

# Senate Bill 9 (The California HOME Act) & Assembly Bill 803 (Starter Home Revitalization Act)

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Presented by

Aleks R. Giragosian, City Attorney

COLANTUONO  
HIGHSMITH  
WHATLEY, PC

# Amendments to Draft Ordinance

## Planning Commission Amendments

- Extends R-1 standard for Urban Lot Splits
- Deletes Flag Lot standard for Urban Lot Splits

## City Staff Amendments

- Adds standard for developments adjacent to solar panels
- Clarifies that underlying design and development standards for each zone apply

# Overview

## SB 9 Urban Lot Splits

- Adds Government Code § 66411.7 to the Subdivision Map Act
- Ministerially approves splitting a single parcel into two in the single-family residential zone

## SB 9 Ministerial Design Review

- Adds Government Code § 65852.21 to the Planning & Zoning Law
- Ministerially approves development of up to two new units in a single-family residential zone

## AB 803 Small Home Lot Developments

- Adds Government Code § 66499.40 to the Subdivision Map Act
- Ministerially approves splitting a single parcel and the development of single-family units up to the maximum allowable density in a multi-family residential zone

# Eligible Sites (SB 9) Urban Lot Splits & Ministerial Design Review

- Only applies to single-family residential zones
  - R-1 One-Family Residential Zone
  - R-C Residential Canyon Zone
  - H Hillside Management Zone
- Does not apply to Commercial, Institutional, or Multi-Family Residential



# Eligible Sites (AB 803)

## Small Home Lot Developments

- Only applies to multi-family residential zones
  - R-2 Two-Family Residential Zone
  - R-3 Medium/High Density Residential Zone
  - R-3-20 Multiple Family Residential High Density
  - R-3-30 Multiple Family Residential High Density
- Does not apply to Commercial, Institutional, or Single-Family Residential



# Development Standards (SB 9)

## Urban Lot Splits

### Floor Area

- No less than 800 square feet per unit

### Density

- At least two units per parcel

### Lot Size

- The resulting lots must be at least 1,200 square feet, which means the lot to be split must be at least 2,400
- New parcel may not be smaller than 40% of the lot area of the original parcel

# Development Standards (SB 9)

## Urban Lot Splits

### Height

- SB 9 is silent as to height

### Setbacks

- No setbacks for existing structure in same location with same dimensions
- Setbacks of up to four feet from side and rear lot lines

### Parking

- City can require off-street parking of up to one space per unit, unless located within ½ mile of
  - a high-quality transit corridor,
  - within one block of a car share location

# Development Standards (SB 9)

## Ministerial Design Review

### Floor Area

- No less than 800 square feet per unit

### Density

- At least two units per parcel

### Lot Size

- The Ministerial Design Review provisions of SB 9 are silent as to lot size

# Development Standards (SB 9) Ministerial Design Review

## Height

- SB 9 is silent as to height

## Setbacks

- No setbacks for existing structure in same location with same dimensions
- Setbacks of up to four feet from side and rear lot lines

## Parking

- City can require off-street parking of up to one space per unit, unless located within  $\frac{1}{2}$  mile of
  - a high-quality transit corridor,
  - within one block of a car share location

# Development Standards (AB 803)

## Small Home Lot Development

### Floor Area

- An average total area of floorspace not to exceed 1,750 net habitable square feet

### Density

- The development will result in at least as many units as the maximum allowable residential density; and
- Residential properties within a radius of 500 feet of the site are zoned for less than 30 dwelling units per acre

### Lot Size

- Minimum lot size requirements prohibited
- Maximum lot size is 5 acres

# Development Standards (AB 803)

## Small Home Lot Development

### Height

- Existing height limits;

### Setbacks

- External existing front, side, and rear setback requirements;
- No setback requirements between units, except as required in the California Building Code

### Parking

- No standard for the number of parking spots
- No standard for whether parking must be onsite or offsite
- But prohibits requirement that parking be enclosed or covered

# Ministerial Approval (SB 9) Urban Lot Split

Urban lot splits permitted by right and processed ministerially

- Currently, a parcel map requires Planning Commission recommendation and City Council approval

The lot to be split cannot be:

- Created through an urban lot split
- Adjacent to another parcel that was subject to an urban lot split

# Ministerial Approval (SB 9) Ministerial Design Review Permit

Single-family homes & Duplexes permitted by right and processed ministerially

- SMMC 17.60.030 currently permits duplexes conditionally in R-1 zone

A maximum of 4 dwelling units on the original parcel

- SMMC 17.22 currently permits 3 units (primary dwelling unit, accessory dwelling unit, junior accessory dwelling unit)

# Ministerial Approval (AB 803) Small Home Lot Development

## Subdivisions and multi-family development permitted by right and processed ministerially

- Currently, such developments must obtain a design review permit, which would be subject to the limitations of the Housing Accountability Act & Housing Crisis Act

## Limitations on the type of housing

- For-sale
- Fee simple
- Single-family residential

# Exceptions (SB 9) Urban Lot Splits & Ministerial Design Review

- Exception for “Sensitive Sites” (e.g. Very High Fire Hazard Severity Zones)
  - City can amend the Fire Code to add mitigation measures
  - City is exploring a noncombustible 30-foot clear zone around new structures
- Historic Properties or Districts
  - Sierra Madre has a few historic properties, but no historic districts
- SB 9 curtails the City’s power to limit lot splits and duplexes, but says nothing about the authority of HOAs to amend their CC&Rs to enforce any such limitation

# Exceptions (AB 803) Small Home Lot Developments

- Prohibited on sites identified in the housing element as a site to accommodate any portion of the City's RHNA for lower income households
- Silent as to an exception for historic properties or districts and "Sensitive Sites"
- Prohibited from imposing formation of Housing Owners' Associations

# Anti-Displacement (SB 9) Urban Lot Split

- The urban lot split would not require demolition or alteration of a housing unit:
  - Subject to a recorded covenant, ordinance, or law that restricts rent to affordable housing levels;
  - Subject to rent or price controls;
  - Occupied by a tenant in the last 3 years;
  - Removed from the rental market under the Ellis Act within the last 15 years;

# Anti-Displacement (SB 9) Ministerial Design Review

- The ministerial design review does not demolish more than of 25% of the existing exterior structural walls, unless allowed by the City, and would not require demolition or alteration of a housing unit is:
  - Subject to a recorded covenant, ordinance, or law that restricts rent to affordable housing levels;
  - Subject to rent or price controls;
  - Occupied by a tenant in the last 3 years;
  - Removed from the rental market under the Ellis Act within the last 15 years;

# Anti-Displacement (AB 803) Small Home Lot Development

- The small home lot development would not require demolition or alteration of a housing unit:
  - Subject to a recorded covenant, ordinance, or law that restricts rent to affordable housing levels;
  - Subject to rent or price controls;
  - Occupied by a tenant in the **last 7 years**;
  - Removed from the rental market under the Ellis Act within the last 15 years;

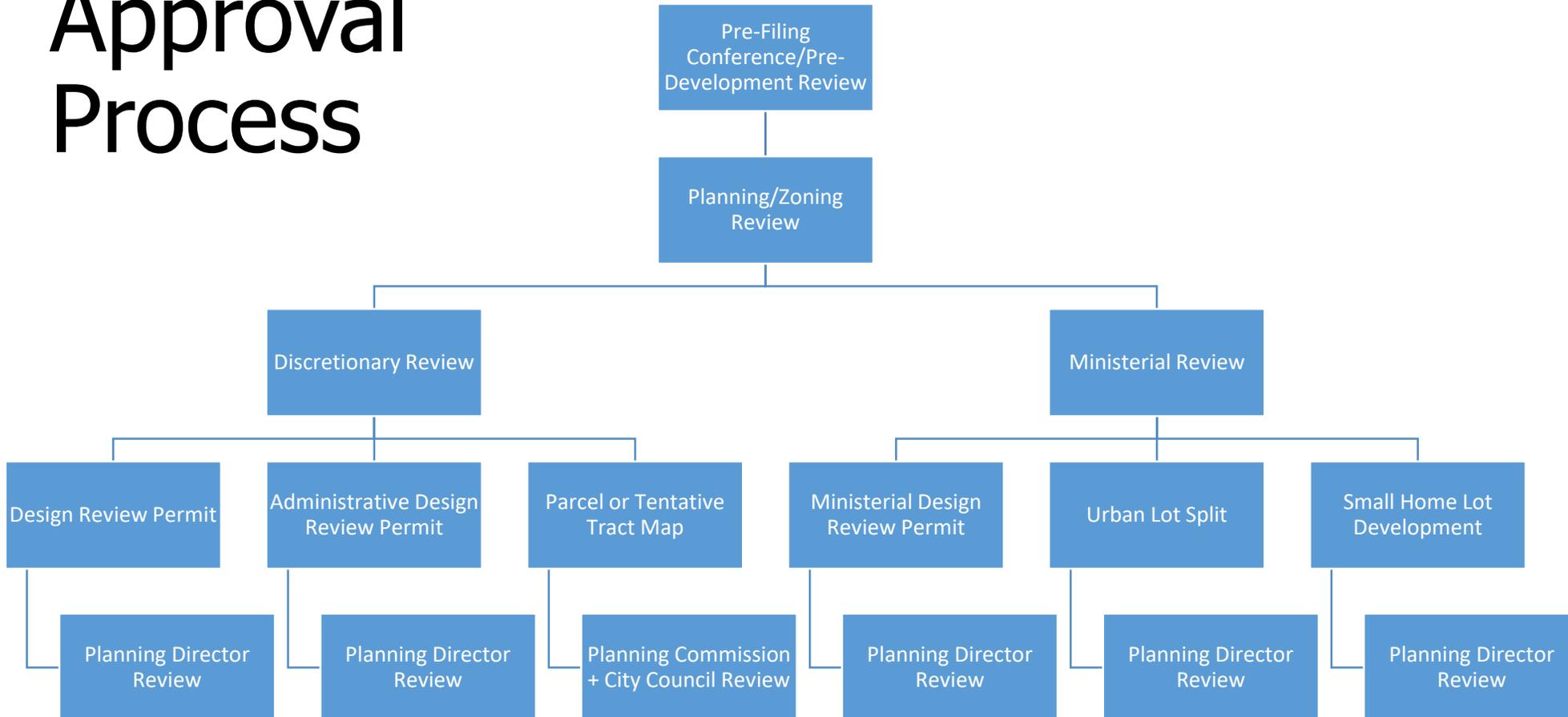
# Findings (SB 9) Urban Lot Splits & Ministerial Design Review

- The development complies with SMMC Chapter 16.18 or Chapter 17.59;
- The development is consistent with all other objective, local general plan, zoning, subdivision, and design standards; and
- The building official has not concluded that the development has a specific, adverse impact on public health or safety that cannot be mitigated or avoided without rendering the development financially infeasible.

# Findings (AB 803) Small Home Lot Displacement

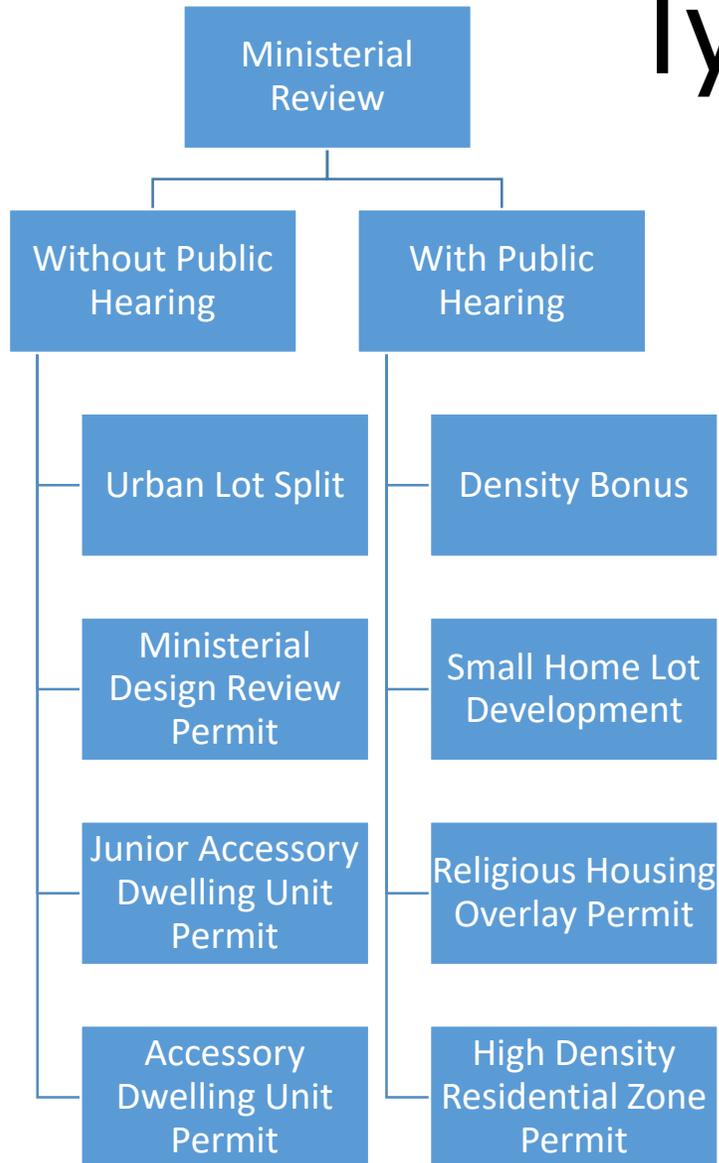
- The development meets the requirements of AB 803 — Government Code section 66499.40;
- The development complies with all the requirements of the Subdivision Map Act that are not in conflict with AB 803;
- The development complies with all local general plan, zoning, subdivision and design standards that do not conflict with AB 803; or
- The building official has not concluded that the development has a specific, adverse impact on public health or safety that cannot be mitigated or avoided without rendering the development financially infeasible.

# Planning Approval Process



COLANTUONO  
HIGHSMITH  
WHATLEY, PC

# Types of Ministerial Approvals



- Items subject to ministerial review that may undergo a public hearing will be subject to Preliminary Design Review – as defined in the Religious Housing Overlay

# Limitations of Design Review

- No more design review for the construction of new:
  - Single-family units (SB 9);
  - duplex units (SB 9);
  - accessory dwelling units (ADU Law);
  - Lot line adjustments and mergers (Subdivision Map Act);
  - Lot Splits (SB 9);
  - Multi-family residential developments (R-3-20, R-3-30; Housing Accountability Act)
- Design Review still applies to:
  - Residential replacements, additions, and improvements
  - All commercial development