COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

DATE: December 21, 2021

TO: The Honorable City Council

FROM: Bryan Cook, City Manager
By: Scott Reimers, Community Development Director

SUBJECT: ADOPTION OF URGENCY ORDINANCE NO. 21-1058 U AND INTRODUCTION AND FIRST READING OF ORDINANCE NO. 21-1059 IMPLEMENTING SB-9 (AKINS) RELATING TO URBAN LOT SPLITS

RECOMMENDATION:

The City Council is requested to:

1. Introduce, read by title, waive further reading, and adopt Urgency Ordinance No. 21-1058 U (Attachment “B”);

2. Introduce Ordinance No. 21-1059 for first reading by title only, amending Title 3, Chapter 3, and Title 9, Chapters 1 and 2, of the Municipal Code (Attachment “C”);

3. Waive further reading of Ordinance No. 21-1059; and


BACKGROUND:

1. On September 16, 2021, Senate Bill 9 (SB-9), was signed into law by the Governor (Attachment “D”).

2. On October 5, 2021, the City Council and Planning Commission held a joint study session to discuss the law, its potential impact on Temple City, and provide direction to staff on various possible initiatives.

3. On November 9, 2021, the Planning Commission held a public hearing on Ordinance No. 21-1059. The Commission voted unanimously to recommend that
the City Council adopt the Ordinance. The Commission did not recommend any changes to the Ordinance (Attachment “E”).

4. On December 7, 2021, the City Council continued the public hearing to a date certain, December 21, 2021.

**ANALYSIS:**

SB-9 amended Section 66452.6 of, and added Sections 65852.21 and 66411.7 to, the California Government Code (Attachment “D”) to allow for urban lot splits. These changes will require local agencies to approve applications to subdivide single-family zoned lots into a maximum of two lots and to allow the construction of two units on each new lot. In other words, an R-1 zoned, single-family lot, could potentially have four units. For additional information about SB-9 see Attachment “F”.

The proposed Ordinance seeks to improve upon the State’s efforts by addressing issues that the State did not previously consider or further strengthening the State’s efforts. These efforts include:

- Diminishing the impact of new development on existing infrastructure;
- Ensuring the affordability of new urban dwellings and meeting RHNA goals;
- Reducing greenhouse gas emissions, air pollution, and traffic congestion;
- Minimizing impacts on the environment; and
- Improving neighborhood compatibility.

**Infrastructure and Impact Fees**

With new development and an expanding population comes increased demand on the City’s infrastructure, which was mostly installed or built 80 years ago. While SB-9 did not address this issue it leaves local agencies the ability to address the problem by establishing and charging impact fees on urban dwellings. Impact fees reduce the impact of new development on existing infrastructure by ensuring that new development pays its fair share of its impact. There appeared to be support for this initiative at the City Council and Planning Commission joint study session. Imposing an impact fee will require hiring a consultant to prepare an impact fee study. This will need to be included in a future year’s work program.

**Affordable Housing**

Governor Newsom and the State legislature has been working over the last few years at increasing the supply of affordable housing. SB-9 supports this objective in a limited sense by increasing the overall supply of market-rate housing but stops short of requiring housing to be affordable. The proposed Ordinances go further than the State to implement this objective by requiring that new urban dwellings be provided at low- and
very low-income rates. This will provide the City a supply of legally restricted, affordable housing dispersed throughout the community. This is superior to concentrating affordable housing in one development or neighborhood. For reference, a family of four would need to demonstrate an income of $94,600, or less to qualify as low-income. This would not apply to a unit occupied by the property’s owner. See Attachment “G” for the Income Limits for 2021.

Reducing GHG, Air Quality and Congestion

The State has adopted greenhouse gas emissions (GHG) goals to battle climate change. While the State achieved its 2020 GHG targets the state is currently implementing strategies to further reduce its emissions by 40 percent below 1990 levels by 2030. The transportation sector accounts for the largest share of the United States’ energy-related carbon dioxide emissions. Reducing vehicle trips helps reduce the generation of GHG emissions. In addition to producing GHG emissions vehicles are also responsible for producing particulate matter (microscopic inhalable particles that get lodged in the lungs) as brakes and tires wear out. This in turn causes health and environmental damage, even resulting in premature death. SB-9 supports the State’s environmental objectives by limiting the amount of parking that local agencies can require. For instance, the State does not allow local agencies to require any parking when the site is within a half-mile radius of a high-quality traffic corridor. The proposed Ordinances would go even further in supporting these objectives by prohibiting residents from parking onsite or overnight on city streets. The Planning Commissioners were supportive of this initiative at its meeting on November 9. Commissioners highlighted that an owner of an urban dwelling would need to find tenants who do not own a vehicle and intend to walk, bicycle, take public transit, or use app-based ride sharing services.

Minimizing Environmental Impacts

The two main purposes of California Environmental Quality Act (CEQA) are to disclose and mitigate the environmental impact of new development. SB-9 did not undergo any CEQA analysis as the State legislature is exempt from CEQA. Therefore, the environmental impacts and the appropriate means of mitigating those impacts are unknown. While the legislature did not address this issue, State law does not keep local agencies from setting development standards to reduce the cumulative impact of these new units. The proposed Ordinances therefore move the State’s objectives of protecting the environment even further along by requiring urban dwellings that are all new construction to satisfy the requirements of Leadership in Energy and Environmental Design (LEED) at the Platinum level. LEED is a green building certification program used worldwide and is developed by the non-profit United States Green Building Council. The LEED rating system is divided into four increasingly difficult levels of certification (certified, silver, gold, and platinum). The higher levels of certification require a higher number of total points. The benefit of the LEED system is that it provides flexibility to designers and
owners to choose which building methods and designs to use to achieve the necessary number of points.

**Neighborhood Compatibility**

The State and affordable housing advocates have long held that affordable housing and density can be designed in such a way that it fits within a neighborhood. In recognition of this, SB-9 allows for local agencies to adopt development and standards. The State, however, has provided some limitations on these standards. Two of the most important include a requirement that the City cannot institute a standard that precludes at least an 800 square foot urban dwelling. Another is that the City’s rules must be objective, and not subjective. See Attachment “F” for more information.

Within the framework allowed by SB-9, the proposed Ordinances set 16 new development standards and 15 design standards that apply only to urban dwellings and urban lot splits. The aim of these standards aligns with goals of the State and the affordable housing community to provide affordable housing in a high-quality environment and to reduce the impact of new development on existing communities.

Prohibiting onsite parking will provide additional benefits in relation to neighborhood compatibility. The space normally dedicated to driveways can instead be set aside for onsite open space. Single-family houses with significant open space do not place as high of a demand on public open space as properties without open space. As lots with open space are converted to denser housing with little to no open space the City could see increased demand on open space. The proposed ordinances would require open space onsite thus reducing some demand. In addition, removing a driveway from a site provides additional land area for development and thereby reduces the need for a structure to be two or even three stories.

The proposed Ordinances set development standards such as maximum and minimum unit sizes, building height, second floor step backs, tree preservation, disclosures to future owners, and design standards. All these standards are compliant with the allowances of SB-9 and work to achieve the goals and objectives of the City’s General Plan and the purposes of the city’s R-1 single-family zone. For more information on the standards within the proposed Ordinances see Attachment “A” which summarizes the proposed Ordinances by showing the sections of the Ordinances in which the City has discretion and leaves out those sections where State law does not provide discretion.

Staff is recommending that the City Council adopt an urgency ordinance so that when State law goes into effect on January 1, 2022, the City’s rules pertaining to urban dwelling and urban lot splits will be in effect.
CITY STRATEGIC GOALS:

Adopting the proposed Ordinances will further promote the City’s Strategic Goal of quality of life and sustainable infrastructure. The adoption of these Ordinances will cultivate a high quality of life and ensure sufficient and sustainable infrastructure.

FISCAL IMPACT:

This item does not have an impact on the Fiscal Year 2021-22 City Budget.

ATTACHMENTS:

A. Sections of Proposed Ordinances where City Discretion is Available
B. Ordinance 21-1058 U
C. Ordinance 21-1059
D. SB-9, Atkins
E. Draft Planning Commission Minutes
F. SB-9 Summary
G. Income Limits for 2021
H. PowerPoint presentation for the Joint City Council and Planning Commission Meeting
### Sections of Proposed Ordinances where City Discretion is Available

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-3A-23</td>
<td>Overnight Parking: Prohibits residents from urban dwellings or urban lot splits from obtaining monthly, quarterly, or annual overnight parking permits.</td>
</tr>
<tr>
<td>A.4.c</td>
<td>Maximum Size: Sets a maximum size of 800 square feet. The City could allow larger units; State law does not set a maximum size.</td>
</tr>
<tr>
<td>A.4.d</td>
<td>Minimum Size: State law does not set a minimum size. The proposed Ordinances set a minimum size of 500 square feet which is the minimum size for an ADU.</td>
</tr>
<tr>
<td>A.4.f</td>
<td>Height: State law does not address building heights. Sets a maximum 18-foot height limit; this is the maximum height for a one-story structure in the R-1 zone. The structure’s height could be reduced to 16 feet. Sets a maximum ceiling height of 8 feet. Limits additions to existing structures to one-story. Allows for the second floor of an existing structure to be converted to an urban dwelling. In instances where an 800 square-foot unit cannot be achieved in one story a second story is possible; the height is capped at 25 feet. If a third floor is required, one floor must be entirely subterranean.</td>
</tr>
<tr>
<td>A.4.g</td>
<td>FAR Bonus: State law does not address floor area ratio. States that the FAR bonuses in the R-1 code do not apply.</td>
</tr>
<tr>
<td>A.4.h</td>
<td>Stepbacks: Requires the second floor of a structure to be step-backed four feet from the first floor.</td>
</tr>
<tr>
<td>A.4.i</td>
<td>Driveways and Parking: Prohibits parking onsite. State law caps the number of required parking spaces on and in some cases the City cannot require any parking.</td>
</tr>
<tr>
<td>A.4.j</td>
<td>Affordability: Requires residents, except for the owner, to be maintained as low- or very-low-income housing for 30 years.</td>
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<tr>
<td>A.4.k</td>
<td>Sub-Leasing: Restates an R-1 Zoning Code rule that allows for no more than one-bedroom to be rented.</td>
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<tr>
<td>A.4.l</td>
<td>Tree Preservation: Prohibits the removal of a mature tree in conjunction with an application to build an urban dwelling.</td>
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<tr>
<td>A.4.m</td>
<td>Reduce Environmental Impact: Requires an urban dwelling to obtain LEED platinum certification.</td>
</tr>
<tr>
<td>A.4.n</td>
<td>Disclosures: Requires future owners of an urban dwelling to disclose to the next owner the City’s rules regarding overnight parking permit rules, short term rentals, complying with City Housing Element reports, and affordable housing.</td>
</tr>
<tr>
<td>A.5</td>
<td>Objective Design Standards for Additions: Requires architectural consistency between the main dwelling and an addition or a new structure.</td>
</tr>
<tr>
<td>Code Section</td>
<td>Description</td>
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<tr>
<td>A.6</td>
<td><strong>Objective Design Standards for New Construction</strong>: Sets standards on how the front elevation needs to be articulated, requires a five-foot deep entry area, sets an articulation requirement for the side and rear elevations, requires quality building materials, requires open space and a courtyard, sets a minimum number of colors for the building, and sets two appropriate styles (Spanish Colonial Revival and Craftsman) along with the associated proportions and building details.</td>
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<tr>
<td>A.7</td>
<td><strong>Exceptions to Objective Standards</strong>: State law requires local jurisdiction to approve at least an 800 square foot urban dwelling. In cases where the applicant cannot construct at least an 800-square foot urban dwelling, the applicant may remove other development standards. The proposed ordinances provide the prescribed order in which these standards must be removed until the structure meets the 800-square foot guaranteed size. The last standard that staff recommends removing is number of stories.</td>
</tr>
<tr>
<td>B.5</td>
<td><strong>Easements</strong>: Requires an easement to be provided over the front parcel to the rear parcel for access to the public right of way, providing public services and facilities, maintenance of utilities, and (if required) fire department access.</td>
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<tr>
<td>B.10</td>
<td><strong>Bi-Annual Inspection</strong>: The property owner must provide for an inspection, and pay the appropriate fee, every six months for the first three years to ensure the property owner is living onsite.</td>
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<tr>
<td>B.11.f</td>
<td><strong>Driveways and Parking</strong>: Prohibits parking onsite. State law caps the number of required parking spaces one and in some cases the City cannot require any parking.</td>
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<tr>
<td>B.11.g</td>
<td><strong>Conjunction with Urban Dwellings</strong>: Only structures that meet the requirements of urban dwellings are allowed on urban lot splits. This would preclude a single-family residence and an ADU to be built on an urban lot split.</td>
</tr>
<tr>
<td>B.11.h</td>
<td><strong>Disclosures</strong>: Requires future owners of an urban dwelling to disclose to the next owner the City’s rules regarding overnight parking permit rules, short term rentals, complying with City Housing Element reports, affordable housing, and cannot be further subdivided.</td>
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</table>
ORDINANCE NO. 21-1058 U

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY, CALIFORNIA, AMENDING TITLE 3, CHAPTER 3, AND TITLE 9, CHAPTERS 1 AND 2, OF THE TEMPLE CITY MUNICIPAL CODE TO PROVIDE FOR URBAN DWELLINGS AND URBAN LOT SPLITS

WHEREAS, the City of Temple City (“City”) has adopted a General Plan to ensure a well-planned and safe community; and

WHEREAS, protection of public health, safety, and welfare is fully articulated in the General Plan; and

WHEREAS, State law requires that the Temple City Zoning Code, found in Title 9, Chapter 1 of the Temple City Municipal Code (“TCMC”), conform with the General Plan's goals and policies; and

WHEREAS, it is necessary from time to time to update the zoning ordinance to bring it into conformity with State law and to address public health, safety, and welfare concerns; and

WHEREAS, Sections 65852.21 and 66411.7 were amended or added to the Government Code by Senate Bill 9 (SB-9) and goes into effect January 1, 2022; and

WHEREAS, the amended or added code sections require cities to ministerially approve urban lot splits and the construction of up to two residential units (“Urban Dwellings”) within the “Urbanized Area” of the City, as designated by the US Census Bureau, subject to certain limitations; and

WHEREAS, Government Code Sections 66411.7(a) limits eligibility of urban lot splits by size and proportionality; and

WHEREAS, Government Code Sections 65852.21(a)(2) and 66411.7(a)(3)(C) limits such urban lot splits and construction to sites that are not located on or within certain farmland, wetlands, very high fire hazard severity zones, hazardous waste sites, earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified for conservation, habitats for protected species, and historic properties; and

WHEREAS, Government Code Sections 65852.21(a)(3) through (a)(5), limits eligibility of such construction of secondary units that proposes to demolish or alter housing subject to affordability restrictions, housing subject to rent or price controls, housing that has been occupied by a tenant in the last three years, housing that has been withdrawn from rent or lease within the past 15 years, and housing that requires demolition of existing structural walls unless authorized by local ordinance or has not been tenant-occupied within the past 3 years; and
WHEREAS, Government Code Sections 66411.7(a)(3)(D) also limits eligibility of an urban lot split that proposes to demolish or alter housing subject to affordability restrictions, housing subject to rent or price controls, housing that has been occupied by a tenant in the last three years, housing that has been withdrawn from rent or lease within the past 15 years, and housing that requires demolition of existing structural walls unless authorized by local ordinance or has not been tenant-occupied within the past 3 years; and

WHEREAS, Government Code Sections 65852.21(a)(6) and 66411.7(a)(3)(E) allows a city to deny an urban lot split for properties within an historic district or listed on the State’s Historic Resource Inventory 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; and

WHEREAS, Government Code Sections 65852.21(b) and 66411.7(c) allows a city to establish objective zoning standards, objective subdivision standards, and objective design review standards, if it does not conflict with state law; and

WHEREAS, such objective zoning standards, objective subdivision standards, and objective design review standards may not have the effect of "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"; and

WHEREAS, Government Code Sections 65852.21 and 66411.7 allow a city to deny a proposed housing development or urban lot split if the 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; and

WHEREAS, the municipal code currently does not have any provisions that adequately address such urban lot splits and urban dwelling units, as required by SB 9, and because regular ordinance adoption procedures require a first and second reading, and at least 30 days before the ordinance may take effect, the city may not be able to adopt any such provisions before January 1, 2022; and

WHEREAS, without an ordinance that will be effective as of the January 1, 2022, effective date, there will be a period where there will be no policies, procedures, or objective standards available to guide and promote the orderly development of such urban lot splits and urban dwelling units, and thus will prevent actions that will alleviate the housing crisis and serve to protect orderly planning and aesthetics related to such development; and

WHEREAS, the City Council has the power under Government Code sections 36934 and 36937 to adopt an ordinance that takes effect immediately if it is an ordinance for the immediate preservation of the public peace, health or safety, and is passed by a four-fifths vote of the City Council; and
WHEREAS, here, this urgency ordinance is necessary to address the danger to public health, safety, and general welfare articulated by the state related to the housing crisis and immediately provide the provisions to implement SB 9-related development in a manner that protects the City’s interest in orderly planning and aesthetics; and

WHEREAS, accordingly, the City Council desires to adopt this ordinance as an urgency ordinance, effective immediately, pursuant to Government Code sections 36934 and 36937, and have such provisions that implement SB 9, as set forth in the ordinance, in effect as of January 1, 2022; and

WHEREAS, the City desires to adopt an ordinance that addresses the procedures for such Urban Dwellings and Urban Lot Splits, and provides objective standards, in accordance with State law; and

THEREFORE, THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ORDAINS AS FOLLOWS:

SECTION 1: Zoning Amendment Findings Per Section 9-1C-6.I.7.a: The City Council finds:

A. The proposed amendment is consistent with the general plan and any applicable specific plan as provided by Government Code section 65860;

The proposed ordinance’s provisions are required to bring the City’s municipal code into compliance with the addition of Section 65852.21 and 66411.7 to the Government Code as instituted by SB-9 (Atkins). These provisions allow for urban dwellings and urban lot splits. This allowance conflicts with General Plan Land Use Element of the City, which sets density standards for the low-density residential zone. This Ordinance seeks to complement state law to minimize its impact on the community and thereby comply with the following land use goals and policies:

LU 4.1 Development Compatibility. Require that development is located and designed to assure compatibility among land uses, addressing such elements as building orientation and setbacks, buffering, visibility and privacy, automobile, and truck access, impacts of noise and lighting, landscape quality, and aesthetics.

LU 4.7 Development that is Compatible. Require that development demonstrates a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, buffering, arrangement of shared and private open spaces, visibility, privacy, automobile, and truck access, impacts of noise and lighting, landscape quality, infrastructure, and aesthetics.

Goal LU 7: Sustainable Built Environment. A built environment that contributes to a sustainable environment, minimizes consumption of scarce environmental resources, and reduces greenhouse gas emissions.
LU 8.3 Housing Type Distribution. Promote an equitable distribution of housing types for all income groups throughout the City and promote mixed-income developments to avoid concentrations of below-market-rate housing in particular areas.

Urban dwelling and urban lot splits offer a distinct opportunity to provide affordable housing in a distributed manner. The City’s Housing Element has a program to investigate an inclusionary housing ordinance which could result in affordable housing, but given that the City’s multi-family zones are clustered, this would result in a less diverse distribution of affordable housing. Urban dwellings and urban lot splits provide a unique opportunity to provide affordable housing in a distributed manner, especially affording an opportunity to insert it into single-family neighborhoods.

LU 8.4 Affordable Housing Provision. Encourage the integration of affordable housing units within larger developments to meet the housing needs of the community and larger region, as specified by the General Plan Housing Element.

LU 9.1 Neighborhood Conservation. Maintain the character, amenities, and scale of Temple City’s residential neighborhoods, recognizing their contribution to the City’s identity, economic value, and quality of life.

LU 9.2 Neighborhood Character. Maintain elements of residential streets that unify and enhance the character of the neighborhood including parkways, street trees, and compatible setbacks.

LU 9.3 New Residential Development. Accommodate the development of new residential development that is well-conceived, constructed, and maintained in a variety of types and densities, scales, and costs.

9.4 Housing Additions and Replacement. Require that additions to and/or replacement of existing housing units are located and designed to reflect the unique neighborhood character and qualities including lot size; building form, scale, and massing, and relationship to street frontages; architectural design; and landscaped setbacks.

LU 9.7 Connected Neighborhoods. Ensure safe and convenient pedestrian and bicycle connectivity between residential neighborhoods and commercial centers, recreation and open spaces, schools, workplaces, and other community activity centers.

LU 10.2 Second Units. Allow second units in single-family residential districts as required by state legislation.

Goal M 1: Livable Streets. A balanced transportation system that accommodates all modes of travel safely and efficiently while considering the community context of all transportation investments.
M 1.1 Complete Streets. Require that the planning, design, and construction of all transportation projects consider the needs of all modes of travel to create safe, livable, and inviting environments for pedestrians, bicyclists, motorists, and public transit users of all ages and abilities.

B. The proposed amendment will not be detrimental to the public health, safety, or welfare of the city; and

The proposed ordinance includes multiple provisions to reduce the impact of subsequent development on the general welfare, this includes design standards and objective zoning standards. Under State law, the Building Official can deny any subsequent project if it has a negative impact on public health and safety that cannot be mitigated.

C. The proposed amendment is consistent with other applicable provisions of this Zoning Code.

The proposed ordinance modifies multiple sections of the Temple City Municipal Code to ensure that the entire Code is consistent internally and with State law. Therefore, this finding can be made.

SECTION 2: Section 3-3A-23 (ISSUANCE OF OVERNIGHT PARKING PERMITS) of the TCMC is amended to add subsection 3-3A-23.B.1.i, as shown in underline below:

B. Review By Issuing Officer:
   1. Review And Issuance: Upon the filing of a complete application for an overnight parking permit or the transfer of such permit, the issuing officer shall review the application and, within ten (10) business days of the filing, determine whether to issue the permit or deny the application. The issuing officer shall issue the requested overnight parking permit unless any one or more of the following facts is determined:
      a. The issuing officer determines that the application is not complete, or the information is incorrect or invalid.
      b. The applicant is not the registered owner.
      c. The vehicle does not have a valid California registration or proof of insurance. The issuing officer may issue not to exceed six (6) months parking permits to a vehicle with valid out of state vehicle registration and proof of insurance.
      d. The vehicle is not eligible for an overnight parking permit, as provided under this part.
      e. Issuance of the permit would cause the number of overnight parking permits assigned to the residence to exceed the maximum allowable under this part.
      f. An inspection of the onsite parking at the residence and on street parking within the area concludes that onsite parking is or should be available at the residence; or the owner refused permission to grant access to the property for the purpose of the inspection.
      g. The owner fails to pay the required overnight parking fee.
h. The vehicle has outstanding unpaid parking tickets.

i. The vehicles are registered to a site that has undergone an urban lot split or has an urban dwelling as defined in Section 9-1A-12 of the Temple City Municipal Code).

SECTION 3: Section 9-1A-12 of the TCMC (DEFINITIONS) is amended to add the following definitions in alphabetical order within Section 9-1A-12.

| PICTURE WINDOW | A window on an elevation facing the front yard that is larger than the adjacent windows or the largest window on the front facing façade. Picture windows either have less panes of glass than the adjacent windows or do not have any muntins. Examples of a picture window includes:

| URBAN DWELLINGS | Dwelling units established in accordance with Section 65852.21 of the Government Code and Section 9-1T-21 of the Temple City Municipal Code. |

SECTION 4: Table 9-1G-2 (Land Uses and Permit Requirements for Residential Zone Districts) of the TCMC is amended by adding the following uses in alphabetical order within Table 9-1G-2. All other contents of this Table 9-1G-2 will remain unchanged.

<table>
<thead>
<tr>
<th>Land Uses or Activities</th>
<th>R-1</th>
<th>Notes/Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Dwellings</td>
<td>Y</td>
<td>9-1T-21</td>
</tr>
<tr>
<td>Urban Lot Splits</td>
<td>Y</td>
<td>9-2-20</td>
</tr>
</tbody>
</table>

SECTION 5: TCMC Article 9-1T (SPECIAL USES) is amended to add Section 9-1T-21 as follows:

“9-1T-21: Urban Dwellings and Urban Lot Splits:

A. Urban Dwellings: The following requirements apply to urban dwellings in accordance with Section 65852.21 of the Government Code:

1. Applicability:

a. R-1 Zoning: Any proposed urban dwelling must be located within the R-1, single-family zone.
b. Historic Designation: Any proposed urban dwelling must not be located within a historic district or property included on the State Historic Resources Inventory (see 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.

c. Demolition and Alteration: A proposed urban dwelling must not 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.

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

d. Limit on Demolition: A proposed urban dwelling must not demolish more than 25 percent of the existing exterior structural walls. This does not apply if the housing development has not been occupied by a tenant in the last three years.

e. Other Instances:

   (1) A proposed urban dwelling must not be on a parcel located in the areas specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

   (2) A proposed urban dwelling must not be on 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 applies.

2. Ministerial Review: Proposals for urban dwellings will be reviewed ministerially, without discretionary review or a hearing, through the zoning clearance process.

3. Short Term Rentals Prohibited: The rental of any urban dwelling must be for a term longer than 30 days.

4. Objective Zoning Standards:
a. R-1 Standards: The standards within Section 9-1G-12 (R-1 Zone District Residential Development Standards) apply to proposals for urban dwellings. In the case of conflict between this Section and any other section of Chapter 9-1 (Zoning Code), the provisions of 9-1T-21 will apply.

b. Number of Units: The parcel for the proposed urban dwelling must contain no more than two units. Existing and proposed ADUs and JADUs will be counted toward the maximum number of units. An urban dwelling 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.

c. Maximum Size: The maximum size of an urban dwelling must not exceed 800 square feet.

d. Minimum Size: The minimum size of an urban dwelling is 500 square feet.

e. Setbacks:

   (1) Existing Structures: No setback is required for an existing, permitted structure or a structure constructed in the same location and to the same dimensions as an existing, permitted structure.

   (2) New Structures and Additions: The minimum setback from the side and rear property line is four feet.

f. Height:

   (1) New Structures: An urban dwelling must not be more than one-story. The maximum height must not exceed 18 feet. The distance from the ceiling to the finished floor must not exceed eight feet. Vaulted ceilings are not permitted.

   (2) Additions: An urban dwelling can be added to a site with an existing two-story structure. In such instances the entirety of the addition must meet the requirement of subsection “1” above.

   (3) Conversions: In cases where an urban dwelling is being added by subdividing an existing structure, the height requirements of subsection “1” above do not apply.

   (4) Exceptions: Projects that are exempt from the one-story height limit due to the 800-square foot exemption must not exceed 25 feet in height with a maximum top plate height of
18 feet. If a third floor is necessary to meet the 800-square foot requirement the third floor must be completely subterranean; the ceiling must be below the natural grade.

g. Floor Area Ratio: The floor area ratio incentive bonuses found in 9-1G-15 do not apply to urban dwellings.

h. Second Floor Stepbacks: Projects that are exempt from the one-story height limit due to the 800-square foot exemption, must stepback the second and third floor four feet from the ground floor. This rule applies to only to the side yard, rear yard, and street side yard elevations.

i. Building Separation: The units or structures within an urban dwelling may be attached or detached. Detached structures must meet building code safety standards and are sufficient to allow separate conveyance.

j. Driveways and Parking: A proposed urban dwelling must not provide any onsite parking (including garages, carports, and parking on driveways). Any hardscape more than 8 feet in width and 18 feet in depth is not permitted on a site with an urban dwelling. Prior to issuance of a building permit the applicant must obtain an encroachment permit to remove an existing driveway. Prior to finalizing of building permits and granting of a certificate of occupancy the driveway apron in the public right of way must be removed and repaired.

k. Building Official Review: The City will deny a proposed urban dwelling 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. The decision of the building official may be appealed to the Planning Commission in compliance with section 9-1C-5-G.

l. Affordability: Urban dwellings must be continuously maintained as "affordable" housing for a period of not less than 30 years from the date of first occupancy. Urban dwellings must be occupied by low or very low-income households. (Low income is defined as 50 percent of the average median income for the Los Angeles /Long Beach Metropolitan Area). The maximum amount of rent, which may be charged, is 30 percent of the total household income or 30 percent of the income limit for low-income households, whichever is less. Every occupant of an urban dwelling must be qualified for eligibility.
based upon annual tax returns. Said restriction must be set forth in a recorded covenant or deed restriction. The property owner must provide documentation to the City on an annual basis relative to eligibility. The owner must agree to evict any tenant who does not meet the eligibility requirement. When the applicant lives onsite, they will be exempt from this requirement. The community development director is authorized to establish forms, policies, and procedures, to implement this affordability requirement.

m. Sub-Leasing: In accordance with Table 9-1G-2, only one bedroom within an urban dwelling can be rented.

n. Tree Preservation: In cases where an addition or new construction is being proposed to provide for urban dwelling, the property owner must not remove any mature trees onsite. A mature tree is defined as trees with a diameter-at-breast-height (DBH) of 19 inches or greater. A removal includes moving a tree or removing more than one-third of a tree’s vegetation. In addition to preservation of the tree, the owner must record a covenant showing the location of the mature tree, stating that all reasonable precautions have been made to preserve the tree, requiring all trimming of the tree to be overseen by a licensed arborist, prohibiting the tree from being topped, and that the City must approve of any removal of the tree. If removal of a tree is required to provide a minimum 800 square foot unit, the owner must meet the requirements of Section 9-1N-8 (Tree Replacement Requirements).

o. LEED Platinum Certification: Prior to the city releasing a certificate of occupancy, the property owner must demonstrate that the property has achieved LEED Platinum certification. This requirement does not apply to conversions of and additions to existing buildings.

p. Disclosures: At the time of sale, a site with an urban dwelling must disclose to the seller:

   (1) The site is not eligible for overnight parking permits;

   (2) The site must not be used for short term rentals;

   (3) The property owner must provide all necessary information to the City, required in the annual housing element report; and

   (4) The site must be used for affordable housing per the recorded covenant.

5. Objective Design Standards for Additions: Additions or new structures added to sites where an existing structure will be retained must match the
architectural style of the main dwelling including but not limited to the roof pitch, window size, proportion of window units to wall size, direction of window opening, muntin pattern, exterior building materials, lighting fixtures, and paint colors.

6. Objective Design Standards for New Construction: The following standards apply to all new construction, not additions:

a. Front Façade Articulation: Front elevations must include at least two of the following: porch, canopy, bay window, awning, chimney, or courtyard. The porch or courtyard must be at least five feet deep.

b. Entrances: The front entrance to all units must be either recessed or protrude a minimum of five feet from the front wall. The front recessed entry or porch area must be covered.

c. Side and Rear Articulation: No wall along a side-, rear-, or street side-yard may extend more than 24 feet without architectural articulation or an offset of at least 2 feet for not less than 8 feet. The eave of the roof must be articulated as well at the same proportion as the wall below. See the images, below. The first image does not meet this requirement, while the second image, does.

d. Quantity of Exterior Materials: All structures must have at least two exterior building wall materials including. The following exterior materials area allowed: stucco, wood, rock/stone, hand-painted tile, brick, or clinker brick. Window and door trim does not count as a second material.

e. Use of stone: Manufactured stone must not be used in place of real stone.
f. Use of brick: Brick veneer must be at least 1.75 inches in depth; half the depth of a standard brick.

g. Quality Materials: Materials made from foam covered by stucco are not allowed.

h. Exterior Materials: When used on the same elevation, wood and stucco must be placed above rock or brick.

i. Two Colors: Buildings must include at least two colors; one for the main wall color and another for architectural trim pieces.

j. Building Colors: Projects with detached structures must provide different color palettes for each structure.

k. Exterior Stairwells: Exterior stairs leading from the ground floor to a second or third story are prohibited.

l. Open Space: Urban dwellings must have minimum of 500 square feet of open space with a dimension of at least 10 feet. The open space must be directly accessible to the urban dwelling it serves. The front yard could not be counted as open space.

m. Courtyards: Urban dwellings that are all new construction, and not an addition, must include a main open space courtyard with a minimum area of 1,000 square feet or 10 percent of the lot area and with a minimum width and depth of 20 feet, whichever is larger. The main courtyards must be open to the sky but may include the following permitted projections: Eaves may project up to three feet into the main courtyard. Exterior, unenclosed building elements such as stoops, balconies and open stairs may encroach three feet into the courtyard. If mechanical or utility equipment is placed in the courtyard, it must be screened visually and acoustically and must not encroach into the required courtyard area. Mechanical or utility equipment can be in private open spaces. Courtyards must be accessible from the public right of way and each ground floor unit. Courtyards must be visible from the street with a minimum 10-foot-wide opening that is open to the sky. For openings less than 18 feet in width into courtyards, the depth of the opening must not exceed twice the width of the opening. All primary entrances to ground floor units must be accessed from the street frontage or courtyard. The sum of all private open space within a courtyard is limited to a maximum of 125 square feet or 25 percent of the courtyard, whichever is less. The courtyard must be surrounded by structures on at least two sides.

n. Architectural Styles: Urban dwellings must either be Spanish Colonial Revival or Craftsman in style.
o. Spanish Colonial Revival Design Elements: Urban dwellings designed in a Spanish Colonial Revival style must meet the following requirements:

1. Spanish Colonial Revival Massing: The massing for a Spanish Colonial Revival house must be "L" shaped in nature with a gable or hip parallel to the street.

2. Spanish Colonial Revival Window and Door Composition: Windows and doors must be placed asymmetrically. The buildings must reflect the following approved proportions.

3. Spanish Colonial Revival Eave Detail: Second floor eaves must be at least 10 inches in depth. Any shallower eaves must be constructed of the building wall material or molded plaster. Eaves must meet the design requirements depicted below.
(4) Spanish Colonial Revival Porches: Porches must be designed as patios or loggias. The minimum depth must be 8 feet. The patio or loggia must be defined either plaster arches with plaster columns, of plaster arches with cast stone columns. Porch floors must be paved with stained concrete, terra cotta tile, or brick. Columns, posts, and arches must use the standard drawings, below.

(5) Spanish Colonial Revival Balconies: If balconies are included, they must project out from the structure. Balconies made of metal must be no more than two feet deep. Balconies deeper than two feet must be made of wood. Wood balconies must use the design below.
(6) Spanish Colonial Revival Windows: Windows must have a vertical or horizontal pane configuration. Windows surrounded by stucco must be recessed to create the illusion of thicker walls. Below is the required window recessing detail.

(7) Spanish Colonial Revival Doors: Doors must be made of stained or painted wood. Doors must be either a plank/board design or a panel door, recessed. Doors must be of one of the styles below.
(8) Spanish Colonial Revival Trim: When windows are recessed less than four inches a trim is required. Trim must be above and below the window.

(9) Spanish Colonial Revival Shutters: Shutters must be used on windows that are taller than they are wide, except for fixed picture windows. Shutters must be of one of the two designs. For windows more than two feet wide, two shutters must be provided. Each shutter must be half the width of the window. For windows more than two feet wide, or less, shutters are not required.

p. Craftsman Design Elements: Urban dwellings designed in a Craftsman style must meet the following requirements:

(1) Craftsman Massing: The massing for a Craftsman house must be “L” shaped in nature with a front facing gable roof containing any second story (if applicable). A in-line gabled porch or wing must be added to the front leg of the L to create an asymmetrical form. The roof pitch must be at or between 4:12 and 6:12.

(2) Craftsman Window and Door Composition: The buildings must reflect the following approved proportions. The placement of windows and doors must be asymmetrical. When more than one window is placed in an unarticulated section of an elevation, the windows must occur in pairs, or as sidelights to an oversized ground floor window. Entrance doors must have a width greater than 36 inches. This can be accomplished by adding side lites. Double doors are not permitted.
(3) Craftsman Materials: Wood or fiber cement board must be used. Additional accent materials are limited to river rock, brick, clinker brick, or a combination of these (clinker brick). The shingle or board exposure must range between three and six inches. When corner boards are used, they must have an exposure of four to six inches.

(4) Craftsman Eave Detail: Eaves must range in depth from 18 to 32 inches. Eaves must meet the design requirements depicted below.

(5) Craftsman Porches: The minimum depth of the porch on the front unit must be 8 feet. Eaves on the porch must be at least 1.5 to 2 feet in depth. Porches roofs must be one of the following – gable, hipped, or shed. Porch roofs must have a pitch between 3:12 to 4:12. Columns, posts, and arches must use the standard drawings, below.
(6) Craftsman Balconies: Balconies are not permitted.

(7) Craftsman Windows: Windows must not be taller than they are wide, unless the window is a picture window set between to smaller, vertical, casement or hung windows. Horizontal windows are allowed in bathrooms. All windows, except the aforementioned horizontal windows, must be casement or hung windows. All windows must have muntins unless the window has a dimension less than 2 feet. Window muntin pattern must be 2 over 1, 3 over 1, or 4 over 1. All windows must be recessed. Below is the required window recessing detail.

(8) Craftsman Doors: Doors must be made of stained or painted wood. Doors must be either a plank/board design or a panel door, recessed. Doors must have a glazed, top portion. Doors must be of one of the styles below.
(9) Bungalow Trim: All windows must have a trim around the top, bottom, and sides. All trim must match that shown in “Craftsman Windows”, above.

(10) Bungalow Shutters: When shutters are used, they must be half the width of the window.

7. Exceptions to Objective Standards: Any 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 must be set aside. Objective zoning standards will be set aside in the following order until the site can contain two, 800 square foot units.

   a. Lot coverage
   b. Floor area ratio
   c. Tree Preservation
   d. Open space
   e. Courtyard
   f. Second floor step backs
   g. Front of the lot floor area ratio
   h. Articulation
   i. Maximum number of stories. If waiving of all the above requirements do not provide for an 800 square foot unit, the building may exceed
the maximum number of stories. After exceeding the maximum number of stories, the applicant must then replace the above objective standards in the opposite order until the unit size is reduced to 800 square feet.

B. Urban Lot Splits: The following requirements apply to urban lot splits in accordance with Government Code Section 66411.7:

1. Applicability:

   a. R-1 Zoning: Any proposed urban lot split must be located within the R-1, single-family zone.

   b. Historic Designation: Any proposed urban lot split must not be located within a historic district or property included on the State Historic Resources Inventory, see 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.

   c. Demolition and Alteration: A proposed urban lot split must not 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.

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

   d. Development of Adjacent Sites: 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.

   e. Other Instances:

      (1) A proposed urban lot split must not be on a parcel that satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

      (2) A proposed urban lot split must not be on 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 applies.

2. Ministerial Review: Proposals for urban lot splits will be reviewed ministerially, without discretionary review or a hearing per Section 66411.7 of the Government Code.

3. Comply with Subdivision Map Act: Urban lot splits must conform to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as expressly provided in this section.

4. Dedication and Off-Site Improvements: A dedication of rights-of-way or the construction of offsite improvements for the parcels being created cannot be required as a condition of issuing a parcel map.

5. Fire Department & Utility Easements: An easement must be provided over the front parcel to the rear parcel for access to the public right of way, providing public services and facilities, maintenance of utilities, and (if required) fire department access.

6. Owner Occupied: The applicant for an urban lot split must sign an affidavit stating that the applicant will 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.

7. Short Term Rentals Prohibited: The rental of any unit created by an urban lot split must be for a term longer than 30 days.

8. Residential Uses, Only: All uses allowed on a site subdivided as an urban lot split must be limited to residential uses. This does 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.

9. Non-Conforming Zoning Conditions: Nonconforming zoning conditions are not required to be made conforming before approving an application.

10. Bi-Annual Inspection: The property owner must provide for an inspection every six months for the first three years to ensure the property owner is living onsite. The property owner must pay the special inspection fee as set forth in the City’s fee and fine resolution.

11. Objective Development Standards: The following objective development standards apply to urban lot splits:
a. Size and Number: The parcel map subdividing an existing parcel must 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. The subdivision must not be done in a manner that leaves one lot with more than two units including existing and proposed main dwellings, ADUs, and JADUs.

b. Minimum Size: Both newly created parcels created by an urban lot split must be no smaller than 1,200 square feet.

c. Setbacks:
   
   (1) Existing Structures: No setback is required for an existing, permitted structure or a structure constructed in the same location and to the same dimensions as an existing, permitted structure.

   (2) New Structures and Additions: The minimum setback from the side and rear property line is four feet.

d. Building Separation: The units or structures involved in an urban lot split may be attached or detached provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

e. Building Official Review: The City will deny a proposed 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.

f. Driveways and Parking: A proposed urban lot split must not provide any onsite parking (including garages, carports, and parking on driveways). Any hardscape more than 8 feet in width and 18 feet in depth is not permitted on a site with an urban lot split. Prior to issuance of a building permit the applicant must obtain an encroachment permit to remove an existing driveway. Prior to finaling of building permits and granting of a certificate of occupancy the driveway apron in the public right of way must be removed and repaired.

g. Conjunction with Urban Dwellings: Only structures that meet the requirements of urban dwellings are allowed on urban lot splits.
h. Disclosures:

(1) At the time of sale, a site with an urban dwelling must disclose to the seller:

a. The site is not eligible for overnight parking permits;

b. The site must not be used for short term rentals;

c. The property owner must provide for an inspection every six months for the first three years to ensure the property owner is living onsite. The property owner must pay the special inspection fee in the City’s fee and fine resolution;

d. The property owner must provide all necessary information to the City, required in the annual housing element report;

e. The site must be used for affordable housing per the recorded covenant; and

f. The site cannot be the subject of future urban lot splits.

SECTION 6: TCMC Chapter 9-2 (SUBDIVISION REGULATIONS) is amended to add Section 9-2-20 (URBAN LOT SPLIT PROCEDURE) as follows:

The provisions of this section apply to the processing of urban lot splits.

A. Application: An application for the urban lot split must be filed and reviewed pursuant to 9-1C-5-B. All applications must include a tentative parcel map and the applicable review fees

B. Approval Authority: The community development director ("director") acts on all urban lot splits and has the authority to interpret and establish guidance and procedures for the approving and finalizing tentative parcel maps for such urban lot splits, in a manner consistent with state and local law.

C. Public Hearing: Urban lot splits do not require a public hearing.

D. Notice: Notice is not required for an urban lot split.

E. Staff Review: The director will circulate the application for an urban lot split, together with the tentative map, to affected city departments for review and comment. Staff will transmit to the applicant for review and consideration comments from the city departments.

F. Approval: If the application for the urban lot split meets all the requirements of 9-1T-21-B, the director will approve the urban lot split ministerially and without a
public hearing. The action of the director upon an urban lot split application is final and conclusive, in the absence of an appeal.

G. Appeal of Director’s Decision: Decisions of the director may be appealed to the Planning Commission in compliance with section 9-1C-5-G.

SECTION 7: The City Council finds that this Ordinance is not subject to environmental review under the California Environmental Quality Act ("CEQA"). Senate Bill 9 (Atkins) states that an ordinance adopted to implement the rules of Senate Bill 9 is not considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code. (See Government Code sections 65858.21(j) and 66411.7(n).

SECTION 8: The City Council finds and declares that the adoption and implementation of this ordinance is necessary to address the danger to public health, safety, and general welfare as articulated above, and to immediately provide provisions to implement SB 9, which take effect on January 1, 2022. The City Council therefore finds and determines that this ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

SECTION 9: The City Clerk shall certify to the passage and adoption of this Ordinance and to its approval by the Mayor and shall cause the same to be published according to law.

PASSED, APPROVED, AND ADOPTED this 21st day of December, 2021

________________________________________
Vincent Yu, Mayor

ATTEST: APPROVED AS TO FORM:

________________________________________
Peggy Kuo, City Clerk

________________________________________
Greg Murphy, City Attorney
ORDINANCE NO. 21-1059

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
TEMPLE CITY, CALIFORNIA, AMENDING TITLE 3,
CHAPTER 3, AND TITLE 9, CHAPTERS 1 AND 2, OF THE
TEMPLE CITY MUNICIPAL CODE TO PROVIDE FOR
URBAN DWELLINGS AND URBAN LOT SPLITS

WHEREAS, the City of Temple City ("City") has adopted a General Plan to ensure
a well-planned and safe community; and

WHEREAS, protection of public health, safety, and welfare is fully articulated in
the General Plan; and

WHEREAS, State law requires that the Temple City Zoning Code, found in Title 9,
Chapter 1 of the Temple City Municipal Code ("TCMC"), conform with the General Plan's
goals and policies; and

WHEREAS, it is necessary from time to time to update the zoning ordinance to
bring it into conformity with State law and to address public health, safety, and welfare
concerns; and

WHEREAS, Sections 65852.21 and 66411.7 were amended or added to the
Government Code by Senate Bill 9 (SB-9) and goes into effect January 1, 2022; and

WHEREAS, the amended or added code sections require cities to ministerially
approve urban lot splits and the construction of up to two residential units ("Urban
Dwellings") within the "Urbanized Area" of the City, as designated by the US Census
Bureau, subject to certain limitations; and

WHEREAS, Government Code Sections 66411.7(a) limits eligibility of urban lot
splits by size and proportionality; and

WHEREAS, Government Code Sections 65852.21(a)(2) and 66411.7(a)(3)(C)
limits such urban lot splits and construction to sites that are not located on or within certain
farmland, wetlands, very high fire hazard severity zones, hazardous waste sites,
earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified
for conservation, habitats for protected species, and historic properties; and

WHEREAS, Government Code Sections 65852.21(a)(3) through (a)(5), limits
eligibility of such construction of secondary units that proposes to demolish or alter
housing subject to affordability restrictions, housing subject to rent or price controls,
housing that has been occupied by a tenant in the last three years, housing that has been
withdrawn from rent or lease within the past 15 years, and housing that requires
demolition of existing structural walls unless authorized by local ordinance or has not
been tenant-occupied within the past 3 years; and
WHEREAS, Government Code Sections 66411.7(a)(3)(D) also limits eligibility of an urban lot split that proposes to demolish or alter housing subject to affordability restrictions, housing subject to rent or price controls, housing that has been occupied by a tenant in the last three years, housing that has been withdrawn from rent or lease within the past 15 years, and housing that requires demolition of existing structural walls unless authorized by local ordinance or has not been tenant-occupied within the past 3 years; and

WHEREAS, Government Code Sections 65852.21(a)(6) and 66411.7(a)(3)(E) allows a city to deny an urban lot split for properties within an historic district or listed on the State’s Historic Resource Inventory 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; and

WHEREAS, Government Code Sections 65852.21(b) and 66411.7(c) allows a city to establish objective zoning standards, objective subdivision standards, and objective design review standards, if it does not conflict with state law; and

WHEREAS, such objective zoning standards, objective subdivision standards, and objective design review standards may not have the effect of “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”; and

WHEREAS, Government Code Sections 65852.21 and 66411.7 allow a city to deny a proposed housing development or urban lot split if the 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; and

WHEREAS, the City desires to adopt an ordinance that addresses the procedures for such Urban Dwellings and Urban Lot Splits, and provides objective standards, in accordance with State law; and

WHEREAS, Temple City Municipal Code section 9-1C-6.I.7.a provides the specific procedures for adopting such an ordinance.

THEREFORE, THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ORDAINS AS FOLLOWS:

SECTION 1: Zoning Amendment Findings Per Section 9-1C-6.I.7.a: The City Council finds:

A. The proposed amendment is consistent with the general plan and any applicable specific plan as provided by Government Code section 65860;

The proposed ordinance’s provisions are required to bring the City’s municipal code into compliance with the addition of Section 65852.21 and 66411.7 to the
Government Code as instituted by SB-9 (Atkins). These provisions allow for urban dwellings and urban lot splits. This allowance conflicts with General Plan Land Use Element of the City, which sets density standards for the low-density residential zone. This Ordinance seeks to complement state law to minimize its impact on the community and thereby comply with the following land use goals and policies:

**LU 4.1 Development Compatibility.** Require that development is located and designed to assure compatibility among land uses, addressing such elements as building orientation and setbacks, buffering, visibility and privacy, automobile, and truck access, impacts of noise and lighting, landscape quality, and aesthetics.

**LU 4.7 Development that is Compatible.** Require that development demonstrates a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, buffering, arrangement of shared and private open spaces, visibility, privacy, automobile, and truck access, impacts of noise and lighting, landscape quality, infrastructure, and aesthetics.

**Goal LU 7: Sustainable Built Environment.** A built environment that contributes to a sustainable environment, minimizes consumption of scarce environmental resources, and reduces greenhouse gas emissions.

**LU 8.3 Housing Type Distribution.** Promote an equitable distribution of housing types for all income groups throughout the City and promote mixed-income developments to avoid concentrations of below-market-rate housing in particular areas.

Urban dwelling and urban lot splits offer a distinct opportunity to provide affordable housing in a distributed manner. The City’s Housing Element has a program to investigate an inclusionary housing ordinance which could result in affordable housing, but given that the City’s multi-family zones are clustered, this would result in a less diverse distribution of affordable housing. Urban dwellings and urban lot splits provide a unique opportunity to provide affordable housing in a distributed manner, especially affording an opportunity to insert it into single-family neighborhoods.

**LU 8.4 Affordable Housing Provision.** Encourage the integration of affordable housing units within larger developments to meet the housing needs of the community and larger region, as specified by the General Plan Housing Element.

**LU 9.1 Neighborhood Conservation.** Maintain the character, amenities, and scale of Temple City’s residential neighborhoods, recognizing their contribution to the City’s identity, economic value, and quality of life.

**LU 9.2 Neighborhood Character.** Maintain elements of residential streets that unify and enhance the character of the neighborhood including parkways, street trees, and compatible setbacks.
LU 9.3 New Residential Development. Accommodate the development of new residential development that is well-conceived, constructed, and maintained in a variety of types and densities, scales, and costs.

9.4 Housing Additions and Replacement. Require that additions to and/or replacement of existing housing units are located and designed to reflect the unique neighborhood character and qualities including lot size; building form, scale, and massing, and relationship to street frontages; architectural design; and landscaped setbacks.

LU 9.7 Connected Neighborhoods. Ensure safe and convenient pedestrian and bicycle connectivity between residential neighborhoods and commercial centers, recreation and open spaces, schools, workplaces, and other community activity centers.

LU 10.2 Second Units. Allow second units in single-family residential districts as required by state legislation.

Goal M 1: Livable Streets. A balanced transportation system that accommodates all modes of travel safely and efficiently while considering the community context of all transportation investments.

M 1.1 Complete Streets. Require that the planning, design, and construction of all transportation projects consider the needs of all modes of travel to create safe, livable, and inviting environments for pedestrians, bicyclists, motorists, and public transit users of all ages and abilities.

B. The proposed amendment will not be detrimental to the public health, safety, or welfare of the city; and

The proposed ordinance includes multiple provisions to reduce the impact of subsequent development on the general welfare, this includes design standards and objective zoning standards. Under State law, the Building Official can deny any subsequent project if it has a negative impact on public health and safety that cannot be mitigated.

C. The proposed amendment is consistent with other applicable provisions of this Zoning Code.

The proposed ordinance modifies multiple sections of the Temple City Municipal Code to ensure that the entire Code is consistent internally and with State law. Therefore, this finding can be made.

SECTION 2: Section 3-3A-23 (ISSUANCE OF OVERNIGHT PARKING PERMITS) of the TCMC is amended to add subsection 3-3A-23.B.1.i, as shown in underline below:

B. Review By Issuing Officer:
1. Review And Issuance: Upon the filing of a complete application for an overnight parking permit or the transfer of such permit, the issuing officer shall review the application and, within ten (10) business days of the filing, determine whether to issue the permit or deny the application. The issuing officer shall issue the requested overnight parking permit unless any one or more of the following facts is determined:
   a. The issuing officer determines that the application is not complete, or the information is incorrect or invalid.
   b. The applicant is not the registered owner.
   c. The vehicle does not have a valid California registration or proof of insurance. The issuing officer may issue not to exceed six (6) months parking permits to a vehicle with valid out of state vehicle registration and proof of insurance.
   d. The vehicle is not eligible for an overnight parking permit, as provided under this part.
   e. Issuance of the permit would cause the number of overnight parking permits assigned to the residence to exceed the maximum allowable under this part.
   f. An inspection of the onsite parking at the residence and on street parking within the area concludes that onsite parking is or should be available at the residence; or the owner refused permission to grant access to the property for the purpose of the inspection.
   g. The owner fails to pay the required overnight parking fee.
   h. The vehicle has outstanding unpaid parking tickets.
   i. The vehicles are registered to a site that has undergone an urban lot split or has an urban dwelling as defined in Section 9-1A-12 of the Temple City Municipal Code).

SECTION 3: Section 9-1A-12 of the TCMC (DEFINITIONS) is amended to add the following definitions in alphabetical order within Section 9-1A-12.

| PICTURE WINDOW | A window on an elevation facing the front yard that is larger than the adjacent windows or the largest window on the front facing façade. Picture windows either have less panes of glass than the adjacent windows or do not have any muntins. Examples of a picture window includes: |
| URBAN DWELLINGS | Dwelling units established in accordance with Section 65852.21 of the Government Code and Section 9-1T-21 of the Temple City Municipal Code. |
SECTION 4: Table 9-1G-2 (Land Uses and Permit Requirements for Residential Zone Districts) of the TCMC is amended by adding the following uses in alphabetical order within Table 9-1G-2. All other contents of this Table 9-1G-2 will remain unchanged.

<table>
<thead>
<tr>
<th>Land Uses or Activities</th>
<th>R-1</th>
<th>Notes/Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Dwellings</td>
<td>Y</td>
<td>9-1T-21</td>
</tr>
<tr>
<td>Urban Lot Splits</td>
<td>Y</td>
<td>9-2-20</td>
</tr>
</tbody>
</table>

SECTION 5: TCMC Article 9-1T (SPECIAL USES) is amended to add Section 9-1T-21 as follows:

“9-1T-21: Urban Dwellings and Urban Lot Splits:

A. Urban Dwellings: The following requirements apply to urban dwellings in accordance with Section 65852.21 of the Government Code:

1. Applicability:
   a. R-1 Zoning: Any proposed urban dwelling must be located within the R-1, single-family zone.
   b. Historic Designation: Any proposed urban dwelling must not be located within a historic district or property included on the State Historic Resources Inventory (see 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.
   c. Demolition and Alteration: A proposed urban dwelling must not 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.

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

   d. Limit on Demolition: A proposed urban dwelling must not demolish more than 25 percent of the existing exterior structural walls. This does not apply if the housing development has not been occupied by a tenant in the last three years.

   e. Other Instances:
(1) A proposed urban dwelling must not be on a parcel located in the areas specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(2) A proposed urban dwelling must not be on 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 applies.

2. Ministerial Review: Proposals for urban dwellings will be reviewed ministerially, without discretionary review or a hearing, through the zoning clearance process.

3. Short Term Rentals Prohibited: The rental of any urban dwelling must be for a term longer than 30 days.

4. Objective Zoning Standards:
   
a. R-1 Standards: The standards within Section 9-1G-12 (R-1 Zone District Residential Development Standards) apply to proposals for urban dwellings. In the case of conflict between this Section and any other section of Chapter 9-1 (Zoning Code), the provisions of 9-1T-21 will apply.

b. Number of Units: The parcel for the proposed urban dwelling must contain no more than two units. Existing and proposed ADUs and JADUs will be counted toward the maximum number of units. An urban dwelling 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.

c. Maximum Size: The maximum size of an urban dwelling must not exceed 800 square feet.

d. Minimum Size: The minimum size of an urban dwelling is 500 square feet.

e. Setbacks:

   (1) Existing Structures: No setback is required for an existing, permitted structure or a structure constructed in the same location and to the same dimensions as an existing, permitted structure.

   (2) New Structures and Additions: The minimum setback from the side and rear property line is four feet.
f. Height:

(1) New Structures: An urban dwelling must not be more than one-story. The maximum height must not exceed 18 feet. The distance from the ceiling to the finished floor must not exceed eight feet. Vaulted ceilings are not permitted.

(2) Additions: An urban dwelling can be added to a site with an existing two-story structure. In such instances the entirety of the addition must meet the requirement of subsection “1” above.

(3) Conversions: In cases where an urban dwelling is being added by subdividing an existing structure, the height requirements of subsection “1” above do not apply.

(4) Exceptions: Projects that are exempt from the one-story height limit due to the 800-square foot exemption must not exceed 25 feet in height with a maximum top plate height of 18 feet. If a third floor is necessary to meet the 800-square foot requirement the third floor must be completely subterranean; the ceiling must be below the natural grade.

g. Floor Area Ratio: The floor area ratio incentive bonuses found in 9-1G-15 do not apply to urban dwellings.

h. Second Floor Stepbacks: Projects that are exempt from the one-story height limit due to the 800-square foot exemption, must stepback the second and third floor four feet from the ground floor. This rule applies to only to the side yard, rear yard, and street side yard elevations.

i. Building Separation: The units or structures within an urban dwelling may be attached or detached. Detached structures must meet building code safety standards and are sufficient to allow separate conveyance.

j. Driveways and Parking: A proposed urban dwelling must not provide any onsite parking (including garages, carports, and parking on driveways). Any hardscape more than 8 feet in width and 18 feet in depth is not permitted on a site with an urban dwelling. Prior to issuance of a building permit the applicant must obtain an encroachment permit to remove an existing driveway. Prior to finalizing of building permits and granting of a certificate of occupancy the driveway apron in the public right of way must be removed and repaired.
k. Building Official Review: The City will deny a proposed urban dwelling 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. The decision of the building official may be appealed to the Planning Commission in compliance with section 9-1C-5-G.

l. Affordability: Urban dwellings must be continuously maintained as "affordable" housing for a period of not less than 30 years from the date of first occupancy. Urban dwellings must be occupied by low or very low-income households. (Low income is defined as 50 percent of the average median income for the Los Angeles/Long Beach Metropolitan Area). The maximum amount of rent, which may be charged, is 30 percent of the total household income or 30 percent of the income limit for low-income households, whichever is less. Every occupant of an urban dwelling must be qualified for eligibility based upon annual tax returns. Said restriction must be set forth in a recorded covenant or deed restriction. The property owner must provide documentation to the City on an annual basis relative to eligibility. The owner must agree to evict any tenant who does not meet the eligibility requirement. When the applicant lives onsite, they will be exempt from this requirement. The community development director is authorized to establish forms, policies, and procedures, to implement this affordability requirement.

m. Sub-Leasing: In accordance with Table 9-1G-2, only one bedroom within an urban dwelling can be rented.

n. Tree Preservation: In cases where an addition or new construction is being proposed to provide for urban dwelling, the property owner must not remove any mature trees onsite. A mature tree is defined as trees with a diameter-at-breast-height (DBH) of 19 inches or greater. A removal includes moving a tree or removing more than one-third of a tree’s vegetation. In addition to preservation of the tree, the owner must record a covenant showing the location of the mature tree, stating that all reasonable precautions have been made to preserve the tree, requiring all trimming of the tree to be overseen by a licensed arborist, prohibiting the tree from being topped, and that the City must approve of any removal of the tree. If removal of a tree is required to provide a minimum 800 square foot unit, the owner must meet the requirements of Section 9-1N-8 (Tree Replacement Requirements).
o. LEED Platinum Certification: Prior to the city releasing a certificate of occupancy, the property owner must demonstrate that the property has achieved LEED Platinum certification. This requirement does not apply to conversions of and additions to existing buildings.

p. Disclosures: At the time of sale, a site with an urban dwelling must disclose to the seller:

1. The site is not eligible for overnight parking permits;
2. The site must not be used for short term rentals;
3. The property owner must provide all necessary information to the City, required in the annual housing element report; and
4. The site must be used for affordable housing per the recorded covenant.

5. Objective Design Standards for Additions: Additions or new structures added to sites where an existing structure will be retained must match the architectural style of the main dwelling including but not limited to the roof pitch, window size, proportion of window units to wall size, direction of window opening, muntin pattern, exterior building materials, lighting fixtures, and paint colors.

6. Objective Design Standards for New Construction: The following standards apply to all new construction, not additions:

a. Front Façade Articulation: Front elevations must include at least two of the following: porch, canopy, bay window, awning, chimney, or courtyard. The porch or courtyard must be at least five feet deep.

b. Entrances: The front entrance to all units must be either recessed or protrude a minimum of five feet from the front wall. The front recessed entry or porch area must be covered.

c. Side and Rear Articulation: No wall along a side-, rear-, or street side-yard may extend more than 24 feet without architectural articulation or an offset of at least 2 feet for not less than 8 feet. The eave of the roof must be articulated as well at the same proportion as the wall below. See the images, below. The first image does not meet this requirement, while the second image, does.
d. Quantity of Exterior Materials: All structures must have at least two exterior building wall materials including. The following exterior materials are allowed: stucco, wood, rock/stone, hand-painted tile, brick, or clinker brick. Window and door trim does not count as a second material.

e. Use of stone: Manufactured stone must not be used in place of real stone.

f. Use of brick: Brick veneer must be at least 1.75 inches in depth; half the depth of a standard brick.

g. Quality Materials: Materials made from foam covered by stucco are not allowed.

h. Exterior Materials: When used on the same elevation, wood and stucco must be placed above rock or brick.

i. Two Colors: Buildings must include at least two colors; one for the main wall color and another for architectural trim pieces.

j. Building Colors: Projects with detached structures must provide different color palettes for each structure.

k. Exterior Stairwells: Exterior stairs leading from the ground floor to a second or third story are prohibited.

l. Open Space: Urban dwellings must have minimum of 500 square feet of open space with a dimension of at least 10 feet. The open space must be directly accessible to the urban dwelling it serves. The front yard could not be counted as open space.
m. Courtyards: Urban dwellings that are all new construction, and not an addition, must include a main open space courtyard with a minimum area of 1,000 square feet or 10 percent of the lot area and with a minimum width and depth of 20 feet, whichever is larger. The main courtyards must be open to the sky but may include the following permitted projections: Eaves may project up to three feet into the main courtyard. Exterior, unenclosed building elements such as stoops, balconies and open stairs may encroach three feet into the courtyard. If mechanical or utility equipment is placed in the courtyard, it must be screened visually and acoustically and must not encroach into the required courtyard area. Mechanical or utility equipment can be in private open spaces. Courtyards must be accessible from the public right of way and each ground floor unit. Courtyards must be visible from the street with a minimum 10-foot-wide opening that is open to the sky. For openings less than 18 feet in width into courtyards, the depth of the opening must not exceed twice the width of the opening. All primary entrances to ground floor units must be accessed from the street frontage or courtyard. The sum of all private open space within a courtyard is limited to a maximum of 125 square feet or 25 percent of the courtyard, whichever is less. The courtyard must be surrounded by structures on at least two sides.

n. Architectural Styles: Urban dwellings must either be Spanish Colonial Revival or Craftsman in style.

o. Spanish Colonial Revival Design Elements: Urban dwellings designed in a Spanish Colonial Revival style must meet the following requirements:

1. Spanish Colonial Revival Massing: The massing for a Spanish Colonial Revival house must be “L” shaped in nature with a gable or hip parallel to the street.

![Diagram of L-shaped house]

2. Spanish Colonial Revival Window and Door Composition: Windows and doors must be placed asymmetrically. The buildings must reflect the following approved proportions.
(3) Spanish Colonial Revival Eave Detail: Second floor eaves must be at least 10 inches in depth. Any shallower eaves must be constructed of the building wall material or molded plaster. Eaves must meet the design requirements depicted below.

(4) Spanish Colonial Revival Porches: Porches must be designed as patios or loggias. The minimum depth must be 8 feet. The patio or loggia must be defined either plaster arches with plaster columns, of plaster arches with cast stone columns. Porch floors must be paved with stained concrete, terra cotta tile, or brick. Columns, posts, and arches must use the standard drawings, below.
(5) Spanish Colonial Revival Balconies: If balconies are included, they must project out from the structure. Balconies made of metal must be no more than two feet deep. Balconies deeper than two feet must be made of wood. Wood balconies must use the design below.
(6) Spanish Colonial Revival Windows: Windows must have a vertical or horizontal pane configuration. Windows surrounded by stucco must be recessed to create the illusion of thicker walls. Below is the required window recessing detail.

(7) Spanish Colonial Revival Doors: Doors must be made of stained or painted wood. Doors must be either a plank/board design or a panel door, recessed. Doors must be of one of the styles below.

(8) Spanish Colonial Revival Trim: When windows are recessed less than four inches a trim is required. Trim must be above and below the window.

(9) Spanish Colonial Revival Shutters: Shutters must be used on windows that are taller than they are wide, except for fixed picture windows. Shutters must be of one of the two designs. For windows more than two feet wide, two shutters must be provided. Each shutter must be half the width of the window. For windows more than two feet wide, or less, shutters are not required.
p. Craftsman Design Elements: Urban dwellings designed in a Craftsman style must meet the following requirements:

(1) Craftsman Massing: The massing for a Craftsman house must be “L” shaped in nature with a front facing gable roof containing any second story (if applicable). A in-line gabled porch or wing must be added to the front leg of the L to create an asymmetrical form. The roof pitch must be at or between 4:12 and 6:12.

(2) Craftsman Window and Door Composition: The buildings must reflect the following approved proportions. The placement of windows and doors must be asymmetrical. When more than one window is placed in an unarticulated section of an elevation, the windows must occur in pairs, or as sidelights to an oversized ground floor window. Entrance doors must have a width greater than 36 inches. This can be accomplished by adding side lites. Double doors are not permitted.

(3) Craftsman Materials: Wood or fiber cement board must be used. Additional accent materials are limited to river rock, brick, clinker brick, or a combination of these (clinker brick). The shingle or board exposure must range between three and six inches. When corner boards are used, they must have an exposure of four to six inches.

(4) Craftsman Eave Detail: Eaves must range in depth from 18 to 32 inches. Eaves must meet the design requirements depicted below.
(5) Craftsman Porches: The minimum depth of the porch on the front unit must be 8 feet. Eaves on the porch must be at least 1.5 to 2 feet in depth. Porches roofs must be one of the following – gable, hipped, or shed. Porch roofs must have a pitch between 3:12 to 4:12. Columns, posts, and arches must use the standard drawings, below.

(6) Craftsman Balconies: Balconies are not permitted.

(7) Craftsman Windows: Windows must not be taller than they are wide, unless the window is a picture window set between to smaller, vertical, casement or hung windows. Horizontal windows are allowed in bathrooms. All windows, except the aforementioned horizontal windows, must be casement or hung windows. All windows must have muntins unless the window has a dimension less than 2 feet. Window muntin pattern must be 2 over 1, 3 over 1, or 4 over 1. All windows must be recessed. Below is the required window recessing detail.
(8) Craftsman Doors: Doors must be made of stained or painted wood. Doors must be either a plank/board design or a panel door, recessed. Doors must have a glazed, top portion. Doors must be of one of the styles below.

(9) Bungalow Trim: All windows must have a trim around the top, bottom, and sides. All trim must match that shown in “Craftsman Windows”, above.

(10) Bungalow Shutters: When shutters are used, they must be half the width of the window.

7. Exceptions to Objective Standards: Any 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 must be set aside. Objective zoning standards will be set aside in the following order until the site can contain two, 800 square foot units.
a. Lot coverage

b. Floor area ratio

c. Tree Preservation

d. Open space

e. Courtyard

f. Second floor step backs

g. Front of the lot floor area ratio

h. Articulation

i. Maximum number of stories. If waiving of all the above requirements do not provide for an 800 square foot unit, the building may exceed the maximum number of stories. After exceeding the maximum number of stories, the applicant must then replace the above objective standards in the opposite order until the unit size is reduced to 800 square feet.

B. Urban Lot Splits: The following requirements apply to urban lot splits in accordance with Government Code Section 66411.7:

1. Applicability:

   a. R-1 Zoning: Any proposed urban lot split must be located within the R-1, single-family zone.

   b. Historic Designation: Any proposed urban lot split must not be located within a historic district or property included on the State Historic Resources Inventory, see 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.

   c. Demolition and Alteration: A proposed urban lot split must not 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.
(3) Housing that has been occupied by a tenant in the last three years.

d. Development of Adjacent Sites: 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.

e. Other Instances:

(1) A proposed urban lot split must not be on a parcel that satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(2) A proposed urban lot split must not be on 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 applies.

2. Ministerial Review: Proposals for urban lot splits will be reviewed ministerially, without discretionary review or a hearing per Section 66411.7 of the Government Code.

3. Comply with Subdivision Map Act: Urban lot splits must conform to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as expressly provided in this section.

4. Dedication and Off-Site Improvements: A dedication of rights-of-way or the construction of offsite improvements for the parcels being created cannot be required as a condition of issuing a parcel map.

5. Fire Department & Utility Easements: An easement must be provided over the front parcel to the rear parcel for access to the public right of way, providing public services and facilities, maintenance of utilities, and (if required) fire department access.

6. Owner Occupied: The applicant for an urban lot split must sign an affidavit stating that the applicant will 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.

7. Short Term Rentals Prohibited: The rental of any unit created by an urban lot split must be for a term longer than 30 days.
8. Residential Uses, Only: All uses allowed on a site subdivided as an urban lot split must be limited to residential uses. This does 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.

9. Non-Conforming Zoning Conditions: Nonconforming zoning conditions are not required to be made conforming before approving an application.

10. Bi-Annual Inspection: The property owner must provide for an inspection every six months for the first three years to ensure the property owner is living onsite. The property owner must pay the special inspection fee as set forth in the City’s fee and fine resolution.

11. Objective Development Standards: The following objective development standards apply to urban lot splits:

   a. Size and Number: The parcel map subdividing an existing parcel must 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. The subdivision must not be done in a manner that leaves one lot with more than two units including existing and proposed main dwellings, ADUs, and JADUs.

   b. Minimum Size: Both newly created parcels created by an urban lot split must be no smaller than 1,200 square feet.

   c. Setbacks:

      (1) Existing Structures: No setback is required for an existing, permitted structure or a structure constructed in the same location and to the same dimensions as an existing, permitted structure.

      (2) New Structures and Additions: The minimum setback from the side and rear property line is four feet.

   d. Building Separation: The units or structures involved in an urban lot split may be attached or detached provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

   e. Building Official Review: The City will deny a proposed 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.

f. Driveways and Parking: A proposed urban lot split must not provide any onsite parking (including garages, carports, and parking on driveways). Any hardscape more than 8 feet in width and 18 feet in depth is not permitted on a site with an urban lot split. Prior to issuance of a building permit the applicant must obtain an encroachment permit to remove an existing driveway. Prior to finalizing of building permits and granting of a certificate of occupancy the driveway apron in the public right of way must be removed and repaired.

g. Conjunction with Urban Dwellings: Only structures that meet the requirements of urban dwellings are allowed on urban lot splits.

h. Disclosures:

(1) At the time of sale, a site with an urban dwelling must disclose to the seller:

a. The site is not eligible for overnight parking permits;

b. The site must not be used for short term rentals;

c. The property owner must provide for an inspection every six months for the first three years to ensure the property owner is living onsite. The property owner must pay the special inspection fee in the City’s fee and fine resolution;

d. The property owner must provide all necessary information to the City, required in the annual housing element report;

e. The site must be used for affordable housing per the recorded covenant; and

f. The site cannot be the subject of future urban lot splits.

SECTION 6: TCMC Chapter 9-2 (SUBDIVISION REGULATIONS) is amended to add Section 9-2-20 (URBAN LOT SPLIT PROCEDURE) as follows:

The provisions of this section apply to the processing of urban lot splits.
A. Application: An application for the urban lot split must be filed and reviewed pursuant to 9-1C-5-B. All applications must include a tentative parcel map and the applicable review fees.

B. Approval Authority: The community development director (“director”) acts on all urban lot splits and has the authority to interpret and establish guidance and procedures for the approving and finalizing tentative parcel maps for such urban lot splits, in a manner consistent with state and local law.

C. Public Hearing: Urban lot splits do not require a public hearing.

D. Notice: Notice is not required for an urban lot split.

E. Staff Review: The director will circulate the application for an urban lot split, together with the tentative map, to affected city departments for review and comment. Staff will transmit to the applicant for review and consideration comments from the city departments.

F. Approval: If the application for the urban lot split meets all the requirements of 9-1T-21-B, the director will approve the urban lot split ministerially and without a public hearing. The action of the director upon an urban lot split application is final and conclusive, in the absence of an appeal.

G. Appeal of Director’s Decision: Decisions of the director may be appealed to the Planning Commission in compliance with section 9-1C-5-G.

SECTION 7: The City Council finds that this Ordinance is not subject to environmental review under the California Environmental Quality Act (“CEQA”). Senate Bill 9 (Atkins) states that an ordinance adopted to implement the rules of Senate Bill 9 is not considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code. (See Government Code sections 65858.21(j) and 66411.7(n).

SECTION 8: The City Clerk shall certify to the passage and adoption of this Ordinance and to its approval by the Mayor and shall cause the same to be published according to law.

PASSED, APPROVED, AND ADOPTED this ___ day of ______, 20__.

________________________
Vincent Yu, Mayor
ATTEST:

__________________________________________

Peggy Kuo, City Clerk

APPROVED AS TO FORM:

__________________________________________

Greg Murphy, City Attorney
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.
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.
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.

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.

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.

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

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.

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.

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.

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.

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.

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.

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, including 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 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.
REGULAR MEETING
Tuesday November 9, 2021, 7:30 P.M.
Via Teleconference
www.templecity.us

OPENING MATTERS:

- Call to Order
  Chair Cordes called the Planning Commission Regular Meeting to order at 7:33 p.m. telephonically using the GoToMeeting application.

- Roll Call:
  - PRESENT: Haddad, Lee, O’Leary, Vice-Chair Guan, Chair Cordes
  - ABSENT: None
  - ALSO PRESENT: Community Development Director Reimers, Deputy City Attorney Thuyen, and Planning Secretary Scott.

- Pledge of Allegiance

ORAL COMMUNICATIONS / PUBLIC COMMENT:

CONSENT CALENDAR:


Commissioner Haddad made a motion to approve the minutes of September 28, 2021, listed on the Consent Calendar with a correction. Seconded by Commissioner Lee and approved unanimously by the following votes:

AYES: Commissioner – Haddad, Lee, O’Leary, Vice-Chair Guan, Chair Cordes
ABSTAIN: Commissioner – None
NOES: Commissioner – None
ABSENT: Commissioner – None
2. Ordinance 21-1059: An ordinance amending Title 3, Chapter 3, and Title 9, Chapters 1 and 2, of the Municipal Code in response to SB-9 (Atkins) by providing for urban dwellings and urban lot splits. The Planning Commission will review and make a recommendation to the City Council. The City Council will make the final decision on this project.

Address: R1-1 Single-Family Zone, City of Temple City, County of Los Angeles

Recommendation: Approve the attached resolution, recommending that the City Council find that this project is exempt from CEQA and approve Ordinance 21-1059.

Project Planner: Scott Reimers, Community Development Director, sreimers@templecity.us

Community Development Director Reimers gave a brief presentation.

Chair Cordes thanked staff for the presentation and asked the Commissioners if they had any questions for staff.

Commissioner O’Leary asked if indeed the Ordinance would not allow any parking onsite. Mr. Reimers clarified that parking would not be allowed onsite or offsite. Commissioner O’Leary said this recommendation was good. He also asked if someone does an urban lot split, can they sell the back lot to another person. Mr. Reimers confirmed that this is allowed. Commissioner O’Leary said that this would really limit who would be interested in purchasing a lot with no parking.

Commissioner Haddad stated that parking was the most important part of this Ordinance, for him. He asked if all the R-1 zoned parcels in the City are within areas where the City could not require parking per SB-9. Mr. Reimers said that the areas within a half-mile of Santa Anita Ave. and Lower Azusa Rd. would not be required to having parking under State law. Commissioner Haddad stated that his preference is for the Ordinance to not allow parking.

Commissioner Lee had a question about low-income residents. He asked about the mechanism for ensuring that the residents will be low-income. Mr. Reimers stated that staff has some background on reviewing applications to ensure compliance with low-income requirements. The City will need to produce guidelines on how to implement the low-income housing requirements. Commissioner Lee also asked for clarification about limitations on subdividing adjacent lots. Mr. Reimers clarified that one owner cannot subdivide two lots that are next to each other, but two properties owned by two different entities or persons can be subdivided as an urban lot. Commissioner Lee stated that he appreciated this rule in SB-9.

Vice-Chair Guan asked staff to verify that someone can do multiple lot splits over time if they are not adjacent to each other. Staff stated this was true. She also asked if this ordinance only applies to urban dwellings and lot splits. Staff confirmed that these rules do not apply to any other projects. In reference to parking, she said that since the City cannot require parking in some areas at all then either
the tenants must park on the street, or they do not have a car. Mr. Reimers clarified that overnight parking permits would not be granted to residents of urban dwellings. Commissioner Guan asked what the intent of this was. Mr. Reimers said the intent was to create more open space, reduce congestion, decrease greenhouse gas emissions, and to further comply with State law which intends for these units to be in urban areas with good transit service. Commissioner Guan asked if staff has a system in place to ensure that permits would not be granted to residents of urban dwellings. Staff confirmed that the City can screen out urban dwelling units. Mr. Reimers said that similar rules exist in the Crossroad Specific Plan. Commissioner Guan asked about the architectural styles listed in the Ordinance and whether that would only apply to urban dwelling units. Mr. Reimers confirmed that the limitation on architectural styles would only apply to urban dwellings. She asked if staff has examples for the public to follow in relation to architectural styles. Mr. Reimers said that this was a good idea, and that staff could prepare a handbook for the public.

Chair Cordes wanted to confirm that all the lots involved in an urban lot split would need to comply with the no parking onsite and offsite rule. Mr. Reimers confirmed this was the case. Chair Cordes said he agreed with the approach as it would help alleviate traffic, reduce greenhouse gas emissions, and better utilize the lot toward open space.

Deputy City Attorney Thuyen clarified that the staff’s plan is to have an urgency ordinance and a regular ordinance. This would ensure that local rules would be in place at the time SB-9 came into effect. Staff will clarify an effective date within the ordinances.

Chair Cordes highlighted that completion of this ordinance is just the first step. The City still needs to move forward on initiatives like impact fees. He asked if the staff could do a follow up with the Commission later next year, especially if technical corrections are necessary. Mr. Reimers said that staff can come back next year to report on the implementation of the ordinance.

Commissioner O’Leary said that the City should really strive to have an ordinance in place prior to January 1. Mr. Reimers said that his concern is that the State may continue to adjust laws related to urban lot splits and urban dwellings. If that does happen, then staff will be coming to the Commission with an update to the Zoning Code.

Vice-Chair Guan asked if floor area ratio (FAR) applies to urban dwellings. Mr. Reimers confirmed that FAR does apply to urban dwellings. The two spoke up about larger lots and how those property owners would benefit from building a single-family house with an ADU. In those cases, property owners could build 4,000 square feet. Otherwise, if they built urban dwellings, they would only build 1,600 square feet. On very small lots, if someone wants to build a single-family house, they will max out their living area and FAR very quickly. So, it may be more financially advantageous to build urban dwellings on these lots rather than a single-family house and ADU.

Chair Cordes opened the public comments.

Yu Wen Taylor stated that she was opposed to the prohibition of on-site and off-site parking.
Another public speaker, Min, asked about the maximum square footage allowed, the maximum height, whether a public hearing is required. She also asked for more information about tree preservation.

Bob Chen e-mailed asking for more information about the height limitation, whether a detached ADU was also allowed, LEED requirements, selling a property after it has been split, and removing trees.

Chair Cordes asked Mr. Reimers to respond to the public comments. Mr. Reimers answered the public’s questions. He stated that:

- There is no requirement to have a public hearing to subdivide the lot.
- Trees can be removed if they keep someone from reaching the minimum 800 square feet.
- State law allows for units to be detached or attached.
- LEED, is a national organization that specializes in determining if a structure is environmentally sustainable.
- There is nothing in the code about the size of easements because staff is waiting for Los Angeles County Fire Department to set those requirements.
- The maximum height is 18 feet.
- Owners cannot build more than 800 square feet urban dwellings.
- The property can be sold.

Commissioner Haddad moved to close the public comments. The motion was seconded by Vice-Chair Guan.

Chair Cordes highlighted that there are other options, besides an urban lot split and urban dwelling. It is also possible to build an ADU or JADU. He also highlighted that this ordinance does not change the existing regulations on existing residents. It only sets up rules for urban dwellings, urban lot splits, and the inhabitants of both. He then asked the Commissioners for their comments.

Commissioner O’Leary thanked staff for their work on the ordinance and stated that it was comprehensive. He said that in relation to impact fees, about 30 years ago the fee was $300. Now it is $500. He said that the impact fee needs to be higher and that we need to have a fee on sewer impacts. He said that future residents can get around using Uber. He said he supported the ordinance as presented.

Commissioner Haddad said he could make the findings to approve the resolution. He stated that he heard the public’s input. He said he supports the SB-9 lots not to have parking. He said that over time this will increase the number of people using transit, walking, and biking. This in turn will hopefully result in better infrastructure and services for transit, walking, and biking which will help all residents help improve sustainability. He thanked staff for their efforts.

Commissioner Lee said he could make the findings, as well.

Vice-Chair Guan said she heard the public and understands why staff has made its recommendations and agrees with the staff recommended ordinance. She also stated that it would be beneficial if the ADU laws were relaxed to provide an alternative to urban dwellings and urban lot splits. Specifically,
she recommended that the first 800 square feet of ADUs be exempt from the City’s FAR rules. Deputy City Attorney Thuyen said that any changes to ADU law was outside the scope of the public hearing and would need to be brought back under a different Ordinance. Mr. Reimers stated that staff is expecting to return to the Commission in 2022 with another ADU clean up ordinance.

Chair Cordes thanked staff and the City Attorney’s Office for getting the Ordinance prepared in only six weeks. He also thanked City Council for their direction at the Joint Session. He also thanked the other Commissioners for their insights. He stated that California cities have had a major problem with homelessness and a housing shortage. While SB-9 may benefit to some degree it will drastically change the character of cities. As Planning Commissioners, it is their job to implement SB-9 the best they can while still maintaining the character of the City. He said it improves the prospect of homeownership at affordable rates. He said the Ordinance weeds out businesses that are trying to buy up properties and drive-up prices. He said that the City should be trying to provide housing for the needy, not the greedy. He appreciated requiring projects to meet LEED standards, to improve the environment. He said he appreciates the desire to keep the City’s community character and minimize blight.

Commissioner Haddad made a motion to approve the attached resolution, recommending that the City Council find this project exempt from CEQA and approve Ordinance 21-1059. Seconded by Commissioner O’Leary and carried by the following roll call vote:

AYES: Commissioner – Haddad, Lee, O’Leary, Vice-Chair Guan, Chair Cordes
ABSTAIN: Commissioner – None
NOES: Commissioner – None
ABSENT: Commissioner – None

FUTURE AGENDA ITEMS AND REPORTS:

3. **Community Development Director**
   Community Development Director Reimers gave an update on the housing element changes and stated the mixed use project on Rosemead Blvd had their ground breaking ceremony. He also thanked veterans for their service.

4. **Comments from Commissioners**
   Commissioner Haddad – Commented on the street light pole repair being done in the city and wished everyone a happy Veteran’s Day and Thanksgiving.
   Commissioner O’Leary – Thanked everyone and wished all a happy Veteran’s Day.
   Vice-Chair Guan – Wished everyone a happy Veteran’s Day and Thanksgiving and said she is looking forward to the ordinance modifying rules on ADUs.
   Chair Cordes - Wished everyone a happy Veteran’s Day and Thanksgiving.
   Commissioner Lee – Thanked Director Reimers and Chair Cordes for their service.
ADJOURNMENT:

5. The Planning Commission Meeting was adjourned at 9:12 p.m.

____________________________
Chair

____________________________
Secretary
Senate Bill 9 (SB-9, Atkins) changed California Government Code Sections 6452.6, 65852.21, and 66411.7 to allow for urban lot splits. The following is summary of the law. For the full text of the change, click [here](#).

**What it Allows:**
- One lot can be divided into a maximum of two lots
- Lots must be at least 40 percent the size of the original lot
- Minimum size of new lot is 1,200 square feet
- Each lot can have two units
- ADUs and JADUs are counted toward the maximum
- Each unit can be at least 800 square feet

**Setbacks:**
- Rear and side setbacks can be as little as four feet
- No additional setbacks for existing structures
- No additional setbacks for structures replacing existing structures (new structure must be same size and location)

**Parking:**
- The City cannot require more than one parking space per unit
- The City cannot require any parking if...
  - .5 mile walk to a “high quality transit corridor”
  - .5 mile walk of a “major transit stop”
  - Car share vehicle within 1 block

**Limitations on Demolition:**
- Must not demolish or alter:
  - Legally restricted affordable housing
  - Housing subject to rent control
  - Housing occupied by a tenant within the last three years
- If the site has been rented in the last three years, cannot demolish more than 25 percent of the exterior walls

**Processing Requirements:**
- The City cannot apply subjective rules, such as design guidelines
- Must be approved ministerially
- No discretion can be used in reviewing applications
- No hearing can be required

**Rights of Way & Easements:**
- Cannot require dedication of right of way
- Cannot require construction of offsite improvements
- City can require an easement to the public right of way
Other requirements:
- Cannot be used for short term rentals
- Not required to approve an ADU or JADU, as well
- Structures can be attached
- Owner must sign affidavit that owner will live on-site for 3 years
- Cannot subdivide in the future as an urban lot subdivision
- Same owner cannot subdivide an adjacent site
- City must allow owner to keep non-conforming conditions (e.g. setbacks)
### Income Limits for 2021

<table>
<thead>
<tr>
<th>Number of persons in household</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
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<tr>
<td>Extremely Low</td>
<td>$24,850</td>
<td>$28,400</td>
<td>$31,950</td>
<td>$35,450</td>
<td>$38,300</td>
<td>$41,150</td>
<td>$44,000</td>
<td>$46,800</td>
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<tr>
<td>Very Low</td>
<td>$41,400</td>
<td>$47,300</td>
<td>$53,200</td>
<td>$59,100</td>
<td>$63,850</td>
<td>$68,600</td>
<td>$73,300</td>
<td>$78,050</td>
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<tr>
<td>Low</td>
<td>$66,250</td>
<td>$75,700</td>
<td>$85,150</td>
<td>$94,600</td>
<td>$102,200</td>
<td>$109,750</td>
<td>$117,350</td>
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<td>Median</td>
<td>$56,000</td>
<td>$64,000</td>
<td>$72,000</td>
<td>$80,000</td>
<td>$86,400</td>
<td>$92,800</td>
<td>$99,200</td>
<td>$105,600</td>
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<tr>
<td>Moderate</td>
<td>$67,200</td>
<td>$76,800</td>
<td>$86,400</td>
<td>$96,000</td>
<td>$103,700</td>
<td>$111,350</td>
<td>$119,050</td>
<td>$126,700</td>
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</table>

Los Angeles County Area Median Income: $80,000

Summary of SB-9 (Atkins) Urban Lot Splits

City Council & Planning Commission Special Meeting
October 5, 2021
Summary

1 – Explanation of Urban Lot Splits & SB-9

2 – Sample Site Plans

3 – Options for City Initiatives
1 – Explanation of Urban Lot Splits & SB-9

City Council & Planning Commission Special Meeting
October 5, 2021
SB 9 – Atkins, Urban Lot Splits

What it Allows:

• Converts existing R-1 zones with a max. density of 6 units per acre to approximately 35 units per acre
• 1 single family house can be subdivided into 2 units
• 1 lot can be divided into a max. of 2 lots
• ADUs and JADUs are counted toward the maximum
• Each unit can be at least 800 sq ft
SB 9 – Atkins, Urban Lot Splits

What it Allows:
- New lots must be at least 40% the size of the original lot
- Min. size of new lot is 1,200 sq ft
SB 9 – Atkins, Urban Lot Splits

Location Requirements:
• Must be in an “urban area”
• Must not be within an historic district
SB 9 – Atkins, Urban Lot Splits

Setbacks:
- Rear and side setbacks can be as little as 4 feet
- No additional setbacks for existing structures
- No additional setbacks for replacement structures (new structure must be same size and location)
SB 9 – Atkins, Urban Lot Splits

Parking:
• Cannot require more than 1 parking space per unit
• Cannot require any parking if...
  • .5 mile walk to a “high quality transit corridor”
  • .5 mile walk of a “major transit stop”
• Car share vehicle within 1 block
SB 9 – Atkins, Urban Lot Splits

Limitations on Demolition:

- Must not demolish or alter:
  - Legally restricted affordable housing
  - Housing subject to rent control
  - Housing occupied by a tenant within the last three years
- If rented in the last 3 years, can’t demolish more than 25% of the exterior walls
SB 9 – Atkins, Urban Lot Splits

Prohibits use of subjective*:
  • Design standards
  • Lot subdivision standards
  • Zoning standards

*Subjective = standards that involve no personal or subjective judgment and are uniformly verifiable or involve a uniform benchmark
SB 9 – Atkins, Urban Lot Splits

Processing Requirements:
• Must be approved ministerially*
• No discretion can be used
• No hearing can be required

*Ministerial = a decision involving little or no personal judgment by a public official as to the wisdom or manner of carrying out the action, including the issuance of a permit
SB 9 – Atkins, Urban Lot Splits

• Rights of Way & Easements
  • Can require an easement to the public right of way
  • Cannot require dedication of right of way
  • Cannot require construction of offsite improvements
SB 9 – Atkins, Urban Lot Splits

Other requirements:
• Cannot be used for short term rentals
• Not required to approve an ADU or JADU, as well
• Structures can be attached
• Owner must sign affidavit that owner “intends” to live on-site for 3 years
SB 9 – Atkins, Urban Lot Splits

Other requirements:
• Cannot subdivide in the future as an urban lot
• Same owner cannot subdivide an adjacent site
• Must allow owner to keep non-conforming conditions (e.g. setbacks)
2 – Sample Site Plans

City Council & Planning Commission Special Meeting
October 5, 2021
Lot Dimensions: 50’ x 200’
Lot Size: 10,000 sq ft
Driveway width: 15’
Size of Units: 800 sq ft
Density: 17 units/acre
Lot coverage: 40.4%
<table>
<thead>
<tr>
<th>Site Plan</th>
<th>2.A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Dimensions</td>
<td>50' x 150'</td>
</tr>
<tr>
<td>Lot Size</td>
<td>7,500 sq ft</td>
</tr>
<tr>
<td>Driveway width</td>
<td>20'</td>
</tr>
<tr>
<td>Size of Units</td>
<td>1,400 sq ft</td>
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<tr>
<td>Density</td>
<td>23 units/acre</td>
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<tr>
<td>Lot coverage</td>
<td>42.9%</td>
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<tr>
<td>Floor area ratio</td>
<td>.86</td>
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2.B

Site Plan

<table>
<thead>
<tr>
<th>Lot Dimensions</th>
<th>50' x 150'</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>7,500 sq ft</td>
</tr>
<tr>
<td>Driveway width</td>
<td>15'</td>
</tr>
<tr>
<td>Size of Units</td>
<td>1,500 sq ft</td>
</tr>
<tr>
<td>Density</td>
<td>23 units/acre</td>
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<tr>
<td>Lot coverage</td>
<td>45.6%</td>
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<tr>
<td>Floor area ratio</td>
<td>.91</td>
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</table>
### Site Plan 2.C

<table>
<thead>
<tr>
<th>Feature</th>
<th>Details</th>
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<tbody>
<tr>
<td>Lot Dimensions</td>
<td>50’ x 150’</td>
</tr>
<tr>
<td>Lot Size</td>
<td>7,500 sq ft</td>
</tr>
<tr>
<td>Driveway width</td>
<td>15’</td>
</tr>
<tr>
<td>Size of Units</td>
<td>800 sq ft</td>
</tr>
<tr>
<td>Density</td>
<td>23 units/acre</td>
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<tr>
<td>Lot coverage</td>
<td>27%</td>
</tr>
<tr>
<td>Floor area ratio</td>
<td>.43</td>
</tr>
</tbody>
</table>

- Lot Dimensions: 50’ x 150’
- Lot Size: 7,500 sq ft
- Driveway width: 15’
- Size of Units: 800 sq ft
- Density: 23 units/acre
- Lot coverage: 27%
- Floor area ratio: .43
Lot Dimensions: 50' x 150'
Lot Size: 7,500 sq ft
Driveway width: None
Size of Units: 800 sq ft
Density: 23 units/acre
Lot coverage: 53%

1,700-2,500 s.f open space (min required: 1,500 s.f.)
Lot Dimensions: 50’ x 100’
Lot Size: 5,000 sq ft
Driveway width: 12’
Size of Units: 800 sq ft
Density: 35 units/acre
Lot coverage: 40.4%
Floor area ratio: .64
Lot Dimensions: 90' x 70'
Lot Size: 6,300 sq ft
Driveway width: 12'
Size of Units: 1,250 sq ft
Density: 28 units/acre
Lot coverage: 46%
Floor area ratio: .79
Lot Dimensions: 90’ x 70’
Lot Size: 6,300 sq ft
Driveway width: 12’
Size of Units: 800 sq ft
Density: 28 units/acre
Lot coverage: 35%
Floor area ratio: .51
3 – Options for City Initiatives

City Council & Planning Commission Special Meeting
October 5, 2021
SB 9 – Atkins, Urban Lot Splits

Options for City Initiatives:

- **Historic preservation**: Adopt historic preservation ordinance allowing neighborhoods to apply to be historic
Options for City Initiatives:

- **Impact fees**: Establish impact fees to reduce impact on existing infrastructure
SB 9 – Atkins, Urban Lot Splits

Options for City Initiatives:

- **Affordability requirements**: Require units to be affordable

Housing is considered "affordable" when rent or mortgage, plus utilities, is no more than 30% of a household’s gross income.
Options for City Initiatives:

- Parking and traffic: Prohibit on-site and off-site parking
SB 9 – Atkins, Urban Lot Splits

Options for City Initiatives:

- **Environmental impacts:** Reduce environmental impacts by requiring LEED or Pearl certification
SB 9 – Atkins, Urban Lot Splits

Options for City Initiatives:
  • New development standards: Set development standards applicable to urban lot splits
SB 9 – Atkins, Urban Lot Splits

Options for City Initiatives:

- Set new development standards:
  - Max. unit size
  - Max. height
  - Open space
  - Parking
  - Front porch dimensions
- Adjust existing regulations
  - Lot splits
  - Flag lot subdivisions
SB 9 – Atkins, Urban Lot Splits

Options for City Initiatives:
• **Design standards**: Create objective design standards
Next Steps

• November 9 – Planning Commission meeting
• December 7 – City Council hearing on urgency ordinance
• December 8 – City ordinance comes into effect
• January 1 – State law goes into effect
• Urgency & regular ordinance