



AGENDA

CHINO HILLS PLANNING COMMISSION
REGULAR MEETING
TUESDAY, DECEMBER 3, 2024

6:00 P.M. PUBLIC MEETING/PUBLIC HEARINGS

CIVIC CENTER, CITY COUNCIL CHAMBERS
14000 CITY CENTER DRIVE, CHINO HILLS, CALIFORNIA

This agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda unless the Planning Commission makes a determination that an emergency exists or that a need to take immediate action on the item came to the attention of the City subsequent to the posting of the agenda. The Commission Secretary has on file copies of written documentation relating to each item of business on this Agenda available for public inspection in the Community Development Department, in the public binder located at the entrance to the Council Chambers while the meeting is in session, and on the City's website at www.chinohills.org/Agendas. Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Community Development Department at 14000 City Center Drive, Chino Hills, CA during normal business hours.

Speaker Cards - Those persons wishing to address the Planning Commission on any matter, whether or not it appears on the agenda, are requested to complete and submit to the Commission Secretary a "Request to Speak" form available at the entrance to the City Council Chambers. In accordance with the Public Records Act, any information you provide on this form is available to the public. **You are not required to provide personal information in order to speak, except to the extent necessary for the Commission Secretary to call upon you.** Comments will be limited to three minutes per speaker.

Emails and documents submitted will be considered a public document subject to posting on the City's website and are subject to the Public Records Act.

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in the Planning Commission meeting, please contact the Community Development Department, (909) 364-2740, at least 48 hours prior to the meeting to enable the City to make reasonable arrangements. [Click here](#) to view the City's Reasonable Accommodations Policy or contact the City Clerk's office to obtain a copy.

PLEASE SILENCE ALL ELECTRONIC DEVICES WHILE COMMISSION IS IN SESSION.
Thank you.

PLANNING COMMISSION MEMBERS

JERRY BLUM, CHAIR
MELISSA DEMIRCI, VICE CHAIR
PETER PIRRITANO
MICHAEL STOVER
SHERAN VOIGT

NICHOLAS LIGUORI, COMMUNITY DEVELOPMENT DIRECTOR
ELIZABETH M. CALCIANO, ASSISTANT CITY ATTORNEY
EMILY ORTIZ, SECRETARY

6:00 P.M. - CONVENE MEETING / ROLL CALL

PLEDGE OF ALLEGIANCE TO THE FLAG

PRESENTATIONS

PUBLIC COMMENTS

1. **PUBLIC COMMENTS:** *At this time members of the public may address the Planning Commission regarding any items within the subject matter jurisdiction of the Planning Commission, whether or not the item appears on the agenda, except testimony on Public Hearing items must be provided during those hearings. Please complete and submit a speaker card to the Planning Commission Secretary. Comments will be limited to three minutes per speaker.*

CONFLICT OF INTEREST / EX PARTE COMMUNICATION ANNOUNCEMENTS:

For conflicts of interest, Commissioner abstentions shall be stated at this time for recordation on the appropriate item. For ex parte communications, Commissioners shall state their intent to report on any ex parte communications applicable to public hearings on the current agenda.

CONSENT CALENDAR: *All matters listed on the Consent Calendar are considered routine by the Planning Commission and may be enacted by one motion in the form listed below. There will be no separate discussion of these items unless, before the Planning Commission votes on the motion to adopt, Members of the Planning Commission or staff request the matter to be removed from the Consent Calendar for separate action. Removed consent items will be discussed immediately after the adoption of the balance of the Consent Calendar.*

2. **CONSIDERATION OF THE MINUTES OF THE NOVEMBER 19, 2024, REGULAR MEETING**

RECOMMENDED ACTION: Approve as submitted.

DISCUSSION CALENDAR - *This portion of the Planning Commission Agenda is for all matters where staff and public participation is anticipated. Please complete and submit a speaker card to the Planning Commission Secretary. Comments will be limited to three minutes per speaker.*

3. **DRAFT CHAPTER 16.15 -- HOUSING PRIORITY ZONING DISTRICTS WORKSHOP #2**

RECOMMENDED ACTION: That the Planning Commission discuss and provide feedback on the seconded draft of Chapter 16.15 Housing Priority Zoning Districts development standards.

PUBLIC HEARING - *This portion of the Planning Commission Agenda is for all matters that legally require an opportunity for public input. Please complete and submit a speaker card to the Planning Commission Secretary. Comments will be limited to three minutes per speaker.*

4. **MUNICIPAL CODE AMENDMENT NO. MCA-0003-2024 - ACCESSORY DWELLING UNIT REGULATIONS UPDATE**

RECOMMENDED ACTION: Staff recommends that the Planning Commission:

- a. Conduct a public hearing and take public testimony on the proposed Municipal Code Amendment; and
- b. Adopt a Resolution entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHINO HILLS RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF MUNICIPAL CODE AMENDMENT NO. MCA-0003-2024 AMENDING TITLE 16 OF THE CHINO HILLS MUNICIPAL CODE TO UPDATE ACCESSORY DWELLING UNIT REGULATIONS AND FINDING THE PROPOSED MUNICIPAL CODE AMENDMENT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

All Planning Commission decisions may be appealed to the City Council. An appeal of a Planning Commission decision must be filed with the City Clerk within ten (10) working days of the meeting. Please contact the City Clerk at (909) 364-2620 for further information about filing an appeal or obtaining an appeal application.

STAFF INFORMATION AND AGENDA FORECAST

COMMISSION COMMENTS

ADJOURNMENT:

MINUTES

PLANNING COMMISSION CITY OF CHINO HILLS

**NOVEMBER 19, 2024
REGULAR MEETING**

CONVENE MEETING AND ROLL CALL

Chair Pirritano called the Regular Meeting of the Planning Commission of the City of Chino Hills to order at 6:00 P.M. and requested Commission Secretary Ortiz to call the roll.

PRESENT COMMISSIONERS: PETER PIRRITANO
JERRY L. BLUM
MELISSA DEMIRCI
MICHAEL STOVER
SHERAN VOIGT

ALSO PRESENT: NICHOLAS LIGUORI, COMMUNITY DEVELOPMENT DIRECTOR
ELIZABETH M. CALCIANO, ASSISTANT CITY ATTORNEY
MICHAEL HOFFLINGER, PLANNING MANAGER
EMILY ORTIZ, COMMISSION SECRETARY

PLEDGE OF ALLEGIANCE TO THE FLAG

Led by Commissioner Blum.

1. PUBLIC COMMENTS

Eddie Chien, resident, spoke about his life growing up in the City and thanked the Commission for their efforts.

CONFLICT OF INTEREST / EX PARTE ANNOUNCEMENTS

None.

CONSENT CALENDAR

2. MINUTES OF OCTOBER 15, 2024, REGULAR MEETING - APPROVED

Motion was made by Commissioner Voigt and seconded by Commissioner Blum to approve the meeting minutes as submitted.

Motion carried by electronic vote as follows:

AYES: COMMISSIONERS: PIRRITANO, BLUM, DEMIRCI
STOVER, VOIGT

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

DISCUSSION

3. APPOINTMENT OF CHAIR AND VICE CHAIR

Chair Pirritano declared the positions of Chair and Vice Chair vacant as of November 30, 2024. He called for nominations for Chair and stated that the Vice Chair receives an automatic nomination without needing a second. There were no other nominations. Chair Pirritano closed the nominations and called for a vote.

The nomination for Chair carried by electronic vote as follows:

AYES: COMMISSIONERS: PIRRITANO, BLUM, DEMIRCI,
STOVER, VOIGT

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Chair Pirritano announced that Commissioner Blum will be the new Chair for the Planning Commission.

Chair Pirritano asked for nominations for Vice Chair.

Motion was made by Commissioner Stover and seconded by Commissioner Voigt to nominate Commissioner Demirci for Vice Chair. There were no other nominations. Chair Pirritano closed the nominations and called for a vote.

Motion carried by electronic vote as follows:

AYES: COMMISSIONERS: PIRRITANO, BLUM, DEMIRCI,
STOVER, VOIGT

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

PUBLIC HEARING

None.

STAFF INFORMATION AND AGENDA FORECAST

December 3

- Chapter 16.15 Workshop
- ADU clean up ordinance

December 17 – Dark, but potential for a Custom Home Design Review

January 7 – Dark

January 21

- Custom Home Design Review
- SB9 Standards

Final draft EIR public review period begins in December and will come to Commission in March.

COMMISSION COMMENTS

Commissioner Voigt wished everyone a Happy Thanksgiving.

Commissioner Demirci wished everyone a Happy Thanksgiving and expressed appreciation for the opportunity of being the Vice Chair. She expressed appreciation for Commissioner Pirritano's time as Chair.

Commission Blum thanked the Commission for the opportunity to be the next Chair

Commissioner Stover expressed appreciation to Commissioner Pirritano for his time as Chair.

Chair Pirritano expressed enjoyment and appreciation for his time as Chair.

ADJOURNMENT

Chair Pirritano adjourned the meeting at 6:11 p.m.

Respectfully submitted,

Emily Ortiz
Commission Secretary



PLANNING COMMISSION AGENDA STAFF REPORT

Meeting Date: December 3, 2024

Public Hearing: ☐
Discussion Item: ☒
Consent Item: ☐

Agenda Item No.: 3

TO: CHAIR AND PLANNING COMMISSIONERS

FROM: NICHOLAS LIGUORI, AICP, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: DRAFT CHAPTER 16.15 – HOUSING PRIORITY ZONING DISTRICTS
WORKSHOP #2

RECOMMENDATION

That the Planning Commission discuss and provide feedback on the second draft of Chapter 16.15 Housing Priority Zoning Districts development standards.

BACKGROUND/ANALYSIS

On August 20, 2024, staff conducted a workshop and introduced the draft Chapter 16.15 Housing Priority Zoning Districts to establish development standards for the new zones designated for Regional Housing Needs Assessment (RHNA) housing sites. During the workshop, the Commission discussed the following with staff:

- The qualifications for meeting the 20% affordable housing threshold.
- Approval process for Housing Plan Approval projects that meet the affordable housing threshold.
- Appeal process for approved Housing Plan Approval projects and potentially creating a new appeal process.

Following the meeting, staff worked with the City Attorney's office to update the chapter based on Planning Commission feedback. The changes clarify the Housing Plan application process and procedures regarding noticing, timing of preliminary decision, public comments, and final decision. The draft code section is designed to comply with relevant state law, which provides for ministerial approval of housing development applications that meet required affordability levels (20% or more of the units affordable to low-income households). A public hearing process for these applications is not allowed by state law.

Housing Plan Approval

When a Housing Plan Approval application is submitted, staff will review the application and submitted materials to determine if the application is complete. Pursuant to the Permit

Streamlining Act, staff is required to provide written determination within 30 calendar days of receipt of application. There are two possible outcomes upon review of the application; 1) the application is determined to be incomplete, or 2) the application is determined to be complete. Applications determined to be complete means all required information, material, and plans as required in the application checklist are submitted and received by staff. An application considered incomplete means there is missing information, plans, or material as submitted. Below describes the procedures for each outcome.

Application Determined to be Incomplete

If an application is considered incomplete, staff shall provide a written determination to the applicant within 30 days with a full list of missing material as required in the application checklist. The city cannot request additional information or material that is not stated in the initial list of items in the application. Upon receipt of a resubmittal, a new 30-day period begins. The applicant will have an opportunity to submit the missing items, or if the applicant believes they meet all the requirements in the application checklist, an appeal on the completeness determination may be filed to the Planning Commission. The Planning Commission shall issue a written notice of determination within 60 days after receipt of the applicant's appeal. The Planning Commission determination is final, and there is no right to appeal Planning Commission's decision.

Application Determined to be Complete

If an application is determined to be complete, staff shall make a preliminary decision within 15 days of deeming the application complete for projects of 150 units or fewer and 30 days for projects with more than 150 units. The preliminary decision is based on review of the material, information, and plans for compliance with all applicable development code standards and requirements. The preliminary decision (whether approved or denied) shall follow all notice procedures in accordance with Section 16.58.040 of the Development Code, which states notices shall be sent to all property owners within a radius of 300 feet of the subject property, and to the newspaper. The notice shall include a brief project description, Directors preliminary decision, staff contact information, public comment period, and instructions on how to view the application and materials.

If review of the materials and information meets all applicable development code standards and requirements, the preliminary decision will be considered approved. The Director shall make a preliminary decision within 15 or 30 days (depending how number of units) after the application is considered complete. The public will have 15 or 30 days (depending on number of units) to submit comments. The purpose of providing public notice and taking public comment is to provide transparency in the process, and to give an opportunity for refinements to be made to a project based on suggestions from adjacent property owners or the public. Regardless of the type or amount of comment, if an application meets all required findings, applicable development code standards and requirements, the City is required to approve the application.

The Housing Plan Approval shall meet all required findings, applicable development code standards, and requirements prior to final approval. City Manager's final determination is the final decision, and there is no right to appeal the City Manager's decision. If review of the materials and information does not meet all applicable development code standards

and requirements, the preliminary decision of the application will be considered denied. The applicant may provide correct materials, plans, or information to comply with all standards and requirements.

Remainder Schedule

Staff is seeking input from the Planning Commission on the second draft of Chapter 16.15 Housing Priority Zoning Districts. This is the final workshop for the General Plan update. Staff is finalizing all components of the project to include as part of the draft EIR for public review, which is expected in early December. The public hearing for the General Plan Update is tentatively scheduled for March 4, 2025, for the Planning Commission meeting, and April 8, 2025, for the City Council meeting for adoption.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'N. Liguori', is written over a horizontal line.

Nicholas Liguori, AICP
Community Development Director

Attachments

Exhibit "A" – Draft Chapter 16.15 Housing Priority Zoning Districts

Chapter 16.15 - HOUSING PRIORITY ZONING DISTRICTS – PRELIMINARY DRAFT**16.15.010 Intent and purpose.**

The purpose of the Housing Priority Zoning District is to implement the goals and policies of the General Plan Housing Element by facilitating development of housing at appropriate densities to accommodate extremely low-, very low-, low-, and moderate-income households consistent with Government Code Section 65583.

The Housing Priority Zoning Districts designate certain sites as suitable for very high density and medium density residential development as described in this Chapter and the Housing Element.

16.15.020 Definitions.

“Allocated Units,” for the purposes of this chapter, means the number of units designated by the General Plan Housing Element and Land Use Element to a Housing Priority Zoning District site.

“Determined to be Complete” means that the applicant has submitted a complete application, and it has been determined to be complete pursuant to subsection (C) of Section 16.58.020 of this code.

“Director” means the Community Development Director for the City of Chino Hills or designee.

“Discretionary Permit” means a permit which requires the exercise of judgment or deliberation during the decision-making process, as distinguished from situations where the decision-making is limited to a determination of conformity with applicable statutes, ordinances, or regulations. Discretionary permits are based on qualitative standards and require judgment or deliberation by decision makers, such as the Planning Commission or City Council.

“Non-Discretionary Permit” means a permit that involves little or no personal judgment by a decision maker as to the wisdom or manner of carrying out the project. The decision maker merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A non-discretionary permit involves only the application of objective, quantifiable, written development standards, measurements, conditions, and policies, and the decision maker cannot use personal, subjective judgment in deciding whether or how the project should be carried out.

“Substantially Remodeled” means modifications to any building(s) or structure(s), which modification’s valuation is more than 50% of the existing valuation of the buildings at the time of application submittal.

16.15.030 Housing Priority Zoning Districts.

The following Housing Priority Zoning Districts are established in Chino Hills:

- 1) Medium Density Housing (MDH). The MDH zone permits Medium Density housing consistent with this Chapter.
- 2) Urban High Density Housing (UHDH). The UHDH zone permits Urban High Density housing consistent with this Chapter.
- 3) Very High Density Housing (VHDH). The VHDH zone permits Very High Density housing consistent with this Chapter.
- 4) Mixed Use Housing (MUH). The MUH zone permits Very High Density housing mixed with commercial uses, consistent with this Chapter.

16.15.040 Housing Priority Zoning Districts development standards.

- A. Medium Density Housing (MDH) Zone.

1. **Applicability:** The MDH zone is established to facilitate development of the Housing Element designated “moderate income” sites.
2. **Permitted Uses:** Permissible uses in the MDH zone are the same as those indicated in Chino Hills Municipal Code (CHMC) Appendix A for the RM-1 zone.
3. **Standards:** All development in the MDH zone are subject to the following development standards:
 - a) **Residential Density:** Minimum residential density shall be built at no less than 9 dwelling units per acre (du/ac) and a maximum of 12.5 du/ac.
 - b) **Development Standards:** Development standards for the MDH zone are indicated in Table 1.

Table 1: Medium Density Housing (MDH) Zone–Development Standards

Development Standard	Minimum Required
A. Minimum Lot Size Development Minimum Project Area	10,000 sf
B. Minimum Lot Width	N/A
C. Minimum Lot Depth	N/A
D. Maximum Building Height	42 ft.
E. Maximum Lot Coverage	55%
F. Minimum Front Yard Setback	25 ft.
G. Minimum Side Yard Setback:	
(1) Street Side	25 ft.
(3) Interior Side	10 ft.
H. Minimum Rear Yard Setback	15 ft.
I. Minimum Usable Private Open Space	70 sf per unit
J. Minimum Common Open Space	Aggregate of 300 sf per unit
(1) Recreational facilities ^(a)	For projects containing 25 or more dwelling units, provide one recreational amenity for each 25 dwelling units.
K. Minimum Building Separation ^(b)	Pursuant to CHMC 16.10.060 Table 20-3
L. Minimum Landscape	At least 15% of the project area (exclusive of areas within a public right-of-way) must be landscaped.
M. Minimum Parking	Pursuant to CHMC 16.34.060
N. Minimum Residential Design Standards	Pursuant to CHMC 16.05 – Objective Design Standards.
<p>(a) Recreational amenities may include the following: picnic/barbeque areas, park benches, cabana or shade trellis areas, passive water features (e.g. fountain), passive recreation areas and/or gardens, dog park, clubhouse, swimming pool either with or without a sauna and/or jacuzzi, tot lots, an exercise structure or complex (e.g. playground, gym), full or ½ scale sports courts (volleyball/tennis/pickleball/basketball/soccer, etc.), and other recreational amenities subject to review and approval.</p> <p>(b) Minimum building separations for MDH housing developments in the Fire Hazard Overlay District are subject to CHMC Chapter 16.22.030.B provisions and approval by Chino Valley Fire District and the Director.</p>	

B. Urban High Density Housing (UHDH) Zone.

1. Applicability: The UHDH zone is established to facilitate development of the Housing Element designated “lower income” sites.
2. Permitted Uses: Permissible uses in the UHDH zone are the same as those indicated in CHMC Appendix A for the RM-2 and RM-3 zones.
3. Standards: All development in the UHDH zone are subject to the following development standards:
 - a) Residential Density: Residential density in the UHDH zone shall be built at a minimum of 30 du/ac, with a maximum of 93 du/ac.
 - b) Development Standards: Development standards for the UHDH zone are indicated in Table 2.

Table 2: Urban High Density Residential (UHDH) Zone—Development Standards

Development Standard	Minimum Required
A. Minimum Lot Size Development Minimum Project Area	4 acres
B. Minimum Lot Width	N/A
C. Minimum Lot Depth	N/A
D. Maximum Building Height	70 ft. to roofline, 80 ft. to architectural features
E. Maximum FAR	FAR 2.25
F. Setbacks:	
(1) Boys Republic Drive	5 ft.
(2) City Center Drive	5 ft.
(3) Street side	0 ft.
(4) Interior Side	10 ft.
G. Off street parking areas	Off-street parking areas and carports for multifamily residential development shall be located behind the building when viewed from Shoppes Drive and Civic Center Drive and shall conform to the parking area standards listed in CHMC 16.05 – Objective Design Standards.
H. Minimum Usable Private Open Space	NA
I. Minimum Common Open Space	Aggregate of 150 sf per unit
(1) Recreational Facilities ^(a)	For projects containing 25 or more dwelling units, provide one recreational amenity for each 25 dwelling units.
J. Minimum Building Separation ^(b)	10 ft.
K. Minimum Landscape	At least 15% of the project area (exclusive of areas within a public right-of-way) must be landscaped. May include planted areas with enhanced hardscape.
L. Minimum Parking	Aggregate of the following: Studios and 1 bedroom:- 1 space per dwelling unit 2-3 Bedrooms: 2 spaces per dwelling unit Guest parking: 0.25 space per unit or as otherwise determined through a City approved shared parking analysis.
M. Minimum Residential Design Standards	Pursuant to CHMC 16.05 – Objective Design Standards
<p>(a) Recreational amenities may include the following: picnic/barbeque areas, park benches, cabana or shade trellis areas, passive water features (e.g. fountain), passive recreation areas and/or gardens, dog park, clubhouse, swimming pool either with or without a sauna and/or jacuzzi, tot lots, an exercise structure or complex (e.g. playground, gym), full or ½ scale sports courts (volleyball/tennis/pickleball/basketball/soccer, etc.), and other recreational amenities subject to review and approval.</p> <p>(b) Minimum building separations for UHDH housing developments in the Fire Hazard Overlay District are subject to CHMC Chapter 16.22.030.B provisions and approval by Chino Valley Fire District and the Director.</p>	

C. Very High Density Housing (VHDH) Zone.

1. Applicability: The VHDH zone is established to facilitate development of the Housing Element designated “lower income” sites.
2. Permitted Uses: Permissible uses in the VHDH zone are the same as those indicated in CHMC Appendix A for the RM-2 and RM-3 zones.
3. Standards: All development in the VHDH zone shall be subject to the following development standards:
 - a) Residential Density: The permitted residential density in the VHDH zone shall be a maximum of 30 du/ac, and all residential developments in the VHDH zone shall be built at no less than 20 du/ac.
 - b) Development Standards: Development standards for the VHDH zone are indicated in Table 3.

Table 3: Very High Density Housing (VHDH)– Development Standards

Development Standard	Minimum Required
A. Minimum Lot Size Development Minimum Project Area	20,000 sf
B. Minimum Lot Width	N/A
C. Minimum Lot Depth	N/A
D. Maximum Building Height 1) When adjacent to residential land use zones 2) When adjacent to nonresidential land use zones	42 ft. 60 ft. (five stories maximum)
E. Maximum Lot Coverage	70%
F. Setback:	
(1) Eucalyptus Avenue	20 ft.
(2) Peyton Drive	25 ft.
(3) Country Club Drive	25 ft.
(4) Interior Side	10 ft.
G. Off street parking areas	Off-street parking areas and carports for multifamily residential development shall be located behind the building when viewed from Eucalyptus Avenue, Peyton Drive, or Country Club Drive, and shall conform to the parking area standards listed in CHMC 16.05 – Objective Design Standards.
H. Minimum Usable Private Open Space	45 sf. per unit
I. Minimum Common Open Space	Aggregate of 200 sf. per unit
(1) Recreational Facilities ^(a)	For projects containing 25 or more dwelling units, provide one recreational amenity for each 30 dwelling units.
J. Minimum Building Separation ^(b)	5 ft.
K. Minimum Landscape	At least 5% of the project area (exclusive of areas within a public right-of-way) must be landscaped.
L. Minimum Parking	Aggregate of the following: Studios: 1 space per dwelling unit 1 Bedroom: 1.5 spaces per dwelling unit 2-3 Bedrooms: 2 space per dwelling unit Guest parking: 0.25 space per unit
M. Minimum Residential Design Standards	Pursuant to CHMC 16.05 – Objective Design Standards
<p>(a) Recreational amenities may include the following: picnic/barbeque areas, park benches, cabana or shade trellis areas, passive water features (e.g. fountain), passive recreation areas and/or gardens, dog park, clubhouse, swimming pool either with or without a sauna and/or jacuzzi, tot lots, an exercise structure or complex (e.g. playground, gym), full or ½ scale sports courts (volleyball/tennis/pickleball/basketball/soccer, etc.), and other recreational amenities subject to review and approval.</p> <p>(b) Minimum building separations for VHDH housing developments in the Fire Hazard District are subject to CHMC Chapter 16.22.030.B provisions and approval by Chino Valley Fire District and the Director.</p>	

D. Mixed Use Housing (MUH) Zone.

1. Applicability: The Mixed Use Housing zone is established to facilitate development of the Housing Element designated "lower income" sites within commercial centers.
2. Permitted Uses: Permissible residential uses in the MUH zone are the same as those indicated in Chino Hills Municipal Code (CHMC) Appendix A for the MU zone.
3. Standards: All projects in the MUH zone shall be subject to the following development standards:
 - a) Residential Density: Residential densities permitted in the MUH zone range from 30 du/ac to a maximum of 47 du/ac. All residential development in the MUH zone must be built at a density of no less than 20 du/ac.
 - b) Residential Development Standards: Development standards for residential uses in the MUH zone are indicated in Table 4.

Table 4: Mixed Use Housing (MUH) Zone– Residential Development Standards

Development Standard	Minimum Required
A. Minimum Lot Size Development Minimum Project Area	1 acre
B. Minimum Lot Width	N/A
C. Minimum Lot Depth	N/A
D. Maximum Building Height	80 ft.
E. Maximum Lot Coverage	N/A
F. Setbacks:	
(1) Shoppes Drive	10 ft.
(2) Boys Republic Drive	5 ft
(3) State Route 71	20 ft.
(4) Chino Hills Parkway	20 ft.
(5) Interior Side	10 ft.
G. Off street parking areas	Off-street parking areas and carports for multifamily residential development shall be located behind the building when viewed from Shoppes Drive or Boys Republic Drive, and shall conform to the parking area standards listed in CHMC 16.05 – Objective Design Standards.
H. Minimum Building Separation ^(a)	0 ft
I. Minimum Landscape	At least 10% of the project area (exclusive of areas within a public right-of-way) must be landscaped.
J. Minimum Parking	Aggregate of the following: Studios (10 units or less): 1 per dwelling unit Studios (for each additional unit above 10 units): 1.25 per dwelling unit 1 Bedroom: 1.5 per dwelling unit 2-3 Bedrooms: 2 per dwelling unit Guest parking: 0.25 per unit or as otherwise determined through a City approved shared parking analysis.
K. Minimum Residential Design Standards	Pursuant to CHMC 16.05 – Objective Design Standards
(a) Minimum building separations for housing developments in the Fire Hazard District are subject to CHMC Chapter 16.22.030.B provisions and approval by Chino Valley Fire District and the Director.	

- c) Commercial Development Standards: Development standards for commercial uses in the MUH district are indicated in Table 5.

Table 5: Mixed Use Housing (MUH)– Commercial Development Standards

Development Standard	Minimum Required
A. Minimum Lot Size Development Minimum Project Area	1 acre
B. Minimum Lot Width	N/A
C. Minimum Lot Depth	N/A
D. Maximum Building Height 1) For buildings with more than 50% of its area used for residential 2) For buildings with less than 50% of its area used for residential	80 ft. 45 ft.
E. Maximum Lot Coverage	N/A
F. Minimum Side Yard Setback:	
(1) Shoppes Dr.	10 ft.
(2) Boys Republic Dr.	5 ft.
(3) State Highway 71	15 ft.
(4) Chino Hills Parkway	20 ft.
(5) Interior Side	10 ft.
G. Minimum Building Separation ^(a)	10 ft.
H. Minimum Landscape	At least 20% of the project area (exclusive of areas within a public right-of-way) must be landscaped.
I. Parking Lot Landscaping	At least 5% of surface parking lot areas (exclusive of loading areas) must be landscaped. This landscaping may be counted toward the total site area landscaping required in item.
J. Minimum Parking	Commercial – Parking requirements are subject to the Commercial Uses listed in Table 65-1, or as otherwise determined through a City approved shared parking analysis.
K. Minimum Design Standards	Pursuant to CHMC 16.05 – Objective Design Standards
(a) Minimum building separations for developments in the Fire Hazard District are subject to CHMC Chapter 16.22.030.B provisions and approval by Chino Valley Fire District and the Director.	

16.15.050 Permit approval required

- A. A Site Plan approval is required for all projects in a Housing Priority Zoning District involving the construction of new or substantially remodeled buildings. A Site Plan approval is a Discretionary Permit and is subject to review and approval of the Planning Commission, pursuant to the provisions of CHMC Chapter 16.76.
- B. Notwithstanding subsection (A) of this section, projects in a Housing Priority Zoning District involving the construction of new or substantially remodeled buildings, where at least two-thirds of the square footage of the overall development is designated for residential use, and where at least 20 percent of the residential units will be affordable to lower income households subject to Government Code Section 65583.2, are subject to a Housing Plan Approval. A Housing Plan Approval is a Non-Discretionary Permit and is subject to the review and approval of the City Manager as set forth in this chapter.

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- C. For all projects within a Housing Priority Zoning District, an application is required pursuant to the provisions of Section 16.58.020 of this Development Code. Once a Site Plan application or Housing Plan application is determined to be complete, the Director or designee shall review the application for conformance with the provisions of this Development Code and applicable General Plan provisions.

16.15.060 Housing Plan Approval

- A. Applications for a Housing Plan Approval shall be submitted in the form and content as specified by the City of Chino Hills Community Development Department. Where applicable, the Housing Plan Approval application shall be accompanied by a required subdivision map as determined by the Director. Approval of any related subdivision map shall be subject to the requirements of Appendix D of this Development Code and the Subdivision Map Act.
- B. Each Housing Plan Approval application shall set forth in text, maps, and diagrams the following, unless determined by the Director to be unnecessary for a particular project:
1. An existing setting description which includes:
 - a) A topographic and surveyed map of the site in its existing condition,
 - b) A list of all public and utility service providers, as well as a diagram of all public utilities and facilities on or adjacent to the site,
 - c) The sizes and capacity of all existing public and/or private utilities on or adjacent to the site, including the sizes and dimensions of all public and/or private streets that provide access to the site, and
 - d) A diagram illustrating the existing land use of adjacent properties within a 600-foot radius of the site;
 2. The appropriate studies, prepared by a professional engineer or other qualified individual, that show the level of public services and facilities required to serve the proposed development; and the sufficiency of, or required improvements to, public services and facilities necessary to adequately serve the proposed development;
 3. Proposed access and circulation, including parking areas, loading areas, and pedestrian walkways. The Housing Plan Approval application shall also detail any improvements to adjacent or off-site roadways required to serve the proposed development;
 4. Significant natural features and areas to be retained for common open space, and provisions for preserving, maintaining, and using those areas;
 5. Known manmade and natural hazards and the methods for mitigating the hazards;
 6. Proposed grading, site development/improvements, and landscaping;
 7. Plans showing all proposed structures, including the following:
 - a) Footprints of all proposed buildings,
 - b) Elevations for all sides of all buildings,
 - c) Floor plans for all unit types,
 - d) Materials and colors to be used on the exteriors of all proposed buildings, including color and material boards for buildings, and
 - e) Colored rendering from each adjacent street or common area visible to the public;
 8. Compliance with Objective Design Standards pursuant to CHMC Chapter 16.05.
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9. Additional information listed in the Housing Plan Approval Application checklist, if any, issued by the Director and posted on the City's website.
- C. Once an application for a Housing Plan Approval has been determined to be complete, the Director shall cause all application materials to be posted to the City's website and made available for public review.
- D. The City shall review the application to approve, conditionally approve, or deny the project. The City, in acting to approve a Housing Plan Approval in a Housing Priority Zoning District, may impose conditions as are reasonably necessary to ensure the project is consistent with all applicable objective provisions of the Development Code and objective written policies, administrative regulations, procedures, standards and requirements approved by City Council, to avoid adverse impacts to the public health or safety, and to implement any previously-identified mitigation measures that are applicable to the project. The decision-maker shall approve the Housing Plan application if the following findings can be met:
1. The proposed development complies with all applicable, objective provisions of the General Plan;
 2. The proposed development complies with all applicable development standards of the Housing Priority Zoning Districts;
 3. The proposed development complies with the Objective Design Standards pursuant to Chapter 16.05;
 4. The proposed development complies with all applicable, objective provisions of the CHMC;
 5. The proposed development complies with all applicable, objective written policies, administrative regulations, procedures, standards and requirements adopted by the City Council; and
 6. The proposed project complies with all applicable previously-identified mitigation measures in any environmental approval adopted under the California Environmental Quality Act for any applicable General Plan, Specific Plan or Planned Unit Development.
- E. If a project that is the subject of a Housing Plan application otherwise meets the criteria set forth in subparagraph (D), the City may nevertheless disapprove the project or impose a condition that the project be developed at a lower density if the decision-maker makes written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:
1. That the project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. For purposes of this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
 2. There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified, other than the disapproval of the project or the approval of the project upon the condition that it be developed at a lower density.
- F. Within 15 days of determining that an application for a housing development project with 150 or fewer housing units is complete, or within 30 days of determining that a housing development project containing more than 150 units is complete, the Director shall issue a Preliminary Decision and provide notice of same. Said Notice will include a brief description of the project; the Director's determination on the merits of the application made pursuant to this Section (i.e., whether the project will be approved, approved with conditions, or denied); and the date range during which any interested members of the public and the applicant may submit written comments for the City Manager's consideration prior to the issuance of a Final Decision. In addition, the Preliminary Decision shall include instructions on how to view the application materials on the City's website, which instructions may be in the form of a URL. If the Director's Preliminary Decision is to approve the project with conditions, the conditions of approval shall be fully set forth therein.
- G. Upon issuance of the Preliminary Decision, a complete draft of the Preliminary Decision shall be posted to the City's website for viewing by any interested member of the public.
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- H. Notice of the Preliminary Decision shall be provided in accordance with the requirements of Section 16.58.040 of this Code.
 - I. For a housing development project with 150 or fewer housing units, any member of the public may submit written comments or correspondence to the City Manager within 15 days after notice of the Preliminary Decision is given pursuant to Section 16.58.040. Comments received from the public on such projects after the 15th day will not be considered; the applicant may submit written comments, including comments in response to public comments, within 20 days after notice of the Preliminary Decision is given. Alternatively, for a housing development project with more than 150 housing units, any member of the public may submit written comments or correspondence to the City Manager within 30 days after notice of the Preliminary Decision is given pursuant to Section 16.58.040. Comments received from the public on such projects after the 30th day will not be considered; the applicant may submit written comments, including comments in response to public comments, within 40 days after notice of the Preliminary Decision is given.
 - J. For a housing development project containing 150 or fewer housing units, the City Manager shall issue a written Final Decision on a Housing Plan application within 15 days after notice of the Preliminary Decision is given. Alternatively, for a housing development project containing more than 150 housing units, the City Manager shall issue a written Final Decision on a Housing Plan application within 30 days after notice of the Preliminary Decision is given. The City Manager may add or modify conditions of approval on the Final Decision. Additionally, the City Manager may change a decision to approve, approve with conditions, or deny a Housing Plan Approval between the Preliminary Decision and Final Decision. Prior to issuing the Final Decision, the City Manager shall obtain the City Attorney's approval as to form.
 - K. The Final Decision issued by the City Manager shall be the final administrative decision of the City. Notwithstanding section 1.02.010 and any other provision in this code, there is no right to appeal this decision administratively. An aggrieved party may seek judicial review.
 - L. Any Housing Plan Approval within a Housing Priority Zoning District that is not used within the time specified in the grant of approval or, if no time is specified, within three years of the effective date of such approval, expires at the end of that period. The Director may, for a Housing Plan Approval, extend such approval for a period of time not to exceed two years, provided an application requesting the extension is filed prior to the original expiration date. For purposes of this section "used" means the commencement of construction activity or any development activity authorized by the Housing Plan Approval.
 - M. The expiration date of a Housing Plan Approval that is approved concurrently (as part of the same project) with a Tentative Tract Map or Tentative Parcel Map shall be tied to the expiration date of the subject Tentative Tract Map or Tentative Parcel Map as set forth in Subsection 16.58.050(G).
 - N. An approved Housing Plan Approval, which is valid and in effect pursuant to the provisions of this Development Code, shall run with the land and shall continue to be valid upon change of ownership of the land or any lawfully existing building or structure on the land.
 - O. Policies, administrative regulations, procedures, standards and requirements adopted by City Council that are applicable to Housing Plans shall be posted upon the City's website.

Subsection C. of Section 16.58.020 (Application procedures) is amended to read as follows:

C. Acceptance of Applications by the Community Development Director as Complete. The Community Development Director or his or her designee shall accept applications made by those persons with standing to make such an application upon receipt of fees prescribed by resolution of the City Council. Pursuant to the California Government Code, Section 65943, no later than thirty (30) days after an application has been received for a development project as defined in Government Code, Section 65928, the Director shall determine whether the submitted application materials are complete and shall immediately transmit the determination to the applicant in writing.

1. If the application is determined to be incomplete, the Director shall provide the applicant with an exhaustive list of items that were not complete. That list shall be limited to those items actually required on

the City's submittal requirement checklist. In any subsequent review of the application determined to be incomplete, the City shall not request the applicant to provide any new information that was not stated in the initial list of items that were not complete. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the Director shall determine the completeness of the application. If the application is determined not to be complete, the Director's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the City in response to the list and description.

2. Not later than 30 calendar days after receipt of the submitted materials described in subdivision (1), the Director shall determine in writing whether the application as supplemented or amended by the submitted materials is complete and shall immediately transmit that determination to the applicant. In making this determination, the Director is limited to determining whether the application as supplemented or amended includes the information required by the list and a thorough description of the specific information needed to complete the application required by subdivision (a). If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete.

3. If the application together with the submitted materials are determined not to be complete pursuant to subdivision (C)(2) above, the applicant may appeal that decision in writing to the Planning Commission. The Planning Commission shall issue its final written determination on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. Notwithstanding section 1.02.010 and any other provision in this code, there is no right to appeal the Planning Commission's decision administratively. An aggrieved party may seek judicial review. Notwithstanding a decision pursuant to subdivision (C)(2) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete.

4. Nothing in this section precludes an applicant and the Director from mutually agreeing to an extension of any time limit provided by this section.



PLANNING COMMISSION AGENDA STAFF REPORT

Meeting Date: December 3, 2024

Public Hearing: ☒
Discussion Item: ☐
Consent Item: ☐

Agenda Item No.: 4

TO: CHAIR AND PLANNING COMMISSIONERS

FROM: NICHOLAS LIGUORI, AICP, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: MUNICIPAL CODE AMENDMENT NO. MCA-0003-2024 – ACCESSORY DWELLING UNIT REGULATIONS UPDATE

RECOMMENDATION

Staff recommends that the Planning Commission:

- a) Conduct a public hearing and take public testimony on the proposed Municipal Code Amendment; and
- b) Adopt a Resolution entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHINO HILLS RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF MUNICIPAL CODE AMENDMENT NO. MCA-0003-2024 AMENDING TITLE 16 OF THE CHINO HILLS MUNICIPAL CODE TO UPDATE ACCESSORY DWELLING UNIT REGULATIONS AND FINDING THE PROPOSED MUNICIPAL CODE AMENDMENT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

BACKGROUND/ANALYSIS

Accessory Dwelling Units (ADUs) are secondary dwelling units that provide complete independent living facilities for one or more persons on the same lot as a primary dwelling unit. Previously, this type of dwelling unit has been defined by state law first as “granny flats” and then as second dwelling units. In 2004, consistent with state requirements at the time, the City Council adopted Ordinance No. 163 to establish regulations governing the permissible locations and development standards for second dwelling units. The Ordinance allowed second dwelling units by right, similar to single-family dwelling units, and established regulations governing the development of these units.

In 2016, the State of California enacted Senate Bill (SB) 1069 and Assembly Bill (AB) 2299 to encourage and facilitate the development of 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 the City’s previously adopted Ordinance No. 163 addressing second dwelling units did not conform to the new provisions in state law and became null and void as of January 1, 2017, the effective date of the bills.

On November 28, 2017, the City Council adopted Ordinance No. 321, which established regulations and procedures for the development of ADUs within the City.

In 2019, the state enacted six statutes pertaining to the permitting and regulation of ADUs, including: Senate Bill 13 and Assembly Bills 68, 587, 670, 671, and 881. (SB 13, AB 68, and AB 881 amended some of the same provisions and overlapped, so only certain sections in each became law.) These statutes created further limitations on the ability of local jurisdictions to impose regulatory requirements on ADUs. The City Council adopted Ordinance No. 364 in February 2021 to update development standards applicable to ADUs, including setbacks, lot coverage, maximum height, building separation, minimum and maximum sizes, required parking, design standards, and separate utility requirements. The regulations also required conformance with standards of the City's Fire Hazard Overlay District for properties located within the overlay district and disallowed the development of ADUs in the Sleepy Hollow and Canon Lane (south of Carbon Canyon Road) communities due to public safety concerns. Consistent with state law, the regulations also identified types of ADUs exempt from most development standards and allowed the development of ADUs on properties developed with multi-family residential structures.

In February 2024, the City Council adopted Ordinance No. 406, which clarified and updated provisions in multiple chapters of Title 16 (Development Code) of the Chino Hills Municipal Code. As part of these updates, the City eliminated the requirement for property owners to record a restrictive covenant (deed restriction) for ADUs. This update addressed a change in state law that limited the applicability of such restrictive covenants and challenges experienced by staff and applicants in implementing the restrictive covenant requirement. In March 2024, the state enacted urgency legislation, Senate Bill No. 477, which reorganized the various accessory dwelling unit provisions into a more cohesive and organized chapter of the Government Code and made other nonsubstantive changes, along with other changes not directly related to ADUs.

Towards the end of the 2023-2024 legislative session, the state enacted additional statutes updating the provisions governing the permitting and regulation of ADUs, most significantly in three bills that will become effective on January 1, 2025. Assembly Bill No. 2533 broadened restrictions on local agencies denying permits to legalize an unpermitted ADU existing prior to January 1, 2020. Assembly Bill No. 3057 expanded the existing California Environmental Quality Act exemption for ADU ordinances to explicitly include ordinances establishing regulations for junior accessory dwelling units. Lastly, Senate Bill No. 1211 increased the permissible number of ADUs on properties developed with multi-family dwelling units from two to eight, prohibits local agencies from requiring the replacement of uncovered parking spaces lost during the development of an ADU, and clarifies the applicability of objective design and development standards to ADUs meeting the criteria specified in Government Code Section 66323 (including ADUs developed within an existing structure, detached ADUs with a floor area of 800 square feet or less, and ADUs on multi-family properties).

Proposed Update to the City's ADU Regulations

To address the changes in state law pertaining to the regulation and permitting of ADUs and JADUs, and to incorporate experience gained by staff during the implementation of the

City's current regulations, the attached draft ordinance would update and clarify the City's ADU regulations. The more substantive changes to the current regulations include:

- Increasing the number of detached ADUs permissible on a property developed with an existing multi-family dwelling unit from two to eight, pursuant to Senate Bill No. 1211;
- Clarifying the applicability of objective design and development standards to specific types of ADUs meeting the criteria specified in Government Code Section 66323, pursuant to Senate Bill No. 1211;
- Increasing the maximum height from 16 feet to 18 feet for a detached ADU and allowing an ADU that is attached to the primary dwelling to match the height of the existing primary dwelling or to a maximum height of 25 feet, whichever is greater;
- Clarifying the standards applicable to a detached two-story ADU;
- Requiring interior entry to the main dwelling, in addition to exterior access, for a junior ADU that shares a sanitation facility with the primary dwelling;
- Clarifying and updating the objective design standards, including prohibiting entrances and stairways serving a second story ADU from being located on street-facing elevations, requiring connections and space for a clothes washer and dryer, and requiring a roof overhang of at least 12 inches; and
- Updating the separate utility requirement to exclude sewer service as residents have expressed concern regarding potentially significant costs associated with its installation and the Public Works Department has determined that the installation of the separate sewer connections has the potential to weaken the City's sewer infrastructure and impair the quality of the City's street network.

Upon adoption by the City Council, the City will submit the ordinance updating the City's ADU regulations to the California Department of Housing and Community Development (HCD), which will evaluate the ordinance's conformance with state law. If any nonconformities are identified, the City will have 30 days following notification of such nonconformities to provide a written response to HCD's findings. To limit the potential necessity to amend the ordinance after its adoption, staff will submit draft ordinance to HCD for a courtesy review prior to the City Council's consideration of the ordinance. This will provide an opportunity for staff to address any concerns from HCD prior to the City Council's consideration and adoption of the ordinance.

ENVIRONMENTAL DETERMINATION

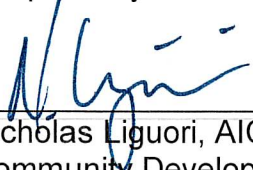
Municipal Code Amendment No. MCA-0003-2024, which is the proposed ordinance to amend Title 16 of the Chino Hills Municipal Code to update accessory dwelling unit regulations, is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") 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 ADUs in a single family or multifamily residential zone by a city or county to implement the provisions of Section 65852.1 of, or Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter

13 of Division 1 of Title 7 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.

PUBLIC NOTICE AND PUBLIC COMMENTS

Notice of the public hearing was published in the Chino Valley Champion on November 23, 2024. Individuals requesting notification of public hearings for this matter were emailed a notice of the public hearing on November 22, 2024. As of the preparation of this report, staff has not received any comments.

Respectfully submitted,



Nicholas Liguori, AICP,
Community Development Director

Recommended by:



Michael Hofflinger
Planning Manager

Prepared by:



Ryan Gackstetter
Senior Planner

Attachments:

- Resolution
- Exhibit "A" - Proposed Ordinance Updating the City's ADU Regulations
- Exhibit "B" - Strikethrough Comparison of Existing and Proposed ADU Regulations

RESOLUTION NO. PC 2024-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHINO HILLS RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF MUNICIPAL CODE AMENDMENT NO. MCA-0003-2024 AMENDING TITLE 16 OF THE CHINO HILLS MUNICIPAL CODE TO UPDATE ACCESSORY DWELLING UNIT REGULATIONS AND FINDING THE PROPOSED MUNICIPAL CODE AMENDMENT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE PLANNING COMMISSION OF THE CITY OF CHINO HILLS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission does hereby make the following findings of fact:

- A. In 2016, the State of California enacted Senate Bill (SB) 1069 and Assembly Bill (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.
- B. On November 28, 2017, the City Council adopted Ordinance No. 321, which established regulations and procedures for the development of ADUs within the City in accordance with the provisions of SB 1069 and AB 2299.
- C. In 2019, the state enacted six statutes pertaining to the permitting and regulation of ADUs, including: Senate Bill 13 and Assembly Bills 68, 587, 670, 671, and 881. (SB 13, AB 68 and AB 881 amended some of the same provisions and overlapped, so only certain sections in each became law.) These statutes created further limitations on the ability of local jurisdictions to impose regulatory requirements on ADUs.
- D. The City Council adopted Ordinance No. 364 in February 2021 to update development standards applicable to ADUs, including setbacks, lot coverage, maximum height, building separation, minimum and maximum sizes, required parking, design standards, and separate utility requirements. The regulations also required conformance with standards of the City's Fire Hazard Overlay District for properties located within the

overlay district and disallowed the development of ADUs in the Sleepy Hollow and Canon Lane (south of Carbon Canyon Road) communities due to public safety concerns. Consistent with state law, the regulations also identified types of ADUs exempt from most development standards and allowed the development of ADUs on properties developed with multi-family residential structures.

- E. In February 2024, the City Council adopted Ordinance No. 406, which clarified and updated provisions in multiple chapters of Title 16 (Development Code) of the Chino Hills Municipal Code. As part of these updates, the City eliminated the requirement for property owners to record a restrictive covenant (deed restriction) for ADUs. This update addressed a change in state law that limited the applicability of such restrictive covenants and challenges experienced by staff and applicants in implementing the restrictive covenant requirement. In March 2024, the state enacted urgency legislation, Senate Bill No. 477, which reorganized the various accessory dwelling unit provisions into a more cohesive and organized chapter of the Government Code and made other nonsubstantive changes, along with other changes not directly related to ADUs.
- F. Towards the end of the 2023-2024 legislative session, the state enacted statutes updating the provisions governing the permitting and regulation of ADUs, most significantly in three bills that will become effective on January 1, 2025. Assembly Bill No. 2533 broadened restrictions on local agencies denying permits to legalize an unpermitted ADU existing prior to January 1, 2020. Assembly Bill No. 3057 expanded the existing California Environmental Quality Act exemption for ADU ordinances to explicitly include ordinances establishing regulations for junior accessory dwelling units. Lastly, Senate Bill No. 1211 increased the permissible number of ADUs on properties developed with multi-family dwelling units from two to eight, prohibits local agencies from requiring the replacement of uncovered parking spaces lost during the development of an ADU, and clarifies the applicability of objective design and development standards to ADUs meeting the criteria specified in Government Code Section 66323 (including ADUs developed within an existing structure, detached ADUs with a floor area of 800 square feet or less, and ADUs on multi-family properties).
- G. On December 3, 2024, the Planning Commission held a duly noticed public hearing to receive oral and documentary evidence from the public regarding the proposed amendments.

SECTION 2. The Planning Commission finds that Municipal Code Amendment No. MCA-0003-2024, which is the proposed ordinance to amend Title 16 of the Chino Hills Municipal Code to update accessory dwelling unit regulations, labeled as Exhibit “A”, attached to, and incorporated into, this resolution by this reference (“ADU 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 ADUs in a single family or multifamily residential zone by a city or county to implement the provisions of Section 65852.1 of, or Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 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 Chino Hills Municipal Code amendments proposed in Municipal Code Amendment No. MCA-0003-2024 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 a broad range of housing types to meet the existing and future needs of all social and economic segments of the community. The proposed amendment would update the applicable ADU development standards within the Municipal Code to ensure compliance with state law, provide opportunity for development of additional housing types, and minimize ADU impacts to the character and integrity of the City’s neighborhoods.

SECTION 4. In accordance with CHMC § 16.62.040, the Planning Commission 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 a broad range of housing types to meet the existing and future needs of all social and economic segments of the community. The proposed amendment would update the applicable ADU development standards within the Municipal Code to ensure compliance with state law, provide opportunity for development of additional housing types, and minimize ADU impacts to the character and integrity of the City’s neighborhoods.

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

FACT: The proposed Municipal Code Amendment would be effective in single-family and multi-family residential zoning districts throughout the City. The Municipal Code Amendment establishes reasonable standards to regulate the size and location of ADUs to preserve the health, safety, and welfare of the community and ensure surrounding properties are not adversely affected.

SECTION 5. The Planning Commission recommends that the City Council determine that the proposed ADU Ordinance is exempt from review under CEQA pursuant to 14 California Code Regulations § 15282(h) as discussed in Section 2 herein.

SECTION 6. The Planning Commission recommends that the City Council adopt the ADU Ordinance amending Title 16 of the Chino Hills Municipal Code to update the accessory dwelling unit regulations.

SECTION 7. The Secretary of the Chino Hills Planning Commission shall certify as to the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED this 3rd day of December 2024.

JERRY BLUM, CHAIR

ATTEST:

EMILY ORTIZ
COMMISSION SECRETARY

APPROVED AS TO FORM:

ELIZABETH M. CALCIANO
ASSISTANT CITY ATTORNEY

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

I, EMILY ORTIZ, Secretary of the Chino Hills Planning Commission, DO HEREBY CERTIFY that the foregoing Resolution No. PC 2024-__ was duly adopted at a regular meeting of the Planning Commission of the City of Chino Hills held on the 3rd of December 2024, by the following vote, to wit:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

EMILY ORTIZ
COMMISSION SECRETARY

DATE

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF CHINO HILLS,
AMENDING TITLE 16 OF THE CHINO HILLS
MUNICIPAL CODE TO UPDATE ACCESSORY
DWELLING UNIT REGULATIONS AND FINDING THE
PROPOSED MUNICIPAL CODE AMENDMENT
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 State of California enacted Senate Bill 1211, effective on January 1, 2025. Senate Bill No. 1211 increases the permissible number of Accessory Dwelling Units (“ADUs”) and Junior ADUs on properties developed with multi-family dwelling units from two to eight, prohibits local agencies from requiring the replacement of uncovered parking spaces lost during the development of an ADU, and clarifies the applicability of objective design and development standards to certain specified ADUs and Junior ADUs meeting the criteria specified in Government Code Section 66323.
- B. Municipal Code Amendment No. MCA-0003-2024 proposes amendments to the Chino Hills Municipal Code (CHMC) to conform to Senate Bill 1211, to incorporate clarifications deemed necessary based on experience gained by City staff during the implementation of the City’s current regulations and to advance policy objectives.
- C. On December 3, 2024, the Planning Commission (Commission) held a public hearing to receive oral and documentary evidence from staff and the public, regarding the proposed amendment to the Municipal Code, No. MCA-0003-2024. The Commission adopted a resolution recommending to the City Council the adoption of the proposed Municipal Code Amendment.
- D. Notice of the public hearing was published in the Chino Valley Champion on _____. As of the writing of this report, staff has not received any public comments concerning the proposed Municipal Code Amendments.
- E. A duly noticed public hearing before the City Council was conducted on _____, 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 Municipal Code Amendment No. MCA-0003-2024 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 ADUs in a single family or multifamily residential zone by a city or county to implement the provisions of Section 65852.1 of, or Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 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 CHMC amendments proposed in Municipal Code Amendments No. MCA-0003-2024 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 a broad range of housing types to meet the existing and future needs of all social and economic segments of the community. The proposed amendment would update the applicable ADU development standards within the Municipal Code to ensure compliance with state law, provide opportunity for development of additional housing types, and minimize ADU impacts to the character and integrity of the City’s neighborhoods.

SECTION 4. In accordance with CHMC § 16.62.040, the City Council makes the following findings of fact:

- A. FINDING: That the proposed Municipal Code Amendments are 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 a broad range of housing types to meet the existing and future needs of all social and economic segments of the community. The proposed amendment would update the applicable ADU development standards within the Municipal Code to ensure compliance with state law, provide opportunity for development of additional housing types, and minimize ADU impacts to the character and integrity of the City’s neighborhoods.

- B. FINDING: That the proposed Municipal Code Amendments will not adversely affect surrounding properties.

FACT: The proposed amendments would be effective throughout the City. The Municipal Code amendments update provisions that are related to recent accessory dwelling unit state housing laws and otherwise make minor changes to existing provisions. The amendments propose minor updates consistent with state law and the General Plan and will not adversely affect surrounding properties.

SECTION 5. Replace in its entirety Section 16.10.140 (Accessory Dwelling Units) of Chapter 16.10 (Residential Districts) of Title 16 of the CHMC to read as provided in the document labeled as Exhibit "A", attached to, and incorporated into, this ordinance by this reference.

SECTION 6. The City Clerk is directed to submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

SECTION 7. Inconsistencies. 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. Any provision of the CHMC or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 8. Interpretation. 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 9. Effect of Repeal. Repeal of any provision of the CHMC 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 10. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the CHMC or other City Ordinance by this Ordinance will be rendered void and cause such previous CHMC provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 11. Preservation. Repeal or amendment of any previous Code Sections 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 12. Severability. 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. Certification. 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 14. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2024.

CYNTHIA MORAN, 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. was duly introduced at a regular meeting held _____ and adopted at a regular meeting of the City Council held on the ____th day of _____ 2025 by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

I, CHERYL BALZ, City Clerk of the City of Chino Hills further certify that summaries of the Ordinance were published on _____, 2025, and _____, 2025, in the Chino Valley Champion newspaper.

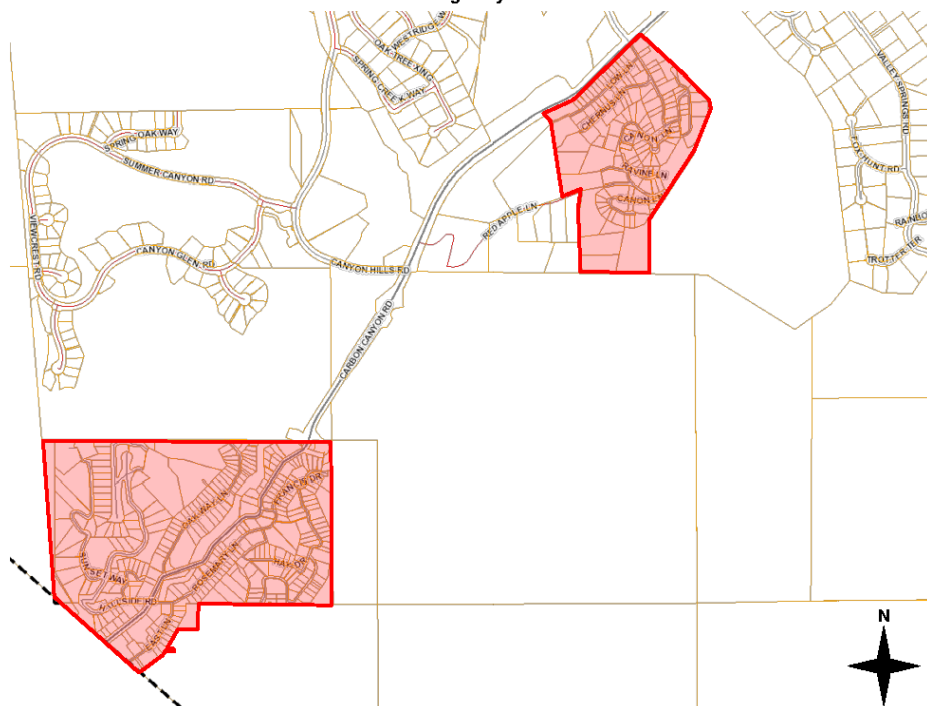
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Chino Hills, California, this ____th day of _____ 2025.

CHERYL BALZ, CITY CLERK

16.10.140 Accessory dwelling units.

- A. An accessory dwelling unit or junior 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. Accessory dwelling units and junior accessory dwelling units shall not be sold or otherwise conveyed separately from the primary dwelling.
- C. Owner Occupancy Requirement for Junior Accessory Dwelling Units. The owner of the property on which a junior accessory dwelling unit is located shall reside in either the junior accessory dwelling unit or the remaining portion of the primary dwelling unit on the property as their primary residence as long as the junior accessory dwelling unit remains on the property. This is a perpetual requirement that runs with the land.
- D. Rental Period. Any rental or lease of an accessory dwelling unit or junior accessory dwelling unit shall be for a period exceeding thirty (30) days.
- E. Building Separation. Accessory dwelling units shall conform to the building separation requirements of Section 16.06.160 Fire Resistive Design Requirements or Chapter 16.22 Fire Hazard Overlay District, as applicable to the subject property.
- F. Accessory Dwelling Units within the Fire Hazard Overlay District. Accessory dwelling units located within the Fire Hazard Overlay District shall conform to the requirements and standards stipulated in Chapter 16.22 Fire Hazard Overlay District.
- G. Properties Ineligible for Accessory Dwelling Unit Development for Preservation of Public Safety. There shall be established an overlay zoning district, "ADU Ineligibility District" defined by specific locations within the City shown in Figure 20-2 shown below. Accessory dwelling units (detached, attached, and within existing structures) and junior accessory dwelling units shall not be permitted within the ADU Ineligibility District, except for those properties within the overlay district that conform to all of the following criteria:
 - 1. The property abuts the Carbon Canyon Road right-of-way;
 - 2. The property has direct vehicular access via a private driveway to Carbon Canyon Road; and
 - 3. The property has sufficient onsite parking to accommodate the aggregate number of required parking spaces for the primary dwelling and any accessory dwelling units.

ADU Ineligibility District



1. Properties developed for single-family residential use:
 - a. One (1) accessory dwelling unit or junior accessory dwelling unit may be permitted on a property with a proposed or existing single-family dwelling unit. The building permit for the accessory dwelling unit on a property with a proposed dwelling unit shall not be issued prior to the issuance of the building permit for the primary dwelling unit.
 - b. Notwithstanding the foregoing, one (1) junior accessory dwelling unit may be combined with either:
 - i. One (1) accessory dwelling unit within the proposed or existing space of a single-family dwelling or the existing space of an accessory structure; or
 - ii. One (1) detached accessory dwelling unit with a maximum size of eight hundred (800) square feet and a maximum height of eighteen (18) feet.
2. Properties with existing multi-family residential dwellings:
 - a. Multiple accessory dwelling units may be converted within 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. Further, a maximum of one (1) accessory dwelling unit may be converted within an existing multi-family dwelling unit and the aggregate number of such accessory dwelling units shall not exceed twenty-five (25) percent of the existing multi-family dwelling units. Each unit created pursuant to this subsection (2)(a) shall be provided with independent access and shall conform to current City building and fire code requirements.
 - b. A maximum of eight (8) detached accessory dwelling units may be located on a lot containing existing multi-family dwelling units except that the number of accessory dwelling units allowable pursuant to this subsection (2)(b) shall not exceed the number of existing units on the lot. The

accessory dwelling units shall be subject to a maximum height of eighteen (18) feet and four-foot side and rear setbacks.

3. Properties proposed for multi-family residential use:
 - a. A maximum of two (2) detached accessory dwelling units may be located on a lot with proposed multi-family dwelling units. These accessory dwelling units shall be developed concurrently with or subsequently to the proposed multi-family dwelling units and shall be subject to a maximum height of eighteen (18) feet and four-foot side and rear setbacks.
4. The objective development and design standards that apply to accessory dwelling units that are specified by subsections (H)(2) and (H)(3) and described in this subsection (H)(4) are those standards set forth in subsections (H)(2), (H)(3), and (H)(4), respectively. Notwithstanding any other provision in this title, these and the design and development standards set forth in Government Code Section 66323 are the only development and design standards that apply to accessory dwelling units that are specified by subsections (H)(2) and (H)(3) and described in this subsection (H)(4).
 - a. One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling, where the accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress. The accessory dwelling unit or junior accessory dwelling unit shall have independent exterior access and side and rear setbacks sufficient for fire and safety.
 - b. One detached, new construction, accessory dwelling unit that does not exceed 800 square feet in floor area or eighteen (18) feet in height and maintains a minimum four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. This accessory dwelling unit may be combined with a junior accessory dwelling unit.
- I. Minimum Size. Accessory dwelling units and junior accessory dwelling units shall have a minimum size of two hundred twenty (220) square feet.
- J. Maximum Size. The maximum size of an accessory dwelling unit shall not exceed eight hundred fifty (850) square feet for an accessory dwelling unit containing up to one (1) bedroom, or one thousand (1,000) square feet for an accessory dwelling unit containing more than one (1) bedroom. Additionally, the total floor area of an accessory dwelling unit attached to the primary dwelling unit and exceeding eight hundred (800) square feet in floor area shall not exceed fifty (50) percent of the floor area of the proposed primary dwelling unit or of the existing livable floor area of an existing primary dwelling unit.
- K. Setbacks. Accessory dwelling units and junior accessory dwelling units shall comply with the following setbacks:
 1. Front setback: same as the primary dwelling
 2. Side setbacks: four (4) feet to the property line
 3. Rear setback: four (4) feet to the property line
 4. For accessory dwelling units and junior accessory dwelling units within an existing structure, the side and rear setbacks shall comply with current City building and fire code requirements.
 5. No part of the accessory dwelling unit structure shall project into the four-foot side or rear setbacks specified in Section "K" above.
- L. Lot Coverage. Accessory dwelling units shall conform to the maximum lot coverage of the underlying zoning district.

- M. Maximum Height. Accessory dwelling units shall not exceed one-story and eighteen (18) feet in height, except that an accessory dwelling unit attached to the primary dwelling shall not exceed the height of the existing primary dwelling or 25 feet, whichever is greater.
- N. A detached two-story accessory dwelling unit, not exceeding the maximum height of the zoning district, may be permitted where the accessory dwelling unit matches the architectural style, material, and colors of the primary dwelling unit; is located behind the rear wall plane of the primary dwelling unit; and complies with the setbacks applicable to the primary dwelling unit.
- O. Independent Access. All accessory dwelling units and junior accessory dwelling units shall be provided with exterior access independent from the primary residence. A junior accessory dwelling unit that shares a sanitation facility with the primary dwelling shall be provided with an interior entry to the main dwelling in addition to the independent exterior access.
- P. Required Parking.
1. One (1) covered or uncovered parking space shall be provided for any accessory dwelling unit containing one (1) or more bedrooms.
 2. An accessory dwelling unit meeting one (1) or more of the following criteria shall be exempt from the parking requirement:
 - a. The accessory dwelling unit is located within one-half mile walking distance of public transit;
 - b. The accessory dwelling unit or junior accessory dwelling unit is located within an existing or proposed primary dwelling unit or an existing accessory structure;
 - c. The accessory dwelling unit is located in an area where on-street parking permits are required for the property, but not offered to the occupant of the accessory dwelling unit; or
 - d. The accessory dwelling unit is located within one (1) block (a set of contiguous properties undivided by a street) of a car share vehicle location.
 3. The replacement of parking spaces shall not be required when a garage, carport, or other covered parking structure is converted into an accessory dwelling unit or demolished to accommodate the construction of an accessory dwelling unit. The primary dwelling unit shall be deemed legal, non-conforming if it no longer satisfies the parking requirements of Chapter 16.34 Parking and Loading as a result of such conversion or demolition; subsequent additions to the primary dwelling unit shall comply with the parking requirements of Chapter 16.34 Parking and Loading.
 4. Replacement of garage parking spaces shall be required when such spaces are lost in the conversion of an attached garage into a junior accessory dwelling unit.
- Q. Objective Design Standards. All accessory dwelling units and junior accessory dwelling units shall conform to the following design standards:
1. Attached accessory dwelling units shall match the primary dwelling in architectural style (characterized by features that make the primary house notable such as roof pitch, trim, and window and door styles), exterior materials, and exterior colors.
 2. Any exterior doors and/or windows installed in the development of the accessory dwelling unit, attached to or within the primary dwelling, shall match the primary dwelling unit in design, color, and decorative molding/trim.
 3. For accessory dwelling units developed within a garage, the garage door(s) shall be removed and replaced with a wall(s), containing a window or door, that matches the architectural style (characterized by features that make the primary house notable such as roof pitch, trim, and window and door styles) and exterior materials and colors of the front elevation of the home. The accessory dwelling unit shall comply with all California Building Code requirements pertaining to the conversion of the garage into habitable space.

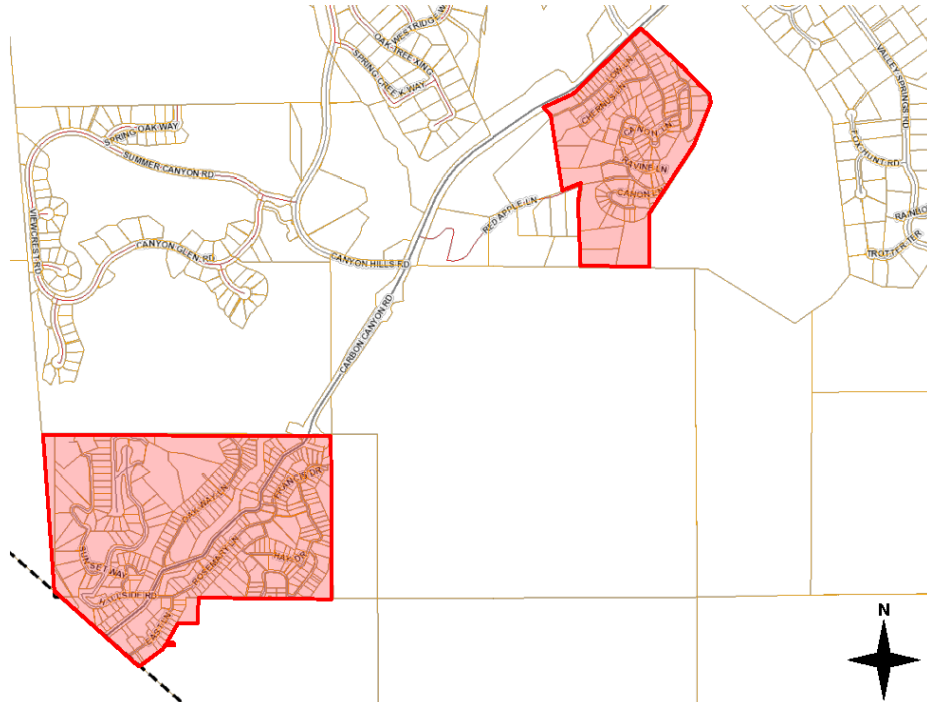
4. All new exterior lighting shall be limited to down-lights.
 5. New detached accessory dwelling units shall provide decorative trim of at least three-quarter inches in depth and three inches in width around windows and exterior doors. Decorative trim may be omitted if the window or door is recessed at least three inches into the exterior wall plane.
 6. New second story accessory dwelling units (not converted within an existing space) shall be set back a minimum of five (5) feet from the first story building face at the front and street-facing elevations.
 7. Entrances and stairways serving a second story accessory dwelling unit shall not be located on the front or street-facing elevations.
 8. Accessory dwelling units shall provide clear addressing visible from the street. Addresses must be at least four (4) inches high.
 9. An accessory dwelling unit shall have utility hookups and an area shall be provided to accommodate installation of a clothes washer and dryer within the dwelling unit.
 10. Accessory dwelling units shall incorporate roof overhangs of at least twelve (12) inches.
- R. Separate Utilities.
1. Separate utility connections and meters, excluding sewer service, are required of all accessory dwelling units.
 2. Notwithstanding the above, separate utility connections and meters are not required for attached accessory dwelling units, unless the Building Official determines that the existing utility connections are not of an adequate size and capacity to serve the accessory dwelling unit.
- S. Separate Addresses. All accessory dwelling units and junior accessory dwelling units shall be issued a separate address from the primary dwelling unit.
- T. 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.
- U. For the purposes of this section, "public transit" refers to 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.
- V. For the purposes of this section, "car share vehicle location" refers to a location where a vehicle available for short term rental by a licensed car sharing organization is stored while not being used.
- W. As part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years, is required.

(Ord. No. 321, § 9, 11-28-2017; Ord. No. 364, § 8, 2-9-2021; Ord. No. 406, § 7(Exh. C), 2-27-2024)

16.10.140 Accessory dwelling units.

- A. An accessory dwelling unit or junior 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. Accessory dwelling units and junior accessory dwelling units shall not be sold or otherwise conveyed separately from the primary dwelling.
- C. Owner Occupancy Requirement for Junior Accessory Dwelling Units. The owner of the property on which a junior accessory dwelling unit is located shall reside in either the junior accessory dwelling unit or the remaining portion of the primary dwelling unit on the property as their primary residence as long as the junior accessory dwelling unit remains on the property. This is a perpetual requirement that runs with the land.
- D. Rental Period. Any rental or lease of an accessory dwelling unit or junior accessory dwelling unit shall be for a period exceeding thirty (30) days.
- E. Building Separation. Accessory dwelling units shall conform to the building separation requirements of Section 16.06.160 Fire Resistive Design Requirements or Chapter 16.22 Fire Hazard Overlay District, as applicable to the subject property.
- F. Accessory Dwelling Units within the Fire Hazard Overlay District. Accessory dwelling units located within the Fire Hazard Overlay District shall conform to the requirements and standards stipulated in Chapter 16.22 Fire Hazard Overlay District.
- G. Properties Ineligible for Accessory Dwelling Unit Development for Preservation of Public Safety. There shall be established an overlay zoning district, "ADU Ineligibility District" defined by specific locations within the City shown in Figure 20-2 shown below. Accessory dwelling units (detached, attached, and within existing structures) and junior accessory dwelling units shall not be permitted within the ADU Ineligibility District, except for those properties within the overlay district that conform to all of the following criteria:
 - 1. The property abuts the Carbon Canyon Road right-of-way;
 - 2. The property has direct vehicular access via a private driveway to Carbon Canyon Road; and
 - 3. The property has sufficient onsite parking to accommodate the aggregate number of required parking spaces for the primary dwelling and any accessory dwelling units.

Exhibit "B"
Figure 20-2
ADU Ineligibility District



H. Permissible Accessory Dwelling Units.

1. Properties developed for single-family residential use:
 - a. One (1) accessory dwelling unit or junior accessory dwelling unit may be permitted on a property with a proposed or existing single-family dwelling unit. The building permit for the accessory dwelling unit on a property with a proposed dwelling unit shall not be issued prior to the issuance of the building permit for the primary dwelling unit.
 - b. Notwithstanding the foregoing, one (1) junior accessory dwelling unit may be combined with either:
 - i. One (1) accessory dwelling unit within the proposed or existing space of a single-family dwelling or the existing space of an accessory structure; or
 - ii. One (1) detached accessory dwelling unit with a maximum size of eight hundred (800) square feet and a maximum height of ~~sixteen~~sixteen ~~eighteen~~(1618) feet.
2. Properties with existing developed for multi-family residential used wellings:
 - a. Multiple accessory dwelling units may be converted within 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. ~~Each unit created pursuant to this provision shall be provided with independent access and shall conform to current City building and fire code requirements. A~~ Further, a maximum of one (1) accessory dwelling unit may be converted within an existing multi-family dwelling unit and the aggregate number of such accessory dwelling units shall not exceed twenty-five (25) percent of the existing multi-family dwelling units. Each unit created pursuant to this ~~provision subsection (2)(a)~~ shall be provided with independent access and shall conform to current City building and fire code requirements.

- b. Alternatively, aA maximum of ~~two-eight~~ (28) detached accessory dwelling units may be located on a lot containing existing multi-family dwelling units ~~except that the number of accessory dwelling units allowable pursuant to this subsection (2)(b) shall not exceed the number of existing units on the lot. The accessory dwelling units shall be subject to a maximum height of eighteen (18) feet and four-foot side and rear setbacks.~~
- 3. Properties proposed for multi-family residential use:
 - a. A maximum of two (2) detached accessory dwelling units may be located on a lot with proposed multi-family dwelling units. These accessory dwelling units shall be developed concurrently with or subsequently to the proposed multi-family dwelling units and shall be subject to a maximum height of ~~sixteen-eighteen~~ (1618) feet and four-foot side and rear setbacks.
- 4. The objective development and design standards that apply to accessory dwelling units that are specified by subsections (H)(2) and (H)(3) and described in this subsection (H)(4) are those standards set forth in subsections (H)(2), (H)(3), and (H)(4), respectively. Notwithstanding any other provision in this title, these and the design and development standards set forth in Government Code Section 66323 are the only development and design standards that apply to accessory dwelling units that are specified by subsections (H)(2) and (H)(3) and described in this subsection (H)(4).
 - a. One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling, where the accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress. The accessory dwelling unit or junior accessory dwelling unit shall have independent exterior access and side and rear setbacks sufficient for fire and safety.
 - b. One detached, new construction, accessory dwelling unit that does not exceed 800 square feet in floor area or eighteen (18) feet in height and maintains a minimum four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. This accessory dwelling unit may be combined with a junior accessory dwelling unit.
- I. Minimum Size. Accessory dwelling units and junior accessory dwelling units shall have a minimum size of two hundred twenty (220) square feet.
- J. Maximum Size. The maximum size of an accessory dwelling unit shall not exceed eight hundred fifty (850) square feet for an accessory dwelling unit containing up to one (1) bedroom, or one thousand (1,000) square feet for an accessory dwelling unit containing more than one (1) bedroom. Additionally, the total floor area of an ~~attached~~-accessory dwelling unit attached to the primary dwelling unit and exceeding eight hundred (800) square feet in floor area shall not exceed fifty (50) percent of the floor area of the proposed primary dwelling unit or of the existing livable floor area of an existing primary dwelling unit.
- K. Setbacks. Accessory dwelling units and junior accessory dwelling units shall comply with the following setbacks:
 - 1. Front setback: same as the primary dwelling
 - 2. Side setbacks: four (4) feet to the property line
 - 3. Rear setback: four (4) feet to the property line
 - 4. For accessory dwelling units and junior accessory dwelling units within an existing structure, the side and rear setbacks shall comply with current City building and fire code requirements.
 - 5. No part of the accessory dwelling unit structure shall project into the four-foot side or rear setbacks specified in Section "K" above.

- L. Lot Coverage. Accessory dwelling units shall conform to the maximum lot coverage of the underlying zoning district.
- M. Maximum Height. Accessory dwelling units shall not exceed one-story and ~~sixteen-eighteen~~ (1618) feet in height, except that an accessory dwelling unit attached to the primary dwelling shall not exceed the height of the existing primary dwelling or 25 feet, whichever is greater.
- N. A detached two-story accessory dwelling unit, not exceeding the maximum height of the zoning district, may be permitted where the accessory dwelling unit matches the architectural style, material, and colors of the primary dwelling unit; is located behind the rear wall plane of the primary dwelling unit; and complies with the setbacks applicable to the primary dwelling unit. ~~The height of a two-story accessory dwelling unit shall not exceed the maximum height of the zoning district.~~
- ~~NO.~~ Independent Access. All accessory dwelling units and junior accessory dwelling units shall be provided with exterior access independent from the primary residence. A junior accessory dwelling unit that shares a sanitation facility with the primary dwelling shall be provided with an interior entry to the main dwelling in addition to the independent exterior access.
- ~~OP.~~ Required Parking.
1. One (1) covered or uncovered parking space shall be provided for any accessory dwelling unit containing one (1) or more bedrooms.
 2. An accessory dwelling unit meeting one (1) or more of the following criteria shall be exempt from the parking requirement:
 - a. The accessory dwelling unit is located within one-half mile walking distance of public transit;
 - b. The accessory dwelling unit or junior accessory dwelling unit is located within an existing or proposed primary dwelling unit or an existing accessory structure;
 - c. The accessory dwelling unit is located in an area where on-street parking permits are required for the property, but not offered to the occupant of the accessory dwelling unit; or
 - d. The accessory dwelling unit is located within one (1) block (a set of contiguous properties undivided by a street) of a car share vehicle location.
 3. The replacement of parking spaces shall not be required when a garage, carport, or other covered parking structure is converted into an accessory dwelling unit or demolished to accommodate the construction of an accessory dwelling unit. ~~Replacement of garage parking spaces shall be required when such spaces are lost in the conversion of an attached garage into a junior accessory dwelling unit.~~ The primary dwelling unit shall be deemed legal, non-conforming if it no longer satisfies the parking requirements of Chapter 16.34 Parking and Loading as a result of such conversion or demolition; subsequent additions to the primary dwelling unit shall comply with the parking requirements of Chapter 16.34 Parking and Loading.
 4. Replacement of garage parking spaces shall be required when such spaces are lost in the conversion of an attached garage into a junior accessory dwelling unit.
- ~~PQ.~~ Objective Design Standards. All accessory dwelling units and junior accessory dwelling units shall conform to the following design standards:
1. Attached accessory dwelling units shall match the primary dwelling in architectural style (characterized by features that make the primary house notable such as roof pitch, trim, and window and door styles), exterior materials, and exterior colors.
 2. Any exterior doors and/or windows installed in the development of the accessory dwelling unit, attached to or within the primary dwelling, shall match the primary dwelling unit in design, color, and decorative molding/trim.

3. For accessory dwelling units developed within a garage, the garage door(s) shall be removed and replaced with a wall(s), containing a window or door, that match~~es~~ the architectural style (characterized by features that make the primary house notable such as roof pitch, trim, and window and door styles) and exterior materials and colors of the front elevation of the home. ~~the~~The accessory dwelling units shall comply with all California Building Code requirements pertaining to the conversion of the garage into habitable space.
 4. All new Exterior exterior lighting ~~must shall~~ be limited to down-lights.
 5. New detached accessory dwelling units shall provide decorative trim of at least three-quarter inches in depth and three inches in width around windows and exterior doors. Decorative trim may be omitted if the window or door is recessed at least three inches into the exterior wall plane.
 6. New second story accessory dwelling units (not converted within an existing space) shall be set back a minimum of five (5) feet from the first story building face at the front ~~elevation~~ and street-facing ~~side~~ elevations.
 7. Entrances and stairways serving a second story accessory dwelling unit shall not be located on the front or street-facing elevations.
 78. Accessory dwelling units visible from the street shall provide clear addressing visible from the street. Addresses must be at least four (4) inches high and shall be shown on the curb next to the primary address number.
 9. An accessory dwelling unit shall have utility hookups and an area shall be provided to accommodate installation of a clothes washer and dryer within the dwelling unit.
 10. Accessory dwelling units shall incorporate roof overhangs of at least twelve (12) inches.
- Q. ~~Exempt Accessory Dwelling Units. One (1) of the following types of accessory dwelling units shall be exempt from the provisions of Paragraphs "K" through "N," inclusive, of this section per lot:~~
- ~~1. One (1) junior accessory dwelling unit per lot within the proposed or existing space of a single-family dwelling; or~~
 - ~~2. One (1) accessory dwelling unit, that may be combined with one (1) junior accessory dwelling unit, per lot within the proposed or existing space of a single-family dwelling or the existing space of an accessory structure. The accessory dwelling unit may include an expansion for ingress and egress purposes only of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing structure. The accessory dwelling unit shall have independent exterior access from the primary dwelling unit and shall provide side and rear setbacks sufficient for fire and safety; or~~
 - ~~3. One (1) detached, new construction, accessory dwelling unit, that may be combined with one (1) junior accessory dwelling unit, per lot, that does not exceed eight hundred (800) square feet in total floor area, sixteen (16) feet in height, or four-foot side and rear yard setbacks with a proposed or existing single-family dwelling; or~~
 - ~~4. Either of the accessory dwelling units described in subsection (1)(2)(a) or (1)(2)(b) above.~~
- R. Separate Utilities.
1. Separate utility connections, lines, and meters, excluding sewer service, are required of all accessory dwelling units.
 2. Notwithstanding the above, except for an separate utility connections and meters are not required for accessory dwelling unit described in subsections (R)(1) or (R)(2) above and attached accessory dwelling units, subject to a determination by unless the Building Official determines that the existing utility connections are not of an adequate size and capacity to serve the accessory dwelling unit.

- S. Separate Addresses. All accessory dwelling units and junior accessory dwelling units shall be issued a separate address from the primary dwelling unit.
- T. 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.
- U. For the purposes of this section, "public transit" refers to 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.
- V. For the purposes of this section, "car share vehicle location" refers to a location where a vehicle available for short term rental by a licensed car sharing organization is stored while not being used.
- W. As part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years, is required.

(Ord. No. 321, § 9, 11-28-2017; Ord. No. 364, § 8, 2-9-2021; Ord. No. 406, § 7(Exh. C), 2-27-2024)