



Agenda Item

City Council

Item #: 8.5.

11/15/2022

File #: 22-0600

TO: Honorable Mayor and Members of the City Council

FROM: Gary A. Sheatz, City Attorney

1. SUBJECT

Public Hearing to receive and file report summarizing measures taken to evaluate impacts addressed by interim Ordinance No. 18-21; and to consider adoption of second extension of interim Ordinance No. 18-21 and finding of CEQA exemption.

2. SUMMARY

Government Code Section 65858(d) requires a written report describing the measures taken to alleviate the condition or conditions leading to adoption of interim Ordinance No. 18-21 prior to its extension. The extension of the Ordinance would continue to impose ministerial development standards on lot splits and construction of second dwelling units in R1 zones, and revise definitions related thereto for an additional year, unless permanent regulations are adopted prior to that time.

3. RECOMMENDED ACTION

1. Receive and file report of measures taken.
2. Adopt Ordinance No. 18-21-B. Second extension of an interim Ordinance of the City Council of the City of Orange amending Title 16 (Subdivisions) and Title 17 (Zoning) of the Orange Municipal Code by enacting ministerial standards applicable to lot splits in single-family residential zones allowed as a result of SB 9, enacting ministerial standards applicable to the location, access, size and setback of second dwelling units in single-family residential zones allowed as a result of SB 9, and revising definitions to clarify said development standards.

4. FISCAL IMPACT

None.

5. STRATEGIC PLAN GOALS

Goal 1: Provide for a Safe Community

- d: Assure the development of the City occurs in a fashion that maximizes public safety.

Goal 3: Enhance and Promote Quality of Life in the Community

- c. Support and enhance attractive, diverse living environments.

6. DISCUSSION AND BACKGROUND

In September 2021, Governor Newsom signed into law SB 9, which became effective on January 1, 2022. SB 9 requires the City to approve, as a ministerial action and without discretionary review, certain lot splits in single-family residential (R1) zones, and also requires the City to approve, also as a ministerial action and without discretionary review, certain applications to add a second dwelling

unit on a single-family lot.

Interim Ordinance No. 18-21 set into place allowable development standards permitted by SB 9 in an attempt to establish preliminary standards on the expected SB 9 development applications. The negative impacts from the unregulated splitting of R1 single-family lots and addition of a second dwelling unit on a single-family lot could quadruple the density of those zones, creating incompatibility with the City's current single-family neighborhood development standards for those zones, among other City resource concerns. If unregulated, the increase in density and development of additional dwellings on single-family lots would cause numerous deleterious effects on the City's infrastructure as well as the families residing therein, including parking and traffic problems, overuse of existing utility systems, loss of privacy, application of development standards not designed for higher density housing, fire, police and other public safety concerns, all of which effects constitute a public nuisance to the community.

On December 14, 2021, the City Council adopted interim Ordinance No. 18-21, which addressed the immediate threat to the public health, safety and welfare caused by the ability to split R1 lots and add second units to R1 lots. It provided procedures for evaluating applications for lot splits and additional residential units, established objective development standards for lot splits and additional residential units, and revised definitions relating thereto. That Ordinance was valid for 45 days. On January 11, 2022, the City Council extended interim Ordinance No. 18-21 for an additional ten and a half months, until December 13, 2022.

California Government Code Section 65858(a) permits the interim Ordinance to be extended for one additional year in order to give the City sufficient time to evaluate the impacts of SB 9 and develop enforceable standards for its application. Staff's review of the potential impacts of SB 9 is on-going and includes evaluation of the impacts of additional new state legislation reducing parking requirements for housing proposals and otherwise limiting the City's ability to regulate housing proposals. Additional time for research and empirical study is needed. As such, staff is recommending adoption of the second extension of interim Ordinance No. 18-21, to remain in effect until December 13, 2023.

7. ATTACHMENTS

- Ordinance No. 18-21-B