



Staff Report

TO: City Council

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DATE February 18, 2025

SUBJECT: Discussion on a Temporary Moratorium or Suspension on the Requirements of Beaumont Municipal Code (BMC) 17.11.050: Off-site Improvements

Description Discuss options, moratorium or suspension, for BMC 17.11.050: Off-site Improvements and provide staff direction on which option to take.

Background and Analysis:

BMC Section 17.11.050 establishes the requirements for off-site improvements associated with new construction, expansions, or additions to existing structures. These improvements include installing curbs, gutters, sidewalks, and other infrastructure adjacent to the property.

Currently, residential property owners constructing accessory structures—such as patios and garages—must comply with these off-site improvement requirements. This can create significant financial and logistical challenges for homeowners. To address this issue, staff proposes a temporary moratorium on enforcing these requirements for residential accessory structures. This moratorium would provide relief to affected homeowners while allowing staff to evaluate potential amendments to the code. A recent case highlights the impact of the current requirements.

Case Study

A property owner applied for a Residential Administrative Plot Plan to construct a garage at the rear of their property. The proposed garage exceeded both the 300-square-foot threshold and the 25% size limit relative to the main structure. To comply with regulations, the applicant modified the project to include an Accessory Dwelling Unit (ADU). However, under state law, only the ADU's living space is exempt from the City's off-site improvement requirements. As a result, the applicant is still required to:

- Underground existing overhead utilities along the entire property frontage,
- Install a sidewalk along the full length of the property's front lot line, and

- Perform a half-width milling and overlay on Orange Avenue to a depth of 0.2 feet.

To prevent similar undue burdens on residential homeowners, staff proposes one of two options to allow Council time to provide direction to staff to address this current issue with the code:

Option 1: Enactment of a Moratorium

A moratorium temporarily prohibits specific activities or developments, allowing the City Council time to study and consider potential amendments to existing regulations. In California, cities can adopt an interim ordinance (moratorium) without following the standard procedures for ordinance adoption, provided there is a current and immediate threat to public health, safety, or welfare. The process for enacting a moratorium is as follows:

- i. **Findings:** The City Council must make legislative findings that there is a current and immediate threat to public health, safety, or welfare and that approving additional entitlements (such as use permits or building permits) would exacerbate this threat.
- ii. **Adoption:** The interim ordinance can be adopted as an urgency measure, requiring a four-fifths vote of the City Council.
- iii. **Duration:** Initially, the moratorium is effective for 45 days.
- iv. **Extensions:** The City Council may extend the moratorium after holding a public hearing and making additional findings:
 - An extension of up to 10 months and 15 days can be enacted with a four-fifths vote.
 - A subsequent extension of up to one year can also be enacted with a four-fifths vote.
 - In total, the moratorium cannot exceed two years in duration.

This approach allows the City to thoroughly review and amend BMC 17.11.050 without the pressure of ongoing developments that may be inconsistent with future regulatory changes.

Option 2: Temporary Suspension of BMC 17.11.050

Alternatively, the City Council may consider a temporary suspension of the specific provisions outlined in BMC 17.11.050. This would involve:

- i. **Ordinance Amendment:** Adopting an ordinance that temporarily suspends the enforcement of BMC 17.11.050.
- ii. **Duration:** The suspension period should be clearly defined within the ordinance (e.g., six months), during which the City can evaluate the implications of the suspension and determine if permanent amendments are necessary.

- iii. **Public Hearing:** A public hearing will be conducted to gather input from stakeholders and the community regarding the proposed suspension.

This option allows for immediate relief from the requirements of BMC 17.11.050 while providing the City Council with time to assess and implement any needed changes based on the evaluation conducted during the suspension period.

Fiscal Impact:

The estimated fiscal impact to the City per project is \$5,200. This amount includes permit fees, residential permit processing, plan review, construction fees, and mechanical and plumbing fees. If we were to include Development Impact Fees, this would increase by an estimated \$30,000, for a total of about \$35,200. However, this impact is anticipated to be offset by improved community benefits and assist in reducing the financial strain on residential property owners.

The cost of preparing this staff report is estimated to be \$300.

Recommended Action:

Staff recommends City Council consider approving Option 2 – Temporary Suspension of BMC 17.11.050.