



Legislation Details (With Text)

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On agenda: 1/7/2020 **Final action:**

Title: Alleviation Measures Report Required Prior to the Extension or Expiration of Interim Ordinances Nos. 19-0019-U and 19-0020-U Requiring an Equal Number of Replacement Units for Residential Dwelling Units that are Demolished (Community Development Director Tai).
ISSUE ALLEVIATION MEASURES REPORT

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
1/7/2020	1	City Council Regular Meeting		

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Bruce Moe, City Manager

FROM:
Carrie Tai, Community Development Director
Quinn M. Barrow, City Attorney
Eric Haaland, Associate Planner

SUBJECT:
Alleviation Measures Report Required Prior to the Extension or Expiration of Interim Ordinances Nos. 19-0019-U and 19-0020-U Requiring an Equal Number of Replacement Units for Residential Dwelling Units that are Demolished (Community Development Director Tai).
ISSUE ALLEVIATION MEASURES REPORT

RECOMMENDATION:
Staff recommends that the City Council issue this report pursuant to Government Code Section 65858(d).

FISCAL IMPLICATIONS:
There is no fiscal impact associated with the issuance of the report.

BACKGROUND
Government Code Section 65858(d) requires that “ten days prior to the expiration or extension of any interim zoning ordinance, the legislative body (City Council) must issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.” On December

17, 2019, the City Council adopted Urgency Ordinances Nos. 19-0019-U and 19-0020-U to amend the municipal code and the city's local coastal program regarding the State's requirement that an equal number of replacement units be provided for residential dwelling units that are demolished. Those Ordinances are effective for 45 days and will expire on January 31, 2020 unless extended.

In compliance with Government Code Section 65858(d), the City Council hereby issues this report for both interim ordinances. Due to the housing shortage in California, the California State Legislature has adopted a new statute (Senate Bill (SB) 330 - the Housing Crisis Act) adding Government Code Section 66300, which provides - among other things - that "[a]n affected city . . . shall not approve a housing development project that will require the demolition of residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished." The new statute, effective January 1, 2020, requires that housing must be replaced on a one-to-one basis.

"Housing development project" is not defined in Section 66300, and the definition of this term provided in a separate section of the Government Code is ambiguous. The ordinance clarifies that the replacement requirement applies to a proposal for a single-family home, as well as all other types of housing. To avoid any possible ambiguity as to whether a single family home is considered a "housing development project," the ordinance was drafted to be consistent with the intent of the statute.

The City has taken the following measures to alleviate the condition that led to the adoption of the interim ordinances. Staff has studied the issues associated with current and future projects that involve demolition of any dwelling units. Staff has met to discuss public education and refining the dwelling unit replacement regulations when a permanent ordinance is proposed in the coming months. The new regulations and information on future hearings have been posted on the city's website at <https://www.citymb.info/departments/community-development>. Public hearings before the Planning Commission and the City Council will take place in the upcoming months to consider regulations in the Zoning Ordinance for demolition of dwelling units consistent with State law. A public hearing has been scheduled for January 21, 2020 to consider extending the interim ordinances to allow staff time to develop new regulations.

LEGAL REVIEW

The City Attorney has reviewed this report and determined that no further legal analysis is required.