Planning Commission Agenda Report Meeting Date: 11/03/22

File: SB-9, Code Cleanup & Cardrooms

DATE: October 24, 2022

TO: PLANNING COMMISSION

FROM: Bruce Ambo, Principal Planner (879-6801; bruce.ambo@chicoca.gov)
Kelly Murphy, Senior Planner (879-6535; kelly.murphy@chicoca.gov)

RE: Zoning and Subdivision Amendments for Consistency with State Housing Law (SB-9), General Zoning Code Cleanup, and an Application for Code Amendment (CA 22-01) to Allow a Cardroom Land Use in the Downtown North (DN) Zoning District

REPORT IN BRIEF

All jurisdictions in California are required to comply with Senate Bill 9 (SB-9) that went into effect in January 2022 and allows either: 1) two-unit housing for the conversion and/or creation of two residences or a duplex on one single family lot, and/or, 2) an Urban Lot Split for the subdivision of an existing lot into two (2) lots without any public improvements on any lot zoned for single family development (e.g., RS, Suburban and R1, Low Density Residential). Staff is recommending that a total of two (2) dwelling units be allowed on any lot created through the SB-9 allowances, which may include a combination of primary and accessory units. Only one (1) Accessory Dwelling Unit (ADU) or Junior ADU (JADU) would be allowed in combination with the primary unit on any lot in which a Two-Unit Housing Development or Urban Lot Split has been utilized via SB-9. An ADU may be converted from an accessory use to a primary residence by paying development impact fees for an additional unit and providing required off-street parking. The minimum lot size shall be 1,200 square feet for any lot created or modified by an Urban Lot Split.

Also proposed are general Zoning Code “cleanup” amendments including the addition of new land use definitions, minor changes for consistency in noticing, and text clarifications of regulations pertaining to ADUs, JADUs, electronic fencing and landscaping provisions.

In addition, an application has been submitted by a private party (Jon Scott) for a Code amendment to allow a cardroom land use in the DN (Downtown North) zoning district (see **Attachment C**, Code Amendment application 22-00001). Currently, cardrooms are permitted with a use permit in the DS (Downtown South), CC (Community Commercial), CS (Commercial Services), and CR (Regional Commercial) zoning districts. Allowance of a cardroom in the DN zoning district would require an amendment to the Municipal Code, specifically amending Table 4-6 (Allowed Uses and Permit Requirements for Commercial Zoning Districts) of Chapter 19.44 (Commercial Office Zones) to include “cardrooms” as an allowed use subject to issuance of a use permit.

All of the proposed changes would amend portions of Title 19 Land Use and Development Regulations of the Chico Municipal Code.

Recommendation:

The Community Development Director recommends that the Planning Commission:

1) Consider the Zoning and Subdivision Ordinance amendments regarding State housing laws (SB-9), general Code cleanups, and Code Amendment 22-01 to allow a cardroom use in the DN (Downtown North) zoning district (**Attachment A**), direct any questions to staff, and provide comments;
2) Hold a public hearing regarding SB-9, general Code cleanups, and Cardroom Amendment (CA 22-01); and
3) Adopt Resolution No. 22-05 recommending City Council adoption of an ordinance to amend Title 19 of the Chico Municipal Code as set forth therein (**Attachment B**).

Proposed Motion:

I move that the Planning Commission adopt Resolution No. 22-05 recommending City Council adoption of amendments to Title 19 of the Chico Municipal Code as set forth therein.

SUMMARY

Senate Bill 9 Codification

Senate Bill 9 (SB-9) was signed into law on September 16, 2021, went into effect on January 1, 2022, and allows property owners within a single-family residential zone to build up to two dwelling units and/or subdivide an existing lot into two parcels. The bill requires approval of the following development activities:

- Two-Unit Housing Development – A proposed housing development involving no more than two dwelling units on an eligible single-family residential parcel (whether the proposal adds up to two new housing units or adds one new unit to one existing parcel).
- Urban Lot Split **-** A one-time subdivision of an existing single-family residential parcel into two parcels.

Under current State law, up to three units may be allowed on a single-family residential property: 1) main residence, 2) JADU of 500 sq. ft. within the main residence, and 3) a detached ADU. While SB-9 requires that jurisdictions must allow at least two dwelling units on any single-family residentially zoned lot, additional units may be allowed at the City's discretion.

Staff is recommending that no more than two dwelling units be allowed on any lot utilizing the provisions of SB-9 for a Two-Unit Housing Development or an Urban Lot

Split, including primary dwelling units, ADUs, JADUs, density bonus units, and units created as a two-unit development. In the case where a proposed Urban Lot Split would separate an existing main residence from an existing ADU, the ADU may be converted to a main residence by paying development impact fees for a main residence and requiring the provision of off-street parking requirements of at least one (1) parking space per unit.

Under the recommended scenario, considerable flexibility is afforded to an applicant by allowing them to keep either an ADU or JADU on the newly created lot through the Urban Lot Split or Two-Unit Housing Development conversion.

The City's development standards must allow the construction of up to two units at least 800 square feet each, and staff is recommending that the minimum resultant lot size be 1,200 square feet, each of which must be apportioned at a minimum of 40% of the lot size (and the remainder 60%). Public frontage improvements involving curb, gutter and sidewalk are not required per SB-9. The proposed Zoning Code amendments would allow one (1) Urban Lot Split and/or Two-Unit Housing Development per parcel. Subsequent subdivisions (or Boundary Line Modifications) under the City's "base" or standard Subdivision Ordinance may be allowed.

One (1) parking space is required per unit. Note: There is an exception to this requirement if there is a designated parking area for one or more car share vehicles within one block of the parcel. Another exception allowed by the State is when the parcel is within a half mile walk of a high-quality transit corridor or major transit stop, however, that exception does not apply because there are no service routes with a frequency interval of 15 minutes or less during morning or afternoon peak commute periods in Chico.

SB-9 applies to all single-family residential zoned properties (RS and R1) within an urbanized area with several key exceptions:

- Environmentally sensitive areas
- Environmental hazard areas if mitigations are not possible (see full list later in this document but note that the law *does* apply, with modifications, in wildfire zones)
- Historic properties and districts
- Properties where the Ellis Act was used to evict tenants at any time in the last 15 years
- Additionally, demolition is generally not permitted for units rented in the last 3 years, rent-controlled units or units restricted to people of low or moderate incomes

General Code Cleanup

The proposed general Code cleanup changes are summarized below:

Definitions (CMC 19.04)

- Added definitions in support of SB-9 for the following terms: Adjacent Parcel, Car Share Vehicle, Common Ownership or Control, Owner Occupancy, Two-Unit Housing Development and Urban Lot Split

Noticing and Public Hearings (CMC 19.10)

- Added "Site plan and architectural design review" to the list with "use permit and variance" under the description of projects requiring noticing
- Deleted noticing requirements for certificates of appropriateness, certificate of demolition or recommendation or decision regarding the listing of buildings, structures or objects on the Historic Resources Inventory and required posting of the property
- Deleted posting requirements of the hearing notification on the property for designated buildings, structures, or objects on the Historic Resources Inventory

Administrative Review (CMC 19.12)

- Deleted references to "ADU permits" as they are no longer applicable
- Added "Urban Lot Split" and "Two-Unit Housing Development" to the list of administrative reviews

Pre-Application Neighborhood Meetings – Notice (CMC 19.16)

- Changed radius notice from 300 to 500 feet

Appeals Decision Matrix (CMC 19.22)

- Added "Administrative Use Permit, Urban Lot Split and Two-Unit Housing Development" to decision matrix

Application Filing, Initial Processing (CMC 19.28)

- Deleted a redundant sentence

Effective Date of Permits (CMC 19.30)

- Added "Urban Lot Split" and "Two-Unit Housing Development" to the list of ministerial projects

Table 4-2 "Allowed Uses and Permit Requirements for Residential Zones" (CMC 19.42)

- Added provisions and modified footnotes throughout the Table for "Two-Unit Housing Development" and "Urban Lot Split"
- Added cleanup provisions and modified footnotes throughout the Table for ADUs and JADUs

Table 4-7 "Commercial and Office Zone General Development Standards" (CMC 19.44)

- Deleted as a minor footnote and added for clarity and prominence to the

development standards table that landscaping and setback requirements for entirely residential projects in all commercial or office zones shall match the same landscaping and setback requirements in the comparable residential density zone

Fencing and Screening (CMC 19.60)

- Clarified and added that fence height could be increased to 8-feet with Administrative Use Permit approval
- Per the direction and request of the City Attorney's office, specified that barbed wire, electrified fence or razor wire is allowed only in commercial or industrial zones with approval of a Use Permit
- Per the direction and request of the City Attorney's office, established standards for electrified fencing consistent with State law

Accessory Dwelling Units (CMC 19.76)

- Added 2-story ADU height limit of 25 feet and provisions for increases
- Added JADU requirements for a separate entrance, efficiency kitchen and an owner-occupancy requirement for the main residence or JADU per State ADU law

Disaster Recovery Structures (CMC 19.76)

- Deleted Section 19.76.220 and Relocated to Subsection 19.76.210E: "Term of Ordinance, The Ordinance shall be valid until April 16, 2024, unless otherwise extended by the City Council or until such time as established by the City Council."

Cardroom Amendment (CA 22-01)

At its September 1, 2020 meeting, in response to a request from Jon Scott, the Chico City Council voted to agendize a discussion regarding allowing a cardroom in Downtown Chico. Following Council discussion, the issue was referred to the Internal Affairs Committee for consideration and a recommendation back to Council.

At a June 21, 2021 Internal Affairs Committee meeting, Community Development Director Vieg provided a brief overview regarding the zoning districts where cardrooms are currently allowed. Director Vieg stated that not only are cardrooms limited by land use restrictions in Title 19 of the Chico Municipal Code but are also regulated by standards outlined in Chapter 5.32. It was reiterated to the Committee that allowing Mr. Scott to pursue a code amendment would not guarantee approval of use permit, and that the proposed cardroom would be subject to further review and analysis as part of the conditional use permit process, involving public noticing and requiring approval from the City's Planning Commission. The Internal Affairs Committee made a recommendation that staff report back to Council with more information regarding the specific process required to allow a cardroom Downtown.

At its meeting on January 4, 2022, the City Council considered the recommendation of the Internal Affairs Committee and voted 7-0 directing Mr. Scott to pursue an application for a code amendment to allow a cardroom use in the DN (Downtown North) zoning district, subject to use permit review and approval by the Planning Commission.

Mr. Scott has made the code amendment request (**Attachment C**, Code Amendment application 22-01). Currently, cardrooms are permitted with a use permit in the DS (Downtown South), CC (Community Commercial) CS (Commercial Services, and CR (Regional Commercial) zoning districts. Allowance of a cardroom in the DN zoning district would require an amendment to the Municipal Code, specifically amending Table 4-6 (Allowed Uses and Permit Requirements for Commercial Zoning Districts) of Chapter 19.44 (Commercial Office Zones) to include “cardrooms” as an allowed use subject to issuance of a use permit. Staff is recommending approval of this amendment, which has been included in Exhibit I to Attachment A (Planning Commission Resolution 22-05).

GENERAL PLAN CONSISTENCY

The proposed Title 19 amendments are consistent with the General Plan’s policy framework to simplify and streamline the permitting process and identify opportunities for greater regulatory efficiency. Further, a majority of the proposed amendments are required by State law.

ENVIROMENTAL REVIEW

State mandated housing laws implementing SB-9 are deemed a ministerial action pursuant to the State CEQA Guidelines. The preparation and adoption of the ordinance implementing SB-9 is not considered a project and is statutorily exempt from CEQA. The General Zoning Code cleanup and amendments allowing cardrooms in the Downtown do not propose any construction, demolition, or other activity that has the potential to negatively impact the environment as cardrooms are currently allowed in other zoning districts and would also occupy an existing building in the Downtown. The proposed amendments would not result in an increase in development beyond that which was analyzed in the Final Environmental Impact Report (EIR) prepared and certified for the Chico 2030 General Plan update (State Clearinghouse #2008122038). In accordance with CEQA Guidelines Section 15162, the proposed amendments are within the scope of the EIR that was certified for the General Plan.

FINDINGS: TITLE 19 AMENDMENTS

Pursuant to Chico Municipal Code Section 19.060.050.A, amendments to the Municipal Code may be approved only if all the following findings are made:

A. The proposed Zoning Code amendments are internally consistent with the General Plan.

The proposed Title 19 amendments are consistent with the General Plan's policy framework as referenced in this report.

B. The proposed amendments are consistent with State housing laws and the other provisions of the City's Land Use and Development Regulations, Subdivision Regulations, and Design Criteria and Improvement Standards, and are compatible with the uses authorized in, and the regulations prescribed for, the applicable zoning districts for which the revisions are proposed.

The proposed Title 19 amendments are internally consistent with all provisions of the City's standards and regulations.

PUBLIC CONTACT

A display ad for the November 3, 2022, Planning Commission meeting to consider the SB-9 amendments, general Code cleanups, and proposed cardroom amendments to Title 19 were published in the October 22, 2022, *Chico Enterprise Record*.

DISTRIBUTION

PC Distribution
City Council (via email)

External (via email)
Jon Scott

ATTACHMENTS

A. Resolution recommending Council adoption of an ordinance to amend Title 19 Exhibit I – Proposed Title 19 Amendments
B. Senate Bill 9 Adopted
C. Cardroom Code Amendment Application

RESOLUTION NO. 22-05

RESOLUTION OF THE CITY OF CHICO PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF THE CODIFICATION OF SENATE BILL 9 AND VARIOUS AMENDMENTS TO TITLE 19 OF THE CHICO MUNICIPAL CODE (CITY OF CHICO)

WHEREAS, on September 16, 2021, Senate Bill 9 (Chapter 162, Statutes of 2021) was approved by the Governor of the State of California and filed with the Secretary of State, amending Section 66452.6 of the California Government Code and adding to the Government Code Sections 65852.21 and 66411.7, allowing additional housing units on properties within single-family zones and providing for parcel map approval of an Urban Lot Split; and

WHEREAS, the changes made to the Government Code by Senate Bill 9 went into effect on January 1, 2022; and

WHEREAS, state law allows a local agency to adopt an ordinance to implement the provisions in Senate Bill 9; and

WHEREAS, the City has conducted a review of Senate Bill 9 and Title 19 of the Chico Municipal Code (Code) to identify amendments that would implement Housing Element Actions, create consistency with policy direction in the General Plan, resolve minor inconsistencies in the Code, formalize interpretations made by the Community Development Director, clarify terms and definitions, and address direction provided by Council to identify refinements that will gain efficiencies in implementation of the Code; and

WHEREAS, the Planning Commission considered the various proposed amendments, staff report, and comments at a duly noticed public hearing held in the manner required by law; and

WHEREAS State mandated housing laws implementing SB-9 are deemed a ministerial action pursuant to the State CEQA Guidelines. The preparation and adoption of the ordinance implementing SB 9 is not considered a project and is statutorily exempt from CEQ; and

WHEREAS, The General Zoning Code cleanup and amendments allowing card rooms in the Downtown do not propose any construction, demolition, or other activity that has the potential to negatively impact the environment as card rooms are currently allowed in other zones. The proposed amendments would not result in an increase in development beyond that which was analyzed in the Final Environmental Impact Report (EIR) prepared and certified for the Chico 2030 General Plan update (State Clearinghouse #2008122038). In accordance with CEQA Guidelines Section 15162, the proposed amendments are within the scope of the EIR that was certified for the General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Chico as follows:

1. The Planning Commission determines:
    A. The proposed amendments are consistent with the General Plan's policy framework to simplify and streamline the permitting process and identify opportunities for greater regulatory efficiency; and
    B. The proposed amendments are consistent with the other provisions of the City's Land Use and Development Regulations, Subdivision Regulations, and Design Criteria and Improvement Standards, and are compatible with the uses authorized in, and the regulations prescribed for, the applicable zoning districts for which the revisions are proposed.
2. The Planning Commission recommends that the City Council approve the amendments to the Chico Municipal Code as set forth in Exhibit I.

THE FOREGOING RESOLUTION WAS ADOPTED by the Planning Commission at its meeting held on November 3, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

DISQUALIFIED:

ATTEST:

Bruce Ambo, Planning Commission Secretary

APPROVED AS TO FORM:

Vincent C. Ewing, City Attorney

*Pursuant to The Charter of the City of Chico, Section 906(E)

Exhibit I

Chico, CA Code of Ordinances

Chapter 19.04
DEFINITIONS

Section:

19.04.020 Definitions of specialized terms and phrases.

A. Definitions, "A".

Adjacent Parcel. Any parcel of land that is (1) touching the parcel at any point; (2) separated from the parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or (3) separated from another parcel only by other real property which is in common ownership or control of the applicant.

C. Definitions, "C".

Car Share Vehicle. A motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service.

Common Ownership or Control. Property that is owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten percent or more of the interest in the property.

O. Definitions, "O".

Owner occupancy. A living arrangement in which the owner resides in either the primary or accessory unit on the property. For properties where owner-occupancy is required, the property owner shall sign a written covenant/affidavit acknowledging the condition prior to the issuance of a certificate of occupancy for the new unit. Owner-occupancy shall not be required if the property is owned by another governmental agency, land trust, or housing organization.

T. Definitions, "T".

Two-Unit Housing Development. A proposed housing development involving no more than two residential units on a lot within a single-family residential zoning district that meets all the criteria and standards set forth in Section 19.76.220.

U. Definitions, "U".

Urban Lot Split. A subdivision of an existing parcel into no more than two separate parcels that meets all the criteria and standards set forth in Section 19.76.220. No more than two dwelling units shall be located on any lot created through an Urban Lot Split, including primary dwelling units, accessory dwelling units, junior accessory units, density bonus units, and units created as a two-unit development.

Chapter 19.10
NOTICING AND PUBLIC HEARINGS

Section:

19.10.020 Noticing.

The public shall be provided notice of hearings in compliance with applicable State law.

A. [NO CHANGES]

B. Method of Distribution.

1. Notice of a public hearing required by this chapter for a use permit, variance, site plan and architectural design review, appeal, development agreement, specific plan, neighborhood or area plan, or amendments to the General Plan, Zoning Map, or these Regulations or any entitlement provided for in these Regulations, shall be given as follows:

a. Notice shall be published at least once in a local newspaper of general circulation in the City, at least 10 days before the hearing; and

b. Notice shall be mailed or delivered at least 10 days before the hearing to:

(1) The owner(s) of the property being considered, or the owner's agent, and the applicant;

(2) Each local agency expected to provide water, schools, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;

(3) All owners of real property, at the address as shown on the County's latest equalized assessment roll, within 500 feet of the property which is the subject of the hearing; and

(4) Any person who has filed a written request for notice with the Director and has paid the fee set by the most current City fee resolution for the notice.

2. If the number of property owners to whom notice would be mailed is more than 1,000, the Director may choose to provide an alternate notice through the placement of at least a one-eighth page display advertisement in a local newspaper of general circulation within the City.

3. Notice of a public hearing by the City Council required by this chapter to designate buildings, structures, or objects on the Historic Resources Inventory shall be given by written notice of the hearing or request mailed or delivered to the applicant and any person requesting notice in writing, at least 10 days prior to the hearing.

C. [NO CHANGES]

D. [NO CHANGES]

Chapter 19.12
APPEALS

Section:

19.12.020 Appeal subjects and jurisdiction.

Determinations and actions that may be appealed, and the authority to act upon an appeal shall be as set forth in Table 2-1 and in this Chapter.

TABLE 2-1
REVIEW AUTHORITY

Type of Permit or Decision	Architectural Review and Historic Preservation Board	Director	Zoning Administrator	Planning Commission	City Council
Administrative Use Permit		Decision (2)			
Architectural/Design Review	Decision (1)			Decision (1)	Appeal
Certificates of Appropriateness	Decision (1)				Appeal
Certificate of Demolition	Decision (1)				Appeal
Designation of Historic Landmarks on the Historic	Recommend				Decision

Type of Permit or Decision	Architectural Review and Historic Preservation Board	Director	Zoning Administrator	Planning Commission	City Council
Resources Inventory					
Determination That an Application is Complete Pursuant to Chapter 19.16		Decision (2)			
Development Agreements				Recommend	Decision
Foothill Development Permit		Decision (2)			
Fraternity and Sorority House Permit		Decision (2)			
General Plan, Specific Plan, Neighborhood Plan, Area Plan Amendments				Recommend	Decision
Home Occupation Permits		Decision (2)			
Interpretations		Decision		Appeal	
Land Use and Development Regulations Amendments				Recommend	Decision
Minor Design Review	Appeal (3)	Decision			
Mobile Food Vendor Permits		Decision (2)			
Planned Development Permits	Recommend	Recommend		Decision	Appeal
Regulating plans and circulating plans pursuant to Division VI				Decision	Appeal
Sign Permits		Decision (2)			
Specific Plans				Recommend	Decision

Type of Permit or Decision	Architectural Review and Historic Preservation Board	Director	Zoning Administrator	Planning Commission	City Council
Urban Lot Split/Two-Unit Development		Decision (2)			
Use Permits			Decision	Decision	Appeal (4)
Variances			Decision	Decision	Appeal (4)
Zoning Map Amendments	Recommend (5)			Recommend	Decision
Zoning Clearances		Decision (2)			

Notes:

(1) Architectural/design review decisions and decisions regarding applications for certificates of appropriateness or certificates of demolition rendered by the Architectural Review and Historic Preservation Board for projects requiring only the issuance of a building permit are appealed to the City Council.

Architectural/design review decisions rendered by the Architectural Review and Historic Preservation Board on projects requiring a discretionary permit from the Planning Commission and rendered after referral to the Architectural Review and Historic Preservation Board by the Planning Commission are appealed to the Planning Commission.

Architectural/design review decisions rendered by the Planning Commission are appealed to the City Council.

(2) This decision may be appealed pursuant to the administrative review process set forth in section 19.12.040.

(3) Director decisions are appealed to the Architectural and Historic Preservation Review Board. The Architectural Review and Historic Preservation Board decision on an appeal is final.

(4) Decisions on use permits and variances, whether made by the zoning administrator or planning commission, are appealable directly to the City Council.

(5) The Architectural Review and Historic Preservation Board shall make recommendations to the City Council regarding the creation or modification of landmark overlay zoning districts pursuant to Chapter 19.37.

(Ord. 2185, Ord. 2374 §3, Ord. 2410 §10, Ord. 2439 §175, Ord. 2440 §8, Ord. 2494, §2)

19.12.040 Administrative review.

The procedures set forth in this section shall apply to the appeal of decisions of the Director on the following types of permits: Determinations by the Director that an application is complete pursuant to Chapter 19.16, fraternity and sorority house permits, foothill development permits, home occupation permits, , sign permits, mobile food vendor permits, zoning clearances, and urban lot splits or two-unit developments.

A. The granting or denial of any permit subject to this section shall be subject to administrative review if a request for administrative review is filed with the city manager,

on a form prescribed by the city manager, within 10 days of the formal action resulting in the granting or denial of the permit. In addition to setting forth a request for administrative review, the request shall contain a brief statement of why the appellant believes that such determination or action does not comply with the provisions of this Title and shall set forth the relief requested.

B. Upon receiving a request for administrative review, the city manager will review the request and, within 10 days of receiving the request, provide the appellant with a written notification that the decision of the director is affirmed, modified, or reversed. During the administrative review process, the city manager may request additional information from the director or the appellant and may, at the city manager's sole discretion, convene an informal hearing for the purpose of reviewing evidence or hearing argument on the decision. Notice of the time, date and place of such hearing shall be provided to the appellant and the applicant for the permit at issue, if different than the appellant, no fewer than seven calendar days prior to the hearing date.

C. A notice of decision shall be mailed first class, postage prepaid to the appellant, at the address provided by the appellant on the request for administrative review, and to the applicant for the permit being appealed, if different. The city manager's decision is final and may not be further appealed.

(Ord. 2185, Ord. 2374 §6, Ord. 2440 §9, Ord. 2511, §6)

Chapter 19.16
APPLICATION FILING AND PROCESSING FEES

Section:

19.16.020 Pre-application neighborhood meetings.

This section applies to all projects on residentially zoned property, or on property located adjacent to residentially zoned property which require a discretionary permit issued by the planning commission or city council. All projects for such a discretionary permit shall require a pre-application neighborhood meeting in compliance with the requirements set forth below. The purpose of the meeting is to provide for early input by affected neighbors. While neighborhood consensus or agreement is desirable, it is not a required outcome of the neighborhood meeting.

A. [NO CHANGES]

B. Notice. Notice of the time, date and location of the neighborhood meeting shall be given by the applicant to all property owners and occupants within 500 feet of the proposed project and to the department at least 10 calendar days prior to the date of the meeting. Mailing lists for such notice may be obtained from the department. Notice shall be deemed to have been given on the date it is has been mailed, first- class, postage prepaid, or personally delivered. The applicant shall provide the Department with a list of each person and property to which the notice is mailed.

C. [NO CHANGES]

D. [NO CHANGES]

E. [NO CHANGES]

F. [NO CHANGES]

G. [NO CHANGES]

H. [NO CHANGES]

Chapter 19.28
PLANNED DEVELOPMENT

Section:

19.28.030 Application filing, initial processing.

An application for a planned development permit shall be filed in compliance with Chapter 19.16 (Application Filing and Processing, Fees) and shall include all information specified in the Department handout for planned development permits.

A planned development permit may be initiated in one of the following manners:

A. [NO CHANGES]
B. [NO CHANGES]

Chapter 19.30
PERMIT IMPLEMENTATION, TIME LIMITS, EXTENSIONS

Section:

19.30.020 Effective date of permits.

Permits issued for ministerial projects including Home Occupations, Two-Unit Housing Developments, and Urban Lot Splits shall be effective upon approval by the Director. Unless otherwise stated, permits for all other land use entitlements shall become effective on the 11th day following the date of application approval by the appropriate review authority, provided that no appeal of the review authority's action has been filed in compliance with Chapter 19.12 (Appeals). Development agreements, specific plans, and amendments to the General Plan, Zoning Map, and these Regulations shall become effective on the 31st day following the date of approval by the Council. No permit, certificate, or other entitlement may be issued until the effective date.

Chapter 19.42
RESIDENTIAL ZONES

Section:

19.42.020 Residential zone land uses and permit requirements.

Table 4-2 identifies the uses of land allowed by these Regulations in each residential zoning district, and the land use entitlement required to establish the use.

Where the last column of the table (“Subject to Standards in Section/Chapter”) includes a section or chapter number, the regulations in the referenced section/chapter apply to the use. Provisions in other sections/chapters may apply as well.

TABLE 4-2 - ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY ZONE						Subject to Standards in Section/ Chapter:
	RS	R1	R2	R3	R4	RMU	
RESIDENTIAL USES							

Two-unit housing development	P(5)	P(5)					19.76.220

Notes:
(1) See Chapter 19.04 for definitions of the listed land uses.
(2) Use allowed only on a site of 1 acre or larger.
(3) Allowed only within density requirements of General Plan Designation.
(4) Accessory dwelling units shall comply with all applicable development standards set forth in 19.76.130.
(5) Development of up to two units may be allowed on property zoned RS or R1, subject to the standards and requirements established in CMC Section 19.76.220.
(6) Businesses which operate between the hours of 10PM and 6AM or allow amplified music within 300 feet of a residential district require use permit approval.

19.42.030 Residential zone general development standards.

The requirements in Tables 4-3A, 4-3B and 4-3C shall apply to new land uses and structures, and alterations to existing land uses and structures, in addition to any applicable development standards (such as landscaping, parking and loading) in Division V.

TABLE 4-3A
RESIDENTIAL ZONE GENERAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District
	RS
Minimum Lot Size	Determined by Section 19.42.040(A) (Minimum lot area and density).
Minimum area	
Minimum width at front setback line	80 ft. in RS-20; 100 ft. elsewhere. See the subdivision regulations for cul-de-sac lots.
Residential Density	0.2 to 2 units per acre for subdivisions. One single-family unit per lot, and up to one detached ADU and one JADU in compliance with Section 19.76.130; or, a two-family housing/duplex use in compliance with Section 19.76.220.
Setbacks Required	
Front	20 ft.
Sides (each)	10 ft. in RS-20; 20 ft. elsewhere.
Street side	20 ft. in RS-20; 30 ft. elsewhere

Rear Accessory structures	See Section 19.76.020 (accessory uses and structures)
Site Coverage (1)	40%
Height Limits	35 ft. for housing units; 15 ft. for accessory structures; 25 ft. for accessory structures, with use permit approval; 15 feet for detached garages; 25 ft. for garages with an ADU above 25 ft. for garages without an ADU above, with administrative use permit approval.

Notes:

(1) Maximum percentage of site area that may be covered with structures (see the definition of site coverage in Chapter 19.04).

TABLE 4-3B
RESIDENTIAL ZONE GENERAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District	
	R1	R2
Minimum Lot Size Minimum area	Interior lots: 4,500 sq.ft., or as determined by Section 19.42.040-A. Corner lots: 5,500 sq.ft., or as determined by Section 19.42.040-A. Small lot subdivisions: 3,500 to 4,499 sq.ft., in compliance with Section 19.76.150. Parcels smaller than 3,500 sq.ft. may be created through PD permit approval (Chapter 19.28) or an urban lot split (Section 19.76.220).	Interior lots: 4,000 sq.ft.; 3,960 sq.ft. with parkways. Corner lots: 4,400 sq.ft.; 4,250 sq.ft. with parkways.
Minimum width at front setback line	For R1: 45 ft., interior lots; 50 ft., corner lots. For R1-10 & R1-15: 70 ft. interior lots; 75 ft. corner lots. See Title 18R, Design Criteria and Improvement Standards, for cul-de-sac lots.	40 ft. interior lots, 48 ft. corner lots.

	Lesser width is required for lots created by an urban lot split (Section 19.76.220).	
Residential Density	2.1 minimum, 7 units maximum per acre for subdivisions. One single-family unit, JADU, and detached ADU per lot in compliance with Section 19.76.130; or, a two-family housing/duplex use in compliance with Section 19.76.220.	See Section 19.42.040-B (Minimum lot area and density).
Setbacks Required Front	Lots of 4,500 sq.ft. or more: 15 ft. for main buildings and 20 ft. for garages/carports. Lots of 3,500 - 4,499 sq.ft.: See Section 19.76.150 (Small-lot subdivisions). Lots less than 3,500 sq.ft.: See Section 19.76.220 (Urban Lot Split).	10 ft. for main buildings; 20 ft. for garages/carports unless the garage is accessed from a side entrance which does not result in vehicles blocking the public right-of-way and is approved by the Director. None required for condominiums, townhouses, and similar housing types.
Sides (each)	4 ft.; 10 ft. for R1-10 and R1-15	4 ft.; plus 5 ft. additional for each story over the first where the setback abuts an RS or R1 district.
Street side	10 ft. for main buildings; 20 ft. for garages/carports; 9 ft. for main buildings on lots with parkways.	10 ft. for main buildings; 20 ft. for garages/carports.
Rear	15 ft. for main buildings. Lots of 3,500 - 4,499 sq.ft.: See Section 19.76.150 (Small-lot subdivisions).	15 ft. for main buildings; plus 5 ft. additional for each story over first where setback

	Lots less than 3,500 sq.ft.: See Section 19.76.220 (Urban Lot Split).	abuts RS or R1 zone.
Accessory structures	See Section 19.76.020 (accessory uses and structures)	
Site Coverage (see definitions in Chapter 19.04)	50% single-story primary housing units; 40% multi-story primary housing units; 50% R1-10, and R1-15.	60%
Minimum Open Space	Not applicable.	40%
Height Limits	35 ft. for primary housing units; 15 ft. for accessory structures; 25 ft. for accessory structures, with use permit approval; 25 ft. for garages with an ADU above	35 ft. for primary housing units; 15 ft. for accessory structures; 25 ft. for accessory structures, with use permit approval; 25 ft. for garages with an ADU above; 25 ft. for detached garages without an ADU above, with a minimum setback distance of 10 feet from all property lines.

Notes:

(1) Maximum percentage of site area that may be covered with structures.

19.42.040 Minimum Lot Area and Density

The minimum area for each parcel and the maximum density of residential development are determined by Section 19.42.030, except where otherwise determined by this section.

A - D. [NO CHANGES]

TABLE 4-4
MINIMUM LOT AREA FOR SUBDIVISIONS IN AREAS WITH ZONING SUFFIX

Suffix to Zoning Map Symbol	Minimum Lot Area Required (1)
RS-5	5 acres
RS-4	4 acres
RS-3	3 acres
RS-2	2 acres
RS-1	1 acre
RS-20	20,000 sq.ft.
R1-15	15,000 sq.ft.
R1-10	10,000 sq.ft.

(1) Minimum lot area may be reduced for eligible RS and R1 zoned properties in compliance with Section 19.76.220.

TABLE 4-5
RESIDENTIAL DENSITY LIMITATIONS

	Requirement by Zoning District			
Housing Characteristic	**R2**	**R3**	**R4**	**RMU**
Minimum Density	6 units/acre	14.1 units/acre	20 units/acre	10 units/acre
Maximum Density	14 units/acre	22 units/acre	70 units/acre	20 units/acre
Housing types allowed	Single-family units Two-family units Multi-family units	Single-family units Two-family units Multi-family units	Multi-family units	Single-family units) Two-family units Multi-family units
Minimum building site area required	6,000 sq.ft. of site area per two-family unit	1,425 sq.ft. of site area per unit		900 sq.ft. of site area per unit

Chapter 19.44
COMMERCIAL AND OFFICE ZONES

Section:

19.44.020 Commercial/office zone land uses and permit requirements.

Table 4-6 identifies the uses of land allowed by these Regulations in each office and commercial zoning district, and the land use entitlement required to establish each use.

Where the last column of the table ("Subject to Standards in Section/Chapter") includes a section or chapter number, the regulations in the referenced section/chapter apply to the use; however, provisions in other sections/chapters may apply as well.

TABLE 4-6 - ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS

LAND USE (1)	PERMIT REQUIREMENT BY ZONE								Subject to Standards in Section/ Chapter:
	OR	OC	CN	CC	DN	DS	CS	CR	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES									
Cardrooms				UP	**UP**	UP	UP	UP	5.32

19.44.030 Commercial and office zone general development standards.

The requirements in Table 4-7 shall apply to new land uses and structures, and alterations to existing land uses and structures, in addition to any applicable development standards (such as landscaping, parking and loading) in Division V.

TABLE 4-7
COMMERCIAL AND OFFICE ZONE GENERAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District	
	OR	OC
Minimum Lot Size Minimum area	6,000 sq.ft., interior lots 7,000 sq.ft., corner lots	10,000 sq.ft.
Minimum width at front setback line	N.A.	
Residential Density	6-20 units per gross acre. Exclusively residential projects shall comply with the residential setback requirements in Table 4-3C and the landscape standards in Chapter 19.68 based upon the project density and corresponding residential zoning district.	
Setbacks Required (1) Front	15 ft.	None required, except where the side of the parcel abuts an R zoning district, the same front setback shall be required as in the R district.
Sides	5 ft.; plus 5 ft. for each story over the first where	

	setback abuts an RS or R1 district.	10 ft. where the side of the parcel abuts an R district; none elsewhere
Street side	10 ft.	
Rear	10 ft. abutting an alley; 15 ft. elsewhere, plus 5 ft. for each story over the first where setback abuts an RS or R1 district.	
Accessory structures	See Section 19.76.020 (Accessory uses and structures).	
Landscaping	See Section 19.68.040 (Landscape installation requirements).	
Site Coverage, Maximum	70%	85% (2)
Height Limits	35 ft. for main buildings; 25 ft. for accessory structures.	45 ft.; 25 ft., within 25 ft. of an abutting R zoning district boundary.

Development Feature	Requirement by Zoning District	
	CN	CC
Minimum Lot Size Minimum area	6,000 sq.ft., interior lots 7,000 sq.ft., corner lots	
Minimum width at front setback line	N.A.	
Residential Density	6 to 22 units per gross acre. Exclusively residential projects shall comply with the residential setback requirements in Table 4-3C and the landscape standards in Chapter 19.68 based upon the project density and corresponding residential zoning district.	
Landscaping	See Section 19.68.040 (Landscape installation requirements).	
Setbacks Required (1) Front	None required, except where the block is partly within an R zoning district, the same front setback shall be required as in the R district.	
Sides	20 ft. where the side of the parcel abuts an R district; none elsewhere.	10 ft. where the side of the parcel abuts an R district; lesser setbacks may be approved through the Design Review process when abutting an alley. No setback required elsewhere.
Street side	10 ft. where the side of the parcel abuts an R district; none elsewhere.	
Rear	20 ft. where the rear of the parcel abuts an R district; none elsewhere.	10 ft. where the rear of the parcel abuts an R district; none elsewhere.

Accessory structures	See Section 19.76.020 (Accessory uses and structures).	
Site Coverage, Maximum	90%	95% (2)
Height Limits	35 ft. for main buildings; 15 ft. for accessory structures; 25 ft. for accessory structures, with use permit approval.	57 ft. Lesser height may be required through the Design Review process where the parcel abuts an R district.
Development Feature	**Requirement by Zoning District**	
	DN	**DS**
Minimum Lot Area	10,000 sq.ft.	
Residential Density	6 to 22 units per gross acre. Exclusively residential projects shall comply with the residential setback requirements in Table 4-3C and the landscape standards in Chapter 19.68 based upon the project density and corresponding residential zoning district.	
Landscaping	See Section 19.68.040 (Landscape installation requirements).	
Setbacks Required Front	None required, except where the block is partly within an R zoning district, the same front setback shall be required as in the R district.	
Sides (each) (1) Street side	10 ft. where the side of the parcel abuts an R district; none elsewhere.	
Rear (1)	10 ft. where the rear of the parcel abuts an R district; none elsewhere.	
Accessory structures	See Section 19.76.020 (Accessory uses and structures).	
Site Coverage, Maximum	100% (2) See Section 19.68.040 (Landscape installation requirements).	
Height Limits	85 ft. Minimum height of two stories for new construction	85 ft.
Development Feature	**Requirement by Zoning District**	
	CS	**CR**
Minimum Lot Area	10,000 sq.ft.	
Residential Density	None allowed.	6 to 50 units per gross acre. Exclusively residential projects shall comply with the residential setback requirements in Table

		4-3C and the landscape standards in Chapter 19.68 based upon the project density and corresponding residential zoning district.
Landscaping	See Section 19.68.040 (Landscape installation requirements).	
Setbacks Required Front	None required, except where the block is partly within an R zoning district, the same front setback shall be required as in the R district.	
Sides	10 ft. where the side of the parcel abuts an R district; none elsewhere.	10 ft. where the side of the parcel abuts an R district; none elsewhere.
Street side	10 ft. where the side of the parcel abuts an R district; none elsewhere.	10 ft. where the side of the parcel abuts an R district; none elsewhere.
Rear	10 ft. where the rear of the parcel abuts an R district; none elsewhere.	10 ft. where the rear of the parcel abuts an R district; none elsewhere.
Accessory structures	See Section 19.76.020 (Accessory uses and structures).	
Site Coverage, Maximum	95%(2) See Section 19.68.040 (Landscape installation requirements).	95%(2) See Section 19.68.040 (Landscape installation requirements).
Height Limits	57 ft. Lesser height may be required through the Design Review process where the parcel abuts an R district.	57 ft. Lesser height may be required through the Design Review process where the parcel abuts an R district.

Notes:
(1) A minimum 6-foot landscape buffer shall be included along the rear or side property line abutting the residential use.
(2) The Architectural Review and Historic Preservation Board may require less coverage and more landscaped open area to provide visual relief or contrast, or to screen incompatible or obtrusive features.

Chapter 19.60
GENERAL PROPERTY DEVELOPMENT AND USE STANDARDS

Section:

19.60.060 Fencing and screening.

The following standards shall apply to the installation of all fences and walls. Fences and walls require approval from the Architectural Review and Historic Preservation Board (ARHPB), if ARHPB review is also required for the underlying development project. Perimeter fences and walls adjacent to the public right-of-way within a proposed subdivision require approval from the Commission, as part of the tentative map review process.

A. Height Limitations. Fences and walls are subject to the following height limitations:

1. General Height Limit.

a. Standard Parcels. On all parcels except corner lots, fences, walls, or similar obstructions shall not exceed the following height limitations:

(1) Front Yards. 3 feet. May be increased to 4 feet with approval of an administrative use permit in compliance with Chapter 19.25 (Administrative Use Permits), or up to 6 feet with approval of a use permit in compliance with Chapter 19.24 (Use Permits).

(2) Rear Yards. 6 feet for all fences; 7 feet if one foot of lattice or other 50% view permeable material is incorporated into the top one foot of the fence design. May be increased to 8 feet with approval of an administrative use permit in compliance with Chapter 19.25 (Administrative Use Permits).

(3) Side Yards. 6 feet for all fences outside the front yard setback area (see Figure 5-1); 7 feet if one foot of lattice or other 50% view permeable material is incorporated into the top one foot of the fence design. Interior side yard fencing may be increased to 8 feet with approval of an administrative use permit in compliance with Chapter 19.25 (Administrative Use Permits).

No fence authorized by a use permit shall exceed 6 feet in height in any required front or street side yard nor 8 feet in height in any rear or interior side yard.

b. [NO CHANGES]

c. [NO CHANGES]

d. [NO CHANGES]

B. [NO CHANGES]

C. [NO CHANGES]

D. [NO CHANGES]

E. [NO CHANGES]

F. Prohibited Materials. The use of barbed wire, electrified fence, or razor wire fence in conjunction with any fence or wall, or by itself, is prohibited in all zoning districts unless:

1. Approved in a commercial or industrial zoning district, in compliance with Chapter 19.24 (Use Permits); and

2. Consistent with the requirements of Civil Code Section 835, including but not limited to the following:

a. Signage. Electrified fences shall be identified by prominently placed warning signs that are legible from both sides of the fence.

b. Perimeter fencing. Electrified fences shall be located behind a perimeter fence that is not less than 6 feet in height.

3. Or as required by any law or regulation of the City, State, or any agency thereof.

G. [NO CHANGES]

H. [NO CHANGES]

I. [NO CHANGES]

J. [NO CHANGES]

19.60.070 Height measurement and height limit exceptions.

A. [NO CHANGES]

B. Detached Accessory Structures. A detached accessory structure shall not exceed 15 feet in height. Additional height, up to a maximum of 10 feet, may be authorized with a use permit if architecturally consistent with the main structure.

C. Detached Garage. A detached garage or carport shall not exceed 15 feet in height. Except:

1. A height of 25 feet is allowed for garages with an ADU above; and

2. A height of 25 feet may be allowed for garages without an ADU above if the additional height is architecturally consistent with the main structure and has a minimum setback distance of 10 feet from any property line.

D. [NO CHANGES]

E. [NO CHANGES]

Chapter 19.76
STANDARDS FOR SPECIFIC LAND USES

Section:

19.76.130 Accessory dwelling units.

The following definitions, permit requirements and development standards shall apply to accessory dwelling units.

A. Definitions. In addition to the definitions set forth in Chapter 19.04, the following words and phrases shall have the following meanings respectively ascribed to them in this section.

1. "Accessory dwelling unit" (ADU) means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons on the same parcel as the main dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit also includes the following:

   a. An efficiency unit as defined in Section 17958.1 of the Health and Safety Code.

   b. A manufactured home as defined in Section 18007 of the Health and Safety Code.

2. "Junior Accessory Dwelling Unit" (JADU) means a unit that is no more than 500 square feet in size and contained entirely within a single-family dwelling. JADUs shall include a separate entrance from the main entrance to the proposed or existing single-family residence and shall be equipped with an efficiency kitchen providing cooking appliances and a food preparation area of reasonable size. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. In accordance with State law, a junior accessory dwelling unit shall be owner-occupied.

B. General requirements. Where a single-family or multi-family use is a permitted use or lawfully exists, and where the property has not been subdivided or developed in connection with SB9, a proposed ADU shall comply with all the development standards of this section. Applicants for accessory dwelling units may seek zoning clearance for a site plan depicting a proposed ADU or may directly apply for building permits and compliance with these standards shall be assessed in conjunction with building permit review.

1. Accessory dwelling units or junior accessory dwelling units may be rented for the purpose of overnight lodging for terms of thirty or more consecutive days but shall not be rented or subleased for shorter terms.

2. Neither the main dwelling nor the ADU shall be sold or otherwise conveyed separately from the other unit, except pursuant to California Government Code Section 65852.26.

C. [NO CHANGES]

19.76.180 Infill Residential Flag Lots

A. Purpose. The purpose of these regulations is to implement General Plan goals of encouraging infill development, while also preserving the privacy of existing residences and the character of the neighborhoods where such lots are created. It is the intent of these regulations to (1) limit the number of flag lots which can be created where a series of similarly-sized large lots could be subdivided with flag lots, thereby significantly raising the density and changing the character of an existing neighborhood, and (2) provide standards for the development of such lots in addition to those which would otherwise apply. Properties suitable for flag lot subdivisions should be larger than average for the neighborhood, and/or of a unique configuration. Retention of existing older housing stock is strongly encouraged in flag lot subdivisions. These regulations are intended to provide greater certainty for both developers and neighbors, and are intended to supplement, not supersede, the flag lot regulations contained in Title 18R.

B. Applicability. The standards in this section shall only apply to infill residential flag lots where the property has not been subdivided or developed in connection with SB9. For purposes of this section, infill residential flag lots are defined as flag lots created after the adoption of this section which are located in the RS, R1 or R2 zoning districts and which abut existing single-family development. Existing single-family development is defined as one or more residentially zoned lots already developed with single-family dwellings at the time that the parcel map or tentative subdivision map approving the creation of the flag lot is approved and which are not a part of the subdivision which creates the flag lot.

19.76.210 Disaster Recovery Structures.

A. – D. [NO CHANGES]

E. Term of Ordinance. This Ordinance shall be valid until April 16, 2024, unless otherwise extended by the City Council, or until such later date as established by the City Council.

19.76.220 Ministerial Urban Lot Split and Two-Unit Housing Development

It is the purpose of this Section to implement Section 65852.21 of the Government Code pertaining to Two-Unit Housing Developments and to implement Section 66411.7 of the Government Code pertaining to Urban Lot Splits.

A. Two-Unit Housing Development. A proposed housing development containing no more than two residential units on a parcel located within a single-family residential zoning district shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all the eligibility requirements and standards established in this section.
   1. Applicability. This section may be applied to parcels zoned R1 (Low Density Residential) or RS (Suburban Residential).
   2. Eligibility. Single-family residential properties meeting the criteria below may be eligible for a Two-Unit Housing Development:

a. Lot Location. The lot to be developed shall not be located on a site that is any of the following, as contained within Government Code Section 65913.4(a)(6)(B) through (K), as may be amended from time to time:
    i. Prime farmland, farmland of statewide importance or land that is zoned or designated for agricultural protection or preservation by the voters.
    ii. A wetland.
    iii. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
    iv. A hazardous waste site that has not been cleared for residential use.
    v. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
    vi. Within a one hundred (100) year flood hazard area, unless the site has either been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
    vii. Within a regulatory floodway, unless all development on the site has received a no-rise certification.
    viii. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan or other adopted natural resource protection plan.
    ix. Habitat for protected species.
    x. Land under conservation easement.
b. Historic Properties. A Two-Unit Housing Development shall not be permitted on properties listed on the City's Historic Resources Inventory or located within a historic district.
c. Rental Properties. A Two-Unit Housing Development shall not be permitted on any lot that contained a dwelling unit that was withdrawn from rental or lease under the Ellis Act at any time within fifteen (15) years before the date that the application for the Two-Unit Housing Development is submitted to the city.
d. Demolition or Alteration of Protected Units. A Two-Unit Housing Development shall not result in the demolition or structural modification of any portion of an existing residential unit that:
    i. Is protected by a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low or very low income;
    ii. Is protected under the Fair Rent Act; or

iii. Has been occupied by a tenant within the three (3) years prior to the submittal of an application for a Two-Unit Housing Development.

e. Declaration of Prior Tenancies. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an Urban Lot Split or Two-Unit Housing Development shall sign an affidavit, under penalty of perjury, stating that none of the conditions listed in subsection (A)(2)(D)(i),(ii), and (iii) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished).

3. Maximum Number of Units Allowed. No more than two (2) dwelling units shall be permitted on any lot utilizing the Two-Unit Development provision or any lot created through an Urban Lot Split (inclusive of primary units, accessory dwelling units, junior accessory dwelling units, and density bonus units).
4. Separation of units. Primary dwelling units may be attached or detached. Units shall be constructed and/or modified to allow for separate conveyance of each unit consistent with applicable building and fire code requirements.
5. Sale of units. Each dwelling unit of a Two-Unit Housing Development may be rented independently but shall not be sold or conveyed separately from the other unit.
6. Development Standards. A proposed Two-Unit Housing Development shall comply with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located.
7. Exceptions to Development Standards.
    a. The Director shall modify or waive any standard if the standard would have the effect of physically precluding the construction of up to two units, or would result in a unit size of less than 800 square feet, on any lot utilizing the Two-Unit Housing Development provision or any lot created by an Urban Lot Split. Any deviations from the development standards shall be the minimum necessary to avoid physically precluding two units of 800 square feet in size.
    b. Notwithstanding subsection (A)(6) above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
    c. Correction of any legal nonconforming zoning condition shall not be required as a condition of approval for a Two-Unit Housing Development.
8. Parking Requirement. One covered space shall be provided per unit. No parking shall be required for either unit of a two-unit housing development if any of the following conditions are met:

a. The lot is located within one-half (1/2) mile walking distance of a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code;
b. The lot is located within one-half (1/2) mile walking distance of a major transit stop, as defined in Section 21064.3 of the Public Resources Code; or
c. There is a car-share vehicle parking space located within one (1) block of the lot.

9. Property Owner Attestation. Upon submittal of an application for a Two-Unit Housing Development, the property owner shall sign an affidavit, under penalty of perjury, acknowledging the following:
    a. A requirement for owner occupancy as defined in Section 19.04.020;
    b. A limitation restricting the property to residential uses only;
    c. A requirement that any dwelling units on the property may be rented or leased only for a period of longer than thirty (30) days.
    d. No alteration or demolition of protected units, as described in subsection (A)(2)(D)(i),(ii), and (iii), shall occur.

B. Urban Lot Split. This Section establishes eligibility requirements and standards for urban lot splits.
1. Applicability. This section may be applied to lots zoned R1 (Low Density Residential) or RS (Suburban Residential).
2. Eligibility. Single-family residential properties meeting the criteria below may be eligible for an Urban Lot Split under this Section:
    a. Lot Location. The lot to be subdivided shall not be located on a site that is any of the following, as contained within Government Code Section 65913.4(a)(6)(B) through (K), as may be amended from time to time:
        i. Prime farmland, farmland of statewide importance or land that is zoned or designated for agricultural protection or preservation by the voters.
        ii. A wetland.
        iii. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
        iv. A hazardous waste site that has not been cleared for residential use.
        v. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
        vi. Within a one hundred (100) year flood hazard area, unless the site has either been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

vii. Within a regulatory floodway, unless all development on the site has received a no-rise certification.
viii. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan or other adopted natural resource protection plan.
ix. Habitat for protected species.
x. Land under conservation easement.

b. Historic Properties. Urban Lot Splits are not permitted on properties listed on the City's Historic Resources Inventory or located within a historic district.
c. Rental Properties. Urban Lot Splits are not permitted on any lot that contained a dwelling unit that was withdrawn from rental or lease under the Ellis Act at any time within fifteen (15) years before the date that the application for the Urban Lot Split is submitted to the city.
d. Demolition or Alteration of Protected Units. Urban Lot Splits shall not result in the demolition or structural modification of any portion of an existing residential unit that:
    i. Is protected by a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low or very low income;
    ii. Is protected under the Fair Rent Act; or
    iii. Has been occupied by a tenant within the three (3) years prior to the submittal of an application for an Urban Lot Split.
e. Declaration of Prior Tenancies. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an Urban Lot Split or Two-Unit Housing Development shall sign an affidavit, under penalty of perjury, stating that none of the conditions listed in subsection (B)(2)(D)(i),(ii), and (iii) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished).
f. No Prior Urban Lot Split. The lot to be subdivided shall not be a lot that was established through a prior urban lot split.

3. Subdivision of Adjacent Parcels. The lot to be subdivided shall not abut any lot that was previously subdivided through an Urban Lot Split by the owner of the lot proposed to be subdivided or any party acting in concert with the owner. For the purpose of this section, a person "acting in concert with the owner" means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.
4. Maximum Number of Units Allowed. No more than two dwelling units shall be located on any lot created through an Urban Lot Split, including primary dwelling units, accessory dwelling units, junior accessory units, density bonus units, and units created as a two-unit development.

5. Subdivision Map Act Compliance. The Urban Lot Split shall conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410, *et. seq.*) ("SMA"), including implementing requirements in this code.
6. Development Standards. Development proposed on any lot created through an Urban Lot Split shall comply with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located. In addition, any lot created by an Urban Lot Split shall comply with the following standards:
    a. Minimum lot size. The lot to be split shall contain a minimum of 2,400 square feet. The resulting lots shall each contain a minimum of 1,200 square feet. Each of the resulting lots shall be between sixty (60) percent and forty (40) percent of the original lot area.
    b. Each resulting parcel shall have access to, provide access to, or adjoin the public right-of-way.
7. Exceptions to Development Standards.
    a. The Director shall modify or waive any standard if the standard would have the effect of physically precluding the construction of up to two units, or would result in a unit size of less than 800 square feet, on any lot utilizing the Two-Unit Housing Development provision or any lot created by an Urban Lot Split. Any deviations from the development standards shall be the minimum necessary to avoid physically precluding two units of 800 square feet in size.
    b. Notwithstanding subsection (B)(4) above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
    c. Retained structure setbacks on lots created by Urban Lot Splits. If one (1) or more dwellings are retained on a site that is subdivided by an urban lot split, no setback shall be required for the retained dwelling(s) if compliance with the required setbacks would prevent the Urban Lot Split, subject to compliance with all applicable building and fire codes.
    d. Correction of any legal nonconforming zoning condition shall not be required as a condition of approval for an Urban Lot Split.
8. Property Owner Attestation. Upon submittal of an application for an Urban Lot Split, the property owner shall sign an affidavit, under penalty of perjury, acknowledging the following:
    a. A requirement for owner occupancy as defined in Section 19.04.020;
    b. A limitation restricting the property to residential uses only;
    c. A requirement that any dwelling units on the property may be rented or leased only for a period of longer than thirty (30) days;
    d. The lot to be subdivided was not created through a prior Urban Lot Split;
    e. The lot cannot be further subdivided using the Urban Lot Split procedures as provided for in this section;

f. That neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an Urban Lot Split.
g. No alteration or demolition of protected units, as described in subsection (B)(2)(D)(i),(ii), and (iii), shall occur.

SB-9 Housing development: approvals. (2021-2022)

Date Published: 09/17/2021 09:00 PM

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.

Attachment B

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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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.

Attachment B

(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. Attachment B

(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.

Attachment B

(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.

(g) (1) 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.

(2) 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.

(3) 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.

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

(i) 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.

(j) (1) 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.

(2) 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.

(k) 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.

(l) 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.

(m) 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.

(n) 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.

Attachment B

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, excluding 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 of

Attachment B

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 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.

Attachment B

PLANNING DIVISION

411 Main Street (530) 879-6800
P.O. Box 3420
Chico, CA 95927-3420
www.chicoca.gov

Application No. CA22-01

APPLICATION FOR

Title 19 Code Amendment

Applicant Information

Applicant Name	JON SCOTT / CASINO CHICO	Daytime Phone	530-321-2577
Applicant Street Address	PO BOX 4191	Email	jon@jonscott.com
City	CHICO	State CA	Zip 95927

Agent/Consultant Name	Daytime Phone	
Street Address	Email	
City	State	Zip

Project Information

Code Section(s) To Be Amended: 5.32

Proposed Amendment (attach additional sheets if necessary)

PLEASE SEE ATTACHED SHEET. THE KEY PART ON ATTACHED SHEET ARE IN BLUE. THE OTHER PART OF DOCUMENT (NON BLUE) PROVIDES BACKGROUND AND OTHER INFORMATION.

Related Applications

Required Signatures

I hereby certify that this application and all other documents submitted are true and correct to the best of my knowledge and belief.

Applicant's Signature: [signature] Date: JANUARY 25, 2022

For Office Use Only

Application Received By: M. Driscoll	Butte County Filing Fee $50 (Check payable to Butte County)	Receipt No. R6497
Date: 2/3/22		Application Deposit $ 6,737
Assigned Planner	____ Applies	Environmental Review Fee $ 422
Tentative Hearing Date	____ Does Not Apply	Total Deposit $ (Check payable to City of Chico)

See Page 2 for Additional Information

Attachment C

Make whatever zoning change is needed to allow **one** card room in the downtown area. My cardroom. This cardroom will be located in an already existing entertainment / restaurant business: Ubar, The Beach, Panama's, below Crush restaurant, etc.

This cardroom would be authorized to have as many tables as are available per the City of Chico cardroom ordinance. Currently our ordinance allows up to fifteen tables and up to three cardrooms in the City of Chico. There is a statewide moratorium on new cardrooms that is unlikely to be lifted anytime soon. (The moratorium has been in effect for over twenty years) There is currently one competitor, Casino 99 on Park Ave. They are in trouble with the Bureau of Gambling Control and are currently going through State of California administrative proceedings with an onsite outside third party to monitor proper legal compliance. They have been fined $90k and will have gaming license removed if they fail to meet the requirements of the negotiated settlement they have with the California Department of Justice.

My cardroom, Casino Chico, will put a contractual voluntary gross revenue tax of 5% for the city of Chico. No vote needed. The easiest new revenue source the city will obtain! 🙂

After a six month ramp up, I would guess gross revenues would be in the neighborhood of 2MM per year providing the city with a permanent funding source of approximately 100k per year.

I propose to make an upfront, non-refundable, deposit of this tax of 100k upon approval of a use permit. Once this deposit is exhausted, I will refresh in 50k increments. I would propose providing required financial statements every six months to determine and levy the tax.

Casino Chico has been open for three years plus at 968 East Avenue. We have generated not one problem, a record all of us with the cardroom are fiercely proud of. More importantly I currently have sixteen employees and, calculated on a full-time basis, they earn around 80k – 120k a year. These are GREAT JOBS for local Chico citizens.

I would expect that job count to go to about thirty-five in a downtown location.

I have often been asked why downtown?

The answer is simple; Playing cards is a tourist type event. Downtown is properly the place for people to congregate. Restaurants, bars, a place or two for ice cream and candy, etc. **I was located downtown in the early 1990's and learned this firsthand**.

COVID has basically been a nasty torture chamber for public financing. Citizens are frightened about the future at levels I have never experienced in my 63 years on the planet. Accordingly, the citizens are very averse to direct taxes even though, quite honestly, they are needed (do not tell anyone I admitted to that)

I believe that my proposal will create significant benefit to the City of Chico with zero downside.

- Twenty, currently not existing, new high paying jobs, in a non-polluting, non-alcohol serving business. (Our only business is cards. The restaurant-nightclub we would be located in would of course be able to provide our customers food and a beer) With the current sixteen employees we would be at around thirty-six total.

- $100,000 a year for the city. While in the scheme of things that is not that much money it will save at least one job for a deserving city employee. That is a positive for sure.

Our business is one of the few where employee compensation will exceed our gross revenue. The reason is that 75% of employee wages come from tips.

These wages are spent right back into Chico. A lot of these wages would end up being spent in downtown Chico.

I am not a trained economist, but I believe between wages, patrons, our 5% revenue tax, and the "multiplier effect" our downtown cardroom will be worth millions of dollars of benefit to our community.

https://en.wikipedia.org/wiki/Local_multiplier_effect#:~:text=Higher%20pay%20results%20in%20larger,area%2C%20average%20prices%20will%20rise.

REFERENCE;

City of Chico Cardroom
ordinance: https://codelibrary.amlegal.com/codes/chico/latest/chico_ca/0-0-0-6081