



City Council Agenda Report
March 18, 2025

TO: Honorable City Council

FROM: Jesus M. Gomez, City Manager

BY: Alex Hamilton, Interim Director of Community Development

SUBJECT: SENATE BILL 9 DISCUSSION

Background:

Introduced by Senator Toni Atkins on December 7, 2020 and approved by Governor Gavin Newsom on September 16, 2021, Senate Bill (SB) 9 became effective on January 1, 2022 and is one of many methods that the State is using to address the statewide housing shortage. SB 9 requires local agencies to ministerially approve the following:

- SB 9 Units – For properties located in the single-family zones and meet applicable requirements, State Law requires that cities ministerially approve a minimum of two primary units per parcel.
- Urban Lot Split – For properties located in the single-family zones, the ministerial approval of the subdivision of one parcel into two parcels.

SB 9 units may be considered with or without an Urban Lot Split. If SB 9 units are proposed in conjunction with an Urban Lot Split, SB 9 would facilitate the creation of up to four housing units on property typically used for one single-family dwelling. In addition, SB 9 is meant to be complementary to Accessory Dwelling Unit (ADU) laws, therefore, as the State Law is written, SB 9 primary units and ADUs may be constructed together on the same parcel.

SB 9 Development Standards

Local agencies may impose objective zoning, subdivision, and design review standards as long as such standards do not physically preclude the ability of a property owner to develop two primary units of at least 800 square feet in size. Examples of standards include (but are not limited to):

SB 9 Units

- Setbacks – Minimum of four feet for side and rear.
- No setback required for an existing structure or proposed structure in the same location and the same dimensions as the existing structure.
- Off-Street Parking – Maximum of one off-street parking space for each primary unit unless units are within one half-mile walking distance of a high-quality transit corridor or major transit stop or if there is a car share vehicle located within one block of the parcel.

Urban Lot Splits

- Creation of a maximum of two parcels in equal lot area, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.
- Newly created parcels shall not be smaller than 1,200 square feet in size.
- Urban lot split conforms to the Subdivision Map Act.
- City shall not require dedications of rights-of-way or the construction of off-site improvements.
- *SB 9 Restrictions*
 - Correction of non-conforming zoning conditions prohibited.
- Demolition or alteration of existing rent-restricted housing units is prohibited or housing that has been occupied by a tenant in the last three years prohibited.
- Properties that have been occupied by a tenant the past three years are ineligible for SB 9.
- Demolition of 25% of exterior walls would be prohibited if the site has been occupied by a tenant the past three years.
- Short term rentals of less than 30 days would be prohibited.
- Properties that were approved for an Urban Lot Split require an owner occupancy for a minimum of three years, unless the applicant is a community land trust or qualified nonprofit corporation.
- Properties where the owner or any person acting in concert with the owner that has previously subdivided an adjacent parcel using the Urban Lot Split are not eligible.
- Properties located within a historic district are not eligible.

SB 9 allows local Building Officials to deny a duplex project by making a written finding, based on a preponderance of evidence, that the project would have a specific adverse impact on public health and safety or the physical environment, and that there is no feasible method to mitigate or avoid such an impact. A “specific adverse impact” must be significant, quantifiable, direct, and unavoidable, based on an objective written public health or safety standard that existed at the time the project application was deemed complete. Inconsistency with a City’s General Plan or zoning ordinance does not constitute a specific adverse impact.

Since the effective date, the Planning Division has processed three SB 9 applications applying the current State Law requirements for SB 9 applications. *Discussion*

Staff is undergoing research to prepare an SB 9 ordinance which would bring the Norwalk Zoning Code into alignment with standards as required by State Law, while establishing objective

zoning, subdivision, and design review standards that align with the City's goals and needs while maintaining as much local control as possible. Should the City fail to adopt an ordinance in accordance with State Laws, the City may be limited to only applying State Law standards without local refinements to SB 9 projects.

Per State Law, objective means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

Standards that may be considered as part of a local SB 9 ordinance include (but are not limited to):

- Restricting ADU and JADU's to be constructed in conjunction with SB 9 developments.
- Building separation requirements.
- Limit the size of SB 9 units to an 800 square foot maximum.
- Require enclosed parking stalls.
- Affordability restrictions of the SB 9 units.
- No basements.
- Single-story and plate height limitation.
- Require open space, mature trees and live landscaping.
- Require Leadership in Energy and Environmental Design (LEED) construction standards for new SB 9 units.
- Require grey water systems, all electric "Energy Star" appliances, and cool roof technology.
- Restrictions of SB 9 developments on properties in the special districts, including areas where a high fire hazard or seismic risk exists.
- Objective building design standards as they relate to exterior finish materials and design.
- Compliance with all LA County Fire Department requirements, including, but not limited to fire apparatus access roads and any additional access roads as may be required by the fire code official, fire sprinklers, fire alarms, including fire alarm monitoring, premises identification, and Fire Protection Water supplies including but not limited to Fire Hydrant Systems.

Planning Commission Study Session

On February 12, 2025, the Planning Commission considered staff's SB 9 presentation and expressed concerns with SB 9 and its impact on off-street parking. In addition, the Planning Commission expressed that the SB 9 units and ADUs should have the least impact on neighborhoods and agreed that there should be limitations to height and that development standards that staff recommends should be considered in the SB 9 ordinance.

Next Steps

After receiving input from the Planning Commission and City Council, Planning Division staff will draft the SB Ordinance for Planning Commission to consider and will make a recommendation to the City Council.

Fiscal Impact:

N/A

Citizens Advised:

N/A

Strategic Plan 2023 Implementation:

This is the first step in drafting an Ordinance that would contribute to Goal 1 – Provide High Quality Customer Service to the Community in that the ordinance would be drafted to comply with state law, but also be consistent and predictable for customers.

Recommended Action:

Staff seeks feedback on potential Senate Bill 9 standards in order to draft an ordinance with Zoning Code Text amendments.

Attachments:

Senate Bill 9