



**CITY OF SANTA CLARITA
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL: Ken Stripling

DATE: February 23, 2021

SUBJECT: STATE LEGISLATION: SENATE BILL 9

DEPARTMENT: City Manager's Office

PRESENTER: Masis Hagobian

RECOMMENDED ACTION

City Council adopt the City Council Legislative Committee recommendation to oppose Senate Bill 9 (Atkins) and transmit position statements to Senator Toni Atkins, Santa Clarita’s state legislative delegation, appropriate legislative committees, Governor Newsom, and the League of California Cities.

BACKGROUND

Authored by Senator Toni Atkins (D-39-San Diego), Senate Bill 9 preempts certain local land use authority including, zoning, design standards, parking, and overall application standards related to specific residential developments. The following summary focuses on two provisions included in the legislation that directly preempt the City’s local land use authority.

Duplex-Ministerial Provision

Senate Bill 9 requires local governments to administer a streamlined, ministerial review of housing projects that propose two residential units (a duplex) on a single-family residential lot. Specifically, this provision requires:

1. The proposed duplex development meet certain conditions prescribed in the legislation, including that the project cannot require demolition or alteration of an existing housing unit of any of the following types:
 - a. Rent-restricted housing;
 - b. Housing that has been the subject of an Ellis Act eviction within the past 15 years;

or

- c. Housing that has been occupied by a tenant in the last three years.
2. Local parking standards for the prescribed duplex development may not exceed one space of off-street parking per unit. Furthermore, the legislation restricts a local agency from imposing any parking requirements if any of the following applies:
 - a. The parcel is located within one-half mile walking distance of public transit;
 - b. The parcel is located within an architecturally and historically significant historic district; or
 - c. There is a car share vehicle located within one block of the parcel.
3. A local agency may only impose objective zoning and design standards that do not prevent the development from including a duplex.

Urban Lot Split-Ministerial Provision

Senate Bill 9 requires local governments to administer a streamlined, ministerial review of a parcel map for an urban lot split, if the lot split meets the following requirements:

- The parcel map subdivides an existing parcel to create two new parcels of equal size;
- Both newly created parcels are no smaller than 1,200 square feet;
- The parcel being subdivided is zoned for residential use;
- The parcel does not contain rent-restricted housing, housing where the owner has exercised their rights under the Ellis Act within the past 15 years, or housing that has been occupied by tenants in the past three years; and
- The parcel being subdivided was not previously created through an urban lot split, and none of the adjoining parcels were created by an urban lot split and owned by the same owner.

The City currently has policies and standards in place regarding proposed residential developments related to parking, design standards, zoning, and overall application review. Typically, housing development projects and urban lot split proposals undergo an extensive review process, including public hearings, administrative review, and an opportunity for appeal. This allows the City's Planning Division, Planning Commission (Commission), and the public the ability to review residential projects and subdivision proposals based on unique community circumstances and needs, and ensures that a site has adequate access to services and resources to sustain greater density.

Projects under a streamlined, ministerial review are not subject to an appeals process, public hearing, and the California Environmental Quality Act (CEQA) review. If this bill is implemented, the following standards in the City's Unified Development Code will no longer

apply to duplex developments or urban lot splits, as prescribed in this legislation:

1. Discretionary Review

- a. An application to construct the prescribed duplex development or urban lot split requires a discretionary review that includes the City's ability to either approve, approve with conditions, approve with modifications, refer the request to the Commission, or deny the application for a proposed use, modification, or development based on the following:
 - i. That the use, development of land, or application of development standards is in compliance with all applicable provisions of the Santa Clarita Unified Development Code; and
 - ii. That the use, development of land, or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion; insure the protection of public health, safety, and general welfare; prevent adverse effects on neighboring property; and is in conformity with good zoning practice.

2. Zoning

- a. Specific zoning is reserved in the City, including that multifamily units cannot be developed in single family zoning to achieve the following purposes:
 - i. To reserve appropriate areas for the continuation of residential living at specific dwelling unit densities, consistent with the Santa Clarita General Plan and with sound standards to preserve public health, safety, and welfare;
 - ii. To minimize traffic congestion and to avoid the overloading of public services and utilities by preventing the construction of buildings of excessive bulk or number in relation to the land area around them;
 - iii. To facilitate the provision of utility services and other public facilities commensurate with anticipated population, dwelling unit densities, and service requirements; and
 - iv. To promote high standards for site planning, architecture, and landscape design for development within the City while preserving the City's historical and natural resources such as oak trees, river areas, and ridgelines.

3. City's Parking Standards

- a. Studio units - one enclosed parking space per unit
- b. One-bedroom units - two enclosed parking spaces per unit
- c. Two-bedroom units - two enclosed parking spaces per unit
- d. Guest parking - one parking space per each two units

The following are three scenarios that could result on a single-family lot, if this bill is implemented:

Scenario 1: Applicant files to convert their single-family property to a duplex and add an accessory dwelling unit and junior accessory dwelling unit. The duplex application, in addition to the accessory dwelling unit and junior accessory dwelling unit, are subject to a streamlined, ministerial review. The single-family property is now converted into a duplex, with an accessory dwelling unit and junior accessory dwelling unit, a total of four residential units.

Scenario 2: Applicant files an application to split a 2,400-square-foot single-family property into two 1,200-square-foot properties and files a subsequent application to build a duplex on each 1,200-square-foot property. The urban lot split application and both duplex applications are subject to a streamlined ministerial review. The single-family lot is now converted into two duplexes, a total of four residential units.

Scenario 3: Applicant files an application to split a 2,400-square-foot single-family property into two 1,200-square-foot properties and files subsequent applications to build a single-family home, accessory dwelling unit, and junior accessory dwelling unit on each 1,200-square-foot lot. The urban lot split application and each accessory dwelling unit and junior accessory dwelling unit application is subject to a streamlined, ministerial review. The single-family property is now converted into two single-family homes, each with an accessory dwelling unit and junior accessory dwelling unit, for a total of six residential units.

The City Council, upon the recommendation of the Legislative Committee, opposed a similar bill, Senate Bill 1120 (Atkins) at the July 14, 2020, regular City Council meeting.

Additionally, the recommendation to oppose Senate Bill 9 is consistent with the City of Santa Clarita 2021 Executive and Legislative Platform. Specifically, Component 27 under the "State" section advises that the City Council, "Oppose legislation that would interfere with, limit or eliminate the decision-making authority of municipalities in the area of local land use."

Senate Bill 9 was introduced on December 7, 2020, and is pending its first hearing in the Senate Housing Committee.

The City Council Legislative Committee met on February 9, 2021, and recommends that the City Council adopt an “oppose” position on Senate Bill 9.

ALTERNATIVE ACTION

1. Adopt a “neutral” position on Senate Bill 9
2. Adopt a “support” position on Senate Bill 9
3. Take no action on Senate Bill 9
4. Refer Senate Bill 9 back to the Legislative Committee
5. Other action, as determined by the City Council

FISCAL IMPACT

The resources required to implement the recommended action are contained within the City of Santa Clarita's adopted FY 2020-21 budget.