

# SENATE BILL (SB) 9

CONSIDERATION OF URGENCY INTERIM ORDINANCE & FEE FOR SB 9 PROJECTS



# OVERVIEW

**01**

Introduction of SB 9 and 10

**02**

Presentation of Draft SB 9 Urgency Ordinance and Fee Resolution

**03**

Policy Alternatives



# TIMELINE

- **9/16/21** Governor signed Senate Bills (SB) 9 and 10 into law
- **12/7/21** City Council requests SB 9 and 10 presentation
- **12/21/21** Staff presents draft SB 9 urgency ordinance and fee resolution to City Council
- **1/1/22** SB 9 and 10 go into effect



# SENATE BILL 10

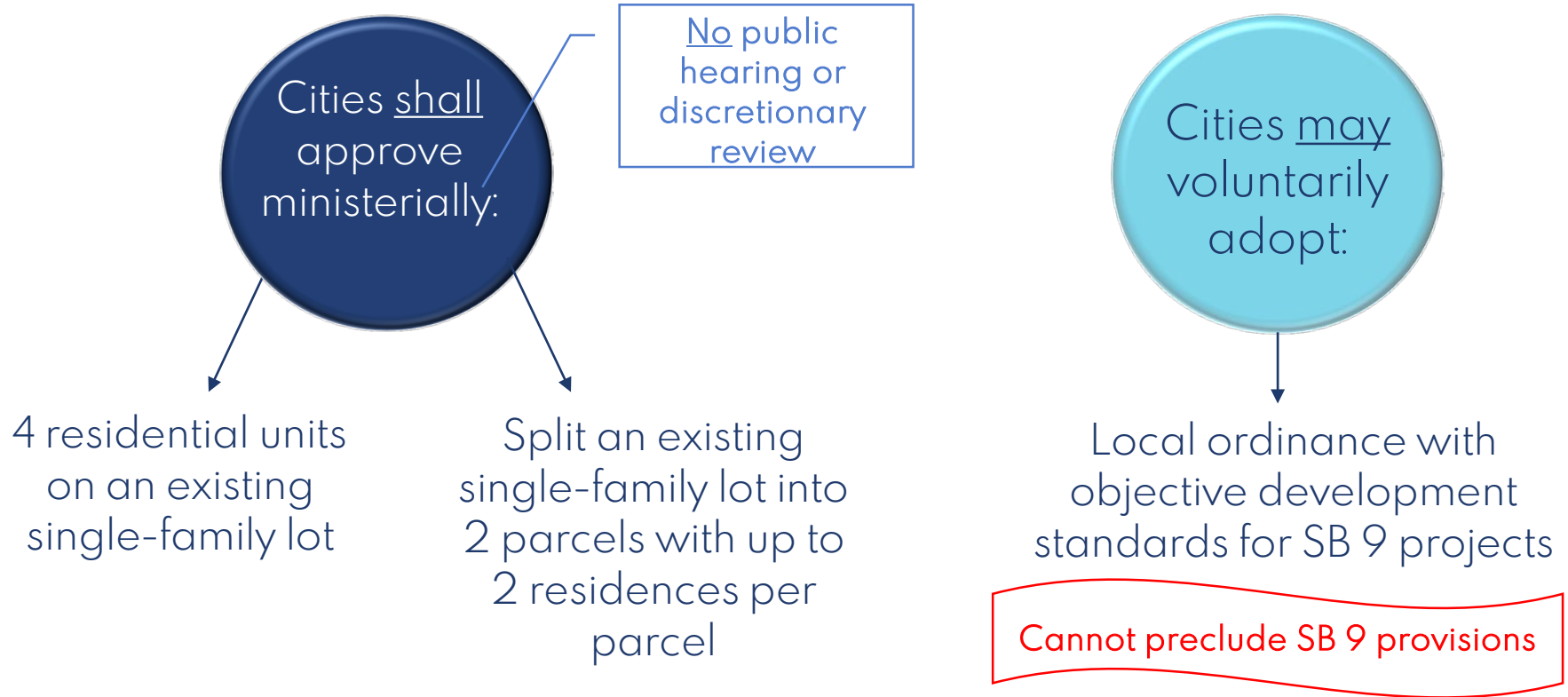
Cities may  
voluntarily  
adopt:



... an ordinance that permits up to 10 residential units on a single parcel of land.



# SENATE BILL 9



# SB 9 APPLICABILITY



Single-Family  
Zone

SB 9 is applicable only to the City's Residential Single-Family **(RS) zone** in Area Districts I, II, and III



8,440  
Lots

The City has about 8,440 RS-zoned lots

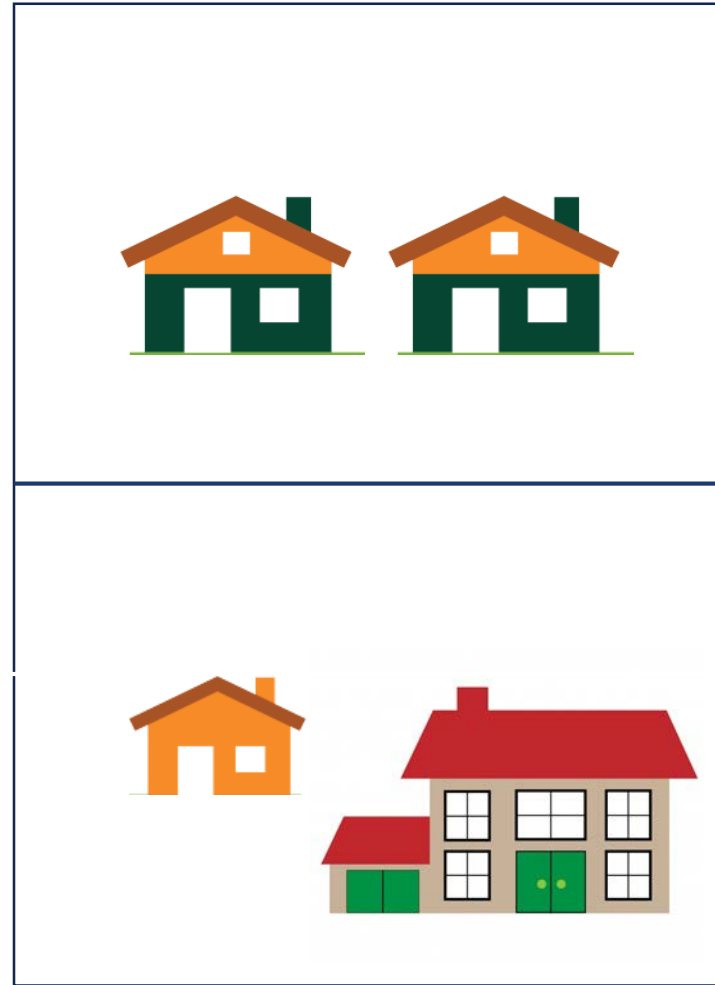
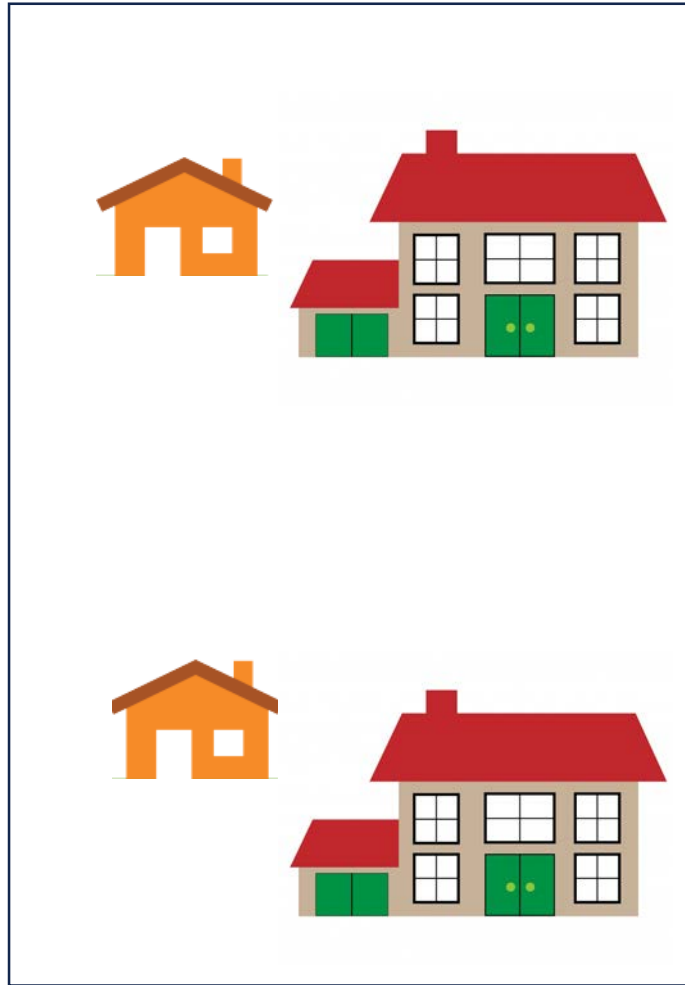


3%

Staff Projection: Approximately 3% (253 RS-zoned lots) can be split and developed with up to 4 residences without significant demolition



# ALL ROADS LEAD TO 4...



# SB 9 REQs. FOR RESIDENCES

- **DEMOLITION** – Max. exterior demolition of existing residence is 25% if tenant-occupied for past 3 years
- **SETBACKS** – 4 feet from a side or rear property line for new units.
- **DENSITY** – Up to 4 residences may be built on existing lot or up to 2 residences per parcel formed by lot split
- **SIZE** – City must allow minimum of 800 SF per new unit
- **EXISTING CONDITIONS** – Existing residences or residences reconstructed in same place and with same size may maintain existing setbacks
- **PARKING** – One off-street parking space required per residence unless lot is within ½ mile from “high quality transit corridor” or “major transit stop”
- **RENT** – Short-term rentals are prohibited





# SB 9 REQs. FOR LOT SPLITS

- **QUANTITY** – No more than **2 parcels** may be created
- **60:40** – New parcels must be approx. equal in size. One parcel may be no smaller than **40% of original lot size**
- **SIZE** – Each parcel must be at least **1,200 SF**
- **LIMITATIONS** – A lot that is split once via SB 9 may not be split again
- **RIGHT-OF-WAY** – Right-of-way dedication must not be required
- **OWNERS** – Owner-occupancy is required for a min. of 3 years
- **EXISTING CONDITIONS** – Correction of existing permitted nonconforming conditions must not be required



# ADDITIONAL SB 9 REGULATIONS



## Existing City Regs.

Existing City regulations that do not prohibit the development of up to 4 residences that are at least 800 SF each



## New Ordinance

If adopted by City Council,  
a new ordinance with objective standards can help ensure that SB 9 projects consistent with City character



# DRAFT URGENCY ORDINANCE



Application, review fee, and sworn statement affirming eligibility



Applicant must provide all necessary proof that the property is eligible



Covenant must be recorded specifying limitations



Comply with objective standards that foster projects consistent with City character and allow up to 4 residences at 800 SF each



# DRAFT URGENCY ORDINANCE

## Objective Dev. Standards

- 1 parking space per unit/ alley access
- Conceal electrical equipment
- Match flashing, vents, pipes paint to roof or wall
- Provide concealed refuse storage area
- Demonstrate pedestrian access from right-of-way to each residence
- Garage setbacks
- Max. 10-ft wide driveway for narrow lots
- If urban lot split:
  - No flag lots if adj. to alley, corner, or through lot
  - 20-ft width min.
  - Provide access to public right-of-way perpetually.

## Covenant Reqs.

- No non-residential uses
- No short-term rentals
- No subsequent lot split of parcels created by SB 9
- Owner-occupancy for 3 years min.
- Perpetual access to public right-of-way
- Maintain all required parking



# PROJECT REVIEW TIME & COST

Review Steps	Step Detail	Anticipated Time
Step 1	Application intake, checking for submittal completeness, and invoicing	30 minutes
Step 2	Reviewing materials and issuing corrections (typically multiple rounds)	2 hours
Step 3	Correspondence with applicant	45 minutes
Step 4	Covenant drafting, review, and obtaining signatures/notarizing	30 minutes
Step 5	Approval of project	15 minutes
Total Est. Review Time		4 hours
Est. Review Cost for Associate Planner (\$143.01/hr.)		\$572.04
Proposed Application Fee		\$572.00



# POLICY ALTERNATIVES

## Option 1

Take no action (refrain from adopting an Interim Zoning Ordinance). Staff to implement SB 9 as the law is written beginning Jan.1, 2022

## Option 2

Adopt an Interim Zoning Ordinance an Urgency Ordinance and Adopt Fee Resolution.

Term: 45 days

Potential Extension: 10 months and 15 days



Recommended actions are exempt from the California Environmental Quality Act (CEQA) pursuant to:

- Government Code Section 65852.21(j) effective January 1, 2022
- Section 15378 of the CEQA Guidelines
- Section 15308 of the CEQA Guidelines
- Section 15061(b)(3) of the CEQA Guidelines

# STAFF RECOMMENDATION

1. Adopt draft urgency interim ordinance providing additional specificity for SB 9 regulations; and
2. Adopt draft resolution to establish a fee for review of SB 9 projects.

