

ORDINANCE NO. 1316

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY FOR Z-S-752 AMENDING PORTIONS OF TITLE 9 OF THE SIMI VALLEY MUNICIPAL CODE RELATED TO ACCESSORY DWELLING UNITS; AND DETERMINING THAT THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, in 2019, the California Legislature adopted, and the Governor signed, SB 13 (Chapter 653, Statutes of 2019), AB 68 (Chapter 655, Statutes of 2019), and AB 881 (Chapter 659, Statutes of 2019) into law that, among other things, amended Government Code Sections 65852.2 and 65852.22 that imposed new limits on the City to regulate Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) to address the housing shortages in California; and

WHEREAS, the ADU and JADU regulations took effect January 1, 2020, and as the City's existing ADU ordinance does not comply with the Government Code Sections 65852.2 and 65852.22, the City's ordinance has been deemed null and void effective that date, thus substantially reducing the City's ability to maintain the livable neighborhoods goals and policies of the General Plan; and

WHEREAS, the proposed Development Code Amendments (Z-S-752) bring City regulations for Accessory Dwelling Units into conformance with State law and exercise those regulatory options as allowed in State law; and

WHEREAS, the City Council held a duly noticed meeting on the proposed Ordinance Amendment on October 19, 2020, where they considered the staff report and testimony and introduced the ordinance for the first reading by title only.

WHEREAS, this ordinance is exempt from review under the California Environmental Quality Act (CEQA; California Public Resources Code Section 2100 et seq.) and CEQA regulations (Title 14, California Code of Regulations Section 1500, et seq.) pursuant to the provisions of Section 15282 which states that "the adoption of an ordinance regarding second units in a single-family or multi-family residential zone by a city or county to implement the provisions of 65852.2 and 65852.22 of the Government Code" is a statutory exemption as set forth in Section 21080.17 of the Public Resources.

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

SECTION 1. The findings in the Planning Commission staff report dated September 2, 2020, and the recitals set forth above are hereby adopted as findings.

SECTION 2. Various sections of Title 9 dealing with Accessory Dwelling Units are hereby amended as shown in Exhibit A, attached hereto.

SECTION 3. Incompatible Provisions. To the extent of any provision of this ordinance is incompatible with or at variance with any prior adopted ordinance or resolution, the provision of this Ordinance shall take precedence.

SECTION 4. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, adjudicated to a final determination, the City Council finds that said voided part is severable, that the City Council would have adopted the remainder of this Ordinance without the severed and voided part, and that the remainder of this ordinance shall remain in full force and effect.

SECTION 5. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.


SECTION 6. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED and ADOPTED this 2nd day of November 2020.

Attest:

DocuSigned by:

2C99E269D8CF450...
Lucy Blanco, City Clerk


DocuSigned by:

5B4FA82D0F45436...
Keith L. Mashburn, Mayor of the City of
Simi Valley, California

Approved as to Form:

DocuSigned by:

6FE890C613FE47E...
Lonnie J. Eldridge, City Attorney

Approved as to Content:

DocuSigned by:

5B40FE61851E453...
Brian Paul Gabler, City Manager

DocuSigned by:

B07AE045E5D045C...
Stratis Perros
Environmental Services Director

CERTIFICATION

I, City Clerk of the City of Simi Valley, California, do hereby certify that the foregoing is a full, true, and correct copy of Ordinance No. 1316 which was adopted by the City Council of the City of Simi Valley, California, at a regular meeting thereof held on the 2nd day of November 2020 by the following vote of the City Council:

AYES: Council Members Litster, Luevanos, Cavanaugh and Mayor Pro Tem Judge

NAYS: Mayor Mashburn

ABSENT: None

ABSTAINED: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Simi Valley, California, dated November 9, 2020.

DocuSigned by:
Lucy Blanco

2000E000D06F450...
Lucy Blanco
City Clerk

EXHIBIT A**PART 1**

SVMC 9-24.030 – Permitted Use Table is hereby amended to read as follows Note that for tables that are being modified, only the rows and columns being modified are shown.

TABLE 2-2 Allowed Uses and Permit Requirements for Residential and Open Space Zoning Districts							P Permitted Use (2) CUP Conditional Use Permit required HP Home Occupation Permit required — Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY DISTRICT									Specific Use Regulations
	OS	RE	RVL	RL	RM	RMod	RH	RVH	MH	
Accessory dwelling unit	P	P	P	P	P	P	P	P	P	9-44.160

SVMC 9-26.030 – Permitted Use Table

TABLE 2-5 Allowed Uses and Permit Requirements for Commercial and Industrial Zoning Districts, and Mixed-Use and Business Park Overlay Districts		P Permitted Use (2) CUP Conditional Use Permit required HP Home Occupation Permit required — Use not allowed									
LAND USE (1)	PERMIT REQUIRED BY DISTRICT										Specific Use Regulations
	MU (9)	CO	CN	CR	CC	CPD	CI	BP	LI	GI(9)	
Accessory dwelling unit	P	—	—	—	—	—	—	—	—	—	9-44.160

PART 2

SVMC 9-30 - General Property Development and Use Standards is hereby amended to read as follows:

9-30.030 - Development/Design Considerations

- A. Development criteria. Factors including the following may be considered by the review authority in establishing permit conditions, and in determining appropriate intensity of development and time limitations, including residential densities, for the site of a proposed project:

PART 3

9-30.080 - Setback and Separation Requirements and Exceptions is hereby amended to read as follows:

TABLE 3-2 - SETBACKS FOR ARCHITECTURAL FEATURES AND ACCESSORY STRUCTURES

Structure	Minimum Required Setback			
	Front	Street Side	Side	Rear
Accessory Dwelling Units*+	20 feet	4 feet		4 feet
Detached garages*+	20 feet	5 feet		10 feet
Gazebos, carports, sheds, and similar nonresidential structures that are freestanding *+	20 feet	3 feet		
Open-Designed structures without solid walls as defined in SVMC 9-80.020*+	20 feet	3 feet	3 feet	
Accessory mechanical equipment (e.g. air conditioning and heating equipment)	20 feet	5 feet		3 feet (except combustion product vents which need to be a minimum of 4 feet)

* Accessory structures shall not cover more than 40 percent of any yard except for Accessory Dwelling Units which are subject to yard coverages as outlined in Section 9-44.160

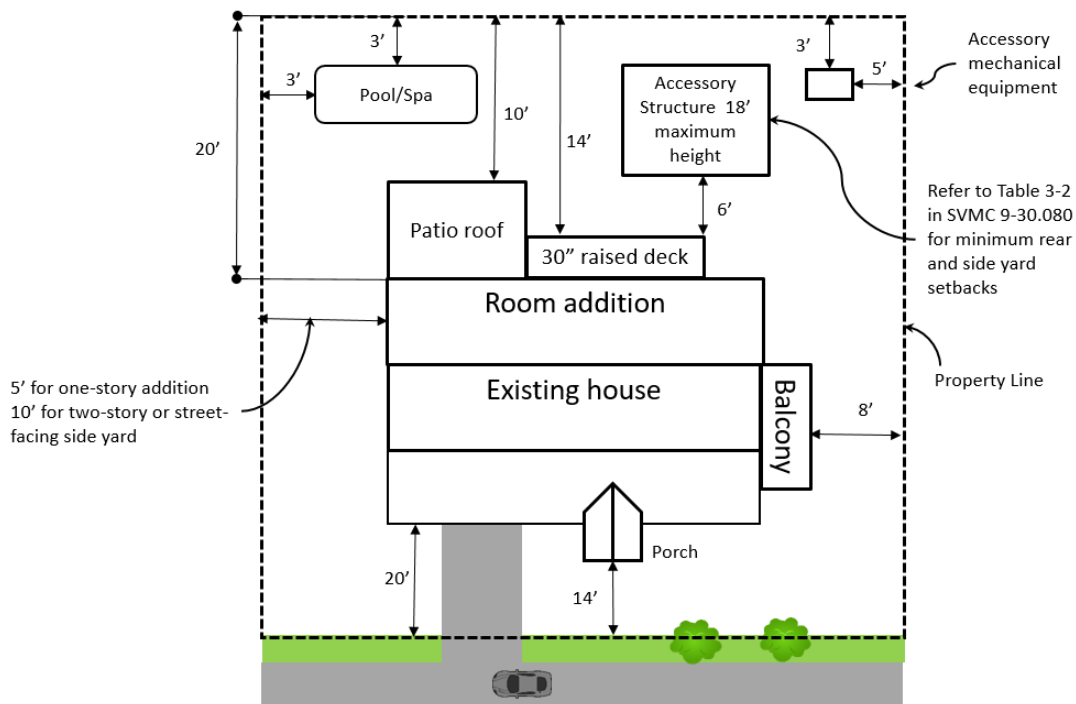


Figure 3-7. Setbacks for Accessory Structures

*Combustion product vent to be a minimum of 4'

PART 4

SVMC 9-36.020 - Applicability of the Residential Building Permit Allocation System is hereby amended to read as follows:

The following classes of projects are exempt from the provisions of the Residential Building Permit Allocation System:

- A. Class 1 Exemption. The following projects shall not subtract from available allocation grants under the provisions of Section 2 of Measure N and Section 9-36.030 and are immediately eligible and able to be awarded residential building permits.
 1. Rehabilitation or remodeling of an existing dwelling, or conversion of apartments to condominiums in compliance with Government Code Section 66427.1 and Simi Valley Municipal Code Section 9-24.070, so long as no additional dwelling units are created.
 2. Construction of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit in compliance with Government Code Section 65852.2(a)(1)(C), and Simi Valley Municipal Code Sections 9-44.160.
 3. Replacement of existing single-family or multiple-family structures on a one-for-one basis on the same site.

PART 5

SVMC 9-44.160– Accessory Dwelling Units (Ministerial) is hereby amended in its entirety to read as follows:

A. General Provisions

1. Intent and purpose. The intent and purpose of this Section is to provide a means by which the City's existing housing resources and infrastructure may be more effectively utilized to produce less costly rental housing through the creation of new accessory dwelling units (ADUs) on residentially zoned lots that already contain one legally established unit., or with the construction of a new residential unit.
2. Authority. The creation of an Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) pursuant to Government Code Sections 65582.1, 65852.2, and 65852.22, on lots containing an existing or proposed single-family or multi-family dwelling and zoned OS, RE, RVL, RL, RM, RMod, RH, MH, RVH, and the MU Overlay District shall be subject to the standards set forth in this section.
3. Notwithstanding any other regulation in this Development Code that is specifically applicable to ADUs or JADUs, a Zoning Clearance must be ministerially reviewed for an application for a building permit to create an ADU and/or a JADU within a residential zone subject to the development standards set forth in this section.
4. The City reserves the right to limit construction of ADUs or JADUs in locations where there is inadequate water or sewer services, impact on traffic flow, or public safety.
5. Neither ADUs nor JADUs shall count towards the allowable density for the lot upon which the ADU or JADU is located.
6. The City shall act on the application to create an ADU or JADU within 60 days from the date an application is deemed complete if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create ADU or JADU 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 ADU or JADU until a Building Permit is issued for the new single-family dwelling, but the application to create the ADU or JADU shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
7. Where an ADU or JADU is proposed with the construction of a new single-family dwelling, the proposed single-family dwelling must be approved for occupancy before an ADU or JADU is approved for occupancy.

8. The permitting of an ADU and/or a JADU is subject to the California Building Code (CBC) and California Residential Code (CRC). Any conflicts between the requirements of this Development Code and the California Building Code and California Residential Code shall be resolved in favor of whichever Code imposes the greater requirement, subject to compliance with California Government Code Sections 65582.1, 65852.2, and 65852.22.
9. 'Living area' as used in the below code sections is defined as the interior habitable area of a dwelling unit, including enclosed patios, basements and attics, but does not include a garage or any accessory structure.
10. The cumulative square footage of all detached habitable structures built after the effective date of Ordinance No. 1316 is not to exceed 1,200 square feet per lot for single family zoned lots.
11. Where an attached garage that provides the required parking for a SFD, as detailed in SVMC Section 9-34.040.B is partially converted to an ADU, the remaining space will continue to be utilized for parking if physically feasible and the remaining space is a minimum of 12 feet by 20 feet or if this is not feasible, it will be utilized for storage or a similar non-habitable use.
12. One ADU or JADU is permitted per parcel with an existing or proposed Single-Family Dwelling except as described in Sections B (2) and Section G for lots with Multi-Family dwellings.
13. Both an ADU and a JADU may be combined on a single parcel subject to development standards set forth for detached ADUs and JADUs. Additionally, the ADU shall be a detached structure with a maximum size of 800 square feet.
14. A minimum floor area of 220 square feet for an ADU or JADU is required per the California Building Code.
15. The rental of any ADU or JADU, or the primary residence if the owner lives on site in the ADU or JADU, must be for periods of 30 days or more.
16. Each ADU or JADU requires a separate entrance which shall not face the street unless the access to the unit required by the California Building Code is precluded by an existing permitted structure.
17. Where an existing legally permitted accessory structure, or existing living area, is converted to an ADU or an ADU constructed in the same location, and to the same dimensions as an existing structure, no additional setbacks will be required.

B. All ADU's Development Standards

ADU's and JADU's Development Standards			
Development Standard	Junior ADU	ADU Within or Attached to Primary Dwelling*	ADU Detached from Primary Dwelling*
Front setback	N/A	20 feet	20 feet
Rear setback		4 feet	4 feet
Side setback		4 feet	4 feet
Design standards	N/A	a) The materials and colors of exterior walls, roof, eaves, windows, and doors of an ADU must match those of the primary dwelling. b) The roof slope of an ADU must match the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof	
Maximum height	ADUs and JADUs will be limited to a single story, 18 feet in height and will not be permitted on the second story of a SFD, above a garage, or above another accessory structure unless the Director determines that the required setbacks preclude any other location for a minimum 800 square foot ADU or 220 square foot JADU.		
Minimum size	220 square feet (per California Building Code)		
Maximum size	500 square feet and must be located within existing dwelling unit	*See Section (E)	*See Sections D
Minimum number of parking spaces	No additional parking required	One parking space** is required per ADU with the following exceptions: a) The proposed ADU is a studio unit; b) If the ADU is located within one-half mile walking distance of public transit ¹ ; c) When the ADU is within the footprint of the proposed or existing primary residence; d) When an ADU is created by the conversion of a garage, carport or covered parking structure; e) When on-street parking permits are required but not offered to the occupant of the ADU; or	

		f) When there is a car share vehicle located within one block of the ADU
Required cooking facilities	Review SVMC Section 9-80.020 for the minimum requirements for a kitchen	Full kitchen
Required sanitation facilities	May be separate from, or shared with, primary dwelling	Must be separate from primary dwelling

* When converting existing living area, an attached garage or ADU constructed in the same location and to the same dimensions as an existing structure, no additional setbacks will be required.

**Required parking may be uncovered or tandem parking that is located on paved surfaces with paved access, or as outlined in Section 9-34.040.A subject to traffic safety requirements and front yard landscape requirements per Section 9-33.030.C as required. At the property owner's option, an automobile parking lift will be allowed but will be considered a structure for the purposes of setbacks and permit requirements. The Director may waive the required parking if it determined that there are no feasible locations for the required parking locations on site.

¹ 'Public transit' is defined as 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.

C. JADU Requirements

1. A JADU may have an internal connection to the single-family dwelling.
2. Prior to issuance of a Zoning Clearance for a JADU, a Deed Restriction must be recorded on the property on the form provided by the City specifying that the owner of the property shall occupy either the JADU or the primary residence. If a new owner takes title to the property, failure to maintain the owner occupancy required by said deed restriction will require that the JADU be removed from the property and any separate rental must be vacated within 90 days.

D. Attached ADU Requirements

1. Attached ADUs may be new construction adding square footage to the main dwelling unit subject to setbacks outlined in Section B, or conversion of existing living area or an attached garage.

2. The maximum size of an attached ADU shall be as follows:
 - a. Where an ADU is proposed with new construction, the ADU shall be no larger than 50 percent of the square footage of the existing square footage of the SFD or 800 square feet, whichever is larger, up to a maximum of 1,000 square feet.
 - b. If an ADU is proposed through conversion of existing living area or an attached garage, the ADU shall be no larger than 50 percent of the net square footage of the SFD following the conversion, or 800 square feet, whichever is larger, up to a maximum of 1,000 square feet.
3. An attached ADU cannot have an internal connection to the existing or proposed single-family dwelling.

E. Detached ADU Requirements

1. Detached ADUs may be new construction in yards subject to setbacks outlined in Section B or the conversion of a legally permitted accessory structures, such as a studio, shed, carport, horse stable, garage, or pool house, can be converted to an ADU. The existing space of an accessory structure within which an ADU is proposed to be located must have a solid roof and structural framing. In addition, the structure must have been permitted as required by the Simi Valley Municipal Code. Construction beyond the existing space of the accessory structure must meet all current requirements of the Simi Valley Municipal Code.
2. An accessory structure, including a demolished and reconstructed structure that is being fully or partially converted to a detached ADU, may be expanded by up to 150 square feet to accommodate ingress and egress, so long as this expansion does not increase the nonconformity of the structure.
3. All detached ADUs must have a six foot separation from the main single-family dwelling and existing structures.
4. The maximum size of a detached ADU will be as follows:
 - a. A maximum of 1,000 square feet on any parcel up to 8,000 square feet subject to the lot coverage standards shown in SVMC Section 9-44.160, Table 4-4.
 - b. A maximum of 1,200 square feet on any parcel over 8,000 square feet subject to the lot coverage standards shown in SVMC Section 9-44.160, Table 4-4.
5. A detached ADU may be attached to another accessory structure, however the maximum size of the entire detached structure will be limited to 30 percent of the existing or proposed single-family dwelling living area or 1,200 square feet, whichever is less. The structure also cannot cover more than 40 percent of any yard as defined in Section 9-80.020 of the SVMC.

Table 4-4: Lot coverage requirements for new construction ADUs

	ADUs up to 800 square feet	ADUs over 800 square feet
Lot Coverage Limits	N/A	<p>a) No structures shall cumulatively¹ cover more than 40% of any yard as defined in Section 9-80.020 of the SVMC.</p> <p>b) Minimum 50% of the rear yard setback width must be open per Section 9-24.050.C.2.</p>

¹This includes coverage by the ADU, accessory buildings, sheds, gazebos, or other permitted structures.

F. ADUs in Multi-Family Dwellings

- 1) ADUs on lots with existing or proposed multi-family dwellings must meet the requirements in SVMC Section, Table 4-5: Development standards for ADUs in Multi-Family Dwellings.

Table 4-5: Development standards for ADUs in Multi-Family Dwellings

	Attached ADUS	Detached ADUs
Number	A maximum of 25 percent of the existing multifamily units with a minimum of one unit.	A maximum of two ADUs.
Location	Must be located within the portions of existing multifamily dwelling structures that are not used as living area, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.	New construction or conversion of legally permitted accessory structures within yards subject to the setbacks in SVMC D (2).
Size	Minimum – of 220 square feet as required by the California Building Code standards for an efficiency dwelling unit Maximum – 800 square feet	
Rental Period	The rental of any ADU must be for periods of 30 days or more.	
Entrance	Each ADU requires a separate entrance which should not face the street if possible.	
Internal Connection	No internal connection is permitted to any other dwelling unit.	
Other	Must meet all requirements of SVMC Section D.	Must meet all requirements of SVMC Sections D and F.

PART 6

SVMC 9-80.020 – Definitions of Specialized Terms and Phrases, is hereby amended to read as follows:

Accessory Dwelling Unit. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling or multi-family dwelling is situated. An Accessory Dwelling Unit also includes the following:

- (A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code subject to the requirements of the California Building Code (CBC)
- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Any structure that has all the elements of an Accessory Dwelling (i.e., efficiency kitchen/cooking facilities, sink, and bathroom per California Government Code 65852.2 must be considered to be an ADU.

Accessory Dwelling Unit, Junior. A dwelling unit that is no more than 500 square feet in size and contained entirely within an existing single-family dwelling's structure which provides complete independent living facilities for one or more persons. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure, and may have an internal connection to the existing single-family dwelling. Any exterior door and stairs to the JADU must face away from public streets whenever possible.

Accessory Residential Uses and Structures. Any use and/or structure that is customarily a part of, and clearly incidental and secondary to, a residence, does not change the character of the residential use and is non-habitable space. These uses include the following detached accessory structures, and other similar structures normally associated with a residential use of property:

Attached Accessory Dwelling Unit. An Accessory Dwelling that has a minimum ten-foot wide wall shared with the main dwelling. Said wall length must be the same wall of an existing room.

Detached Accessory Dwelling Unit: An Accessory Dwelling that is separated from the main residence and any other structures by a minimum of six feet. A Detached Accessory Dwelling does not include a covered patio, garage or any other structures apart from elements described in California Government Code Section 65852.2.

Gazebo and/or pool house cabana. A freestanding structure (similar to a detached open patio cover), with a pitched roof design, having a maximum height of fifteen (15')

feet, and a maximum area of four hundred (400) square feet, and shall be designed for recreational use only and not for habitation.

Kitchen. A kitchen for a Junior Accessory Dwelling Unit or Single Room Occupancy unit must, at minimum, provide a cooking area with a cooking appliance, refrigerator facilities, a food preparation counter that is at least 48" by 24" with a sink, and a storage cabinet that is at least 24" wide by 36" in length and 35", each having a clear working space of not less than 30" in front.