CITY OF GLENDALE, CALIFORNIA
REPORT TO THE CITY COUNCIL

AGENDA ITEM

Public Hearing: Consideration of Ordinance amending Title 30 of the Glendale Municipal Code, 1995, relating generally to standards for eligible SB9 projects, minimum SB478 floor area ratio standards for certain multi-family housing development projects, and incorporation of State law amendments and minor modifications and clarifications related to junior accessory dwelling units (JADUs) and accessory dwelling units (ADUs).

1. Introduction of Ordinance amending Title 30.

COUNCIL ACTION

Item Type: Action

Approved for November 1, 2022 **calendar**

EXECUTIVE SUMMARY

This report discusses proposed amendments to Title 30 of the Glendale Municipal Code, 1995 – specifically, to establish specific standards for projects meeting the eligibility requirements for Senate Bill 9 (SB9). It also includes other amendments to reflect recent legislation related to Floor Area Ratio (FAR) for certain multi-family projects and incorporation of State law amendments and minor modifications and clarifications related to reviewing and approving accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).

SB9 took effect on January 1, 2022. The state legislation provides for a ministerial process, without discretionary review or a public hearing, to approve Two-Unit Developments as well as lot split Parcel Maps (called Urban Lot Splits) meeting certain criteria on lots zoned for single-family residential. The bill adds two sections to the Government Code, sections 65852.21 and 66411.7, and amends provisions of the State Subdivision Map Act relating to the expiration of subdivision maps (Section 66452.6). This bill required the City to establish standards and processes for review of SB 9 eligible projects.

Accordingly, on December 14, 2021, the City Council adopted Ordinance No. 5981, an urgency ordinance establishing interim standards and ministerial processes for reviewing and approving SB9 projects. Since the urgency ordinance will expire on December 13, 2022, the Council must review these amendments and introduce and adopt the permanent SB 9 ordinance prior to the expiration of the urgency ordinance.

COUNCIL PRIORITIES

Housing: The development of high quality housing is an important goal, especially with respect to providing housing opportunities to all segments of the population. An ordinance setting forth objective zoning, subdivision and design standards for SB 9 projects will promote housing development consistent with the Council's goal of providing a balanced mix of housing opportunities.

RECOMMENDATION

That the City Council review the proposed amendments to Title 30 of the Glendale Municipal Code, 1995, related generally to standards for eligible SB9 projects, minimum SB478 floor area ratio standards for certain multi-family housing development projects, and incorporation of State law amendments and minor modifications and clarifications related to JADUs and ADUs as recommended by the Planning Commission.

BACKGROUND

Senate Bill 9

SB9, known as the California Housing Opportunity and More Efficiency (HOME) Act, has been dubbed by many commentators as the law that will "end single family zoning in California." SB9 allows a property owner to build two units and/or subdivide an existing single-family-zoned parcel into two parcels. It also adds sections 65852.21 and 66411.7 to the Government Code, and requires cities and counties to ministerially approve a housing development containing no more than two residential units (duplex) on a single parcel in single-family zones ("two-on-a-lot" projects). In addition, the bill requires a city to ministerially approve an urban lot split, creating two independent lots that may be sold separately. A property owner able to meet SB9's requirements could potentially combine the two provisions of SB9 to split one existing lot into two and then build two residential units on each new lot, resulting in four residential units where only one was allowed before. To be eligible for an SB9 project, a parcel must meet a specific list of qualifications, discussed below.

SB9 "Two-On-A-Lot" Qualifying Projects

SB9 would allow housing development projects containing no more than two dwelling units on a single-family zoned parcel to be permitted on a ministerial basis, upon satisfaction of qualifying criteria that include the following:

- The project site is in a city or urbanized portion of an unincorporated county (the City of Glendale is such a city);
- The project site is not:
    - Within a Coastal Zone;
    - Prime farmland, or farmland of statewide importance;
    - Wetlands;
    - Within a very high fire severity zone with exceptions (see explanation applicable to the City below);
    - A hazardous waste or hazardous list site;
    - Within a delineated earthquake fault zone with exceptions;
    - Within a 100-year flood zone;
    - Within a floodway;
    - Identified for conservation in an adopted natural community conservation plan;
    - Habitat for protected species; or
    - Lands under conservation easement;
- The project site cannot require demolition or alteration of any housing if:
    - Housing is restricted affordable housing;
    - Subject to rent control; or
    - Contains tenant occupied housing in the last three years;
- The project site cannot be withdrawn from the rental market (i.e., under the Ellis Act) within the past 15 years;
- The project does not propose demolition of more than 25 percent of the existing exterior walls unless either:
    - The local ordinance allows more demolition; or
    - The site has not been occupied by a tenant in the past three years;
- The project site is not within a historic district or property included on the California Historical Resources 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.

A local agency may enact objective zoning, subdivision and design review standards, provided such objective standards do not preclude the construction of either of the two units being at least 800 square feet in floor area. Similar to state ADU/JADU legislation, no setbacks are required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure. In other circumstances, the local agency may require four-foot interior (side and rear) yard setbacks. Parking of no

more than one space per dwelling unit (with no requirement that this be uncovered parking)[1] is allowed, except no parking required for projects:

- Within a half-mile walking distance of a high-quality transit corridor or a major transit stop; or
- Within one block of car share.

Moreover, a local agency is not required to permit an ADU/JADU on parcels that take advantage of both the "two-on-a-lot" and lot split provisions. This means that a local agency may limit a parcel with an *existing* ADU or JADU to using just one, ***not both*** provisions of SB9 (i.e., a parcel with an existing ADU/JADU may split the lot but may not thereafter build two houses on each of the two new lots; a parcel with an existing ADU/JADU may not build any additional units on the lot since it already has two (and in some cases three) units on its lot (the primary dwelling unit and the ADU and/or JADU). This also means that if a parcel without an existing ADU/JADU takes advantage of a lot split, it cannot thereafter build any ADU/JADU on the property because this would be considered a "two-on-a-lot" SB9 project. If a parcel without an existing ADU/JADU builds a "two-on-a-lot" SB9 project and later splits the lot into two lots, it similarly cannot build an ADU/JADU on either of the two new lots.

A local agency may deny a SB9 housing development project if the building official makes written findings that the project would create a "specific adverse impact" upon public health and safety or the physical environment that there is no way to mitigate or avoid, a heightened standard to meet. A "specific adverse impact" means a "significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete."

Additional local agency-applicable regulations include:

- The rental of any unit created must be for a term longer than 30 days;
- The California Coastal Act still applies, except that no public hearing is required for Coastal Development Permits for housing developments pursuant to SB9;
- A local agency may not reject housing solely on the basis that a project proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

[1] State law governing accessory dwelling units specifies that in instances where parking is required, a local agency may not require more than one space per accessory dwelling unit and that this requirement may be satisfied through "tandem parking on a driveway". (Gov't Code § 65852.2(a)(1)(D(x)(I))). State law governing SB 9 housing developments is silent as to whether a local agency may require applicable parking requirements to be satisfied through covered parking (i.e., through construction of a garage), but if a garage is required for a SB 9 housing development under Glendale's Ordinance no design review could be conducted on the garage.

If these criteria are satisfied, the city must approve the project ministerially (i.e., without discretionary review or hearings). Projects approved ministerially are not subject to the California Environmental Quality Act (CEQA) and cannot be required to obtain any discretionary approvals such as design review.

SB9 Lot Split Projects

In addition to permitting two units on a single family lot, the proposed legislation would allow qualifying lot splits to be approved ministerially pursuant to a parcel map, upon meeting a number of criteria, including many of the same criteria for the two units described above. Additional criteria include the following:

- Each parcel must be at least 40 percent of the original parcel's size;
- Each parcel must be at least 1,200 square feet in lot size unless the local agency permits smaller lot size per ordinance;
- There cannot be a sequential lot split on the same parcel, nor can there be a lot split if the owner of the parcel being subdivided (or someone working in concert with that owner) has subdivided an adjacent parcel pursuant to this lot split legislation;
- No right-of-way dedication or off-site improvement may be required;
- The parcel must be limited to residential use;
- An affidavit that the applicant intends to use one of the housing units as a principal residence for at least three years from the date of approval is required;
- The local agency shall not require a condition that requires correction of nonconforming zoning conditions;
- For each parcel created through this legislation, a local agency is not required to permit more than two dwelling units on a parcel.

A local agency may require, as conditions of approval:

- Easements for public services and facilities;
- Access to the public right-of-way;
- Objective subdivision standards.

Senate Bill 478

SB478 prohibits the City from imposing a FAR of less than 1.0 for a housing development project (comprised solely of residential units, a mixed-use development with at least two-thirds of the square footage attributed to residential uses or transitional or supportive housing as defined in the Housing Accountability Act) consisting of three to seven units and a FAR of less than 1.25 for a housing development project consisting of 8 to 10 units. Additionally, the City may not deny a housing development project located on an existing legal parcel solely on the basis that the lot area does not meet the requirement for minimum lot size. To qualify, a project must consist of three to ten units in a multifamily residential zone or mixed-use zone in an urbanized area and cannot be within a single-family zone or within a historic district. SB478 also makes any private development CC&R void and unenforceable if it effectively prohibits or unreasonably restricts an eligible FAR, as authorized under the new FAR standards as summarized above (and now found in Government Code Section 65913.11).

Senate Bill 897 and Assembly Bill 2221

SB897 and AB2221 both relate to local permitting of ADUs.

SB897 increases the minimum height limits that local governments may impose on ADUs. Specifically, SB897 provides minimum height limits of 16 feet (for detached ADUs on same lot with an existing or proposed single-family or multifamily dwelling); 18 feet (for detached ADUs located on lot that is within a half-mile of a major transit stop, *or* detached ADUs on a lot with an existing or proposed multistory, multifamily dwelling); or 25 feet or underlying zone height, whatever is lower (for attached ADUs). The law introduces the potential for two-story ADUs if certain conditions are met, but ensures local agencies are not required to permit three-story ADUs. Lastly, SB897 now clarifies that two detached ADUs may be constructed (and qualify for building permit ministerial review under Subdivision (e)) on lots with *proposed* multifamily dwellings. This change will allow developers to include two detached ADUs in their design and planning processes for new multifamily residential projects.

AB2221 contains clean-up language and clarifications to reduce permitting hurdles for ADU applicants, including:

- Existing law requires local agencies to "act on" an ADU application within 60 days of issuing a "completeness determination," and if not, an ADU application is deemed approved as a matter of law. However, some local agencies have used internal intermediary "actions" (e.g., inter-departmental referrals, issuing design comments) to bypass the 60-day deadline. AB 2221 eliminates that practice by

expressly requiring agencies to "approve or deny" an ADU application within 60 days of the completeness determination.

- Agencies that deny an ADU application must now provide a full set of comments to the applicant with a list of items that are deficient and a description of how the application can be remedied.
- Clarifies that the construction of an ADU does not trigger a change in "Group R" occupancy of the residential building (thereby requiring stricter building code standards), unless the agency makes specific findings that the ADU would create an adverse impact on health and safety.
- Expands the definition of "permitting agency" to include any entity involved in the review of an ADU permit, rather than simply the agency responsible for issuing the permit. This change makes clear that other agency departments, as well as special districts (water, sanitary) are subject to the 60-day deadline following a completeness determination.
- Clarifies that the construction of an ADU (attached or detached) cannot trigger a requirement to install fire sprinklers in an existing multifamily dwelling.
- Finally, AB2221 adds front setbacks to the list of objective development standards that local agencies are precluded from imposing if they would prevent construction of an ADU that is 800 square feet or smaller and adheres to 4 feet of rear and side yard setbacks and revised height limits. Front setbacks remain inapplicable to the "state exempt" class of ADUs found in Subdivision (e) of the state law.

ANALYSIS

SB 9 and 478

SB9 requires ministerial approval, without condition, discretion or a hearing, of a housing development containing no more than two residential units on an individual parcel in single-family zones. It also requires local governments to ministerially approve an urban lot split, creating two independent lots that may be sold separately.

Although SB9 requires the City to ministerially approve certain qualifying projects to build two units on a single family-zoned lot, it does allow a city to enact certain objective standards for “two-on-a-lot” projects. SB9 allows a city to “impose objective zoning standards, objective subdivision standards, and objective design review standards”, as long as these standards do not conflict with other requirements in the legislation. SB9 defines the terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” as “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." Gov't Code § 65852.21(i)(2) (emphasis added). Examples of non-objective (subjective) standards are those that require general compatibility with the architectural style of the home or with the architectural style or pattern of the neighborhood.

A city's objective standards cannot "have the effect of physically precluding the construction of up to two units or . . . physically preclude either of the two units from being at least 800 square feet in floor area." Gov't Code § 65852.21(b)(2)(A). Also, a city cannot require a setback for "existing structures or structures constructed in the same location and to the same dimensions as an existing structure." Id. at § 65852.21(b)(2)(B)(i). In all other circumstances, a city may require a four-foot interior setback. Id. at § 65852.21(b)(2)(B)(ii). With respect to parking, a city may require one off-street space per unit, except in cases where the lot is located within one-half mile walking distance of either a high-quality transit corridor, or a major transit stop (as defined in other laws), or in cases where there is a car share vehicle located within one block of the parcel. Id. at § 65852.21(c)(1)(A-B).

Among other provisions, the proposed permanent Ordinance includes the following provisions:

- Limitation on the two new units to a maximum of 800 square feet;
- Counting an existing or proposed ADU/JADU as a "unit";
- Requiring projects to adhere to objective design standards such as height/stories, setbacks (to the extent allowed to be regulated), roof form, location (e.g. outside front/street-side setback), and others, in order to produce the least impactful high quality design;
- Mandating and enforcing owner-occupancy requirements to the fullest extent permitted by law.

The Ordinance contains additional requirements for SB9 lot splits, as follows:

- Requires lots to front a dedicated and improved public or private street;
- New lot lines shall be at right angles adjacent to the street frontage;
- A minimum lot width of 12 feet (consistent with existing driveway standards for a flag lot); and
- Prohibits lots with double frontage (except on corner lots).

Provisions related to shared driveways and parking include:

- Requirement for parking to share the driveway with the existing residence and prohibits adding an additional separate driveway (exception for when adjacent to

an alley);
- Requirement that development of a SB 9 housing development on vacant land share a singular driveway.

The Ordinance applies the same parking standards to SB 9 housing developments as the current rules for ADUs. While required parking for SB 9 housing developments is not specifically mandated by the state to be uncovered, it is staff's recommendation to allow uncovered parking because enclosed/covered parking would add an additional building to the site, increasing lot coverage and reducing landscaping/open space that would likely exceed all existing zoning standard limits. Additionally, because the enclosed parking would be for the SB 9 housing development, design review is prohibited, making objective design standards more challenging.

Other miscellaneous provisions:

- Prohibits a parcel with a SB 9 unit from also having a guest house or similar;
- Prohibits the location of new construction or any addition for a SB9 unit between an existing or proposed residential dwelling and the street front or street side setback, and
- Requirement for a covenant for a SB9 housing development for reciprocal use agreements to allow for cross-access, cross-drainage, utilities services and parking.

Objective design standards have been developed that govern height and massing, including roof forms and breaks in volume, as well as exterior materials for walls and roofs. For example, a height limit of 12 feet is established for flat roofs and 16 feet for pitched roofs. Standard details are also included for windows, entryways and doors, as well as associated covered porches and patios. Windows must be recessed and require a sill, entry doors must be on the street facing façade and covered porches are limited to 80 square feet. Particular attention has been given to standards to match the new SB 9 unit to the existing residential dwelling, when retained, in terms of roof form and exterior materials. The Ordinance states that ADUs/JADUs are not permitted on a parcel that applies for both a SB 9 housing development and SB9 lot split.

For both an SB9 housing development (two-on-a-lot) and an SB 9 lot split, the Ordinance requires the property owner to execute and record a covenant and agreement. With respect to SB9 housing developments, the fact that there is no prohibition in the state law with respect to owner-occupancy requirements for two-on-a-lot developments (in other words, the state law is silent on that point) is indicative that such a requirement is left open to local regulation.

Given the state law's silence on the issue leading to the presumptive ability of the City of

Glendale to enact an owner-occupancy requirement for SB9 housing developments, the Ordinance requires that a property owner applying for a SB9 housing development covenant to reside in at least one of the residential dwelling units that constitute the non-lot split SB9 housing development, or only rent or lease the property as a single rental property and not rent or lease the residential dwelling units separately from each other (similar to how ADUs were regulated prior to the state changing the law). The state law does not allow a similar owner-occupancy requirement for SB9 lot splits, however, and limits a local agency to requiring a signed affidavit that the owner "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." Government Code Section 66411.7(g)(1). As such, the Ordinance requires such a sworn statement (for SB9 lot split projects) to be incorporated into a covenant and agreement containing other promises by the property owner related to parking and the prohibition of short-term rentals, but specifies that the written statement under penalty of perjury of the property owner's intent to occupy does not run with the land and is only binding and enforceable upon the current property owner.

Another key component of the Ordinance is a procedure for the Building Official to make findings of denial of a SB9 project. These findings must be based upon a preponderance of the evidence, leading the Building Official to conclude that the SB9 project would have a specific, adverse impact (a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete) 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 process in the Ordinance requires the Building Official to review each SB9 project application for such specific adverse impacts, and, if found, the Building Official must draft written findings and make a recommendation of denial of the SB9 project. Upon review of the Building Official's findings and recommendation of denial, the Director of Community Development must issue a written decision to deny the project, and must publish the written decision with the Building Officials' findings on the City's website, which denial is appealable to the Planning Commission, then to the City Council, pursuant to the procedures set forth in Glendale Municipal Code Chapter 30.62. In addition to existing written public health or safety standards, policies or conditions, the Ordinance contains additional standards for potential historic resources (those not listed/designated and those not surveyed as eligible, and thus not part of the State Historic Resources Inventory) that allows the Building Official to deny a SB9 project if there exists substantial evidence that the project will have a substantial adverse effect on a potential resource the City determines to be a historic resource.

The Ordinance does not contain additional standards related to high fire areas with substandard streets. Construction of a SB9 housing development in the existing high and

very high fire hazard severity zones in the City would not prevent the Fire Department from servicing those areas and similarly to accessory dwelling units, a SB9 housing development would not pose a substantial adverse impact on fire safety in these areas. Furthermore, new SB9 housing developments would be required to follow the additional building construction code and standards related to construction in these fire hazard area and must follow the adopted fire mitigation standards of the Building and Safety Code.

In addition to the above SB9 standards, the Ordinance also modifies floor area ratios for certain qualifying projects under SB478.

Other Accessory Dwelling Unit (ADU) amendments, including SB 897 and AB 2221

The California Department of Housing and Community Development (HCD) submitted comments to the City on its ADU Ordinance and requested clarifications related to the location of an ADU within the street side setback, the prohibition of the location of the entry door to an ADU, and the separate sale of an ADU or JADU from its respective primary dwelling.

The Zoning Code prevents the new construction of an ADU between the primary residential dwelling(s) and the street front and street side setback. The intent is to prevent ADUs in the front or street side front yard. The Zoning Code also provides exceptions to this setback restriction with respect to new construction ADUs meeting the requirements of Government Code section 65852.2(e)(1)(B), in GMC section 30.34.080(E)(1) (allowing for a four (4) foot interior setback).

Section 30.34.080(E)(5) limits the addition of a door facing a street in connection with an ADU/JADU. The intent of this prohibition is to prevent, when possible, the negative aesthetic impact to a single-family neighborhood that would result from a dwelling unit that appears to have two front doors (resulting in a “duplex”-looking structure in a neighborhood with a consistent pattern of single-family homes). Similarly, the Zoning Code provides for the same exceptions to this prohibition for ADUs that meet the requirements of Government Code section 65852.2(e)(1)(B).

Regardless, HCD felt additional clarification was needed to make the exceptions to the setback and additional door restriction clearer, so language to Section 30.34.080(D)(10) and 30.34.080(E)(5) has been added.

The last HCD-requested amendment relates to the separate sale of an ADU or JADU from its respective primary dwelling; the amendment makes it clear that an exception to the prohibition of the separate sale of an ADU is contained in Government Code section 65852.26.

Additional miscellaneous ADU amendments relate to prohibiting rooftop decks over accessory and junior accessory dwelling units and limiting ADUs in combination with other accessory buildings on a lot. The amendments make clear that rooftop decks are not permitted over an ADU/JADU. This is, first, to address privacy concerns for neighboring properties, especially when a ADU can be four feet and sometimes less (no setback garage conversion) from a property line. Second, to deter hillside properties from building flat roof ADUs on lower sloping portions of a lot that then convert the roof to a large deck, essentially extending the rear yard with a large addition under the pretense of just adding an ADU and circumventing the deck rules in hillsides that require Design Review.

The current Code prohibits an ADU when there is an existing guest house. A property can have one or the other, not both. However, Planning staff has discovered that many other types of accessory buildings such as pool house, cabana, recreation room, and the like, essentially act like guest houses, but because they were not technically permitted as such allow a property to then have an ADU and these other accessory buildings. The proposed amendment closes this loop hole and clarifies that a property can have one, but not both, either an ADU or these additional accessory buildings.

The provisions of SB897 and AB2221 outline new height standards and those have been incorporated into the draft Ordinance. The new State law adds new varying heights for detached ADUs of 16 and 18 (+2 for matching existing roof pitch) depending on the distance of a property to major transit stop and 25 feet when the ADU is attached to the primary dwelling regardless of location to a major transit stop.

Other provisions of SB897 and AB2221 relate to process and permitting clarifications and will be practiced by Community Development Department staff and therefore are not included in the proposed Ordinance.

PLANNING COMMISSION REVIEW

The proposed amendments were reviewed by the Planning Commission at a regularly scheduled meeting and hearing on October 19, 2022. The Planning Commission voted unanimously to recommend adoption the proposed ordinance regarding specific standards for projects meeting the eligibility requirements for SB9; minimum SB478 FAR standards for certain multi-family housing development projects, and incorporation of State law amendments and minor modifications and clarifications related to JADUs and ADUs.

STAKEHOLDERS/OUTREACH

Not applicable.

FISCAL IMPACT

There is no fiscal impact associated with this report. Additional revenue in the form of application/permit fees and development impact fees could be realized from SB9 housing development or lot split proposals.

ENVIRONMENTAL REVIEW

The proposed Ordinance is not a project under the CEQA because it implements the provisions of Government Code Sections 65852.21 and 66411.7 and pursuant to Government Code Sections 65852.21(j) and 66411.7(n), is therefore not a project under Division 13 (commencing with Section 21000) of the Public Resources Code. Additionally, the proposed ordinance is exempt from CEQA review because it implements the provisions of Government Code Section 65913.11 and is therefore: (1) exempt from further environmental review under CEQA pursuant to Title 14 of the California Code of Regulations (CEQA Guidelines) Section 15305 (minor alterations to land use limitations), Class 5 Exemption, as the Ordinance will allow a slightly more generous floor area ratio than currently allowed in certain zones, but the Ordinance will not allow for or encourage any more density or development than is already anticipated under the City's existing General Plan and as regulated by existing zoning, or otherwise allow for or promote physical changes in the environment; (2) exempt from further environmental review under CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because the Ordinance will allow a slightly more generous floor area ratio than currently allowed in certain zones, but the Ordinance will not allow for or encourage any more density or development than is already anticipated under the City's existing General Plan and as regulated by existing zoning, or otherwise allow for or promote physical changes in the environment, and therefore, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment; and (3) not intended to apply to specifically identified housing development projects and as such it is speculative to evaluate any such future project now. Moreover, the Ordinance is not intended to, nor does it, provide CEQA clearance for future development-related projects by mere establishment of a slightly more generous floor area ratio in certain zones; any such projects subject to the Ordinance will be subject to appropriate environmental review at such time as approvals for those housing projects are considered. Each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance.

The proposed Ordinance implements the provisions of Government Code Sections 65852.2 and 65852.22, second units in a single-family or multifamily residential zone, and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations, Title 14, Chapter 3, Section 15282(h). Moreover, this Ordinance is exempt from further environmental review under CEQA pursuant to Title 14 of the California Code of Regulations Section 15060(c)(1), as it implements provisions of

Government Code Sections 65852.2 and 65852,22, which require ministerial review and approval of accessory dwelling units and junior accessory dwelling units and therefore, does not involve the exercise of discretionary powers by the City.

CAMPAIGN DISCLOSURE

This item is exempt from campaign disclosure requirements.

ALTERNATIVES

Alternative 1: Introduce proposed amendments to Title 30 of the GMC, 1995 relating generally to standards for eligible SB9 projects, minimum SB478 floor area ratio standards for certain multi-family housing development projects, and incorporation of State law amendments and minor modifications and clarifications related to JADUs and ADUs as recommended by the Planning Commission.

Alternative 2: Do not to introduce proposed amendments to Title 30 of the GMC, 1995.

Alternative 3: Consider any other alternative not proposed by staff or the Planning Commission.

ADMINISTRATIVE ACTION

Prepared by:
Kristen Asp, AICP, Principal Planner
Yvette Neukian, Principal Assistant City Attorney

Approved by:
Roubik R. Golanian, P.E., City Manager

EXHIBITS/ATTACHMENTS

1. Planning Commission Motion dated October 19, 2022
2. Interim Ordinance No. 5985
3. Interim Ordinance No. 5981