

ORDINANCE NO. 2018-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING ARTICLE IX OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO STANDARDS AND REGULATIONS FOR ACCESSORY DWELLING UNITS (ADUs)

THE CITY COUNCIL OF THE CITY OF LAKEWOOD DOES ORDAIN AS FOLLOWS:

SECTION 1. INTENT. Article IX Planning - Zoning of the Lakewood Municipal Code is hereby amended as provided in this Ordinance to establish standards and regulations for Accessory Dwelling Units (ADUs) consistent with state laws and pursuant to Public Hearings before the Planning and Environment Commission and the City Council.

SECTION 2. PURPOSE. The purpose of this ordinance is to implement current state laws concerning the construction of ADUs as modifications of, additions to or as new detached accessory building to existing dwelling units in all zone districts allowing single and multiple-family dwelling units. State lawmakers are concerned about the dwindling supply of affordable housing units in the State of California. They have enacted a number of laws to authorize the development of ADUs on residential properties as one solution to increase the supply of housing. The State Legislature intent is to eliminate barriers to ADU construction, a use that the Legislature has determined to be a cost-effective approach to address housing shortages and to encourage in-fill development within existing neighborhoods.

ADUs are additional independent living quarters that may to be constructed on residential lots that have legally established and properly permitted primary dwelling units. They may be either attached to or detached from the primary dwelling unit. An ADU provides a completely independent living facility, including facilities for living, sleeping, eating, cooking, and sanitation.

SECTION 3. Subsection 9302.1 of Chapter 3 Zoning of Title IX of the Lakewood Municipal Code, regarding the definition of Accessory Building is hereby amended to read as follows:

**9302.1. ACCESSORY BUILDING.** A subordinate building on the lot or building site, the use of which is incidental to that of the main building, and which is used exclusively by the occupants of the main building, except as follows. An ADU as provided in this Chapter by Section 9302.21a; and as further defined in California Government Code Sections 65852.2 maybe occupied by the property owner or rented/leased by an occupant who is either affiliated with the primary dwelling unit or by an independent tenant who is not affiliated with the primary dwelling unit. No accessory building shall be constructed or maintained, except as provided in this Chapter. No accessory building constructed or maintained in the rear yard shall exceed one-story in height and shall not be more than sixteen (16) feet in height, except as follows. The Development Review Board may approve an accessory structure used for vehicle storage to be no more than twenty-five (25) feet in height to accommodate recreational vehicles and vehicle storage racks.

SECTION 4. Section 9302.21a of Chapter 3 of Title IX of the Lakewood Municipal Code, regarding the definition of a Second Dwelling Unit is hereby repealed in its entirety and replaced with the definition of Accessory Dwelling Unit (ADU) to read as follows:

**9302.21a. DWELLING UNIT, ACCESSORY (ADU).** An accessory dwelling unit (ADU) is an additional dwelling unit that is allowed to be located on the same lot or parcel, as an existing legally established and maintained single-family dwelling unit in those zone districts allowing single-family dwelling units as permitted uses. In addition an ADU is an additional dwelling unit that is allowed to be located on the same lot or parcel, as an existing legally established and maintained multiple-family dwelling unit complex of two or more units in those zone districts allowing such multiple-family dwelling unit complexes. An ADU shall provide complete independent living facilities for one or more persons. An ADU shall include provisions for living, sleeping, eating, cooking, laundry hookups and sanitation. An ADU includes an “efficiency unit” as defined in section 17958.1 of the California Health and Safety Code and a “manufactured home” as defined in Section 18007 of the Health and Safety Code. ADUs shall comply with the following standards:

**A. ADU ALLOWED ZONES.** ADUs shall only be allowed within the following zone districts: R-1 (Single-Family Residential), R-A (Single-Family Residential, Limited Agriculture), A (Agriculture) and/or M-F-R (Multiple-Family Residential) zones. ADUs are not allowed in any other zone district.

The City shall ministerially approve an application for a building permit to create one ADU per lot within zone districts allowing single-family dwelling units and zone districts allowing for multiple-family dwelling units.

The ADU construction shall be either: a) a new detached accessory building; b) an addition attached to an existing structure or c) contained within the existing space of a single-family residence or an existing accessory structure, including, but not limited to, a studio, pool house, or other similar structure. The ADU shall have independent exterior access from the existing residence, and shall have side and rear setbacks that are sufficient for fire safety.

The ADU shall be either accessory to a properly permitted and maintained single-family dwelling unit or multiple-family dwelling unit complex that fully complies with all adopted building codes and all provisions of the Lakewood Municipal Code. The single-family dwelling unit or multiple-family dwelling unit complex shall exist on the subject lot or parcel, prior to completing the final inspection of the ADU construction.

**B. ADU REVIEW.** An ADU shall be allowed subject to ministerial reviews by the Development Review Board, site plan review by planning staff, building plan review and through permits issued and inspected in compliance with the adopted building codes. The overall review process between the time the application submittal is deemed complete and the issuance of a building permit shall not exceed 120 days. The Development Review Board shall review the proposed ADU(s) to ensure architectural compatibility with the existing dwelling unit and the surrounding neighborhood.

**C. ADU DEVELOPMENT STANDARDS.** All ADUs shall conform to all property development regulations of the zone in which the property is located. In addition the following are the standards required for the construction of an ADU:

1. **Existing Habitable Accessory Structures.** No ADU shall be constructed on a lot or parcel where there is an existing guest quarters or other habitable accessory structure. There shall be no more than one ADU on any lot or parcel in any zone.

2. **ADU Setbacks.** An ADU shall have a minimum setback of five (5) feet from all side and rear property lines. An ADU attached to a primary dwelling unit shall have a minimum ten (10) foot rear yard setback. No portion of an ADU shall be located in the required front yard.
3. **ADU Floor Area.** An ADU shall have a minimum floor area of 460 square feet and shall not exceed 1,200 square feet in area. If the ADU is attached to the existing single-family dwelling, the maximum floor area of the ADU shall not exceed 50% of the floor area of the existing single-family dwelling or 1,200 square feet, whichever is less. The second-story area of an attached ADU contained within the primary single-family dwelling unit or any portion thereof that is a second-story unit shall not exceed the second-story area of the single-family dwelling unit.
4. **ADU Height.**
  - (a) A detached ADU shall not exceed a single-story height of 16-feet from finished grade to the highest roof ridge.
  - (b) An attached ADU that is contained within the primary single-family dwelling unit shall not exceed the height of that single-family dwelling unit.
5. **ADU Exterior Access.** Each ADU (attached or detached) shall have an independent exterior door to access the ADU. The sole access path to the ADU shall not travel through any portion of the habitable living area of the existing single-family dwelling.
6. **ADU Parking.** One additional parking space shall be required for an ADU, unless one of the following applies:
  - (a) The ADU is located within one-half mile of public transit.
  - (b) The ADU is part of the existing primary residence or an existing accessory structure.
  - (c) The ADU is located within an architecturally and historically significant historic district.
  - (d) When on-street parking permits are required, but not offered to the occupant of the ADU.
  - (e) When there is a car share vehicle located within one block of the ADU.
7. **ADU Open Space.** The ADU shall have a minimum of 650 square feet of useable and accessible open space adjacent and contiguous to the ADU. This open space requirement is in addition to the minimum open space required for either the primary single or multiple-family dwelling unit that is the host unit to the ADU. In computing useable and accessible open space areas for ADUs, the following areas shall not be included in calculating this open space requirement:
  - (a) Areas with minimum dimensions less than eight (8) feet in each direction.
  - (b) Areas being used for vehicle storage.
  - (c) Areas that are not accessible to occupants.
  - (d) Areas within the required front yard setback area.
8. **ADU Utility Adequacy.** No detached ADU shall be allowed in areas determined to have insufficient utility capacities. The utilities serving an ADU attached to an existing residential dwelling unit are considered to be an existing part or expansion of the primary dwelling unit. Each applicant for a proposed detached ADU shall submit written evidence from the water, sewer and electrical utility

agencies that there will be sufficient capacity to serve the existing dwelling units and the proposed ADU, The applicant shall obtain written confirmation that there is:

- (a) Sufficient water pressure, fire flow capacity, distribution line capacity and storage, as confirmed by the water service agency.
- (b) Adequate line capacity and treatment volume capacity as confirmed by the sewer service agency. The Director of Public Works shall maintain a map and record of reports documenting areas determined to have sewage lines that are operating at levels that exceed normal operational capacities.
- (c) Sufficient electrical service capacity, as confirmed by the electrical service agency. The ADU is encouraged install photovoltaic solar energy panels to offset the additional demand.
- (d) Fire sprinklers shall not be required for an ADU, if they are not required for the primary dwelling unit or a related multiple family dwelling unit complex.

9. **ADU Accessibility.** Single-story ADUs should incorporate into their design, where possible, accommodations for potential occupants with mobility challenges. This includes considerations such as wider doorways, higher electrical outlets installations, lower light switches, paddle-type door handles, wider restrooms, taller toilets, low threshold step-in showers and blocking for grab bars around toilets and other areas requiring stabilization.

D. **ADU Occupancy.** The occupancy of an ADU shall adhere to the following:

1. An ADU shall only be rented or leased for terms that are thirty (30) days or more.
2. An ADU shall not be rented as a short term home-share rental for less than thirty (30) days.
3. An ADU may be occupied, rented or leased.
4. The property owner shall reside on the property and shall occupy either the primary dwelling unit or the ADU.

E. **ADU Notice of Condition.** A Notice of Condition shall be recorded regarding each ADU referencing the related lot or parcel and stating the following:

1. These restrictions shall run with the land and be binding on any heir, assign or other successor in ownership of the property.
2. The ADU shall continually be operated and maintained in compliance with current regulations of the Lakewood Municipal Code, State Law, and the adopted uniform building codes.
3. The ADU shall only be rented or leased for periods of time that are thirty (30) days or more.
4. The ADU shall not be rented as a short term home-share rentals for a period of time less than thirty (30) days.
5. The ADU shall not be sold independently of the primary single or multiple-family dwelling unit that is host to an ADU.
6. The property owner shall reside on the property in either primary dwelling unit or the ADU.

SECTION 5. Subsections 9320.A.1 and 9320.A.5 of Part 2 of Chapter 3 of Title IX of the Lakewood Municipal Code, pertaining to uses permitted in the R-1 (Single-Family Residential) zone are amended to read as follows:

**9320. USES PERMITTED:**

A. A single-family dwelling unit of a permanent character placed in a permanent location, including the following accessory uses and buildings.

1. Accessory Dwelling Unit (ADU) as provided in Section 9302.21a.

...

5. Accessory buildings not used for any habitable purpose, including but not limited to garages, workshops, storage sheds, greenhouses, patio covers, cabanas, etc.

...

SECTION 6. Subsection 9322.7 of Part 2 of Chapter 3 of Title IX of the Lakewood Municipal Code, pertaining to accessory buildings in the R-1 (Single-Family Residential) zone is amended to read as follows:

**9322.7 ACCESSORY BUILDINGS.** Private garages or accessory buildings, may be constructed within the required rear yard as follows:

A. No private garage or accessory building shall be located less than three (3) feet from the rear or side lot line, except that any structure used as a private garage or other non-habitable accessory building and located within the rear fifty percent (50%) of the lot may be located no less than one (1) foot from the side lot line, which does not abut a street, and provided that any drainage from its roof shall fall on the lot on which the structure is located.

B. No detached accessory building, ADU or garage shall be located less than four (4) feet from any other building as measured between the eaves of each building.

C. Any accessory building used or designed for human habitation, including an ADU shall be located no less than five (5) feet from any rear and/or side lot lines.

D. No accessory structure, such as, but not limited to, garages, workshops, sheds or greenhouses shall be used as living quarters, except for an ADU as defined in Section 9302.21a.

E. Each garage or carport fronting on any street or alley providing vehicular access thereto shall be located no closer than twenty (20) feet from the adjacent street or alley right-of-way line. Notwithstanding the above, any garage constructed with an automatic mechanical garage door opener and having access onto an alley, may be located closer than twenty (20) feet from the property line adjacent to the alley, provided that a twenty-four (24) foot turning radius is maintained.

F. Canopies may be located only in the rear yard and may not be located in any driveway area used for automobile parking. Such structures shall be located no less than five (5) feet from the side and rear property lines and shall be subject to all standards applicable to accessory structures.

SECTION 7. Subsections 9326.A.1 and 9326.A.6 of Part 2a of Chapter 3 of Title IX of the Lakewood Municipal Code, pertaining to uses permitted in the R-A (Single-family residential – limited agriculture) zone are amended to read as follows:

**9326. USES PERMITTED:**

A. A single-family dwelling unit of a permanent character placed in a permanent location, including the following accessory uses and buildings:

1. Accessory Dwelling Unit (ADU) as provided in Section 9302.21a. ...
6. Accessory buildings not used for any habitable purpose, including but not limited to garages, workshops, storage sheds, greenhouses, shade covers, cabanas, hobby and recreation rooms.

SECTION 8. Subsection 9326.9 ACCESSORY BUILDINGS. of Part 2a of Chapter 3 of Title IX of the Lakewood Municipal Code, pertaining to uses permitted in the R-A (Single-Family Residential – Limited Agriculture) zone is hereby repealed and replaced to read as follows:

**9326.9 ACCESSORY BUILDINGS.** Accessory buildings are allowed as specified in Section 9322.7.

SECTION 9. Subsection 9332.C.5 of Chapter 3 of Title IX of the Lakewood Municipal Code, pertaining to uses permitted in the M-F-R (Multiple Family Residential) zone is amended to read as follows:

5. **Accessory Structures.** No accessory structure, such as, but not limited to: garages, workshops, sheds or greenhouses, shall be used as living quarters or recreational areas, except as allowed for Accessory Dwelling Units (ADUs) as provided in Section 9302.21a.

SECTION 10. Subsection 9386 of Chapter 3 of Title IX of the Lakewood Municipal Code, pertaining to General Provisions Relating to Yards, Height and Area is amended to read as follows:

**9386. ACCESSORY BUILDINGS.** Accessory buildings may be constructed and maintained within the rear yard subject to the limitations and provisions of this Chapter, with the exception that no accessory building shall exceed one story in height. No accessory structure, such as, but not limited to garages, workshops, sheds or greenhouses, shall be used as living quarters, except as allowed for an ADU as defined in Section 9302.21a.

SECTION 11. CEQA. This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b) (3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. CEQA does not apply where there is no possibility that the activity may have a significant effect on the environment. This ordinance has no impact on the physical environment as it will only modify administrative procedures.

SECTION 12. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this ordinance or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or circumstance. The City Council hereby declares that it would have adopted this ordinance and each section,

subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraph, sentences, clauses, phrases, or portions thereof be declared invalid, unenforceable or unconstitutional.

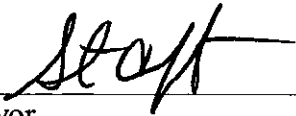
SECTION 13. CONTINUITY. To the extent the provisions of the Lakewood Municipal Code as amended by this ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 14. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance and shall post a certified copy of this ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933. The City Council hereby finds and determines there are no newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code, directs the City Clerk to cause the ordinance within 15 days after its passage to be posted in at least three (3) public places within the City as established by ordinance.

SECTION 15. EFFECTIVE DATE. This Ordinance shall be posted or published as required by law and shall take effect thirty (30) days after its adoption.

APPROVED AND ADOPTED this 11th day of September, 2018, by the following roll call vote:

	AYES	NAYS	ABSENT
Council Member DuBois	<u>  X  </u>	<u>      </u>	<u>      </u>
Council Member Piazza	<u>  X  </u>	<u>      </u>	<u>      </u>
Council Member Rogers	<u>  X  </u>	<u>      </u>	<u>      </u>
Council Member Wood	<u>  X  </u>	<u>      </u>	<u>      </u>
Mayor Croft	<u>  X  </u>	<u>      </u>	<u>      </u>

  
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 Mayor

ATTEST:

  
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 City Clerk