



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
MAY 19, 2022

TO: Members of the Planning Commission

FROM: Michael Klein, AICP, Community Development Director *MAK*
Tom Bartlett, AICP, City Planner

SUBJECT: An ordinance to add Sections 17.82 (Urban Lot Splits) and 17.84 (Ministerial Design Review Permits) to Title 17 (Land Use and Development) of the Calabasas Municipal Code per Senate Bills 9 and 10.

RECOMMENDATION: Adopt Planning Commission Resolution No. 2022-742 recommending to the City Council adoption of Draft Ordinance No. 2022-398.

STAFF RECOMMENDATION:

That the Commission adopt Planning Commission Resolution No. 2022-742 (exhibit A) recommending to the City Council adoption of Draft Ordinance No. 2022-398 (exhibit B).

REVIEW AUTHORITY:

The Planning Commission is reviewing this ordinance because Sections 17.60.020 and 17.76.030 of the Calabasas Municipal Code stipulate that amendments to the Land Use and Development Code (Title 17 of the Calabasas Municipal Code) require review by the Commission, with the Commission to provide a recommendation to the City Council.

BACKGROUND:

On September 16, 2021, the Governor signed into law Senate Bill (SB) 9, the “California Housing Opportunity and More Efficiency (HOME) Act.” SB 9 adds Sections 65852.21 and 66411.7 to the Government Code. SB 9 requires cities to ministerially approve a parcel map for an urban lot split and/or a proposed housing development containing a maximum

of two residential units on a lot within a single-family residential zone. The law's net effect is to allow up to four units on one original single-family residential parcel.

On September 16, 2021, the Governor signed into law Senate Bill (SB) 10, which adds Section 65913.5 to the Government Code. SB 10 allows, but does not require, cities to pass an ordinance allowing for the zoning of any parcel for up to 10 units of residential density per parcel in urban infill or transit-rich sites.

On April 27, 2022, the City Council discussed a Draft Ordinance in response to passage of SB 9 and SB 10. At the conclusion of their discussion, the City Council directed staff to proceed with formal adoption of the Draft Ordinance, starting with a public hearing by the Planning Commission. A recording of the meeting may be watched here: https://calabasas.granicus.com/MediaPlayer.php?view_id=2&clip_id=7305 .

The purpose of this Ordinance is to establish objective zoning, subdivision, and design standards to promote the orderly subdivision of parcels and development of housing under SB 9. SB 9 and SB 10 took effect on January 1, 2022. The City has not received any applications for lots splits or to build units under SB as of May 5, 2022.

STAFF ANALYSIS:

A detailed discussion of SB 9 and SB 10 are provided in the April 27, 2022, City Council Staff Report, which is included as Exhibit C to this report. In summary, SB 9 is already in effect and the City is now mandated by state law to ministerially approve a parcel lot split and/or a proposed housing development containing a maximum of two residential units within a single-family residential zone, meeting certain state standards. The purpose of the Draft Ordinance is to establish certain objective zoning, subdivision, and design review standards as allowed by the state law governing SB 9 projects, to promote the orderly subdivision of parcels and development of housing under SB 9. The draft Ordinance also adds a legislative declaration of policy that the City Council expressly declines to exercise the up-zoning authority provided by Senate Bill 10. The Draft Ordinance would add two new sections to the CMC as follows:

Section 17.82 – Urban Lot Splits.

The proposed ordinance states Senate Bill 9 lot splits are limited to single-family zones, namely the RS (Residential, Single-Family), RR (Rural Residential), and RC (Rural Community) districts. The proposed ordinance would also implement limiting provisions of SB 9 required by State law, such that a parcel is not eligible for a lot split if was previously subject to a lot split or would require the demolition of affordable or tenant-occupied housing. As stated above, state law requires the City to allow certain parcels to be subdivided into two parcels, and those two parcels developed with two units, for a total maximum of four units on one original lot. The ordinance in line with State law determines

which parcels qualify for these lot splits.

The proposed ordinance imposes development standards on SB 9 lot splits, including lot size, unit size, and fire safety and access standards. The resulting lots would have to be approximately equal in size, would need access directly or by easement to a street, and would have to each be at least 1200 square feet in size. All of the units then developed on an SB 9 split lot could only be up to 800 square feet in size.

Under the terms of the proposed ordinance, the applicant is required to sign a covenant stating that all resulting parcels will be used for residential use, no short-term rentals are allowed, and the owner must occupy one of the housing units on the subdivided site for at least three years.

Finally, the proposed ordinance would allow decisions of the director to be appealed to the Planning Commission.

Section 17.84 – Ministerial Design Review for One or Two Residential Unit(s) Projects

The proposed ordinance states Senate Bill 9 units can only be built in single-family zones, namely the RS (Residential, Single-Family), RR (Rural Residential), and RC (Rural Community) districts. The proposed ordinance would also implement limiting provisions of SB 9, such that a parcel is not eligible for an SB 9 unit under State law if it would require the demolition of affordable or tenant-occupied housing. As stated above, one existing parcel could be subdivided into two parcels, and those two parcels developed with two units, for a total maximum of four units on one original lot.

The proposed ordinance imposes development standards on new SB 9 unit applications, including fire safety standards, height and floor area standards consistent with the underlying zoning, open space area, parking, setback, and aesthetic standards. SB 9 units are limited to 800 square feet. Applicants are also required to comply with the City's historic preservation and oak tree ordinances.

Finally, the proposed ordinance would allow decisions of the director to be appealed to the Planning Commission.

REQUIRED FINDINGS:

The required findings, as specified in Section 17.76.030 of the Calabasas Municipal Code for amendments to the Land Use and Development Code, are contained in the resolution, attached as Exhibit A.

ATTACHMENTS:

- Exhibit A: Planning Commission Resolution. No. 2022-742
- Exhibit B: Draft Ordinance No. 2022-398
- Exhibit C: City Council Staff Report – April 27, 2022