

ORDINANCE 634-AC

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA,
AMENDING NEEDLES MUNICIPAL CODE (NMC) SECTION 96.08 "DWELLING UNIT"
AND SECTION 96.00 "TABLE OF PERMISSIBLE USES"**

WHEREAS, the California State legislature adopted more than eighteen housing bills in 2019 to deal with the housing crisis; and

WHEREAS, one way to assist this issue is through the construction of accessory dwelling units (also known as second units, in-law units, and granny flats); and

WHEREAS, in order to encourage the construction of accessory dwelling units and junior accessory dwelling units, the State Legislature has again amended Government Code section 65852.2 and section 65852. 22; and

WHEREAS, a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on Wednesday, December 23, 2020 and posted in two conspicuous locations within the City; and

WHEREAS, on January 6, 2021, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to **RESOLUTION 01-06-2021 PC**; and

WHEREAS, the Planning Commission of the City of Needles, California recommends an amendment to Needles Municipal Code Section 96.08 "Accessory Dwelling Units" and Section 96.00 "Table of Permissible Uses" to update the City's Zoning Ordinance to comply with current State law for accessory dwelling units.

WHEREAS, a public hearing notice for the Needles City Council meeting was published in the Needles Desert Star on Wednesday, January 27, 2021 and posted in two conspicuous locations in the city; and

WHEREAS, on February 9, 2021, the Needles City Council held a duly noticed and advertised public hearing to receive oral and written testimony relative to the amendment to the Needles Municipal Code (NMC); and

WHEREAS, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination:

SECTION 1. The City Council HEREBY FINDS AND DETERMINES that the amendment is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15282(h) which establishes a specific exemption for ordinances regarding second units in single-family or multifamily residential zones to implement the provisions of Sections 65852. 1 and 65852.2 of the Government Code; and

SECTION 2 The City Council HEREBY FINDS AND DETERMINES, with reports and

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findings, that facts do exist to approve an amendment to the Needles Municipal Code (NMC) amending Section 96.08 "Accessory Dwelling Unit (ADU)" and Section 96.00 Table of Permissible Uses, according to requirements specified in amended Government Code:

- A. That the amendment addresses the changes identified in Government Code Section 65852.2 and Section 65852.22

FINDING: The amendment provides for new infill housing in the form of accessory dwelling units and junior accessory dwelling units within existing neighborhoods, allows the site(s) to satisfy RHNA housing needs; reduces the permitting process timeline; reduces fees associated with Development Impact Fees (DIF).

- B. That the amendment complies with State and Federal Laws and regulations while maintaining local control in decision making.

FINDING: The amendment provides incentives for creation of new housing units to address existing demand for housing, including rental housing for lower income households.

FINDING: The amendment eliminates owner-occupancy requirements; redefines a "second dwelling unit" to "primary dwelling unit"; removes the requirement for additional parking when garages, carports or covered parking are converted to ADUs; prohibits minimum lot size development standards

SECTION 3. The City Council HEREBY APPROVES Ordinance 635-AC for an amendment to the Needles Municipal Code (NMC) attached as Exhibit "A".

SECTION 4. This action shall become final and effective 30 days after this decision by the City Council as provided by the Needles City Code.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Needles, California, approves an amendment to the City Code.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of February, 2021, by the following roll call vote:

- AYES:
- NOES
- ABSENT
- ABSTAIN

Mayor

Attest:

City Clerk

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 23rd day of February, 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

(Seal)

Attest:

City Clerk

Approved as to form:

City Attorney

