

ORDINANCE 2015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENDORA, CALIFORNIA AMENDING TITLE 21 (ZONING) OF THE GLENDORA MUNICIPAL CODE FOR CONSISTENCY WITH STATE LAW PERTAINING TO ACCESSORY DWELLING UNITS (PLN17-0003)

**THE CITY COUNCIL
City of Glendora, California**

THE CITY COUNCIL OF THE CITY OF GLENDORA DOES HEREBY ORDAIN AS FOLLOWS:

WHEREAS, the City intends to remove governmental constraints to the development of housing for all segments of the market by periodic review and update of the City's regulations to ensure that housing construction is not unduly constrained (Glendora General Plan - Housing Element Policy 4.1);

WHEREAS, the City of Glendora initiates amendments to the Zoning Code (Title 21) to remove impediments and obstructions to the development of housing and revise code sections that conflict with State law, specifically the provisions pertaining to accessory dwelling units;

WHEREAS, effective January 1, 2017, Assembly Bill 2299 and Senate Bill 1069 amended California Government Code Sections 65852.1 and 65852.2 requiring local agencies to adopt an ordinance that complies with specific standards for accessory dwelling units, including parking reductions and reduced setback requirements;

WHEREAS, the Planning Commission of the City of Glendora held a public hearing and voted to recommend approval of the Zoning Code text amendments on March 7, 2017 after due notice was given as required by law, at which time oral and documentary evidence was introduced along with the written recommendation of the Planning Director; and

WHEREAS, a public hearing was held by the City Council on April 11, 2017, after due notice was given as required by law, at which time oral and documentary evidence was introduced along with the written recommendation of the Planning Commission and Planning Director of the City of Glendora.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDORA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council finds that the adoption of this Ordinance is not subject to environmental review under the California Environmental Quality Act (CEQA) because the revisions to the Municipal Code are an activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment. Since it can be seen with certainty that there is no possibility that the Code amendments have the potential to have an adverse effect on the environment, the City Council adopts a General Rule Exemption from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

SECTION 2. The following Sections of Title 21 of the Glendora Municipal Code are hereby amended as shown with added text shown underlined and deleted text shown stricken through as follows:

21.01.020 C. Definitions.

~~“Second kitchen~~ Accessory dwelling unit” means a residential dwelling unit that is an attached or detached accessory use to a primary residence on land zoned for single-family or multiple-family uses, which provides complete independent living facilities for one or more persons. The single-family residence or the ~~second kitchen~~ accessory dwelling unit shall be occupied by the property owner. The ~~second kitchen~~ accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family dwelling is situated as prescribed in Section 21.04.010(D)(4) of this title.

21.03.020 Off-street parking and loading.

K. ~~Second Kitchen~~ Accessory Dwelling Unit Standards.

1. ~~Second Kitchen~~ Accessory Dwelling Unit Replacement Parking.

a. ~~Designated parking spaces specific to the second kitchen unit shall be provided in addition to the parking spaces required for the primary dwelling unit. Parking is not required for an accessory dwelling unit;~~

b. ~~The second kitchen unit shall provide one parking space per bedroom. A minimum of one parking space to be located in a garage or carport with the allowance of tandem parking for the additional spaces. When a garage, carport, or covered parking structure is converted to an accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit, required off-street parking spaces shall be replaced on the same lot as the accessory dwelling unit, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. Replacement parking spaces shall not be allowed in any required yard setback that is adjacent to a public right-of-way, except alleys.~~

21.04.010 Single-family residence.

B. Permitted Uses

1. Single-Family Residences and Accessory Buildings. One single-family residence, a ~~second kitchen~~ an accessory dwelling unit, and accessory buildings.

2. Accessory Buildings.

a. There shall be no more than two detached accessory buildings on any one parcel.

b. The totaled floor area of all detached accessory buildings, including one detached accessory dwelling unit, shall not exceed nine hundred square feet ~~with the exception of second kitchen units as defined in Section 21.04.010(D)(4).~~

c. The maximum height shall be fifteen feet, but not exceeding one story.

d. Detached accessory buildings shall be set back a minimum of three feet from side and rear property lines and located no closer to a street than the residence or the front and street side yard setbacks, whichever distance is greater, with the exception of ~~second kitchen~~ accessory dwelling units as defined in Section 21.04.010(D)(4)(i)(viii).

- e. Attached accessory buildings with no interior connection between the main and accessory use shall be subject to the setback requirements of the single-family residence zones as specified in Table A (See Appendix to this title).
- f. Detached accessory structures are allowed to have a sink and toilet. Any other plumbing or plumbing facilities of any kind within the structure shall not be allowed.

D. Development Standards

2. Accessory Buildings.

- a. There shall be no more than two detached accessory buildings on any one parcel.
 - b. The totaled floor area of all detached accessory buildings, including one detached accessory dwelling unit, shall not exceed nine hundred square feet ~~with the exception of second-kitchen units as defined in Section 21.04.010(D)(4).~~
 - c. The maximum height shall be fifteen feet, but not exceeding one story.
 - d. Detached accessory buildings shall be set back a minimum of three feet from side and rear property lines and located no closer to a street than the residence or the front and street side yard setbacks, whichever distance is greater, ~~with the exception of second-kitchen units as defined in Sections 21.04.010(D)(4)(i)(viii).~~
 - e. Attached accessory buildings shall be subject to the setback requirements of the single-family residence zones as specified in Table A (See Appendix to this title).
4. ~~Second-Kitchen~~ Accessory Dwelling Units. Development standards of the single-family residential zones, as specified in Table A (See Appendix to this title), shall apply to ~~second-kitchen~~ accessory dwelling units unless otherwise indicated below:
- a. The parcel is zoned for single-family or multiple-family residential use;
 - b. A single-family residential dwelling unit must exist on the parcel;
 - c. An second-kitchen accessory dwelling unit does not already exist on the parcel;
 - d. No more than one ~~second-kitchen~~ accessory dwelling unit shall be permitted on the parcel;
 - (i) The construction of an second-kitchen accessory dwelling unit, whether attached or detached, is not permitted on a residential parcel with two existing detached accessory structures (i.e., one detached garage and one detached pool cabana);
 - e. The single-family residence or the ~~second-kitchen~~ accessory dwelling unit shall be occupied by the property owner;
 - (i) The ~~second-kitchen~~ accessory dwelling unit may be rented but shall not be sold, transferred or assigned separately from the primary single-family residence;
 - (ii) The property owner shall record a deed restriction indicating that owner occupancy is required at all times and shall specify that rental of the accessory dwelling unit shall be for a minimum period of 30 days.
 - f. The exterior architectural treatment of the ~~second-kitchen~~ accessory dwelling unit shall maintain consistency with the primary dwelling unit regarding roof profile and pitch, use of materials and general architectural design and style including but not limited to the following:
 - (i) All materials, finishes and colors shall match the primary dwelling unit;
 - (ii) All windows and doors shall maintain trim and style (i.e., grid pattern, frame thickness, opening direction, etc.) to match the existing windows and doors

- of the primary dwelling unit;
- (iii) Architectural detailing (i.e., siding, stucco, gabled ends, etc.) shall match the existing architectural detailing of the primary dwelling unit;
- g. The construction of an ~~an second kitchen~~ accessory dwelling unit on any real property identified as a historic resource shall be subject to Section 21.03.050 as required by Section 21.02.060 of this title;
- h. Development Standards.
- (i) The ~~second kitchen~~ accessory dwelling unit is either attached to the existing primary dwelling unit or detached and located on the same parcel as the existing primary dwelling unit;
- (ii) The floor area of an attached ~~second kitchen~~ accessory dwelling unit shall not exceed thirty percent of the existing living area of the primary dwelling unit but in no case shall exceed ~~one thousand nine hundred square feet, not including required parking;~~ one thousand nine hundred square feet;
- (iii) The total area of floor space for a detached ~~second kitchen~~ accessory dwelling unit shall not exceed ~~one thousand nine hundred square feet in area, not including required parking, and shall maintain a minimum twenty-foot unobstructed distance from the primary dwelling unit as measured from any point on either structure, excluding eaves;~~ one thousand nine hundred square feet in area;
- (iv) The detached ~~second kitchen~~ accessory dwelling unit shall be limited to one story and shall not exceed a maximum building height of fifteen feet;
- (v) The attached or detached ~~second kitchen~~ accessory dwelling unit shall provide a separate entrance from the primary dwelling unit with the entrance not visible from a public street;
- (vi) The attached or detached ~~second kitchen~~ accessory dwelling unit shall include no more than one bedroom ~~be metered separately from the primary dwelling unit for gas, electricity and water/sewer services;~~
- (vii) The attached or detached ~~second kitchen~~ accessory dwelling unit shall comply with the Floor Area Ratio (FAR), lot coverage, front, side and street side setback development standards as applicable to the implementing zone classification of the subject parcel. No minimum side yard setback shall be required for an existing garage that is converted to an accessory dwelling unit;
- (viii) Rear Yard Setback. The attached ~~second kitchen~~ accessory dwelling unit shall maintain the standards for the implementing residential zone. The detached ~~second kitchen~~ accessory dwelling unit shall maintain a minimum rear setback distance of ten feet as measured from the rear property line. No minimum rear yard setback shall be required for an existing garage that is converted to an accessory dwelling unit;
- (ix) Private Open Space. The attached or detached ~~second kitchen~~ accessory dwelling unit shall provide a screened or unscreened private open space area located at ground level with a minimum area of one hundred fifty square feet and no dimension less than ten feet;
- (x) ~~second kitchen~~ Accessory dwelling units on parcels zoned as multiple-family with an existing single-family residence shall be subject to Table A, R-1 zone development standards for FAR, front, side and street side setbacks as required by Section 21.04.020(B)(2) of this title;
- (xi) Uniform Building Code (UBC) requirements applicable to detached ~~second-~~

~~kitchen accessory dwelling~~ units shall apply;

(xii) Parking requirements established in Section 21.03.020(K) of this title shall apply to all ~~second kitchen accessory dwelling~~ units;

- i. ~~An second kitchen accessory dwelling~~ unit 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 which is consistent with the existing general plan and zoning designations for the lot. The ~~second kitchen accessory dwelling~~ unit shall not be considered in the application of any local ordinance, policy or program to limit residential growth.

5. Guest Houses.

- a. The guest house shall be limited to one bedroom and a three-quarter bathroom (sink, toilet and bathtub or shower only).
- b. The guest house shall not include kitchen facilities.
- ~~c. One covered parking stall shall be provided for the guest house.~~
- ~~c.~~ The guest house shall meet the development standards for accessory buildings.
- ~~e.~~ d. The exterior architectural treatment of the guest house shall maintain consistency with the primary dwelling unit regarding roof profile and pitch, use of materials and general architectural design and style including, but not limited to, the following:
 - i. All materials, finishes and colors shall match the primary dwelling unit;
 - ii. All windows and doors shall maintain trim and style (i.e., grid pattern, frame thickness, opening direction, etc.) to match the existing windows and doors of the primary dwelling unit;
 - iii. Architectural detailing (i.e., siding, stucco, gabled ends, etc.) shall match the existing architectural detailing of the primary dwelling unit.

21.04.020 Multiple-family residence

C. Uses Permitted Subject to Conditional Use Permit.

1. Uses permitted subject to a conditional use permit in the single-family residence zones;
2. Retention of an existing single-family residence or accessory building on property being developed with multiple-family residences, with the exception of properties being developed with an second kitchen accessory dwelling unit.

D. Development Standards.

1. Multiple-Family Residences. Lot area, lot area per unit, lot width, lot depth, floor areas, building heights and setbacks shall be as specified in Table B (see appendix).
2. Accessory Buildings. The following requirements shall apply to accessory buildings with the exception of properties that include an second kitchen accessory dwelling unit as defined in Section 21.01.020(C) and required by Section 21.04.010(D)(4) of this title:

21.06.070 CCAP zoning development standards.

- f. ~~second kitchen~~ Accessory dwelling units on lots with single-family development shall follow Section 21.04.010(D)(4) of this title.

21.13.250 Permitted uses.

Detached single-family residences, ~~second-kitchen~~ accessory dwelling units, accessory buildings, appropriate home occupation businesses, open space and flood control uses as depicted by the development plan.

21.13.260 Private Area Standards

M. ~~Second-Kitchen~~ Accessory Dwelling Units. Refer to the city of Glendora Municipal Code for regulations regarding ~~second-kitchen~~ accessory dwelling units.

21.13.310 Garages and accessory structures

C. Stand-Alone Accessory Structures and ~~Second-Kitchen~~ Accessory Dwelling Units. The following guidelines apply to accessory structures that are not attached to the main residence. This includes detached garages, studios, pool houses, greenhouses, and ~~second-kitchen~~ accessory dwelling units. ~~Second-kitchen~~ Accessory dwelling units are permitted and function as independent living quarters from the main residence while maintaining the appearance of being an integral part of the site development. Refer to the City of Glendora Municipal Code for regulations regarding ~~second-kitchen~~ accessory dwelling units.

Figure 50: ~~Second-Kitchen~~ Accessory Dwelling Unit

21.13.410 Determination of substantial conformance.

- A. "Substantial conformance" means that any proposed activity, construction and development complies with the Monrovia Nursery specific plan, adopted mitigation measures, and project conditions of approval, where no additional units (except ~~second-kitchen~~ accessory dwelling units), property, or parcels beyond that provided by the specific plan or approved map are involved, approved minimum lot sizes are maintained, proposed construction is consistent with the architectural guidelines provided in the specific plan, no grading beyond substantial conformance limits is proposed, and no significant environmental impact is created. The directors of public works and department of planning and redevelopment or their designees shall make a determination of substantial conformance prior to the issuance of any permits or approval of plans. No written determination is required provided that plans submitted to the city for approval exhibit substantial conformance with the Monrovia Nursery specific plan. Plans found not to be in substantial conformance shall not be approved and shall be revised.
- B. Issuance of Permits and Development Approval through Substantial Conformance. The purpose of substantial conformance is to provide an administrative mechanism which allows for the implementation of the specific plan and development of the site in accordance with the provisions of the Monrovia Nursery specific plan, adopted project mitigation measures, and conditions of approval that may apply (such as through an approved tentative tract map). Substantial conformance allows the city to approve plans and issue necessary permits for proposed infrastructure and site improvement plans that implement the specific plan as well as approve non-substantial modifications to the

specific plan which do not modify the effect of the specific plan's adoption on surrounding property. Public works improvement plans, development plans, and other city applications which may be approved under a ministerial building permit or other administrative permit approval as required by the city under these substantial conformance provisions include, but are not limited to, the following when consistent with the approved specific plan and project CEQA document:

1. Accessory buildings and uses such as cabanas, carports, garages, and patios.
2. Changes in exterior building materials.
3. Grading and drainage plans resulting in not more than a one-foot increase over building pad elevations depicted in the specific plan grading exhibit for the following lots in the specific plan – north: All lots. In addition, deviation from the specific plan grading exhibit also shall be allowed when necessary to accommodate the minimum slope necessary to provide adequate lot drainage. However the building pad elevation upon which the footprint of the main residence is situated shall be in conformance with the specific plan grading exhibit.
4. Grading and drainage plans resulting in not more than a one-foot increase over building pad elevations depicted in the specific plan grading exhibit for the following lots in the specific plan – south: Lots 1 through 6, 9 through 23, 33, 45, 46, and 60. Grading and drainage plans for all other lots will be deemed to be in substantial conformance if building pad elevations are within 5 feet of the specific plan grading exhibit. In addition, deviation from the specific plan grading exhibit also shall be allowed when necessary to accommodate the minimum slope necessary to provide adequate lot drainage. However the building pad elevation upon which the footprint of the main residence is situated shall be in conformance with the specific plan grading exhibit.
5. One-story single-family residences.
6. Lot line adjustments or lot mergers which result in the sale or transfer of “lettered lots” not part of the project landscape plan as evidenced by an approved landscape plan, or necessary to comply with water quality requirements as evidenced by an approved stormwater quality plan (either temporary or permanent).
7. Project infrastructure such as for street improvements, water, sewer, storm drain, and water quality, which satisfy the intent of the specific plan with respect to providing the capacity needed, or ensuring the functionality of infrastructure necessary to serve the specific plan area, provided no new environmental impacts are created beyond those evaluated for the project.
8. Public and private landscaping plans.
9. Roof-mounted solar panel installations.
10. ~~Second kitchen~~ Accessory dwelling unit construction.

12.A.E Table E- Zoning actions and appropriate reviewing body

Table E
Zoning Actions and Appropriate Reviewing Body

	Planning Director	Planning Commission	City Council
1	Administrative Review	Commercial Construction over 25,000 sq. ft.	Gated Communities*

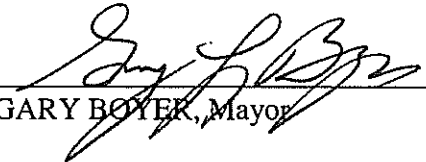
2	Cantilevered Decking	Conditional Use Permits	General Plan Amendments*
3	Lot Line Adjustments	Hillside Development with Grading	Planned Redevelopment*
4	Minor Conditional Use Permit	Civic Center Area Plan Development	Final Maps
5	Minor Modifications	Mobilehome Park Overlay	Planned Development*
6	Radio and Television Broadcasting Antennae, Private Transmitting Antennae and Satellite Receiving Antennae	Multifamily Residential Projects	Specific Plans*
7	Recycling Facilities	Open Space Development	Subdivisions*
8	Route 66 Administrative Review	Public Facilities Located in Residential Zones	Zoning Amendments*
9	Route 66 Minor Conditional Use Permit	Wireless Telecommunications Facilities	Zone Changes*
10	Route 66 Signage	Relocated Structures	
11	Second Kitchen Units	Route 66 Minor Conditional Use Permit	
12	Solar Energy Collectors	Second-Story Construction	
13		Temporary Structures	
14		Tennis Courts	
15		Variances	

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The people of the City of Glendora hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

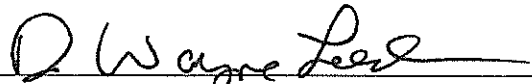
SECTION 4. The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to the passage and adoption thereof and cause same to be published at least once in the San Gabriel Valley Examiner, a weekly newspaper of general circulation, published in the City of Glendora, which newspaper is hereby designated for that purpose (GC § 40806); and thereupon, and thirty (30) days after its passage, this ordinance shall take effect and be in force.

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

City Council of Glendora, California

BY: 
GARY BOYER, Mayor

APPROVED AS TO FORM:


D. WAYNE LEECH, City Attorney

CERTIFICATION

I, Kathleen R. Sessman, City Clerk of the City of Glendora, do hereby certify that the foregoing Ordinance was introduced for first reading on the on the 11th day of April, 2017, by the following roll call vote:

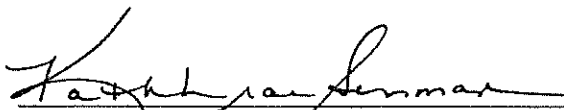
AYES:	COUNCIL MEMBERS:	Allawos, Davis, Nelson, Thompson and Boyer
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None

Thereafter, said Ordinance was duly approved and adopted at a regular meeting of the City Council on the 25th day of April, 2017, by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Allawos, Davis, Nelson, Thompson and Boyer
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None

I further certify that said Ordinance was published as required by law in a newspaper of general circulation in the City of Glendora, California on the 4th day of May, 2017.

Dated: April 27, 2017


KATHLEEN R. SESSMAN, City Clerk