



## **CITY OF MENIFEE**

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SUBJECT: First Reading and Introduction of an Ordinance to Amend Menifee Municipal Code Title 5, Business Regulations, Title 7, Subdivisions, and Title 9, Planning and Zoning

MEETING DATE: June 18, 2025

TO: Mayor and City Council

PREPARED BY: Kimberly Luna, Associate Planner

REVIEWED BY: Orlando Hernandez, Acting Community Development Director

APPROVED BY: Armando G. Villa, City Manager

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### **RECOMMENDED ACTION**

1. Find Municipal Code Amendment No. LR24-0135, exempt from environmental review under the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption; and
2. Introduce an ordinance approving Municipal Code Amendment No. LR24-0135, amending Title 5, Business Regulations, Title 7, Subdivisions, and Title 9, Planning and Zoning of the Menifee Municipal Code.

### **DISCUSSION**

The proposed City-initiated Menifee Municipal Code (MMC) Amendments consist of updates and clean-up amendments to comply with the latest State legislation to streamline processes, clarify requirements, and provide greater flexibility and usability for the public consistent with existing City policies. Amendments to comply with recent State law include:

- Amending medicinal cannabis regulations to comply with Senate Bill (SB) 1186.
- Amending Accessory Dwelling Unit (ADU) provisions to comply with SB 1211.
- Amending provisions for urban lot splits and two-unit developments to comply with SB 450, expanding the provisions under SB 9.
- Add Chapter 9.298 to Title 9, related to small lot subdivisions to comply with SB 684 and SB 1123.

The proposed MMC Amendments include amendments to the following chapters of Title 5 (Business Regulations), Title 7 (Subdivisions), and Title 9 (Planning and Zoning) of the MMC:

Title 5 – Business Regulations

- Chapter 5.01 Business License and Regulation Program
- Chapter 5.50 Marijuana Dispensaries Prohibited
- Chapter 5.60 Mobile Marijuana Dispensaries

Title 7 – Subdivisions

- Chapter 7.20 Tentative Maps
- Chapter 7.90 Grading Regulations

Title 9 – Planning and Zoning (Development Code)

- Chapter 9.30 Common Application Processing Procedures
- Chapter 9.75 Planned Development
- Chapter 9.80 Plot Plan
- Chapter 9.105 Temporary Use Permit
- Chapter 9.125 Agricultural and Rural Residential Zones
- Chapter 9.130 Residential Zones
- Chapter 9.135 Commercial and Industrial Zones
- Chapter 9.140 Economic Development Corridor Zones
- Chapter 9.155 Special Planning Areas
- Chapter 9.160 General Development Standards
- Chapter 9.165 Accessory Structures
- Chapter 9.195 Landscaping Standards
- Chapter 9.215 Parking and Loading Standards
- Chapter 9.235 Animal Keeping
- Chapter 9.250 Alcoholic Beverages Sales, Consumption and Manufacturing
- Chapter 9.260 Outdoor Sales, Display & Dining
- Chapter 9.265 Tattoo Establishments (Chapter to be Removed)
- Chapter 9.275 Hookah & Marijuana
- Chapter 9.290 Wireless Communication Facilities
- Chapter 9.295 Special Housing Types
  - Section 9.295.020 Accessory Dwelling Units and Junior Accessory Dwelling Units
- Chapter 9.296 Urban Lot Split & Two-Unit Development
- Chapter 9.298 Small Lot Subdivisions (New Chapter)
- Chapter 9.300 Universal Definitions
- Chapter 9.305 Special standard and use Definitions

The amendments are comprehensive and cover numerous areas of the MMC where areas of improvement have been identified since the last significant Development Code update adopted in February 2024. The overall goal of the proposed amendments is to improve the MMC to better serve and reflect the needs of the community, while balancing the need to protect public health, safety and quality of life consistent with General Plan goals and policies. The proposed amendments for each chapter/section are discussed in further detail below.

### **Planning Commission Hearing – May 28, 2025**

On May 28, 2025, the Planning Commission held a duly noticed public hearing to consider MMC Amendment No. LR24-0135. During the hearing, the Commission discussed and asked follow-up questions of staff regarding the proposed changes related to SB 1186 (medicinal cannabis) and SB 684/1123 (small lot subdivisions). Following deliberation, the Commission voted 4-0-1 (Commissioner Thomas absent) to adopt a resolution recommending that the City Council find MMC Amendment No. LR24-0135 exempt from further environmental review and approve the proposed MMC Amendment No. LR24-0135.

### **Title 5 (Business Regulations)**

The proposed amendments to Title 5 (Business Regulations), updates Chapter 5.50 (Mobile Dispensaries Prohibited) and Chapter 5.60 (Mobile Marijuana Dispensaries) to allow for the delivery of medicinal cannabis and medicinal cannabis products to medicinal cannabis patients or their primary caregivers as set forth by SB 1186 through the Medicinal Cannabis Patients' Right of Access Act. SB 1186 precludes cities and counties from enforcing regulations that prohibit the retail sale of medicinal cannabis by delivery. The proposed amendments to Title 5 amend language to allow for the retail sale of medicinal cannabis by delivery. Additionally, definitions related to medicinal cannabis were added to clarify the terms used and to ensure consistency with state law. These amendments bring the MMC into compliance with SB 1186 by explicitly permitting the delivery of medicinal cannabis to qualified patients and their primary caregivers, while maintaining appropriate local oversight and regulatory standards.

Additional provisions for businesses establishing a physical delivery logistics location for the retail use of medicinal cannabis delivery services were added to Title 9 (Planning and Zoning), as described below in Chapter 9.275 (Hookah & Marijuana). Businesses establishing a physical delivery logistic location will be required to apply for an additional license, referred to as a "Special Business Type." This license requires background checks and approval by the Police Department. The business type, "Medicinal Cannabis Delivery Services (Physical Delivery Logistics Location)," was added to Chapter 5.01.090 (Additional License Requirements for Special Business Types) of Title 5.

### **Title 7 (Subdivisions)**

The first proposed Title 7 amendment updates Article 2 (Maps Required), specifically Section 7.20.090 (Findings of Approval for Tentative Maps), by streamlining the required findings for tentative map approvals, while maintaining consistency with the State's Subdivision Map Act. The second amendment updates Article 6 (Grading), Section 7.90.220 (Drainage and Terracing) to conform with the California Building Code and the California Residential Code.

### **Title 9 (Planning and Zoning)**

#### Article 2 Chapter 9.30 Common Application Processing Procedures

In effort to streamline the City's Development Code, the proposed amendment eliminates the Planned Development Overlay (PDO) permit type from Table 9.30.090-1 (Designated Authority for Permits and Approvals). Planned Unit Developments (PUDs) serve as a flexible tool to implement the General Plan by allowing deviations from the Zoning Code in exchange for enhanced design and community benefits. Currently, the Zoning Code requires an application for a PUD and a Zone Change application for an overlay zone (PDO) to amend the City's zoning

map. The overlay zone requirement (a PDO) is a remnant of the County's pre-incorporation zoning framework, and all existing PDOs in the City were established by the County prior to Menifee's incorporation. Retaining the overlay requirement for the PUDs have proven unnecessary and burdensome, as it requires a City Council approval – even though there is no legal requirement for a separate overlay zone to approve a PUD. The objectives of a PUD – flexibility, quality design, and community value – can be fully achieved through the City's existing PUD application, administered through a Plot Plan application. This process allows for site specific development standards and ensures consistency with the General Plan. Removing the PDO requirement streamlines the entitlement process without compromising design quality or regulatory oversight.

#### Article 2 Chapter 9.75 Planned Development

As described in Chapter 9.30, this amendment removes the PDO Zone as a requirement for PUDs.

#### Article 2 Chapter 9.80 Plot Plan

This amendment proposes to exempt accessory structures and amenities from the Plot Plan requirement, allowing them to be reviewed through the building permit process instead. The intent is to streamline the approval process by requiring the same level of review as a new single-family home. Staff research of neighboring cities found that accessory structures are typically processed through a building permit rather than a discretionary review.

#### Article 2 Chapter 9.105 Temporary Use Permit

This amendment removes the Major Temporary Use Permit (TUP) requirement for temporary construction office trailers. Temporary construction office trailers will be exempt from the TUP if it meets the following conditions:

- a. The construction office trailer is associated with an active, approved construction project.
- b. The construction office trailer is located within the boundaries of the project site.
- c. The construction office trailer is not in an environmentally sensitive area.

If the above conditions cannot be met, a Major TUP would be required. Currently, construction office trailers also require a building permit from the Building & Safety Division.

#### Article 3 Chapter 9.125 Agricultural and Rural Residential Zones

Chapter 9.125 includes amendments to Table 9.125.040-2 (Agricultural and Rural Residential Zones – Development Standards). Proposed amendments, corrects footnote number 1 with the correct section of the Development Code for setback encroachments and adds a footnote to Table 9.125.040-2 for clarity and consistency with the General Plan on nonconforming lots, noting that residential dwellings are allowed even if their lot size does not conform with the density requirements of the General Plan land use designation. This provision also supports the housing production objectives in the Housing Element of the General Plan and State housing laws. The provision for non-conforming lots adds that any proposed dwelling on a non-conforming parcel shall be subject to all applicable development standards set forth in the General Plan and Development Code.

#### Article 3 Chapter 9.130 Residential Zones

Chapter 9.130 amends Table 9.130-1 (Residential Zones – Allowed Uses and Approval Requirements) by removing a “Duplex (two-family dwelling)” as a permitted use from the Low Density Residential (LDR-1) and Low Density Residential (LDR-2) zones, as both zones per the General Plan call out for single-family residences with no density range call outs. “Multiple family” was also removed from Table 9.130-1 as a permitted use from the Low Density Residential (LDR-2) zone, as the zone specifically calls out for single-family detached residences.

#### Article 3 Chapter 9.135 Commercial and Industrial Zones

Amendments to Chapter 9.135 include the following changes:

- Removal of the minimum Floor Area Ratios (FAR) of 0.25 for the Business Park (BP) zone and 0.15 for the Heavy Industrial (HI) zone. This amendment is proposed because a minimum FAR requirement is not common in most zoning codes, and not necessary for achieving quality development in the BP and HI Zones. The MMC would continue to have a maximum FAR standard, which is a necessary limitation, while providing greater flexibility and allow developers to design and construct buildings that better suit the needs of market demands.
- Updates all allowed uses making a reference to Marijuana in Table 9.135.030-1 (Commercial and Industrial Zones – Allowed Uses and Approval Requirements) to Cannabis, the term used in recent State law, SB 1186 pertaining to regulation of Cannabis.
- For consistency with a prior 2023 Code Amendment (Ordinance No. 2023-365), Table 9.135-030-1 was updated where industrial and related uses/definitions were updated for Chapter 9.140 (Economic Development Corridor Zones). This amendment would reflect similar changes to Chapter 9.135 (Commercial and Industrial Zones) for the Business Park (BP) and Heavy Industrial (HI) Zones, which include the removal of the following allowed uses and replaced as follows:
  - Removes:
    - General warehousing distribution centers, and storage (except noxious explosives, or dangerous materials)
    - Laboratories, research and development
  - Replaced with:
    - Warehouse (except noxious, explosives, or dangerous materials, Fulfillment Center, Warehousing, logistics and distribution facility)
    - Research and Development (except noxious, explosives, or dangerous materials).
- Table 9.135.030-1 was also updated to remove the Conditional Use Permit (CUP) requirement for Tattoo Establishments and moved into the broader category of “Personal Services.” The intent for this move is explained further below under Chapter 9.265 Tattoo Establishments. Additionally, the allowed use “Personal Services” was updated to permit personal service establishments in the Economic Development Corridor Northern Gateway (EDC-NG) and in the Economic Development Corridor Southern Gateway (EDC-SG).
- Minimum landscape setbacks for parking areas were added to Tables 9.135.040-1 and 9.135.040-2. These setbacks allow for greater overall site design in accordance with the road classifications as identified in the City’s General Plan.
- Lastly, the maximum allowable wall height in the Business Park (BP) and Heavy Industrial (HI) zones is increased from 12 feet to 14 feet, to provide more effective full screening of

semi-trucks within warehouse distribution facility truck loading/parking areas, since a typical semi-truck is approximately 13.5 feet tall. This requirement includes a footnote related to encouraging wall design that utilizes the 14-foot height on the interior/truck parking and loading area side of the wall and minimizes the wall height to the extent feasible on the exterior street/public view side.

#### Article 3 Chapter 9.140 Economic Development Corridor Zones

Amendments to Chapter 9.140 including the following changes:

- This chapter also includes terminology updates to change all “Marijuana” references in Table 9.140.030-1 (Economic Development Corridors Zones Allowed Uses and Approval Requirements) to “Cannabis” which is the current legal term per SB 1186.
- Similar to Chapter 9.135, the allowed use of “Tattoo Establishments” was updated to be included under the broader allowed use of “Personal Services.”
- Similar to Chapter 9.135, minimum landscape setbacks for parking areas were added to Table 9.140.040-2.
- This chapter also increased the maximum allowable wall height in the EDC-NG and EDC-SG from 12 feet to 14 feet for the additional screening of semi-trucks in warehouse truck loading/parking areas.
- Lastly, this chapter includes amendments to remove residential standards that were specific to mixed use residential uses in the EDC zones. These changes include eliminating:
  - Setback requirements for mixed use developments based on whether or not they abut major traffic corridors;
  - Requirements for converting a mixed-use building to an entirely residential use building;
  - A provision that required new residential developments in the EDC zones to enter into an agreement with the City to build a commercial, office, or institutional use on another site within the same zone; and
  - A development standard that restricted residential-only buildings from being more than four feet above the adjacent sidewalk.

These standards are being removed to simplify the Code, increase flexibility for housing development, and eliminate barriers that make it harder to build or reuse buildings for residential purposes. Overall, the goal is to better support housing production while still allowing for good design and compatibility with surrounding development.

#### Article 3 Chapter 9.155 Special Planning Areas

This amendment updates the list of Specific Plans by adding the Menifee Valley Specific Plan, which was approved on January 10, 2024, and corrects the alphabetical ordering of all listed Specific Plans.

#### Article 4 Chapter 9.160 General Development Standards

This amendment includes several updates to improve the organization, clarity, and consistency of the development standards. Standards for swimming pools, spas, and hot tubs were moved to Chapter 9.165 to consolidate with similar provisions. The maximum six-foot allowed projection for attached covered patios into a rear yard setback (i.e., setback for the primary dwelling) is amended to be no more than 50 percent of the rear yard setback to provide greater flexibility for

patio cover projections proportional to the required rear building setback of a zone. Additionally, language is added to clarify the minimum setback requirement for pool equipment to avoid placement conflicts. Existing provisions regarding architectural features exceeding building height limits are clarified to specify that such features may exceed the maximum building height of a zone by no more than 15 feet. Lastly, a chapter reference error was corrected to maintain accuracy. These amendments were made to streamline regulations, reduce redundancy, and improve ease of use for both applicants and staff.

#### Article 4 Chapter 9.165 Accessory Structures

This amendment consolidates and refines development standards to improve organization, clarity, and ease of use for residents and applicants. Key revisions include:

- The requirement for a Plot Plan is eliminated to streamline the approval process for accessory structures.
- Table 9.165.040-1 (Accessory Structures Setbacks) was updated by removing ADUs and Detached Guest Houses, modifying setback requirements, and adding provisions for improved clarity.
- New language is added to landscaping to screen detached structures, enhancing neighborhood aesthetics.
- Updates are made to allow metal and aluminum materials as accent finishes on accessory structures, promoting higher-quality design standards.
- A new Section 9.165.050 (Outdoor Amenities Development Standards) has been added to better regulate outdoor features.
- Additionally, standards for swimming pools, spas, and hot tubs are relocated from Chapter 9.160 (General Development Standards) into Chapter 9.165, consolidating all accessory structure regulations into a single chapter.
- Finally, to address a concern raised by the Planning Commission on October 26, 2022, the setback requirements for metal shipping containers are amended to change the current 50-foot side and rear yard setback requirement to the building setback requirement of the applicable zoning district of the property where the container is located. This change addresses the concern that a 50-foot setback is overly restrictive or even prohibitive in some cases by limiting the location of a container (approximately eight to ten feet in height) to the center of a property and not allowing enough flexibility in its location. In addition, the maximum allowable container length has been increased from 10 feet to 20 feet to better accommodate this standard shipping container size and typical storage needs.

These changes collectively ensure greater consistency, simplify the Code, and provide greater flexibility and clearer guidance to the public and development community.

#### Article 4 Chapter 9.195 Landscaping Standards

One of the proposed amendments to Chapter 9.195 removes the landscape bond requirement for development projects. The landscape bond was originally required to ensure that newly installed landscaping would be maintained and remain in good condition for at least one year following installation. While well-intentioned, this requirement has proven to be an unnecessary burden for both applicants and City staff. In practice, the City has never needed to draw on a landscape bond to correct maintenance issues.

Such issues can be effectively addressed through project conditions requiring applicants to maintain landscaping on the project site, as well as through existing Code Enforcement procedures if necessary. Removing the landscape bond requirement will streamline the development process, reduce upfront costs for applicants, and align the City's practices with neighboring jurisdictions. Ensuring proper landscaping maintenance through project conditions provides an effective alternative to relying on an unused financial instrument.

Additional amendments to this Chapter remove the requirement for a five-foot landscape strip along the front property line for unenclosed parking facilities. This requirement has been replaced with the proposed landscape setback standards outlined in Chapter 9.135 and 9.140. Additionally, staff has increased the minimum landscape width from six feet to ten feet minimum in areas located between a parking lot and a screening wall, only when buffering between land uses to enhance visual screening and improve overall site design.

#### Article 4 Chapter 9.215 Parking and Loading Standards

The proposed amendment to this Chapter includes clarifying language and updated references to the California Fire and Building Codes to ensure consistency with current State requirements.

#### Article 5 Chapter 9.235 Animal Keeping

This amendment updates Table 9.235.030-1 (Animal Keeping Standards) to ensure consistency with the allowable use tables in the residential zoning districts in Chapter 9.125 and Chapter 9.130. The changes align the animal keeping standards with the permitted uses in each residential zone, addressing conflicting requirements, improving clarity, and ensuring that the Development Code remains internally consistent and easier for residents and applicants to understand.

On October 26, 2022, the Planning Commission requested that staff explore the possibility of increasing the number of dogs permitted per property. After consulting with Animal Friends of the Valley (AFV), the entity that provides animal services, including enforcement of animal regulations for Menifee and surrounding communities, staff recommends no changes be made to the current requirements. AFV expressed a need and desire to maintain the current standard of one to four dogs to ensure consistency and support effective enforcement and management practices. The one to four dog standard is the same for all jurisdictions serviced by AFV, including the cities of Canyon Lake, Lake Elsinore, Menifee, Murrieta, Temecula and Wildomar.

#### Article 5 Chapter 9.250 Alcoholic Beverages Sales, Consumption and Manufacturing

This amendment clarifies regulations related to establishments with on-site alcoholic beverage sales and consumption. Under the current code, bars, tasting rooms, tap rooms, and similar establishments not considered a restaurant/bona fide eating establishment, are not permitted unless incidental to a primary use, such as a comedy club, night club or dance club, which requires approval of a CUP. To allow stand-alone operations of bars, tasting rooms, tap rooms, brew pubs, and wineries, this amendment removes the incidental use requirement, and applicants would be required to obtain a CUP for these uses. These changes strike a balance between maintaining appropriate oversight and offering flexibility to accommodate stand-alone alcohol-serving establishments within the City.

#### Article 5 Chapter 9.260 Outdoor Sales, Display & Dining

On October 26, 2022, the Planning Commission requested that staff look into amending the allowed area requirements for outdoor merchandise displays. The current standard limits the

aggregate display area to no more than 25 percent of the linear frontage of a storefront or 10 linear feet, whichever is greater. Items shall not project more than four feet from a storefront, may only be displayed during business hours, and the business must maintain a five-foot-wide clear pedestrian path/walkway. This amendment increases the allowable aggregate outdoor display to no more than 40 percent of the linear store frontage or 10 linear feet, whichever is greater. Additionally, the amendment adds a provision allowing larger retail establishments in single-tenant buildings that are 50,000 square feet or greater (i.e., big box retailers) to exceed the above requirements, except for the five-foot pedestrian pathway requirement, with an amendment to a previously approved permit issued for the primary use. In the absence of a previously approved permit, the display would be subject to a Minor Plot Plan approval and include conditions limiting the outdoor display within the approved display area.

Article 5 Chapter 9.265 Tattoo Establishments (Chapter to be removed)

This amendment proposes the removal of regulations specific to tattoo establishments, thereby eliminating the chapter in its entirety. Research of neighboring cities found that most allow tattoo establishments by right as a use within the broader category of “personal service” uses without special requirements. Over the years, tattoo establishments have become more common and serve a variety of clientele, including many professionals working, living, and raising families in the communities they serve. More restrictive requirements and processes have the effect of preventing or discouraging establishments that serve a public need and desire for artistic expression. This is also due to a perception and perhaps past reality that tattoo parlors would attract criminal activity and have a negative impact on the community (e.g. biker gang hangouts). The proposed amendment eliminates the City’s current CUP requirements and standards such as a 500-foot separation from other tattoo establishments, religious institutions, and schools. Accordingly, amendments have been made to Chapters 9.135 and 9.140 to reflect this change.

Article 5 Chapter 9.275 Hookah & Marijuana (SB 1186)

The amendments to this chapter comply with the Medicinal Cannabis Patients’ Right to Access Act, SB 1186, which became effective on January 1, 2024. The law removes barriers to medicinal cannabis access for patients in California and prohibits cities from adopting or enforcing any regulations that have the effect of prohibiting the sale by delivery of medicinal cannabis to medicinal cannabis patients or their primary caregivers. The City’s current regulations on non-medical (retail) cannabis businesses, such as, prohibitions of recreational cannabis sales and retail storefronts for recreational cannabis, remain unaffected by the proposed modifications to Chapter 9.275.

Although SB 1186 prohibits local bans on establishing medicinal cannabis delivery businesses, it allows cities to adopt local standards for permitting, location, and the operational components of medicinal cannabis delivery service business.

Medicinal Cannabis Delivery Service businesses, specifically for the physical logistics locations, would be permitted with a conditional use permit in the Business Park (BP) Zone, as reflected in the amendments to Chapter 9.135 (Commercial and Industrial Zones). The amendments to Chapter 9.275 propose a new section 9.275.040 that outlines the standards for medicinal cannabis delivery services. As proposed, a medicinal cannabis delivery business shall be located at least 500 feet from the following sensitive receptors:

- Residential Zones

- Public or private schools
- Daycare centers
- Churches
- Public parks
- Youth activity centers
- Other medicinal cannabis delivery service businesses

The proposed amendments have been developed based on reference materials and guidelines provided by SB 1186 and from the review of examples from other local jurisdictions. With the implementation of these new standards, the City will be in full compliance with State law concerning this issue area.

#### Article 5 Chapter 9.290 Wireless Communication Facilities

The amendments to this Chapter are intended to clarify the City's wireless facility regulations in accordance with federal and state law, including the Middle-Class Tax Relief and Job Creation Act of 2012 (commonly referred to as the "Spectrum Act").

Key revisions include:

- **Eligible Facilities Requests:** Language has been added under Section 9.290.030.G ("Modifications") to address "eligible facilities requests" as defined by the Spectrum Act. Under federal law, local jurisdictions may not deny, and must approve, any eligible request to modify an existing wireless tower or base station, provided the modification does not substantially change the physical dimensions of the facility.
- **"Shot Clock" Provisions:** The amendments incorporate timelines for processing wireless facility applications, consistent with the Federal Communications Commission (FCC) rules and California Assembly Bill (AB) 57, which took effect January 1, 2016. These provisions establish mandatory timeframes ("shot clocks") by which the City must act on wireless communication facility applications.

#### Article 5 Chapter 9.295 Special Housing Types (SB 1211)

SB 1211, establishing new legal requirements for ADUs, was signed into law on September 19, 2024 and became effective on January 1, 2025. This amendment updates Section 9.295.020 (ADUs and Junior ADUs) of the City's Development Code to comply with SB 1211.

Under prior law, a lot with an existing or proposed multi-family dwelling was permitted up to two detached ADUs. SB 1211 now allows lots with *existing* multi-family dwellings to construct up to eight detached ADUs, provided that the total number of ADUs does not exceed the number of existing units on the lot. It is important to note that this change does not apply to lots with *proposed* multi-family dwellings, which remain limited to two detached ADUs.

Additionally, SB 1211 introduces a new definition of "livable space" as it relates to ADUs. This new term has been added to Chapter 9.300 (Universal Definitions) to ensure consistency with State language and to support clear application of the law.

Article 5 Chapter 9.296 Urban Lot Split & Two-Unit Development (SB 450)

In February 2024, the City amended the Development Code to add Chapter 9.296 establishing provisions to allow Urban Lot Splits and Two-Unit Developments in single-family residential zones to comply with State law (SB 9). In September 2024, the State enacted SB 450, which updates the legal requirements of SB 9. Chapter 9.296 is amended to comply with the new requirements of SB 450 including:

- **Procedural Requirements:** Local agencies are now required to approve or deny an application within 60 days of receiving a complete application, and upon denial must provide the applicant with a list of defective or deficient items with a description of how they can be resolved.
- **Objective Standards:** Exempts objective standards from projects when the objective standards are not applied uniformly to other developments across the same zone.
- **Impacts to the Physical Environment:** Local agencies may no longer deny housing development projects associated with urban lot splits on the basis that the project would have a specific, adverse impact upon the physical environment.

Article 5 Chapter 9.298 Small Lot Subdivisions (New Chapter) (SB 684 & SB 1123)

SB 684 was signed into law on October 11, 2023, and became effective July 1, 2024. This legislation allows for the subdivision of parcels zoned for multi-family residential uses, provided the lot is less than five acres in size. Under SB 684, qualifying parcels may be subdivided into 10 lots, each with a minimum lot size of 600 square feet. The number of lots and the number of residential units are not mutually exclusive. For example, a property may be subdivided into four lots while still being allowed to develop up to 10 residential units.

The provisions of SB 1123 adopted September 19, 2024, expanded the provisions introduced under SB 684 to include vacant parcels up to one and one-half acres in size that are zoned for single-family residential uses. These subdivisions are allowed a minimum lot size of 1,200 square feet and are intended to support small-scale, infill housing development. SB 1123 will be effective on July 1, 2025.

**TABLE 1: SMALL LOT SUBDIVISIONS**

<b>Table 9.298.010 Small Lot Subdivisions</b>		
<b>Standard</b>		<b>Additional Requirements</b>
<b>MINIMUM LOT DIMENSIONS</b>		
Multifamily Zoned <u>Lots Net Lot Area (Square Feet)</u>	<u>600</u>	
Single-family Zoned <u>Lots Net Lot Area (Square Feet)</u>	<u>1,200</u>	
<u>Lot Width (Feet)<sup>1</sup></u>	<u>--</u>	
<u>Lot Depth (Feet)<sup>1</sup></u>	<u>--</u>	
<u>Frontage (Feet)<sup>1</sup></u>	<u>--</u>	
<b>FLOOR AREA RATIO</b>		
<u>3 to 7 unit subdivisions<sup>2</sup></u> <u>Maximum</u>	<u>1.0</u>	<u>See underlying zone's FAR</u>
<u>8 to 10 unit subdivisions<sup>2</sup></u> <u>Maximum</u>	<u>1.25</u>	<u>See underlying zone's FAR</u>
<b>SETBACKS (Minimum)</b>		
<u>Front Yard (Feet)</u>	<u>--</u>	
<u>Corner Side Yard (Feet)</u>	<u>4</u>	
<u>Interior Side Yard (Feet)</u>	<u>4</u>	
<u>Rear Yard (Feet)</u>	<u>4</u>	
<u>1. No other size requirement, such as lot width, depth, or frontage shall apply to lots created through SB 684 and SB 1123.</u> <u>2. The Floor Area Ratios set forth in this table shall only apply where the underlying zone's floor area ratio does not exist.</u>		

The law requires development compliance with objective standards set by the State, including minimum lot sizes (600 square feet for multi-family zones and 1,200 square feet for single-family zones), a maximum floor area of 1,750 square feet per unit, and simplified setbacks. Projects must be located in urbanized areas and not on environmentally sensitive or restricted lands. The law also allows a range of ownership models, including fee simple, common interest developments, community land trusts, and tenancy in common. Parking is not required near qualifying transit access, and ADUs or Junior ADUs are permitted on subdivided lots but do not count toward the ten-unit limit. Local agencies may only deny projects based on specific, unmitigable adverse impacts to health, safety, or the environment.

#### Article 6 Chapter 9.300 Universal Definitions

Chapter 9.300 Universal Definitions amends several definitions: "Acre, Gross," "Acre, Net," for consistency with the General Plan. The definitions of "Living Area," "Living Space," are updated to be consistent with State definitions and lastly, the "Personal and Professional Services" definition is clarified by adding types of personal services.

#### Article 6 Chapter 9.305 Special standard and use Definitions

The amendments in this chapter update all references of the term "Marijuana" to "Cannabis" as used and defined in State law. Additionally, this chapter has two new definitions under Section

9.305.070 (Wireless Communications and Related Terms Defined), one being “Eligible Facilities Request” and the other “Fixed Wireless Telecommunication Facility.”

### **Environmental Review**

Staff has reviewed the proposed MMC Amendment in accordance with the CEQA Guidelines and has determined that the MMC Amendment is exempt pursuant to Section 15061 (b) (3) “Common Sense Exemption” of the CEQA Guidelines, as it can be seen with certainty that there is no possibility that the proposed amendments will have a significant impact on the environment as follows: 1) a portion of the amendments are proposed to comply with State law including SB 1186, SB 1211, SB 450, SB 684 and SB 1123; and 2) the remaining amendments are clean-up amendments intended to streamline processes for certain uses, clarify requirements, and provide greater flexibility in development design and existing allowed uses, consistent with City policies, and which do not increase density or intensity of development that is currently allowed within the MMC.

### **Public Notice**

The proposed project was noticed on May 29, 2025 for the June 18, 2025 City Council hearing. The public notice was published in *The Press Enterprise*. Notices were also mailed to anyone requesting a notice.

### **STRATEGIC PLAN OBJECTIVE**

Thriving Economy

### **FISCAL IMPACT**

There is no additional fiscal impact associated with the recommend action.

### **ATTACHMENTS**

1. Ordinance
2. Exhibit A – Title 5 Business Regulations
3. Exhibit B – Title 7 Subdivisions
4. Exhibit C – Title 9 Planning and Zoning
5. Notice of Public Hearing