MEMORANDUM

TO: **City Council**

FROM: **Brian Pedrotti, Community Development Director**

BY: **Andrew Perez, Planning Manager**

SUBJECT: **Discuss and Consider Introduction of an Ordinance Amending Title 16 of the Arroyo Grande Municipal Code to Implement Senate Bill 9; Development Code Amendment 21-002; Location – Citywide**

DATE: **May 24, 2022**

SUMMARY OF ACTION:
Introduction of the proposed Ordinance amending Title 16 of the Arroyo Grande Municipal Code to implement Senate Bill 9 locally (Attachment 1) will allow for adoption of the ordinance at a future City Council meeting.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:
No financial impact is projected.

RECOMMENDATION:
Introduce an Ordinance establishing regulations for projects proposed under the provisions of SB 9.

BACKGROUND:
SB 9 was signed by Governor Newsom on September 16, 2021, and became effective January 1, 2022 (Attachment 2). This bill is intended to streamline housing development by requiring a proposed housing development containing no more than two residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements. SB 9 also requires a local agency to ministerially approve a parcel map for an urban lot split in a single-family residential zone if it meets certain requirements, including minimum lot size requirements and certain objective standards. Cities may deny an SB 9 project or subdivision that otherwise meets the requirements of SB 9 only if the Building Official determines it will result in a specific, adverse impact on health and safety and there is no feasible way to mitigate the impact.

City Council Study Session
A study session was held with the City Council on March 22, 2022, to provide a forum for community comments and to discuss implications of SB 9 to aid staff in refining the draft Ordinance (Attachment 3). Council expressed concerns with the effects of the unplanned density associated with potential SB 9 development and also discussed impacts to the water supply, how SB 9 affects developments with homeowner's association, and the proposed objective design standards, including height limits and parking design. These concerns and direction are noted in more detail in the corresponding sections of this report. Additionally, Council directed staff to present draft objective design standards to the Architectural Review Committee (ARC) for review and recommendation prior to the Planning Commission's consideration of the draft ordinance.

Architectural Review Committee
Staff presented the draft objective design standards to the ARC on April 18, 2022 for comments and a recommendation to Planning Commission. In general, the ARC recommended revisions to the design standards that allowed for more flexibility. For example, one recommendation was that the maximum size of units should be tied to lot size rather than the one-size fits all approach of a 1,200 square foot limit. The ARC also recommended that additional flexibility should be incorporated into the standards for building materials and colors. Recommendations from the ARC were included in the draft Ordinance brought to the Planning Commission.

Planning Commission Review
On May 3, 2022, staff presented the draft ordinance to the Planning Commission for a recommendation hearing (Attachment 4). The Planning Commission adopted a Resolution recommending adoption of the draft ordinance with substantial revisions from the direction provided by the City Council (Attachment 5). These changes proposed by the Commission include allowances for more units and larger units, more permissive height allowances, an elimination of parking, and allowance for ADUs on lots created through SB 9. These changes will be explained in more detail in the corresponding sections of this report.

ANALYSIS OF ISSUES:
SB 9 can be broken into two primary components: 1) provisions that allow subdivisions of a single-family zoned lot into two lots ("subdivisions"); and 2) provisions that allow construction of two units on a single-family zoned property ("two-unit projects"). These provisions can be used in concert, so that an applicant could subdivide an existing parcel and build two units on each parcel.

Qualifying Properties
Parcels located in any zoning district allowing single family residential uses are eligible for SB 9 development. This includes the Residential Estate, Residential Hillside,

Residential Rural, Residential Suburban, Village Residential, Single Family zones, and the Planned Development districts, which all permit single-family residences as an allowed use. In the draft ordinance presented to Council at the study session, only parcels in the Single Family zone would have been eligible for development under the draft SB 9 ordinance. This was based on staff's interpretation and guidance from the City Attorney regarding the terms of SB 9. Subsequent to the study session, the California Department of Housing and Community Development released an SB 9 Fact Sheet with information about the legislation (Attachment 6). Based on the information in that document, the zoning districts eligible for SB 9 development has been broadened to include all zones that permit single family residential as an allowed use.

Regardless of zoning, properties are excluded from using SB 9 for two-unit projects and/or subdivisions if they are located in any of the following areas:

- Prime farmlands or farmlands of statewide importance, or farmlands protected by a local ordinance
- Wetlands, as defined in the United States Fish and Wildlife Service Manual
- A hazardous waste site
- Lands identified for conservation in an adopted conservation plan or under a conservation easement
- Habitat for protected species
- Within a historic district or on a site that is designated as historic

As indicated above, SB 9 does not apply to parcels located "within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code." Under Public Resources Code Section 5020.1, "Historic district" means "a definable unified geographic entity that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development." Studies were conducted by the City that confirm the Historic Character Overlay District (D-2.4) possesses a high concentration of historically relevant sites and structures which supported creation of the district. Therefore, parcels in the overlay district would be ineligible for purposes of SB 9.

Prime farmland and farmlands of statewide importance are present within the City, most of which is found near Fair Oaks Avenue between Woodland Drive and Highway 101 and in the areas near Branch Mill Road (Attachment 7). These areas would not be eligible for SB 9 projects.

Three other areas are identified as conditionally excluded from SB 9. These areas include:

- Within a very high fire hazard severity zone
- Within a delineated earthquake fault zone, unless the project is designed to meet building code requirements for building within such zone

- Within a special flood hazard area or regulatory floodway, unless certain requirements are met

SB 9 development is allowed in the three areas listed above, but only when applicable building code and measures for hazard mitigation are met. For example, a property in the flood zone is required to provide a no-rise certification, prepared in accordance with Federal Emergency Management Agency guidelines, to indicate that the construction of a building will not increase flood hazards downstream. Certain building techniques and materials measures are required for SB 9 developments on properties in an earthquake or high fire zone.

A property can only be subdivided pursuant to SB 9 once. SB 9 also precludes the same applicant, or someone working in concert with the applicant, from subdividing adjacent properties. SB 9 does not override covenants, conditions, and restrictions (CC&Rs) or other private governing documents for homeowner's associations (HOA) or common-interest developments, meaning these developments may impose further restrictions on subdivision of parcels and two-unit developments. The City would process an SB 9 application where CC&Rs or other documents might otherwise restrict SB 9 projects, and because the City is not a party to private governing documents, enforcement of such documents is left to the HOA or affected property owners. The application for SB 9 projects will include a disclaimer for the applicant to acknowledge notification of their HOA when applicable.

Urban Lot Splits

Lot splits proposed under the provisions of SB 9 are referred to as Urban Lot Splits (ULS). The legislation requires that a parcel map for an ULS shall be approved ministerially, without discretionary review. Parcels developed with affordable housing or residential units that have been occupied by a tenant within three (3) years of the ULS application may not be split if the application proposes to alter or demolish the residential units.

Under the subdivision provisions of SB 9, the City must also allow a single-family zoned property to be subdivided into two roughly proportional lots. To ensure rough proportionality, SB 9 specifies that one lot cannot be less than 40 percent of the size of the other. The bill also establishes a minimum lot size of 1,200 square feet for lots created through an urban lot split. Provisions of SB 9 include the following allowances and restrictions on subdivisions:

- Cannot require dedication of right-of-way or construction of off-site improvements (such as installation of a sidewalk where there is none);
- May require that parcels have access to a public right-of-way;
- May require easements for the provision of public services and facilities; and
- Must require the applicant to sign an affidavit stating that the applicant intends to live on one of the properties as their primary residence for at least three years after

the date of the subdivision. This requirement does not apply to an urban land trust or qualified non-profit.

Units built on lots created through an ULS are reserved for residential uses, may not be permitted for short term rentals, and require owner occupancy for at least three years from the date of the approval of the ULS. An owner affidavit will be required with the application for a ULS and, in addition to the owner occupancy statement, must include a clause stating that a unit located on a lot created through an ULS will not be used as a short term rental.

Two-unit Development

A housing development consisting of two residential units within a single-family residential zone shall also be considered ministerially, without discretionary review or hearing, if developed pursuant to the provisions in SB 9. A two-unit development may include the construction of two new units, or the addition of a new unit to a property already developed with a single-family dwelling. A two-unit development would be subject to the following requirements, among others:

- The proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
- The proposed housing development would not require demolition or alteration of housing that has been occupied by a tenant in the last three years;
- The proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls of an existing residential unit on the property unless the site has not been occupied by a tenant in the last three years; and
- The development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

When an application for a two-unit development is submitted that proposes the demolition of an existing unit, staff will confirm the subject parcel complies with the State mandated requirements listed above. Staff maintains a database of deed-restricted affordable housing units that will be referenced to verify an affordable unit is not proposed for demolition. Furthermore, staff can obtain water billing information to verify whether a unit has been rented in the previous three years.

The Planning Commission recommendation includes allowances for either an ADU or JADU in addition to a two-unit development on lots created through an ULS. This would increase the maximum number of units allowed between the two lots from four (4) units, the minimum required by SB 9, to six (6) units. The motivation behind the Commission's recommendation was a desire to provide flexibility and feasibility for larger lots to

construct housing that would result in progress towards the meeting the demand in the community. To construct six units on the vast majority of the residential parcels within the City, while remaining within the FAR limits, will require smaller units, which are likely to be more affordable for future tenants. An increase in the number of units, and especially units that would sell or rent at affordable levels, would also help accomplish goals established in the Housing Element.

Accessory Dwelling Units

ADUs are allowed with SB 9 projects; however, SB 9 states that an agency shall not be required to permit more than two units on a parcel created by an ULS. In addition, SB 9 states that the City is not required to permit an ADU on parcels that propose both a two-unit residential development and an ULS. The draft ordinance presented to the Planning Commission prohibited ADUs on parcels created through an ULS, as supported by the City Council during the March 22, 2022 study session. After discussing the prohibition, the Planning Commission decided to recommend allowing either an ADU or JADU on lots created through a ULS, in addition to a two-unit development to achieve the six (6) unit maximum (three units total on each ULS lot). Up to two ADUs or JADUs would be allowed on lots not created through a ULS, in accordance with SB 9. Objective design standards would apply to ADUs as well as two-unit developments.

Objective Design Standards

The City may adopt objective development standards for SB 9 projects, but those standards cannot preclude construction of at least two units of 800 square feet in size each. Objective standards are those standards that involve no exercise in judgement to apply, such as numeric setback requirements. These design standards can regulate specific standards such as unit size, height limits, aesthetics, and function.

SB 9 already includes the following mandatory development standards:

- Cannot require more than four-foot side and rear setbacks for SB 9 developments;
- Cannot require more than one parking space per unit. Cannot require any parking for projects within a half-mile walking distance of high-quality transit or major transit stops, as defined by state law, or if there is a car share vehicle located within one block;
- Must allow construction of attached units; however, attached units must be designed to meet all requirements for selling each unit individually;
- No setback can be required for existing structures, and
- The City shall not require the correction of non-conforming zoning conditions on a property as a condition of approval of a project or deny a project due to existing non-conformities.

A high-quality transit stop is defined as a stop on a fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. Every bus route serving

Arroyo Grande has service intervals exceeding 15 minutes, therefore the parking exemption described above is not available for SB 9 projects in the City unless bus service changes to meet the State definitions. Beyond the mandatory development standards, the City may incorporate standards for floor-area ratios, height, lot coverage, and building separation, among others. Just as with units that are constructed on parcels created through a ULS, two-unit developments may not be short term rentals.

On April 18, 2022, the ARC reviewed the proposed objective design standards that were refined after the study session with Council (Attachment 8). As a result of that meeting, standards for maximum unit size, height, rooftop decks, color, and materials were revised based on the feedback from ARC. For example, the ARC found the unit size maximum of 1,200 square feet would be overly restrictive for the larger single family lots and would discourage SB 9 development in areas where it is most appropriate. Using the floor-area ratios (FAR) already established in the Municipal Code was determined to be a solution that is both equitable and maintains neighborhood character. The floor-area ratios found in AGMC 16.32.050 are summarized in Table 1.

Table 1: Floor-Area Ratio Maximums

Lot Size	Floor Area Ratio Maximum
0-4,000 sq. ft.	0.35
4,001-7,199 sq. ft.	0.40
7,200-11,999 sq. ft.	0.50
12,000-39,999 sq. ft.	0.45
Greater than 40,000 sq. ft.	None

The Planning Commission was in favor of a hybrid approach in regards to maximum size, by using FAR to regulate the size of SB 9 development, with the caveat that the FAR cannot preclude at least two (2) 1,200 square foot units developed pursuant to SB 9 in order to spur housing creation.

At the study session, Council was undecided about whether a 16-foot height limit would be appropriate. To provide flexibility, the height standard that was presented to Planning Commission limited building height to 16-feet within the setbacks of the underlying zone, and buildings, or portions thereof, that comply with the setbacks of the underlying district would be subject to the height limit of that district. Planning Commission found that height standard overly restrictive, and therefore, amended the proposed height limit to 30 feet, consistent with the height limit of all single-family zones.

The building separation standard is proposed to maximize privacy and outdoor space for inhabitants of SB 9 units. Initially, staff proposed a prohibition of rooftop decks, but the ARC felt that rooftop decks provide an opportunity for outdoor living space and recommended removal of this standard.

Standards for colors and materials are intended to ensure a minimal amount of aesthetic quality. The cladding materials are commonly found throughout the City, and prevent the use of less durable materials that would deteriorate over time and become unsightly. Multiple colors are required to ensure more visual appeal than a simple, single color.

SB 9 establishes a maximum parking requirement of one parking space per unit. The draft Ordinance reviewed by Planning Commission required one covered parking space per unit and included standards for parking locations and configurations. Arroyo Grande Municipal Code Section 16.56.030 already prohibits parking in a front setback, but makes an exception for parking spaces on a lawfully established driveway. The standard requiring a landscape buffer is intended to prevent parking from dominating the most publicly visible area of a property. Shared driveways are a way to minimize the amount of paving on a property for both aesthetic and stormwater management purposes. The Planning Commission discussed the issue of parking and initially was in favor or eliminating the covered parking requirement for SB 9 units because of the additional costs and land associated with a garage or carport. Upon further discussion, the PC recommendation to Council includes removing parking requirements from the draft Ordinance as another way to incentivize SB 9 development. Design standards for parking and on-site circulation remain in the draft Ordinance, but would only apply when parking is voluntarily proposed by an applicant.

Requiring connection to City utilities (water and sewer) will ensure that units developed under SB 9 will remain livable without relying on private water wells or septic systems, which have a finite lifespan. The screening standards applicable to service areas and mechanical equipment are intended to hide areas for storage of trash receptacles, air conditioning units, and utility meters to maintain neighborhood character.

Public Improvements

SB 9 does not allow the City to require dedication of rights-of-way or the construction of off-site improvements as a condition of approval for an ULS. The City may impose Arroyo Grande Municipal Code Chapter 16.68 requiring the undergrounding of utilities at the time of building permit issuance. Development impact fees, such as those for fire protection, police facilities, park improvements, and traffic signalization, and connection fees for water and wastewater may be collected with building permit fees for new residential units proposed with the provisions of SB 9.

Planning Commission and ARC Recommendations

Because there were significant differences between the City Council direction and the recommendations from the ARC and Planning Commission, staff has summarized the evolution of the recommendations below in Table 2 that are reflected in the draft Ordinance as it relates to the number of units, maximum size, height, and parking.

Table 2

	CC Study Session	ARC Recommendation	PC Recommendation
Number of Units	Four (4) units max.	No Change	Six (6) unit maximum on a lot divided through an urban lot split by means of an additional ADU/JADU.
Max. Unit Size	1,200 sq. ft.	Use FAR maximums from Municipal Code to regulate size.	Use FAR as maximum, but with the caveat that FAR shall not preclude the construction of two 1,200 sf units on any lot.
ADUs	Up to two allowed in addition to two-unit developments. None on lots created through an ULS.	No Change	Up to two allowed in addition to two-unit developments. One ADU/JADU allowed in addition to two-unit developments on lots create through an ULS
Max Height	16 feet	Structures, or portions thereof, located within the setback of an underlying zone are limited to 16 feet, otherwise the height limit of the underlying zone district applies.	Height limit of 30’ for all SB 9 units regardless of setback
Parking	One (1) covered parking space per unit	No change	Waive parking requirements for all SB 9 units

Next Steps

Introduction of the Ordinance will begin the final steps in the process to establish regulations for SB 9 projects. Adoption of the Ordinance is proposed to occur at the next Council meeting on June 14, 2022, unless Council directs staff to make substantial revisions to the Ordinance, in which case a revised ordinance will be prepared and presented for consideration and introduction at a future City Council meeting.

ALTERNATIVES:

The following alternatives are provided for the Council’s consideration:

1. Introduce the attached Ordinance approving Development Code Amendment 21-002;
2. Modify as appropriate and introduce the attached Ordinance approving Development Code Amendment 21-002;
3. Continue the introduction of the Ordinance, and provide direction to staff on specific revisions to the Ordinance; or
4. Provide other direction to staff.

ADVANTAGES:
Adoption of the Ordinance would regulate development in a manner that is appropriate for Arroyo Grande. The proposed objective design standards would allow significant development under SB 9 and progress towards housing goals established in the Housing Element.

DISADVANTAGES:
The reduced setbacks allowed by SB 9 would increase density in a manner not anticipated by the Municipal Code and may change the character of residential neighborhoods.

ENVIRONMENTAL REVIEW:
In compliance with the California Environmental Quality Act (CEQA), the Community Development Department has determined that the adoption of an ordinance to implement Senate Bill 9 creates a ministerial review process and therefore is exempt from the requirements of CEQA pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code.

PUBLIC NOTIFICATION AND COMMENTS:
A notice of public hearing was published in the Tribune and posted at City Hall and on the City's website on May 13, 2022. The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachments:
1. Proposed Ordinance
2. Senate Bill 9
3. Staff Report and Minutes from March 22, 2022 City Council Study Session
4. Staff Report and Draft Minutes from May 3, 2022 Planning Commission meeting
5. Planning Commission Resolution 22-2361
6. HCD SB 9 Fact Sheet
7. Farmland Map
8. Minutes from the April 18, 2022 ARC Meeting

ATTACHMENT 1

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING TITLE 16 OF THE ARROYO GRANDE MUNICIPAL CODE AND ADDING SECTIONS 16.32.060 AND 16.20.180 PERTAINING TO REGULATIONS FOR TWO-UNIT RESIDENTIAL DEVELOPMENT WITHIN SINGLE-FAMILY RESIDENTIAL ZONES AND TO PARCEL MAPS FOR URBAN LOT SPLITS TO COMPLY WITH SENATE BILL 9 (SB 9), CALIFORNIA GOVERNMENT CODE SECTIONS 65852.21 AND 66411.7

WHEREAS, on September 16, 2021, Governor Gavin Newsom signed Senate Bill 9 into law, which establishes a series of new regulations to allow for ministerial approval of two units on parcels located in single-family residential zones as set forth in Government Code Section 65852.21 and ministerial approval of urban lot splits pursuant to Government Code Section 66411.7; and

WHEREAS, Government Code sections 65852.21 and 66411.7 permit the imposition of objective zoning standards, objective design standards and objective subdivision standards on two-unit residential development projects and urban lot splits, provided that they do not physically preclude the construction of up to two units of at least 800 square feet in floor area; and

WHEREAS, the City of Arroyo Grande desires to amend Title 16 of the Arroyo Grande Municipal Code to comply with the provisions of Government Code sections 65852.21 and 66411.7; and

WHEREAS, the City of Arroyo Grande has duly initiated this amendment to the Arroyo Grande Municipal Code to add Section 16.32.060 pertaining to Regulations for Two-Unit Residential Development within Single-Family Residential Zones and Section 16.20.180 pertaining to Parcel Maps for Urban Lot Spits; and

WHEREAS, the Planning Commission of the City of Arroyo Grande, after giving notices thereof as required by law, held a public hearing on May 3, 2022 concerning this code amendment and carefully considered all pertinent testimony and the staff report offered in the case as presented; and

WHEREAS, on May 3, 2022, the Planning Commission of the Arroyo Grande recommended to the City Council adding Sections 16.20.180 and 16.32.060 to the AGMC; and

WHEREAS, the City Council of the City of Arroyo Grande has, after giving notice thereof as required by law, held a public hearing on May 24, 2022, concerning the addition of AGMC Sections 16.20.180 and 16.32.060; and

WHEREAS, the City Council of the City of Arroyo Grande, at its regularly scheduled public meeting on May 24, 2022 introduced this Ordinance to add Section 16.20.180 to Title 16, Chapter 20 and 16.32.060 to Title 16, Chapter 32 of the AGMC; and

WHEREAS, the City Council has carefully considered all pertinent testimony and the staff report, its attachments and all supporting materials referenced therein or offered in the matter as presented at the public hearing.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals and findings are true and correct and are incorporated herein by this reference.

SECTION 2. Section 16.20.180 is hereby added to Title 16, Chapter 20 of the Arroyo Grande Municipal Code to read as follows:

Section 16.20.180 Parcel Maps for Urban Lot Spits

A. Purpose and Scope

1. This Section implements Government Code section 66411.7 to provide an owner of property in the Single-Family zoning district an additional method to subdivide the parcel for the purpose of housing development.
2. Urban lot split means the subdivision of an existing legal parcel in a single-family zoning district to create no more than two new parcels.

B. Application and Approval

1. A parcel map for an urban lot split may not be approved except in conjunction with a concurrently submitted application for building permits for two-unit residential development pursuant to Section 16.32.060. Development on the resulting parcels is limited to the residential development approved in the concurrently submitted building permit applications.
2. A parcel map for an urban lot split must be prepared by a registered civil engineer or licensed land surveyor in accordance with Government Code sections 66444 – 66450 and this Section, and submitted for approval to the City Engineer. A fee in an amount established by City Council resolution must be paid concurrently with the submission of the parcel map.
3. The City Engineer is the approval authority for parcel maps under this Section. The City Engineer shall approve a parcel map for an urban lot split if the Engineer determines that it meets all of the requirements of this Section.

C. The following supplemental information is required to be submitted with a parcel map to establish compliance with the construction plans and all provisions of this Code and applicable State law:

1. A map of appropriate size and to scale showing all of the following:
    a. Total area (in acreage and square feet) of each proposed lot.
    b. Location and dimensions of existing and proposed property lines;
    c. Zoning District;
    d. The location and use of all existing and proposed structures;
    e. All required zoning setbacks for the existing and proposed lots;
    f. The location of all existing water, sewer, electricity, storm drain, or gas service lines, pipes, systems, or easements;
    g. The location of all proposed new water, sewer, storm drain, lines, pipes, or systems;
    h. The location of any proposed easements for access or public utilities to serve a lot created by the subdivision;
    i. The location of any existing trees larger than four inches in diameter measured four feet six inches above the base and any such trees proposed for removal;
    j. Any area of the parcel that has a slope of 25% or greater by way of contours at 5-foot intervals;
    l. Name and dimensions, including right-of-way and improved area, of public and private streets or public alleys adjoining the parcel;
    m. Curb, gutter, sidewalk, parkway, and street trees: type, location, and dimensions;
    n. Location of existing or proposed driveway dimensions, materials, and slope (including cross slope); and
    o. Location of existing or proposed pedestrian pathway access to the public right of way.
2. A statement of the owner, signed under penalty of perjury under the laws of California, that:
    a. The proposed urban lot split would not require or authorize demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Section 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

b. The parcel has not been established through prior exercise of an urban lot split under this Section;

c. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel under the provisions of this Section.

d. The owner intends to occupy one of the housing units located on a lot created by the parcel map as their principal residence for a minimum of three years from the date of the recording of the parcel map.

e. Rental terms of any unit created by the subdivision shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one thirty-one (31) day period of occupancy by the same tenant.

f. The uses allowed on a lot created by the parcel map shall be limited to residential uses.

D. Design and Improvement Requirements

1. A parcel map may subdivide an existing legal parcel to create no more than two parcels of approximately equal lot area. One parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision and neither parcel shall be smaller than 1,200 square feet.:

2. Each parcel must be served by a separate water service meter and a separate sewer connection.

3. Each parcel shall either drain a developed drainage easement or in accordance with the City's Standard Specification and Engineering Standards.

4. Rights-of-way as required for access along all natural watercourses as necessary for flood control, maintenance, and improvement shall be dedicated.

5. The parcel must satisfy the requirements of Government Code section 66411.7(a).

6. A lot line shall not bisect or be located within 4 feet of any of the following:

    a. A dwelling that has been occupied by a tenant at any time during the three years before the date of the parcel map;

    b. A structure designated as a historic structure or a candidate structure under any City ordinance or included on the State Historic Resources Inventory;

    c. A dwelling that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

    d. Existing easements if the resulting lot would create a developable area that would interfere with the use of the easement for its intended purpose.

7. The location and orientation of new lot lines shall meet the following standards:

    a. Front lot lines shall conform to the minimum public street frontage requirements of the Development Code; a flag lot, or a lot with a narrow projecting strip of land extending along a street, is not permitted.

    b. Each parcel shall have approximately equal lot width and lot depth, consistent with the minimum lot sizes described in subsection D, above. Lot depth shall be measured at the midpoint of the front lot line. Lot width shall be measured by a line connecting two points on opposite interior lot lines that will result in a line parallel to the front lot line.

    c. New lot lines must be straight lines, unless there is a conflict with existing improvements or the natural environment in which case the line may be not be straight but shall follow the appropriate course.

    d. Lot lines facing a street shall generally be parallel to the street. Unless the minimum public street frontage is provided, the lot line dividing the two parcels must be parallel to and not less than 50 feet from an existing front lot line, or outside the front half of the existing lot, whichever is greater.

    e. Interior lot lines not facing the street shall be at right angles perpendicular to the street on straight streets, or radial to the street on curved streets.

    f. Lot lines shall be located within appropriate physical locations such as the top of creek banks, at appropriate topographical changes (top or bottom of

slopes etc.) or at locations which clearly separate existing and proposed land uses.

g. Lot lines shall be contiguous with existing zoning boundaries.

h. The placement of lot lines shall not result in an accessory building or accessory use on a lot without a main building or primary use on the same lot, as defined in the Development Code.

i. Lot lines shall not render an existing structure as nonconforming in any respect (e.g., setbacks, Floor Area Ratio, parking), nor increase the nonconformity of an existing nonconforming structure.

E. Access Standards

1. Each lot shall front upon or have access to a public street, or be served by an access easement serving no more than two lots. Access shall be provided in compliance with these standards:

   a. Vehicle access easements serving a maximum of two units shall meet the following standards:

      i. Easement width shall be a minimum of 10 feet and a maximum of 16 feet, unless a wider driveway is required by the California Fire Code due to distance of the structure from the easement, or as needed to meet the driveway and parking standards in the City's standards.

      ii. The minimum length for a vehicle access easement is 20 feet. No maximum easement length shall be set. If easement length is more than 75 feet, a vehicle turnaround shall be provided.

      iii. No residential structure shall be closer than 3 feet to the easement.

   b. Vehicle access easements serving three to four units shall meet the following standards:

      i. Easement width shall be a minimum of 20 feet.

      ii. The minimum length for a vehicle access easement is 20 feet. No maximum easement length shall be set. If easement length is more than 75 feet, a vehicle turnaround shall be provided.

      iii. No residential structure shall be closer than 5 feet to the easement.

   c. Where a lot does not abut a public street, and where no automobile parking spaces are required or proposed for the residential development, a vehicle access easement is not required. An easement providing pedestrian access to a street from each lot shall be provided meeting the following standards:

i. Easement width shall be a minimum of five feet;

ii. Pedestrian access easements shall not exceed 200 feet in length.

2. Vehicle access easements shall not be located closer than 25 feet to an intersection.

3. Access and provisions for fire protection consistent with the California Fire Code shall be provided for all structures served by an access easement.

4. Surfacing of easements, pedestrian walkways required within easements, and turnaround dimensions shall meet the requirements of the California Fire Code, the City's Design Standards, and the parking design standards in the Development Code.

5. Lots taking access by an easement must record a shared maintenance agreement for the driveway. The agreement shall be recorded prior to or concurrently with the final map.

F. Map Requirements

1. The content and form of a parcel map shall meet all the requirements of Government Code sections 66444 – 66450.

2. The parcel map shall show all easements for public utilities necessary to serve each lot created by the subdivision.

3. The parcel map shall show all easements necessary to provide each lot with access to the public or private street or alley abutting the original parcel.

4. The parcel map shall contain a declaration that:

a. Each lot created by the parcel map shall be used solely for residential dwellings;

b. That rental of any dwelling unit on a lot created by the parcel map shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.

G. Concurrent Processing With Other Ministerial Permits for Housing Development

1. No development, including grading or vegetation removal, shall commence on either lot, concurrent or subsequent to an urban lot split, unless it is approved with a valid building permit for the construction of a housing development and complies with all the objective development and design standards outlined for two-unit residential development or accessory dwelling units in this Code, or any other adopted objective design standards in effect at the time a complete application is submitted.

2. A building permit for development on an urban lot split cannot be issued until the parcel map is recorded.

3. The City Engineer shall deny an urban lot split if the building official has made a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

H. Prohibition of Further Subdivision

A lot created by a parcel map under this Section shall not be further subdivided.

SECTION 3. Section 16.32.060 is hereby added to Title 16, Chapter 32 of the Arroyo Grande Municipal Code to read as follows:

Section 16.32.060 Two-Unit Residential Development

A. Purpose and Intent.

1. It is the intent of these regulations to provide opportunities for two units on one legal parcel, consistent with state law and local regulations. In the event of an inconsistency between this Section and Government Code Section 65852.21, Government Code Section 65852.21 shall prevail. Provided that Government Code Sections 65852.21 or 66411.7 are not repealed, qualifying two-unit residential development in the single-family zoning districts shall be located, developed, and used in compliance with this Section.

2. In accordance with Government Code Section 65852.21(a)(2), two-unit residential development shall not be permitted under this Section in any of the following circumstances:

    a. Parcels located in:

        i. Wetlands;

        ii. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation;

iii. Very high fire severity zones, except if the site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development;

iv. A hazardous waste site, unless the site has been cleared by the State for residential use;

v. Delineated earthquake fault zones, unless the development complies with applicable seismic protection building code standards;

vi. Special flood hazard areas (100-year flood zones), unless the site has been subject to a FEMA Letter of Map Revision issued to the City or the site meets FEMA requirement necessary to meet minimum flood plain management criteria of the National Flood Insurance Program;

vii. A regulatory flood way identified in a FEMA map, unless the development has received a no-rise certification;

viii. Lands identified for conservation in an adopted natural resource protection plan, habitat for protected species, or under a conservation easement; and

ix. A historic district or property designated pursuant to a local ordinance or included on the State Historic Resources Inventory.

b. The proposed development would require demolition or alteration of any of the following types of housing:

i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to moderate, low, or very low incomes;

ii. A unit that has been occupied by a tenant within the past three years; and

iii. A rent controlled unit.

c. The proposed development would result in the demolition of more than 25 percent of the existing exterior structural walls, unless the site has not been occupied by a tenant in the last three years.

d. The building official finds that the proposed development would have a specific, adverse impact on public health and safety or the physical environment that cannot be feasibly mitigated or avoided, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5.

B. Restrictions.

A qualifying two-unit residential project shall be subject to the following restrictions:

1. The development and use of the dwelling units shall only be valid and permitted based on the terms established in the Section.

2. The dwelling unit(s) shall not be rented for a period of less than thirty-one (31) consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one thirty-one (31) day period of occupancy by the same tenants.

C. Unit Configurations

The new unit in a two-residential unit development may be permitted in the following configurations. For the purpose of this section, “unit” means any dwelling unit, including, but not limited to, two-unit residential development, additional residential unit, primary residential unit, accessory dwelling unit, or junior accessory dwelling unit.

1. One new unit incorporated entirely within an existing residential unit.

2. One new unit incorporated entirely within an existing accessory building, including garages.

3. One new unit attached to and increasing the size of an existing residential unit or an existing accessory building.

4. One new unit detached from and located on the same lot as an existing unit. A unit that is attached to another detached accessory building, but not another residential unit, or is attached by a breezeway or porch, is considered detached.

5. Two newly constructed attached units (duplex) or two detached residential units on a vacant lot.

6. A two-unit residential development in any of the configurations described above may be added to a newly created lot concurrently with an approval for a parcel map for an urban lot split, pursuant to AGMC Section 16.20.180, Parcel Maps for Urban Lot Splits.

7. Up to two accessory dwelling units pursuant to AGMC Section 16.52.150, Accessory Dwelling Units, may be proposed in addition to the two units constructed pursuant to this Section. Only one accessory dwelling unit may be added to a lot created through an Urban Lot Split.

D. Parking.

1. No parking shall be required for dwelling units developed pursuant to this Section.

E. Rear and Side Setbacks.

1. No setback shall be applied to existing structures or structures constructed in the same location and to the same dimensions as an existing structure.

2. For projects not meeting the requirements of subsection 1 above, a minimum four-foot setback shall be provided from side and rear lot lines.

F. Objective Zoning and Design Standards for Two-Unit Residential Developments.

Government Code Section 65852.21 permits the imposition of objective zoning standards and objective design standards. Accordingly, the follow objective standards shall apply to two-unit residential development projects:

1. Massing and Articulation

a. Maximum Unit Size: The total gross floor area of the unit(s), excluding garages, shall not exceed the floor-area ratios maximums found in Section 16.32.050 of this Title. These maximums, however, shall not preclude the construction of at least two (2) 1,200 square foot units per lot.

b. Building Separation: detached dwelling units shall have a minimum of 10 feet of separation whether the units are on one lot or adjacent lots.

c. Height: The maximum height of a unit developed pursuant to this Section shall be 30-feet.

d. Rooftop decks shall be permitted in accordance with Section 16.48.180 of this Title.

2. Colors and Materials

a. The primary cladding shall be stone, brick, fiber cement, composite wood or stone, wood, stucco, or other cementitious material. Plywood, such as T1-11 siding, is prohibited.

b. Color schemes shall consist of one primary color and at least one secondary color, at a minimum. The roof color shall not be considered a color for purposes of this standard.

3. Parking and Circulation

a. When parking is proposed, the parking areas shall not be located between a structure and a public sidewalk within the front setback, with the exception of permitted driveways. When parking areas are located in the front yard, outside of the front setback, a landscape buffer of at least 10 feet between the sidewalk and parking area shall be provided.

b. All parking areas serving more than one unit shall be internally connected and shall use shared driveways.

4. Utility and Service Areas

a. All new dwelling units must connect to City utilities in accordance with Section 13.12.060 of Title 13.

b. Areas for the storage of trash, recycling, and green waste receptacles shall not be visible from the public right of way.

c. All mechanical equipment shall be either screened or hidden from view from the public street.

Ministerial Approval of Two-Unit Residential Development Projects.

1. The Community Development Director or his/her designee shall ministerially review and approve a two-unit residential development application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the two-unit residential development project complies with the requirements contained in this Title 16 and qualifies under Government Code Section 65852.21(a).

2. In addition to obtaining planning approval for the two-unit residential development project, the applicant shall be required to obtain a building permit, and other applicable construction permit requirements prior to the construction of the dwelling units.

SECTION 4. The adoption of this Ordinance is not considered a project, therefore is statutorily exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. The City Clerk shall file a Notice of Exemption from CEQA review in accordance with CEQA Guidelines.

SECTION 5. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

SECTION 6. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

SECTION 7. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

On motion by Council Member _____, seconded by Council Member _____, and by the following roll call vote to wit:

AYES:
NOES:
ABSENT:

the foregoing Ordinance was adopted this ____ day of _____, 2022.

_____
CAREN RAY RUSSOM, MAYOR

ATTEST:

_____
JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

_____
WHITNEY McDONALD, CITY MANAGER

APPROVED AS TO FORM:

_____
TIMOTHY J. CARMEL, CITY ATTORNEY

SB-9 Housing development: approvals. (2021-2022)

Date Published: 09/17/2021 09:00 PM

Senate Bill No. 9

CHAPTER 162

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 9, Atkins. Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to 2 units or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24 months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

This bill, among other things, would require a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the parcel is located within a single-family residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of 2 units, as defined, on either of the resulting parcels or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances. The bill would require an applicant to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split, unless the applicant is a community land trust or a qualified nonprofit corporation, as specified. The bill would prohibit a local agency from imposing any additional owner occupancy standards on applicants. By requiring applicants to sign affidavits, thereby expanding the crime of perjury, the bill would impose a state-mandated local program.

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act.

This bill would exempt a local agency from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the above provisions.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65852.21 is added to the Government Code, to read:

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(i) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) "Local agency" means a city, county, or city and county, whether general law or chartered.

(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

SEC. 2. Section 66411.7 is added to the Government Code, to read:

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

(2) This subdivision shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j) (1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

SEC. 3. Section 66452.6 of the Government Code is amended to read:

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars ($236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars ($236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or

periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

SEC. 4. The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

MEMORANDUM

TO: **City Council**

FROM: **Brian Pedrotti, Community Development Director**

BY: **Andrew Perez, Acting Planning Manager**

SUBJECT: **Study Session for City Council to Provide Direction on a New Ordinance to Implement Senate Bill 9**

DATE: **March 22, 2022**

SUMMARY OF ACTION:
The purpose of this item is to give the City Council an opportunity to obtain public comment, discuss the implications of Senate Bill 9 (SB 9), and provide direction regarding an ordinance addressing SB 9.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:
No financial impact is projected with the study session. Staff time from both the Community Development Department and City Attorney will be required to draft the ordinance.

RECOMMENDATION:
Receive public comment, discuss the implications of SB 9, and provide direction to staff.

BACKGROUND:
SB 9 was signed by Governor Newsom on September 16, 2021, and became effective January 1, 2022 (Attachment 1). This bill is intended to streamline housing development by requiring a proposed housing development containing no more than two residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements. SB 9 also requires a local agency to ministerially approve a parcel map for an urban lot split in a single-family residential zone if it meets certain requirements, including minimum lot size requirements and certain objective standards. Cities may deny an SB 9 project or subdivision that otherwise meets the requirements of SB 9 only if the Building Official determines it will result in a specific, adverse impact on health and safety and there is no feasible way to mitigate the impact.

ANALYSIS OF ISSUES:
SB 9 can be broken into two primary components: 1) provisions that allow subdivisions of a single-family zoned lot into two lots ("subdivisions"); and 2) provisions that allow construction of two units on a single-family zoned property ("two-unit projects"). These provisions can be used in concert, so that an applicant could subdivide an existing parcel and build two units on each parcel.

Qualifying Properties
As proposed in the draft ordinance, SB 9 applies to parcels located in the Single-Family zoning district. The Residential Estate, Residential Hillside, Residential Rural, Residential Suburban, Village Residential zones, and the Planned Development districts all allow single-family residences as an allowed use, however, based on staff's interpretation and guidance from the City Attorney, the City is only required to allow the provisions of SB 9 on Single Family zoned parcels. Limiting subdivisions and two-unit projects proposed pursuant to SB 9 to only the Single Family zoning district may alleviate impacts associated with unplanned density, including traffic generation, water use, and parking. This interpretation is also being followed by the County of San Luis Obispo.

Regardless of zoning, properties are excluded from using SB 9 for two-unit projects and/or subdivisions if they are located in any of the following areas:

- Prime farmlands or farmlands of statewide importance, or farmlands protected by a local ordinance
- Wetlands, as defined in the United States Fish and Wildlife Service Manual
- Within a very high fire hazard severity zone
- A hazardous waste site
- Within a delineated earthquake fault zone, unless the project is designed to meet building code requirements for building within such zone
- Within a special flood hazard area or regulatory floodway, unless certain requirements are met
- Lands identified for conservation in an adopted conservation plan or under a conservation easement
- Habitat for protected species
- Within a historic district or on a site that is designated as historic

As indicated, SB 9 does not apply to parcels located "within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code." Under Public Resources Code Section 5020.1, "Historic district" means "a definable unified geographic entity that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development." Studies were conducted by the City that confirms the HCO district (D-2.4) possesses a high concentration of historically relevant

sites and structures which supported creation of the Historic Character Overlay (HCO) Therefore, parcels in the overlay district would be ineligible for purposes of SB 9.

Prime farmland and farmlands of statewide importance are present within the City, most of which is found near Fair Oaks Avenue between Woodland Drive and Highway 101 and in the areas near Branch Mill Road. None of these sites have a single family zoning designation, so they would be ineligible for SB 9 projects regardless of their status as prime farmland. There are several parcels adjacent to Arroyo Grande and Corbett Canyon Creeks that are within a special flood hazard area and/or a regulatory floodway. A no-rise certification, prepared in accordance with Federal Emergency Management Agency guidelines, allows for development on a site within the floodway, and therefore would make these parcels eligible for SB 9 projects. No very high fire severity zones or hazardous waste sites located within City limits.

A property can only be subdivided pursuant to SB 9 once. SB 9 also precludes the same applicant, or someone working in concert with the applicant, from subdividing adjacent properties. SB 9 does not override covenants, conditions, and restrictions (CC&Rs) or other private governing documents for homeowner's associations (HOA) or common-interest developments, meaning these developments may impose further restrictions on subdivision of parcels and two-unit developments. The City would process an SB 9 application, but because the City is not a party to private governing documents, enforcement of such documents is left to the HOA.

Urban Lot Splits
Lot splits proposed under the provisions of SB 9 are referred to as Urban Lot Splits (ULS). A parcel map for an ULS shall be approved ministerially, without discretionary review. Parcels developed with affordable housing, or residential units that have been occupied by a tenant within three (3) years of the ULS application may not be split if the application proposes to alter or demolish the residential units.

Under the subdivision provisions of SB 9, the City must also allow a single-family zoned property to be subdivided into two roughly proportional lots. To ensure rough proportionality, SB 9 specifies that one lot cannot be less than 40 percent the size of the other. The bill also establishes a minimum lot size of 1,200 square feet for lots created through an urban lot split. Provisions of SB 9 include the following allowances and restrictions on subdivisions:

- Cannot require dedication of right-of-way or construction of off-site improvements (such as installation of a sidewalk where there is none);
- May require that parcels have access to a public right-of-way;
- May require easements for the provision of public services and facilities; and
- Must require the applicant to sign an affidavit stating that the applicant intends to live on one of the properties as their primary residence for at least three years after

the date of the subdivision. This requirement does not apply to an urban land trust or qualified non-profit.

Units built on lots created through an ULS are reserved for residential uses, may not be permitted for short term rentals, and requires owner occupancy for at least three years from the date of the approval of the ULS. The owner affidavit will be required to include a clause prohibiting short term rentals in these units. Jurisdictions may not require correction of non-conforming zoning conditions, dedication of rights-of-way, or construction of public improvements as a condition of approving an ULS.

Two-unit Development
A housing development consisting of two residential units within a single-family residential zone shall also be considered ministerially, without discretionary review or hearing if the developed pursuant to the provisions in SB 9. A two-unit development may include the construction of two new units, or the addition of a new unit to a property already developed with a single-family dwelling. A two-unit development would be subject to the following requirements, among others:

- The proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
- The proposed housing development would not require demolition or alteration of housing that has been occupied by a tenant in the last three years;
- The proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls of an existing residential unit on the property unless the site has not been occupied by a tenant in the last three years; and
- The development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

When an application for a two-unit development is submitted that proposes the demolition of an existing unit, staff will confirm the subject parcel complies with the State mandated requirements listed above. Staff maintains a database of deed-restricted affordable housing units that will be referenced to verify an affordable unit is not proposed for demolition. Furthermore, staff can obtain water billing information to verify whether a unit has been rented in the previous three years.

The City may apply objective development standards, but those standards cannot preclude construction of at least two units of 800 square feet in size each. Objective standards are standards that involve no exercise in judgment to apply, such as numeric setback requirements.

SB 9 includes the following mandatory development standards:

- Cannot require more than four-foot side and rear setbacks for SB 9 developments;
- Cannot require more than one parking space per unit. Cannot require any parking for projects within a half-mile walking distance of high-quality transit or major transit stops, as defined by state law, or if there is a car share vehicle located within one block;
- Must allow construction of attached units; however, attached units must be designed to meet all requirements for selling each unit individually;
- No setback can be required for existing structures, and
- The City shall not require the correction of non-conforming zoning conditions on a property as a condition of approval of a project or deny a project due to existing non-conformities.

A high-quality transit stop is defined as a stop on a fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. The bus routes serving Arroyo Grande all have service intervals exceeding 15 minutes, therefore the parking exemption described above is not applicable to future SB 9 projects in the City unless bus service changes to meet the state definitions. Beyond the mandatory development standards, the City may incorporate standards for floor-area ratios, height, lot coverage, and building separation, among others. Just as with units that are constructed on parcels created through a ULS, two-unit developments may not be rented for terms of less than 30 days and so cannot be used as vacation rentals.

Accessory Dwelling Units
ADUs are allowed with SB 9 projects; however, SB 9 states that an agency shall not be required to permit more than two units on a parcel created by an ULS. In addition, SB 9 states that the City is not required to permit an ADU on parcels that propose both a two-unit residential development and an ULS. Staff recommends that ADUs not be allowed on parcels created through an ULS. Staff also recommends restricting ADUs and JADUs to two-unit developments as allowed under SB 9. As a result of this recommendation, for each primary unit allowed, an ADU or JADU would be allowed, but no ADUs would be allowed on new parcels created through a ULS. Objective design standards may apply to ADUs as well as two-unit developments.

<u>Actions to Implement SB 9</u>
Adoption of an ordinance is recommended because it allows the City to implement objective design standards that would maintain the character of single-family neighborhoods despite the added density. As previously mentioned, objective development standards can address a numerous aspects of a development. These standards can regulate specific standards such as height and lot coverage, aesthetics through architectural design, and function, such as street access. Staff has developed the following conceptual standards as a starting point for this discussion:

- Massing and Articulation
    - Maximum unit size of 1,200 square feet
    - Building Separation: detached dwelling units shall have a minimum of 10 feet of separation whether the units are on one lot or adjacent lots.
    - Height: 16-foot maximum
- Colors and Materials
    - The primary cladding shall be stone, brick, fiber cement, composite wood or stone, or other cementitious material. Plywood, such as T1-11 siding, is prohibited.
    - Color schemes shall consist of one primary color and one secondary color, at a minimum. The roof color shall not be considered a color for purposes of this standard.
- Parking and Circulation
    - Parking shall not be located between a structure and a public sidewalk
    - All parking areas shall be internally connected and shall use shared driveways
- Utility and Service Areas
    - All new dwelling units must connect to City utilities.
    - Areas for the storage of trash, recycling, and green waste receptacles shall not be visible from the public right of way.
    - All mechanical equipment shall be either screened or hidden from view from the public street.

Beyond adopting an ordinance, other issues must be addressed to successfully implement the provisions of SB 9. Those issues include development of a new application and review process for SB 9 projects, establishing a fee for the review of these projects, development of the objective design standards, and monitoring and enforcement of the owner-occupancy requirement.

Prior to January 1, 2022, a property owner pursuing a lot split would submit an application for a Tentative Parcel Map at a fee of $9,537. An application for a parcel map may create of up to four lots, and the fee accounts for staff time to process the permit, including public hearings at Planning Commission and City Council. Due to the mandatory ministerial approval of an ULS, staff anticipates the amount of work to process a ULS will be similar to the amount of staff time required to process an application for a Lot Line Adjustment (LLA). Staff work associated with a lot line adjustment is limited to confirming the proposal is consistent with the Subdivision Map Act, confirming the lot size requirements of the underlying zoning district, and making the findings of Arroyo Grande Municipal Code Section 16.20.140. The amount of staff time required to process a LLA is considerably less than what is required for a parcel map and that is reflected in a lesser fee of $3,326. Currently, the Community Development Department does not have an application

specifically for ULS or two-unit development projects. A SB 9 specific application, and associated fee, will need to be created for these projects.

SB 9 does not allow the City to require dedication of rights-of-way or the construction of off-site improvements as a condition of approval for an ULS. The City may impose Arroyo Grande Municipal Code Chapter 16.68 requiring the undergrounding of utilities at the time of building permit issuance. Development impact fees, such as those for fire protection, police facilities, park improvements, and traffic signalization, and connection fees for water and wastewater may be collected with building permit fees for new residential units proposed with the provisions of SB 9.

Next Steps

Feedback obtained during the study session will be used to refine the draft ordinance. Staff recommends that the Architectural Review Committee review the proposed objective design standards applicable to SB 9 projects. The ARC recommended objective design standards would be included in the draft ordinance to be reviewed by the Planning Commission. A recommendation for adoption from the Planning Commission will allow the ordinance to return to Council for introduction and adoption.

Environmental Review

Both two-unit projects and subdivisions authorized under SB 9 must be processed ministerially, meaning no public hearing and no review under the California Environmental Quality Act (CEQA). The adoption of an ordinance addressing SB 9 is likewise not subject to CEQA.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Discuss the draft ordinance, received public comment, and provide direction to staff
2. Provide other direction to staff.

ADVANTAGES:

A study session providing direction to staff will result in an efficient development of the ordinance to implement SB 9.

DISADVANTAGES:

None identified.

ENVIRONMENTAL REVIEW:

The State law includes a provision that explicitly states that an ordinance to implement SB 9 (California Government Code Section 65852.21) shall not be considered a project under CEQA and, therefore, is not subject to environmental review.

PUBLIC NOTIFICATION AND COMMENTS:
The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachments:

1. Draft Ordinance Implementing SB 9

Sample Draft Ordinance – For Discussion Purposes

Section 16.32.060 Two-Unit Residential Development

A. Purpose and Intent.

1. It is the intent of these regulations to provide opportunities for two units on one legal parcel, consistent with state law and local regulations. In the event of an inconsistency between this Section and Government Code Section 65852.21, Government Code Section 65852.21 shall prevail. Provided that Government Code Sections 65852.21 or 66411.7 are not repealed, qualifying two-unit residential development in the Single Family zoning district shall be located, developed, and used in compliance with this Section.

2. In accordance with Government Code Section 65852.21(a)(2), two-unit residential development shall not be permitted under this Section in any of the following circumstances:

    a. Parcels located in:

        i. Wetlands;

        ii. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation;

        iii. Very high fire severity zones, except if the site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development;

        iv. A hazardous waste site, unless the site has been cleared by the State for residential use;

        v. Delineated earthquake fault zones, unless the development complies with applicable seismic protection building code standards;

        vi. Special flood hazard areas (100-year flood zones), unless the site has been subject to a FEMA Letter of Map Revision issued to the City or the site meets FEMA requirement necessary to meet minimum flood plain management criteria of the National Flood Insurance Program;

        vii. A regulatory flood way identified in a FEMA map, unless the development has received a no-rise certification;

        viii. Lands identified for conservation in an adopted natural resource protection plan, habitat for protected species, or under a conservation easement; and

        ix. A historic district or property designated pursuant to a local ordinance or included on the State Historic Resources Inventory.

b. The proposed development would require demolition or alteration of any of the following types of housing:

i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to moderate, low, or very low incomes;

ii. A unit that has been occupied by a tenant within the past three years; and

iii. A rent controlled unit.

c. The proposed development would result in the demolition of more than 25 percent of the existing exterior structural walls, unless the site has not been occupied by a tenant in the last three years.

d. The building official finds that the proposed development would have a specific, adverse impact on public health and safety or the physical environment that cannot be feasibly mitigated or avoided, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5.

B. Restrictions.

A qualifying two-unit residential project shall be subject to the following restrictions:

1. The development and use of the dwelling units shall only be valid and permitted based on the terms established in the Section.

2. The dwelling unit(s) shall not be rented for a period of less than thirty-one (31) consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one thirty-one (31) day period of occupancy by the same tenants.

Item #1 – SB 9 mandates that the ordinance allow at least two units on all eligible parcels.

Some discretion is permitted as to how those two units can be achieved. At a minimum, the ordinance must allow either a duplex, or one new unit constructed in addition to an existing unit.

C. Unit Configurations

The new unit in a two-residential unit development may be permitted in the following configurations, provided that no more than two attached residential units are in any one building on a lot. For the purpose of this section, “unit” means any dwelling unit, including, but not limited to, two-unit residential development, additional residential unit, primary residential unit, accessory dwelling unit, or junior accessory dwelling unit.

1. One new unit incorporated entirely within an existing residential unit.

2. One new unit incorporated entirely within an existing accessory building, including garages.

3. One new unit attached to and increasing the size of an existing residential unit or an existing accessory building.

4. One new unit detached from and located on the same lot as an existing unit. A unit that is attached to another detached accessory building, but not another residential unit, or is attached by a breezeway or porch, is considered detached.

5. Two newly constructed attached units (duplex) or two detached residential units on a vacant lot.

6. A two-unit residential development in any of the configurations described above may be added to a newly created lot concurrently with an approval for a parcel map for an urban lot split, pursuant to AGMC Section 16.20.180, Parcel Maps for Urban Lot Splits; however, the provisions of that Chapter shall not be used to permit more than two units on a lot.

7. Up to two accessory dwelling units pursuant to AGMC Section 16.52.150, Accessory Dwelling Units, may be proposed in addition to the two units constructed pursuant to this Section on a lot that is not the result of an urban lot split.

D. Parking.

1. Pursuant to Government Code Section 65852.21(c), one off-street parking space is required per dwelling unit, unless the parcel is located within one-half mile of a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code or a major transit stop as defined in Section 21064.3 of the Public Resources Code or there is a car share vehicle located within one block of the parcel.

2. The location of the required parking space(s) shall not obstruct the required parking of each Dwelling Unit.

3. The parking facilities shall comply with Section 16.56.070.

4. Required parking spaces for separate dwelling units shall not be provided in a tandem configuration.

5. The required parking spaces must be covered.

E. Rear and Side Setbacks.

1. No setback shall be applied to existing structures or structures constructed in the same location and to the same dimensions as an existing structure.

2. For projects not meeting the requirements of subsection 1 above, a minimum four-foot setback shall be provided from side and rear lot lines.

Item #2 – A city may impose objective design standards.

Design Standards must allow at least two units of 800 square feet each. Objective design standards can regulate development aspects such as height, lot coverage, floor-area ratio, etc.

F. Objective Zoning and Design Standards for Two-Unit Residential Developments.

Government Code Section 65852.21 permits the imposition of objective zoning standards and objective design standards, provided the standards do not physically preclude the construction

of up to two units of at least 800 square feet. Accordingly, the follow objective standards shall apply to two-unit residential development projects

1. Massing and Articulation

    a. Maximum size of a unit is 1,200 square feet.

    b. Building Separation: detached dwelling units shall have a minimum of 10 feet of separation whether the units are on one lot or adjacent lots.

    c. Height: Units are subject to a 16-foot height limit

2. Colors and Materials

    a. The primary cladding shall be stone, brick, fiber cement, composite wood or stone, or other cementitious material. Plywood, such as T1-11 siding, is prohibited.

    b. Color schemes shall consist of one primary color and one secondary color, at a minimum. The roof color shall not be considered a color for purposes of this standard

3. Parking and Circulation

    a. Parking shall not be located between a structure and a public sidewalk

    b. All parking areas shall be internally connected and shall use shared driveways

4. Utility and Service Areas

    a. All new dwelling units must connect to City utilities.

    b. Areas for the storage of trash, recycling, and green waste receptacles shall not be visible from the public right of way.

    c. All mechanical equipment shall be either screened or hidden from view from the public street

Ministerial Approval of Two-Unit Residential Development Projects.

1. The Community Development Director or his/her designee shall ministerially review and approve a two-unit residential development application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the two-unit residential development project complies with the requirements contained in this Title 16 and qualifies under Government Code Section 65852.21(a).

2. In addition to obtaining planning approval for the two-unit residential development project, the applicant shall be required to obtain a building permit, and other applicable construction permit requirements prior to the construction of the dwelling units.

Sample Draft Ordinance – For Discussion Purposes

Section 16.20.180 Parcel Maps for Urban Lot Spits

A. Purpose and Scope

1. This Section implements Government Code section 66411.7 to provide an owner of property in the Single Family zoning district an additional method to subdivide the parcel for the purpose of housing development.

Item #1 – SB 9 applies to parcels zoned for "single-family residential." **Determination about whether the proposed ordinances for two-unit developments should apply to all single family zones, or specifically the Single Family zoning district.**

2. Urban lot split means the subdivision of an existing legal parcel in the Single Family zoning district to create no more than two new parcels.

B. Application and Approval

1. A parcel map for an urban lot split may not be approved except in conjunction with a concurrently submitted application for building permits for two-unit residential development pursuant to Section 16.32.060. Development on the resulting parcels is limited to the residential development approved in the concurrently submitted building permit applications.
2. A parcel map for an urban lot split must be prepared by a registered civil engineer or licensed land surveyor in accordance with Government Code sections 66444 – 66450 and this Section, and submitted for approval to the City Engineer. A fee in an amount established by City Council resolution must be paid concurrently with the submission of the parcel map.
3. The City Engineer is the approval authority for parcel maps under this Section. The City Engineer shall approve a parcel map for an urban lot split if the Engineer determines that it meets all of the requirements of this Section.

C. The following supplemental information is required to be submitted with a parcel map to establish compliance with the construction plans and all provisions of this Code and applicable State law:

1. A map of appropriate size and to scale showing all of the following:
    a. Total area (in acreage and square feet) of each proposed lot.
    b. Location and dimensions of existing and proposed property lines;
    c. Zoning District;
    d. The location and use of all existing and proposed structures;
    e. All required zoning setbacks for the existing and proposed lots;
    f. The location of all existing water, sewer, electricity, storm drain, or gas service lines, pipes, systems, or easements;

g. The location of all proposed new water, sewer, storm drain, lines, pipes, or systems;

h. The location of any proposed easements for access or public utilities to serve a lot created by the subdivision;

i. The location of any existing trees larger than four inches in diameter measured four feet six inches above the base and any such trees proposed for removal;

j. Any area of the parcel that has a slope of 25% or greater by way of contours at 5-foot intervals;

l. Name and dimensions, including right-of-way and improved area, of public and private streets or public alleys adjoining the parcel;

m. Curb, gutter, sidewalk, parkway, and street trees: type, location, and dimensions;

n. Location of existing or proposed driveway dimensions, materials, and slope (including cross slope); and

o. Location of existing or proposed pedestrian pathway access to the public right of way.

2. A statement of the owner, signed under penalty of perjury under the laws of California, that:

   a. The proposed urban lot split would not require or authorize demolition or alteration of any of the following types of housing:

      (i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

      (ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

      (iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Section 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

      (iv) Housing that has been occupied by a tenant in the last three years.

   b. The parcel has not been established through prior exercise of an urban lot split under this Section;

   c. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel under the provisions of this Section.

   d. The owner intends to occupy one of the housing units located on a lot created by the parcel map as their principal residence for a minimum of three years from the date of the recording of the parcel map.

e. Rental terms of any unit created by the subdivision shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one thirty-one (31) day period of occupancy by the same tenant.

f. The uses allowed on a lot created by the parcel map shall be limited to residential uses.

D. Design and Improvement Requirements

Item #2 – A city may impose objective design standards for lots created by this ordinance.

Design Standards must allow at least two units of 800 square feet each. Objective design standards can regulate development aspects such as lot access, size, easements, etc.

1. A parcel map may subdivide an existing legal parcel to create no more than two parcels of approximately equal lot area. One parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision and neither parcel shall be smaller than 1,200 square feet. The following areas are excluded from the calculation of lot area for the purposes of this subdivision:
2. Each parcel must be served by a separate water service meter and a separate sewer connection.
3. Each parcel shall either drain a developed drainage easement or in accordance with the City's Standard Specification and Engineering Standards.
4. Rights-of-way as required for access along all natural watercourses as necessary for flood control, maintenance, and improvement shall be dedicated.
5. The parcel must satisfy the requirements of Government Code section 66411.7(a).
6. A lot line shall not bisect or be located within 4 feet of any of the following:
   a. A dwelling that has been occupied by a tenant at any time during the three years before the date of the parcel map;
   b. A structure designated as a historic structure or a candidate structure under any City ordinance or included on the State Historic Resources Inventory;
   c. A dwelling that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
   d. Existing easements if the resulting lot would create a developable area that would interfere with the use of the easement for its intended purpose.
7. The location and orientation of new lot lines shall meet the following standards:
   a. Front lot lines shall conform to the minimum public street frontage requirements of the Development Code; a flag lot, or a lot with a narrow projecting strip of land extending along a street, is not permitted.
   b. Each parcel shall have approximately equal lot width and lot depth, consistent with the minimum lot sizes described in subsection D, above. Lot depth shall be

measured at the midpoint of the front lot line. Lot width shall be measured by a line connecting two points on opposite interior lot lines that will result in a line parallel to the front lot line.

c. New lot lines must be straight lines, unless there is a conflict with existing improvements or the natural environment in which case the line may be not be straight but shall follow the appropriate course.

d. Lot lines facing a street shall generally be parallel to the street. Unless the minimum public street frontage is provided, the lot line dividing the two parcels must be parallel to and not less than 50 feet from an existing front lot line, or outside the front half of the existing lot, whichever is greater.

e. Interior lot lines not facing the street shall be at right angles perpendicular to the street on straight streets, or radial to the street on curved streets.

f. Lot lines shall be located within appropriate physical locations such as the top of creek banks, at appropriate topographical changes (top or bottom of slopes etc.) or at locations which clearly separate existing and proposed land uses.

g. Lot lines shall be contiguous with existing zoning boundaries.

h. The placement of lot lines shall not result in an accessory building or accessory use on a lot without a main building or primary use on the same lot, as defined in the Development Code.

i. Lot lines shall not render an existing structure as nonconforming in any respect (e.g., setbacks, Floor Area Ratio, parking), nor increase the nonconformity of an existing nonconforming structure.

E. Access Standards

1. Each lot shall front upon or have access to a public street, or be served by an access easement serving no more than two lots. Access shall be provided in compliance with these standards:

   a. Vehicle access easements serving a maximum of two units shall meet the following standards:

      i. Easement width shall be a minimum of 10 feet and a maximum of 16 feet, unless a wider driveway is required by the California Fire Code due to distance of the structure from the easement, or as needed to meet the driveway and parking standards in the City's standards.

      ii. The minimum length for a vehicle access easement is 20 feet. No maximum easement length shall be set. If easement length is more than 75 feet, a vehicle turnaround shall be provided.

      iii. No residential structure shall be closer than 3 feet to the easement.

   b. Vehicle access easements serving three to four units shall meet the following standards:

      i. Easement width shall be a minimum of 20 feet.

ii. The minimum length for a vehicle access easement is 20 feet. No maximum easement length shall be set. If easement length is more than 75 feet, a vehicle turnaround shall be provided.

iii. No residential structure shall be closer than 5 feet to the easement.

c. Where a lot does not abut a public street, and where no automobile parking spaces are required or proposed for the residential development, a vehicle access easement is not required. An easement providing pedestrian access to a street from each lot shall be provided meeting the following standards:

i. Easement width shall be a minimum of five feet;

ii. Pedestrian access easements shall not exceed 200 feet in length.

2. Vehicle access easements shall not be located closer than 25 feet to an intersection.

3. Access and provisions for fire protection consistent with the California Fire Code shall be provided for all structures served by an access easement.

4. Surfacing of easements, pedestrian walkways required within easements, and turnaround dimensions shall meet the requirements of the California Fire Code, the City's Design Standards, and the parking design standards in the Development Code.

F. Map Requirements

1. The content and form of a parcel map shall meet all the requirements of Government Code sections 66444 – 66450.

2. The parcel map shall show all easements for public utilities necessary to serve each lot created by the subdivision.

3. The parcel map shall show all easements necessary to provide each lot with access to the public or private street or alley abutting the original parcel.

4. The parcel map shall contain a declaration that:

a. Each lot created by the parcel map shall be used solely for residential dwellings;

b. That no more than two residential dwelling units may be permitted on each lot. As used in this subsection residential dwelling unit includes a unit created pursuant to Government Code section 65852.21, a primary dwelling unit, an accessory dwelling unit as defined in Government Code section 65852.2, or a junior accessory dwelling unit as defined in Government Code section 65852.22.

c. That rental of any dwelling unit on a lot created by the parcel map shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.

G. Concurrent Processing With Other Ministerial Permits for Housing Development

1. No development, including grading or vegetation removal, shall commence on either lot, concurrent or subsequent to an urban lot split, unless it is approved with a valid building permit for the construction of a housing development and complies with all the objective development and design standards outlined for two-unit residential development or

accessory dwelling units in this Code, or any other adopted objective design standards in effect at the time a complete application is submitted.

2. A building permit for development on an urban lot split cannot be issued until the parcel map is recorded.
3. The City Engineer shall deny an urban lot split if the building official has made a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

H. Prohibition of Further Subdivision

A lot created by a parcel map under this Section shall not be further subdivided.

None.

11. NEW BUSINESS

The Council heard Item 11.b. next.

Mayor Ray Russom called for a brief break at 8:55 p.m. The Council reconvened at 9:03 p.m. and returned to Item 11.a.

11.a Study Session Regarding Short Term Rentals (Vacation Rentals and Homestays) and Potential Revisions to the City's Short Term Rental Ordinance

City Attorney Carmel commented on the Fair Political Practices Commission's (FPPC) advice regarding the conflicts of interest for Mayor Ray Russom, Mayor Pro Tem George, Council Member Storton, and Council Member Barneich.

City Clerk Matson explained the process for randomly drawing straws to determine which two of the conflicted Council members may hear the item. Mayor Ray Russom, Mayor Pro Tem George, and Council Members Barneich and Storton drew straws. Mayor Ray Russom and Council Member Storton drew the short straws and remained in the meeting to hear the item.

Mayor Pro Tem George and Council Member Barneich left the meeting.

Community Development Director Pedrotti introduced the item and Assistant Planner Holub provided a presentation and responded to questions from Council.

Mayor Ray Russom invited public comment. Speaking from the public were John Keen, and Jim Guthrie. City Clerk Matson read into the record written comments received from Krista Jeffries. No further public comments were received.

Council discussion ensued regarding staff recommendations.

At 10:52 p.m., Mayor Ray Russom stated that pursuant to Council policy, the Council must vote unanimously to continue the meeting past 11:00 p.m.

Mayor Ray Russom moved to continue the meeting to 11:10 p.m. Council Member Paulding seconded the motion, and the motion passed unanimously by voice vote.

Council directed staff to include a Short Term Rental buffer for homestays and vacation rentals; apply a cap of 120 vacation rentals; send the performance standards and parking standards sections of the Ordinance to Planning Commission for review; do not place approvals on a cancelled Planning Commission agenda; charge for mailing labels to notice neighbors; revoke permits if no Transient Occupancy Tax (TOT) is generated within a 12 month period; research a full service company to administer host compliance; add a section to the permit application where applicants can state they will provide contact information to neighbors each year; and create a process to notify the public regarding the number of current permits. Council also requested that staff bring back a discussion regarding administrative fines for violation of the Ordinance.

No action was taken on this item.

11.b Study Session for City Council to Provide Direction on a New Ordinance to Implement Senate Bill 9

Acting Planning Manager Perez presented the staff report. Acting Planning Manager Perez, Community Development Director Pedrotti and City Manager McDonald responded to questions from Council.

Mayor Ray Russom invited public comment. Speaking from the public was Rachel Mann, John Keen, and Jim Guthrie. City Clerk Matson read into the record written comments from Krista Jeffries. No further public comments were received. City Attorney Carmel and City Manager McDonald responded to questions from the public.

Council expressed support for the proposed draft Ordinance and staff recommendations including the prohibition of short term rentals and requiring undergrounding of utilities. Council directed staff to provide clarification in Section D of the draft Ordinance regarding parking, to leave the height restriction for further discussion, and requested the addition of a disclaimer regarding abiding by individual CCRs.

No action was taken on this item.

Mayor Ray Russom called for a brief break at 8:55 p.m. The Council reconvened at 9:03 p.m. and returned to Item 11.a.

12. CITY COUNCIL REPORTS

The City Council provided brief reports from the following committee, commission, board, or other subcommittee meetings that they attended as the City's appointed representative.

12.a MAYOR RAY RUSSOM:

1. California Joint Powers Insurance Authority (CJPIA)
2. South San Luis Obispo County Sanitation District (SSLOCSD)
3. Tourism Business Improvement District Advisory Board
4. Other

12.b MAYOR PRO TEM GEORGE:

1. County Water Resources Advisory Committee (WRAC)
2. Visit SLO CAL Advisory Board
3. Other

12.c COUNCIL MEMBER BARNEICH:

1. Audit Committee
2. Homeless Services Oversight Council (HSOC)
3. Zone 3 Water Advisory Board
4. Other

12.d COUNCIL MEMBER STORTON:

1. Brisco/Halcyon Interchange Subcommittee

MEMORANDUM

TO: **Planning Commission**

FROM: **Brian Pedrotti, Community Development Director**

BY: **Andrew Perez, Acting Planning Manager**

SUBJECT: **Consideration Of Development Code Amendment 21-002 To Implement Senate Bill 9; Location – Citywide**

DATE: **May 3, 2022**

SUMMARY OF ACTION:
A recommendation to City Council to adopt an ordinance to implement Senate Bill 9 (SB 9).

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:
No financial impact is projected.

RECOMMENDATION:
It is recommended that the Planning Commission adopt a Resolution recommending the City Council adopt amendments to the Municipal Code to implement the provisions of Senate Bill 9 (Attachment 1).

BACKGROUND:
SB 9 was signed by Governor Newsom on September 16, 2021, and became effective January 1, 2022 (Attachment 2). This bill is intended to streamline housing development by requiring a proposed housing development containing no more than two residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements. SB 9 also requires a local agency to ministerially approve a parcel map for an urban lot split in a single-family residential zone if it meets certain requirements, including minimum lot size requirements and certain objective standards. Cities may deny an SB 9 project or subdivision that otherwise meets the requirements of SB 9 only if the Building Official determines it will result in a specific, adverse impact on health and safety and there is no feasible way to mitigate the impact.

A study session at City Council was held on March 22, 2022 to provide a forum for community comments and discuss implications of SB 9 to aid staff in refining the draft

ordinance. Council expressed concerns with the effects of the unplanned density associated with potential SB 9 development. To mitigate the concerns, Council directed staff to present the draft objective design standards to the Architectural Review Committee (ARC) for review and recommendation to the Planning Commission.

ANALYSIS OF ISSUES:
SB 9 can be broken into two primary components: 1) provisions that allow subdivisions of a single-family zoned lot into two lots ("subdivisions"); and 2) provisions that allow construction of two units on a single-family zoned property ("two-unit projects"). These provisions can be used in concert, so that an applicant could subdivide an existing parcel and build two units on each parcel.

Qualifying Properties
Parcels located in any zoning district allowing single family residential uses are eligible for SB 9 development. This includes the Residential Estate, Residential Hillside, Residential Rural, Residential Suburban, Village Residential, Single-Family zones, and the Planned Development districts, which all allow single-family residences as an allowed use. In the draft ordinance presented to Council at the study session, only parcels in the Single Family zone would have been eligible for development under the SB 9 ordinance. This was based on staff's interpretation and guidance from the City Attorney. Subsequent to the study session, the California Department of Housing and Community Development released a SB 9 Fact Sheet with information about the legislation (Attachment 3). Based on the information in that document, the zoning districts eligible for SB 9 development has been broadened to include all zones that permit single family residential as an allowed use.

Regardless of zoning, properties are excluded from using SB 9 for two-unit projects and/or subdivisions if they are located in any of the following areas:

- Prime farmlands or farmlands of statewide importance, or farmlands protected by a local ordinance
- Wetlands, as defined in the United States Fish and Wildlife Service Manual
- A hazardous waste site
- Lands identified for conservation in an adopted conservation plan or under a conservation easement
- Habitat for protected species
- Within a historic district or on a site that is designated as historic

As indicated above, SB 9 does not apply to parcels located "within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code." Under Public Resources Code Section 5020.1, "Historic district" means "a definable unified geographic entity that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development." Studies were conducted by

the City that confirm the Historic Character Overlay District (D-2.4) possesses a high concentration of historically relevant sites and structures which supported creation of the district. Therefore, parcels in the overlay district would be ineligible for purposes of SB 9.

Prime farmland and farmlands of statewide importance are present within the City, most of which is found near Fair Oaks Avenue between Woodland Drive and Highway 101 and in the areas near Branch Mill Road. None of these sites have a single family zoning designation, so they would be ineligible for SB 9 projects regardless of their status as prime farmland.

Three other areas are identified as conditionally excluded from SB 9. These areas include:

- Within a very high fire hazard severity zone
- Within a delineated earthquake fault zone, unless the project is designed to meet building code requirements for building within such zone
- Within a special flood hazard area or regulatory floodway, unless certain requirements are met

SB 9 development is allowed in the areas listed above, but only when applicable building code and measures for hazard mitigation are met. For example, a property in the flood zone is required to provide a no-rise certification, prepared in accordance with Federal Emergency Management Agency guidelines, to indicate that the construction of a building will not increase flood hazards downstream. Certain building techniques and materials measures are required for SB 9 developments on properties in an earthquake or high fire zone.

A property can only be subdivided pursuant to SB 9 once. SB 9 also precludes the same applicant, or someone working in concert with the applicant, from subdividing adjacent properties. SB 9 does not override covenants, conditions, and restrictions (CC&Rs) or other private governing documents for homeowner's associations (HOA) or common-interest developments, meaning these developments may impose further restrictions on subdivision of parcels and two-unit developments. The City would process an SB 9 application, but because the City is not a party to private governing documents, enforcement of such documents is left to the HOA. The application for SB 9 projects will include a disclaimer for the applicant to acknowledge notification of their HOA when applicable.

<u>Urban Lot Splits</u>
Lot splits proposed under the provisions of SB 9 are referred to as Urban Lot Splits (ULS). The legislation requires that a parcel map for an ULS shall be approved ministerially, without discretionary review. Parcels developed with affordable housing, or residential units that have been occupied by a tenant within three (3) years of the ULS application may not be split if the application proposes to alter or demolish the residential units.

Under the subdivision provisions of SB 9, the City must also allow a single-family zoned property to be subdivided into two roughly proportional lots. To ensure rough proportionality, SB 9 specifies that one lot cannot be less than 40 percent the size of the other. The bill also establishes a minimum lot size of 1,200 square feet for lots created through an urban lot split. Provisions of SB 9 include the following allowances and restrictions on subdivisions:

- Cannot require dedication of right-of-way or construction of off-site improvements (such as installation of a sidewalk where there is none);
- May require that parcels have access to a public right-of-way;
- May require easements for the provision of public services and facilities; and
- Must require the applicant to sign an affidavit stating that the applicant intends to live on one of the properties as their primary residence for at least three years after the date of the subdivision. This requirement does not apply to an urban land trust or qualified non-profit.

Units built on lots created through an ULS are reserved for residential uses, may not be permitted for short term rentals, and requires owner occupancy for at least three years from the date of the approval of the ULS. An owner affidavit will be required with the application for a ULS and in addition to the owner occupancy statement, must include a clause stating that a unit located on a lot created through an ULS will not be used as a short term rental.

Two-unit Development

A housing development consisting of two residential units within a single-family residential zone shall also be considered ministerially, without discretionary review or hearing if developed pursuant to the provisions in SB 9. A two-unit development may include the construction of two new units, or the addition of a new unit to a property already developed with a single-family dwelling. A two-unit development would be subject to the following requirements, among others:

- The proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
- The proposed housing development would not require demolition or alteration of housing that has been occupied by a tenant in the last three years;
- The proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls of an existing residential unit on the property unless the site has not been occupied by a tenant in the last three years; and
- The development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

When an application for a two-unit development is submitted that proposes the demolition of an existing unit, staff will confirm the subject parcel complies with the State mandated requirements listed above. Staff maintains a database of deed-restricted affordable housing units that will be referenced to verify an affordable unit is not proposed for demolition. Furthermore, staff can obtain water billing information to verify whether a unit has been rented in the previous three years.

Objective Design Standards

The City may adopt objective development standards for SB 9 projects, but those standards cannot preclude construction of at least two units of 800 square feet in size each. Objective standards are those standards that involve no exercise in judgement to apply, such as numeric setback requirements. These design standards can regulate specific standards such as unit size, height limits; aesthetics; and function.

SB 9 already includes the following mandatory development standards:

- Cannot require more than four-foot side and rear setbacks for SB 9 developments;
- Cannot require more than one parking space per unit. Cannot require any parking for projects within a half-mile walking distance of high-quality transit or major transit stops, as defined by state law, or if there is a car share vehicle located within one block;
- Must allow construction of attached units; however, attached units must be designed to meet all requirements for selling each unit individually;
- No setback can be required for existing structures, and
- The City shall not require the correction of non-conforming zoning conditions on a property as a condition of approval of a project or deny a project due to existing non-conformities.

A high-quality transit stop is defined as a stop on a fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. Every bus route serving Arroyo Grande has service intervals exceeding 15 minutes, therefore the parking exemption described above is not available for SB 9 projects in the City unless bus service changes to meet the state definitions. Beyond the mandatory development standards, the City may incorporate standards for floor-area ratios, height, lot coverage, and building separation, among others. Just as with units that are constructed on parcels created through a ULS, two-unit developments may not be short term rentals.

On April 18, 2022, the ARC reviewed the proposed objective design standards (Attachment 4). As a result of that meeting, standards for maximum unit size, height, rooftop decks, color, and materials were revised. The standards in the following bulleted lists below are included in the draft ordinance*:*

- Massing and Articulation
    - Maximum Unit Size: The total gross floor area of the unit(s), excluding garages, shall not exceed the floor-area ratios maximums found in Section 16.32.050.
    - Building Separation: detached dwelling units shall have a minimum of 10 feet of separation whether the units are on one lot or adjacent lots.
    - Height: 16-foot maximum for portions of structures located within the setback of the underlying zoning district. The remainder of the structure located outside of the setbacks of the underlying zoning district shall conform to the height requirements of that district.
    - Rooftop Decks shall be permitted in accordance with Section 16.48.180.

The ARC found the maximum unit size to be too restrictive for the larger single family lots, and was also concerned that the previously proposed maximum unit size of 1,200 square feet would discourage SB 9 development. Using the floor-area ratios already established in the Municipal Code was determined to be a solution that is both equitable and maintains neighborhood character. The floor-area ratios found in AGMC 16.32.050 are summarized in Table 1.

Table 1: Floor-Area Ratio Maximums

Lot Size	Floor Area Ratio Maximum
0-4,000 sq. ft.	0.35
4,001-7,199 sq. ft.	0.40
7,200-11,999 sq. ft.	0.50
12,000-39,999 sq. ft.	0.45
Greater than 40,000 sq. ft.	

At the study session, Council was undecided about whether the 16-foot height limit would be overly restrictive. To provide some flexibility, staff revised the height limitation so that the 16-foot height limit would only apply to the portion of structures built within the setbacks of the underlying zone. Portions of the structure that comply with the setbacks of the underlying district would be subject to the height limit of that district. The building separation standard is proposed to maximize privacy and outdoor space for inhabitants of SB 9 units. Initially, staff proposed a prohibition of rooftop decks, but the ARC felt that rooftop decks provide an opportunity for outdoor living space.

- Colors and Materials
    - The primary cladding shall be stone, brick, fiber cement, composite wood or stone, wood, stucco, or other cementitious material. Plywood, such as T1-11 siding, is prohibited.
    - Color schemes shall consist of one primary color and at least one secondary color, at a minimum. The roof color shall not be considered a color for purposes of this standard.

Standards for colors and materials are intended to ensure a minimal amount of aesthetic quality. The cladding materials are commonly found throughout the city, and prevent the use of less durable materials that would deteriorate over time and become unsightly. Multiple colors are required to ensure more visual appeal than a simple, single color.

- Parking and Circulation
    - Parking areas shall not be located between a structure and a public sidewalk within the front setback, with the exception of permitted driveways. When parking areas are located in the front yard, outside of the front setback, a landscape buffer of at least 10 feet between the sidewalk and parking area shall be provided.
    - All parking areas serving more than one unit shall be internally connected and shall use shared driveways.

As many as four units can be developed on a single-family lot that was planned to accommodate just a single unit. One parking space is required per unit under SB 9, potentially creating the need for as many as four uncovered parking spaces on the original parcel. Arroyo Grande Municipal Code Section 16.56.030 already prohibits parking in a front setback, but makes an exception for parking spaces on a lawfully established driveway. The requirement to provide a landscape buffer is intended to prevent parking from dominating the most publicly visible area of a property. Shared driveways are a way to minimize the amount of paving on a property for both aesthetic and stormwater management purposes.

- Utility and Service Areas
    - All new dwelling units must connect to City utilities in accordance with AGMC 13.12.060
    - Areas for the storage of trash, recycling, and green waste receptacles shall not be visible from the public right of way.
    - All mechanical equipment shall be either screened or hidden from view from the public street.

Requiring connection to City utilities (water and sewer) ensures that units developed under SB 9 will remain livable without relying on private water wells or septic systems, which have a finite lifespan. The standards applicable to service areas are intended to maintain neighborhood character through aesthetics.

<u>Accessory Dwelling Units</u>
ADUs are allowed with SB 9 projects; however, SB 9 states that an agency shall not be required to permit more than two units on a parcel created by an ULS. In addition, SB 9 states that the City is not required to permit an ADU on parcels that propose both a two-unit residential development and an ULS. Staff recommends that ADUs not be allowed

on parcels created through an ULS. Staff also recommends restricting ADUs and JADUs to two-unit developments as allowed under SB 9. As a result of this recommendation, for each primary unit allowed, an ADU or JADU would be allowed, but no ADUs would be allowed on new parcels created through a ULS. Objective design standards may apply to ADUs as well as two-unit developments.

SB 9 does not allow the City to require dedication of rights-of-way or the construction of off-site improvements as a condition of approval for an ULS. The City may impose Arroyo Grande Municipal Code Chapter 16.68 requiring the undergrounding of utilities at the time of building permit issuance. Development impact fees, such as those for fire protection, police facilities, park improvements, and traffic signalization, and connection fees for water and wastewater may be collected with building permit fees for new residential units proposed with the provisions of SB 9.

Next Steps
A recommendation for adoption to the Planning Commission will allow the ordinance to return to Council for introduction and adoption.

ALTERNATIVES:
The following alternatives are provided for the Planning Commission's consideration:

1. Adopt the Resolution, as prepared, recommending that the City Council adopt the ordinance to implement SB 9; or
2. Adopt the Resolution, as revised by the Planning Commission, recommending that the City Council adopt the ordinance to implement SB 9; or
3. Provide other direction to staff.

ADVANTAGES:
A recommendation to City Council to adopt an ordinance to implement SB 9 will allow the City to regulate development pursuant to the State legislation. The objective design standards contained in the draft ordinance will ensure orderly development of SB 9 projects that are consistent with the character of existing single-family neighborhoods.

DISADVANTAGES:
None identified.

ENVIRONMENTAL REVIEW:
In compliance with the California Environmental Quality Act (CEQA), the Community Development Department has determined that the adoption of an ordinance to implement Senate Bill 9 creates a ministerial review process and therefore is exempt from the requirements of CEQA pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code.

PUBLIC NOTIFICATION AND COMMENTS:

A notice of public hearing was published in the Tribune and posted at City Hall and on the City's website on April 22, 2022. The meeting Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachments:

1. Resolution
2. Senate Bill 9
3. HCD SB 9 Fact Sheet
4. Draft Minutes from the April 18, 2022 Regular Meeting
5. Draft Ordinance – Urban Lot Splits
6. Draft Ordinance – Two-Unit Residential Development

ATTACHMENT 1

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING DEVELOPMENT CODE AMENDMENT NO. 21-002 TO IMPLEMENT SENATE BILL 9; LOCATION- CITYWIDE

WHEREAS, on September 16, 2021, the Governor signed into law Senate Bill (SB) 9 that, among other things, added Government Code Sections 65852.21 and 66411.7 and amended Government Code Section 66452.6 allowing additional housing units on properties within residential zoning districts; and

WHEREAS, SB 9 went into effect on January 1, 2022; and

WHEREAS, SB 9 allows a local jurisdiction to adopt an ordinance that provides ministerial approval of 1) no more than two housing units on a lot within a single-family residential zoning district; and 2) urban lot splits; and

WHEREAS, SB 9 allows a local jurisdiction to adopt objective design, development, and subdivision standards for up to two housing units and urban lot splits; and

WHEREAS, the proposed amendments to the Arroyo Grande Municipal Code (AGMC) implement the requirements of SB 9 and add local regulations that within the scope of the State law; and

WHEREAS, the City of Arroyo Grande has duly initiated amendments to AGMC; and

WHEREAS, the Planning Commission of the City of Arroyo Grande, after giving notices thereof as required by law, held a public hearing on May 3, 2022 concerning this code amendment and carefully considered all pertinent testimony and the staff report offered in the case as presented; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Arroyo Grande hereby recommends the City Council adopt Ordinances approving Development Code Amendment 21-002 amending Title 16 of the Arroyo Grande Municipal Code as attached hereto as Exhibit “A” and incorporated herein by this reference.

On motion by Commissioner _____, seconded by Commissioner _____, and by the following roll call vote, to wit:

AYES:
NOES:
ABSENT:

the foregoing Resolution was adopted this 3rd day of May, 2022.

_____
GLENN MARTIN
CHAIR

ATTEST:

_____
PATRICK HOLUB
SECRETARY TO THE COMMISSION

AS TO CONTENT:

_____
BRIAN PEDROTTI
COMMUNITY DEVELOPMENT DIRECTOR

EXHIBIT 'A'

WHEREAS, on September 16, 2021, the Governor signed into law Senate Bill (SB) 9 that, among other things, added Government Code Sections 65852.21 and 66411.7 and amended Government Code Section 66452.6 allowing additional housing units on properties within residential zoning districts; and

WHEREAS, SB 9 went into effect on January 1, 2022; and

WHEREAS, SB 9 allows a local jurisdiction to adopt an ordinance that provides ministerial approval of 1) no more than two housing units on a lot within a single-family residential zoning district; and 2) urban lot splits; and

WHEREAS, SB 9 allows a local jurisdiction to adopt objective design, development, and subdivision standards for up to two housing units and urban lot splits; and

WHEREAS, the proposed amendments to the Arroyo Grande Municipal Code (AGMC) implement the requirements of SB 9 and add local regulations that within the scope of the State law; and

WHEREAS, the City of Arroyo Grande has duly initiated amendments to AGMC; and

WHEREAS, the Planning Commission of the City of Arroyo Grande, after giving notices thereof as required by law, held a public hearing on May 3, 2022 concerning this code amendment and carefully considered all pertinent testimony and the staff report offered in the case as presented; and

WHEREAS, on May 3, 2022, the Planning Commission of the Arroyo Grande recommended to the City Council adding Sections 16.20.180 and 16.32.060 to the Arroyo Grande Municipal Code; and

WHEREAS, the City Council of the City of Arroyo Grande has, after giving notice thereof as required by law, held a public hearing on _____, 2022, concerning the addition of AGMC Sections 16.20.180 and 16.32.060; and

WHEREAS, the City Council of the City of Arroyo Grande, at its regularly scheduled public meeting on _____, 2022 introduced this Ordinance to add Section 16.20.180 to Title 16, Chapter 20 and 16.32.060 to Title 16, Chapter 32 of the Arroyo Grande Municipal Code; and

WHEREAS, the City Council has carefully considered all pertinent testimony and the staff report, its attachments and all supporting materials referenced therein or offered in the matter as presented at the public hearing.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals and findings are true and correct and are incorporated herein by this reference.

SECTION 2. Section 16.20.180 is hereby added to Title 16, Chapter 20 of the Arroyo Grande Municipal Code to read as follows:

Section 16.20.180 Parcel Maps for Urban Lot Spits

A. Purpose and Scope

1. This Section implements Government Code section 66411.7 to provide an owner of property in the Single Family zoning district an additional method to subdivide the parcel for the purpose of housing development.
2. Urban lot split means the subdivision of an existing legal parcel in the Single Family zoning district to create no more than two new parcels.

B. Application and Approval

1. A parcel map for an urban lot split may not be approved except in conjunction with a concurrently submitted application for building permits for two-unit residential development pursuant to Section 16.32.060. Development on the resulting parcels is limited to the residential development approved in the concurrently submitted building permit applications.
2. A parcel map for an urban lot split must be prepared by a registered civil engineer or licensed land surveyor in accordance with Government Code sections 66444 – 66450 and this Section, and submitted for approval to the City Engineer. A fee in an amount established by City Council resolution must be paid concurrently with the submission of the parcel map.
3. The City Engineer is the approval authority for parcel maps under this Section. The City Engineer shall approve a parcel map for an urban lot split if the Engineer determines that it meets all of the requirements of this Section.

C. The following supplemental information is required to be submitted with a parcel map to establish compliance with the construction plans and all provisions of this Code and applicable State law:

1. A map of appropriate size and to scale showing all of the following:
    a. Total area (in acreage and square feet) of each proposed lot.
    b. Location and dimensions of existing and proposed property lines;

c. Zoning District;

d. The location and use of all existing and proposed structures;

e. All required zoning setbacks for the existing and proposed lots;

f. The location of all existing water, sewer, electricity, storm drain, or gas service lines, pipes, systems, or easements;

g. The location of all proposed new water, sewer, storm drain, lines, pipes, or systems;

h. The location of any proposed easements for access or public utilities to serve a lot created by the subdivision;

i. The location of any existing trees larger than four inches in diameter measured four feet six inches above the base and any such trees proposed for removal;

j. Any area of the parcel that has a slope of 25% or greater by way of contours at 5-foot intervals;

l. Name and dimensions, including right-of-way and improved area, of public and private streets or public alleys adjoining the parcel;

m. Curb, gutter, sidewalk, parkway, and street trees: type, location, and dimensions;

n. Location of existing or proposed driveway dimensions, materials, and slope (including cross slope); and

o. Location of existing or proposed pedestrian pathway access to the public right of way.

2. A statement of the owner, signed under penalty of perjury under the laws of California, that:

a. The proposed urban lot split would not require or authorize demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Section 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw

accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

b. The parcel has not been established through prior exercise of an urban lot split under this Section;

c. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel under the provisions of this Section.

d. The owner intends to occupy one of the housing units located on a lot created by the parcel map as their principal residence for a minimum of three years from the date of the recording of the parcel map.

e. Rental terms of any unit created by the subdivision shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one thirty-one (31) day period of occupancy by the same tenant.

f. The uses allowed on a lot created by the parcel map shall be limited to residential uses.

D. Design and Improvement Requirements

1. A parcel map may subdivide an existing legal parcel to create no more than two parcels of approximately equal lot area. One parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision and neither parcel shall be smaller than 1,200 square feet.:

2. Each parcel must be served by a separate water service meter and a separate sewer connection.

3. Each parcel shall either drain a developed drainage easement or in accordance with the City's Standard Specification and Engineering Standards.

4. Rights-of-way as required for access along all natural watercourses as necessary for flood control, maintenance, and improvement shall be dedicated.

5. The parcel must satisfy the requirements of Government Code section 66411.7(a).

6. A lot line shall not bisect or be located within 4 feet of any of the following:

a. A dwelling that has been occupied by a tenant at any time during the three years before the date of the parcel map;

b. A structure designated as a historic structure or a candidate structure under any City ordinance or included on the State Historic Resources Inventory;

c. A dwelling that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

d. Existing easements if the resulting lot would create a developable area that would interfere with the use of the easement for its intended purpose.

7. The location and orientation of new lot lines shall meet the following standards:

a. Front lot lines shall conform to the minimum public street frontage requirements of the Development Code; a flag lot, or a lot with a narrow projecting strip of land extending along a street, is not permitted.

b. Each parcel shall have approximately equal lot width and lot depth, consistent with the minimum lot sizes described in subsection D, above. Lot depth shall be measured at the midpoint of the front lot line. Lot width shall be measured by a line connecting two points on opposite interior lot lines that will result in a line parallel to the front lot line.

c. New lot lines must be straight lines, unless there is a conflict with existing improvements or the natural environment in which case the line may be not be straight but shall follow the appropriate course.

d. Lot lines facing a street shall generally be parallel to the street. Unless the minimum public street frontage is provided, the lot line dividing the two parcels must be parallel to and not less than 50 feet from an existing front lot line, or outside the front half of the existing lot, whichever is greater.

e. Interior lot lines not facing the street shall be at right angles perpendicular to the street on straight streets, or radial to the street on curved streets.

f. Lot lines shall be located within appropriate physical locations such as the top of creek banks, at appropriate topographical changes (top or bottom of slopes etc.) or at locations which clearly separate existing and proposed land uses.

g. Lot lines shall be contiguous with existing zoning boundaries.

h. The placement of lot lines shall not result in an accessory building or accessory use on a lot without a main building or primary use on the same lot, as defined in the Development Code.

i. Lot lines shall not render an existing structure as nonconforming in any respect (e.g., setbacks, Floor Area Ratio, parking), nor increase the nonconformity of an existing nonconforming structure.

E. Access Standards

1. Each lot shall front upon or have access to a public street, or be served by an access easement serving no more than two lots. Access shall be provided in compliance with these standards:

   a. Vehicle access easements serving a maximum of two units shall meet the following standards:

      i. Easement width shall be a minimum of 10 feet and a maximum of 16 feet, unless a wider driveway is required by the California Fire Code due to distance of the structure from the easement, or as needed to meet the driveway and parking standards in the City's standards.

      ii. The minimum length for a vehicle access easement is 20 feet. No maximum easement length shall be set. If easement length is more than 75 feet, a vehicle turnaround shall be provided.

      iii. No residential structure shall be closer than 3 feet to the easement.

   b. Vehicle access easements serving three to four units shall meet the following standards:

      i. Easement width shall be a minimum of 20 feet.

      ii. The minimum length for a vehicle access easement is 20 feet. No maximum easement length shall be set. If easement length is more than 75 feet, a vehicle turnaround shall be provided.

      iii. No residential structure shall be closer than 5 feet to the easement.

   c. Where a lot does not abut a public street, and where no automobile parking spaces are required or proposed for the residential development, a vehicle access easement is not required. An easement providing pedestrian access to a street from each lot shall be provided meeting the following standards:

      i. Easement width shall be a minimum of five feet;

      ii. Pedestrian access easements shall not exceed 200 feet in length.

2. Vehicle access easements shall not be located closer than 25 feet to an intersection.

3. Access and provisions for fire protection consistent with the California Fire Code shall be provided for all structures served by an access easement.

4. Surfacing of easements, pedestrian walkways required within easements, and turnaround dimensions shall meet the requirements of the California Fire Code, the City's Design Standards, and the parking design standards in the Development Code.

5. Lots taking access by an easement must record a shared maintenance agreement for the driveway. The agreement shall be recorded prior to or concurrently with the final map.

F. Map Requirements

1. The content and form of a parcel map shall meet all the requirements of Government Code sections 66444 – 66450.

2. The parcel map shall show all easements for public utilities necessary to serve each lot created by the subdivision.

3. The parcel map shall show all easements necessary to provide each lot with access to the public or private street or alley abutting the original parcel.

4. The parcel map shall contain a declaration that:

   a. Each lot created by the parcel map shall be used solely for residential dwellings;

   b. That no more than two residential dwelling units may be permitted on each lot. As used in this subsection residential dwelling unit includes a unit created pursuant to Government Code section 65852.21, a primary dwelling unit, an accessory dwelling unit as defined in Government Code section 65852.2, or a junior accessory dwelling unit as defined in Government Code section 65852.22.

   c. That rental of any dwelling unit on a lot created by the parcel map shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.

G. Concurrent Processing With Other Ministerial Permits for Housing Development

1. No development, including grading or vegetation removal, shall commence on either lot, concurrent or subsequent to an urban lot split, unless it is approved with a valid building permit for the construction of a housing development and complies with all the objective development and design standards outlined for two-unit residential development or accessory dwelling units in this Code, or any

other adopted objective design standards in effect at the time a complete application is submitted.

2. A building permit for development on an urban lot split cannot be issued until the parcel map is recorded.

3. The City Engineer shall deny an urban lot split if the building official has made a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

H. Prohibition of Further Subdivision

A lot created by a parcel map under this Section shall not be further subdivided.

SECTION 3. Section 16.32.060 is hereby added to Title 16, Chapter 32 of the Arroyo Grande Municipal Code to read as follows:

Sample Draft Ordinance – For Discussion Purposes

Section 16.32.060 Two-Unit Residential Development

A. Purpose and Intent.

1. It is the intent of these regulations to provide opportunities for two units on one legal parcel, consistent with state law and local regulations. In the event of an inconsistency between this Section and Government Code Section 65852.21, Government Code Section 65852.21 shall prevail. Provided that Government Code Sections 65852.21 or 66411.7 are not repealed, qualifying two-unit residential development in the single family zoning districts shall be located, developed, and used in compliance with this Section.

2. In accordance with Government Code Section 65852.21(a)(2), two-unit residential development shall not be permitted under this Section in any of the following circumstances:

   a. Parcels located in:

      i. Wetlands;

      ii. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps

prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation;

iii. Very high fire severity zones, except if the site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development;

iv. A hazardous waste site, unless the site has been cleared by the State for residential use;

v. Delineated earthquake fault zones, unless the development complies with applicable seismic protection building code standards;

vi. Special flood hazard areas (100-year flood zones), unless the site has been subject to a FEMA Letter of Map Revision issued to the City or the site meets FEMA requirement necessary to meet minimum flood plain management criteria of the National Flood Insurance Program;

vii. A regulatory flood way identified in a FEMA map, unless the development has received a no-rise certification;

viii. Lands identified for conservation in an adopted natural resource protection plan, habitat for protected species, or under a conservation easement; and

ix. A historic district or property designated pursuant to a local ordinance or included on the State Historic Resources Inventory.

b. The proposed development would require demolition or alteration of any of the following types of housing:

i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to moderate, low, or very low incomes;

ii. A unit that has been occupied by a tenant within the past three years; and

iii. A rent controlled unit.

c. The proposed development would result in the demolition of more than 25 percent of the existing exterior structural walls, unless the site has not been occupied by a tenant in the last three years.

d. The building official finds that the proposed development would have a specific, adverse impact on public health and safety or the physical environment that cannot be

feasibly mitigated or avoided, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5.

B. Restrictions.

A qualifying two-unit residential project shall be subject to the following restrictions:

1. The development and use of the dwelling units shall only be valid and permitted based on the terms established in the Section.

2. The dwelling unit(s) shall not be rented for a period of less than thirty-one (31) consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one thirty-one (31) day period of occupancy by the same tenants.

C. Unit Configurations

The new unit in a two-residential unit development may be permitted in the following configurations, provided that no more than two attached residential units are in any one building on a lot. For the purpose of this section, “unit” means any dwelling unit, including, but not limited to, two-unit residential development, additional residential unit, primary residential unit, accessory dwelling unit, or junior accessory dwelling unit.

1. One new unit incorporated entirely within an existing residential unit.

2. One new unit incorporated entirely within an existing accessory building, including garages.

3. One new unit attached to and increasing the size of an existing residential unit or an existing accessory building.

4. One new unit detached from and located on the same lot as an existing unit. A unit that is attached to another detached accessory building, but not another residential unit, or is attached by a breezeway or porch, is considered detached.

5. Two newly constructed attached units (duplex) or two detached residential units on a vacant lot.

6. A two-unit residential development in any of the configurations described above may be added to a newly created lot concurrently with an approval for a parcel map for an urban lot split, pursuant to AGMC Section 16.20.180, Parcel Maps for Urban Lot Splits; however, the provisions of that Chapter shall not be used to permit more than two units on a lot.

7. Up to two accessory dwelling units pursuant to AGMC Section 16.52.150, Accessory Dwelling Units, may be proposed in addition to the two units constructed pursuant to this Section on a lot that is not the result of an urban lot split.

D. Parking.

1. Pursuant to Government Code Section 65852.21(c), one off-street parking space is required per dwelling unit, unless the parcel is located within one-half mile of a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code or a major transit stop as defined in Section 21064.3 of the Public Resources Code or there is a car share vehicle located within one block of the parcel.

2. The location of the required parking space(s) shall not obstruct the required parking of each Dwelling Unit.

3. The parking facilities shall comply with Section 16.56.070.

4. Required parking spaces for separate dwelling units shall not be provided in a tandem configuration.

5. The required parking spaces must be covered.

E. Rear and Side Setbacks.

1. No setback shall be applied to existing structures or structures constructed in the same location and to the same dimensions as an existing structure.

2. For projects not meeting the requirements of subsection 1 above, a minimum four-foot setback shall be provided from side and rear lot lines.

F. Objective Zoning and Design Standards for Two-Unit Residential Developments.

Government Code Section 65852.21 permits the imposition of objective zoning standards and objective design standards, provided the standards do not physically preclude the construction of up to two units of at least 800 square feet. Accordingly, the follow objective standards shall apply to two-unit residential development projects:

1. Massing and Articulation

a. Maximum Unit Size: The total gross floor area of the unit(s), excluding garages, shall not exceed the floor-area ratios maximums found in Section 16.32.050 of this Title.

b. Building Separation: detached dwelling units shall have a minimum of 10 feet of separation whether the units are on one lot or adjacent lots.

c. Height: The maximum height shall be 16-feet for any structure, or portions thereof, located within the setback of the underlying zoning district. Structures, or any portion thereof, located outside of the setbacks of the underlying zoning district shall conform to the height requirements of that district.

d. Rooftop decks shall be permitted in accordance with Section 16.48.180 of this Title.

2. Colors and Materials

a. The primary cladding shall be stone, brick, fiber cement, composite wood or stone, wood, stucco, or other cementitious material. Plywood, such as T1-11 siding, is prohibited.

b. Color schemes shall consist of one primary color and at least one secondary color, at a minimum. The roof color shall not be considered a color for purposes of this standard.

3. Parking and Circulation

a. Parking shall not be located between a structure and a public sidewalk within the front setback, with the exception of permitted driveways. When parking areas are located in the front yard, outside of the front setback, a landscape buffer of at least 10 feet between the sidewalk and parking area shall be provided.

b. All parking areas serving more than one unit shall be internally connected and shall use shared driveways.

4. Utility and Service Areas

a. All new dwelling units must connect to City utilities in accordance with Section 13.12.060 of Title 13.

b. Areas for the storage of trash, recycling, and green waste receptacles shall not be visible from the public right of way.

c. All mechanical equipment shall be either screened or hidden from view from the public street.

Ministerial Approval of Two-Unit Residential Development Projects.

1. The Community Development Director or his/her designee shall ministerially review and approve a two-unit residential development application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the two-unit residential development project complies with the requirements contained in this Title 16 and qualifies under Government Code Section 65852.21(a).

2. In addition to obtaining planning approval for the two-unit residential development project, the applicant shall be required to obtain a building permit, and other applicable construction permit requirements prior to the construction of the dwelling units.

SECTION 4. The adoption of this Ordinance is not considered a project, therefore is statutorily exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. The City Clerk shall file a Notice of Exemption from CEQA review in accordance with CEQA Guidelines.

SECTION 5. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

SECTION 6. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

SECTION 7. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

On motion by Council Member _____, seconded by Council Member _____, and by the following roll call vote to wit:

AYES:
NOES:
ABSENT:

the foregoing Ordinance was adopted this ____ day of _____, 2022.

_____
CARON RAY RUSSOM, MAYOR

ATTEST:

_____
JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

_____
WHITNEY McDONALD, CITY MANAGER

APPROVED AS TO FORM:

_____
TIMOTHY J. CARMEL, CITY ATTORNEY

SB-9 Housing development: approvals. (2021-2022)

Date Published: 09/17/2021 09:00 PM

Senate Bill No. 9

CHAPTER 162

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 9, Atkins. Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to 2 units or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24 months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

This bill, among other things, would require a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the parcel is located within a single-family residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of 2 units, as defined, on either of the resulting parcels or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances. The bill would require an applicant to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split, unless the applicant is a community land trust or a qualified nonprofit corporation, as specified. The bill would prohibit a local agency from imposing any additional owner occupancy standards on applicants. By requiring applicants to sign affidavits, thereby expanding the crime of perjury, the bill would impose a state-mandated local program.

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act.

This bill would exempt a local agency from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the above provisions.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65852.21 is added to the Government Code, to read:

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(i) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) "Local agency" means a city, county, or city and county, whether general law or chartered.

(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

SEC. 2. Section 66411.7 is added to the Government Code, to read:

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

(2) This subdivision shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j) (1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

SEC. 3. Section 66452.6 of the Government Code is amended to read:

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars ($236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars ($236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or

periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

SEC. 4. The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

California Department of Housing and Community Development

SB 9 Fact Sheet

On the Implementation of Senate Bill 9 (Chapter 162, Statutes of 2021)

Housing Policy Development Division
March 2022

This Fact Sheet is for informational purposes only and is not intended to implement or interpret SB 9. HCD does not have authority to enforce SB 9, although violations of SB 9 may concurrently violate other housing laws where HCD does have enforcement authority, including but not limited to the laws addressed in this document. As local jurisdictions implement SB 9, including adopting local ordinances, it is important to keep these and other housing laws in mind. The Attorney General may also take independent action to enforce SB 9. For a full list of statutes over which HCD has enforcement authority, visit HCD's ***Accountability and Enforcement webpage****.*

Executive Summary of SB 9

Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) requires ministerial approval of a housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. SB 9 facilitates the creation of up to four housing units in the lot area typically used for one single-family home. SB 9 contains eligibility criteria addressing environmental site constraints (e.g., wetlands, wildfire risk, etc.), anti-displacement measures for renters and low-income households, and the protection of historic structures and districts. Key provisions of the law require a local agency to modify or eliminate objective development standards on a project-by-project basis if they would prevent an otherwise eligible lot from being split or prevent the construction of up to two units at least 800 square feet in size. For the purposes of this document, the terms "unit," "housing unit," "residential unit," and "housing development" mean primary unit(s) unless specifically identified as an accessory dwelling unit (ADU) or junior ADU or otherwise defined.

Single-Family Residential Zones Only

(Reference: Gov. Code, §§ 65852.21, subd. (a); 66411.7 subd. (a)(3)(A))

The parcel that will contain the proposed housing development or that will be subject to the lot split must be located in a single-family residential zone. Parcels located in multi-family residential, commercial, agricultural, mixed-use zones, etc., are not subject to SB 9 mandates even if they allow single-family residential uses as a permitted use. While some zones are readily identifiable as single-family residential zones (e.g., R-1 "Single-Family Residential"), others may not be so obvious. Some local agencies have multiple single-family zones with subtle distinctions between them relating to minimum lot sizes or allowable uses. In communities where there may be more than one single-family residential zone, the local agency should carefully review the zone district descriptions in the zoning code and the land use designation descriptions in the Land Use Element of the General Plan. This review will enable the local agency to identify zones whose primary purpose is single-family residential uses and which are therefore subject to SB 9. Considerations such as minimum lot sizes, natural features such as hillsides, or the permissibility of keeping horses should not factor into the determination.

Residential Uses Only

(Reference: Gov. Code, §§ 65852.21, subd. (a))

SB 9 concerns only proposed housing developments containing no more than two residential units (i.e., one or two). The law does not otherwise change the allowable land uses in the local agency's single-family residential zone(s). For example, if the local agency's single-family zone(s) does not currently allow commercial uses such as hotels or restaurants, SB 9 would not allow such uses.

Ministerial Review

(Reference: Gov. Code, §§ 65852.21, subd. (a); 66411.7, subds. (a), (b)(1))

An application made under SB 9 must be considered ministerially, without discretionary review or a hearing. Ministerial review means a process for development approval involving no personal judgment by the public official as to the wisdom of carrying out the project. The public official merely ensures that the proposed development meets all the applicable objective standards for the proposed action but uses no special discretion or judgment in reaching a decision. A ministerial review is nearly always a "staff-level review." This means that a staff person at the local agency reviews the application, often using a checklist, and compares the application materials (e.g., site plan, project description, etc.) with the objective development standards, objective subdivision standards, and objective design standards.

Objective Standards

(Reference: Gov. Code, §§ 65852.21, subd. (b); 66411.7, subd. (c))

The local agency may apply objective development standards (e.g., front setbacks and heights), objective subdivision standards (e.g., minimum lot depths), and objective design standards (e.g., roof pitch, eave projections, façade materials, etc.) as long as they would not physically preclude either of the following:

> **Up to Two Primary Units.** The local agency must allow up to two primary units (i.e., one or two) on the subject parcel or, in the case of a lot split, up to two primary units on each of the resulting parcels.
>
> **Units at least 800 square feet in size.** The local agency must allow each primary unit to be at least 800 square feet in size.

The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Any objective standard that would physically preclude either or both of the two objectives noted above must be modified or

waived by the local agency in order to facilitate the development of the project, with the following two exceptions:

Setbacks for Existing Structures. The local agency may not require a setback for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure (i.e., a building reconstructed on the same footprint).

Four-Foot Side and Rear Setbacks. SB 9 establishes an across-the-board maximum four-foot side and rear setbacks. The local agency may choose to apply a lesser setback (e.g., 0-4 feet), but it cannot apply a setback greater than four feet. The local agency cannot apply existing side and rear setbacks applicable in the single-family residential zone(s). Additionally, the four-foot side and rear setback standards are not subject to modification. (Gov. Code, §§ 65852.21, subd. (b)(2)(B); 66411.7, subdivision (c)(3).)

One-Unit Development

(Reference: Gov. Code, §§ 65852.21, subd. (a); 65852.21, subd. (b)(2)(A))

SB 9 requires the ministerial approval of either one or two residential units. Government Code section 65852.21 indicates that the development of just one single-family home was indeed contemplated and expected. For example, the terms “no more than two residential units” and “up to two units” appear in the first line of the housing development-related portion of SB 9 (Gov. Code, § 65852.21, subd. (a)) and in the line obligating local agencies to modify development standards to facilitate a housing development. (Gov. Code, § 65852.21, subd. (b)(2)(A).)

Findings of Denial

(Reference: Gov. Code, §§ 65852.21, subd. (d); 66411.7, subd. (d))

SB 9 establishes a high threshold for the denial of a proposed housing development or lot split. Specifically, a local agency’s building official must make a written finding, based upon a preponderance of the evidence, that the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. (Gov. Code, § 65589.5, subd. (d)(2).)

Environmental Site Constraints

(Reference: Gov. Code, §§ 65852.21, subd. (a)(2) and (a)(6); 66411.7, subd. (a)(3)(C) and (a)(3)(E))

A proposed housing development or lot split is not eligible under SB 9 if the parcel contains any of the site conditions listed in Government Code section 65913.4, subdivision (a)(6)(B-K). Examples of conditions that may disqualify a project from using SB 9 include the presence of farmland, wetlands, fire hazard areas, earthquake hazard areas, flood risk areas, conservation areas, wildlife habitat areas, or conservation easements. SB 9 incorporates by reference these environmental site constraint categories that were established with the passing of the Streamlined Ministerial Approval Process (SB 35, Chapter 366, Statutes of 2017). Local agencies may consult HCD's **Streamlined Ministerial Approval Process Guidelines** for additional detail on how to interpret these environmental site constraints.

Additionally, a project is not eligible under SB 9 if it is located in a historic district or property included on the State Historic Resources Inventory or within a site that is designated or listed as a city or county landmark or as a historic property or district pursuant to a city or county ordinance.

California Environmental Quality Act (CEQA)

Reference: Gov. Code, §§ 65852.21, subd. (j); 66411.7, subd. (n))

Because the approval of a qualifying project under SB 9 is deemed a ministerial action, CEQA does not apply to the decision to grant an application for a housing development or a lot split, or both. (Pub. Resources Code, § 21080, subd. (b)(1) [CEQA does not apply to ministerial actions]; CEQA Guidelines, § 15268.) For this reason, a local agency must not require an applicant to perform environmental impact analysis under CEQA for applications made under SB 9. Additionally, if a local agency chooses to adopt a local ordinance to implement SB 9 (instead of implementing the law directly from statute), the preparation and adoption of the ordinance is not considered a project under CEQA. In other words, the preparation and adoption of the ordinance is statutorily exempt from CEQA.

Anti-Displacement Measures

(Reference: Gov. Code, §§ 65852.21, subd. (a)(3); 66411.7, subd. (a)(3)(D))

A site is not eligible for a proposed housing development or lot split if the project would require demolition or alteration of any of the following types of housing: (1) housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; (2) housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) housing that has been occupied by a tenant in the last three years.

Lot Split Requirements

(Reference: Gov. Code, § 66411.7)

SB 9 does not require a local agency to approve a parcel map that would result in the creation of more than two lots and more than two units on a lot resulting from a lot split under Government Code section 66411.7. A local agency may choose to allow more than two units, but it is not required to under the law. A parcel may only be subdivided once under Government Code section 66411.7. This provision prevents an applicant from pursuing multiple lot splits over time for the purpose of creating more than two lots. SB 9 also does not require a local agency to approve a lot split if an adjacent lot has been subject to a lot split in the past by the same property owner or a person working in concert with that same property owner.

Accessory Dwelling Units

(Reference: Gov. Code, §§ 65852.21, subd. (j); 66411.7, subd. (f))

SB 9 and ADU Law (Gov. Code, §§ 65852.2 and 65858.22) are complementary. The requirements of each can be implemented in ways that result in developments with both "SB 9 Units" and ADUs. However, specific provisions of SB 9 typically overlap with State ADU Law only to a limited extent on a relatively small number of topics. Treating the provisions of these two laws as identical or substantially similar may lead a local agency to implement the laws in an overly restrictive or otherwise inaccurate way.

"Units" Defined. The three types of housing units that are described in SB 9 and related ADU Law are presented below to clarify which development scenarios are (and are not) made possible by SB 9. The definitions provided are intended to be read within the context of this document and for the narrow purpose of implementing SB 9.

Primary Unit. A primary unit (also called a residential dwelling unit or residential unit) is typically a single-family residence or a residential unit within a multi-family residential development. A primary unit is distinct from an ADU or a Junior ADU. Examples of primary units include a single-family residence (i.e., one primary unit), a duplex (i.e., two primary units), a four-plex (i.e., four primary units), etc.

Accessory Dwelling Unit. An ADU is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel on which the single-family or multifamily dwelling is or will be situated.

Junior Accessory Dwelling Unit. A Junior ADU is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A Junior ADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

The terms “unit,” “housing unit,” “residential unit,” and “housing development” mean primary unit(s) unless specifically identified as an ADU or Junior ADU or otherwise defined. This distinction is critical to successfully implementing SB 9 because state law applies different requirements (and provides certain benefits) to ADUs and Junior ADUs that do not apply to primary units.

Number of ADUs Allowed. ADUs can be combined with primary units in a variety of ways to achieve the maximum unit counts provided for under SB 9. SB 9 allows for up to four units to be built in the same lot area typically used for a single-family home. The calculation varies slightly depending on whether a lot split is involved, but the outcomes regarding total maximum unit counts are identical.

> *Lot Split*. When a lot split occurs, the local agency must allow up to two units on each lot resulting from the lot split. In this situation, all three unit types (i.e., primary unit, ADU, and Junior ADU) count toward this two-unit limit. For example, the limit could be reached on each lot by creating two primary units, or a primary unit and an ADU, or a primary unit and a Junior ADU. By building two units on each lot, the overall maximum of four units required under SB 9 is achieved. (Gov. Code, § 66411.7, subd. (j).) Note that the local agency may choose to allow more than two units per lot if desired.
>
> *No Lot Split*. When a lot split has not occurred, the lot is eligible to receive ADUs and/or Junior ADUs as it ordinarily would under ADU law. Unlike when a project is proposed following a lot split, the local agency must allow, in addition to one or two primary units under SB 9, ADUs and/or JADUs under ADU Law. It is beyond the scope of this document to identify every combination of primary units, ADUs, and Junior ADUs possible under SB 9 and ADU Law. However, in no case does SB 9 require a local agency to allow more than four units on a single lot, in any combination of primary units, ADUs, and Junior ADUs.

See HCD’s **ADU and JADU webpage** for more information and resources.

Relationship to Other State Housing Laws

SB 9 is one housing law among many that have been adopted to encourage the production of homes across California. The following represent some, but not necessarily all, of the housing laws that intersect with SB 9 and that may be impacted as SB 9 is implemented locally.

Housing Element Law. To utilize projections based on SB 9 toward a jurisdiction’s regional housing need allocation, the housing element must: 1) include a site-specific inventory of sites where SB 9 projections are being applied, 2) include a nonvacant sites analysis demonstrating the likelihood of redevelopment and that the existing use will not constitute an impediment for additional residential use, 3) identify any governmental constraints to the use of SB 9 in the creation of units (including land use controls, fees,

and other exactions, as well as locally adopted ordinances that impact the cost and supply of residential development), and 4) include programs and policies that establish zoning and development standards early in the planning period and implement incentives to encourage and facilitate development. The element should support this analysis with local information such as local developer or owner interest to utilize zoning and incentives established through SB 9. Learn more on HCD's **Housing Elements webpage**.

Housing Crisis Act of 2019. An affected city or county is limited in its ability to amend its general plan, specific plans, or zoning code in a way that would improperly reduce the intensity of residential uses. (Gov. Code, § 66300, subd. (b)(1)(A).) This limitation applies to residential uses in all zones, including single-family residential zones. "Reducing the intensity of land use" includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce the site's residential development capacity. (Gov. Code, § 66300, subd. (b)(1)(A).)

A local agency should proceed with caution when adopting a local ordinance that would impose unique development standards on units proposed under SB 9 (but that would not apply to other developments). Any proposed modification to an existing development standard applicable in the single-family residential zone must demonstrate that it would not result in a reduction in the intensity of the use. HCD recommends that local agencies rely on the existing objective development, subdivision, and design standards of its single-family residential zone(s) to the extent possible. Learn more about **Designated Jurisdictions Prohibited from Certain Zoning-Related Actions** on HCD's website.

Housing Accountability Act. Protections contained in the Housing Accountability Act (HAA) and the Permit Streaming Act (PSA) apply to housing developments pursued under SB 9. (Gov. Code, §§ 65589.5; 65905.5; 65913.10; 65940 et seq.) The definition of "housing development project" includes projects that involve no discretionary approvals and projects that include a proposal to construct a single dwelling unit. (Gov. Code, § 65905.5, subd. (b)(3).) For additional information about the HAA and PSA, see HCD's **Housing Accountability Act Technical Assistance Advisory**.

Rental Inclusionary Housing. Government Code section 65850, subdivision (g), authorizes local agencies to adopt an inclusionary housing ordinance that includes residential rental units affordable to lower- and moderate-income households. In certain circumstances, HCD may request the submittal of an economic feasibility study to ensure the ordinance does not unduly constrain housing production. For additional information, see HCD's **Rental Inclusionary Housing Memorandum**.

ACTION MINUTES

MEETING OF THE ARCHITECTURAL REVIEW COMMITEE

April 18, 2022, 2:30 p.m.
Hybrid City Hall Conference Room/Virtual Zoom Meeting

Committee Members Present:	Jon Couch, Kristin Juette, Warren Hoag, Bruce Berlin
Committee Members Absent:	Lori Mainini Hall
Staff Present:	Community Development Director Brian Pedrotti, Associate Planner Andrew Perez, Assistant Planner Patrick Holub

Given the recent increase in COVID-19 cases in San Luis Obispo County, and in compliance with Assembly Bill (AB) 361, which allows for a deviation of teleconference rules required by the Ralph M. Brown Act, this meeting was held by teleconference.

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1. CALL TO ORDER

Chair Hoag called the meeting to order at 2:30 pm.

2. ROLL CALL

Chair Hoag performed the roll call. Committee Member Hall was absent.

3. FLAG SALUTE

Chair Hoag led the flag salute.

4. AGENDA REVIEW

None.

5. COMMUNITY COMMENTS AND SUGGESTIONS

Chair Hoag opened the public comment period. No public comment was received.

6. WRITTEN COMMUNICATIONS

Chair Hoag acknowledged the two Supplemental Memos containing public comment for Item 8.b.

7. CONSENT AGENDA

7.a Approval of Minutes

(PEREZ)

This item was continued to the next Regular Meeting due to a lack of quorum of Committee Members that attended the March 21, 2022 Regular Meeting.

8.b Review of Objective Design Standards for Projects Proposed Under Senate Bill 9 (SB 9)

Committee Member Couch rejoined the meeting at 2:37 pm.

Acting Planning Manager Perez presented the staff report, explained the legislation and what it permits. He summarized the objective design standards proposed by staff and the reasoning behind each of them. He also answered questions from the Committee related to where parking is permitted on residential properties.

Chair Hoag opened public comment.

Kevin Buchanan, Arroyo Grande Planning Commissioner, advocated for taller maximum heights and larger unit sizes. He also wanted to ensure that the standards do not discourage SB 9 development.

Chair Hoag closed the public comment.

The Committee was not supportive of a one sizes fits all approach to the maximum units size and felt that 1,200 square feet would be too restrictive for larger lots. The Committee suggested using a sliding scale based on lot size to determine the maximum allowable unit size. The Committee was in favor of a tiered approach to the maximum height limit depending on whether the unit was located in the setback of the underlying setback for the district. The Committee was not supportive of a prohibition of rooftop decks.

The Committee found the color and material standards proposed too restrictive and do not allow for creativity. The Committee suggested revising the parking standards to specify that parking in a driveway is allowed and adding a landscape buffer requirement to maintain aesthetics and neighborhood character.

Moved by Bruce Berlin
Seconded by Kristin Juette

Recommendation to the Planning Commission to recommend adoption of the objective design standards as revised by the ARC.

AYES (4): Jon Couch, Kristin Juette, Warren Hoag, and Bruce Berlin

ABSENT (1): Lori Mainini Hall

Passed (4 to 0)

9. DISCUSSION ITEMS

9.a Election of Chair and Vice Chair

Vice Chair Berlin nominated Chair Hoag to remain Chairperson for the next year. Committee Member Juette made a motion, seconded by Vice Chair Berlin, to serve as Chairperson until the first regular meeting in March 2023. The motion passed unanimously.

Chair Hoag nominated Vice Chair Berlin to remain Vice Chair for the next year. Chair Hoag made a motion, seconded by Committee Member Juette, to serve as Vice Chair until the first regular meeting in March 2023. The motion passed unanimously.

ATTACHMENT 5

Section 16.20.180 Parcel Maps for Urban Lot Spits

A. Purpose and Scope

1. This Section implements Government Code section 66411.7 to provide an owner of property in the Single Family zoning district an additional method to subdivide the parcel for the purpose of housing development.
2. Urban lot split means the subdivision of an existing legal parcel in the Single Family zoning district to create no more than two new parcels.

B. Application and Approval

1. A parcel map for an urban lot split may not be approved except in conjunction with a concurrently submitted application for building permits for two-unit residential development pursuant to Section 16.32.060. Development on the resulting parcels is limited to the residential development approved in the concurrently submitted building permit applications.
2. A parcel map for an urban lot split must be prepared by a registered civil engineer or licensed land surveyor in accordance with Government Code sections 66444 – 66450 and this Section, and submitted for approval to the City Engineer. A fee in an amount established by City Council resolution must be paid concurrently with the submission of the parcel map.
3. The City Engineer is the approval authority for parcel maps under this Section. The City Engineer shall approve a parcel map for an urban lot split if the Engineer determines that it meets all of the requirements of this Section.

C. The following supplemental information is required to be submitted with a parcel map to establish compliance with the construction plans and all provisions of this Code and applicable State law:

1. A map of appropriate size and to scale showing all of the following:
    a. Total area (in acreage and square feet) of each proposed lot.
    b. Location and dimensions of existing and proposed property lines;
    c. Zoning District;
    d. The location and use of all existing and proposed structures;
    e. All required zoning setbacks for the existing and proposed lots;
    f. The location of all existing water, sewer, electricity, storm drain, or gas service lines, pipes, systems, or easements;
    g. The location of all proposed new water, sewer, storm drain, lines, pipes, or systems;
    h. The location of any proposed easements for access or public utilities to serve a lot created by the subdivision;

i. The location of any existing trees larger than four inches in diameter measured four feet six inches above the base and any such trees proposed for removal;

j. Any area of the parcel that has a slope of 25% or greater by way of contours at 5-foot intervals;

l. Name and dimensions, including right-of-way and improved area, of public and private streets or public alleys adjoining the parcel;

m. Curb, gutter, sidewalk, parkway, and street trees: type, location, and dimensions;

n. Location of existing or proposed driveway dimensions, materials, and slope (including cross slope); and

o. Location of existing or proposed pedestrian pathway access to the public right of way.

2. A statement of the owner, signed under penalty of perjury under the laws of California, that:

a. The proposed urban lot split would not require or authorize demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Section 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

b. The parcel has not been established through prior exercise of an urban lot split under this Section;

c. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel under the provisions of this Section.

d. The owner intends to occupy one of the housing units located on a lot created by the parcel map as their principal residence for a minimum of three years from the date of the recording of the parcel map.

e. Rental terms of any unit created by the subdivision shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one thirty-one (31) day period of occupancy by the same tenant.

f. The uses allowed on a lot created by the parcel map shall be limited to residential uses.

D. Design and Improvement Requirements

1. A parcel map may subdivide an existing legal parcel to create no more than two parcels of approximately equal lot area. One parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision and neither parcel shall be smaller than 1,200 square feet.:

2. Each parcel must be served by a separate water service meter and a separate sewer connection.

3. Each parcel shall either drain a developed drainage easement or in accordance with the City's Standard Specification and Engineering Standards.

4. Rights-of-way as required for access along all natural watercourses as necessary for flood control, maintenance, and improvement shall be dedicated.

5. The parcel must satisfy the requirements of Government Code section 66411.7(a).

6. A lot line shall not bisect or be located within 4 feet of any of the following:

   a. A dwelling that has been occupied by a tenant at any time during the three years before the date of the parcel map;

   b. A structure designated as a historic structure or a candidate structure under any City ordinance or included on the State Historic Resources Inventory;

   c. A dwelling that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

   d. Existing easements if the resulting lot would create a developable area that would interfere with the use of the easement for its intended purpose.

7. The location and orientation of new lot lines shall meet the following standards:

   a. Front lot lines shall conform to the minimum public street frontage requirements of the Development Code; a flag lot, or a lot with a narrow projecting strip of land extending along a street, is not permitted.

   b. Each parcel shall have approximately equal lot width and lot depth, consistent with the minimum lot sizes described in subsection D, above. Lot depth shall be measured at the midpoint of the front lot line. Lot width shall be measured by a line connecting two points on opposite interior lot lines that will result in a line parallel to the front lot line.

   c. New lot lines must be straight lines, unless there is a conflict with existing improvements or the natural environment in which case the line may be not be straight but shall follow the appropriate course.

   d. Lot lines facing a street shall generally be parallel to the street. Unless the minimum public street frontage is provided, the lot line dividing the two parcels must be parallel

to and not less than 50 feet from an existing front lot line, or outside the front half of the existing lot, whichever is greater.

e. Interior lot lines not facing the street shall be at right angles perpendicular to the street on straight streets, or radial to the street on curved streets.

f. Lot lines shall be located within appropriate physical locations such as the top of creek banks, at appropriate topographical changes (top or bottom of slopes etc.) or at locations which clearly separate existing and proposed land uses.

g. Lot lines shall be contiguous with existing zoning boundaries.

h. The placement of lot lines shall not result in an accessory building or accessory use on a lot without a main building or primary use on the same lot, as defined in the Development Code.

i. Lot lines shall not render an existing structure as nonconforming in any respect (e.g., setbacks, Floor Area Ratio, parking), nor increase the nonconformity of an existing nonconforming structure.

E. Access Standards

1. Each lot shall front upon or have access to a public street, or be served by an access easement serving no more than two lots. Access shall be provided in compliance with these standards:

   a. Vehicle access easements serving a maximum of two units shall meet the following standards:

      i. Easement width shall be a minimum of 10 feet and a maximum of 16 feet, unless a wider driveway is required by the California Fire Code due to distance of the structure from the easement, or as needed to meet the driveway and parking standards in the City's standards.

      ii. The minimum length for a vehicle access easement is 20 feet. No maximum easement length shall be set. If easement length is more than 75 feet, a vehicle turnaround shall be provided.

      iii. No residential structure shall be closer than 3 feet to the easement.

   b. Vehicle access easements serving three to four units shall meet the following standards:

      i. Easement width shall be a minimum of 20 feet.

      ii. The minimum length for a vehicle access easement is 20 feet. No maximum easement length shall be set. If easement length is more than 75 feet, a vehicle turnaround shall be provided.

      iii. No residential structure shall be closer than 5 feet to the easement.

   c. Where a lot does not abut a public street, and where no automobile parking spaces are required or proposed for the residential development, a vehicle access easement

is not required. An easement providing pedestrian access to a street from each lot shall be provided meeting the following standards:

i. Easement width shall be a minimum of five feet;

ii. Pedestrian access easements shall not exceed 200 feet in length.

2. Vehicle access easements shall not be located closer than 25 feet to an intersection.

3. Access and provisions for fire protection consistent with the California Fire Code shall be provided for all structures served by an access easement.

4. Surfacing of easements, pedestrian walkways required within easements, and turnaround dimensions shall meet the requirements of the California Fire Code, the City's Design Standards, and the parking design standards in the Development Code.

5. Lots taking access by an easement must record a shared maintenance agreement for the driveway. The agreement shall be recorded prior to or concurrently with the final map.

F. Map Requirements

1. The content and form of a parcel map shall meet all the requirements of Government Code sections 66444 – 66450.

2. The parcel map shall show all easements for public utilities necessary to serve each lot created by the subdivision.

3. The parcel map shall show all easements necessary to provide each lot with access to the public or private street or alley abutting the original parcel.

4. The parcel map shall contain a declaration that:

a. Each lot created by the parcel map shall be used solely for residential dwellings;

b. That no more than two residential dwelling units may be permitted on each lot. As used in this subsection residential dwelling unit includes a unit created pursuant to Government Code section 65852.21, a primary dwelling unit, an accessory dwelling unit as defined in Government Code section 65852.2, or a junior accessory dwelling unit as defined in Government Code section 65852.22.

c. That rental of any dwelling unit on a lot created by the parcel map shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.

G. Concurrent Processing With Other Ministerial Permits for Housing Development

1. No development, including grading or vegetation removal, shall commence on either lot, concurrent or subsequent to an urban lot split, unless it is approved with a valid building permit for the construction of a housing development and complies with all the objective development and design standards outlined for two-unit residential development or accessory dwelling units in this Code, or any other adopted objective design standards in effect at the time a complete application is submitted.

2. A building permit for development on an urban lot split cannot be issued until the parcel map is recorded.
3. The City Engineer shall deny an urban lot split if the building official has made a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

H. Prohibition of Further Subdivision

A lot created by a parcel map under this Section shall not be further subdivided.

ATTACHMENT 6

Section 16.32.060 Two-Unit Residential Development

A. Purpose and Intent.

1. It is the intent of these regulations to provide opportunities for two units on one legal parcel, consistent with state law and local regulations. In the event of an inconsistency between this Section and Government Code Section 65852.21, Government Code Section 65852.21 shall prevail. Provided that Government Code Sections 65852.21 or 66411.7 are not repealed, qualifying two-unit residential development in the single family zoning districts shall be located, developed, and used in compliance with this Section.

2. In accordance with Government Code Section 65852.21(a)(2), two-unit residential development shall not be permitted under this Section in any of the following circumstances:

    a. Parcels located in:

        i. Wetlands;

        ii. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation;

        iii. Very high fire severity zones, except if the site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development;

        iv. A hazardous waste site, unless the site has been cleared by the State for residential use;

        v. Delineated earthquake fault zones, unless the development complies with applicable seismic protection building code standards;

        vi. Special flood hazard areas (100-year flood zones), unless the site has been subject to a FEMA Letter of Map Revision issued to the City or the site meets FEMA requirement necessary to meet minimum flood plain management criteria of the National Flood Insurance Program;

        vii. A regulatory flood way identified in a FEMA map, unless the development has received a no-rise certification;

        viii. Lands identified for conservation in an adopted natural resource protection plan, habitat for protected species, or under a conservation easement; and

ix. A historic district or property designated pursuant to a local ordinance or included on the State Historic Resources Inventory.

b. The proposed development would require demolition or alteration of any of the following types of housing:

i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to moderate, low, or very low incomes;

ii. A unit that has been occupied by a tenant within the past three years; and

iii. A rent controlled unit.

c. The proposed development would result in the demolition of more than 25 percent of the existing exterior structural walls, unless the site has not been occupied by a tenant in the last three years.

d. The building official finds that the proposed development would have a specific, adverse impact on public health and safety or the physical environment that cannot be feasibly mitigated or avoided, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5.

B. Restrictions.

A qualifying two-unit residential project shall be subject to the following restrictions:

1. The development and use of the dwelling units shall only be valid and permitted based on the terms established in the Section.

2. The dwelling unit(s) shall not be rented for a period of less than thirty-one (31) consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one thirty-one (31) day period of occupancy by the same tenants.

C. Unit Configurations

The new unit in a two-residential unit development may be permitted in the following configurations, provided that no more than two attached residential units are in any one building on a lot. For the purpose of this section, “unit” means any dwelling unit, including, but not limited to, two-unit residential development, additional residential unit, primary residential unit, accessory dwelling unit, or junior accessory dwelling unit.

1. One new unit incorporated entirely within an existing residential unit.

2. One new unit incorporated entirely within an existing accessory building, including garages.

3. One new unit attached to and increasing the size of an existing residential unit or an existing accessory building.

4. One new unit detached from and located on the same lot as an existing unit. A unit that is attached to another detached accessory building, but not another residential unit, or is attached by a breezeway or porch, is considered detached.

5. Two newly constructed attached units (duplex) or two detached residential units on a vacant lot.

6. A two-unit residential development in any of the configurations described above may be added to a newly created lot concurrently with an approval for a parcel map for an urban lot split, pursuant to AGMC Section 16.20.180, Parcel Maps for Urban Lot Splits; however, the provisions of that Chapter shall not be used to permit more than two units on a lot.

7. Up to two accessory dwelling units pursuant to AGMC Section 16.52.150, Accessory Dwelling Units, may be proposed in addition to the two units constructed pursuant to this Section on a lot that is not the result of an urban lot split.

D. Parking.

1. Pursuant to Government Code Section 65852.21(c), one off-street parking space is required per dwelling unit, unless the parcel is located within one-half mile of a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code or a major transit stop as defined in Section 21064.3 of the Public Resources Code or there is a car share vehicle located within one block of the parcel.

2. The location of the required parking space(s) shall not obstruct the required parking of each Dwelling Unit.

3. The parking facilities shall comply with Section 16.56.070.

4. Required parking spaces for separate dwelling units shall not be provided in a tandem configuration.

5. The required parking spaces must be covered.

E. Rear and Side Setbacks.

1. No setback shall be applied to existing structures or structures constructed in the same location and to the same dimensions as an existing structure.

2. For projects not meeting the requirements of subsection 1 above, a minimum four-foot setback shall be provided from side and rear lot lines.

F. Objective Zoning and Design Standards for Two-Unit Residential Developments.

Government Code Section 65852.21 permits the imposition of objective zoning standards and objective design standards, provided the standards do not physically preclude the construction of up to two units of at least 800 square feet. Accordingly, the follow objective standards shall apply to two-unit residential development projects:

1. Massing and Articulation

    a. Maximum Unit Size: The total gross floor area of the unit(s), excluding garages, shall not exceed the floor-area ratios maximums found in Section 16.32.050 of this Title.

    b. Building Separation: detached dwelling units shall have a minimum of 10 feet of separation whether the units are on one lot or adjacent lots.

    c. Height: The maximum height shall be 16-feet for any structure, or portions thereof, located within the setback of the underlying zoning district. Structures, or any portion thereof, located outside of the setbacks of the underlying zoning district shall conform to the height requirements of that district.

    d. Rooftop decks shall be permitted in accordance with Section 16.48.180 of this Title.

2. Colors and Materials

    a. The primary cladding shall be stone, brick, fiber cement, composite wood or stone, wood, stucco, or other cementitious material. Plywood, such as T1-11 siding, is prohibited.

    b. Color schemes shall consist of one primary color and at least one secondary color, at a minimum. The roof color shall not be considered a color for purposes of this standard.

3. Parking and Circulation

    a. Parking shall not be located between a structure and a public sidewalk within the front setback, with the exception of permitted driveways. When parking areas are located in the front yard, outside of the front setback, a landscape buffer of at least 10 feet between the sidewalk and parking area shall be provided.

    b. All parking areas serving more than one unit shall be internally connected and shall use shared driveways.

4. Utility and Service Areas

    a. All new dwelling units must connect to City utilities in accordance with Section 13.12.060 of Title 13.

ACTION MINUTES

MEETING OF THE PLANNING COMMISSION

May 3, 2022, 6:00 p.m.
Hybrid City Council Chamber/Virtual Zoom Meeting

Commission Members Present:	Chair Glenn Martin, Vice Chair Frank Schiro, Commissioner Jamie Maraviglia, Commissioner Jim Guthrie, Kevin Buchanan
Staff Present:	Associate Planner Andrew Perez, Assistant Planner Patrick Holub, Community Development Director Brian Pedrotti

Given the recent increase in COVID-19 cases in San Luis Obispo County, and in compliance with Assembly Bill (AB) 361, which allows for a deviation of teleconference rules required by the Ralph M. Brown Act, this meeting was held by teleconference.

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1. CALL TO ORDER

Chair Martin called the Planning Commission meeting to order at 6:00pm.

2. ROLL CALL

3. FLAG SALUTE

Vice Chair Schiro

4. AGENDA REVIEW

None.

5. COMMUNITY COMMENTS AND SUGGESTIONS

None.

6. WRITTEN COMMUNICATIONS

The Commission received one supplemental memorandum regarding agenda item 9.a.

7. CONSENT AGENDA

Moved by Commissioner Maraviglia
Seconded by Vice Chair Schiro

Commissioner Maraviglia moved and Vice Chair Schiro seconded a motion to approve the consent agenda as submitted.

Passed

7.a Approval of Minutes

(HOLUB)

Approve the Minutes of the March 1, 2022 Regular Meeting.

7.b Consideration Of Time Extension 22-001 For Conditional Use Permit No. 16-005; One Year Time Extension In Accordance With The Arroyo Grande Municipal Code; Location – 1495 El Camino Real; Applicant – Scott Pace; Representative – Greg Soto

(PEREZ)

It is recommended that the Planning Commission adopt a Resolution approving Time Extension 22-001.

8. PUBLIC HEARINGS

8.a Consideration Of Development Code Amendment 21-002 To Implement Senate Bill 9; Location – Citywide

(PEREZ)

Acting Planning Manager Perez presented the staff report and responded to Commissioner questions regarding Floor Area Ratio maximums, ADUs constructed with Urban Lot Splits, parking locations, orientation of lot lines, maximum number of units and enforcement of the prohibition on short term rentals.

Chair Martin opened the public hearing.

Krista Jeffries spoke about housing issues and encouraged the Commission to allow more density.

Garrett Philbin spoke about missing middle housing and asked that the Commission not place any undue restrictions on SB9 developments.

Lea Hensley spoke about the costs involved for processing a parcel map and mentioned that the process does not seem affordable.

Hearing no further public comment, Chair Martin closed the public hearing.

Moved by Chair Martin
Seconded by Commissioner Guthrie

Chair Martin moved and Commissioner Guthrie seconded a motion to recommend changes to the City Council in the draft language of the Ordinance including:

1) Allowing ADUs with SB9 developments to allow a maximum of six (6) units; 2) Allowing a minimum unit size of 1200 square feet; 3) Remove the requirement to provide parking; 4) Develop a method to track Urban Lot Splits to inform new property owners; 5) Remove prohibition on location and orientation of atypical lot lines; 6) Evaluate fee mitigation measures to make developments more affordable; 7) Reconsider overall height limitation.

Failed

Moved by Chair Martin
Seconded by Vice Chair Schiro

Chair Martin moved and Vice Chair Schiro seconded a motion to make the recommended changes to the draft ordinance before forwarding it for consideration to the City Council. The motion passed on a 4-1 vote.

Passed

9. NON-PUBLIC HEARING ITEMS

9.a Election of Chairperson and Vice Chairperson

(PEREZ)

Moved by Commissioner Guthrie
Seconded by Vice Chair Schiro

Commissioner Guthrie moved and Vice Chair Schiro moved to elect Chair Martin as the Commission's chair for the next term. The motion passed 5-0.

Passed

Moved by Commissioner Guthrie
Seconded by Commissioner Maraviglia

Commissioner Guthrie moved and Commissioner Maraviglia seconded a motion to elect Commissioner Maraviglia to serve as the Commission's Vice Chair for the next term. The motion passed 5-0.

Passed

10. NOTICE OF ADMINISTRATIVE ITEMS SINCE MARCH 1, 2022

Item No. 1: Plot Plan Review 21-045; Establishment Of A Homestay In An Existing Single Family Residence; Location – 129 Allen Street; Applicant – Jobie Brigham

After making the findings specified in Section 16.16.080 of the Municipal Code, the Community Development Director approved the above referenced project for the establishment of a Homestay in the Multi-Family (MF) zoning district. The deadline to appeal this project is at 5:00 pm on May 4, 2022.

Item No. 2: Plot Plan Review 22-004; Establishment Of A Homestay In An Existing Single Family Residence; Location – 1503 El Camino Real; Applicant – Robert Hudson

After making the findings specified in Section 16.16.080 of the Municipal Code, the Community Development Director approved the above referenced project for the establishment of a Homestay in the Office Mixed-Use (OMU) zoning district. The deadline to appeal this project is at 5:00 pm on May 4, 2022.

Item No. 3: Plot Plan Review 22-006; Establishment Of A Homestay In An Existing Single Family Residence; Location – 528 Ide Street; Applicant – Samantha Engleman

After making the findings specified in Section 16.16.080 of the Municipal Code, the Community Development Director approved the above referenced project for the establishment of a Homestay in the Single Family (SF) zoning district. The deadline to appeal this project is at 5:00 pm on May 4, 2022.

Item No. 4: Plot Plan Review 22-008; Establishment Of A Medical Services Business In An Existing Commercial Tennant Space; Location – 152 West Branch Street; Applicant – Patrick Voegele

After making the findings specified in Section 16.16.080 of the Municipal Code, the Community Development Director approved the above referenced project for the establishment of a medical services business in the Village Mixed USe (WMU) zoning district. The deadline to appeal this project is at 5:00 pm on May 4, 2022.

Item No. 5: Architectural Review 22-002; Exterior Alterations To An Existing Residential Structure; Location – 251 Larchmont Drive; Applicant – Kathy Sherman

After making the findings specified in Section 16.16.130 of the Municipal Code, the Community Development Director approved the above referenced project for the exterior alterations to an existing residential structure in the Single Family (SF) zoning district. The deadline to appeal this project is at 5:00 pm on May 4, 2022.

Item No. 6: Temporary Use Permit 22-002; South County Historical Society Annual Rummage Sale On Saturday April 2nd And Sunday April 3rd, 2022; Location – 128 Bridge Street; Applicant – Jan Scott

After making the findings specified in Section 16.16.090 of the Municipal Code, the Community Development Director approved the above referenced project for the South County Historical Society to conduct their annual rummage sale on Saturday, April 2nd, 2022 from 7:00am until 2:00pm and Sunday, April 3rd, 2022 from 11:00am until 2:00pm. The deadline to appeal this project is at 5:00 pm on May 4, 2022.

Item No. 7: Plot Plan Review 22-009; Establishment Of A Vacation Rental In An Existing Single Family Residence; Location – 1565 Blackberry Avenue; Applicant – Linda Drummy

After making the findings specified in Section 16.16.080 of the Municipal Code, the Community Development Director approved the above referenced project for the establishment of a Vacation Rental in the Single Family (SF) zoning district. The deadline to appeal this project is at 5:00 pm on May 4, 2022.

Item No. 8: Plot Plan Review 22-007; Establishment Of A Vacation Rental In An Existing Single Family Residence; Location – 506 Ide Street; Applicant – Samantha Engleman

After making the findings specified in Section 16.16.080 of the Municipal Code, the Community Development Director approved the above referenced project for the establishment of a Vacation Rental in the Single Family (SF) zoning district. The deadline to appeal this project is at 5:00 pm on May 4, 2022.

Item No. 9: Plot Plan Review 22-011; Establishment Of A Vacation Rental In An Existing Single Family Residence; Location – 520 South Elm Street; Applicant – Luis Quintana

After making the findings specified in Section 16.16.080 of the Municipal Code, the Community Development Director approved the above referenced project for the establishment of a Vacation Rental in the Single Family (SF) zoning district. The deadline to appeal this project is at 5:00 pm on May 4, 2022.

Item No. 10: Architectural Review 22-001; Construction Of A New 3,667 Square Foot Single Family Residence And Attached 891 Square Foot Garages; Location – 331 Rodeo Court; Applicant – Chris Mccall; Representative – Jennifer Martin, Jm Architecture And Design

After making the findings specified in Section 16.16.130 of the Municipal Code, the Community Development Director approved the above referenced project for the exterior alterations to an existing residential structure in the Planned Development – 1.3 (PD-1.3) zoning district. The deadline to appeal this project is at 5:00 pm on May 4, 2022.

11. COMMISSION COMMUNICATIONS

Commissioner Maraviglia thanked Commissioner Guthrie for nominating her to serve as the Commission's Vice Chair.

12. STAFF COMMUNICATIONS

Director Pedrotti informed the Commission that the City Council directed staff to bring back a permanent parklet program, that the project at 211 E Branch Street had received final architectural approval from the ARC and provided an update on the Brisco project.

13. ADJOURNMENT

The Meeting adjourned at 9:14pm.

_____

Patrick Holub

Assistant Planner

_____

Glenn Martin, Chair

RESOLUTION NO. 22-2361

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING DEVELOPMENT CODE AMENDMENT NO. 21-002 TO IMPLEMENT SENATE BILL 9; LOCATION- CITYWIDE

WHEREAS, on September 16, 2021, the Governor signed into law Senate Bill (SB) 9 that, among other things, added Government Code Sections 65852.21 and 66411.7 and amended Government Code Section 66452.6 allowing additional housing units on properties within residential zoning districts; and

WHEREAS, SB 9 went into effect on January 1, 2022; and

WHEREAS, SB 9 allows a local jurisdiction to adopt an ordinance that provides ministerial approval of 1) no more than two housing units on a lot within a single-family residential zoning district; and 2) urban lot splits; and

WHEREAS, SB 9 allows a local jurisdiction to adopt objective design, development, and subdivision standards for up to two housing units and urban lot splits; and

WHEREAS, the proposed amendments to the Arroyo Grande Municipal Code (AGMC) implement the requirements of SB 9 and add local regulations that within the scope of the State law; and

WHEREAS, the City of Arroyo Grande has duly initiated amendments to AGMC; and

WHEREAS, the Planning Commission of the City of Arroyo Grande, after giving notices thereof as required by law, held a public hearing on May 3, 2022 concerning this code amendment and carefully considered all pertinent testimony and the staff report offered in the case as presented; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Arroyo Grande hereby recommends the City Council adopt Ordinances approving Development Code Amendment 21-002 amending Title 16 of the Arroyo Grande Municipal Code as attached hereto as Exhibit “A” and incorporated herein by this reference.

On motion by Commissioner Martin seconded by Commissioner Schiro, and by the following roll call vote, to wit:

AYES: Martin, Schiro, Maraviglia, Buchanan
NOES: Guthrie
ABSENT: None

the foregoing Resolution was adopted this 3rd day of May, 2022.

_____
GLENN MARTIN
CHAIR

ATTEST:

_____
PATRICK HOLUB
SECRETARY TO THE COMMISSION

AS TO CONTENT:

_____
BRIAN PEDROTTI
COMMUNITY DEVELOPMENT DIRECTOR

EXHIBIT 'A'

WHEREAS, on September 16, 2021, the Governor signed into law Senate Bill (SB) 9 that, among other things, added Government Code Sections 65852.21 and 66411.7 and amended Government Code Section 66452.6 allowing additional housing units on properties within residential zoning districts; and

WHEREAS, SB 9 went into effect on January 1, 2022; and

WHEREAS, SB 9 allows a local jurisdiction to adopt an ordinance that provides ministerial approval of 1) no more than two housing units on a lot within a single-family residential zoning district; and 2) urban lot splits; and

WHEREAS, SB 9 allows a local jurisdiction to adopt objective design, development, and subdivision standards for up to two housing units and urban lot splits; and

WHEREAS, the proposed amendments to the Arroyo Grande Municipal Code (AGMC) implement the requirements of SB 9 and add local regulations that within the scope of the State law; and

WHEREAS, the City of Arroyo Grande has duly initiated amendments to AGMC; and

WHEREAS, the Planning Commission of the City of Arroyo Grande, after giving notices thereof as required by law, held a public hearing on May 3, 2022 concerning this code amendment and carefully considered all pertinent testimony and the staff report offered in the case as presented; and

WHEREAS, on May 3, 2022, the Planning Commission of the Arroyo Grande recommended to the City Council adding Sections 16.20.180 and 16.32.060 to the Arroyo Grande Municipal Code; and

WHEREAS, the City Council of the City of Arroyo Grande has, after giving notice thereof as required by law, held a public hearing on _____, 2022, concerning the addition of AGMC Sections 16.20.180 and 16.32.060; and

WHEREAS, the City Council of the City of Arroyo Grande, at its regularly scheduled public meeting on _____, 2022 introduced this Ordinance to add Section 16.20.180 to Title 16, Chapter 20 and 16.32.060 to Title 16, Chapter 32 of the Arroyo Grande Municipal Code; and

WHEREAS, the City Council has carefully considered all pertinent testimony and the staff report, its attachments and all supporting materials referenced therein or offered in the matter as presented at the public hearing.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals and findings are true and correct and are incorporated herein by this reference.

SECTION 2. Section 16.20.180 is hereby added to Title 16, Chapter 20 of the Arroyo Grande Municipal Code to read as follows:

Section 16.20.180 Parcel Maps for Urban Lot Spits

A. Purpose and Scope

1. This Section implements Government Code section 66411.7 to provide an owner of property in the Single Family zoning district an additional method to subdivide the parcel for the purpose of housing development.
2. Urban lot split means the subdivision of an existing legal parcel in a single-family zoning district to create no more than two new parcels.

B. Application and Approval

1. A parcel map for an urban lot split may not be approved except in conjunction with a concurrently submitted application for building permits for two-unit residential development pursuant to Section 16.32.060. Development on the resulting parcels is limited to the residential development approved in the concurrently submitted building permit applications.
2. A parcel map for an urban lot split must be prepared by a registered civil engineer or licensed land surveyor in accordance with Government Code sections 66444 – 66450 and this Section, and submitted for approval to the City Engineer. A fee in an amount established by City Council resolution must be paid concurrently with the submission of the parcel map.
3. The City Engineer is the approval authority for parcel maps under this Section. The City Engineer shall approve a parcel map for an urban lot split if the Engineer determines that it meets all of the requirements of this Section.

C. The following supplemental information is required to be submitted with a parcel map to establish compliance with the construction plans and all provisions of this Code and applicable State law:

1. A map of appropriate size and to scale showing all of the following:
    a. Total area (in acreage and square feet) of each proposed lot.
    b. Location and dimensions of existing and proposed property lines;
    c. Zoning District;

d. The location and use of all existing and proposed structures;

e. All required zoning setbacks for the existing and proposed lots;

f. The location of all existing water, sewer, electricity, storm drain, or gas service lines, pipes, systems, or easements;

g. The location of all proposed new water, sewer, storm drain, lines, pipes, or systems;

h. The location of any proposed easements for access or public utilities to serve a lot created by the subdivision;

i. The location of any existing trees larger than four inches in diameter measured four feet six inches above the base and any such trees proposed for removal;

j. Any area of the parcel that has a slope of 25% or greater by way of contours at 5-foot intervals;

l. Name and dimensions, including right-of-way and improved area, of public and private streets or public alleys adjoining the parcel;

m. Curb, gutter, sidewalk, parkway, and street trees: type, location, and dimensions;

n. Location of existing or proposed driveway dimensions, materials, and slope (including cross slope); and

o. Location of existing or proposed pedestrian pathway access to the public right of way.

2. A statement of the owner, signed under penalty of perjury under the laws of California, that:

a. The proposed urban lot split would not require or authorize demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Section 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw

accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

b. The parcel has not been established through prior exercise of an urban lot split under this Section;

c. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel under the provisions of this Section.

d. The owner intends to occupy one of the housing units located on a lot created by the parcel map as their principal residence for a minimum of three years from the date of the recording of the parcel map.

e. Rental terms of any unit created by the subdivision shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one thirty-one (31) day period of occupancy by the same tenant.

f. The uses allowed on a lot created by the parcel map shall be limited to residential uses.

D. Design and Improvement Requirements

1. A parcel map may subdivide an existing legal parcel to create no more than two parcels of approximately equal lot area. One parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision and neither parcel shall be smaller than 1,200 square feet.:

2. Each parcel must be served by a separate water service meter and a separate sewer connection.

3. Each parcel shall either drain a developed drainage easement or in accordance with the City's Standard Specification and Engineering Standards.

4. Rights-of-way as required for access along all natural watercourses as necessary for flood control, maintenance, and improvement shall be dedicated.

5. The parcel must satisfy the requirements of Government Code section 66411.7(a).

6. A lot line shall not bisect or be located within 4 feet of any of the following:

a. A dwelling that has been occupied by a tenant at any time during the three years before the date of the parcel map;

b. A structure designated as a historic structure or a candidate structure under any City ordinance or included on the State Historic Resources Inventory;

c. A dwelling that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

d. Existing easements if the resulting lot would create a developable area that would interfere with the use of the easement for its intended purpose.

7. The location and orientation of new lot lines shall meet the following standards:

a. Front lot lines shall conform to the minimum public street frontage requirements of the Development Code; a flag lot, or a lot with a narrow projecting strip of land extending along a street, is not permitted.

b. Each parcel shall have approximately equal lot width and lot depth, consistent with the minimum lot sizes described in subsection D, above. Lot depth shall be measured at the midpoint of the front lot line. Lot width shall be measured by a line connecting two points on opposite interior lot lines that will result in a line parallel to the front lot line.

c. New lot lines must be straight lines, unless there is a conflict with existing improvements or the natural environment in which case the line may be not be straight but shall follow the appropriate course.

d. Lot lines facing a street shall generally be parallel to the street. Unless the minimum public street frontage is provided, the lot line dividing the two parcels must be parallel to and not less than 50 feet from an existing front lot line, or outside the front half of the existing lot, whichever is greater.

e. Interior lot lines not facing the street shall be at right angles perpendicular to the street on straight streets, or radial to the street on curved streets.

f. Lot lines shall be located within appropriate physical locations such as the top of creek banks, at appropriate topographical changes (top or bottom of slopes etc.) or at locations which clearly separate existing and proposed land uses.

g. Lot lines shall be contiguous with existing zoning boundaries.

h. The placement of lot lines shall not result in an accessory building or accessory use on a lot without a main building or primary use on the same lot, as defined in the Development Code.

i. Lot lines shall not render an existing structure as nonconforming in any respect (e.g., setbacks, Floor Area Ratio, parking), nor increase the nonconformity of an existing nonconforming structure.

E. Access Standards

1. Each lot shall front upon or have access to a public street, or be served by an access easement serving no more than two lots. Access shall be provided in compliance with these standards:

   a. Vehicle access easements serving a maximum of two units shall meet the following standards:

      i. Easement width shall be a minimum of 10 feet and a maximum of 16 feet, unless a wider driveway is required by the California Fire Code due to distance of the structure from the easement, or as needed to meet the driveway and parking standards in the City's standards.

      ii. The minimum length for a vehicle access easement is 20 feet. No maximum easement length shall be set. If easement length is more than 75 feet, a vehicle turnaround shall be provided.

      iii. No residential structure shall be closer than 3 feet to the easement.

   b. Vehicle access easements serving three to four units shall meet the following standards:

      i. Easement width shall be a minimum of 20 feet.

      ii. The minimum length for a vehicle access easement is 20 feet. No maximum easement length shall be set. If easement length is more than 75 feet, a vehicle turnaround shall be provided.

      iii. No residential structure shall be closer than 5 feet to the easement.

   c. Where a lot does not abut a public street, and where no automobile parking spaces are required or proposed for the residential development, a vehicle access easement is not required. An easement providing pedestrian access to a street from each lot shall be provided meeting the following standards:

      i. Easement width shall be a minimum of five feet;

      ii. Pedestrian access easements shall not exceed 200 feet in length.

2. Vehicle access easements shall not be located closer than 25 feet to an intersection.

3. Access and provisions for fire protection consistent with the California Fire Code shall be provided for all structures served by an access easement.

4. Surfacing of easements, pedestrian walkways required within easements, and turnaround dimensions shall meet the requirements of the California Fire Code, the City's Design Standards, and the parking design standards in the Development Code.

5. Lots taking access by an easement must record a shared maintenance agreement for the driveway. The agreement shall be recorded prior to or concurrently with the final map.

F. Map Requirements

1. The content and form of a parcel map shall meet all the requirements of Government Code sections 66444 – 66450.

2. The parcel map shall show all easements for public utilities necessary to serve each lot created by the subdivision.

3. The parcel map shall show all easements necessary to provide each lot with access to the public or private street or alley abutting the original parcel.

4. The parcel map shall contain a declaration that:

   a. Each lot created by the parcel map shall be used solely for residential dwellings;

   b. That rental of any dwelling unit on a lot created by the parcel map shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.

G. Concurrent Processing With Other Ministerial Permits for Housing Development

1. No development, including grading or vegetation removal, shall commence on either lot, concurrent or subsequent to an urban lot split, unless it is approved with a valid building permit for the construction of a housing development and complies with all the objective development and design standards outlined for two-unit residential development or accessory dwelling units in this Code, or any other adopted objective design standards in effect at the time a complete application is submitted.

2. A building permit for development on an urban lot split cannot be issued until the parcel map is recorded.

3. The City Engineer shall deny an urban lot split if the building official has made a written finding, based upon a preponderance of the evidence, that the proposed

housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

H. Prohibition of Further Subdivision

A lot created by a parcel map under this Section shall not be further subdivided.

SECTION 3. Section 16.32.060 is hereby added to Title 16, Chapter 32 of the Arroyo Grande Municipal Code to read as follows:

Section 16.32.060 Two-Unit Residential Development

A. Purpose and Intent.

1. It is the intent of these regulations to provide opportunities for two units on one legal parcel, consistent with state law and local regulations. In the event of an inconsistency between this Section and Government Code Section 65852.21, Government Code Section 65852.21 shall prevail. Provided that Government Code Sections 65852.21 or 66411.7 are not repealed, qualifying two-unit residential development in the single family zoning districts shall be located, developed, and used in compliance with this Section.

2. In accordance with Government Code Section 65852.21(a)(2), two-unit residential development shall not be permitted under this Section in any of the following circumstances:

    a. Parcels located in:

        i. Wetlands;

        ii. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation;

        iii. Very high fire severity zones, except if the site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development;

        iv. A hazardous waste site, unless the site has been cleared by the State for residential use;

v. Delineated earthquake fault zones, unless the development complies with applicable seismic protection building code standards;

vi. Special flood hazard areas (100-year flood zones), unless the site has been subject to a FEMA Letter of Map Revision issued to the City or the site meets FEMA requirement necessary to meet minimum flood plain management criteria of the National Flood Insurance Program;

vii. A regulatory flood way identified in a FEMA map, unless the development has received a no-rise certification;

viii. Lands identified for conservation in an adopted natural resource protection plan, habitat for protected species, or under a conservation easement; and

ix. A historic district or property designated pursuant to a local ordinance or included on the State Historic Resources Inventory.

b. The proposed development would require demolition or alteration of any of the following types of housing:

i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to moderate, low, or very low incomes;

ii. A unit that has been occupied by a tenant within the past three years; and

iii. A rent controlled unit.

c. The proposed development would result in the demolition of more than 25 percent of the existing exterior structural walls, unless the site has not been occupied by a tenant in the last three years.

d. The building official finds that the proposed development would have a specific, adverse impact on public health and safety or the physical environment that cannot be feasibly mitigated or avoided, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5.

B. Restrictions.

A qualifying two-unit residential project shall be subject to the following restrictions:

1. The development and use of the dwelling units shall only be valid and permitted based on the terms established in the Section.

2. The dwelling unit(s) shall not be rented for a period of less than thirty-one (31) consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one thirty-one (31) day period of occupancy by the same tenants.

C. Unit Configurations

The new unit in a two-residential unit development may be permitted in the following configurations. For the purpose of this section, “unit” means any dwelling unit, including, but not limited to, two-unit residential development, additional residential unit, primary residential unit, accessory dwelling unit, or junior accessory dwelling unit.

1. One new unit incorporated entirely within an existing residential unit.

2. One new unit incorporated entirely within an existing accessory building, including garages.

3. One new unit attached to and increasing the size of an existing residential unit or an existing accessory building.

4. One new unit detached from and located on the same lot as an existing unit. A unit that is attached to another detached accessory building, but not another residential unit, or is attached by a breezeway or porch, is considered detached.

5. Two newly constructed attached units (duplex) or two detached residential units on a vacant lot.

6. A two-unit residential development in any of the configurations described above may be added to a newly created lot concurrently with an approval for a parcel map for an urban lot split, pursuant to AGMC Section 16.20.180, Parcel Maps for Urban Lot Splits.

7. Up to two accessory dwelling units pursuant to AGMC Section 16.52.150, Accessory Dwelling Units, may be proposed in addition to the two units constructed pursuant to this Section. Only one accessory dwelling unit may be added to a lot created through an Urban Lot Split.

D. Parking.

1. No parking shall be required for dwelling units developed pursuant to this Section.

E. Rear and Side Setbacks.

1. No setback shall be applied to existing structures or structures constructed in the same location and to the same dimensions as an existing structure.

2. For projects not meeting the requirements of subsection 1 above, a minimum four-foot setback shall be provided from side and rear lot lines.

F. Objective Zoning and Design Standards for Two-Unit Residential Developments.

Government Code Section 65852.21 permits the imposition of objective zoning standards and objective design standards. Accordingly, the follow objective standards shall apply to two-unit residential development projects:

1. Massing and Articulation

   a. Maximum Unit Size: The total gross floor area of the unit(s), excluding garages, shall not exceed the floor-area ratios maximums found in Section 16.32.050 of this Title. These maximums, however, shall not preclude the construction of at least two (2) 1,200 square foot units per lot.

   b. Building Separation: detached dwelling units shall have a minimum of 10 feet of separation whether the units are on one lot or adjacent lots.

   c. Height: The maximum height of a unit developed pursuant to this Section shall be 30-feet.

   d. Rooftop decks shall be permitted in accordance with Section 16.48.180 of this Title.

2. Colors and Materials

   a. The primary cladding shall be stone, brick, fiber cement, composite wood or stone, wood, stucco, or other cementitious material. Plywood, such as T1-11 siding, is prohibited.

   b. Color schemes shall consist of one primary color and at least one secondary color, at a minimum. The roof color shall not be considered a color for purposes of this standard.

3. Parking and Circulation

   a. When parking is proposed, the parking areas shall not be located between a structure and a public sidewalk within the front setback, with

the exception of permitted driveways. When parking areas are located in the front yard, outside of the front setback, a landscape buffer of at least 10 feet between the sidewalk and parking area shall be provided.

b. All parking areas serving more than one unit shall be internally connected and shall use shared driveways.

4. Utility and Service Areas

a. All new dwelling units must connect to City utilities in accordance with Section 13.12.060 of Title 13.

b. Areas for the storage of trash, recycling, and green waste receptacles shall not be visible from the public right of way.

c. All mechanical equipment shall be either screened or hidden from view from the public street.

Ministerial Approval of Two-Unit Residential Development Projects.

1. The Community Development Director or his/her designee shall ministerially review and approve a two-unit residential development application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the two-unit residential development project complies with the requirements contained in this Title 16 and qualifies under Government Code Section 65852.21(a).

2. In addition to obtaining planning approval for the two-unit residential development project, the applicant shall be required to obtain a building permit, and other applicable construction permit requirements prior to the construction of the dwelling units.

SECTION 4. The adoption of this Ordinance is not considered a project, therefore is statutorily exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. The City Clerk shall file a Notice of Exemption from CEQA review in accordance with CEQA Guidelines.

SECTION 5. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

SECTION 6. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

SECTION 7. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

On motion by Council Member _____, seconded by Council Member _____, and by the following roll call vote to wit:

AYES:
NOES:
ABSENT:

the foregoing Ordinance was adopted this ____ day of _____, 2022.

_____
CARON RAY RUSSOM, MAYOR

ATTEST:

_____
JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

_____
WHITNEY McDONALD, CITY MANAGER

APPROVED AS TO FORM:

_____
TIMOTHY J. CARMEL, CITY ATTORNEY

California Department of Housing and Community Development

SB 9 Fact Sheet

On the Implementation of Senate Bill 9 (Chapter 162, Statutes of 2021)

Housing Policy Development Division
March 2022

This Fact Sheet is for informational purposes only and is not intended to implement or interpret SB 9. HCD does not have authority to enforce SB 9, although violations of SB 9 may concurrently violate other housing laws where HCD does have enforcement authority, including but not limited to the laws addressed in this document. As local jurisdictions implement SB 9, including adopting local ordinances, it is important to keep these and other housing laws in mind. The Attorney General may also take independent action to enforce SB 9. For a full list of statutes over which HCD has enforcement authority, visit HCD's ***Accountability and Enforcement webpage****.*

Executive Summary of SB 9

Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) requires ministerial approval of a housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. SB 9 facilitates the creation of up to four housing units in the lot area typically used for one single-family home. SB 9 contains eligibility criteria addressing environmental site constraints (e.g., wetlands, wildfire risk, etc.), anti-displacement measures for renters and low-income households, and the protection of historic structures and districts. Key provisions of the law require a local agency to modify or eliminate objective development standards on a project-by-project basis if they would prevent an otherwise eligible lot from being split or prevent the construction of up to two units at least 800 square feet in size. For the purposes of this document, the terms "unit," "housing unit," "residential unit," and "housing development" mean primary unit(s) unless specifically identified as an accessory dwelling unit (ADU) or junior ADU or otherwise defined.

Single-Family Residential Zones Only

(Reference: Gov. Code, §§ 65852.21, subd. (a); 66411.7 subd. (a)(3)(A))

The parcel that will contain the proposed housing development or that will be subject to the lot split must be located in a single-family residential zone. Parcels located in multi-family residential, commercial, agricultural, mixed-use zones, etc., are not subject to SB 9 mandates even if they allow single-family residential uses as a permitted use. While some zones are readily identifiable as single-family residential zones (e.g., R-1 "Single-Family Residential"), others may not be so obvious. Some local agencies have multiple single-family zones with subtle distinctions between them relating to minimum lot sizes or allowable uses. In communities where there may be more than one single-family residential zone, the local agency should carefully review the zone district descriptions in the zoning code and the land use designation descriptions in the Land Use Element of the General Plan. This review will enable the local agency to identify zones whose primary purpose is single-family residential uses and which are therefore subject to SB 9. Considerations such as minimum lot sizes, natural features such as hillsides, or the permissibility of keeping horses should not factor into the determination.

Residential Uses Only

(Reference: Gov. Code, §§ 65852.21, subd. (a))

SB 9 concerns only proposed housing developments containing no more than two residential units (i.e., one or two). The law does not otherwise change the allowable land uses in the local agency's single-family residential zone(s). For example, if the local agency's single-family zone(s) does not currently allow commercial uses such as hotels or restaurants, SB 9 would not allow such uses.

Ministerial Review

(Reference: Gov. Code, §§ 65852.21, subd. (a); 66411.7, subds. (a), (b)(1))

An application made under SB 9 must be considered ministerially, without discretionary review or a hearing. Ministerial review means a process for development approval involving no personal judgment by the public official as to the wisdom of carrying out the project. The public official merely ensures that the proposed development meets all the applicable objective standards for the proposed action but uses no special discretion or judgment in reaching a decision. A ministerial review is nearly always a "staff-level review." This means that a staff person at the local agency reviews the application, often using a checklist, and compares the application materials (e.g., site plan, project description, etc.) with the objective development standards, objective subdivision standards, and objective design standards.

Objective Standards

(Reference: Gov. Code, §§ 65852.21, subd. (b); 66411.7, subd. (c))

The local agency may apply objective development standards (e.g., front setbacks and heights), objective subdivision standards (e.g., minimum lot depths), and objective design standards (e.g., roof pitch, eave projections, façade materials, etc.) as long as they would not physically preclude either of the following:

> **Up to Two Primary Units.** The local agency must allow up to two primary units (i.e., one or two) on the subject parcel or, in the case of a lot split, up to two primary units on each of the resulting parcels.
>
> **Units at least 800 square feet in size.** The local agency must allow each primary unit to be at least 800 square feet in size.

The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Any objective standard that would physically preclude either or both of the two objectives noted above must be modified or

waived by the local agency in order to facilitate the development of the project, with the following two exceptions:

Setbacks for Existing Structures. The local agency may not require a setback for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure (i.e., a building reconstructed on the same footprint).

Four-Foot Side and Rear Setbacks. SB 9 establishes an across-the-board maximum four-foot side and rear setbacks. The local agency may choose to apply a lesser setback (e.g., 0-4 feet), but it cannot apply a setback greater than four feet. The local agency cannot apply existing side and rear setbacks applicable in the single-family residential zone(s). Additionally, the four-foot side and rear setback standards are not subject to modification. (Gov. Code, §§ 65852.21, subd. (b)(2)(B); 66411.7, subdivision (c)(3).)

One-Unit Development

(Reference: Gov. Code, §§ 65852.21, subd. (a); 65852.21, subd. (b)(2)(A))

SB 9 requires the ministerial approval of either one or two residential units. Government Code section 65852.21 indicates that the development of just one single-family home was indeed contemplated and expected. For example, the terms “no more than two residential units” and “up to two units” appear in the first line of the housing development-related portion of SB 9 (Gov. Code, § 65852.21, subd. (a)) and in the line obligating local agencies to modify development standards to facilitate a housing development. (Gov. Code, § 65852.21, subd. (b)(2)(A).)

Findings of Denial

(Reference: Gov. Code, §§ 65852.21, subd. (d); 66411.7, subd. (d))

SB 9 establishes a high threshold for the denial of a proposed housing development or lot split. Specifically, a local agency’s building official must make a written finding, based upon a preponderance of the evidence, that the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. (Gov. Code, § 65589.5, subd. (d)(2).)

Environmental Site Constraints

(Reference: Gov. Code, §§ 65852.21, subd. (a)(2) and (a)(6); 66411.7, subd. (a)(3)(C) and (a)(3)(E))

A proposed housing development or lot split is not eligible under SB 9 if the parcel contains any of the site conditions listed in Government Code section 65913.4, subdivision (a)(6)(B-K). Examples of conditions that may disqualify a project from using SB 9 include the presence of farmland, wetlands, fire hazard areas, earthquake hazard areas, flood risk areas, conservation areas, wildlife habitat areas, or conservation easements. SB 9 incorporates by reference these environmental site constraint categories that were established with the passing of the Streamlined Ministerial Approval Process (SB 35, Chapter 366, Statutes of 2017). Local agencies may consult HCD's **Streamlined Ministerial Approval Process Guidelines** for additional detail on how to interpret these environmental site constraints.

Additionally, a project is not eligible under SB 9 if it is located in a historic district or property included on the State Historic Resources Inventory or within a site that is designated or listed as a city or county landmark or as a historic property or district pursuant to a city or county ordinance.

California Environmental Quality Act (CEQA)

Reference: Gov. Code, §§ 65852.21, subd. (j); 66411.7, subd. (n))

Because the approval of a qualifying project under SB 9 is deemed a ministerial action, CEQA does not apply to the decision to grant an application for a housing development or a lot split, or both. (Pub. Resources Code, § 21080, subd. (b)(1) [CEQA does not apply to ministerial actions]; CEQA Guidelines, § 15268.) For this reason, a local agency must not require an applicant to perform environmental impact analysis under CEQA for applications made under SB 9. Additionally, if a local agency chooses to adopt a local ordinance to implement SB 9 (instead of implementing the law directly from statute), the preparation and adoption of the ordinance is not considered a project under CEQA. In other words, the preparation and adoption of the ordinance is statutorily exempt from CEQA.

Anti-Displacement Measures

(Reference: Gov. Code, §§ 65852.21, subd. (a)(3); 66411.7, subd. (a)(3)(D))

A site is not eligible for a proposed housing development or lot split if the project would require demolition or alteration of any of the following types of housing: (1) housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; (2) housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) housing that has been occupied by a tenant in the last three years.

Lot Split Requirements

(Reference: Gov. Code, § 66411.7)

SB 9 does not require a local agency to approve a parcel map that would result in the creation of more than two lots and more than two units on a lot resulting from a lot split under Government Code section 66411.7. A local agency may choose to allow more than two units, but it is not required to under the law. A parcel may only be subdivided once under Government Code section 66411.7. This provision prevents an applicant from pursuing multiple lot splits over time for the purpose of creating more than two lots. SB 9 also does not require a local agency to approve a lot split if an adjacent lot has been subject to a lot split in the past by the same property owner or a person working in concert with that same property owner.

Accessory Dwelling Units

(Reference: Gov. Code, §§ 65852.21, subd. (j); 66411.7, subd. (f))

SB 9 and ADU Law (Gov. Code, §§ 65852.2 and 65858.22) are complementary. The requirements of each can be implemented in ways that result in developments with both "SB 9 Units" and ADUs. However, specific provisions of SB 9 typically overlap with State ADU Law only to a limited extent on a relatively small number of topics. Treating the provisions of these two laws as identical or substantially similar may lead a local agency to implement the laws in an overly restrictive or otherwise inaccurate way.

"Units" Defined. The three types of housing units that are described in SB 9 and related ADU Law are presented below to clarify which development scenarios are (and are not) made possible by SB 9. The definitions provided are intended to be read within the context of this document and for the narrow purpose of implementing SB 9.

> *Primary Unit*. A primary unit (also called a residential dwelling unit or residential unit) is typically a single-family residence or a residential unit within a multi-family residential development. A primary unit is distinct from an ADU or a Junior ADU. Examples of primary units include a single-family residence (i.e., one primary unit), a duplex (i.e., two primary units), a four-plex (i.e., four primary units), etc.
>
> *Accessory Dwelling Unit*. An ADU is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel on which the single-family or multifamily dwelling is or will be situated.
>
> *Junior Accessory Dwelling Unit*. A Junior ADU is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A Junior ADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

The terms “unit,” “housing unit,” “residential unit,” and “housing development” mean primary unit(s) unless specifically identified as an ADU or Junior ADU or otherwise defined. This distinction is critical to successfully implementing SB 9 because state law applies different requirements (and provides certain benefits) to ADUs and Junior ADUs that do not apply to primary units.

Number of ADUs Allowed. ADUs can be combined with primary units in a variety of ways to achieve the maximum unit counts provided for under SB 9. SB 9 allows for up to four units to be built in the same lot area typically used for a single-family home. The calculation varies slightly depending on whether a lot split is involved, but the outcomes regarding total maximum unit counts are identical.

> *Lot Split*. When a lot split occurs, the local agency must allow up to two units on each lot resulting from the lot split. In this situation, all three unit types (i.e., primary unit, ADU, and Junior ADU) count toward this two-unit limit. For example, the limit could be reached on each lot by creating two primary units, or a primary unit and an ADU, or a primary unit and a Junior ADU. By building two units on each lot, the overall maximum of four units required under SB 9 is achieved. (Gov. Code, § 66411.7, subd. (j).) Note that the local agency may choose to allow more than two units per lot if desired.
>
> *No Lot Split*. When a lot split has not occurred, the lot is eligible to receive ADUs and/or Junior ADUs as it ordinarily would under ADU law. Unlike when a project is proposed following a lot split, the local agency must allow, in addition to one or two primary units under SB 9, ADUs and/or JADUs under ADU Law. It is beyond the scope of this document to identify every combination of primary units, ADUs, and Junior ADUs possible under SB 9 and ADU Law. However, in no case does SB 9 require a local agency to allow more than four units on a single lot, in any combination of primary units, ADUs, and Junior ADUs.

See HCD’s **ADU and JADU webpage** for more information and resources.

Relationship to Other State Housing Laws

SB 9 is one housing law among many that have been adopted to encourage the production of homes across California. The following represent some, but not necessarily all, of the housing laws that intersect with SB 9 and that may be impacted as SB 9 is implemented locally.

Housing Element Law. To utilize projections based on SB 9 toward a jurisdiction’s regional housing need allocation, the housing element must: 1) include a site-specific inventory of sites where SB 9 projections are being applied, 2) include a nonvacant sites analysis demonstrating the likelihood of redevelopment and that the existing use will not constitute an impediment for additional residential use, 3) identify any governmental constraints to the use of SB 9 in the creation of units (including land use controls, fees,

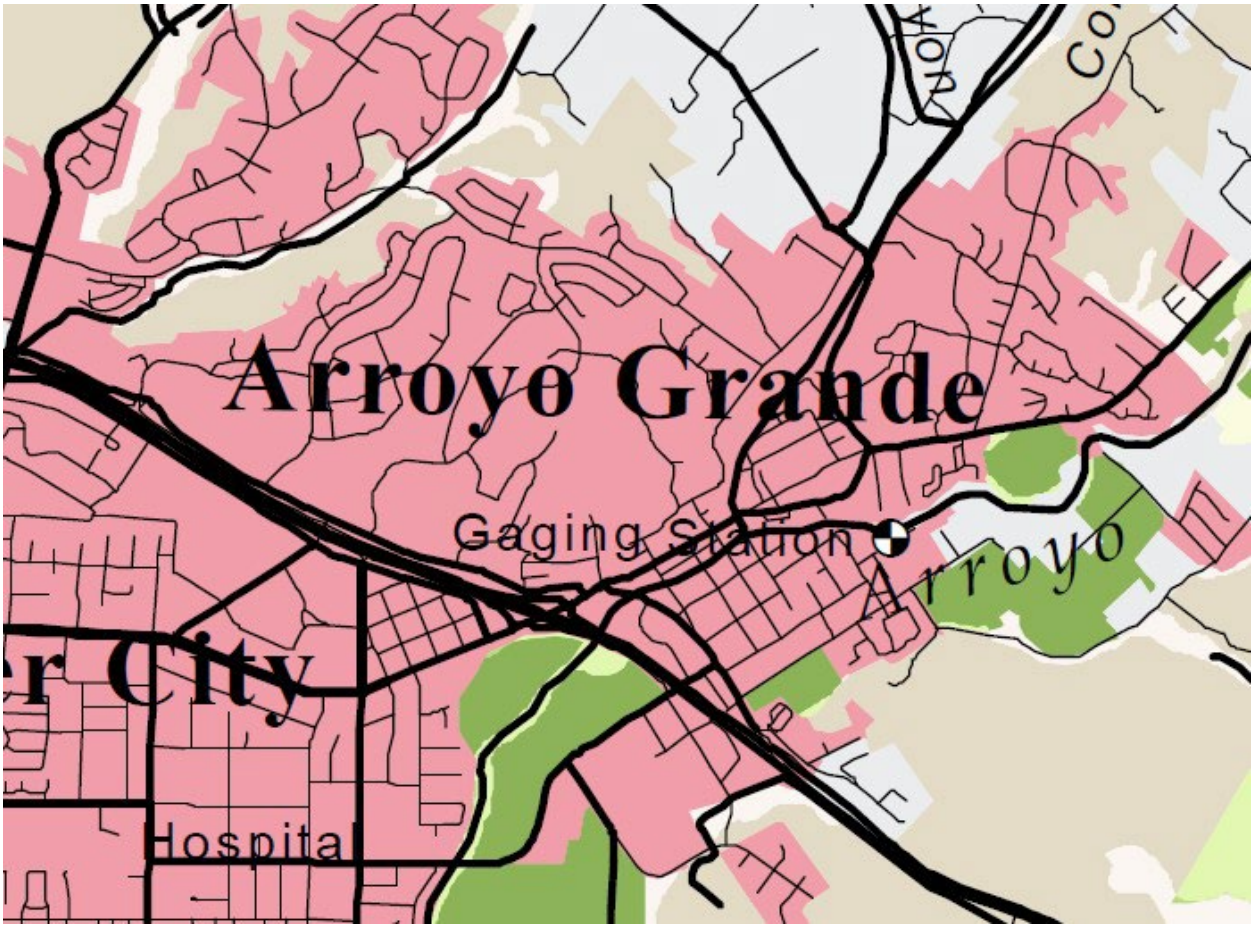
and other exactions, as well as locally adopted ordinances that impact the cost and supply of residential development), and 4) include programs and policies that establish zoning and development standards early in the planning period and implement incentives to encourage and facilitate development. The element should support this analysis with local information such as local developer or owner interest to utilize zoning and incentives established through SB 9. Learn more on HCD's **Housing Elements webpage**.

Housing Crisis Act of 2019. An affected city or county is limited in its ability to amend its general plan, specific plans, or zoning code in a way that would improperly reduce the intensity of residential uses. (Gov. Code, § 66300, subd. (b)(1)(A).) This limitation applies to residential uses in all zones, including single-family residential zones. "Reducing the intensity of land use" includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce the site's residential development capacity. (Gov. Code, § 66300, subd. (b)(1)(A).)

A local agency should proceed with caution when adopting a local ordinance that would impose unique development standards on units proposed under SB 9 (but that would not apply to other developments). Any proposed modification to an existing development standard applicable in the single-family residential zone must demonstrate that it would not result in a reduction in the intensity of the use. HCD recommends that local agencies rely on the existing objective development, subdivision, and design standards of its single-family residential zone(s) to the extent possible. Learn more about **Designated Jurisdictions Prohibited from Certain Zoning-Related Actions** on HCD's website.

Housing Accountability Act. Protections contained in the Housing Accountability Act (HAA) and the Permit Streaming Act (PSA) apply to housing developments pursued under SB 9. (Gov. Code, §§ 65589.5; 65905.5; 65913.10; 65940 et seq.) The definition of "housing development project" includes projects that involve no discretionary approvals and projects that include a proposal to construct a single dwelling unit. (Gov. Code, § 65905.5, subd. (b)(3).) For additional information about the HAA and PSA, see HCD's **Housing Accountability Act Technical Assistance Advisory**.

Rental Inclusionary Housing. Government Code section 65850, subdivision (g), authorizes local agencies to adopt an inclusionary housing ordinance that includes residential rental units affordable to lower- and moderate-income households. In certain circumstances, HCD may request the submittal of an economic feasibility study to ensure the ordinance does not unduly constrain housing production. For additional information, see HCD's **Rental Inclusionary Housing Memorandum**.



San Luis Obispo County Important Farmland 2018 Source: California Department of Conservation

PRIME FARMLAND

PRIME FARMLAND HAS THE BEST COMBINATION OF PHYSICAL AND CHEMICAL FEATURES ABLE TO SUSTAIN LONG-TERM AGRICULTURAL PRODUCTION. THIS LAND HAS THE SOIL QUALITY, GROWING SEASON, AND MOISTURE SUPPLY NEEDED TO PRODUCE SUSTAINED HIGH YIELDS. LAND MUST HAVE BEEN USED FOR IRRIGATED AGRICULTURAL PRODUCTION AT SOME TIME DURING THE FOUR YEARS PRIOR TO THE MAPPING DATE.

FARMLAND OF STATEWIDE IMPORTANCE

FARMLAND OF STATEWIDE IMPORTANCE IS SIMILAR TO PRIME FARMLAND BUT WITH MINOR SHORTCOMINGS, SUCH AS GREATER SLOPES OR LESS ABILITY TO STORE SOIL MOISTURE. LAND MUST HAVE BEEN USED FOR IRRIGATED AGRICULTURAL PRODUCTION AT SOME TIME DURING THE FOUR YEARS PRIOR TO THE MAPPING DATE.

UNIQUE FARMLAND

UNIQUE FARMLAND CONSISTS OF LESSER QUALITY SOILS USED FOR THE PRODUCTION OF THE STATE'S LEADING AGRICULTURAL CROPS. THIS LAND IS USUALLY IRRIGATED, BUT MAY INCLUDE NONIRRIGATED ORCHARDS OR VINEYARDS AS FOUND IN SOME CLIMATIC ZONES IN CALIFORNIA. LAND MUST HAVE BEEN CROPPED AT SOME TIME DURING THE FOUR YEARS PRIOR TO THE MAPPING DATE.

FARMLAND OF LOCAL IMPORTANCE

AREAS OF SOILS THAT MEET ALL THE CHARACTERISTICS OF PRIME OR STATEWIDE, WITH THE EXCEPTION OF IRRIGATION. ADDITIONAL FARMLANDS INCLUDE DRYLAND FIELD CROPS OF WHEAT, BARLEY, OATS, AND SAFFLOWER.

ACTION MINUTES

MEETING OF THE ARCHITECTURAL REVIEW COMMITEE

April 18, 2022, 2:30 p.m.
Hybrid City Hall Conference Room/Virtual Zoom Meeting

Committee Members Present:	Jon Couch, Kristin Juette, Warren Hoag, Bruce Berlin
Committee Members Absent:	Lori Mainini Hall
Staff Present:	Community Development Director Brian Pedrotti, Associate Planner Andrew Perez, Assistant Planner Patrick Holub

Given the recent increase in COVID-19 cases in San Luis Obispo County, and in compliance with Assembly Bill (AB) 361, which allows for a deviation of teleconference rules required by the Ralph M. Brown Act, this meeting was held by teleconference.

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1. CALL TO ORDER

Chair Hoag called the meeting to order at 2:30 pm.

2. ROLL CALL

Chair Hoag performed the roll call. Committee Member Hall was absent.

3. FLAG SALUTE

Chair Hoag led the flag salute.

4. AGENDA REVIEW

None.

5. COMMUNITY COMMENTS AND SUGGESTIONS

Chair Hoag opened the public comment period. No public comment was received.

6. WRITTEN COMMUNICATIONS

Chair Hoag acknowledged the two Supplemental Memos containing public comment for Item 8.b.

7. CONSENT AGENDA

7.a Approval of Minutes

(PEREZ)

This item was continued to the next Regular Meeting due to a lack of quorum of Committee Members that attended the March 21, 2022 Regular Meeting.

8.b Review of Objective Design Standards for Projects Proposed Under Senate Bill 9 (SB 9)

Committee Member Couch rejoined the meeting at 2:37 pm.

Acting Planning Manager Perez presented the staff report, explained the legislation and what it permits. He summarized the objective design standards proposed by staff and the reasoning behind each of them. He also answered questions from the Committee related to where parking is permitted on residential properties.

Chair Hoag opened public comment.

Kevin Buchanan, Arroyo Grande Planning Commissioner, advocated for taller maximum heights and larger unit sizes. He also wanted to ensure that the standards do not discourage SB 9 development.

Chair Hoag closed the public comment.

The Committee was not supportive of a one sizes fits all approach to the maximum units size and felt that 1,200 square feet would be too restrictive for larger lots. The Committee suggested using a sliding scale based on lot size to determine the maximum allowable unit size. The Committee was in favor of a tiered approach to the maximum height limit depending on whether the unit was located in the setback of the underlying setback for the district. The Committee was not supportive of a prohibition of rooftop decks.

The Committee found the color and material standards proposed too restrictive and do not allow for creativity. The Committee suggested revising the parking standards to specify that parking in a driveway is allowed and adding a landscape buffer requirement to maintain aesthetics and neighborhood character.

Moved by Bruce Berlin
Seconded by Kristin Juette

Recommendation to the Planning Commission to recommend adoption of the objective design standards as revised by the ARC.

AYES (4): Jon Couch, Kristin Juette, Warren Hoag, and Bruce Berlin

ABSENT (1): Lori Mainini Hall

Passed (4 to 0)

9. DISCUSSION ITEMS

9.a Election of Chair and Vice Chair

Vice Chair Berlin nominated Chair Hoag to remain Chairperson for the next year. Committee Member Juette made a motion, seconded by Vice Chair Berlin, to serve as Chairperson until the first regular meeting in March 2023. The motion passed unanimously.

Chair Hoag nominated Vice Chair Berlin to remain Vice Chair for the next year. Chair Hoag made a motion, seconded by Committee Member Juette, to serve as Vice Chair until the first regular meeting in March 2023. The motion passed unanimously.

MEMORANDUM

TO: **City Council**

FROM: **Andrew Perez, Planning Manager**

SUBJECT: **Supplemental Information**
Agenda Item 9.b – May 24, 2022 City Council Meeting
Discuss and Consider Introduction of an Ordinance Amending Title 16 of the Arroyo Grande Municipal Code to Implement Senate Bill 9; Development Code Amendment 21-002; Location – Citywide

DATE: **May 24, 2022**

This supplemental memo contains revisions, shown in redline, to the draft ordinance made after the publication of the agenda.

cc: City Manager
Assistant City Manager/Public Works Director
Community Development Director
City Attorney
City Clerk
City Website (or public review binder)

ATTACHMENT 1

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING TITLE 16 OF THE ARROYO GRANDE MUNICIPAL CODE AND ADDING SECTIONS 16.32.060 AND 16.20.180 PERTAINING TO REGULATIONS FOR TWO-UNIT RESIDENTIAL DEVELOPMENT WITHIN SINGLE-FAMILY RESIDENTIAL ZONES AND TO PARCEL MAPS FOR URBAN LOT SPLITS TO COMPLY WITH SENATE BILL 9 (SB 9), CALIFORNIA GOVERNMENT CODE SECTIONS 65852.21 AND 66411.7

WHEREAS, on September 16, 2021, Governor Gavin Newsom signed Senate Bill 9 into law, which establishes a series of new regulations to allow for ministerial approval of two units on parcels located in single-family residential zones as set forth in Government Code Section 65852.21 and ministerial approval of urban lot splits pursuant to Government Code Section 66411.7; and

WHEREAS, Government Code sections 65852.21 and 66411.7 permit the imposition of objective zoning standards, objective design standards and objective subdivision standards on two-unit residential development projects and urban lot splits, provided that they do not physically preclude the construction of up to two units of at least 800 square feet in floor area; and

WHEREAS, the City of Arroyo Grande desires to amend Title 16 of the Arroyo Grande Municipal Code to comply with the provisions of Government Code sections 65852.21 and 66411.7; and

WHEREAS, the City of Arroyo Grande has duly initiated this amendment to the Arroyo Grande Municipal Code to add Section 16.32.060 pertaining to Regulations for Two-Unit Residential Development within Single-Family Residential Zones and Section 16.20.180 pertaining to Parcel Maps for Urban Lot Spits; and

WHEREAS, the Planning Commission of the City of Arroyo Grande, after giving notices thereof as required by law, held a public hearing on May 3, 2022 concerning this code amendment and carefully considered all pertinent testimony and the staff report offered in the case as presented; and

WHEREAS, on May 3, 2022, the Planning Commission of the Arroyo Grande recommended to the City Council adding Sections 16.20.180 and 16.32.060 to the AGMC; and

WHEREAS, the City Council of the City of Arroyo Grande has, after giving notice thereof as required by law, held a public hearing on May 24, 2022, concerning the addition of AGMC Sections 16.20.180 and 16.32.060; and

WHEREAS, the City Council of the City of Arroyo Grande, at its regularly scheduled public meeting on May 24, 2022 introduced this Ordinance to add Section 16.20.180 to Title 16, Chapter 20 and 16.32.060 to Title 16, Chapter 32 of the AGMC; and

WHEREAS, the City Council has carefully considered all pertinent testimony and the staff report, its attachments and all supporting materials referenced therein or offered in the matter as presented at the public hearing.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals and findings are true and correct and are incorporated herein by this reference.

SECTION 2. Section 16.20.180 is hereby added to Title 16, Chapter 20 of the Arroyo Grande Municipal Code to read as follows:

Section 16.20.180 Parcel Maps for Urban Lot Spits

A. Purpose and Scope

1. This Section implements Government Code section 66411.7 to provide an owner of property in ~~the Single-Family~~ single-family zoning districts an additional method to subdivide the parcel for the purpose of housing development.
2. Urban lot split means the subdivision of an existing legal parcel in a single-family zoning district to create no more than two new parcels.

B. Application and Approval

1. A parcel map for an urban lot split may not be approved except in conjunction with a concurrently submitted application for building permits for two-unit residential development pursuant to Section 16.32.060. Development on the resulting parcels is limited to the residential development approved in the concurrently submitted building permit applications.
2. A parcel map for an urban lot split must be prepared by a registered civil engineer or licensed land surveyor in accordance with Government Code sections 66444 – 66450 and this Section, and submitted for approval to the City Engineer. A fee in an amount established by City Council resolution must be paid concurrently with the submission of the parcel map.
3. The City Engineer is the approval authority for parcel maps under this Section. The City Engineer shall approve a parcel map for an urban lot split if the Engineer determines that it meets all of the requirements of this Section.

C. The following supplemental information is required to be submitted with a parcel map to establish compliance with the construction plans and all provisions of this Code and applicable State law:

1. A map of appropriate size and to scale showing all of the following:
    a. Total area (in acreage and square feet) of each proposed lot.
    b. Location and dimensions of existing and proposed property lines;
    c. Zoning District;
    d. The location and use of all existing and proposed structures;
    e. All required zoning setbacks for the existing and proposed lots;
    f. The location of all existing water, sewer, electricity, storm drain, or gas service lines, pipes, systems, or easements;
    g. The location of all proposed new water, sewer, storm drain, lines, pipes, or systems;
    h. The location of any proposed easements for access or public utilities to serve a lot created by the subdivision;
    i. The location of any existing trees larger than four inches in diameter measured four feet six inches above the base and any such trees proposed for removal;
    j. Any area of the parcel that has a slope of 25% or greater by way of contours at 5-foot intervals;
    l. Name and dimensions, including right-of-way and improved area, of public and private streets or public alleys adjoining the parcel;
    m. Curb, gutter, sidewalk, parkway, and street trees: type, location, and dimensions;
    n. Location of existing or proposed driveway dimensions, materials, and slope (including cross slope); and
    o. Location of existing or proposed pedestrian pathway access to the public right of way.
2. A statement of the owner, signed under penalty of perjury under the laws of California, that:
    a. The proposed urban lot split would not require or authorize demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Section 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

b. The parcel has not been established through prior exercise of an urban lot split under this Section;

c. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel under the provisions of this Section.

d. The owner intends to occupy one of the housing units located on a lot created by the parcel map as their principal residence for a minimum of three years from the date of the recording of the parcel map.

e. Rental terms of any unit created by the subdivision shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one thirty-one (31) day period of occupancy by the same tenant.

f. The uses allowed on a lot created by the parcel map shall be limited to residential uses.

D. Design and Improvement Requirements

1. A parcel map may subdivide an existing legal parcel to create no more than two parcels of approximately equal lot area. One parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision and neither parcel shall be smaller than 1,200 square feet.:

2. Each parcel must be served by a separate water service meter and a separate sewer connection.

3. Each parcel shall either drain a developed drainage easement or in accordance with the City's Standard Specification and Engineering Standards.

4. Rights-of-way as required for access along all natural watercourses as necessary for flood control, maintenance, and improvement shall be dedicated.
5. The parcel must satisfy the requirements of Government Code section 66411.7(a).
6. A lot line shall not bisect or be located within 4 feet of any of the following:
    a. A dwelling that has been occupied by a tenant at any time during the three years before the date of the parcel map;
    b. A structure designated as a historic structure or a candidate structure under any City ordinance or included on the State Historic Resources Inventory;
    c. A dwelling that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
    d. Existing easements if the resulting lot would create a developable area that would interfere with the use of the easement for its intended purpose.
7. The location and orientation of new lot lines shall meet the following standards:
    a. Front lot lines shall conform to the minimum public street frontage requirements of the Development Code; a flag lot, or a lot with a narrow projecting strip of land extending along a street, is not permitted.
    b. Each parcel shall have approximately equal lot width and lot depth, consistent with the minimum lot sizes described in subsection D, above. Lot depth shall be measured at the midpoint of the front lot line. Lot width shall be measured by a line connecting two points on opposite interior lot lines that will result in a line parallel to the front lot line.
    c. New lot lines must be straight lines, unless there is a conflict with existing improvements or the natural environment in which case the line may be not be straight but shall follow the appropriate course.
    d. Lot lines facing a street shall generally be parallel to the street. Unless the minimum public street frontage is provided, the lot line dividing the two parcels must be parallel to and not less than 50 feet from an existing front lot line, or outside the front half of the existing lot, whichever is greater.
    e. Interior lot lines not facing the street shall be at right angles perpendicular to the street on straight streets, or radial to the street on curved streets.
    f. Lot lines shall be located within appropriate physical locations such as the top of creek banks, at appropriate topographical changes (top or bottom of slopes etc.) or at locations which clearly separate existing and proposed land uses.
    g. Lot lines shall be contiguous with existing zoning boundaries.

h. The placement of lot lines shall not result in an accessory building or accessory use on a lot without a main building or primary use on the same lot, as defined in the Development Code.

i. Lot lines shall not render an existing structure as nonconforming in any respect (e.g., setbacks, Floor Area Ratio, parking), nor increase the nonconformity of an existing nonconforming structure.

E. Access Standards

1. Each lot shall front upon or have access to a public street, or be served by an access easement serving no more than two lots. Access shall be provided in compliance with these standards:

   a. Vehicle access easements serving a maximum of two units shall meet the following standards:

      i. Easement width shall be a minimum of 10 feet and a maximum of 16 feet, unless a wider driveway is required by the California Fire Code due to distance of the structure from the easement, or as needed to meet the driveway and parking standards in the City's standards.

      ii. The minimum length for a vehicle access easement is 20 feet. No maximum easement length shall be set. If easement length is more than 75 feet, a vehicle turnaround shall be provided.

      iii. No residential structure shall be closer than 3 feet to the easement.

   b. Vehicle access easements serving three to four units shall meet the following standards:

      i. Easement width shall be a minimum of 20 feet.

      ii. The minimum length for a vehicle access easement is 20 feet. No maximum easement length shall be set. If easement length is more than 75 feet, a vehicle turnaround shall be provided.

      iii. No residential structure shall be closer than 5 feet to the easement.

   c. Where a lot does not abut a public street, and where no automobile parking spaces are required or proposed for the residential development, a vehicle access easement is not required. An easement providing pedestrian access to a street from each lot shall be provided meeting the following standards:

      i. Easement width shall be a minimum of five feet;

      ii. Pedestrian access easements shall not exceed 200 feet in length.

2. Vehicle access easements shall not be located closer than 25 feet to an intersection.

3. Access and provisions for fire protection consistent with the California Fire Code shall be provided for all structures served by an access easement.

4. Surfacing of easements, pedestrian walkways required within easements, and turnaround dimensions shall meet the requirements of the California Fire Code, the City's Design Standards, and the parking design standards in the Development Code.

5. Lots taking access by an easement must record a shared maintenance agreement for the driveway. The agreement shall be recorded prior to or concurrently with the final map.

F. Map Requirements

1. The content and form of a parcel map shall meet all the requirements of Government Code sections 66444 – 66450.

2. The parcel map shall show all easements for public utilities necessary to serve each lot created by the subdivision.

3. The parcel map shall show all easements necessary to provide each lot with access to the public or private street or alley abutting the original parcel.

4. The parcel map shall contain a declaration that:

   a. Each lot created by the parcel map shall be used solely for residential dwellings;

   b. That rental of any dwelling unit on a lot created by the parcel map shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.

G. Concurrent Processing With Other Ministerial Permits for Housing Development

1. No development, including grading or vegetation removal, shall commence on either lot, concurrent or subsequent to an urban lot split, unless it is approved with a valid building permit for the construction of a housing development and complies with all the objective development and design standards outlined for two-unit residential development or accessory dwelling units in this Code, or any other adopted objective design standards in effect at the time a complete application is submitted.

2. A building permit for development on an urban lot split cannot be issued until the parcel map is recorded.

3. The City Engineer shall deny an urban lot split if the building official has made a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

H. Prohibition of Further Subdivision

A lot created by a parcel map under this Section shall not be further subdivided.

SECTION 3. Section 16.32.060 is hereby added to Title 16, Chapter 32 of the Arroyo Grande Municipal Code to read as follows:

Section 16.32.060 Two-Unit Residential Development

A. Purpose and Intent.

1. It is the intent of these regulations to provide opportunities for two units on one legal parcel, consistent with state law and local regulations. In the event of an inconsistency between this Section and Government Code Section 65852.21, Government Code Section 65852.21 shall prevail. Provided that Government Code Sections 65852.21 or 66411.7 are not repealed, qualifying two-unit residential development in the single-family zoning districts shall be located, developed, and used in compliance with this Section.

2. In accordance with Government Code Section 65852.21(a)(2), two-unit residential development shall not be permitted under this Section in any of the following circumstances:

    a. Parcels located in:

        i. Wetlands;

        ii. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation;

        iii. Very high fire severity zones, except if the site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development;

iv. A hazardous waste site, unless the site has been cleared by the State for residential use;

v. Delineated earthquake fault zones, unless the development complies with applicable seismic protection building code standards;

vi. Special flood hazard areas (100-year flood zones), unless the site has been subject to a FEMA Letter of Map Revision issued to the City or the site meets FEMA requirement necessary to meet minimum flood plain management criteria of the National Flood Insurance Program;

vii. A regulatory flood way identified in a FEMA map, unless the development has received a no-rise certification;

viii. Lands identified for conservation in an adopted natural resource protection plan, habitat for protected species, or under a conservation easement; and

ix. A historic district or property designated pursuant to a local ordinance or included on the State Historic Resources Inventory.

b. The proposed development would require demolition or alteration of any of the following types of housing:

i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to moderate, low, or very low incomes;

ii. A unit that has been occupied by a tenant within the past three years; and

iii. A rent controlled unit.

c. The proposed development would result in the demolition of more than 25 percent of the existing exterior structural walls, unless the site has not been occupied by a tenant in the last three years.

d. The building official finds that the proposed development would have a specific, adverse impact on public health and safety or the physical environment that cannot be feasibly mitigated or avoided, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5.

B. Restrictions.

A qualifying two-unit residential project shall be subject to the following restrictions:

1. The development and use of the dwelling units shall only be valid and permitted based on the terms established in the Section.

2. The dwelling unit(s) shall not be rented for a period of less than thirty-one (31) consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one thirty-one (31) day period of occupancy by the same tenants.

C. Unit Configurations

The new unit in a two-residential unit development may be permitted in the following configurations. For the purpose of this section, “unit” means any dwelling unit, including, but not limited to, two-unit residential development, additional residential unit, primary residential unit, accessory dwelling unit, or junior accessory dwelling unit.

1. One new unit incorporated entirely within an existing residential unit.

2. One new unit incorporated entirely within an existing accessory building, including garages.

3. One new unit attached to and increasing the size of an existing residential unit or an existing accessory building.

4. One new unit detached from and located on the same lot as an existing unit. A unit that is attached to another detached accessory building, but not another residential unit, or is attached by a breezeway or porch, is considered detached.

5. Two newly constructed attached units (duplex) or two detached residential units on a vacant lot.

6. A two-unit residential development in any of the configurations described above may be added to a newly created lot concurrently with an approval for a parcel map for an urban lot split, pursuant to AGMC Section 16.20.180, Parcel Maps for Urban Lot Splits.

7. Up to two accessory dwelling units pursuant to AGMC Section 16.52.150, Accessory Dwelling Units, may be proposed in addition to the two units constructed pursuant to this Section. Only one accessory dwelling unit may be added to a lot created through an Urban Lot Split.

D. Parking.

1. No parking shall be required for dwelling units developed pursuant to this Section.

E. Rear and Side Setbacks.

1. No setback shall be applied to existing structures or structures constructed in the same location and to the same dimensions as an existing structure.

2. For projects not meeting the requirements of subsection 1 above, a minimum four-foot setback shall be provided from side and rear lot lines.

F. Objective Zoning and Design Standards for Two-Unit Residential Developments.

Government Code Section 65852.21 permits the imposition of objective zoning standards and objective design standards. Accordingly, the follow objective standards shall apply to two-unit residential development projects:

1. Massing and Articulation

   a. Maximum Unit Size: The total gross floor area of the unit(s), excluding garages, shall not exceed the floor-area ratios maximums found in Section 16.32.050 of this Title. These maximums, however, shall not preclude the construction of at least two (2) 1,200 square foot units per lot.

   b. Building Separation: detached dwelling units shall have a minimum of 10 feet of separation whether the units are on one lot or adjacent lots.

   c. Height: The maximum height of a unit developed pursuant to this Section shall be 30-feet.

   d. Rooftop decks shall be permitted in accordance with the design standards established by Subsection D of Section 16.48.180 of this Title.

2. Colors and Materials

   a. The primary cladding shall be stone, brick, fiber cement, composite wood or stone, wood, stucco, or other cementitious material. Plywood, such as T1-11 siding, is prohibited.

   b. Color schemes shall consist of one primary color and at least one secondary color, at a minimum. The roof color shall not be considered a color for purposes of this standard.

3. Parking and Circulation

   a. When parking is proposed, the parking areas shall not be located between a structure and a public sidewalk within the front setback, with the exception of permitted driveways. When parking areas are located in the front yard,

outside of the front setback, a landscape buffer of at least 10 feet between the sidewalk and parking area shall be provided.

b. All parking areas serving more than one unit shall be internally connected and shall use shared driveways.

4. Utility and Service Areas

a. All new dwelling units must connect to City utilities in accordance with Section 13.12.060 of Title 13.

b. Areas for the storage of trash, recycling, and green waste receptacles shall not be visible from the public right of way.

c. All mechanical equipment shall be either screened or hidden from view from the public street.

Ministerial Approval of Two-Unit Residential Development Projects.

1. The Community Development Director or his/her designee shall ministerially review and approve a two-unit residential development application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the two-unit residential development project complies with the requirements contained in this Title 16 and qualifies under Government Code Section 65852.21(a).

2. In addition to obtaining planning approval for the two-unit residential development project, the applicant shall be required to obtain a building permit, and other applicable construction permit requirements prior to the construction of the dwelling units.

SECTION 4. The adoption of this Ordinance is not considered a project, therefore is statutorily exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. The City Clerk shall file a Notice of Exemption from CEQA review in accordance with CEQA Guidelines.

SECTION 5. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

SECTION 6. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

SECTION 7. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

On motion by Council Member _____, seconded by Council Member _____, and by the following roll call vote to wit:

AYES:
NOES:
ABSENT:

the foregoing Ordinance was adopted this ____ day of _____, 2022.

_____
CAREN RAY RUSSOM, MAYOR

ATTEST:

_____
JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

_____
WHITNEY McDONALD, CITY MANAGER

APPROVED AS TO FORM:

_____
TIMOTHY J. CARMEL, CITY ATTORNEY

MEMORANDUM

TO: **City Council**

FROM: **Jessica Matson, Legislative & Information Services Director/City Clerk**

SUBJECT: **Supplemental Information**
Agenda Item 9.b. – Discuss and Consider Introduction of an Ordinance Amending Title 16 of the Arroyo Grande Municipal Code to Implement Senate Bill 9; Development Code Amendment 21-002; Location – Citywide

DATE: **May 24, 2022**

Attached is correspondence received before 4 p.m. for the above referenced item.

cc: City Manager
Assistant City Manager/Public Works Director
Community Development Director
City Attorney
City Clerk
City Website (or public review binder)

From:	Jim Guthrie
To:	Caren Ray Russom; Jimmy Paulding; Kristen Barneich; Lan George; Keith Storton
Cc:	Jessica Matson; Brian Pedrotti
Subject:	SB9
Date:	Sunday, May 22, 2022 5:30:28 PM

Mayor and Council Members:

You probably know that I was the no vote at Planning Commission on the recommendations for implementation of SB9. My primary concern was eliminating any required parking. SB9's one space per unit is already a 50% reduction from our current standards. While it's possible that residents of these units would not have any autos, I think it's a fair bet that 99% of them would still need or want a car. While I understand my collages desire to make these units as buildable as possible the 6 cars possible in just one of these developments could take up the remaining street parking on a number of streets in our single-family zoned neighborhoods. An alternative would be to allow parking (but no structure) in the 10-foot buffer area behind the sidewalk. This would cut the parking foot print in half by eliminating the need for an approved drive way to access the parking space on site. There are many neighborhoods where most driveways already have a full driveway due to the inaccessibility of the garage.

While I think most of these lot splits will be used to add a single additional single-family home for sale (not even a duplex) allowing the ADU as a possible 3rd unit increases the opportunity develop small scale rental units to meet the "missing middle" aspiration of SB9.

Jim Guthrie

From: Janie L
To: public comment
Subject: SB9 Accept "As is" PLEASE
Date: Tuesday, May 24, 2022 2:51:52 PM

"Dear City Staff and Council Members,

Elderly are being thrown out of their homes, some cannot find parking for their RV's. Young people cannot afford to live here. There are homeless students in the colleges. Large lower income families with children have no place to live if income is not high enough to meet rising expenses. Often not enough homeless shelter beds and many fear living there. I personally know of people leaving here, some have lived their lives and some want to come and live here for elderly family members.

If we don't preserve "Diversity, Equity, and Inclusion, as well as honoring the Regional Housing and Infrastructure Compact as already agreed upon in 2019" , then we are self-absorbed and not representative of "All". If SB9 is not accepted "As Is", we are not only selfish and uncaring but w/o workers who cannot afford to live here. This then becomes quite a mess for all who need helpers, handymen and employees-- not to mention the homeless situation and need for Mental Health Services where most people focus upon, thinking they are the "only" problem. In Santa Cruz there were actually people trained in certain housing units to help these people along, but where we our areas is being overtaken by rich retirees, they are being taken over by the Silicon Valley and many are moving out. Not knowing the situation here and always taking my kids to Spooners Cove and our Village for years, I moved here for that very same reason. . But yes, our entire state is in a shambles and we need to do more. This is indeed a different world, but cannot put our heads in the sand.

There are a lot of "rumors" going on bribes are being accepted by large construction companies and some have been pardoned from granting housing to those in need as was originally established for lesser payments. I am new here and do not "yet" know the details or truth in all these matters, but am learning and just pray there is some decency amongst all individuals and parties showing "how" to come together and make this a better place for those in horrific need as well as lower income individuals who can continue to work here. I might add this is a medically underserved area which I used to designate back east. Physicians out of medical school also cannot afford to live here. This is another issue that needs to be addressed separately but it just demonstrates the diversity of affordable living. It would also help if the City could help us convert our garages to make studio homes for retirees like ourselves, etc. in larger numbers.

But for now, please Accept SB9 "As Is" and thank you. I have been helping as many people as I can but this issue is way larger than individual needs. I might add I have friends from both parties and all my friends want to see something done. Many are concerned their neighborhoods will be hit with housing and values go down. But with all the thefts and homelessness that is already happening. That is why I think it would be great if many of us started conversions in addition to supporting this legislation. Problem is I cannot afford it but could take the income and give back to whoever helps me government wise do such a thing. We ALL have to do something.

Thanks you. Your positions are not easy.

Sincerely,
Jane (Janie) Leikind
[redacted]
Arroyo Grande CA 93420

From: Katipoo B
To: public comment
Subject: SB9
Date: Tuesday, May 24, 2022 11:32:42 AM

Dear City Staff and Council Members,

I'm worried about how expensive housing has become in our community. Staff and commissions have put some real thought into the proposals for SB9 and I strongly urge you to accept it as-is. We can preserve our neighborhoods and create the housing we need if we work with state laws, instead of against them. Getting these homes built is a major part of your city council's goal of Diversity, Equity, and Inclusion, as well as honoring the Regional Housing and Infrastructure Compact all the cities and the County Board agreed to in 2019. Please approve the proposed ordinance!"

PLEASE! I spend Over 60% of my takehome income on rent - only to live in a total dump, but there's absolutely No Opportunity to Move - unless I move out of the area...I don't think my

employer would like that very much. FYI - I make $56k annually Before taxes.

Kate Brennan

From: RL Mann
To: public comment
Subject: Yes to approve revised SB9 ordinance
Date: Tuesday, May 24, 2022 12:53:25 PM

Dear Councilmembers,

The SB9 ordinance before you is much improved from the first draft we read a few months ago. I am particularly glad to see it extended to all six zonings that were formerly restricted to a detached single-unit home. And I'm glad to see height limit parity.

It's a good thing when neighbors like those of my friend Alice up on Hillcrest Drive have the flexibility to create housing for extended family and new neighbors in their own back, side, or front yard.

It's a good thing to allow more energy-, water-, and cost-efficient construction like duplexes.

It's a good thing for the environment to build homes in and up, rather than out and away. It saves farmland and greenspace and reduces car trips.

And it's a good thing financially for cities to allow a few more people in to share the cost of services, rather than continually raising taxes on the folks already here.

I urge you to have confidence and courage, and to vote to approve this ordinance as presented.

Sincerely,
Rachel Mann
Grover Beach

From: [redacted]
To: public comment
Subject: Housing SB9
Date: Tuesday, May 24, 2022 11:57:53 AM

Dear City Staff and Council Members,
I'm worried about how expensive housing has become in our community. Staff and commissions have put some real thought into the proposals for SB9 and I strongly urge you to accept it as-is. We can preserve our neighborhoods and create the housing we need if we work with state laws, instead of against them. Getting these homes built is a major part of your city council's goal of Diversity, Equity, and Inclusion, as well as honoring the Regional Housing and Infrastructure Compact all the cities and the County Board agreed to in 2019. Please approve the proposed ordinance!

Victoria Ramos

ACTION MINUTES

REGULAR MEETING OF THE CITY COUNCIL

May 24, 2022, 6:00 p.m.
Hybrid City Council Chamber/Virtual Zoom Meeting

Council Members Present:	Mayor Ray Russom, Mayor Pro Tem George, Council Member Barneich, Council Member Paulding, Council Member Storton
Staff Present:	City Clerk Jessica Matson, City Attorney Timothy Carmel, City Manager Whitney McDonald, Assistant City Manager/Public Works Director Bill Robeson, Administrative Services Director Nicole Valentine

Given the recent increase in COVID-19 cases in San Luis Obispo County, and in compliance with Assembly Bill (AB) 361, which allows for a deviation of teleconference rules required by the Ralph M. Brown Act, this meeting was held by teleconference.

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1. CALL TO ORDER

Mayor Ray Russom called the Regular City Council Meeting to order at 6:00 p.m.

2. ROLL CALL

City Clerk Matson performed roll call.

3. MOMENT OF REFLECTION

4. FLAG SALUTE

Arroyo Grande Optimist International led the flag salute.

5. AGENDA REVIEW

There was Council consensus to move Item 9.b. to the end of the agenda.

5.a Closed Session Announcements

City Attorney Carmel announced that there was no reportable action.

5.b Ordinances read in title only

Moved by Mayor Ray Russom
Seconded by Council Member Barneich

Move that all ordinances presented at the meeting shall be read by title only and all further readings be waived.

AYES (5): Mayor Ray Russom, Mayor Pro Tem George, Council Member Barneich, Council Member Paulding, and Council Member Storton

Passed (5 to 0)

6. SPECIAL PRESENTATIONS

6.a Update Regarding Countywide COVID-19 Efforts

City Manager McDonald provided a brief update on COVID-19 and the County "Test to Treat" services.

Mayor Ray Russom invited public comment. No public comments were received.

No action was taken on this item.

6.b City Manager Communications

City Manager McDonald provided information regarding submittal of the application for Multi-Model Project Discretionary Grant for the Brisco Halcyon Interchange Project; and discussed upcoming items for Council consideration.

Mayor Ray Russom invited public comment. No public comments were received.

No action was taken on this item.

6.c Honorary Proclamation Declaring June 2022 as “Pride Month”

Mayor Ray Russom read the Honorary Proclamation Declaring June 2022 as "Pride Month". Denise Andrade, 5 Cities Hope, accepted the proclamation.

Mayor Ray Russom invited public comment. No public comments were received.

No action was taken on this item.

6.d Honorary Proclamation Recognizing June 19, 2022 as "Juneteenth Day" in Arroyo Grande

Mayor Ray Russom read the Honorary Proclamation Recognizing June 19, 2022 as "Juneteenth Day" in Arroyo Grande. Cheryl Vines, NAACP, accepted the proclamation.

Mayor Ray Russom invited public comment. No public comments were received.

No action was taken on this item.

6.e Honorary Proclamation Declaring June 3, 2022 as “Hunger Awareness Day”

Mayor Ray Russom read the Honorary Proclamation Declaring June 3, 3033 as "Hunger Awareness Day". Branna Still, SLO Food Bank, accepted the proclamation.

Mayor Ray Russom invited public comment. No public comments were received.

No action was taken on this item.

7. COMMUNITY COMMENTS AND SUGGESTIONS

Mayor Ray Russom invited public comment. Speaking from the public were Phil Dollman, and Greg Steinberger. No further public comments were received.

8. CONSENT AGENDA

Mayor Ray Russom asked the Council if there were any questions or any items to be pulled from the consent agenda for further discussion. There were none.

Mayor Ray Russom invited public comment. Speaking from the public were Scott Kohlbush, and Garrett Philibin. No further public comments were received.

Council provided comments on Items 8.e. and 8.i.

Moved by Council Member Barneich
Seconded by Mayor Pro Tem George

Approve Consent Agenda Items 8.a. through 8.i., with the recommended courses of action.

AYES (5): Mayor Ray Russom, Mayor Pro Tem George, Council Member Barneich, Council Member Paulding, and Council Member Storton

Passed (5 to 0)

8.a Consideration of Cash Disbursement Ratification

Ratified the attached listing of cash disbursements for the period of April 16 through April 30, 2022.

8.b Approval of Minutes

Approved the minutes of the Regular City Council Meeting of May 10, 2022 and Special City Council Meeting of May 18, 2022 as submitted.

8.c Consideration of Resolutions for the 2022 General Municipal Election for the Election of Certain Officers of the City

1) Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES";*** 2) Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN LUIS OBISPO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE";*** and 3) Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE***

CITY OF ARROYO GRANDE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022".

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8.d Consideration of Adoption of a Resolution Declaring a Continued Local Emergency Related to the Coronavirus (COVID-19) Pandemic

Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING A CONTINUED LOCAL EMERGENCY RELATED TO THE CORONAVIRUS (COVID-19) PANDEMIC".***

8.e Consideration of Authorizing the Display of the LGTBQ+ Pride Flag During the Month of June 2022 at Heritage Square Park and at City Hall

Authorized the display of the Pride Flag during the month of June 2022 at Heritage Square Park and at City Hall.

8.f Consideration of Authorizing the Display of the Juneteenth Flag During the week of June 17-24, 2022 at City Hall

Authorized the display of the Juneteenth Flag for the week beginning on June 17 through June 24, 2022, at City Hall.

8.g Consideration of Adoption of a Resolution Approving the Second Amended and Restated Joint Powers Agreement to Establish an Integrated Waste Management Authority for the Cities of San Luis Obispo County, California

Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE OF THE ADOPTING THE SECOND AMENDED AND RESTATED JOINT POWERS AGREEMENT TO ESTABLISH AN INTEGRATED WASTE MANAGEMENT AUTHORITY FOR THE CITIES OF SAN LUIS OBISPO COUNTY, CALIFORNIA".***

8.h Consideration of a Resolution Authorizing the Community Development Director to Submit an Application for the ATP Cycle 6 Grant and Execute any Agreements for the Use of Grant Funds for Implementation of the Halcyon Road Complete Streets Plan

Adopted a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR TO SUBMIT THE GRANT APPLICATION AND TO EXECUTE ANY NECESSARY AGREEMENTS FOR THE USE OF GRANT FUNDS FROM THE ACTIVE TRANSPORTATION PROGRAM CYCLE 6 GRANT"*** and execute any agreements necessary for the use of grant funds as approved in the future Council-approved CIP budget in effect at the time the agreements are signed.

8.i Monthly Water Supply and Demand Update

Received and filed the monthly Water Supply and Demand Report.

9. PUBLIC HEARINGS

9.a Public Hearing to Consider a Resolution Levying an Annual Assessment for the Arroyo Grande Tourism Business Improvement District (AGTBID)

City Manager McDonald presented the staff report and Administrative Services Director Valentine responded to questions from Council.

Mayor Ray Russom opened the public hearing. Speaking from the public were Gaea Powell, and Annie Ashbrook. Upon hearing no further public comments, Mayor Ray Russom closed the public hearing.

Moved by Council Member Storton
Seconded by Council Member Paulding

1) Conduct a public hearing to receive testimony regarding the City Council's intention to continue the AGTBID and levy an annual assessment for Fiscal Year 2022-23; 2) Determine whether a legally sufficient number of protests have been made; and 3) If a legally sufficient protest is not made, adopt a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE LEVYING AN ANNUAL ASSESSMENT FOR THE ARROYO GRANDE TOURISM BUSINESS IMPROVEMENT DISTRICT FOR THE 2022-23 FISCAL YEAR".***

AYES (5): Mayor Ray Russom, Mayor Pro Tem George, Council Member Barneich, Council Member Paulding, and Council Member Storton

Passed (5 to 0)

9.b Discuss and Consider Introduction of an Ordinance Amending Title 16 of the Arroyo Grande Municipal Code to Implement Senate Bill 9; Development Code Amendment 21-002; Location – Citywide

This item was heard after Item 11.b.

Mayor Ray Russom called for a brief break at 8:09 p.m. The Council reconvened at 8:15 p.m.

Community Development Director Pedrotti presented the staff report and responded to questions from Council.

Mayor Ray Russom opened the public hearing. Speaking from the public were Rachel Mann, Garrett Philbin, Krista Bandy, and Kevin Buchanan. Upon hearing no further public comments, Mayor Ray Russom closed the public hearing.

Moved by Mayor Ray Russom
Seconded by Council Member Barneich

Continue the item to a date certain of June 14, 2022.

AYES (5): Mayor Ray Russom, Mayor Pro Tem George, Council Member Barneich, Council Member Paulding, and Council Member Storton

Passed (5 to 0)

9.c Consideration of 5-Year Review of Local Sales Tax

Administrative Services Director Valentine presented the staff report and responded to questions from Council.

Mayor Ray Russom opened the public hearing. Upon hearing no public comments, Mayor Ray Russom closed the public hearing.

Moved by Council Member Paulding
Seconded by Mayor Pro Tem George

Conduct the public hearing, receive and file the 5-year report covering the period of July 2016 through June 2021, and approve continuation of the local sales tax.

AYES (5): Mayor Ray Russom, Mayor Pro Tem George, Council Member Barneich, Council Member Paulding, and Council Member Storton

Passed (5 to 0)

10. OLD BUSINESS

None.

11. NEW BUSINESS

11.a Discussion and Consideration of the 5-Year Capital Improvement Program and 5-Year Local Sales Tax Fund Expenditure Program

Administrative Services Director Valentine presented the staff report and responded to questions from Council.

Mayor Ray Russom invited public comment. No public comments were received.

No action was taken on this item.

11.b Consideration of Placing a Local Transactions and Use Tax ("Sales Tax") Measure on the November 8, 2022 Ballot

City Manager McDonald presented the staff report and responded to questions from Council.

Mayor Ray Russom invited public comment. Speaking from the public were Garrett Philbin, and Jim Guthrie. No further public comments were received.

Moved by Council Member Storton
Seconded by Mayor Pro Tem George

Adopt a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE RELATING TO THE ESTABLISHMENT OF A LOCAL TRANSACTION AND USE TAX (SALES TAX) AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, AS CALLED BY RESOLUTION NO. 5187".***

AYES (5): Mayor Ray Russom, Mayor Pro Tem George, Council Member Barneich, Council Member Paulding, and Council Member Storton

Passed (5 to 0)

Moved by Council Member Storton
Seconded by Council Member Barneich

Introduce an Ordinance entitled: ***"AN ORDINANCE OF THE CITY OF ARROYO GRANDE ADDING CHAPTER 3.23 TO TITLE 3 OF THE ARROYO GRANDE MUNICIPAL CODE RELATED TO A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION".*** City Attorney Carmel read the full title of the Ordinance***.***

AYES (5): Mayor Ray Russom, Mayor Pro Tem George, Council Member Barneich, Council Member Paulding, and Council Member Storton

Passed (5 to 0)

Moved by Council Member Storton
Seconded by Mayor Ray Russom

Adopt a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS".***

AYES (5): Mayor Ray Russom, Mayor Pro Tem George, Council Member Barneich, Council Member Paulding, and Council Member Storton

Passed (5 to 0)

Moved by Council Member Storton
Seconded by Mayor Pro Tem George

Adopt a Resolution entitled: ***"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS".***

AYES (5): Mayor Ray Russom, Mayor Pro Tem George, Council Member Barneich, Council Member Paulding, and Council Member Storton

Passed (5 to 0)

Moved by Council Member Storton
Seconded by Council Member Barneich

Approve the revised argument to be submitted in favor of the measure.

AYES (5): Mayor Ray Russom, Mayor Pro Tem George, Council Member Barneich, Council Member Paulding, and Council Member Storton

Passed (5 to 0)

12. CITY COUNCIL REPORTS

The City Council provided brief reports from the following committee, commission, board, or other subcommittee meetings that they attended as the City's appointed representative.

12.a MAYOR RAY RUSSOM:

1. California Joint Powers Insurance Authority (CJPIA)
2. South San Luis Obispo County Sanitation District (SSLOCSD)
3. Tourism Business Improvement District Advisory Board
4. Other

12.b MAYOR PRO TEM GEORGE:

1. County Water Resources Advisory Committee (WRAC)
2. Visit SLO CAL Advisory Board
3. Other

12.c COUNCIL MEMBER BARNEICH:

1. Audit Committee
2. Homeless Services Oversight Council (HSOC)
3. Zone 3 Water Advisory Board
4. Other

12.d COUNCIL MEMBER PAULDING:

1. Air Pollution Control District (APCD)
2. Brisco/Halcyon Interchange Subcommittee
3. Council of Governments/Regional Transit Authority/ South County Transit (SLOCOG/SLORTA/SCT)
4. REACH SLO Advisory Commission
5. Other

12.e COUNCIL MEMBER STORTON:

1. Brisco/Halcyon Interchange Subcommittee
2. Five Cities Fire Authority (FCFA)

3. Integrated Waste Management Authority Board (IWMA)
4. South County Chambers of Commerce Governmental Affairs Committee
5. Other

13. COUNCIL COMMUNICATIONS

Mayor Pro Tem George commented on her appreciation for the SB 9 study session and thanked staff for their work on the item.

14. CLOSED SESSION

None.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Ray Russom adjourned the meeting at 10:54 p.m.

_____

Caren Ray Russom, Mayor

_____

Jessica Matson, City Clerk