



PLANNING COMMISSION

TA 21-0004 Senate Bill 9 Ordinance Update

November 30, 2021

SAN MARCOS

DISCOVER LIFE'S POSSIBILITIES

Request

- Recommend to City Council:
 - Adoption of Amendments to Zoning Ordinance to Chapters 20.215 and 20.300 and add Chapter 20.470 regulating Two Unit Residential Development Ordinance
 - Adoption of Amendment to Subdivision Ordinance adding Chapter 19.44 regulating Urban Lot Splits
 - Categorical Exemption pursuant to California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n)

SB 9 - Background

- Senate Bill 9
 - Effective January 1, 2022
 - Applies in areas zoned for single family residential use
 - R-1-20, R-1-10, R-1-7.5, R-2
 - Requires ministerial approval of:
 - Two residential units on a SFR lot
 - Urban lot splits to SFR lots
 - 4-units on a Single Family zoned lot maximum

Excluded Areas Per SB 9

- Prime Farmland
- Wetlands
- Hazardous Waste Site
- Floodways
- High Fire Severity Zone
- Lands Identified for Conservation
- Habitat for Protected Species
- Lands within a Conservation Easement
- Other Conditional Criteria

Other SB 9 Restrictions

- Existing Rental Housing Restrictions:
 - Cannot demo or alter
 - Housing that restricts rents based on income
 - Housing subject to rent control
 - Housing occupied by a tenant for the last three (3) years
- Site not Considered a Historic Resource
- Short-term rental not permitted
- Private Land Use Restrictions/Covenants can apply (CC&Rs)

SB 9 Allowances – Objective Standards

- Application of Objective Standards to Two Units Developments and Urban Lot Splits, however:
- Any standards required by the City as a condition of approval must be objective and made available to both developer and City officials prior to application submission
- Cities may not impose zoning, subdivision, or design review standards that would have the effect of precluding:
 - Construction of up to two-units on a parcel zoned for single-family residences, or
 - Either unit from being at least 800 square feet in floor area
 - Lot sizes at least 1,200 square feet

SB 9 City Discretion on Requirements

- City discretion examples:
 - Setbacks
 - Parking
- Other
 - Accessory Dwelling Units
 - Design
 - Vehicular Access
 - Other mapping requirements

Proposed Ordinance

- Zoning Ordinance Amendments for Two Unit Residential Development
Chapter 20.470
- Subdivision Ordinance Amendment for Urban Lot Split
Chapter 19.44

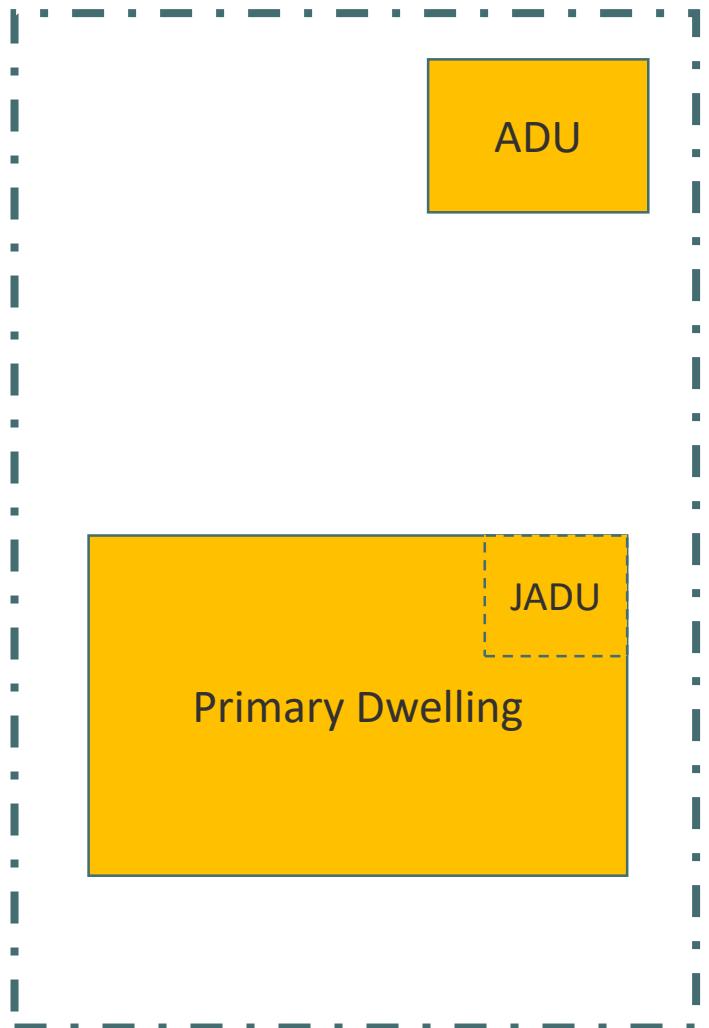
Two Unit Residential Development

Topic	Proposed Standard
Minimum Lot Size	None
Number of Units	<ul style="list-style-type: none">• Maximum of two primary units• One Accessory Dwelling Unit allowed per primary unit (max. 4 units)
Maximum Unit Size	800 s.f. for new or additional dwelling
Separation	Detached units separated by 10 feet, Duplexes to meeting Building Code standards for attached structures
Setbacks	<ul style="list-style-type: none">• Comply with applicable setbacks for zone• Interior and rear setbacks may be reduced to 4 feet• No setback required for a structure constructed in the same location and to the same dimensions as an existing structure

Two Unit Residential Development

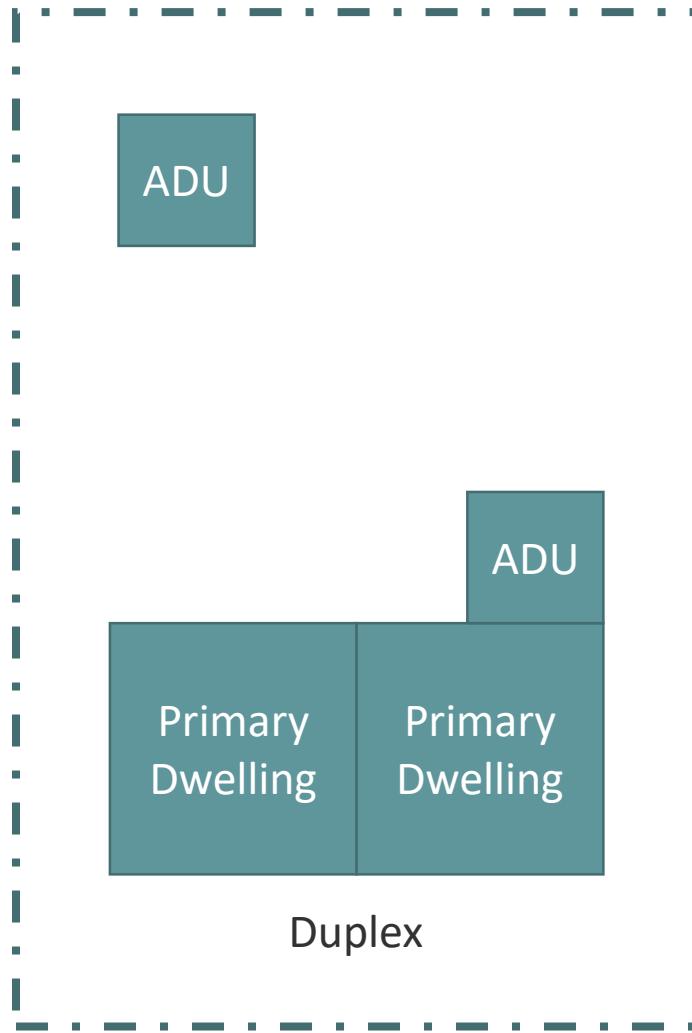
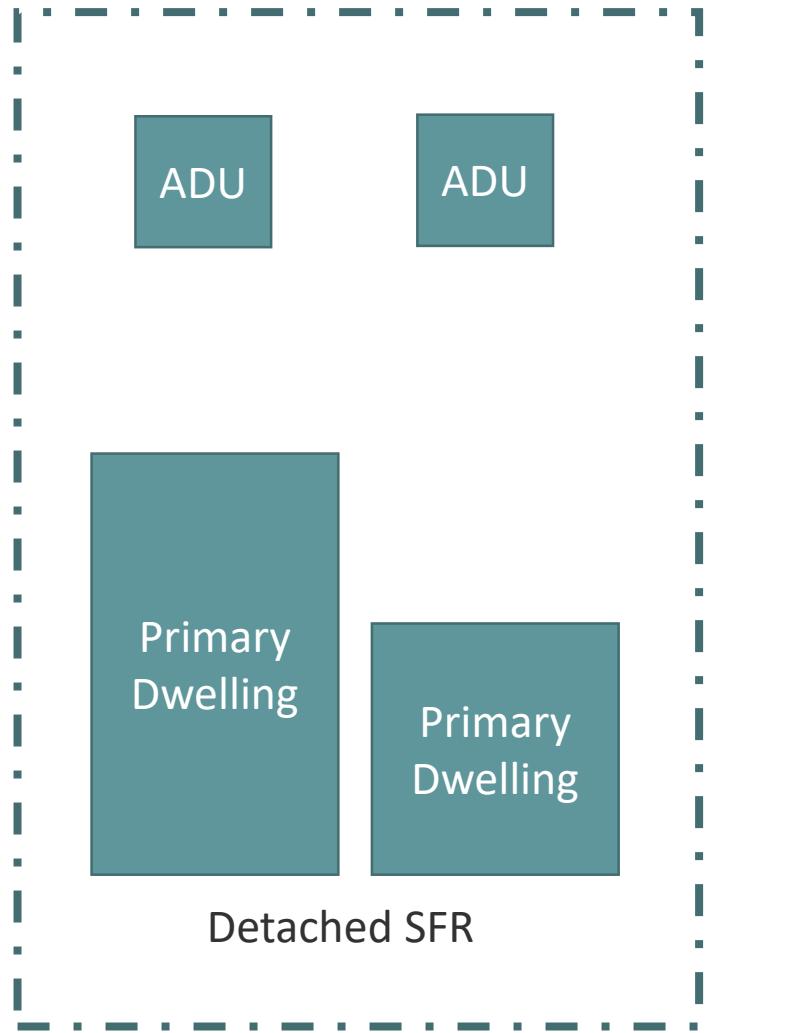
Topic	Proposed Standard
Height	16 feet, one story
Parking	One-off-street parking spaces per unit with exceptions
Design	Residential unit to blend in with existing primary dwelling unit on the lot and neighborhood residences by incorporating the same or similar architectural features, building materials, and color as the primary dwelling unit on the property.
Rental	No short-term rental – must be rented for longer than 30 days
Owner occupancy	One of the dwellings on the lot must be the bona fide principal residence of at least one legal owner of the lot containing the dwelling – recordation of covenant required
Other zoning	Chapters 20.215 and 20.300 updated to account for two unit allowances

Currently Allowed



- Maximum of 3 dwelling units:
 - Primary Dwelling + ADU and Junior ADU
 - AB 670 ADUs not subject to CC&Rs

Proposed Ordinance – No Lot Split

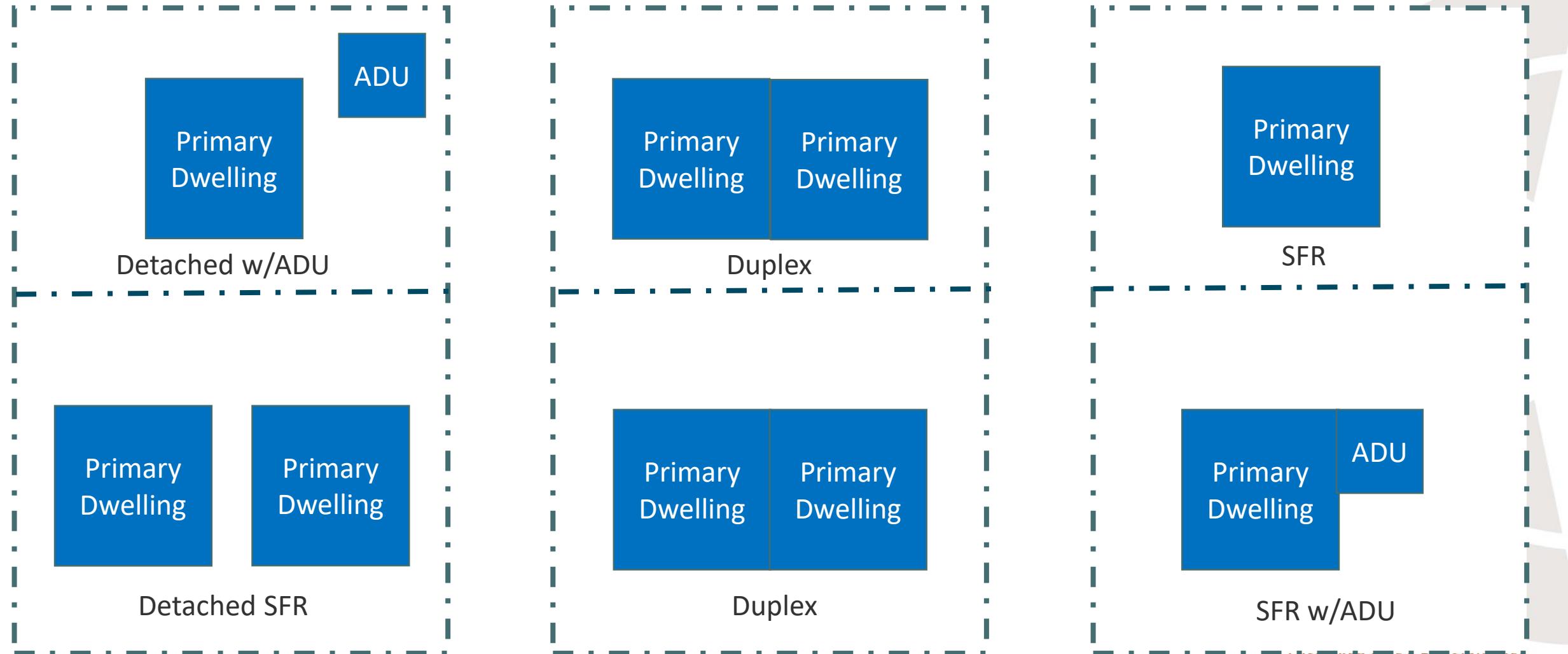


Maximum of 4 units

Urban Lot Split

Topic	Proposed Standard
Lot size/area	Maximum of 2 lots w/ a minimum of 1,200 s.f. and no less than 40% of the original lot size
Number of Units	Maximum of two residential units per lot
Owner occupancy	Owner must sign an affidavit stating intent to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the recording of the parcel map
Multiple Subdivision	Lot created through an Urban Lot Split cannot be further subdivided
Special Locational Considerations	<ul style="list-style-type: none">Excludes by reference those areas excluded by state lawNot allowed in a very high fire hazard severity zone, unless sites are subject fire hazard mitigation measuresAlso excluded from the calculation of lot area for an urban lot split:<ul style="list-style-type: none">Area of a creek or watercourseWetlandsAreas greater than 25% slope

Proposed Ordinance – Urban Lot Split



Single Family Zone Applicability

Zone	Available Parcel Count (>= 2400 s.f.)
R-1-20	707
R-1-10	2,102
R-1-7.5	1,088
R-2	788
Total Count	4,685

Staff Recommendation

Recommend to City Council:

- Adopt Categorical Exemption pursuant to California Environmental Quality Act
- Adopt Text Amendment (TA 21-0004) included with Resolution PC 21-4962



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