



AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY

October 11, 2016

STUDY SESSION – 6:00 PM

City Council Study Sessions

Second Tuesday of each month – 6:00 p.m.

City Council Meetings

Special Presentations – 5:30 P.M.

First & Third Tuesday of each month – 6:00 p.m.

City Council Closed Session

Will be scheduled as needed at 4:30 p.m.

City Hall Council Chamber – 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 72 hours before the meeting. The 72-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Dr. Yxstian A. Gutierrez, Mayor

Jeffrey J. Giba, Mayor Pro Tem
Jesse L. Molina, Council Member

George E. Price, Council Member
D. LaDonna Jempson, Council Member

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***THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD
MEETINGS***

**STUDY SESSION – 6:00 PM
OCTOBER 11, 2016**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

Lt. David Cain, The Salvation Army Moreno Valley Corps

ROLL CALL

INTRODUCTIONS

**PUBLIC COMMENTS ON MATTERS EITHER ON THE AGENDA OR NOT ON THE
AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL**

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council.

A. SPECIAL ORDER OF BUSINESS

- A.1. PRIVATIZATION OF STORM DRAIN SYSTEM: PRESENTATION BY CONSULTANT (Report of: City Attorney)

- A.2. SECOND UNITS (Report of: Community Development)

- A.3. CITY COUNCIL RECOGNITION POLICY DISCUSSION (Report of: City Attorney)

- A.4. CITY COUNCIL REQUESTS AND COMMUNICATIONS

(ITEMS MAY BE DEFERRED BY COUNCIL IF TIME DOES NOT PERMIT FULL REVIEW.)

PUBLIC INSPECTION

The contents of the agenda packet are available for public inspection on the City's website at www.moval.org and in the City Clerk's office at 14177 Frederick Street during normal business hours.

Any written information related to an open session agenda item that is known by the City to have been distributed to all or a majority of the City Council less than 72 hours prior to this meeting will be made available for public inspection on the City's website at www.moval.org and in the City Clerk's office at 14177 Frederick Street during normal business hours.

ADJOURNMENT

CERTIFICATION

I, Marie Macias, MMC, Interim City Clerk of the City of Moreno Valley, California, certify that 72 hours prior to this Study Session, the City Council Agenda was posted on the City's website at: www.moval.org and in the following three public places pursuant to City of Moreno Valley Resolution No. 2007-40:

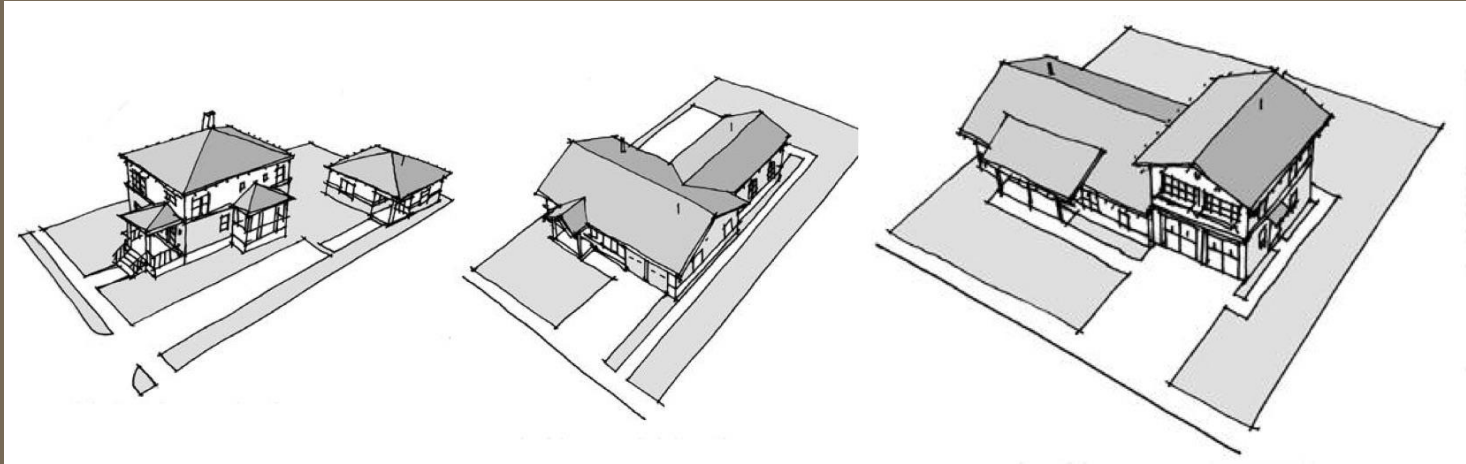
City Hall, City of Moreno Valley
14177 Frederick Street

Moreno Valley Library
25480 Alessandro Boulevard

Moreno Valley Senior/Community Center
25075 Fir Avenue

Marie Macias, MMC,
Interim City Clerk

Date Posted: October 6, 2016



SECOND DWELLING UNITS

PRESENTATION BY: Community Development Department – Planning Division

Purpose of the Study Session

- Requested by City Council June 21, 2016
 - Public interests raised as part of discussion on comprehensive Municipal Code Amendment
 - Interest to better understand State Regulations
 - Desire to review current City Regulations for Second Dwelling Unit
 - Interest with public notification requirements

Public Comments/Interests

- Architectural Design
 - The Second Unit
 - Square Footage
 - Number of Bedrooms
 - Style / Materials
 - Privacy
 - Setbacks
 - Height
 - Parking
- Intended Use of the Second Unit
 - Rentals
- Public Noticing Requirements

Per the City Municipal Code - Second dwelling units must meet the Site Design and Architecture Design Guidelines set forth in Section 9.16.130 (Single-family residential) and Section 9.09.130 (Second Unit Development)

- Second dwelling units are only allowed on sites measuring at least 7,200 square feet in size, and the unit itself in most cases is limited to a maximum of 1,250 square feet in size
- Second dwelling units must meet the required setbacks of the underlying zoning district
- Total lot coverage must be consistent with the requirement of the underlying zoning district
- The height limit is thirty-five feet
- Second dwelling units must incorporate the same or similar building materials, color and details of the primary dwelling
- Second dwelling units must provide a one parking space per bedroom in addition to the parking required for the main dwelling

Privacy

The general plan outlines goals, objectives, and policies regarding the character of residential uses and developments. It is the purpose of this chapter to provide regulations that implement those goals, objectives and policies toward the provision of a wide range of residential opportunities and dwelling unit types that meet the needs of present and future Moreno Valley residents of all socio-economic groups. It is the further intent of this chapter to: ensure adequate light, air, **privacy** and open space for each dwelling.

Use of Second Dwelling Unit / Rentals

Per City Code:

- The unit may be rented and shall not be sold separately from the main unit unless the land containing the second unit is first divided from the property containing the main unit in accordance with the city's subdivision regulations
- The applicant shall be the owner-occupant of the property and shall reside in either the primary residence or the second unit

Public Noticing

In 2003 State Law regulations for second dwelling units were amended through AB 1866. AB 1866 states that a local government is to handle public noticing for second units in the same manner that it affords to other **ministerial actions**.

Moreno Valley does not require public noticing on routine ministerial actions.

Therefore, consistent with State Law, no public noticing is required as part of the approval process for second dwelling units.

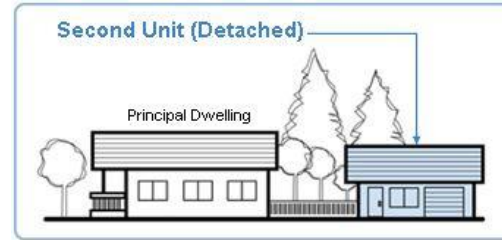
STATE LAW

Government Code Section 65852.2, enacted in 1982, sets forth planning regulations for second dwelling units.

Per State Law Local Governments are required to establish a Local Ordinance for the allowance of second units including the following:

- A. Designate areas within the jurisdiction of the local agency where second units may be permitted.
- B. Impose standards on second units that include, but are not limited to, parking, height, setback, lot coverage, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.
- C. Provide second units that do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

Defining a Second Dwelling Unit



From California Government Code Section 65852.2:

"Second unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

Also stated in California Government Code Section 65852.2:

"Second units are a valuable form of housing in California. Second units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods. Homeowners who create second units benefit from added income, and an increased sense of security".

AB 1866 (effective January 1, 2003)

It was the intent of the State that any second-unit ordinances adopted by local agencies have the effect of providing for the creation of second units and that provisions in these ordinances are not excessive or burdensome as to unreasonably restrict the ability of homeowners to create second units in zones in which they are authorized by local ordinance.

Effectively:

- Required jurisdictions to update their second unit regulations consistent with state standards
- Eliminated all discretionary approval of second units
- Simplified process to encourage the creation of second units
- Requires local government to handle public noticing for second units in the same manner that it affords to other ministerial actions

Moreno Valley's 2014-2021 Housing Element meets the State mandates!

Local Municipal Code Requirements under Section 9.09.130 (Second Dwelling Units)

Moreno Valley allows second dwelling units in all zoning districts where single family uses are allowed as an accessory use to the main dwelling on the lot.

Second dwelling units are allowed in the following Single-Family Residential Districts:

- Rural Residential (RR)
- Hillside Residential (HR)
- Residential 1 (R1)
- Residential 2 (R2)
- Residential Agriculture 2 (RA2)
- Residential 3 (R3)
- Residential 5 (R5)
- and Single-Family Residential Districts within Specific Plans that meet the minimum lot size (7,200 square feet)

Local Municipal Code - Section 9.09.130 (second dwelling units):

- Minimum lot size of seven thousand two hundred (7,200) square feet
- Compliance with the development standards for the district and Section 9.09.130
- Unit must meet the same minimum development standards as the main building on the parcel, including building setbacks.
- Limit of one second dwelling unit per lot
- Minimum size requirement of 450 square feet as well as a maximum of 1,250 square feet.
- Compatibility with the main dwelling unit in architecture, mass and scale.
- Parking requirement at minimum of one parking space per bedroom in addition to the parking required for the main dwelling (no tandem parking is allowed).
- Unit may be rented and shall not be sold separately from the main unit.
- Adequate water supply and sewage disposal capability.
- Applicant shall be the owner-occupant of the property and shall reside in either the primary residence or the second unit.
- Entrance to an attached second unit shall be separate from the entrance to the first unit and shall be installed in a manner as to eliminate an obvious indication of two units in the same structure.
- Second units are subject to all development fees specified by city ordinances or resolutions for second units.
- Units shall have kitchen and bath facilities.
- ***Property owner(s) shall enter into a written agreement with the city, in which the owner(s) agree to use the premises in compliance with the second dwelling unit requirements.***

Approval of an Administrative Plot Plan

Second dwelling units are processed through an Administrative Plot Plan application. Reviewed and by staff.

The process mirrors a custom home review, which is ministerial and does not require a public hearing, noticing or public comments.

NOTE! New State Laws

- SB 1069 & AB 2299, effective January 1, 2017, include new regulations for Second Dwelling Units
- Both SB 1069 and AB 2299 replace the term “second unit” with “accessory dwelling unit” and prohibit the imposition of parking standards under any of the following instances:
 - (1) The accessory dwelling unit is located within one-half mile of public transit.
 - (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - (3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
 - (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

QUESTIONS AND COMMENTS

CITY COUNCIL RECOGNITION POLICY

PURPOSE:

Guidelines regarding formal Mayoral and City Council recognition of individuals, businesses, non-profit organizations, neighborhood groups, homeowners associations, government agencies and other entities for their significant achievements and accomplishments in the community and their special contributions to the nation, state or city.

POLICY:

To set forth the general criteria to consider whether an individual, business, non-profit organization, neighborhood group, homeowners association, government agency or other entity deserves special recognition by the Mayor and/or City Council via the ceremonial issuance or presentation of a Certificate of Recognition, Award of Valor, Proclamation or Key to the City.

CRITERIA:

1. Certificate of Recognition

Purpose. To recognize individuals, businesses, non-profit organizations, neighborhood groups, homeowners associations, government agencies and other entities for their special achievements and accomplishments which have benefitted a particular segment of the community or sets a positive example of good citizenship.

Procedure. May be awarded by the Mayor with only the Mayor's signature. May also be awarded by a majority vote of the City Council. If approved by a majority vote of the City Council, all council members' signatures will be affixed to the Certificate of Recognition.

2. Award of Valor

Purpose. To recognize individuals, including but not limited to those vested with the responsibility to protect the health and safety of the public, for their outstanding bravery above and beyond that expected in their official line of duty.

Procedure. May be awarded by the Mayor with only the Mayor's signature. May also be awarded by a majority vote of the City Council. If approved by a majority vote of the City Council, all council members' signatures will be affixed to the Certificate of Recognition.

3. Proclamation

Purpose. To recognize a specific day, week or month or cultural, social or historic event that holds local, statewide or national significance.

Procedure. May only be presented by a unanimous vote of the City Council. If unanimously approved by the City Council, all council members' signatures will be affixed to the Proclamation.

4. Key to the City

Purpose. To bestow upon esteemed residents and visitors of the City the highest recognition for their efforts toward promoting a positive image of the City at the state, national and/or international level.

Procedure. May only be presented by a unanimous vote of the City Council.

DRAFT