

ITEM 7.1: INFORMATIONAL ITEM – SENATE BILL 9 (SB 9)

REQUEST

This is an informational item. Staff requests the Planning Commission receive an informational presentation regarding the adoption of Senate Bill (SB) 9 (see Attachment 1), which changes the number of units allowed on parcels within single-family residential zones, and the need to amend the City's Zoning Ordinance and Subdivision Ordinance as a result of this legislation.

BACKGROUND

Land use planning serves to ensure the compatibility of land uses, rational planning for future service demands, environmental protection, and balanced land uses with adequate commercial and employment land uses to support residential land uses. Zoning is used to implement the broader land use plans, and specifies development standards and permitted uses. In jurisdictions such as Roseville, land use and zoning combine to ensure the provision of variety of housing types, with the City's new Specific Plans designed to provide a relatively equal amount of high density, medium density, and low density residential units. However, there are jurisdictions across California where zoning has been used as an exclusionary tool, to prevent the development of medium density or high density housing or to ensure that such housing is only developed in extremely restricted areas. Moreover, these restrictive communities often have minimum lot size requirements as high as one acre. By comparison, the City's standard is 1/7th of an acre for the single-family zone district (R1), is 1/10th of an acre for the small lot residential zone district (RS), and can be even smaller with the approval of modified development standards.

Although not all communities are exclusionary, SB 9 was proposed by the legislature as a statewide response to the issue, and affects the permitted number of units on a single-family lot and the conditions required for a lot split. SB 9 states that every residential lot in a single-family zone is permitted to contain two residential units, effective January 1, 2022. Effectively, the City's single-family zones (R1 and RS) will function like the City's two-family zone (R2) as a result of this legislation. The City may continue to apply development standards or objective design standards, so long as they do not have the effect of physically precluding either of the two units from being at least 800 square feet. The bill also affects parking standards, prohibiting the City from requiring more than one space per new unit, and eliminating parking requirements entirely if the site is within one-half mile of a high quality transit corridor or a major transit stop, or if there is a car-share vehicle within one block. Finally, the City is permitted to change our Zoning Ordinance to prohibit the construction of an accessory dwelling unit or junior accessory dwelling unit on any parcel which has built two units pursuant to SB 9, and may require owner-occupancy of one of the homes for a minimum of three years.

The bill contains some exceptions to this new rule, as follows:

- Development of two units cannot require the demolition or alteration of affordable housing, rent-controlled housing, or housing occupied by a tenant within the last three years.
- Even where demolition or alteration is permitted because the previous conditions do not exist, no more than 25% of existing exterior structural walls can be demolished unless a local ordinance specifically allows it.
- The property cannot be within a historic district, on the State Historic Resources Inventory, or listed as a city or county landmark or historic property.
- The property cannot have certain environmental or other constraints, such as wetlands, floodplain, or conservation easements.

SB 9 also requires a jurisdiction to ministerially approve a two-lot parcel map in a single-family residential zone, provided the following criteria are met:

- The lots created are of approximately equal area, and one parcel cannot be smaller than 40 percent of the lot area of the original parcel.
- Each parcel must be at least 1,200 square feet.
- The exceptions listed above, for two units, also apply to these parcel maps.

This process is intended to facilitate lot splits for individual property owners rather than large land holders. Serial lot splits using this section are not permitted; a given parcel may only be split using this process *once*. This rule also applies to groups of adjacent parcels if they are all owned by the same person or if the applicant or anyone else affiliated with the project has an interest in the group of parcels. Where there is a group of adjacent common-ownership or common-interest parcels, only one of the adjacent lots may be split using this process. Any further lot splits must use the typical parcel map process.

The bill is silent on the effect of Homeowner's Associations (HOAs) and/or Covenants, Conditions, and Restrictions (CC&Rs) as it relates to the legislation. Therefore, the City Attorney's office has concluded that the legislation does not prevent the enforcement of CC&Rs by HOAs or others to prohibit lot splits or a second unit.

There has been news reporting about this bill "allowing up to four units per lot," but this statement is misleading. One existing single-family lot could be split into two lots, and then two units could be constructed on each lot, which is where the reporting concludes that a total of four units is possible. However, this is not four units on one lot, this is two units on two lots. In addition, this scenario is only possible where a parcel meets the criteria for a lot split and has sufficient space for two units on each lot. Staff anticipates this scenario will be uncommon in Roseville. The existing homes on most lots are positioned in such a way that creating two equivalently-sized lots, as required, will not be possible without demolishing the existing home, which is prohibited in most circumstances.

Amendments to both the City's Zoning Ordinance and Subdivision Ordinance will be required for consistency with this new state law. Planning staff maintain the Zoning Ordinance, and for this purpose keep an updated list of needed changes and clarifications. These changes are packaged together and brought to Planning Commission and City Council for periodic updates. Planning staff are planning to bring forward a maintenance update in 2022, but because the changes in response to SB 9 fall outside of the scope of maintenance, they will be brought as a separate update in early 2022.

ENVIRONMENTAL DETERMINATION

This is an informational item. The California Environmental Quality Act (CEQA) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, or is otherwise not considered a project as defined by CEQA statute §21065 and CEQA state guidelines §15060(c)(3) and §15378.

RECOMMENDATION

No action is required. Following staff's presentation, the Planning Commission is encouraged to ask questions and provide feedback.

ATTACHMENTS

1. SB 9 Approved Bill