



## Legislation Text

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**File #:** 20-0035, **Version:** 1

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**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

Angelica Ochoa, Associate Planner

**SUBJECT:**

Alleviation Measures Report Required Prior to the Extension or Expiration of Interim Ordinances Nos. 19-0021-U and 19-0022-U Regulating Accessory Dwelling Units (ADUs) (Community Development Director Tai).

**ISSUE ALLEVIATION MEASURES REPORT**

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**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. 19-0021-U and 19-0022-U to amend the municipal code and the city’s local coastal program regarding accessory dwelling units (ADUs). 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 Nos. 19-0021-U and 19-0022-U. Due to the housing shortage in California, the California State Legislature has adopted a series of statutes regulating ADUs and junior accessory dwelling units (“JADUs”). Recent State law once again amends California Government Code Section 65852.2 to further limit the city’s ability to regulate or limit accessory dwelling units (“ADUs”). Effective January 1, 2020, the new statutes will become effective. On January 1, 2020 and thereafter, cities without local ordinances must approve any ADU that meets minimal State criteria. Further, prior to the adoption of the interim ordinances on December 17, 2019, the City’s ordinances

would have been inconsistent with the new statutes.

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 allowing ADUs and JADUs in congested areas in the City with narrow streets and severely limited access for fire safety. Staff has met to discuss public education and refining the regulations to clarify information. 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 regulating ADUs and JADUs 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 additional legal analysis is necessary.