ORDINANCE 668

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

WHEREAS, the City of Needles, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units (JADUs); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, a number bills that, among other things, amended Government Code sections 66310-66342 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, 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; and

WHEREAS, on September 19, 2024, Governor Newsom signed Senate Bill 1211 (SB 1211) into law, introducing further changes to State ADU regulations; and

WHEREAS, City staff has developed the necessary amendments to the ordinance to ensure compliance with Government Code sections 66310 – 66342; and

WHEREAS, on October 09, 2024, the Needles Planning Commission was presented with the Ordinance Amendments to Zoning Code Sections 96.00 and 96.08 of the City's Municipal Code as contained in Exhibit "A", and after holding a duly noticed public hearing, voted to recommend that the council approve the revisions; and

WHEREAS, a public hearing notice for the Needles City Council meeting was published in the Needles Desert Star on Wednesday, September 25, 2024 and posted in two conspicuous locations in the city; 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.

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

SECTION 1. Recitals. The recitals above are hereby incorporated by reference as a substantive component of this Ordinance.

SECTION 2. Compliance with CEQA. As the advisory body to the City Council, the Planning Commission has independently reviewed and considered the project exempt under 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.

SECTION 3. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve an amendment to the Needles Municipal Code (NMC), attached as "Exhibit "A".

SECTION 4. The City Council HEREBY APPROVES Ordinance 668-AC for an amendment to the Needles Municipal Code (NMC) attached as Exhibit "A".

SECTION 5. This action shall become final and effective 30 days after this decision by the City Council as provided by the Needles 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 22nd day of October 2024, 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 12th day of November 2024.

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mayor

Attest: _____
City Clerk

Approved as to form:

_____
City Attorney