

MOTION

PLANNING & LAND USE MANAGEMENT

For over a year, community stakeholders and the City have been working collaboratively to identify and address unintended consequences arising from the implementation of recent state housing laws. These discussions have focused on potential reforms to existing housing statutes, including Senate Bill 1211 and related legislation that has expanded the circumstances under which detached Accessory Dwelling Units (ADUs) may be constructed, including provisions that can allow ADUs substantially larger than the traditional 1,200 square foot threshold.

In particular, the ability to construct larger ADUs in connection with proposed multifamily developments has raised concerns about whether some projects remain consistent with the underlying purpose of ADU legislation as a means of facilitating incremental housing growth and the production of units that are accessible to households from an affordability perspective. The concern is not with ADUs themselves, nor with the State's broader effort to increase housing production. Rather, it is with ensuring that the statutory framework continues to function as intended and does not inadvertently create a pathway for development that circumvents limitations the Legislature established in the first place.

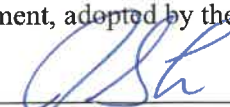
The State and local jurisdictions share a common interest in ensuring that California's housing laws create meaningful opportunities for additional housing while also allowing communities to address legitimate concerns related to scale, infrastructure, neighborhood compatibility, and responsible development. Where the implementation of State law reveals an unintended loophole, the appropriate response is to examine the statute, understand how the unintended outcome occurred, and work collaboratively toward a legislative solution.

The need for such a solution has now been acknowledged by Assemblymember Schiavo (AD-40). In a letter dated September 16, 2026, Assemblymember Schiavo stated, "I agree that the development is not in the spirit of the ADU legislation that has been passed in Sacramento that limited ADU sizes. This development has exposed an unexpected loophole...[and] my team has been working for the last couple weeks to research possible legislative solutions."

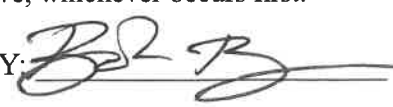
The Assemblymember's acknowledgment confirms what community stakeholders and local officials have been raising for nearly a year: the current statutory framework can produce an outcome that was not contemplated when the Legislature established limits on ADU sizes. Having identified the issue as an "unexpected loophole" and recognized that the development is not consistent with the spirit of the Legislature's own ADU limitations, the State should work to advance a clear and effective legislative solution that closes the loophole while preserving the broader objectives of California's housing laws.

I THEREFORE MOVE that the Council instruct the Planning Department, in consultation with the City Attorney, to prepare and process an Interim Control Ordinance (ICO) to temporarily prohibit the issuance of any building permits for detached accessory dwelling units on multifamily developments that exceed 1,200 square feet.

I FURTHER MOVE that the ICO include an Urgency Clause, making it effective upon publication, and consistent with California Government Code § 65858, the ICO shall run for 45 days, with a 10 month and 15 days extension by Council Resolution, and can be further extended for an additional 1 year, or until the adoption of the appropriate land use regulatory controls have been prepared by the Planning Department, adopted by the Council and become effective, whichever occurs first.

PRESENTED BY: 

JOHN S. LEE
Councilmember, 12th District

SECONDED BY: 

OCT 02 2026



ORIGINAL