

# City of Hesperia

## STAFF REPORT



**DATE:** November 19, 2024

**TO:** Mayor and Council Members

**FROM:** Rachel Molina, City Manager

**BY:** Nathan R. Freeman, Director of Development Services  
Ryan Leonard, Principal Planner

**SUBJECT:** Development Code Amendment DCA24-00002; Applicant: City of Hesperia; Area affected: City-wide

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### RECOMMENDED ACTION

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2024-13 approving Development Code Amendment DCA24-00002, modifying development standards associated with Accessory Dwelling Units (ADUs).

### BACKGROUND

On October 10, 2024, the Planning Commission reviewed and considered the subject Development Code Amendment and voted 5-0 to forward this item to the City Council with a recommendation for approval. During the meeting no one from the public spoke in favor or opposition to the subject Development Code Amendment.

In recent years, the State of California has enacted several laws that have imposed new limits on local authorities, such as Hesperia, to regulate ADUs with the objective of increasing ADU production to address the State's housing needs. In such cases, the City has amended Section 16.12.360 of the Development Code pertaining to ADUs (ADU Ordinance) to remain consistent with ever-changing State law.

On May 19, 2020, the City Council adopted Ordinance No. 2020-04 adopting development standards associated with ADUs. On August 16, 2022, the City Council adopted Ordinance No. 2022-13 modifying various sections of the ADU Ordinance for the purpose of providing added clarity and to be consistent with State requirements.

Most recently, on May 23, 2024, the California Department of Housing and Community Development (HCD) provided written comments to staff regarding the City's existing ADU Ordinance. The adopted ADU Ordinance addresses many of the State's statutory requirements; however certain aspects of the ADU Ordinances must be revised to comply with State ADU Law.

### ISSUES/ANALYSIS

An ADU is an additional dwelling unit that provides complete independent living facilities for one or more persons and is located on the same lot as an existing or proposed primary dwelling unit. An ADU can be attached to the primary dwelling unit or detached from the unit. A Junior Accessory Dwelling Unit (JADU) is a unit that is no more than 500 square feet in size and is contained entirely

within an existing or proposed single-family residence. The City's existing ADU Ordinance currently allows ADUs in all single-family, multi-family, and mixed-use zoning designations.

As a result of new State laws and HCD's comments from its May 23, 2024 letter, City staff initiated Development Code Amendment DCA24-00002 to make the City's ADU regulations consistent with State requirements. Among other things, the draft Ordinance:

- Clarifies that JADUs shall be contained entirely within an existing or proposed single-family structure; and that enclosed uses within the residence, such as attached garages, are considered a part of the existing or proposed JADU.
- Requires that the City approve or deny an application to create an ADU within 60 days from the date the application was submitted.
- Eliminates owner occupancy requirements for properties with ADUs.
- Allows for separate conveyance of an ADU to a qualified buyer, if the property was built or developed by a qualified nonprofit corporation and it meets certain conditions.
- Clarifies that an ADU may either be attached to, located within, or detached from the existing primary dwelling unit.
- Updates references to State law and other Municipal Code sections to ensure that they are consistent with current regulations.
- Amends the requirements that apply to attached ADUs when the entrance is located on the same wall plane as the primary dwelling.
- Removes a requirement that detached ADUs must be located behind the primary dwelling unit.
- Modifies the height allowances for ADUs to be consistent with State requirements.
- Eliminates the requirement to provide one uncovered parking space for an ADU.
- Amends the architectural requirements to require that an ADU match the same colors and materials as the primary dwelling.

For reference, attached is a redline showing the changes that the draft Ordinance would make to the City's existing ADU regulations.

**Environmental:** Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as a Development Code Amendment is exempt if it does not propose to increase the density or intensity allowed in the General Plan. According to Government Code 65852.2, ADUs do not count towards the allowable density, and are a residential use consistent with the existing General Plan and zoning designation.

#### **CITY GOAL SUPPORTED BY THIS ITEM**

Future Development: Facilitate balanced growth to ensure cohesive community development and pursue economic development.

**Conclusion:** The Ordinance is consistent the goals, policies and objectives of the General Plan and will bring the City's ADU regulations into compliance with State law.

#### **FISCAL IMPACT**

There is no fiscal impact associated with this report.

**ALTERNATIVE(S)**

1. Provide alternative direction to staff.

**ATTACHMENT(S)**

1. Ordinance No. 2024-13
2. Exhibit "A"