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City of South Gate Item No. 4  
CITY COUNCIL

CITY OF SOUTH GATE  
OFFICE OF THE CITY MANAGER

11:55am

AGENDA BILL

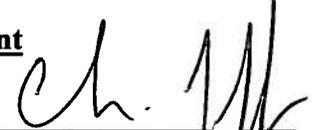
For the Regular Meeting of: January 26, 2021

Originating Department: Community Development

Interim Director:

  
Paul L. Adams

Interim City Manager:

  
Chris Jeffers

**SUBJECT: SECOND READING OF ORDINANCE NO. 2021-01-CC, PERTAINING TO THE CITY'S ACCESSORY DWELLING UNIT AND ACCESSORY STRUCTURE REGULATIONS**

**PURPOSE:** To adopt Ordinance No. 2021-01-CC, amending the South Gate Zoning Code regulating Accessory Dwelling Units (ADUs) to conform to the new State law requirements established by AB 68 and with related Senate Bill 13 and Assembly Bill 881 and establishes development standards for accessory structures in the City.

**RECOMMENDED ACTION:** Waive the reading in full and adopt Ordinance No. 2021-01-CC repealing Ordinance No. 2360 in its entirety and adopting new Chapter 11.43 (Accessory Dwelling Units and Accessory Structures), to Title 11 (Zoning), of the South Gate Municipal Code to comply with the State's new regulations for the construction of accessory dwelling units and accessory structures.

**FISCAL IMPACT:** None.

**ALIGNMENT WITH CITY COUNCIL GOALS:** The adoption of the Ordinance No. 2021-01-CC supports the goal of "improving communications and civic engagement" and "internal process improvements" by updating the City's Zoning Ordinance to include applicable state land use mandates facilitating the dissemination of clear and consistent information.

**ENVIRONMENTAL EVALUATION:** The foregoing amendment to the South Gate Zoning Code is exempt from the California Environmental Quality Act ("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 ordinance is adopted to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA's environmental review requirements.

**ANALYSIS:** In 2019, the California Legislature adopted eighteen (18) housing bills aimed at addressing the housing crisis. Six of those bills specifically made changes to the creation of accessory dwelling units (ADU) and junior accessory dwelling units (JADU). The changes to Government Code Sections 65852.2 and 65852.22 imposed new limits on the City's ability to regulate ADUs and JADUs. As a result of this new legislation, as of January 1, 2020, the City's ordinance regulating ADUs is no longer in compliance with State law and can no longer be enforced. Ordinance No. 2021-01-CC will bring the City's Zoning Ordinance into compliance with these new laws and preserve the City's remaining ability to enforce standards on future ADUs and

JADUs.

**BACKGROUND:** At its January 12, 2021, regularly scheduled meeting, the City Council conducted a public hearing and introduced Ordinance No. 2021-01-CC.

**ATTACHMENT:** Ordinance No. 2021-01-CC

**ORDINANCE NO. 2021-01-CC**

**CITY OF SOUTH GATE  
LOS ANGELES COUNTY, CALIFORNIA**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE,  
CALIFORNIA, REPEALING ORDINANCE NO. 2360 IN ITS ENTIRETY  
AND ADOPTING NEW CHAPTER 11.43 (ACCESSORY DWELLING  
UNITS AND ACCESSORY STRUCTURES), TO TITLE 11 (ZONING), OF  
THE SOUTH GATE MUNICIPAL CODE TO COMPLY WITH THE  
STATE'S NEW REGULATIONS FOR THE CONSTRUCTION OF  
ACCESSORY DWELLING UNITS AND ACCESSORY STRUCTURES**

**WHEREAS**, the State of California has found that Accessory Dwelling Units (“ADUs”) 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 existing neighborhoods;

**WHEREAS**, on September 27, 2016, Assembly Bill (“AB”) 2299 and Senate Bill (“SB”) 1069 were signed into law that significantly impacted and modified the ADU standards provided in Section 65852.2 of the Government Code;

**WHEREAS**, in response, on April 25, 2017, the City Council of the City of South Gate (“City”) adopted Interim Urgency Ordinance No. 2336, revising the City’s second dwelling unit regulations in its entirety for the purpose of regulating ADUs in the Neighborhood Low residential zone of the City;

**WHEREAS**, on May 23, 2017, the City Council adopted Interim Urgency Ordinance No. 2338, extending the term of Interim Urgency Ordinance No. 2336 through and including April 24, 2019, and amending Title 11, Chapter 11.43 of the South Gate Municipal Code in order to conform the City’s municipal ordinances regulating ADUs with the State law requirements established by AB 2299 and SB 1069;

**WHEREAS**, thereafter, on March 26, 2019, the City Council adopted Ordinance No. 2360, repealing Interim Urgency Ordinance Nos. 2336 and 2338 in their entirety and adding new Chapter 11.43 (Accessory Dwelling Units and Accessory Structures), to Title 11 (Zoning), of the South Gate Municipal Code;

**WHEREAS**, on October 9, 2019, AB 68, AB881, and SB 13 were signed into law, further modifying State law requirements pertaining to ADUs, effective January 1, 2020, as set forth in Sections 65852.2 and 65852.22 of the Government Code;

**WHEREAS**, this new Ordinance amends Chapter 11.43 (Accessory Dwelling Units and Accessory Structures) to conform the City’s municipal ordinances regulating ADUs including location, unit size, height, and other regulations with the new State law requirements established by AB 68 and with related Senate Bill 13 and Assembly Bill 881;

**WHEREAS**, this new Ordinance amends Chapter 11.43 (Accessory Dwelling Units and Accessory Structures) to provide clarity and consistency regarding construction of accessory structures in the City;

**WHEREAS**, pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing and conducted the public hearing on this matter on November 17, 2020, and adopted Planning Commission Resolution No. 2020-05 recommending that the City Council approve the proposed amendments to Chapter 11.43 (Accessory Dwelling Units and Accessory Structures) and adopt this Ordinance; and

**WHEREAS**, the City Council conducted a duly noticed public hearing on January 12, 2021, to take public testimony and consider the introduction of this Ordinance.

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

**SECTION 1.** The City Council does hereby declare that the above recitals are true and correct and incorporated herein by reference. Based on these findings, the City Council determines the public health, safety and general welfare of the City, its residents and property owners can benefit by amending the Zoning Code to update development standards for accessory dwelling units, and that it is in the best interest of the City to amend the Zoning Code accordingly.

**SECTION 2.** The City Council does hereby repeal Ordinance No. 2360 in its entirety.

**SECTION 3.** The City Council does hereby adopt new Chapter 11.43 (Accessory Dwelling Units and Accessory Structures), to 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 Permitted Uses.
- 11.43.040 General Provisions.
- 11.43.050 Development Standards.
- 11.43.060 Application and Review Process.
- 11.43.070 Accessory Structures

11.43.010 Purpose and intent.

- A. 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 Sections 65852.2, 65852.22, and 65852.26 of the California Government

Code, as amended and effective January 1, 2020. An accessory dwelling unit that conforms to the development and design standards in this section shall:

1. Be deemed an accessory use or an accessory building and not be considered to exceed the allowable density for the lot upon which it is located;
2. Be deemed a residential use that is consistent with the existing General Plan and zoning designation for the lot upon which it is located;
3. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and
4. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

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 and is located on a lot with a proposed or existing primary dwelling on a fixed, permanent foundation. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling is or will be situated; provided, however that a junior accessory dwelling unit may share sanitation facilities with the primary dwelling. An accessory dwelling unit also includes (i) an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code and (ii) a manufactured home, as defined below and in Section 18007 of the Health and Safety Code. An Accessory Dwelling Unit must be either (a) attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or (b) detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
- 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. "Attached" means attached to the primary dwelling.
- E. "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.

- F. “Building permits” means all authorizations and permissions required in accordance with all applicable building codes.
- G. “City” means the city of South Gate.
- H. “Detached” means detached from the primary dwelling unit.
- I. “Director” means the community development director of the city of South Gate and all of his/her designees.
- J. “Efficiency Unit” means a dwelling unit which contains all of the following: (i) a living area of not less than 220 square feet, plus an additional 100 square feet for each occupant in excess of two; (ii) a separate closet; (iii) a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front, together with light and ventilation conforming to Part 2.5 of Title 24 of the California Code of Regulations; and (iv) a separate bathroom containing a water closet, lavatory and bathtub or shower.
- K. “Existing structure” for the purposes of defining an allowable space that can be converted to an accessory dwelling unit means any accessory structure or any space within an existing single family dwelling or within an existing multi-family dwelling that can be made safely habitable under local building codes at the determination of the building official regardless of any noncompliance with zoning standards.
- L. “Junior accessory dwelling unit” means a dwelling unit created out of space entirely within a proposed or existing single-family residence, and of no more than 500 square feet in size, which provides independent living facilities for one or more persons and includes permanent provisions for living, an efficiency kitchen, eating and sleeping. A junior accessory dwelling unit shall have independent exterior access. Provisions for sanitation may be provided within the junior accessory dwelling unit or may share sanitation facilities with the primary dwelling.
- M. “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.
- N. “Lot” shall mean the single legal parcel of real property upon which the accessory dwelling unit shall be located.

- O. “Multifamily”, “multi-family” or “multiple family” when used in this Chapter shall mean buildings containing two or more primary dwelling units.
- P. “Municipal code” means the municipal code of the city of South Gate.
- Q. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- R. “Primary dwelling” means a lawfully constructed single-family or multifamily residence existing or proposed on the lot where the accessory dwelling unit may be permitted.
- S. “Proposed dwelling” means a dwelling that is the subject of a permit application submitted to the City and that meets the requirements for permitting in the City.
- T. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- U. Other words and phrases used in this chapter shall have the same meaning as provided in the South Gate Municipal Code.

#### 11.43.030 Permitted Uses.

- A. Location of Accessory Dwelling Units. The provisions of this section authorize an accessory dwelling unit to be located on a lot in any zoning district where residential use is permitted or conditionally-permitted that includes a proposed or existing primary dwelling.
- B. Number Allowed. On lots with one (1) existing or proposed single-family dwelling, one (1) accessory dwelling unit and one (1) junior accessory dwelling unit may be permitted. On lots with more than one detached single-family dwelling, one (1) accessory dwelling unit created by using space within the proposed or existing space of one (1) of the single family dwellings and one (1) detached accessory dwelling unit with a four-foot side and rear yard setbacks of no more than 800 square feet and 16 feet high may be permitted. On lots with existing multiple-family dwellings, accessory dwelling units are allowed within the portions of existing multi-family 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 unit complies with state building standards for dwellings. At least one (1) accessory dwelling unit shall be allowed within an existing multi-family structure, and up to a maximum of 25% of the existing multiple-family dwelling units may be permitted or no more than two (2) detached accessory dwelling units may be permitted on a lot with multi-family dwellings. The two (2) detached accessory dwelling units are subject to a

height limit of 16 feet except where it would not exceed the roofline of the primary dwelling, and a side and rear yard setback of four feet.

11.43.040 General Provisions.

The following provisions shall apply to all accessory dwelling units:

- A. 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.
- 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 within zones that permit residential uses.
- C. Rental and Sale Limitations. Accessory dwelling units may be rented. If rented, the rental term shall not be for less than 30 days. The accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary dwelling.
- D. Any legally permitted structure, or a structure constructed in the same location and to the same dimensions as a legally permitted structure, which is to be converted to an accessory dwelling unit may be converted or built without any additional setbacks.
- E. Nonconforming Residential Structures. Any nonconforming zoning conditions on the subject property shall not require correction for the purpose of adding either an accessory dwelling unit or a junior accessory dwelling unit.
- F. There shall be no minimum size for accessory dwelling units which are converted from existing space, beside that which is necessary per building code standards.
- G. Before the City will issue a certificate of occupancy for a junior accessory dwelling unit, the property owner shall file with the county recorder in the County Recorder's Office, and provide the City with a copy bearing the recording information, a deed restriction, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:
  - 1. The junior accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary dwelling, and rental of a junior accessory dwelling unit shall be for a period of longer than thirty (30) days.
  - 2. The applicant and all subsequent owners of the lot shall at all times occupy, as his or her primary residence, either the remaining portion of the primary dwelling or the newly created junior accessory dwelling unit. Owner-occupancy shall not be

required if the owner is another governmental agency, land trust, or housing organization.

3. A restriction of the junior accessory dwelling unit size and attributes exists as required by Sections 11.43.050A3, 11.43.050G, 11.43.050J, 11.43.050K, and 11.43.050M2 below.
- H. Before issuing a certificate of occupancy for an accessory dwelling unit, the property owner shall file with the county recorder a covenant agreement, which has been approved by the City Attorney as to its form and content, contacting a reference to the deed under which the property was acquired by the owner stating that:
1. The accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary dwelling, and rental of an accessory dwelling unit shall be for a period of longer than thirty (30) days.
  2. The accessory dwelling unit has been constructed in compliance to this chapter and for residential purposes in accordance to plans approved by the City.
- I. For any accessory dwelling unit application on a lot with an existing or proposed single family dwelling which is received on or after January 1, 2025, the owner of the subject property and all subsequent owners shall be the occupant of either the primary residence or the accessory dwelling unit, and such restriction shall be recorded on an instrument as approved by the City Attorney and shall run with the land.

#### 11.43.050 Development Standards.

An accessory dwelling unit may be attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

- A. Floor Area. The following floor area standards for accessory dwelling units apply:
1. Attached accessory dwelling units shall not exceed fifty (50) percent of the existing primary dwelling or either 850 square feet for a studio or one-bedroom unit or 1,000 square feet for a unit of more than one-bedroom, whichever is less, provided, however, that these floor area requirements shall not preclude an accessory dwelling unit of at least 800 square feet from being constructed.
  2. Detached accessory dwelling units shall not exceed 850 square feet for a studio or one-bedroom unit or 1,000 square feet for a more than one-bedroom unit.
  3. Junior accessory dwelling units shall not exceed 500 square feet.

- B. Lot Coverage. The following lot coverage standards for accessory dwelling units apply:
1. The first 800 square feet of either an attached or detached accessory dwelling unit will not count towards the lot coverage of the subject property. Any additional footprint after 800 square feet will count towards the lot coverage of the property and the lot coverage limits of the underlying zone shall apply.
  2. An accessory dwelling unit constructed in the same location and to the same dimensions as an existing accessory structure that is converted to an accessory dwelling does not count towards the lot coverage of the property.
- C. Minimum Yard Areas. The following minimum yard requirements apply.
1. Front Yards. The provisions of the applicable underlying zoning designation of the subject property shall apply.
  2. Rear Yards. The minimum rear yard shall be four feet.
  3. Side Yards. The minimum side yard shall be four feet.
- D. Building Height. The following maximum building height requirements apply.
1. Detached accessory dwelling units may not exceed 16 feet in height, measured from the finished grade to the peak of the roof. Attached accessory dwelling units may not exceed the height of the roofline of the primary dwelling.
  2. Accessory dwelling units shall not be constructed above a detached garage except where it would not exceed the roofline of the primary dwelling measured from finished grade to the peak of the roof.
  3. Accessory dwelling units and junior accessory dwelling units shall have a vertical clearance from finished floor to ceiling within the habitable space up to eight (8) feet.
- E. Building Separation. There shall be a minimum of six feet (6') separating all construction (including eaves and similar architectural features) of the detached accessory dwelling unit from the main building(s) or other accessory building(s) on the same lot.
- F. Expansion of Existing Structure. An accessory dwelling unit created within an existing accessory structure or an existing primary dwelling may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure or existing primary dwelling. An expansion beyond the physical limitation of the existing accessory structure or existing primary dwelling shall be limited to accommodating ingress and egress. This expansion will be exempt from local development standards.
- G. Parking. No parking shall be required for any accessory dwelling unit or for any junior accessory dwelling unit.
- H. Design Standards. The following design standards shall apply to all accessory dwelling units.

1. An attached accessory dwelling unit shall not involve any changes to existing street facing walls nor to existing floor and roof elevations.
  2. This subsection shall not be interpreted to prohibit a prefabricated structure or manufactured home, as defined in Section 18007 of the California Health and Safety Code.
  3. All exterior lighting shall be shielded in a way so that no light spills onto adjacent properties.
- I. Garage Conversions. Garage conversions shall be allowed subject to the following provisions.
1. No additional setback shall be required for an existing garage which is converted to an accessory dwelling unit.
  2. The garage door shall be removed and replaced with a new facade. The new façade shall include a minimum of one window or entryway.
- J. Junior Accessory Dwelling Units. One junior accessory dwelling unit shall be permitted on lots with an existing or proposed primary dwelling and no more than one (1) detached accessory dwelling unit subject to the following provisions.
1. The junior accessory dwelling unit shall be fully located within an existing or proposed primary dwelling.
  2. The unit shall be no more than five hundred (500) square feet in floor area.
  3. The unit may maintain an interior connection to the primary dwelling and shall provide an exterior entrance separate from the primary dwelling entrance.
  4. The unit may contain separate sanitation facilities or may share with the primary dwelling.
  5. The unit shall include an efficiency kitchen that shall include the following components:
    - i. A cooking facility with appliances; and
    - ii. A food preparation counter and storage cabinets.
- K. Interior Amenities. Washer/dryer hook ups shall be provided within an accessory dwelling unit or the hookups may be provided within a shared common space.
- L. Fire Sprinklers. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
- M. Utility Connections.
1. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating city and county connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed in conjunction with a new primary dwelling.

2. For a junior accessory dwelling unit or an accessory dwelling unit located within the existing primary dwelling, a new or separate utility meter shall not be required and a related connection or capacity fee may not be charged, unless the accessory dwelling unit has been constructed with a new primary dwelling.
3. When the accessory dwelling unit is attached or detached, a new or separate utility meter shall not be required.

11.43.060 Application and Review Process.

- A. Processing Application. Within sixty (60) days of receipt of a completed application, submitted with all supporting documentation to the specifications provided by the director 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, without discretionary review or hearing, 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. Notwithstanding the foregoing sixty (60) day issuance requirement, if the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted 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 accessory dwelling unit or the junior accessory dwelling unit until the City acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
- B. Health Official Approval. In the event that the property is served by a functioning private sewage disposal system, any application for an accessory dwelling unit must be approved by the 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 unit permit that are consistent with this chapter.

11.43.070. Accessory Structures

The following provisions, in combination with Section 11.43.060 (Application and Review Process), are minimum requirements for all accessory structures.

- A. Non-habitable accessory buildings or structures, include but are not limited to the following:
  1. Garages;

2. Carports;
  3. Workshops;
  4. Storage rooms or sheds;
  5. Detached patio covers;
  6. Pool bathrooms.
- B. All non-habitable accessory buildings or structures, with the exception of a pool bathroom, are not permitted to contain a bathroom.
- C. Pool bathrooms consisting of a  $\frac{3}{4}$  bathroom are permitted in conjunction with the development of a pool or when a pool exists on the lot.
- D. With the exception of a garage or an accessory dwelling unit, a detached accessory structure shall not be located in the front of the main building or directly between the main building and the street.
- E. All detached accessory structures or buildings within residential zones, except accessory dwelling units, shall be a minimum of 5 feet from any property line, unless otherwise expressed in this code, be located at least 6 feet from the main building and be no taller than 10 feet high.
- F. Accessory structures are not permitted above a detached garage in residential zones.
- G. Canopy Structures. The following regulations apply to canopy structures on a residential lot:
1. Canopy structures shall not be located on any lot for a period of more than three (3) days.
  2. Canopy structures shall not be located within the view of a public right of way, front or side yard area or driveway.
  3. Canopy structures with a maximum projected canopy area of 200 square feet, maximum height of 12 feet and a maximum length of 20 feet may be located within a rear yard area.
  4. Reflective, mirrored type covering material shall be prohibited.
- H. Storage Containers. Storage containers may be located on a lot developed with a single-family residence on a temporary basis, subject to the following standards:
1. Short-term location. One (1) storage container may be located on a lot up to a total of fourteen (14) days in any calendar year without the approval of any permit.
  2. Administrative review. One (1) storage container may be located on a lot for up to six (6) months in conjunction with permitted construction activity on the same lot, subject to approval pursuant to an administrative review. Approval pursuant to an administrative review for this purpose may only be undertaken in conjunction with construction activity for which a valid city building and/or grading permit has been issued and continues to remain active and valid. Regardless of the time period for which the presence of the container is approved pursuant to an administrative

review, the right to keep the storage container on the lot shall automatically expire upon the expiration or termination of all grading and building permits, or upon the final inspection and completion of associated construction activity. In cases where a storage container has been located on a lot in an unauthorized manner prior to approval by an administrative review, any approved time duration shall commence and run from the date during which the location of the storage container on the lot was first documented.

3. Where the temporary presence of a storage container has been approved by an administrative review, the deadline for removal of the container may be extended for up to six (6) months by the director of community development for good cause.
  4. Location. The location of a temporary storage container shall be subject to approval pursuant to an administrative review and shall take into consideration such factors as visibility from the street and surrounding properties, and visual and privacy impacts to surrounding properties. The storage container may only be located in the front yard when location in other areas is not feasible or would create other impacts. Location of a storage container on a driveway may only be approved where access to the garage or carport can continue to be provided for at least one (1) vehicle.
  5. Size. Storage containers shall be no greater than twenty (20) feet in length, ten (10) feet in height, and ten (10) feet in width.
  6. Permanent placement. Permanent placement of storage containers are prohibited on vacant lots and lots developed with residential uses.
- I. Garages and Carports. Garages and carport shall have a minimum interior clear width of eighteen (18) feet and depth of twenty (20) feet between columns or walls. Three-car garages shall have a minimum interior clear width of twenty seven (27) feet and depth of twenty (20) feet.
1. Tandem garage parking is permitted in NL or NM zones to comply with a required three-car garage for a single residential unit. This requires a garage to have a minimum of two (2) parking spaces side-by-side at the garage entrance and minimum nine (9) feet by twenty (20) feet shall be provided behind.

**SECTION 4.** The City Council hereby finds and determines, for the reasons set forth in Section 1, hereof that the adoption of this Ordinance is exempt from the California Environment Quality Act of 1970 (“CEQA”), as amended, because it can be seen with certainty that this 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

ordinance is adopted to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA's environmental review requirements.

**SECTION 5.** The City Council hereby declares that this Ordinance is in conformance with the goals, policies, and objectives of the South Gate General Plan 2035.

**SECTION 6.** 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 7.** To the extent the provisions of the South Gate Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

**SECTION 8.** This Ordinance shall take effect and be enforced on the thirty-first (31<sup>st</sup>) day after its adoption.

**SECTION 9.** The City shall submit a certified copy of this Ordinance to the State Department of Housing and Community Development within sixty (60) days after adoption.

**SECTION 10.** The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

**PASSED, APPROVED and ADOPTED this 26<sup>th</sup> day of January 2021.**

**CITY OF SOUTH GATE:**

By: \_\_\_\_\_  
Maria Davila, Mayor

**ATTESTED:**

By: \_\_\_\_\_  
Carmen Avalos, City Clerk  
(SEAL)

**APPROVED AS TO FORM:**

By:  \_\_\_\_\_  
Raul F. Salinas, City Attorney