



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, September 9, 2021 3:00 p.m.

48 Yaley 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/82822549570>

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 (gyaley@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.

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.

COMMITTEE BUSINESS:

1. Consideration of the Minutes of the meeting of August 12, 2021.
2. Reports – Review of pending bills pertaining to housing and affordable housing as submitted by the California Building Industry Association and the California Habitat for Humanity-Affordable Housing Advocacy
3. 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.

NEW ITEMS:

None.

OLD BUSINESS:

1. BOSHPC Review of Title 17 Update Project.
2. BOSHPC Committee Bylaw Update and Consideration to Recommend Final Draft to the Board of Supervisors
3. 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. Update on response from the office of Senator Atkins addressing the committee questions and concerns.

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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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/82822549570>

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/82822549570>

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.



**BYLAWS OF THE TUOLUMNE COUNTY HOUSING
POLICY DEVELOPMENT COMMITTEE**

(TCHPDC)

PASSED ____/____/____

UPDATED ____/____/____

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Introduction

The intent of this group is to not only advise on policies considered by the Tuolumne County Board of Supervisors but further become a space for innovative thought, collaborative partnerships with stakeholders, and to develop and vet targeted policy solutions to our housing challenges.

Background

The *Tuolumne County Housing Policy Review Committee* (TCHPRV) was established by action of the Tuolumne County Board of Supervisors on [REDACTED] to review and make recommendations to the Board on housing policy.

These bylaws were enacted in [REDACTED] 2021 to re-establish the TCHPRV as the *Tuolumne County Housing Policy Development Committee* (TCHPDC, or HPDC) taking on a proactive and collaborative role with restructured membership, mission, and procedures.

Addressing the inventory, accessibility, and affordability of housing in Tuolumne County is a serious concern given several factors that limit growth potential: 77% of County land is State or Federally managed while just over 5% is residential.

Housing is a critical need in Tuolumne County for several reasons. Workforce housing provides the labor backbone for local business and economic development, be it for medical professionals, tradespeople, wait staff, or state park employees. Higher end homes bring in needed revenue, skills, and investment while the availability of affordable units addresses some of the root causes of homelessness and poverty. There is also a moral imperative for County leadership to ensure local families are provided options to continue living and thriving here for generations to come.

Addressing housing scarcity was identified as a top priority by

[Reasons]

This is why ensuring a reliable housing supply while also protecting our sense of place is a top priority for this committee, county, and our community.

ARTICLE I - Name of Organization and its Objectives

1. **Name** - The name of this organization shall be ***Tuolumne County Housing Policy Development Committee***, hereinafter referred to as "**TCHPDC**".
2. **Area** - The area served is Tuolumne County, California.
3. **Status** - All members of the TCHPDC are representatives appointed to speak and work on the issues of housing policy, community development, and land use planning.
4. **Vision** - The Vision of the TCHPDC is to strive for a Tuolumne County where all people have a roof over their heads that is accessible, affordable, available, with the agency of choice, and community minded.
5. **Mission** - The Mission of the TCHPDC is to serve the County Board of Supervisors by advising it on policy and practice related to all services, programs, and policies that impact housing as well as to develop recommendations for policy that will solve problems and address unmet housing needs. The TCHPDC membership will serve the BOS by:
 - a. Ensuring policy items coming to the Board are properly defined, reasonable alternatives vetted, and recommendations are clear.
 - b. Identifying housing issues, policy proposals, grants, or programs that would benefit or harm Tuolumne County as to recommend Board policy positions, and assist the Board in advocating for them at the state and federal level.
 - i. Examples of where the HPDC members may find these changes include but are not limited to: Statewide professional associations (California Association of Realtors, California Building Industry Association), policy institutions (CSAC Housing, Land Use, and Transportation Committee), Housing advocacy groups (California Housing Partnership, Tiny Home Industry Association), etc.
 - c. Providing a forum for input on housing policy issues for the public, community partners, and experts, especially for those which may in nature be controversial and require thoughtful discussion.
 - d. Performing other duties relative to issues related to housing in Tuolumne County as may be assigned by the Board of Supervisors or taken on by this committee.
 - e. Reviewing policy proposals from Tuolumne County staff and community partners regarding housing
6. **Scope** - The TCHPDC shall be an advisory committee to the County of Tuolumne Board of Supervisors for reviewing, researching, and developing housing related policies. It shall also provide comment on the substantial amendment, establishment, or dissolution of housing programs.

ARTICLE II - Responsibilities and Functions

1. Study, review, evaluate, and make recommendations to the Tuolumne County Board of Supervisors and other relevant community agencies relative to any and all matters related to housing insecurity and scarcity, health and safety issues, obstacles to providing housing, and the protection of community assets, vibrancy.
2. Assist in sharing information from staff about housing resources to the public.
3. Study and inform residents of Tuolumne County and the Board of Supervisors of pertinent proposed or enacted legislation and/or regulatory changes related to housing, and policies and programs pursued by other areas.
4. Perform other duties relative to the issue of housing in Tuolumne County as may be assigned by the Board of Supervisors or taken on by this committee.

ARTICLE III - Membership

1. Members of the TCHPDC shall be appointed or assigned by the BOS.
2. Membership of the TCHPDC shall be residents inside Tuolumne County, or a representative of an organization related to housing or community development that serves Tuolumne County.
3. Member terms shall be for two (2) years. Terms may be renewed without limit with formal application from the member and the approval of the Board of Supervisors. While it is encouraged for Supervisors to serve at least two (2) continuous years, it is not mandatory.
4. Each sitting member of this committee shall have an equal vote unless they are ex-officio.
5. These bylaws shall reflect the most up-to-date alterations and intent of the Board of Supervisors, and shall take effect immediately upon any Board of Supervisor changes/
6. The TCHPDC shall consist of eleven (11) members appointed by the Tuolumne County Board of Supervisors.
 - a. Individual membership, for a total of four (4) members, shall include:
 - i. Two (2) Tuolumne County Supervisors
 - ii. Two (2) at-large representatives of the public with at least two (2) years background in housing policy, construction, administration, grant-writing, advocacy or development.

- b. Organizational membership for a total of seven (7) shall be for an individual designated by the organization and sworn-in by the county, and include:
 - i. One (1) representative Agency on Aging
 - ii. One (1) representative from the Tuolumne County Association of Realtors (TCAR)
 - iii. One (1) member from the Tuolumne County Building Industry Association (TCBIA)
 - iv. One (1) representative from the Amador Tuolumne County Community Action Agency (ATCAA)
 - v. One (1) representative from Habitat for Humanity of Tuolumne County
 - vi. One (1) member of the City of Sonora City Council
 - vii. One (1) representative from either the Chicken Ranch Rancheria Me-wuk Indians of California or the Tuolumne Band of Me-Wuk.
- c. The primary support staff for this committee shall include:
 - i. The Director of Community Development, or their designee

7. Member conduct

- a. It is the intent of this body to respect diverse temperaments, talents, and convictions, and to welcome disagreement as an opportunity to learn and compromise.

ARTICLE IV - Vacancies

- 1. A member may be removed from the Committee due to absences and their seat declared vacant by the TCHPDC.
 - a. This shall be defined as absent for three (3) consecutive regular meetings without prior notification to the Chair or Secretary of the reasonable cause for the absence (such as inability to make the time, illness, etc) or being absent for more than three (3) meetings in a six (6) month period.
 - b. A request for removal shall be made in a written format from the TCHPDC to the Board of Supervisors and Tuolumne County Board Clerk to declare the member's seat vacant and to appoint a replacement member.
- 2. Vacancies shall be brought to the Board of Supervisors and notice of vacancy posted by the Tuolumne County Board Clerk. Vacancies shall also be advertised by the TCHPDC

using printed and digital means, and shall be directed to the Tuolumne County Board Clerk.

3. A voting member may request and be granted a temporary leave of absence by the TCHPDC for personal reasons that will cause them to miss at least three (3) or more consecutive regular meetings.
4. A member may resign from the TCHPDC prior to the end of their term by providing written notice (digital or paper) to the Tuolumne County Board Clerk with a copy or cc to the TCHPDC Chair and Secretary.
5. Vacancy appointments shall be filled for the remainder of the unexpired term.

ARTICLE V - Terms and Duties of Officers

1. The ranking officers of the TCHPDC shall be, in order, Chair, Vice-Chair, and Secretary. Officers shall have no additional authority over other commissioners aside from stated duties below but instead are positions of service.
2. Nominations for officers shall be an item of business on an annual basis. Any voting member of the TCHPDC shall be eligible to serve in any officer position.
 - a. Nominations shall begin with a presentation on the duties and responsibilities for each position and then proceed to nominations and voting in descending rank order for each position.
 - b. Nomination motions must be made, seconded, and accepted by the member to be considered valid. There shall be no limit to how many nominations may be made for an office.
 - c. Each nominated candidate may present for up to 3 minutes.
 - d. Once nominations are closed, voting shall be done simultaneously on open ballots in a top three (3) rank-choice system with each voter's name clearly marked, and then publicly tallied for the minutes in compliance with the Brown Act.
 - i. Recognizing the temporary gubernatorial order regarding COVID-19, members in attendance via phone shall be able to present their rank choice vote verbally after time is given for members to write it down.
 - e. An officer shall be elected by a majority vote.
 - f. For the first meeting of the TCHPDC after the ratification of these bylaws, elections shall be held as soon as possible and no later than the following meeting unless tabled by a majority vote.

3. Terms of all officers are one (1) years may be elected to no more than four (4) consecutive years
4. Duties of the Chair:
 - a. To preside at all TCHPDC meetings and have as their first priority the facilitation of discussion so that members are able to participate fully and deliberate agenda items.
 - b. To facilitate the implementation of TCHPDC created *ad hoc* work groups as needed.
 - c. To be an ex-officio member of all standing and ad hoc work groups with the option of attending.
 - d. To oversee preparation of agendas for all TCHPDC meetings in consultation with the Tuolumne County Director of Community Development (or their designee) and Vice-Chair, and to have final approval over said agenda.
 - e. To monitor implementation of the adopted policies, plans, and actions of the TCHPDC and assist as needed and appropriate.
 - f. To appoint a temporary Secretary if they are absent.
 - g. To provide liaison with the Board of Supervisors and serve as the official spokesperson of the TCHPDC, or designate a proxy.
5. Duties of the Vice-Chair:
 - a. To work closely with, support, and assist the Chair in performing their duties as required, and assume the duties of the Chair in their absence.
 - b. To fulfill the role of parliamentarian, including being sufficiently knowledgeable of the Rules of Order, these bylaws, and Brown Act in order to ensure they are followed by members of the commission and the public; advising the Chair and TCHPDC as to proper procedure in a neutral way; maintaining decorum amongst the membership to ensure the free flow of information, safety, and an atmosphere of respect and collaboration; and clearly distinguishing when they are speaking as a member of the TCHPDC versus when they are speaking as a neutral arbiter of process.
 - i. In the case of the Vice-Chair standing in for the TCHPDC Chair, the Secretary shall serve as parliamentarian and secretary.
 - c. To keep track of time for agenda items and speakers to ensure items of business are within their given time frames.
6. Duties of the Secretary:

- a. To ensure minutes are taken at all TCHPDC meetings and submit them to the Tuolumne County Board Clerk after approval by the TCHPDC
- b. To coordinate with staff support for the providing of minutes and other materials to TCHPDC members no later than four (4) business days before each meeting not to include weekends and major federal holidays.
- c. To maintain records of all business of the TCHPDC including but not limited to an up-to-date membership list, current bylaws, meeting minutes and resolutions, and other documents as required and to ensure that the public shall have access to these documents in a digital format
- d. To record members' attendance and to assist the Chair in the implementation of Article IV; Section 1, and to notify members when they are approaching the absence limit.
- e. To assist the Chair and Vice-Chair as requested when correspondence is needed.
- f. To be responsible for coordinating implementation of Article IV; Section 2.
- g. To be an ex-officio member of all work groups with regards to receiving appropriate work group documentation.

7. Officer Vacancies

- a. Vacancies shall be temporarily filled at the next TCHPDC meeting by nomination process for the remainder of the officer's term, unless postponed for cause.
- b. Vacancies in the office of Chair shall first be filled by the Vice-Chair. If not possible, then such a vacancy shall be filled by appointment of the next highest ranking officer.
- c. Vacancies in other offices shall be filled by an elections process with confirmation of a majority of the TCHPDC
- d. If no candidates are nominated or accept a position, the Chair has the discretion to appoint a willing member to temporarily serve in that role until the next nominations process

ARTICLE VI - Committees

- 1. It is the policy of the TCHPDC to promote the use of ad-hoc, time-limited committees with a specific purpose wherever possible.
- 2. Each committee shall be a place to:

- a. Carry out the mission, vision, and strategic plan of the TCHPDC through the established purpose and goals for that committee
 - b. Conduct work in between normal meetings such as researching, discussion, drafting, and introducing policy proposals in order to promote efficiency during regular meetings
3. Ad-hoc committees may be taken on by any member and shall be organized and operated at the discretion of the originator as committee chair.
4. Duties of the Committee Chair
 - a. To lead their assigned committee as Chair, and report back to the TCHPDC on work, discussions, and feedback
 - b. To follow up on any deadlines set by the TCHPDC for items sent to the committee
5. Standing committees that are ongoing in nature may be established by a 2/3rds vote of the TCHPDC. However, given the staff requirements for such additional committees and seeking to keep the work specific, it is recommended that ad-hoc committees are used whenever possible.

ARTICLE VII - Meetings & Quorums

1. The intent of TCHPDC shall be a place to listen, present, discuss, and take action on items prepared by staff and committees between regularly scheduled meetings. It is the expectation that most work in researching, developing, and drafting housing policy shall be done in subcommittees.
2. The TCHPDC shall conduct regularly scheduled public meetings at least **every two (2) months starting in January**, and will meet if there is business except when that day is a County recognized holiday, and then the meeting shall be rescheduled. A future meeting may be cancelled only by a majority vote of the TCHPDC.
 - a. It is the intent of the TCHPDC that meetings shall last no more than two hours, but may be extended by a majority vote of the membership. If not extended, all items of business remaining shall be immediately tabled to the following meeting.
 - b. Regular meeting times shall be set on an annual basis, and may only be amended by a 2/3rds vote of the TCHPDC.
3. Members may attend committee meetings via phone, video call, or (if applicable) in-person when legally permissible. In accordance with the Brown Act, remote attendance requires a specified, recorded location.
4. Additional Meetings

- a. Special meetings may be called by the Chair at least seventy-two (72) hours prior to such meeting. Unless authorized at the previous meeting, a special meeting can only be done for business items that are time-sensitive and cannot wait until the next regularly scheduled meeting.
5. Quorum: A majority (50% + 1) of TCHPDC non-vacant voting positions shall constitute a quorum. If a quorum does not exist, no action may be taken *except* to release, advertise, and distribute applications to join the TCHPDC with approval from legal counsel. Discussion may still occur without action taken if there is not a quorum. Such member discussion is to be reported out at the next meeting with a quorum.
6. Normal procedures in the TCHPDC shall be at the discretion of the TCHPDC Vice-Chair as Parliamentarian, following Rosenberg's Rules of Order as attached in Appendix A. Where conflict arises, these bylaws shall be considered the governing rules of the day.
7. A specific bylaw may be temporarily suspended by a 2/3rds vote of the TCHPDC for one item of business

ARTICLE VIII Conflict of Interest Policy

1. This conflict of interest policy is designed to foster public confidence in the integrity of the TCHPDC and to protect the County of Tuolumne's interest when contemplating recommendations and actions that might benefit the private interest of an insider.
2. Each TCHPDC member shall complete AB 1234 ethics training from the Fair Political Practices Commission (FPPC) and provide proof of completion to the Secretary within a reasonable time frame of accepting appointment.
3. Each member has a "Duty to Disclose" to the TCHPDC all material facts regarding their interest (including relevant affiliations) which may constitute a conflict regarding a proposed action item. The interested person shall make that disclosure promptly upon learning of the proposed action item.
4. Recognizing that many members of TCHPDC are actively involved in the issues of housing and development, for the purposes of TCHPDC, a conflict of interest related to material benefit shall be for transactions or actions which *uniquely* or *predominantly* affect a single member and shall not apply to decisions of material benefit available broadly (e.g. recommending approval of a grant that any non-profit can apply for, not just TCHPDC members). It is the responsibility of the member to immediately bring any potential conflicts to the Tuolumne County Counsel for review.
5. Procedures for Addressing a Conflict of Interest: If a conflict of interest is determined to exist by the member or Legal Counsel, the member shall recuse themselves from the discussion of and vote on the action item. The minutes shall reflect any mentions of conflicts of interest.

ARTICLE IX Agendas & Voting

1. Agenda sections shall include:
 - i. Call to order
 - ii. Roll Call
 - iii. Approval of previous meeting minutes
 - iv. Speakers
 - v. Public Comment - Shall be limited to three (3) minutes for each member of the public. This may be reduced to two (2) minutes in special cases due to length of the agenda, number of speakers, etc. This shall be for comment for items *not* on the agenda.
 - vi. Reports (no action items)
 1. Officers: Chair, Vice-Chair, Secretary
 2. Standing Committees
 3. TCHPDC Ad-Hoc Committees
 - vii. Unfinished business - Motions or items returning from the previous meeting
 - viii. New business - Introduction of new items for consideration of the TCHPDC
 - ix. Announcements
 - x. Adjournment
2. Any member of the TCHPDC may submit items for consideration for New Business to the Chair one week before the publishing deadline for the agenda. All items requiring action shall have a one page writeup that shall include background, summary, and the requested action.
 - a. Should the chair choose to not agendize the item, the introducer may request 3 minutes in New Business to advocate for adding it to the next agenda. The Chair will explain their reason for not accepting the item. A vote will be called requiring a simple majority to add it.
3. The standard time limit for an item of business shall be 30 minutes, and may be extended by majority vote of the TCHPDC for as much time and as many times as needed. After 30 minutes, any member may “call to end discussion and vote”, “send it to

the appropriate committee” *or* to “table the item” until the next meeting with a majority vote.

- a. Motions to end discussion earlier than 20 minutes shall be allowed with a 2/3rds vote of the TCHPDC, when discussion has ended, or at the recommendation of the Chair with a majority vote.
 - b. The standard time limit for discussion on any motion shall be 5 minutes unless similarly extended by a majority vote of the membership.
4. Voting shall be conducted in accordance with the Brown Act and at the discretion of the Chair. It may include but is not limited to calls for unanimous consent, raising of hands, roll call voting, and open ballots.

ARTICLE X - Amendments

1. These bylaws may be amended by affirmative vote of 2/3rds of the TCHPDC membership at a regular meeting, provided that notice of the proposed amendment(s) shall have been given to all members at least one (1) regularly scheduled meeting prior to the meeting at which the amendment(s) will be considered.
2. Upon approval by the TCHPDC, the amendment(s) shall be submitted to the Board of Supervisors for final approval.

Signature of TCHPDC Chair _____ / ____ / _____

*Signature of the TCHPDC
Vice Chair* _____ / ____ / _____

*Signature of the TCHPDC
Secretary* _____ / ____ / _____

BYLAWS APPROVED: _____ / ____ / _____

BYLAWS AMENDED: _____ / ____ / _____

APPENDIX A - Rosenberg's Rules of Order
APPENDIX B - Terminology

APPENDIX A - Rosenberg's Rules of Order



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”



The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.



Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?
Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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APPENDIX B - Terminology

- Amador Tuolumne Community Action Agency (ATCAA) - Created in 1981 as a public, nonprofit entity (community action agency) through a joint powers agreement between the two counties of Amador and Tuolumne, vested with the responsibility of improving the lives of residents in the foothill region.
- At-Risk of Homelessness – People who are not experiencing homelessness, but whose current economic and/or housing situation is precarious or does not meet public health and safety standards.
- Case Law
 - *Jones v. City of Los Angeles* - 444 F.3d 1118 (9th Cir. 2006) - The Eighth Amendment prohibits a city from punishing involuntary sitting, lying, or sleeping on public sidewalks that is an unavoidable consequence of being human and homeless without shelter in the city.
 - *Martin v. City of Boise* - 920 F.3d 584 (9th Cir. 2019) - Formerly *Bell v. City of Boise*, this case has had a significant impact across the United States, particularly in the western states. The United States Court of Appeals for the Ninth Circuit ruled that it is cruel and unusual punishment to criminalize the simple act of sleeping outside on public property when no alternative adequate shelter exists. This has led to dozens of cities repealing or no longer enforcing their anti-camping laws.
- Center for a Non-Violent Community (CNVC) - The Center For A Non-Violent Community is a name change for Mountain Women's Resource Center as of December 2009. The new name more accurately reflects the range of services and programs we provide to the people we serve including men, teens and children. CNVC was incorporated in 1997 as the Mountain Women's Resource Center. With a staff of 5, 12 volunteers, an emergency shelter donated by the City of Sonora, and a \$300,000 annual budget, domestic violence and sexual assault services were provided for Tuolumne County.
- Central Sierra Continuum of Care (CSCoC) - Serves as the Continuum of Care (CoC) for the counties of Amador, Calaveras, Mariposa and Tuolumne in California's Central Sierra foothill region. CSCoC seeks to prevent, reduce, and end homelessness through effective and coordinated community-wide efforts and services.
- Citizens For Responsible Growth – A now defunct community group organized to advocate for responsible community development that include opposing several high profile projects such as Sonora Lowe's and the 2015 Dollar General at the Pedro Wye.
- Density Bonus – Incentives offered to developers allowing exceptions to maximum building density according to zoning generally if some criteria (i.e. percentage of affordable units, veterans housing, student housing) is met.

- Development Terms
 - Parcel map – A parcel map, also known as a property map and tax map, are maps typically built to identify property boundaries and is a popular data source for industries such as real-estate.
 - Tentative map
 - Vesting tentative map
 - Site plan
 - Grading
 - Drainage
 -
- Episodically Homeless – Refers to those who move in and out of homelessness
- Eviction Prevention – Refers to any strategy or program, usually geared at renters that is designed to keep individuals and families in their home and that helps them avoid homelessness.
- Full Service Partnership (FSP) - Provides a combination of subsidized permanent housing and multidisciplinary team–based services with a focus on rehabilitation and recovery.
- Historic Preservation and Design Review Committee – A group
- Homecare and Continuing Care - Refers to a wide range of inpatient and outpatient services that may be offered in the home, in the community or in a hospital or medical setting.
- Homeless – For the purposes of this document, “homeless populations” shall be considered synonymous with the terms “homeless people,” “people without housing,” “unsheltered” or “people without homes.” It may also include those at risk of homelessness.
 - Hidden Homelessness – Refers specifically to persons who live temporarily with others without the guarantee of continued residency or immediate prospects for accessing permanent housing.
- Housing
 - Transitional Housing – Refers to a supportive, yet temporary type of accommodation that is meant to bridge the gap from homelessness to permanent housing by offering structure, supervision, support, life skills, education, etc.

- Permanent Supportive Housing (PSH) - Permanent Supportive Housing pairs affordable housing with comprehensive supportive services. Residents receive housing and services permanently. Permanent Supportive Housing serves primarily single adults who are chronically homeless and have a disabling medical condition. A person successfully exits PSH when they leave the permanent supportive housing unit for another permanent home and also when they maintain a permanent housing unit and continue to receive supportive services
- Public housing – Housing provided for people with low incomes, subsidized by public funds.
- Scattered Site Housing – Housing that is provided at individual locations, usually in the private rental market, as opposed to an affordable housing building or project.
- Housing First – A recovery-oriented approach to ending homelessness that centers on quickly moving people experiencing homelessness into independent and permanent housing. It is followed by provision of additional supports and services as needed.
- Inclusionary Ordinance – Chapter 17.65 of the Tuolumne County Ordinance Code chaptered in 2008. This optional provision generally refers to providing 10% affordable housing in a residential development project but includes other provisions. Link: <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/2647/Chapter-1765---Inclusionary-Housing?bidId=>
- NIMBY (Not In My Backyard) – Colloquial description when residents of a neighbourhood designate a new development (e.g. shelter, affordable housing, group home) or change in occupancy of an existing development as inappropriate or unwanted for their local area.
- Nonconformance – Land uses, structures, or lots that are no longer in compliance with current local codes but were permissible when first built/designated. Nonconformance falls to the local jurisdiction and is generally considered acceptable with some exceptions.
 - A nonconforming use is a use of property that was allowed under the zoning regulations at the time the use was established but which, because of subsequent changes in those regulations, is no longer a permitted use.
 - A nonconforming structure is a structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the zoning and/or development regulations, no longer fully complies with those regulations.
 - A nonconforming lot is one that, at the time of its establishment, met the minimum lots size requirements for the zone in which it is located but which,

because of subsequent changes to the minimum lot size applicable to that zone, is now smaller than that minimum lot size.

- [Poverty](#) – There is a lack of international consensus on the definition of poverty. Poverty is measured in the United States by comparing a person's or family's income to a set poverty threshold or minimum amount of income needed to cover basic needs. People whose income falls under their threshold are considered poor.

The U.S. Census Bureau is the government agency in charge of measuring poverty. To do so, it uses two main measures, the official poverty measure and the Supplemental Poverty Measure, both of which are described in this FAQ.

- Planned unit development –
- Planning Commissions
 - Tuolumne County Planning Commission
 - Local Planning Commissions
- Primary Prevention – Refers to working upstream to reduce risks of homelessness for individuals and families. Typically involves universal interventions directed at whole communities.
- Propositions
 - Prop 13 (1978) – Officially named the People's Initiative to Limit Property Taxation, Prop 13 was part of the California tax revolt movement led by the Howard Jarvis Taxpayers Association and has been amended 9 times since enactment. It had several key components and is critical to understanding real estate taxation and California politics:
 - It's most impactful provision set the maximum amount of any ad valorem tax on real property not to exceed one percent (1%) of the full cash value of such property.
 - It also limited inflation of that value to an annual 2% and can only be reassessed upon change of ownership or new construction.
 - It finally required that any new revenue measures at the state level require a 2/3rds vote of both legislative houses, and also applied that standard to any local special taxes.
- Rent Control – A government mandated cap that limits either the amount or rate of increase in rental rates for residential units.
- Service Coordination - Describes inter- or intra-organizational efforts to support individuals across a range of services.
- Severe Housing Needs – when a household spends more than 50% of its pre-tax income on housing costs.

- Shelter
 - Permitted Village/Encampment - Permitted villages offer outdoor, temporary accommodations for people who are living unsheltered in conditions that threaten their health and safety. Villages offer tiny houses like living structures, community kitchens, hygiene services and case management to clients that have lived outside for extended periods of time or for whom traditional shelter may not be a good fit.
 - Basic Shelter: Basic shelters tend to have limited hours and provide services focused on basic needs and respite from being outdoors, like mats on the floor and a restroom. A person successfully exits a shelter program when they have left the shelter to move to a permanent home.
 - Enhanced Shelter: Enhanced shelters have extended or 24/7 hour service and provide many services such as meals, hygiene services, storage, and staffing to support leaving shelter for permanent housing. A person successfully exits a shelter program when they have left the shelter to move to a permanent home.
- Structural Factors – Are economic and societal issues that affect opportunities and social environments for individuals.
- Systems Failures – Occur when other systems of care and support fail, requiring vulnerable people to turn to emergency systems when other mainstream services could have prevented this need.
- Tuolumne County Association of Realtors (TCAR) –
- Tuolumne County Business Council (TCBC) –
- Tuolumne County Building Industry Association (TCBIA) –
- Written – For the purposes of these bylaws, requirements in writing shall include digital correspondence over email or equivalent software.
- Yurt – A structure that consists of an angled assembly or latticework of wood or bamboo for walls, a door frame, ribs (poles, rafters), and a wheel (crown, compression ring). Modern yurts may be permanently built on a wooden platform; they may use modern materials such as steam-bent wooden framing or metal framing, canvas or tarpaulin, plexiglass dome, wire rope, or radiant insulation. Yurts are a semi-permanent traditional housing structure with renewed interest in addressing chronic housing shortages as well as for house amenities and tourism rentals.



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

To: BOS Housing Policy Committee

From: Quincy Yaley, AICP, Community Development Director

RE: Summary of SB 9 and SB 10 - Pending Bills

48 Yaney Avenue, Sonora
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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:

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

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

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

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

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

(A) 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.

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

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

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

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

(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.

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

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

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

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

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

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

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

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

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

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

(D) The proposed urban lot split would not require demolition 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 (c); 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 (I) 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.

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

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

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

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

(e) For purposes of this section:

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

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

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

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

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

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

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

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street 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

BOARD OF SUPERVISORS HOUSING POLICY COMMITTEE MEETING *Unapproved* MINUTES August 12, 2021

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PRESENT: Vice-Chair Supervisor Jaron Brandon; Doreen Schmidt, Area 12 Agency on Aging; Mike Lemke, Tuolumne County Building Industry Association (BIA); Trinity Abila, Habitat for Humanity; Sam Segerstrom, Tuolumne County Association of Realtors (TCAR)

ABSENT: Supervisor Ryan Campbell; Representative; Amador Tuolumne Community Action Agency (ATCAA)

STAFF: Quincy Yaley, Community Development Department Director; Richard Walker, Community Development Department Planning Manager, Jodi Shoemake, Administrative Assistant Community Development Department

he 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 August 12, 2021, to order at 3:04 p.m.

Quincy Yaley rolled called the committee.

Supervisor Ryan Campbell: Absent
Supervisor Jaron Brandon: Present
ATCAA Representative: Absent
Doreen Schmidt: Present
Mike Lemke: Present
Trinity Abila: Present
Sam Segerstrom: Present

Ms. Yaley Indicated there is a quorum.

PUBLIC COMMENT:

Vice Chair Brandon opened public forum. He said if any member of the public wants to address the Housing Policy Committee for a matter that is not on the agenda..

A member of the public asked if there are any relief programs available for landlords when their renters do not pay rent.

Vice Chair Brandon asked Ms. Yaley if she is aware of any programs.

Ms. Yaley said she is not aware of any CDD managed programs that assist landlords in recovery of lost rental income.. She went on to say that she is unsure if there are any other county departments that may be doing this.

Betsy Hurst recommended to contact a property manager and ask about government benefits they could apply for.

A member of the public commented on the City of Sonora's moratorium on short term rentals and the need for affordable housing.

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

COMMITTEE BUSINESS:

Consideration of the Minutes of the meeting of July 8, 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 Trinity Abila and seconded by Sam Segerstrom to approve the minutes of the meeting of July 8, 2021.

Vice Chair Brandon said since there is no discussion, he will call for a unanimous consent. He then asked if there is anybody dissenting or abstaining from this vote. He noted, seeing none, it passes unanimously.

Motion carried 5 – 0 – 0 with Committee Members Supervisor Ryan Campbell and ATCAA Representative being absent.

Reports

Vice Chair Brandon asked if there are any reports from staff or committee members. Ms. Yaley indicated there are no staff reports.

Vice Chair Brandon reported he is presently attending a CSAC (California State Association of Counties) conference. He went on to say that CSAC is a resource we could all use, indicating we are a member. He hopes the County can take better advantage of this organization and he is trying to understand every way possible they could help us. Vice Chair Brandon then spoke on the recently created Tuolumne County Homelessness Committee. He reported they have decided to put up a standing committee under it which will be for housing, with a focus on the homeless population.

NEW ITEMS:

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.

Vice Chair Brandon indicated these were sent to him as potential bills that the committee may want to take a position on. He asked Ms. Yaley if she had something prepared on this.

Ms. Yaley responded that she provided the committee a one-page summary that she took from the author of the bill and included the drafts of the bills in the packet, but that she had not done any analysis of the bills. Ms. Yaley did note that SB 10 may not be applicable for counties since she sees a reference to cities.

Vice Chair Brandon commented SB 9 seems to allow most California property owners the ability to divide their parcels up into two units to increase home ownership. He said he wanted to bring this to the committee for consideration of taking a position. He then asked if this is something that would be of interest to the committee.

A discussion ensued over the potential impact on neighborhoods, impact on infrastructure, road standards, environmental health concerns and restraints, public water and sewer capacity issues, setback requirements, fire standards, densification impacts and possible impact on homeowner's associations (HOA) Covenants, Conditions and Restrictions (CC&R).

Vice Chair Brandon stated he would be reaching out to the office of Senator Atkins with a list of these questions and concerns and will report back to the committee.

Mike Lemke has concerns over how the committee, identified and choose which pending bills we look at. Mr. Lemke said he would provide a list of these pending bills, published by the California Building Industry Association, to staff for inclusion on next month's meeting.

A discussion ensued over how these pending bills should be identified and brought to the committee. Trinity Abila mentioned that California Habitat for Humanity advocates for affordable housing and has a legal team in Sacramento that reviews all the bills. She went on to say that she receives summaries of these bills from their advocacy group. She went on to say that she will forward these summaries to the group to be included on the agendas for future meetings.

Vice Chair Brandon asked if there was any public comment on this item.

A member of the public, who is also a member of the Commission on Homelessness, was interested in reading through these bills, how they are being developed through the state and how we may apply this toward our homeless situation. He said he is very concerned about any potential changes in eviction moratoriums and what that could do to the total number of homeless and pre-homeless in our population. He commented that he would like to see if there is a possibility of linking these activities together. He went on to ask what percentage of our activities are focus on urgent and homeless conditions as opposed to the long-term development of housing for the general purpose of the community.

Vice Chair Brandon asked if there was any further public comment. Seeing none, he went on to close the public comment for this item.

OLD BUSINESS:

BOSHPC Committee Bylaw Creation Update

Vice Chair Brandon said they met as a group, consisting of himself, Supervisor Ryan Campbell and Sam Segerstrom along with Community Development Department (CDD) staff to add any bylaw revisions or membership changes to the draft. He indicated there was consensus in the meeting to take this to staff for comment. He went on to say that Ms. Yaley went through the document and added comments. Vice Chair Brandon asked the ad-hoc group to review the edits, meet as a group one more time to prepare a final rough draft and have it ready for consideration at the next meeting.

A discussion ensued concerning adding more members to the committee, consideration of staff resources, frequency of the meetings and the intent of the committee, becoming proactive vs reactive.

Vice Chair Brandon asked if there are final comments or edits on this item. Seeing none, he went on to ask if there was any Public Comment on this item. Seeing none, he closed the public comment for this item.

BOSHPC Review of Title 17 Update Project

Ms. Yaley indicated since the last meeting where she presented this project to the committee, she has also presented to the Planning Commission and the Board of Supervisors. She said they have set a close comment date for September 24, 2021. She explained that at that time, if there are chapters that need to be reworked, we will take them back to the drawing board. Chapters that are ready will be forwarded to the Planning Commission and the Board of Supervisors. She commented that Supervisor Brandon had asked the committee to review the drafts and send comments through the Konveio platform or that they can be provided today.

Vice Chair Brandon reiterated his desire for the committee to share this Title 17 update project and the Konveio platform with all the communities of their respective groups.

A discussion ensued concerning the Konveio platform and the process of reviewing the comments.

Vice Chair Brandon shared that the consultants confirmed SB 35 has been incorporated into this update. He then asked Ms. Yaley to explain issue of lot size vs zoning.

Ms. Yaley responded that the easy lots have already been developed therefore the vacant property is more remote and typically have topography challenges. It can be very difficult or impossible to achieve the density that is allowed in the zoning code. She explained, if you have a one-acre lot and allowed to build 6 dwelling units to the acre, by the time you account for the topography, grading, road infrastructure, sidewalks and the 30' setbacks required by the Board of Forestry, it is a struggle to get anywhere near the allowed density in the zoning district.

Vice Chair Brandon asked about the 20% open space requirement and the 100' or 200' setbacks.

Ms. Yaley responded there are two types of open space zoning. There is the generic Open Space (O) zoning that is applied to wildlife habitat and cultural resources. There is also Open Space-1 (O-1) zoning which has an additional protective setback because whatever is being protected is of importance and needs to have an additional buffer zone.

Vice Chair Brandon asked Ms. Yaley how the committee could best provide feedback concerning the update project.

Ms. Yaley responded if there is a group topic to be discussed, it could be done during this meeting, or comments can be made on the Konveio platform.

A discussion ensued concerning limitations of property zoned with open space. A discussion ensued about the review process, comment process, and timelines for this project.

Vice Chair Brandon asked if there are final comments on this item. Seeing none, he went on to ask if there was any Public Comment on this item. Seeing none, he closed the public comment for this item.

ADJOURNMENT:

Vice Chair Brandon adjourned the meeting at 4:18 p.m.

Respectfully submitted,

Quincy Yaley, AICP
Community Development Department Director

QY:js

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