

ORDINANCE NO. 2023-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING ARTICLE IX OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO STANDARDS, REVIEW PROCEDURES AND REGULATIONS FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

WHEREAS, new state laws which became effective on January 1, 2023 will impact local control over the approval process and the design and use of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs); and

WHEREAS, those laws provide that, beginning on January 1, 2023, and until a local jurisdiction adopts local laws in conformance with those new state laws, the local rules for approval and the ability to apply local objective design standards to Accessory Dwelling Units and Junior Accessory Dwelling Units will default to the state laws and standards for all purposes; and

WHEREAS, the purpose of this Ordinance is to update and modify current City development standards and authorize any allowed processing fees, regarding the construction of ADUs and JADUs as necessary to conform to the current state law and policy, as effective on January 1, 2023, and further by reference to those laws, as amended from time to time thereafter, in order to better facilitate urban construction and knowledge of ADU's objective standards.

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

SECTION 1. The City Council 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 amended as provided in this Ordinance to revise standards and regulations for Accessory Dwelling Units (ADUs) and to revise 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. This shall include authorization to establish application processing fees for ADUs and JADUs in conformance with California Government Code Section 65852.2 (a) (2) and to impose an ADU property owner residency requirement commencing on January 1, 2025, as allowed by state law.

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, 2023, concerning the construction and use of ADUs and JADUs. Among the new state laws adopted in 2022 being addressed by this ordinance are SB 897 (Wieckowski) and AB 2221 (Quirk-Silva).

State lawmakers remain concerned about the inadequate supply of affordable housing units in the State of California and find that modifications to the regulations and policies, regarding ADUs and JADUs necessary to encourage the continued addition of such residences as one source of such housing.

It is the intent of the City to implement state law to develop alternative housing units while maintaining local control of standards. ADUs and JADUs are an alternative affordable housing option for all tenants and specifically for extended family members, the elderly, the disabled, students, and others that are otherwise economically or physically challenged.

SECTION 4. Subsection 9302.1 of the Lakewood Municipal Code, regarding the definition of Accessory Building is 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 any primary main building on the lot, and which is used exclusively by the occupants of any primary main building on the lot as allowed by zoning or state law, except for use by tenants of either: 1) One or two Accessory Dwelling Units (ADUs) as provided by Section 9302.21a; as further defined currently in California Government Code Section 65852.2, and as it may be subsequently amended from time to time in the future and/or 2) a Junior Accessory Dwelling Unit (JADU) as provided by Section 9302.21b; as further defined currently in California Government Code Section 65852.22, and as it may be subsequently amended from time to time in the future. The ADU and JADU accessory uses are further regulated by the following:

A. Definitions. Words and terms as used in ADU and JADU regulations of this Code are defined as follows:

1. Human Being. In the context of property ownership, a “human being” is an individual that is not a corporation or other legal entity and that is otherwise considered to be a legal “person.” A “human being” may be a property owner who owns real property and holds title to that property in their name as: an individual, community property, a member of a joint tenancy, a tenant in common, a trustee or benefactor of a trust or a partner of a partnership, but not as an officer of a corporation or other such legal entity.
2. Multifamily Dwelling Unit. This refers to a unit that is attached to one or more dwelling units on a lot. However, it does not include multiple detached individual dwelling units on a lot zoned for multiple family dwelling units or mixed-use development.
3. Multiple-Family. This term refers to a City established residential zoning district that allows more than two detached or attached primary dwelling units on a lot.
4. Objective Standards. This means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both, the development applicant or proponent and the public official, prior to submittal.
5. Primary Legal Residence. The primary domicile and permanent home of the property owner as a legal resident of the State of California and as determined by the State of California for the purposes of taxation. Proof of such residency shall be demonstrated by the property owner presenting to the City a current unexpired valid copy of one of the

following showing the address of the subject property as their primary legal residence: a California driver's license, a California Real ID, or other State of California identification card and/or a Federal Government issued United States passport or Military ID.

6. Property Owner. This term includes all persons owning a piece of real property but may be specifically limited for some regulations to be only an individual "human being," and it shall include their heirs, successors, and assigns.

B. ADU/JADU Occupancy. An ADU and/or JADU as defined above 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 as a family member. The property owner for the purposes of this section shall be a "human being" who owns the property under their name, and not as a corporation or other legal entity. Owner-occupancy shall not be required if the owner is a governmental agency, land trust or housing organization.

1. ADU. The property owner of an ADU is required to reside on the property as follows:
(a) An ADU permitted prior to January 1, 2025, shall not require the property owner to reside on the property to be issued a permit to construct and/or to rent/lease the ADU to a separate person.

(b) An ADU permitted on or after January 1, 2025, shall require the property owner, a human being, to reside on the property in a permitted dwelling unit as their "primary legal residence" in order to be issued a permit to construct and/or to rent/lease the ADU to a separate tenant. The property owner, a human being, shall reside either in an ADU or in a primary dwelling unit on the same lot as the ADU that then may be rented/leased to a separate tenant. Otherwise, any ADU and the host primary dwelling unit shall be occupied by the same tenant and shall not be sublet to another person, as a separate tenant.

2. JADU. The property owner, a human being, of any JADU shall be required to reside on the property as their primary legal residence. They may reside in the JADU or in another permitted ADU or primary dwelling unit on the lot with the JADU. Otherwise, if the property owner does not reside on the property as their "primary legal residence," the JADU, and the remainder of the dwelling unit in which the JADU is located, shall be rented/leased, and occupied by the same tenant, a human being, and their family and shall not be sublet to any other person.

C. Accessory Buildings and Height. All accessory buildings, including an ADU or JADU, shall be constructed or maintained in conformance with the development standards of the zone district in which they are located, including the allowed maximum height, except as otherwise provided in this Chapter.

SECTION 5. Section 9302.21a 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 one or two attached or detached additional dwelling units that are allowed to be located on the same lot or parcel, that has either: 1) a single-family primary dwelling unit as the main building and primary use in zone districts that allow single-family dwellings or is a non-conforming use in zone districts that do not, or 2) a primary multifamily dwelling unit complex of two or more attached units, as the main buildings and primary use in zone districts

that allow such multifamily dwelling units or mixed use developments. The primary dwelling unit that is host to an ADU shall be either an existing or concurrently proposed primary dwelling unit.

Prior to final inspection of an ADU, the hosting primary dwelling unit shall be completed with a successful final inspection allowing occupancy that is completed prior to, or concurrently with, a successful final inspection of the ADU, allowing ADU occupancy. Any required demolition plan check for a detached garage conversion or allowed ADU replacement structure shall be processed with permits and inspections concurrently with those required for the ADU. The proposed construction of an ADU may be: 1) a modification of an existing or proposed permitted primary dwelling unit, or an existing or proposed permitted accessory building or 2) the construction of a new attached or detached accessory building. ADUs are allowed in all zone districts allowing single-family and multiple-family dwelling units, as well as those allowing mixed uses.

An ADU shall provide a completely independent dwelling unit, including facilities for living, sleeping, eating, cooking, and sanitation for one or more persons. An allowed 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 as follows:

1. Single Family Residential. The City shall ministerially approve through an application for a Building and Safety plan check to permit no more than two (2) ADUs per lot within zoning districts that allow single-family dwelling units or where there is an existing non-conforming single-family residence, as follows:

(a) One ADU is allowed only as a conversion of existing or proposed floor area of an existing or proposed dwelling unit or an existing or proposed accessory building that is either attached to or is detached from the primary dwelling unit that is host to the ADU; and/or

(b) One ADU is allowed only as new construction of an attached or detached ADU. These ADUs shall be in combination with either an existing or proposed host single-family dwelling unit within zoning districts that allow single-family dwelling units or as an existing non-conforming single-family dwelling unit within zoning districts that do not allow single-family dwelling units. The zone districts that allow single-family dwellings are: R-1 (Single-Family Residential), R-A (Single-Family Residential Limited Agriculture), A (Agriculture), and PD- SF (Planned Unit Development – Single Family). In addition to the two allowed ADUs on such lots, a JADU and a second primary dwelling unit are also allowed as elsewhere specified by this Code and state law. In no instance shall the combination of allowed dwelling units exceed more than four (4) dwelling units on any lot existing on January 1, 2022 zoned and/or used for single-family dwelling unit purposes.

2. Multiple-Family Residential. The City shall ministerially approve through an application for a Building and Safety plan check to allow no more than two external fully detached ADUs within an existing or proposed multifamily complex with two or more attached units on a lot zoned for either multiple-family residential uses or mixed uses.

In addition, at least one more internal attached ADU is allowed to be created from existing or proposed non-habitable space within the existing or proposed multifamily dwelling unit or mixed-use residential building, including their attached garages. In addition to these three allowed ADUs within any multifamily dwelling unit or mixed-use complex, more internal ADUs are allowed to be created from existing or proposed non-habitable residential space, provided the total number of such internal ADUs does not exceed twenty-five percent (25%) of the number of the existing or proposed primary multifamily attached dwelling units permitted on the property. Any remaining percentage resulting in a partial unit shall be rounded down to the next full unit.

Zoning districts that allow multifamily dwelling unit complexes are the M-F-R (Multiple-Family Residential), PD-MF (Planned Unit Development – Multiple Family) Zones and any mixed-use zone districts that allow multifamily dwellings. In the MFR, PD-MF, and any mixed-use zone district, there shall be an existing or proposed primary multifamily residential dwelling unit complex with two or more attached units to host ADUs in compliance with multifamily ADU standards. A non-conforming single dwelling or multiple detached dwelling units on such lots may host ADUs, in conformance with procedures for zone districts allowing single-family residential uses.

B. ADU Construction. An ADU shall be constructed as one of the following: a) a new fully detached accessory building; b) an addition to an existing or proposed primary or accessory structure; or c) a remodel and conversion of existing or proposed space contained within either an existing or concurrently proposed primary dwelling unit or an existing or concurrently proposed accessory structure, including, but not limited to, a garage, carport, studio, pool house, or other similar structure.

C. ADU REVIEW. The City shall ministerially review building permit applications for any proposed ADUs, in conformance with this Code and with Section 65852.2 of the California State Government Code, as currently adopted and as subsequently amended from time to time, in the future. ADUs shall be approved in accordance with the following:

1. Building and Safety Review. Prior to the City accepting an application for Building and Safety plan check review to permit a proposed ADU, all plans, materials, and associated fees necessary for such a review shall be submitted, reviewed, and accepted as complete. These materials shall include all required plans, structural calculations, Title 24 energy calculations, and all other documents required for the plan check and code compliance review to commence. These plans and related materials shall all be properly prepared in an accurate complete manner and compliant with all related City adopted versions of the uniform construction codes, Lakewood Municipal Code regulations along with any locally approved objective development standards and application procedures. Failure to provide all required materials in a proper and accurate manner shall result in the application not being accepted for processing and returned as incomplete. In the instance when plans are not accepted or are denied, they shall then be returned to the property owner or designated representative accompanied with a full set of written comments listing the items that are defective or deficient and a description of how the application can be remedied.

- (a) Screening. Among the required materials to be submitted to Building and Safety shall be a site plan, roof plan, floor plan and elevations that have been screened and confirmed by planning to comply with the objective design standards contained in or

referenced by the Lakewood Municipal Code and state law. This pre-building permit application screening review shall be completed by city planning through the Ministerial Staff Review (MSR) procedure.

(b) Host Home. No ADU shall receive a final inspection until there is an existing primary residential dwelling unit on the property to host the ADU.

(c) Demolition. Building and Safety shall review, process, and permit any required demolition plan concurrently with the proposed ADU for any detached garage conversion or an ADU replacement structure within the same footprint as the detached garage that is proposed to be demolished.

2. Sixty-Day Review. The overall review time between the acceptance of the Building and Safety plan check application as complete with all required materials, full payment of applicable fees and the date the permits are issued shall not exceed 60 business days. If the City has not approved or denied the completed application for Building and Safety plan check and issued building permits within 60 business days, the application shall be deemed approved. However, failure by the property owner to provide in a timely and correct manner any requested materials, documents, calculations, corrected plans and/or payment of fees shall be grounds for denial of the project and termination of the 60-day review timeline, as determined appropriate by the Director of Community Development.

(a) Defect Notification. In the instances when plans that have been accepted for review are subsequently denied, the 60-day limit will be terminated, and the plans shall be returned by the City to the property owner or designated representative accompanied with a full set of written comments from the City listing the items that are defective or deficient and a description of how the application can be remedied. Once the plans are resubmitted and are successfully accepted as complete, then a new 60-day processing timeline shall be initiated.

(b) Good Faith Processing. The property owner shall act in good faith and respond in a timely manner when corrections are requested. If it is determined that it will take more than 5 business days to respond, then the property owner should file an extension of time to continue the processing timeline beyond the 60-day limit. Failure by the property owner to respond in a reasonable and timely manner by submitting corrected plans or by requesting a time extension shall be grounds for denial of the project, as determined appropriate by the Community Development Director before the lapse of the 60-day review period.

3. ADU Delayed Enforcement. Upon a written 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 such enforcement would delay the ADU construction and where the Community Development Director has determined that the enforcement of the standard is not necessary to protect public health or safety. Notwithstanding the above, there shall be no required delay of enforcement actions seeking correction of unpermitted or unsafe conditions that are not otherwise related to the construction of the proposed ADU.

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

1. Existing Habitable Accessory Structures. In addition to a primary dwelling unit and one allowed JADU, there shall be no more than two ADUs or any other-permitted

habitable structures (e.g., SB9 2nd DU). A maximum of four dwelling units, including one JADU, are allowed on a lot in any zone allowing single-family residential uses. In the instance of a lot in a zone district allowing single family residential dwelling units, created after January 1, 2022, there shall be no more than two dwelling units of any type on such lots, including the primary dwelling unit, and then either an ADU, a JADU and/or a second dwelling unit, as allowed by state law.

2. ADU Setbacks. An ADU shall have minimum setbacks, as follows:
 - (a) Side Yard. Minimum of four (4) feet.
 - (b) Rear Yard. Minimum of four (4) feet.
 - (c) Front Yard. Minimum of twenty (20) feet, unless otherwise authorized by this Code. Notwithstanding this, a proposed ADU or a portion of an ADU that is no more than eight hundred (800) square feet in area may project into the front yard setback area, as allowed by state law and Subsection 9383.3 H of this Code.
 - (d) Eave to Eave. Minimum 4-foot setback between eaves of any new construction on a lot, unless attached.
 - (e) Existing Structures. No additional setback shall be required for construction of an ADU, that is a conversion of an existing living area or an accessory structure or that is construction of an ADU that replaces an existing building in the same location with the same dimensions as it was prior to demolition. Also, an addition of no more than 150 square feet for ingress and egress is allowed.
 - (f) Fire Access. All setbacks shall be sufficient for fire and safety access, as determined by the 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, unless it is a proposed conversion of an existing structure or portion thereof, then it may exceed 1200 square feet. If the ADU is attached to or a conversion of the existing primary single-family dwelling unit, the maximum floor area of the ADU shall not exceed fifty percent (50%) of the floor area of the existing single-family dwelling unit, provided that a minimum of eight hundred (800) square feet in area is allowed to be converted or expanded to become an ADU. In such an instance, then it may occupy more than fifty percent (50%) of the existing building.
4. ADU Height. A proposed ADU shall not exceed the following heights:
 - (a) New Construction. The maximum height limit of an ADU shall not exceed two and one-half stories or thirty-five (35) feet from finished grade to the highest roof ridge. When the proposed ADU is a horizontal expansion of an existing building, it shall match and maintain the height and style of the roof to which it is attached. However, a vertical expansion above an existing building is allowed to be no more than thirty-five (35) feet in height. (e.g., ADU above an existing garage)
 - (b) Height. The height limit of an ADU that is a conversion of an existing or proposed properly permitted structure shall be the height of that structure.
 - (c) Loft. An ADU may contain a loft as allowed by the adopted building codes.
 - (d) Front Yard. If an ADU is in the front yard, the maximum roof height shall be twenty-five (25) feet if attached and eighteen (18) feet if fully detached.
5. ADU Exterior Access. Each ADU shall have an independent exterior door, covered with a projecting matching roof and porch or a trellis to cover the ADU entry door. The

sole access path to the ADU shall not travel through any portion of the habitable living area of the existing single-family dwelling unit.

6. ADU Parking. One additional parking space shall be required for an ADU, unless any of the following applies, then existing parking spaces do not have to be replaced:

(a) The ADU is located in a conversion of an existing or proposed garage, carport or other covered parking structure or a replacement structure thereof.

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

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

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

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

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

7. ADU – Minimum 800 Square Feet Allowed. Construction of an ADU shall not be subject to any zoning regulations regarding standards for size based upon a percentage of the existing or proposed primary dwelling, or limits on lot coverage, floor area ratio, open space, front yard setback area, and/or a minimum lot size, that would prevent construction of an ADU that is at least eight hundred (800) square feet in area with four-foot side and rear yard setback areas. Such ADUs shall be constructed in compliance with all other local development standards.

8. ADU Utility and Infrastructure Adequacy. 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, sewer, and electricity. The City may deny any application for a new residential unit in such areas based on that determination, including a new detached ADU. 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. Each proposed fully detached ADU is required to install photovoltaic solar energy panels to offset electrical demand per state law and to be prewired to accommodate storage batteries and dedicated circuits as stipulated by State law. All other ADUs are encouraged to install such panels.

(b) Fire. An ADU 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. Fire sprinklers shall not be required for an ADU, if they are not required for the primary dwelling unit or a related multifamily attached dwelling unit complex.

9. ADU Accessibility. ADUs attached or detached shall incorporate into their design accommodations for potential occupants with mobility challenges, as specifically listed as objective design standards in or referenced by this code.

10. Garage and Other Building Conversions. Conversions of existing structures should not leave any shadowing of previous doors and windows. Such doors and windows should be fully removed including framing. Remaining walls should be reconstructed with siding or stucco that leaves no sign of the previous installations. Any sloped floors shall be appropriately retrofitted to be flat with approved moisture barriers and comply with adopted building codes.

11. ADU - Group R Occupancy Finding. A finding is made per California Government Code Section 65852.2 (a)(1)(D)(viii) that it is required for the continuing overall public health and safety of the City of Lakewood residents, that the construction of an ADU or JADU, including any conversion of an existing properly permitted non-habitable space or space designated as nonresidential that is proposed to be habitable residential space, shall be classified and constructed as a Group R occupancy per the local building code and as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations). Failure to do so would create an ongoing adverse impact to the overall general public health and safety of the residents of the City of Lakewood, as well as the specific neighborhood in which the ADU or JADU is located. Notwithstanding the above, this finding shall not require the installation of fire sprinklers, unless otherwise required by the Fire Department, based on other regulations in conformance with state law.

12. ADU Rental.

(a) Residency. The property owner, a human being, of an ADU is required to reside on the property as their primary legal residence and permanent domicile in accordance with the residency requirements specified in Section 9302.1 B. and in accordance with current state law at the time a permit is issued, or a rent/lease agreement is signed by a tenant.

(b) Rental Terms. The rent/lease of an ADU shall adhere to the following:

(1) An ADU shall only be rented/leased for thirty-one (31) days or more.

(2) An ADU shall not be rented as a short-term home-share rental.

(c) ADU Notice of Condition (NOC). A NOC shall be recorded for every ADU permitted on or after January 1, 2025, and as otherwise determined necessary and as modified by the Director of Community Development. The NOC shall state, but shall not be limited to, the following requirements:

(1) Residency. The ADU or another permitted dwelling unit on the same lot shall be occupied by the property owner, a human being, as their “primary legal residence” or in the instance where the property owner does not reside on the same lot or the property owner is a legal entity other than a human being, then the ADU shall not be rented, leased or sublet separate from the tenant occupying the primary single family dwelling unit that is host to the ADU.

(2) The ADU shall only be rented/leased for thirty-one (31) days or more.

(3) The ADU shall not be rented as a short-term home-share or whole home rental for less than thirty one (31) days.

(4) The ADU shall not be sold independently of the primary dwelling unit that is host to an ADU, except as otherwise authorized by state law.

(5) The ADU shall continually be operated and maintained in compliance with current regulations of the Lakewood Municipal Code and any objective development standards therein authorized, State Law, and the City adopted versions of the California 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 6. Section 9302.21b of the Lakewood Municipal Code, regarding the definition of a Junior Accessory Dwelling Unit (JADU) is amended 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 converted from existing or proposed floor area within an existing or proposed single-family dwelling unit or an adjacent and existing or proposed attached accessory building. 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, and storage cabinets. The JADU may have separate sanitation facilities or may share a bathroom and laundry facilities with the primary dwelling unit, provided the JADU has an internal door to access the primary dwelling unit. In the instance where the JADU has a bathroom, the existing single-family residence shall then have another separate bathroom for use of that dwelling unit.

A. JADU ALLOWED ZONES. JADUs shall only be allowed within the following zone districts: R-1 (Single-Family Residential), R-A (Single-Family Residential Limited Agriculture), A (Agriculture), and PD-SF (Planned Unit Development – Single Family). JADUs are not allowed in any other zone district, unless there is an existing non-conforming previously permitted single-family dwelling unit in another zone district. The City shall ministerially approve an application for a building permit to create one JADU in an existing or proposed single-family dwelling unit.

B. JADU REVIEW. The City shall ministerially review building permit applications for proposed JADUs, in conformance with Section 65852.22 of the California State Government Code, as currently adopted and as subsequently amended from time to time in the future. JADU building permit applications shall be accepted, reviewed, and approved in accordance with the same Building and Safety review procedures listed for ADUs in Section 9302.21a. C of this code, including provisions regarding pre-application screening, application acceptance, defect notification, an existing host home, good faith processing, the 60-day review limitation and delayed enforcement of unpermitted construction, if applicable.

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 Exterior Access. Each JADU shall have an independent exterior door to access the JADU. The exterior JADU doorway should be covered. Each JADU may have a doorway that connects it to the habitable living area of the existing or proposed single-family dwelling unit in which it is located. The JADU shall have such an internal doorway if it does not have an additional and separate bathroom within the JADU. The host single family residence shall have at least one bathroom outside of any that is in the JADU.
3. JADU Accessibility. JADUs shall incorporate into their design, where possible, accommodations for potential occupants with mobility challenges.
4. JADU Rental. The occupancy of a JADU shall adhere to the following:
 - (a) Property Owner Residency. The JADU or another permitted dwelling unit on the same lot shall be occupied by the property owner, a human being, as their primary

legal residence or in the instance where the property owner does not reside on the same lot or the property owner is a legal entity other than a human being, then the JADU shall not be rented, leased or sublet separate from the tenant occupying the primary single family dwelling unit in which the JADU is located and from which it was converted. The residency shall conform to Section 9302.1 B. of this code and in accordance with current state law at the time a permit is issued, and at the time a tenant signs a rent/lease agreement.

(b) Rental Terms. The rent/lease of a JADU shall adhere to the following:

(1) A JADU shall only be rented/leased for thirty-one (31) days or more.

(2) A JADU shall not be rented as a short-term home-share or whole-home rental for less than thirty one (31) days.

(c) JADU Notice of Condition (NOC). A NOC shall be recorded regarding each JADU referencing the related lot or parcel. The NOC shall state but shall not be limited to the following requirements:

(1) Residency. The JADU or another permitted dwelling unit on the same lot shall be occupied by the property owner, a human being, as their primary legal residence or in the instance where the property owner does not reside on the same lot or the property owner is a legal entity other than a human being, then the JADU shall not be rented, leased or sublet separate from the tenant occupying the primary single family dwelling unit in which the JADU is located and from which it was converted.

(2) The JADU shall only be rented or leased for thirty-one (31) days or more.

(3) The JADU shall not be rented as a short-term home-share rental.

(4) The JADU shall not be sold independently of the primary dwelling unit that is host to a JADU.

(5) The JADU shall continually be operated and maintained in compliance with current regulations of the, Lakewood Municipal Code and any objective development standards therein authorized or referenced, 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. Subsections A, B, C, and D of Section 9322.7 of the Lakewood Municipal Code, pertaining to accessory buildings in the R-1 (Single-Family Residential) zone are amended to read as follows:

9322.7 ACCESSORY BUILDINGS. Private garages or accessory buildings, may be constructed as follows:

A. No private garage or other non-habitable 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. No accessory structure, including ADUs shall be constructed in such a manner to allow any stormwater or other drainage from its roof to fall offsite from the lot on which the structure is located and such drainage shall then not subsequently drain on to adjacent private

property without the benefit of an easement allowing such drainage. Drainage shall be directed from the lot on to public right-of-way and stormwater facilities in a manner determined acceptable by the Public Works Director.

B. Any accessory building used or designed for human habitation, including an ADU shall be located no less than four (4) feet from any rear and/or side lot lines.

C. 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.

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 or if attached to the primary dwelling unit a JADU as defined in Section 9302.21b.

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SECTION 8. Section 9386 of the Lakewood Municipal Code, pertaining to Accessory Buildings is amended to read as follows:

9386. ACCESSORY BUILDINGS. Accessory buildings may be constructed and maintained subject to the limitations and provisions of this Chapter. Lofts are allowed in accessory buildings 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. and/or a Junior Accessory Dwelling Unit (JADU) as provided in LMC Section 9302.21b and/or converted to a primary second dwelling unit as otherwise allowed by this Code and California state law.

SECTION 9. Section 9477 of the Lakewood Municipal Code, pertaining to the PD (Planned Development) Zone Regulations is amended to read as follows:

9477. Applicable Provisions. Except where inconsistent with the provisions of this Part, all other provisions of this Chapter shall apply to the PD Zone, including the authority to add ADUs and a JADU to any single-family dwelling unit and to add multiple ADUs to a multifamily dwelling unit complex of attached units in accordance with the provisions of this Chapter and state law for such multifamily attached units.

SECTION 10. 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, and CEQA does not apply where it can be seen with certainty that 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 and not result in any changes to the physical environment.

SECTION 11. 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 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 12. 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 13. 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 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 14. EFFECTIVE DATE. This Ordinance shall be posted or published as required by law and shall take effect thirty (30) days after its adoption.


ADOPTED AND APPROVED this 25th day of April, 2023, by the following roll call vote:

	AYES	NAYS	ABSENT
Mayor Croft	<u> X </u>	_____	_____
Council Member Chase	<u> X </u>	_____	_____
Council Member Pe	<u> X </u>	_____	_____
Council Member Rogers	<u> X </u>	_____	_____
Council Member Wood	<u> X </u>	_____	_____



Mayor

ATTEST:



City Clerk