

ORDINANCE NO. 2469

ORDINANCE TO AMEND ZONING REGULATIONS APPLICABLE TO SINGLE FAMILY AND RESIDENTIAL AGRICULTURAL ZONES REGARDING ACCESSORY HABITABLE QUARTERS (FORMERLY KNOWN AS GUEST HOUSES) AND VEHICULAR BACKUP SPACE

WHEREAS, on the 2nd day of April 2019, the City Council initiated a code amendment to consider revisions to the Single-Family and Residential Agriculture zones of the West Covina Municipal Code; and

WHEREAS, the Planning Commission, did on the 23rd day of July 2019, conduct a study session to consider the initiated proposed code amendment change; and

WHEREAS, the Planning Commission, upon giving required notice, did on the 26th day of November 2018, conduct a duly advertised public hearing as prescribed by law, at which time the Planning Commission adopted Resolution No. 19-6011, recommending to the City Council approval of Code Amendment No. 19-02.

WHEREAS, the City Council, upon giving the required notice, did on the 4th day of February 2020, conduct a duly advertised public hearing as prescribed by law on the proposed ordinance; and

WHEREAS, based on review of the State CEQA Guidelines, the City Council finds and determines that the proposed ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and

WHEREAS, the City Council has duly considered all information presented to it, including written staff reports and any testimony provided at the public hearing, with all testimony received being made a part of the public record.

WHEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Findings. The City Council finds as follows:

- A. Consistent with state law, the City allows accessory dwelling units to be constructed within the city.
- B. Now that accessory dwelling units are allowed by right within the city, there is limited to no need to still allow accessory habitable quarters; and
- C. Antiquated provisions of the municipal code should be removed to increase administrative efficiencies and reduce public confusion.

SECTION 2. Municipal Code Amendment. The definition of “accessory habitable quarters” in section 26-63 of the municipal code is revised as follows:

Accessory habitable quarters/guest houses. A permanently constructed habitable quarters, separate from the primary residence, and having no kitchen facilities, which is clearly subordinate or incidental to the primary residence on the same lot. The accessory habitable quarters may include only a sleeping area, living area, and bathroom within an attached or detached accessory structure and for use by guests or occupants of the primary residence. The accessory habitable quarters shall not be separately rented, leased or let (by direct or indirect compensation) or otherwise occupied separately from the primary residence. Accessory habitable quarters were historically known as guest houses. New accessory habitable quarters/guest houses are no longer allowed.

SECTION 3. Municipal Code Amendment. Municipal Code section 26-296.1100 (Definitions) is revised as follows:

Sec. 26-296.1100. - Definitions.

- (a) Large expansions shall mean the expansion of the existing total gross floor area of a single-family dwelling unit by the following minimum square footage when either the floor area of the existing dwelling unit is expanded or when the existing dwelling unit is demolished and a new dwelling unit is constructed within five (5) years and results in a total gross floor area larger than existed at the time of demolition, but not resulting in a total gross floor area which exceeds the maximum permitted for a lot:

| Lot Size (sq. ft.) | Large Expansion (sq. ft.) |
|--------------------|---------------------------|
| Under 20,000 | 1,250 |
| 20,000—24,999 | 1,500 |
| 25,000—29,999 | 2,000 |
| 30,000—34,999 | 2,500 |
| 35,000—39,999 | 3,000 |
| 40,000+ | 3,500 |

Said large expansion includes the gross square footage of the main building and/or accessory uses when attached to the main building, (including, but not limited to a accessory habitable quarters/guest houses, and garage), and detached garages, as set forth in subsection (d) of this section.

- (b) Maximum unit size exception shall mean an increase of the total gross square footage permitted for a unit as defined in section 26-401.5 by up to twenty-five (25) percent of the gross square footage of the main building, and/or attached accessory uses (including, but not limited to an accessory habitable quarter/guest house, or garage), and/or detached garages, as set forth in subsection (d) of this section.

- (c) Timing of additions or expansions. All additions or expansions occurring within one (1) year of the building permit final inspection approval of the previous addition or expansion shall be considered as a single expansion for the purpose of determining the large expansion calculation.
- (d) Detached garages legally constructed prior to October 21, 2004, shall be exempt from inclusion in the gross square footage calculation. Expansion of such garages after October 21, 2004, however, shall cause this exemption to be lost.

SECTION 4. Municipal Code Amendment. The following portions of Municipal Code section 26-391 (i.e. through and including subsections 1 and 2) are revised as follows, with all other portions of the section unamended:

Municipal Code Sec. 26-391. - Permitted uses.

No building or improvement or portion thereof in the residential agricultural zone (R-A) or the single-family residential zone (R-1) shall be erected, constructed, converted, established, altered or enlarged nor shall any lot or premises be used except for one (1) or more of the following purposes:

- (1) One single-family dwelling per lot. Any additions or accessory buildings shall maintain architectural consistency with the house regarding roof profile and pitch, materials, colors, roofing, scale, exterior treatment and details.
- (2) Accessory buildings.
 - a. Accessory dwelling units as allowed per article XII, division 11 (26-685.30 *et seq.*).
 - b. Nonhabitable accessory buildings or structures, including, but not limited to the following:
 - 1. Garages;
 - 2. Carports;
 - 3. Workshops;
 - 4. Storage rooms or sheds;
 - 5. Detached patio covers;
 - 6. Pool bathroom or detached bathroom.

All nonhabitable accessory buildings of more than one hundred twenty (120) square feet shall file a covenant defining the use of the accessory building and stating that the building shall not be converted to any other use without city approval including an accessory dwelling unit.

SECTION 5. Municipal Code Amendment. Section 26-391.5, "Accessory buildings, habitable" is deleted.

SECTION 6. Municipal Code Amendment. A new subsection (i) is added to Section 26-402, "Off-street parking" to provide as follows:

- (i) A minimum unobstructed vehicular maneuvering distance of twenty-five (25) feet measured from the opening of the garage or carport shall be provided, except as otherwise

permitted in this section. Minor design modifications may be approved, due to the uniqueness of the property as determined by the Planning Director.

SECTION 7. Municipal Code Amendment. Subsection (d) of section 26-418, (“Planning Commission Subcommittee for Design”) is revised as follows:

- (d) *Review required.* No building permit shall be issued for the following types of improvements to single-family residences prior to subcommittee review:
- (1) New construction of single-family residences.
 - (2) Structural additions or modifications on the front elevation of a residence.
 - (3) New second-story additions to one-story residences.
 - (4) New second-story additions to two-story houses.
 - (5) New balconies.
 - (6) Any modifications that is readily visible from a public right-of-way.

SECTION 8. Municipal Code Amendment. Subsection (a) of Section 26-749.160 (“Administrative use permit required), is revised as follows:

- (a) Prior to the construction of any improvement in the lower pad area such as habitable structures (including accessory dwelling units), nonhabitable structures that require the issuance of a building permit, swimming pools, spas, sports courts, and similar uses (whether or not a building permit is required), an administrative use permit shall be required as specified in article VI, division 5 of this chapter 26.

SECTION 9. ENVIRONMENTAL DETERMINATION. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City’s environmental procedures, and is found to be exempt pursuant to CEQA Guidelines Section 15061(b)(3), as this ordinance cannot create any significant effect on the environment.

SECTION 10. INCONSISTENCIES. Any provision of the West Covina Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 11. SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 12. PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in a newspaper of general circulation, printed and published in the

City of West Covina or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED, APPROVED AND ADOPTED this 4th day of February, 2020.



Tony Wu, Mayor

ATTEST:



Lisa Sherrick, Assistant City Clerk

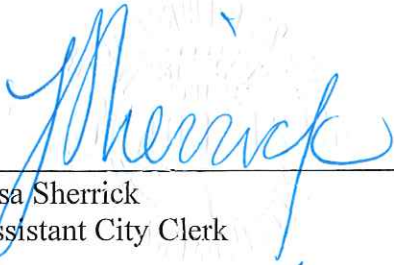
APPROVED AS TO FORM:



Thomas Duarte, City Attorney

I, Lisa Sherrick, Assistant City Clerk of the City of West Covina, do hereby certify that the foregoing Ordinance No. 2469 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 4th day of February, 2020. That, thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 18th day of February, 2020.

AYES: Castellanos, Johnson, Shewmaker, Lopez-Viado, Wu
NOES: None
ABSTAIN: None
ABSENT: None



Lisa Sherrick
Assistant City Clerk