



# CITY OF PERRIS

## CITY COUNCIL

### AGENDA SUBMITTAL

**MEETING DATE:** September 14, 2021

**SUBJECT:** **Ordinance Amendment 21-05110** – An Ordinance Amendment to comprehensively update Chapter 19.81 of the zoning code to regulate secondary dwelling units in compliance with State law and in support of the Regional Housing Needs Assessment of the City.

**Applicant:** City of Perris

**REQUESTED ACTION:** Introduce first reading proposed of Ordinance No. (next in order) to approve Ordinance Amendment No 21-05110 repealing and replacing Perris Municipal Code Section (PMC) 19.81 – Second Dwelling Units with PMC Section 19.81 – Accessory Dwelling Units and Junior Accessory Dwelling Units.

**CONTACT:** Candida Neal, Interim Director of Development Services

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#### **BACKGROUND/DISCUSSION:**

On January 1, 2020, changes to Government Code Sections 65852.2 and 65852.22 which regulated Second Dwelling Units went into effect. These changes redefined Second Dwelling Units as Accessory Dwelling Units (ADUs) and created a new type of housing called Junior Accessory Dwelling Units (JADUs). The revised statutes also made null and void any local ordinances that were not in conformance with the new state laws. Since the January 2020, the City has not been able to enforce the zoning code. Instead, the City has used the State standards to review ADUs.

To comply with the new state mandates, Ordinance Amendment 21-05110 will replace Perris Municipal Code (PMC) Section 19.81 – Second Dwelling Units with PMC Section 19.81 – Accessory Dwelling Units. Consistent with State law, the proposed zoning amendment will allow ADUs in any area zoned for single family residential uses and allow ADUs to be constructed in existing multi-family projects.

On July 21, 2021, the Planning Commission held a public hearing on Ordinance Amendment 21-05110. The hearing was continued to allow staff time to provide additional information from the State Housing and Community Development (HCD). At their meeting on August 11, 2021, the Planning Commission considered additional information provided by HCD and recommended approval of the draft ordinance. The draft ordinance recommended by the Planning Commission is included as Attachment 1.

#### **ANALYSIS:**

In California, housing is scarce, expensive and often not located close to jobs or family. The State ADU statutes were adopted to make it easier for property owners to construct additional units in existing neighborhoods and as a result increase the amount of affordable housing. State law defines types of ADUs and establishes specific development and operational standards for each type of ADU as well as separate requirements for JADUs. It also defines development and operational standards that apply to all ADUs. The statute also defines specific regulations that cities and counties may adopt. The proposed local regulations apply to all ADUs and JADUs. The draft ordinance is included in Attachment 1.

## **Development and Operational Standards for All Accessory Dwelling Units**

The statutes require that applications be approved administratively, by staff. Time limits ensure that the ADU or JADU is approved or denied within 60 days of submitting a complete application. ADUs and JADUs are permitted on all residentially or mixed-use zoned properties that have an existing or proposed single or multi-family dwelling. Maximum unit size is defined as 850 square feet for studio and 1-bedroom units and 1,000 square feet for units with more than 1-bedroom. JADUs cannot be larger than 500 square feet. No minimum lot area is required to construct an ADU or add a JADU. Sale or conveyance of an ADU or JADU separate from the Primary Dwelling or multi-family complex is prohibited.

**Zoning Compliance.** Cities are allowed to enforce residential development standards in the existing zoning ordinance for setbacks, open space requirements, minimum lot size and lot coverage as long as enforcement of those standards does not create unreasonable restrictions for developing an ADU. Unreasonable restrictions are defined as regulations that would not prevent construction of an ADU that meets the following requirements:

- Floor area of 800 square feet or less,
- Above-grade height of 16 feet or less, and
- Rear and side yard setbacks no less than 4 feet.

The draft ordinance also includes parking design requirements and design provisions and mandatory parking exemptions and waivers.

**Unit Size.** The maximum unit size for a studio or 1-bedroom unit is 850 square feet. For units with more than 1-bedroom the maximum unit size is 1,000 square feet, except as further defined by the specific type of ADU.

**Parking Design.** Parking spaces shall be generally designed to comply with PMC Section 19.62.020. However, tandem parking and parking within the rear and side yard setbacks (prohibited by local ordinance) are permitted unless findings can be made by City staff demonstrating that the design or location would create dangerous life or fire safety conditions. In addition, when a garage or carport is demolished or converted to an ADU, replacement parking is not required.

**Parking Waiver.** The ADU statutes require that parking requirements be waived within an architecturally and historically significant historic district, when on-street parking permits are required but not offered to the occupant of the ADU, or when there is a carshare vehicle located within one block of the ADU. None of these conditions would apply to Perris. However, the law also states that no ADU parking can be required when the property is within ½ mile walking distance of public transit. Public transit includes rail transport or bus lines with peak hour headways of 15 minutes or less. According to RTA, Route 19, which runs along Perris Blvd from Moreno Valley south to the Metrolink Station and then to 4<sup>th</sup> Street and the freeway, meets this standard. As a result, ADUs within ½ mile of the bus route would not be required to provide parking.

**Parking Exemption.** In addition, new parking shall be required when the existing unit does not meet the housing unit does not meet the local parking requirements or when existing required parking (a garage) is converted to an ADU.

## **Specific Types of Accessory Dwelling Units and Development and Operational Requirements**

Previous ADU statutes did not regulate ADUs by type. They also did not permit accessory dwelling units in multi-family projects and did not include JADUs.

**Junior Accessory Dwelling Units** or JADUs are smaller than ADUs and contained entirely within an existing or proposed single family dwelling. Unlike ADUs which must have their own bathroom facilities, a JADU may share a bathroom with the primary dwelling unit. JADUs can be constructed on single family sites that have either an Attached ADU or a Detached ADU. They are not permitted on single family sites with a Converted ADU or on multi-family sites. JADUs must provide an efficiency kitchen with a sink and areas for

food storage and preparation. Maximum size of a JADU is 500 sf and must be provided within the existing building envelop. However, the building envelop can be expanded by up to 150 sf to create an entrance. JADUs are not required to provide parking and property owners must live on site.

*Attached Single Family ADUs* share a wall or a portion of a wall with the Primary Dwelling or an existing accessory structure. When an Attached Single Family ADU is constructed, there may be up to 3 units, including the Primary Dwelling, 1 Attached ADU and 1 JADU. Maximum Unit Size is no more than 50% of the area in the existing Primary Dwelling. One parking space is required, except as modified by State mandated Parking Design Standards, Exemptions and Waivers.

*Detached Single Family ADUs* are located in new structures separate from the Primary Dwelling. The maximum number of dwellings permitted on a site with a Single Family Detached ADU would be 3 including the Primary Dwelling, 1 Detached ADU and 1 JADU. One parking space is required for the Detached ADU, except as modified by State mandated Parking Design Standards, Exemptions and Waivers

*Converted Single Family ADUs* are located within the existing Primary Dwelling. New construction in Converted ADUs is limited to 150 square feet which can only be used as an entrance. There is no limit on the size of the ADU. JADUs are not permitted when there is a Converted ADU, so only two units the Converted ADU and Primary Dwelling would be allowed on the site. No parking is required.

*Detached Multi-Family ADUs* must be located separate from the existing building in existing parking or other areas. Only two Detached ADUs can be constructed in a multi-family project. The maximum unit size is regulated by the number of bedrooms. One parking space is required for each unit, except as modified by State mandated Parking Design Standards, Exemptions and Waivers

*Converted Multi-Family ADUs* must be constructed within nonresidential areas of the building such as attics, utility rooms or basements. As in Converted Single Family ADUs, construction in Converted Multi-Family ADUs is limited to 150 square feet for an entrance. The number of new units that can be constructed is limited to 25% of the existing units on the site. All multi-family projects shall be allowed at least 1 Converted ADU. The new units are not required to provide additional parking.

### **Local Code Requirements**

Cities can also adopt development and operational standards that do not unreasonably restrict development of ADUs or JADUs. The following standards are included in Ordinance Amendment 21-05110.

- *Architectural Design.* ADUs and JADUs shall be designed to be compatible with the architectural style and materials used in the Primary Dwelling or Multi-family Project.
- *Building Height.* New construction ADUs shall have a building height not to exceed 16 feet above grade or the height of the first-floor ridgeline, whichever is greater.
- *Architecture for Garage Conversions.* When garages are converted to ADUs, the garage door for vehicles shall remain. A false wall shall be constructed parallel to the wall. The wall shall meet all California Building Code requirements for an exterior wall.
- *Kitchens for JADUs.* The State definition for JADU kitchens was expanded to include a wider variety of cooking appliances including not only a hot plate but microwaves or other similar cooking appliance.
- *Minimum Area for ADUs and JADUs.* The State Law requires that local regulations be large enough to allow an efficiency unit as defined by the California Building Code (CBC). In the most recent CBC update, efficiency units were eliminated. However, the CBC requires that any living space have 220 square feet plus 100 square feet per occupant. Consistent with these requirements, the draft ordinance includes a 320 square foot minimum area requirement for all ADUs and JADUs.
- *Fire Sprinklers.* Fire sprinklers are required in ADUs when the Primary Dwelling has a sprinkler system for fire prevention.
- *Short-Term Rentals.* Property owners will not be allowed to rent or lease any ADU or JADU for less than 30 days.

- *Covenant Requirement.* All ADUs and JADUs shall be required to record a covenant, approved by the City Attorney as to form, that describes the type of ADU or JADU approved and the unit size and attributes of the accessory dwelling or dwellings. The covenant shall also state that the unit may not be rented or leased for less than 30 days and sale or conveyance of the ADU separate from the Primary Dwelling or Multi-Family lot shall be prohibited. When a JADU is approved, the covenant shall state that the property owner shall be required to live on site in either the Primary Dwelling Unit, an ADU or the JADU.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

Adoption of an Accessory Dwelling Unit Ordinance in compliance with is considered Statutorily Exemption by PRC 21080.17 which states that the statute (CEQA) does not apply to the adoption of an ordinance by a city or county to implement the provisions of Government Code Sections 65852.2 and 65852.22.

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**BUDGET (or FISCAL) IMPACT:** Cost for staff preparation of this item is covered by the 2021-2022 Budget.

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Prepared by: Kenneth Phung, Planning Manager and  
Candida Neal, Interim Director of Development Services  
**REVIEWED BY:** Candida Neal, Interim Director of Development Services

City Attorney \_\_\_\_\_  
Assistant City Manager \_\_\_\_\_  
Finance Director \_\_\_\_\_

- Attachments:
1. Ordinance No. (Next in order) including Exhibit 1 - Retitle and Amendments to Chapter 19.81 of Title 19 of the Peris Municipal Code
  2. PC Submittal Report dated August 18, 2021  
Due to the size of the document, only the staff report is included as a hard copy. The entire staff report package is available online at:  
<https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-288>
  3. PC Submittal Report dated July 21, 2021 - Due to the size of the document, only the staff report is included as a hard copy. The entire staff report package is available online at:  
<https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-288>

**Public Hearing:** September 14, 2021

# **ATTACHMENT 1**

**Ordinance No. (Next in order)**

**ORDINANCE NUMBER next in order**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RETITLING AND AMENDING, IN ITS ENTIRETY, CHAPTER 19.81 (SECOND DWELLING UNITS) OF TITLE 19 OF THE PERRIS MUNICIPAL CODE IN ORDER TO UPDATE THE CITY'S ACCESSORY DWELLING UNIT AND JUNIOR DWELLING UNIT REGULATIONS SO THAT SUCH REGULATIONS ARE CONSISTENT WITH GOVERNMENT CODE SECTIONS 65852.2 AND 65852.22; TO FINDING THAT THIS ORDINANCE IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.17; AND MAKING FINDINGS RELATED THERETO.**

**WHEREAS**, the City of Perris supports and will assist the development of accessory dwelling units and junior accessory dwelling units by amending Chapter 19.81, Second Dwelling Units, to comply with Government Code Sections 65852.2 and 65852.22; and

**WHEREAS**, this Ordinance (Ordinance Amendment 21-05110) and its Exhibit 1 (collectively referred to as the "Ordinance") will retitle and amend, in its entirety, Chapter 19.81 (Second Dwelling Units) of Title 19 of the Perris Municipal Code in order to update the City's accessory dwelling unit and junior accessory dwelling unit regulations to be consistent with Government Code Sections 65852.2 and 65852.22; and

**WHEREAS**, on July 21, 2021 and August 18, 2021, the Planning Commission conducted a legally noticed public hearing for this Ordinance, which is attached hereto, and recommended approval of this Ordinance to City Council after considering all oral and written testimony from members of the public and City staff, including, but not limited to, all staff reports and exhibits and accompanying documents; and

**WHEREAS**, on \_\_\_\_\_, 2021, the City Council conducted a legally noticed public hearing for this Ordinance, and has considered all oral and written testimony from members of the public and City staff, including, but not limited to, all staff reports and exhibits and accompanying documents; and

**WHEREAS**, all legal prerequisites for the adoption of this Ordinance have occurred.

**NOW, THEREFORE, City Council of the City of Perris hereby ordains as follows:**

**Section 1.** The above recitals are all true and correct and are incorporated herein by this reference.

**Section 2.** The City Council has reviewed and considered this Ordinance. The City Council further finds and determines that the City has complied with the California

Environmental Quality Act and this Ordinance is Statutorily Exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 which states that CEQA does not apply to the adoption of an ordinance by a city or county to implement to provisions of Government Code Sections 65852.2. and 65852.22. This Ordinance is being adopted to implement provisions of Government Code Sections 65852.2. and 65852.22. This determination reflects the independent judgment of the City Council.

**Section 3.** Based upon the forgoing, all oral and written presentations made by members of the public and City staff, including, but not limited to, the agenda report and its attachments/exhibits, at the public hearing on \_\_\_\_\_, the City Council finds, regarding this Ordinance, as follows:

**Ordinance Amendment 21-05110:**

- A. This Ordinance will not result in a significant adverse effect on the environment. The California Environmental Quality Act (CEQA) states that the project is Statutorily Exempt pursuant to Public Resources Code Section 21080.17 which states that CEQA does not apply to the adoption of an ordinance by a city or county regulations to implement to provisions of Government Code Sections 65852.2. and 65852.22. This Ordinance is being adopted to implement provisions of Government Code Sections 65852.2. and 65852.22.
- B. This Ordinance will not conflict with the goals, policies, and implementation measures set forth in the General Plan and Zoning Ordinance because the purpose of the Ordinance is to support and promote affordable housing by encouraging the development of Accessory Dwelling Units and Junior Accessory Dwelling Units. The Zoning Code simplifies the requirements for constructing Accessory Dwelling Units and Junior Accessory Dwelling Units so that they will be compatible with the existing neighborhood.
- C. This Ordinance will not have a negative effect on public health, safety, or the general welfare of the community because the Accessory Dwelling Units and Junior Accessory Dwelling Units Ordinance in its entirety, simplifies the process for permitting these units and promotes development of affordable housing that enhance the built environment and support further the city goals for providing affordable housing that is compatible with the surrounding neighborhoods.

**Section 4.** Based upon the forgoing, all oral and written presentations made by members of the public and City staff, including, but not limited to, the agenda report and its attachments/exhibits, at the public hearing on \_\_\_\_\_, the City Council hereby approves this Ordinance (Ordinance Amendment 21-05110), which retitles and amends, in its entirety, Chapter 19.81 of Title 19 of the Perris Municipal Code as provided in Exhibit 1 of this Ordinance.

**Section 5.** Chapter 19.81 of Title 19 of the Perris Municipal Code is retitled and amended in its entirety as provided in Exhibit 1 of this Ordinance.

**Section 6.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Ordinance shall remain in full force and effect.

**Section 7.** The Mayor shall sign this Ordinance and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

**ADOPTED, SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Mayor, Michael J. Vargas

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy Salazar

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

I, **Nancy Salazar**, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number \_\_ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the \_\_ day of \_\_\_\_\_, 2021, by the following called vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
City Clerk, Nancy Salazar

Exhibit 1: Retitle and Amendments to Chapter 19.81 of Title 19 of the Peris Muincipal Code



# **EXHIBIT 1**

## **Retitle and Amendments to Chapter 19.81 of Title 19 of the Peris Municipal Code**

## **CHAPTER 19.81 – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

### **Sec. 19.81.010 – Purpose**

The purpose of this section is to establish regulations and procedures for reviewing permitting Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) consistent with California Government Code Section 65852.2 and 6852.22, or any successor statute.

### **Sec. 19.81.020 – Definitions**

#### **A**

*Accessory Dwelling Unit (ADU)* – is a dwelling unit that is either attached to, detached from, or contained within the principal dwelling unit located or proposed on a site zoned for residential use.

*Accessory Structure* – is a structure that is located on the same lot as the primary dwelling. An accessory structure may be either attached or detached from the primary dwelling and must have a use that is incidental to the main use. Examples of residential accessory uses include, but are not limited to, storage sheds, garages, studios.

*Attached ADU* – an accessory dwelling unit created by new construction that is attached to the primary dwelling unit by a shared wall, floor, or ceiling. Attached ADUs cannot be constructed in a multi-family project.

#### **B**

*By-right* – Zoning allows development to proceed without the need for a discretionary permit including but not limited to a conditional use permit, variance, or zoning amendment.

#### **C**

*Car Share Vehicle* – Car sharing organizations offer members use of cars on a short-term basis.

*Converted ADU* – an accessory dwelling unit created by the conversion of existing floor area within either the primary dwelling unit or an accessory structure or by total replacement of an existing accessory structure with an ADU.

#### **D**

*Detached ADU* – an accessory dwelling unit located on the same parcel and is created by new construction that is detached, or separate from, the primary dwelling unit. Detached ADUs may be constructed on single-family parcels or multi-family properties.

**E**

**Efficiency Kitchen** – For purposes of establishing a JADU, an efficiency kitchen shall be defined as an area that shall include a sink, food preparation counter and food storage area. A plug-in food preparation appliance, such as a microwave or hot plate, may also be provided.

**Existing Building Envelope** – The existing walls and roofs of a dwelling that separate interior space for exterior space. A space enclosed by at least two walls and a roof is within the existing building envelope.

**J**

**Junior Accessory Dwelling Unit (JADU)** – a dwelling unit accessory to and entirely contained within an existing or proposed single family dwelling. A JADU may have a bathroom or may share a bathroom with the Primary Dwelling Unit.

**K**

**Kitchen** – An area that includes a cooking appliance, sink, refrigerator and food preparation and storage area.

**M**

**Ministerial Action** – A permit application considered an approved without discretionary review or a hearing.

**Minor Adjustment** – Defined in Perris Municipal Code Section 19.54.020 (9), a minor adjustment to specific development standards may be approved by the Development Services Director.

**Multi-family Dwelling** – An existing building that contains more than one dwelling unit and is located within a zoning district that allows multi-family dwellings.

**P**

**Primary Dwelling Unit** – may be any of the following an existing single-family dwelling, a proposed single-family dwelling, or an existing multi-family structure.

**Proposed Dwelling** – a dwelling that has applied for a permit and that meets the requirements for permitting.

**Public Transit** – 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.

**T**

**Tandem parking** – When two or more vehicles are parked lined up one behind the other.

U

**Underlying Zoning** – The zoning district in which a parcel is located on the City of Perris Zoning Map or within a Specific Plan.

**Sec. 19.81.030 – Applicability**

Any construction, establishment, alteration, enlargement, or modification of an ADU or a JADU shall comply with the requirements of this chapter and the City’s building and fire codes. An ADU or JADU shall be deemed:

- (a) Consistent with the General Plan designation and zoning for the parcel on which the ADU or JADU is located.
- (b) Within the allowable density for the parcel on which the ADU or JADU is located.

**Sec. 19.81.040 – Review Authority**

- (a) *Building Permit Approval - Compliance with Underlying Zoning.* ADUs and JADUs that meet the applicable Development Standards described in this chapter and the requirements of the underlying zoning shall be approved by Building Permit review. Building permit approval is a ministerial action.
- (b) *Minor Adjustment Approval.* An ADU that exceeds the maximum height standards may be permitted subject to approval of a Minor Adjustment if the proposed unit meets the standards outlined in PMC Section 19.54.020 and it can be demonstrated that the proposed ADU is designed so that it does not negatively impact the neighboring properties.

**Sec. 19.81.050 – Location**

- (a) ADUs and Junior ADUs are permitted on sites that have an existing or primary dwelling unit and with underlying zoning that allow single-family homes by-right or conditional use.
- (b) ADUs are permitted on sites that have existing multi-family residences and with underlying zoning districts allow multi-family homes by-right.
- (c) Junior ADUs are not permitted on sites where a portion of the Primary Dwelling has been converted to an ADU.
- (d) Junior ADUs are not permitted on sites with multi-family projects.

**Sec. 19.81.060 – Development Standards for All ADUs.**

Except as modified by this Chapter all ADUs shall conform to the requirements of the underlying residential zoning district and the zoning code in addition to the standards listed below.

- (a) *Minimum Lot Area.* There shall be no minimum lot area required to establish an ADU and/or junior ADU.

- (b) **Building Height.** Shall not exceed 16 feet unless the proposed ADU is within the existing building envelope or permitted by Minor Adjustment approval.
- (c) **Minimum Unit Size.** Must have a minimum of 320 square feet floor area.
- (d) **Setbacks.** All units must have an entrance separate from the primary dwelling entrance.
  - a. Front yard. Determined by underlying zone.
  - b. Side and Rear yards. Minimum four feet or underlying zone requirement whichever is less.
  - c. When a property is adjacent to an alley, the side or rear yard setback may be reduced with the Minor Adjustment approval.
- (e) **Architectural Design.** The architectural design of the ADU shall be compatible with the architectural style and materials used in the Primary Dwelling.
- (f) **Exterior Entrance.** All units must have an entrance separate from the primary dwelling entrance.
- (g) **Garage Doors.** When garages are converted to ADUs or Junior ADUs the garage door for vehicles must be replaced with a wall that matches the existing architecture.
- (h) **Bathroom.** A separate bathroom is required.
- (i) **Kitchen.** A kitchen area is required.
- (j) **Fire Sprinklers.** Fire sprinklers are required when the Primary Dwelling Unit has fire sprinklers.
- (k) **Underlying Zoning Standards.** Lot coverage, distance requirements between structures and other standards established by the underlying zoning may be applied so long as the application of the requirements do not prohibit construction of an ADU with a floor area that is eight hundred (800) square feet or less, or a peak height above grade that is no more than sixteen (16) feet, or with side and rear yard setbacks that are no less than four (4) feet.

**Sec. 19.81.070 – Specific Development Standards for Single-Family – Attached ADUs**

In addition to the Development Standards outlined in Section 19.81.060, Attached ADUs shall comply with the following standards.

- (a) **Zoning.** ADUs are allowed in any zoning that permits a single-family residence by-right.
- (b) **Maximum Number of Units on a Site.** No more than 1 Primary Dwelling Unit, 1 Attached ADU are permitted.
- (c) **Maximum Unit Size.** The attached ADU shall have an area no more than 50% of the floor area in the primary dwelling.
  - a. Studios and 1-bedroom units – 850 square feet.
  - b. More than 1-bedroom units – 1,000 square feet.
- (d) **Parking Requirements.** Except as provided in Section 19.81.120, one parking space shall be required.

**Sec. 19.81. 080 – Specific Development Standards for Single-Family – Detached ADUs**

In addition to the Development Standards outlined in Section 19.81.060, Detached ADUs shall comply with the following standards.

- (a) **Zoning.** ADUs are allowed in any zoning that permits a single-family residence by-right.
- (b) **Maximum Number of Units on a Site.** No more than 1 Primary Dwelling Unit, 1 Detached ADU and 1 JADU are permitted.
- (c) **Maximum Unit Size.**
  - a. Studios and 1-bedroom units – 850 square feet.

- b. More than 1-bedroom units – 1,000 square feet.
- (d) *Setbacks*. underlying
  - a. Front yard. Determined by underlying zone.
  - b. Side and Rear yards. Minimum four feet or underlying zone whichever is less.
  - c. When a property is adjacent to an alley, the side or rear yard setback may be reduced with the Minor Adjustment approval.
- (e) *Parking Requirements*. Except as provided in Section 19.81.120, one parking space shall be required.

**Sec. 19.81.090 – Specific Development Standards for Single-Family – Converted ADUs**

In addition to the Development Standards outlined in Section 19.81.060, Converted ADUs shall comply with the following standards.

- (a) *Zoning*. ADUs and JADUs are allowed in any zoning that permits a single-family residence by-right.
- (b) *Maximum Number of Units on a Site*. No more than 1 Primary Dwelling Unit and 1 Converted ADU. No JADUs are permitted.
- (c) *Maximum Size*. No Limit.
- (d) *Building Envelope*. The Converted ADU must be constructed within the existing floor area of the Primary Dwelling.
- (e) *Additional Floor Area*. Building envelope may be increased by up to 150 square feet to accommodate a new entrance to the Converted ADU.
- (f) *Setbacks*. Determined by underlying zone.
- (g) *Parking Requirements*
  - a. Primary Dwelling. When a garage is converted to an ADU, the parking for the Primary Dwelling does not have to be replaced.
  - b. ADU. None.

**Sec. 19.81.100 – Specific Development Standards for JADUs**

In addition to the Development Standards outlined in Section 19.81.060, JADUs ADUs shall comply with the following standards.

- (a) *Zoning*. JADUs are allowed in any zoning that permits a single-family residence by-right.
- (b) *Maximum Number of JADUs on a site*. One.
- (c) *Maximum Unit Size*. The maximum floor area of a JADU shall not exceed 500 square feet.
- (d) *Building Envelope*. The JADU must be constructed within the existing building envelope of the Primary Dwelling.
- (e) *Additional Floor Area*. Building envelope may be increased by up to 150 square feet to accommodate a new entrance to the JADU. JADU total area shall not exceed the maximum size defined in Section 1981.100(c).
- (f) *Exterior Entrance*. JADU must have an entrance separate from the Primary Dwelling entrance.
- (g) *Parking Requirements*. None.

**Sec. 19.81.110 – Specific Development Standards for ADUs in Multi-Family Sites**

In addition to the Development Standards outlined in Section 19.81.060, Multi-family ADUs shall comply with the following standards.

- (a) *Zoning*. ADUs are allowed on residential and mixed use zoned properties with existing multi-family dwellings.
- (b) *Maximum Number of Units*.
  - a. *Converted Units* – At least one and no more than 25% of the existing number of units.
  - b. *Detached Units* – Two.
- (c) *Location*.
  - a. Site must have an existing multi-family structure and
  - b. ADUs must be located within portions of the structure that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, and garages.
- (d) *Multi-Family Sites*. The number of new multi-family units permitted in a multi-family project shall not exceed 25% of the existing multi-family units and shall be calculated in the following manner:
  - a. Previously approved ADUs shall not count towards the existing multi-family dwellings.
  - b. Fractions shall be rounded down to the next lower number of dwelling units, except that at least one ADU shall be permitted; and
  - c. Multi-family projects approved and built as a single complex shall be considered one lot, regardless of the number of parcels or buildings.
- (e) *Maximum Unit Size*.
  - a. Studios and 1-bedroom units – 850 square feet.
  - b. More than 1-bedroom units – 1,000 square feet.
- (f) *Type of ADUs*.
  - a. Permitted. Converted or Detached ADUs
  - b. Prohibited. Attached ADUs and JADUs
- (g) *Parking Requirements*.
  - a. *Converted Units* – None.
  - b. *Detached Units* – One per ADU.

**Sec. 19.81.120 – Parking Standards**

- (a) *Parking Requirements*. Parking shall comply with Chapter 19.69.020, except as modified by the requirements of this Chapter.
  - a. Unless, the requirement is exempted or waived by other provisions of this Chapter, each ADU shall have one designated off-street parking space.
  - b. Tandem parking and parking within the rear and side yard setbacks are permitted unless findings can be made by City staff demonstrating that the design or location would create dangerous life or fire safety conditions.
  - c. When a garage or carport is demolished or converted to an ADU, replacement parking is not required.
- (b) *Parking Not Required*. ADUs do not need to provide parking when one of the following standards is met.
  - a. The property is within ½ mile walking distance of public transit, or
  - b. The ADU is within an architecturally and historically significant historic district.

- c. The ADU is part of the Primary Dwelling or an accessory structure.
- d. When on-street parking permits are required but not offered to the occupant of the ADU.
- e. When there is a carshare vehicle located within one block of the ADU.

**Sec. 19.81.130 – Operational Requirements for All ADUs and JADUs.**

**(a) *No Separate Conveyance.***

- a. Single-Family ADUs and JADUs. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling.
- b. Multi-Family ADUs. An ADU may be rented, but no ADU may be sold or otherwise conveyed separately from the lot and the other dwellings.

**(b) *Short-Term Lodging.*** An ADU or JADU permitted by this Chapter shall not be rented for periods of thirty (30) days or less.

**(c) *Covenant and Recordation.***

Prior to issuance of a building and/or grading permit for an ADU, the property owner shall record a covenant with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. This deed restriction shall remain in effect so long as the ADU and/or junior accessory unit remains on the lot. The deed restriction document shall notify future owners of the following:

- a. Prohibition on the separate conveyance of the property,
- b. Approved size and attributes of the units or units,
- c. Restrictions on short-term rentals, and
- d. One unit on the property must be owner-occupied when a JADU is on the site.

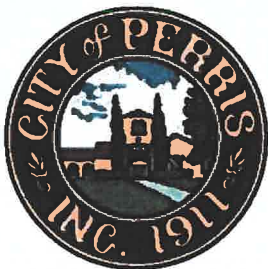


## ATTACHMENT 2

PC Submittal Report dated August 18,  
2021

*Due to the size of the document, only the staff report is included as a hard copy. The entire staff report package is available online at:*

<https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-288>



# CITY OF PERRIS

## PLANNING COMISION

### AGENDA SUBMITAL

**MEETING DATE:** August 18, 2021

**SUBJECT:** **Ordinance Amendment 21-05110** – An Ordinance Amendment to comprehensively update Chapter 19.81 of the zoning code to regulate secondary dwelling units in compliance with State law and in support of the Regional Housing Needs Assessment of the City.

**Applicant:** City of Perris

**REQUESTED ACTION:** **Adopt Resolution No. 21-15** recommending adoption of Ordinance Amendment No 21-05110 repealing and replacing Perris Municipal Code Section 19.81 – Second Dwelling Units with Perris Municipal Code Section 19.81 – Accessory Dwelling Units and Junior Accessory Dwelling Units.

**CONTACT:** Candida Neal, Interim Director Development Services Department

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#### **PROJECT DESCRIPTION AND BACKGROUND:**

On January 1, 2020, changes to Government Code Sections 65852.2 and 65852.22 went into effect. These changes modified the permitting and regulation of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) and made null and void any ordinance that was not in revised statutes. As a result, for the past eighteen months the City has been relying on the State legislation to regulate ADUs and JADUs.

To comply with the new state mandates, Zone Text Amendment 21-05110 will replace Perris Municipal Code (PMC) Section 19.81 – Second Dwelling Units with PMC Section 19.81 – Accessory Dwelling Units. Consistent with State law, the zoning amendment will allow ADUs in any area zoned for single family residential uses and allow ADUs to be constructed in existing multi-family projects.

On July 21, 2021, the Planning Commission held a public hearing on Zone Text Amendment 21-15 and continued the public hearing to allow staff time to provide additional information.

#### **ANALYSIS:**

##### **Planning Commission Questions**

To respond to the Planning Commission questions, staff reviewed the *Accessory Dwelling Unit Handbook*, December 2020 and contacted California Housing and Community Development

(HCD) staff for clarification on Planning Commission concerns. The concerns and the HCD staff responses are described below.

***One Block Definition***

GC 85852.2 (d)(1) states that local government cannot require accessory dwelling units to provide parking when . . . *there is a car share vehicle located within one block of the accessory dwelling unit.*

- Can a community define what a block is?

ADU staff response was that the Government Code Section established the distance as one city block and that is the distance required. Any further definition could be in conflict with the Statute.

- Can a community can establish a distance requirement for the block requirement?

During the discussion, Planning Commissioners recognized that blocks length varies from one area to another and considered establishing a specific distance. However, ADU staff indicated that establishing a specific distance could place an undue burden on the construction of Accessory Dwelling Units.

***Ministerial Approval***

GC 85852.2 (a)(3) A permit application for an accessory dwelling unit or a junior Accessory dwelling unit shall be considered and *approved ministerially without discretionary review or a hearing.*

- Perris Planning Division currently reviews all residential building requests, new construction, additions or modifications for zoning code compliance. If the local Ordinance requires that the new ADU be compatible with the architecture of the primary structure, is this considered a discretionary action?

Local government may apply development and design standards as part of a ministerial review that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources.

***Short Term Rental Limits***

- Do cities have to include a provision that the property will not be rented for less than 30 days?

Cities do not have to prohibit short term rentals. However, if it is the City's intent to reserve the ADUs for local residents, limits should be included in the City ADU Ordinance.

- If this limitation is not included, will it impact the City's ability to count the ADU as an affordable housing unit?

Once the unit is permitted, there is no control over how it is used. In meeting local RHNA requirements, the City will have to use your local data and knowledge as to what income group this unit is actually serving.

***Minimum Size***

The City of Perris is interested in establishing a minimum unit size based on occupancy. It would be 320 and based on the California Building Code occupancy requirements which are 220 sf for the unit + 100 sf for person.

- Can cities establish a minimum unit size for all JADUs and Converted ADUs as well? Cities can establish minimum and maximum size requirements, but they cannot be tied to actual occupancy. For example, the Ordinance can establish a minimum size of 320 square feet. Communities cannot enforce the California Building Code Occupancy requirements and an ADU ordinance cannot limit the maximum number of people that reside in a unit.

However, a local ADU Ordinances can also establish maximum sizes for some types of ADUs. Without an ADU ordinance, cities must allow any ADU that is no more than 1,200 square feet. By adopting an ADU ordinance a city can limit the maximum size to 1,000 square feet. Cities cannot limit the size of Converted ADUs either in single family dwellings or multi-family projects.

**Ordinance Changes**

At their July meeting, Planning Commission directed staff to make the specific changes to the draft ordinance. After consultation with HCD, only one substantive change was made to the draft ordinance. Section 19.81.100(e) was revised as follows:

*Additional Floor Area.* Building envelope may be increased by up to 150 square feet to accommodate a new entrance. JADU total area shall not exceed the maximum size defined in Section 19.81.100(c).

**Supplemental Materials**

The Planning Commission also suggested that staff review supplemental materials that will help explain the Ordinance and ADUs to the public. Staff is working on a matrix that will list all the development standards by type of ADU. In addition, staff is investigating programs that provide pre-approved plans for ADUs.

**RECOMMENDATION:**

Staff recommends the Planning Commission adopt Resolution No. 20-15 recommending to the City Council approval of Ordinance Amendment 21-05110.

**BUDGET (or FISCAL) IMPACT:** Costs for staff preparation of this item are included in the General Fund Budget.

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**Prepared by:** Kenneth Phung, Planning Manager and  
Candida Neal, Interim Development Services Director

**REVIEWED BY:** Candida Neal, Interim Development Services Director

~~Exhibits: Exhibit A – Planning Commission Resolution  
Exhibit B – City Council Ordinance  
Exhibit C – Draft ADU Ordinance  
Exhibit D – Planning Commission Agenda Submittal July 21, 2021~~

## ATTACHMENT 3

PC Submittal Report dated July 21, 2021

*Due to the size of the document, only the staff report is included as a hard copy. The entire staff report package is available online at:*

<https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-288>



# CITY OF PERRIS

## PLANNING COMMISSION

### AGENDA SUBMITTAL

**MEETING DATE:** July 21, 2021

**SUBJECT:** **Ordinance Amendment 21-05110** – An Ordinance Amendment to retitle and amend, in its entirety, Chapter 19.81 (Second Dwelling Units) of Title 19 of the Perris Municipal Code in order to update the City’s accessory dwelling unit and junior accessory dwelling unit regulations so that such regulations are consistent with Government Code Sections 65852.2 and 65852.22.

**Applicant:** City of Perris

**REQUESTED ACTION:** **Adopt Resolution No. (next in order)** recommending that the City Council find that Ordinance Amendment No. 21-05110 is Statutorily Exempt from CEQA pursuant to Public Resources Code Section 21080.17 and adopt Ordinance No. (Next in Order) retitling and amending, in its entirety, Chapter 19.81 (Second Dwelling Units) of Title 19 of the Perris Municipal Code, which retitles Chapter 19.81 to “Accessory Dwelling Units and Junior Accessory Dwelling Units” and updates the City’s accessory dwelling unit and junior accessory dwelling unit regulations so that such regulations are consistent with Government Code Sections 65852.2 and 65852.22.

**CONTACT:** Candida Neal, Interim Director Development Services Department

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#### **PROJECT DESCRIPTION AND BACKGROUND:**

On January 1, 2020, changes to Government Code Sections 65852.2 and 65852.22 went into effect. These changes modified the permitting and regulation of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) and made null and void any ordinance that was not in revised statutes. As a result, for the past eighteen months the City has been relying on the State legislation to regulate ADUs and JADUs.

To comply with the new state mandates, Ordinance Amendment 21-05110 will retitle and amend, in its entirety, Chapter 19.81 (Second Dwelling Units) of Title 19 of the Perris Municipal Code (PMC). Chapter 19.81 will be retitled to “Accessory Dwelling Units and Junior Accessory Dwelling Units.” Further, Chapter 19.81 will be amended in its entirety to be consistent with State law. The proposed Ordinance Amendment 21-05110 will allow ADUs in any area zoned for single family residential uses and allow ADUs to be constructed in existing multi-family projects.

#### **ANALYSIS:**

##### **Types of ADUS**

State Accessory Dwelling Unit statutes define six types of units and establish location requirements, development standards and parking regulations based on the following:

- **Junior Accessory Dwelling Units** or JADUs are not permitted by the current zoning code, JADUs are smaller than ADUs and contained entirely within an existing or proposed single family dwelling. Unlike ADUs which must have their own bathroom facilities, a JADU may share a bathroom with the primary dwelling unit. JADUs can be constructed on single family sites that have either an Attached ADU or a Detached ADU. They are not permitted on single family sites with a Converted Unit or on a multi family site.
- **Single Family ADUs** are allowed on any site with an existing or proposed single family dwelling. They can be one of three types:
  - *Attached Single Family ADUs* share a wall or a portion of a wall with the Primary Dwelling or an existing accessory structure; or
  - *Detached Single Family ADUs* are located in structures separate from the Primary Dwelling; or
  - *Converted Single Family ADUs* are located within the existing Primary Dwelling. New construction in Converted ADUs is limited to 150 square feet. The new area can only be used for entrances.
- **Multi-Family ADUs** are allowed on properties with multi-family homes or mixed use development and can be either Detached Multi-Family Units or Converted Multi-Family Family ADUs. Converted units must be constructed within nonresidential areas of the building such as attics, utility rooms or basements.

#### **State Government Code Requirements**

The amendments to Government Code Sections 65852.2 and 65852.22 encourage development of additional housing by reducing and eliminating restrictions on ADUs and JADUs. Cities can only modify these conditions to make them less restrictive. For example, a City could reduce the number of parking spaces required for an Single Family Attached ADU to zero, but could not increase the standard to 2 spaces. These regulations are incorporated into Ordinance Amendment 21-05110 and discussed below.

- **Ministerial Review Process.** State law requires cities to review all ADU and JADU applications through administrative process. Time limits ensure that the ADU or JADU is approved or denied within 60 days of submitting a complete application.
- **Location.** Cities must allow ADUs and JADUs in any single-family residential, multi-family or mixed-use zoning district that allows residential uses by right or with a conditional use permit. Minimum lot size requirements are prohibited.
- **Development Standards of the Underlying Zoning.** Cities are allowed to enforce the development standards of the underlying zoning such as setback requirements, height restrictions and lot coverage as long as enforcement of those standards does not prevent construction of an ADU that meets the following standards:
  - Floor area of 800 square feet or less,
  - Above-grade height of 16 feet or less, and
  - Rear and side yard setbacks no less than 4 feet.
- **Maximum Number of Dwellings on Site.**
  - Single Family Sites an Attached ADU or a Detached ADU can also construct a JADU for a total of three dwelling units on the site.
  - Single Family Sites a Converted ADU cannot construct a JADU and will be limited to two dwelling units on the site.
  - Multi-Family Projects can have 2 Detached Units. Maximum number of Converted ADUs on a multi-family site is 25% of the total units. Duplexes and triplexes are allowed to construct one Converted ADU.



- **Maximum Unit Size.**
  - JADUs – 500 square feet.
  - Single-Family Attached ADU – No more than 50% of the floor area in the Primary Dwelling Unit *and* 850 square feet for studio and one-bedroom units and 1,000 square feet for two-bedroom units.
  - Single-Family Detached and Converted ADU, Multi-family Attached and Detached ADU – 850 square feet for studio and one-bedroom units and 1,000 square feet for two-bedroom units.
- **Setbacks.** Front yard setbacks are regulated by the underlying zoning. Rear and side yards shall be either four feet or meet the standards set by the underlying zoning whichever is less.
- **Parking Space Requirements**
  - JADUs – None.
  - Single-Family Attached ADU and Detached – One.
  - Single-Family Converted ADU – None.
  - Multi-family Detached ADU– One.
  - Multi-family Detached ADU– None.
- **Parking Design Standards**
  - Tandem parking is permitted
  - Parking within required rear or side yard setbacks is permitted unless the City can demonstrate that the design or location would create dangerous life or fire safety conditions.
- **Parking Exemptions.** Parking spaces must be located and designed in compliance with the City’s parking standards except as modified by the following:
  - Within ½ mile walking distance of public transit.
  - Part of an architecturally and historically significant historic district.
  - Where on-street parking permits are required but not offered to the occupant of the ADU.
  - When there is a carshare vehicle located within one block of the ADU.
- **Parking Waivers.** ADUs are not required to provide parking when the residence meets one of the following criteria:
  - Is located within ½ mile walking distance of public transit.
  - Is part of an architecturally and historically significant historic district.
  - Is located in an area where on-street parking permits are required but not offered to the occupant of the ADU.
  - When there is a carshare vehicle located within one block of the ADU.
- **Operational Standards.** Units permitted under this ordinance shall comply with the following operational standards:
  - The ADU or JADU may not be sold or otherwise conveyed separately from the lot and the Primary Dwelling.
  - The ADU or JADU shall not be rented for periods of thirty days or less.

**Local Code Requirements**

Cities can establish local development and operational standards that do not unreasonably restrict the development of ADUs. The following standards are included in Ordinance Amendment 21-05110.

- **Exterior Entrance.** All ADUs and JADUs shall have a separate exterior entrance.
- **Architectural Design.** ADUs and JADUs shall be designed to be compatible with the architectural style and materials used in the Primary Dwelling.
- **Building Height.** New construction ADUs shall have a building height not to exceed 16 feet above

grade. An additional 4 feet may be permitted through the Minor Adjustment approval if it can be demonstrated that the additional height will not impact the privacy of the adjacent neighbors.

- **Architecture for Garage Conversions.** When garages are converted to ADUS, the garage door for vehicles shall be removed and replaced with a wall that matches the Primary Dwelling.
- **Minimum Area for ADUs and JADUs.** State Law requires that local regulations not be large enough to allow an efficiency unit as defined by the California Building Code (CBC). In the most recent CBC update, efficiency units were eliminated. However, the CBC requires that any living space have 220 square feet plus 100 square feet per occupant. Consistent with these requirements, staff proposed a 320 square foot minimum area requirement.
- **Bathrooms.** All ADUs shall have a bathroom with a sink, toilet and shower or bath tub. JADUs may share a bathroom with the Primary Dwelling.
- **Kitchens.** All ADUs shall have a kitchen with a sink, refrigerator, cooking appliance and food preparation area. JADUs shall have a sink and an area for food storage and preparation and small cooking appliance such as a hot plate.
- **Fire Sprinklers.** Fire sprinklers are required in ADUS when the Primary Dwelling has a sprinkler system for fire prevention.
- **Deed Restriction.** A deed restriction recording the approved size and attributes of the accessory dwelling or dwellings and describing the restrictions on short-term rentals and prohibitions on the sale or conveyance of the ADU separate from the Primary Dwelling or lot.

#### **ENVIRONMENTAL CONSIDERATIONS AND CEQA PROCESS**

Adoption of an Accessory Dwelling Unit Ordinance in compliance with Government Code Sections 65852.2 and 65852.22 is statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.17, which states that the statute (CEQA) does not apply to the adoption of an ordinance by a city or county to implement the provisions of Government Code Sections 65852.2 and 65852.22.

#### **RECOMMENDATION:**

Staff recommends the Planning Commission adopt Resolution No. (next in order) recommending to the City Council find that Ordinance Amendment No. 21-05110 is Statutorily Exemption from CEQA .

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**BUDGET (or FISCAL) IMPACT:** Costs for staff preparation of this item are included in the General Fund Budget.

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Prepared by:                    Kenneth Phung, Planning Manager and  
   Candida Neal, Interim Development Services Director

**REVIEWED BY:**            Candida Neal, Interim Development Services Director

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Exhibits:            Exhibit A -    ~~Resolution Recommending the City Council find that Ordinance Amendment No. 21-05110 is Statutorily Exemption from CEQA and adopt Ordinance No. (Next in order)~~

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~~Exhibit B – City Council Ordinance No. (Next in Order) which adopts Ordinance Amendment 21-05110, which is Attachment A to the Resolution~~

~~Exhibit C – Exhibit 1 to the Ordinance.~~