



Western Riverside Council of Governments Planning Directors Committee

AGENDA

**Thursday, October 13, 2022
9:30 AM**

**Western Riverside Council of Governments
3390 University Avenue, Suite 200
Riverside, CA 92501**

[Join Zoom Meeting](#)

Meeting ID: 854 2676 0182

Passcode: 222369

Dial in: (669) 900 9128 U.S.

SPECIAL NOTICE – COVID-19 RELATED PROCEDURES IN EFFECT

Due to the State or local recommendations for social distancing resulting from the threat of Novel Coronavirus (COVID-19), this meeting is being held via Zoom under Assembly Bill (AB) 361 (Government Code Section 54953). Pursuant to AB 361, WRCOG does not need to make a physical location available for members of the public to observe a public meeting and offer public comment.

AB 361 allows WRCOG to hold Committee meetings via teleconferencing or other electronic means and allows for members of the public to observe and address the committee telephonically or electronically.

In addition to commenting at the Committee meeting, members of the public may also submit written comments before or during the meeting, prior to the close of public comment to jleonard@wrcog.us.

Any member of the public requiring a reasonable accommodation to participate in this meeting in light of this announcement shall contact Janis Leonard 72 hours prior to the meeting at (951) 405-6702 or jleonard@wrcog.us. Later requests accommodated to the extent feasible.

The Committee may take any action on any item listed on the agenda, regardless of the Requested Action.

- 1. CALL TO ORDER (Travis Randel, Chair)**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**

4. PUBLIC COMMENT

At this time members of the public can address the Committee regarding any items within the subject matter jurisdiction of the Committee that are not separately listed on this agenda. Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion. No action may be taken on items not listed on the agenda unless authorized by law. Whenever possible, lengthy testimony should be presented to the Committee in writing and only pertinent points presented orally.

5. CONSENT CALENDAR

All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Committee, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Committee request specific items be removed from the Consent Calendar.

A. Summary Minutes from the September 8, 2022, Planning Directors Committee Meeting

Requested Action(s): 1. Approve the Summary Minutes from the September 8, 2022, Planning Directors Committee meeting.

6. REPORTS / DISCUSSION

Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion.

A. 2022 Fee Comparison Analysis Update

Requested Action(s): 1. Receive and file.

B. Implementation of California Housing Legislation 2022

Requested Action(s): 1. Receive and file.

C. SB 9 Toolkit Update

Requested Action(s): 1. Receive and file.

D. Proposed REAP 2.0 Activities

Requested Action(s): 1. Receive and file.

7. REPORT FROM THE DEPUTY EXECUTIVE DIRECTOR

Chris Gray

8. ITEMS FOR FUTURE AGENDAS

Members are invited to suggest additional items to be brought forward for discussion at future Committee meetings.

9. GENERAL ANNOUNCEMENTS

Members are invited to announce items / activities which may be of general interest to the Committee.

10. NEXT MEETING

The next Planning Directors Committee meeting is scheduled for Thursday, November 10, 2022, at 9:30 a.m., on the Zoom platform with the option for Committee members to attend in-person.

11. ADJOURNMENT

Planning Directors Committee

Minutes

1. CALL TO ORDER

The meeting of the WRCOG Planning Directors Committee was called to order by Chair John Hildebrand at 9:32 a.m. on September 8, 2022, on the Zoom platform.

2. PLEDGE OF ALLEGIANCE

Chair Hildebrand led members and guests in the Pledge of Allegiance.

3. ROLL CALL

- City of Banning - Adam Rush
- City of Beaumont - Carole Kendrick
- City of Calimesa - Kelly Lucia
- City of Corona - Joanne Coletta
- City of Eastvale - Gustavo Gonzalez
- City of Hemet - H.P. Kang
- City of Lake Elsinore - Richard MacHott
- City of Menifee - Doug Darnell
- City of Murrieta - David Chantarangsu
- City of Perris - Kenneth Phung
- City of Riverside - Judy Egue
- City of San Jacinto - Travis Randel (Chair)
- City of Temecula - Matt Peters
- City of Wildomar - Matt Bassi
- County of Riverside - John Hildebrand
- March JPA - Jeffrey Smith

4. PUBLIC COMMENTS

There were no public comments.

5. CONSENT CALENDAR – (Banning / Murrieta) 15 yes; 0 no; 1 abstention. The City of Perris abstained. Item 6.A was approved. The City of Lake Elsinore did not respond.

A. Summary Minutes from the August 11, 2022, Planning Directors Committee Meeting

Action:

1. Approved the Summary Minutes from the August 11, 2022, Planning Directors Committee meeting.

6. REPORTS / DISCUSSION

A. Implementing or Changing Problematic CEQA Mitigation Measures

Stephanie Standerfer, Albert A. Webb Associates, reported that mitigation measures written into CEQA documents sometimes are not written in a way that makes them easy to implement once construction starts. When a consultant is writing a mitigation measure, and there are fundamental misunderstandings, this usually causes an unimplementable mitigation measure, or pieces of it.

Sometimes when a consultant is writing the measure, the agency engagement level is not where it needs to be. Due to staffing issues at many agencies, this is a fundamental norm. Once a project goes to construction, there is a different team who may have differences of opinions or indicates some work cannot be completed. At the time the CEQA document was being written, the right people were not at the table.

Early communication with the engineers is key. Engineers should review the mitigation measures with the consultant during the initial review.

Cheryl DeGano, Albert A. Webb Associates, provided a real-world example where mitigation measures became problematic to implement in the real world – a water reclamation facility that had a 23-mile brine discharge pipeline and a project cost of \$110M. A biologist was required to install temporary sound barriers - this is not something a biologist does.

It is important to ensure that the mitigation measure captures the recommendation from the technical report, or make sure avoidance is feasible.

Committee members were encouraged to ensure that all the right individuals from the parties of the CEQA analyses are involved when drafting the mitigation measures.

Action:

1. Received and filed.

B. Objective Design Standards Toolkit

Christopher Tzeng, WRCOG Program Manager, reported that WRCOG is utilizing SCAG REAP grant funding to prepare an Objective Design Standards (ODS) Toolkit. This Toolkit provides a range of ODS for multi-family and mixed-use residential development designed to address new and amended California State laws authored to increase housing production.

Alan Loomis, PlaceWorks, reported that ODS are intended to make the requirements that apply to certain eligible residential projects more predictable and easier to interpret for all stakeholders, including decision makers, staff, applicants, and members of the public. The purpose of ODS is for applicants to know beforehand what requirements apply to a proposed development and for the applicant to be able to design a project that meets those requirements before submittal.

This Toolkit is being provided as a resource to member agencies to develop or refine their own ODS. ODS in the Toolkit can be adopted by embedding them into municipal codes, or as a stand alone

document empowered by language within the municipal code. Sample adoption language is also included in the Toolkit.

WRCOG is seeking feedback from Committee members and their staff which will be used to finalize the document. Cities interested in receiving direct assistance with local customization may reach out to WRCOG staff and submit a Housing Activities Assistance Request Form.

Action:

1. Received and filed.

C. REAP 2.0 Housing Supportive Infrastructure Program Draft Guidelines

Jason Noonan, SCAG, reported that the REAP 2.0 Housing Supportive Infrastructure Program (HSIP) Guidelines are expected to be released for public comment soon and will be developed through broad and inclusive outreach that engage and involves communities across the SCAG region. SCAG anticipates funding in the amount of \$246M. Funding must be obligated by June 2024, and expended by June 2026. Federal funding is no longer included in the Program; it is all state General Fund.

REAP 2.0 funding programs help achieve the objectives of 1) accelerating infill development that facilitates housing supply, choice, and affordability, 2) reducing vehicle miles traveled, and 3) affirmatively furthering fair housing. The HSIP Guidelines implement the Housing Support Infrastructure funding program in the SCAG REAP 2.0 grant.

Four identified areas within the HSIP include Housing Infill Policy and Programs, Funding for Lasting Affordability, Surplus Land Development, and Regional Utilities Supporting Housing.

SCAG's Regional Council will consider the Guidelines on November 3, 2022. REAP 2.0 Funding Application will be submitted to the State by the end of December, 2022. A Call for Projects opens in early 2023, and conditional awards will be released in the summer of 2023.

Action:

1. Received and filed.

7. REPORT FROM THE DEPUTY EXECUTIVE DIRECTOR

Chris Gray, WRCOG Deputy Executive Director, noted that the following items will be brought forward to future meetings:

- Fee comparison study
- Housing legislation summary for 2022
- REAP 2021 funding opportunities
- SB 9 implementation
- AB 602 trip generation study

WRCOG is looking to compile a library of General Plan Request for Proposals and specific elements for members to use.

8. ITEMS FOR FUTURE AGENDAS

Committee member Adam Rush, City of Banning, requested an update on the subregional CAP.

9. GENERAL ANNOUNCEMENTS

Committee member Rush announced that the annual Stagecoach Days are scheduled for September 9 - 11, 2022.

10. NEXT MEETING

The next Planning Directors Committee meeting is scheduled for Thursday, October 13, 2022, at 9:30 a.m., on the Zoom platform with an option for Committee members to attend in-person at the WRCOG office.

11. ADJOURNMENT

The meeting of the Planning Directors Committee adjourned at 10:51 a.m.



Western Riverside Council of Governments Planning Directors Committee

Staff Report

Subject: 2022 Fee Comparison Analysis Update
Contact: Christopher Tzeng, Program Manager, ctzeng@wrcog.us, (951) 405-6711
Date: October 13, 2022

Requested Action(s):

1. Receive and file.

Purpose:

The purpose of this item is to provide an introduction to the 2022 Fee Comparison Analysis Update.

WRCOG 2022-2027 Strategic Plan Goal:

Goal #5 - Develop projects and programs that improve infrastructure and sustainable development in our subregion.

Background:

In 2016 WRCOG conducted a study to analyze fees / exactions required and collected by jurisdictions / agencies in and immediately adjacent to the WRCOG subregion. The study was received by the WRCOG Committees and subsequent presentations were completed to various City Councils in the subregion. Based on the feedback provided and the requests made for data and presentations, WRCOG indicated the study would be updated on a consistent basis to enable jurisdictions the value of understanding the impact of fees on development and the regional economy. An updated analysis utilizing 2018 data was completed at the beginning of 2019. An update to the analysis utilizing data available in 2022 commenced in May 2022.

Overview

The update to the Fee Comparison Analysis is following the same methodology as in 2016 and 2018, and is updating the fee structures of the various fees. The Analysis provides WRCOG jurisdictions with comprehensive fee comparisons. The study also discusses the effect of other development costs, such as the cost of land and interest rates, within the overall development framework. Another key element of this study is an analysis documenting the economic benefits of transportation investment. The draft Fee Comparison Analysis is being brought to this Committee for review and input and to verify the data utilized is the latest and greatest. The update is expected to be finalized in January 2023.

Fee Comparison Methodology

Jurisdictions for Fee Comparison: In addition to the jurisdictions within the WRCOG subregion, the study

analyzed sample jurisdictions within the Coachella Valley, San Bernardino County, and the northern portion of San Diego County. The inclusion of additional neighboring / peer communities allows for consideration of relative fee levels between the WRCOG subregion and jurisdictions in surrounding areas that may compete for new development.

Land Uses and Development Prototypes

Fee comparisons have been conducted for five key land use categories: “development prototypes,” including single family residential, multi-family residential, office, retail, and industrial developments.

Since every development project is different, and because fee structures are often complex and derived based on different development characteristics, it is helpful to have “development prototypes” for each of the land uses studied. The use of consistent development prototypes increases the extent to which the fee comparison is an “apples-to-apples” comparison.

Development prototypical projects that will be analyzed are as follows:

- Single-Family Residential Development: 50-unit residential subdivision; 2,700 square foot homes, and 7,200 square foot lots
- Multi-family Residential Development: 200-unit market-rate, 260,000 gross square foot apartment building
- Retail Development: 10,000-gross square foot retail building
- Office Development: 20,000-gross square foot, Class A or Class B office building
- Industrial Development: 530,000 gross square foot industrial building

Fee Categories

The primary focus of the analysis is on the array of fees charged on new development to pay for a range of infrastructure / capital facilities. The major categories of fees include: 1) school development impact fees; 2) water / sewer connection / capacity fees; 3) city capital facilities fees; 4) regional transportation fees (TUMF in Western Riverside County); and 5) other capital facilities / infrastructure / mitigation fees charged by other regional / subregional agencies. These fees typically represent 80 to 90 percent of the overall development fees on new development. Additional processing, permitting, and entitlement fees are not included in this analysis. The analysis focuses on development impact fees, as these fees are much larger than planning / processing fees for comparison purposes.

Service Providers and Development Prototypes

The system of infrastructure and capital facilities fees in most California jurisdictions is complicated by multiple service providers and, often, differential fees in different parts of individual jurisdictions. Multiple entities charge infrastructure / capital facilities fees – e.g., city, water districts, school districts, and regional agencies. In addition, individual jurisdictions are often served by different service providers (e.g., more than one water district or school district) with different subareas within a jurisdiction, sometimes paying different fees for water facilities and school facilities. In addition, some city fees, such as storm drain fees, are sometimes differentiated by jurisdictional subareas. To maintain consistency, the service providers utilized in the previous analyses will be utilized. Individual service providers were selected where multiple service providers were present, and an individual subarea was selected where different fees were charged by subarea.

Next Steps

The goal at this time is to provide WRCOG member agencies the opportunity to verify their fee collection structure. WRCOG will make any necessary revisions to the fee collection structure and then a draft report will be completed by the beginning of November 2022. The draft report will be disseminated to the member agencies for review and input. WRCOG will bring the draft report to the Committee at the appropriate time. It is anticipated that a final version of this analysis will be completed in early 2023.

Prior Action(s):

None.

Fiscal Impact:

Transportation and Planning Department activities are included in the Agency's adopted Fiscal Year 2022/2023 Budget under the Transportation Department. This analysis is covered under TUMF (Fund 110) to provide additional information on development fees charged to support the TUMF Nexus Study.

Attachment(s):

None.



Western Riverside Council of Governments Planning Directors Committee

Staff Report

Subject: Implementation of California Housing Legislation 2022
Contact: Taylor Libolt Varner, National CORE Planning and Acquisition Projects Manager,
tvarner@nationalcore.org, (909) 639-1857
Date: October 13, 2022

Requested Action(s):

1. Receive and file.

Purpose:

The purpose of this item is to review bills that have become law and provide implementation insight and guidance to member agencies.

WRCOG 2022-2027 Strategic Plan Goal:

Goal #2 - Identify and help secure grants and other potential funding opportunities for projects and programs that benefit member agencies.

Background:

WRCOG is utilizing Regional Early Action Planning (REAP) grant funding to provide member agencies a closer look into some of the key housing related bills that have been approved during the latest legislative session and their potential impacts to member agencies.

National CORE staff will present information on these key housing bills and have developed a matrix on the housing bills for use by member agencies. In the matrix attached to this staff report, a list of bills is provided with a description of the bill, implementation notes, potential impacts, a date which the bill becomes effective, and more. The information provided is intended to help member agencies with the implementation of new requirements and may be used as a resource and reference guide. Some of the key housing legislation covered in this matrix are as follows:

- AB 2011 (Wicks) - Affordable Housing and High Roads Jobs Act of 2022
- SB 6 (Caballero) - Middle Class Housing Act of 2022
- AB 2097 (Friedman) - limiting parking requirements near major transit stops
- AB 1551 (Santiago) - modifying provisions of Density Bonus Law
- AB 682 (Bloom) - modifying provisions of Density Bonus Law
- AB 2334 (Wicks) - modifying provisions of Density Bonus Law

Prior Action(s):

March 1, 2021: The Executive Committee authorized the Executive Director to execute an MOU, substantially as to form, with SCAG for the REAP Subregional Partnership Program.

Fiscal Impact:

Transportation & Planning Department activities are included in the Agency's adopted Fiscal Year 2022/2023 Budget under the Transportation Department. This item is covered by REAP funding that has been approved by SCAG; this funding source is identified in the Fiscal Year 2022/2023 Budget.

Attachment(s):

[Attachment 1 - 2022 Legislative Matrix](#)

CALIFORNIA HOUSING LEGISLATION 2022

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
Housing on Land Zoned for Commercial Uses					
AB 2011 (Wicks) – Affordable Housing and High Road Jobs Act of 2022	Provides for by-right (ministerial and streamlined) approval, like that of SB 35, of 100% affordable housing on land zoned for office, retail, or parking and of mixed-income housing in commercial corridors. Projects and site must meet minimum requirements pertaining to site location, project affordability, and more, summarized well in the Holland & Knight Analysis (linked to the right). Projects approved under the provisions of this Bill are required to pay prevailing wages to construction workers. For projects over 50 units, an apprenticeship program must be provided and contractors must pay into health coverage for employees.	<u>July 1, 2023</u>	• Holland & Knight Analysis	• Must provide streamlined, ministerial approval for qualifying projects within 90 or 180 days OR identify any inconsistency with AB 2011 requirements or objective standards within 60 or 90 days (timing depends on project size) • May adopt an implementing ordinance, which is exempt from CEQA • Limits design review of qualifying projects to only objective standards	• Project approvals under this bill are exempt from CEQA • Phase I ESA and mitigation still required • Project must record deed restrictions restricting rents for a period of 55 years for rental and 45 years for for-sale units • Bill requires HCD to study the outcomes of this bill • Provisions of bill automatically sunset in 2033

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
SB 6 (Caballero) – Middle Class Housing Act of 2022	Provides that a housing project is an allowable use on a parcel zoned for office, retail, or parking if specified conditions are met, including conditions pertaining to density, public noticing, project size and location, and more. Rezoning of the site to allow residential uses would not be required and project applicants could take advantage of existing housing law and ministerial processes (i.e. Housing Accountability Act and SB 35) to limit local discretion and gain project approval, if applicable. Projects invoking SB 6 must agree to prevailing wage and “skilled and trained workforce” requirements.	<u>July 1, 2023</u>	Holland & Knight Analysis	- May adopt an implementing ordinance, which is exempt from CEQA - May not require rezoning if project and site meet requirements	Unlike SB 2011, SB 6 does not require projects to include affordable housing units
Parking Requirements					
AB 2097 (Friedman) – Residential, commercial, or other development types: parking requirements	Prohibits a public agency from imposing or enforcing minimum parking requirements on a residential, commercial, or other development project if the project is located within one-half mile of a major transit stop. "Major transit stop" means a site containing any of the following: - An existing rail or bus rapid transit station. - A ferry terminal served by either a bus or rail transit service. - The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.	<u>January 1, 2023</u>	8/30 Assembly Floor Analysis	- Bill limits where jurisdiction may impose parking requirements on housing, commercial, and other projects - May update code and other planning documents for consistency with bill	- EV charging and ADA parking requirements still apply - Jurisdiction may still impose minimum parking requirements if it makes certain written findings within 30 days. - Parking requirements may still be imposed on hotels/motels

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
Modifications to Density Bonus Law					
AB 1551 (Santiago) – An act to add and repeal Section 65915.7 of the Government Code, related to housing	Reinstates a density bonus law provision that expired on January 1, 2022 to once again allow commercial developers a development bonus (as specified) when applicant enters into an agreement to provide affordable housing. Affordable housing must be within the same jurisdiction as commercial development, near amenities, and within 0.5 mile of major transit stop.	<u>January 1, 2023</u>	• Included in JD Supra 2022 Housing Bills Summary	• Must grant a development incentive (i.e. increase in intensity, FAR, building height) to a qualifying commercial project	• Commercial developer may build units directly or partner with a housing developer • Jurisdiction may withhold certificate of occupancy if the housing has not been built • Provisions of this bill automatically sunset in 2028
AB 682 (Bloom) – Planning and zoning: density bonuses: shared housing buildings	Expands density bonus law to include shared housing or co-housing buildings that include qualifying affordable housing units. Makes other minor additions/clarifications to remove ambiguity in density bonus law. Shared housing or co-housing is defined as residential or mixed-use structures of 5 or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants.	<u>January 1, 2023.</u>	• Included in JD Supra 2022 Housing Bills Summary	• May update density bonus and shared housing ordinances for consistency • May not impose minimum unit size or bedroom requirements on certain shared housing buildings	

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
AB 2334 (Wicks) – Density Bonus Law: affordability: incentives or concessions in very low vehicle travel areas: parking standards: definitions	Adds a “very low vehicle travel area in a designated County” definition to density bonus law and modifies relevant density bonus law provisions in these areas. These areas are defined as urbanized areas where existing residential development generates vehicle miles traveled (VMT) per capita that is below 85% of either regional VMT per capita or city VMT per capita. If a 100% affordable housing development qualifies for density bonus concessions and is in a very low vehicle travel area, a local jurisdiction must: • Allow a 3 story or 33-foot height increase • Not impose maximum controls on density	<u>January 1, 2023.</u>	• Included in JD Supra 2022 Housing Bills Summary	• May update density bonus ordinance for consistency	• Riverside County is listed as one of the designated counties for the purpose of this section. Further VMT analysis is needed to determine if/where very low vehicle travel areas exist.
Accessory Dwelling Units/Junior Accessory Dwelling Units					
AB 2221 (Quirk-Silva) – Accessory dwelling units.	Makes changes to expand and clarify existing Accessory Dwelling Unit (ADU) law, including: • Clarifying that detached ADUs can include a detached garage • Requiring approval/denial of application to serve ADU/JADU to be processed under the same timeframe as the approval of the new unit (applies to all permitting agencies, including utilities and special districts) • Prohibiting local agency from imposing front setback requirements, if doing so would inhibit the construction of a ADU/JADU of at least 800 square feet	<u>January 1, 2023.</u>		• Jurisdiction may update ADU ordinance for consistency • Bill provides clarity around ambiguities in existing ADU law	

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
SB 897, (Wieckowski)— Accessory dwelling units: junior accessory dwelling units.	Makes changes to expand and clarify existing ADU law, including: • Requiring that standards imposed on ADUs be objective • Requiring agency to review and issue demolition permit for existing detached garage at the same time as permit for new ADU • Increasing the maximum height limitation that may be imposed by a local agency on an ADU to 18 feet near public transit or if the accessory dwelling unit is detached and on a lot that has an existing multifamily, multistory dwelling OR to 25 feet if the ADU is attached to primary dwelling. • Additional clarifications including bathroom access for JADUs and what requirements local agencies may impose for ADUs regarding fire sprinklers and parking	<u>January 1, 2023.</u>		• May update ADU/JADU ordinances for consistency • Must provide written comments indicating reasons why an application was denied • Prohibits jurisdiction from denying a permit for an unpermitted ADU constructed before January 1, 2018, because, among other things, the unit is in violation of building standards or state or local standards applicable to ADUs, unless specified findings are made	• Exceptions apply; read full text for more information

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
Housing Element and Annual Progress Reports					
AB 1743 (McKinnor) — General plan: annual report	Requires planning agencies to indicate whether each housing development applications submitted are subject to a ministerial or discretionary review process within the Housing Element portion of the Annual Progress Report (APR)	<u>January 1, 2023</u>	HCD APR Website and Form Download	Additional information to be reported in the Housing Element APR	- Next APR due April 1, 2023 - New APR template meeting requirement not yet available
AB 2094 (Rivas) — General Plan: annual report; extremely low-income housing	Requires planning agencies to include in its APR the locality's progress in meeting the needs of extremely low-income households, defined as households who earn less than 30% of area median income (AMI)	<u>January 1, 2023</u>	HCD APR Website and Form Download	Additional information to be reported in the Housing Element APR	- Next APR due April 1, 2023 - New APR template meeting requirement not yet available
AB 2653 (Santiago) — Planning and Zoning Law: housing elements	Requires planning agency to include in its APR the number of all new housing units, the number of housing units demolished, and data from all projects approved to receive a density bonus, as specified. Authorizes HCD to request revisions to APR and requires the jurisdiction to make corrections within 30 days. Authorizes HCD to notify the Attorney General if a jurisdiction fails to comply with APR requirements	<u>January 1, 2023</u>	HCD APR Website and Form Download	- HCD may request revisions to future APRs and jurisdictions must provide within 30 days - Additional information to be reported in the Housing Element APR - Noncompliant APRs could be reported to the Attorney General	- Next APR due April 1, 2023 - New APR template meeting requirement not yet available

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
AB 2339 (Bloom) – Housing element: emergency shelters: regional housing need	Revises housing element requirements to ensure that zones identified for shelters and other interim housing are suitable and available for emergency shelters. Requires jurisdictions to demonstrate sufficient capacity on the sites to meet the identified need for interim housing for those experiencing homelessness. Specifies that emergency shelters are only subject to specified written, objective standards.	<u>January 1, 2023</u>		- Additional information required in future housing element updates - May require zoning code update program to implement housing element	
Permit Streamlining					
AB 2234 (Rivas) – Planning and zoning: housing: post-entitlement phase permits	Builds on the Permit Streamlining Act and the Housing Accountability Act (HAA) to streamline to post-entitlement applications, - requiring a local agency to compile a list of information needed to approve or deny post-entitlement phase permit (as defined) and to make those items available no later than January 1, 2024. - impose timing limits for local agency to deem post-entitlement applications complete and approve/deny post-entitlement applications - requiring local agencies to accept post-entitlement applications by e-mail or online permitting system by specified dates. “Local agency” for the purpose of this bill includes a City, County, or City and County.	<u>January 1, 2023.</u>	Included in JD Supra 2022 Housing Bills Summary	- Limits timeline within which agencies must review and either approve/deny permit applications - Requires jurisdictions to develop online permitting system and/or accept applications online by specified dates	- Not applicable to CA Coastal Commission permits - Failure to meet specified review/approval timelines would be deemed a project disapproval and violation of the HAA (subject to enforcement action)

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
AB 2668 (Grayson): Planning and zoning	Clarifies provisions of the ministerial, streamlined approval process for affordable housing development created by SB 35 of 2017. Specifically, the bill: • Clarifies that the minimum percentage of units required to use the SB 35 approval pathway is calculated before any density bonus is calculated • Allows development to use SB 35 provisions on hazardous waste sites under specified conditions • Prohibits local government from determining that an application conflicts with local objective standards on the basis that insufficient information was provided if a “reasonable person” could conclude that the application contained substantial evidence that it is consistent (this also pertains to development modification applications) • Requires local government to provide written documentation if it determines that a project is in conflict with objective design review or public oversight standards • Makes other clarifying changes	<u>January 1, 2023</u>		• Clarifies how local governments are to implement SB 35	
AB 916 (Salas)—Zoning: bedroom addition	Prohibits local government from requiring a public hearing as a condition of adding bedrooms to existing dwelling units. Applies to applications to “reconfigure existing space to increase the bedroom count within an existing dwelling unit”			• May update zoning ordinance for consistency	• Only applies to permit applications for no more than two additional bedrooms (not dwelling units)

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
					within an existing dwelling unit
AB 2295 (Bloom) – Local Educational agencies; housing development projects	Deems a housing development project an allowable use on land owned by a local school district or county office of education, if the development meets certain conditions (i.e. size, density, infill, affordability, objective design standard requirements). Also deems development consistent, compliant, and in conformity with local development standards, zoning codes or maps, and the general plan.	<u>January 1, 2024, HCD has until January 1, 2023 to provide notice of bill's provisions to every planning agency in the State</u>		Limits local discretion over housing development projects on land owned by educational agencies	- Exempts development project from various surplus land requirements - Sunsets January 1, 2033
SB 886 (Wiener)—CEQA exemption: public universities; university housing development projects	Exempts from CEQA a university housing development project carried out by a public university on land owned by the university if certain requirements (i.e. LEED certification, proximity to major transit stop, greenhouse gas reductions). Development projects on/in farmland, high fire hazard areas, floodways, protected habitat, conservation areas, earthquake fault zones, and other specified areas, as defined (exclusions apply)	<u>January 1, 2023</u>		- Creates CEQA exemption for housing projects developed by public universities - Outlines CEQA certification process for lead agency of a qualifying project (Notice of Exemption, Labor Certification, Notice of Determination, etc.)	- Sunsets January 1, 2030 - Impacts must still be mitigated - Includes labor requirements for construction - One noticed public hearing still required

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
Mobilehome Park Management					
SB 1307 (Rubio) – Department of Housing and Community Development: Mobilehome Parks Act: Special Occupancy Parks Act	Requires HCD to detail the process for local jurisdiction to assume the enforcement responsibilities pursuant to the Mobilehome Parks Act, the Special Occupancy Parks Act, and related regulations. Extends the period for remedying violations of the Special Occupancy Parks Act from 30 to 60 days.	<u>January 1, 2023</u>	HCD Mobilehome and Special Occupancy Park Website	- Provides clarity for process for jurisdiction to assume enforcement of mobilehome park regulations - Provides additional time for mobilehome park owners to correct violations of regulations before permit suspension	HCD is typically the enforcement agency for these parks, but a local government may choose to assume responsibilities, in which case it is subject to these provisions
AB 2031 (Lee)— Mobilehome Residency Law: management meetings with homeowners	Further specifies the matters on which mobilehome park management is required to meet and consult with homeowners and how these meetings are to occur (virtually or in-person, as requested). Also specifies that designated representatives of the homeowner(s) and language interpreters are to be allowed to participate	<u>January 1, 2023</u>			
SB 940 (Laird) – Mobilehome parks: local ordinances	Preempts the imposition of local mobilehome rent control ordinances on mobilehome space rent for the first 15 years after a mobilehome space or park is initially held out for rent.	<u>January 1, 2023</u>		Any mobilehome rent control ordinances in effect are not enforceable in the first 15 years of a new mobilehome park	Defines timelines differently for units held out for rent before and after January 1, 2023

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
SB 869 (Leyva) – Housing: mobilehome parks: recreational Vehicle parks: manager training	Requires HCD to update regulations for mobilehome and recreational vehicle (RV) parks to require an onsite manager to receive management training, as specified. Requires HCD or third-party to develop and review curriculum and provide training program.	<u>January 1, 2023, HCD deadline for updated regulations is May 1, 2025</u>			
Property Taxation and Foreclosure					
AB 1206 (Bennett) – Property taxation: affordable housing: welfare exemption	Requires, for the 2022-23 fiscal year (FY) through the 2027-28 FY that a residential unit continue to be treated as occupied by a lower income household, as specified, if the owner is a community land trust (CLT) whose land is leased to low-income households, subject to a contract that complies with specified requirements.	<u>January 1, 2023</u>			
AB 1933 (Friedman) – Property taxation: welfare exemption: nonprofit corporations: low-income families	Expands welfare tax exemption to eligible nonprofit corporations that build and rehabilitate affordable housing units for sale, subject to certain limitations, to low-income families, as defined.	<u>January 1, 2023</u>			• Requires annual audit made available to specified entities • Requires Board of Equalization report
AB 1837 (Bonta) – Residential real property: foreclosure	Adds provisions addressing fraud, operational improvements, and affordable housing preservation to a statute that facilitates acquisition of homes in foreclosure by prospective owner-occupants, tenants, nonprofits, and public entities (commonly known as “the SB 1079 process”)	<u>January 1, 2023</u>	SB 1079 Toolkit (Not yet updated to include amendment)		• Extends sunset date on SB 1079 process from 2026 until 2031

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
AB 2651 (Petrie-Norris) – Property taxes: welfare exemption: community land trust	Extends by two years several key dates in the CLT welfare exemption from property tax	<u>January 1, 2023</u>			- Sunset date for property tax exclusion and for CLT to acquire property eligible for exemption extended from January 1, 2025 to January 1, 2027 - Deadline for development of property extended to January 1, 2027 for property purchased before January 1, 2020
Funding Programs					
AB 1695 (Santiago)— Affordable housing loan and grant programs: adaptive reuse	Requires HCD to state in any notice of funding availability for an affordable multifamily housing loan program that adaptive reuse of a property for affordable housing purposes is an eligible activity	<u>January 1, 2023</u>	HCD Grants & Funding Website		

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
AB 1991 (Gabriel) – Motels and hotels: publicly funded shelter programs	Allows hotels and motels to provide housing to people enrolled in a shelter program, as specified, for longer than 30 days without establishing tenancy. Establishes standards for hotels and motels to comply with in order to ensure tenants are adequately protected. Requires hotels and motels participating in shelter programs to adhere to core components of Housing First and to establish rules governing how participant's enrollment may be terminated.	<u>January 1, 2023</u>	HCD Homekey Resources Page		• Bill responds to issues of tenancy arising from hotel and motel shelter programs Homekey and Roomkey • Sunsets January 1, 2025
AB 2006 (Berman)—Regulatory agreements: compliance monitoring	Requires HCD, Cal HFA, and CTCAC to enter into a memorandum of understanding to streamline the compliance monitoring of affordable multifamily rental housing developments that are subject to a regulatory agreement with more than one of these entities. Reduces duplicative physical inspections, submission of information, and other processes.	<u>January 1, 2024</u>			
SB 948 (Becker) – Housing finance programs: development reserves	Prohibits HCD from requiring a project-specific development transition reserve for any unit subject to a qualified rental or operating subsidy. Establishes and makes continuous appropriation to a Pooled Transition Reserve Fund. Authorizes HCD to charge a fee at project closing to be deposited into the fund.	<u>January 1, 2023</u>			
SB 649 (Cortese) – Local Tenant Preferences to Prevent Displacement Act	Allows a local government to adopt a local tenant preference ordinance, which would allow units of affordable housing using the housing tax credit program to be reserved for local tenants at risk of displacement	<u>January 1, 2023</u>		• Would allow local jurisdictions to reserve affordable housing for existing lower income residents • Jurisdictions must adopt ordinance in compliance with Fair	• Ordinance must be on website and included in Housing Element APR • Provisions of bill sunset on January 1, 2033

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
				Housing and AFFH law	
AB 1978 (Ward) – Department of Housing and Community Development: powers	Expands HCD’s authority in the administration of federally-funded grant programs (i.e. Housing Trust Fund, CDBG, HOME Investment Partnerships Act, ESG, etc.) to 1) publish notices of funding availability ahead of availability of funding, 2) issue funding to a recipient up-front, rather than as a reimbursement, and 3) provide technical assistance to applicants that meet deadlines to correct technical errors or provide information.	<u>January 1, 2023</u>		Federal grant funding provided through HCD may be accessed faster and more easily	Requires HCD to develop online tracking system for programs created under this Section
AB 2483 (Maienschein) – Housing for individuals experiencing homelessness	Requires HCD to incentivize the development of affordable housing units set aside for individuals experiencing homelessness or eligible to receive specified services (i.e. All-Inclusive Care for the Elderly) through the Multifamily Housing Program. Also authorizes the state to contract with agencies to assist persons with disabilities in securing housing and to provide persons with disabilities with the supports needed to live in their own homes, including supportive housing. HCD must coordinate with Department of Health Care Services to align services in housing projects funded by MHP.	<u>January 1, 2023, HCD has until December 31, 2023 to update MHP regulations/application</u>			- Projects must set aside at least 20% of its units for eligible individuals, no more than half of its units for projects over 100 units - Projects receiving incentives would be required to report tenant outcomes
AB 1654 (Rivas)— Low-income housing: insurance tax: credits: farmworker housing	Requires HCD to commission a study of farmworker housing conditions, needs and solutions and develop strategy for meeting housing needs of farmworkers. Requires a portion of future rural tax credit allocations be set aside for farmworker housing for funding rounds from 2024-2034..	<u>January 1, 2023, HCD has until December 1, 2023 to commission</u>			

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
		<u>study and until January 1, 2027 to submit strategy to legislature</u>			
Regional or Jurisdiction-Specific Legislation					
SB 1444 (Allen) – Joint Powers Authorities: South Bay Regional Housing Trust	Authorizes the establishment of the South Bay Regional Housing Trust, a Joint Powers Authority (JPA), by the County of Los Angeles and any or all cities within the jurisdiction of the South Bay Cities Council of Governments (SBCCOG)	<u>January 1, 2023</u>			Similar to the successful JPA created for the San Gabriel Valley Regional Housing Trust
SB 959 (Portantino) – Surplus residential property: use of funds: Priorities and procedures: City of Pasadena	Makes changes to the Roberti Act to encourage the sale of homes owned by the California Department of Transportation for low- and moderate-income housing in the State Route 710 corridor in the City of Pasadena (the City).	<u>January 1, 2023</u>			City has until December 31, 2026 to commence construction or complete acquisition of all affordable units numbering at least three times the total number of unoccupied homes acquired by the City

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
SB 679 (Kamlager) – Los Angeles County: affordable housing	Establishes the Los Angeles County Affordable Housing Solutions Agency (LACAHS) and authorizes LACAHS to utilize specified local financing tools to fund renter protections and the preservation and production of housing units affordable to households earning up to 80% of AMI. Authorizes the entity, among other things, to impose various special taxes, including a parcel tax and a documentary transfer tax, within its jurisdiction, and to issue bonds secured by the levy of ad valorem property taxes.	<u>January 1, 2023</u>			
State Surplus Land					
SB 561 (Dodd) – State surplus property: digital inventory: affordable housing	Codifies the Excess Land for Affordable Housing Executive Order by requiring Department of General Services (DGS) and HCD to identify and evaluate development feasibility of state surplus land that can be used for affordable housing development.	<u>January 1, 2023, with deadlines for DGS and HCD by September 1, 2023 and July 1, 2024</u>			Requires DGS and HCD to evaluate and digitize a comprehensive survey of all state-owned parcels declared access and suitable for the development of affordable housing
AB 2233 (Quirk-Silva) – Excess state land: development of affordable housing	Also helps to codify the State Excess Land for Affordable Housing by requiring the California Housing Finance Agency, HCD, and DGS to identify and prioritize surplus properties that can be used for cost effective housing developments and to generate a progress report to the Legislature	<u>January 1, 2023, with deadlines for DGS and HCD by September 1, 2023 and July 1, 2024</u>			Requires DGS and HCD to develop consistent criteria/screening tools for evaluating

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
					suitability for State-owned excess land to be developed into affordable housing Requires state agencies to consider exchanging excess state land with local governments for other parcels for affordable housing development
AB 2592 (McCarty) – Housing: underutilized state buildings	Requires DGS to prepare a report to the Legislature on a streamlined plan to transition underutilized multistory state buildings into housing for the purpose of expanding affordable housing and adaptive reuse opportunities	<u>January 1, 2023, with deadline to produce report by January 1, 2024</u>			
Miscellaneous					
Senate Constitutional Amendment 2 (Allen) – Public housing projects.	Adds a measure to the 2024 ballot that would repeal Article 34 of the California Constitution, which requires development, construction, or acquisition of publicly-funded low-rent housing projects to be approved by a majority of voters in a city or county.	<u>Decided on by voters on 2024 ballot</u>			

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
AB 1719 (Ward)—Housing: Community College Faculty and Employee Housing Act of 2022	Authorizes community college districts to establish and implement programs that address the housing needs of faculty or community college district employees. Mirrors the Teacher Housing Act of 2016.	<u>January 1, 2023</u>		Creates additional partnership opportunities for the provision of affordable housing	Allows districts and developers to restrict/prioritize occupancy to district faculty and employees
SB 1252 (Committee on Housing) – Housing	Makes minor, technical, and “non-controversial” changes to sections of law relating to housing, particularly relating to common interest developments, Housing Accountability Act, Community Redevelopment Law, Joe Serna, Jr. Farmworker Housing Grant Program, and Local Housing Trust Fund Matching Program.	<u>January 1, 2023</u>			
SB 1396 (Bradford) – Tenancy: credit reporting: lower income households: evaluation	Instructs the Department of Financial Protection and Innovation to select an evaluator to evaluate the impact of a state program that requires landlords of assisted housing developments to offer tenants the option of having their payments reported to at least one consumer reporting agency for a fee (program effective from July 1, 2021 to July 1, 2025)	<u>January 1, 2023</u>			- Assisted housing development defined as a multifamily rental housing development that receives government assistance, as specified - Sunsets July 1, 2025
SB 1421 (Jones) – California Interagency Council on Homelessness	Adds a current or formerly homeless person with a developmental disability to the California Interagency Council on Homelessness.	<u>January 1, 2023</u>			

Bill Number	Description	Effective Date	Resources	Impact(s) to Member Jurisdictions	Implementation Notes
SB 914 (Rubio) – HELP Act	Enacts the Homeless Equity for Left Behind Populations (HELP) Act requiring: - cities, counties, and continuums of care (COC) receiving state funding to address homelessness to take specific actions to address the needs of domestic violence survivors and unaccompanied women, as specified, by January 1, 2024 - the Interagency Council on Homelessness to establish and evaluate goals to prevent and end homelessness among domestic violence survivors, their children, and unaccompanied women, by January 1, 2025	<u>January 1, 2023, with deadlines for cities/counties/COCs by January 1, 2024</u>		Jurisdictions receiving state homelessness funding to develop analyses and goals with victim service providers to address specific needs of the vulnerable population	



Western Riverside Council of Governments Planning Directors Committee

Staff Report

Subject: SB 9 Toolkit Update
Contact: Suzanne Peterson, Senior Analyst, speterson@wrcog.us, (951) 405-6706
Date: October 13, 2022

Requested Action(s):

1. Receive and file.

Purpose:

The purpose of this item is to present an update on the Senate Bill (SB) 9 Toolkit for use by WRCOG member agencies.

WRCOG 2022-2027 Strategic Plan Goal:

Goal #2 - Identify and help secure grants and other potential funding opportunities for projects and programs that benefit member agencies.

Background:

WRCOG is utilizing Regional Early Action Planning (REAP) grant funding to prepare an SB 9 Toolkit. This Toolkit will include a model ordinance, sample customizable handouts, prototypical lot configurations, and informational seminars. The purpose of this Toolkit is to assist member agencies implement the requirements of SB 9. The Toolkit will be designed to gather best practices from recently adopted SB 9 ordinances and identify specific standards that local jurisdictions can customize as needed to their unique geography.

The first priority task in the SB 9 Toolkit is developing a model ordinance. The model ordinance is designed to meet the minimum requirements set forth by state law. It will also include optional provisions that agencies may wish to incorporate or customize to meet the needs of their unique jurisdiction. Within this model ordinance, agencies may find overlap with other sections of their code; these sections will be called out to ensure a user-friendly document and help guide jurisdictions to either establish new language, or identify when a cross reference or amendment to their existing code is appropriate. Additionally, the model ordinance is prepared such that users may easily understand sections are standard requirements and which those areas the jurisdiction may exercise discretion. A draft version of the model ordinance is included as an attachment to this staff report.

Prior Action(s):

August 11, 2022: The Planning Directors Committee received and filed.

March 1, 2021: The Executive Committee authorized the Executive Director to execute an MOU, substantially as to form, with SCAG for the REAP Subregional Partnership Program.

Fiscal Impact:

Transportation & Planning Department activities are included in the Agency's adopted Fiscal Year 2022/2023 Budget under the Transportation Department. The development of the SB 9 Toolkit is covered by REAP funding that has been approved by SCAG; this funding source is identified in the Fiscal Year 2022/2023 Budget.

Attachment(s):

[Attachment 1 - Draft SB 9 Model Ordinance](#)

DRAFT SB 9 MODEL ORDINANCE

WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG)

**Prepared by PlaceWorks
September 26, 2022**

DRAFT

Notes:

- This Model Ordinance includes language adapted from the ABAG Model Ordinance and The City of Arcadia SB 9 Urgency Ordinance.
- All text highlighted in yellow is the information that needs to be completed by local jurisdictions implementing SB 9.
- Any other notes, comments, recommended provisions are highlighted in green.
- Unless otherwise noted, provisions in this document reflect the provisions in SB 9. “Recommended” Provisions are recommended to clarify ambiguities in the statute or assist in enforcement. “Policy” Provisions are optional provisions for local agencies to consider.

RESIDENTIAL ZONING CODE SECTION X

(With new subsections for Urban Lot Splits and Two Unit Projects)

Sample Table of Contents

Section X – Residential Zones

- Subsection XX.XX.XX- Existing Sections of the Code for Residential Zone
- **New** Subsection XX.XX.XX Urban Lot Splits
- **New** Subsection XX.XX.XX Two Unit Projects

New Subsection XXX.XX.XX – Urban Lot Splits

- A. Purpose.** The purpose of this section is to implement the provisions of Government Code section 66411.7 for urban lot splits in single-family residentially zoned properties (Insert Applicable Residential Zones).
- B. Applicability.** This section shall only apply to the extent that the City is required to ministerially approve urban lot splits under Government Code Section 66411.7. If Government Code section 66411.7 is repealed, determined to be unlawful or otherwise unenforceable, then this section shall only govern lots previously created through an urban lot split and no applicant for an urban lot split may claim any rights hereunder. The intent of this section is to only implement the requirements of Government Code Section 66411.7, and this section shall not be construed to allow any greater rights to an urban lot split than the City is required to grant under state law.
- C. Definitions**¹ (Jurisdiction can add or modify the definitions included in this section).
1. “City” means the City of (Jurisdiction), California.
 2. “[Official]” means the (Development Services Official) for the City or designee.
 3. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
 4. “Specific adverse impact” has the same meaning as in Government Code Section 65589.5(d)(2), which is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).
 5. “Urban lot split” means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of Government Code Section 66411.7 and this section pursuant to a ministerial approval process.
- D. Qualifying Criteria**² (SB 9 Provisions, unless noted)
- Within the time required by the Subdivision Map Act, the [Official] shall determine if the parcel map for the Urban Lot Split meets all the following requirements:
1. **The parcel is located within one of the following single-family residential zones: xxx.**
 2. **The parcel being subdivided is not located on a site that is any of the following:**
 - i. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
 - ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21,

¹ Association of Bay Area Governments (ABAG) SB 9 Model Ordinance, <https://abag.ca.gov/tools-resources/digital-library/sb-9-model-ordinancedocx>, Accessed October 20, 2022.

² Association of Bay Area Governments (ABAG) SB 9 Model Ordinance, <https://abag.ca.gov/tools-resources/digital-library/sb-9-model-ordinancedocx>, Accessed October 20, 2022.

1993).

- iii. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by the [city/county], pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.³
- iv. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
- v. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.
- vi. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph, the [city/county] shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the [city/county] that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met (1) the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the [city/county]; or (2) the site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- vii. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the [city/county] shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the [city/county] that is applicable to that site.
- viii. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

³ The local agency may wish to specify the relevant standards for very high fire hazard areas, hazardous waste sites, earthquake fault zones, flood hazard areas and floodways.

- ix. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 - x. Lands under conservation easement.
3. **Both resulting parcels are no smaller than 1,200 square feet.⁴**
4. **Neither resulting parcel shall be smaller than 40 percent of the lot area of the parcel proposed for the subdivision.**
5. **The proposed lot split would not require demolition or alteration of any of the following types of housing:**
- i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low- or very low-income.
 - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - iii. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
 - iv. Housing that has been occupied by a tenant in the last three years.
6. **The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a [city/county] landmark or historic property or historic district pursuant to a [city/county] ordinance⁵.**
7. **The parcel being subdivided was not created by an Urban Lot Split as provided in this section.**
8. **Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban Lot Split as provided in this section.**
9. **The development proposed on the parcels complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located⁶; provided, however, that:**
- i. The [Official], or their designee, shall waive or modify any standard if the standard would have the effect of physically precluding the construction of two units on either of the resulting parcels created pursuant to this chapter or would result in a unit size of less than 800 square feet. Any modifications of development

⁴ Local agencies may allow smaller lots if desired.

⁵ Local agencies may wish to specify which ordinance or code section designates historic properties.

⁶ Local agencies may wish to specify which ordinance(s) or code section(s) designate these objective standards.

standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on each parcel.

- ii. Notwithstanding subsection (9)(i) above, required rear and side yard setbacks shall equal four feet,⁷ except that no setback shall be required for an existing legally created structure, or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
10. **Each resulting parcel shall have access to, provide access to, or adjoin the public right-of-way.**⁸
 11. **Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance. [Recommended provision from ABAG Model Ordinance]** The proposed dwelling units shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.
 12. **Parking.** One parking space⁹ shall be required per unit constructed on a parcel created pursuant to the procedures in this section, except that no parking may be required where:
 - i. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or
 - ii. There is a designated parking area for one or more car-share vehicles within one block of the parcel.
 13. **Compliance with Subdivision Map Act.** The Urban Lot Split shall conform to all applicable objective requirements of the Subdivision Map Act (commencing with Government Code Section 66410)), except as otherwise expressly provided in Government Code Section 66411.7. Notwithstanding Government Code Section 66411.1, no dedications of rights-of-way or the construction of offsite improvements may be required as a condition of approval for an Urban Lot Split, although easements may be required for the provision of public services and facilities.
 - i. The correction of nonconforming zoning conditions may not be required as a condition of approval.
 - ii. Parcels created by an Urban Lot Split may be used for residential uses only and may not be used for rentals of less than 30 days.
 - iii. **[Recommended provision]** If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d).
- E. **Owner-Occupancy Affidavit.** The applicant for an Urban Lot Split shall sign an affidavit, in the form approved by the [city attorney/county counsel], stating that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three years from the date of the approval of the Urban Lot Split. This subsection shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.
- F. **[Recommended provision] Additional Affidavit**¹⁰. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an Urban Lot Split shall sign an affidavit, in the form approved by the [city attorney/county counsel], stating that none of the conditions listed in **New Subsection (XXX.XX.XX-Urban Lot**

⁷ Localities may allow a smaller setback if desired.

⁸ Local agencies may wish to impose frontage requirements or requirements for access to the public right of way, such as the required width of a driveway.

⁹ Agencies may reduce parking standards if desired.

¹⁰ Local agencies may want to include a provision that indicates enforcement/legal remedies where there is evidence of fraudulent intent, misrepresentation, etc.

Splits)(A)(5) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished) on a form prescribed by **[Official]**. The owner and applicant shall also sign an affidavit stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an Urban Lot Split.

- G. [Recommended provision] Recorded Covenant.** Prior to the approval and recordation of the parcel map, the applicant shall record a restrictive covenant and agreement in the form prescribed by the **[city attorney/county counsel]**, which shall run with the land and provide for the following:
1. Gives notice that the parcel was created through an urban lot split;
 2. Gives notice of any site limitations resulting from the urban lot split;
 3. A prohibition against further subdivision of the parcel using the Urban Lot Split procedures as provided for in this section;
 4. A requirement that any dwelling units on the property may be rented or leased only for a period longer than thirty (30) days;
 5. Provides a statement of intent to occupy a unit for a period of three years;
 6. Expressly prohibits any non-residential use of the lots created by the urban lot split;
 7. Expressly prohibits any development or construction on the parcel that would be inconsistent with this Chapter..
 8. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot;
 9. Identifies the City as an intended third-party beneficiary with the right, but not the obligation, to enforce its terms and provisions; and
 10. The **City Manager/County Administrator** or designee is authorized to enter into the covenant and agreement on behalf of the City/County and to deliver any approvals or consents required by the covenant.

The **[Official]** shall not issue a building permit for development on any lot created through an urban lot split unless the applicant provides a recorded copy of a deed restriction that satisfies the provisions above.

- H. Specific Adverse Impacts.** In addition to the criteria listed in this section, a proposed Urban Lot Split may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A "specific adverse impact" is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

- I. Enforcement.** The City Attorney/County Counsel shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the City/County from any other remedy or relief to which it otherwise would be entitled under law or equity.

J. Separate Conveyance

1. **Within a resulting lot:**
 - i. Dwelling units on a single lot that is created by an urban lot split may not be owned or conveyed separately from each other.
 - ii. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
 - iii. All fee interest in a lot must be held equally and undivided by all individual property owners.
2. **Between resulting lots.** Separate conveyance of the resulting lots is permitted. If dwellings or other structures

(such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate conditions, covenants, restrictions, easements or other documentation that is necessary to allocate risk and responsibility between the owners of the two lots.

K. Restriction of Uses.

1. Residential-only. No non-residential use is permitted on any lot created by urban lot split.
2. No Short-Term Rentals. No dwelling unit on a lot that is created by an urban lot split may be rented for a period of less than 30 days.
3. Owner Occupancy Affidavit. The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.

L. Fire-Hazard Mitigation Measures. A site in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:

1. Emergency access and water supply requirements shall comply with the California Code of Regulations Title 14 and Title 24, Part 9.
2. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.

M. Affordable units. There is nothing in SB 9 that expressly prohibits the imposition of affordability requirements. One consideration prior to the imposition of such requirements would be whether the Urban Lot Splits would still be economically feasible if affordability were required. Ultimately, local agencies should consult with their legal counsel prior to imposing such requirements.

N. Standards Specific to Urban Lot Splits ¹¹

The following development standards shall apply to urban lot splits approved under this section. In the event of a conflict between this subsection and any other development standard contained outside of the Development Code, this subsection shall govern.

(These standards are optional provisions for local agencies to consider and modify)

1. **Lot Access.** (Local Discretion)
2. **Unit Quantity** (Local Discretion)
If a parcel uses the Urban Lot Split provision, a local agency does not need to allow more than two units on each lot, including ADUs, JADUs, density bonus units, and two-unit developments. If an agency desires to take advantage of this provision, it should adopt the following:
No more than two dwelling units may be located on any lot created through an Urban Lot Split, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as a two-unit development.

Jurisdictions do have the option of allowing additional units, likely ADUs or JADUs, on these lots. Agencies may wish to consider this for large lots, or in exchange for the applicant's agreement to record a covenant restricting sale or rental of the ADU to moderate- or lower-income households.

¹¹ City of Arcadia SB 9 Urgency Ordinance, <https://cms9files.revize.com/arcadia/Shape%20Arcadia/Development%20Services/planning/SB9/Conformed%20Copy%20-%20Ordinance%20No.%202385.pdf>, Accessed October 20, 2022.

Another alternative is to consider allowing an ADU and JADU with a primary dwelling unit on one lot, rather than two primary dwelling units.

3. **Unit Size (Local Discretion)**

4. **Objective Design standards**, such as standards for building size, height, materials, roof forms, etc. Standards considered by some agencies include limits on dwelling unit size and height, distance between structures, and design requirements such as roof slope and materials matching existing structures.

These standards cannot be imposed, however, if they would prevent the construction of units totaling 800 sf each. In addition, the Housing Crisis Act of 2019 (Government Code Section 66300) does not permit reductions in height, floor area ratio, lot coverage, or any other change that would reduce a site's residential development capacity below that existing on January 1, 2018. Consequently, height, size, and similar restrictions on units created through Urban Lot Splits should be limited to units that do not meet existing zoning standards.

O. **Requirements; Grounds for Denial¹² (Local Discretion)**

1. **Objective Development Standards for Urban Lot Split.** An urban lot split, and any development of a parcel created from an urban lot split, shall comply with all requirements of this Chapter, all objective development standards set forth in this Code or otherwise established by the City, and all other City requirements that are not in conflict with Government Code Section 66411.7.
 - i. The new lot line must be at a straight line starting from the front property line to the rear property line, or side if it is a corner lot. There shall be no curve or angles when subdividing the lot.
2. **Subdivision Standards.**
 - i. Except as otherwise expressly provided in this section, an urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Government Code section 66410 *et. seq.*) and **Section X** of this Code.
 - ii. No dedication of rights-of-way or construction of offsite improvements shall be required for an urban lot split, except for those necessary to complete standard sidewalk, parkway, and/or drainage improvements directly associated with the subject property. To the extent that dedication of rights-of-way or construction of offsite improvements are necessary to avoid a specific adverse impact, the application shall be subject to denial.
3. **Denial.** The **[Official]** shall deny an application for an urban lot split if any of the following are true:

¹² City of Arcadia SB 9 Urgency Ordinance, <https://cms9files.revize.com/arcadia/Shape%20Arcadia/Development%20Services/planning/SB9/Conformed%20Copy%20-%20Ordinance%20No.%202385.pdf>, Accessed October 20, 2022.

- i. **Development and Subdivision Standards.** The lot to be split does not satisfy the requirements of subsections (P)(1) or (P2) or (O).
 - ii. **Zone.** The lot to be split is not zoned for single family residential uses.
 - iii. **Lot Location.** The lot to be split does not satisfy the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Government Code Section 66411.7(a)(3)(C).)
 - iv. **Inspection**
 - a. For lots within a high fire hazard severity zone, the application does not include proof of an inspection confirming full compliance with all fire-hazard mitigation measures required by state statutes. The inspection shall be conducted by the City's fire marshal or person authorized by the City to perform building inspections.
 - b. For lots within a delineated earthquake fault zone, the application does not include proof of full compliance with applicable seismic protection building code standards.
4. **Historic**
- i. The lot to be split is a historic property or within a historic district that is included on the State Historic Resources Inventory.
 - ii. The lot to be split is within a site that is designated by ordinance as a city landmark, is considered a local historic property or resource, or is located within a local historic district.
5. **Prior Urban Lot Split.**
- i. The lot to be split was established through a prior urban lot split.
 - ii. The lot to be split is adjacent to a lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.
6. **Impact on Protected Housing.** The urban lot split requires or includes the demolition or alteration of any of the following types of housing:
- i. Housing that is income-restricted for households of moderate, low, or very low income.
 - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - iii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - iv. Housing that has been occupied by a tenant in the last three years.
7. **Lot Size**
- i. The lot to be split is smaller than 2,400 square feet.
 - a. Either or both of the resulting lots are less than 1,200 square feet.
 - b. Either of the resulting lots is more than 60% or less than 40% of the original lot area.
8. **Easements.** The applicant does not convey all easements required for the provision of public services and facilities.

9. **Specific Adverse Impacts.** If the Director makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
10. **No Legal Requirement.** If for any reason, including but not limited to repeal of Government Code Section 66411.7, initiative or referendum, court decision or any circumstance in which Section 66411.7 does not obligate the ministerial approval of an urban lot split or if for any reason the Director is not required to ministerially approve an urban lot split. To the extent that approval of an urban lot split is considered a municipal affair of a charter city, the intent of this section is that the Director shall deny an urban lot split notwithstanding any state statute to the contrary.

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New Subsection XXX.XX.XX – Two-Unit Projects

- A. Purpose.** The purpose of this section is to allow and appropriately regulate two-unit projects in accordance with Government Code Section 65852.21.
- B. Applicability.** This section shall only apply to the extent that the City is required to ministerially approve urban two-unit projects under Government Code Section 65852.21. If Government Code Section 65852.21 is repealed, determined to be unlawful or otherwise unenforceable, then this section shall only govern then existing two-unit projects and no applicant for a two-unit project may claim any rights hereunder. The intent of this section is to only implement the requirements of Government Code Section 65852.21 and this section shall not be construed to allow any greater rights to a two-unit project than the City is required to grant under state law.
- C. Definitions**¹³ (Jurisdiction can add or modify the definitions included in this section).
1. “City” means the City of **Xxxxxxx** (Jurisdiction), California.
 2. “[Official]” means the **[Development Services Official]** for the City, or designee.
 3. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code section 214.15).
 4. “Specific adverse impact” has the same meaning as in Government Code Section 65589.5(d)(2), which is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).
 5. A “two-unit project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.
- D. Qualifying Criteria**¹⁴
1. **Only individual property owners may apply for a two-unit project.**
 2. **The [Official] shall ministerially approve all applications for two-unit projects that are subject to approval. Such applications shall be approved or denied in accordance with subsection (B) below. The [Official]’s decisions on applications shall be final.**
 3. **An application for a two-unit project must be submitted on the City’s approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted. The City’s application form shall, at a minimum, require the applicant to submit the following:**

¹³City of Arcadia SB 9 Urgency Ordinance, <https://cms9files.revize.com/arcadia/Shape%20Arcadia/Development%20Services/planning/SB9/Conformed%20Copy%20-%20Ordinance%20No.%202385.pdf>, Accessed October 20, 2022.

¹⁴ City of Arcadia SB 9 Urgency Ordinance, <https://cms9files.revize.com/arcadia/Shape%20Arcadia/Development%20Services/planning/SB9/Conformed%20Copy%20-%20Ordinance%20No.%202385.pdf>, Accessed October 20, 2022.

- i. Evidence that the applicant is an individual property owner.
- ii. Proof that none of the circumstances set forth in Subsection E
- iii. Proof of any inspections required under Subsection (E)(2)(v).
- iv. Proof that the requirements of Subsection (E)(2)(vii) are satisfied.
- v. In accordance with Subsection (7)(ii), a signed acknowledgment stating the applicant understands that the City will not approve the application if all nonconforming zoning conditions are not corrected.
- vi. The application fee for a two-unit project shall be the same as the City's Preliminary Plan Review fee for Multi-Family Residential projects, as may be modified by the City Council from time to time, in accordance with applicable law.

E. Requirements and Grounds for Denial

1. **Objective Development Standards.** A two-unit project shall comply with all requirements of this Chapter, all objective development standards set forth in this Code or otherwise established by the City, and all other requirements that are not in conflict with Government Code Section 65852.21.
2. **Denial.** The [Official] shall deny an application for a two-unit project if any of the following are true:
 - i. **Development Standards.** The two-unit project does not satisfy the requirements of Subsection (B)(1) above or (C) and (F) below.
 - ii. **Lawful Subdivision.** The lot was not legally subdivided.
 - iii. **Zone.** The lot is not zoned for single-family residential uses.
 - iv. **Lot Location.** The lot does not satisfy the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Government Code Section 66411.7(a)(3)(C).)
 - v. **Inspection.**
 - a. For lots within a high fire hazard severity zone, the application does not include proof of an inspection confirming full compliance with all fire-hazard mitigation measures required by state statutes. The inspection shall be conducted by the City's fire marshal or person authorized by the City to perform inspections.
 - b. For lots within a delineated earthquake fault zone, the application does not include proof of full compliance with applicable seismic protection building code standards.
 - vi. **Historic.**
 - a. The lot is a historic property or within a historic district that is included on the State Historic Resources Inventory.
 - b.
 - c. The lot is within a site that is designated by ordinance as a city landmark, is considered a local historic property or resource, or is located within a local historic district.
 - vii. **Impact on Protected Housing.** The two-unit project requires or includes the demolition or alteration of any of the following types of housing:

- a. Housing that is income-restricted for households of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - d. Housing that has been occupied by a tenant in the last three years.
- viii. **Specific Adverse Impacts.** If the [Official] makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- ix. **No Legal Requirement.** If for any reason, including but not limited to repeal of Government Code Section 65852.21, initiative or referendum, court decision or any circumstance in which Section 65852.21 does not obligate the ministerial approval of a two-unit project, or if for any reason the [Official] is not required to ministerially approve a two-unit project. To the extent that approval of an urban lot split is considered a municipal affair of a charter city, the intent of this section is that the [Official] shall deny an urban lot split notwithstanding any state statute to the contrary.

F. Deed Restriction

The owner must record a deed restriction for the benefit of the City, in a form acceptable to the [Official] and the City Attorney, that does each of the following:

1. Gives notice that the two-unit project was created pursuant to this section.
2. Gives notice of any site limitations resulting from the two-unit project, including but not limited to restrictions on off-street parking, the size of units on the parcel and on the ability to obtain a standards modification for the parcel.
3. Expressly prohibits any development or construction on the parcel that would be inconsistent with this Chapter.
4. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
5. Expressly prohibits any non-residential use of the lot.
6. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
7. Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.
8. Identifies the City as an intended third-party beneficiary with the right, but not the obligation, to enforce its terms and provisions.
9. The [Official] shall not issue a building permit for any two-unit project unless the applicant provides a recorded copy of a deed restriction that satisfies the provisions in this Subsection.

- G. **Fire-Hazard Mitigation Measures.** A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:

1. Emergency access and water supply requirements shall comply with the California Code of Regulations, Title 14 and Title 24, Part 9.
2. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.

H. Affordability requirements (local discretion)

I. Standards Specific to Two-Unit Projects.

The following development standards shall apply to two-unit projects approved under this section. In the event of a conflict between this subsection and any other development standard contained outside of this Code (Development Code), this subsection shall govern.

1. **Unit Quantity** (Specific standards in addition to SB 9 provisions are up to local discretion)
 - i. No more than two units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an ADU, or a JADU.
 - ii. A lot that is not created by an urban lot split may have a two-unit project under this section.
2. **Unit Size.** (Specific standards in addition to SB 9 provisions are up to local discretion)
 - i. The total floor area of each residential unit developed must be less than or equal to 800 square feet and at least 500 square feet.
 - ii. A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet in floor area may remain as its lawful floor area and structural footprint at the time of the urban lot split.
 - iii. A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet in floor area may be expanded to 800 square feet in floor area after the urban lot split.
3. **Maximum Height** (Specific standards in addition to SB 9 provisions are up to local discretion)
4. **Setbacks** (Specific standards in addition to SB 9 provisions are up to local discretion)
5. **Parking.** Subject to Government Code Section 65852.21(c)(1)(A)-(B), each new primary dwelling unit must provide at least one off-street parking space per unit. A driveway must lead to the parking space. (Specific standards in addition to SB 9 provisions are up to local discretion).
6. **FAR and Lot Coverage.** The floor area ratio (FAR) and lot coverage of the underlying zoning designation is applicable to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.
7. **Other Regulations** (These standards are optional provisions for local agencies to consider. Standards considered by some agencies/peer cities are listed below)
 - i. Demolition Cap.
 - ii. Nonconforming Conditions
 - iii. Architectural Standards and Site Layout
 - iv. Materials of the exterior walls, roof, eaves, and windows and doors.
 - v. Roof Pitch
 - vi. Exterior materials, colors, and dominant roof pitch.
 - vii. Distance between dwellings
 - viii. Basements

- ix. Exterior lighting
- x. Projections
- xi. Windows
- xii. Dwelling Entry
- xiii. Carport/Garage
- xiv. Landscape
- xv. Fences, Walls and Gates
- xvi. On flag lots
- xvii. Mechanical equipment
- xviii. Swimming Pools, Spas, Water Features, and Ornamental Features

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Western Riverside Council of Governments Planning Directors Committee

Staff Report

Subject: Proposed REAP 2.0 Activities
Contact: Suzanne Peterson, Senior Analyst, speterson@wrcog.us, (951) 405-6706
Date: October 13, 2022

Requested Action(s):

1. Receive and file.

Purpose:

The purpose of this item is to provide an update on the proposed activities for the Regional Early Action Planning 2.0 Subregional Partnership grant program.

WRCOG 2022-2027 Strategic Plan Goal:

Goal #2 - Identify and help secure grants and other potential funding opportunities for projects and programs that benefit member agencies.

Background:

The Regional Early Action Planning (REAP) 2.0 Program was established as part of the 2021 California Comeback Plan under AB 140 and builds on REAP 1.0 that was established in 2019, but expands the Program focus by integrating housing and climate goals. This shift in focus is allowing for broader planning and implementation investments, including infrastructure investments that support infill development that facilitates housing supply, choice and affordability.

REAP 2.0

The Program objectives for REAP 2.0 are as follows:

- Accelerate infill development that facilitates housing supply, choice, and affordability.
- Affirmatively Further Fair Housing (AFFH).
- Reduce Vehicle Miles Traveled (VMT).

For this effort, the state has made approximately \$600M available state-wide to fund REAP Programs. Of that, SCAG is set to receive approximately \$246M. A majority of this funding will be made available to eligible entities through three programmatic funding areas, described below.

1. County Transportation Commission (CTC) Partnerships - SCAG has developed a new partnership program with the region's six CTCs to fund the development of plans, programs, pilot projects, and certain signature GHG / VMT reducing capitol projects with a strong nexus to housing, consistent

with the goals and objectives of REAP 2.0.

2. Partnerships to Affirmatively Transform Homes (PATH) - Formerly known as the Housing Supportive Infrastructure Program, PATH builds on the concepts put forward in the Key Connections in Connect SoCal 2020, which focuses on advancing expanded mobility ecosystems and management strategies using innovative policy and/or technology to realize regional planning goals, and account for 30% of the GHG reduction needed to meet SCAG's SB 375 requirements. The PATH Program also builds on current work funded through the REAP 1.0 Program, the Local Early Action Planning (LEAP) grant program, and SB 2 planning grants.
3. Subregional Partnership Program (SRP) 2.0 - The SRP 2.0 Program will allocate approximately \$23M to subregional councils of governments (COGs) on a non-competitive basis for activities supporting cities and counties to implement projects and programs identified in their Housing Elements. WRCOG is set to receive approximately \$1.6M.

SRP 2.0

REAP 2.0 funds are focused on implementation of policies, programs and projects, rather than the planning processes that were the focus of REAP 1.0. The SRP approach supports housing element implementation and creates a means for local efforts to align with SCAG's regional plans, implement the infill and VMT reduction goals of the Connect SoCal Plan, and support state planning goals. To that end, the following activities are eligible for REAP SRP 2.0 funding:

- Land use planning, related studies and/or programs that result in implementable / adoptable programs and policies required to meet the programs, projects and commitments in jurisdictions' 6th cycle Housing Elements.
- Outreach supporting programs, projects or plans required in 6th cycle Housing Elements and consistent with SCAG's adopted Racial Equity Action Plan.
- Housing strategies for increasing supply and lasting affordability including strategic planning and/or seed funding for subregional housing trust funds and community land trusts in compliance with the guidelines outlined in SCAG's SRP 2.0 adopted Program Guidelines document.
- Technical Assistance to implement eligible activities and uses listed above, including temporary staffing and consulting costs.
- Eligible activities in the PATH Program.

WRCOG utilized its REAP 1.0 allocation to assist local jurisdictions with their housing efforts that benefited a number of jurisdictions. It is the intention of WRCOG to continue with this assistance by allocating SRP 2.0 funds to the following:

- Provide assistance to jurisdictions to apply and achieve a pro-housing designation, upon request.
- Provide assistance to jurisdictions for land use planning, related studies and/or programs that result in implementable / adoptable programs and policies required to meet the programs, projects and commitments in jurisdictions' 6th cycle Housing Elements.

To apply for funding, WRCOG must submit an Intent to Apply for Funding by October 14, 2022, followed by a formal application to be submitted by February 10, 2023. Once awarded, WRCOG will have until January 30, 2026, to fully complete projects, expend funds, and submit invoices to SCAG for reimbursement.

Prior Action(s):

None.

Fiscal Impact:

This item is for information purposes only; therefore, there is no fiscal impact.

Attachment(s):

None.