

# SB 9 and SB 10 Workshop Planning Commission, October 7, 2021



# Senate Bill 9 Overview

- The legislation seeks to create additional housing by removing barriers to the sale of “excess” single family residential lot areas in order to incentivize and create new housing in single family residential zones;
- The bill effectively removes local control of community growth, and hands it to property owners;
- The bill contains *no* reimbursement to cities for growth impacts, such as increased services, utility and transportation needs, or schools;
- SB 9 was signed by the Governor on September 16<sup>th</sup>, 2021, and will become law on January 1, 2022

# Senate Bill 9 Overview

- It will allow lot splits “by right” in Single Family residential zones
  - State law already permits lot splits “by right” in Calabasas
  - The minimum lots size in Calabasas for a single family lot is 5,000sf, while under SB 9, it can be as small as 1,200 sf
- SB 9 requires ministerial approval of up to two units (duplex) in Single Family Residential Zones
- SB 9 permits a maximum of 4 dwelling units on the original single family lot (2 on each parcel)
  - By way of comparison, current law permits 3 units per single family lot (main house, ADU, JADU)
- SB 9’s exclusion of Very High Wildfire Fire Severity Zones (VHWSZ) is overridden by language requiring adherence to California State Fire Code requirements for new construction

# Senate Bill 9 Overview

- There are four key areas in SB 9:
  - Regulations addressing LOCATION
  - Regulations addressing STANDARDS
  - Regulations addressing DISPLACEMENT
  - Regulations addressing OVERDEVELOPMENT

# SB 9 - Location

- The parcel, lot, or development must be located in a single-family residential zone. There are seven sub-zones in Calabasas:
  - Residential Single Family (RS), Rural Residential (RR), Rural Community (RC), Planned Development (PD), Hillside/Mountainous (HM), Open Space (OS) and Recreation (REC)
- It cannot not be in a Historic District or be a Historic Property.
  - Calabasas has 7 designated Historic landmarks (only 2 are single family residences), and no designated Historic Districts
- If the parcel is located within ½ mile of a high-quality transit corridor, or within one block of a car share location, the City cannot require a one car parking garage in a new primary residential unit
  - There are currently no high-quality transit corridors or car shares in the City

# SB 9 – Standards

- As a result of a lot split, the new parcel must be a minimum of 1,200 square feet in size;
- As a result of a lot split, the new parcel may not be smaller than 40 percent (40%) of the lot area of the original parcel;
- The City cannot impose any standards that would preclude the construction of up to two units, or physically preclude either of the two units from being at least 800 square feet in floor area;
- A side and rear yard setback of four feet is required;
- No setback is required from the existing structure, or if rebuilt in the same configuration and location

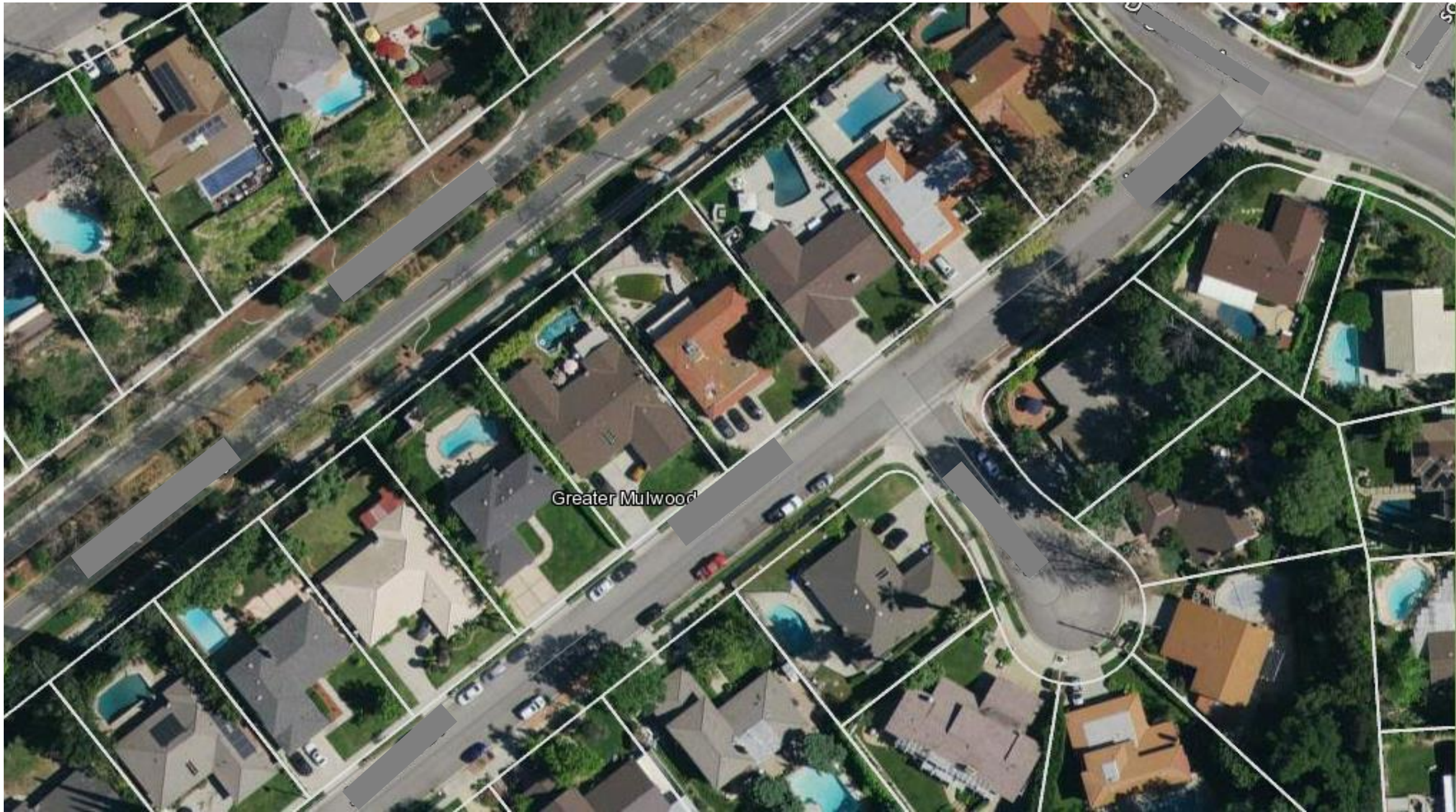
# SB 9 - Anti-Displacement

- The lot split cannot result in the demolition or alteration of a housing unit currently serving moderate, low, or very-low income household(s), or a rent-controlled unit;
- Cannot demolish housing that is subject to rent or price control;
- The lot split cannot result in the demolition or alteration of housing that has been occupied by a tenant in the last three years, or where an owner has used the Ellis Act to remove a rental unit from the market within the last 15 years;

# SB 9 - Overdevelopment

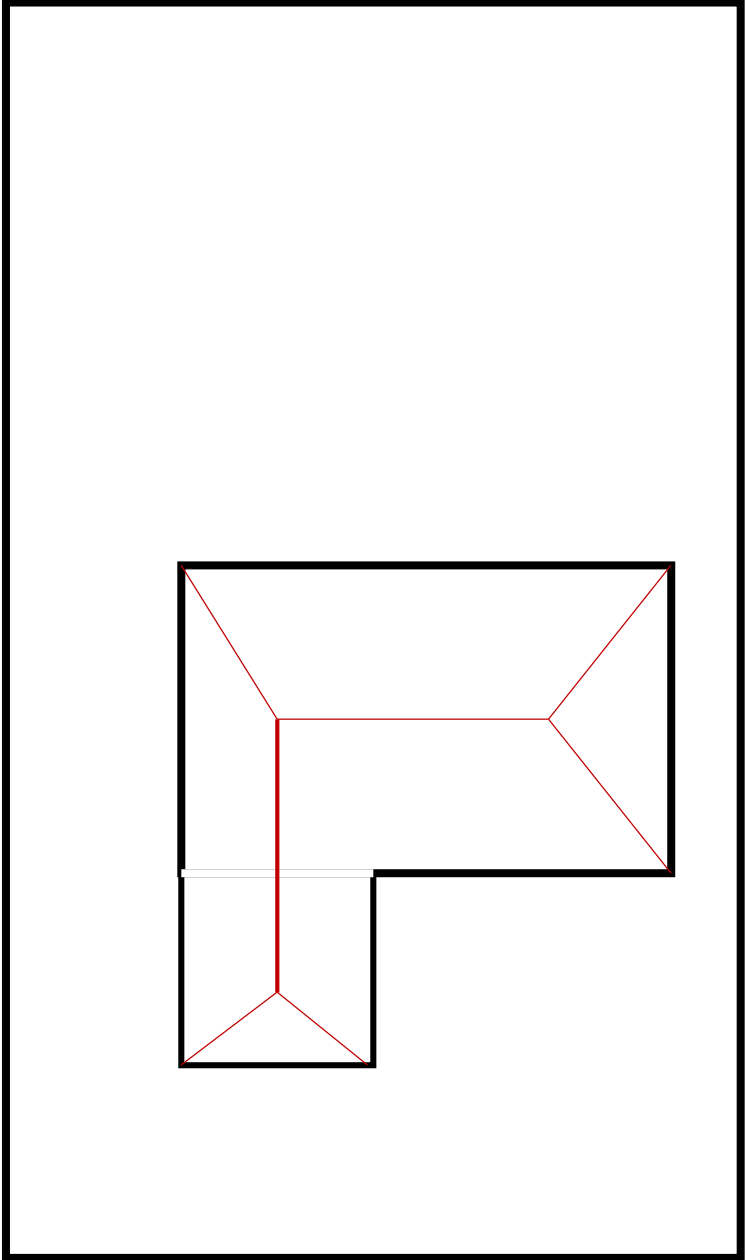
- The City must require an affidavit from the applicant which states that they intend to occupy one of the housing units as their principal residence for a minimum of at least three years from the date of the approval of the urban lot split;
  - Community land trusts and qualified non-profits are exempt
- The parcel cannot have been created from a previous SB 9 lot split;
- The same person (or another party acting on their behalf) cannot perform a lot split on adjacent lots.





Greater Mulwood

**Year:** 1965  
**Home Size:** 2,567sf  
**Lot Size:** 11,063 sf  
**Side yards:** 5 and 15 ft

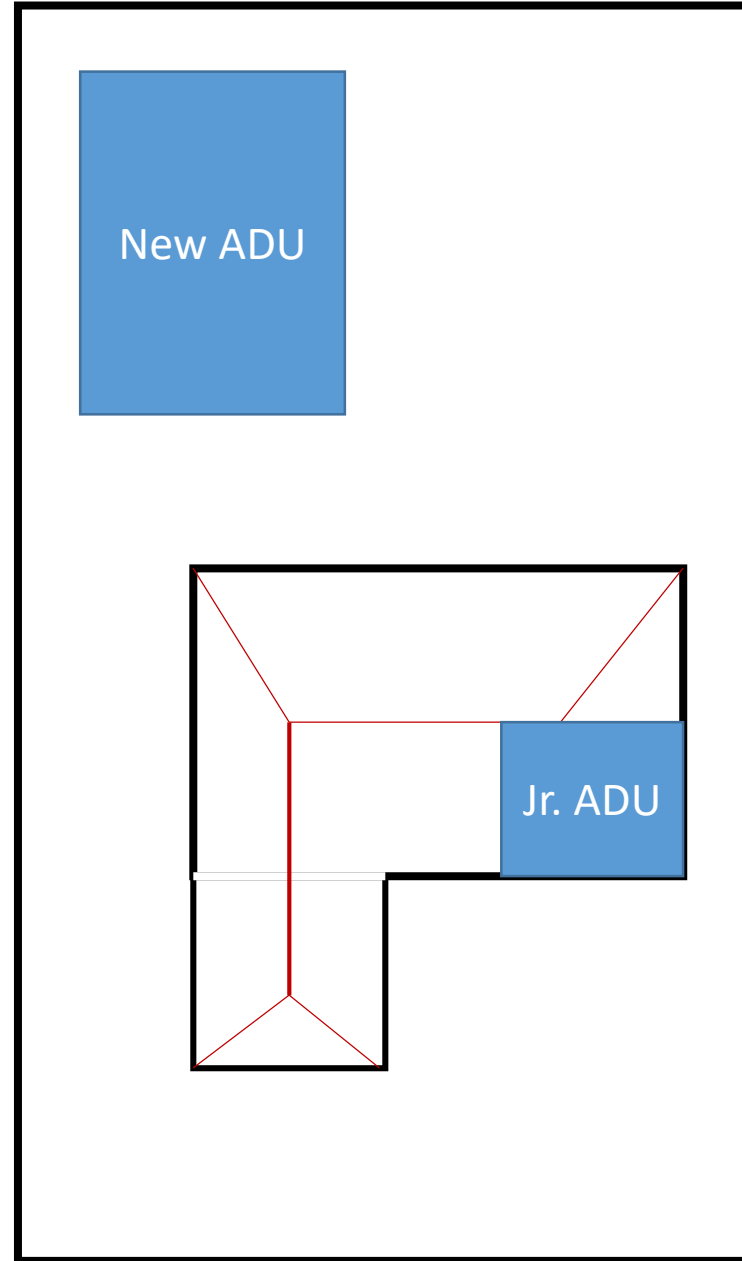


Public Street

**Current ADU LAW allows:**

- A Junior ADU (650sf max), and
- A Freestanding ADU (1,200sf max)

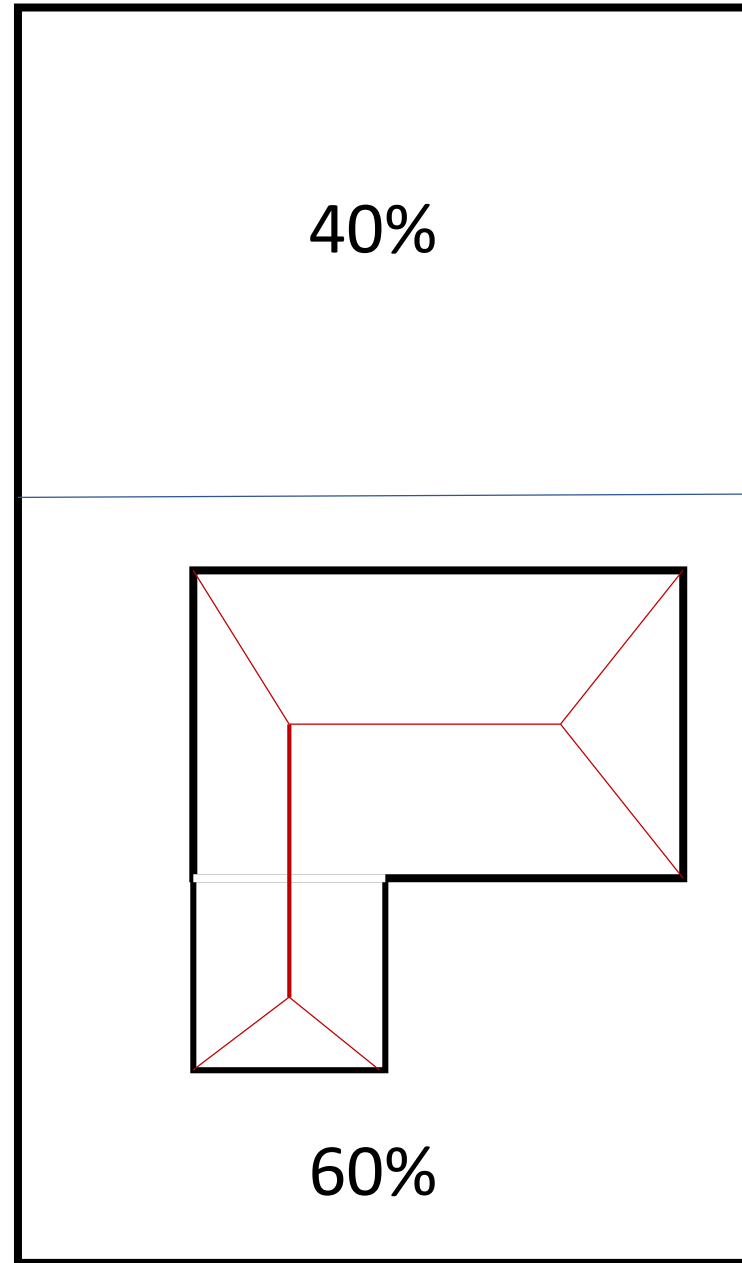
***A Total Of 3 Units***



Public Street

**SB 9 will allow:**

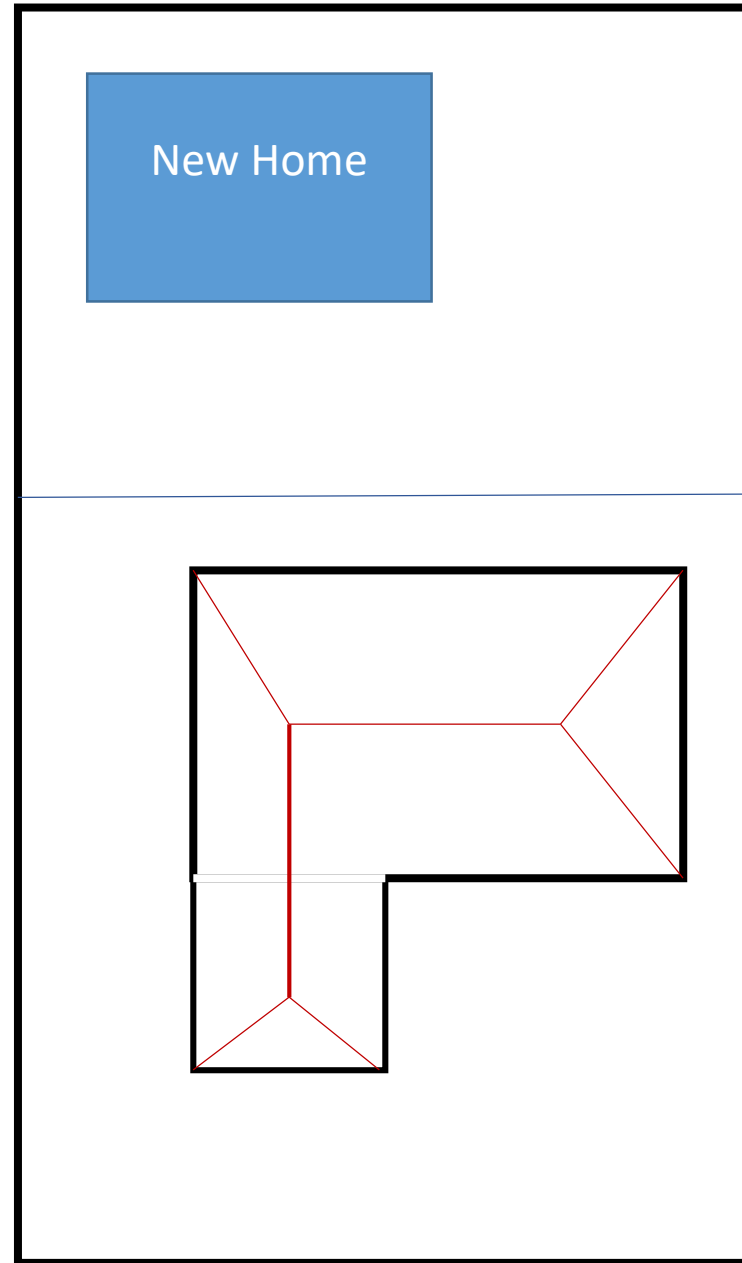
- A Lot Split
  - 40% min. of the original lot w/no setback required to the original home



Public Street

**SB 9 will allow:**

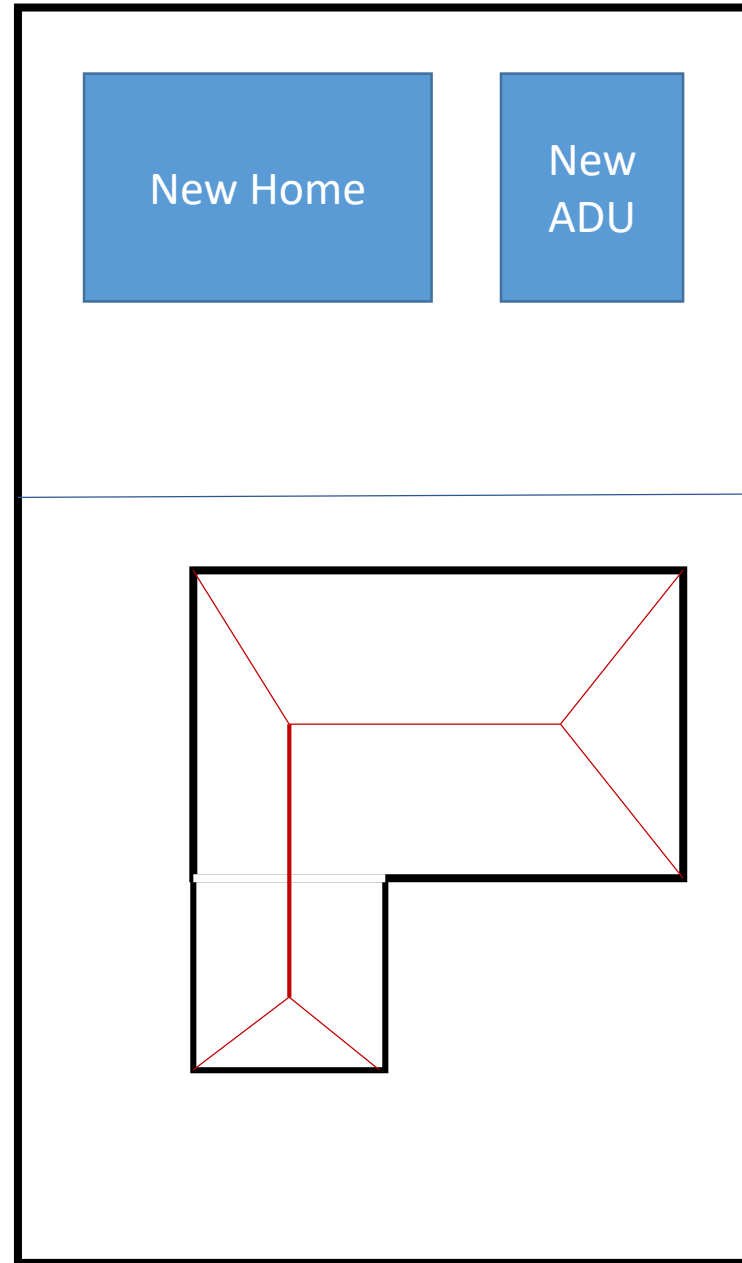
- A Lot Split
- A New Home
  - 4 ft side and rear yard setback



Public Street

**SB 9 will allow:**

- A Lot Split
- A New Home  
- 4 ft side and rear yard setback
- A new ADU

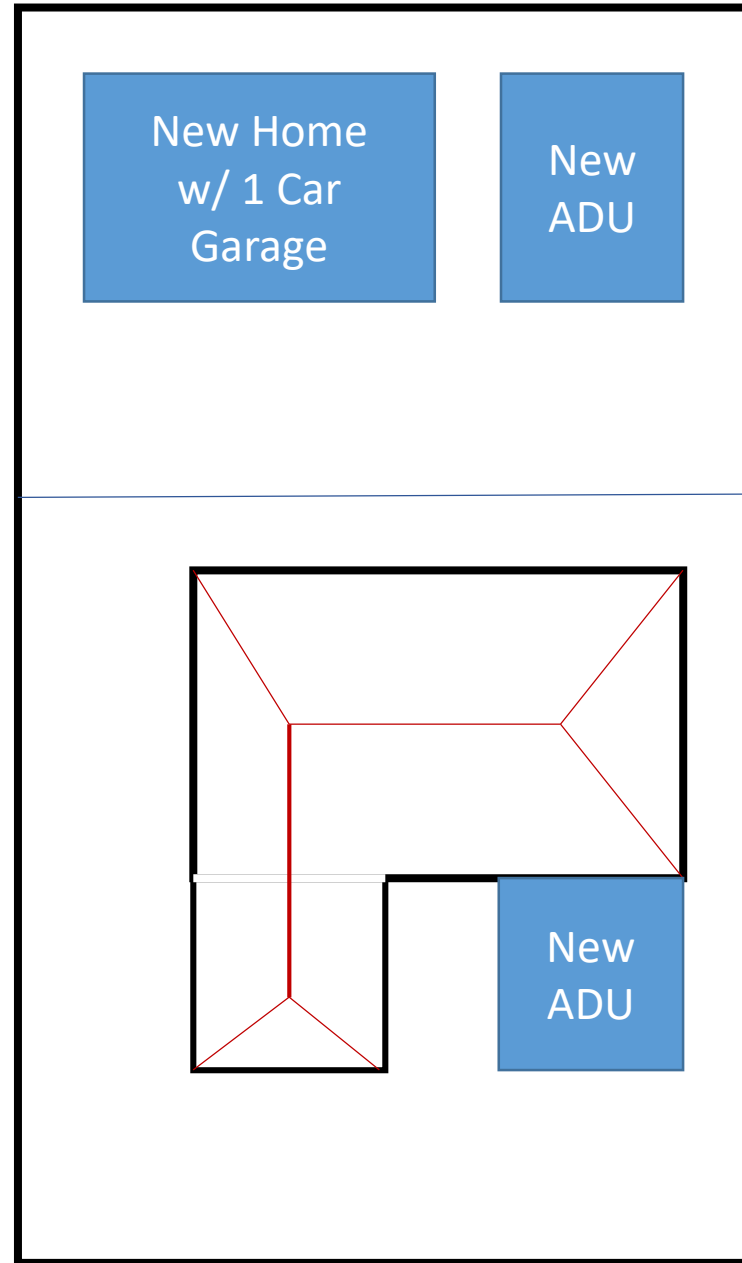


Public Street

**SB 9 will allow:**

- A Lot Split
- A New Home  
- 4 ft side and rear yard setback
- A new ADU
- A new ADU or Jr. ADU to the original home

***A Total Of 4 Units***



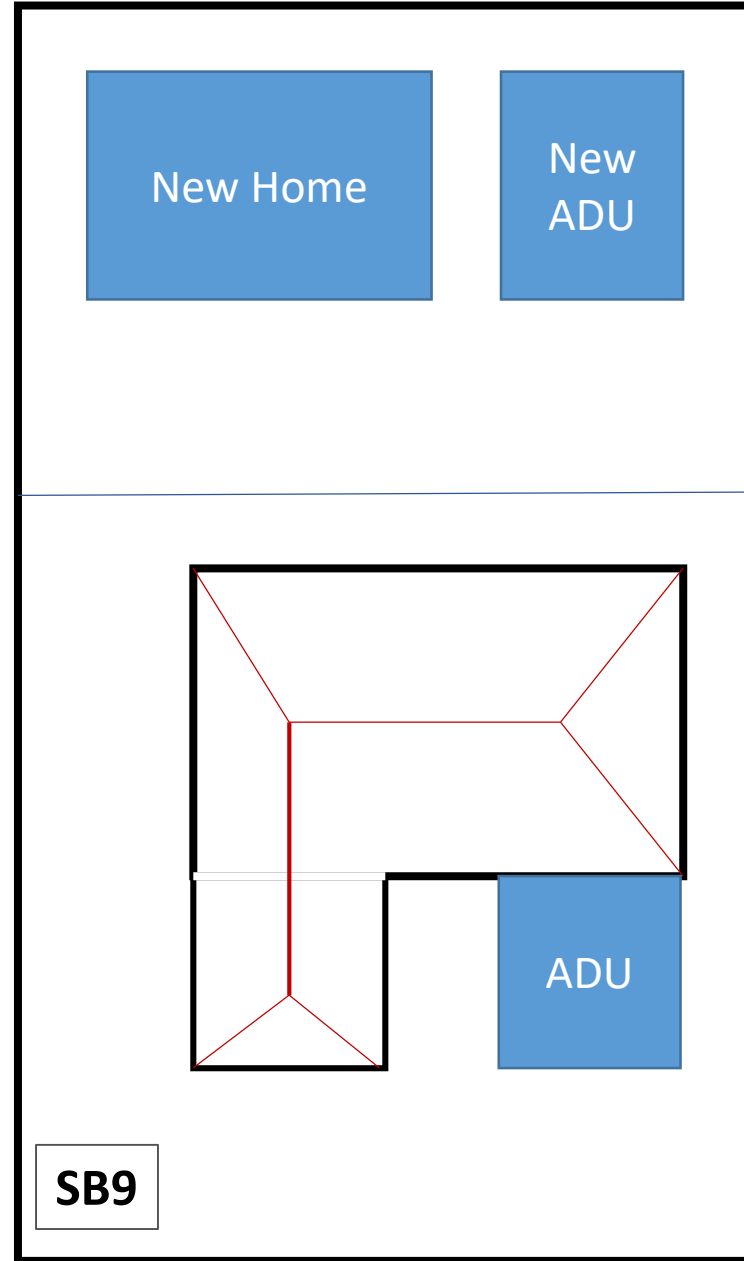
Public Street

SB 9 will allow:

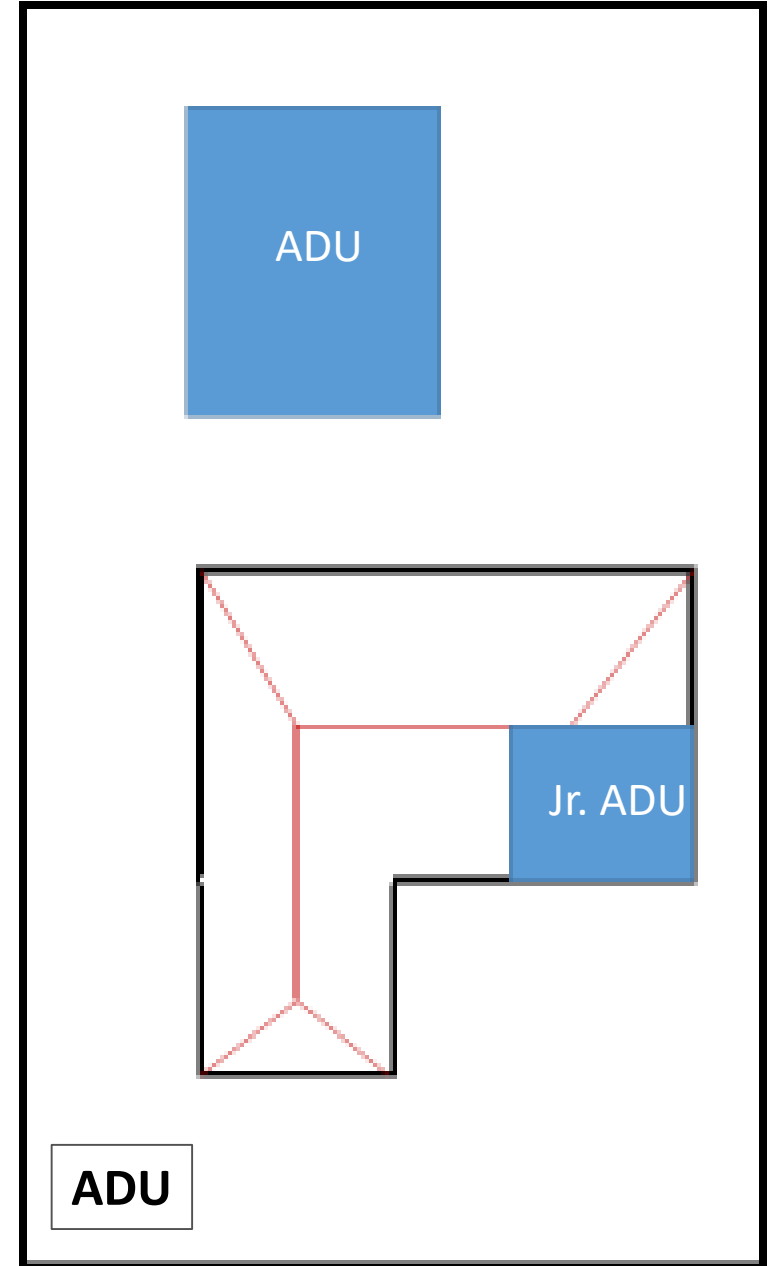
***A Total Of 4 Units***

Current ADU Law allows:

***A Total Of 3 Units***



Public Street



Public Street

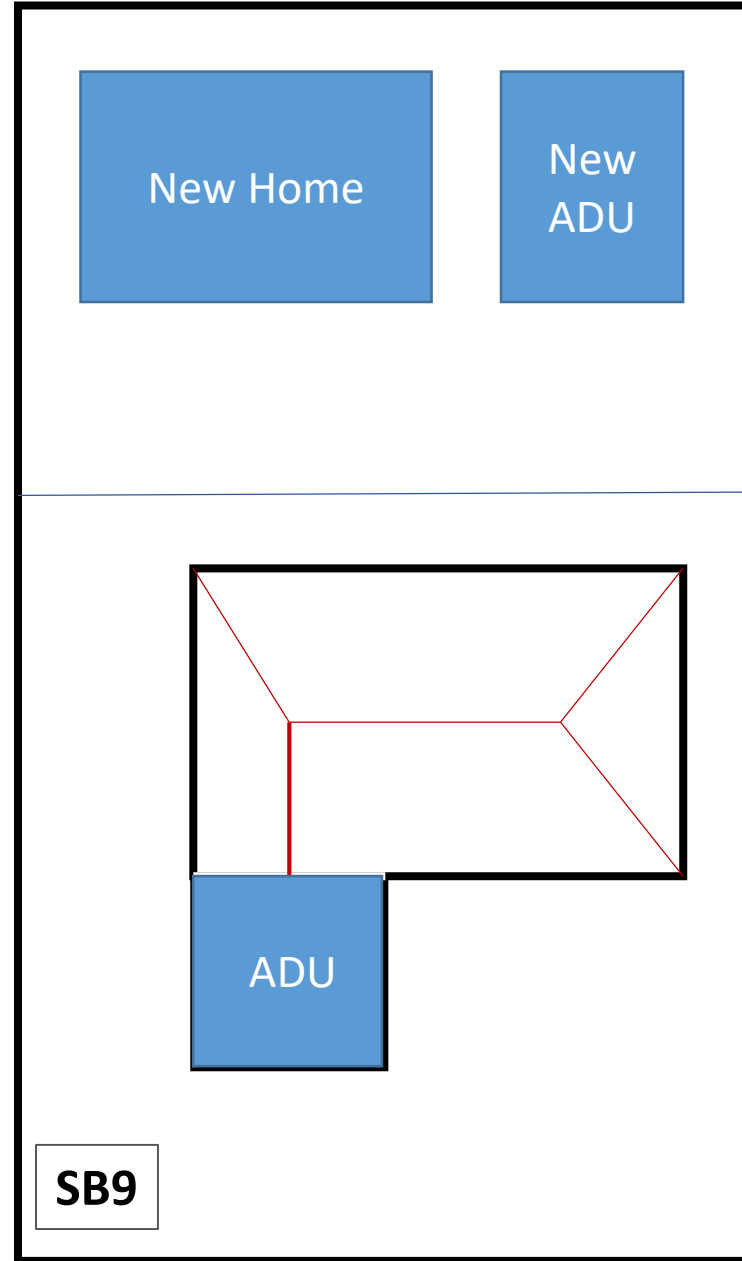


SB 9 will allow:

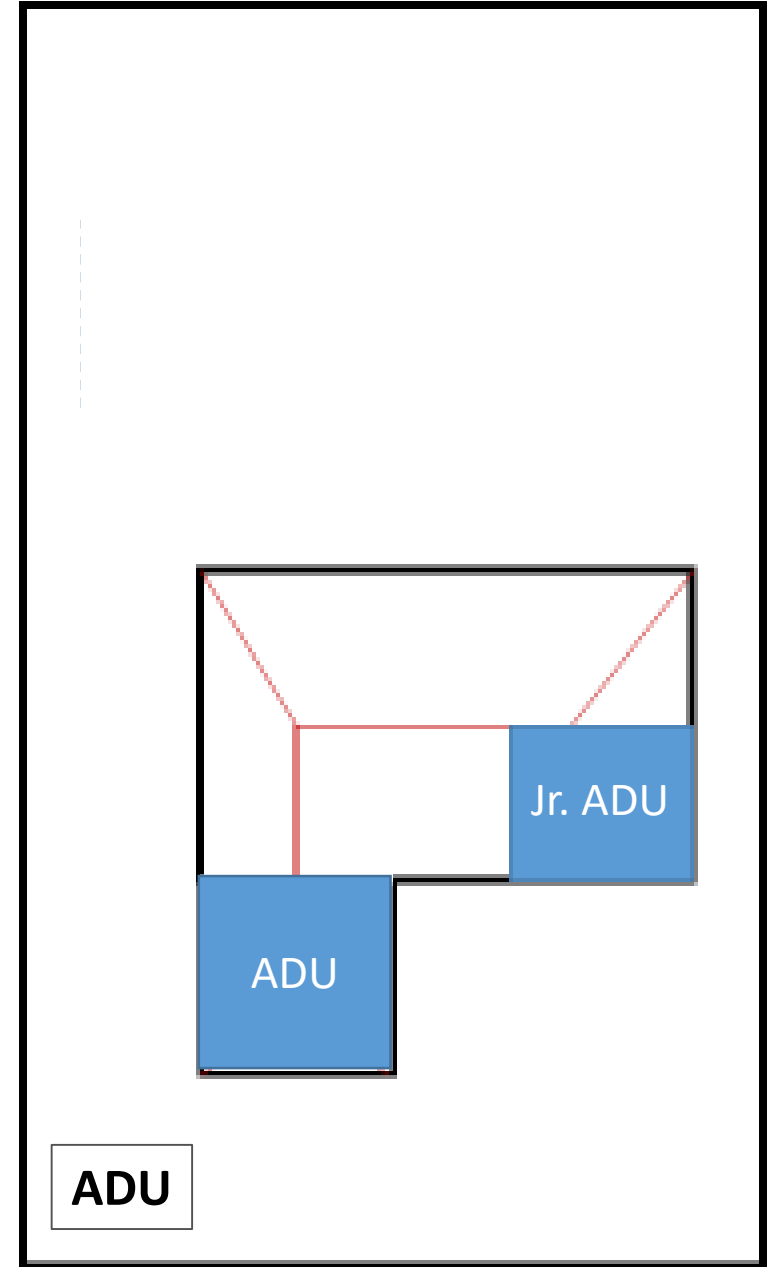
***A Total Of 4 Units***

Current ADU Law allows:

***A Total Of 3 Units***



Public Street

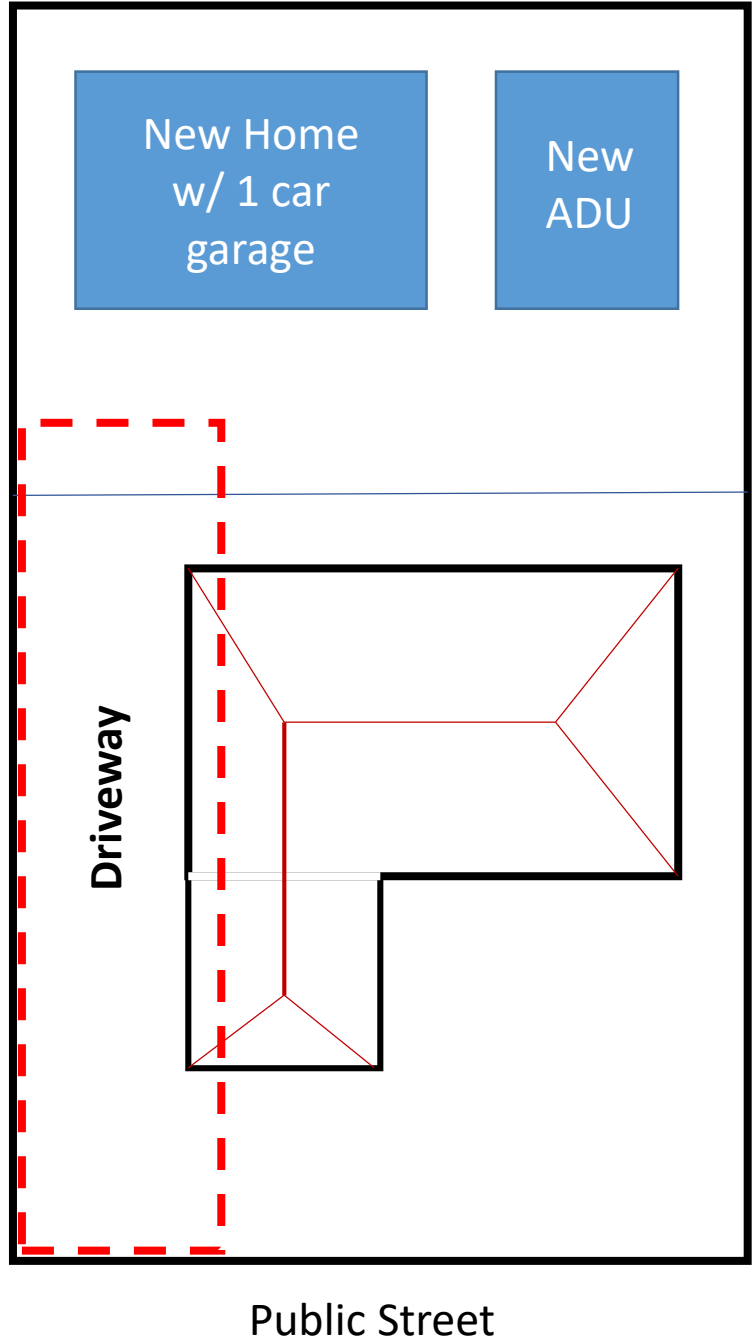


Public Street

# Protections Within SB 9

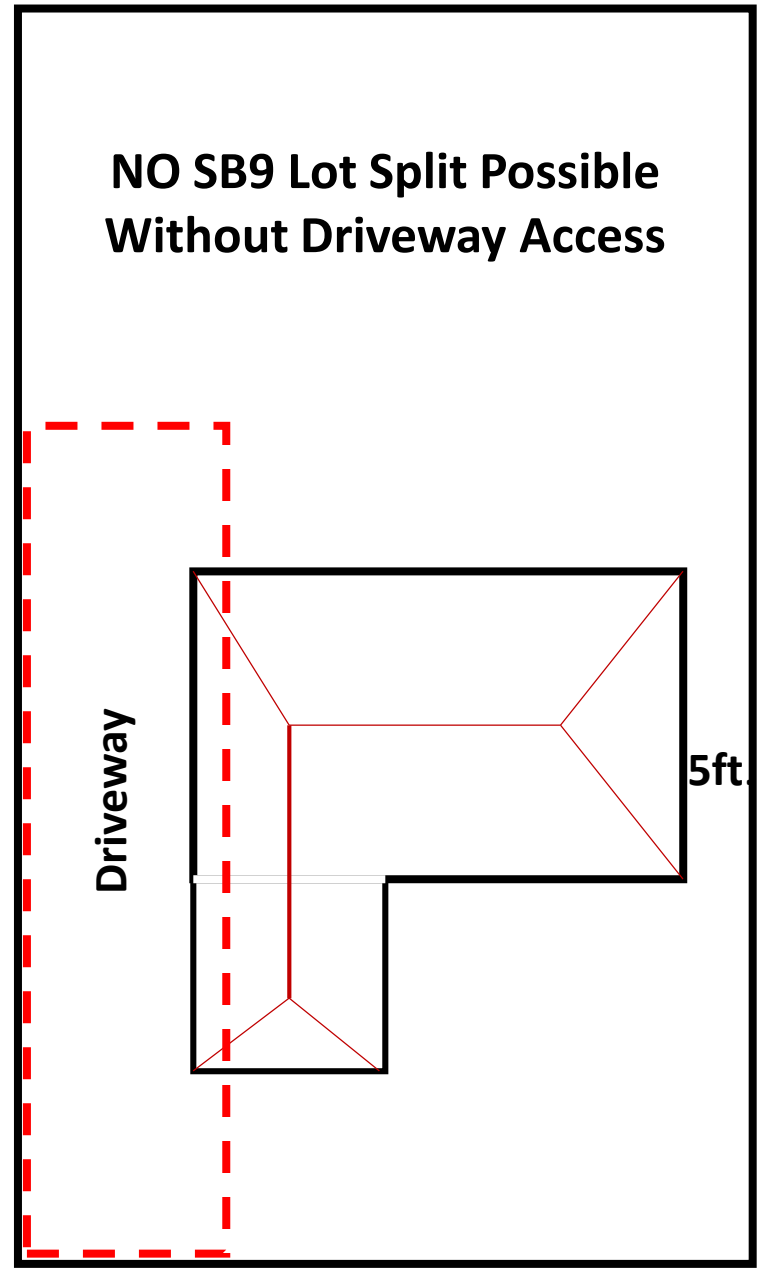
- A lot that is split under SB 9 cannot be split again;
- The City may impose objective zoning, subdivision and design standards, provided that the standards do not preclude the construction of two 800sf minimum units;
- The City can require a one car garage for the new primary residence:
  - *Most interior lot homes in Calabasas will not have the required side yard clearance for driveway access*

SB 9 Site Challenges:  
Driveway minimum widths are 20ft., while side yards average 5ft. to 15ft.



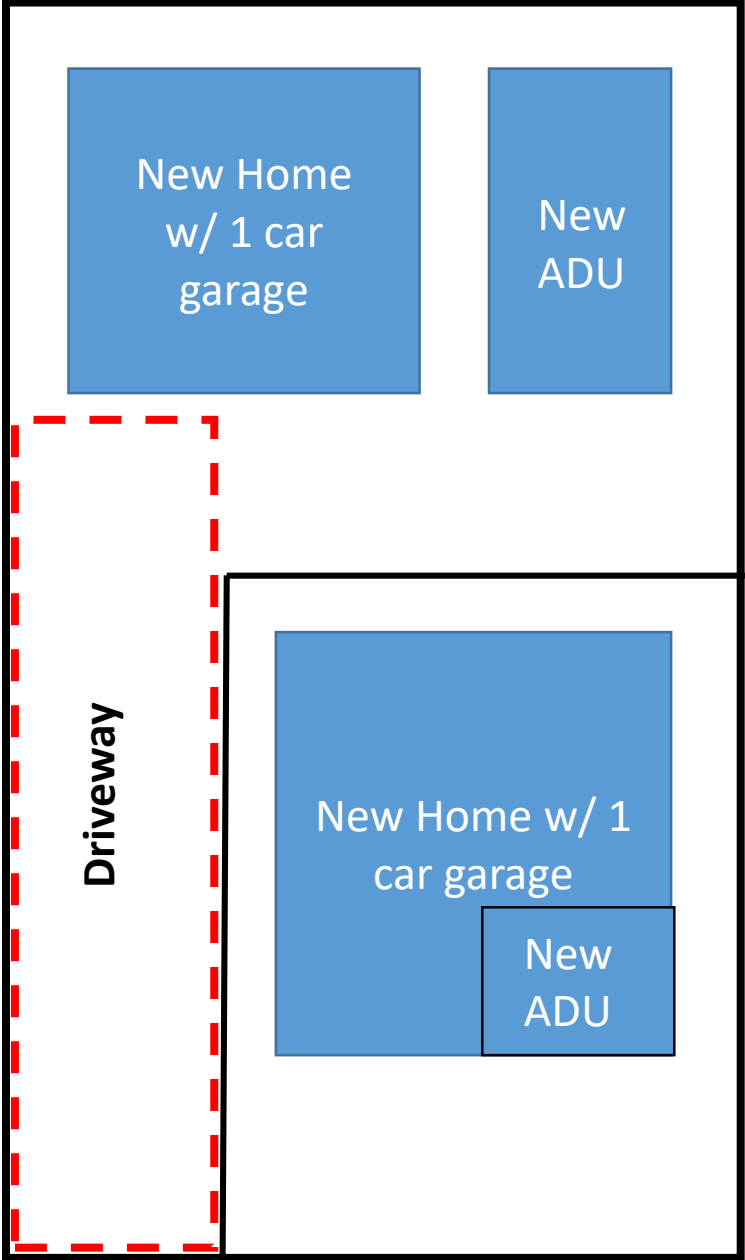
**NO SB9 Lot Split Possible  
Without Driveway Access**

SB9 limits demolition of the existing home to no more than 25% of the existing exterior structural walls if the property has been rented for the last three years or more



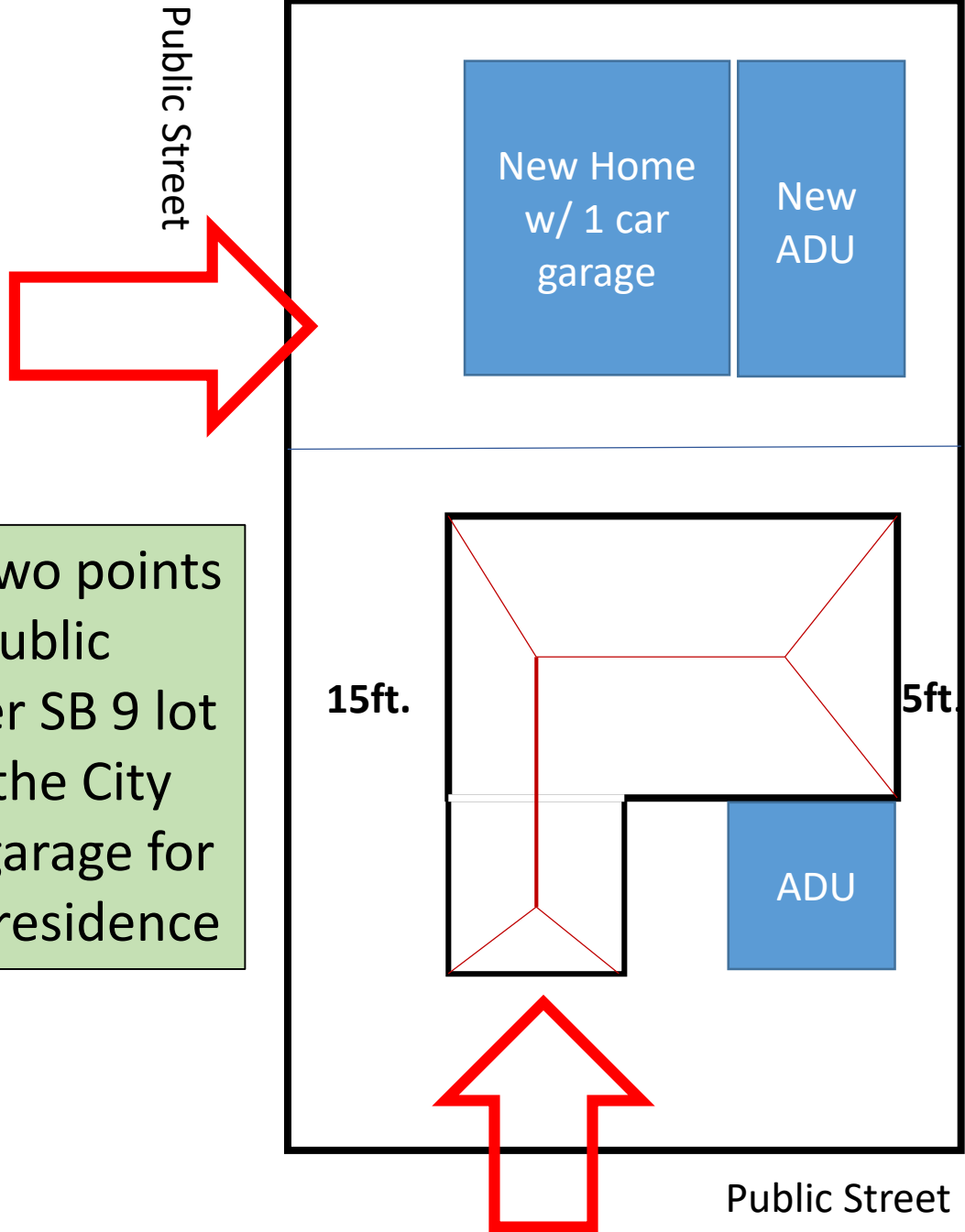
Public Street

SB9 permits full demolition of the existing home, and a lot split, if the home has not been a rental property for the past three years



Public Street

A property with two points of access to the public street is a stronger SB 9 lot split candidate if the City requires a 1 car garage for the new primary residence





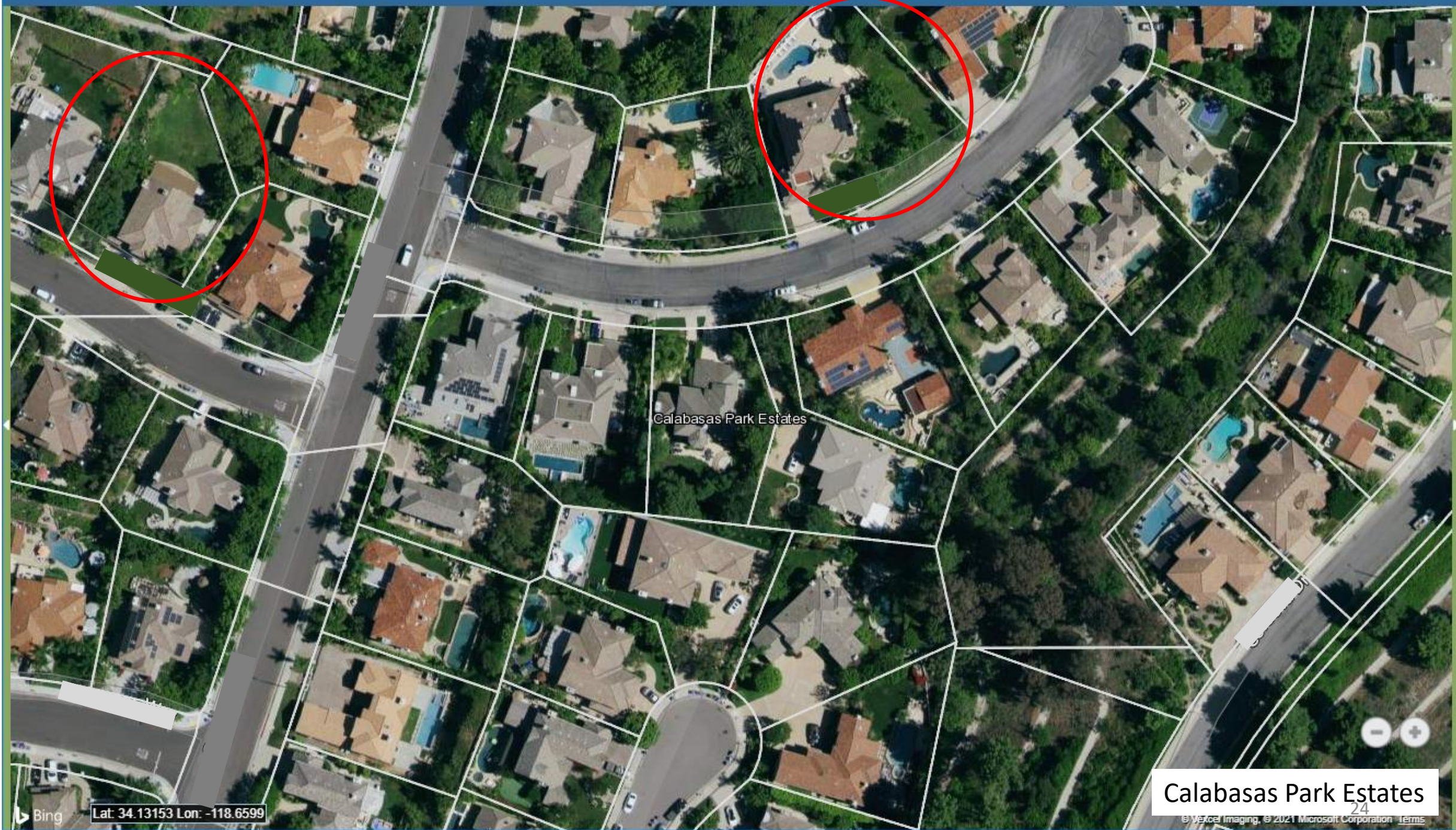
Calabasas Park Estates

Lat: 34.13153 Lon: -118.6599

Calabasas Park Estates

23

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Calabasas Park Estates

Calabasas Park Estates

24

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Bing

Lat: 34.13153 Lon: -118.6599



# Anticipated SB 9 Impacts

- According to a June 2020 study by the Turner Center for Housing Innovation at UC Berkeley, SB 9 development would be realistic in only about 410,000 parcels in California at most, or 5.4% of land with single family houses;
- The study noted that physical constraints, such as small lot sizes and other local regulations, limit the number of new units that can be built;
- The study estimated that SB 9 could yield up to 700,000 new units to its statewide ADU forecast of 1,600,000 units



The Oaks

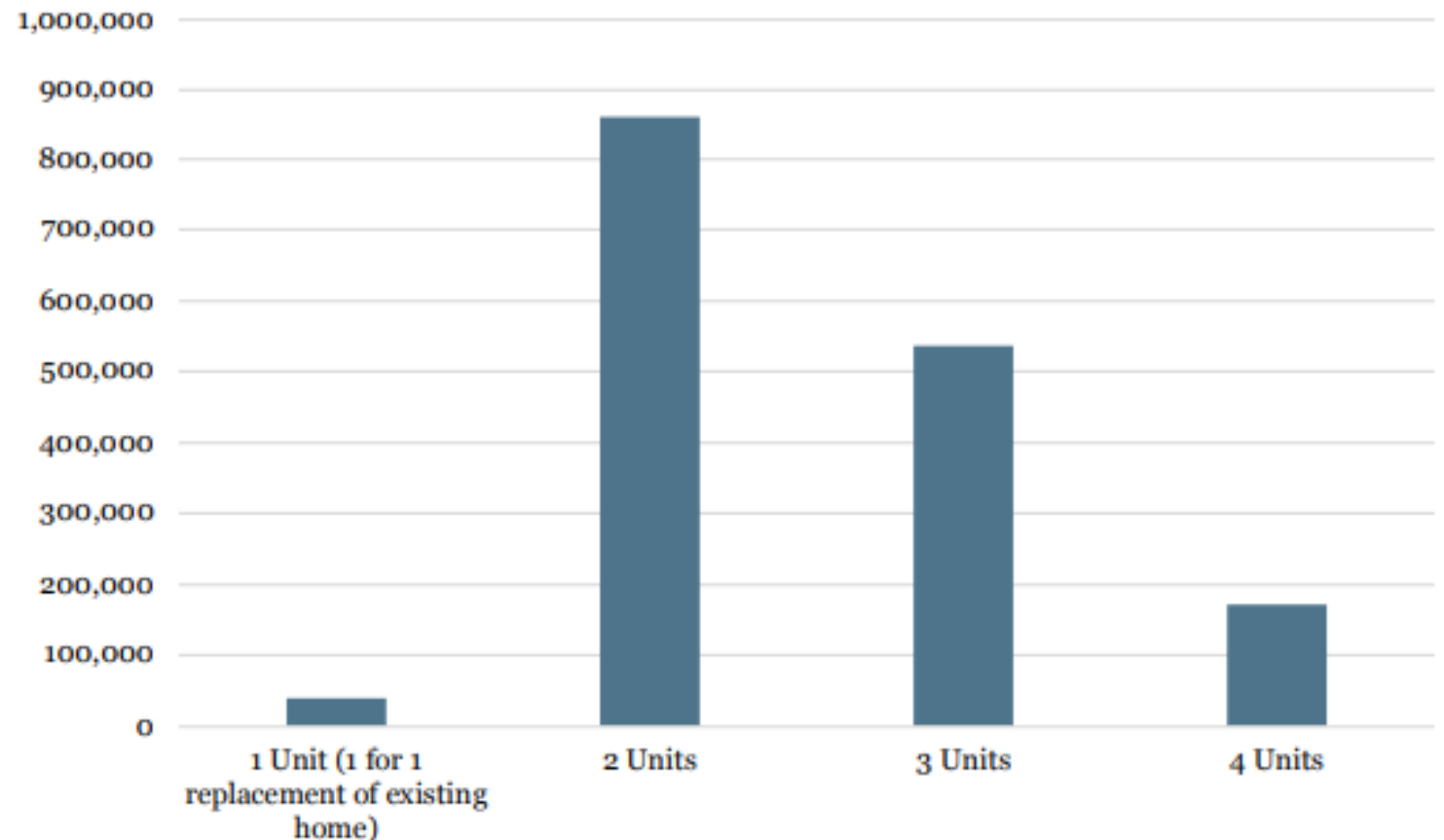


The Oaks

# Anticipated SB 9 Impacts

- The Turner Center report estimated that few lots could be developed at the maximum SB 9 density of 4 units
- 2 units per lot were determined to have the highest chance of development

Figure 5. Estimates of Parcels with Feasible Capacity Under SB 9



**North property:**

10,899ft

2,793sf Home

1,198 ADU

***2 Units***

**South property:**

11,169ft

2,281sf Home

1,029 ADU

***2 Units***



Saratoga's

# Anticipated SB 9 Impacts

- Calabasas is anticipated to fall well below the Turner Study's projection that 5.4% of single family homes could densify under SB 9 because of:
  - Significant backyard improvements, such as pools, patio's, barbeques, spas or other outdoor amenities, which are unlikely to be removed in order to facilitate a lot split;
  - The City's steep hillside terrain, which is a presence in many backyards;
  - The City's housing tracts developed under the County, which have large homes on small lots, and narrow side-yards;
  - Numerous mature oak trees, which limit developable areas;
  - The City's 20 ft front yard setback requirement;
  - Costly and stringent VHWSZ Cal Fire safety codes which must be met;
  - Natural creeks and waterways, which limit site development;
  - Properties requiring on-site wastewater treatment (septic) systems.

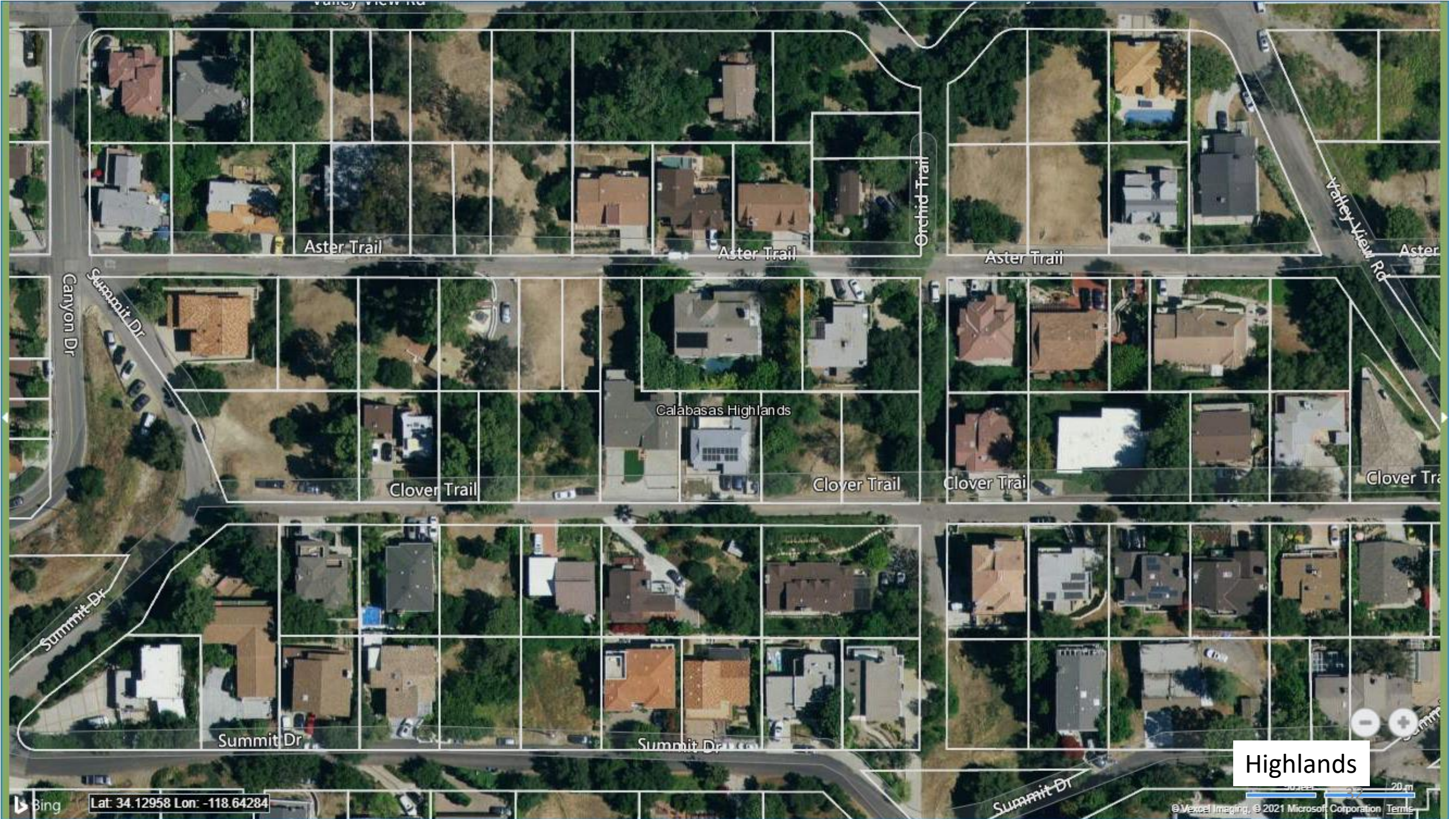


Malibu Canyon HOA

Malibu Canyon

# Anticipated SB 9 Impacts

- A June 2020 study by the UCLA Lewis Center for Regional Policy Studies found that financial constraints limited a typical property owner from building a second unit, much less a third or fourth;
- It also concluded that the bill would reduce the likelihood of “mansionization” by reducing its profitability in favor of multi-unit development on the same site;



Aster Trail

Aster Trail

Aster Trail

Aster

Canyon Dr

Summit Dr

Calabasas Highlands

Clover Trail

Clover Trail

Clover Trail

Clover Trail

Summit Dr

Summit Dr

Summit Dr

Summit Dr

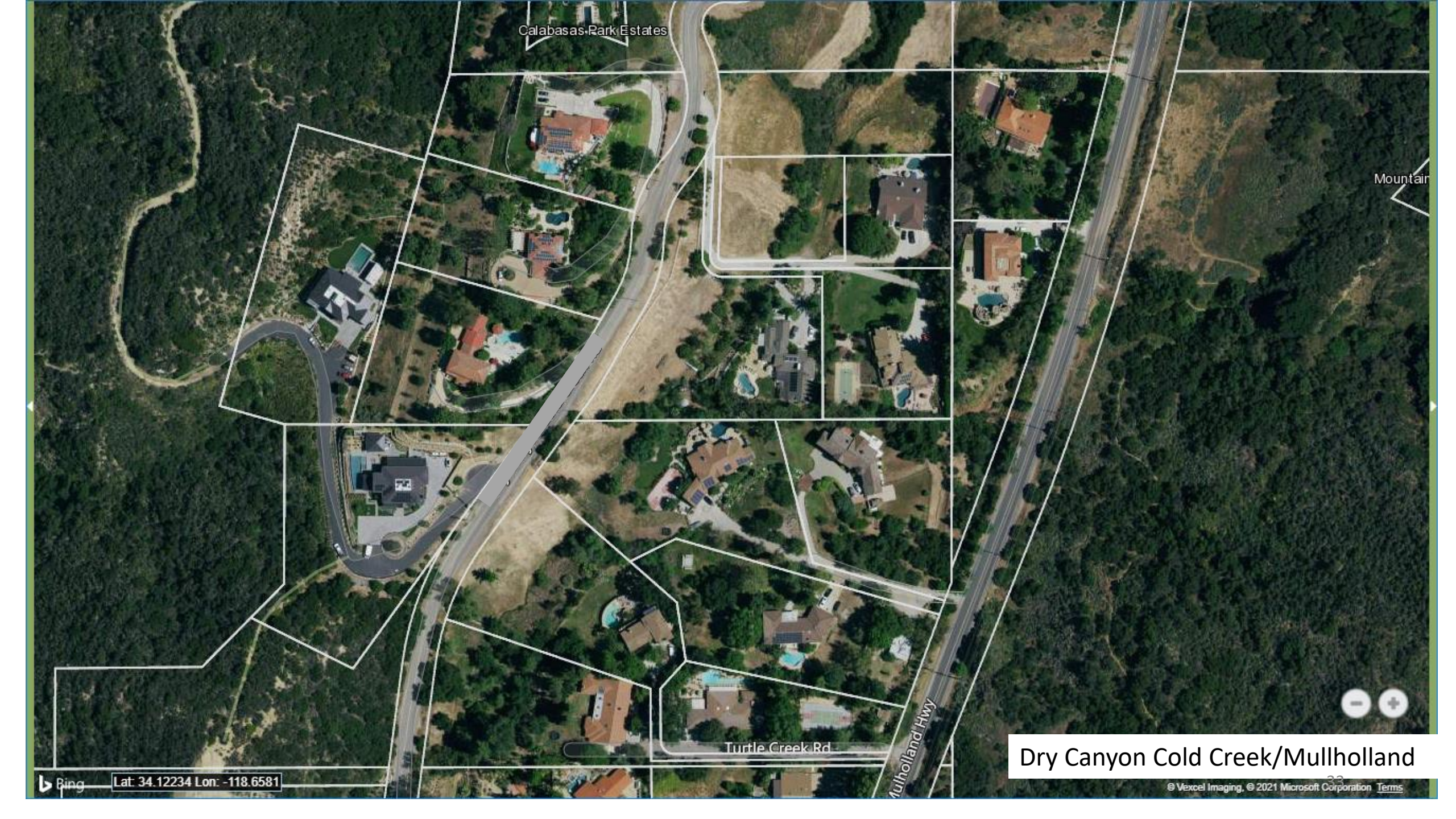
Highlands



Lat: 34.12958 Lon: -118.64284

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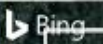
Calabasas Park Estates

Mountain

Turtle Creek Rd

Mullholland Hwy

Dry Canyon Cold Creek/Mullholland



Lat: 34.12234 Lon: -118.6581



# SB 9 Code Modifications Under Study

- The City is exploring objective standards to reduce impacts from SB 9, including:
  - Adopting a one car garage min. requirement for the new primary housing unit;
  - Addressing VHWSZ by requiring a noncombustible 30 ft. clear zone around new structures;
  - Mitigation for lost green areas and pervious surfaces, such as sustainable construction requirements for new units;
  - Limiting the size of any new primary residential structure;
  - Requiring that land divisions comply with the municipal code;
  - Clarifying code language on how to determine the 40% minimum lot size;
  - Prohibit any lot split served only by easement through another property.

# SB 9 Historic Exemptions

- Historic Structures and Historic Districts are exempted from SB 9
  - CMC 17.36.080 governs the process for designation
  - There are only two privately held historic homes in the City, and no historic Districts;
  - Criteria for a district designation includes:
    - A contiguous area possessing a concentration of eligible historic resources or thematically related grouping of structures which contribute to each other and are unified by plan, style, or physical development;
    - Reflection of significant geographic patterns, distinctive examples of park landscape, site design or community planning;
    - The contributing resources are unified by events that have made a significant contribution to the broad patterns of Calabasas' history;
    - Contributing resources are associated with the lives of persons important to Calabasas' history.

# SB 9 Historic Exemptions

- The process for creating a Historic District consists of:
  - Surveys of all properties (site evaluations, property ownership history, building records, etc.);
  - Written findings regarding potentially eligible and/or contributing properties,
  - Delineation of an appropriate (recommended) district boundary, based on the foregoing.
- Both the HPC and the City Council would hold noticed public hearings for consideration of a proposed historic district designation.
- Notwithstanding an approval by City Council, a historic district designation fails if objected to by a majority of the property owners of the contributing properties in the proposed district.

# SB 9 Historic Exemptions

- Property owners within a historic district(s) would face greater costs and restrictions on property improvements and land divisions, and a more stringent review and approval process;
- Any alteration, addition, restoration, rehabilitation, remodeling, demolition or relocation of a contributing historical resource, and for any work on or affecting the exterior of any noncontributing structure would require an HPC public hearing process
- All properties within a Historic District must be recorded with the LA County Recorder, with a statement that alteration, relocation, or demolition of any structures on the property are restricted.

# SB 9 Historic Exemption

- A preliminary assessment by Planning Staff identifies at least two neighborhoods, Park Modern and Classic Calabasas, as potentially eligible for designation;
- The City process would include:
  - Outreach to all properties within the community to determine interest
  - Procurement of and a budget allocation for professional Historic Services
  - Informational workshops with the communities
  - Numerous public meetings with the Historic Preservation Commission and the City Council
  - Code and fee updates
- The timeframe for the above is 18 to 24 months.

# SB 9 HOA Exemptions

- SB 9 curtails the City's powers to limit lot splits and duplexes, but creates an option for mandatory HOA's to prohibit lot splits and duplexes;
- Mandatory HOA's can take action to protect themselves from the impacts of SB 9 by:
  - Determining with their attorney whether or not the existing CC&R's already prevent lot splits and the creation of duplexes; and
  - If not, work with their attorney(s) to determine whether and how to lawfully adopt a rule or bylaw prohibiting lot splits and duplexes
- If a mandatory HOA has, or adopts such a provision, then it is up to each HOA, and not the City, to enforce that contractual prohibition

# SB9 HOA Impacts





# SB9 HOA Impacts



# SB 9 HOA Impacts

- The SB 9 potential for impact to mandatory HOA's varies based on the configuration of properties, lot size, and improvements;
- In addition to consultation with an HOA attorney, an HOA Board could also seek a consultation with an architect or other design professional to evaluate SB 9 potential impacts in their community;
- By way of background, while the City has permitted 42 ADU's since mid-2019, only 17 were located in mandatory HOA's

# SB 10 Overview

- SB 10, known as the “Light Touch Density Act”, was signed by the Governor on Sept. 16, 2021, and will go into effect on Jan. 1, 2022
- The law allows, but does not require, a City to up-zone a transit rich or urban infill site for up to 10 residential units, and bypass CEQA;
- Any open space, resource protected area is protected from up-zoning under Calabasas Voter approved Measures D and O.
- The City has no interest, to use this new law to up-zone any private community or single family residential properties in order to generate multi-family housing

# SB 9 and SB 10 Discussion

Staff and the City attorney are available to answer questions from the Commission and the Public

Staff seeks the Planning Commissions thoughts regarding suggested code modifications to address possible SB 9 impacts