



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

AGENDA TUOLUMNE COUNTY BOARD OF SUPERVISORS HOUSING POLICY COMMITTEE County Administration Center Board of Supervisors Chambers Thursday, August 12, 2021 3:00 p.m.

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

IMPORTANT PUBLIC NOTICE: Under the Governor's Executive Order N-25-20, this meeting will allow members of the Planning Committee to participate by teleconference; and under Order N-29-20, Accessibility Requirements, if you need swift special assistance during the Committee meeting, please call 209-770-5423.

PUBLIC PARTICIPATION PROCEDURES

In order to protect public health and the safety of Tuolumne County citizens, this meeting will be physically closed to the public. Public Comment will be opened and closed individually for each agenda item listed below, excluding Reports. To observe or participate in this meeting, please use the following link: <https://us02web.zoom.us/j/88674400274>

For detailed Zoom instructions go to the Agenda Packet
<https://www.tuolumnecounty.ca.gov/638/Board-of-Supervisors-Housing-Policy-Comm>

You also may submit written comments by U.S. mail at 2 South Green Street, Sonora, CA 95370 or email (qyaley@co.tuolumne.ca.us) for retention as part of the administrative record. Comments will not be read during the meeting. Comments must be received by the Community Development Department no later than 9:00 AM on the day of the noticed meeting.

COMMITTEE BUSINESS:

1. Consideration of the Minutes of the meeting of July 8, 2021.
2. Reports

Reports are a brief oral report from a committee or commission member and/or County staff, and no committee or commission action will occur. This item is not intended to include in depth presentations or reports, as those matters should be placed on an agenda for discussion.

3. Public Forum

The public may speak on any item not on the printed agenda. No action may be taken by the Committee. The amount of time allocated for the public forum is limited to 15 minutes.

NEW ITEMS:

1. Presentation and discussion on SB 9 and SB 10; determining if the BOSHPC will provide comments to the Board of Supervisors; consideration of forming an Ad Hoc group to review and draft comments.

OLD BUSINESS:

2. BOSHPC Committee Bylaw Creation Update
3. BOSHPC Review of Title 17 Update Project

CONTINUED ITEMS:

None.

ADJOURNMENT

The Board of Supervisors Housing Policy Committee serves as an advisory group to the Board of Supervisors for matters related to housing.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Resources Agency at 209-533-5633. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (28CFR Part 35 ADA Title II).



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August 12, 2021

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TO: Tuolumne County Committee and Commission Members

FROM: Quincy Yaley, AICP Community Development Department Director

RE: COVID-19 Meeting Procedures

In response to increasing risks of exposure to the coronavirus (COVID-19), all the Committee and Commission meetings will be conducted and participated via Zoom. Video conferencing via Zoom will allow the Commission/Committees and County to adhere to social distancing requirements of the Brown Act and provide a way for the public to provide public comment live during the meeting.

Due to the modified meeting format and tele-conferencing meeting procedures, the Chair may choose to allow public comment on the project in an alternative fashion, rather than calling for those in favor, those in opposition, those neutral, and then any rebuttals or surrebuttals. The Chair may take public comment on the project in any order in lieu of the calling for those in favor, opposition, neutral, rebuttals, and then surrebuttals.

The Committee and Commission may elect to allow the applicant or applicant representative a specific time to speak on the project prior to taking public comments on the item. This opportunity could have a specific time length allotted, such as five or ten minutes.

As a reminder, those who wish to provide information during the public comment are not required to provide their name. County staff will notify the Chair of any individuals who wish to provide testimony and will limit the testimony to the time limit identified by the Chair.

If an item on the agenda is not identified as a “public hearing”, public comment is still required and can be conducted in a similar format to the modified procedures above.

All votes require a roll call with each Committee and Commission member to be named by County Staff prior to stating their vote. The Chair shall also identify by name the commissioner who initiated the motion and the name of the commissioner who seconds the motion. After a second is named, the Chair must allow County staff to complete a roll call vote.

It is possible that a delay may occur from the time the Chair calls for public comment on a project and when County staff can connect them into the zoom meeting. It is recommended that the Chair pause for 60-90 seconds after calling for public comment to allow for any connections to occur. If there are no individuals in the queue for commenting on a specific item, after 90 seconds has elapsed County staff will notify the Chair that there is no further public comment.

Staff may need to respond to emails or phone calls from members of the public during the meeting to provide assistance to the public if they encounter problems using the Zoom platform. Staff requests that the Chair allow additional time as needed to ensure that members of the public can engage in the meeting.

Zoom Instructions

Zoom links can be found in the agenda for each meeting. The public can view the meeting from their smartphone, on their computer browser, or listen on their telephone. Zoom does not require an account to attend the meeting, but if the public wishes to create one, their basic accounts are free.

It is possible that a delay may occur from the time the Chair calls for public comment on a project and when County staff can connect them into the Zoom meeting. The Chair will pause for 60 seconds after calling for public comment to allow for any connections to occur. If there are no individuals in the queue for commenting on a specific item, after 60 seconds has elapsed county staff will notify the Chair that there is no public comment.

Members of the public can also choose to watch the meeting and do not have to comment during the meeting. If a member of the public does not want to provide public comment live, they can provide public comment prior to the meeting via email to the Community Development Department Director at gyaley@co.tuolumne.ca.us. If you would like your comments to be included in the record, please send comments to the above email address by 9:00 a.m. of the day of the noticed meeting.

When: August 12, 2021 03:00 PM Pacific Time

Topic: BOS Housing Policy Committee

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88674400274>

Or One tap mobile :

US: +16699006833,,88674400274# or +12532158782,,88674400274#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592

Webinar ID: 886 7440 0274

International numbers available: <https://us02web.zoom.us/j/88674400274>

Below are step by step instructions on how to join and interact as an attendee via Zoom.

JOINING A WEBINAR BY LINK

- To join the webinar, click the link that we provided in the agenda.
- If you are signed in, change your name if you do not want your default name to appear.
- If you are not signed in, enter a display name.

MANUALLY JOINING A WEBINAR

- Use the 9-digit meeting ID/webinar ID provided in the agenda.
- Sign into the Zoom Desktop or Mobile App
- Click or tap **Join a Meeting**
- Enter the 9-digit webinar ID, and click **Join** or tap **Join Meeting**
- If prompted, enter your name and email, then click **Join Webinar** or tap **Join**.

- You may change your name if you do not want your default name to appear, as you are not required to state your name.

WAITING FOR HOST TO START THE WEBINAR

- If the host has not started broadcasting the webinar, you'll receive a message letting you know to "Please wait for the host to start the meeting".

PUBLIC COMMENT

- During the public comment period you will have the option to "raise your hand" if you would like to comment on a proposed project or during the public comment portion of the meeting.
- Once you have clicked the "raise your hand" option, please wait until a staff unmutes your microphone.
- Once staff has unmuted you will have three minutes to speak.
- A staff member will verbally communicate to you and the Commissioners when you have 30 seconds remaining and then when your time is up.
- Once your allotted time is up, a staff member will mute and "lower your hand".
- If you are participating from your smartphone, you will also have a "raise their hand" feature.
- When you are unmuted a prompt will appear to confirm you would like to be unmuted.
- Once you confirm you will be able to provide public comment.
- If you are participating via telephone call, you will need to press *9 (star 9) to "raise their hand", and when you are unmuted you will hear "you are unmuted" allowing you to provide public comment.

END OF MEETING

- If you would like to leave the meeting before it ends, click **Leave meeting**. If you leave, you can rejoin if the webinar is still in progress, as long as the host has not locked the webinar.



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

August 5, 2021

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To: BOS Housing Policy Committee
From: Quincy Yaley, AICP, Community Development Director
RE: Summary of SB 9 and SB 10 - Pending Bills

1. Two bills are being considered by the State regarding housing, SB 9 and SB 10. The bills will have further discussion and possible action after the CA legislature returns to session on August 16, 2021.
2. Summary of SB 9 provided by the author: "Senate Bill 9 provides options for homeowners by streamlining the process for a homeowner to create a duplex or subdivide an existing lot. Building off the successes of ADU law, SB 9 strikes an appropriate balance between respecting local control and creating an environment and opportunity for neighborhood housing that benefits the broader community. To that end, the bill includes numerous safeguards to ensure that it responsibly creates duplexes and strategically increases housing opportunities for homeowners, renters, and families alike. This bill will provide more options for families to maintain and build intergenerational wealth – a currency we know is crucial to combatting inequity and creating social mobility. SB 9 provides flexibility for multigenerational housing by allowing homeowners to build a modest unit on their property so that their aging parent or adult child can have an affordable place to live. SB 9 is part of the Senate's Housing Package, 'Building Opportunities For All' that establishes opportunities to make real progressive and positive changes in our communities to strengthen the fabric of our neighborhoods with equity, inclusivity, and affordability."
3. Summary of SB 10 provided by the author: "California's massive housing shortage is driving people into poverty and homelessness and threatening our environment, economy, and diversity. SB 10 provides cities with a powerful, fast, and effective tool to allow light-touch density exactly where it should be: near jobs, near public transportation, and in existing urbanized areas. Specifically, SB 10 allows cities, if they choose, to rezone these non-sprawl location for up to ten-unit buildings in a streamlined way without CEQA. Given that cities face significantly increased housing production goals under the revised Regional Housing Needs Assessment (RHNA) and are required by the state Housing Element Law to complete rezonings to accommodate these goals, SB 10 is a powerful new tool for cities to use in their comprehensive planning efforts. SB 10 will help ease California's housing crisis, spurred by a statewide shortage of 3.5 million homes, and move the state away from a sprawl-based housing policy and toward a more sustainable, equitable, and effective housing policy."
4. Additional documentation is provided on the above bills at the following websites:

SB 9: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB9

SB 10: https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB10

AMENDED IN SENATE APRIL 27, 2021

AMENDED IN SENATE APRIL 5, 2021

SENATE BILL

No. 9

Introduced by Senators Atkins, Caballero, Rubio, and Wiener
(Coauthors: Senators ~~Gonzalez Cortese, Gonzalez, and McGuire~~)
(Coauthor: Assembly Member Robert Rivas)
(Coauthors: Assembly Members Robert Rivas and Wicks)

December 7, 2020

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 9, as amended, Atkins. Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on

the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a ~~city or county~~ *local agency* to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to 2 units or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24 months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

This bill, among other things, would require a ~~city or county~~ *local agency* to ministerially approve a parcel map ~~or tentative and final map~~ for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the parcel is located within a *single-family* residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a ~~city or county~~ *local agency* to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of 2 units, as defined, on either of the resulting parcels or physically precluding either of the 2 units from

being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances. The bill, until January 1, 2027, would prohibit a local agency from imposing an owner occupancy requirement on applicants unless specified conditions are met.

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act.

This bill would exempt a local ~~government~~ agency from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the above provisions.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65852.21 is added to the Government
2 Code, to read:

3 65852.21. (a) A proposed housing development containing
4 no more than two residential units within a single-family residential
5 zone shall be considered ministerially, without discretionary review
6 or a hearing, if the proposed housing development meets all of the
7 following requirements:

8 (1) The parcel subject to the proposed housing development is
9 located within a ~~city~~ *city*, the boundaries of which include some
10 portion of either an urbanized area or urban cluster, as designated
11 by the United States Census Bureau, or, for unincorporated areas,
12 a legal parcel wholly within the boundaries of an urbanized area
13 or urban cluster, as designated by the United States Census Bureau.

14 (2) The parcel satisfies the requirements specified in
15 subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision
16 (a) of Section 65913.4.

17 (3) Notwithstanding any provision of this section or any local
18 law, the proposed housing development would not require
19 demolition or alteration of any of the following types of housing:

20 (A) Housing that is subject to a recorded covenant, ordinance,
21 or law that restricts rents to levels affordable to persons and
22 families of moderate, low, or very low income.

23 (B) Housing that is subject to any form of rent or price control
24 through a public entity's valid exercise of its police power.

25 (C) Housing that has been occupied by a tenant in the last three
26 years.

27 (4) The parcel subject to the proposed housing development is
28 not a parcel on which an owner of residential real property has
29 exercised the owner's rights under Chapter 12.75 (commencing
30 with Section 7060) of Division 7 of Title 1 to withdraw
31 accommodations from rent or lease within 15 years before the date
32 that the development proponent submits an application.

33 (5) The proposed housing development does not allow the
34 demolition of more than 25 percent of the existing exterior
35 structural walls, unless the housing development meets at least
36 one of the following conditions:

37 (A) If a local ordinance so allows.

1 (B) The site has not been occupied by a tenant in the last three
2 years.

3 (6) The development is not located within a historic district or
4 property included on the State Historic Resources Inventory, as
5 defined in Section 5020.1 of the Public Resources Code, or within
6 a site that is designated or listed as a city or county landmark or
7 historic property or district pursuant to a city or county ordinance.

8 (b) (1) Notwithstanding any local law and except as provided
9 in paragraph (2), a ~~city or county~~ *local agency* may impose
10 objective zoning standards, objective subdivision standards, and
11 objective design review standards that do not conflict with this
12 section.

13 (2) (A) The ~~city or county~~ *local agency* shall not impose
14 objective zoning standards, objective subdivision standards, and
15 objective design standards that would have the effect of physically
16 precluding the construction of up to two units or that would
17 physically preclude either of the two units from being at least 800
18 square feet in floor area.

19 (B) (i) Notwithstanding subparagraph (A), no setback shall be
20 required for an existing structure or a structure constructed in the
21 same location and to the same dimensions as an existing structure.

22 (ii) Notwithstanding subparagraph (A), in all other circumstances
23 not described in clause (i), a ~~local government~~ *agency* may require
24 a setback of up to four feet from the side and rear lot lines.

25 (c) In addition to any conditions established in accordance with
26 subdivision (b), a local agency may require any of the following
27 conditions when considering an application for two residential
28 units as provided for in this section:

29 (1) Off-street parking of up to one space per unit, except that a
30 local agency shall not impose parking requirements in either of
31 the following instances:

32 (A) The parcel is located within one-half mile walking distance
33 of either a high-quality transit corridor, as defined in subdivision
34 (b) of Section 21155 of the Public Resources Code, or a major
35 transit stop, as defined in Section 21064.3 of the Public Resources
36 Code.

37 (B) There is a car share vehicle located within one block of the
38 parcel.

39 (2) For residential units connected to an onsite wastewater
40 treatment system, a percolation test completed within the last five

1 5 years, or, if the percolation test has been recertified, within the
2 last 10 years.

3 (d) A local agency shall require that a rental of any unit created
4 pursuant to this section be for a term longer than 30 days.

5 (e) Notwithstanding Section ~~65852.2~~, 65852.2 or 65852.22, a
6 local agency shall not be required to permit an accessory dwelling
7 unit *or a junior accessory dwelling unit* on parcels that use both
8 the authority contained within this section and the authority
9 contained in Section 66411.7.

10 (f) Notwithstanding subparagraph (B) of paragraph (2) of
11 subdivision (b), an application shall not be rejected solely because
12 it proposes adjacent or connected structures provided that the
13 structures meet building code safety standards and are sufficient
14 to allow separate conveyance.

15 (g) Local agencies shall include units constructed pursuant to
16 this section in the annual housing element report as required by
17 subparagraph (I) of paragraph (2) of subdivision (a) of Section
18 65400.

19 (h) For purposes of this section, all of the following apply:

20 (1) A housing development contains two residential units if the
21 development proposes no more than two new units or if it proposes
22 to add one new unit to one existing unit.

23 (2) The terms “objective zoning standards,” “objective
24 subdivision standards,” and “objective design review standards”
25 mean standards that involve no personal or subjective judgment
26 by a public official and are uniformly verifiable by reference to
27 an external and uniform benchmark or criterion available and
28 knowable by both the development applicant or proponent and the
29 public official prior to submittal. These standards may be embodied
30 in alternative objective land use specifications adopted by a ~~city~~
31 ~~or county~~, local agency, and may include, but are not limited to,
32 housing overlay zones, specific plans, inclusionary zoning
33 ordinances, and density bonus ordinances.

34 (3) “Local agency” means a city, county, or city and county,
35 whether general law or chartered.

36 (i) A local agency may adopt an ordinance to implement the
37 provisions of this section. An ordinance adopted to implement this
38 section shall not be considered a project under Division 13
39 (commencing with Section 21000) of the Public Resources Code.

1 (j) Nothing in this section shall be construed to supersede or in
2 any way alter or lessen the effect or application of the California
3 Coastal Act of 1976 (Division 20 (commencing with Section
4 30000) of the Public Resources Code), except that the local
5 ~~government~~ agency shall not be required to hold public hearings
6 for coastal development permit applications for a housing
7 development pursuant to this section.

8 SEC. 2. Section 66411.7 is added to the Government Code, to
9 read:

10 66411.7. (a) Notwithstanding any other provision of this
11 division and any local law, a ~~city or county~~ local agency shall
12 ministerially approve, as set forth in this section, a parcel map ~~or~~
13 ~~tentative and final map~~ for an urban lot split ~~that~~ *only if the local*
14 *agency determines that the parcel map for the urban lot split* meets
15 all the following requirements:

16 (1) The parcel map ~~or tentative and final map~~ subdivides an
17 existing parcel to create *no more than* two new parcels of
18 approximately equal lot area provided that one parcel shall not be
19 smaller than 40 percent of the lot area of the original parcel
20 proposed for subdivision.

21 (2) (A) Except as provided in subparagraph (B), both newly
22 created parcels are no smaller than 1,200 square feet.

23 (B) A local agency may by ordinance adopt a smaller minimum
24 lot size subject to ministerial approval under this subdivision.

25 (3) The parcel being subdivided meets all the following
26 requirements:

27 (A) The parcel is located within a *single-family* residential zone.

28 (B) The parcel subject to the proposed urban lot split is located
29 within a ~~city~~ city, the boundaries of which include some portion
30 of either an urbanized area or urban cluster, as designated by the
31 United States Census Bureau, or, for unincorporated areas, a legal
32 parcel wholly within the boundaries of an urbanized area or urban
33 cluster, as designated by the United States Census Bureau.

34 (C) The parcel satisfies the requirements specified in
35 subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision
36 (a) of Section 65913.4.

37 (D) The proposed urban lot split would not require demolition
38 or alteration of any of the following types of housing:

1 (i) Housing that is subject to a recorded covenant, ordinance,
2 or law that restricts rents to levels affordable to persons and
3 families of moderate, low, or very low income.

4 (ii) Housing that is subject to any form of rent or price control
5 through a public entity’s valid exercise of its police power.

6 (iii) A parcel or parcels on which an owner of residential real
7 property has exercised the owner’s rights under Chapter 12.75
8 (commencing with Section 7060) of Division 7 of Title 1 to
9 withdraw accommodations from rent or lease within 15 years
10 before the date that the development proponent submits an
11 application.

12 (iv) Housing that has been occupied by a tenant in the last three
13 years.

14 (E) The parcel is not located within a historic district or property
15 included on the State Historic Resources Inventory, as defined in
16 Section 5020.1 of the Public Resources Code, or within a site that
17 is designated or listed as a city or county landmark or historic
18 property or district pursuant to a city or county ordinance.

19 (F) The parcel has not been established through prior exercise
20 of an urban lot split as provided for in this section.

21 (G) Neither the owner of the parcel being subdivided nor any
22 person acting in concert with the owner has previously subdivided
23 an adjacent parcel using an urban lot split as provided for in this
24 section.

25 (b) An application for *a parcel map* for an urban lot split shall
26 be approved in accordance with the following requirements:

27 (1) A local agency shall approve or deny an application for *a*
28 *parcel map* for an urban lot split ministerially without discretionary
29 review.

30 (2) A local agency shall approve an urban lot split only if it
31 conforms to all applicable objective requirements of the
32 Subdivision Map Act (Division 2 (commencing with Section
33 66410)), except as otherwise expressly provided in this section.

34 (3) Notwithstanding Section 66411.1, a local agency shall not
35 impose regulations that require dedications of rights-of-way or the
36 construction of offsite improvements for the parcels being created
37 as a condition of issuing a parcel map ~~or tentative and final map~~
38 for an urban lot ~~split~~. *split pursuant to this section.*

39 (c) (1) Except as provided in paragraph (2), notwithstanding
40 any local law, a ~~city or county~~ *local agency* may impose objective

1 zoning standards, objective subdivision standards, and objective
2 design review standards applicable to a parcel created by an urban
3 lot split that do not conflict with this section.

4 (2) A local agency shall not impose objective zoning standards,
5 objective subdivision standards, and objective design review
6 standards that would have the effect of physically precluding the
7 construction of two units on either of the resulting parcels or that
8 would result in a unit size of less than 800 square feet.

9 (3) (A) Notwithstanding paragraph (2), no setback shall be
10 required for an existing structure or a structure constructed in the
11 same location and to the same dimensions as an existing structure.

12 (B) Notwithstanding paragraph (2), in all other circumstances
13 not described in subparagraph (A), a local ~~government~~ agency
14 may require a setback of up to four feet from the side and rear lot
15 lines.

16 (d) In addition to any conditions established in accordance with
17 ~~subdivision (e)~~, *this section*, a local agency may require any of the
18 following conditions when considering an application for *a parcel*
19 *map for an urban lot split*:

20 (1) Easements required for the provision of public services and
21 facilities.

22 (2) A requirement that the parcels have access to, provide access
23 to, or adjoin the public right-of-way.

24 (3) Off-street parking of up to one space per unit, except that a
25 local agency shall not impose parking requirements in either of
26 the following instances:

27 (A) The parcel is located within one-half mile walking distance
28 of either a high-quality transit corridor as defined in subdivision
29 (b) of Section 21155 of the Public Resources Code, or a major
30 transit stop as defined in Section 21064.3 of the Public Resources
31 Code.

32 (B) There is a car share vehicle located within one block of the
33 parcel.

34 (e) A local agency shall require that the uses allowed on a lot
35 created by this section be limited to residential uses.

36 (f) (1) A local agency may impose an owner occupancy
37 requirement on an applicant for an urban lot split that meets one
38 of the following conditions:

1 (A) The applicant intends to occupy one of the housing units
2 as their principal residence for a minimum of one year from the
3 date of the approval of the urban lot split.

4 (B) The applicant is a “qualified nonprofit corporation.” A
5 “qualified nonprofit corporation” means a nonprofit corporation
6 organized pursuant to Section 501(c)(3) of the Internal Revenue
7 Code that has received a welfare exemption under either of the
8 following:

9 (i) Section 214.15 of the Revenue and Taxation Code for
10 properties intended to be sold to low-income families who
11 participate in a special no-interest loan program.

12 (ii) Section 214.18 of the Revenue and Taxation Code for
13 properties owned by a community land trust.

14 (2) A local agency shall not impose additional owner occupancy
15 standards, other than provided for in this subdivision, on an urban
16 lot split pursuant to this section.

17 (3) This subdivision shall become inoperative on January 1,
18 2027.

19 (g) A local agency shall require that a rental of any unit created
20 pursuant to this section be for a term longer than 30 days.

21 (h) A local agency shall not require, as a condition for ministerial
22 approval of a ~~permit~~ *parcel map* application for the creation of an
23 urban lot split, the correction of nonconforming zoning conditions.

24 (i) (1) Notwithstanding any provision of Section 65852.2,
25 Section 65852.21, Section 65852.22, Section 65915, or this section,
26 a local agency shall not be required to permit more than two units
27 on a parcel created through the exercise of the authority contained
28 within this section.

29 (2) For the purposes of this section, “unit” means any dwelling
30 unit, including, but not limited to, a unit or units created pursuant
31 to Section 65852.21, a primary dwelling, an accessory dwelling
32 unit as defined in Section 65852.2, or a junior accessory dwelling
33 unit as defined in Section 65852.22.

34 (j) Notwithstanding paragraph (3) of subdivision (c), an
35 application shall not be rejected solely because it proposes adjacent
36 or connected structures provided that the structures meet building
37 code safety standards and are sufficient to allow separate
38 conveyance.

39 (k) Local agencies shall include the number of applications for
40 *parcel maps for* urban lot splits pursuant to this section in the

1 annual housing element report as required by subparagraph (I) of
2 paragraph (2) of subdivision (a) of Section 65400.

3 (l) For purposes of this section, *both of the terms “objective*
4 *following shall apply:*

5 (1) “Objective zoning standards,” “objective subdivision
6 standards,” and “objective design review standards” mean standards
7 that involve no personal or subjective judgment by a public official
8 and are uniformly verifiable by reference to an external and
9 uniform benchmark or criterion available and knowable by both
10 the development applicant or proponent and the public official
11 prior to submittal. These standards may be embodied in alternative
12 objective land use specifications adopted by a ~~city or county~~, *local*
13 *agency*, and may include, but are not limited to, housing overlay
14 zones, specific plans, inclusionary zoning ordinances, and density
15 bonus ordinances.

16 (2) “Local agency” means a city, county, or city and county,
17 whether general law or chartered.

18 (m) A local agency may adopt an ordinance to implement the
19 provisions of this section. An ordinance adopted to implement this
20 section shall not be considered a project under Division 13
21 (commencing with Section 21000) of the Public Resources Code.

22 (n) Nothing in this section shall be construed to supersede or in
23 any way alter or lessen the effect or application of the California
24 Coastal Act of 1976 (Division 20 (commencing with Section
25 30000) of the Public Resources Code), except that the local
26 ~~government~~ *agency* shall not be required to hold public hearings
27 for coastal development permit applications for urban lot splits
28 pursuant to this section.

29 SEC. 3. Section 66452.6 of the Government Code is amended
30 to read:

31 66452.6. (a) (1) An approved or conditionally approved
32 tentative map shall expire 24 months after its approval or
33 conditional approval, or after any additional period of time as may
34 be prescribed by local ordinance, not to exceed an additional 24
35 months. However, if the subdivider is required to expend two
36 hundred thirty-six thousand seven hundred ninety dollars
37 (\$236,790) or more to construct, improve, or finance the
38 construction or improvement of public improvements outside the
39 property boundaries of the tentative map, excluding improvements
40 of public rights-of-way that abut the boundary of the property to

1 be subdivided and that are reasonably related to the development
2 of that property, each filing of a final map authorized by Section
3 66456.1 shall extend the expiration of the approved or conditionally
4 approved tentative map by 48 months from the date of its
5 expiration, as provided in this section, or the date of the previously
6 filed final map, whichever is later. The extensions shall not extend
7 the tentative map more than 10 years from its approval or
8 conditional approval. However, a tentative map on property subject
9 to a development agreement authorized by Article 2.5
10 (commencing with Section 65864) of Chapter 4 of Division 1 may
11 be extended for the period of time provided for in the agreement,
12 but not beyond the duration of the agreement. The number of
13 phased final maps that may be filed shall be determined by the
14 advisory agency at the time of the approval or conditional approval
15 of the tentative map.

16 (2) Commencing January 1, 2012, and each calendar year
17 thereafter, the amount of two hundred thirty-six thousand seven
18 hundred ninety dollars (\$236,790) shall be annually increased by
19 operation of law according to the adjustment for inflation set forth
20 in the statewide cost index for class B construction, as determined
21 by the State Allocation Board at its January meeting. The effective
22 date of each annual adjustment shall be March 1. The adjusted
23 amount shall apply to tentative and vesting tentative maps whose
24 applications were received after the effective date of the
25 adjustment.

26 (3) “Public improvements,” as used in this subdivision, include
27 traffic controls, streets, roads, highways, freeways, bridges,
28 overcrossings, street interchanges, flood control or storm drain
29 facilities, sewer facilities, water facilities, and lighting facilities.

30 (b) (1) The period of time specified in subdivision (a), including
31 any extension thereof granted pursuant to subdivision (e), shall
32 not include any period of time during which a development
33 moratorium, imposed after approval of the tentative map, is in
34 existence. However, the length of the moratorium shall not exceed
35 five years.

36 (2) The length of time specified in paragraph (1) shall be
37 extended for up to three years, but in no event beyond January 1,
38 1992, during the pendency of any lawsuit in which the subdivider
39 asserts, and the local agency that approved or conditionally

1 approved the tentative map denies, the existence or application of
2 a development moratorium to the tentative map.

3 (3) Once a development moratorium is terminated, the map
4 shall be valid for the same period of time as was left to run on the
5 map at the time that the moratorium was imposed. However, if the
6 remaining time is less than 120 days, the map shall be valid for
7 120 days following the termination of the moratorium.

8 (c) The period of time specified in subdivision (a), including
9 any extension thereof granted pursuant to subdivision (e), shall
10 not include the period of time during which a lawsuit involving
11 the approval or conditional approval of the tentative map is or was
12 pending in a court of competent jurisdiction, if the stay of the time
13 period is approved by the local agency pursuant to this section.
14 After service of the initial petition or complaint in the lawsuit upon
15 the local agency, the subdivider may apply to the local agency for
16 a stay pursuant to the local agency's adopted procedures. Within
17 40 days after receiving the application, the local agency shall either
18 stay the time period for up to five years or deny the requested stay.
19 The local agency may, by ordinance, establish procedures for
20 reviewing the requests, including, but not limited to, notice and
21 hearing requirements, appeal procedures, and other administrative
22 requirements.

23 (d) The expiration of the approved or conditionally approved
24 tentative map shall terminate all proceedings and no final map or
25 parcel map of all or any portion of the real property included within
26 the tentative map shall be filed with the legislative body without
27 first processing a new tentative map. Once a timely filing is made,
28 subsequent actions of the local agency, including, but not limited
29 to, processing, approving, and recording, may lawfully occur after
30 the date of expiration of the tentative map. Delivery to the county
31 surveyor or city engineer shall be deemed a timely filing for
32 purposes of this section.

33 (e) Upon application of the subdivider filed before the expiration
34 of the approved or conditionally approved tentative map, the time
35 at which the map expires pursuant to subdivision (a) may be
36 extended by the legislative body or by an advisory agency
37 authorized to approve or conditionally approve tentative maps for
38 a period or periods not exceeding a total of six years. The period
39 of extension specified in this subdivision shall be in addition to
40 the period of time provided by subdivision (a). Before the

1 expiration of an approved or conditionally approved tentative map,
2 upon an application by the subdivider to extend that map, the map
3 shall automatically be extended for 60 days or until the application
4 for the extension is approved, conditionally approved, or denied,
5 whichever occurs first. If the advisory agency denies a subdivider's
6 application for an extension, the subdivider may appeal to the
7 legislative body within 15 days after the advisory agency has
8 denied the extension.

9 (f) For purposes of this section, a development moratorium
10 includes a water or sewer moratorium, or a water and sewer
11 moratorium, as well as other actions of public agencies that regulate
12 land use, development, or the provision of services to the land,
13 including the public agency with the authority to approve or
14 conditionally approve the tentative map, which thereafter prevents,
15 prohibits, or delays the approval of a final or parcel map. A
16 development moratorium shall also be deemed to exist for purposes
17 of this section for any period of time during which a condition
18 imposed by the city or county could not be satisfied because of
19 either of the following:

20 (1) The condition was one that, by its nature, necessitated action
21 by the city or county, and the city or county either did not take the
22 necessary action or by its own action or inaction was prevented or
23 delayed in taking the necessary action before expiration of the
24 tentative map.

25 (2) The condition necessitates acquisition of real property or
26 any interest in real property from a public agency, other than the
27 city or county that approved or conditionally approved the tentative
28 map, and that other public agency fails or refuses to convey the
29 property interest necessary to satisfy the condition. However,
30 nothing in this subdivision shall be construed to require any public
31 agency to convey any interest in real property owned by it. A
32 development moratorium specified in this paragraph shall be
33 deemed to have been imposed either on the date of approval or
34 conditional approval of the tentative map, if evidence was included
35 in the public record that the public agency that owns or controls
36 the real property or any interest therein may refuse to convey that
37 property or interest, or on the date that the public agency that owns
38 or controls the real property or any interest therein receives an
39 offer by the subdivider to purchase that property or interest for fair
40 market value, whichever is later. A development moratorium

1 specified in this paragraph shall extend the tentative map up to the
2 maximum period as set forth in subdivision (b), but not later than
3 January 1, 1992, so long as the public agency that owns or controls
4 the real property or any interest therein fails or refuses to convey
5 the necessary property interest, regardless of the reason for the
6 failure or refusal, except that the development moratorium shall
7 be deemed to terminate 60 days after the public agency has
8 officially made, and communicated to the subdivider, a written
9 offer or commitment binding on the agency to convey the necessary
10 property interest for a fair market value, paid in a reasonable time
11 and manner.

12 SEC. 4. The Legislature finds and declares that ensuring access
13 to affordable housing is a matter of statewide concern and not a
14 municipal affair as that term is used in Section 5 of Article XI of
15 the California Constitution. Therefore, Sections 1 and 2 of this act
16 adding Sections 65852.21 and 66411.7 to the Government Code
17 and Section 3 of this act amending Section 66452.6 of the
18 Government Code apply to all cities, including charter cities.

19 SEC. 5. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 a local agency or school district has the authority to levy service
22 charges, fees, or assessments sufficient to pay for the program or
23 level of service mandated by this act, within the meaning of Section
24 17556 of the Government Code.

AMENDED IN ASSEMBLY JULY 5, 2021
AMENDED IN ASSEMBLY JUNE 24, 2021
AMENDED IN ASSEMBLY JUNE 14, 2021
AMENDED IN SENATE MAY 26, 2021
AMENDED IN SENATE APRIL 27, 2021
AMENDED IN SENATE APRIL 13, 2021
AMENDED IN SENATE MARCH 22, 2021
AMENDED IN SENATE FEBRUARY 24, 2021

SENATE BILL

No. 10

Introduced by Senator Wiener
(Principal coauthors: Senators Atkins, Caballero, and Skinner)
(Principal coauthor: Assembly Member Robert Rivas)
(Coauthor: Assembly Member Wicks)

December 7, 2020

An act to add Section 65913.5 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 10, as amended, Wiener. Planning and zoning: housing development: density.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Existing law requires an attached housing development to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing

if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions relating to location and being subject to a discretionary decision other than a conditional use permit. Existing law provides for various incentives intended to facilitate and expedite the construction of affordable housing.

This bill would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local-voter initiative that designates publicly owned land as open-space land or for park or recreational purposes.

The bill would impose specified requirements on a zoning ordinance adopted under these provisions, including a requirement that the zoning ordinance clearly demarcate the areas that are subject to the ordinance and that the legislative body make a finding that the ordinance is consistent with the city or county's obligation to affirmatively further fair housing. The bill would require an ordinance to be adopted by a $\frac{2}{3}$ vote of the members of the legislative body if the ordinance supersedes any zoning restriction established by local-voter initiative.

The bill would prohibit an ordinance adopted under these provisions from reducing the density of any parcel subject to the ordinance and would prohibit a legislative body from subsequently reducing the density of any parcel subject to the ordinance. The bill would prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel zoned pursuant to these provisions from being approved ministerially or by right or from being exempt from the California Environmental Quality Act, except as specified.

This bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65913.5 is added to the Government
2 Code, to read:

3 65913.5. (a) (1) Notwithstanding any local restrictions on
4 adopting zoning ordinances enacted by the ~~jurisdiction, including~~
5 ~~restrictions enacted by a local voter initiative, jurisdiction~~ that
6 limit the legislative body’s ability to adopt zoning ordinances,
7 *including, subject to the requirements of paragraph (4) of*
8 *subdivision (b), restrictions enacted by local initiative*, a local
9 government may adopt an ordinance to zone a parcel for up to 10
10 units of residential density per parcel, at a height specified by the
11 local government in the ordinance, if the parcel is located in one
12 of the following:

- 13 (A) A transit-rich area.
- 14 (B) An urban infill site.

15 (2) A local government shall not adopt an ordinance pursuant
16 to this subdivision on or after January 1, 2029. However, the
17 operative date of an ordinance adopted under this subdivision may
18 extend beyond January 1, 2029.

19 (3) An ordinance adopted in accordance with this subdivision,
20 and any resolution to amend the jurisdiction’s General Plan,
21 ordinance, or other local regulation adopted to be consistent with
22 that zoning ordinance, shall not constitute a “project” for purposes
23 of Division 13 (commencing with Section 21000) of the Public
24 Resources Code.

25 (4) Paragraph (1) shall not apply to either of the following:

- 26 (A) Parcels located within a very high fire hazard severity zone,
27 as determined by the Department of Forestry and Fire Protection
28 pursuant to Section 51178, or within a high or very high fire hazard
29 severity zone as indicated on maps adopted by the Department of
30 Forestry and Fire Protection pursuant to Section 4202 of the Public
31 Resources Code. This paragraph does not apply to sites that have
32 adopted fire hazard mitigation measures pursuant to existing

1 building standards or state fire mitigation measures applicable to
2 the development.

3 (B) Any local restriction enacted or approved by a local ~~voter~~
4 initiative that designates publicly owned land as open-space land,
5 as defined in subdivision (h) of Section 65560, or for park or
6 recreational purposes.

7 (b) A legislative body shall comply with all of the following
8 when adopting a zoning ordinance pursuant to subdivision (a):

9 (1) The zoning ordinance shall include a declaration that the
10 zoning ordinance is adopted pursuant to this section.

11 (2) The zoning ordinance shall clearly demarcate the areas that
12 are zoned pursuant to this section.

13 (3) The legislative body shall make a finding that the increased
14 density authorized by the ordinance is consistent with the city or
15 county’s obligation to affirmatively further fair housing pursuant
16 to Section 8899.50.

17 (4) If the ordinance supersedes any zoning restriction established
18 by a local ~~voter~~ initiative, the ordinance shall only take effect if
19 adopted by a two-thirds vote of the members of the legislative
20 body.

21 (c) (1) Notwithstanding any other law that allows ministerial
22 or by right approval of a development project or that grants an
23 exemption from Division 13 (commencing with Section 21000)
24 of the Public Resources Code, a residential or mixed-use residential
25 project consisting of more than 10 new residential units on one or
26 more parcels that are zoned pursuant to an ordinance adopted under
27 this section shall not be approved ministerially or by right and
28 shall not be exempt from Division 13 (commencing with Section
29 21000) of the Public Resources Code.

30 (2) This subdivision shall not apply to a project located on a
31 parcel or parcels that are zoned pursuant to an ordinance adopted
32 under this section, but subsequently rezoned without regard to this
33 section. A subsequent ordinance adopted to rezone the parcel or
34 parcels shall not be exempt from Division 13 (commencing with
35 Section 21000) of the Public Resources Code. Any environmental
36 review conducted to adopt the subsequent ordinance shall ~~be based~~
37 ~~on~~ *consider the change in* the zoning applicable to the parcel or
38 parcels before they were zoned or rezoned pursuant to the
39 ordinance adopted under this section.

1 (3) The creation of up to two accessory dwelling units and two
2 junior accessory dwelling units per parcel pursuant to Sections
3 65852.2 and 65852.22 of the Government Code shall not count
4 towards the total number of units of a residential or mixed-use
5 residential project when determining if the project may be approved
6 ministerially or by right under paragraph (1).

7 (4) A project may not be divided into smaller projects in order
8 to exclude the project from the prohibition in this subdivision.

9 (d) (1) An ordinance adopted pursuant to this section shall not
10 reduce the density of any parcel subject to the ordinance.

11 (2) A legislative body that adopts a zoning ordinance pursuant
12 to this section shall not subsequently reduce the density of any
13 parcel subject to the ordinance.

14 (e) For purposes of this section:

15 (1) “High-quality bus corridor” means a corridor with fixed
16 route bus service that meets all of the following criteria:

17 (A) It has average service intervals of no more than 15 minutes
18 during the three peak hours between 6 a.m. to 10 a.m., inclusive,
19 and the three peak hours between 3 p.m. and 7 p.m., inclusive, on
20 Monday through Friday.

21 (B) It has average service intervals of no more than 20 minutes
22 during the hours of 6 a.m. to ~~10 a.m.~~, *p.m.*, inclusive, on Monday
23 through Friday.

24 (C) It has average intervals of no more than 30 minutes during
25 the hours of 8 a.m. to 10 p.m., inclusive, on Saturday and Sunday.

26 (2) “Transit-rich area” means a parcel within one-half mile of
27 a major transit stop, as defined in Section 21064.3 of the Public
28 Resources Code, or a parcel on a high-quality bus corridor.

29 (3) “Urban infill site” means a site that satisfies all of the
30 following:

31 (A) A site that is a legal parcel or parcels located in a city if,
32 and only if, the city boundaries include some portion of either an
33 urbanized area or urban cluster, as designated by the United States
34 Census Bureau, or, for unincorporated areas, a legal parcel or
35 parcels wholly within the boundaries of an urbanized area or urban
36 cluster, as designated by the United States Census Bureau.

37 (B) A site in which at least 75 percent of the perimeter of the
38 site adjoins parcels that are developed with urban uses. For the
39 purposes of this section, parcels that are only separated by a street
40 or highway shall be considered to be adjoined.

1 (C) A site that is zoned for residential use or residential
2 mixed-use development, or has a general plan designation that
3 allows residential use or a mix of residential and nonresidential
4 uses, with at least two-thirds of the square footage of the
5 development designated for residential use.
6 (f) The Legislature finds and declares that ~~ensuring the adequate~~
7 ~~production of affordable housing~~ *provision of adequate housing,*
8 *in light of the severe shortage of housing at all income levels in*
9 *this state,* is a matter of statewide concern and is not a municipal
10 affair as that term is used in Section 5 of Article XI of the
11 California Constitution. Therefore, this section applies to all cities,
12 including charter cities.



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

BOARD OF SUPERVISORS HOUSING POLICY COMMITTEE MEETING *Unapproved* MINUTES July 8, 2021

PRESENT: Vice-Chair Supervisor Jaron Brandon; Supervisor David Goldemberg (alternate); Mike Lemke, Tuolumne County Building Industry Association (BIA); Trinity Abila, Habitat for Humanity; Sam Segerstrom, Tuolumne County Association of Realtors (TCAR)

ABSENT: Doreen Schmidt, Area 12 Agency on Aging; Representative; Amador Tuolumne Community Action Agency (ATCAA)

STAFF: Quincy Yaley, Community Development Department Director; Michelle Carlson, Tuolumne County Behavioral Health, Richard Walker, Community Development Department Planning Manager, Jodi Shoemake, Administrative Assistant Community Development Department

The Committee may have rearranged its agenda during the meeting; however, the minutes have been prepared to follow the printed agenda, for the purpose of consistency.

CALL TO ORDER/WELCOME:

Vice Chair Supervisor Jaron Brandon called the meeting of July 8, 2021, to order at 3:01 p.m.

Vice Chair Brandon asked Quincy Yaley, Community Development Department Director; to read the public participation procedures.

Vice Chair Supervisor Brandon roll called the Committee to see who was present.

Supervisor Brandon: Present

Supervisor Goldemberg: Present (alternate for Supervisor Campbell)
ATCAA Representative: Absent
Doreen Schmidt: Absent
Mike Lemke: Present
Trinity Abila: Present
Sam Segerstrom: Present

Vice Chair Brandon asked Ms. Yaley if anyone is missing.

Ms. Yaley indicated we are missing our ATCAA (Amador Tuolumne Community Action Agency) representative, our Area 12 Agency on Aging representative.

Vice Chair Brandon noted the absent members.

COMMITTEE BUSINESS:

1. Consideration of the minutes of the meeting of June 10, 2021.

Vice Chair Brandon asked if there are any edits or a motion to amend, otherwise he will be looking for a motion to approve the minutes.

It was moved by Sam Segerstrom and seconded by Supervisor Goldemberg to approve the minutes of the meeting of June 10, 2021.

Vice Chair Brandon said since there is no discussion we will move into a vote. He called for a unanimous consent on this. Then asked if there is anybody who is opposed to approving the minutes taken from the last meeting. He noted, seeing none, it passes unanimously.

Motion carried 5 – 0 – 0 with Committee Members Schmidt and ATCAA Representative being absent.

2. Reports

Vice Chair Brandon asked Sam Segerstrom; Tuolumne County Association of Realtors (TCAR) to give a market update.

Sam Segerstrom said he has a market update for the 2nd quarter. He explained that he ran some statistics so he could present them to the Committee. He also indicated that TCAR will be sending out their official statistics when available. He said, for simplicity, he looked at Jamestown to Twain Harte area and everywhere in between which helps keep our numbers a little smaller in order to run the calculations. He reported there are approximately 121 active homes for sale and 139 pending sales. In the last 12 months, there have been 1,007 sales in these areas, which is about 84 sales per month. He explained one way they calculate whether it is a buyer's market vs a seller's market on how our supply is doing is with a Months of Inventory calculation. The results indicate there is 1.4 months of inventory and a balanced market has 6 months of inventory. Anything below 6 months is a seller's market and above 6 months is a buyer's market. These results show an extreme supply shortage. He concluded with some final statistics from the 2nd quarter. The average days on market is 69. The average price per square foot is \$245. The average listing price is \$433,000. The average sales price is \$437,000. He indicated there are only 60 active listings below \$500,000 which speaks to affordability and an extreme supply shortage.

Vice Chair Brandon thanked Mr. Segerstrom for the update. He asked if there are any member or staff reports. Seeing there was none, he went on to open the public forum.

PUBLIC COMMENT:

Vice Chair Brandon acknowledged every member of the public can speak at this time. He said the public get three minutes to be able to tell us about anything that is not on the agenda. He asked if there was anyone who would like to speak, to indicate it by raising their hand or let us know.

A member of the public asked if he missed the introductions.

Vice Chair Brandon said we could make introductions.

The members of the Committee took turns introducing themselves as Vice Chair Brandon called their names.

Mr. Whisnand went on to introduce himself as a member of the Tuolumne County Commission on Aging and the State Board for California Senior Legislature as Chairman of the Housing and Transportation Committee for the Senate.

Vice Chair Brandon asked if there was any further public comment. Seeing none, he went on to close the public comment section and introduce Item 1.

NEW ITEMS:

1. Discussion of the release of draft chapters for updates to the Title 17 zoning code of the Tuolumne County General Plan.

Quincy Yaley, Community Development Department (CDD) Director, explained for the last 12 to 14 months they have been working on the update of the Tuolumne County Ordinance Code, also known as Title 17. This ordinance code update is driven by the General Plan update, which was completed in 2019. Ms. Yaley went on to explain that their next step was to update our zoning code ordinances to ensure they are consistent with the goals, policies, and implementation programs of the General Plan. She said they engaged with a consulting firm, PlaceWorks, who went through our General Plan and made a long list of all the goals, policies, and programs which should be translated into new ordinance code sections. Ms. Yaley indicated PlaceWorks also talked extensively with staff who provided them feedback, not just from our own experiences but also that of the public concerning their challenges and frustrations they encounter in the ordinance code. She explained a lot of these problems stem around definitions which is one of the most important pieces of the zoning code. Ms. Yaley went on to say that they have been working on the ordinance code update, having completed the Accessory Dwelling Unit (ADU) Ordinance update which was approved by the Board of Supervisors earlier this year. Ms. Yaley shared that just last week they had received the complete Ordinance Code draft update from the consultants, explaining that we are making sure this ordinance code update is driven by public comments. She indicated the Board of Supervisors Housing Policy Committee (BOSHPC) members are the first group to have a chance to review and comment. Ms. Yaley did a brief demonstration of the format being used for public comment, showing a brief two-minute video tutorial. She explained this platform is already being used by the County of Tuolumne for the Climate Action Plan. Ms. Yaley shared the webpage link, <https://zoningtitle17.konveio.com/> and invited the committee members to follow along. She went on to highlight some of the modules of the ordinance update and did a brief demonstration. Ms. Yaley said this is the soft launch of the ordinance code update for public comment, sharing they will take this to the Planning Commission and will bring a presentation to the Board of Supervisors, along with a Press Release to achieve a robust public outreach. Ms. Yaley encouraged the BOSHPC members to share the link with their respective groups. She also invited everyone to reach out to our staff directly if there is something specific they are looking for.

Vice Chair Brandon asked if there are any questions for Ms. Yaley.

Trinity Abila, Habitat for Humanity, expressed support of the konveio platform.

Betsy Hurst, Tuolumne County Association of Realtors (TCAR) provided comments on the project.

Vice Chair Brandon stated that for the next meeting, if possible, he would like the Committee to go through it and compare it to the old draft, and then bring comments back to the committee. He encouraged anyone to form their own ad hoc group with at least one other person to review some of the sections that are specific to housing. He indicated they could form these ad hoc groups in a more formal way and asked if the Committee has any thoughts on this.

Mike Lemke, Tuolumne County Building Industry Association (BIA) asked Ms. Yaley about the roll out timeline of the public comment period and how it impacts the BOSHPC's ability to perform according to Supervisor Brandon's request for feedback.

Ms. Yaley indicated the draft documents would be available for at least 60 days, depending on how soon she could get on the Board of Supervisors agenda. She also noted the revisions will need to be reviewed County Counsel. Ms. Yaley indicated she intends this process to be fluid and flexible to respond to the feedback that the community gives.

Vice Chair Brandon indicated he would be open to scheduling a special meeting in two weeks, specific to this item. He asked the Committee what they thought.

Mr. Segerstrom said he liked the idea.

Vice Chair Brandon requested a Special Meeting in between the next regularly scheduled meeting, to review the ordinance code. He asked everybody, in the next two weeks, to review these sections and be able to bring back any edits and identify some of the sections of what looks good and what maybe needs more time to discuss and work on.

Vice Chair Brandon opened the item for public comment.

A member of the public asked when Ms. Yaley expects this to go before the Board for adoption, barring any unforeseen circumstances.

Ms. Yaley responded the end of the year.

A member of the public asked if the inclusionary ordinance will be included in the revisions being reviewed now.

Ms. Yaley said she was unsure if the Board of Supervisors included that in the original scope of work laid out in the *Zoning Code Issues Memo and Annotated Outline*. If it is not there and it needs to get added a contract amendment could be executed to include it in the project, if the Board of Supervisors wants to do that.

A member of the public asked how the Planned Unit Development ordinance which allows for some smaller lot sizes, works with the the inclusionary ordinance.

Ms. Yaley said she was not sure of the answer but will analyze the draft in response to that question.

Vice Chair Brandon asked if there was any more public comment. Seeing none, he closed public comment period.

Vice Chair Brandon confirmed the Committee will have a Special Meeting. He went on to say that everyone will go through the drafts and report back for the following meeting. He then raised a question

about SB 35 and encouraged everyone to look at this, asking Ms. Yaley if this update will just be to our General Plan and not the maximum extent of state law.

Ms. Yaley said that in the density bonus section there are references to state legislation that influence the code. She indicated that she will be reading it along with everyone as we start generating a list of those types of questions which could be discussed at a future meeting, with the consultants available, so they could walk us through the different sections.

Vice Chair Brandon asked if we could have the consultants attend the next meeting.

Ms. Yaley said she would see if they are available.

Vice Chair Brandon mentioned that the County just signed a new PR/Social Media contract with Archer & Hound. He went on to say that this would be a great project to task them with to see how we could solicit as much public input as we can during this process, in addition to the normal press releases and sharing with partners.

Vice Chair Brandon asked if there was any further discussion. Seeing none he closed this item.

2. Discussion of creating a subcommittee to create BOSHPC bylaws.

Vice Chair Brandon said his concern has come from the campaign and observing this committee for a little while, not just this committee, but in the past several years the County has seen a housing crisis and that many BOSHPC meetings have been cancelled. He discussed the membership of this committee and how he would like to see more public input from all the different districts. He said he would like this group to be able to develop and review policies and present them to the Board of Supervisors (BOS) instead of being a sounding board and just getting presentations of what is happening with some input. He went on to say that he really believes in citizen government. He shared that he drafted up a set of bylaws based upon a draft that was worked on by the Tuolumne County Association of Realtors. Drafting bylaws is consistent with what some of the other groups he is a part of, such as, the Homelessness Committee, the Behavioral Health Advisory Board and the Commission on Aging. He said the point is to have clear procedures, look at our membership to see if it is reflective of everybody that should be at the table and then look at the scope of this group to see if the committee can make it do more. He went on to say he hopes that every month we would have things to work on, that we are able to make a meaningful impact on policy and that the group is able to fix some of these issues that come up. He then discussed creating an ad hoc group to report back to the BOSHPC, which would review and amend the draft bylaws he wrote, that the ad hoc group would meet weekly, go through the code section by section, and then bring back our recommendations to this committee. Then, when the group has consensus, it would be send to the Board of Supervisors in the form of a resolution to update the bylaws and potentially reestablish it in some way. He then opened this item for discussion.

Supervisor Goldemberg commented that Supervisor Campbell requested to be a part of this ad hoc group.

Mike Lemke inquired if the draft bylaws were a part of the agenda.

Vice Chair Brandon said the draft was not included but offered to share his screen. He highlighted certain sections in the Table of Contents, such as Membership, Scope and Responsibilities, and Functions. He went on to say that he believes this group could potentially drive policy. Lastly, he wants to adopt a basic parliamentary procedure, which is Rosenberg's Rules of Order. He said this is widely used in government as a more simple, clearer understanding version of Robert's Rules of Order. Vice Chair Brandon then asked Mr. Lemke if there was a particular section he would like to see.

Mr. Lemke said there was nothing specific he wanted addressed in the bylaws.

Trinity Abila commented that she supported making the changes described by Supervisor Brandon.

Mr. Segerstrom asked if we were going to form a subcommittee today.

At 3:45 pm, Supervisor Goldemberg left the meeting.

Vice Chair Brandon responded that he believes they can form an ad hoc committee today. He went on to say Supervisor Campbell has indicated he would like to be a member of the ad hoc committee, and so would he. He then asked Ms. Yaley if there could be 4 members on this ad hoc committee.

Ms. Yaley responded that it could not be a quorum, otherwise it is an official meeting. She then went on to advise the group, when looking at bylaws, to be respectful of the role of the committee in policy, and the review of development projects. She then said there already is a Planning Commission that serves a quasi-judicial role of reviewing and commenting on projects. She explained that she hopes the committee is clear on what they want the role of staff to be.

At 3:49 pm, the meeting was interrupted by an earthquake.

At 3:50 pm, Vice Chair Brandon called for a ten-minute recess, to resume at 4:00 pm.

At 3:55 pm, Supervisor Goldemberg returned to the room.

Meeting resumed at 4:00 pm with Vice Chair Brandon concluding item 2 on the agenda. He went on to say that they are in the process of forming an ad hoc committee, indicating Supervisor Campbell and himself have volunteered and said he is looking for two more members.

Mr. Segerstrom volunteered to be on the ad hoc committee.

Mr. Lemke volunteered to be on the ad hoc committee.

Vice Chair Brandon indicated they have their four members and that he would follow up with everyone on the schedule. He then asked if there is any more discussion on this item. Seeing none, he moved to Item 3 on the agenda.

3. Discussion of resuming in-person meetings for the BOSHPC.

Vice Chair Brandon opened the item for discussion.

Ms. Yaley discussed the potential for a dedicated room for in person meetings. Ms. Yaley stated that prior to the expiration date of the Executive Order, we will be going back to in-person meetings without a Zoom option, in hopes that the County will be able to provide for a hybrid option, Zoom and in-person, eventually. Ms. Yaley offered to answer any questions.

Ms. Abila commented on what Ms. Yaley was saying prior to the earthquake, and subsequent break, about being sensitive to the staff resources and that the ad hoc committee, as it reviews its scope, to not create more work for the staff.

Ms. Yaley clarified her department works at the pleasure of our community and the Board. She explaining there is no resistance to the role and scope of the work that the committee wants to do, but it is important to have that conversation to determine what the expectations are from the Board and the Committee so it is clear how the department, could meet that expectation and what resources we may

need to accomplish the goals..

Vice Chair Brandon opened for public comment. Seeing none, he closed public comment. He then asked if there was any further discussion on this item. Seeing none, he adjourned the meeting.

CONTINUED ITEMS:

None

ADJOURNMENT:

Vice Chair Brandon adjourned the meeting at 4:16 p.m.

Respectfully submitted,

Quincy Yaley, AICP
Community Development Department Director

QY:js

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