

City of Hesperia

STAFF REPORT



DATE: June 20, 2017

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Mike Blay, Director of Development Services
Dave Reno, Principal Planner
Daniel Alcayaga, AICP, Senior Planner

SUBJECT: Development Code Amendment DCA17-00003; Applicant: City of Hesperia;
Area affected: City-wide

RECOMMENDED ACTION

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2017-12 approving DCA17-00003, modifying development standards associated with Accessory Dwelling Units (ADUs).

BACKGROUND

On May 11, 2017, the Planning Commission unanimously (5-0) forwarded this item to the City Council with a recommendation for approval. On September 27, 2016, Assembly Bill 2299 (AB 2299) and Senate Bill 1069 (SB 1069) were signed into law, both of which became effective January 1, 2017. These two bills amended various sections of the State Government Code related to second dwelling unit regulations. The new laws regulate parking, type and size of units, approval process and timelines, and water and sewer utility requirements applicable to second dwelling units. The bills invalidate a local agency's existing second unit ordinance if it does not comply with the requirements of the newly adopted state standards.

ISSUES/ANALYSIS

The Amendments will allow the City's existing Ordinance to fully comply with the newly amended State Law and allow the City to retain authority to continue to enforce the majority of the City's existing Ordinance. The following are the changes proposed:

- One parking space (does not have to be a covered space) can be required for an accessory dwelling unit (ADU), and can be provided in tandem along a driveway. The Amendments include provisions of State law that do not allow a city to impose parking requirements on an ADU if located within one-half mile of public transit (i.e. bus stop). In addition, no setback shall be required for an existing garage that is converted to an ADU, and a setback of no more than five feet from the side and rear lot lines shall be required for an ADU that is constructed above a garage.
- Replaces the term "Second Dwelling Unit" with "Accessory Dwelling Unit:

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 and Specific Plan Amendment are 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 the Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan.

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

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance No. 2017-12
2. Exhibit "A"