

ORDINANCE NO. 20-1048

AN ZONING CODE TEXT AMENDMENT OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY, CALIFORNIA, AMENDING TITLE 9, CHAPTER 1 OF THE TEMPLE CITY MUNICIPAL CODE PERTAINING TO THE REGULATION AND DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

WHEREAS, the City of Temple City regulates accessory dwelling units under Title 9, Chapter 1 of the Temple City Municipal Code (TCMC);

WHEREAS, Government Code Section 65852.2 and Section 65852.22 permits local governments to establish standards for ministerial review of accessory dwelling units and junior accessory dwelling units, and directs that accessory dwelling units be approved subject to minimized standards;

WHEREAS, Government Code Sections 65852.2 and 65852.22 were recently amended by AB 881 and AB 68 respectively, to revise the requirements for the development of "accessory dwelling units" and "junior accessory dwelling units," effective January 1, 2020;

WHEREAS, Government Code Section 65852(a)(4), as amended by AB 881, will deem null and void any existing ordinance that is inconsistent with the standards set forth in Government Code Section 65852(a) or that fails to provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units;

WHEREAS, to comply with the Government Code, the City Council has adopted an urgency ordinance to mirror the state requirements for accessory dwelling units and junior accessory dwelling units.

WHEREAS, the City Council has the power to amend the City's zoning ordinance to bring it into conformity with the state legislation and to implement measures pertaining to public health and safety concerns.

WHEREAS, Government Code Sections 65852.2 and 65852.22 authorize a local agency to designate areas in its jurisdiction based on the criteria pertaining to adequacy of water and sewer services, as well as impact of accessory dwelling units on traffic flow and public safety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TEMPLE CITY HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City Council of the City of Temple City incorporates the findings above, and makes the following findings to establish standards for ministerial approval of accessory dwelling units and junior accessory dwelling units to comply with the intent of the state housing law:

1. Accessory dwelling units and junior accessory dwelling units located on lots developed or proposed with dwelling units in areas zoned for single-family and multi-family residential (including mixed-use residential) can provide an important source of affordable housing; and
2. Establishing reasonable regulations for accessory dwelling units and junior accessory dwelling units is an appropriate mechanism to balance the needs of additional affordable housing complying with state law; and

3. Establishing reasonable regulations for accessory dwelling units and junior accessory dwelling units will enable an orderly and compatible development for affordable housing and maintain a quality of life in the community; and
4. Per the state law, accessory dwelling units and junior accessory dwelling units cannot be considered additional density for purposes of General Plan density calculation; and
5. This Ordinance is necessary to enable the City to conduct review of the project's compliance with applicable zoning and safety standards; and
6. This Ordinance is necessary to ensure that adequate infrastructure is in place to accommodate growth; and
7. Accessory dwelling units and junior accessory dwelling units are subject to other applicable zoning standards except as otherwise provided in this Ordinance.

SECTION 2: Section 9-1A-12 of the TCMC is hereby amended to add the following definitions, which will be relocated within the section according to its alphabetical order:

ACCESSORY DWELLING UNIT, ATTACHED: An accessory dwelling unit that shares at least one common wall with the primary dwelling and is not fully contained within the existing space of the primary dwelling or an accessory structure.

ACCESSORY DWELLING UNIT, DETACHED: An accessory dwelling unit that does not share a common wall or common roof with the primary dwelling on a single-family lot or primary dwellings on a multi-family lot and is not fully contained within the existing space of an accessory structure.

ACCESSORY DWELLING UNIT, INTERNAL: An accessory dwelling unit that is fully contained within the existing space of the primary dwelling or an accessory structure.

ACCESSORY DWELLING UNIT, JUNIOR: A unit that is no more than 500 square feet in size and contained entirely within a single-family residence, or a proposed single-family residence. A junior accessory dwelling unit may include an efficiency kitchen that is of reasonable size in relation to the size of the junior accessory dwelling unit. Such units may not be sold separately from the primary residence. The property having a junior accessory dwelling unit must require owner-occupancy.

EFFICIENCY KITCHEN. A cooking facility with appliances, a food preparation counter, storage cabinets, and is of reasonable size in relation to the size of the unit.

EFFICIENCY UNIT. A dwelling unit that is not less than 220 square feet of floor area with a kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front. The unit must be provided with a separate bathroom and the bedroom must have a separate closet. An additional 100 square feet of floor area must be required for each occupant of such unit in excess of two.

STUDIO: A studio is a single residential unit in which the bedroom, living room and kitchen are all located in the same room.

SECTION 3: Section 9-1C-6.A.1.h of the TCMC is hereby amended and restated to read as follows:

- h. Accessory dwelling units and junior accessory dwelling units.

SECTION 4: Section 9-1G-11, Table 9-1G-2 (the land use table for R-1 Zone District) of the TCMC is hereby amended to add Junior accessory dwelling units as a permitted use. The notes column will provide a reference to 9-1T-13.

SECTION 5: Section 9-1G-21, Table 9-1G-7 (the land use table for R-2 Zone District) of the TCMC is hereby amended to add Junior accessory dwelling units as a permitted use. The notes column will provide a reference to 9-1T-13.

SECTION 6: Section 9-1G-31, Table 9-1G-11 (the land use table for R-3 Zone District) of the TCMC is hereby amended to add Junior accessory dwelling units as a permitted use. The notes column will provide a reference to 9-1T-13.

SECTION 7: Section 9-1T-13 of the TCMC, pertaining to regulations for accessory dwelling units and junior accessory dwelling units, is amended and restated as follows:

9-1T-13: ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

A. Applicability: Accessory dwelling units are permitted in any zone that allows residential uses and is developed with residential uses. Junior accessory dwelling units are permitted in R-1, R-2, and R-3 zones where there is an existing or proposed single-family dwelling.

B. Application:

1. Ministerial Review: A proposal of an accessory dwelling unit and/or a junior accessory dwelling unit will be reviewed ministerially.

2. Length of Review:

a. Applications will be approved or denied within 60 days when a complete application is filed for an accessory dwelling unit or a junior accessory dwelling unit associated with an existing single-family or an existing multifamily dwelling.

b. If the permit application for an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application for a new single-family dwelling, the City may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permit application for the new single-family dwelling is approved.

3. Complete Application: The length of review begins when the application is complete. To be considered a complete application, the architectural drawings for the project must provide necessary details and information to allow a decision to be made. If a complete application cannot be provided, the applicant can request the City to conduct a pre-application review and pay an applicable fee before completing the application.

C. Single Family Sites: The following rules apply to certain accessory dwelling units and junior accessory dwelling units on lots with a single-family dwelling unit.

1. Junior Accessory Dwelling Units: The following standards apply to all junior accessory dwelling units.

- a. Number: There may only be one junior accessory dwelling unit per lot. The junior accessory dwelling unit must be contained within the walls of an existing or proposed single-family residence.
- b. Junior Accessory Dwelling Units in the Rear: A junior accessory dwelling unit must be located in the rear half of an existing or proposed single-family residence, unless such design is infeasible
- c. Studios, Only: A junior accessory dwelling unit is limited to a studio unit.
- d. Owner Occupied: The owner must occupy the property, unless the owner is a governmental agency, land trust, or housing organization.
- e. Maximum Size: The junior accessory dwelling unit must be no more than 500 square feet.
- f. Separate Entrance: The junior accessory dwelling unit must include a separate entrance from the main entrance to the proposed or existing single-family residence.
- g. Efficiency Kitchen: The junior accessory dwelling unit must include an efficiency kitchen.
- h. Deed Restriction: Building permits will not be finalized until the owner of the property records and executes a deed restriction on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence. The deed restriction must be in a form acceptable to the City and include:
 - (1) A statement that the deed restriction may be enforced against future purchasers; and
 - (2) A requirement that the owner reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit.

2. Internal Accessory Dwelling Units and Junior Accessory Dwelling Units: The following standards apply to internal accessory dwelling units and internal junior accessory dwelling units:
 - a. Number: One accessory dwelling unit or a junior accessory dwelling unit is allowed on a lot with a proposed or existing single-family dwelling.
 - b. Limited Expansions for Internal Units: If the proposed accessory dwelling unit or junior accessory dwelling unit is within (a) the proposed space of a new single-family dwelling or (b) the existing space of an existing single-family dwelling or accessory structure, the accessory structure may be expanded no more than 150 square feet, for the limited use of accommodating ingress and egress.
 - c. Independent Exterior Door: The accessory dwelling unit or junior accessory dwelling unit must provide an exterior door independent from the proposed or existing single-family dwelling.

3. Detached, New Construction, Accessory Dwelling Units: The following standards apply to detached, new construction accessory dwelling units.
 - a. Four-Foot Setbacks: The minimum side, street side, and rear yard setback is four feet.
 - b. Minimum Size: The accessory dwelling unit may not be more than 800 square feet.
 - c. Maximum Height: The maximum height of a detached accessory dwelling unit must not exceed sixteen feet (16'), measured from the natural grade to the highest roof ridge or parapet. The height of the top plate must not exceed nine feet (9').
- D. Multi-Family Zones and Uses: Accessory dwelling units are allowed on lots zoned for multi-family residential uses (including residential mixed use) and with an existing multi-family structure or structures. The following standards apply.
 1. Internal Accessory Dwelling Units:
 - a. Location: The accessory dwelling units must be located within portions of the existing multi-family dwelling structures that are not used as livable space. This may include, but is not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.
 - b. State Building Standards: Each accessory dwelling unit must comply with state building standards for dwellings.
 - c. Number: A multi-family site may contain at least one accessory dwelling unit. The number of additional accessory dwelling units may not result in an increase of more than 25 percent over the existing density of the site.
 2. Detached Accessory Dwelling Units:
 - a. Number: No more than two detached accessory dwelling units are allowed on lots that contain the existing multifamily dwellings.
 - b. Maximum Height: The maximum height of a detached accessory dwelling unit must not exceed sixteen feet (16'), measured from the natural grade to the highest roof ridge or parapet. The height of the top plate must not exceed nine feet (9').
 - c. Four-Foot Setbacks: The minimum setbacks for the rear and sides is four feet.
- E. Standards for All Accessory Dwelling Units:
 1. Application: The development of accessory dwelling units or junior accessory dwelling units must comply with all other applicable zoning standards and specific plans standards, except otherwise modified by this Section or state law.
 2. Minimum Size: No accessory dwelling unit may be smaller than 220 square feet.

3. Maximum Size:
 - a. Studio Accessory Dwelling Units: Accessory dwelling units designed as a studio may not exceed 600 square feet. This limitation does not apply to junior accessory dwelling units.
 - b. One Bedroom Accessory Dwelling Units: One bedroom accessory dwelling units may not exceed 850 square feet.
 - c. More than One Bedroom Accessory Dwelling Units: accessory dwelling units may not exceed 1,000 square feet.
4. Development Standards that Preclude ADUs: The following development standards set forth in the Zoning Code may not be applied to preclude the construction of an accessory dwelling unit that is at least 800 square feet:
 - a. Floor area ratio;
 - b. Lot coverage;
 - c. An accessory use must not exceed 50 percent the size of the primary dwelling; and
 - d. Open space.
5. Maintaining Existing Setbacks: Existing side, street side, and rear yard setbacks may be maintained for any existing garage or other permitted existing accessory structure.
6. Shared Utilities: The accessory dwelling unit may share utility connections and meters with the primary dwelling or may be separately connected and metered.
7. Park Construction Fees: Accessory dwelling units of 750 square feet or more are subject to park construction fees, to be assessed in proportion to the square footage of the primary dwelling unit.
8. Fire Sprinklers: An automatic residential fire sprinkler system is required for all accessory dwelling units. However, the installation of fire sprinklers are not be required in an accessory dwelling unit if sprinklers are not required for the primary dwelling.
9. Certificates of Occupancy: A certificate of occupancy for an accessory dwelling unit should not be issued before the certificate of occupancy for the primary dwelling.
10. Parking Requirements:
 - a. One open parking space is required for a detached accessory dwelling unit involving new square footage and having at least one bedroom. The space may be provided in tandem on an existing driveway.

- b. New parking spaces for an accessory dwelling unit may be located in the side and rear setbacks provided that a three-foot landscaped buffer will be created along the property line(s).
- c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking is not required.
- d. If a house addition is also proposed for the primary dwelling in conjunction with a new accessory dwelling unit, replacement of the off-street parking must first be provided for the primary dwelling.
- e. Notwithstanding the parking standard for accessory dwelling units, parking will not be required for an accessory dwelling unit in any of the following instances:
 - (1) The accessory dwelling unit is located within one-half mile of a public transit.
 - (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

F. Design Standards: The following design standards apply if feasible. A design standard will be considered infeasible if implementing it will physically prohibit the creation of an ADU or JADU.

- 1. Doors Cannot Be Visible: The doors to all accessory dwelling units and junior accessory dwelling units may not be visible from the public right-of-way. If the accessory dwelling unit or junior accessory dwelling unit is located on the second floor of the main dwelling, the stairs leading to the unit must be located on the interior of the structure.
- 2. Garage Door Removal: When converting a garage into an accessory dwelling unit or junior accessory dwelling unit the garage door must be removed and sealed using a material the same as that of the adjoining wall material.
- 3. Front Entries: Accessory dwelling units and junior accessory dwelling units must be provided with a covered front porch or a recessed entry. The area may not be less than three feet deep measured to the post if it is a porch or to the wall if it is a recessed entry.
- 4. Walls and Fences: All attached and detached accessory dwelling units must have a view obscuring six-foot high wall or fence in good repair along the side and rear property lines nearest the accessory dwelling units.

5. Open Space: Accessory dwelling units should have a minimum of 400 square feet of open space with dimensions of no less than 10 feet. The open space should be directly accessible to the accessory dwelling unit.
6. Hedges: All attached and detached accessory dwelling units must have 15-gallon privacy hedges planted five feet on center along the side and rear property lines nearest the structure. This is not required for the conversion of an existing structure to an ADU if the setbacks are less than five feet.
7. Further Subdivision: The following are prohibited:
 - a. Rooms not accessible to all occupants,
 - b. Bedrooms with exit doors, and
 - c. Wet bars in bedrooms or in a common living area.
8. Types of Rooms: An accessory dwelling unit can only include a kitchen, bedroom(s), and one of the following: living room, family room, den, office, rumpus room, etc.
9. Number of Bathrooms: The number of bathrooms (not including powder rooms) cannot exceed the number of bedrooms. A powder room may be allowed if it is accessed from a common living area. A powder room is a bathroom that includes a sink and a toilet and does not include a bathtub and shower."
10. Common Living Areas: An accessory dwelling unit must have no more than one common living area. A common living area is a room meant to be shared and used by all occupants and generally does not require a door to access. Examples of common living areas include living rooms, family rooms, dens, sunrooms, enclosed porches, rumpus rooms, dining rooms, recreation rooms, and the like.
11. Existing Architectural Styles: All accessory dwelling units must be consistent with the architectural style of the main dwelling including but not limited to the roof pitch, articulation, window size, proportion of window units to wall size, direction of opening, muntin pattern, exterior building materials, lighting fixtures, garage door design, and paint colors.
12. Exterior Doors: No more than one exterior door, not including a vehicle garage door, may be provided for the accessory dwelling unit.
13. Laundry Facilities: All proposed laundry facilities must be located within a structure and only accessible from the interior of the structure.

G. Other Requirements: The following standards will apply to accessory dwelling units and junior accessory dwelling units as stated, below.

1. Short-Term Rentals: Rentals of less than a month are prohibited for accessory dwelling units, junior accessory dwelling units, and the primary residential dwellings associated with accessory dwelling units or junior accessory dwelling units.

2. Existing Garages: Garages and carports constructed after January 1, 2020 cannot be converted to accessory dwelling units or junior accessory dwelling units unless the site is modified to meet the off-street parking requirement and floor area ratio.
3. Easements: An accessory dwelling unit should not be constructed within an easement area.

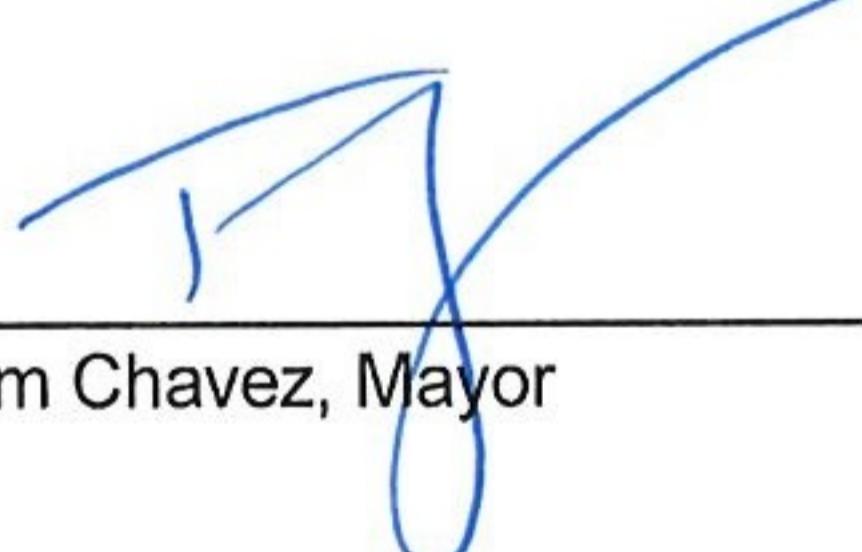
H. Conflict Provisions: Except as expressly provided in this section, to the extent that any provisions of this code conflict with any provisions of this section, the provisions of this section will control. To the extent any provisions of this section conflict with state law, the mandatory requirements of state law will control, but only to the extent legally required.

SECTION 8: The City Council hereby declares that, should any provision, section, subsection, paragraph, sentence, clause, phrase, or word of this Ordinance or any part thereof, be rendered or declared invalid or unconstitutional by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, such decision or action shall not affect the validity of the remaining section or portions of the Ordinance or part thereof. The City Council hereby declares that it would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, clauses, phrases, or words of this Ordinance irrespective of the fact that any one or more provisions, sections, subsections, paragraphs, sentences, clauses, phrases, or words may be declared invalid or unconstitutional.

SECTION 9: The City Council finds that this Ordinance is not subject to environmental review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines: Section 15282(h), which exempts from environmental review the adoption of an ordinance to implement Government Code Section 65852.2; Section 15303, pertaining to new construction or conversion of small structures, such as single family and multifamily residential structures; and Section 15061(b)(3) because it can be seen with certainty that the Ordinance has no possibility of a significant effect on the environment.

SECTION 10: The City Clerk shall certify to the passage and adoption of this Ordinance and to its approval by the Mayor and shall cause the same to be published according to law.

PASSED, APPROVED, AND ADOPTED THIS 20ST DAY OF October, 2020.



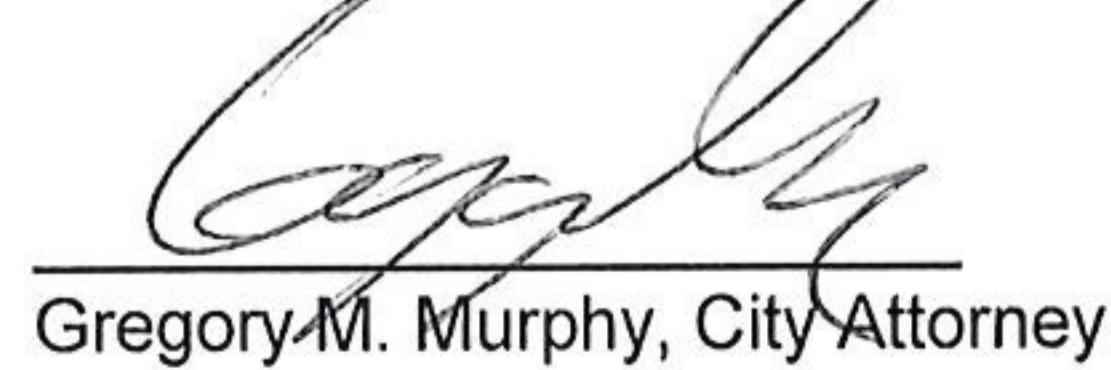
Tom Chavez, Mayor

ATTEST:



Peggy Kuo, City Clerk

APPROVED AS TO FORM:



Gregory M. Murphy, City Attorney

I, Peggy Kuo, City Clerk of the City of Temple City, hereby certify that the foregoing Ordinance No. 20-1048 was introduced, passed, approved, and adopted at the regular meeting of the City Council of the City of Temple City held on the November 4, 2020 by the following vote:

AYES: Councilmember – Man, Sternquist, Vizcarra, Yu, Chavez
NOES: Councilmember – None
ABSENT: Councilmember – None
ABSTAIN: Councilmember – None

Peggy Kuo, City Clerk