

# City of Hesperia

## STAFF REPORT



**DATE:** May 6, 2025

**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 DCA25-00001; 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. 2025-01, approving Development Code Amendment DCA25-00001, which modifies development standards related to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (Junior ADUs).

### BACKGROUND

On March 13, 2025, the Planning Commission voted 4-0 (with Commissioner Hodson absent) to forward this item to the City Council with a recommendation for approval. Prior to the meeting, one comment letter was received in opposition to the project from the California Housing Defense Fund (CalHDF). The letter referenced other sections of the City's existing ADU Ordinance that the organization believes do not comply with State law. During the meeting, no members of the public spoke in support or opposition to the project.

The proposed amendment responds to a need for updates to the City's existing ADU regulations to ensure compliance with evolving State law. The current ADU regulations were initially adopted by the City Council on May 19, 2020, through Ordinance No. 2020-04. Since then, the City has adopted three amendments to maintain consistency with State mandates.

Staff has identified further changes necessary to bring the ordinance into full compliance and to improve clarity and implementation. These revisions are addressed in the proposed Development Code Amendment.

### ISSUES/ANALYSIS

An Accessory Dwelling Unit (ADU) is an attached or detached additional dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with an existing or proposed primary dwelling. An ADU may be up to 1,200 square feet, is fully self-contained (including sanitation), and does not share internal access with the primary residence.

A Junior Accessory Dwelling Unit (Junior ADU) is a unit no larger than 500 square feet, contained entirely within an existing or proposed single-family residence. Junior ADUs must include an

efficiency kitchen, may have internal access to the primary unit, and may share sanitation facilities (such as a restroom) with the primary unit. The City's Development Code (specifically Section 16.12.360) currently allows Junior ADUs and ADUs in all single-family, multi-family, and mixed-use zoning districts.

The City is unique in that only about 20% of developed properties are connected to sewer facilities. The remaining 80% rely on onsite wastewater treatment systems (OWTS), such as septic systems. To protect groundwater resources, the State Water Resources Control Board has implemented regulations for OWTS that the City is required to enforce. For example, City regulations currently require that lots not connected to sewer must be at least one acre in size to qualify for an ADU or Junior ADU.

City staff recently met with representatives from the Lahontan Regional Water Quality Control Board to discuss the City's lot size requirements for Junior ADUs. It was determined that the existing requirement, restricting Junior ADUs to sewer-connected lots or lots of at least one acre, must be removed. Under the proposed amendment, Junior ADUs would be permitted on any lot, regardless of sewer connection or lot size.

Additionally, staff recommends revising the ADU Ordinance to require that if a Junior ADU converts the required two-car garage of a primary residence, the replacement of that required parking—in an enclosed garage—must be provided elsewhere on the property. This must conform to the size, placement, and design standards of the Development Code. Currently, the Ordinance does not require replacement parking for Junior ADUs. Staff believes this proposed change aligns with State law requirements regarding replacement parking for the primary residence.

A redlined version showing all changes to the City's existing ADU regulations is attached for reference.

**Environmental:** Approval of this Development Code Amendment is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3), as it can be seen with certainty that the project will not have a significant environmental impact. It is also exempt under Section 16.12.415(B)(10) of the City's CEQA Guidelines, which exempts Development Code Amendments that do not increase the density or intensity permitted in the General Plan. According to Government Code Section 65852.2, ADUs do not count toward allowable density and are considered 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 proposed Ordinance aligns with 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 financial impact to the General Fund associated with this report.

**ALTERNATIVE(S)**

1. Provide alternative direction to staff.

**ATTACHMENT(S)**

1. Ordinance No. 2025-01
2. Exhibit "A"