

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON,  
CALIFORNIA, IN SUPPORT SB 765 (STERN) – SETBACK FLEXIBILITY  
FOR ACCESSORY DWELLING UNITS**

**WHEREAS**, State law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions; and

**WHEREAS**, Government Code Section 65852.2 currently prohibits a local agency's accessory dwelling unit ordinance from imposing a setback requirement of more than 4 feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure; and

**WHEREAS**, the 4 feet setback requirement has taken away a local agency's authority to do proper planning to achieve an optimal, safe, and structurally balanced ADU location and fails to take into consideration topographical or geographical issues or land use concerns that may be unique to a land parcel or local agency; and

**WHEREAS**, SB 765 would remove the current one-size-fits-all approach and give local agencies the option to return to setback regulations they had established prior to the State law mandating the 4-foot setback; and

**WHEREAS**, to ensure local agencies do not use setbacks as a method to prohibit ADUs, SB 765 would authorize an accessory dwelling unit applicant to submit a request to the local agency for an alternative rear and side yard setback requirement if the local agency's setback requirements make the building of the accessory dwelling unit infeasible; and

**WHEREAS**, Carson City Council is committed to crafting regulations that best reflect the needs and particularities of its local communities.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON,  
CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS  
FOLLOWS:**

**SECTION 1.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**SECTION 2.** The City Council hereby expresses its support for SB 765 and its effort to restore a local agency's authority to establish setback regulations for accessory dwelling units.

**SECTION 3.** This Resolution shall be effective immediately upon its adoption.

**SECTION 4.** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

[signatures on following page]

PASSED, APPROVED AND ADOPTED this 16th day of March, 2021.

\_\_\_\_\_  
Lula Davis-Holmes, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Sunny K. Soltani

ATTEST:

\_\_\_\_\_  
Donesia Gause-Aldana, City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) SS:  
CITY OF CARSON                )

I, Donesia Gause-Aldana, City Clerk of the City of Carson, do hereby certify that the foregoing Resolution, being Resolution No. \_\_\_\_\_ was passed and approved by the City Council of the City of Carson, at its meeting held on March 16, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Donesia Gause-Aldana, City Clerk