



## Legislation Details (With Text)

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<b>File created:</b>	5/31/2022	<b>In control:</b>	City Council/Public Financing Authority
<b>On agenda:</b>	6/21/2022	<b>Final action:</b>	6/21/2022
<b>Title:</b>	Approve for introduction Ordinance No. 4259 approving Zoning Text Amendment (ZTA) No. 22-002 establishing regulations for SB 9 development projects		
<b>Attachments:</b>	1. Att#1 - Findings_ZTA 22-002, 2. Att#2 - Ordinance No. 4259, 3. Att#3 - PC staff report, 4. 6/21 Sup Com - PP		

Date	Ver.	Action By	Action	Result
6/21/2022	1	City Council/Public Financing Authority	approved	Pass

### REQUEST FOR CITY COUNCIL ACTION

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Sean Joyce, Interim City Manager

**VIA:** Ursula Luna-Reynosa, Director of Community Development

**PREPARED BY:** Jennifer Villaseñor, Deputy Director of Community Development

**Subject:**

**Approve for introduction Ordinance No. 4259 approving Zoning Text Amendment (ZTA) No. 22-002 establishing regulations for SB 9 development projects**

**Statement of Issue:**

Transmitted for the City Council's consideration is Zoning Text Amendment No. 22-002, a City-initiated request to amend the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) by adding Chapter 237 establishing permanent review procedures and objective standards for Senate Bill 9 (SB 9) development projects. SB 9 became effective on January 1, 2022 and requires cities to ministerially approve two unit developments and/or parcel maps to subdivide an existing lot in single-family residential zones. The City Council adopted an urgency ordinance to establish interim standards on March 1, 2022 and extended the interim urgency ordinance on April 5, 2022. The Planning Commission held a public hearing to consider ZTA No. 22-002 on May 24, 2022 and recommended approval to the City Council.

**Financial Impact:**

There is no financial impact.

**Recommended Action:**

A) Find that Zoning Text Amendment No. 22-002 is exempt from the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n), which state the

adoption of an ordinance by a city or county implementing the provisions of Government Code Sections 65852.21 and 66411.7 regulating urban lot splits and two unit residential projects is not a project under CEQA; and,

B) Approve Zoning Text Amendment No. 22-002 with findings and approve for introduction Ordinance No. 4259, "An Ordinance of the City Council of the City of Huntington Beach Establishing Objective Standards for Urban Lot Splits and Housing Units Built in Accordance with Senate Bill 9, and Making a Finding of Exemption Under CEQA." (Attachment No.2)

**Alternative Action(s):**

Continue Zoning Text Amendment No. 22-002 and direct staff accordingly.

**Analysis:**

A. PROJECT PROPOSAL:

Applicant: City of Huntington Beach

Property Owner: various - Residential Low Density (RL) designated properties

Zoning Text Amendment (ZTA) No. 22-002 - to amend the HBZSO by adding Chapter 237 - *Objective Standards for SB 9 Development Projects*, establishing development standards and review procedures for projects proposed pursuant to Senate Bill 9.

SB 9 adds Sections 65852.21 and 66411.7 to the Government Code. Section 65852.21 requires cities to consider a proposed housing development containing no more than two residential units within a single-family residential zone ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements. Section 66411.7 requires local agencies to ministerially approve a parcel map for an "urban lot split" meeting certain requirements. Both statutes permit the City to impose objective zoning, subdivision, and design standards on such projects as long as those standards would not have the effect of physically precluding the construction of up to two units on a lot or physically preclude either of the two units from being at least 800 square feet in floor area.

**Background:**

SB 9 was signed into law by Governor Newsom on September 16, 2021, and became effective on January 1, 2022. SB 9 was part of the California Senate's 2021 Housing Production Package, a group of housing laws aimed at increasing housing supply throughout the state.

On March 1, 2022, the City Council adopted an interim urgency ordinance establishing Chapter 237 of the HBZSO, which provides development regulations and processing procedures for SB 9 development projects. The City Council extended the interim urgency ordinance on April 5, 2022. The proposed ZTA would establish permanent SB 9 regulations.

To date, the City received several inquiries and one SB 9 submittal, but the submittal was subsequently withdrawn.

The May 24, 2022, Planning Commission staff report provides a detailed description and comprehensive analysis of the proposed ZTA (Attachment No. 3).

B. PLANNING COMMISSION MEETING AND RECOMMENDATION:

On May 24, 2022, the Planning Commission held a public hearing on ZTA No. 22-002. There were no speakers at the meeting and no written communications received. The Planning Commission asked questions about various provisions of the proposed ordinance. The Planning Commission then generally discussed the policy implications of the proposed ordinance and recommended a minor change to reference the Public Resources Code related to High Quality Transit Corridors. Ultimately, the Planning Commission voted to recommend approval of the ZTA to the City Council.

Planning Commission Action on May 24, 2022:

A motion was made by Scandura, seconded by Acosta-Galvan, to recommend to the City Council approval of ZTA No. 22-002 with findings carried by the following vote:

AYES: Adam, Mandic, Acosta-Galvan, Perkins, Scandura, Rodriguez, Ray

NOES:

ABSTAIN:

ABSENT:

**MOTION PASSED**

C. ANALYSIS:

The staff report for the May 24, 2022, Planning Commission hearing (Attachment No. 3) provides a detailed description and comprehensive analysis of the proposed ZTA and its consistency with the goals and policies of the General Plan.

**Interim standards vs. proposed standards**

In general, the permanent provisions proposed in ZTA No. 22-002 reflect the interim standards adopted by the City Council in March. The following table summarizes the differences between the interim standards and the proposed permanent standards:

Provision	Interim standard	Proposed standard
<b>Accessory Dwelling Units</b>	ADUs prohibited	Clarifies that ADUs are prohibited in SB 9 projects that include a lot split
<b>Maximum unit size</b>	800 s.f. / 1 bedroom	Allows more square footage for larger lots Lot size 10,000 s.f. - 800 s.f. / 1 bedroom Lot size ≥ 10,000 s.f. - 1,600 s.f. / 2 bedrooms
<b>Design</b>	SB 9 units must be architecturally consistent/similar	Clarifies standard to be more objective - SB 9 units must have same roof pitch, architecture, color and materials
<b>Affordable Housing</b>	All units required to be affordable	Provision of affordable units is voluntary; added incentive of more square footage for provision of affordable units

D. SUMMARY:

In summary, the Planning Commission and staff recommend approval of ZTA No. 22-002 based on the following:

- The proposed provisions are consistent with state law.
- It is consistent with the goals and policies of the General Plan.
- The proposed ZTA provides clear standards and a ministerial approval process for single-family residential property owners that want to improve their properties and add residential units to the City's housing supply while protecting existing single-family neighborhoods from adverse impacts.

**Environmental Status:**

ZTA No. 22-002 is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n), which state the adoption of an ordinance by a city or county implementing the provisions of Government Code Sections 65852.21 and 66411.7 and regulating urban lot splits and two unit projects is not a project under CEQA.

**Strategic Plan Goal:**

Economic Development & Housing

**Attachment(s):**

1. Findings for Approval - Zoning Text Amendment No. 22-002
2. Ordinance No. 4259
3. May 24, 2022 Planning Commission staff report