



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Rosalynn Hughey

**SUBJECT:** SEE BELOW

**DATE:** December 13, 2019

Approved

Date

12/13/19

## SUPPLEMENTAL

**SUBJECT: FILE NO. PP19-080:**

- (1) **APPROVE AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING VARIOUS SECTIONS OF TITLE 20 (ZONING ORDINANCE) OF THE SAN JOSÉ MUNICIPAL CODE TO FURTHER ALIGN WITH CALIFORNIA STATE LAW REQUIREMENTS: (A) ADD A NEW PART 4.5 “ACCESSORY DWELLING UNITS,” INCLUDING SECTIONS 20.30.460 (SINGLE-FAMILY DWELLING UNITS), 20.30.470 (JUNIOR ACCESSORY DWELLING UNITS), 20.30.480 (TWO-FAMILY AND MULTI-FAMILY DWELLING UNITS), AND 20.30.490 (AMNESTY PROGRAM); AMEND SECTION 20.30.310 (MINOR ONE-STORY ADDITION); AMEND SECTION 20.80.160 (INCIDENTAL TRANSIENT OCCUPANCY); AND AMEND SECTION 20.90.220 (REDUCTION IN REQUIRED OFF-STREET PARKING SPACES); (B) DELETE SECTION 20.30.150 (SECONDARY UNITS) FROM PART 2 “USES ALLOWED”; AND (C) AMEND SECTION 20.200.325 TO ADD CLARIFYING LANGUAGE TO ACCESSORY DWELLING UNIT DEFINITION, AND ADD SECTION 20.200.342 TO INCLUDE NEW DEFINITION OF JUNIOR ACCESSORY DWELLING UNIT; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE.**
  
- (2) **ADOPT AN URGENCY ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING VARIOUS SECTIONS OF TITLE 20 (ZONING ORDINANCE) OF THE SAN JOSÉ MUNICIPAL CODE AS OUTLINED IN PART (1) ABOVE.**

## REASON FOR THE SUPPLEMENTAL

This supplemental memorandum delineates the required City Council action items related to ADU provisions for File No. PP19-080. It incorporates the Planning Commission recommendation from the December 4, 2019 hearing, in addition to staff's recommendation to approve an urgency ordinance for the same item. City Council approval of the emergency ordinance would ensure that the proposed ADU provisions will take effect prior to January 1,

2020 when the four new State ADU laws—Senate Bill 13 (Weickowski), Assembly Bill 68 (Ting), Assembly Bill 881 (Bloom), and Assembly Bill 587 (Friedman)—become effective. The urgency ordinance will effectively establish the new Code provisions, and address the time lag between the City’s ordinance effective date and State law mandate.

## **RECOMMENDATION**

Pursuant to the Planning Commission recommendation in the December 9, 2019 Council memorandum:

- (1) Approve an ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance) of the San José Municipal Code to further align with California State Law requirements: (a) add a new Part 4.5 “Accessory Dwelling Units,” including Sections 20.30.460 (Single-Family Dwelling Units), 20.30.470 (Junior Accessory Dwelling Units), 20.30.480 (Two-Family and Multi-Family Dwelling Units), and 20.30.490 (Amnesty Program); amend Section 20.30.310 (Minor One-story Addition); amend Section 20.80.160 (Incidental Transient Occupancy); and amend Section 20.90.220 (Reduction in required off-street parking spaces); (b) delete Section 20.30.150 (Secondary Units) from Part 2 “Uses Allowed”; and (c) amend Section 20.200.325 to add clarifying language to Accessory Dwelling Unit definition, and add Section 20.200.342 to include new definition of Junior Accessory Dwelling Unit; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.
- (2) Adopt an urgency ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance) of the San José Municipal Code to further align with California State Law requirements: (a) add a new Part 4.5 “Accessory Dwelling Units,” including Sections 20.30.460 (Single Family Dwelling Units), 20.30.470 (Junior Accessory Dwelling Units), 20.30.480 (Two Family and Multi Family Dwelling Units), and 20.30.490 (Amnesty Program); amend Section 20.30.310 (Minor One story Addition); amend Section 20.80.160 (Incidental Transient Occupancy); and amend Section 20.90.220 (Reduction in required off street parking spaces); (b) delete Section 20.30.150 (Secondary Units) from Part 2 “Uses Allowed”; and (c) amend Section 20.200.325 to add clarifying language to Accessory Dwelling Unit definition, and add Section 20.200.342 to include new definition of Junior Accessory Dwelling Unit; and to make other technical, non substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code; and setting forth the facts constituting such urgency.

Approval of this item requires eight or more affirmative votes (two-thirds) of the City Council. If the urgency ordinance is not adopted, the proposed Ordinance will be effective in February 2020. This could result in potential discrepancies in interpreting ADU provisions, as State laws will already be in effect.

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**Subject: Zoning Code Amendments for ADUs**  
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**COORDINATION**

This supplemental memorandum has been coordinated with the City Attorney's Office.

**CEQA**

Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. (Planning, Building and Code Enforcement)

/s/  
ROSALYNN HUGHEY  
Planning, Building and Code Enforcement

For questions please contact Michael Brilliot, Deputy Director, at (408) 535-7872.