

ORDINANCE NO. 2021-7

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING ARTICLE IX OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO STATE MANDATED RESIDENTIAL DENSIFICATION STANDARDS AND REGULATIONS THAT REQUIRE MINISTERIAL REVIEW OF LAND DIVISIONS AND ALLOW ADDITIONAL DWELLING UNITS IN THE R-1 AND R-A SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS

WHEREAS, on September 16, 2021, California Governor Gavin Newsom signed into law Senate Bill 9 Chapter 162 (SB 9) as approved by the state legislature, relating to the mandatory allowance for a property owner to create up to two residential units per single family residential lot in most urban city areas of the state and which mandates that local agencies shall ministerially approve such housing development and ministerially approve a one-time lot split for most single family residential urban city lots as they exist on January 1, 2022, and which in turn may allow up to four individual dwelling units to be constructed on a lot zoned as single family residential; and

WHEREAS, SB 9 will significantly impact and reduce local controls over residential design, division of land and the number of housing units allowed on lots in the Lakewood R-1 and R-A Zoning Districts and remove the discretionary review and public meetings of the Development Review Board regarding single family residential (SFR) development, and

WHEREAS, SB 9 does allow local agencies to create and impose objective development standards for subdivision of SFR lots and for the design of SFR dwelling units as requirements for approval of such ministerial reviews of SFR residential development and SFR urban lot splits; and

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

SECTION 1. The City Council hereby finds and determines that each of the findings set forth above is true and correct.

SECTION 2. INTENT. It is the intent of the City Council to implement the new state law SB 9, which mandates that local jurisdictions such as the City of Lakewood allow the development of second dwelling units on single family residential lots and parcels and allow the one-time subdivision of any such SFR lot in existence on January 1, 2022. The intent of this ordinance is to maintain where possible local control of standards to assure architectural compatibility and consistency of site design, building design, material selection, accessibility, and landscaping of dwelling units in the R-1 and R-A zoning districts.

Article IX of the Lakewood Municipal Code is hereby amended as provided in this ordinance to revise and create standards and regulations consistent with SB 9 and to grant the authority to the Community Development Director to create objective standards and procedures within an Administrative Manual for Residential Development (“Administrative Manual”) to preserve as much as possible the quality and character of Lakewood’s residential neighborhoods.

SECTION 3. PURPOSE. The purpose of this ordinance is to properly implement the 2021 state legislative session Senate Bill 9 (SB 9), that will become effective on January 1, 2022. This concerns the ministerial approval of both second dwelling units and one-time lot splits of most urban single-family residential (SFR) lots in California.

The provisions contained in this ordinance, in the Administrative Manual for Residential Development, and in SB 9 shall all supersede any conflicting provisions located elsewhere in the Lakewood Municipal Code and the City shall comply fully with SB 9 and any amended provisions, as those regulations may be amended from time to time.

SECTION 4. Section 9320 A. 1 of Chapter 3 of Article IX of the Lakewood Municipal Code, regarding R-1 (Single-Family Residential) Zone Regulations is hereby amended to read as follows:

9320. USES PERMITTED:

A. One or two single-family dwelling units of a permanent character placed in permanent locations, including the following accessory uses and buildings:

- 1. Accessory Dwelling Unit (ADU) as provided in Section 9302.21a and/or a Junior Accessory Dwelling Unit (JADU) as provided in Section 9302.21b. Neither an ADU nor a JADU is allowed to be constructed on an R-1 lot that has two dwelling units and that was created by a parcel map or other land division procedure that occurred on or after January 1, 2022.

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SECTION 5. Section 9326 A.1 of Article IX of the Lakewood Municipal Code, regarding R-A (Single-Family Residential – Limited Agricultural) Zone is hereby amended to read as follows:

9326. USES PERMITTED:

A. One or two single-family dwelling units of a permanent character placed in permanent locations, including the following accessory uses and buildings:

- 1. Accessory Dwelling Unit (ADU) as provided in Section 9302.21a and/or a Junior Accessory Dwelling Unit (JADU) as provided in Section 9302.21b. Neither an ADU nor a JADU is allowed to be constructed on an R-A lot that has two dwelling units and that was created by a parcel map or other land division procedure that occurred on or after January 1, 2022.

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SECTION 6. Part 18 and Section 9480 of Chapter 3 of Article IX of the Lakewood Municipal Code, regarding the Development Review Board and Ministerial Staff Review is hereby amended to read as follows:

DEVELOPMENT REVIEW BOARD AND MINISTERIAL STAFF REVIEW

9480. PURPOSES. It is the purpose of this Part to promote the orderly and economic development of the City in accordance with the mandates of Federal laws, State laws, including Senate Bill 9 of 2021 (SB 9), the Lakewood General Plan, the Lakewood Municipal Code, including zoning and building regulations and other applicable City regulations and any Lakewood adopted Precise or Specific Plans and any amendments thereof. Except as modified herein where allowed by the provisions of SB 9, all such provisions, as they may be amended from time to time, are hereby incorporated by reference herein, and shall supersede any conflicting provisions contained elsewhere in this Code.

The City Council finds that the provision of architectural, landscaping and planning advice and the creation of objective design standards for state-mandated ministerial reviews will assist property owners and tenants in the alteration and remodeling of their structures, with modernization, accessibility and beautification of their homes, businesses, additional dwelling units and other structures in the city, including residential, multiple-family, commercial, institutional, and industrial uses. This service will help create a better sense of community identity, encourage pride in beautifying Lakewood and assist in creating a better more harmonious and accessible place in which to live. Further, the City Council finds that the erection, construction, alteration, expansion, or relocation of buildings, structures, and appurtenances without the benefit of development review through the Development Review Board or through a Ministerial Staff Review implementing objective design standards can adversely affect the development, use, occupancy, health, safety, and welfare of surrounding areas for residential, commercial, institutional or industrial uses or purposes and affect the health, safety, comfort, and general welfare of the inhabitants of Lakewood.

It is the purpose of this Part to maintain and enhance a pleasing urban environment with residential, commercial, institutional, and industrial properties; promote public convenience and prosperity; conserve the value of land and buildings, maintain enhance the commercial tax base of the City and encourage the most appropriate use of land within the City. The Development Review Board ("Board") shall review proposed developments other than single-family residential projects to assure compliance with the General Plan, the zoning code, the building codes, and other applicable regulations of the City and State. The ministerial staff review shall review projects on single-family residential lots and other projects as determined by the Community Development Director.

Both these reviews shall include applicable consideration of those regulations pertaining to location, building setback lines, lot coverage, maximum height, bulk, number of stories, size and use of lots, yards, courts, open space, storm water storage, intensity and density of land uses, signs, billboards, illumination, overall site and building accessibility (including first floor residential

bathrooms and bedrooms) and off-street parking. This includes regulations pertaining to the use and operation of uses within such buildings and structures and the external impacts of those uses.

The Development Review Board action on projects requiring a discretionary decision by either the Lakewood City Council or the Lakewood Planning and Environment Commission shall be advisory only and not be subject to appeal.

SECTION 7. Section 9482 of Article IX of the Lakewood Municipal Code, regarding the Development Review Board and Ministerial Staff Review Building Permits is hereby amended to read as follows:

9482. PLANNING REVIEW. No person shall construct any dwelling unit, building or structure, nor shall any permit be issued for any dwelling unit, building or structure or alteration or expansion or relocation of any dwelling unit, building or structure until it has been reviewed and approved by the Development Review Board (DRB) (Board) or by the Director of Community Development (Director) through a Ministerial Staff Review (MSR), as deemed appropriate and in compliance with current state law and this Code. In the case of any projects in the R-1 and R-A zones any proposed land division or any proposed development of dwelling units, including Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU), these all shall be subject to a ministerial staff design review and shall comply with the development/design standards and procedures as detailed in the Administrative Manual for Residential Development and other applicable provisions of this Code and state law, as each are amended from time to time. These reviews shall assure both pedestrian and vehicular access, acceptable street-viewable aesthetics, landscaping and consistent architectural compatibility between all dwelling units and other structures on a lot.

A. An Administrative Manual for Residential Development (“Administrative Manual”) shall be adopted by City Council resolution to establish objective ministerial development and residential design standards for residential land divisions and dwelling unit development in the R-1 and R-A zones. The Administrative Manual sets forth standards for the application, acceptance, design, review, development, operation, and notification of project action and to identify any associated appeal rights associated with the approval or denial of such development projects. Proposed land divisions and proposed housing developments on R-1 and R-A zoned lots or parcels, existing on January 1, 2022, shall conform to the standards and procedures established in the Administrative Manual. The standards contained in the Administrative Manual shall supersede and shall prevail in the event of any conflict with standards as currently adopted in the Lakewood Municipal Code (LMC).

B. The Community Development Director (“Director”) is hereby directed and granted the authority to develop, update, modify, interpret, and implement the standards and procedures contained in this Administrative Manual. This shall be done to properly process residential land division and housing development projects, including application materials, forms, public information handouts and response to any modifications made to application of these provisions by new state laws. Any substantive changes to development standards shall be reviewed and approved by the City Council.

C. This Administrative Manual shall contain objective standards that comply with current state law, and consider local regulations, previous conditions of approval used for approval of residential development by the DRB and ministerial development standards for ADUs/JADUs. All lots zoned either R-1 or R-A in the City of Lakewood are subject to SB 9 and the provisions of this Administrative Manual. The Administrative Manual shall contain objective design requirements for the following:

1. Site Plan Design shall include objective standards, where applicable, for:
 - (a) Lot area, lot area per dwelling unit, lot coverage, floor area ratio, building height limitations, and maximum unit size.
 - (b) Setbacks for front yard, side yard, side street yard and rear yard.
 - (c) Open space area requirements and calculations.
 - (d) Dwelling unit addressing and mailbox location.
 - (e) Lot area surfaces: landscape, ground cover, and hardscape.
 - (f) Pedestrian access from a public sidewalk to each dwelling unit.
 - (g) Trash cart storage area for each dwelling not visible from the public street.
 - (h) Covered entry doors and front porch areas.
 - (i) Off-street parking and driveways.
 - (j) Conversion of accessory structures into dwelling units.
2. Floor Plan Design shall include objective standards for:
 - (a) Minimum requirements for each residential dwelling unit to include accommodations for food preparation and storage, dining, living, sleeping, laundry, personal sanitation (sink, toilet, showering or bathing), and accessibility features.
 - (b) New or remodel construction that include first floor bathrooms and bedrooms shall have one first floor bedroom and one bathroom with accessible accommodations for the elderly and those with mobility challenges.
3. Elevation Plan Design shall include objective standards for:
 - (a) Architectural consistency between all structures on a lot in terms of style, color, texture, material, and treatments.
 - (b) Minimum architectural articulation shall require either siding, wainscot, and/or a trim package.
4. Roof Plan Design shall include objective standards for:
 - (a) All dwelling units on a lot shall have matching roofing styles, material, texture, color, and pitch.
 - (b) Rear covered patios, awnings, and open trellis structures are allowed to be different.
5. Land Division Design shall include objective standards for:
 - (a) Assurance of compliance with Government Code Section 65852.21 and 66411.7 regarding land divisions of lots in the R-1 and R-A zoning districts.
 - (b) Lot design for two lots, including flag, horizontal and vertical lot splits.
 - (c) Requirements for recordation of a Notice of Condition to require property owner occupancy, certification of no tenant occupancy within 3 years preceding application for land division, no rentals less than 31 days, and other applicable restrictions.

- (d) No limits on the percentage of allowed demolition of existing dwelling units and other structures on lots subject to division, as otherwise restricted by State Law.
 - (e) Access to lots by pedestrian and vehicles.
6. Application Forms and Procedures shall include objective standards and procedures for application submittal, acceptance, processing, review, notification of action and appeal.

Upon approval of such residential development plans, the property shall be developed and maintained in accordance with the conditions of approval of the approved plans and none other. Any appeal of a DRB or of a Ministerial Staff Review approval shall be in accordance with the provisions of Section 9486.

SECTION 8. CEQA. This ordinance is categorically exempt from the California Environmental Quality Act (CEQA) per 2021 Senate Bill 9, which finds that “A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be consider to be a project under Division 13 (commencing with Section 21000) of the Public Resources Code.”

SECTION 9. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this ordinance or its application to any person or circumstance, is for any reason held to be invalid, unenforceable, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or circumstance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraph, sentences, clauses, phrases, or portions thereof be declared invalid, unenforceable, or unconstitutional.

SECTION 10. CONTINUITY. To the extent the provisions of the Lakewood Municipal Code as amended by this ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 11. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance and shall post a certified copy of this ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933. The City Council hereby finds and determines there are no newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code, directs the City Clerk to cause the ordinance within 15 days after its passage to be posted in at least three (3) public places within the City as established by ordinance.

SECTION 12. EFFECTIVE DATE. This Ordinance shall be posted or published as required by law and shall take effect thirty (30) days after its adoption.

APPROVED AND ADOPTED this 16th day of November 2021, by the following roll call vote:

	AYES	NAYS	ABSENT
Council Member Croft	<u>X</u>	_____	_____
Council Member Pe	<u>X</u>	_____	_____
Council Member Rogers	<u>X</u>	_____	_____
Council Member Stuckey	<u>X</u>	_____	_____
Mayor Wood	<u>X</u>	_____	_____

ATTEST:

Mayor

City Clerk