

ORDINANCE NO. 1464

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BALDWIN PARK, CALIFORNIA AMENDING THE BALDWIN PARK MUNICIPAL CODE, TITLE XV, LAND USAGE, CHAPTER, 153, ZONING CODE, SECTIONS 153.040.070, 153.070.020, 153.120.350, 153.120.360 AND 153.120.370 RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND SECTION 153.150.100 RELATING TO TANDEM PARKING

WHEREAS, Baldwin Park Municipal Code Title VI, Land Usage, Chapter 153, Zoning Code, implements the City's General Plan, establishing land use and development regulations in the City, which includes regulations governing the establishment of Accessory Dwelling Units in the R-1, R-G, and R-3 zoning districts in accordance with Government Code Section 65852.2.

WHEREAS, in 2019, the California Legislature passed Assembly Bill 68, Assembly Bill 881, and Senate Bill 13 (the "ADU Bills") amending Sections 65852.2 and 65852.22 of the California Government Code, which took effect on January 1, 2020, that regulates the establishment and occupancy of Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs");

WHEREAS, on September 28, 2020, the California Governor approved Assembly Bill No. 3182, which, in part, further amends, amongst other provisions of State law, California Government Code Section 65852.2 – and takes effect on January 1, 2021;

WHEREAS, the City of Baldwin Park desires to amend its local regulatory scheme for the construction, occupancy, and maintenance of ADUs and JADUs to ensure compliance with the modified provisions of the ADU Bills;

WHEREAS, the ADU Bills require local jurisdictions to allow Accessory Dwelling Units ("ADUs") on any property approved for residential use (including within single-family, multifamily, and mixed use zones);

WHEREAS, although California Government Code Section 65852.2(E)(1) requires all jurisdictions to ministerially approve Accessory Dwelling Units ("ADUs") that meet certain criteria on all zones approved for residential use (including within single-family, multifamily, and mixed use zones), California Government Code Section 65852.2 authorizes the City to limit other ADUs based upon the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety;

WHEREAS, the Baldwin Park Municipal Code safeguards against vehicle, bicycle, and pedestrian collisions caused by visual obstructions at street intersections by prohibiting fences and walls in excess of thirty-six inches (36") above street grade within the visibility triangle of any corner lot or reversed corner lot; where the visibility triangle is

the triangle formed by the intersection of two streets having two sides of fifteen feet (15') in length extending along the curb line of each street;

WHEREAS, the City Council of Baldwin Park desires to continue to promote public safety measures along streets and pedestrian sidewalks/walkways adjacent to corner lots and reversed corner lots in the City by maintaining the requirement for a clear visibility triangle on all corner and reversed corner lots;

WHEREAS, it is expected that property owners will seek to maximize the use and occupancy of their properties by taking advantage of the benefits provided by establishing Accessory Dwelling Units and/or Junior Accessory Dwelling Units;

WHEREAS, approximately 100% of the residential properties within the City of Baldwin Park are located within 1/2 mile of public transit - thereby negating the City's ability to require additional parking spaces for the Accessory Dwelling Units at those properties;

WHEREAS, the City cannot require replacement parking for Accessory Dwelling Units resulting from the conversion of an attached or detached garage, carport, or other covered off-street parking space;

WHEREAS, the ADU Bills further amended existing requirements for ADUs and JADUs, including, but not limited to, maximum setbacks allowed on new and existing structures, minimum parking requirements, minimum sizes for ADUs, owner occupancy of ADUs, and the maximum time allowed for local jurisdictions to review and approve or deny an application for an ADU or JADU; and,

WHEREAS, the approval of ADUs and JADUs based solely on the default standards set forth in the ADU Bills, without local regulations governing height, setback, landscape, architectural design standards, and other aspects of ADUs and JADUs, would threaten the character of the neighborhoods, and would negatively impact, amongst other things, traffic flow, public safety, and property values within the City of Baldwin Park.

NOW, THEREFORE, the City Council of the City of Baldwin Park does hereby ordain as follows:

SECTION 1. The foregoing recitations are hereby adopted by the City Council as findings. Based on those findings, the City Council determines the public health, safety and general welfare of the City of Baldwin Park, its residents and property owners can benefit by amending the Baldwin Park Municipal Code (BPMC) to allow Accessory Dwelling Units and Junior Accessory Dwelling Units with development standards, and it is in the best interest of the community to amend the BPMC accordingly.

SECTION 2. Based on the foregoing findings and determinations, Baldwin Park Municipal Code Title XV ("Land Usage"), Chapter 153 ("Zoning Code"), Subchapter

153.040 (“Residential Zones”), Section 153.040.070 (“Accessory Structures”) is hereby amended and enacted to include Subsection (D) as follows:

(D) Notwithstanding the provisions of Subsections 153.040.070(A) and 153.040.070(B), “accessory dwelling units” as defined by Section 153.120.360(B) shall be subject to the regulations and development standards as set forth in Section 153.120.360.

SECTION 3. Baldwin Park Municipal Code Title XV (“Land Usage”), Chapter 153 (“Zoning Code”), Subchapter 153.070 (“Mixed-Use Zones”), Section 153.070.020 (“Use Regulations Table 153.070.020 - Permitted and Conditionally Permitted Uses within Mixed-Use Zones”) is hereby amended and enacted to include the following:

| | | | |
|----------------------------------------------------------------------------------------------------|-------------------------------|------------------------------------------------------------------------------------------------|---------------------------------|
| TABLE 153.070.020 Permitted and Conditionally Permitted Uses within Mixed-Use Zones | P CUP A -- | Permitted use Conditional use permit required Accessory use Use not allowed | |
| Land Use | MU-1 | MU-2 | Specific Regulations |
| <u>Accessory Dwelling Units</u> | <u>P</u> | <u>P</u> | <u>153.120 Part 11</u> |

SECTION 4. Based on the foregoing findings and determinations, Baldwin Park Municipal Code Title XV (“Land Usage”), Chapter 153 (“Zoning Code”), Subchapter 153.120 (“Standards for Specific Land Uses and Activities”), Part 11 (“Accessory Dwelling Units”) is hereby rescinded and replaced in its entirety as follows:

PART 11 - Accessory Dwelling Units and Junior Accessory Dwelling Units

Section 153.120.350 – Findings; Purpose and Intent; Definitions

A. **Findings.** The City Council hereby finds and declares as follows:

1. Although California Government Code Sections 65852.2 and 65852.22 authorizes the construction and use of Accessory Dwelling Units and Junior Accessory Dwelling Units within areas zoned for residential use (including single-family, multifamily, and mixed use), the Government Code explicitly provides that local agencies may exclude areas based upon the adequacy of water and sewer services, as well as the impact of accessory dwelling units on traffic flow and public safety;

2. The City Council makes all findings set forth in Ordinance 1464 pertaining to the impact of Accessory Dwelling Units on Substandard Streets will have upon traffic flow and public safety. Allowing Accessory Dwelling Units on properties adjacent to Substandard Streets (as that term is defined in Subsection 153.120.350.C.9) would potentially have a detrimental impact upon traffic flow for residents upon those streets as a result of the lack of sufficient street parking and the increased demand therefor, as well as upon public safety resulting from the impact upon the ability of

Emergency Service Personnel/First Responders to navigate upon Substandard Streets with the increased congestion;

3. California Government Code provides that local agencies may impose standards upon **Accessory Dwelling Units** and **Junior Accessory Dwelling Units** that include, but are not limited to, parking, height, setback, landscaping, architectural review, maximum size of a unit, and standards that prevent adverse impacts upon any real property that is listed in the California Register of Historic Resources;

4. The approval of **Accessory Dwelling Units** and **Junior Accessory Dwelling Units** based solely on the statutory standards set forth in the California Government Code, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety;

B. Purpose and Intent. These regulations are provided pursuant to Government Code §§65852.2 and 65852.22 to regulate the establishment, use, and occupancy of **Accessory Dwelling Units** and **Junior Accessory Dwelling Units**, and to establish standards to regulate the placement and design of **Accessory Dwelling Units** and **Junior Accessory Dwelling Units** in compliance with the Government Code. In addition to compliance with all other applicable statutes, ordinances and regulations, the regulations of Section 153.120.360 (“**Accessory Dwelling Units - Use Regulations and Development Standards**”) shall apply to all **Accessory Dwelling Units** and the regulations of Section 153.120.370 (“**Junior Accessory Dwelling Units – Use Regulations and Development Standards**”) shall apply to all **Junior Accessory Dwelling Units**.

C. Definitions. Terms and phrases used in this Part shall have the same meaning as set forth in Section 153.220 of this Chapter, unless otherwise defined herein. Where there is a conflict between any term or phrase defined in Section 153.220 of this Chapter and Section 153.120.350.C, the definition set forth in Section 153.120.350.C shall control.

1. “**Accessory Dwelling Unit**” shall have the same meaning as that stated in California Government Code Section 65852.2(j)(1), as that Section may be amended from time to time. An “**Accessory Dwelling Unit**” shall also include any **Second Dwelling Unit** lawfully established and approved by the City in any R-1 Zone.

2. “**Accessory Dwelling Unit – Junior**” and “**Junior Accessory Dwelling Unit**” shall have the same meaning as that stated in California Government Code Section 65852.22(h)(1), as that Section may be amended from time to time.

3. “**Accessory structure**” shall mean an existing detached structure with a roof that is subordinate and incidental to a **Primary Dwelling Unit** that is located or proposed to be located on the same lot (such as a garage, pool house, or carriage house).

4. “**Multifamily Dwelling**” shall mean two or more residential dwellings that are attached to one another. “**Multifamily Dwelling**” shall not include multiple dwellings on a single lot that are not attached to one another.

5. **“Newly constructed”** shall mean the construction of new walls and roofs, either attached or detached to an existing Primary Dwelling Unit or to an existing accessory structure on the lot or parcel.

6. **“Owner”** shall mean the property owner as set forth on the latest equalized County assessment roll, and shall include the following natural persons:

- a. Sole proprietor
- b. Partner of a partnership
- c. Member of a limited liability company
- d. Executive Officer of a corporation
- e. Trustor, trustee, or beneficiary of a trust

For purposes of Section 153.120.360.F.1 (“Accessory Dwelling Unit: Owner-Occupancy”) and Section 153.120.370.F.1 (“Junior Accessory Dwelling Unit: Owner-Occupancy”), the Owner-Occupant must have authority to bind the owner in all matters related to the property upon which an Accessory Dwelling Unit exists, and shall not pay rent or other compensation to reside at the property.

7. **“Primary Dwelling Unit”** shall mean any existing or proposed single-unit dwelling that has been or will be legally established and is located on the same lot as an existing or proposed Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

8. **“Public Transit”** shall have the same meaning as that stated in California Government Code Section 65852.2(j)(10) as that Section may be amended from time to time.

9. **“Tandem parking”** shall have the same meaning as that stated in California Government Code Section 65852.2(j)(11) as that Section may be amended from time to time

Section 153.120.360 – Accessory Dwelling Units - Use Regulations and Development Standards

A. **Accessory Dwelling Units.** In accordance with the regulations and standards set forth in this Section, Accessory Dwelling Units shall be permitted as a matter of right, without any required discretionary review or discretionary permit, on any parcel of property with an existing or proposed residential dwelling in any Residential Zone as indicated in Table 153.040.020 and in any Mixed-Use Zone as indicated in Table 153.070.020 of this Chapter, and as otherwise set forth in Subsection 153.120.360.A.1. Accessory Dwelling Units shall, however, be subject to the Ministerial Permit Requirements set forth in Subsection 153.120.360.B.

B. Ministerial Permit(s) Required. No person shall cause, allow, or suffer the erection, conversion, establishment, maintenance, use, or occupancy of any Accessory Dwelling Unit without having first obtained the required permit(s) as set forth in this Section.

1. **Building Standards Permit(s) Only.** The following Accessory Dwelling Units may be constructed, converted, or established subject to the acquisition of a building permit and corresponding electrical, plumbing, and mechanical permits (and all required inspections and approvals) without the need for a Ministerial Accessory Dwelling Unit Permit as set forth in Subjection 153.120.360.B.2.

a. **Single-Family Dwelling.**

i. One Accessory Dwelling Unit located entirely within a proposed or existing single-family dwelling or accessory structure subject to each and all of the following limitations and requirements:

a) No detached Accessory Dwelling Unit exists or is proposed to exist on the lot or parcel;

b) The Accessory Dwelling Unit has exterior access from the proposed or existing single-family dwelling;

c) The side and rear setbacks are sufficient for fire and safety, as determined by the Building Official and/or Fire Department, where safety will require, at a minimum, compliance with Section 153.120.360.D.1(e) of this Code;

d) If the Accessory Dwelling Unit is located or proposed to be located within an accessory structure, the accessory structure may be expanded up to 150 square feet beyond the same physical dimensions as the existing accessory structure for the sole purpose of accommodating ingress and egress.

ii. One newly constructed, detached Accessory Dwelling Unit on a lot with a proposed or existing single-family dwelling (irrespective of the existence of a Junior Accessory Dwelling Unit erected, converted, established, and maintained in accordance with Section 153.120.370 of this Code) subject to each and all of the following limitations and requirements:

a) No Accessory Dwelling Unit exists or is proposed to exist within a proposed or existing single-family dwelling or accessory structure on the lot or parcel;

b) The side and rear yard setbacks are at least four feet (4');

c) The total floor area is eight hundred (800) square feet or smaller; and,

d) The maximum building height does not exceed sixteen feet (16') – as measured in accordance with Section 153.130.040 of this Code.

b. Multifamily Dwellings.

i. Multiple Accessory Dwelling Units 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, subject to each and all of the following limitations and requirements:

a) No detached Accessory Dwelling Unit exists on the lot or parcel;

b) The number of Accessory Dwelling Units shall not exceed 25% of the lawfully established multifamily dwelling units existing on the lot or parcel (with the maximum number rounding down to the nearest whole number, with the minimum being one (1)); and,

c) Each Accessory Dwelling Unit shall comply with State Building Standards for dwellings.

ii. Not more than two (2) Accessory Dwelling Units detached from an existing multifamily dwelling subject to each and all of the following limitations and requirements:

a) No Accessory Dwelling Unit exists within portions of an existing multifamily dwelling structures on the lot or parcel;

b) The building height of any detached Accessory Dwelling Unit shall not exceed sixteen feet (16') – as measured in accordance with Section 153.130.040 of this Code; and,

c) The minimum rear and side-yard setback of any detached Accessory Dwelling Unit shall be at least four feet (4');

2. Ministerial Accessory Dwelling Unit Permit. All Accessory Dwelling Units that do not meet the criteria for a Building Standards Permit(s) Only as set forth in Subsection 153.120.360.B.1 may be constructed or converted subject to the acquisition of a Ministerial Accessory Dwelling Unit Permit as set forth in this Section, as well as corresponding building, electrical, plumbing, and mechanical permits (and all required inspections and approvals). Accessory Dwelling Units subject to a Ministerial Accessory Dwelling Unit Permit shall adhere to the ministerial Development Standards set forth in Subsection 153.120.360.D.2.

3. Ministerial Plan Check.

a. **Plan Submission.** In order to obtain any required Ministerial Accessory Dwelling Unit Permit or required building, electrical, plumbing, or mechanical

permits for an Accessory Dwelling Unit, all persons shall submit an application (and all corresponding fees as set forth by Council Resolution) to the Community Development Department demonstrating compliance with the requirements of this Section and containing, at a minimum, the following information:

i. A fully-dimensioned site plan containing the following information pertaining to the property upon which the Accessory Dwelling Unit is proposed to be established:

a) Name and address of the applicant and of all persons owning any or all of the property;

b) Evidence that the applicant is the owner of the property or otherwise has the written permission of the owner(s);

c) Address and Assessor Parcel Number of the property;

d) Property dimensions and square footage of the property;

e) The use, location, size of all existing buildings and structures on the property and the proposed Accessory Dwelling Unit, yards, driveways, access and parking areas, landscaping, walls or fences, and other similar features;

ii. A fully-dimensioned floor plan of the existing primary dwelling and the proposed Accessory Dwelling Unit;

iii. A roof plan for all existing and proposed structures;

iv. A set of fully-dimensioned building elevations of all sides of existing structures on the property and the proposed Accessory Dwelling Unit.

b. Action Upon Application.

i. An application for a Ministerial Accessory Dwelling Unit Permit or for required building, electrical, plumbing, or mechanical permits for an Accessory Dwelling Unit shall be considered and approved ministerially without discretionary review or a hearing.

ii. The City shall act upon any application for ministerial permits for the establishment of an Accessory Dwelling Unit within sixty (60) calendar days from the date a completed application (with all supporting material and fees) has been received by the City.

a) If the application to establish an Accessory Dwelling Unit is submitted with an application to create a new single-family dwelling on

the lot, the City is authorized to delay action upon any permits for the Accessory Dwelling Unit until the City acts upon the application for the single-family dwelling.

b) If the applicant requests a delay, the 60-day period shall be tolled for the requested delay.

4. **Revocation of Building Standards Permit(s) and/or Certificate of Occupancy.** The Building Officials shall have the authority to revoke any building, electrical, plumbing, or mechanical permit, or any Certificate of Occupancy, for an Accessory Dwelling Unit in accordance with the provisions of the Baldwin Park Building Code or other applicable provision(s) of the Baldwin Park Municipal Code.

5. **Revocation of Ministerial Accessory Dwelling Unit Permit.**

a. **Revocation.** The City Planner may revoke a Ministerial Accessory Dwelling Unit Permit upon a finding of any of the following grounds.

i. The applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application for a Ministerial Accessory Dwelling Unit Permit;

ii. The Accessory Dwelling Unit does not adhere to all limitations and requirements for the establishment, use, occupancy, or maintenance of the Accessory Dwelling Unit as set forth in this Section.

b. **Notice of Revocation.** Upon determining that a ground for revocation exists to revoke a Ministerial Accessory Dwelling Unit Permit, the City Planner shall serve a written Notice of Revocation upon the permittee and current owner of the property on which the Accessory Dwelling Unit is located. The Notice of Revocation shall include, at a minimum, the following information:

i. The address of the property on which the Accessory Dwelling Unit is located;

ii. The name of the owner of the property on which the Accessory Dwelling Unit is located;

iii. The Ministerial Accessory Dwelling Unit Permit number that is being revoked;

iv. The date of revocation;

v. The ground(s) for revocation; and,

vi. A statement that the permittee or current owner of the property on which the Accessory Dwelling Unit is located has the right to challenge the revocation of the Ministerial Accessory Dwelling Unit Permit by filing a Request to Appeal

on a City-approved form within ten (10) calendar days of service of the Notice of Revocation.

c. **Appeal Hearing.** Within sixty (60) calendar days of any timely received Request to Appeal, a Hearing Officer approved by the Chief Executive Officer of the City shall conduct a hearing to determine if a ground for revocation as set forth in Subsection 153.120.360.B.5.a exists.

i. Appeal hearings are informal, and formal rules of evidence and discovery do not apply. The City bears the burden of proof to establish the existence of a ground for revocation by a preponderance of the evidence. The issuance of a Notice of Revocation shall constitute prima facie evidence of the existence of a ground for revocation. The City and appellant shall have the opportunity to present evidence (testimonial, documentary, or otherwise) at the hearing, as well as to cross-examine any witness providing evidence at the hearing. The City may, at its discretion, record the hearing by stenographer or court reporter, audio recording, or video recording.

ii. If the appellant fails to appear for the appeal hearing, the Request for Appeal shall be deemed withdrawn by the appellant and a waiver of the right to appeal the Notice of Revocation. In such instance, the Hearing Officer shall cancel the appeal hearing.

iii. Within thirty (30) calendar days of the conclusion of the appeal hearing, the Hearing Officer shall issue determine whether any of the grounds set forth in the Notice of Revocation exists, and shall serve the appellant with a written Decision on Appeal. Notwithstanding any provision of the Baldwin Park Municipal Code to the contrary, the decision of the Hearing Officer is a final, conclusive, and binding administrative decision.

d. **Service.** Any notice required by this Section to be served upon the permittee may be served either via personal delivery or by First Class Mail at the address listed on the Ministerial Accessory Dwelling Unit Permit application. Any notice required by this Section to be served upon the owner of the property on which the Accessory Dwelling Unit is located shall be served upon the property owner either via personal delivery or by First Class Mail at the mailing address on the last equalized assessment roll of the Los Angeles County Assessor's Office or to any other address provided by the owner.

i. The date of service shall be the date the notice is personally delivered or placed in a U.S. Postal Service receptacle. Failure of any party to receive a properly addressed notice by mail shall not invalidate any action or proceeding pursuant to this Section.

C. **Density.** Except as otherwise provided in this Section, no more than one Accessory Dwelling Unit is allowed on a property. Accessory Dwelling Units established, maintained, and occupied in compliance with Section 153.120.360 of this Code shall not be calculated as part of the allowable density for the lot upon which it is located.

D. **Development Standards.** Unless stated in this Section or California Government Code section 65852.2 (as that Section may be amended from time to time), all other development standards applicable within the zone in which the Accessory Dwelling Unit is located or proposed to be located shall apply, including, but not limited to, setbacks, building height, and minimum distance between structures.

1. **All Accessory Dwelling Units** shall adhere to the following requirements and limitations.

a. **Building Standards.** All Accessory Dwelling Units, and all electrical, plumbing, and mechanical systems, fixtures, and equipment in connection therewith, shall comply with all applicable Building Standards – including minimum room sizes as set forth in the California Residential Code.

i. **Fire Sprinklers.** Fire sprinklers shall be required in any Accessory Dwelling Unit if fire sprinklers are required in the Primary Dwelling Unit.

b. **Habitability.** All Accessory Dwelling Units shall be fully habitable, and shall at a minimum meet all requirements for an efficiency unit as defined by Section 1207.4 of the California Building Code or Section 17958.1 of the California Health & Safety Code, as those Sections may be amended from time to time.

c. **Mechanical Equipment.** All new mechanical equipment associated with a newly constructed Accessory Dwelling Unit shall be located on the ground no less than four feet (4') from the side and rear property lines. Any existing equipment located on the roof or exterior walls of the existing Primary Dwelling Unit or accessory structure shall be provided with a decorative screen to shield such equipment from view and shall be placed at least six inches (6") below the top of the lowest building parapet or decorative screen. No plumbing line shall be placed upon the exterior wall of a structure unless such line is enclosed or otherwise screened from view.

d. **Design Standards – Architectural Features.** A newly constructed Accessory Dwelling Unit shall incorporate the same or similar architectural features, building materials, and color as the Primary Dwelling Unit on the property. These features shall include, but shall not be limited to, roofing material, roof design, fascia, exterior building finish, color, exterior doors and windows including but not limited to ratios of window dimensions (e.g., width to height) and window area to wall area, garage door and architectural enhancements.

e. **Clear Cross Visibility on Corner Lots and Reversed Corner Lots.** In order to ensure clear visibility and to safeguard vehicle operators, cyclists, and pedestrians, newly constructed Accessory Dwelling Units on corner lots and reversed corner lots in all zones of the City shall maintain clear cross visibility as required by Section 153.130.090 of this Code or any other provision of this Code.

2. **All Accessory Dwelling Units that require a Ministerial Accessory Dwelling Unit Permit** shall adhere to each of the development standards set

forth in this Subsection. The development standards set forth in this Subsection shall supersede any conflicting development standard(s) provided elsewhere in this Code for the zone in which the Accessory Dwelling Unit is located or proposed to be located.

a. **Lot and Unit Size Requirements – Single-Family Dwelling**

i. **New Construction.** The following lot and unit floor area regulations apply to all newly constructed Accessory Dwelling Units on lots with existing or proposed single-family dwellings.

| Lot Size in Square Feet | Maximum Allowable Floor Area of Any ADU Attached to Existing Primary Dwelling | Maximum Allowable Floor Area of Any ADU Detached from Existing Primary Dwelling |
|--------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| 5,000 or less | 850 sf for ADU with 1 or less bedroom 1,000 sf for ADU with more than 1 bedroom | 850 sf for ADU with 1 or less bedroom 1,000 sf for ADU with more than 1 bedroom |
| 5,001 - 8,000 | 850 sf for ADU with 1 or less bedroom 1,000 sf for ADU with more than 1 bedroom | 1,000 sf |
| 8,001 and over | 850 sf for ADU with 1 or less bedroom 1,200 sf for ADU with more than 1 bedroom | 1,200 sf |

ii. **Existing Construction.** There shall not be any floor area limitation for any Accessory Dwelling Unit constructed within the proposed space of a single-family dwelling or within the existing walls of a single-family dwelling or of an accessory structure.

a) An existing accessory structure may be expanded up to 150 square feet beyond the same physical dimensions of the existing accessory structure only to accommodate ingress and egress to the Accessory Dwelling Unit.

b) An Accessory Dwelling Unit proposed within an existing accessory structure that expands the accessory structure beyond 150 square feet shall be subject to the lot and floor area limitations set forth in Subsection 153.120.360.D.2.a.

b. **Location.** All newly constructed Accessory Dwelling Units shall be located as set forth herein.

i. **Single-Family Dwellings.** Each newly constructed detached Accessory Dwelling Unit shall be located within the rear 50 percent of the lot. Each newly constructed attached Accessory Dwelling Unit shall be located to the rear of the front elevation of the existing single family dwelling unit

ii. **Multifamily Dwellings.** Each newly constructed detached Accessory Dwelling Unit shall be located to the rear of the rear elevation of the existing Primary Dwelling Unit nearest to the front yard.

c. **Setbacks.**

i. **Single-Family Dwellings.**

a) No rear and side yard setback shall be required for an Accessory Dwelling Unit that is converted from any of the following, unless the Building Official or Fire Department determine that setbacks are required for fire and/or life-safety:

- 1) An existing living area;
- 2) An existing accessory structure;
- 3) A structure constructed in the same location and to the same dimensions as an existing structure.

b) All other Accessory Dwelling Units shall maintain a minimum rear and side-yard setback of four feet (4').

c) The setbacks for any reverse-corner lot shall be the same as otherwise required by this Code for the zone in which the lot exists.

ii. **Multifamily Dwellings.**

a) No rear and side-yard setback shall be required for an Accessory Dwelling Unit that is converted from any of the following, unless the Building Official or Fire Department determine that setbacks are required for fire and/or life-safety:

1) An existing area of a multifamily dwelling that is not used as living space;

b) All detached Accessory Dwelling Units shall maintain a minimum rear and side-yard setback of four feet (4').

c) The setbacks for any reverse-corner lot shall be the same as otherwise required by this Code for the zone in which the lot exists.

d. **Clear Cross Visibility on Corner Lots and Reversed Corner Lots.** In order to ensure clear visibility and to safeguard vehicle operators, cyclists, and pedestrians, newly constructed Accessory Dwelling Units on corner lots and reversed corner lots in all zones of the City shall maintain clear cross visibility as required by Section 153.130.090 of this Code or any other provision of this Code.

e. **Maximum Height.** Each newly constructed attached or detached Accessory Dwelling Unit shall be limited in height to one story, with a maximum height not to exceed sixteen feet (16') – as measured in accordance with Section 153.130.040 of this Code. The roof style and pitch shall match the Primary Dwelling Unit.

E. Parking.

1. New parking.

a. One off-street parking space shall be provided for each Accessory Dwelling Unit, in addition to any other parking required for all other dwelling units. Off-street parking may be configured as tandem parking or may be located within the rear setback area of a lot, unless such parking is determined to not be feasible based upon the specific site or regional topographical or fire and life safety conditions.

i. No additional parking spaces shall be required for any Accessory Dwelling Unit in any of the following instances:

a) The Accessory Dwelling Unit is located within one-half mile walking distance of public transit;

b) The Accessory Dwelling Unit is located within an architecturally and historically significant historic district;

c) The Accessory Dwelling Unit is part of the proposed or existing primary residence or an accessory structure;

d) When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit;

e) When there is a car share vehicle located within one block of the Accessory Dwelling Unit.

ii. Each standard surface parking space shall have a minimum width of 10 feet, unless it is adjacent to a structure, such as a fence or wall, and then shall have a minimum width of 10 feet 6 inches; shall have a minimum length of 20 feet; be located so that an automobile is not required to back onto a public street; and maintain at least 24 feet of backup space directly behind each parking space.

iii. Each parallel surface parking space shall have a minimum width of 10 feet and a minimum length of 23 feet.

iv. Each enclosed garage parking space shall have a minimum width of 10 feet and a minimum length of 20 feet.

2. **Replacement parking.**

a. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit or converted to an Accessory Dwelling Unit, the previously existing parking spaces do not need to be replaced.

i. If an Accessory Dwelling Unit that resulted in a reduction or elimination of off-street parking otherwise required by this Code is removed or eliminated, all off-street parking required by this Code at the time the Accessory Dwelling Unit is to be eliminated shall be provided concurrently with the elimination of the Accessory Dwelling Unit.

2. **Vehicular Access.** The accessory dwelling unit shall utilize the same vehicular access that serves the existing main dwelling unit, unless the accessory dwelling unit has access from an alley contiguous to the lot.

F. **Occupancy and Sale Restrictions.**

1. **Owner-Occupancy.** An owner, as defined in Section 153.120.350.C of this Part, of the real property upon which an Accessory Dwelling Unit is created shall reside either within the Primary Dwelling Unit or in the Accessory Dwelling Unit at all times.

a. **Exception.** An Accessory Dwelling Unit for which the required ministerial Accessory Dwelling Unit Permit and/or Building Standards Permit(s) has been issued between January 1, 2020 and December 31, 2024, and for which a Certificate of Occupancy is issued prior to the expiration of the Accessory Dwelling Unit Permit and/or Building Standards Permit(s), shall not be subject to the owner-occupancy requirements set forth in Subsection 153.120.360.F.1.

2. **Sale.** An Accessory Dwelling Unit may not be sold separately from the Primary Dwelling Unit(s) on the parcel or lot upon which the Accessory Dwelling Unit exists.

3. **Rental.** The Accessory Dwelling Unit shall not be rented for any term or period of thirty (30) consecutive calendar days or less. If the Accessory Dwelling Unit is rented, the owner shall obtain and maintain a current and valid business license, in accordance with Section 111.03 of this Code.

4. **Deed restriction.** Prior to the occupancy of an Accessory Dwelling Unit and/or the issuance of a Certificate of Occupancy for an Accessory Dwelling Unit, the owner shall cause a deed restriction, in a form approved by the City Attorney's Office, to be recorded in the County Recorder's Office and a copy filed with the Planning Division.

The deed restriction shall run with the land and bind all future owners. The deed restriction shall include, at a minimum, the following:

- a. Declaration prohibiting the sale of the Accessory Dwelling Unit separate from the sale of the Primary Dwelling Unit;
- b. Declaration that the Accessory Dwelling Unit shall not be rented for any term or period of thirty (30) consecutive calendar days or less;
- c. Declaration restricting the size, attributes, and uses of the Accessory Dwelling Unit to that which conforms to this Section;
- d. Declaration that the Accessory Dwelling Unit adheres to all requirements of the Baldwin Park Municipal Code – including this Section, and that it will be maintained, used, and occupied in compliance with the requirements of the Baldwin Park Municipal Code – including this Section;
- e. Declaration that upon elimination of any Accessory Dwelling Unit that resulted in a reduction or elimination of off-street parking otherwise required by this Code, all off-street parking required by this Code at the time the Accessory Dwelling Unit is to be eliminated shall be provided concurrently with the elimination of the Accessory Dwelling Unit;
- f. Declaration that all of the above deed restrictions may be enforced against future property owners; and,
- g. Other declarations as deemed necessary by the City Planner to ensure compliance with the requirements and restrictions of this Section.

The deed restriction may be removed, with City approval, if the owner eliminates the Accessory Dwelling Unit (and restores any off-street parking spaces as required by Subsection 153.120.360.E.2.i) all required City approvals, permits, and inspections to the satisfaction of the City

Section 153.120.370 – Junior Accessory Dwelling Units - Use Regulations and Development Standards

A. Junior Accessory Dwelling Units. In accordance with the regulations and standards set forth in this Section, one (1) Junior Accessory Dwelling Unit shall be permitted as a matter of right, without any required discretionary review or discretionary permit, on any parcel of property with an existing or proposed single-family residential dwelling in any single-family residential zone as indicated in Table 153.040.020.

1. Junior Accessory Dwelling Units are prohibited on all properties with more than one single-family dwelling on the lot or proposed to be erected on the lot. A

lawfully established detached Accessory Dwelling Unit shall not be deemed a single-family dwelling unit for purposes of this Section.

B. Ministerial Building Standards Permit(s) Required. No person shall cause, allow, or suffer the erection, conversion, establishment, maintenance, use, or occupancy of any Junior Accessory Dwelling Unit without having first obtained a building permit and corresponding electrical, plumbing, and mechanical permits (and all required inspections and approvals) in accordance with this Section.

1. Ministerial Plan Check. In order to obtain any required building, electrical, plumbing, or mechanical permits for a Junior Accessory Dwelling Unit, all persons shall submit an application (and all corresponding fees as set forth by Council Resolution) to the Community Development Department demonstrating compliance with the requirements of this Section and containing, at a minimum, the following information

a. A fully-dimensioned site plan containing the following information pertaining to the property upon which the Junior Accessory Dwelling Unit is proposed to be established:

i. Name and address of the applicant and of all persons owning any or all of the property;

ii. Evidence that the applicant is the owner of the property or otherwise has the written permission of the owner(s);

iii. Address and Assessor Parcel Number of the property;

iv. Property dimensions and square footage of the property;

v. The use, location, size of all existing buildings and structures on the property and the proposed Junior Accessory Dwelling Unit, yards, driveways, access and parking areas, landscaping, walls or fences, and other similar features; and,

b. A fully-dimensioned floor plan of the existing primary dwelling and the proposed Junior Accessory Dwelling Unit.

2. Action Upon Application.

a. An application for required building, electrical, plumbing, or mechanical permits for a Junior Accessory Dwelling Unit shall be considered and approved ministerially without discretionary review or a hearing.

b. The City shall act upon any application for ministerial permits for the establishment of a Junior Accessory Dwelling Unit within sixty (60) calendar days from the date a completed application (with all supporting material and fees) has been received by the City.

i. If the application to establish a Junior Accessory Dwelling Unit is submitted with an application to create a new single-family dwelling on the lot, the City is authorized to delay action upon any permits for the Accessory Dwelling Unit until the City acts upon the application for the single-family dwelling.

ii. If the applicant requests a delay, the 60-day period shall be tolled for the requested delay.

3. **Revocation of Building Standards Permit and/or Certificate of Occupancy.** The Building Officials shall have the authority to revoke any building, electrical, plumbing, or mechanical permit, or any Certificate of Occupancy, for an Junior Accessory Dwelling Unit in accordance with the provisions of the Baldwin Park Building Code or other applicable provision of the Baldwin Park Municipal Code.

C. **Density.** No more than one (1) Junior Accessory Dwelling Unit shall be permitted on any parcel of property. The Junior Accessory Dwelling Unit shall not be calculated as part of the allowable density for the lot upon which it is located.

1. A Junior Accessory Dwelling Unit shall not be considered a separate or new dwelling unit for purposes of providing service for water, sewer, or power.

D. **Development Standards.** All Junior Accessory Dwelling Units shall adhere to the following requirements and limitations.

1. **Building Standards.** All Junior Accessory Dwelling Units, and all electrical, plumbing, and mechanical systems, fixtures, and equipment in connection therewith, shall comply with all applicable Building Standards – including minimum room sizes as set forth in the California Residential Code.

2. **Location.** A Junior Accessory Dwelling Unit shall be constructed within the walls of an existing single-family dwelling or attached garage, or within the walls of a proposed single-family dwelling.

3. **Unit Size Requirement.** A Junior Accessory Dwelling Unit shall not exceed 500 square feet in size.

4. **Cooking Facilities Required.** A Junior Accessory Dwelling Unit shall include an efficiency kitchen, which shall include, at a minimum, all of the following:

a. A kitchen sink;

b. Cooking facility with appliances as required for an efficiency unit pursuant to California Health & Safety Code Section 17958.1 and California Building Code Section 1207.4 (or any subsequent amendments thereto); and,

c. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the Junior Accessory Dwelling Unit.

5. **Sanitation Facilities.** Junior Accessory Dwelling Units may share sanitation facilities with the existing single-family residence.

6. **Separate Entrance Required.** A Junior Accessory Dwelling Unit shall include an exterior entrance that is separate from the main entrance to the proposed or existing single-family dwelling.

a. If the Junior Accessory Dwelling Unit shares sanitation facilities with the existing single-family residence, the Junior Accessory Dwelling Unit shall also be accessible from the main living area of the primary single-family residence.

E. **Parking.** Although no additional parking shall be required for the establishment of a Junior Accessory Dwelling Unit, the establishment of a Junior Accessory Dwelling Unit shall not result in a decrease of off-street parking spaces as required by Section 153.150.040 of this Code.

1. If a Junior Accessory Dwelling Unit is proposed within a garage attached to single-family dwelling, the applicant shall replace any corresponding parking space in accordance with the provisions of Section 153.150 of this Code.

F. **Occupancy and Sale Restrictions.**

1. **Owner-Occupancy.** The owner of the property on which a Junior Accessory Dwelling Unit is established shall reside either within the Junior Accessory Dwelling Unit or the remaining portion of the single-family residence.

a. Owner-occupancy shall not be required if the owner of the property is another governmental agency, land trust, or housing organization.

2. **Sale.** A Junior Accessory Dwelling Unit may not be sold separately from the primary single-family residence.

3. **Rental.** The Junior Accessory Dwelling Unit shall not be rented for any term or period of thirty (30) consecutive calendar days or less. If the Accessory Dwelling Unit is rented, the owner shall obtain and maintain a current and valid business license, in accordance with Section 111.03 of this Code.

4. **Deed Restriction.** Prior to the occupancy of a Junior Accessory Dwelling Unit and/or the issuance of any Certificate of Occupancy for a Junior Accessory Dwelling Unit, the owner shall cause a deed restriction, in a form approved by the City Attorney's Office, to be recorded in the County Recorder's Office and a copy to be filed with the Planning Division. The deed restriction shall run with the land and bind all future owners. The deed restriction shall include, at a minimum, the following:

a. Declaration prohibiting the sale of the Junior Accessory Dwelling Unit separate from the sale of the primary single-family residence;

b. Declaration that the Junior Accessory Dwelling Unit shall not be rented for any term or period of thirty (30) consecutive calendar days or less;

c. Declaration restricting the size, attributes, and uses of the Junior Accessory Dwelling Unit to that which conforms to this Section;

d. Declaration that the owner of the property on which the Junior Accessory Dwelling Unit exists or is proposed to exist shall reside either within the Junior Accessory Dwelling Unit or the remaining portion of the single-family residence at all times.

e. Declaration that the Junior Accessory Dwelling Unit adheres all requirements of the Baldwin Park Municipal Code – including this Section, and that it will be maintained, used, and occupied in compliance with the requirements of the Baldwin Park Municipal Code – including this Section;

f. Declaration that all of the above deed restrictions may be enforced against future property owners; and,

g. Other declarations as deemed necessary by the City Planner to ensure compliance with the requirements and restrictions of this Section.

The deed restriction may be removed, with City approval, if the owner eliminates the Junior Accessory Dwelling Unit with all required City approvals, permits, and inspections to the satisfaction of the City.

SECTION 5. Based on the foregoing findings and determinations, Baldwin Park Municipal Code Title XV, Land Usage, Chapter 153, Zoning Code, Subchapter 153.150, “Off-Street Parking and Loading,” Section 153.150.100, “Parking Lot and Structure Design Standards” is amended to read as follows:

D. Tandem parking prohibited. Each parking space shall be accessible without requiring the movement of another vehicle. Except as provided for in Section ~~153.120.360.(f)~~ 153.120.360.E.1, tandem parking arrangements are specifically prohibited.

SECTION 6. CEQA. City Council approval of Zoning Code Amendment Case Number AZC 21-02 and adoption of Ordinance No. 1464 are not subject to the California Environmental Quality Act (CEQA) pursuant to Article 5, Section 15060(c)(2), which determines a project is not subject to CEQA if “the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment” and 15060(c)(3) “the activity is not a project as defined in Section 15378.” The proposed amendment does not meet the criteria defined in Section 15378. Furthermore, the proposed amendment is exempt from the review for exemption pursuant to Section Article 5, 15061(b)(3), “The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the

activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”


SECTION 7. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of 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 adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. To the extent the provisions of the Baldwin Park Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 9. This ordinance shall be effective and be in full force and operation from and after thirty (30) days after its final reading and adoption.

First read at a regular meeting of the City Council of the City of Baldwin Park held on the November 3, 2021 and adopted and ordered published at a regular meeting of said Council on the 17th day of November, 2021.

PASSED, APPROVED, AND ADOPTED this 17th day of November 2021.



EMMANUEL J. ESTRADA
MAYOR

ATTEST:
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF BALDWIN PARK } **SS:**

I, Marlen Garcia, City Clerk of the City of Baldwin Park, do hereby certify that the foregoing ordinance was introduced and placed upon its first reading at a regular meeting of the City Council on **November 3, 2021**. Thereafter, said **Ordinance No. 1464** was duly approved and adopted at a regular meeting of the City Council on **November 17, 2021** by the following vote to wit:

AYES: COUNCIL MEMBERS: Avila, Damian, Estrada, Garcia, Hernandez
NOES: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None
ABSTAIN: COUNCIL MEMBERS: None



MARLEN GARCIA
CITY CLERK