

# City of Hesperia

## STAFF REPORT



**DATE:** August 16, 2022

**TO:** Mayor and Council Members

**FROM:** Nils Bentsen, City Manager **SECOND READING AND ADOPTION**

**BY:** Rachel Molina, Assistant City Manager  
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**SUBJECT:** Development Code Amendment DCA22-00003; 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. 2022-13 approving Development Code Amendment DCA22-00003 modifying development standards associated with Accessory Dwelling Units (ADUs).

### BACKGROUND

On May 19, 2020, the City Council adopted Ordinance No. 2020-04 adopting development standards associated with Accessory Dwelling Units (ADUs). On June 1, 2021, the City Council adopted Ordinance No. 2021-01 modifying various sections of the ADU Ordinance for the purpose of providing added clarity and to be consistent with State requirements.

In January 2022, the California Department of Housing and Community Development (HCD) requested copies of the City's existing ADU Ordinance. On June 3, 2022, HCD provided written comments to the City regarding the existing ADU Ordinances. The adopted ADU Ordinances comply with many of the State's statutory requirements, however certain aspects of the ADU Ordinances must be revised to comply with State ADU Law.

### PROJECT SUMMARY

The ADU Ordinance (specifically section 16.12.360 of the Development Code) currently allows ADU's in the agricultural, single family, multi-family, and mixed-use zoning designations. However, it was discovered that Section 16.16.085 of the Municipal Code is inconsistent with the ADU Ordinance because it incorrectly lists ADUs as a prohibited use in the R3 zoning designation. Therefore, DCA22-00003 will modify Section 16.16.085 of the Municipal Code to clarify that ADUs are an allowed use in the multifamily zoning designations.

Development Code Amendment DCA22-00003 will also clarify that an ADU may be allowed on a lot with an existing or proposed "primary residence" as opposed to a "single family residence." This will ensure that references to multifamily buildings are not omitted in the ADU Ordinance.

DCA22-00003 will amend the existing ADU Ordinance to remove two regulations that are considered to be subjective terms. The existing ADU Ordinance currently requires that "the entrance to an attached accessory dwelling unit shall be separate from the entrance to the primary

unit and shall be installed in a manner as to eliminate an obvious indication of two units in the same structure.” HCD determined that “obvious indication” could be a subjective term. Therefore, this requirement will be removed.

In addition, the existing ADU Ordinance states that an ADU “shall not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse impacts on public services and resources.” As with above, the terms “excessive noise, traffic or other disturbances” and “significantly adverse impacts” were determined to be subjective terms and will be removed. However, the City may continue to use the adequacy of water and sewer services to determine where ADUs may be permitted.

**Planning Commission Review:** On July 14, 2022 the Planning Commission voted 5-0 to forward this item to the City Council with a recommendation for approval.

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

#### **ATTACHMENT(S)**

1. Ordinance No. 2022-13
2. Exhibit "A"
3. Planning Commission Staff Report with attachments.