



## Legislation Details (With Text)

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<b>On agenda:</b>	3/16/2021	<b>Final action:</b>			
<b>Title:</b>	CONSIDER SUBMITTING A LETTER OF SUPPORT FOR SENATE BILL 765 (SETBACK FLEXIBILITY FOR ACCESSORY DWELLING UNITS) AND PASSING A RESOLUTION IN SUPPORT OF SB 765 (CITY COUNCIL)				
<b>Sponsors:</b>					
<b>Indexes:</b>					
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<b>Attachments:</b>	1. Draft Resolution in Support of SB 765, 2. Bill Text of SB 765				

Date	Ver.	Action By	Action	Result
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## Report to Mayor and City Council

Tuesday, March 16, 2021

Consent

### SUBJECT:

**CONSIDER SUBMITTING A LETTER OF SUPPORT FOR SENATE BILL 765 (SETBACK FLEXIBILITY FOR ACCESSORY DWELLING UNITS) AND PASSING A RESOLUTION IN SUPPORT OF SB 765 (CITY COUNCIL)**

### I. SUMMARY

Senate Bill 765 (Stern) would restore a local agency's authority to establish setback regulations for Accessory Dwelling Units (ADU). Staff has prepared a Draft Resolution for City Council's consideration and approval.

### II. RECOMMENDATION

Staff recommends that the City Council pass a Resolution in support of SB 765 (Exhibit No. 1).

### III. ALTERNATIVES

TAKE another action deemed appropriate by the City Council subject to compliance with

applicable law.

#### **IV. BACKGROUND**

Current State law provides for the creation of Accessory Dwelling Units (ADU) by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, provided they comply with specific standards under State law.

The Legislature passed a bill last year, which currently prohibits a local agency's ADU 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. This has created an absurd outcome where the setback requirement is currently the same for a small 3,000 square foot urban lot and a 20 acre rural lot. In addition, this standard does not take into consideration topographical or geographical issues or land use concerns that may be unique to a land parcel or local agency.

SB 765 would remove the current prohibition and give local governments the option to return to setback regulations they had established prior to the State law mandating the 4-foot setback. If a local jurisdiction does not have a setback regulation in place, it will continue to be bound by the 4-foot setback rule currently in place.

The bill would also authorize an ADU 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 ADU infeasible.

According to Senator Stern's office, SB 765 is expected to be heard in the Senate Housing Committee by the end of March.

#### **V. FISCAL IMPACT**

There is no fiscal impact associated with this item.

#### **VI. EXHIBITS**

Draft Resolution in Support of SB 765 (pgs. 3 - 5)

Bill Text of SB 765 (pgs. 6 - 20)

Prepared by: Sunny Soltani, City Attorney