

ZTA No. 22-002

SB 9 Development Projects

City Council Meeting

June 21, 2022

Request

- ZTA No. 22-002
 - Amend HBZSO by adding Chapter 237 – Objective Standards for SB 9 Development Projects
 - Establishes development standards and review procedures for projects proposed pursuant to Senate Bill 9 (SB 9)
- Planning Commission Action
 - Public hearing on May 24, 2022
 - Recommended approval to the City Council



SUPPLEMENTAL
COMMUNICATION

Meeting Date: 6/21/2022

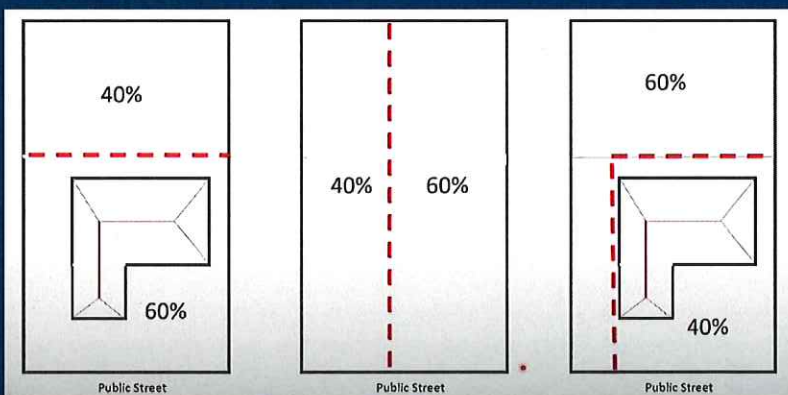
Agenda Item No.: #21 (22-493)

SB 9 qualifying criteria

- Property must be located in a single-family residential zone (RL)
- Property cannot be a historic site or in a historic district
- Property must be within an urbanized area as designated by the U.S. Census
- Property cannot be located on:
 - Farmland
 - Wetlands
 - Hazardous waste site
 - Conservation or habitat preservation area
 - Regulatory floodway
- Proposed development cannot demolish or alter:
 - Deed restricted affordable housing
 - Housing subject to rent control
 - Housing removed from the rental market pursuant to the Ellis Act within the last 15 years
 - Housing occupied by a tenant in the last 3 years (must maintain at least 75% of the existing exterior walls)



Urban lot split criteria



- Two new lots of approx. equal size
- Min. lot size: 1,200 square feet
- No prior or subsequent urban lot split
- Same owner (or person acting "in concert" with owner) cannot split adjacent lots



SB 9 regulations

- SB 9 law allows cities to adopt certain regulations for SB 9 developments:
 - Easements for provision of public services and access to right-of-way
 - Objective zoning, subdivision, and design standards
 - Parking requirement of one space per unit
 - Prohibition of short term rentals
 - Affidavit that the owner intends to occupy one of the units for at least 3 years
- Denial of SB 9 project must be based on specific, adverse health and safety impact with no feasible mitigation



Interim Urgency Ordinance

- March 1, 2022: City Council adopted urgency ordinance to establish interim standards
- April 5, 2022: City Council extended the urgency ordinance
- Proposed ordinance generally maintains same provisions w/ following changes:
 - Increased maximum square footage for larger lots
 - Clarifies ADUs are prohibited in SB 9 projects proposing a lot split
 - Provision of affordable units is voluntary
 - Increased square footage incentive
 - Design standards revised to be objective



Objective standards

- Max size: 800 s.f./one bedroom or 1,600 s.f./two bedrooms depending on lot size
- Required parking: One space (garage or carport)
- Max height: 16 feet (if detached from existing dwelling)
- Side and rear setback: 4 feet
- Design: architecture, roof pitch, color same as existing dwelling
- Solar panels required
- STRs not allowed
- Development must occur with concurrent lot split
- All other standards of base zoning district and parcel map requirements apply

Must allow exceptions if standard would preclude two 800 s.f. units on a lot



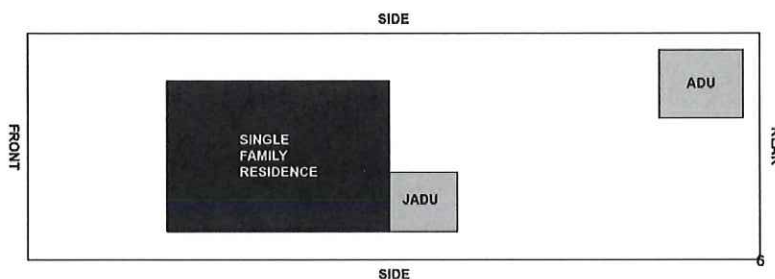
Review procedures

- Ministerial “by right” process
- Lot split:
 - Subdivision application & process required
 - No public hearing required
- Coastal Zone:
 - Coastal development permit application & process required
 - Notification requirements of HBZSO Chapter 245 apply
 - No public hearing required



Local ordinance objective standards

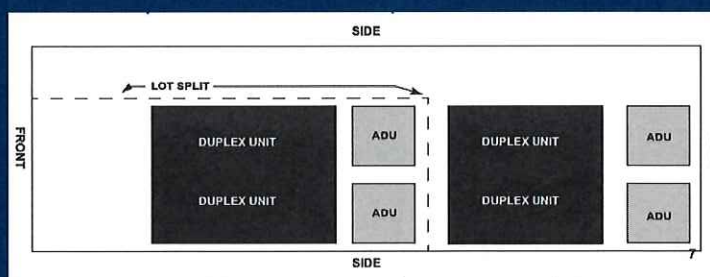
- Existing Regulations → up to 3 units
 - 1 Single Family Residence + 1 ADU + 1 JADU



Local ordinance objective standards

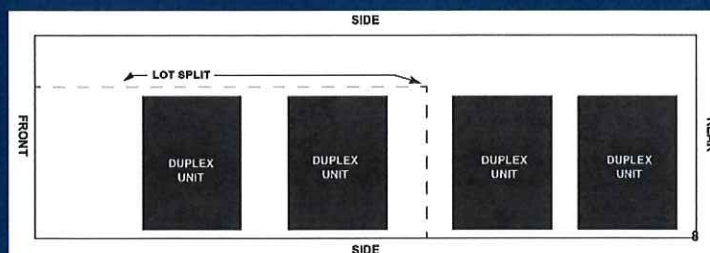
SB 9 without ordinance
& objective standards

Up to 8 units



SB 9 with ordinance &
objective standards

Up to 4 units



Recommendation

- Approve ZTA No. 22-002 and forward to the City Council for adoption based on:
 - Complies with state law
 - Consistency with General Plan goals and policies
 - Provides clear standards, streamlined review and certainty in the approval process while avoiding impacts to existing neighborhoods



Questions?

