



Legislation Text

File #: 21-1103, **Version:** 1

FROM:

Planning Department

TITLE:

Amendments to the Zoning and Development Code (Chapter 30) of the City of Fontana Municipal Code to regulate urban lot splits and two-unit projects under Senate Bill 9

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2022-____; and forward a recommendation to the City Council to:

1. Determine that the project is exempt pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act. and Section No. 3.07 of the 2019 Local Guidelines for Implementing CEQA and direct staff to file the Notice of Exemption, and;
2. Approve Zoning Code Amendment (ZCA) 21-009 to amend the Zoning and Development Code (Chapter 30 of the Fontana Municipal Code) as shown in Exhibit A as referenced herein.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

LOCATION:

Citywide

REQUEST:

Adopt a resolution recommending the City Council:

1. Determine that the project is exempt pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act (CEQA) and Section No. 3.07 of the 2019 Local Guidelines for Implementing CEQA and direct staff to file the Notice of Exemption; and,
2. Adopt an Ordinance amending Chapter 30, Article II, Division 21 to add Subdivision IV to the City Municipal Code and amending Chapter 30, Article V, Division 4 to add Section 30-434.1 to regulate urban lot splits and two-unit projects under Senate Bill 9.

PROJECT PLANNER:

Cecily Session-Goins, Associate Planner

BACKGROUND INFORMATION:

The California legislature recently passed, and Governor Newsom signed into law, Senate Bill 9 (“SB 9”). SB 9 went into effect on January 1, 2022 and requires the City to both: (1) allow any lot in a single-family residential zone to be split, roughly into halves, with resulting lots as small as 1,200 square feet and (2) allow any lot in a single-family residential zone to be developed with up to two single-family primary dwellings. SB 9 requires the City to approve eligible lot splits and two-unit projects ministerially (i.e., without discretionary review, conditions, or a hearing). Property owners can also utilize both of SB 9’s provisions, meaning that an SB 9 lot split may be followed with an SB 9 two-unit project on each of the two new lots, resulting in four total dwellings on what was formerly one single-family residential lot - all with only ministerial approval.

PROJECT DESCRIPTION:

Proposed ordinance regulating Senate Bill 9 urban lot splits and two-unit developments.

ANALYSIS:

SB 9 was signed by Governor Newsom on September 16, 2021 and became effective January 1, 2022. On December 14, 2021, the City of Fontana City Council adopted an urgency ordinance regulating urban lot splits and two-unit projects, ahead of the statewide implementation on January 1, 2022. The urgency ordinance is in place temporarily until a permanent ordinance is adopted. The proposed ordinance will codify the standards to address the regulations guided by SB 9. Staff will continue to evaluate the implementation of the standards and will propose amendments in the future as needed to address any unforeseen issues that arise.

SB 9 allows cities to impose objective zoning, subdivision, and design standards (collectively “objective development standards”). An objective standard is a regulation that does not involve personal or subjective judgment and that is verifiable by reference to an external and uniform benchmark or criterion (e.g., a height limit).

Generally, the proposed ordinance is written to allow the city to exercise as much local control over SB 9 projects as state law allows. Among other things, the ordinance includes regulations governing the following:

- Location (Single-family residential zone; not in sensitive, dangerous, historic areas; not on rental property (within last 3 years))
- Lot Size (2,400 square feet min to split; 1,200 square feet min for resulting)
- Lot Access (adjoin ROW)
- Unit Size (800 square feet max / du)
- Lot Coverage and Open Space (50 percent max and min, respectively)
- Unit Height (16 feet max, unless lot is smaller than 2,000 square feet)
- Setbacks (normal, except as necessary to allow two units at 800 square feet each; but no less than 4 feet side and rear)
- Use (residential-only, no short-term rental)
- Parking (one space, unless exempt by statute)
- Owner occupancy (three-year minimum on urban splits; permanent on two-unit projects)

- Architecture (must match other dwelling or dwellings on property; no direct lines of sight)
- Utilities (direct connections to service providers; all underground)
- Separate Conveyance Within a Lot (prohibited; no condos, no timeshares or separate-use co-ownerships)
- Deed Restriction (required; no short-term rental, non-residential use, or separate conveyance; development limited to SB 9 projects)

MOTION:

Recommend adoption of the ordinance to the City Council.

ATTACHMENTS:

1. Planning Commission Resolution
2. Exhibit A - SB 9 Code Amendment
3. Notice of Exemption
4. Public Hearing Notice

UNDER SEPARATE COVER:

None.