



State Legislation Zoning Code Text Amendment

Planning Commission Meeting of December 12, 2024

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Project Description

- State Legislation Zoning Code text amendment ensures the City Code remains in compliance with State laws
- Amendments address Assembly Bills 1287 and 323, (Density Bonus), Assembly Bill 821 (Zoning and General Plan Consistency), and Assembly Bill 894 (Shared Parking), and Assembly Bills 976 & 2533, and Senate Bill 1211 (Accessory Dwelling Units)
- Proposed modifications to City's ADU Ordinance to limit the development of ADUs in specified cases



History

- October 2021, Governor signed Senate Bill 9 which allowed properties zoned for single-family development to be subdivided and developed with a total of four primary units.
 - October 2023, Governor signed State legislation related to housing regulations and shared parking, (AB 1287, AB 323, AB 821, AB 894).
 - October 2024, Governor signed State legislation related to Accessory Dwelling Units regulations (AB 976, AB 2533 and SB 1211).
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Proposed Amendments: Accessory Dwelling Units (ADUs)

- ✓ Assembly Bill 976 – Permanently eliminates owner-occupancy requirements for ADUs
- ✓ Assembly Bill 2533 – Permits of unpermitted ADUs shall not be denied for units constructed before January 1, 2020, unless correcting the violation is necessary to protect public health and safety
- ✓ Senate Bill 1211:
 - ✓ Expands the number of detached ADUs on multifamily properties with existing development from two to a maximum of eight ADUs
 - ✓ Removes requirement to replace uncovered parking space if space is used to create ADU

Proposed Amendments: Accessory Dwelling Units

- ✓ Senate Bill 9 - in effect since January 1, 2022, allows homeowners to split single-family residential lots into two lots
- ✓ Permits the construction of up to two units on a single-family lot, even if the lot was previously zoned only for one unit and was subdivided under SB 9.
- ✓ Provides local agencies the flexibility to limit or prohibit ADUs and JADUs
- ✓ Staff recommends no ADUs or JADUs allowed on properties that have subdivided and developed under SB 9 *unless* property is outside of WUI and along street that meets a minimum width

Proposed Amendments: Density Bonus Law

- ✓ Assembly Bill 1287:
 - ✓ Revises definition of “Maximum Allowable Residential Density” and “100 Percent Affordable Housing”
 - ✓ Allows projects that meet the State’s 50 percent density bonus provisions to qualify for an additional 50 percent density bonus, up to a combined maximum of 100 percent over the base density
- ✓ Assembly 323:
 - ✓ Requires developers to sell inclusionary or density bonus units to income-eligible purchasers
 - ✓ Modifies the definition of a “*Qualified Nonprofit Housing Corporation*”

Miscellaneous Amendments

Shared Parking - Assembly Bill 894

- ✓ Shared parking must be allowed if parking is underutilized
 - ✓ 20 percent or more of parking spaces are not occupied during the period in which shared parking is proposed

- ✓ Subject to Minor Conditional Use Permit approval

- ✓ Shall be allowed if a parking analysis prepared by professionals determines the number of spaces that can be shared will fulfill parking requirements

- ✓ Shared parking arrangements formalized through an agreement recorded against the parcels

Miscellaneous Amendments

General Plan and Zoning Consistency - Assembly Bill 821

Application received for project when Zoning is inconsistent with General Plan

- Amend the zoning within 180 days; or
 - Process application based on General Plan standards
- ✓ In event of any conflict between the requirements of this Zoning Code and standards adopted as part of any Development Agreement, *the General Plan* or a Specific Plan, the requirements of the Development Agreement, *the General Plan*, or a Specific Plan shall control.




Required Findings

Section 20-64.050 B. of the Zoning Code requires that the following findings are made to approve an amendment to the Zoning Code:

- a. The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan;
 - b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
 - c. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA); and
 - d. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.
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California Environmental Quality Act

- CEQA Guidelines Section 15061(b)(3) in that the amendments do not have the potential to cause a significant effect on the environment and are not subject to CEQA review.
 - Accessory Dwelling Unit amendments are statutorily exempt pursuant to Section 15282(h).
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Public Noticing

- 1/8 page in Press Democrat
 - City webpage and email subscribers
 - No comments received
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Recommendation

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, recommend that the City Council adopt a Zoning Code text amendment to amend City Code Chapter 20-31 (Density Bonus and Other Incentives), Section 20-12.020 (Zoning Code Rules of Interpretation), Section 20-36.050 (Adjustments to Parking Requirements), and Section 20-42.130 (Accessory Dwelling Units).

Contact

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