SUBJECT: INTERIM URGENCY ORDINANCE NO. 2336 AMENDING CHAPTER 11.43 (SECOND DWELLING UNITS AND ACCESSORY STRUCTURES), OF TITLE 11 (ZONING), OF THE SOUTH GATE MUNICIPAL CODE REVISING THE CITY’S SECOND DWELLING UNIT REGULATIONS IN ITS ENTIRETY

PURPOSE: To adopt Interim Urgency Ordinance No. 2336 amending Chapter 11.43 of Title 11 of the South Gate Municipal Code regarding the City’s Second Unit Dwelling regulations, to comply with amended State law regarding accessory dwelling units.

RECOMMENDED ACTIONS: Following the conclusion of the public hearing:

a. Determine that Interim Urgency Ordinance No. 2336 is exempt from the California Environmental Quality Act (“CEQA”) because it has no likelihood of causing a significant effect on the environment; and, pursuant to Public Resources Code Section 21080.17, it implements the provisions of Sections 65852.2 of the Government Code; and

b. Waive the reading in full and adopt Interim Urgency Ordinance No. 2336 amending Chapter 11.43 (Second Dwelling Units and Accessory Structures), of Title 11 (Zoning), of the South Gate Municipal Code revising the City’s second dwelling unit regulations in its entirety.

PUBLIC NOTIFICATION: Advertising and notification of the public hearing for this item was conducted in compliance with Chapter 11.42, Title 11 of the South Gate Municipal Code. Notice of the hearing was originally posted and published in the “The Los Angeles Wave” newspaper on April 13, 2017.

FISCAL IMPACT: None.

ENVIRONMENTAL EVALUATION: Adoption of proposed Interim Urgency Ordinance No. 2336 is exempt from the California Environmental Quality Act of 1970 (“CEQA”), as amended, because it can be seen with certainty that this Interim Urgency Ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council’s action of adopting this Ordinance and the effects derivative from the adoption are exempt from the application of CEQA, pursuant to Section 15061 (b)(3) of the State CEQA Guidelines (15 Cal. Code Regs, Section 15061 (b)(3)). Furthermore, the adoption and implementation of the Interim Urgency Ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA “does not apply to the adoption of
Resources Code Section 21080.17, which provides that CEQA “does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code.” This ordinance is adopted to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA’s environmental review requirements.

ANALYSIS: On September 27, 2016, Governor Brown signed Assembly Bill 2299 (AB 2299) and Senate Bill 1069 (SB1069) into law, both of which became effective January 1, 2017. These bills amended California Government Code Section 65852.2, regulating second dwelling units, now known as Accessory Dwelling Units (ADU). The State’s legislation is intended to eliminate some of the regulatory barriers that exist at the local level in order to make it easier for homeowners to construct ADUs.

There are currently State restrictions on local government regulation of second dwelling units in Government Code Section 65852.2. While the current State regulations allow cities to impose certain standards on such units, State law also requires cities to ministerially process applications for units that meet certain criteria. SB 1069 and AB 2299 amend this government code section to address several of the identified barriers to the construction of ADUs and further restrict local government control over the regulation of such units.

Furthermore, the amended State law invalidates a local agency’s existing Second Dwelling Unit ordinance if it does not comply with all of the requirements of the newly enacted State standards by the effective date of these bills (i.e. January 1, 2017).

The City of South Gates’ existing development standards applicable to accessory dwelling units are inconsistent with State law. Unless a local jurisdiction revises its accessory dwelling unit ordinance to conform to State law, State law will preempt any inconsistent existing local zoning regulations.

NEW ACCESSORY DWELLING UNIT (ADU) PROVISIONS

The notable provisions of AB 2299 and SB 1069 are as follows:

Definition of ADU

- The term “Second Dwelling Unit” is replaced with “Accessory Dwelling Unit.”
- An ADU is defined as an “…attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An Accessory Dwelling Unit also includes an efficiency unit and a manufactured home.

Processing ADU Applications

- ADUs must be approved ministerially within 120 days upon the submittal of an application if the plans conform to required standards.
Replacement Parking

- When existing parking spaces (i.e. garage or carport) for a primary dwelling unit are demolished in conjunction with the construction of an ADU, the replacement parking spaces for the primary dwelling unit can be provided in any configuration on the lot including covered, uncovered, tandem spaces, or by use of mechanical automobile lifts.

ADU Parking

- The minimum parking requirement for an ADU is one parking space per bedroom and may be provided as tandem parking on an existing driveway.
- ADUs are exempt from parking standards if the property is:
  - Located within one-half mile of a public transit stop;
  - Located within a historic district;
  - Located within an area where on-street parking permits are required but not offered to the occupant of the secondary unit; or
  - Located within one block of a dedicated car share space.

Location and Types of Structures for ADUs

- An ADU can be attached to the primary structure, within the primary structure, or detached.
- Notwithstanding other applicable restrictions, garages may be converted into habitable living space.
- The minimum setback is five feet for an ADU that is constructed above a garage and there is no additional setback requirement for an ADU that is converted from an existing garage.

Utilities

- A city cannot require a new or separate utility for ADUs within an existing primary residence.
- An ADU cannot be considered as a new residential use for the purpose of calculating utility charges.

The full text of Section 65852 of the Government Code as amended by AB 2299 and SB 1069 is attached (Attachment B).

PROPOSED AMENDMENT TO ZONING CODE (INTERIM URGENCY ORDINANCE)

The City’s existing regulations are codified in Title 11, Chapter 11.43 of the City’s Municipal Code (Attachment C). Proposed Interim Urgency Ordinance No. 2336 amends Title 11, Chapter 11.43 of the Municipal Code and replaces it with language that complies with the new State regulations while maintaining several development and operational standards included in the City’s existing Zoning Code. In addition, proposed Interim Urgency Ordinance No. 2336 provides clean-up language and includes additional provisions designed to improve the overall
development of ADUs in the City. Provided below are key provisions in the proposed ordinance:

Minimum Lot Requirements

- An ADU must be located within the Neighborhood Low (i.e. single-family) Zone.
- An ADU must be located on a lot that is equal to or larger than 6,000 square feet
- Only one ADU may exist on a lot

Size of ADU

- An ADU, whether attached, detached, or a part of the Main Dwelling will not have a gross floor area greater than six-hundred-forty (640) square feet or 30% of the area of the main structure, whichever is less
- An ADU will contain no more than one bedroom

Unit Size

- An ADU shall not be less than two-hundred-forty (240) square feet in size or the minimum size for an efficiency unit, whichever is greater

Lot Coverage

- The primary residential structure and the ADU, together with all other structures, shall not exceed a total lot coverage of forty-five (45%) percent

Location of New Construction

- An ADU constructed apart from the Main Dwelling and not within an existing garage that is to be converted to residential use, must be located outside of all required setbacks and in the rear one-half of the lot.

Parking

- One parking space will be provided per ADU and may be provided as tandem parking, including on an existing driveway or in setback areas, but excluding the non-driveway front yard setback.
- ADUs are exempt from parking standards if the property is:
  - Located within one-half mile of a public transit stop;
  - Located within a historic district;
  - Located within an area where on-street parking permits are required but not offered to the occupant of the secondary unit; or
  - Located within one block of a dedicated car share space.

Replacement Parking

- When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, replacement parking will be required and may be located in any configuration on the same lot as the ADU (except that replacement spaces are not allowed within the non-driveway front yard setback)
• Replacement spaces will be provided on the same lot as the ADU. The number of replacement spaces will be no fewer than the spaces that were removed.
• The minimum dimensions for any replacement spaces will be 10 feet by 20 feet
• Parking spaces are required to be maintained in good order and repair and clear of all vegetation, equipment, trash, debris

Utilities
• Separate utility connections are not required for ADUs contained within an existing Main Dwelling or existing accessory units
• All other ADUs, including new ADU structures, are required to have new and separate utility connections

Ownership
• An ADU must be under the same ownership as the remainder of the lot
• An ADU may not be partitioned from the primary residential unit or sold/transferred separately from the Main Dwelling

Continuous Owner Occupancy
• Property owner must occupy either the ADU or Main Dwelling
• One of the two dwelling units may be rented for a period of not less than thirty (30) days

Revocation of Permit
• The circumstances and process for the revocation of an ADU permit are included in the proposed Ordinance.

Since the City’s existing Zoning Code does not fully comply with new State law concerning accessory dwelling units, there is an urgency to amend the existing zoning requirements to continue to enforce its provisions and comply with new regulations. Adoption of Interim Urgency Ordinance No. 2336 requires a four-fifths (4/5) vote of the City Council and will take effect immediately upon adoption. The Interim Urgency Ordinance will be in effect for 45 days from the date of adoption and can be continued by the City Council at a future public hearing.

A non-urgency ordinance containing the provisions in Interim Urgency Ordinance No. 2336 will be prepared for Planning Commission review, since it involves amending the City’s Zoning Code. After the Planning Commission conducts a public hearing and reviews the ordinance, it will be presented to the City Council for consideration and adoption.

ATTACHMENTS:
A: Proposed Interim Urgency Ordinance No. 2336
B: Public Hearing Notice
C: Full text of Government Code Section 65852.2
D: Existing Second Dwelling Unit Regulations (Title 11, Chapter 11.43 of Municipal Code)
INTERIM URGENCY ORDINANCE NO. 2336

CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF SOUTH GATE AMENDING CHAPTER 11.43 (SECOND
DWELLING UNITS AND ACCESSORY STRUCTURES), OF TITLE 11
(ZONING), OF THE SOUTH GATE MUNICIPAL CODE REVISING
THE CITY’S SECOND DWELLING UNIT REGULATIONS IN ITS ENTIRETY

WHEREAS, the State of California has found that accessory dwelling units assist with
the housing crisis by providing affordable housing for family members, students, the elderly, in-
home providers, the disabled, and others, at below market prices within the existing
neighborhoods; and

WHEREAS, on September 27, 2016, Assembly Bill (AB) 2299 and Senate Bill (SB)
1069 were signed into law that significantly impacted and modified the second dwelling unit
(now referred to under state law as an Accessory Dwelling Unit or ADU) standards provided in
Section 65852.2 of the Government Code (second unit law); and

WHEREAS, AB 2299 and SB 1069 included a provision that invalidates a local
agency’s existing Accessory Dwelling Unit ordinance if it does not fully comply with all
requirements of the newly amended state standards; and

WHEREAS, California Government Code Section 65852.2 permits cities to establish
standards to allow for ministerially approved Accessory Dwelling Units in order to provide
additional rental housing stock, an essential component of the housing supply in California; and

WHEREAS, on January 1, 2017, AB 2299 and SB 1069 became effective, allowing
Accessory Dwelling Units to be built in single family zones; and

WHEREAS, the purpose of this ordinance is to comply with new standards set forth in
Government Code Section 65852.2, as amended on September 27, 2016, per AB 2299 and SB
1069; and

WHEREAS, an Interim Urgency Ordinance of the City Council of the City of South
Gate, amending Chapter 11.43 (Second Dwelling Units and Accessory Structures), of Title 11
(Zoning), of the South Gate Municipal Code is necessary to provide for the establishment of
Accessory Dwelling Units and Accessory Structures in the City in compliance with Government
Code Section 65852.2, as amended; and

WHEREAS, the City Council finds that proposed Interim Urgency Ordinance No. 2336
is necessary for the public health, welfare and safety of the residents, citizens, businesses and
visitors of the City of South Gate; and
WHEREAS, the City Council finds that proposed Interim Urgency Ordinance No. 2336 is consistent with the City's General Plan and not in conflict with any applicable specific plans; and

WHEREAS, Interim Urgency Ordinance No. 2336 complies with California Government Code Section 65852.2 that requires cities to establish standards to allow for ministerial approval of Accessory Dwelling Units so as to provide additional rental housing stock as accessory dwelling units as a component of the housing supply in California;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby amends Chapter 11.43 (Second Dwelling Units and Accessory Structures), of Title 11 (Zoning), of the South Gate Municipal Code in its entirety to read as follows:

Title 11 (Zoning)

Chapter 11.43 (Accessory Dwelling Units and Accessory Structures)

Sections:

11.43.010 Purpose and Intent.
11.43.020 Definitions.
11.43.030 Accessory Dwelling Unit Requirements.
11.43.040 Application Process and Permit Requirements.
11.43.050 Recordation of Covenant.
11.43.060 Revocation.
11.43.070 Hearings and Appeals.
11.43.080 Responsible Persons.
11.43.090 Declaration of Nuisance; Enforcement.
11.43.100 No Authorization to Violate Law.
11.43.110 Accessory Structures.

11.43.010 Purpose and Intent.
This Chapter of the South Gate Municipal Code (the "Chapter") establishes the standards for permitting Accessory Dwelling Units ("Accessory Dwelling Units") within the City of South Gate, formerly known as "second dwelling units" on residential properties in accordance with Section 65852.2 as of the California Government Code, as amended and effective January 1, 2017.

11.43.020 Definitions.
For purposes of this Chapter the following terms shall have the meanings indicated:

A. "Accessory Dwelling Unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An Accessory Dwelling Unit also
includes (i) an efficiency unit, as defined in Section 17958.1 of Health and Safety Code and (ii) a manufactured home, as defined in Section 18007 of the Health and Safety Code.

B. “Accessory Dwelling Unit Permit” means the formal, written approval, of the Community Development Director approving the application for an Accessory Dwelling Unit.

C. “Application” means an application for an Accessory Dwelling Unit Permit.

D. “Building Codes” means all of the requirements for authorization for the construction, alteration, improvement, modification, demolition or removal of any structure within the City of South Gate, including all codes adopted by reference in the Municipal Code, including but not limited to the California Building Code, the California Electrical Code, the California Plumbing Code, the California Mechanical Code, the California Residential Code and all local amendments thereto as adopted by the City in the Municipal Code.

E. “Building Permits” means all authorizations and permissions required in accordance with all applicable Building Codes.

F. “City” means the City of South Gate.

G. “Director” means the Community Development Director of the City of South Gate and all of his/her designees.

H. “Existing Structure” for the purposes of defining an allowable space that can be converted to an Accessory Dwelling Unit means within the four walls and rooftop of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

I. “Initiate the Use” means to commence occupying the Accessory Dwelling Unit by persons for human habitation.

J. “Living Area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

K. “Lot” shall mean the single legal parcel upon which the Accessory Dwelling Unit shall be located.

L. “Main Dwelling” means a lawfully constructed single-family residence existing on the lot where the Accessory Dwelling Unit may be permitted.


N. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the Accessory Dwelling Unit.
O. Other words and phrases used in this Chapter shall have the same meaning as provided in the South Gate Municipal Code.

11.43.030 Accessory Dwelling Unit Requirements.
A. Location of Accessory Dwelling Units. An Accessory Dwelling Unit for which a valid Accessory Dwelling Unit Permit has been issued and that is, at all times, maintained, utilized and improved in accordance with this Chapter shall be permitted within the NL Zone within the City. The foregoing notwithstanding, Accessory Dwelling Units shall not be established or permitted within a planned community, including but not limited to planned unit developments and condominium projects, unless Accessory Dwelling Units were specifically incorporated into the approved project plans and the recorded covenants, conditions and restrictions or other document reflecting the land use restrictions applicable to the development.

B. Compliance with Chapter. No Accessory Dwelling Unit may be constructed, maintained, improved, altered, enlarged, modified, permitted or allowed within the City except as provided in this Chapter and only in the NL Zone.

C. Residential Use. An Accessory Dwelling Unit shall be used only for residential purposes and no business, enterprise or occupation shall be conducted, permitted or allowed within the Accessory Dwelling Unit.

D. Applications for Accessory Dwelling Unit Permit. All applications for an Accessory Dwelling Unit Permit shall be submitted to the Director on the form approved by the Director, together with all information and documents requested, which shall include scaled and fully dimensioned plans, and elevations for the lot including the proposed Accessory Dwelling Unit, Main Dwelling, any other structures on site, parking, set-backs and entrances and driveways.

E. Building Permits. Building Permit(s) shall be required for all Accessory Dwelling Units. All existing Building Permits for a proposed Accessory Dwelling Unit shall be submitted with the Application. In addition, all applications for all Building Permits or other authorizations and approvals required for the legal use of the structure where the Accessory Dwelling Unit will be located shall be submitted with the Application, together with all permit, planning, development or other fees required under the Municipal Code, except as otherwise expressly provided in this Chapter.

F. Design Compatibility. All Accessory Dwelling Units shall be architecturally compatible with the Main Dwelling with respect to styling, roofline, window and door treatment, materials, colors, textures, height, scale, and bulk, and shall be compatible with the surrounding neighborhood.

G. Community Impact. The design and establishment of the Accessory Dwelling Unit shall not adversely affect the neighborhood with respect to on-street parking demand and use, traffic noise, or other impacts that could result in adverse impacts on public services and resources.
H. Continuous Owner Occupancy. At the time that an application for Accessory Dwelling Unit Permit is submitted and at all times thereafter at least one of the dwelling units (Main Dwelling or Accessory Dwelling Unit) on the Lot must be occupied by a natural person who is a lawful owner or beneficial interest holder of a lawful trust holding title to the Lot. The other dwelling unit may be rented for a period of not less than thirty (30) days. It is the intent of this Chapter that once established, at least one of the units on the Lot shall be owner occupied. In the event that no such person occupies one of the units on the Lot, the Accessory Dwelling Unit may not be occupied or rented and shall be deemed to be non-habitable as provided in Section 11.43.060, in which case all owners and all persons in control, management or possession of the Lot shall comply with Section 11.43.060(C).

I. Minimum Lot Requirements. Accessory Dwelling Units shall only be permitted on legal parcels that meet all the following lot qualifications:

1. The Lot is located within an NL zone as designated by the South Gate zoning map.

2. The Lot size is equal to or larger than six thousand (6,000) square feet.

3. The Lot has an existing single-family Main Dwelling.

4. The Lot does not have an existing Accessory Dwelling Unit on site. Only one Accessory Dwelling Unit, regardless of size or configuration may exist on a lot at any one time. No more than two (2) dwelling units may exist at any time on a lot containing an Accessory Dwelling Unit.

5. When an Accessory Dwelling Unit is to be contained within the existing space of a Main Dwelling or accessory structure it shall have independent exterior access from the existing residence and the side and rear setbacks shall be sufficient for fire safety, including compliance with all applicable Fire Codes.

J. Applicability of Other Municipal Code Requirements. The Accessory Dwelling unit, and any other improvements located on the lot where it is located, shall comply with all applicable Building Codes and Zoning Code requirements, except as modified expressly by this Chapter. The foregoing notwithstanding, Accessory Dwelling Units shall not be required to be equipped with fire sprinklers, unless they are required for the Main Dwelling.

K. Density and Use. The existence of an Accessory Dwelling Unit shall not be deemed to cause a lot to exceed the allowable density for the lot upon which the Accessory Dwelling Unit is located. An Accessory Dwelling Unit shall be considered a residential use consistent with the existing general plan and zoning designation for the lot.

L. Ownership. An Accessory Dwelling Unit shall, at all times, be held under the same ownership as the remainder of the Lot on which it is located. An Accessory Dwelling Unit may not be partitioned from the primary residential unit and may not be sold, transferred or assigned separately from the Main Dwelling.
M. Development Standards. An Accessory Dwelling Unit shall at all times comply with the following requirements.

1. Development Standards. Except as expressly provided herein, all development standards set forth in the Municipal Code applicable to the Main Dwelling shall be applicable to all Accessory Dwelling Units.

2. Maximum Occupancy. Occupancy loads of the Accessory Dwelling Unit shall be the same as applicable to the Main Dwelling pursuant to applicable regulatory requirements of the Municipal Code or the State of California, including without limitation all applicable Building and Fire Codes.

3. Compliance with Building Codes. All construction, alteration, modification, demolition. Improvement or other work required to comply with this Chapter, the Accessory Dwelling Unit Permit or any other condition related thereto, shall be in compliance with all applicable Building Codes and shall be completed and final inspection requested within one-hundred-eighty (180) calendar days of the issuance of such permit, approval or authorization. Upon a request made by the Applicant prior to the expiration of a permit, approval or authorization and upon good cause having been shown that the work could not reasonably completed within the said time period, the Building Official or Department issuing such authorization may grant one (1) extension of no more than one-hundred-eighty (180) days.

4. Utilities. If the Accessory Dwelling Unit is contained within an existing Main Dwelling or an existing accessory structure, has independent exterior access from the existing Main Dwelling, and has side and rear setbacks sufficient for fire safety, then a new or separate utility connection directly between the Accessory Dwelling Unit and the utility shall not be required. In all other cases, an Accessory Dwelling Unit shall be equipped with a new and separate utility connection directly between the Accessory Dwelling Unit and the utility. The City shall charge a connection fee or capacity charge, as applicable to the specific property, that shall be proportionate to the burden of the proposed Accessory Dwelling Unit, based upon either its size or the number of plumbing fixtures, upon the water or sewer system, as determined by the Director; provided, however, that the charge shall not exceed the reasonable cost of providing the service. All newly constructed or installed utilities for Accessory Dwelling Unit shall be underground and subject to and comply with Municipal Code Section 11.30.060.

5. Smoke Detectors. Both units (Main Dwelling and the Accessory Dwelling Unit) shall at all times be equipped with functioning hardwired smoke detectors with battery backup.

6. Gross Floor Area. The Accessory Dwelling Unit, whether attached, detached or a part of the Main Dwelling shall not have a gross floor area greater than six-hundred-forty (640) square feet or 30% of the area of the Main Dwelling, whichever is less and shall contain no more than one bedroom.
7. **Unit Size.** The Accessory Dwelling Unit shall not be less than two-hundred-forty (240) square feet in size or the minimum size for an efficiency unit, as defined in California Health and Safety Code Section 17958.1, whichever is greater.

8. **Lot Coverage.** The primary residential structure and the Accessory Dwelling Unit, together with all other structures, shall not exceed a total structural lot coverage of forty-five (45%) percent.

9. **Location of New Construction Setbacks.** In the event that the Accessory Dwelling Unit is to be constructed separate and apart from the Main Dwelling and not within an existing garage that is to be converted to residential use, the Accessory Dwelling Unit shall be located outside of all setback requirements set forth in the Municipal Code that are applicable to the Main Dwelling and shall be located in the rear one-half of the Lot. An existing garage that is converted to an Accessory Dwelling Unit shall not be required to have any setback, other than the setback that may be required by Building or Fire Codes for fire or safety purposes. A newly constructed Accessory Dwelling Unit that is located above a garage shall be located at least five (5) feet from the side and rear lot lines. A minimum building separation of ten (10) feet shall be maintained (eave to eave) between the Main Dwelling and a detached Accessory Dwelling Unit.

10. **Height.** The Accessory Dwelling Unit shall be no taller than 34 feet or the height the existing Main Dwelling, whichever is lower and may not exceed one story unless the existing Main Dwelling has at least two (2) stories.

11. **Passageways.** No passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.

12. **Entrance.** The Accessory Dwelling Unit shall have a separate entrance from the Main Dwelling that shall not be visible from the front of the primary residential structure or the public right of way.

13. **Parking.**
   A. In addition to the parking requirement in the Municipal Code for the Main Dwelling, parking shall be provided for the Accessory Dwelling Unit as follows: For units containing one or fewer bedrooms: one (1) space. This parking space, in combination with the other parking spaces required for the Lot, may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.
   
   B. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an Accessory Dwelling Unit, replacement parking shall be required and may be located in any configuration on the same lot as the Accessory Dwelling Unit, except that replacement parking spaces shall not be located within the non-driveway front yard setback. Replacement spaces shall be provided on the same Lot as the Accessory Dwelling Unit. The number of replacement parking spaces shall be no fewer than the spaces that were removed. The minimum dimensions for any replacement parking spaces shall be ten (10)
feet by 20 feet. Parking spaces shall be maintained in good order and repair and of all vegetation, equipment, trash, debris or any other condition that would prevent or impede the use of the spaces for parking.

C. The parking requirement set forth in this section shall not be required in the following instances:

i. The Accessory Dwelling Unit is located within one-half mile of a regularly used public transit stop, depot or station.

ii. The Accessory Dwelling Unit is part of the existing Main Dwelling or an existing accessory structure that is not being removed to accommodate the Accessory Dwelling Unit.

iii. The Accessory Dwelling Unit is located within an architecturally and historically significant historic district.

iv. When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.

v. When there is a car share vehicle locate within one block of the Accessory Dwelling Unit.

11.43.040 Application Process and Permit Requirements.

A. Processing Application. Within 120 days of receipt of a completed application, submitted with all supporting documentation and, if applicable, all fees required for Building Permits, Development and Planning, approvals, authorizations and permissions, in accordance with Government Code Sections 66000, et seq., the Director shall issue an Accessory Dwelling Unit Permit, ministerially, upon making a determination that the proposed Accessory Dwelling Unit would be in compliance with this Chapter and that all required approvals, permits, authorizations and permissions exist for the lawful use of the Accessory Uses or will be issued by the appropriate agency or department. If the Director has information or reasonable belief that all such approvals, permits authorization and permissions do not exist and will not be issued within a reasonable time, the Director shall deny the Application.

B. Health Official Approval. In the event that that the property is served by a functioning private sewage disposal system any application for an Accessory Dwelling Unit must be approved by health official for the City before an Accessory Dwelling Unit Permit may be issued by the Director.

C. Conditions of Approval. The Director may include conditions on the Accessory Dwelling Permit that are consistent with this Chapter.

D. Denial of Application. The Director shall deny an application for an Accessory Dwelling Unit Permit upon making a determination that the Requirements of this Chapter have not been satisfied and in the event that the Director finds that any of the following conditions exist or may occur if the application is granted:

1. The Accessory Dwelling Unit would be detrimental to the public health and safety or that it would unreasonably impact the privacy of the surrounding properties.
2. The Lot or any structure located there upon contains any active violations of the Municipal Code or other applicable regulation or law, except in the event that such violation shall be abated in the course of construction or other activities authorized by permits or other authorizations or permissions granted by the City.

11.43.050 Recordation of Covenant.
Within thirty (30) days of the approval of an application for an Accessory Dwelling Unit Permit, the owner of the lot or parcel shall record a covenant ("Covenant") reflecting the obligations, rights and restrictions provided in the Permit and in this Chapter. The Covenant shall "run with the land" and be binding on the property and all owners, lenders, lien holders, occupants and all other persons having an interest or estate in the property, now or in the future. The covenant shall be recorded in the Registrar-Recorder's Office of Los Angeles County. A copy of the Accessory Dwelling Unit Permit shall be incorporated in or attached to the Covenant and shall be recorded therewith. A copy of the Covenant shall be filed with the City's Planning Department. The Covenant shall be in a form approved in writing by the City Attorney and shall provide the following:

A. That at all times that an Accessory Dwelling Unit is located on the subject property a natural person who is a lawful owner, or beneficial interest holder of a lawful trust holding title to the property must continuously occupy the primary residential structure or the Accessory Dwelling Unit as their principal residence.

B. At all times there shall be no more than two (2) residential units on any Lot containing an Accessory Dwelling Unit.

C. That the Accessory Dwelling Unit may not be sold separately from the remainder of the parcel and that it shall not be subject to partition or separation from the Lot where the Main Dwelling is located.

D. That any rental of either the Main Dwelling or Accessory Dwelling Unit not occupied by an owner of the subject property or the beneficial interest holder must be for a term longer than thirty (30) days.

E. That the Accessory Dwelling Unit Permit for the subject property and each of the terms and conditions set forth therein bind the property and all owners and all beneficial interest holders, lenders, lien holders, occupants and all other persons having an interest or estate in the subject property, now or in the future.

F. That the use of the Accessory Dwelling Unit is subject to the provisions of this Chapter.

G. That the Accessory Dwelling Unit Permit may be subject to revocation in the event of breach of the terms of the Covenant or as otherwise provided in this Chapter.

11.43.060 Revocation.
A. The Director may revoke any Accessory Dwelling Unit Permit in the event of any of the following:
1. Misrepresentation or any false, untrue or inaccurate statement in the Application or any supporting documentation.

2. Failure to execute and record the Covenant required pursuant to Section 11.43.050.

3. The Accessory Dwelling Unit ceases to be used for human habitation.

4. Failure to Initiate the Use as authorized under the Accessory Dwelling Permit within 180 days, together with any extension authorized by the Director, after final inspection of any applicable building permits or the issuance of the Accessory Dwelling Permit, whichever is later.

5. The use of the Accessory Dwelling Unit causes detriment or becomes incompatible to the surrounding homes as a result of the manner in which it is maintained.

6. Parking as required under this Chapter is not provided or maintained.

7. Failure to comply with any condition of approval of the Accessory Dwelling Permit.

8. The use of the Accessory Dwelling Unit causes or becomes a nuisance, as defined in the Municipal Code.

9. If any term or condition of the Covenant is violated.

10. The Accessory Dwelling Unit was not constructed in accordance with the plans and buildings permits approved by the City that were submitted with the application for the Accessory Dwelling Unit Permit. This includes the failure to obtain a final inspection within 180 days of the issuance building permits.

11. Maintenance of the Accessory Dwelling Unit in violation of applicable laws, regulatory codes or the Municipal Code.

B. Notification of Revocation. The Director shall give written notice of the revocation of the Accessory Dwelling Unit by mail or hand delivery to the property owner and the occupants of the Main Dwelling and the Accessory Dwelling Unit and by posting a copy of the notice of revocation at the front entrance to each unit.

C. Effect of Revocation. Within ten (10) days after notice of the revocation is given, human habitation of the Accessory Dwelling Unit must cease. The Accessory Dwelling Unit shall thereafter be deemed non-hhabitable space. Within thirty days after notice of the revocation is given, all electrical, plumbing, kitchen and bathroom facilities, fixtures, equipment and appliances shall be removed. To the extent that removal of any of the foregoing cannot be completed without significant risk to the structural integrity of any structure upon the Lot, any such facility, equipment, fixture or appliance may, with the consent of the Building Official, in lieu of removal, be permanently disabled in place. Provided, further. that any such facility, equipment, fixture or appliance shall not be required to be removed if they would otherwise be permitted within an accessory structure within the NL zone pursuant to the Municipal Code.
11.43.070 Hearings and Appeals.

A. Director's Hearing. In the event that the Director denies an application for an Accessory Dwelling Unit or revokes an Accessory Dwelling Unit Permit, the permittee may request a hearing before the director within 10 days of being advised of the decision. If there is a request for a hearing in accordance with this Subsection, the order of the Director shall be stayed until the Director makes his determination after the hearing is concluded. If there is no request for hearing within the ten (10) day period, or upon a determination of Director upholding the revocation, the Accessory Dwelling Unit shall brought into compliance with Subsection 11.43.060(C), above or in the case of an denial of an application, the property shall be brought into compliance with all applicable building and zoning requirements of the Municipal Code.

B. Appeal of Director's Determination After Hearing. If the Director does not rescind a denial of the application or the revocation after the hearing, the permittee may appeal to the planning commission in accordance with Municipal Code Section 11.50.040. The Accessory Dwelling Unit may continue to be used until the appeal is decided.

C. Preclusion of Further Application. In the event that an application is denied or a permit is revoked, no application may be made for an Accessory Dwelling Unit Permit for the same lot for a period of one year from the date of the revocation or the conclusion of the appeal process, whichever is later.

11.43.080 Responsible Persons.

All owners, occupants, managers and persons with dominion or control over the Accessory Dwelling Unit or the Lot upon which it is located shall comply with the terms of this Chapter and all applicable conditions, covenants, permits and restrictions created thereby.

11.43.090 Declaration of Nuisance; Enforcement.

Any condition, construction, improvement, alteration or use that is created, permitted, allowed or maintained in violation of this Chapter is declared to be a nuisance and may be abated in accordance with any and all remedies available to the City, whether legal or equitable, civil, criminal or administrative, all of which shall be deemed cumulative. A violation of this Chapter shall be subject to enforcement as provided in Chapter 11.56 of the Municipal Code. Any violation of this Chapter is declared to be a misdemeanor.

11.43.100 No Authorization to Violate Law.

Nothing in this Chapter allows or permits the violation of any Federal or State Law or the Municipal Code. Except as provided hereunder, nothing herein cures or makes legal any illegal condition or use. Any work, improvement, construction or alteration required or permitted by this Chapter shall comply with all applicable building permit and regulatory requirements of the Municipal Code.

11.43.110 Accessory Structures.

The following provisions, in combination with Section 11.43.040 (Application Process and Permit Requirements), are minimum requirements for all accessory structures that are not an accessory dwelling unit.
A. **Detached Garage.** Detached garages shall be limited to accommodating four vehicles and shall conform to all development standards of the NL Zone.

B. **Garage Doors.** Garage doors shall not comprise more than 50% of any single parcel frontage.

**SECTION 2.** The City Council hereby finds and determines, for the reasons set forth in Section 1, hereof that the adoption of this Interim Urgency Ordinance is exempt from the California Environment Quality Act of 1970 ("CEQA"), as amended, because it can be seen with certainty that this urgency ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council's action of adopting this ordinance and the effects derivative from the adoption are exempt from the application of CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines (15 Cal.Code Regs. § 15061(b)(3)). Furthermore, the adoption and implementation of the Ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA "does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code." This Interim Urgency Ordinance is adopted to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA's environmental review requirements.

**SECTION 3.** This ordinance is adopted as an Interim Urgency Ordinance pursuant to the provisions of Government Code Sections 36934, 36937 and 65858(a), and shall be effective immediately upon its adoption. Based upon the findings set forth above, the City Council finds and determines that the adoption of this ordinance as an interim urgency ordinance is necessary for the immediate preservation of the public peace, health or safety pursuant to the requirements of Government Code Section 36934 and 36937, and is necessary to protect the public safety, health, and welfare pursuant to the requirements of Government Code Section 65858(a).

**SECTION 4.** City staff shall promptly commence the studies they may deem necessary and appropriate to make a recommendation to this City Council regarding the regulations of Accessory Dwelling Units within the City of South Gate. City staff shall prepare and submit for City Council adoption, at least ten (10) days prior to the expiration of this Interim Urgency Ordinance, or any extension hereof, a written report describing the measures taken to alleviate the conditions which led to the adoption of this Interim Urgency Ordinance.

**SECTION 5.** The Director of the Community Development Department and the City Clerk shall undertake all actions legally necessary to extend this Interim Urgency Ordinance in the event the studies and reports desired by this City Council will not be concluded on or before the forty-fifth (45th) day subsequent to the adoption of this Interim Urgency Ordinance.

**SECTION 6.** This Interim Urgency Ordinance shall take effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council. It shall be of no further force or effect forty-five (45) days from the date of adoption unless extended following a public hearing, as provided in Government Code Section 65858.

**SECTION 7.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision
shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one of more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. The City shall submit a copy of this Interim Urgency Ordinance to the State Department of Housing and Community Development within sixty (60) days after adoption.

SECTION 9. The City Clerk shall certify to the adoption of this Interim Urgency Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this 25th day of April, 2017.

CITY OF SOUTH GATE:

Maria Davila, Mayor

ATTEST:

Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

Raul F. Salinas, City Attorney
PUBLIC NOTICE
CITY OF SOUTH GATE
CITY COUNCIL

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of South Gate will hold a public hearing on an Urgency Ordinance No. 157

DATE OF HEARING: Tuesday, April 25, 2017
TIME OF HEARING: 6:30 pm
LOCATION OF HEARING: City Hall Council Chamber, City of South Gate
                      8650 California Avenue
                      South Gate, California

PROJECT LOCATION: Citywide

PROJECT DESCRIPTION: Consideration of an Urgency Ordinance amending Section 11.43 of the South Gate Municipal Code regarding Accessory Dwelling Units

ENVIRONMENTAL REVIEW: Passage of the proposed ordinance would be deemed to be a “Project” under the California Environmental Quality Act, pursuant to Section 15378 of the State CEQA Guidelines codified at 14 CCR § 13578. However, that project has also been deemed Categorically Exempt under Section 15061 (b)(3) of the State CEQA Guidelines codified at 14 CCR § 15061, which states “A project is exempt from CEQA if: [..] the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

INVITATION TO BE HEARD: All interested persons are invited to the public hearing to be heard in favor of or in opposition to the proposed ordinance or to provide comments. In addition, written comments may be submitted to the Community Development Department prior to the hearing. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing, described in this Notice, or in written correspondence delivered to the City of South Gate prior to or at the public hearing.

Those desiring a copy of the staff report, a copy of the proposed ordinance, or further information related to the ordinance should contact

Contact: Jessica C. Jimenez, Assistant Planner
Phone: 323-563-9514
E-mail: jjimenez@sogate.org

Mailing Address: Community Development Department
                City of South Gate
                8650 California Avenue
                South Gate, CA 90280-3075

Joe Perez
Community Development Director

ESPAÑOL
Información en Español acerca de esta junta puede ser obtenida llamando al 323-563-9514
Published: April 13, 2017
State of California

GOVERNMENT CODE

Section 65852.2

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.
(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.
(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
(5) When there is a car share vehicle located within one block of the accessory dwelling unit.
(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(Amended by Stats. 2016, Ch. 735, Sec. 1.5. (AB 2299) Effective January 1, 2017.)
SECOND DWELLING UNITS AND ACCESSORY STRUCTURES

CHAPTER 11.43

Section 11.43.010  Purpose and Intent
Section 11.43.020  Applicability and Exemptions
Section 11.43.030  Application Process
Section 11.43.040  Second Dwelling Unit Requirements
Section 11.43.050  Accessory Structures
This Chapter establishes the standards for permitting second dwelling units (second units) on residential properties to ensure compatibility with the permitted property and the adjacent neighborhood. This Chapter is in compliance with California Government Code Section 65852.2, which has determined that this form of development is a ministerial project and does not require a public hearing.

A. Applicability. This Chapter is applicable to all second dwelling units in the NL Zone, and structures accessory to the primary building or dwelling unit. The provisions of this Chapter shall apply to the new construction, modification, or legal conversion of any second dwelling unit, accessory structure, or detached garage. All second unit applications shall be a ministerial action subject to Director approval.

B. Limitations.

1. A second dwelling unit shall not be permitted within a condominium development or planned unit developments occurring in any zone.

2. Home occupation permits shall not be permitted for a second dwelling unit.

3. Family child day care shall only be permitted in the main dwelling subject to Section 11.40.050 (Child Day Care Facilities), and not within the second dwelling unit.

4. The total lot coverage of the main dwelling, any second dwelling unit, and/or any accessory structures shall not exceed the maximum lot coverage as established by the applicable zone.

C. Exemption of Illegal Units. This Chapter shall not validate any existing illegal accessory or second dwelling unit. An application for a permit may be made to convert an illegal accessory dwelling unit to a conforming legal second dwelling unit, consistent with the provisions of this Chapter.
SECOND DWELLING UNITS AND ACCESSORY STRUCTURES

11.43.030 Application Process

All applications for a second dwelling unit shall be submitted to the Planning Division. The application requirements are as follows.

A. Administrative Plan Review Required. Accessory structure and second dwelling unit applications shall require Administrative Plan Review by the Director, subject to the provisions of Section 11.51.050 (Administrative Permits and Approvals). The Administrative Plan Review shall include scaled and fully dimensioned plans, and elevations for the second dwelling unit, main dwelling, and any other structures on-site.

B. Building Permit. A building permit shall be required for all second dwelling units and accessory structures, subject to prior Administrative Plan Review approval.

C. Community Compatibility. All second dwelling units and accessory structures shall be architecturally compatible with the main dwelling with respect to styling, roof line, window and door treatment, materials, colors, textures, height, scale, and bulk, and shall be compatible with the surrounding neighborhood.

1. Design and establishment of the second dwelling unit and/or accessory structure(s) shall not adversely affect the neighborhood with respect to on-street parking demand and use, traffic noise, concentration of accessory dwelling units, or other impacts that could result in significantly adverse impacts on public services and resources.

D. Zoning Compliance. All second dwelling units and accessory structures shall conform to all land use regulations, development standards, and height and setbacks provisions of the NL Zone.
SECOND DWELLING UNITS AND ACCESSORY STRUCTURES

11.43.040 Second Dwelling Unit Requirements

The following provisions are minimum requirements for the construction, modification, or legal conversion of a second dwelling unit. In addition to the development standards of the NL Zone, the following shall apply to second dwelling units.

A. Minimum Lot Requirements. Second dwelling units shall only be permitted on legal parcels that meet all of the following lot qualifications:

1. Lot is located within an NL Zone as designated by the South Gate Zoning Map.
2. Lot size is equal to or larger than 6,000 square feet.
3. Lot has an existing single-family detached dwelling unit (main dwelling).
4. Lot does not already have a second dwelling unit on-site.

B. Size Regulations. The size of the second dwelling unit shall be limited, as follows:

1. A maximum of one bedroom.
2. Not to exceed 30% of the living area of the main dwelling or 640 square feet of gross floor area, whichever is smaller.
3. A minimum of 240 square feet of gross floor area.

C. Development Standards.

1. Maximum building height of 35 feet or equal to the height of the main dwelling, whichever is less.
2. Located within the rear half of the lot.
3. May be located on the first or second floor, attached or detached from the main dwelling.
4. Maximum 45% lot coverage for any NL Zone parcel, including the sum of the main dwelling and the second dwelling unit.

D. Maximum Occupancy. Occupancy of the second unit shall be limited to a maximum of two persons.

E. Owner Occupancy. The property owner of the parcel shall continuously reside on-premises in either the main dwelling unit or the second dwelling unit, and shall be living on-premises at the time of second-dwelling-unit application and approval.

F. Utility Provision.

1. The second dwelling unit shall not be metered separately from the main dwelling for gas, electricity, trash, water, or sewer services; all utilities for the property shall be undergrounded, subject to Section 11.30.050 (Development Requirements).
2. Both units (main dwelling and the second dwelling unit) shall be equipped with “hardwired” smoke detectors with battery backup.

G. Deed Restriction. Prior to the issuance of a building permit for the second unit, a deed restriction shall be recorded for the property that includes all the following:

1. The total number of dwelling units on the property shall be limited to two units.
2. Requiring that one of the dwelling units (main or second unit) shall be continuously owner-occupied.
3. Parking spaces, including garage, shall be maintained free and clear of storage and debris.
4. Units (main and second dwelling unit) shall not be metered separately.
5. Prohibiting the units from being sold separately.
6. Second dwelling unit approval shall be revoked if any portion of the deed restriction is violated or not complied with, at which time the second dwelling unit would be converted to living space for the main dwelling.
H. Parking Required. A minimum of one on-site paved parking space shall be provided for the second dwelling unit, in addition to the parking required for the main dwelling, subject to the following standards:

1. Minimum parking space dimension shall be 10 feet by 20 feet.
2. Shall meet City standards and not block access to the main dwelling garage.
3. Shall not be tandem or perpendicular to an adjacent space or garage.
4. Shall not be permitted within the required setbacks (front or corner side) for the lot.
The following provisions, in combination with Section 11.43.030 (Application Process), are minimum requirements for all accessory structures that are not a second dwelling unit:

A. Detached Garage. Detached garages shall be limited to accommodating four vehicles and shall conform to all development standards of the NL Zone.

B. Garage Doors. Garage doors shall not comprise more than 50% of any single parcel frontage.