

ITEM 5.2

CITY MANAGER'S REPORT OCTOBER 12, 2020 CITY COUNCIL REGULAR MEETING

ITEM: PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AN ORDINANCE AMENDING CHAPTER 17.04, GENERAL PROVISIONS, AND CHAPTER 17.80, ACCESSORY DWELLING UNITS OF THE LATHROP MUNICIPAL CODE RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS (TA-20-103)

RECOMMENDATION: The Council to Consider the Following:

1. Hold a Public Hearing; and
2. First Reading and Introduction of an Ordinance to Amend Chapter 17.04, General Provisions, and Chapter 17.80, Accessory Dwelling Units of the Lathrop Municipal Code Related to Accessory Dwelling Units and Junior Accessory Dwelling Units. The amendments to the Municipal Code include the following:
 - Chapter 17.04 (General Provisions): Amend Section 17.04.080, Definitions, to include definitions for Efficiency Kitchen, Junior Accessory Dwelling Unit, Public Transit, Tandem Parking and Amend the definitions for existing Accessory Dwelling Unit and Accessory Structure.
 - Chapter 17.80 (Accessory Dwelling Unit): Amend Chapter 17.80 to be consistent with new State law. The amendment will also include provisions for the creation of Junior Accessory Dwelling Units.

SUMMARY:

The proposed Code Text Amendment is a staff-initiated proposal to modify the Lathrop Municipal Code (LMC) to be consistent with new State law related to Accessory Dwelling Units (ADUs) and Junior Accessory Dwellings Units (JADUs). Specifically, the amendments include:

- Chapter 17.04 (General Provisions): Amend Section 17.04.080, Definitions, to include definitions for Efficiency Kitchen, Junior Accessory Dwelling Unit, Public Transit, Tandem Parking and amend the existing definitions for Accessory Dwelling Unit and Accessory Structure.

- Chapter 17.80 (Accessory Dwelling Units): Amend Chapter 17.80 to be consistent with new State law, and include provisions for the creation of Junior Accessory Dwelling Units.

BACKGROUND:

Previous action by the City and State regarding ADUs include the following:

- **1992** – City adopted a Comprehensive Municipal Code and included Chapter 17.80 titled “Second Unit Housing” that provided regulations for the creation of ADU’s (then known as Second Unit Housing).
- **March 21, 2016** – City Council adopted amendments to the Municipal Code, including amendments to Chapter 17.80 to be consistent with State law. The amendment expanded the regulations to include development standards for setbacks, height, minimum area of the property, access, etc.
- **January 1, 2017 (State Law)** – New housing related laws went into effect that deemed ADUs as a permanent by-right land use, subject to development criteria in California Government Code Section 65852.2. This “ADU Law” made the City’s former “Second Unit Housing” Chapter null and void for being inconsistent with current legislation.
- **December 18, 2017** – City Council adopted amendments to Chapter 17.80 to be consistent with State law that became effective on January 1, 2017. The amendments included renaming the Chapter to “Accessory Dwelling Units”, revising the development standards to be consistent with State law, and clarifying that ADUs are created without discretionary action.
- **January 1, 2018 (State Law)** – Additional housing legislation (SB 229 and AB 494) became effective that provided clarification and wording changes to the law governing ADUs. The new legislation clarified that no setback is required for the conversion of an existing garage to an ADU and that the City has an option to require off-street parking to be replaced.
- **April 8, 2019** – City Council adopted amendments to Chapter 17.80 to be consistent with SB 229 and AB 494. The amendments included adding language to require no setback for an existing garage that is converted to an ADU and requiring off-street be replaced in the event a garage is converted into an ADU.

- **January 1, 2020 (Current State Law)** – New housing legislation (AB 68, AB 881, AB 670, AB 587, AB 671, and SB 13) was passed modifying State requirements on ADUs. This legislation included various amendments to the ADU Law with regards to development standards, the number of ADUs that can be constructed on a lot and allows Junior Accessory Dwelling Units (JADUs) to be constructed on the same lot as a detached ADU. Further discussion related to this housing legislation is below.
- At their regular meeting of September 16, 2020, the Planning Commission voted unanimously (4-0), one absent, to recommend the City Council adopt an Ordinance regarding the proposed amendments to the Lathrop Municipal Code. Attached is the Planning Commission Resolution No. 20-10 for reference (Attachment #4).

ANALYSIS:

Proposed Amendments to the Municipal Code

The proposed amendments include the following:

- Amend the definition for “Accessory Dwelling Unit” to be consistent with State law:

“Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- A. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
- B. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

- Amend the definition for “Accessory Structure” to be consistent with State law:

“Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot—~~an attached or detached structure that is~~ either entirely enclosed by walls and a solid roof or is partially enclosed with a solid or limited roof covering. Examples include, but are not limited to, greenhouses, pool houses, sunrooms, workshops, storage sheds, barns, as well as carports, patio covers, gazebos and stables. Accessory structures also include play equipment, windmills, water towers, and other similar agricultural structures.

- Add definitions for the following terminology, consistent with State law:

"Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

"Public transit" means 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.

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

Note that the definitions for Public Transit and Tandem Parking are related to off-street parking requirements for ADUs.

State law allows the City to require one (1) off-street parking space for each ADU and that parking space can be in tandem with the existing off-street parking for the single-family residence (i.e. the garage driveway). State law also allows an exemption to the off-street parking requirement when the proposed ADU is within one-half mile walking distance of public transit.

- Amend Chapter 17.80: *Accessory Dwelling Units* to be consistent with new State law. The amendments to Chapter 17.80 include the following:
 - Clarify where ADUs and JADUs are permitted and to allow the construction of ADUs on lots developed with existing multifamily dwellings per State law.
 - Re-organize the Development Standards to separate standards for ADUs and JADUs.
 - Add Development Standards for JADUs including limiting the size to 500 sq. ft., require independent exterior entrance from the primary dwelling, an efficiency kitchen, and require the property to record a deed restriction to prohibit the sale of the JADU separate from the single-family residence.
 - Reduce the side and rear yard setback from five (5) feet to four (4) feet. Additionally, the amendments further clarify that no setback is required for an existing living area or accessory structure in the same location that is converted to an ADU.

- Add a Utilities and Impact Fees Section that includes new State law that a new ADU is not considered a new residential use for the purposes of calculating utility connection fees or capacity charges for water and sewer service. This Section also references the Government Code as it relates to impact fees.
- Add a Purpose and Timing Section that includes the process for approving ADUs and JADUs. This Section includes the provision in which the City has sixty (60) days from application submittal to process a new ADU or JADU.

Municipal Code Amendments

According to the Lathrop Municipal Code, amendments to the Zoning Code must be reviewed by the Planning Commission with a recommendation forwarded to the City Council for approval. Before any recommendation to approve by the Planning Commission, or final approval by the City Council, the following finding must be made:

"That the proposed amendment will be consistent with applicable provisions of the General Plan".

Staff has determined that the proposed code amendments conform to the General Plan.

Public Notice

A Notice of Public Hearing was advertised in the Manteca Bulletin on October 1, 2020 and the meeting agenda was posted at our designated posting locations in the City and e-mailed to the digital subscribers list. As of the writing of this report, no comments were received in favor or against the proposed amendments.

CEQA REVIEW:

The proposed Municipal Code Amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061 (b) (3) by the "Common Sense Exemption" that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

The amendment does not change the zoning designation on any individual property and does not affect existing land use or density. The purpose of the amendment is to amend the Municipal Code to be consistent with recent State law as it relates to Accessory Dwelling Units and Junior Accessory Dwelling Units. It does not propose or require any specific development of a project.

RECOMMENDATION:

The Planning Commission and staff recommend that the City Council consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, introduce and Ordinance amending Chapter 17.04, General Provisions, and Chapter 17.80, Accessory Dwelling Units of the Lathrop Municipal Code related to Accessory Dwelling Units and Junior Accessory Dwelling Units.

FISCAL IMPACT:

There is no fiscal impact to the City of Lathrop, only staff time to prepare the report. Staff time expended on this effort will be submitted to the State Housing and Community Development for reimbursement under the SB-2 Grant.

ATTACHMENTS:

1. Ordinance Approving Various Municipal Code Amendments
2. Mark-up of Chapter 17.04 General Provisions
3. Mark-up of Chapter 17.80, Accessory Dwelling Units
4. Planning Commission Resolution No. 20-10

**CITY MANAGERS REPORT
OCTOBER 12, 2020 CITY COUNCIL REGULAR MEETING
ACCESSORY DWELLING UNIT**

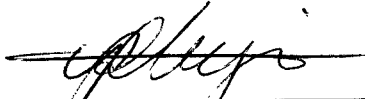
APPROVALS:



David Niskanen
Contract Planner

10/1/2020

Date



Rick Caguiat
Principal Planner

10-1-2020

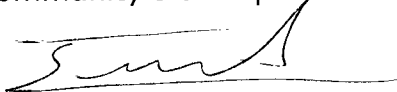
Date



Mark Meissner
Community Development Director

10-1-2020

Date



Salvador Navarrete
City Attorney

10-5-2020

Date



Stephen J. Salvatore
City Manager

10-6-2020

Date

ORDINANCE NO. 20-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING CHAPTER 17.04, GENERAL PROVISIONS, AND CHAPTER 17.80, ACCESSORY DWELLING UNITS OF THE LATHROP MUNICIPAL CODE RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS (TA-20-103)

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing at a regular meeting on September 16, 2020, at which they adopted PC Resolution No. 20-10 recommending City Council adopt Municipal Code Text Amendment No. TA-20-103 pursuant to the Lathrop Municipal Code; and

WHEREAS, the City of Lathrop City Council held a duly noticed public hearing at a regular meeting on October 12, 2020 to review and consider Municipal Code Amendment; and

WHEREAS, the proposed code amendment is Citywide and affects all applicable properties in the City; and

WHEREAS, chapter 17.124 of the Lathrop Municipal Code mandates the transmittal of a Planning Commission recommendation to the City Council by resolution; and

WHEREAS, the proposed code amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061 by the "Common Sense Exemption" that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, the City Council finds that the proposed code amendment is consistent with applicable provisions of the Lathrop General Plan and will implement the City's Economic Development goals by providing updated policies related to Accessory Dwelling Units and Junior Accessory Dwelling Units; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby approve Municipal Code Amendment as shown Attachments "2" and "3", incorporated by reference herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Lathrop Municipal Code is hereby amended as shown in Attachments "2" and "3, incorporated by reference herein.

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 4. Effective Date. This Ordinance shall take legal effect 30 days from and after the date of its passage.

Section 5. Publication. Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance to be published in full accordance with Section 36933 of the Government Code.

THIS ORDINANCE was regularly introduced at a meeting of the City Council of the City of Lathrop on the ____ day of _____, and was PASSED AND ADOPTED at a regular meeting of the City Council of the City of Lathrop on ____ day of _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SONNY DHALIWAL, MAYOR

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

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Chapter 17.04 GENERAL PROVISIONS

17.04.080 Definitions.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular. The masculine shall include the feminine and neuter.

“Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- A. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
- B. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

“Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot ~~an attached or detached structure~~ that is either entirely enclosed by walls and a solid roof or is partially enclosed with a solid or limited roof covering. Examples include, but are not limited to, greenhouses, pool houses, sunrooms, workshops, storage sheds, barns, as well as carports, patio covers, gazebos and stables. Accessory structures also include play equipment, windmills, water towers, and other similar agricultural structures.

“Accessory use” means a use incidental, related, appropriate and clearly subordinate to the main use of the site or building, which accessory use does not alter the principle use of the site.

[...]

Dwelling, Multifamily. “Multifamily dwelling” means a building designed exclusively for occupancy by four or more families living independently of each other (for example, a quadruplex or apartment).

“Dwelling unit” means one or more rooms and a kitchen designed for occupancy by one family for living and sleeping purposes.

“Educational institutions” means public or other nonprofit institutions conducting regular academic instruction at pre-school, kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities, nonprofit research institutions and religious institutions. Such institutions must either offer general academic instruction equivalent to the standards prescribed by the State Board of Education, confer degrees as a college or university of undergraduate or graduate standing, conduct research, or give religious instruction. This definition does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools.

“Efficiency Kitchen” means an area used, or designated to be used, for the preparation of food with the following minimal requirements: (1) a sink with a maximum waste line diameter of 1.5 inches, (2) a cooking facility with appliances that do not require electrical service greater than 120 volts, natural gas, or propane gas, and (3) a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the dwelling unit.

“Electrical distribution substation” means an assemblage of equipment which is part of a system for the distribution of electric power where electric energy is received at a subtransmission voltage and transformed to a lower voltage for distribution for general consumer use.

“Electrical transmission substation” means an assemblage of equipment which is part of a system for the transmission of electric power where electric energy is received at a very high voltage from its source of generation by means of a network of high voltage lines and where, by means of transformers, said high voltage is transformed to a low subtransmission voltage for purposes of supplying electric power to large individual consumers, interchange connections with other power producing agencies or electric distribution substations for transformation to still lower voltages for distribution to smaller individual users.

[...]

“Household pets” means domestic animals ordinarily permitted in a place of residence, kept for company and pleasure, such as dogs, cats, domestic birds, guinea pigs, white rats, rabbits, mice and other similar animals generally considered by the public to be kept as pets, excluding fowl. For one-family residences, three dogs maximum, three cats maximum, two rabbits maximum, domestic birds and other similar animals are permitted, where the total number of animals in one place of residence shall not exceed ten (10). For multiple-family residences, including mobilehomes in mobilehome parks, one dog maximum, one rabbit maximum, two cats maximum, domestic birds and other similar animals are permitted, where the total number of animals in one place of residence shall not exceed five.

“Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

“Junk yard” means a site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards and similar storage yards, excepting a site on which uses are conducted within a completely enclosed structure and excepting motor vehicle wrecking yards as defined in this section. An establishment for the sale, purchase or storage of used cars, farm equipment or salvaged machinery in operable condition and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junk yard.

[...]

“Planning director” and “director” mean the planning director of the city.

“Public transit” means 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.

“Public utility service yard” means a site or portion of a site on which a public utility company may store, house and/or service equipment such as service trucks and other trucks and trailers, pumps, spools of wire, pipe, conduit, transformers, cross-arms, utility poles or any other material, tool or supply necessary for the normal maintenance of the utility facilities.

[...]

“Supportive services” include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy.

“Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

“Target population” means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

[...]

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Chapter 17.80 ACCESSORY DWELLING UNITS

17.80.010 Application.

This chapter provides standards by which the city shall evaluate and ministerially approve an application for the siting and construction of an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) on a lot with an existing or proposed ~~dwelling~~one-family residence located in areas zoned to allow single-family or multifamily residential use in compliance with California Government Code Sections 65852.2 and 65852.22, as may be amended. (Ord. 19-405 § 1; Ord. 18-384 § 1; Ord. 16-365 § 1; Ord. 16-355 § 1; Ord. 97-151; Ord. 92-73)

17.80.020 Permitted Locations and Types~~Developmental standards.~~

~~All accessory dwelling units shall meet the following standards:~~

~~A. Maximum Floor Area. An accessory dwelling unit which is detached from the existing residence shall not exceed one thousand two hundred (1,200) square feet of floor area and shall conform to the development standards of this title. An accessory dwelling unit which is attached to the proposed or existing residence shall not exceed fifty percent (50%) of the existing residence and shall conform to the setback, lot coverage and height requirements for the primary dwelling, with a maximum increase in floor area of one thousand two hundred (1,200) square feet.~~

A. ADUs are permitted in all zone districts allowing single-family or multifamily residential uses on lots developed with existing or proposed dwellings.

B. An ADU may be established in the following methods:

1. Attached to, or located within, an existing or proposed primary dwelling.
2. A new detached structure, or located within or attached to an accessory structure, including detached garages or similar structures.
3. Conversion of existing attached or detached accessory structures, including garages, storage areas, or similar structures.
4. Reconstruction of an existing structure or living area that is proposed to be converted to an ADU, or a portion thereof, in the same location and to the same dimensions and setbacks as the existing structure.

C. One JADU may be established within the space of an existing or proposed single-family residence, on a lot that is zoned to allow single-family residential uses.

D. A JADU may be established within the space of the primary dwelling in combination with the construction of one detached, new construction ADU not exceeding 1,200 square feet and height of 16 feet with four-foot side and rear yard setbacks.

E. ADUs shall be permitted on lots developed with existing multifamily dwellings subject to the following provisions:

1. A minimum of one ADU may be constructed, or up to 25 percent of the existing unit count, within non-livable space, including, but not limited to, storage rooms, passageways, attics, basements, or closets.

2. The construction of two detached ADUs, subject to a maximum height of 16 feet, and four-foot side and rear setbacks. In this case, only two detached ADUs are permitted on lots developed with existing multifamily dwellings.

17.80.030 Development Standards

A-B.—Development Standards. Accessory dwelling units shall comply with the following standards:

1. ADU Type, Location & Size.

a. Attached Unit: An ADU attached to an existing primary dwelling shall not exceed 50 percent of the total existing or proposed living area of the primary dwelling.

b. Detached Unit: An ADU structurally independent and detached from the existing or proposed primary dwelling shall not exceed 1,200 square feet.

c. ADUs shall have independent exterior access from the primary dwelling. No passageway to the primary dwelling shall be required.

d. ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence.

2. JADU Location, Size, and Standards.

a. A JADU shall be constructed entirely within an existing or proposed primary dwelling and shall not exceed 500 square feet.

b. JADUs shall have an independent exterior entrance from the primary dwelling but may also include shared access between two units.

c. A JADU, at a minimum, shall include an efficiency kitchen as defined in Section 17.04.080.

d. The property owner shall reside in either the principal dwelling unit or the junior accessory dwelling unit.

e. Prior to issuance of a building permit for the JADU, the property owner shall file with the City a deed restriction for recordation with the County Recorder, which shall run with the land and include the provisions listed in Government Code Section 65852.22.

3+. Setbacks.

a. Have minimum interior side and rear setbacks of ~~four~~five feet and street side setback of ten (10) feet.

b. No setback shall be required for an existing living area or accessory structure in the same location and to the same dimensions as an existing structure~~garage~~ that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than ~~five~~four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure~~constructed above a garage~~.

c2. Setback from Structures. Be set back from other structures on the parcel consistent with the city-adopted building code.

43. Height. Not to exceed one story or ~~sixteen~~fifteen (1~~6~~5) feet in height, except that a detached accessory dwelling unit may be constructed above a detached garage to a maximum height of thirty (30) feet.

54. Location on Parcel. ~~Be constructed at the rear or interior side of an existing single-family residence, or otherwise appear secondary in nature, and not be constructed in front of the primary structure. An accessory dwelling unit can either be attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing dwelling.~~

5. ~~Lot Size. Accessory dwelling units are permitted on lots with a minimum area of five thousand (5,000) square feet. Only one accessory dwelling second unit is allowed per lot.~~

B6. Compatibility. ~~The addition of an accessory dwelling unit shall be designed and constructed to be~~ is-compatible with the existing house as to height, style, materials, and colors.

C. Access. Doorway access shall be provided either to the side or rear of the accessory dwelling unit. Direct doorway access to the front yard is prohibited. The accessory dwelling unit shall utilize the same vehicular access which serves the existing dwelling unit.

D. Off-Street Parking.

1 At least one additional off-street parking space shall be provided for the accessory dwelling unit or bedroom, whichever is less, unless otherwise exempt under Section 17.80.030(E).

2 The parking spaces required for the accessory dwelling unit can be in tandem to the required parking of the main residential structure, may be uncovered, and can be located within the front setback as long as all other yard requirements are met.

3+. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-

~~street parking spaces are not required to be replaced. the parking spaces shall be replaced consistent with Chapter 17.76 of this title.~~

E. Off-Street Parking Exemption. Off-street parking shall not be imposed in any of the following instances:

1. The accessory dwelling unit is located within one-half mile walking distance of public transit;
2. The accessory dwelling unit is located within an architecturally and historically significant historic district;
3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure;
4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit;
5. When there is a car share vehicle located within one block of the accessory dwelling unit.

F. Mobilehomes or Manufactured Housing. Mobilehomes or manufactured housing on permanent foundations shall be permitted as an accessory dwelling unit, only if they are installed on permanent foundations, and the mobilehome complies with the 1974 National Manufactured Housing Construction and Safety Act.

17.80.040 Utilities and Impact Fees

AF. Utility Service and Kitchen Facilities. Accessory dwelling units shall be provided with adequate water, sewer and other utilities (sewer allocation for one residential unit will suffice for both). The applicant shall have the option of paying installation cost and a monthly fee for a second water meter. The applicant shall also have the option of taking all sewer flow through the existing sewer lateral, or of paying the installation cost and monthly fee for a second lateral. The second unit shall also be provided with full kitchen facilities including range, oven, sink and refrigerator, as determined by the city building official. Accessory dwelling units shall not be considered a new residential use for the purposes of calculating utility connection fees or capacity charges for water and sewer service. The City shall not require a new or separate utility connection or impose a related connection fee or capacity charge for ADUs and JADUs that are contained within an existing residence or accessory structure.

B. Fees. Fees charged for the construction of ADUs shall be consistent with Government Code Section 65852.2(f).

G. Visual Appearance. An accessory dwelling unit shall be designed and constructed so as to blend with and complement the existing one family unit to which it is attached in terms of height, roofing and siding materials, and color.

~~H. — Mobilehomes or Manufactured Housing. Mobilehomes or manufactured housing on permanent foundations shall be permitted as an accessory dwelling unit, only if they are installed on permanent foundations, and the mobilehome complies with the 1974 National Manufactured Housing Construction and Safety Act.~~

17.80.050 Process and Timing

A. Approval Process. An accessory dwelling unit and junior accessory dwelling unit is considered and approved ministerially, without discretionary review or hearing, if it meets the minimum standards in this Chapter.

B. Timing. The city must act on an application to create an accessory dwelling unit or junior accessory dwelling unit within 60 days from the date that the city receives a completed application, unless either:

1. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or

2. In the case of a junior accessory dwelling unit and the application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on a lot, the city may delay acting on the permit application for the junior accessory dwelling unit until the city acts on the permit application to create new single-family dwelling, but the application to create the junior accessory dwelling unit will still be considered ministerially without discretionary review or a hearing.

17.80.060 Compliance with Other Regulations

~~I. — Compliance with Other Regulations. Notwithstanding the above standards, all accessory dwelling units established under this chapter shall meet all of the requirements of the zoning district for which the accessory dwelling unit is in as to fences, walls and hedges; site area; frontage; width and depth of site; coverage; yard requirements; height of structures; distance between structures; signs; applicable building and fire codes and general provisions and exceptions. (Ord. 19-405 § 1; Ord. 18-384 § 1; Ord. 16-355 § 1; Ord. 97-151; Ord. 92-73)~~

**CITY OF LATHROP
PLANNING COMMISSION RESOLUTION NO. 20-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING CITY COUNCIL ADOPT AN ORDINANCE AMENDING
CHAPTER 17.04, GENERAL PROVISIONS, AND CHAPTER 17.80, ACCESSORY
DWELLING UNITS OF THE LATHROP MUNICIPAL CODE RELATED TO
ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS
(TA-20-103)**

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public meeting to consider the text amendment pursuant to the Lathrop Municipal Code; and

WHEREAS, on March 21, 2016, the City Council adopted Ordinance No. 16-355, amending the Lathrop Municipal Code (LMC) to be consistent with State law relating to accessory dwelling units; and

WHEREAS, the State of California has enacted legislation that affect accessory dwelling units which became effective on January 1, 2017; and

WHEREAS, on December 18, 2017, the City Council adopted Ordinance No. 18-384, amending the LMC to be consistent with State law that became effective on January 1, 2017, including renaming Chapter 17.80 to "Accessory Dwelling Units"; and

WHEREAS, the State of California has enacted additional legislation (Senate Bill 229 and Assembly Bill 494) which became effective on January 1, 2018; and

WHEREAS, on April 8, 2019, the City Council adopted Ordinance No. 19-405, amending the LMC to be consistent with State law that became effective on January 1, 2018; and

WHEREAS, in October 2019, the Governor of California Signed Senate Bill 13, Assembly Bill 68, Assembly Bill 881, Assembly Bill 670 and Assembly Bill 587 (Statutes) which relate to the creation of new ADUs and were intended to address California's ongoing housing affordability crisis by reducing local regulatory barriers to constructing new ADUs; and

WHEREAS, on January 1, 2020, these statutes became effective and voided the City of Lathrop's existing local accessory dwelling unit regulations; and

WHEREAS, State law requires that all local agencies provide a streamlined, ministerial review process for ADUs and Junior Accessory Dwelling Units (JADUs); and

WHEREAS, the proposed revisions to the LMC are necessary to bring the City's accessory dwelling unit regulations into compliance with State law generally to address new provisions that further limit the ability for local jurisdictions to impose development standards on new ADUs, expand the circumstances where ADUs and JADUs may be approved, and further streamline the

process to require approval of a complete application within 60 days of submittal (instead of 120 days); and

WHEREAS, the proposed revisions to the LMC are created as to not conflict with California Government Code Sections 65852.2 and 65852.22; and

WHEREAS, regulation of ADUs also relates to the City's 6th Cycle Housing Element Update because the City will be able to account for ADUs and JADUs as a housing program strategy to satisfy a portion of the City's assigned Regional Housing Needs Assessment (RHNA) housing needs [Government Code Sections 65583.1(a) and 65852.2(m)]; and

WHEREAS, the proposed text amendment is Citywide and affects all applicable properties in the City; and

WHEREAS, Chapter 17.124 of the Lathrop Municipal Code mandates the transmittal of a recommendation to the City Council by resolution; and

WHEREAS, the proposed text amendment is exempt according to the California Environmental Quality Act (CEQA) Article 5 §15061 by the "Common Sense Exemption" that CEQA applies only to projects that have a potential for causing a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, the Planning Commission finds that the proposed text amendment is consistent with applicable provisions of the Lathrop General Plan and will implement the City's Economic Development goals by providing streamline procedures, minor clarifications and incorporate updated policies; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the Planning Commission has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lathrop based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby recommend the City Council adopt Municipal Code Text Amendment No. TA-20-103 as shown in Attachments B and C, incorporated by reference herein.

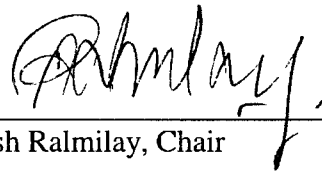
PASSED AND ADOPTED by the Planning Commission of the City of Lathrop at a regular meeting on the 16th day of September, 2020 by the following vote:

AYES: Ralmilay, Dresser, Ishihara, Gatto

NOES: None

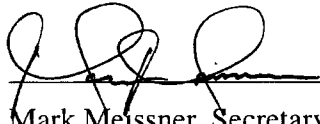
ABSTAIN: None

ABSENT: Rhodes



Ash Ralmilay, Chair

ATTEST:



Mark Meissner, Secretary

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

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