

ORDINANCE NO. 2020-1

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

WHEREAS, several new state laws which significantly impact local controls over the approval process, design and use of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) became effective on January 1, 2020; and

WHEREAS, those laws provide that, beginning January 1, 2020, until a local jurisdiction adopts local laws in conformance with those new state laws, the local rules for the approval of Accessory Dwelling Units and Junior Accessory Dwelling Units will default to the state laws for all purposes; and

WHEREAS, on December 10, 2019, the City Council adopted Urgency Ordinance 2019-4 titled; "An Urgency Ordinance of the City Council of The City of Lakewood, California to retain permissible local controls relating to Accessory Dwelling Units," which included the regulatory statement that "all provisions in the Lakewood Municipal Code pertaining to Accessory Dwelling Units which are not preempted by state law remain in full force and effect;" and

WHEREAS, the purpose of this urgency ordinance is to replace Ordinance 2019-4 with an ordinance that specifically revises existing standards and adopts new standards that are consistent with the new state laws that became effective on January 1, 2020; and

WHEREAS, it is necessary that this ordinance be adopted as an urgency ordinance for the immediate preservation of the public peace, health, or safety, due to the likelihood that Accessory Dwelling Units and Junior Accessory Dwelling Units that do not conform to local standards would have to be approved per state law after January 1, 2020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that each of the findings set forth above is true and correct.

SECTION 2. INTENT. Article IX of the Lakewood Municipal Code is hereby amended as provided in this ordinance to revise standards and regulations for Accessory Dwelling Units (ADUs) and to establish standards and regulations for Junior Accessory Dwelling Units (JADUs) consistent with recent changes in state laws and pursuant to Public Hearings before the Planning and Environment Commission and the City Council.

SECTION 3. PURPOSE. The purpose of this ordinance is to amend current city standards to properly implement revised state laws that became effective on January 1, 2020 concerning the construction and use of ADUs and JADUs. Among the new state laws adopted in 2019 being addressed by this ordinance are AB 68 (Ting), AB 587 (Friedman), AB 670 (Freidman), AB 671 (Freidman), AB 881 (Bloom) and SB 13 (Wieckowski). State lawmakers are concerned about the inadequate supply of affordable housing units in the State of California and find that the addition of ADUs and JADUs to existing residences is one source of such housing.

After adoption, this ordinance will be subject to a review by the state Housing and Community Development Department (HCD), for consistency with state law. It is the intent of the City to implement state law to develop alternative housing units, while maintaining local control of standards to assure architectural compatibility and consistency of site design, building design, material selection and landscaping. ADUs and JADUs are alternative affordable dwelling units that are designed to house extended family members, the elderly, the disabled, students and others that are economically challenged.

ADUs are additional independent living quarters that may be constructed on single-family and multiple-family residential lots that have existing legally established and properly permitted primary dwelling units at the time ADU construction is completed. An ADU may be either attached to, or detached from, a primary dwelling unit. A JADU is a conversion of an existing bedroom and possibly other space within a primary single-family dwelling unit and may be constructed in addition to a detached ADU on a lot with a single-family dwelling.

SECTION 4. 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:

A. An Accessory Dwelling Unit (ADU) as provided in this Chapter by Section 9302.21a; and as further defined in California Government Code Sections 65852.2.

B. A Junior Accessory Dwelling Unit (JADU) as provided in this Chapter by Section 9302.21b; and as further defined in California Government Code Section 65852.22.

An ADU and/or JADU may be occupied by the property owner or rented/leased by a tenant, who may or may not be affiliated with the primary dwelling unit occupant. The property owner is not required to reside on the property. However, a JADU may only be occupied by an independent tenant only when the primary dwelling unit is occupied by the property owner. Otherwise both, the primary dwelling unit and the JADU, shall have the same tenant.

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. However, the Development Review Board may approve an accessory structure used for vehicle storage not to exceed twenty

five (25) feet in height to accommodate recreational vehicles and vehicle storage racks.

SECTION 5. Section 9302.21a of Chapter 3 of Title IX of the Lakewood Municipal Code, regarding an Accessory Dwelling Unit (ADU) is amended to read as follows:

9302.21a. DWELLING UNIT, ACCESSORY (ADU). An Accessory Dwelling Unit (ADU) shall mean an attached or detached additional dwelling unit that is allowed to be located on the same lot or parcel, as a legally established and maintained single-family dwelling unit or as a legally established and maintained multiple-family dwelling unit complex of two or more units, in zone districts that allow such dwelling units or is a previously established non-conforming use. The primary dwelling unit that is host to an ADU may be constructed concurrently with the ADU but shall be completed with a successful final inspection prior to, or concurrently with, the successful final inspection of the ADU.

The construction of an ADU may be a modification of an existing primary residence or an existing accessory structure or the construction of a new attached or detached accessory building in all zone districts allowing single- and multiple-family dwellings units. An ADU shall provide a completely independent living facility, including facilities for living, sleeping, eating, cooking, laundry connections and sanitation for one or more persons. An ADU includes a minimum 150 square-foot "efficiency unit" as defined in Section 17958.1 of the California Health and Safety Code and a minimum 320 square-foot "manufactured home" as defined in Section 18007 of the Health and Safety Code. ADUs shall comply with the following standards:

- A. ALLOWED ADUS. ADUs shall only be allowed in combination with either a properly permitted and maintained single-family dwelling unit or a multiple-family dwelling unit complex, including those previously properly permitted, but that are now non-conforming land uses. The ADU shall be either: a) a new detached accessory building; b) an addition to and/or expansion of an existing primary or accessory structure; or c) a remodel and conversion of existing space contained within either an existing dwelling unit or an existing accessory structure, including, but not limited to; a garage, carport, studio, pool house, or other similar structure.
- B. ADU REVIEW. The City shall ministerially review, in conformance with Section 65852.2 of the California State Government Code, and approve an application for a building permit to create one ADU per lot that has an existing or proposed single-family dwelling unit and up to two detached ADUs on lots with existing or proposed multiple-family dwelling units. In addition to the two allowed detached ADUs on existing multiple-family dwelling unit complexes, additional attached ADUs may be constructed by converting existing properly permitted non-habitable spaces into habitable ADU spaces, not to exceed twenty-five percent (25%) of the number of existing primary multiple-family dwelling units on the property. An ADU shall be allowed subject to a ministerial architectural design review, and building plan review by city staff, including permits and inspections required to be 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 60 days.

City staff shall review the proposed ADU(s) to ensure architectural compatibility between the proposed ADU and the existing dwelling unit(s). The quality of the materials shall be the same or exceed the quality of the primary unit(s). This review includes coordinating all architectural elements to be consistent and/or compatible with the primary dwelling unit, as follows:

1. Roofing in terms of style, type, pitch, material and color;
2. Architectural treatments such as the style, length, height and width of fascia, barge boards, wainscoting, eave overhangs and post wrappings;
3. Building paint and exterior siding in terms of color, texture and style;
4. Windows and doors in terms of trim, style and type;
5. Architectural articulation and landscaping;
6. Water heater and air conditioning condenser location, enclosure, and type.
7. Street visibility and height of addressing numbers and mailbox placement.
8. Trash cart storage and screening from street views.

C. **BUILDING AND ZONING CODE ENFORCEMENT.** Upon request by a property owner proposing an ADU, the city shall delay enforcement of any violations of building standards (e.g. unpermitted construction) for five years, where the Community Development Director has determined that the enforcement of the standard is not necessary to protect health or safety and where such enforcement would substantially delay the ADU construction.

D. **ADU DEVELOPMENT STANDARDS.** The following standards are required for the construction of an ADU:

1. Existing Habitable Accessory Structures. In addition to an allowed JADU, there shall be no more than one ADU or other habitable accessory structure (e.g. guest house) on any lot or parcel in any zone allowing single-family residential uses.
2. ADU Setbacks. An ADU shall have a minimum setback of four (4) feet from all side and rear property lines, except that they may be less than four (4) feet when an ADU is converting an existing living area or an existing accessory structure that has a reduced setback or an ADU structure is proposed to be constructed in the same location and to the same dimensions as an existing primary or accessory structure that has reduced setbacks and that is being converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, including an expansion of no more than 150 square feet for ingress and egress (e.g. porch). There shall be a minimum 4-foot setback between eaves of an ADU and other detached buildings. There shall be no additional setback requirements for an existing structure that is being converted to an ADU. No portion of a proposed ADU shall be in the front yard setback area, unless a provision in Article 9 specifically allows such a projection into the front yard. The setbacks shall be sufficient for fire and safety access, as determined by Los Angeles County Fire Department.
3. ADU Floor Area. An ADU shall have a minimum floor area of 150 square feet and shall not exceed 1,200 square feet in area. If the ADU is attached to the existing single-family dwelling unit, the maximum floor area of the ADU shall not exceed 50% of the floor area of an existing single-family dwelling unit or 1,200 square feet, whichever is less. Notwithstanding this requirement, an ADU is allowed to

have a floor area no less than 850 square feet. The second-story area of an attached ADU contained within a primary single-family dwelling unit or any portion thereof that is a second-story unit, shall not exceed the remaining second-story area of the single-family dwelling unit.

4. ADU Height.

a. The height limit of a detached ADU shall not exceed a single-story height of 16-feet from finished grade to the highest roof ridge, unless it is a conversion of an existing properly permitted structure that is taller.

b. The height limit of an attached ADU shall be the height of the related dwelling unit or 16 feet, whichever is greater.

c. An ADU may contain a loft as allowed by the adopted building codes.

5. Access. Each ADU shall have an independent exterior door to access the ADU with a paved path of travel from it to the public sidewalk. All exterior access doors and gates along the required path of travel shall be a minimum 36" wide. The ADU entry door shall be covered with a projecting roof overhang with a porch, unless otherwise approved by the Community Development Director or designee. The required access path to the ADU shall not travel through any portion of the habitable living area of the existing dwelling unit.

6. ADU Parking. One additional parking space shall be required for an ADU, unless any of the following applies:

a. The ADU is located in a conversion or replacement of an existing garage, carport or covered parking structure. The existing parking spaces do not have to be replaced.

b. The ADU is part of the existing primary residence or an existing accessory structure.

c. The ADU is located within a traversable distance of one-half mile of public transit.

d. The ADU is located within an architecturally and historically significant historic district.

e. On-street parking permits are required, but not offered to an ADU occupant.

f. A car share vehicle is located within one block of the ADU.

7. ADU Additional Development Standards. Construction of an ADU shall not be subject to any zoning regulations regarding standards for minimum lot size, additional open space, lot coverage and/or floor area ratio.

8. ADU Utility and Infrastructure Adequacy. The city may deny an application for a detached ADU, unless otherwise allowed by California Government Code Section 65852.2 (e), based on a determination that there is inadequate water or sewer services to serve the proposed ADU and/or that the construction of the ADU will create impacts on traffic flow and/or public safety. The city may determine that there are areas in the city that have inadequate utility capacities for either source, storage distribution/collection and/or treatment of one or more of the following utilities: potable water, fire flow, and sewer. The utilities serving an ADU attached to an existing residential dwelling unit are considered to be a part of,

or an expansion of, the existing primary dwelling unit and shall not be subject to this determination.

a. Electrical. City staff shall encourage each ADU to install photovoltaic solar energy panels to offset the annual electrical demands of the ADU.

b. Fire Flow. An ADU and all portions of the related dwelling unit shall be within 450 feet of a fire hydrant with a clear path to run a fire hose from the fire hydrant to all parts of the proposed ADU and the related dwelling unit. 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 attached or detached shall incorporate into their design, accommodations for potential occupants with mobility challenges. This includes design considerations such as ramped entries, handrails adjacent to steps, wider doors and doorways, higher electrical outlet installations, lower light switches, paddle-type door handles, wider restrooms, taller toilets, low or zero threshold step-in showers and blocking for potential grab bars around toilets and other areas requiring stabilization.

10. Garage and Other Building Conversions. Conversions of existing structures shall not leave any shadowing of previous doors and windows. Such doors and windows shall be fully removed including framing. The remaining wall will be reconstructed with stucco or alternate siding material that leaves no sign of the previous installations. Existing garage floors shall be appropriately retrofitted to be flat with moisture barriers and raised to comply with adopted building codes.

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

a. An ADU shall only be rented or leased for terms that are 30 days or more.

b. An ADU shall not be rented as a short-term home-share rental.

c. An ADU may be occupied and rented/leased to a person not affiliated with, and independent from, the primary dwelling unit. The property owner does not have to reside on the property.

E. ADU Notice of Condition. A Notice of Condition may be required to be recorded, as determined necessary by the Director of Community Development, regarding each ADU referencing the related lot or parcel and stating the following:

1. The ADU shall not be sold independently of the primary single or multiple-family dwelling unit that is host to an ADU, except as authorized by state law.

2. The ADU shall only be rented or leased for periods of time that are 30 days or more.

3. The ADU shall not be rented as a short-term home-share rental for a period of time less than 30 days.

4. 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.

5. These restrictions shall run with the land and shall be binding on any heir, assign or other successor in ownership of the property.

regarding the definition of a Junior Accessory Dwelling Unit (JADU) is hereby added to read as follows:

9302.21b. DWELLING UNIT, JUNIOR ACCESSORY (JADU). A Junior Accessory Dwelling Unit (JADU) is an additional dwelling unit that is allowed to be located within an existing legally established and maintained single-family dwelling unit in those zone districts allowing single-family dwelling units as permitted uses. A JADU shall provide living and sleeping facilities for one or more persons. A JADU shall have an independent efficiency kitchen with cooking appliances, food preparation counter with a sink and storage cabinets. The JADU may have separate sanitation facilities or may share a bathroom with the primary dwelling unit with an internal doorway to allow entry into the primary dwelling unit.

- A. ALLOWED JADUS. JADUs shall only be allowed within an existing properly permitted and maintained single-family dwelling unit, including those properly permitted previously, but that are now non-conforming land uses. The JADU shall conform to Section 65852.22 of the California Government Code and shall convert an existing bedroom and may include additional space.
- B. JADU REVIEW. The City shall ministerially approve an application for a building permit to create one JADU within the existing footprint of an existing single-family dwelling unit within zone districts allowing single-family dwelling units. A JADU shall be allowed subject to a ministerial staff design review for architectural compatibility and building plan review, including permits and inspections required to be 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 60 days. The City staff shall review the proposed JADU to ensure architectural compatibility with the existing dwelling unit.
- C. JADU DEVELOPMENT STANDARDS. All JADUs 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 a JADU:
 1. JADU Floor Area. A JADU shall have a minimum floor area of 150 square feet and shall not exceed 500 square feet in area.
 2. JADU Kitchen. A JADU shall have an efficiency kitchen with a cooking facility with appliances and a food preparation counter with a sink and storage cabinets.
 3. JADU Exterior/Interior Access. Each JADU shall have an independent exterior door to access the JADU with a paved path of travel from it to the public sidewalk. All exterior access doors and gates along the required path of travel shall be a minimum 36" wide. The JADU exterior door shall be covered with a projecting roof overhang. In addition, each JADU shall have a doorway that connects to the habitable living area of the existing single-family dwelling unit and may have a second door for sound attenuation.
 4. JADU Accessibility. JADUs shall incorporate into their design, where possible, accommodations for potential occupants with mobility challenges. This includes design considerations such as ramped entries, handrails adjacent to steps, wider doorways, higher electrical outlets installations, lower light switches, paddle-type door handles, wider restrooms, taller toilets, low or zero threshold step-in

showers and blocking for grab bars around toilets and other areas requiring stabilization.

- D. JADU Occupancy. The occupancy of an JADU shall comply with the following:
1. A JADU shall only be rented or leased for terms that are 30 days or more.
 2. A JADU shall not be rented as a short term home-share rental.
 3. The property owner shall live in the primary dwelling unit or the JADU unless the owner is a governmental agency, land trust, or housing organization. The JADU may be occupied and rented/leased to a person not affiliated with and independent from the primary dwelling unit.
- E. JADU Notice of Condition. A Notice of Condition shall be required to be recorded, regarding each JADU referencing the related lot or parcel and stating the following:
1. The JADU shall not be sold independently of the primary single family dwelling that is host to the JADU.
 2. The property owner shall occupy as their primary residence the host single family dwelling unit or the JADU, unless the owner is a governmental agency, land trust, or housing organization.
 3. The JADU shall only be rented or leased for periods of time that are 30 days or more.
 4. The JADU shall not be rented as a short term home-share rental for a period of time less than 30 days.
 5. The JADU shall continually be operated and maintained in compliance with current regulations of the Lakewood Municipal Code, state Law, and the adopted uniform building codes.
 6. These restrictions shall run with the land and shall be binding on any heir, assign or other successor in ownership of the property.

SECTION 7. Subsection 9320.A.1 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. and/or a Junior Accessory Dwelling Unit (JADU) as provided in Section 9302.21b.

...

SECTION 8. Subsection 9322.7. C 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:

...

- C. Any new accessory building used or designed for human habitation, including an ADU shall be located no less than 4 feet from any rear and/or side lot lines, unless it is replacing an existing building that was properly permitted with setbacks that are less than 4 feet.

SECTION 9. Subsection 9326.A.1 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. and/or a Junior Accessory Dwelling Unit (JADU) as provided in Section 9302.21b.

...

SECTION 10. 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 11. 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. Lofts are allowed that comply with adopted building codes. 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 12. Section 9477 of Chapter 3 of Title IX of the Lakewood Municipal Code, pertaining to the PD (Planned Development) Zone Regulations is amended to read as follows:

9477. OTHER PROVISIONS OF THIS CHAPTER APPLICABLE. Except where inconsistent with the provisions of this Part, all other provisions of this Chapter shall apply to the PD (Planned Unit Development) Zone, including the authority to add an ADU and/or a JADU to any single-family dwelling unit and to add ADUs to a multiple-family dwelling unit complex in accordance with the provisions of this Chapter for such multiple-family dwelling unit complexes.

SECTION 13. Section 9482 of Chapter 3 of Title IX of the Lakewood Municipal Code, pertaining to requirements for building permits is amended to read as follows:

9482. BUILDING PERMITS. No person shall construct any building nor shall any building or other permit be issued for any building or structure or alteration or expansion or relocation of any building or structure until the same has been approved by the Development Review Board (DRB) or by the Director of Community Development (Director) as determined appropriate through a ministerial staff design review. The Director may establish administrative guidelines and criteria for such staff design reviews. In the case of proposed Accessory Dwelling Units and Junior Accessory Dwelling Units they shall be subject to a ministerial staff design review to assure architectural compatibility with the primary dwelling unit. Upon approval of such development plans, the property shall be developed and maintained in accordance with the conditions of approval of the plan and none other. Any appeal of a DRB or Director approval of a staff design review shall be in accordance with the provisions of Section 9486.

SECTION 14. REPEAL OF PRIOR ORDINANCE. Ordinance 2019-4 is hereby repealed in its entirety.

SECTION 15. CEQA. This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17.

SECTION 16. 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 17. 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 18. 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 19. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 11th day of February, 2020, by the following roll call vote:

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



Mayor

ATTEST:



City Clerk