

**CITY OF OJAI
ORDINANCE NO. 875**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF OJAI, CALIFORNIA, AMENDING OJAI MUNICIPAL
CODE SECTION 10-2.1709 GOVERNING SECOND
RESIDENTIAL UNITS AND ACCESSORY DWELLING
UNITS TO CONFORM TO NEW STATE STATUTORY
MANDATED ACCESSORY DWELLING UNIT
ORDINANCE REQUIREMENTS AND TO FURTHER
MODIFY ACCESSORY DWELLING UNIT STANDARDS
AND FINDING THAT THE ADOPTION OF THE
AMENDMENTS IS EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT**

WHEREAS, a second residential unit, also known as an accessory dwelling unit, is an attached or a detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons that includes permanent provisions for living, sleeping, eating, cooking, and sanitation and is situated on the same parcel or parcels as the primary residential unit; and

WHEREAS, as permitted by Government Code section 65852.2, the City Council previously adopted an ordinance providing for the creation and regulation of second units; and

WHEREAS, last year the Legislature amended Government Code section 65852.2, adding additional requirements for the City's second unit ordinance, now referred to in the Government Code as an accessory dwelling unit ordinance, including that the City must permit by right a detached second unit of at least 1,200 square feet, permit by right an attached second unit of up to 50 percent of the existing habitable area of the primary unit or 1,200 square feet (whichever is less), must reduce specified parking requirements, must permit a garage conversion to maintain existing setbacks and may only impose a minimum setback of 5 feet from side and rear lot lines for second units constructed above existing garages, and must permit compliant second units to be reviewed and approved ministerially, with no discretionary review required for second units meeting the minimum requirements; and

WHEREAS, on November 15, 2016, the City Council adopted an urgency ordinance revising Ojai Municipal Code section 10-2.1709 to conform with the requirements of the amended Government Code section 65852.2; and

WHEREAS, the City Council directed the Planning Commission to continue to evaluate recommended amendments to the City's accessory dwelling unit ordinance in light of the amendments to Government Code section 65852.2 and in light of the City's Housing Element, which includes a policy stating that the City will encourage the development of new second units; and

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WHEREAS, the Planning Commission recommended that the City Council adopt the following amendments to Ojai Municipal Code section 10-2.1709, revising it so that it reads as stated below, in order to encourage reasonable accessory dwelling unit development while preserving the community's existing character and minimize negative privacy impacts on adjacent properties; and

WHEREAS, on May 3, 2017 and May 17, 2017, the Planning Commission held noticed public hearings regarding the zoning code amendment and environmental determination and, notice of said hearings, including the proposed CEQA exemption determination was published in the *Ojai Valley News* at least 10 days prior to the first public hearing on May 17, 2017; and

WHEREAS, on May 17, 2017 the Planning Commission received and considered all public testimony, documentary evidence and staff recommendations submitted at the public hearings, and recommended adoption of both the text amendment and the environmental determination by the City Council, and

WHEREAS, on July 11, 2017, the City Council held a noticed public hearing regarding the zoning code amendment and environmental determination and, notice of said hearing, including the proposed CEQA exemption determination was published in the *Ojai Valley News* at least 10 days prior to the hearing; and

WHEREAS, on July 11, 2017 the City Council received and considered all public testimony, documentary evidence and staff recommendations submitted at the public hearings, and introduced this ordinance, and

WHEREAS, the City Council finds the proposed text amendment is consistent with and necessary to carry out the policies of the City's adopted General Plan because the proposed amendments modifying the requirements for accessory dwelling units will not permit land uses that are inconsistent with the approved residential land uses and densities in the Land Use Element and will affirmatively further the development of second units, now accessory dwelling units, in the City as required by the Housing Element, which directs that "the City will consider additional amendments to second unit regulations to encourage construction of second units;" and

WHEREAS, the proposed text amendment will not adversely affect the public health, safety, or welfare as the amendments do not authorize any land uses with adverse impacts on the public health, safety, or welfare, and the amendments maintain existing protections in the Ojai Municipal Code against the maintenance of any land use that constitutes a public nuisance.

WHEREAS, the proposed text amendment is exempt from review under the California Environmental Quality Act under California Code of Regulations, Title 14, Sections 15301 and 15308 of the CEQA Guidelines because it does not meet the definition of a project under CEQA Guidelines section 15061, subdivision (b)(3) and section 15378, subdivision (a) and subdivision (b)(5). The proposed changes to the second residential unit ordinance, changing the standards for second residential units as required and authorized by state law, has no potential for resulting in physical changes in the environment, directly or indirectly, because it consists of changes in the standards governing issuance of ministerial permits for accessory dwelling units and does not directly or indirectly approve any applications for particular accessory dwelling units.

