



Memorandum

TO: CITY COUNCIL

FROM: Councilmember Sergio Jimenez
Councilmember Raul Peralez
Councilmember David Cohen
Councilmember Maya Esparza

SUBJECT: SEE BELOW

DATE: December 10, 2021

Approved by:

Date: 12/10/2021

SUBJECT: SB 9 IMPLEMENTATION/URGENCY ORDINANCE

RECOMMENDATION

Approve the staff recommendations with the following modification: include in the ordinance language to address situations in which the standards physically preclude the creation of a second unit in violation of state law. For example:

In the event these standards physically preclude the creation of a second unit pursuant to Senate Bill 9, applicants shall seek waivers through a process to be defined in administrative guidelines promulgated by the City.

DISCUSSION

We appreciate staff's quick work in drafting this urgency ordinance to implement Senate Bill 9. However, we recognize that it is impossible to craft objective standards that anticipate every unique constraint affecting every property citywide. Though uncommon, the standards in some situations may prevent an applicant from creating a second unit, which would not be in compliance with SB9. For instance, the ordinance stipulates that "a maximum height of no greater than twenty feet and one story shall be applied to units situated within twenty feet of the rearmost property line," preventing an applicant from adding a second story to a zero lot line property, which may be the only way to add a second unit.

We recommend acknowledging these cases in the ordinance and referencing a process through which an applicant would be able to receive relevant waivers from standards physically precluding the second unit. This could be through administrative guidelines drafted later, or in some other way recommended by staff.