

CITY OF LA CAÑADA FLINTRIDGE

ORDINANCE NO. 492

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA, REPEALING AND REPLACING URGENCY ORDINANCE 491-U WHICH REPLACED CHAPTER 11.33 (ACCESSORY DWELLING UNITS) OF TITLE 11 (ZONING) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE TO MAKE THE CITY'S REGULATIONS AND DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS CONSISTENT WITH RECENT CHANGES TO STATE LAW, AND FINDING AN EXEMPTION FROM CEQA

WHEREAS, state law provides that cities may adopt ordinances to provide for the construction of accessory dwelling units, provided any such ordinance meets the requirements of Government Code Section 65852.2.

WHEREAS, on October 9, 2019, the Governor of California signed into law state housing bills AB 68, AB 881, AB 587, AB 671, and SB 13 ("Legislative Amendments"), causing substantial changes to Government Code Section 65852.2, effective January 1, 2020, in an effort to create more affordable housing.

WHEREAS, state law provides that if a city does not have an ordinance regarding accessory dwelling units that is consistent with state law, then only state law standards may be applied.

WHEREAS, the City Council now desires to update Chapter 11.33 (Accessory Dwelling Units) of Title 11 (Zoning) of the La Cañada Flintridge Municipal Code consistent with Government Code Section 65852.2 and the recent Legislative Amendments in order to ensure the character of the City of La Cañada Flintridge is maintained to the extent permissibly by law and to continue to promote the health, safety, and welfare of the community.

WHEREAS, a duly noticed public hearing was held on December 12, 2019 before the Planning Commission, and after considering all written and oral evidence presented at the public hearing, the Planning Commission adopted Resolution No. 19-76, which recommended the City Council adopt this Ordinance.

WHEREAS, a duly noticed public hearing was held on January 21, 2020 before the City Council, and after considering all written and oral evidence presented at the public hearing, the City Council introduced the Ordinance for a first reading.

WHEREAS, staff made minor revisions to that ordinance and rearranged the order of items for clarity, resulting in this item being renoticed and returned to the City Council for another first reading.

WHEREAS, a duly noticed public hearing was held on May 19, 2020 before the City Council, and after considering all written and oral evidence presented at the public hearing, the City Council introduced this revised Ordinance for a first reading.

WHEREAS, all legal prerequisites for the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein by this reference.

Section 2. Chapter 11.33 (Accessory Dwelling Units) of Title 11 (Zoning) of the La Cañada Flintridge Municipal Code is hereby repealed and replaced with the following:

“Chapter 11.33 ACCESSORY DWELLING UNITS

11.33.010 Accessory dwelling unit—Purpose.

The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code Sections 65852.2 and 65852.22.

11.33.020 Accessory dwelling units— Effect of conforming.

An ADU or JADU that conforms to the standards in this section will not be:

- A. Deemed to be inconsistent with the city’s general plan and zoning designation for the lot on which the ADU or JADU is located.
- B. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
- C. Considered in the application of any local ordinance, policy, or program to limit residential growth.
- D. Required to correct a nonconforming condition, as defined in Section 11.33.030. This does not prevent the city from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.

11.33.030 Accessory dwelling units— Definitions.

As used in this section, terms are defined as follows:

“Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated and include a separate exterior access. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined by California Health and Safety Code Section 17958.1; and
2. A manufactured home, as defined by California Health and Safety Code Section 18007.

“Accessory structure” means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land, and which is located on the same lot or parcel of land with the main building or use.

“Complete independent living facilities” means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

“Efficiency kitchen” means a kitchen that includes each of the following:

1. A cooking facility with appliances.
2. A food preparation counter or counters reasonable size in relation to the size of the JADU.
3. Food storage cabinets reasonable size in relation to the size of the JADU.

“Floor area (existing or proposed Single-Family Dwelling) [FA(SFD)]” means the total square footage of the primary single-family dwelling under solid roof including, but not limited to, habitable attics and basements, lofts and attached garages, but excludes volume space (as calculated within Section 11.11.050.B.2), porches, patios, eaves, breezeways and any legally permitted attached ADU or JADU.

“Floor area (Accessory Dwelling Unit) [FA(ADU)]” means the total square footage of the accessory dwelling unit (as measured from the inside perimeter of the exterior walls) under solid roof including, but not limited to, habitable attics and basements and lofts, but excludes eaves up to four-feet in depth.

“Junior accessory dwelling unit” or “JADU” means a residential unit that:

1. Is no more than 500 square feet in size;
2. Is contained entirely within an existing or proposed single-family dwelling;
3. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family dwelling; and
4. Includes an efficiency kitchen.

“Nonconforming condition” means a physical improvement on a property or a use of the property that does not conform with current zoning standards.

“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street, whether public or private, or a private driveway to one entrance of the ADU or JADU.

“Proposed single-family dwelling” means a dwelling that is the subject of a building permit application and that meets the requirements for permitting.

“Public transit” means a location, including, but not limited to, a bus stop or future train station, where the public may access buses, trains, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

“Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

11.33.040 Accessory dwelling units— Approvals.

The following approvals apply to ADUs and JADUs under this section:

A. Requirement for ministerial approval. If an ADU or JADU complies with each of the general requirements in Section 11.33.050 and specific requirements within Section 11.33.060, it shall be allowed with only a Zoning Clearance and applicable building permits, without discretionary review or hearing, in the following scenarios:

1. Conversion associated with a single-family dwelling. Only one ADU and/or JADU on a lot with a proposed or existing single-family dwelling, where all of the following apply:

a. The ADU and/or JADU is within the space of an existing or proposed single-family dwelling or within the original footprint (same physical dimensions and location) of a legally constructed accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.

b. The space has exterior access that is independent of that for the single-family dwelling.

c. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

d. The JADU complies with the requirements of Section 65852.22 of the California Government Code.

2. New Construction associated with a single-family dwelling. One, attached or detached, new-construction ADU on a lot with a proposed or existing single-family

dwelling (in addition to any JADU that might otherwise be established on the lot), if the ADU satisfies the following limitations:

- a. The side- and rear-yard setbacks are at least four feet.
- b. The total FA(ADU) is 800 square feet or smaller.
- c. The peak height above grade is 16 feet or less, as measured consistent with Section 11.11.050.A.1.a.

3. Conversion associated with multifamily dwellings. Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units may each have a converted ADU under this subsection.

4. New construction associated with multifamily dwellings. No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:

- a. The side- and rear-yard setbacks are at least four feet.
- b. The total FA(ADU) is 800 square feet or smaller.
- c. The peak height above grade is 16 feet or less.

B. Timing.

1. The city shall act on an application to create or construct an ADU or JADU within 60 days from the date that the city receives a completed application if there is an existing single-family or multifamily dwelling on the lot.

2. Where a permit application for an ADU or JADU is submitted concurrently with a permit application to create a new single-family dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family dwelling, but the application to create the JADU will still be considered ministerially without discretionary review or a hearing.

3. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the requested delay

11.33.050 Accessory dwelling units— General requirements.

The following requirements apply to all ADUs and JADUs that are approved under this section:

A. Zoning. An ADU or JADU subject only to a Zoning Clearance and a building permit under Section 11.33.040 may be created on a lot in any R-1, R-3 zone or residential planned development (RPD) zone, public and semi-public zone, or mixed use zone if all of the applicable standards are met.

B. Property Line Survey Required. Where an ADU or JADU is proposed, either as a conversion of an existing structure or new construction, with setbacks of 5-feet or less from a property line or applicable easement, a property line survey shall be provided at time of application.

C. Fire sprinklers. Fire sprinklers are required for an ADU if sprinklers are required in the primary residence or residences.

D. No separate conveyance. An ADU or JADU may be rented, but no ADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot) unless the property was built by a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program and all of the conditions under California Government Code Section 65852.26 are met.

E. Public Sewer Connection. If public sewers are available to the lot, both the existing or proposed single-family dwelling or multi-family and the ADU and/or JADU must be connected to the sewer service in order to receive a building permit. Further, if access to the public sewer is feasible for the lot subsequent to the initial issuance of a building permit, the permit shall be subject to connection of both the existing or proposed single-family or multi-family dwelling and ADU and/or JADU to such sewer service.

F. Septic system. Where connection to the public sewer is not feasible, as part of the application for a permit to create an ADU or JADU connected to a conventional or non-conventional onsite water treatment system, an approval from the Los Angeles County Department of Public Health shall be provided in compliance with the adopted Local Agency Management Program ordinance.

G. Owner occupancy.

1. Existing and new ADUs created prior to January 1, 2025, are not subject to owner-occupancy requirements.

2. All ADUs that are created on or after January 1, 2025, are subject to an owner-occupancy requirement. A person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.

3. All JADUs are subject to an owner-occupancy requirement. A person with legal or equitable title to the property must reside on the property, in either the primary

dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this subsection does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

H. Conversion restriction. A legally constructed ADU or JADU may not be converted to any other use for a period of 10 years from the date final permit approval is granted for the ADU or JADU.

I. Utilities. The ADU may have wet and dry utilities that are separate from those of the primary dwelling unit, including gas, electricity, water and telephone service.

11.33.060 Accessory dwelling units— Specific requirements.

A. Maximum size. Every proposed ADU and/or JADU shall comply with all of the following:

1. The size of the ADU, JADU, any existing or proposed single-family dwelling and any other existing or proposed accessory structure shall comply with the total floor/roofed area as contained within Chapter 11.11 and any applicable slope factor guideline contained within Chapter 11.35; and

2. The total FA(ADU) of an attached ADU shall not exceed fifty percent of the FA(SFD); and

3. The total FA(ADU) of a detached or attached ADU shall not exceed 1,200 square feet; and

4. Notwithstanding the maximum size requirements above, the City shall permit a total FA(ADU) of at least 800 square feet.

B. Setbacks. ADUs shall comply with the setbacks identified below. Setbacks shall be measured from property lines or vehicular access easement, as verified by a survey pursuant to Section 11.33.050.B., whichever is applicable.

1. Attached and detached ADUs, new construction.

a. Front yard setbacks must comply with the underlying zoning requirement.

b. Side and rear yard setbacks: four feet.

2. Detached ADUs, existing or replacement. An existing legally constructed detached accessory structure may be demolished and rebuilt in the original location and to the same physical dimensions for the purposes of conversion to an ADU. This may include an expansion of not more than 150 square feet beyond the original footprint to

accommodate ingress and egress. This replacement structure converted to an ADU shall not be subject to any setback requirements provided that the original side and rear setbacks are sufficient for fire safety

C. Height.

1. An attached ADU or JADU is subject to the applicable height limit of the zone.

2. A detached, new construction ADU may not exceed 16 feet in height, measured to the peak of the structure consistent with Section 11.11.050.A.1.a.

D. Passageway. No passageway, as defined within Section 11.33.030, is required for an ADU.

E. Parking.

1. Generally. One off-street, on-site parking space is required for each ADU, in addition to the parking requirement for the existing or proposed single-family dwelling, except as provided in subsection (2), below. The additional parking space may be provided in setback areas or as tandem parking unless specific findings are made that parking in setback areas is not feasible based upon specific site or regional topographical or fire and life safety conditions. The additional space need not be covered but shall be paved or constructed utilizing an equivalent surface and accessible from a single, common driveway for both the existing or proposed single-family dwelling and the accessory units.

2. Exceptions. No additional parking is required for an ADU in any of the following situations:

a. The ADU is located within one-half mile walking distance of public transit, as defined in Section 11.30.030.

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

c. The ADU is attached to or located within an existing or proposed single-family dwelling or an existing accessory structure.

d. When on-street parking permits are required but not offered to the occupant of the ADU.

e. When there is an established car share vehicle stop located within one block of the ADU.

3. No replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

F. Architectural requirements.

1. The ADU shall provide architectural continuity with the existing or proposed single-family dwelling, blending into the existing setting through the use of appropriate building form, height, materials, color and landscaping. Elevations and floor plans shall be submitted as part of the building permit process.

2. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance shall not be on the same elevation/side of the primary dwelling entrance, unless this entrance is screened from public views.

G. Historical protections. Where an ADU is proposed on real property that is listed in the California Register of Historic Resources or on a lot that has an identified historical resource listed on the federal, state, or local register of historic places, the exterior architectural treatment of the must comply with all applicable ministerial requirements imposed by the Secretary of the Interior.

11.33.070 Accessory dwelling units— Hillside Development.

Any ADU which is proposed on a lot which otherwise qualifies as a hillside lot under Chapter 11.35 of the Municipal Code shall also meet the following requirements. No discretionary review or approval for a hillside development permit shall be required.

A. Grading, or any movement of earth, required for the ADU shall not exceed fifty (50) cubic yards.

B. The vertical height of any finished fill slope created for the purpose of developing an ADU shall not exceed ten feet.

C. The vertical height of any finished cut slope created for the purpose of developing an ADU shall not exceed ten feet.

D. For a new driveway or roadway, the maximum total vertical height of any combination of finished cut and fill slopes from grade shall not exceed eight feet. The finished grade of any new driveway shall not exceed an average of seventeen (17) percent, with an absolute maximum grade of twenty (20) percent.

E. Proposed building sites and/or structures shall not be allowed within one hundred (100) feet of a ridgeline or knoll identified in the Environmental Resources Management element of the General Plan, or within fifty (50) feet of a Blue Line stream identified on a USGS map.

F. No ADU shall block a watercourse, canyon or streambed.

G. Any retaining wall less than twenty (20) feet from an ADU building wall shall be considered a part of that building wall for the purposes of calculating building height.

H. The architectural style and the roof pitch of the ADU shall be compatible with that of the proposed or existing single-family dwelling.

I. The light reflectance value (LRV) for an ADU shall not exceed fifty (50) percent for walls or fences, or thirty (30) percent for roofs.

J. Site lighting shall be oriented away from public rights-of-way and adjacent properties.

11.33.080 Accessory dwelling units— Nonconforming ADUs and discretionary approval.

Any proposed ADU or JADU that does not conform to the objective standards set forth in Sections 11.33.010 through 11.33.070 may be allowed by the city with a conditional use permit, in accordance with the other provisions of this title.”

Section 3. The City Council finds that this ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15282(h), which exempts the adoption of an ordinance regarding second units.

Section 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any Person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other Person or circumstance. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 5. This Ordinance shall take effect thirty (30) days after its adoption in accordance with California Government Code Section 36937.

Section 6. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and/or posted in accordance with applicable law.

PASSED, APPROVED AND ADOPTED this 2nd day of June, 2020.

DocuSigned by:

Michael Davitt

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Michael T. Davitt
Mayor

ATTEST:

DocuSigned by:

Tania Moreno

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Tania Moreno
City Clerk

State of California)
County of Los Angeles) ss.
City of La Cañada Flintridge)

I, Tania Moreno, City Clerk of the City of La Cañada Flintridge, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 492 was introduced for first reading on May 19, 2020. Thereafter, said Ordinance was duly approved and adopted at a regular meeting of the City Council on June 2, 2020 by the following vote:

AYES: COUNCILMEMBERS: EICH, GUNTER, WALKER, CURTIS, AND DAVITT
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE
ABSTAIN: COUNCILMEMBERS: NONE

Dated: June 2, 2020

DocuSigned by:

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Tania Moreno, City Clerk