

ORDINANCE NO. 321

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA AMENDING TITLE 16 OF THE CHINO HILLS MUNICIPAL CODE, CHAPTER 16.02 GENERAL PROVISIONS AND DEFINITIONS, CHAPTER 16.10 RESIDENTIAL DISTRICTS, AND APPENDIX A REGULATION OF USES BY ZONING DISTRICT TO REGULATE ACCESSORY DWELLING UNITS AND GUEST HOUSES IN RESIDENTIAL ZONES AND FINDING PROPOSED MUNICIPAL CODE AMENDMENT 17MCA08 EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby make the following findings of fact:

- A. The City's ability to exercise its powers in accordance with Article XI, § 7 of the California Constitution to regulate land use is well established. This Ordinance is intended to regulate aesthetics, traffic, parking, public peace, and other similar matters related to public health, safety, and welfare.
- B. In 2016, the State of California enacted Senate Bill 1069 (SB 1069) and Assembly Bill 2299 (AB 2299) to encourage and facilitate the development of accessory dwelling units (ADUs) in residential zoning districts. These bills amended State law to require the ministerial approval of ADUs within a single-family residential zone, while further limiting the regulations and standards that local agencies can impose on these uses and structures. The provisions of previously adopted Ordinances addressing ADUs, including some of the City's current second dwelling unit provisions, which do not conform to the provisions in State law became null and void as of January 1, 2017, the effective date of the bills.
- C. State law, as amended by SB 1069 and AB 2299, allows the City to "designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted." The designation may be based on the impact of accessory dwelling units to traffic flow, public safety, and adequacy of utilities.
- D. In reviewing the amendments to State law and developing the proposed standards to regulate the location and design of ADUs, the City performed a survey of existing detached single-family residential neighborhoods and existing detached single-family residential lots. Approximately 17% (3,442) of the City's 19,954 single-family detached residential lots are 10,000 square feet or greater. Lots of a minimum of 10,000 square feet

are considered larger lots as they provide for greater separation from adjacent detached single-family houses, greater interior yard space in which to accommodate an ADU and to park an additional vehicle(s). Permitting attached or detached ADUs on larger lots provides greater opportunity for the development of ADUs in conformance with zoning standards, while minimizing potential adverse impacts to surrounding properties. Properties within the City that exhibit a lot size of 10,000 square feet or greater provide a greater opportunity for attached or detached ADUs to be constructed without significant detriment to the public health, safety, and welfare. Lots of this size can provide adequate building separation and open area to ensure sufficient natural lighting and air flow between buildings and structures. The increased lot size also provides greater opportunity to reduce potential noise and artificial light impacts generated by the use and occupancy of ADUs. Furthermore, these lots are more able to accommodate the increased parking demand associated with the construction of new ADUs and the decreased density of areas featuring lots of this size reduce the potential for the ADUs to contribute additional traffic to areas already experiencing traffic congestion. Thus, properties with a lot size of 10,000 square feet or greater are more suitable for the construction of ADUs. The development of attached or detached ADUs on lots smaller than 10,000 square feet would be more likely to conflict with the setback, lot coverage, parking, and building separation requirements established for the protection of the public health, safety, and welfare. Additionally, smaller lots provide less opportunity for attached or detached ADUs to be located and constructed in a way that minimizes the visual disruption to existing residential neighborhoods. ADUs within existing single-family residential structures are permitted on the remaining 83% (16,512) existing single-family detached residential lots within the City. These provisions allow for the development of ADUs on virtually every single-family detached residential lot within the City in full compliance with State law.

- E. The Planning Commission of the City of Chino Hills held a duly noticed public hearing on September 19, 2017, opened the public hearing, and took public testimony on the project. The Planning Commission discussed the proposed Municipal Code Amendment and continued the hearing to their next meeting, directing staff to consider provisions addressing the maximum building height for ADUs, development on sloped areas, and the minimum size for accessory efficiency dwelling units.
- F. Staff subsequently revised the proposed amendment to the Municipal Code regarding the regulation of ADUs and guest houses in residential zones to incorporate the Planning Commission's comments.
- G. On October 3, 2017, the Planning Commission held a duly noticed public hearing to receive oral and documentary evidence from the public

regarding the proposed amendments. The Commission discussed the revisions to the proposed amendment and adopted a resolution recommending to the City Council the adoption of the proposed Municipal Code Amendment.

- H. Notice of the public hearing was published in the Chino Hills Champion newspaper on November 4, 2017.
- I. A duly noticed public hearing before the City Council was conducted on November 14, 2017, at which time all interested persons were given an opportunity to testify in support of, or in opposition to the project.

SECTION 2. The City Council finds that this Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (Title 14 California Code of Regulations §§ 15000, et seq.) pursuant to 14 California Code Regulations § 15282(h) (Other Statutory Exemptions) because the project consists of the adoption of an Ordinance regarding accessory dwelling unit in a single-family or multi-family residential zone by a City or County to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.

SECTION 3. As required under Government Code § 65860, the City Council finds that Chino Hills Municipal Code amendments proposed in Municipal Code Amendment 17MCA08 are consistent with the Chino Hills General Plan as follows:

- A. The proposed amendment to the Chino Hills Municipal Code conforms to General Plan Goals LU-3, LU-4, H-1, H-2, and H-5, which require the maintenance and promotion of the character, integrity, and excellence of design of the City's neighborhoods, while providing additional housing opportunities for all economic segments of the community. The proposed amendment would establish development standards to ensure that ADUs do not adversely impact the residential character, aesthetic quality, or quality of life within the City's residential zoning district, while providing opportunity for additional development of low- and moderate-income housing.

SECTION 4. In accordance with Chino Hills Municipal Code § 16.62.040, the City Council makes the following findings of fact:

- A. **FINDING:** That the proposed Municipal Code Amendment is consistent with the goals, policies and objectives of the General Plan.

FACT: The proposed amendment to the Chino Hills Municipal Code conforms to General Plan Goals LU-3, LU-4, H-1, H-2, and H-5, which require the maintenance and promotion of the character, integrity, and excellence of design of the City's neighborhoods, while providing

additional housing opportunities for all economic segments of the community. The proposed amendment would establish development standards to ensure that ADUs do not adversely impact the residential character, aesthetic quality, or quality of life within the City's residential zoning district, while providing opportunity for additional development of low- and moderate-income housing.

B. **FINDING:** That the proposed Municipal Code Amendment will not adversely affect surrounding properties.

FACT: That proposed Municipal Code Amendment would be effective in single-family residential zoning districts throughout the City. The Municipal Code Amendment establishes reasonable standards to regulate the size and location of ADUs, including the 10,000-square foot minimum lot size for attached or detached ADUs, to preserve the health, safety, and welfare of the community and ensure surrounding properties are not adversely affected.

SECTION 5. Upon the effective date of this Ordinance, Chino Hills Municipal Code § 16.02.160 shall be amended to add definitions for " Dwelling Unit, Accessory" and " Dwelling Unit, Accessory Efficiency" to read as follows, while all other items in this section shall remain unchanged:

" Dwelling Unit, Accessory. ' Accessory Dwelling Unit' means a second dwelling unit within a single-family detached residential lot with complete independent living facilities (including a living area; sleeping area; a full kitchen with a stove, a refrigerator, and a sink; and bathroom facilities consisting of a bath/shower, toilet, and sink) for one or more persons and that is located on the same lot as a primary dwelling unit. An accessory dwelling unit may be detached from, attached to, or contained entirely within the primary dwelling unit, subject to the provisions of Section 16.10.140 of this Municipal Code."

" Dwelling Unit, Accessory Efficiency. ' Accessory Efficiency Dwelling Unit' means a second dwelling unit within a single-family detached residential lot with independent living facilities (including a combined living and sleeping area; bathroom facilities consisting of a bath/shower, toilet and sink; and a full or partial kitchen) and that is located on the same lot as a primary dwelling unit. (As used in this section, a partial kitchen shall consist of a sink and refrigeration facility.) An accessory efficiency dwelling unit may be detached from, attached to, or contained entirely within the primary dwelling unit. An accessory efficiency dwelling unit shall be for occupancy by not more than two persons with a minimum floor area of 150 square feet as defined in California Health and Safety Code Section 17958.1. An efficiency dwelling unit, as defined herein, shall be considered an accessory dwelling unit, subject to the provisions of Section 16.10.140 of this Municipal Code."

SECTION 6. Upon the effective date of this Ordinance, Chino Hills Municipal Code § 16.02.160 shall be further amended to delete the definition of "Dwelling, Second Unit", while all other items in this section shall remain unchanged.

SECTION 7. Upon the effective date of this Ordinance, Chino Hills Municipal Code § 16.02.190 shall be amended to revise the definition of "Guest House" to read as follows, while all other items in this section shall remain unchanged:

"Guest House. 'Guest House' means living quarters with bathroom plumbing (plumbing for a shower/bath, sink, and toilet located within a single room) only located on the same lot as, but without interior access to the primary dwelling unit and intended for temporary occupancy by family members, guests, or persons employed on the premises. The floor area of a guest house shall not exceed 450 square feet or 20 percent of the primary dwelling unit, whichever is less."

SECTION 8. Upon the effective date of this Ordinance, Chino Hills Municipal Code § 16.10.020 shall be amended to revise subparagraph (D) in its entirety to read as follows, while all other items in this section shall remain unchanged:

- D. One accessory dwelling unit is permissible on properties that are zoned for single-family residential use and which contain an existing, single-family dwelling unit, subject to the provisions of Chino Hills Municipal Code Section 16.10.140. At no time shall a property zoned for single-family residential use be developed with more than two dwelling units, including the primary dwelling unit and an accessory dwelling unit.

SECTION 9. Upon the effective date of this Ordinance, Chino Hills Municipal Code Chapter 16.10 Residential Districts shall be amended to add Section 16.10.140 Accessory Dwelling Units to establish development standards for accessory dwelling units to read as follows:

16.10.140 - Accessory Dwelling Units

- A. An accessory dwelling unit that conforms to the requirements of this section shall not be considered to exceed the allowable density for the lot upon which such unit is proposed to be established and shall be deemed a residential use that is consistent with the existing General Plan and zoning designations for the lot. Furthermore, such an accessory dwelling unit shall not be considered in the application of any Ordinance, policy or program to limit residential growth.
- B. At no time shall more than one accessory dwelling unit be located within the same property.
- C. Accessory dwelling units shall not be sold separately from the primary dwelling.
- D. The owner of the property on which the accessory dwelling unit is located shall reside in either of the dwelling units on the property as their primary

residence as long as the accessory dwelling unit remains on the property. This is a perpetual requirement that runs with the land.

- E. **Deed Restriction.** Prior to the issuance of a building permit for the accessory dwelling unit, a restrictive covenant shall be recorded against the property stipulating that (i) the accessory dwelling unit shall not be sold separately from the primary dwelling, (ii) the property owner shall reside in either of the dwelling units on the property as their primary residence as long as the accessory dwelling unit remains on the property, and (iii) any rental of the accessory dwelling unit shall be for a period exceeding 30 days. Proof of recordation shall be submitted to the Community Development Department prior to permit issuance.
- F. **Minimum Size.** Accessory dwelling unit shall have a minimum size of 750 square feet, except that efficiency units shall have a minimum size of 150 square feet.
- G. **Maximum Size.** The maximum size of an accessory dwelling unit shall not exceed 50 percent of the existing living area of the primary dwelling unit with a maximum of 1,200 square feet.
- H. **Building Code.** The accessory dwelling unit shall comply with all provisions of the currently adopted building and construction codes pursuant to Title 15, except that accessory dwelling units shall not be required to provide fire sprinklers if they were not required for the existing primary residence.
- I. **Additional Standards for an Accessory Dwelling Unit Within an Existing Structure**
 - 1. For the purposes of this section, "existing structure" refers to either a single-family residence or an accessory structure that existed as of January 1, 2017, and which received a duly-issued building permit and approval for occupancy from the Building Official or designee.
 - 2. Accessory dwelling units are permissible within the existing floor area of existing structures within a single-family residential zoning district.
 - 3. The accessory dwelling unit shall be provided with exterior access independent from the primary residence.
 - 4. The side and rear setbacks for the accessory dwelling unit shall be sufficient for compliance with current City Building and Fire Code requirements.
 - 5. The construction of an accessory dwelling unit shall not relieve or diminish the parking requirements applicable to the primary dwelling unit.
- J. **Standards for an Attached or Detached Accessory Dwelling Unit**
 - 1. **Minimum Lot Size.** The lot on which an accessory dwelling unit is proposed to be located shall be at least 10,000 square feet in size.
 - 2. **Maximum slope.** An accessory dwelling unit shall not be developed on an existing slope of greater than five percent (5%) and shall be located at the toe of any slope.
 - 3. **Location on Lot.** An accessory dwelling unit may be permanently attached or detached from the primary dwelling, and shall be

- generally located behind the primary dwelling as viewed from the front property line.
4. **Development Standards.** An accessory dwelling unit shall comply with all of the development standards for the underlying zoning district of the property on which it is located.
 5. **Maximum building height.** The maximum building height of an accessory dwelling unit shall be 14 feet.
 6. **Required Parking.** One parking space shall be provided per bedroom of the accessory dwelling unit (with a minimum of one space per unit) in addition to the minimum onsite parking required for the primary dwelling unit. The construction of an accessory dwelling unit shall not relieve or diminish the parking requirements applicable to the primary dwelling unit.
 - i. Parking spaces for the accessory dwelling unit may be covered or uncovered and may be provided as tandem spaces on an existing driveway.
 - ii. Notwithstanding the foregoing, additional parking for the accessory dwelling unit is not required if the accessory dwelling unit is located within one-half mile of public transit. For the purposes of this section, public transit shall include without limitation any public bus stop or other mass transit stop.
 - iii. Garage (or covered) parking required for the primary dwelling unit shall not be converted to an accessory dwelling unit.
 7. **Size, Scale, and Height.** The accessory dwelling unit shall be subordinate in size, scale, and building height to the primary dwelling unit.
 8. **Exterior Design.** The exterior of an accessory dwelling unit and/or exterior changes to an existing structure in conjunction with the accessory dwelling unit shall match the architectural design and detailing, roof material and exterior materials, colors, and finishes of the primary dwelling unit.
 9. **Street Visibility.** To maintain the single-family residential character of the street, the accessory dwelling unit shall be designed and built in such a manner as to minimize its visibility from the public or private rights-of-way.
 10. **Separate Utilities.** Separate utility connections, meters, and lines shall be provided for a detached accessory dwelling unit.

SECTION 10. Upon the effective date of this Ordinance, Appendix A (Regulation of Uses by Zoning District) of the Chino Hills Municipal Code shall be amended to delete the entry for "Dwelling Unit - Second Unit on Lot Zoned for Single Unit" and add entries for "Accessory Dwelling Unit" and "Accessory Efficiency Dwelling Unit" to read as follows, while all other items in this section shall remain unchanged:

Zoning District Land Use	R A	R R	R S	R M 1	R M 2	R M 3	C N	C F	C G	C O	C R	M U	B P	L I	I - 1	I - 2	O S
Accessory Dwelling Unit	P	P	P														
Accessory Efficiency Dwelling Unit	P	P	P														

SECTION 11. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the San Bernardino County Code as the same were adopted by reference by City Ordinance Nos. 91-01 and 92-02.

SECTION 12. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 13. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 14. Repeal of any provision of the Chino Hills Municipal Code does not affect any penalty, forfeiture, or liability incurred before or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 15. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Chino Hills Municipal Code or other City Ordinance by this Ordinance will be rendered void and cause such previous Chino Hills Municipal Code provisions or other City Ordinances to remain in full force and effect for all purposes.

SECTION 16. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Chino Hills' book of original Ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 17. The City Clerk is further directed to submit a copy of this Ordinance to the Department of Housing and Community Development within 60 days after adoption.

SECTION 18. This Ordinance will take effect on the 30th day following its final passage and adoption.

PASSED, APPROVED AND ADOPTED this 28th day of November, 2017.



RAY MARQUEZ, MAYOR

ATTEST:



CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:



MARK D. HENSLEY, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF CHINO HILLS)

I, CHERYL BALZ, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No. 321 was duly introduced at a regular meeting held November 14, 2017; and adopted at a regular meeting of the City Council held on the 28th day of November, 2017 by the following vote, to wit:

AYES: COUNCIL MEMBERS: MARQUEZ, ROGERS, BENNETT, JOHSZ, MORAN

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE



CHERYL BALZ, CITY CLERK

I hereby certify that the foregoing is the original of Ordinance No. 321 duly passed and adopted by the Chino Hills City Council at their regular meeting held on November 28, 2017, and that summaries of the Ordinance were published on November 18, 2017 and December 2, 2017 in the Chino Hills Champion newspaper.



CHERYL BALZ, CITY CLERK

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATED November 30, 2017

CITY CLERK OF THE CITY OF CHINO HILLS

ATTEST _____
