



## Legislation Details (With Text)

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**File #:** ORD 17-0032-U **Version:** 1

**Type:** Public Hearing - SR w/Ordinance **Status:** Agenda Ready

**In control:** City Council Regular Meeting

**On agenda:** 12/5/2017 **Final action:**

**Title:** Conduct Public Hearing to Consider Extending Interim Ordinance No. 17-0001-U for Accessory Dwelling Units (ADU's) (Community Development Director McIntosh).  
CONDUCT PUBLIC HEARING AND ADOPT URGENCY ORDINANCE NO. 17-0032-U EXTENDING THE INTERIM ZONING ORDINANCE FOR ONE YEAR

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance No. 16-0038-U (Adopted December 20, 2016), 2. Ordinance No. 17-0001-U (Adopted January 17, 2017), 3. Draft Interim Ordinance No. 17-0032-U

Date	Ver.	Action By	Action	Result
12/5/2017	1	City Council Regular Meeting	approved as amended	Pass

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

**THROUGH:**  
Mark Danaj, City Manager

**FROM:**  
Anne McIntosh, Community Development Director  
Laurie B. Jester, Planning Manager  
Angelica Ochoa, Associate Planner

**SUBJECT:**  
Conduct Public Hearing to Consider Extending Interim Ordinance No. 17-0001-U for Accessory Dwelling Units (ADU's) (Community Development Director McIntosh).  
**CONDUCT PUBLIC HEARING AND ADOPT URGENCY ORDINANCE NO. 17-0032-U EXTENDING THE INTERIM ZONING ORDINANCE FOR ONE YEAR**

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**RECOMMENDATION:**  
Staff recommends that after conducting the public hearing, the City Council introduce Ordinance No. 17-0032-U extending the interim zoning ordinance for one year.

**FISCAL IMPLICATIONS:**  
There is no direct fiscal impact associated with the adoption of the attached Ordinance No. 17-0032-U. However, development of the permanent Zoning Code Amendments for Accessory Dwelling Units (ADU's) and processing future applications for ADU's, will require additional staff time and resources.

## **BACKGROUND/DISCUSSION:**

On December 20, 2016, the City Council adopted Interim Ordinance No. 16-0038-U prohibiting the establishment of new ADUs, except those that satisfy specified standards. The Interim Ordinance was modified and extended on January 17, 2017 with the adoption of Urgency Ordinance No. 17-0001-U and will expire on December 19, 2017 if not extended. Pursuant to Government Code Section 65858, the alleviation report was issued on November 21, 2017, a minimum 10 days before the Interim Ordinance will expire. The Urgency Ordinance is required as new State regulations for ADU's went into effect on January 1, 2017, 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 is currently developing.

As previously directed by the Council, Staff will continue to study the use of guest houses throughout the City and the appropriate locations and standards for ADU's for the long term benefits of the community and is requesting that the City Council adopt the interim Ordinance No. 17-0032-U. The proposed Ordinance will include the same standards and requirements as stated in Ordinance No. 16-0038-U and 17-0001-U related to setbacks, parking requirements, owner occupied and rental terms, square footage, height, and separation between buildings as follows:

- Setbacks. The ADU must have setbacks of at least five feet from all lot lines, except as follows: For an ADU that is converted from an existing garage, no additional setbacks beyond the existing garage setback shall be required, except as may be required by the local building and fire codes.
- Parking Requirements. A minimum of one off-street parking space must be provided for each bedroom or studio, in addition to the parking required for the primary residence. However, certain ADUs may be built with no additional parking for the ADU.
- Owner-Occupant and Rental Terms. The property owner must be an owner-occupant.
- Rental Term. The ADU must be rented only for terms longer than 30 days.
- Square Footage. The total floor space area of the ADU must be no more than 500 square feet and, if attached to the primary residence, no more than 50% of primary residence's living area. This 500 square foot maximum is consistent with the current guest house regulations.
- Height. The ADU structure must not exceed 12 feet measured from a weighted average of the local grades around the perimeter of the ADU. However, additional height is permitted if the ADU satisfies particular roof-pitch requirements or if the ADU is constructed directly above a garage.
- Separation. A detached ADU must be separated from the primary residence by at least ten feet.

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/INTEREST:**

A legal notice was published in the Beach Reporter on November 23, 2017. 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 interim ordinance.

**Attachments:**

1. Ordinance No. 16-0038-U (Adopted December 20, 2016)
2. Ordinance No. 17-0001-U (Adopted January 17, 2017)
3. Draft Interim Ordinance No. 17-0032-U