



Legislation Text

File #: 20-0345, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Carrie Tai, AICP, Community Development Director
Quinn M. Barrow, City Attorney

SUBJECT:

Alleviation Measures Report Required Prior to the Extension or Expiration of Interim Urgency Ordinances Nos. 19-0021-U and 19-0022-U Regulating Accessory Dwelling Units (ADUs) (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. 19-0021-U and 19-0022-U to amend the municipal code and the city’s local coastal program regarding accessory dwelling units (ADUs). On January 21, 2020, the City Council adopted Ordinances No.20-0004-U and No. 20-0005-U to extend those ordinances to December 15, 2020. Those Ordinances will expire on December 15, 2020 unless extended. Staff intends to schedule a public hearing for the December 1, 2020 City Council meeting in order to request an extension to the interim ordinances.

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, as extended. Due to the housing shortage in California, the California State Legislature adopted a series of statutes regulating ADUs and junior

accessory dwelling units (“JADUs”), amending California Government Code Section 65852.2 to further limit the city’s ability to regulate or limit accessory dwelling units (“ADUs”).

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. The Planning Commission has conducted several public meetings to receive public input and on October 28, 2020, adopted a resolution forwarding recommendations to the City Council for regulations regulating ADUs and JADUs consistent with state law. Discussions at the Planning Commission level shaped the recommendations that will be forwarded to the City Council for consideration. These include, but are not limited to, changes to number of ADUs allowed, minimum and maximum sizes, standards for kitchens in ADUs and JADUs, driveways, building separation, and remodeling parameters.

LEGAL REVIEW

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.