



City of Needles, California Request for Commission Action

CITY COUNCIL PLANNING COMMISSION Regular Special

Meeting Date: October 9, 2024

Title: A Resolution of The Planning Commission of The City Of Needles, California, Recommending that the City Council Adopt an Ordinance approving an Amendment to the Needles Municipal Code ("Code") Amending Section 96.00 "Table Of Permissible Uses" And Section 96.08 "Dwelling Units."

Background: On July 22, 2024, the City of Needles received a comment letter from the California Department of Housing and Community Development (HCD) regarding Ordinance No. 652-AC, which amended Needles Municipal Code (NMC) Section 96.00 "Table of Permissible Uses" and Section 96.08 "Dwelling Unit" and was adopted by the Needles City Council on August 6, 2022. This ordinance was submitted to HCD for review on September 15, 2022.

In accordance with Government Code section 66326, subdivision (a), HCD's letter indicated that the City's current ordinance concerning dwelling units does not fully comply with State laws regarding Accessory Dwelling Units (ADUs) and junior accessory dwelling units (JADUs). The City has reviewed HCD's comments and proposes amendments to the ordinance, as detailed in Exhibit "A" (attached), to ensure compliance. These amendments address HCD comments and include updates to provide clarity related to ADUs, JADUs.

Additionally, on September 19, 2024, Governor Newsom signed Senate Bill 1211 (SB 1211) into law, introducing further changes to State ADU regulations. The proposed amendments to the City's ordinance also incorporate the new requirements mandated by this legislation.

A public hearing notice was published in the Needles Desert Star newspaper on Wednesday, September 25, 2024, and posted at the entrance of City Hall.

City staff, in collaboration with Placeworks (the City's state-funded planning consultant), has developed the necessary amendments to the ordinance to ensure compliance with State ADU Law. Upon approval by the City Council, the ordinance will be submitted to the California Department of Housing and Community Development (HCD) for review. The most significant changes amendments to NMC Section 96.00, "Table of Permissible Uses," and Section 96.08, "Dwelling Unit," are as follows:

- Removed JADUs as a permitted use in the C-2 zone.
- Revised the definition and building standards for Tiny Homes to allow enclosed spaces between 150 and 400 square feet.
- Updated the definition of a manufactured home to exclude park model homes.
- Removed Section 96.08(h), which set standards for Manufactured Homes and Tiny Homes.
- Eliminated all provisions regarding "Violations Considered an Infraction" in Sections 96.08(b), (c), and (d).
- Removed provisions prohibiting ADUs from being used as vacation rentals.
- Added a statement that the City shall not prohibit the development of an attached or detached ADU up to 800 square feet with four side and rear setbacks, regardless of underlying development standards.

- Included language allowing the creation of an ADU up to 800 square feet, regardless of the size of the primary unit.
- Revised parking and kitchen standards for JADUs.
- Updated the number of ADUs allowed on a single-family lot to permit one ADU through conversion of existing space, one new construction ADU, and one JADU, for a total of three accessory units.

Attachments: 1. Planning Commission Resolution 10-09-2024-PC
 2. Exhibit A – Amendment to Needles Municipal Code
 3. Exhibit B - Amendment (CLEAN COPY) to Needles Municipal Code

Fiscal Impact: None

Environmental Impact: Categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and 15378, that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Recommended Action: Approve Resolution 10-09-2024-PC Recommending that the City Council Adopt an Ordinance approving an Amendment to the Needles Municipal Code (“Code”) Amending Section 96.00 “Table Of Permissible Uses” And Section 96.08 “Dwelling Units.”

Submitted By: Irene Romero, City Planner

City Manager Approval: Patrick J. Martinez Date: 10/4/2024

Other Department Approval (when required): _____ Date: _____

Approved: <input type="checkbox"/>	Not Approved: <input type="checkbox"/>	Tabled: <input type="checkbox"/>	Other: <input type="checkbox"/>
			Agenda Item: _____