



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

## PLANNING & PRESERVATION COMMISSION

### REGULAR MEETING NOTICE AND AGENDA

APRIL 11, 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 of Assembly Bill 361

#### **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 [MDeSantiago@sfcity.org](mailto:MDeSantiago@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

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audio disabled, until it is your turn to speak and limited to three minutes. Note: This is audio only.

### **CALL TO ORDER/ROLL CALL**

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

### **PLEDGE OF ALLEGIANCE**

Led by Commissioner Bernal

### **APPROVAL OF AGENDA**

Recommended that the Planning and Preservation Commission approve the agenda as presented.

### **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 Commission Secretary.

Members of the public may submit comments by email to [MDeSantiago@sfcity.org](mailto:MDeSantiago@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.

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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**

## **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.

### **1. CONSIDERATION TO APPROVE PLANNING AND PRESERVATION COMMISSION MEETING MINUTES FOR:**

- a. November 8, 2021 – Regular Meeting

Recommend that the Planning and Preservation Commission approve the meeting minutes as presented.

## **ADMINISTRATIVE REPORTS**

### **2. TREE COMMISSION UPDATE**

Recommend that the Planning and Preservation Commission:

- a. Receive an update from the Director of Public Works.

## **PUBLIC HEARING**

### **3. Zone Text Amendment 2022-001 (ZTA 2022-001) A request to establish regulations for Urban Lot Splits and Housing Development in Single- Family Residential (R-1) Zone for Implementation of Senate Bill 9 (SB9) (Continued from March 14, 2022).**

Recommend that the Planning and Preservation Commission:

- a. Continue consideration of Zone Text Amendment 2022-001 to May 9, 2022 to allow staff to develop a permanent ordinance for long-term implementation of SB 9.

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## GENERAL COMMISSION COMMENTS

## STAFF COMMUNICATION

## ADJOURNMENT

*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: April 8, 2022 (9:00 a.m.)*

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*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](http://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](http://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.*



**CITY OF SAN FERNANDO  
PLANNING AND PRESERVATION COMMISSION**

**DRAFT MINUTES OF THE  
NOVEMBER 8, 2021, MEETING  
CITY HALL VIA ZOOM**

**THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING COMMISSION. VIDEO AND AUDIO OF THE ACTUAL MEETING ARE AVAILABLE AT: <http://ci.san-fernando.ca.us/commissions-boards/#planning-preservation>**

**CALL TO ORDER/ROLL CALL:** Chairperson Fajardo called to order at 6:31 p.m.

**PRESENT:**

Commission: Chairperson Joel Fajardo, Vice-chair Marvin Perez, Commissioners David Bernal, H. Pacheco, and Yvonne Peña

Staff: City Manager Nick Kimball, City Attorney Richard Padilla, Interim Senior Planner Gerardo Marquez, and Community Development Technician Michelle De Santiago

**PLEDGE OF ALLEGIANCE**

Led by Commissioner Pacheco

**APPROVAL OF AGENDA**

Chairperson Fajardo moved to approve the November 8, 2021 agenda. Seconded by Commissioner Peña, the motion carried with the following vote:

AYES:	J. Fajardo, Y. Peña, D. Bernal, H. Pacheco, and M. Perez
NOES:	None
ABSENT:	None
ABSTAIN:	None

**PULIC STATEMENTS**

None

**CONSENT CALENDAR**

No ítems.

**ADMINISTRATIVE REPORTS**

- 1) PRESENTATION AND STUDY SESSION OF THE DRAFT 2021-2029 HOUSING ELEMENT UPDATE TO THE GENERAL PLAN.

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Interim Senior Planner Gerardo Marquez introduced the staff report and Robert Kane from Houseal Lavigne.

Robert Kane from Houseal Lavigne provided a power point presentation outlining the chronicle order of events that has taken place to date and responded to Commissioner's questions.

By consensus, the Planning and Preservation Commission directed staff to consider the following recommendations:

- Identify sites of underutilization access to amenities; and
- Research what other review or assessment fees for infrastructure other than water can be written into policy with regards to future development; and
- Consider on-site parking as a requirement for Accessory Dwelling Units to help alleviate parking demands on public streets.

Additionally the commission expressed concern regarding the timeframe and recommend the possibility of a Special Meeting to consider the final 2021-2029 Housing Element Update to the General Plan.

## **PUBLIC COMMENT**

None

## **STAFF COMMUNICATIONS**

Interim Senior Planner Gerardo Marquez informed the Commission that there are no items in queue and that the December meeting would likely be cancelled.

City Manager Nick Kimball informed the Commission that the City has chosen a candidate for the Director of Community Development and that this candidate is in the process of going through the background check and if all goes well then it would be a couple weeks for the "On-Boarding".

## **COMMISSION COMMENTS**

None

## **ADJOURNMENT**

Chairperson Fajardo Moved to adjourn. Second by Commissioner Bernal.

7:33 P.M.

Planning Commission Secretary



## AGENDA REPORT

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**To:** Chair Fajardo and Commissioners

**From:** Kanika Kith, Director of Community Development  
By: Gerardo Marquez, Associate Planner

**Date:** April 11, 2022

**Subject:** ZTA 2022-001- Zone Text Amendment to establish regulations for Urban Lot Splits and Housing Development in Single-Family Residential (R-1) Zone for Implementation of Senate Bill 9 (SB 9) (Continued from March 14, 2022).

### **RECOMMENDATION:**

It is recommended that the Planning and Preservation Commission continue consideration of Zone Text Amendment 2022-001 to May 9, 2022 to allow staff to develop a permanent ordinance for long-term implementation of 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 1, 2022 SB 9 became effective.
9. 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.
10. 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.
11. 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.
12. 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.
13. On March 14, 2022, the Commission continued.....

**ANALYSIS:**

Senate Bill 9

SB 9 is part of the Senate housing package “Building Opportunities for All” from California State Senators Atkins, Caballero, Skinner, and Wiener. SB 9 created two Government Code sections:

- Section 66441.7 establishes a new land subdivision method that allows a single-family residential zoned property be subdivided into two lots, known as “urban lot splits.”
- Section 65851.21 allows each single-family residential zoned lot to be developed with two single-family homes.



Under SB 9, the subdivision and development of two-residential units per lot must be approved ministerially (i.e. without discretionary review or hearing), if certain conditions are met. SB 9 effectively allows an existing single-family lot to be developed with four residential units with no public hearing or other review other than a staff review for compliance with state codes and objective City standards.

Prior to SB 9, a single-family lot was allowed to contain a primary housing unit, a detached accessory dwelling unit (ADU), and a junior ADU under State ADU law. SB 9 expands the potential density of existing single-family lot from three units to four units. The significant changes under SB 9 is that State law now requires all cities and counties to ministerially approve a second primary residential unit outside of the State ADU law, and it also allows the creation of second lot within the original lot. However, SB 9 does not require local agencies to permit an ADU or JADU in addition to the four units allowed under SB 9.

*Urban Lot Splits under SB 9 (Govt Code Section 66441.7)*

Land subdivision under SB 9 must be approved ministerially if the following conditions are met:

1. The lot is zoned single-family residential.
2. The property is located in an urbanized area or urban cluster as designated by the United States Census Bureau.
3. No more than two new lots of approximately equal size can be created, with one lot being no smaller than 40% of the original lot area.
4. Neither lot is less than 1,200 square feet.
5. The property is not within prime farmland, a wetland, a high or very high fire severity zone, a hazardous waste site, a special flood area or floodway, a delineated earthquake fault zone, a conservation easement, or other conditions listed in Gov't Code Section 65913.4.
6. The subdivision does not require demolition or alteration of affordable housing, local rent-controlled housing, or housing occupied by a tenant in the last three years.
7. The property is not located in "a historic district, or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as city or county landmark or historic property or district pursuant to a city or county ordinance."

If these conditions are met, the proposed subdivision must be approved and requirements for dedication for right-of-way or construction of off-site improvements are not permitted under SB 9. However, local agencies can impose objective standards that do not conflict with the SB 9.

Local agencies cannot impose standards that would physically preclude the construction of two units on either of the resulting lots or would result in a unit size of less than 800 square feet. The local agency can require a four-foot setback from the side and rear lot lines. However, no setbacks can be required for existing structures or for a new structure built at the same location and same dimensions as an existing structure. Local agencies also cannot require correction of non-conforming zoning conditions (e.g., setbacks, height, lot coverage, etc.).

Applicants of urban lot splits must sign an affidavit stating that the applicant intends to occupy one of the housing units as a primary residence for a minimum of three years from the date of the approval of the urban lot splits. No other owner-occupancy requirements may be imposed by local agencies. An agency may limit the use of the lots to residential uses and rental terms may be restricted to a minimum of 30 days.

*Housing Development under SB 9 (Govt Code Section 65852.21)*

Additionally, SB 9 allows developing a second primary unit on the same lot on single-family residential properties. The same conditions and restrictions that apply to urban lot splits under SB 9, described above, also apply to such housing development under SB 9.

Cities may require one parking space per unit if the property is not located within one-half mile walking distance from a high-quality transit corridor or a major transit stop, or not located within one block of a car share vehicle facility. Most residential properties in San Fernando are located within one-half mile from a high-quality transit corridor or major transit stop. Therefore, the City is precluded from requiring an additional parking space in most cases.

A local agency may deny a housing development if the building official makes a written finding based on the preponderance of the evidence that the proposed development would have a specific, adverse impact upon the public health and safety, or physical environment for which there is no feasible method to mitigate or avoid such impact.

**Interim Urgency Ordinance**

Interim Urgency Ordinance No. U-1706, adopted on January 18, 2022, was effective until March 4, 2022 and since then has been extended by City Council to January 19, 2023. The Interim Urgency Ordinance placed a number of regulations to minimize the initial impact of SB 9 while allowing the City to establish permanent regulations to comply with SB 9. The Interim Urgency Ordinance allows the City to impose local regulations to the maximum extent allowed by SB 9, such as limiting the number of housing units to four units, requiring an affordability covenant for at least one unit, and establishing objective design standards.

The regulations established in Interim Urgency Ordinance No. U-1706 were presented to the Commission for discussion on February 14, 2022. The Commission considered the adopted regulations, inclusive of comments made by the City Council during the Agenda Item to adopt

the Interim Ordinance. Commissioners provided feedback and requested staff to prepare proposed revisions and include additional regulations for developing a permanent ordinance to implement SB 9.

At the February 14 meeting, the following regulations were presented to the Commission:

Adopted Regulations	Alternative Regulations	Result
<p><b>Unit Size Limitations:</b></p> <ul style="list-style-type: none"> <li>• 800 sq. ft. max</li> <li>• 14 ft. or 1-story</li> </ul>	<ul style="list-style-type: none"> <li>• Floor Area Ratio (FAR) for the entire lot; and</li> <li>• Allow same height per R-1 Zone (35 feet high)</li> </ul> <p><i>(FAR: Size of building in relation to size of lot.) ex. 5,000 sq. ft. lot with FAR of .5 = 2,500 sq. ft. max building size</i></p>	<p>Would allow larger units based on the size of the lot. This alternative would address the comment from Vice Mayor Pacheco regarding size limitation.</p>
<p><b>Design of Unit:</b></p> <ul style="list-style-type: none"> <li>• Front most unit on a front lot shall have a front door facing the street.</li> <li>• Each unit shall have a separate entrance.</li> <li>• 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.</li> <li>• 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</li> </ul>	<p>No Suggestion</p>	<p>Keeping these design standards will ensure that new units will be minimally visible to the street and maintain the character of single-family residential neighborhood.</p>

**ZTA 2022-001 Establishing Regulations for Urban Lot Splits and Housing Development in Single-Family Residential (R-1) Zone for Implementation of Senate Bill 9 (SB 9)**

Adopted Regulations	Alternative Regulations	Result
materials, lighting fixtures, and paint colors.		
<p><b>Setbacks:</b></p> <ul style="list-style-type: none"> <li>• Side and rear setbacks shall be four foot</li> <li>• Front setback for front lot shall be the setback established in the Zoning Code for R-1 zoned parcels</li> <li>• Front setback for rear lot shall be 10 feet. Front lot line shall be the lot line closest to and parallel to primary street</li> <li>• Existing structures shall not have to modify its setbacks</li> </ul>	No Suggestion	Side and rear yard setbacks cannot be more than 4 feet as they are dedicated by SB 9.
<p><b>Width of Building:</b></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>	The front most unit constructed on a site with street frontage shall provide a minimum 5 foot setback on one side or 10% of lot width, and a 10 foot wide driveway easement for the rear lot when applicable.	This will maintain the existing single-family characteristic as well as providing adequate emergency and vehicle access to the rear lot
<p><b>Open Space:</b></p> <p>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.</p>	No Suggestion	This will create a private open space for each unit.
<p><b>Building Separation:</b></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. The</p>	Require for a 10 foot setback between structures to allow for additional open space.	Create larger open space for each lot

Adopted Regulations	Alternative Regulations	Result
<p>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.</p>		
<p><b>No Flag Lots</b></p>	<ol style="list-style-type: none"> <li>1. Allow Flag Lot and identify the property line abutting the street as the front yard line; or</li> <li>2. Allow Flag Lot and identify the property line abutting the front lot as the front yard line.</li> </ol>	<p>Alternative 1 would allow the units in the back lot to be built at 4 feet front the front lot because the lot line abutting the front lot would be considered a side yard, not a front yard lot line.</p> <p>Alternative 2 would create a 10-foot front yard setback area between the front lot and the units in the back.</p>

**Additional Regulations from other Entities to Consider**

Staff reached out to other agencies to research additional development standards in relation to SB 9 (Attachment “B”). Other agencies implemented similar regulations that the City of San Fernando adopted through the Urgency Ordinance such as:

- No short term rentals
- Owner occupancy and income restrictive covenants
- Maximum 800 square feet units resulting from development through SB 9
- Architectural consistency with existing dwelling units

**Alternative Regulations that the commission could consider that other entities have adopted:**

- Dwellings must satisfy LEED (Leadership in Energy and Environmental Design) at Platinum Level (allowing flexibility to owners/designers but still minimizing environmental impacts)
- Easement agreement shall be provided with each public-service provider and recorded on the TPM, for horizontally-split lots where the second lot does not abut a public right-of-way or alley

- Mature trees must not be removed; certain removal of other trees are allowed with replacement
- Landscape architect-stamped plans with drought tolerant plans required
- Trash cart storage area required for each dwelling unit, including ADUs, not visible from public street
- No rooftop decks permitted on new or remodeled structure
- Condominium airspace divisions and common interest developments are not permitted
- Only individual property owner or trust may apply for projects

Once the commission considers additional regulations for adoption, staff will bring back a revised ordinance that includes the comments from the Commission for consideration and recommendation to City Council at a future meeting.

**CONCLUSION:**

Staff recommends that the Planning and Preservation Commission

1. Provide direction to staff for establishing a permanent ordinance for long-term implementation of SB 9; and
2. Continue consideration of Zone Text Amendment 2022-001 to May 9, 2022 to allow staff to develop a permanent ordinance for long-term implementation of SB 9.

**ATTACHMENTS:**

- A. Adopted Urgency Ordinance
- B. Local Government Restrictions in Response to SB 9

**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.

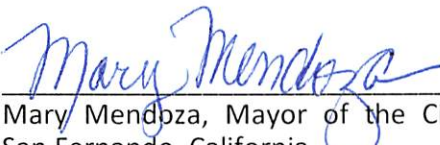
**SECTION 8. Savings Clause.**

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.

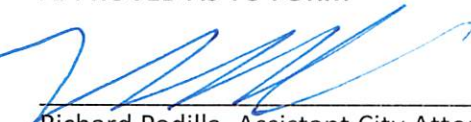
**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando at a regular meeting on this 18<sup>th</sup> day of January 2022.

  
\_\_\_\_\_  
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 18<sup>th</sup> 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



Local government restrictions in response to Senate Bill 9 (SB 9)

The table below provides an overview of local government provisions that were recommended by staff and/or adopted in the form of an urgency ordinance or zone text amendment to mitigate the impacts of SB 9.

Type of Restriction				
City	DEED-RESTRICTIONS	OBJECTIVE DEVELOPMENT STANDARDS: BUILDING (STRUCTURAL & ARCHITECTURAL)	OBJECTIVE DEVELOPMENT STANDARDS: LOT & LANDSCAPING	OTHER
<b>Alhambra</b>	<ul style="list-style-type: none"> <li>requires income-restricted units (minimum 30 years)</li> <li>no rental of any dwelling on the property for less than 30 days (i.e., no vacation rentals)</li> <li>no new ADUs or JADUs on any lot resulting from urban lot splits</li> </ul>	<ul style="list-style-type: none"> <li>dwellings must satisfy LEED (Leadership in Energy and Environmental Design) at Platinum Level (<i>allowing flexibility to owners/designers but still minimizing environmental impacts</i>)</li> <li>new dwellings limited to 800 SF</li> <li>limited to one-story at 18-ft. maximum; two-stories and 25-ft. maximum are allowed if at least one abutting property contains an existing two-story building</li> </ul>	<ul style="list-style-type: none"> <li>easement agreement shall be provided with each public-service provider and recorded on the TPM, for horizontally-split lots where the second lot does not abut a public right-of-way or alley</li> <li>flag lots prohibited</li> <li>setbacks: no less than four feet from a side or rear property line</li> <li>mature trees must not be removed; certain removal of other trees are allowed with replacement</li> <li>Private open space: minimum 200 SF required on ground-level, for all units (new or existing)</li> </ul>	
<b>Buena Park</b>	<ul style="list-style-type: none"> <li>requires income-restricted units</li> </ul>	require Tier 1 or Tier 2 CalGreen Code standards		
<b>Goleta</b>	<ul style="list-style-type: none"> <li>requires income-restricted units</li> <li>dwellings are subject to rent control</li> <li>no rental of any dwelling on the property for less than 30 days (i.e., no vacation rentals)</li> <li>non-residential uses prohibited</li> <li>separate conveyance of units on a resulting lot is prohibited</li> </ul>	<ul style="list-style-type: none"> <li>new dwellings limited to 800 SF</li> <li>principal dwellings established before SB 9: if larger than 800 SF may not be expanded; if smaller than 800 SF, may be expanded to 800 SF</li> <li>properties larger than 2000 SF: no new principal dwelling unit may exceed a single story or 16-ft in height</li> <li>properties smaller than 2000 SF: any portion of a new principal dwelling that exceeds one story must be stepped back by an additional four feet from the ground floor; no balcony or deck or other portion of the second story may project into the setback</li> <li>dwellings must match each other in exterior materials, color, and dominant roof pitch</li> <li>no window or door of a dwelling that is constructed on the lot after the urban lot split may have a direct line of sight to an adjoining residential property.</li> </ul>	<ul style="list-style-type: none"> <li>easement agreement shall be provided with each public-service provider and recorded on the TPM</li> <li>at least one 15-gallon size plant shall be provided for every five linear feet of exterior wall, OR at least one 24-inch box size plant shall be provided for every 10 linear feet of exterior wall</li> <li>new landscaping must use water-efficient species only</li> <li>setbacks: no less than four feet from a side or rear property line</li> </ul>	<p>SEPARATE CONVEYANCE:</p> <ul style="list-style-type: none"> <li>units on a lot resulting from an urban lot split may not be owned or conveyed separately from each other</li> <li>condominium airspace divisions and common interest developments are not permitted</li> <li>All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners</li> </ul> <p>OTHER:</p> <ul style="list-style-type: none"> <li>only individual property owner or trust may apply for projects</li> <li>onsite wastewater treatment systems are not allowed</li> <li>each principal dwelling unit must have its own direct utility connection to all utility service providers</li> </ul>
<b>Lakewood</b>	<ul style="list-style-type: none"> <li>owner-occupancy restriction for a minimum of 3 years</li> <li>non-residential uses prohibited</li> <li>no rental of any dwelling on the property for less than 30 days (i.e., no vacation rentals)</li> <li>no new ADUs or JADUs on any lot resulting from urban lot splits</li> </ul>	<ul style="list-style-type: none"> <li>covered entry doors and front porch areas required; porch should be at least 5'x5' but 5'x10' is recommended</li> <li>architectural consistency: dwellings must match each other in exterior materials, color, and dominant roof pitch</li> <li>minimum architectural articulation shall require either siding, wainscot, and/or a trim package</li> <li>all new dwelling units shall have laundry hookups (<i>hot and cold water faucets, dryer vent, water outflow pipe, electrical outlets sized for chosen appliances and a gas outlet if gas appliances are chosen</i>)</li> <li>first-floor design of a new or remodeled unit shall incorporate features to assist mobility-challenged and elderly in hallways, bedrooms, and bathrooms (<i>i.e., minimum clearances for doorways and hallways, fixtures, etc.</i>)</li> </ul>	<ul style="list-style-type: none"> <li>easement agreement shall be provided with each public-service provider and recorded on the TPM, for horizontally-split lots where the second lot does not abut a public right-of-way or alley</li> <li>all landscaping that was disturbed during construction shall be replaced and/or revitalized</li> <li>new landscaping should be water-efficient</li> <li>minimum three-foot wide continuously paved flat surfaced pathway required from public sidewalk to front door of each dwelling</li> <li>trash cart storage area required for each dwelling unit, including ADUs, not visible from public street</li> </ul>	<ul style="list-style-type: none"> <li>mailboxes shall be co-located for all units in one location</li> <li>location of a properly permitted and vented (tankless or tank-type) water heater for each dwelling shall be indicated on site plan of project,</li> <li>no exposed plumbing or conduits allowed</li> <li>air conditioner condensers shall be located a minimum five feet (5') from any adjacent property line; noise level shall not exceed 65 dB at any property line</li> <li>more restrictions for roof-mounted mechanical equipment, or such equipment in a front yard setback</li> </ul>
<b>Lancaster</b>	<ul style="list-style-type: none"> <li>owner-occupancy restriction for a minimum of 3 years</li> </ul>	<ul style="list-style-type: none"> <li>dwellings are restricted to 22-ft height</li> <li>dwellings must match each other in exterior materials, color, and dominant roof pitch</li> <li>no rooftop decks permitted on new or remodeled structure</li> <li>no window or door of a dwelling that is constructed on the lot after the urban lot split may have a direct line of sight to an adjoining residential property.</li> <li>all exterior lighting limited to down-lights</li> </ul>	<ul style="list-style-type: none"> <li>50% lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each</li> <li>landscape architect-stamped plans with drought tolerant plans required</li> <li>landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights-of-way)</li> <li>setbacks: no less than four feet from a side or rear property line</li> </ul>	<p>SEPARATE CONVEYANCE:</p> <ul style="list-style-type: none"> <li>units on a lot resulting from an urban lot split may not be owned or conveyed separately from each other</li> <li>condominium airspace divisions and common interest developments are not permitted</li> </ul> <p>OTHER:</p> <ul style="list-style-type: none"> <li>notice of construction to be provided at least 30 days before starting any construction, written notice to all adjacent residential parcels</li> </ul>
<b>Santa Clarita</b>	<ul style="list-style-type: none"> <li>requires income-restricted units</li> </ul>	<ul style="list-style-type: none"> <li>new dwellings limited to 800 SF</li> <li>one-story limited to 16-ft. OR height of existing building (whichever is more restrictive)</li> <li>second story is only allowed if the one-story height limit precludes an 800 SF unit)</li> </ul>	<ul style="list-style-type: none"> <li>Private Outdoor Space: minimum 650SF (not including front yard setbacks, buildings, driveways or parking spaces)</li> <li>Oak tree preservation required</li> <li>setbacks: no less than four feet from a side or rear property line</li> </ul>	<ul style="list-style-type: none"> <li>percolation test completed within last 5 years is required if on-site wastewater treatment exists on the property</li> <li>each unit required to provide space for three, 90-gallon trash carts (out of public view and not in the front yard setback)</li> </ul>