



State Legislation Zoning Code Text Amendment

Planning Commission Meeting of December 12, 2024

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Project Description

- Purpose of the State Legislation Zoning Code text amendment is to ensure the City Code remains in compliance with any State laws which preempt local regulations.
- In 2023 and 2024, Governor Newsom signed a series of housing related bills which affect local government regulations.
- Amendments address Assembly Bills 1287 and 323, which concern density bonuses, Assembly Bill 821, which addresses zoning and general plan consistency, and Assembly Bill 894, which addresses shared parking, and AB 976, AB 2533, and SB 1211 which address Accessory Dwelling Units (ADUs).
- Proposed modifications to the City's ADU Ordinance to regulate the development of ADUs when property owners have increased the number of residential units on a property by using the provisions of SB 9.



History

- October 2021, the 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, the Governor signed State legislation related to housing regulations and shared parking, specifically AB 1287, AB 323, AB 821, AB 894.
 - October 2024, Governor signed State legislation related to Accessory Dwelling Units regulations, specifically 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 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 smaller lots, creating the opportunity to build additional housing units.
- ✓ 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 restrict ADUs and JADUs in areas where they would pose safety or logistical challenges.
- ✓ No ADUs or JADUs allowed on properties that have subdivided under SB 9 *unless* property is outside of WUI and fronts on a street that meets a minimum street 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

If the City receives an application for development that is consistent with the general plan but not the zoning that the City must either: 1) amend the zoning within 180 days or 2) process the application based on the general plan standards and ignore inconsistent zoning standards.

- ✓ In the 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).



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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