



CITY COUNCIL STAFF REPORT

TO: Honorable Mayor and City Council **DATE:** July 6, 2020

FROM: Matthew Bronson, City Manager

PREPARED BY: Bruce Buckingham, Community Development Director
A. Rafael Castillo, AICP, Senior Planner

SUBJECT: Second Reading of an Ordinance to Amend Municipal Code Article IX (Development Code) to Update Regulations Pertaining to Accessory Dwelling Units, Accessory Structures, Allow for Tiny Homes, and other Minor Amendments, and Approve a Local Coastal Program Amendment

RECOMMENDATION

- 1) Conduct second reading, by title only, and adopt the Ordinance amending Grover Beach Municipal Code, Article IX (Accessory Dwelling Unit and related sections); and
 - 2) Adopt the Resolution approving a Local Coastal Program Amendment.
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BACKGROUND

At the June 22, 2020 Council meeting, the City Council conducted a public hearing, and introduced and conducted a first reading, by title only, of Ordinance 20-04 amending Article IX of the Grover Beach Municipal Code adopted regulations for Accessory Dwelling Units (ADUs) and other related sections. The amendment to Article IX requires the Council adopt a resolution to approve a Local Coastal Program (LCP) Amendment. The California Coastal Commission will consider the LCP Amendment in September 2020. Staff is requesting that the Council conduct second reading of the Ordinance, by title only, and adopt the Resolution to approve the LCP Amendment.

Ordinance Revisions

At the June 22nd meeting, the Council voted to adopt the ordinance with a minor revision to increase the maximum size from 1,000 to 1,200 square feet for either attached or detached ADUs. Staff is recommending a definition in Section 9.10.020 also be amended to ensure consistency throughout the Development Code as follows:

Dwelling, Dwelling Unit, or Unit. A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen **(with the exception of Accessory Dwellings and Tiny Homes, as defined further in this section)**, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

This proposed amendment to the first reading is considered nominal and does not affect the remaining proposed ordinance amendments.

Ordinance Effective Date

Following the adoption of the ordinance, staff will forward the LCP amendment to the Coastal Commission which will consider the amendment at the Commission's September meeting. The ordinance would become effective the day after Coastal Commission action.

ALTERNATIVES

The City Council has the following alternatives:

1. Conduct second reading, by title only, and adopt Ordinance No. 20-04 amending Article IX of the Municipal Code to regulate Accessory Dwelling Units (ADUs) and other related sections; and
2. Adopt the Resolution approving a Local Coastal Program Amendment; or
3. Do not adopt Ordinance and related Resolution approving a Local Coastal Program Amendment; or
4. Provide alternative direction to staff.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act.

ATTACHMENTS

1. Ordinance No. 20-04
2. Local Coastal Program Amendment Resolution

ORDINANCE NO. 20-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, REPEALING SECTION 4.10.170 OF CHAPTER 4 OF ARTICLE IX DEVELOPMENT CODE, AND AMENDING SECTIONS 2.20.030, 2.20.040, OF CHAPTER 2 OF ARTICLE IX, DEVELOPMENT CODE, AMENDING SECTIONS 3.50.040, 3.50.070 OF CHAPTER 3 OF ARTICLE IX, DEVELOPMENT CODE, AMENDING SECTION 4.10.030 AND SECTION 4.10.185 AND ADDING NEW SECTION 4.10.015, ACCESSORY DWELLING UNITS AND 4.10.215, TINY HOMES ON RESIDENTIAL LOTS OF CHAPTER 4 OF ARTICLE IX DEVELOPMENT CODE, AND AMENDING SECTION 9.10.020 OF CHAPTER 9, OF ARTICLE IX, DEVELOPMENT CODE, OF THE GROVER BEACH MUNICIPAL CODE

WHEREAS, the City of Grover Beach is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the municipal authority to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, the public morals or public safety; and

WHEREAS, comprehensive zoning and land use regulations lie within the City's municipal authority; and

WHEREAS, accessory and junior accessory dwelling units contribute needed housing within the City and assist in meeting the City Regional Housing Needs Allocation for low and moderate income housing; and

WHEREAS, accessory and junior accessory dwelling units that conform to this ordinance are deemed an accessory use; and

WHEREAS, the proposed amendments are consistent with the City's adopted General Plan Land Use Element and other relevant policies; and

WHEREAS, the Accessory Dwelling Unit ordinance amendments are exempt under California Public Resources Code Section 21080.17 (Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units), which states that: "This division [the California Environmental Quality Act (CEQA)] does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code." Pursuant to this statute, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 of the Government Code, which regulates accessory dwelling units (ADUs) and by incorporation into Section 65852.2, junior accessory dwelling units (JADUs) (as defined by Government Code Section 65852.22); and

WHEREAS the amendments to allow tiny homes are likely to result in a few additional dwelling units dispersed throughout the City. As such, to the extent tiny homes fall outside of the regulations of Government Code Sections 65852.1 and 65852.2, it can be seen with certainty that the proposed action will not have the potential for causing a significant effect on the environment

and no review under CEQA is needed per CEQA Guideline Sections, 15061(b)(3), and Sections 15301, 15303 and 15305; and

WHEREAS, the short term rental amendments are not a project within the meaning of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) Section 15378 because the amendments will not result an direct or indirect physical change in the environment and does not involve an irrevocable commitment of resources by the City; and

WHEREAS, this Code amendment requires a Local Coastal Program Amendment; and

WHEREAS, the Planning Commission held a public hearing on May 27, 2020 and recommended the City Council approve the Development Code and Local Coastal Program amendments; and

WHEREAS, the City Council conducted an introduction and first reading of the Development Code and Local Coastal Program amendments on June 22, 2020; and;

WHEREAS, the City Council conducted a public hearing and second reading and adoption of the Development Code and Local Coastal Program amendments on July 6, 2020; and

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROVER BEACH AS FOLLOWS:

PART 1. Section 2.20.030, Residential Zones Allowable Land Uses and Permit Requirements, of Chapter 2 of Article IX Development Code, is hereby amended with the following:

2.20.030 Residential Zones Allowable Land Uses and Permit Requirements

Table 2.2. Residential Zones Allowable Land Uses and Permit Requirements							
Land Use	R1	CPR1 ¹ / CR1 ¹	R2	CR2 ¹	R3	CR3 ¹	Specific Use Regulations
Residential							
<u>Accessory Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Section 4.10.015</u>
Accessory Structure	P	P	P	P	P	P	Section 4.10.030
Boarding House	--	--	--	--	UP	UP	
Day Care - Large Family Home	AUP	AUP	AUP	AUP	AUP	AUP	Section 4.10.070
Day Care - Small Family Home	P	P	P	P	P	P	
High Occupancy Residential Use	--	--	--	--	UP	UP	Section 4.10.060
Home Occupation	P	P	P	P	P	P	Section 6.20.070
Multi-family Dwelling	--	--	P	P	P	P	Section 4.10.120
Residential Care 1-6 clients	P	P	P	P	P	P	
Residential Care – 7 or more clients	--	--	--	--	UP	UP	
Residential Common Area Developments (PUDs)	--	--	P	P	P	P	Section 4.30
<u>Second Residential Dwelling</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Section 4.10.170</u>
Short-Term Rental	P	P	P	P	P	P	Section 4.10.185

Single Family Dwelling	P ²	P ²	P	P	P	P	Section 2.20.050
Single Room Occupancy Facility	--	--	UP	UP	UP	UP	Section 4.10.200
Senior Housing	--	--	UP	UP	UP	UP	Section 4.10.180
Tiny Homes	P	P	P	P	P	P	Section 4.10.215
Transitional & Supportive Housing	P	P	P	P	P	P	
Recreational, Education & Public Assembly							
Community Gardens	P	P	P	P	P	P	
Meeting Facility, public or private	UP	UP	UP	UP	UP	UP	
Park, Playground (public)	UP	UP	UP	UP	UP	UP	
Public or Quasi-public Facility	UP	UP	UP	UP	UP	UP	
Transportation & Infrastructure							
Parking Facility	--	--	UP	--	UP	--	
Telecommunication Facility	UP	UP	UP	UP	UP	UP	Section 4.40
End Note							
1. Projects located in the Coastal Zone may require a Coastal Development Permit (See Section 6.20.040).							
2. New construction or additions to single family dwellings north of West Grand Avenue that exceed 16 45 feet in height as measured in Section 3.10.030.C. require approval of a Development Permit (See Chapter 6 Procedures).							
Legend							
P Permitted Use							
UP Use Permit Required							
-- Use Not Allowed							

PART 2. Section 2.20.040, Residential Zones Development Standards, of Chapter 2 of Article IX Development Code, is hereby amended with the following:

2.20.040 Residential Zones Development Standards

Table 2.3 Residential Zones Development Standards							
	R1	CPR1/ CR1	R2	CR2	R3	CR3	Specific Regulations
Building Placement Requirements							
Setbacks (minimum)							
Front	20' ¹	20' ¹	15' ¹	15' ¹	15'	15'	
Side	5'	5'	5'	5'	5'	5'	
Street Side	10'	10'	10'	10'	10'	10'	
Street Side (garage door facing the street)	20'	20'	20'	20'	20'	20'	
Rear	10'	10'	10'	10'	10'	10'	
Second floor roof decks (from floor below)	3'	3'	--	--	--	--	Section 2.20.060
Building Form Requirements							
Building Height (maximum)							Section 3.10.030
North of Grand Ave	16 15' ²	16 15' ²	25'	25'	32'	32'	
South of Grand Ave	25'	25'	25'	25'	32'	32'	
Accessory Structure (detached)	16'	16'	16'	16'	16'	16'	<u>Section 4.10.030</u>

<u>Accessory Dwelling Units</u>	<u>16' 2</u>	<u>16' 2</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25''</u>	<u>Section 4.10.015</u>
Lot Coverage (maximum)	45%	45%	50%	50%	60%	60%	
Density Requirements							
Density (units/acre) ³	5	5	9	9	20	20	
Lot Requirements							
Lot Size (minimum square feet)							
Residential	6,000	6,000	6,000	6,000	6,000	6,000	
Non-Residential Uses	20,000	20,000	20,000	20,000	20,000	20,000	
Lot Width (Minimum)							
Residential	60'	60'	60'	60'	60'	60'	
Non-Residential Uses	100'	100'	100'	100'	60'	60'	
Lot Depth (minimum)	90'	90'	90'	90'	100'	100'	
Other Requirements							
Landscaping	40%	40%	35%	35%	20%	20%	Section 3.30
Fences, Walls & Screening	See Section 3.10.020						
Parking	See Section 3.50						
End Note							
<ol style="list-style-type: none"> The Review Authority may approve a reduction to front setbacks of 3 feet (5 feet on cul-de-sacs) to create a variation in setbacks in an existing neighborhood or proposed development, except for garages, which shall have a minimum 20 foot setback. New construction or additions to structures single family dwellings north of West Grand Avenue that exceed 45 <u>16</u> feet in height as measured in Section 3.10.030.C. require approval of a Development Permit (See Chapter 6 Procedures). “Gross Acreage” shall be defined as the entire area of a lot measured to the center line of the street and including all rights of way or easements granted to the City or other public agencies; and <ol style="list-style-type: none"> All density calculations which result in a remainder number which is 0.9 or larger shall be rounded up to the next whole number and where two or more lots are combined, the unit increase shall be rounded up based upon lot calculation of one lot (for example, when two lots have a calculation of 1.9 and 1.9, the total number of units shall be rounded up to 4 units); and all calculations which result in a number higher than 0.4 and lower than 0.9 may be rounded up to the next whole number as a development incentive or density bonus when the project includes an affordable housing component for moderate income rental or for sale units; and all density calculations which result in a remainder which is 0.5 or larger shall be rounded up to the next larger number of units when the neighborhood is more than 50% developed with multi-family residential and the neighborhood is zoned R-2; and In no case shall the rounding calculations exceed the maximum for the applicable zone. All Development Standards are maximums/minimums and may be reduced/increased depending on the individual project specifications in order to comply with adopted policies in the General Plan, Local Coastal Program and all other City Council adopted policies. (Am. Ord. 14-04) 							

PART 3. Section 3.50.040, Required Parking Spaces, of Chapter 3 of Article IX Development Code, is hereby amended with the following:

3.50.040 Required Parking Spaces

- A. **Minimum Number of Spaces Required.** Each land use shall provide the minimum number of parking spaces stated in Table 3.3, Required Parking Spaces by Land Use, unless otherwise provided in this Section. The parking requirement for any use not listed in Table 3.3 shall be determined by the Director based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand. Where a parking requirement is provided as a ratio of parking spaces to floor area, the floor area shall be calculated based on gross floor area, unless otherwise stated.

Table 3.3: Required Parking Spaces by Land Use	
Land Use	Parking Requirement
Residential	
<u>Accessory Dwelling Unit (ADU)</u>	<u>None</u>
Single Family	2 garage spaces per unit
Multi Family	1 guest space per every 4 units plus parking per unit as follows: <ul style="list-style-type: none"> • Studios: 1 space per unit • One-bedroom units: 1 space per unit • Two or more bedroom units: <ul style="list-style-type: none"> ○ Extremely-low-, very-low-, and low-income affordable housing units in all zones: 1.5 spaces per unit ○ CVS, VS, CB, CBO, and CC zones: 1.5 spaces per unit ○ All zones other than CVS, VS, CB, CBO and CC zones: 2 spaces per unit
Boarding House	1 space per every 2 units
Caretaker's Residence	1 space per unit

Table 3.3: Required Parking Spaces by Land Use	
Land Use	Parking Requirement
Day Care – Small Family Home	None beyond the parking required for the residential dwelling
Day Care – Large Family Home	1 on-site passenger loading space, which may be located in the driveway, in addition to the parking required for the residential dwelling
High Occupancy Residential	1 space per adult occupant, minus 2 spaces of the aggregate
Live/Work	Each live/work unit shall provide parking based on the area of commercial or industrial use, or a minimum of two spaces, whichever is greater. The Review Authority may modify this requirement for the use of existing structures with limited parking.
Residential Care 1-6 clients	None beyond the parking required for the residential dwelling
Residential Care - 7 or more clients	1 space per every 3 beds
Residential Care Facility for the Elderly	1 space per every 3 beds
Residential Common Area Developments (PUDs)	2 garage spaces per unit plus 1 guest space per every 2 units. However, no guest parking is required for units served by an individual driveway 20 feet or more in length.
Second Residential Dwelling	See Section 4.10.170, Second Residential Dwelling
Senior Housing	1 space per unit plus 1 guest space per every 4 units
Single Room Occupancy Facility	1 space per every 3 units
<u>Tiny Homes</u>	<u>None</u>
Transitional & Supportive Housing	None beyond the parking required for the residential dwelling
A. Retail	
Adult Business	1 space per 300 square feet of floor area
Automobile Service Station	1 space per 300 square feet of floor area
Bar/Tavern/Night Club	1 space per 200 square feet of floor area and any outdoor use area
Building/Landscape Materials	1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area

Table 3.3: Required Parking Spaces by Land Use	
Land Use	Parking Requirement
Fuel Dealer	1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area
Retail	1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area
Plant Nursery	1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area
Restaurant	<ul style="list-style-type: none"> When located on a site with multiple uses and restaurant square footage is less than 50% of the total building square footage on site: 1 space per 300 square feet of floor area and outdoor seating area Otherwise: 1 space per 200 square feet of floor area and outdoor seating area No additional parking is required for sidewalk seating in accordance with Section 4.10.190
Vehicle Sales	1 space per 300 square feet of floor area
Wine Tasting	1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area
B. Services	
Animal Boarding	1 space per employee plus 1 space for animal loading and unloading
Animal Care Facility	1 space per 300 square feet of floor area
Business Support Services	1 space per 300 square feet of floor area
Catering Service	1 space per 300 square feet of floor area
Child Day Care – Day Care Center	1 space per 300 square feet of floor area
Equipment Rental	1 space per 300 square feet of floor area
Financial Institutions	1 space per 300 square feet of floor area
Lodging	1 space per guest room
Maintenance Service – Client Site Services	1 space per 300 square feet of floor area
Massage Establishments	1 space per 300 square feet of floor area
Medical Services – Clinic/Urgent Care	1 space per 300 square feet of floor area

Table 3.3: Required Parking Spaces by Land Use	
Land Use	Parking Requirement
Medical Services – Doctor Office	1 space per 300 square feet of floor area
Medical Services – Extended Care	1 space per every 3 beds
Mortuary/Funeral Home	1 space per 300 square feet of floor area
Office	1 space per 300 square feet of floor area
Personal Service	1 space per 300 square feet of floor area
Repair Services	1 space per 300 square feet of floor area
Vehicle Rental	1 space per 300 square feet of floor area
Vehicle Repair and Services	1 space per 300 square feet of floor area
C. Industry, Manufacturing & Processing	
High Technology Uses	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Manufacturing, Artisan	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Manufacturing/Processing	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Media Production	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Printing and Publishing	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Recycling-Processing Facilities	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Storage-Warehouse	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Storage-Outdoor	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Storage – Personal Storage Facility	1 space per 50 storage units, minimum of 2 spaces
Storage-Vehicles	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Wholesaling and Distribution	1 space per 750 square feet of floor area plus 1 space per 2,000 square feet of outdoor use area
Recreational, Education & Public Assembly	

Table 3.3: Required Parking Spaces by Land Use	
Land Use	Parking Requirement
Commercial Recreation Facility - Indoor	Theater/Cinema: <ul style="list-style-type: none"> • 1 space per 20 square feet of seating floor area Other: <ul style="list-style-type: none"> • 1 space per 500 square feet of floor area
Commercial Recreation Facility – Outdoor	1 space per 1,000 square feet of lot area
Community Gardens	2 spaces
Health/Fitness Facility	1 space per 300 square feet of floor area
Meeting Facility, public or private	1 space per 4 seats, but not less than 1 space per 40 square feet of floor area of the largest meeting hall
Recreational Vehicle Park	1 space per unit plus 1 guest space per every 4 units
Specialized Education/Training	1 space per 300 square feet of floor area
Studio – Art, Dance, Martial Arts	1 space per 300 square feet of floor area
D. Transportation & Infrastructure	
Freight Terminal	1 space per 300 square feet of office floor area
Parking Facility	1 space per 300 square feet of office floor area
Telecommunication Facility	1 space per 300 square feet of office floor area

PART 4. Section 3.50.070, Location of Required Parking, of Chapter 3 of Article IX Development Code, is hereby amended with the following:

3.50.070 Location of Required Parking

- A. **Setback Areas.** Parking spaces shall not be located within required setback areas except as otherwise noted in this Development Code and as allowed below.
 - 1. Single Family Residences. Parking may be located within the setback area if the following standards are met:
 - a. A minimum dimension of 9-foot by 18-foot for each space.
 - b. All parking spaces shall be located behind existing or future sidewalk.

- c. Parking spaces shall be located on an all-weather surface as approved by the City Engineer (e.g., hardscape, gravel) and accessed by a driveway apron or curb cut.
- 2. Multi Family Dwellings. The Review Authority may allow parking inside and rear setback areas.
- B. **On-Site Parking Requirement and Off-Site Parking Allowance.** Required parking shall be located on the same lot as the use it serves, except as allowed below.
 - 1. **Off-Site Parking Allowance.** Required parking may be located off-site provided the following conditions are met.
 - a. **Location.**
 - i. *Residential Uses.* Off-site parking facilities shall be located within 200 feet, along a pedestrian route, of the unit or use served.
 - ii. *Non-Residential Uses.* Off-site parking facilities shall be located within 500 feet, along a pedestrian route, of the main entrance containing the use served.
 - b. **Parking Agreement.** A written agreement between the landowner and the City in a form satisfactory to the City Attorney shall be executed and recorded in the Office of the County Recorder. The agreement shall include:
 - i. A guarantee from the landowner for access to and use of the shared parking facility; and
 - ii. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

PART 5. Section 4.10.015, Accessory Dwelling Units, is added to Chapter 4 of Article IX Development Code as follows:

4.10.015 Accessory Dwelling Units (ADUs)

- A. **Purpose.**
 - 1. This Section provides standards for accessory dwelling units including junior accessory dwelling units where allowed by Chapter 2 (Zones and Allowable Land Uses).
 - 2. To provide for the creation of accessory dwelling units consistent with Government Code Sections 65852.2 and 65852.22 as amended. Implementation of this Section is meant to expand housing opportunities by increasing the number of smaller units available within the city.

- B. **Density.** Accessory dwelling units shall not count towards the allowable density of units per acre prescribed in the General Plan and Development Code.
- C. **Permit requirements.** A building permit shall be required to ensure compliance with this Section. In the Coastal Zone a Coastal Development Permit is required unless exempt consistent with Section 6.20.040.B.2.
- D. **Size of Accessory Dwelling Unit.** A detached accessory dwelling unit shall have a minimum floor area of 150 square feet and maximum floor area of 1,200 square feet. An attached accessory dwelling unit containing one bedroom or less shall be limited to 50 percent of the existing primary dwelling or 1,200 square feet, whichever is less. Junior accessory dwelling units shall comply with Subsection K.
- E. **Limitation on Number.** A maximum of one accessory dwelling unit or one junior accessory dwelling unit is allowed per lot, except for lots with an existing or proposed single family residence, where both an accessory dwelling unit and a junior accessory dwelling unit are permitted consistent with Government Code Section 65852.2(e). Accessory dwelling units within multi-family developments shall comply with the following:
1. The maximum number of accessory dwelling units shall not exceed 25% of the number of existing or proposed multi-family units but shall not be less than one unit. The accessory dwelling units may be permitted in either converted portions of a structure that are not used as livable space, (e.g., garages). A maximum of two detached accessory dwelling units are permitted per lot.
- F. **Limitation on Use.** No accessory dwelling unit shall be utilized as a short-term rental unless exempt consistent with Section 4.10.185.Q.
- G. **Utility Connections.** Accessory dwelling units shall be connected to City water and sewer services. Separate utility connections and meters are not required.
- H. **Development Impact Fees.** Payment of development impact fees are required as follows:
1. Accessory dwelling units with floor area of 750 square feet or less shall not pay development impact fees.
 2. Accessory dwelling units with floor area greater than 750 square feet shall be charged development impact fees that are proportional, as shown on the Master Fee Schedule.
- I. **Design Standards.** All accessory dwelling units shall be designed to include the following:
1. A separate exterior entry.
 2. Attached accessory dwelling units may include an interior door connecting to the primary residence.
 3. New detached or attached accessory dwelling units shall carry the same theme on all elevations. For the purposes of this standard, a theme includes primary (non-accent) materials and colors.

4. New detached or attached accessory structures shall not include blank walls (e.g., without doors or windows) greater than 20 feet in length.
 5. New detached or attached accessory structures shall provide trim at all exterior window and door openings. In lieu of exterior window trim, windows shall be recessed from a wall plane by a minimum of three inches.
 6. New detached or attached accessory structure using exterior metal wall materials shall not exceed 25% of the vertical wall area.
- J. **Development Standards for Accessory Dwelling Units.** Accessory dwelling units shall comply with all applicable development standards in this Development Code and Municipal Code Article 8 Building Regulations, except to the extent they are inconsistent with the following development standards which shall govern when applied to accessory dwelling units.
1. Minimum interior side and rear setbacks shall be four feet for detached or attached accessory dwelling units.
 2. Existing nonconforming setbacks of permitted structures may be maintained if converted to an accessory dwelling unit.
 3. Accessory dwelling units shall be excluded from the calculation of lot coverage, landscaping, and floor area ratio in Sections 2.20.040.
 4. Accessory dwelling units in multi-family dwellings shall be excluded from the open space requirements in Section 4.10.120
 5. No minimum lot size is required to develop an accessory dwelling unit.
 6. Installation of fire sprinklers shall not be required in an accessory dwelling unit if they are not required for the primary residence, but shall comply with all access requirements in compliance with Municipal Code Article 8 Section 8102.
- K. **Development Standards for Junior Accessory Dwelling Units.** Junior accessory dwelling units shall comply with the requirements of Subsection A through J, except to the extent they are inconsistent with the following development standards which shall govern when applied to junior accessory dwelling units.
1. Limitation on Use. Junior accessory dwelling units shall be allowed only where the use is limited to an existing or proposed single family dwelling.
 2. Size of Junior Accessory Dwelling Unit. A junior accessory dwelling unit shall have a maximum floor area of 500 square feet.
 3. Interior requirements. A junior accessory dwelling unit shall include at least the following:
 - a. A cooking facility, a sink, and food preparation counter of no less than 30 inches in width.
 - b. A separate or shared bathroom with the primary residence.

4. Occupancy Requirements. Either the junior accessory dwelling unit or the primary dwelling unit shall be owner occupied. A covenant agreement shall be recorded prior to occupancy.

PART 6. Section 4.10.030, Accessory Structures, of Chapter 4 of Article IX Development Code, is hereby amended with the following:

4.10.030 Accessory Structures

- A. **Purpose.** This Section provides standards for accessory structures located in residential zones, where allowed by Chapter 2 (Zones and Allowable Land Uses).
 1. Relationship to primary use. An accessory structure shall be incidental in function and scale to the primary structures on the site.
 2. Timing of installation. An accessory structure shall only be constructed concurrent with or after the construction of a primary residence on the same site.
- B. **Applicability.** This Section shall apply to all new accessory structures as defined in Chapter 9, which include but are not limited to garages, workshops, storage sheds, patio covers and decks greater than 30 inches above ground level.
- C. **Permit Requirements.** A building permit shall be required for all accessory structures except as allowed in Subsection E.1.
- D. **Attached structures.** An accessory structure attached to the primary structure shall comply with the development standards of the applicable zone.
- E. **Detached structures.** An accessory structure that is detached from the primary residence shall comply with the development standards of the applicable zone, except as follows:
 1. Setback requirements. An accessory structure not exceeding 120 square feet in floor area and 10 feet in height that does not require a building permit may be located on the rear half of the lot within the side or rear setback. A maximum of two accessory structures shall be allowed that comply with the requirements of this subsection.
 2. Height limits. An accessory structure shall not exceed 1614 feet in height.
 3. Separation between structures. An accessory structure shall maintain a minimum five-foot separation from other accessory structures and the primary residence.
 4. Roof Decks. Roof decks shall be prohibited on accessory structures.
 5. Covenant Agreement. Prior to final building permit approval, a covenant agreement shall be recorded for enclosed accessory structures to disclose

that the structure shall not be used as livable space as defined in the California Building Codes.

PART 7. Section 4.10.170, Second Residential Dwelling, of Chapter 4 of Article IX Development Code, is hereby repealed.

PART 8. Section 4.10.185.K, Short Term Rentals, of Chapter 4 of Article IX Development Code, is hereby amended with the following:

K. Violations.

1. Notice of Violation. The City may issue a notice of violation to the owner, local contact person, renters, or guests pursuant to Municipal Code Article I, Chapter 4, if a violation of this Section is committed, caused or maintained by any of the above parties.
2. Responding to Hotline. The City may issue a notice of violation to the owner if the local contact person fails to respond when contacted by the hotline.
3. Administrative Citation. ~~The City may issue an administrative citation to the owner, local contact person, renters, or guests pursuant to Municipal Code Article I, Chapter 4, if a violation of this Section is committed, caused or maintained by any of the above parties. Nothing in this Section shall preclude the City from also issuing an administrative citation upon the occurrence of the same offense on a separate day. Unless otherwise provided herein, any person issued an administrative citation pursuant to this Section shall for each separate violation be subject to the following fines: (1) an administrative fine in an amount of \$500 for the first citation; (2) an administrative fine in an amount of \$750 for a second citation issued within a 24 month period of the date of the first offense; and (3) an administrative fine in an amount of \$1,000 for a third and any subsequent citation issued within a 24-month period of the date of the first offense. Notwithstanding the above, operating a short-term rental without a validly issued short-term rental permit in good standing shall be subject to: (1) a fine in an amount of \$500 for the first citation; and (2) a fine in an amount of \$1,000 for a second and any subsequent citation issued for operating without a short-term rental permit.~~ The City may issue administrative citations to the owner, local contact person, renters, or guest pursuant to Municipal Code Article I, Chapter 4, if a violation of this Section is committed, caused or maintained by any of the above parties. Unless otherwise provided herein, any person issued an administrative citation pursuant to this Section shall for each separate violation be subject to the those fines consistent with the Grover Beach Master Fee Schedule.
4. Infraction. ~~The City may issue an infraction citation to the owner, local contact person, renters, or guests pursuant to Municipal Code Article I, Chapter 2, including, but not limited to, the imposition of any and all criminal penalties set forth therein if there is any violation of this Section committed, caused or maintained by any of the above parties. Nothing in this Section~~

~~shall preclude the City from also issuing an infraction citation upon the occurrence of the same offense on a separate day. Unless otherwise provided herein, any person convicted of an infraction shall, for each separate violation of this Section be subject to: (1) a fine in an amount of \$500 for a first conviction of an offense; (2) a fine in an amount of \$750 for a second conviction within a 24-month period of the date of the first offense; and (3) a fine in an amount of \$1,000 for the third conviction within a 24-month period of the date of the first offense. Notwithstanding the above, operating a short-term rental without a validly issued short-term rental permit in good standing shall be subject to: (1) a fine in an amount of \$500 for a first conviction of an offense; and (2) a fine in an amount of \$1,000 for a second and any subsequent conviction for operating without a short-term rental permit.~~ Penalties. It is unlawful to violate any provision of this Section 4.10.185 of Chapter 4 of Article IX. Violations of this Section are punishable as misdemeanors. Violations of this Section may alternatively be punished as administrative violations as provided in Chapters 1 and 4 of Article I. Any administrative or criminal penalties imposed in accordance with this Section shall be consistent with those penalties and fines enumerated in the Grover Beach Master Fee Schedule. Each separate day or rental night in which a violation exist may be considered a separate violation whether for administrative citations or as a misdemeanor.

5. Additional Conditions. A violation of any provision of this Section by the owner, local contact person, renters, or guests shall authorize the Community Development Director, to impose additional conditions on the use of any given short-term rental to ensure that any potential additional violations are avoided.
6. Permit Modification, Suspension and Revocation. Unless otherwise provided in this Section, a violation of any provision of this Section by the owner, local contact person, renters, or guests shall constitute grounds for modification, suspension and/or revocation of the short-term rental permit and/or any affiliated licenses or permits.
7. Public Nuisance. It shall be a public nuisance for any person to commit, cause or maintain a violation of this Section.

PART 9. Enact Section 4.10.215, Tiny Homes (Recreational Vehicles) in Residential Zones, to Chapter 4 of Article IX Development Code as follows:

4.10.215 Tiny Houses in Residential Zones

- A. **Purpose.** Tiny homes are a type of temporary dwelling unit allowed as an accessory use to a single family dwelling. Tiny homes shall comply with the requirements of Subsection except to the extent they are inconsistent with the following development standards which shall govern when applied to tiny homes.

- B. **Limitation on Number.** One tiny home shall be allowed in all residential zones with an existing single-family dwelling. No tiny home shall be allowed if there is a permitted accessory dwelling unit, with the exception of junior accessory dwelling unit as defined in Section 4.10.015. A tiny home shall be removed prior to granting final occupancy for an accessory dwelling unit.
- C. **Limitation on Use.** No tiny home shall be utilized as a short-term rental.
- D. **Location.** A tiny home shall be located on the rear portion of a parcel unless there is no feasible alternative.
- E. **Size.** The minimum floor area shall be 100 square feet and the maximum floor area 400 square feet not including lofts.
- F. **Design.** If the tiny home is visible from the street, skirting shall be required for the foundation/wheels.
- G. **Construction Standards.** Tiny homes shall comply with the standards of, and be approved as one of the following types of structures: a HUD-Code manufactured home, California Residential Code or California Building Code home, factory-built housing, park trailer or camping cabin. The Building Official shall determine the appropriate construction standards based on the type of tiny home.
- H. **Utility connections.** Tiny homes shall be connected to City water and sewer services in compliance with the Municipal Code. A tiny home may be off grid for electrical and gas if it can be demonstrated the unit has adequate heating and electrical power to the satisfaction of the Building Official.
- I. **Addresses.** No separate address shall be assigned for tiny homes.
- J. **Vehicle Registration.** A tiny home shall remain licensed and registered with the California Department of Motor Vehicles.
- K. **Prohibition on the use of RVs, trailers, campers.** The use of a recreational vehicle, travel trailer, truck camper, or camping trailer are prohibited from being used as a tiny home based on Section 18010 of the California Health and Safety Code.

PART 10. Section 9.10.020, Definitions of Specialized Terms and Phrases, of Chapter 9 of Article IX Development Code, is hereby amended with the following definitions:

Accessory Dwelling Unit or ADU. An attached or detached dwelling unit which provides complete independent living facilities for one or more persons and provides permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit. Does not include “Junior Accessory Dwelling Unit” and “Tiny Home”.

Accessory Structure. A structure that is attached or detached from, secondary and incidental to, and commonly associated with a primary structure on the same site. Examples include sheds, covered patios, workshops, decks greater than 30 inches above ground level, residential occupancies with no overnight stays, and detached garages. Does not include “Accessory Dwelling Units” such as detached living areas permitted as

an ADU or Junior ADU, or structures with living areas located above an accessory structure or share a common wall such as a garage with an ADU above. "Second Residential Dwelling" or detached living areas. Also see "Residential Accessory Uses and Structures".

Dwelling, Dwelling Unit, or Unit. A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen (with the exception of Accessory Dwellings and Tiny Homes, as defined further in this section), which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

Multi-Family Dwelling or Multi-Family Development. Two or more dwelling units attached or detached on a lot, which does not include an accessory dwelling unit. Multi-family dwellings may also be combined with nonresidential uses as part of a mixed-use development. A structure containing two or more dwelling units. Multi-unit dwellings include: duplexes, triplexes, fourplexes (buildings under one ownership with two, three or four dwelling units, respectively, in the same structure); apartments (five or more units under one ownership in a single building); townhouse and rowhouse development (three or more attached dwellings where no unit is located over another unit); and other building types containing multiple dwelling units (for example, condominiums, courtyard housing, stacked flats, etc.).

Primary Dwelling Unit. The designated primary residential unit on a residential zoned lot with an accessory or junior accessory dwelling unit.

Second Residential Dwelling. A second permanent dwelling that is accessory to a primary dwelling on the same site. A second residential dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. A carriage house is a second residential dwelling located on an upper floor above a detached garage.

Single Family Dwelling. A building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems. A building designed for and occupied exclusively by one house keeping unit, whose members are an interactive group of persons jointly occupying a single-family dwelling unit. Also includes factory-built and manufactured housing units placed on permanent foundation systems constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1976, and the California Manufactured Housing Act of 1980.

Tiny Home. A type of dwelling unit that is moveable and considered temporary housing. Does not include an RV, camper, trailer, or manufactured home as defined in Section 18010 of the California Health and Safety Code.

PART 11. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

PART 12. All ordinances and parts of ordinances in conflict with those sections amended or added herein are hereby repealed.

PART 13. Effective Date. This Ordinance shall not become effective and in full force and effect until 12:01 a.m. on the thirty first day after its final passage and final certification by the California Coastal Commission. However, within fifteen (15) days after adoption by the City Council, the Ordinance shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

INTRODUCED at a regular meeting of the City Council held on June 22, 2020 and **PASSED, APPROVED,** and **ADOPTED** by the City Council on July 6, 2020, on the following roll call vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

**** D R A F T ****

JEFF LEE, MAYOR

Attest:

WENDI SIMS, CITY CLERK

Approved as to Form:

DAVID P. HALE, CITY ATTORNEY

RESOLUTION NO. 20-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, AUTHORIZING AND DIRECTING THE COMMUNITY DEVELOPMENT DIRECTOR TO SUBMIT THE LOCAL COASTAL PROGRAM (LCP) AMENDMENT ASSOCIATED WITH ORDINANCE NO. 20-04 TO THE CALIFORNIA COASTAL COMMISSION FOR FINAL CERTIFICATION

WHEREAS, the LCP amendment would amend the City's accessory dwelling unit (ADU) ordinance to be consistent with State law and make other minor amendments; and

WHEREAS, the Ordinance requires a Local Coastal Program Amendment because the Development Code amendments include sections that are part of the implementing ordinances for the Local Coastal Program consistent with Development Code Section 1.20.060; and

WHEREAS, the Local Coastal Program Amendment is intended to be carried out in a manner that is fully in conformity with the Coastal Act; and

WHEREAS, the Planning Commission held a public hearing on May 27, 2020 and recommended the City Council approve the ADU ordinance and other minor amendments and Local Coastal Program Amendment; and

WHEREAS, the City Council at its meeting on June 22, 2020 conducted a first reading of the ADU Ordinance and other amendments, and adopted the Ordinance at its meeting on July 6, 2020; and

WHEREAS, the Accessory Dwelling Unit ordinance amendments are exempt under California Public Resources Code Section 21080.17 (Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units), which states that: "This division [the California Environmental Quality Act (CEQA)] does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code." Pursuant to this statute, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 of the Government Code, which regulates accessory dwelling units (ADUs) and by incorporation into Section 65852.2, junior accessory dwelling units (JADUs) (as defined by Government Code Section 65852.22); and

WHEREAS the amendments to allow tiny homes are likely to result in a few additional dwelling units dispersed throughout the City. As such, to the extent tiny homes fall outside of the regulations of Government Code Section 65852.1 and 65852.2, it can be seen with certainty that the proposed action will not have the potential for causing a significant effect on the environment and no review under CEQA is needed per CEQA Guideline Sections, 15061(b)(3), and Sections 15301, 15303 and 15305.

WHEREAS, short term rental amendments are not a project within the meaning of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) Section 15378 because the amendments will not result an direct or indirect physical change in the environment and does not involve an irrevocable commitment of resources by the City; and

WHEREAS, the proposed Local Coastal Program Amendment will take effect automatically upon final certification by the Coastal Commission unless revisions are made by the Coastal Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Grover Beach **DOES HEREBY AUTHORIZE AND DIRECT** the Community Development Director to submit an amendment of Article IX Development Code associated with Ordinance No. 20-04, to the California Coastal Commission for final certification.

On motion by Council Member _____, seconded by Council Member _____, and on the following roll-call vote, to wit:

AYES: Council Members -
NOES: Council Members -
ABSENT: Council Members -
ABSTAIN: Council Members -
RECUSED: Council Members -

the foregoing Resolution No. 20-__ was **PASSED, APPROVED, and ADOPTED** at a regular meeting by the City Council on July 6, 2020.

**** D R A F T ****

JEFF LEE, MAYOR

Attest:

WENDI SIMS, CITY CLERK