

MOTION

The State of California has enacted laws to encourage the construction of Accessory Dwelling Units (ADUs) to address the housing crisis. These laws often limit local control over parking requirements for ADUs, sometimes leading to the conversion of existing parking spaces, including garages, into ADUs without regard for the parking availability or needs of a community.

In areas which are very dense and already over-parked like the community of Baldwin Village, these conversions have resulted in the loss of long-term parking for tenants in multi-unit rent stabilized apartment buildings, causing significant surges in on-street parking demand, hardships, and potentially violating existing lease agreements and covenants.

A report with recommendations from the Planning Department, and the City Attorney is needed that clarifies the legal implications of parking removal in dense over-parked neighborhoods, explores design solutions to mitigate parking loss, and potentially adjusts existing land use regulatory controls to address this issue in scenarios where ADU's are replacing existing tenant parking.

I THEREFORE MOVE that the Council instruct the Planning Department, and request the City Attorney to prepare a report within 30 days with their findings, legal analysis, design recommendations, and land use policy adjustment proposals relative to ADUs replacing existing tenant parking in dense over-parked communities, as follows:

1. Request the City Attorney to evaluate legal implications by providing: (a) review of existing state laws, local ordinances, lease agreements, and covenants related to tenant parking rights; (b) determine if the revocation of parking due to ADU conversion constitutes a 'taking' or violates tenant rights; and (c) provide legal recommendations for potential remedies for affected tenants.
2. Instruct the Planning Department to: (a) identify design options for incorporating parking into ADU projects where feasible, such as tandem parking, carports, or shared parking arrangements; and (b) assess the feasibility and cost-effectiveness of these design solutions.

PRESENTED BY: _____

Heather Hutt
HEATHER HUTT
Councilmember, 10th District

SECONDED BY: _____

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