

AN ADJOURNED MEETING
CITY OF LA VERNE
CITY COUNCIL AGENDA

Tim Hepburn, Mayor
Muir Davis, Mayor Pro Tem
Robin Carder, Council Member
Rick Crosby, Council Member
Wendy M. Lau, Council Member



www.cityoflaverne.org
(909) 596-8726 - Phone
(909) 596-8740 - Fax
City Hall Council Chamber
3660 D Street
La Verne, CA 91750

Monday, March 07, 2022 - 5:00 p.m.
La Verne City Hall - Council Chambers
3660 D Street, La Verne, CA 91750

In compliance with the American Disabilities Act, any person with a disability who requires a modification or accommodation in order to participate in a meeting should contact the City Clerk's Office at (909) 596-8726 at least 48 hours prior to the meeting. Regular Meetings are held on the 1st and 3rd Monday of every month.

The meeting will be opened to the public. In an effort to keep a safe environment and to minimize the spread of the COVID-19 Virus, the City will be limiting occupancy and requiring masking for all that will be in attendance. To facilitate public participation for those who do not wish to attend in person, the meeting will still be made available virtually to residents. Below are the following opportunities on how to participate:

- 1) View the meeting through the City's website at www.cityoflaverne.org and click on the green "Council Meeting Live Stream" button.
- 2) Individuals can email their comments to the Assistant City Clerk at cityclerk@cityoflaverne.org up to noon on the day of the meeting. Those comments will be shared with City Council in advance of the City Council meeting and included as part of the permanent record. **Please be advised that public comments submitted by emails or any other format to the City are public records that will be made available for public viewing.**
- 3) Individuals who wish to share their comments directly during the meeting may do so by emailing the Assistant City Clerk at cityclerk@cityoflaverne.org with their phone number and the item(s) they wish to speak on. Requests will be accepted before and throughout the meeting and staff will call you back at the appropriate time. Once items are considered by the City Council, no further public comment on that matter will be accepted. A time limit of 3-minutes is set for all public comments.
- 4) If you wish to participate via Zoom, you will need to register at https://us02web.zoom.us/webinar/register/WN_i67SLBNUTPOgukWodJt-vA before 5:00 p.m. on Monday, March 7, 2022, and please be aware that space is limited. You will have the ability to watch the meeting in real time and raise your hand to request to comment as appropriate on the current agenda item(s). Once it is your turn to speak, you will be brought into the meeting and have the ability to turn your video on when called upon.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL:** Council Member Lau, Council Member Crosby, Council Member Carder, Mayor Pro Tem Davis and Mayor Hepburn.

4. **The City Council will meet with Staff to Review for a City Council Study Session on SB 9**
- Staff will present an overview of Senate Bill 9, which went into effect on January 1, 2022, which allows for additional residential development on single-family zoned properties throughout the State. Staff will seek direction from the City Council on certain aspects so that a draft ordinance can be brought back before the Planning Commission and City Council in future public hearings.

5. **PUBLIC COMMENTS/ORAL COMMUNICATIONS** - This is the time set aside for anyone wishing to address the City Council on items not listed in any other place on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from talking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. Please email your public comment to the Assistant City Clerk at cityclerk@cityoflaverne.org. Your public comment will be shared with the City Council and included as part of the permanent record. If you wish to speak, email your phone number and staff will call you back. There is a 3-minute time limit on public comments.

6. **Adjournment.**

***The Next Regular Meeting of the La Verne City Council
is scheduled for Monday, March 7, 2022, at 6:30 p.m.***

ADVISORY STAFF

____ Robert Russi, City Manager
____ JR Ranells, Assistant to the City Manager
____ Robert Kress, City Attorney
____ Lupe Gaeta Estrella, Assistant City Clerk
____ Shawn Igoe, Public Works Director
____ Eric Scherer, Director of Community Development
____ Marla Pendleton, Finance Director
____ Colleen Flores, Police Chief
____ Christopher Nigg, Fire Chief
____ Yvonne Duran, Community Services Manager
____ Cody Howing, City Engineer

Posting Statement: On March 1, 2022, a true and correct copy of this Agenda was posted on the bulletin board at La Verne City Hall, 3660 D Street, La Verne, and on the City's website at cityoflaverne.org.

CITY COUNCIL STUDY SESSION SENATE BILL 9 (SB 9)

March 7, 2022

SB 9 INTRODUCTION & OVERVIEW

REQUIREMENTS AND LIMITATIONS

- ▶ Dwelling Unit and Parcel Creation
- ▶ Sample Application of Objective Standards

WHY ARE WE NOT DISCUSSING SENATE BILL 10 TONIGHT?

- ▶ Cities are NOT REQUIRED to utilize SB 10 to rezone around transit stations, SB 10 only ALLOWS them to do so.

SB 9 INTRODUCTION & OVERVIEW

ADDS TWO SECTIONS TO THE STATE GOVERNMENT CODE RELATED TO RESIDENTIAL HOUSING DEVELOPMENT:

- ▶ Ministerial approval of two (2) units on a single family lot
- ▶ Ministerial approval of Urban Lot Splits

Signed into law on September 16, 2021

Effective January 1, 2022

Applies to City even if no ordinance is adopted

BENEFITS OF A CITY SB 9 ORDINANCE

- ▶ Protects and preserves the character and nature of City's residential communities to the extent feasible
- ▶ Preserves the City's ability to enforce objective design standards:
 - ▶ Establish regulations that are both compliant with State law and allows the City to enforce standards that are not pre-empted
- ▶ Provides clarity to those who choose to initiate SB 9 projects
- ▶ Ensures consistency in processing proposed SB 9 projects

SB 9 PERMITTED EXCLUSIONS

DOES NOT APPLY TO LAND IN CERTAIN AREAS, MOST OF WHICH ARE NOT APPLICABLE TO LA VERNE. APPLICABLE CATEGORIES INCLUDE:

- ▶ ~~Areas within very high fire hazard severity zones~~ - Building Code
- ▶ ~~Areas within earthquake fault zone~~ - Building Code
- ▶ ~~Special flood hazard areas~~ - No areas in La Verne
- ▶ ~~Regulatory floodway~~ - None in La Verne
- ▶ Lands identified for conservation in a protection plan, a habitat for protected species, or lands under conservation easement - Open Space Properties
- ▶ ~~Parcel is not within a historic district, on the State Historic Resources Inventory, and is not designated as a city landmark or historic property pursuant to city ordinance~~ - Mills Act Properties (approx. 25)

SB 9 PERMITTED EXCLUSIONS

Prohibits demolition or alteration to existing residential structures that:

- ▶ Restrict rents to affordable income levels
- ▶ Are subject to rent control
- ▶ Have been occupied by a renter in last 3 years

SB 9 – TWO-UNIT DEVELOPMENT KEY PROVISIONS

- ▶ Allows up to two (2) new units, or the addition of one new unit to a lot with an existing unit in single family residential zones
- ▶ Allows City to impose objective standards, provided that two residential units of at least 800 square feet can fit on the lot
- ▶ ADUs and JADUs must still be allowed where there is no lot split. This would most often result in three (3) units on the original parcel
- ▶ Establishes maximum side and rear lot standards of four (4) feet
- ▶ Sets maximum of one off-street parking space required per unit – with certain exemptions
- ▶ Prohibits short-term rentals of units

SB 9 - URBAN LOT SPLIT KEY PROVISIONS

Parcels in single family residential zones may be subdivided into two (2) parcels:

- ▶ No parcel can be smaller than 40% of the original
- ▶ Both new parcels must be at least 1,200 sq. feet
- ▶ A maximum of two (2) SB 9 dwellings on each new lot. ADUs need not be approved when utilizing lot split provisions (total of 4, not 6 units)
- ▶ Applicant must sign affidavit of intent to occupy one unit for 3 years after date of map approval - no other owner-occupancy requirements allowed
- ▶ Neither owner of parcel being subdivided, nor any person acting in concert with owner, may have previously subdivided an adjacent parcel using SB 9

SB 9 LOT SPLIT EXAMPLE



SB 9 - URBAN LOT SPLIT KEY PROVISIONS

- ▶ No splitting parcels that have previously been split
- ▶ Parcels must have access to or adjoin a public right-of-way
- ▶ City cannot require dedications of rights-of-way, nor the construction of offsite improvements
- ▶ City can require easements for provision of public services and facilities

SB 9 - DENIALS

- ▶ Cannot deny adjacent or connected structures if they meet building code standards, and are sufficiently allow separate conveyance
- ▶ Lot split cannot be denied or conditioned on correction of non-conforming zoning conditions
- ▶ May deny lot split or two-units on a lot if the building official makes a written finding based on the preponderance of the evidence that the project would have a specific, adverse impact on public health and safety or physical environment and no way to mitigate or avoid the impact

CITY MAY IMPOSE OBJECTIVE STANDARDS

(MUST APPROVE TWO UNITS OF 800 SF EACH REGARDLESS)

- ▶ May allow demolition of more than 25% of existing home
- ▶ Height limit
- ▶ Size limit (at least 800 SF)
- ▶ Front yard setback
- ▶ Building separation
- ▶ Lot coverage
- ▶ Street frontage requirement for each lot (min. 10' directly abutting a public right-of-way)
- ▶ Open space requirements
- ▶ Objective design standards
- ▶ Prioritize which standards get waived to allow 800 SF units

CITY MAY IMPOSE OBJECTIVE STANDARDS (MUST APPROVE TWO UNITS OF 800 SF EACH REGARDLESS)

Prioritized Standards (Importance: Low - High)

1. Minimum 10' Lot Frontage to Street or Alleyway
2. Maximum Driveway Requirement
3. Building Separation Requirement
4. Open Space Requirement
5. Lot Coverage Requirement
6. Building Height
7. Front Yard Setback

Comparison Chart
Sample Senate Bill 9 Standards – Current La Verne ADU Standards
(Per Lot)

Standard	Senate Bill 9	Current ADU
Location	Behind the rear building line, unless converting a legal structure	Behind the rear building line, unless converting a legal structure
Height	30' maximum (two-story)	30' maximum (two-story)
Number & Size	Two units; Minimum 800 square feet, or three if ADU is proposed. Potential for city to impose maximum size.	Two or three (with a JADU)
Setbacks	Front yard: As required by zone Side & Rear: 4' N/A if legal structure conversion	Side & Rear: 4' N/A if legal accessory structure conversion
Building Separation	Cannot prohibit adjacent or connected structures meeting building code and separate conveyance requirements	Minimum 10' separation from other buildings on property

Comparison Chart
Sample Senate Bill 9 Standards – Current La Verne ADU Standards
(Per Lot)

Standard	Senate Bill 9	Current ADU (Jan. 2020)
Lot Coverage	35% maximum	Underlying zone controls
Open Space/Outdoor Living	400 square feet per unit	400 square feet; Minimum 15' in any direction, must be landscaped (not parking, driveway, required rear yard, etc.)
Parking	One space per unit; Except within ½ mile of high quality transit, or within one block from car share vehicle	One space per ADU; Except mandatory approval, garage conversion, existing living space conversion, within ½ mile of transit, within one block of car share vehicle, where on-street parking is required but not offered to ADU
Design	Would apply same objective standards as ADU	Architectural elements/embellishments, colors, materials, windows, doors, and trim <u>must match</u> the primary unit

NEXT STEPS

- ▶ Staff to receive direction from the Council on the level of objective standards to include in the ordinance
- ▶ Staff will draft the ordinance
- ▶ Public hearing before the Planning Commission for recommendation to the Council
- ▶ Public hearing before the Council for adoption

QUESTIONS?