



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Vice Mayor Kamei
Councilmember Jimenez
Councilmember Cohen
Councilmember Foley

SUBJECT: SEE BELOW

DATE: December 1, 2023

Approved

Rosemary Kamei Sergio Jimenez David Cohen Pam Foley

Date: 12/1/2023

SUBJECT: PP22-002 - An Ordinance Amending Various Sections of Title 20 of the San José Municipal Code and to Make Other Technical, Non-Substantive, or Formatting Changes

RECOMMENDATION

1. Approve the staff recommendations.
2. Direct the City Manager and the City Attorney to return to the City Council with options for an ordinance implementing AB 1033, allowing the separate sale of ADUs, as part of the next round of routine Zoning Code amendments.

BACKGROUND

AB 1033 (Assemblymember Phil Ting) was signed into law in 2023 and authorizes, but does not require, cities to adopt ordinances that allow accessory dwelling units (ADUs) to be sold/conveyed as condominiums separately from the primary dwelling. Currently, the municipal code prohibits the separate sale of ADUs except in the narrow context of an ADU constructed on a property developed by a Qualified Non-profit Corporation, as specified under state law.

Adopting a local ordinance implementing AB 1033 can help increase the availability of entry-level, affordable homes for sale and provide more families the opportunity to benefit from the stability of homeownership.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.