



Ordinance & Resolution SB 9

City Council Meeting
December 9, 2021



What is Senate Bill 9?

Requires a proposed housing development containing no more than two residential units within a single-family zoning district to be considered ministerially; without discretionary review or hearing, if the development meets certain requirements

Two parts to SB 9

- Land division of a single lot into two
- Development of 2 housing units on a single property

The two provisions can be used together





Tonight's Hearing

- Take actions to implement SB 9
 - Review proposed amendments to Municipal Code (Title 82 & Title 106) to be compliant with SB 9
 - Adopt Urgency Ordinance to be effective prior to January 1, 2022
 - Adopt Resolution to amend Master Fee Schedule to include new application type





SB 9 Qualifying Properties

- Property must be in a single-family zoning district
 - *Citrus Heights zoning designation RD1 through RD5*
- Property can be vacant or have existing housing





Properties Excluded

- Property in a conservation easement
- Property designated as historic

Conditional exclusion:

- Property in 100-year flood zone
- Property in floodway





Rental Housing Protections

- Units developed under SB 9 may not be used as STRs
- Existing units may not be altered or demolished if:
 - Deed restricted
 - Occupied by a tenant within the past three years





Objective Standards

- SB 9 allows jurisdiction to implement objective standards
 - Provide a developer clear understanding of the expectations and are written as requirements rather than guidelines
 - *“involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and public official prior to submittal.”*

However: objective standards cannot preclude construction of two units of at least 800 square feet.





New Entitlements

- Two-lot parcel split – Urban Lot Split
 - New Section added to MC Title 82 (subdivision)
- Two-unit Development
 - New Section added to MC Title 106 (zoning)





Urban Lot Splits

- SB 9 provides the following standards for ULS
 - Ministerial action
 - Property exempt from min. lot size standards but must be at least 1200 sf in size
 - Lots must be of similar size but no less than 60/40
 - No requirement for dedication/improvements (street, sidewalk, lights, etc.)
 - Utility easements are required
 - Parcel cannot be part of an earlier ULS
 - Owner must sign affidavit
 - Max. 2 units per lot (including ADU/JADU)
 - 4 ft side/rear setbacks
 - Demolition allowed provided no tenant/deed restricted
 - Unit may be replaced in place
 - No requirement to correct nonconforming zoning conditions as a condition





Objective Standards - ULS

- Net lot area is exclusive of creekside setbacks
- Parcels must have frontage on or direct access to a public street

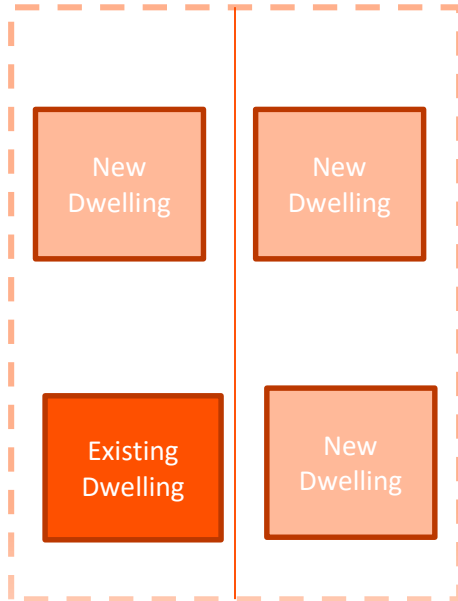
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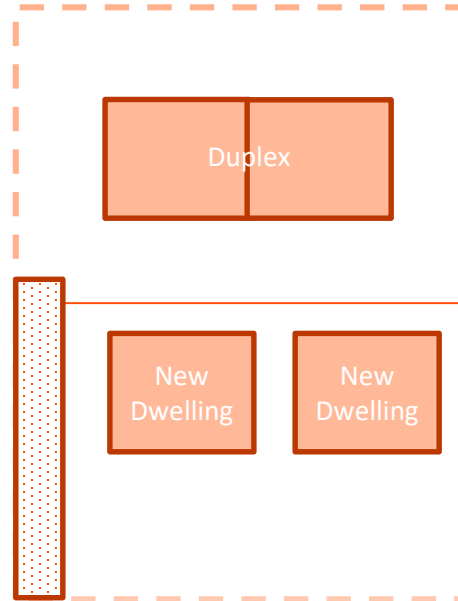
ULS Examples

Lot with 1 existing home



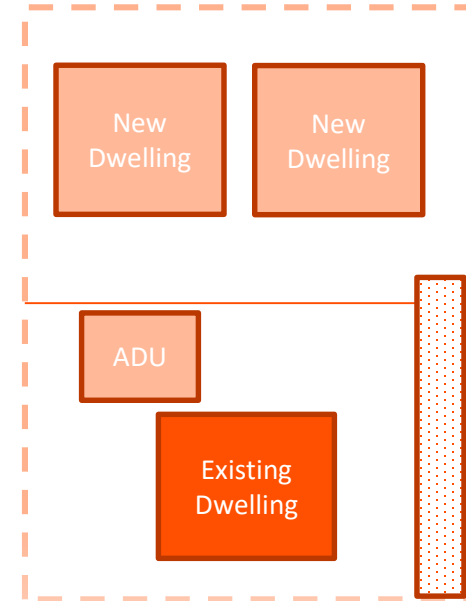
Public Street

Vacant Lot



Public Street

Lot with 1 existing home & 1 ADU



Public Street





ULS Process/Implementation

- ULS action is ministerial (no public notice/hearing)
- Create new application type for review/processing of ULS
- Resolution to add the new application type to the MFS
 - Application fee time/material
 - Fee will become effective in 60 days (2/7/2022)





Two-Unit Development

- Amendment to MC (Title 106) includes the following standards in accordance with SB 9
 - Ministerial action
 - Utility easements are required
 - Max. 2 units per lot (including ADU/JADU)
 - 4 ft side/rear setbacks
 - Demolition allowed provided no tenant/deed restricted
 - Unit may be replaced in place
 - Min. of one parking space per unit (with some exceptions)
 - Homes may be attached but must standards for separate conveyance





TUD Objective Standards

- Parking may be covered or uncovered but must meet min size 9 ft wide x 20 length
- Placement of new units must meet creekside setbacks

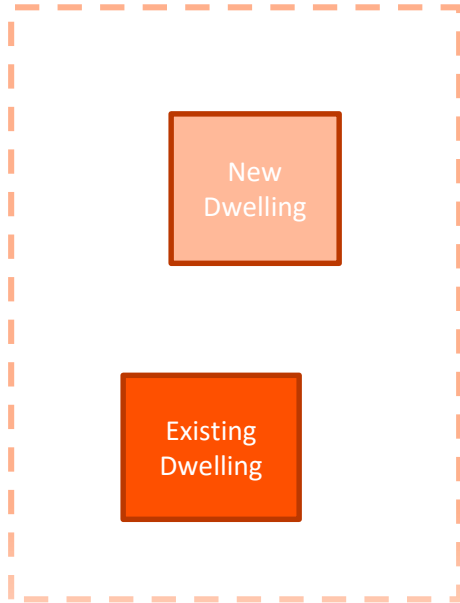
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Two-Unit Development

Lot with 1 existing home



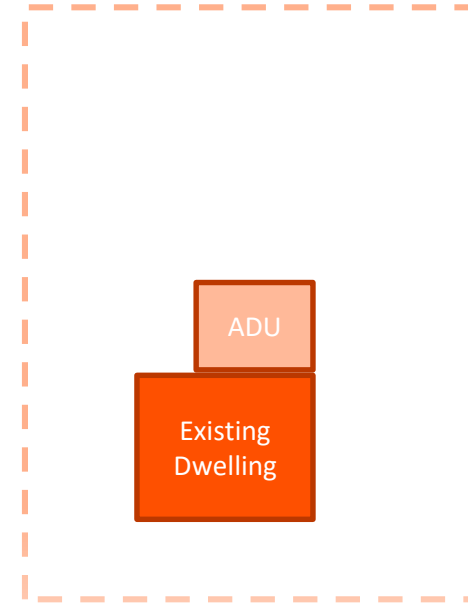
Public Street

Vacant Lot



Public Street

Lot with 1 existing home & 1 ADU



Public Street





TUD Process/Implementation

- Decision is ministerial, similar to single-family
- Planning will create an application for site plan review and tracking purposes
- No Planning Fee





Additional Information

- TUD vs ADU - both allow two units on a single property but in Some cases, utilizing ADU provisions are more beneficial
 - ADU has provisions for fee reductions
 - ADU size limits
 - SF Property can have an ADU and a JADU
- Project denial
 - Chief Building Official w/preponderance of evidence of specific, adverse impacts





- Still many unanswered questions, will revise ordinance as challenges arise
- SB 9 was signed into law and will go into effect regardless of city's action
- Due to the interest already shown by members of the public, adoption of the ordinance as an urgency will ensure it's in place by Jan 1 (4/5th vote needed)
- Planning Commission will be updated at their first meeting in 2022





Motions

In accordance with GC 36937(b), proposed ordinance is presented as an urgency and shall take effect immediately with 4/5th vote of the City Council. The resolution shall become effective in 60 days (2/7/2022).

Move to adopt urgency Ordinance No. 2021_____ of the City of Citrus Heights, California, adopting changes to Title 82 (Subdivisions and Land Development) and Title 106 (Zoning) relating to the implantation of Senate Bill 9 for the creation of urban lots splits and two (2) residential units per lot.

Move to adopt Resolution No. 2021_____ of the City Council of the City of Citrus Heights, California, authorizing the addition of a new application type referred to as Urban Lot Splits, to the Master Fee Schedule.

