

ATTACHMENT 4
Summary of Senate Bill No. 9

Section 1 – 65852.21 – “Two Unit Development”

Highlights:

- Applicability – permitted zones – R-1 (Single Family Residential), R-1 – H (Single Family Residential – Horse keeping).
 - Not permitted in Fire Mountain Zone (Hillside area).

- Development Standards:
 - Setback for new structure: 4-feet, side and rear. Existing structure can remain in current setback, if built in the same location and to the same dimensions.
 - Parking: One unit per unit, unless: ½ mile walking distance of transit stop or one block from car share vehicle
 - City must apply objective zoning standards, objective subdivision standards, and objective design standards. Projects pursuant to this section shall fall within the categories of development standards that are similar in nature to the ones stated in our Single-Family Residential Section (i.e., FAR: 40%, Lot Coverage: 50%, Height: 20 feet to the top of plate, 30 feet to the top of the roof.)
 - Development or design standards cannot prohibit the construction of at least an 800-square foot dwelling. (Anything above 800 square feet, development/design standards can apply.)

- The applicant cannot to demo or alter the existing single-family housing unit on site:
 - Deed restricted
 - Subject to rent control
 - Can demo only up to 25%
 - Tenant has lived there in the last 3 years
 - If located in a historic district or is a State Historic Resource

- City does not have to allow for an Accessory Dwelling Unit or Jr. Accessory Dwelling Unit to be allowed on site if looking to go through this section (Duplex/Second Unit)

- Must rent out units for 30 days or more.

- Units built through this process must be submitted to APR

Section 2 – 66411.7 “Urban Lot Split”

Highlights:

Allows for the ministerial approval for a parcel map to conduct an urban lot split if the parcel map meets the following requirements.

- Can do an urban lot split to create no more than two (2) parcels, where one parcel can't be smaller than 40% of the original parcel
- Both newly created parcels can't be smaller than 1,200 square feet
- Parcel must be in a single-family residential zone
- The subdivision cannot occur in the Mountain Fire Zone or the parcel is not located in a Historic District or on the State Historic Resource Inventory
- The urban lot split cannot result in the alteration or demo of these types of housing:
 - Deed restricted/recorded covenant housing for moderate, low or very low housing
 - Housing subject to rent control
 - Housing that has been occupied by a tenant in the last three (3) years
- The parcel could not have gone through a prior urban lot split
- The owner of the parcel being subdivided, or any person acting in concert with the owner, could not have previously subdivided an adjacent parcel using the urban lot split
- Application for a parcel map urban lot split shall be approved with the following requirements:
 - Ministerial without discretionary review
 - All objective requirements of the Subdivision Map Act – Division 2 must be met
 - City shall not impose regulations that require dedications of right-of-way or the construction of offsite improvements for the parcel
- City may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split
- City shall not impose objective standards that would have the effect of precluding the construction of two (2) units on either of the resulting parcels or that would result in a unit size less than 800 square feet
- No setback required for an existing structure, or a new structure built in the same location and to the same dimensions.
- Setback requirement for new construction is 4-feet from the side and rear
- Lots split using this process are limited to residential uses
- An Owner-occupancy requirement is imposed - the owner must sign an affidavit stating that they “intend to” live in one of the new units for at least 3 years from the date of lot split approval
 - Exception is that this provision shall not apply to an applicant that is a “community land trust” or a “qualified nonprofit corporation”
- City may impose any of the following conditions when considering an application for a parcel map for an urban lot split:

- Easement required for the provision of public services
- The parcel has access to, provides access to, or adjoins the public right of way
- One parking space per unit, unless ½ mile of walking distance of a transit stop or one block from a car share vehicle
- City shall not be required to approve more than two units on a parcel.
- City cannot reject application solely because it proposes adjacent or connected structures
- Rent terms must be 30 days or more
- City shall not require the correction of non-conforming zoning conditions
- Parcels split using this section must be reported to the State via the Housing Element APR