



CHAIR JOEL FAJARDO
VICE CHAIR MARVIN PEREZ
COMMISSIONER DAVID BERNAL
COMMISSIONER HECTOR PACHECO
COMMISSIONER YVONNE PEÑA

PLANNING & PRESERVATION COMMISSION

REGULAR MEETING NOTICE AND AGENDA

MONDAY, NOVEMBER 14, 2022 – 6:30 P.M.

CITY HALL COUNCIL CHAMBER

117 MACNEIL STREET

SAN FERNANDO, CALIFORNIA 91340

TELECONFERENCE – PURSUANT TO PROVISIONS OF ASSEMBLY BILL 361

SPECIAL NOTICE REGARDING COVID-19

NOTICE OF TELECONFERENCE: Pursuant to Adopted Resolution No. 8098 by the City Council of the City of San Fernando, effective January 12, 2022, the City of San Fernando's Legislative Bodies may participate via teleconference and/or video in Accordance with Government Code Section 54953 as permitted under the provisions

PUBLIC PARTICIPATION OPTIONS

- 1. WATCH THE MEETING:** Pursuant to the Executive Order and given the current health concerns, members of the public can access meetings live on-line, with audio and video via YouTube Live, at: <https://www.youtube.com/c/CityOfSanFernando>
- 2. SUBMIT PUBLIC COMMENT IN PERSON:** Members of the public may provide comments in the City Council Chambers during the Public Comments section of the Agenda by submitting a comment card to the Board Secretary.
- 3. SUBMIT PUBLIC COMMENT VIA EMAIL:** Members of the public may submit comments by email to Communitydevelopment@sfcity.org no later than **5:00 p.m. the day of the meeting**, to ensure distribution to the Planning and Preservation Commission prior to consideration of the agenda. Comments received via email will read into the record, limited to three minutes, and made part of the official public record of the meeting.
- 4. CALL-IN TO PROVIDE PUBLIC COMMENT LIVE AT THE MEETING:** Members of the Public may **call-in between 6:30 p.m. and 6:45 p.m.** Comments will be heard in the order received, and limited to three minutes. If necessary, the call-in period may be extended by the Chair.

Call-in Telephone Number: (669) 900-6833

Meeting ID: 896 2370 9376

Passcode: 194996

When connecting to the Zoom meeting, you will be placed in a virtual “waiting area,” with your audio disabled, until it is your turn to speak and limited to three minutes. Note: This is audio only.

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CALL TO ORDER/ROLL CALL

Chair Joel Fajardo
Vice-Chair Marvin Perez
Commissioner David Bernal
Commissioner Hector Pacheco
Commissioner Yvonne Peña

PLEDGE OF ALLEGIANCE

Led by Commissioner David Bernal

APPROVAL OF AGENDA

DECORUM AND ORDER

City Commissioners are appointed by City Council and must be free to discuss issues confronting the city in an orderly environment. Public members attending City Commission meetings shall observe the same rules of order and decorum applicable to the City Council ([SF Procedural Manual](#)). Any person making impertinent derogatory or slanderous remarks or who becomes boisterous while addressing a City Commission or while attending a City Commission meeting, may be removed from the room if the Presiding Officer so directs the Sergeant-At-Arms and such person may be barred from further audience before the City Commission.

PUBLIC STATEMENTS – WRITTEN/ORAL

Members of the public may **provide comments in the City Council Chambers** during the Public Comments section of the Agenda by submitting a comment card to the Board Secretary.

Members of the public may submit comments by email to Communitydevelopment@sfcity.org no later than **5:00 p.m. the day of the meeting**, to ensure distribution to the Planning and Preservation Commission prior to consideration of the agenda. Comments received via email will be distributed to the Planning and Preservation Commission and read into the record.

Members of the public may provide a **live public comment by calling in between 6:30 p.m. and 6:45 p.m.** **CALL- IN INFORMATION: Telephone Number: (669) 900-6833; Meeting ID: 896 2370 9376; Passcode: 194996**

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CONSENT CALENDAR

Items on the Consent Calendar are considered routine and may be disposed of by a single motion to adopt staff recommendation. If the Planning and Preservation Commission wishes to discuss any item, it should first be removed from the Consent Calendar.

No Items

ADMINISTRATIVE REPORTS

- 1. Zoning Text Amendment 2022-001 – ZTA 2022-001 – An amendment to establish regulations for Urban Lot splits and Two-Unit Residential Development in Single-Family Residential (R-1) zone for the Implementation of Senate Bill 9 (SB9)**

Recommend that the Planning and Preservation Commission:

- a. Discuss the proposed regulations for a draft Ordinance to implement Senate Bill 9 (SB 9).

- 2. Discussion on Fence and Wall Height and Design requirements to protect against coyotes and to address requests from the residents.**

Recommend that the Planning and Preservation Commission:

- a. Discuss fence or wall height and design requirement for side and rear yard to protect against coyotes; and
- b. Discuss fence height and design for front yard to address requests from the residents.

- 3. Citywide General Tree Maintenance and Activities Update.**

Recommend that the Planning and Preservation Commission:

- a. Receive and file Citywide General Tree Maintenance and Activities Update.

GENERAL COMMISSION COMMENTS

STAFF COMMUNICATION

ADJOURNMENT

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I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.

Michelle De Santiago, Community Development Technician

*Signed and Posted: **November 9, 2022 (5:30)***

Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's Internet Web site (www.sfcity.org). These are also available for public reviewing prior to a meeting at the Community Development Department Public Counter. Any public writings distributed by the Planning and Preservation Commission to at least a majority of the Commissioners regarding any item on this regular meeting agenda will also be made available at the Community Development Department Public Counter located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's Web Site at www.sfcity.org. In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification/ accommodation to attend or participate in this meeting, including auxiliary aids or services please call the Community Development Department Office at (818) 898-1227 at least 48 hours prior to the meeting.



AGENDA REPORT

To: Planning and Preservation Commission Chair Fajardo and Commissioners

From: Kanika Kith, Director of Community Development
By: Malinda Lim, Contract Planner

Date: November 14, 2022

Subject: ZTA 2022-001- Zone Text Amendment to establish regulations for Urban Lot Splits and Two-Unit Residential Development in Single-Family Residential (R-1) Zone for Implementation of Senate Bill 9 (SB 9).

RECOMMENDATION:

Staff recommends that the Planning and Preservation Commission:

1. Discuss and provide feedback on the proposed regulations for a draft Ordinance to implement Senate Bill 9 (SB 9).

BACKGROUND:

1. On July 19, 2021, the City Council discussed Senate Bill 9 (SB 9) and directed staff to submit a letter in opposition to SB 9.
2. On July 30, 2021, the City submitted a letter of opposition of SB 9 to Senate President pro Tempore Atkins.
3. On August 26, 2021, a Ballot Initiative seeking to supersede the requirements included in SB 9 with a constitutional amendment that will return land use authority to local land use agencies was initiated and is currently being circulated for supporting signatures. Should the ballot measure be certified by the State Registrar, it will be placed on November 8, 2022 ballot.
4. On August 30, 2021, the California Legislature approved SB 9 and sent it to the Governor's Office for signature.
5. On September 8, 2021, the City submitted a letter to Governor Newsom requesting a veto of SB 9.
6. On September 16, 2021, Governor Newsom signed Senate Bill 9 into law that requires all local land use agencies to ministerially approve urban lot splits and development of two residential units per single-family residential lot.

7. SB 9 became effective on January 1, 2022.
8. On January 18, 2022, the City Council adopted Interim Urgency Ordinance No. U-1706 to establish interim regulations and procedures for urban lot splits and two-unit residential development projects pursuant to SB 9.
9. On February 14, 2022, the City sent a letter of support for the Brand-Huang-Mendoza Tripartisan Land Use Initiative and Ballot Initiative No. 21-0016A1, titled "Provides that Local Land-Use and Zoning Laws Override Conflicting State Laws. Initiative Constitutional Amendment" to the Attorney General Office.
10. On February 14, 2022, the regulations established in Interim Urgency Ordinance No. U-1706 were presented to the Planning and Preservation Commission (the Commission) and the Commission expressed interest in modifying the interim regulations. The Commission continued the discussion to their next regular meeting of March 14, 2022, to allow staff to further evaluate and present additional regulations for consideration.
11. On March 1, 2022, the City Council adopted Urgency Ordinance No. U-1707 to extend the adopted temporary regulations for implementing SB 9 to January 19, 2023 to allow time for the Commission to evaluate other regulations which better balance the limitations of SB 9 with the City's objectives for ensuring that residential development in the City is properly managed in the best interests of the public health, safety, and welfare.
12. On March 14, 2022, the Commission continued discussion to their April 11, 2022 meeting.
13. On April 11, 2022, the Commission was provided a table with an overview regulations that were recommended by staff and/or adopted in the form of an urgency ordinance to mitigate the impacts of SB-9. The Commission were in favor of the recommendations.

ANALYSIS:

SB 9 is in effect and the City is now mandated by state law to ministerially approve a parcel lot split and/or a proposed housing development containing a maximum of two residential units in a single-family residential zone, meeting certain state standards. The purpose of the Draft Ordinance is to replace the Urgency Ordinance and to establish certain objective zoning, subdivision, and design review standards as allowed by state law governing SB 9 projects and to promote the orderly subdivision of parcels and development of housing under SB 9. The permanent ordinance will draw standards in the Urgency Ordinance based on applicable law, guidelines, and recommendations, including recommendations from the Planning Commission. The Planning Commission's input will aid City staff in proposing objective zoning, subdivision, and

design standards to SB 9 development in the City and outlining the procedure for SB 9 applications.

Failure to adopt a SB 9 implementing ordinance does not exempt the City from SB 9. Without an ordinance, SB 9 would still require the City to approve qualified development in single-family residential zones.

Interim Urgency Ordinance

Interim Urgency Ordinance No. U-1706, adopted on January 18, 2022, was extended by City Council to January 19, 2023. Below are regulations established in Interim Urgency Ordinance No. U-1706 and were presented to the Commission for discussion on February 14, 2022, March 14, 2022, and April 11, 2022 and below each are comments from the Commission.

Urgency Ordinance Adopted Regulations
<p>Number of Units Allow:</p> <ul style="list-style-type: none">• For projects using SB 9 urban lot split, no more than two units.<ul style="list-style-type: none">• Existing and proposed ADUs and Junior ADUs shall be counted toward the maximum number of units permitted.• For projects not using SB 9 urban lot split, no more than three units (including one ADU, and one Junior ADU)
<p>Commission: Recommended keeping these regulations for the permanent regulations.</p>
<p>Unit Size Limitations:</p> <ul style="list-style-type: none">• 800 sq. ft. max• 14 ft. or 1-story
<p>Commission: Recommended keeping these regulations for the permanent regulations.</p>
<p>Design of Unit:</p> <ul style="list-style-type: none">• Front most unit on a front lot shall have a front door facing the street.• Each unit shall have a separate entrance.• Any unit other than the front most unit on the front lot shall be completely screened by either: 1) other unit(s) on the lot; or 2) landscaping.• Additions or new second primary dwelling units added to sites where an existing structure will be retained must match the architectural style of the existing dwelling.
<p>Commission: Recommended keeping these regulations for the permanent regulations.</p>

Urgency Ordinance Adopted Regulations
<p>Setbacks:</p> <ul style="list-style-type: none">• Side and rear setbacks shall be four foot per State law.• Front setback for front lot shall be the setback established in the Zoning Code for R-1 zoned parcels.• Front setback for rear lot shall be 10 feet. Front lot line shall be the lot line closest to and parallel to primary street.• Existing structures shall not have to modify its setbacks. <p>Commission: Recommended keeping these regulations for the permanent regulations.</p>
<p>Width of Building:</p> <p>The front most unit constructed on a site with street frontage shall have a minimum unit width of 40 feet or 75% of lot width, whichever is less.</p> <p>Commission: Recommended keeping these regulations for the permanent regulations.</p>
<p>Open Space:</p> <p>Each unit must provide a minimum of 400 square feet of private open space. The open space must be directly accessible to the unit it serves.</p> <p>Commission: Recommended keeping these regulations for the permanent regulations and clarify that setback areas cannot be used to satisfy this requirement.</p>
<p>Building Separation:</p> <p>No detached second primary dwelling unit shall be closer than six feet to any other accessory building or primary dwelling unit, on the same lot or parcel.</p> <p>Commission: Recommended keeping these regulations for the permanent regulations.</p>
<p>Affordable Rent Requirement</p> <p>If more than one unit is developed on a single lot using SB 9 and if both are rented, one of such units shall be available at a rental rate affordable to low-income tenants.</p> <p>Commission: Recommended keeping these regulations for the permanent regulations.</p>
<p>Lot Configuration:</p> <ul style="list-style-type: none">• No flag lot.• Access to the rear lot will be provided via an access easement. <p>Commission: Recommended the following for the permanent regulations:</p> <ol style="list-style-type: none">1. Allow flag lot.2. Require a minimum of a 4-foot wide pedestrian access to the rear lot, in addition to any driveway requirement.

Urgency Ordinance Adopted Regulations
3. Identify the responsible party for maintaining the pavement on an easement if a flag lot is not created.

PROPOSED SB 9 REGULATIONS

A draft Ordinance for implementing SB 9 will be presented to the Commission at a later date for a formal hearing on the Ordinance, which will replace the Urgency Ordinance. The draft Ordinance will draw from standards in the Urgency Ordinance based on applicable law, guidelines, and recommendations, including recommendations from the Planning Commission.

During the Commission’s review of the Urgency Ordinance, the Commission recommended maintaining all the regulations in the Urgency Ordinance, and the following:

- Clarify that setback areas cannot be used to satisfy private outdoor space.
- Allow flag lots to be created.
- Identify the responsible party for maintaining the pavement on an easement if a flag lot is not created.
- Require a minimum of a 4-foot-wide pedestrian access to the rear lot, in addition to any driveway requirement.
- Require parking to be provided.

To effectively regulate SB 9, two new code sections are proposed to be added to the San Fernando Zoning Code as follows:

- “Two-Unit Urban Residential Development”; and
- “Urban Lot Split”

In addition, several new terms used in the new regulations (“Acting in Concert With,” “Car Share,” “Flag Lot,” “Tenant,” and “Two Unit Urban Residential Development”) would be added to the zoning code glossary.

A summary of the new sections are as follows:

“Two-Unit Urban Residential Development”

This new section provides for the development of additional dwelling units, as well as those with Accessory Dwelling Units (ADUs) on residential lots, subject to specific approval criteria. This section of the Zoning Code applies **only** to the Single-Family Residential (R-1) zoning district. If

any of the criteria in the regulations cannot be met, the additional dwelling units cannot be built. Criteria include:

- The new housing would not require the demolition or alteration of existing affordable housing.
- The new housing would not require the demolition or alteration of existing rental housing.
- The site is not in a historic district.
- The site is not on prime farmland.
- The site is not a known hazardous waste site.

This new section also creates new development standards addressing:

- Flag lots may be created and the front setback for the back lot is measured from the back property line of the front lot.
- Revision of parking location restrictions.
 - In the Urgency Ordinance, required parking area was not permitted to be provided within a front setback. In the Draft Ordinance, parking location was clarified to be permitted in a covered garage or carport or in a driveway located within a front setback. A driveway is the paved area that is equal to the width to the garage or carport opening plus up to one (1) foot on either side and extending from the garage or carport to the street.
- Would not require the demolition or alteration of 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; or that is subject to any form of rent or price control.
- All units built on a vacant parcel shall use the same architectural style, materials, and colors.
- Landscaping shall be provided in compliance with the R-1 zoning district.

Do note, SB-9 requires that any development standards in the new regulations be modified or waived by staff if the standards would prevent the construction of two dwelling units of at least 800 square feet each.

The regulations do not prevent the City from implementing the Building Code or other object development standards, and allow the Building Official to deny an application to build new dwelling units if the proposed units would,

“... have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment and that there is no feasible method to satisfactorily mitigate or avoid the impact.”

“Urban Lot Split”

This new Chapter of the Zoning Code provides for a staff-approved type of subdivision to split an existing lot into two lots, provided that specific criteria are met. The criteria are essentially the same as those for the “Two-Unit Urban Development” Section discussed above. This new Section applies only in the Single-Family Residential (R-1) zoning district.

The new regulations generally allow the new lots to be smaller than would be the case if the standards of the R-1 zoning district were used. Below are proposed standards:

- Each lot must be capable of accommodating two 800-square-foot dwelling units in conformance with the applicable setbacks and height limits.
- Flag lots may be created and the front setback for the back lot is measured from the back property line of the front lot.
- Each lot must have water, sewer, storm drain, gas, and electric utility service.
- A deed restriction is required that prevents the use of dwelling units on lots created with the Urban Lot Split process to be used for short-term rentals.

As with the Two-Unit Urban Development section, the Urban Lot Split regulations provide for the denial of a proposed lot split if the Building Official makes written findings of evidence that the proposed housing development project would have a specific, adverse impact (as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5) upon the public health and safety or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact or if the proposed urban lot split would not comply with all the criteria for approval.

The regulations would impose objective standards, such as those discussed above, which do not conflict with SB 9 and would also outline and clarify to the public, the requirements and procedures for submission, ministerial review (no design review), and appeal of SB 9 development applications.

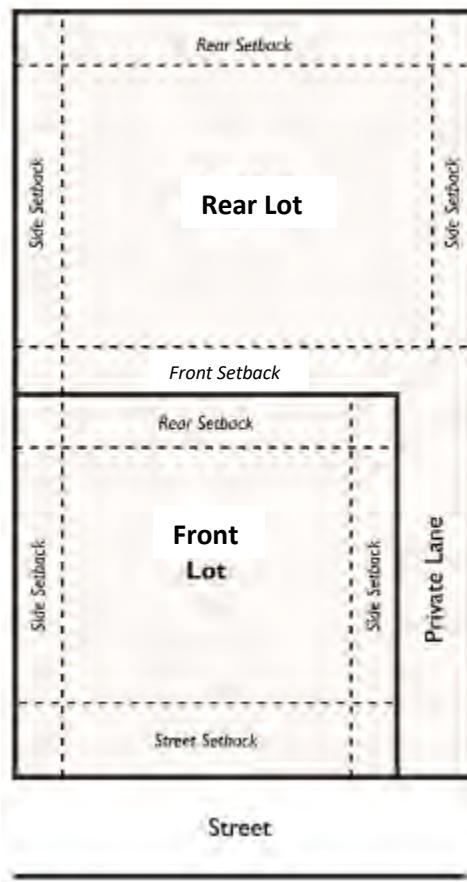
New Glossary Definitions

Several specific terms are used in the new Zoning Code sections that require definitions. These are:

“Acting in Concert With” - A person "acting in concert with the owner" means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.

“Car Share” - A service through which vehicles are made available for hourly or daily use. Vehicles are typically picked up and dropped off at designated parking locations within the community and are made available to provide flexible access to a vehicle.

“Flag-Lot” - Lots that have less than the minimum required frontage on a public or private street, have access to a public or private street by a narrow strip of land, and the largest portion of the lot is situated behind adjoining lots which front on a public or private street. The front yard of the flag lot starts from the back of the front lot.



"Tenant" - A person who occupies land or property rented from a landlord.

"Two-Unit Urban Residential Development" - Development of dwelling units and accessory dwelling units per this Code.

Application Processing

In addition to the proposed regulations listed above, staff will develop a guide to assist the public and staff on identifying parcels which meet the eligibility requirements, permit application, and review procedures.

CONCLUSION:

Staff recommends that the Planning and Preservation Commission discuss and provide feedback on the proposed regulations for a draft Ordinance to implement Senate Bill 9 (SB 9).

ATTACHMENTS:

- A. Urgency Ordinance
- B. Draft SB 9 Regulations

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Double-Sided Printing

URGENCY ORDINANCE NO. U-1706**AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA MAKING FINDINGS AND ESTABLISHING OBJECTIVE STANDARDS FOR URBAN LOT SPLITS AND TWO-UNIT RESIDENTIAL DEVELOPMENT PROJECTS IN SINGLE-FAMILY RESIDENTIAL (R-1) ZONE PURSUANT TO SENATE BILL 9**

WHEREAS, California Constitution Article XI, Section 7, enables the City of San Fernando (the "City") to enact local planning and land use regulations; and

WHEREAS, the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

WHEREAS, the City desires to ensure that residential development occurs in an orderly manner, in accordance with the goals and objectives of the General Plan and reasonable land use planning principles; and

WHEREAS, on September 16, 2021, California Governor Gavin Newsom signed Senate Bill 9 (SB 9) into law as part of an effort to address the State's housing crisis by streamlining housing production; and

WHEREAS, the new legislation is effective on January 1, 2022, and requires local agencies to ministerially approve urban lot splits and development of two residential units per single family residential lots provided the projects meet certain criteria; and

WHEREAS, the City wishes to balance compliance with State law with the rights still preserved under the new legislation authorizing the City to establish objective zoning, subdivision and design review standards consistent with SB 9 required to approve urban lot splits and two-unit residential development; and

WHEREAS, Government Code section 65858 authorizes the City Council to adopt an urgency ordinance by a four-fifths vote for the immediate preservation of the public health, safety, or welfare, and to prohibit a land use that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning and Preservation Commission, or the Community Development Department is considering or studying or intends to study within a reasonable time.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

The above recitals are true and correct and incorporated herein by reference.

SECTION 2. Purpose, Legislative Findings, and Intent.

- (1) During the 2021 legislative session, the California Legislature passed, and the Governor signed Senate Bill 9 (SB 9), which requires local agencies to ministerially approve urban lot splits and development of two residential units per single family residential lot in single family residential zones provided the projects meet certain criteria. SB 9 is effective on January 1, 2022.
- (2) SB 9 projects have the potential to significantly impact the character of the City's well established single family neighborhoods and well-thought out community planning and housing strategy and requires further study.
- (3) The City intends to study and formulate permanent regulations for the implementation of SB 9 projects in the City, but will need adequate time to complete that process following SB 9's effective date. Thus, the City Council wishes to adopt an interim ordinance that will take effect immediately and impose baseline standards for land subdivisions and units constructed under SB 9 while permanent standards are studied and formulated.
- (4) SB 9 projects have the potential to impact the health, safety, and welfare of residents in the City, and particularly on the character of single family residential neighborhoods, vehicular and pedestrian safety, on-street parking demand and impacts, and housing affordability. As such, the City of San Fernando City Council finds that there is an immediate need to establish objective zoning and subdivision standards for SB 9 projects in order to protect the public health, safety, and welfare while it studies permanent land use regulations for such projects and to ensure SB 9 does not have a detrimental impact on single family residential neighborhoods within the City. This process may be lengthy and therefore the City Council wishes to adopt an interim ordinance that will take effect immediately to mitigate the potential health, safety and welfare impacts of SB 9 projects.
- (5) The California Legislature has declared a statewide housing emergency, to be in effect until January 1, 2025.
- (6) California is experiencing a housing supply crisis, with housing demand far outstripping supply. In 2018, California ranked 49th out of the 50 states in housing units per capita. Seven of the 10 most expensive real estate markets in the United States are in California.
- (7) The housing crisis has particularly exacerbated the need for affordable homes at prices below market rates, and for the current 2021-2029 planning period, the City must accommodate the development of 1,795 residential units of which 734 units must be very-low to low income households.

- (8) To address these issues of affordability in San Fernando, it is necessary for the City to limit the size of units developed pursuant to SB 9 and to require that some units be affordable to low income families, as an interim measure to ensure that SB 9 developments do not conflict with forthcoming permanent regulations.

SECTION 3. Urgency Findings.

In accordance with Government Code Section 65858(a), and pursuant to the findings stated herein, the City Council hereby finds and declares: (1) that the findings and determinations in Section 2 are true and correct; (2) that there exists a current and immediate threat to the public health, safety, and welfare requiring this Ordinance; (3) that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety as set forth herein.

SECTION 4. Imposition of Interim Regulations

- A. Notwithstanding any other ordinance or provision of the San Fernando City Code, no application for a building permit or other land use entitlement shall be approved for a new “urban lot split” or “two-unit development” (whether the project is the construction of two new units or adding a second unit) unless it satisfies all the requirements in Section C of this Ordinance. These interim regulations shall remain in effect for so long as this Ordinance remains in place or until such time as the same are amended by new permanent regulations that comply with new State regulations.
- B. The City shall not approve an application for a new urban lot split and/or two-unit development unless the proposed subdivision and/or housing project satisfies all of the standards below. An application for a new urban lot split and/or two-unit development that satisfies each of the below standards shall be approved by the Community Development Director following a ministerial review for compliance. A proposal for development under this section shall be initiated by an application on a form prescribed by the City together with the required fee.
- C. Except as otherwise provided under this Ordinance or under Government Code Section 65852.21 and Section 66411.7 the following conditions and restrictions shall apply to any proposed urban lot split and two-unit development:

1. Purpose.

The provisions of this section establish interim standards and procedures for projects developed pursuant to the regulations included in state Senate Bill 9 (SB 9).

2. **Definitions.**

For the purposes of this section, certain words and phrases used in this section are defined as follows:

Front lot means when an urban lot split creates two lots where there was previously one lot, the lot with the most frontage on the primary street shall be considered the front lot.

Rear lot means when an urban lot split creates two lots where there was previously one lot, the lot with the least frontage on the primary street shall be considered the rear lot.

Rear lot front setback means the distance between the front lot line and closest element of a building or structure on the site area of a rear lot created by an urban lot split. The front lot line of such rear lot may also be the rear lot line of the front lot, and shall be the lot line closest to, and parallel to the primary street.

Second primary dwelling unit means a dwelling unit constructed on a lot zoned single-family residential as permitted pursuant to the requirements of this Ordinance and SB 9.

Senate Bill 9 or SB 9 means the state law passed by the California state senate and approved by the Governor on September 16, 2021. The bill amends Government Code section 66452.6 and adds to sections 65852.21 and 66411.7 of Chapter 162, and takes effect on January 1, 2022.

Two-unit development means a housing development containing two dwelling units on a lot zoned single-family residential (R-1) pursuant to the requirements of this Ordinance and SB 9.

Urban lot split means a parcel map subdivision of a single family residential parcel as permitted pursuant to SB 9 that creates no more than two parcels of approximately equal lot area.

3. **Applicability.**

The provisions of this section shall apply to residential projects and urban lot splits with Single-Family Residential (R-1) zone that are proposed pursuant to the regulations in SB 9. Except as expressly provided in SB 9 or in this section, all other regulations of the underlying zone of a property developed pursuant to SB 9 shall apply, along with all other applicable regulations related to any urban lot split or two-unit development.

4. General Requirements; Covenant Required.

A property owner seeking to complete an urban lot split, or develop units on a single-family residential property pursuant to the regulations set forth in SB 9 and the standards in this section, shall be subject to the following general requirements, which shall be accepted and acknowledged by the property owner by signing and recording a covenant against the property. The covenant shall be supplied by the City and provide as follows:

- A. The short term rental defined as rentals of any duration less than 31 consecutive calendar days of any units on the site shall be prohibited;
- B. Non-residential uses on the site shall be prohibited;
- C. Any subsequent urban lot split of land that was previously subdivided with an urban lot split shall be prohibited;
- D. The owner of the property for which an urban lot split is proposed shall sign an affidavit stating that the owner intends to occupy one of the housing units as their principal residence for at least three years from the date of the approval of the urban lot split; and
- E. If, pursuant to SB 9, more than one unit is developed on a lot, one of such units shall be rented or leased at a rate affordable to low income tenants, if it is rented. Upon request from the City, the property owner shall furnish a copy of the rental or lease agreement of any unit created by SB 9 that is rented or leased; and
- F. The owner of the property for which an urban lot split is proposed shall sign an affidavit stating that neither the owner nor any person acting in concert with the owner of the parcel being subdivided has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

5. Urban Lot Split Regulations.

Approval of a tentative parcel map or parcel map for urban lot split shall not result in a subdivision of more than two lots for a single-family residential lot, pursuant to the regulations contained in SB 9 as follows:

- A. No lot resulting from an urban lot split shall be smaller than 1,200 square feet.
- B. The two resulting lots shall be of approximately equal lot area, and not smaller than 48% or larger than 52% of the lot area of the original parcel.
- C. No flag lots shall be created as a result of an urban lot split.

- D. The width of any lot resulting from an urban lot split shall not be less than 75% of the original lot width.
- E. No right-of-way dedications shall be imposed upon urban lot split projects.

6. Maximum Number of Units.

- A. For projects that include an urban lot split, no more than two units may be located on a lot that results from an urban lot split. The units must conform to the objective standards included in this section. Existing and proposed ADUs and Junior ADUs shall be counted toward the maximum number of units permitted.
- B. For projects that do not include an urban lot split, no more than three units (including one ADU, and one Junior ADU) may be located on a site. The units must conform to the objective standards included in this section and as otherwise regulated by ADU or Junior ADU regulations.
- C. No second primary dwelling units shall be permitted on a property already developed with an ADU and/or Junior ADU. No ADU or Junior ADU shall be permitted on a property developed with a second primary dwelling unit.

7. Maximum Unit Size.

No unit constructed pursuant to SB 9 regulations shall be more than 800 square feet in size. For the purposes of this section, basements shall count as floor area.

8. Maximum Unit Height.

No unit constructed pursuant to SB 9 regulations shall exceed 14 feet and one story in height.

9. Setbacks.

- A. Side and rear setbacks. Any units constructed pursuant to the provisions of SB 9 shall have a minimum four foot setback from all side and rear lot lines.
- B. Front setback for a front lot shall be the setback as established in the Zoning Code for R-1 Zone.
- C. Front setback for a rear lot created by the urban lot split shall be ten feet. The front lot line shall be the lot line closest to, and parallel to the primary street.
- D. Setbacks for existing structures. No setbacks shall be required if a unit is constructed within the footprint of an existing structure on a lot.

10. Minimum Width of Building.

The front most unit constructed on a site with street frontage shall have a minimum unit width of 40 feet or 75% of the lot width, whichever is less.

11. Design of Unit.

- A. The front most unit constructed on a front lot shall have a front door facing the street.
- B. Each unit on each lot created by an urban lot split shall have a separate entrance.
- C. Any unit other than front most unit, or the front most unit on the front lot, shall be completely screened by either: 1) other unit(s) on the lot; or 2) landscaping.
- D. Additions or new second primary dwelling units added to sites where an existing structure will be retained must match the architectural style of the existing dwelling including but not limited to the roof pitch, window size, window type, exterior building materials, lighting fixtures, and paint colors.

12. Parking.

- A. Parking required - One uncovered parking space is required for each unit created pursuant to SB 9, unless the parcel upon which the unit is created is within one-half mile of a high quality transit corridor or a major transit stop, or a car share vehicle facility located within one block of the project.
- B. Parking location restrictions
 - 1. Parking shall not be provided within a front setback.
 - 2. Rear lot parking shall be accessed via an alley, if there is an alley.

13. Affordable Rental Rate Required.

If more than one unit is developed on a single lot using SB 9, one of such units shall be available at a rental rate affordable to low income tenants if it is rented. Upon request by the City, a property owner shall furnish the rental or lease agreements for any units rented or leased on a parcel that was developed pursuant to the regulations outlined in this section.

14. Open Space.

Urban dwelling units must provide a minimum of 400 square feet of private open space. The open space must be directly accessible to the unit it serves.

15. Building Separation.

No detached second primary dwelling unit shall be closer than six feet to any other accessory building or primary dwelling unit, on the same lot or parcel. The six-foot distance shall be measured from the closet points of the building walls or structure walls. A minimum of four feet shall be maintained between eave overhangs, chimneys, bay windows or any other architectural feature.

16. Compliance with Standards Cannot Physically Preclude Minimum Unit Size Requirements.

The standards set forth in this Chapter shall not physically preclude the construction of up to two dwelling units per parcel and shall not preclude each unit from being at least 800 square feet in floor area, unless otherwise permitted by law. In such event, the housing development shall comply with the objective standards to the maximum extent necessary as determined by the Community Development Director that will not preclude the construction of up to two units per parcel with at least 800 square feet in floor area.

17. Adverse Impact Findings

The Building Official, or his or her designee, may make a written finding to deny an urban lot split or the construction of units pursuant to the regulations of SB 9. Such findings shall be based upon the preponderance of evidence that the proposed housing development project would have a specific, adverse impact (as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5) upon the public health and safety or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.”

SECTION 5. CEQA Finding.

The City Council hereby finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) (the “common sense exemption”) and Section 15378 (“not a project”) since it can be seen with certainty that adopting an ordinance to comply with the state law provisions of SB 9 will not have a significant effect on the environment. Adopting the Urgency Ordinance is also exempt under Government Code Section 66411.7, subd. (n) which exempts cities’ adoption of ordinances implementing that section of SB 9 from CEQA.

SECTION 6. Penalty.

Violation of any provision of this Ordinance shall constitute a misdemeanor and a civil violation subject to the penalties provided for under Article II (General Penalties) and Article III (Administrative Penalties – Citations) of Chapter 1 (General Provisions and Penalties) of the San Fernando City Code. Each and every day such a violation exists shall

constitute a separate and distinct violation of this Ordinance. In addition to the foregoing, any violation of this Ordinance shall constitute a public nuisance and shall be subject to abatement as provided by all applicable provisions of law.

SECTION 7. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.


SECTION 8. Savings Clause.

Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall in any manner affect the prosecution for the violation of any ordinance, which violation was committed prior to the effective date of this Ordinance, nor be construed as a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinances.

SECTION 9. Effective Date and Extension of Ordinance.

If adopted by at least four-fifths vote of the City Council, this Ordinance shall be effective commencing immediately. This Ordinance shall expire, and its standards and requirements shall terminate, forty-five (45) days after the date of adoption of this Interim Urgency Ordinance, unless extended by the City Council at a regularly noticed public hearing, pursuant to Government Code Section 65858.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Fernando at a regular meeting on this 18th day of January 2022.




Mary Mendoza, Mayor of the City of San Fernando, California

ATTEST



Julia Fritz, City Clerk

APPROVED AS TO FORM



Richard Padilla, Assistant City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF SAN FERNANDO)

I, Julia Fritz, City Clerk of the City of San Fernando, do hereby certify that the foregoing Interim Urgency Ordinance was adopted at a regular meeting of the City Council held on the 18th day of January, 2022, and was carried by the following roll call vote:

AYES: Rodriguez, Montañez, Ballin, Mendoza – 4

NOES: None

ABSTAIN: Pacheco – 1

ABSENT: None



Julia Fritz, City Clerk

Chapter 106, Article 6, Division 19 – Two Unit Urban Residential Development DRAFT 11-7-22

Section 106-1550. Purpose

- (a) This Section is adopted in accordance with California Government Code Sections 65852.21 and 66411.7, also known as Senate Bill 9 (SB-9). The purpose of this Chapter is to establish development standards for development pursuant to SB-9.

Section 106-1551. Term of Effect

- (a) This Chapter is applicable only while California Government Code sections 65852.21 and 66411.7 created by SB-9 remain in effect.

Section 106-1552. Definitions

“Car Share” A service through which vehicles are made available for hourly or daily use. Vehicles are typically picked up and dropped off at designated parking locations within the community and are made available to provide flexible access to a vehicle.

“Dwelling Unit” As used this Division, “dwelling unit” refers to any unit which is not an Accessory Dwelling Unit as defined in this Code.

“Tenant” A person who occupies land or property rented from a landlord.

“Two Unit Urban Residential Development” Development of dwelling units and Accessory Dwelling Units pursuant to this Division.

Section 106-1553. Applicable Zones and Projects

- (a) The provisions of this section apply to all lots in the R-1 (Single Family Residential) zoning district.

Section 106-1554. Ministerial Approval and Findings

- (a) Two Unit Urban Residential Development is subject to staff review and approval only, subject to the objective criteria and standards of this Division.
- (b) Two Unit Urban Residential Development which meets all the criteria listed in this Section shall be approved unless the building official makes a written finding, based upon a preponderance off the evidence, that:
 - (1) The proposed development would have a specific adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment and that there no feasible method to satisfactorily mitigate or avoid the impact; or
 - (2) The proposed development would not comply with all the criteria for approval per this Division.

Section 106-1555. Criteria for Approval

- (a) A proposed Two Unit Urban Residential Development shall be approved if it meets all the following criteria:
- (1) The Two Unit Urban Residential Development would not require the demolition or alteration of 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; or that is subject to any form of rent or price control;
 - (2) The Two Unit Urban Residential Development would not require the demolition or alteration of housing that has been occupied by a tenant in the last three years.
 - (3) If any existing dwelling unit(s) is proposed to be demolished, would comply with the replacement housing provisions of Government Code Section 66300(d).
 - (4) The parcel proposed for Two Unit Urban Residential Development is located in the R-1 (Single Family Residential) zone.
 - (5) The parcel proposed for Two Unit Urban Residential Development is not located within a historic district, is not included on the State Historic Resources Inventory, and is not within a site that is designated or listed as a city landmark or historic property or district pursuant to a City ordinance.
 - (6) The parcel proposed for Two Unit Urban Residential Development is not a parcel on which an owner of residential real property exercised rights under California Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date the application is submitted;
 - (7) The parcel proposed for Two Unit Urban Residential Development is not located on prime farmland or farmland of statewide importance as further defined in Government Code section 65913.4(a)(6)(B)
 - (8) The parcel proposed for Two Unit Urban Residential Development is not located on wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)
 - (9) The parcel proposed for Two Unit Urban Residential Development is not located on a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic 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.
 - (10) The parcel proposed for Two Unit Urban Residential Development is not located in a special flood hazard area subject to induction by the 1 percent annual chance flood (100-year flood) or regulatory floodway as determined by FEMA. This criteria shall not apply if either of the following are met:

- a. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
 - b. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the Nation Flood Insurance Program as further spelled out in Government Code section 65913.4 (a)(6)(G)(ii);
- (11) The proposed Two Unit Urban Residential Development would not create a nonconforming condition related to the placement of buildings or to any other development standard of this Zoning Code, except as specified in this Chapter.
- (12) A signed affidavit has been provided in accordance with Section 106-1562 of this Division.
- (13) The application complies with all provisions of Government Code Section 66411.7.

Section 106-1556. Covenant and Affidavits Required

- (a) A property owner seeking to develop units on a single-family residential property pursuant to the regulations set forth in SB-9 and the standards in this Division, shall be subject to the following general requirements, which shall be accepted and acknowledged by the property owner by signing and recording a covenant against the property. The covenant shall be supplied by the City and provide as follows:
 - (1) The short term rental defined as rentals of any duration less than 31 consecutive calendar days of any units on the site shall be prohibited;
 - (2) Non-residential uses on the site shall be prohibited;
 - (3) If, pursuant to SB-9, more than one unit is developed on a lot, one of such units shall be rented or leased at a rate affordable to low income tenants, if it is rented. Upon request from the City, the property owner shall furnish a copy of the rental or lease agreement of any unit created by SB-9 that is rented or leased; and
- (b) Each applicant for a Two Unit Residential Development shall provide a signed affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the development, unless the applicant 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.
- (c) An affidavit shall be filed to verify information regarding the rental or ownership history of any pre-existing dwelling units or Accessory Dwelling Units.

Section 106-1557. Development Standards

- (a) The following development standards shall apply to all Two Unit Urban Residential Development, except to the extent that they would preclude the construction of two (2) dwelling units of at least 800 square feet each. Any modifications of development standards shall be the minimum

modification necessary to avoid physically precluding the construction of two (2) SB-9 Units of 800 square feet each on each parcel.

(b) Standards for typical residential development that are found in Chapter 106, Division 2 of this Code.

(c) Standards for typical Accessory Dwelling Units that are found in Section 106-358 of this Code.

(d) Number of Dwelling Units Allowed

(1) A maximum of two dwelling units may be built on a single lot created using the Urban Lot Split provisions of this Code. Dwelling units and Accessory Dwelling Units both count toward the maximum number of units on lots created using the Urban Lot Split provisions of this Code.

(2) A maximum of two dwelling units may be built on a single lot which was not created using the Urban Lot Split provisions of this Code. Only primary dwelling units count toward the maximum number of units on lots which were not created using the Urban Lot Split provisions of this Code.

(e) Number of Accessory Dwelling Units Allowed

(1) Accessory dwelling units may be built pursuant to Section 106-358 of this Code and in conformance with the maximum number of units specified in this Division.

(f) Maximum Floor Area

(1) No maximum floor area is specified by this Division.

(g) Height

(1) Maximum height shall be per 14 feet, except that the height limit for primary dwellings in the R-1 zoning district shall apply there are no windows oriented toward any adjacent rear yards.

(h) Setbacks and Separations Between Buildings

(1) Front yard setback: Per the zoning district setback requirements for a primary structure.

(2) Side and rear yard: Four (4) feet, except for an existing structure or structure constructed at the same location and to the same dimensions as an existing structure.

(3) No detached second primary dwelling unit shall be closer than six feet to any other accessory building or primary dwelling unit, on the same lot or parcel. The six-foot distance shall be measured from the closet points of the building walls or structure walls. A minimum of four feet shall be maintained between eave overhangs, chimneys, bay windows or any other architectural feature.

(i) Site Coverage

- (1) Site coverage and maximum coverage in a front yard area shall be per the standards for the R-1 zoning district. Coverage calculations shall include all structures, including all SB-9 Units and all non-habitable accessory structures.

(j) Open Space

- (1) Ten percent (10%) of the lot or a minimum of 400 square feet, whichever is greater, shall be dedicated for common open space and shall provide amenities such as but not limited to gardening, outdoor seating or furniture, playground equipment, patio, and/or outdoor grill appliance.

(k) Landscaping

- (1) Landscaping shall be provided required by the R-1 zoning district.

(l) Design

- (1) Additions or new second primary dwelling units added to sites where an existing structure will be retained must match the architectural style of the existing dwelling including but not limited to the roof pitch, window size, window type, exterior building materials, lighting fixtures, and paint colors..
- (2) All units built on a vacant parcel shall use the same architectural style, materials, and colors.
- (3) Accessory Dwelling Units shall be designed in conformance with the requirements of this Code for ADUs.
- (4) Each unit built per this section shall have a separate exterior entrance.
- (5) To preserve the single-family appearance of the neighborhood, any unit other than front most unit, or the front most unit on the front lot, shall be completely screened by other unit(s) on the lot, landscaping, fencing, or a combination of these.

(m) Parking

- (1) A minimum of one off-street parking space shall be provided for each dwelling unit, unless the following apply, in which case no off-street parking is required:
 - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
 - b. There is a car share vehicle facility located within one block of the parcel.
- (2) Parking location restrictions
 - a. Parking shall be in a covered garage or carport, or in a driveway located within a front setback. A driveway is the paved area that is equal to the width to the garage or carport

opening plus up to one (1) foot on either side and extending from the garage or carport to the street.

b. Rear lot parking shall be accessed via an alley if the site legal access to an alley.

(n) Non-Habitable Accessory Structures

(1) Development of non-habitable accessory structures as dwelling units shall be per the standards for accessory structures in the R-1 zoning district.

Section 106-1558. Short Term Rentals Prohibited

(a) Any dwelling unit or Accessory Dwelling Unit constructed per this Section, if offered for rental, shall be rented for a minimum term of 31 consecutive days and shall not be used for short-term rentals.

Section 106-1559. Adverse Impact Findings for Denial of Application

(a) The City may deny the construction of dwelling units or Accessory Dwelling Units per this Section if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed dwelling unit(s) would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment and that there is no feasible method to satisfactorily mitigate or avoid the impact.

(b) An application shall not be rejected solely because it proposes adjacent or connected structures, provided that the structures meet applicable building code standards and are sufficient to allow separate conveyance.

Section 106-1560. Utility Connections

(a) Utility connections shall be provided per City standards.

Section 106-1561. Affordable Rental Rate Required

(a) If more than one unit is developed on a single lot per this section, one of such units shall be available at a rental rate affordable to low income tenants if it is rented. Upon request by the City, the property owner shall furnish the rental or lease agreements for any units rented or leased on a parcel that was developed pursuant to the regulations outlined in this section.

Section 106-1562. Application Requirements

(a) Applications for Two Unit Residential Development shall include all information required by the Planning Department, as shown on official City application forms.

Chapter 78, Article 2, Division 6 – Urban Lot Split

DRAFT 11-7-22

Section 78-180. Purpose

- (a) This Chapter is adopted in accordance with California Government Code Sections 65852.21 and 66411.7, also known as Senate Bill 9 (SB-9). The purpose of this Chapter is to establish a ministerial objective approval process and special lot design standards for the subdivision of single lots in the R-1 zoning district.

Section 78-181. Term of Effect

- (a) This Chapter is applicable only while California Government Code sections 65852.21 and 66411.7 created by SB-9 remain in effect.

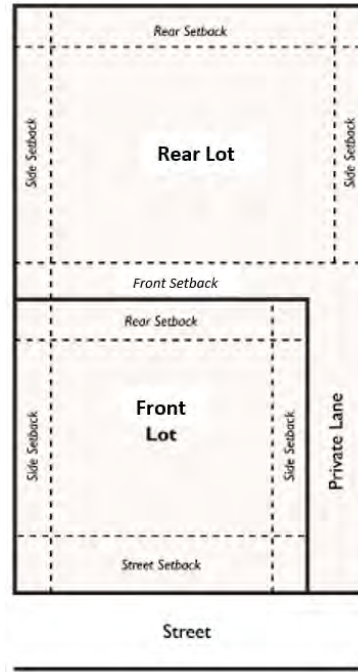
Section 78-182. Urban Lot Split Defined

- (a) An Urban Lot Split is the subdivision of a single-family residential lot into two parcels that meets the requirements of this Chapter. An Urban Lot Split differs from other subdivisions only in the standards which apply to the lots created, the criteria which must be met, and the ministerial approval process which applies to this type of subdivision.

Section 78-183. Definitions

“Acting in Concert With” A person "acting in concert with the owner" means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.

“Flag-Lot” Lots that have less than the minimum required frontage on a public or private street, have access to a public or private street by a narrow strip of land, and the largest portion of the lot is situated behind adjoining lots which front on a public or private street. The front yard of the flag lot starts from the back of the front lot.



Section 78-184. Ministerial Approval and Findings

- (a) An Urban Lot Split is subject to staff review and approval only, subject to the objective criteria and standards of this Chapter.
- (b) An Urban Lot Split that meets all the criteria listed below shall be approved unless the building official makes a written finding, based upon a preponderance of the evidence, that:
 - (1) The proposed urban lot split would have a specific adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment and that there is no feasible method to satisfactorily mitigate or avoid the impact; or
 - (2) The proposed urban lot split would not comply with all the criteria for approval per this Division.

Section 78-185. Covenant and Affidavits Required

- (a) A property owner seeking to complete an urban lot split shall be subject to the following general requirements, which shall be accepted and acknowledged by the property owner by signing and recording a covenant against the property. The covenant shall be supplied by the City and provide as follows:
 - (1) Any subsequent urban lot split of land that was previously subdivided with an urban lot split shall be prohibited;

- (2) The owner of the property for which an urban lot split is proposed shall sign an affidavit stating that the owner intends to occupy one of the housing units as their principal residence for at least three years from the date of the approval of the urban lot split; and
 - (3) If, pursuant to SB 9, more than one unit is developed on a lot, one of such units shall be rented or leased at a rate affordable to low income tenants, if it is rented. Upon request from the City, the property owner shall furnish a copy of the rental or lease agreement of any unit created by SB 9 that is rented or leased; and
- (b) The owner of the property for which an urban lot split is proposed shall sign an affidavit stating that neither the owner nor any person acting in concert with the owner of the parcel being subdivided has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.
- (c) Each applicant for an Urban Lot Split shall provide a signed affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the Urban Lot Split, unless the applicant 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.

Section 78-186. Criteria for Approval

- (a) Proposed Urban Lot Splits shall comply with all the following:
- (1) The Urban Lot Split would not require the demolition or alteration of 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; or that is subject to any form of rent or price control through a public entity’s valid exercise of its police power;
 - (2) The Urban Lot Split would not require the demolition or alteration of housing that has been occupied by a tenant in the last three years.
 - (3) If any existing dwelling units is proposed to be demolished, the proposal would comply with the replacement housing provisions of Government Code Section 66300(d).
 - (4) The parcel proposed for an Urban Lot Split is located in the R-1 (Low Density Residential) zone.
 - (5) The parcel proposed for an Urban Lot Split is not located within a historic district, is not included on the State Historic Resources Inventory, and is not within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
 - (6) The parcel proposed for an Urban Lot Split is not a parcel on which an owner of residential real property exercised rights under California Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date the application is submitted;
 - (7) The parcel proposed for an Urban Lot Split was not previously created through a prior Urban Lot Split.

- (8) The parcel proposed for an Urban Lot Split is not located on prime farmland or farmland of statewide importance as further defined in Government Code section 65913.4(a)(6)(B)
- (9) The parcel proposed for an Urban Lot Split is not located on wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)
- (10) The parcel proposed for an Urban Lot Split is not located on a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic 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.
- (11) The parcel proposed for an Urban Lot Split is not located in a special flood hazard area subject to induction by the 1 percent annual chance flood (100-year flood) or regulatory floodway as determined by FEMA. This criteria shall not apply if either of the following are met:
 - a. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
 - b. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the Nation Flood Insurance Program as further spelled out in Government Code section 65913.4 (a)(6)(G)(ii);
- (12) The Urban Lot Split would not create a nonconforming condition related to the placement of buildings or to any other development standard of this Zoning Code, except as specified in this Chapter.
- (13) A signed affidavit has been provided in accordance with Section 78-185.
- (14) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using the Urban Lot Split process.
- (15) The application complies with all provisions of Government Code Section 66411.7.

Section 78-187. Urban Lot Split Lot Requirements

- (a) The following requirements apply to all lots created using the Urban Lot Split process, except to the extent that they would preclude the construction of two (2) SB-9 Units (as the term is defined in Chapter 106, Division 19 of this Code) of at least 800 square feet each. Any modifications of these requirements shall be the minimum modification necessary to avoid physically precluding the construction of two (2) SB-9 Units of 800 square feet each on each parcel.
- (b) Lot Requirements:
 - (1) Each lot shall have street frontage on or access to a public right of way as required by the Public Works Department.
 - (2) Lot width shall be per the R-1 zoning district.

- (3) Lots created per this Chapter are not required to have a minimum depth, provided that the minimum lot size stated below is maintained.
- (4) Lot size:
 - a. No lot resulting from an urban lot split shall be smaller than 1,200 square feet.
 - b. The two resulting lots shall be of approximately equal lot area, and not smaller than 48% or larger than 52% of the lot area of the original parcel.
 - c. The subdivider shall demonstrate that the proposed lots are capable of accommodating at least two units of 800 square feet each in conformance with the applicable setbacks and height limits of this Code.
- (5) Flag Lots are permitted, provided that the narrow portion of the lot connected to the public right of way has sufficient width for a driveway and for emergency vehicle access.
- (6) The width of any lot resulting from an urban lot split shall not be less than 75% of the original lot width.
- (7) Utilities:
 - a. Each parcel created by an Urban Lot Split shall have water, sewer, storm drain, gas and electric utility service that comply with City standards.
 - b. The subdivider shall be responsible to install connections to City facilities in accordance with City standards.
 - c. All required utility connections shall be placed on the same parcel as the unit or units the utilities are serving, or shall be located within a utility easement.
 - d. Unused connections shall be abandoned per City standard.

Section 78-188. Development Standards

- (a) Standards for parcels created pursuant to this chapter are provided in Chapter 106, Division 106 of this Code.

Section 78-189. Required Contents for Recorded Title

- (a) The recorded title for any lot or parcel created pursuant to this Chapter shall include the following:
 - (1) That the Urban Lot Split provisions of this Chapter were used to approve the subdivision and may not be used to further subdivide the lot or parcel.
 - (2) The signed affidavit required per Section 78-185.
 - (3) A rental of any unit created on the lot or parcel shall be for a minimum term of 31 consecutive days, and the unit shall not be used for short-term rentals.
 - (4) Uses on the lot or parcel shall be limited to residential uses.

Section 78-190. Pre-Existing Nonconforming Zoning Conditions

- (a) Approval of an application for the Urban Lot Split shall not be contingent upon the correction of a non-conforming zoning condition which existed at the time the application was filed.

Section 78-191. Expiration of Urban Lot Split Subdivisions

- (a) The expiration of tentative maps created per this Chapter shall be the same as for a standard tentative map as specified in Section 78-71 of the San Fernando Municipal Code.

Section 78-192. Application Requirements

- (a) Applications for Urban Lot Splits shall include all information required by the Public Works Department, as shown on official City application forms.

DRAFT

To: Planning and Preservation Commission Chair Fajardo and Commissioners

From: Kanika Kith, Director of Community Development
Isidro Cerda, Contract Planner

Date: November 14, 2022

Subject: Discussion on fence and wall height and design requirements to protect against coyotes and to address requests from the residents.

RECOMMENDATION:

Staff recommends that the Planning and Preservation Commission:

1. Discuss fence or wall height and design requirements for side and rear yard to protect against coyotes; and
2. Discuss fence height and design for front yard to address requests from the residents.

BACKGROUND

1. On June 15, 2022, a resident requested approval of a 4-foot high fence in the front yard, which is 1-foot higher than what the San Fernando Municipal Code Section 106-970 allow.
2. On August 15, 2022, the City Council adopted the Coyote Management and Co-Existence Plan that includes best management practices and strategies for managing coyotes in the City. The Coyote Management and Co-Existence Plan also includes a recommendation to consider revising the height limits for fences and walls on residential properties.

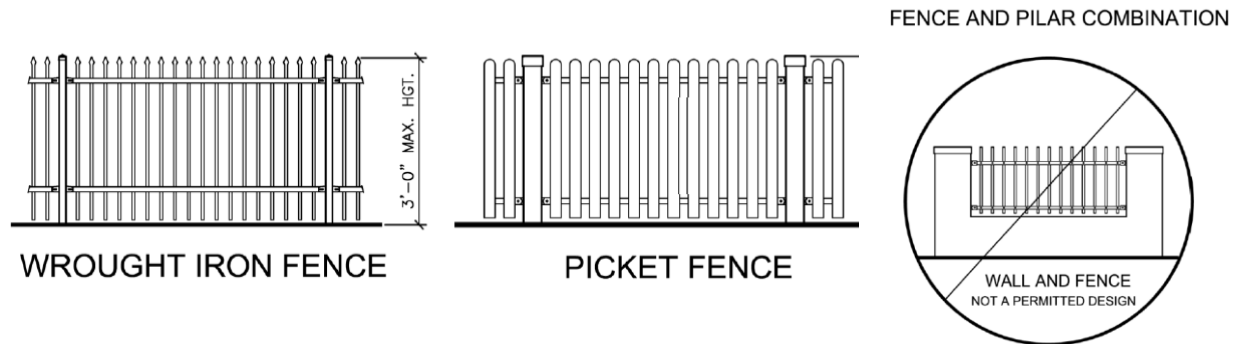
ANALYSIS:

The City of San Fernando Municipal Code (SFMC) Section 106-970 regulates fence height and design for residential property. City of San Fernando's current design standards for fence height in residential zones (R-1, R-2, R-3) allow:

- Front Yard: Maximum height of three (3) feet for a fence.
- Side and Rear Yard: Maximum height of six (6) feet.

Front yard Fence

Current code allows fences in the front yard to be designed as follows:



In addition, SFMC Section 106-970 (j)(3)(c) allows approval of a special fence permit to install a fence higher than three feet if required findings can be met:

1. The project site is of a suitable size, shape and topography to accommodate the proposed fence or wall.
2. The proposed fence or wall will not be detrimental to the character of the subject property or surrounding neighborhood, and will be compatible with the architectural treatment of any existing or planned buildings on the subject property.
3. The proposed fence or wall will not unreasonably interfere with the use, possession, and enjoyment of the surrounding and adjacent property owners.
4. There is a demonstrated need for the proposed fence or wall.

The City had historically approved a fence higher than three feet, approximately five to six feet, in the front yard if an applicant demonstrated that a resident in the home has a medical condition in which a higher fence is needed. Therefore, certain homes in the City have front yard fences that are higher than three feet with approval from the City. However, some fences higher than three feet were built without City's approval and staff resources have been limited for identifying which were built with or without approvals.

The 3-foot high fence maximum is enforced when a resident applies for a fence permit or when the City received a code enforcement complain on a property. Currently, there are six code enforcement cases where front yard fences are higher than three feet (approximately four feet high). In addition, staff has received approximately 20 requests or more during the last three months to install a 4-foot high fence in the front yard. These requests were not filed as an application with the department as staff advised them to submit an application that complies with the 3-foot height restriction.

Looking beyond the City of San Fernando Code, other cities allows fence height on front yard as follows:

- Los Angeles County – Maximum of 3.5 feet
- City of Los Angeles – Maximum of 3.5 feet
- City of Burbank – Maximum of 4 feet
- City of Glendale – Maximum of 3 feet
- City of Santa Clarita – Maximum of 3 feet
- City of Calabasas – 3.5 feet at property line, 0.5-foot higher every 2 feet from property line up to maximum height of 6 feet.
- City of La Canada Flintridge – Maximum of 3.5 feet

The City's current maximum fence height of three feet in the front yard setback is comparable or slightly below the maximum limits allowed in nearby cities. However, it does not reflect the existing conditions of most residential neighborhoods with fences exceeding three feet in the front yard. It is important to note that the City currently bans fence and pillar combination designs even though they seem to be ubiquitous in residential neighborhoods in many parts of the City.

Staff is seeking feedback from the Commission of whether the City should explore modifying the maximum height or design of fences in the front yard.

Side and Rear Yard Fence

On August 15, 2022, the City Council directed staff to evaluate whether there is a need to increase the maximum height of the side and rear yard fence or wall to be above six feet, or explore design options to address growing concerns of coyotes attacking small pets in residential backyards.

According to the University of California Integrated Pest Management Program, coyotes are extremely adaptable and have increased their geographical range during the past 50 years, due in part to human modification of the landscape. In recent decades, coyotes have become more populous in suburban environments where ample food supply is available, with Southern California having some of the highest population densities. In urban and suburban areas in California, such as San Fernando, coyotes have adapted to residential neighborhoods, parks, and open spaces, and have lost their fear of humans. Coyotes thrive in such areas because food, water, and shelter are abundant, and coyotes living in these environments may come to associate humans with food and protection. Once acclimated to the areas, coyotes prey on rodents, rabbits, birds, house cats, and small dogs that live in residential areas. Coyotes also feed on household garbage, pet food, and seeds and fruits from gardens and landscape plants.

Fences or walls that are well designed can help prevent coyotes from entering residential property and this require taking into account the coyote's abilities to dig and jump. Below are some examples of fence designs that could be helpful in preventing coyotes from entering residential back yards (source: City of San Diego's Development Services Department).

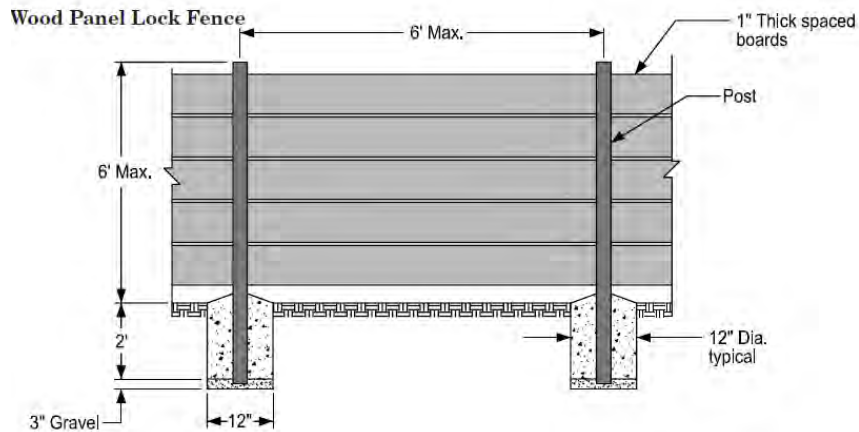
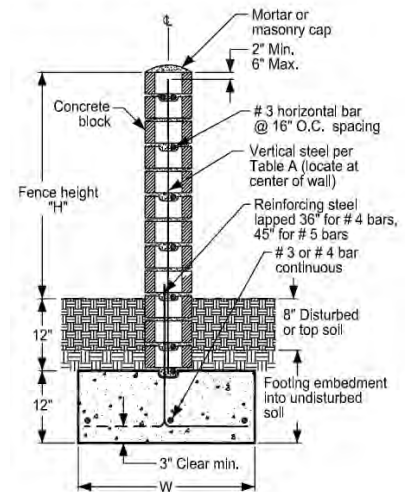
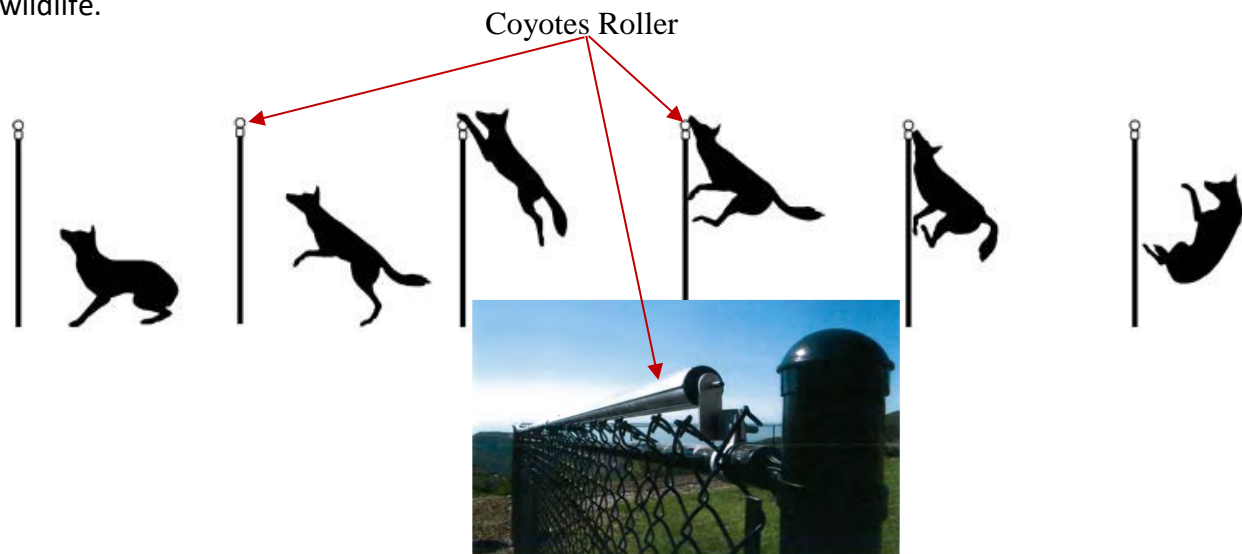


Figure 4 / Masonry Fence



According to the Washington Department of Fish and Wildlife "Coyotes don't leap fences in a single bound but, like domestic dogs, they grip the top with their front paws and kick themselves upward with the back legs." Although some fence construction experts argue that fence heights need to be closer to eight feet since a strong coyote can jump onto a 6-foot high fence. However, the addition of coyote rollers or other preventative measures can counter their leaping motion and can make shorter fences more effective. Roller design (see images below) prevent coyotes from hoisting over fences or walls, taking into account their preference to get a running start and jump or climb over the top of the fence while pushing off with their hind legs. Rollers prevent the coyote from getting a good grip on the fence and pushing off into the property, and is more humane than other alternatives such as barbed wire, or electrified fencing, which can injure other wildlife.



Discussion on fence and wall height and design requirements

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In Washington State, the City of Lynwood has a rear yard height limit of six (6) feet but allows for non-vision obstructing adornments that increase fence height up to eight (8) feet. Below are some examples of fences that can deter coyotes.



Staff is seeking feedback from the Commission. If the Commission recommends a higher height for fences and walls on the side and rear yards, staff recommends the following:

1. Maintain the maximum height of six (6) feet for walls and allow the installation of coyote rollers on top of the 6-foot high wall.
2. Allow non-view obstructing fence built of tubular steel be built up to a maximum height of eight (8) feet.

ENVIRONMENTAL REVIEW:

Any proposed Ordinance will be reviewed for compliance with the California Environmental Quality Act.

CONCLUSION:

Staff recommends that the Commission discuss potential fence height and/or design changes to protect against coyotes and to address requests from the residents for higher fence in the front yard.

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To: Planning and Preservation Chair Fajardo and Commissioners

From: Kanika Kith, Director of Community Development
By: Kenneth Jones, Management Analyst

Date: November 14, 2022

Subject: Citywide General Tree Maintenance and Activities Update

RECOMMENDATION:

It is recommended that the Planning and Preservation Commission:

1. Receive and file Citywide General Tree Maintenance and Activities Update.

BACKGROUND:

1. Since 2019, the City has added approximately 750 trees to its existing inventory.
2. In 2022, the City commissioned an Urban Forest Management Plan.

ANALYSIS:

The Public Works Department's Streets, Trees and Parkways Division provides general maintenance for City trees in the parkways and at City facilities. But in order to conduct all the necessary and large scale tasks needed to preserve the City's aging tree inventory, the Division utilizes the services of West Coast Arborists (WCA). These necessary and large scale tasks include grid prune, stump grinding and tree removal and planting just to name a few.

The City's proactive tree general maintenance program helps to prolong tree life expectancy and maintain the beauty of our trees.

Over the next four years, an additional 2,000 trees will be planted to a. During the last five years, annual work order requests related to trees have increased from 357 to 550 annually (as of end of Fiscal Year 2021-2022); an overall increase in annual tree work orders of 54%. Over the last two fiscal years, staff resources dedicated to tree maintenance have reduced but work orders have gone up dramatically.

Understanding that there will be an increase to the tree canopy over the next five years and a continued demand for tree maintenance, staff requested and received approval to add a Senior

Tree Maintenance Worker (STMW) position to the department. The STMW will be responsible for scheduling proactive tree trimming maintenance activities; managing tree related work orders and ensuring their timely completion; developing a crew to efficiently meet the growing requests from resident. The STMW position will be advertised in December 2022.

Tree Services Activities: (July 1, 2022 to Present)

During this current fiscal year the following tree service activities have occurred:

- 1,017 trees have been pruned
 - 644 of the total are within the current grid WCA is focusing on.
- 756 stump grindings
- 382 tree and stump removals

Tree Planting Activities: Calles Verdes Program

- Since January 1, 2022 to present
 - 10 planting events have been held
 - 179 trees have been planted
- A total 644 trees have been planted since the inception of the program
- An estimated 950 trees will have been planted by the end of the program

Tree Canopy Projects

The first phase of the Urban Forest Management Plan (UFMP) project is in progress. The first phase focuses on conducting an assessment of the City's current tree inventory. WCA has been tasked with and is currently collecting data on all the public trees in the city including streets, medians, parks, right of ways, and public facilities. Inventory assessment per tree site includes species, type of site, tree condition, recommendations, height, and diameter at shoulder height. Vacant sites will be cataloged in an effort to identify suitable tree planting locations. WCA will submit their initial assessment of the tree inventory at the end of November 2022. It is estimated to take three months to complete the assessment.

BUDGET IMPACT:

Funds to cover the costs related to hiring of the Senior Tree Maintenance Worker, services provided by West Coast Arborists and conducting the Urban Forest Management Plan have been appropriated within the Fiscal Year 2022-23 Approved Budget.

CONCLUSION:

It is recommended that the Planning and Preservation Commission receive and file the Citywide General Tree Maintenance and Activity Update.