

ORDINANCE NO. 2341

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION 30-11.2 (SECONDARY DWELLING UNITS) OF CHAPTER 30 (ZONING) OF THE COMPTON MUNICIPAL CODE TO REGULATE ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DELETING REFERENCES TO SECONDARY DWELLING UNITS, AND FINDING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, effective January 1, 2020, Senate Bill 13 (“SB 13”), Assembly Bill 68 (“AB 68”), and Assembly Bill 881 (“AB 881”) amended Government Code Sections 65852.2 and 65852.22 to further limit the standards cities may impose on accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”). In 2021, Government Code Section 65852.2 was amended again with the enactment of AB 3182 and SB 1030.

WHEREAS, this Ordinance updates the City’s local standards to comply with the revisions to state law.

WHEREAS, the Planning Commission considered this Ordinance on October 13, 2021, at a duly noticed public hearing, as prescribed by law, at which time City Staff and interested persons had an opportunity to and did testify either in support or against this matter.

WHEREAS, at the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 4026, recommending approval of the Ordinance by the City Council.

WHEREAS, the City Council, at a regular meeting, considered the Ordinance on December 7 2021, at a duly noticed public hearing, as prescribed by law, at which time City Staff and interested persons had an opportunity to and did testify either in support or against this matter.

WHEREAS, following the public hearing, the City Council considered the entire record of information received at the public hearings before the Planning Commission and City Council.

WHEREAS, the City Council adopts this Ordinance under the authority provided in the City’s Charter and by Article XI, Section 5 of the California Constitution, and the requirements provided herein are directly related to the City’s purpose of protecting the health, safety, and welfare of its residents, businesses, and visitors.

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

Section 1. The City Council finds that the adoption of this Ordinance is consistent with the City’s General Plan, as required by state law, because this Ordinance fulfills General Plan Housing Element Program 8 and Goal 1, Policy 1.2.

Section 2. Section 30-11.2 (Secondary Dwelling Units) of Chapter 30 (Zoning) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

“30-11.2 Accessory Dwelling Units.

This section establishes standards for the development of accessory dwelling units and junior accessory dwelling units in accordance with Sections 65852.2 and 65852.22 of the California Government Code.

a. Definitions. For the purposes of this section, the following definitions apply:

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1. "Accessory Dwelling Unit" or "ADU" has the same meaning ascribed in Government Code Section 65852.2, as the same may be amended from time to time.
 2. "Attached ADU" means an ADU that shares a common wall with the Primary Dwelling.
 3. "Detached ADU" means an ADU that is constructed as a separate structure from the Primary Dwelling, which does not share any walls with the Primary Dwelling.
 4. "Existing structure" means an existing single-family dwelling or other accessory structure that can be safely converted into habitable space under the California Building Standards Code, as amended by the City, and other applicable law.
 5. "Junior accessory dwelling unit" or "JADU" has the same meaning ascribed in Government Code Section 65852.22, as the same may be amended from time to time.
 6. "Primary Dwelling," for purposes of this section, means the existing or proposed single-family dwelling on the lot where an ADU would be located.
 7. "Public transit," for purposes of this section, has the meaning ascribed in Government Code Section 65852.2(j), as the same may be amended from time to time.
- b. Building permit approval only.
1. A separate accessory dwelling unit application is not required to be filed with the City's Planning Division for an ADU or JADU that satisfies the requirements of all of the following: paragraph 2 of subsection b herein; subsections c, d, and e of this section; and the Building Code, Residential Code, and Fire Code standards incorporated into the Compton Municipal Code. A Building Permit application is required to be filed with the Building and Safety Department.
 2. Pursuant to Government Code Section 65852.2(e), the City shall ministerially approve an application for a building permit on a lot that is zoned to allow single family or multi-family residential use as a by-right land use to create any of the following:
 - (a) A JADU within the Primary Dwelling, and an ADU within the Primary Dwelling or an ADU within an existing accessory structure. One ADU and one JADU per lot with a proposed or existing single-family dwelling is allowed if all of the following apply:
 - (1) The JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling and the ADU is within either the existing or proposed space of a single-family dwelling or an existing accessory structure. An ADU built in an existing accessory structure may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. Such an expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - (a) The space has exterior access from the proposed or existing single-family dwelling.
 - (b) The side and rear setbacks are sufficient for fire and safety.

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- (c) The JADU complies with the requirements of Government Code Section 65852.22 and with the requirements set forth in subsections c, d, and e of this section.
 - (b) Detached new construction ADU for Primary Dwelling. This ADU may be combined with a JADU described in subparagraph (a) above. One detached, new construction ADU for a lot with a proposed or existing single-family dwelling if all of the following apply:
 - (1) The ADU shall be no more than 800 square feet in size.
 - (2) The ADU shall not exceed a height limit of 16 feet.
 - (3) The ADU shall be set back a minimum of four feet from side and rear lot lines.
 - (c) ADU within non-livable space in existing multifamily structure. One ADU within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. If requested, more than one ADU shall be allowed, up to the number of ADUs that equals 25 percent of the existing multifamily dwelling units in the structure.
 - (d) Detached new construction ADUs for existing multifamily dwellings are limited to not more than two detached ADUs located on a lot that has an existing multifamily building. Multiple separate residential structures on the same lot do not qualify as a multi-family building. Detached ADUs subject to a height limit of 16 feet and minimum four-foot rear and side setbacks.
- c. Standards for JADUs. In accordance with the standards set forth in Government Code Section 65852.22, JADUs shall comply with the following requirements, unless State law is amended to set forth different standards in which case State law standards will govern:
 - 1. A JADU shall be a minimum of 150 square feet and a maximum of 500 square feet of gross floor area. The gross floor area of a shared sanitation facility shall not be included in the maximum gross floor area of a JADU.
 - 2. A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling.
 - 3. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU.
 - 4. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing single-family dwelling. If the JADU shares sanitation facilities with the single-family dwelling, there shall be interior access between the two units.
 - 5. A JADU shall include an efficiency kitchen which shall include all of the following:
 - (a) A cooking facility with appliances.
 - (b) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
 - 6. No additional parking is required for a JADU.

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- d. Covenant required. Prior to the issuance of a Certificate of Occupancy for an ADU or JADU, the property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest:
 - 1. The ADU or JADU shall not be sold, transferred, or assigned separately from the Primary Dwelling, but may be rented.
 - 2. The ADU shall not be used for short term rentals for less than 30 consecutive days.
 - 3. If there is a JADU on the property, either the JADU or Primary Dwelling shall be occupied by the owner of record.
- e. Fees and utility connections.
 - 1. ADUs and JADUs shall have adequate water and sewer services. These services may be provided from the water and sewer points of connection for the Primary Dwelling and not be a separate set of services. For an ADU that is not a conversion of an existing space, a separate utility connection directly between the accessory dwelling unit and the utility may be required. Consistent with Government Code Section 65852.2(f), the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU.
 - 2. The owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees, including impact fees set forth in Government Code Section 66000 et seq., except as follows:
 - (a) ADUs that are less than 750 square feet shall not be subject to impact fees.
 - (b) ADUs that are 750 square feet or more shall be charged impact fees that are proportional in relation to the square footage of the Primary Dwelling.
- f. In accordance with State law, ADUs are an accessory use or an accessory structure to the Primary Dwelling on the lot. ADUs shall not be considered to exceed the allowable density for the lot.
- g. Accessory dwelling unit applications subject to administrative approval shall be processed within the timelines established by California Government Code Section 65852.2. The City shall act upon the accessory dwelling unit permit within 60 days of receiving a complete application, or in accordance with the deadline required by Government Code Section 65852.2, as the same may be amended from time to time. Notice of decision on the application shall be mailed to the applicant. The decision of the Community Development Director shall be final.
- h. If the proposed ADU does not fall under subsection b herein, the Community Development Director, or the Director's designee, shall ministerially review and approve an ADU application, provided that the submitted application is complete and demonstrates that the ADU complies with the requirements contained in this section and any other applicable law. A public hearing is not required.
- i. Where an application for an ADU or JADU is submitted with an application for a Primary Dwelling that is subject to discretionary review under the Compton Municipal Code, the application shall be processed in accordance with this section, separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.
- j. Standards for ADUs. Except for those ADUs approved pursuant to subsection b of this section ("Building Permit Approval Only"), ADUs shall comply with the following development standards:

1. Location Restrictions:

- (a) One ADU shall be allowed by right on a lot with a proposed or existing Primary Dwelling that is zoned to allow single family or multi-family residential use.
- (b) One ADU shall be allowed on a lot with a proposed new multi-family structure.

2. Development Standards:

(a) Size restrictions.

- (1) Maximum Size. If there is an existing Primary Dwelling, an Attached ADU shall not exceed fifty percent (50%) of the gross floor area of the Primary Dwelling. An Attached ADU that is proposed with a new Primary Dwelling

or with a new multi-family structure shall not exceed 850 square feet in gross floor area for a studio or one-bedroom unit, or 1,000 square feet in gross floor area if more than one bedroom. A Detached ADU shall not exceed 850 square feet in gross floor area for a studio or one-bedroom unit, or 1,000 square feet in gross floor area if more than one bedroom.

- (2) Maximum Size in the RA Zone. On a conforming lot in the RA zone, an ADU may exceed the aforementioned maximum sizes, not to exceed 1,200 square feet in gross floor area, regardless of the number of bedrooms. For any ADU that exceeds 800 square feet, the combined square footage of all residential living area onsite shall not exceed 3,000 square feet.

- (3) Minimum Size. In no case shall an ADU be less than an "efficiency unit" as defined in Health and Safety Code Section 17958.1 with respect to square footage.

- (b) Height restrictions. A Detached ADU shall not exceed 16 feet in height, and an Attached ADU shall not exceed the height of the Primary Dwelling or proposed multi-family structure, unless the ADU is constructed above a garage, in which case the structure shall not exceed 30 feet.

- (c) Setbacks. No setback shall be required for an ADU that is built within an Existing Structure or for a new ADU that is constructed in the same location and with the same dimensions as an Existing Structure. For all other ADUs, the required minimum setback from side and rear lot lines shall be four feet. An ADU shall comply with all required front yard setbacks otherwise required by the Compton Municipal Code.

- (d) Lot Coverage and Open Space. An ADU shall conform to all lot coverage and open space requirements applicable to the zoning district in which the property is located, except where the application of the lot coverage or open space regulations would not permit construction of an 800 square foot ADU that is 16 feet in height with at least four-foot side and rear yard setbacks.

- (e) Design. The architecture, colors, and materials of the ADU shall match that of the Primary Dwelling or new multi-family structure, and shall comply with any objective design standards adopted by the City that are applicable to the zoning district or Specific Plan area where the ADU is located. ADUs shall comply with the following:

- (1) For new detached ADUs approved pursuant to the local ADU process, the ADU must include indentations and/or projections provided that there are at least 8-inches in depth on at least two of the exterior walls to break up flat planes. The interior wall height shall be at least 7 feet tall.
 - (2) Landscaping around a detached ADU must be drought-tolerant or low water-using plants that utilize a variety of drought tolerant resistant grasses, turf substitutes, or ground covers that maintain a living, continuous planting area, and provide screening between the ADU and adjacent parcels. Desert landscape or rock garden designs are not allowed. No artificial planting turf or plant materials are permitted.
 - (3) All windows shall have a wood or stucco window surround or frame or similar architectural feature with a minimum width of four (4) inches.
 - (4) The main entrance to an ADU shall have a covered porch with minimum dimensions of four feet by four feet (3'x3'), however no such covered porch shall be required if it would have the effect of precluding the development of an ADU in light of the required setbacks.
 - (5) The roof shall have a minimum pitch of 3/12.
 - (f) Exterior access. An ADU shall have a separate exterior entrance. Entrances shall be on the side or rear elevations of the ADU and shall not be visible from the right-of-way.
 - (g) Addresses. ADUs must have clear addressing visible from the street, and shall be at least 4 inches high. Addresses also shall be included on the curb next to the primary dwelling address number.
 - (h) Fire sprinklers. ADUs are required to provide fire sprinklers if they are required for the Primary Dwelling or proposed multi-family structure.
3. Parking Requirements:
- (a) In addition to the off-street parking space(s) required for the Primary Dwelling or newly proposed multi-family structure, one off-street parking space shall be provided for each ADU, except when:
 - (1) The ADU is located within one-half mile walking distance of Public Transit;
 - (2) The ADU is located within an architecturally and historically significant historic district;
 - (3) The ADU is part of a proposed or existing Primary Dwelling or accessory structure;
 - (4) The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant; or
 - (5) The ADU is located within one block of a city-approved and dedicated parking space for a car share vehicle.
 - (b) When the ADU is created by converting or demolishing a garage, carport or covered parking structure, replacement of parking space(s) eliminated by the construction of the ADU shall not be required as long as the ADU remains in use as a legal ADU.

(c) When required, the parking space may be provided in the side or rear setback areas or as tandem parking, provided no vehicle parks on or blocks any public or private sidewalk or any other pedestrian path or street.

k. Other provisions:

1. Recreational trailers are not permitted to be used as ADUs. This includes, but is not limited, to recreational vehicles and mobile/motor homes.
2. All structures onsite prior to construction of any ADU or JADU must be legally built structures with all required permits, inspections, and no outstanding code violations. The conversion of an illegally constructed garage or accessory structure, which was constructed prior to January 1, 2021, shall be exempt from this provision for a period of 24 months after adoption of this provision so long as the applicant obtains a building permit and complies with all necessary requirements, as provided in subdivision 'b' herein.
3. If a garage on the same property as a single family detached residence is converted to an ADU, future additions to the primary residence shall be limited to three hundred (300) square feet."

Section 3. CEQA. The City Council finds and determines that this Ordinance is not subject to the requirements of the California Environmental Quality Act (CEQA) because this Ordinance implements the provisions of Government Code Section 65852.2 and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Title 14, Section 15282(h). To the extent that any provisions of this Ordinance are not exempt pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), the amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 5. Submittal of Ordinance. The Community Development Director shall submit a copy of the Ordinance to the Department of Housing and Community Development within 60 days after adoption of this Ordinance.

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk is directed to certify to the enactment of this Ordinance and to cause this Ordinance to be published and/or posted as required by law.

ADOPTED this 28th day of December, 2021.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF COMPTON)

I, Alita L. Godwin, City Clerk of the City of Compton, do hereby certify that the foregoing Ordinance was adopted by the City Council, signed by the Mayor, and attested to by the City Clerk at a regular meeting thereof held on the 28th day of December, 2021.

That said Ordinance was adopted by the following vote, to wit:

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

CITY CLERK OF THE CITY OF COMPTON