3. WORKSHOP: REVIEW TYPES AND RESPONSIBILITIES – MUNICIPAL CODE SECTION 11.51.030

Planning Manager Signo gave a Power Point presentation about review types and responsibilities.

Planning Commissioners asked questions and Planning Manager Signo, Assistant City Attorney Hardwick, and Director of Community Development Perez answered the questions.

Public Comments:

- None

Planning Commission moved to receive and file the workshop items:

ACTION: **Approved 5-0.**
Motion by Commissioner Prieto.
Seconded by Commissioner Ozaeta.

COMMISSIONER	VOTE
Lizette Ruiz	Yes
Daisy Prieto	Yes
Mayra Castaneda	Yes
Jimmy Ozaeta	Yes
Margarita Valenzuela	Yes

IX. COMMENTS

Public Comments / Written Correspondence:

- Mario Dominguez

City Staff Comments:

Planning Manager gave an update about future meetings and time off by staff.

Planning Commission Comments:

Vice Chair Prieto thanked staff for the presentations and the new structure of the agenda.

Chair Ruiz commented on the new structure of the agenda.

X. ADJOURNMENT

The meeting was adjourned at 8:03 PM.

Respectfully submitted by:

John F. Signo, AICP, Planning Manager

APPROVED:

Lizette Ruiz, Chair

City of South Gate

PLANNING COMMISSION

AGENDA BILL

For the Regular Meeting of: ***August 19, 2025***

Associate Planner: *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. 2025-07 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 proposed Zone Change Amendment is exempt from the California Environmental Quality Act ("CEQA") as a "ministerial" project pursuant to CEQA Guidelines Section 15268(a); and
c. **APPROVE** Resolution No. 2025-07 recommending approval of an Ordinance to 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 July 31, 2025.

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 Sate 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. The enactment or amendment of zoning ordinances generally constitutes a project under CEQA, per Section 15378(a)(1) of the CEQA Guidelines. However, "ministerial projects" are exempt from CEQA, pursuant to Section 15268(a) of the CEQA Guidelines. The term "ministerial" is defined by Section 15369 of the CEQA Guidelines as governmental decisions involving little or no personal judgment by the public official, where the official simply applies the law to the facts using fixed standards and objective measurements, rather than subjective discretion. In the case of Resolution 2025-07, the Planning Commission (and eventually the City Council) is taking action which merely aligns the City's Zoning Code with the requirements of State law; the City

and its councilmembers, commissioners and officers have no discretion to cause the Municipal Code to deviate from State law. Accordingly, the proposed action is exempt from CEQA as a ministerial act under CEQA Guidelines Section 15268(a).

BACKGROUND: In January 2021, the City of South Gate established Chapter 11.43 of the SGMC, which allowed Accessory Dwelling Units (ADUs) as required to Government Code Section 65852.2, previously referred to as 'granny flats', 'in-law suite' or 'rumpus rooms. Since this time, the State law regarding ADUs and Junior Accessory Dwelling Units (JADUs) has continued to be modified as new bills are signed into law by the Governor, such as Assembly Bill (AB) 345, Senate Bill (SB) 897, Assembly Bill (AB) 976, Senate Bill (SB) 477, and Senate Bill (SB) 1211. The Table below briefly summarizes the context of the bills staff is proposing to codify.

State Law Changes Affecting ADUs/ JADUs		
Bill	Effective Date	Summary
AB 345	January 1, 2022	Amendment to Government Code Section 65852.26 allows the separate conveyance of an ADU under specific conditions. This applied only if a qualified nonprofit corporation is involved in a program that enables low-income families to buy the ADU with a no-interest loan to a qualified buyer. It also requires the definition of 'qualified nonprofit corporation' and 'qualified buyer' to ensure these specific criteria are met.
SB 897	January 1, 2023	Amendment to Government Code to require municipalities to only impose objective standards on ADUs that include, but not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources.
AB 976	January 1, 2024	Amendment to Government Code Section 65852.2 to remove the owner-occupancy requirement for new ADU applications submitted after January 1, 2025. This change limits the City's ability to impose restriction that require the homeowner to live in either the main house or the ADU.
SB 477	March 25, 2024	Reorganizes and clarifies existing State laws regarding ADUs and JADUs. Previously covered under Government Code Sections 65852.2, 65852.22, 95852.23, and 65852.26. ADU regulations are now consolidated under Section 66310 through 66342 to improve coherence without substantive changes to the regulations.
SB 1211	January 1, 2025	Amends Government Code Section 66323 to require municipalities to amended their ADU ordinance to allow up to eight detached ADUs on multifamily parcels, provided the number of ADUs does not exceed the number of units on the lot.

ANALYSIS:

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

1. Assembly Bill (AB) 345: Amending the chapter to allow for the separate conveyance of an ADU under specific circumstances and include pertinent definitions for 'qualified nonprofit corporation' and 'qualified buyer'.

2. Senate Bill (SB) 897: Amending the chapter to incorporate the states objective design standards as they relate to height requirements, setbacks, unit size, and parking requirements.
3. Assembly Bill (AB) 976: Eliminating the requirement for an owner-restrictive covenant for all ADU applications.
4. Senate Bill (SB) 477: Updating the referenced Government Code Section to reflect the updated Government Code Sections 66310 – 66342.
5. Senate Bill (SB) 1211: Amending the chapter to allow for additional ADUs on parcels with existing multifamily dwellings, up to eight but not to exceed the number of units on the lot.

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. Attachment 3 is a redlined version showing the changes made to SGMC Chapter 11.43. Attachment 4 is a proposed Ordinance for City Council to consider. A clean copy of SGMC Chapter 11.43 is included as Exhibit "A" to the proposed Ordinance.

CONCLUSION: Staff recommends that Planning Commission adopt Resolution No. 2025-07 included as Attachment 1, recommending approval of the amendments to SGMC Chapter 11.43 to Council.

ATTACHMENTS:
1. Resolution No. 2025-07
2. South Gate Municipal Code Section 11.43 (Accessory Dwelling Units and Accessory Structures) – Summary of Changes
3. Proposed changes to SGMC Chapter 11.43 (Redlined)
4. Proposed Ordinance
   Exhibit "A" – SGMC Chapter 11.43 (Clean)

RESOLUTION NO. 2025-07

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 last updated Chapter 11.43 of the Municipal code was in 2021; and

WHEREAS, the State of California has enacted several new laws related to accessory dwelling units, such as Assembly Bill (AB) 345, Senate Bill (SB) 897, Assembly Bill (AB) 976, Senate Bill (SB) 477, and Senate Bill (SB) 1211; and

WHEREAS, the zone code amendment would revise Chapter 11.43, Accessory Dwelling Units and Accessory Structures to align with state law; and

WHEREAS, the zone code amendment would affect all parcels, within the city boundaries, zoned residential as applicable within Chapter 11.43, Accessory Dwelling Units and Accessory Structures; and

WHEREAS, notice of the Planning Commission regular public hearing of August 19, 2025, was published in compliance with State law in a local newspaper of general circulation, indicating the date and time of the public hearing in accordance with California Government Code 65091; and

WHEREAS, on August 19, 2025, 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 this action is exempt from CEQA as a "ministerial project" pursuant to CEQA Guidelines Section 15268(a).

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 2025-07 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. The enactment or amendment of zoning ordinances generally constitutes a project under CEQA, per Section 15378(a)(1) of the CEQA Guidelines. However, "ministerial projects" are exempt from CEQA, pursuant to Section 15268(a) of the CEQA Guidelines. The term "ministerial" is defined by Section 15369 of the CEQA Guidelines as governmental decisions involving little or no personal judgment by the public official, where the official simply applies the law to the facts using fixed standards and objective measurements, rather than subjective discretion. In the case of Resolution 2025-07, the Planning Commission (and eventually the City Council) is taking action which merely aligns the City's Zoning Code with the requirements of State law; the City and its councilmembers, commissioners and officers have no discretion to cause the Municipal Code to deviate from State law. Accordingly, the proposed action is exempt from CEQA as a ministerial act under CEQA Guidelines Section 15268(a).

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 August 19, 2025.

AYES:

NOES:

APPROVED and ADOPTED this 19th day of August 2025.

_____
John F. Signo, AICP
Planning Manager
Community Development

APPROVED:

_____
Lizette Ruiz
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 Section (SGMC) 11.43	➢ Senate Bill (SB) 477 reorganizes existing State laws regarding ADUs and JADUs under Government Code Section 66310 – 66342, previous Government Code Sections 65852.2, 65852.22, 65852.23 and 65852.26.	➢ Currently references the outdated Government Code Sections. Revised to be consistent with SB 477.	➢ SGMC 11.43.010 – 11.43.060.
South Gate Municipal Code Section (SGMC) 11.43.020 – Definitions.	➢ Assembly Bill (AB) 345 requires municipalities to allow for the separate conveyance of an ADU under specific conditions. This applies only if a qualified nonprofit corporation is involved in a program that enables low-income families, referred to as 'qualified buyers', to buy the ADU with a no-interest load. It also requires municipalities to amend their ADU ordinance to include the definition of 'qualified nonprofit corporation' and 'qualified buyer' to ensure specific criteria are met.	➢ These definitions are currently absent from SGMC 11.43.020. There are additional definitions that need to be amended or added to provided clarification and align with State definitions.	➢ Amended the definition of an efficiency unit to have a living area of not less than one hundred and fifty square feet to be consistent with California Health and Safety Code Section 17958.1. ➢ Amended the definition of a Junior Accessory Dwelling Unit (JADU) to be consistent with Government Code Section 66313.d. ➢ Amended the definition for livable space to be consistent with Government Code Section 66313.e. ➢ Added the definition for lot coverage to clearly define what is included in lot coverage calculations. ➢ Amended the definition of multifamily to clearly define what structural configurations would be classified as multifamily.

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
			➢ Added the definitions for qualified buyer and qualified nonprofit corporation consistent with AB 345.
South Gate Municipal Code Section (SGMC) 11.43.030 – Location and Number.	➢ Senate Bill (SB) 897 requires municipalities to only impose objective design standards on ADUs that include, but no limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. ➢ Senate Bill (SB) 1211 requires municipalities to amended their ADU ordinance to allow up to eight detached ADUs on multifamily properties, provided the number of ADUs does not exceed the number of existing units on the lots.	➢ The current iteration of South Gate Municipal Code 11.43 does not align with State requirements.	➢ Amend SGMC 11.43.030.B regarding setback requirements, allow location placement, and the maximum number of ADUs allowed on parcels with multifamily structures to be consistent with Government Code Section 66323. Also includes the removal of the ADU height restriction that the ADU's roofline cannot exceed that of the primary dwelling.
South Gate Municipal Code Section (SGMC) 11.43.040 – General Provisions.	➢ Assembly Bill (AB) 345 requires municipalities to allow for the separate conveyance of an ADU under specific conditions. This applied only if a qualified nonprofit corporation is involved in a program that enables low-income families, referred to as 'qualified buyers', to buy the ADU with a no-interest loan.	➢ The current iteration of South Gate Municipal Code 11.43 does not align with State requirements.	➢ Amend SGMC 11.43.040.C. clarifying that ADUs may be rented separately from the primary consistent with Government Code Section 66315 and allow the separate conveyance of an ADU from the primary dwelling, under specific circumstances, consistent with Government Code Section 66341.

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
	➢ Assembly Bill (AB) 976 removed the owner-occupancy requirement for new ADU applications submitted after January 1, 2025. ➢ Senate Bill (SB) 477 reorganizes existing State laws regarding ADUs and JADUs under Government Code Section 66310 – 66342, previous Government Code Sections 65852.2, 65852.22, 65852.23 and 65852.26.		➢ Amend SGMC 11.43.040.D regarding nonconforming conditions, code violations, and unpermitted structures to be aligned with Government Code Section 66322.b. ➢ Amend SGMC 11.43.040.E. clarifying that there are no minimum sizes for an ADU, other than what is necessary per building code standards for an efficiency unit, consistent with Government Code Section 66321. ➢ Amend SGMC 11.43.040.F. to align the city's JADU deed restrictions and requirements to be consistent with Government Code Section 66333. As well as remove the code section referencing a deed restriction requirement for ADUs. ➢ Add SGMC 11.43.040.G. regarding residency requirements for ADUs and JADUs consistent with Government Code Section 66315 and 66333. ➢ Add SGMC 11.43.040.H. outlining the criteria needed to be met so an ADU may be sold or conveyed separately from the primary dwelling consistent with Government Code Section 66341.

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
			➢ Add SGMC 11.43.040.I. to limit when the certificate of occupancy for an ADU is issued to only after a certificate of occupancy has been issued for the primary dwelling.
South Gate Municipal Code Section (SGMC) 11.43.050 – Development Standards.	➢ Senate Bill (SB) 477 reorganizes existing State laws regarding ADUs and JADUs under Government Code Section 66310 – 66342, previous Government Code Sections 65852.2, 65852.22, 65852.23 and 65852.26. ➢ Senate Bill (SB) 1211 requires municipalities to amended their ADU ordinance to allow up to eight detached ADUs on multifamily properties, provided the number of ADUs does not exceed the number of existing units on the lots.	➢ The current iteration of South Gate Municipal Code 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 align with Government Code Section 66321. ➢ Amend SGMC 11.43.050.C. to align setback requirements to be consistent with Government Code Section 66321. 66314.c.7. and 66323.2. ➢ Amend SGMC 11.43.050.D. to maintain a building separation requirement, but not to preclude the development of an ADU of at least 800 square feet. ➢ Amend SGMC 11.43.050.E. to increase the allowed height of an ADU to align with Government Code 66321.b.4. ➢ Add SGMC 11.43.050.F to not require a passageway in conjunction with the construction of an ADU consistent with Government Code 66314.d.6. ➢ Amend SGMC 11.43.050.G. to allow for the expansion of accessory structures located on parcels with

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
			single-family dwellings to a maximum of 1,000 square feet consist with current planning practice. ➢ Amend SGMC 11.43.050.H. to require one off-street parking space for ADUs located outside ½ a mile from a high-quality transit stop to be consistent with Government Code Section 66314.c.10. ➢ Add SGMC 11.43.050.I - K. for local building code requirements, wet utility requirements, if any, and demolition of detached garages in conjunction with the construction of an ADU to be consistent with Government Code Section 66314.d.8-9 and 66314.e-f. ➢ Amend SGMC 11.43.050.L to include objective design standards to ensure architectural compatibility with existing primary dwelling, and overall neighborhood. While not allowing these development standards to preclude the development of an ADU of at least 800 square feet. ➢ Amend SGMC 11.43.050.N. to allow for the creation of JADUs through the proposal of new construction, subject to the development standards with the underlining zone and still limited to 500 square feet to align the city

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
			ordinance with current planning practice. ➢ Amend SGMC 11.43.050.P. to now require fire sprinklers to be installed in the existing dwelling when an ADU is proposed to align with Government Code Section 66323. ➢ Add SGMC 11.43.050.4. to include limitations on when impact fees can be assessed to align with Government Code Section 66324.c.
South Gate Municipal Code Section (SGMC) 11.43.060 – Application and Review Process.	➢ Senate Bill (SB) 477 reorganizes existing State laws regarding ADUs and JADUs under Government Code Section 66310 – 66342, previous Government Code Sections 65852.2, 65852.22, 65852.23 and 65852.26.	➢ The current iteration of South Gate Municipal Code 11.43 does not align with State requirements.	➢ Amend the verbiage contained in SGMC 11.43.060.A and D regarding the ADU review process to be consistent with Government Code Section 66317 and 66320.
South Gate Municipal Code Section (SGMC) 11.43.070 – Accessory Structures.	➢ Not specified.	➢ SGMC 11.43.070.E currently limits the maximum height of all detached accessory structures to 10 ft. This has led to various pitch proposals that may not always be architecturally compatible with the primary structure.	➢ Amend code section to allow an additional 2 feet in height to accommodate a roof pitch that is aligned with the roof pitch of the primary structure.

Chapter 11.43
ACCESSORY DWELLING UNITS AND ACCESSORY STRUCTURES*

Sections:

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* Prior ordinance history: Ord. 2323.

11.43.010 Purpose and intent.

A. This chapter (the "chapter") establishes the standards for permitting accessory dwelling units ("accessory dwelling units") within the city of South Gate, formerly known as "second dwelling units," on residential properties in accordance with Sections ~~65852.2, 65852.22,~~ 66310 through 66342 and ~~65852.26~~ Sections ~~65852.21,~~ 65852.27, and 65863.3 of the California Government Code, as amended and effective ~~January 1, 2020~~March 25, 2024. 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. 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" 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. ~~dwelling on a fixed, permanent foundation.~~ 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~~; provided, however, that a junior accessory dwelling unit may share sanitation facilities with the primary dwelling~~. 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 accessory 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 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 ~~two hundred twenty~~ 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" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure~~means a dwelling unit created out of space entirely within a proposed or existing single-family residence, and of no more than five hundred square feet in size, which provides independent living facilities for one or more persons and includes permanent provisions for living, an efficiency kitchen, eating and sleeping. A junior accessory dwelling unit shall have independent exterior access. Provisions for sanitation may be provided within the junior accessory dwelling unit or may share sanitation facilities with the primary dwelling. A junior accessory dwelling unit may be permitted as an addition to a single-family residence provided that all other development standards in Section XX are met.~~

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

~~M~~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.

~~N~~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 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.

~~O~~PQ. "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 multi-family for the purposes of this chapter, limited to two detached single-family dwellings.

~~P~~QR. "Municipal code" means the municipal code of the city of South Gate.

~~Q~~RS. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

~~R~~ST. "Primary dwelling" means a lawfully constructed single-family or multifamily residence existing or proposed on the lot where the accessory dwelling unit may be permitted.

~~S~~TU. "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.

~~T~~UV. "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 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.

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

(Ord. 2021-01-CC § 3, 1-26-21)

11.43.030 ~~Permitted uses~~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.

1. Single-Family Parcels.

(a) 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 if all of the following apply:~~.~~

(i~~A~~) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 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~~B~~) The space has exterior access from the proposed or existing single-family dwelling.

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

(iv~~D~~) The junior accessory dwelling unit complies with the requirements of Government Code sections 66333 through 66339.

~~2.~~

(b) 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, and that accessory dwelling unit may be combined with a junior accessory dwelling unit meeting the requirements of paragraph B.1.(a) above. The total floor area of the accessory dwelling unit ~~(including any junior~~

~~accessory dwelling unit contained therein)~~ shall not exceed 800 square feet; whereas, the total floor area of the junior accessory dwelling unit shall not exceed 500 square feet.

~~On lots with more than one detached single-family dwelling, one accessory dwelling unit created by using space within the proposed or existing space of one of the single-family dwellings and one detached accessory dwelling unit with four-foot side and rear yard setbacks of no more than eight hundred square feet and sixteen feet high may be permitted. On lots with existing multiple-family dwellings, accessory dwelling units are allowed~~

3. Multi-Family Parcel.

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

~~4.~~ (b) Multiple ~~permitted or no more than two~~ detached accessory dwelling units, not to exceed the number specified in clause (A) or (B) below, as applicable, may be ~~permitted~~ built on a lot ~~with~~ that has an existing or proposed multifamily dwelling~~s~~. The ~~two~~ detached accessory dwelling units are subject to a ~~height limit of sixteen feet except where it would not exceed the roofline of the primary dwelling, and a~~ side and rear yard setbacks of four feet.

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

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

(Ord. 2021-01-CC § 3, 1-26-21)

11.43.040 General P~~p~~rovisions.

The following provisions shall apply to all accessory dwelling units and junior 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 accessory dwelling unit.

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 ~~J~~HG~~~~ of this section.

~~D. Any legally permitted structure, or a structure constructed in the same location and to the same dimensions as a legally permitted structure, which is to be converted to an accessory dwelling unit may be converted or built without any additional setbacks.~~

~~E. Nonconforming Residential Structures. Any nonconforming zoning conditions on the subject property shall not require correction for the purpose of adding either an accessory dwelling unit or a junior accessory dwelling unit.~~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 accessory dwelling unit.

~~F~~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.

~~G~~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 residence, the property owner shall ~~file~~ record a deed restriction with the Los Angeles C~~c~~ounty ~~r~~Recorder ~~in the county recorder's office~~, and provide the city with a copy bearing the recording information, ~~a~~ which deed restriction~~, which~~ has been approved by the city attorney as to its form and content and which includes both of the following~~, containing a reference to the deed under which the property was acquired by the owner and stating that~~:

1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers. ~~The junior accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary dwelling, and rental of a junior accessory dwelling unit shall be for a period of longer than thirty days.~~

2. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this Chapter~~The applicant and all subsequent owners of the lot shall at all times occupy, as his or her primary residence, either the remaining portion of the primary dwelling or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization~~.

~~3. A restriction of the junior accessory dwelling unit size and attributes exists as required by Sections 11.43.050(A)(3), (G), (J), (K), and (M)(2).~~

~~H. Before being issued a certificate of occupancy for an accessory dwelling unit, the property owner shall file with the county recorder a covenant agreement, which has been approved by the city attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner stating that:~~

~~1. The accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary dwelling, and rental of an accessory dwelling unit shall be for a period of longer than thirty days.~~

~~2. The accessory dwelling unit has been constructed in compliance to this chapter and for residential purposes in accordance to plans approved by the city.~~

~~I. For any accessory dwelling unit application on a lot with an existing or proposed single-family dwelling which is received on or after January 1, 2025, the owner of the subject property and all subsequent owners shall be the occupant of either the primary residence or the accessory dwelling unit, and such restriction shall be recorded on an instrument as approved by the city attorney and shall run with the land.~~

G. Residency Requirements.

1. Accessory Dwelling Units: Except for a sale pursuant to subsection H below, and except for junior accessory dwelling units pursuant to subsection (G)(2) below, no owner of the subject lot shall be required to occupy either the primary residence ~~the~~ or accessory dwelling unit as the owner's residence.

2. Junior Accessory Dwelling Units. Owner-occupancy shall be required in the single family residence in which the junior accessory dwelling unit will be permitted. 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.

~~J~~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 (~~J~~GH)(1) through (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. 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.

~~Statutory Reference: Government Code § 65852.26, as modified by AB 345 (September 28, 2021).~~ ~~Nothing in this section limits the ability of an accessory dwelling unit to be sold or otherwise conveyed separate from the primary residence as a condominium pursuant to an ordinance adopted under Government Code Section 66342.~~

I. Issuance of Certificate of Occupancy. 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.

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

11.43.050 Development S~~s~~tandards.

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 ~~A~~a~~ttached~~ accessory dwelling unit shall not exceed~~s shall not exceed the greater of (a) fifty percent of the existing primary dwelling or either (b)~~ eight hundred fifty 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.~~for a studio or one-bedroom unit or (c) one thousand square feet for a unit of more than one bedroom, whichever is less; provided, however, that these floor area requirements shall not preclude an accessory dwelling unit of at least eight hundred square feet from being constructed.~~

2. 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 above, or (b) fifty percent (50%) of the total floor area of the existing primary dwelling. ~~The total floor area of a D~~d~~etached accessory dwelling units shall not exceed 1,200 square feeteight hundred fifty square feet for a studio or one-bedroom unit or one thousand square feet for a more than one-bedroom unit.~~

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.

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 ~~Yard Areas~~Setbacks. The following ~~minimum yard~~ setback requirements apply:

1. ~~Front Yards. The provisions of the applicable underlying zoning designation of the subject property shall apply.~~ 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. ~~Rear Yards. The minimum rear yard shall be four feet.~~For all other accessory dwelling units, a setback of four feet ~~form~~from the side and rear lines shall be required, and the front setback shall be as required in the underlying zoning designation of the subject property shall apply~~designation~~. Accessory dwelling units that are 800 square feet or less may be located within the front yard setback area of the underlying zoning designation, if there is no other area on the parcel that can accommodate the accessory dwelling unit, as determined by the director of community development, provided that the front yard setback shall not be less than four feet.

~~3. Side Yards. The minimum side yard shall be four feet.~~

D. Building Separation. There shall be a minimum of six feet separating all construction (including eaves and similar architectural features) 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).

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

1. A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit. ~~Detached accessory dwelling units may not exceed sixteen feet in height, measured from the finished grade to the peak of the roof. Attached accessory dwelling units may not exceed the height of the roofline of the primary dwelling.~~

2. A height of 18 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 two 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. ~~Accessory dwelling units shall not be constructed above a detached garage except where it would not exceed the roofline of the primary dwelling measured from finished grade to the peak of the roof.~~

3. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling. ~~Accessory dwelling units and junior accessory dwelling units shall have a vertical clearance from finished floor to ceiling within the habitable space up to eight feet.~~

4. A height of 25 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 accessory dwelling unit shall exceed two stories.

~~E. Building Separation. There shall be a minimum of six feet separating all construction (including eaves and similar architectural features) of the detached accessory dwelling unit from the main building(s) or other accessory building(s) on the same lot.~~

F~~E~~. No Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

G~~F~~. 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 1,000 square feet. The proposed expansion is subject to the development standards of the underlying zone.

~~1.~~2. Accessory structures located within parcels with multi-family dwellings are not allowed to be expanded beyond 150 square feet as listed in the above section G.

H~~G~~. Parking. ~~No parking shall be required for any accessory dwelling unit or for any junior accessory dwelling unit.~~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 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 ~~spaces are~~ is required for a junior accessory dwelling unit.

3. No parking is required ~~need be provided~~ 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 until (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 accessory dwelling unit or the parcel satisfies any other criteria listed in this subdivision.

I~~H~~. 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 paragraph 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~~I~~. Private Sewage Disposal or Onsite Wastewater Treatment Systems. If a private sewage disposal system will being 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 accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

K~~J~~. Detached Garages. A demolition permit application for a detached garage that is to be replaced with an accessory dwelling unit shall be ~~submitted~~ reviewed with the application for the accessory dwelling unit, 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 unit, unless the property is located within an architecturally and historically significant historic district.

~~H~~L~~K~~. Design Standards. 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): ~~:~~

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. ADU design shall integrate building-mounted lighting consistent with the design and character of the structure, at all proposed exterior entrances.

(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 ADU shall be substantially the same as the primary unit.

5. The color, material, and texture of all building walls, windows, and doors of an ADU shall be similar to and compatible with the primary unit.

6. ADU'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.

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

1. No additional setback shall be required for an existing garage which 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.

~~J~~N~~M~~. Junior Accessory Dwelling Units. ~~One junior accessory dwelling unit shall be permitted on lots with an existing or proposed primary dwelling and no more than one detached accessory dwelling unit subject to the following provisions:~~

1. ~~1.~~ The junior accessory dwelling unit shall be fully located within the walls of an existing or proposed primary dwelling. 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 dwelling.
   a. A junior accessory dwelling unit may be proposed as new construction as long as all the following criteria are met:
      i. Junior accessory dwelling is limited to 500 square feet.
      ii. Junior accessory dwelling is limited to a studio.
      ~~i.~~iii. New construction to accommodate a junior accessory dwelling is subject to all development standards applicable to the underlining zone.

2. The unit shall be no more than five hundred square feet in floor area.

3. The unit ~~unit may maintain an interior connection to the primary dwelling and~~ shall provide an exterior entrance separate from the primary dwelling entrance.

4. The unit 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 the preceding paragraph), an interior entry to the main living area.

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

i. A cooking facility with appliances; and

ii. A food preparation counter and storage cabinets.

~~K~~N~~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.

~~L~~P~~O~~. 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.

~~M~~Q~~P~~. 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 accessory dwelling unit 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 accessory dwelling unit 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 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. 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. 2021-01-CC § 3, 1-26-21)

11.43.060 Application and R~~r~~eview P~~p~~rocess.

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 director shall issue an accessory dwelling unit permit,~~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 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. 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 above, the city shall, within the time period described in subsection A above, 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. 2021-01-CC § 3, 1-26-21)

11.43.070 Accessory ~~S~~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.

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 ten feet high. Garages are allowed an additional 2-feet in height to accommodate a roof pitch that is aligned with the roof pitch of the primary structure.

F. Accessory structures are not permitted above a detached garage in residential zones.

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, 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 residence on a temporary basis, subject to the following standards:

1. Short-Term Location. One storage container may be located on a lot 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 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 depth of twenty feet between columns or walls. Three-car garages shall have a minimum interior clear width of twenty-seven feet and 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 minimum nine feet by twenty feet shall be provided behind.

(Ord. 2021-01-CC § 3, 1-26-21)

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, APPROVING A ZONING CODE AMENDMENT, WHICH AMENDS 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, a Zoning Code Amendment has been duly initiated by the City of South Gate ("Applicant"); and

WHEREAS, the Zoning Code Amendment would affect all residentially zoned parcels of the City and parcels allowing residential development as applicable within Title 11 of the Municipal Code; and

WHEREAS, the Zoning Code Amendment is described as an amendment to Title 11, Chapter 11.43 (Accessory Dwelling Units and Accessory Structures) of the South Gate Municipal Code, to ensure compliance with State Law and alignment with the intent of the City's General Plan; and

WHEREAS, Chapter 11.43 of the South Gate Municipal Code contains ordinances regarding accessory dwelling units and accessory structures, the stated purpose of which, according to Section 11.43.010 of that Chapter, is to establish the standards for permitting accessory dwelling units on residential properties in accordance with Section 66310 through 66342 of the California Government Code; and

WHEREAS, since 2021 the California legislature passed, and the Governor of California signed, a number of Senate Bills ("SB") and Assembly Bills ("AB") which affect accessory dwelling units in the State of California; and

WHEREAS, those Bills modified state laws in ways that have caused the above-referenced Chapter of the South Gate Municipal Code to conflict with state law. Those bills are identified as follows and pertain to the following aspects of accessory dwelling unit law:

- AB 345, which allows separate conveyance of ADUs under specific conditions;
- SB 897 which requires only object design standards, such as, but not limited to, parking, height, and setbacks;
- AB 976 which removes owner-occupancy requirement for new accessory dwelling units after January 1, 2025;

- SB 477 which reorganizes accessory dwelling units and junior accessory dwelling units laws into Government Code Section 66310 through 66342;
- SB 1211 which allows up to eight detached accessory dwelling units on multifamily parcels, not exceeding the parcel's total unit count; and

WHEREAS, to avoid conflicts between the South Gate Municipal Code and state law, the City Council now wishes to modify Chapter 11.43 of the South Gate Municipal Code by addressing the requirements in those Bills.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 11.43 of the South Gate Municipal Code is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. All references herein to "this Ordinance" shall include the modifications set forth in Exhibit "A".

SECTION 3. 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. The enactment or amendment of zoning ordinances generally constitutes a project under CEQA, per Section 15378(a)(1) of the CEQA Guidelines. However, "ministerial projects" are exempt from CEQA, pursuant to Section 15268(a) of the CEQA Guidelines. The term "ministerial" is defined by Section 15369 of the CEQA Guidelines as governmental decisions involving little or no personal judgment by the public official, where the official simply applies the law to the facts using fixed standards and objective measurements, rather than subjective discretion. In the case of this Ordinance, the City Council is taking action which merely aligns the City's Zoning Code with the requirements of State law; the City and its councilmembers, commissioners and officers have no discretion to cause the Municipal Code to deviate from State law. Accordingly, the proposed action is exempt from CEQA as a ministerial act under CEQA Guidelines Section 15268(a).

SECTION 4. If any Section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every Section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption.

SECTION 6. The City Clerk shall certify the adoption of this Ordinance and shall cause a copy of the same to be published in a manner prescribed by law.

ADOPTED this ____ day of _____, 2025

CITY OF SOUTH GATE:

_____
Maria Davila, Mayor

ATTEST:

_____
Yodit Glaze, City Clerk

(Seal)

APPROVED AS TO FORM:

_____
Raúl F. Salinas, City Attorney

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 ("accessory dwelling units") 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, as amended and effective March 25, 2024. 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. 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" 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 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 accessory 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 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" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

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 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 multi-family 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 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 residence 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 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. 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.

1. Single-Family Parcels.

(a) 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 if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 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 complies with the requirements of Government Code sections 66333 through 66339.

(b) 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, and that accessory dwelling unit may be combined with a junior accessory dwelling unit meeting the requirements of paragraph B.1.(a) above. The total floor area of the accessory dwelling unit shall not exceed 800 square feet; whereas, the total floor area of the junior accessory dwelling unit shall not exceed 500 square feet.

3. Multi-Family Parcel.

(a) At least one such accessory dwelling unit shall be allowed within an existing multifamily structure, and up to a maximum of twenty-five percent of the existing multiple-family dwelling units may be converted to accessory dwelling units. 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 clause (A) or (B) below, as applicable, may be built on a lot that has an existing or proposed multifamily dwelling. The detached accessory dwelling units are subject to a 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. However, the number of accessory dwelling units 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.

(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 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 accessory dwelling unit.

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 accessory dwelling unit.

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 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 junior accessory dwelling unit separate from the sale of the single-family residence, 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 below, and except for junior accessory dwelling units pursuant to subsection (G)(2) below, 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 residence in which the junior accessory dwelling unit will be permitted. 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 (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. 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. 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.

(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 1,000 square feet if the accessory dwelling unit has more than one bedroom.

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 above, or (b) fifty percent (50%) 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.

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 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 side and rear lines shall be required, and the front setback shall be as required in the underlying zoning designation of the subject property shall apply. Accessory dwelling units that are 800 square feet or less may be located within the front yard setback area of the underlying zoning designation, if there is no other area on the parcel that can accommodate the accessory dwelling unit, as determined by the director of community development, provided that the front yard setback shall not be less than four feet.

D. Building Separation. There shall be a minimum of six feet separating all construction (including eaves and similar architectural features) 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).

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 16 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 18 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 two 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 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

4. A height of 25 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 accessory dwelling unit 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 1,000 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 150 square feet as listed in the above section 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 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 until (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 accessory 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 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 paragraph 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 Onsite Wastewater Treatment Systems. If a private sewage disposal system will being 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 accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 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 accessory dwelling unit, 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 unit, 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; 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):

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. ADU design shall integrate building-mounted lighting consistent with the design and character of the structure, at all proposed exterior entrances.

(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 ADU shall be substantially the same as the primary unit.

5. The color, material, and texture of all building walls, windows, and doors of an ADU shall be similar to and compatible with the primary unit.

6. ADU'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 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 primary dwelling. 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 dwelling.
    a. A junior accessory dwelling unit may be proposed as new construction as long as all the following criteria are met:
        i. Junior accessory dwelling is limited to 500 square feet.
        ii. Junior accessory dwelling is limited to a studio.

iii. New construction to accommodate a junior accessory dwelling is subject to all development standards applicable to the underlining zone.

2. The unit shall be no more than five hundred square feet in floor area.

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

4. The unit 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 the preceding paragraph), an interior entry to the main living area.

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

i. A cooking facility with appliances; and

ii. 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 accessory dwelling unit 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 accessory dwelling unit 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 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. 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. 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 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. 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 above, the city shall, within the time period described in subsection A above, 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. 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.

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 ten feet high. Garages are allowed an additional 2-feet in height to accommodate a roof pitch that is aligned with the roof pitch of the primary structure.

F. Accessory structures are not permitted above a detached garage in residential zones.

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, 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 residence on a temporary basis, subject to the following standards:

1. Short-Term Location. One storage container may be located on a lot 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 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 depth of twenty feet between columns or walls. Three-car garages shall have a minimum interior clear width of twenty-seven feet and 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 minimum nine feet by twenty feet shall be provided behind.

(Ord. 2021-01-CC § 3, 1-26-21)