



Legislation Text

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**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
Bruce Moe, City Manager

**FROM:**  
Carrie Tai, AICP, Community Development Director  
Talyn Mirzakhanian, Planning Manager  
Eric Haaland, Associate Planner  
Angelica Ochoa, Associate Planner

**SUBJECT:**  
Public Hearing to Consider Extending Urgency Ordinance No. 20-0004-U and Urgency Ordinance No. 20-0005-U Regulating Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) Citywide. (Community Development Director Tai)

a) **CONDUCT PUBLIC HEARING**  
b) **ADOPT URGENCY ORDINANCE NOS. 20-0024-U AND 20-0025-U EXTENDING THE INTERIM ZONING ORDINANCES FOR 12 MONTHS**

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**RECOMMENDATION:**  
Staff recommends that the City Council conduct a public hearing and adopt Ordinance No. 20-00024-U and Ordinance No. 20-00025-U extending Urgency Ordinance No. 20-0004-U and Urgency Ordinance No. 20-0005-U for one additional year.

**FISCAL IMPLICATIONS:**  
There is no direct fiscal impact associated with the adoption of the attached Ordinance No. 20-00024-U and Ordinance No. 20-00025-U. However, development of the permanent Zoning Code Amendments for Accessory Dwelling Units (ADUs) and subsequent processing of future applications for ADUs and JADUs require additional staff time and resources.

**BACKGROUND/DISCUSSION:**  
On December 17, 2019, the City Council adopted Interim Ordinance Nos. 19-0021-U and 19-0022-U revising regulations for the establishment of new ADUs within the City. The Interim Ordinances were extended on January 21, 2020, with the adoption of Urgency Ordinance Nos. 20-0004-U and 20-0005-U that will expire on December 15, 2020, if not extended. Pursuant to Government Code Section 65858, the alleviation report was issued on November 17, 2020, a minimum of 10 days before the Interim Ordinance will expire. The Urgency Ordinance is required as new State regulations for ADUs went into effect on January 1, 2020, and if no local regulations are adopted then the City is required to approve any ADU that meets minimum State standards, which are likely inconsistent with

the regulations that the City has adopted, and is currently developing.

As previously directed by the Council, staff has continued to progress in developing an updated ordinance to provide standards for ADUs throughout the City. The Planning Commission has conducted several public meetings to receive public input and to consider making recommendations to the City Council as to regulations regulating ADUs and JADUs consistent with state law. Recommendations anticipated for the City Council's public hearing review in January 2021, include changes to standards for kitchens, driveways, building separation, number of ADUs, minimum and maximum sizes, and remodeling limitations.

At this time staff is recommending that the City Council adopt interim Ordinance Nos. 20-0024-U and 20-0025-U to maintain the City's existing regulations until long-term Ordinances can be put into effect. The proposed interim Ordinances will include the same standards and requirements as stated in Ordinance Nos. 20-0004-U and 20-0005-U related to setbacks, parking requirements, owner occupied and rental terms, square footage, and height as follows:

- Setbacks. The ADU must have setbacks of at least four feet from all lot lines, except as follows: For an ADU that is converted from an existing garage or other enclosed space, no additional setbacks beyond the existing setback shall be required, except as may be required by the local building and fire codes.
- Parking Requirements. Off-street parking standards are provided in the interim ordinances, however, all locations within the City qualify as exempt due to proximity to transit lines. Replacement of garage parking lost to ADU conversions also cannot be required per State limitations imposed upon cities.
- Owner-Occupancy. The owner of a property with a JADU must reside on-site.
- Rental Term. The ADU must be rented only for terms longer than 30 days.
- Square Footage. The total floor space area of an ADU must be no more than 850 square feet for up to one bedroom, and 1,000 square feet for above, but no more than 50% of the primary residence's living area if attached. A JADU can be a maximum of 500 square feet.
- Height. A detached ADU structure must not exceed 16 feet, however, additional height is permitted if the ADU is constructed directly above a garage.

The City Council must make the following finding (set forth in the draft Ordinance) to adopt the Interim Urgency Ordinance and a four-fifths vote is required for passage:

There is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.

#### **PUBLIC OUTREACH:**

Pursuant to Municipal Code Section 10.96.040, a legal notice was published in the Beach Reporter on November 19, 2020. Future Planning Commission and City Council public hearings for the Zoning Code Amendments will also be noticed.

## **ENVIRONMENTAL REVIEW:**

Pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), this Ordinance is exempt from the California Environmental Quality Act ("CEQA") because it is an ordinance regarding accessory dwelling units to implement the provisions of Government Code Section 65852.2.

## **LEGAL REVIEW**

The City Attorney has reviewed this report and approved as to form the Urgency Ordinance.

## **ATTACHMENTS:**

1. Ordinance No. 19-0021-U (Adopted December 17, 2019)
2. Ordinance No. 19-0022-U (Adopted December 17, 2019)
3. Ordinance No. 20-0004-U (Adopted January 21, 2020)
4. Ordinance No. 20-0005-U (Adopted January 21, 2020)
5. Draft Interim Ordinance No. 20-0024-U
6. Draft Interim Ordinance No. 20-0025-U