



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Waive Second Reading and Adopt Ordinance No. 38.843 Amending Milpitas Municipal Code Title XI, Chapter 10 Relating to Accessory Dwelling Units and Determine that the Ordinance is Exempt from CEQA
Category:	Consent Calendar-Community Development
Meeting Date:	8/17/2021
Staff Contact:	Ned Thomas, Planning Director, 408-586-3273
Recommendation:	Waive second reading and adopt Ordinance No. 38.843 amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to accessory dwelling units and determine that the Ordinance is exempt from CEQA.

Background:

On August 5, 2021, the City Council introduced and conducted the first reading of Ordinance No. 38.843 to amend the City's regulations pertaining to accessory dwelling units (ADUs) found in Title XI, Chapter 10 of the Milpitas Municipal Code. This amendment clarifies requirements regarding front yard setbacks for attached ADUs, establishes separate utility connection requirements and development standards for ADUs not subject to limited criteria in State law, and removes the efficiency kitchen requirement for junior accessory dwelling units (JADUs).

Ordinance No. 38.843 is now ready for second reading and adoption.

Fiscal Impact:

None.

California Environmental Quality Act:

Under California Public Resources Code Section 21080.17, CEQA does not apply to the adoption of an ordinance by a local government implementing the provisions of Section 65852.2 of the Government Code, which is California's law regulating ADUs and JADUs, as defined by Government Code Section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law. In addition, the ordinance is statutorily exempt pursuant to CEQA Guidelines Section 15282(h) (adoption of an ordinance regarding second units in a single- or multi-family residential zone).

Recommendation:

Waive second reading and adopt Ordinance No. 38.843 amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to accessory dwelling units and determine that the Ordinance is exempt from CEQA.

Attachment:

1. Ordinance No. 38.843 (final form copy)