

ORDINANCE NO. 22-2204

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF CARSON ESTABLISHING REGULATIONS FOR URBAN LOT
SPLITS AND TWO-UNIT DEVELOPMENTS IN ACCORDANCE WITH
SENATE BILL 9**

WHEREAS, Senate Bill 9 (SB 9) took effect on January 1, 2022. This bill requires the ministerial approval of two primary dwelling units per parcel in single-family residential zones, where previously only one primary dwelling unit would have been permitted, and requires ministerial approval of lot splits in single-family residential zones and allows two units to be built on each resulting parcel; and

WHEREAS, the City Council desires to establish objective standards governing units and lots splits authorized by SB 9 to preserve the City’s character and quality of life as characterized by the City’s General Plan while also providing affordable housing options for City residents; and

WHEREAS, pursuant to Government Code Section 36937, subdivision (b), any ordinance for the immediate preservation of the public peace, health, or safety, containing a declaration of the facts constituting the urgency, that is passed by a four-fifths (4/5) vote of the City Council, shall take effect immediately upon its adoption; and

WHEREAS, the City Council seeks and intends to protect the health, safety, and welfare of the residents of the City of Carson by establishing regulations for urban lot splits, second primary units, and two-unit developments in single family residential zones, as further described herein.

NOW THEREFORE, the City Council of the City of Carson does hereby ordain as follows:

SECTION 1. Recitals. The above recitals are incorporated by reference.

SECTION 2. Urgency Findings.

A. SB 9 requires the ministerial approval of two primary dwelling units per parcel in single-family residential zones, where previously only one primary dwelling unit would have been permitted, in addition to accessory dwelling units and junior accessory dwelling units, in some cases.

B. Additionally, SB 9 requires ministerial approval of lot splits in single-family residential zones and allows two units to be built on each resulting parcel.

C. This bill has the potential to dramatically increase the density and population of single-family zones, potentially placing a strain on public resources and the infrastructure that serves these zoning districts.

D. Moreover, SB 9 continues a pattern of state action that deprives cities of control over issues of fundamental local concern and traditional local control, namely, the character and quality of residential neighborhoods and the ability to control and plan for the uses of land in the City.

E. SB 9 took effect on January 1, 2022, and it is therefore necessary for the City to establish objective standards regarding the housing developments and lot splits that the City will now be required to permit, and to ensure that such regulations take effect as soon as possible, so as to protect and provide for the welfare of the local community.

SECTION 3. CEQA. The City Council finds and determines that the amendments to the Carson Municipal Code made herein are not a “project” for purposes of California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n), and therefore do not require any environmental review under CEQA.

SECTION 4. The “Permanent Residential Uses” portion of Section 9121.1 of the Carson Municipal Code is hereby amended as follows, with the remaining portions of this Section remaining unchanged except as otherwise stated in this ordinance (additions in ***bold italics***):

	ZONES		
	RA	RS	RM
Permanent Residential Uses:			
Single-family dwellings on lots 50 feet wide or greater.	X	X	X
Single-family dwellings on lots less than 50 feet wide are subject to CMC 9126.9 and 9172.23.	L	L	L
<i>Second primary unit, subject to CMC 9128.81 through 9128.89.</i>		<i>L</i>	
<i>Two-unit development, subject to CMC 9128.81 through 9128.89.</i>		<i>L</i>	
Mobile home (provided the mobile home is certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C.	L	L	L

	ZONES		
	RA	RS	RM
Section 5401 et seq.) and is located on a permanent foundation system pursuant to Section 18551 of the California Health and Safety Code. The Director shall ensure roofing material, roof overhang, and siding material will be architecturally compatible with surrounding residences-).			

SECTION 5. Section 9124 of the Carson Municipal Code is hereby revised to read as follows (additions in *bold italics*; deletions in ~~bold strikethrough~~):

9124 Dwelling Units.

Where no density designation (see CMC 9113.3) is included with the zoning symbol on the Zoning Map, one (1) dwelling unit is permitted on each lot, except as otherwise provided in CMC 9125.5 *and CMC 9128.81 through 9128.89*. (For example, the zoning symbols RA and RS mean one (1) single-family dwelling is permitted on each lawfully established lot.)

Where a density designation (see CMC 9113.3) is included with the zoning symbol on the Zoning Map, the maximum number of dwelling units permitted on a lot or project area is the net lot area in acres multiplied by the density designation number. At least one (1) dwelling unit is permitted on each lawfully established lot. Any fractional amount equal to or greater than one-half (1/2) in the result shall permit an additional dwelling unit. (For example, the zoning symbol RM-18 permits eighteen (18) dwelling units per net acre. On a 1.2 acre site, 1.2 x 18 = 21.6 or 22 dwelling units are permitted.) No density greater than twenty-five (25) dwelling units per net acre shall be permitted.

SECTION 6. Section 9125.2 of the Carson Municipal Code is hereby revised to read as follows (additions in *bold italics*; deletions in ~~bold strikethrough~~):

9125.2 Minimum Lot Area.

*With the exception of a lot created by an urban lot split (see CMC 9210.1 et seq.), no ~~No~~ lot shall be created which has a net area less than five thousand (5,000) square feet, or if a density designation applies, such larger area as may be required to permit one (1) dwelling unit.**

Any existing lawfully established lot is deemed to have the required lot area.

No lot shall be reduced to less than the required lot area, except a portion of a lot may be acquired for public purposes provided the remainder is not less than eighty (80) percent of the required lot area or four thousand (4,000) square feet, whichever is greater.

* See special requirement for mobile home parks in CMC 9128.2.

SECTION 7. Section 9125.3 of the Carson Municipal Code is hereby revised to read as follows (additions in *bold italics*; deletions in ~~bold strikethrough~~):

9125.3 Street Frontage and Access.

No lot shall be created unless it is capable of being provided with vehicular access directly from a public street or alley. *With the exception of a lot created by an urban lot split (see CMC 9210.1 et seq.), the* ~~The~~ street frontage shall be at least fifty (50) feet, except that for a lot with frontage on a cul-de-sac the frontage shall be at least forty (40) feet.

A new or additional use (other than a replacement for an existing dwelling accidentally destroyed) shall not be developed on an existing lot unless there is vehicular access from a public street or alley as required per CMC 9162.8(c). The required vehicular access shall be either directly from a public street or alley or by means of a right-of-way on access.

SECTION 8. Section 9125.3 of the Carson Municipal Code is hereby revised to read as follows (additions in *bold italics*; deletions in ~~bold strikethrough~~):

9125.4 Minimum Lot Width.

No lot shall be created unless it has a width of at least fifty (50) feet for an interior lot or fifty-five (55) feet for a corner lot.

Any existing lawfully established lot is deemed to have the required width.

No lot shall be reduced to less than the required width, except a portion of a lot may be acquired for public purposes provided the lot width of the remainder is not less than forty (40) feet.

This Section does not apply to lots created through an urban lot split.

SECTION 9. Section 9125.5 of the Carson Municipal Code is hereby amended to read as follows (additions in *bold italics*):

9125.5 Multiple Single-Family Rental Units.

- A. Development Standards. Detached rental units may be constructed on any sewered parcel containing an existing dwelling unit provided:
 - 1. The parcel is ten thousand (10,000) square feet or larger;
 - 2. The density of the parcel will not exceed five thousand (5,000) square feet per unit;
 - 3. Adequate private open space shall be provided to each unit;
 - 4. Adequate guest parking shall be provided to relieve impacts to surrounding properties; and
 - 5. Detached rental units incorporate the same or substantially similar architectural features, building materials and colors as the main dwelling unit or comparable dwellings located on adjacent properties, unless otherwise approved by the Planning Commission.

- B. Procedure.
 - 1. Second dwelling units that meet the location and development standards, as defined in CMC 9122.8 and 9125.6, shall be approved ministerially without discretionary review or public hearing.
 - 2. All other units permitted by this Section shall obtain a conditional use permit pursuant to CMC 9172.21.

- C. ***This Section does not apply to second primary units and two-unit developments, which are governed by CMC 9128.81 through 9128.89.***

SECTION 10. A new subdivision of Division 8 of Part 2 of Chapter 1 of Article IX, entitled “Second Primary Units and Two-Unit Developments” is hereby added as follows: (additions in ***bold italics***):

Division 8. Special Requirements for Certain Uses

Residential Condominiums

- § 9128.11 Intent and Purpose.**
- § 9128.12 Existing Residential Condominiums.**
- § 9128.13 Application for Conditional Use Permit.**
- § 9128.14 Development Policy.**
- § 9128.15 Development Standards.**
- § 9128.16 Development Criteria.**
- § 9128.17 Declaration of Covenants – Conditions and Restrictions.**

Mobile Home Parks

§ 9128.2 **Mobile Home Parks.**

§ 9128.21 **Relocation Impact Report (RIR).**

Subdivision Directional Signs

§ 9128.31 **Regulation.**

§ 9128.32 **Application.**

§ 9128.33 **Specifications.**

§ 9128.34 **Agreement and Deposit.**

§ 9128.35 **Time Limit.**

Home Occupations

§ 9128.4 **Home Occupations.**

Multiple-Family Dwelling

§ 9128.51 **Multiple-Family Dwelling.**

§ 9128.52 **Existing Multiple-Family Dwellings.**

§ 9128.53 **Application for Conditional Use Permit.**

§ 9128.54 **Development Standards.**

§ 9128.55 **Development Criteria.**

Reserved

§ 9128.6 **Reserved.**

Single-Room Occupancy Housing

§ 9128.7 **Single-Room Occupancy Housing.**

Second Primary Units and Two-Unit Developments

§ 9128.81 ***Purpose.***

§ 9128.82 ***Ministerial Review; Standard for Denial; Courtesy Notice.***

§ 9128.83 ***Requirements.***

§ 9128.84 ***Development Standards.***

§ 9128.85 Total Number of Units; Removal of Junior Accessory Dwelling Units.

§ 9128.86 Design Standards.

§ 9128.87 Rental Term.

§ 9128.88 Deed Restriction; Affordable Rent Requirement.

§ 9128.89 Possible Configurations Of Units.

SECTION 11. Sections 9128.81 through Section 9128.89 are hereby added to the Carson Municipal Code and shall read as follows (additions in ***bold italics***):

9128.81 Purpose.

The purpose of Sections 9128.81 through 9128.89 is to establish procedures and standards for the approval and creation of second primary units and two-unit developments in accordance with the requirements of Government Code Section 65852.21.

9128.82 Ministerial Review; Standard for Denial; Courtesy Notice.

- A. Notwithstanding any other provision of this code, an application for a second primary unit or a two-unit development shall be considered ministerially, without discretionary review or a hearing, and shall be approved if it meets all of the requirements in Sections 9128.81 through 9128.89.***
- B. An application for a second primary unit or a two-unit development shall be reviewed by the Director.***
- C. The decision of the Director may be appealed in accordance with Section 9173.4.***
- D. Notwithstanding subsection A, the city may deny an application for a second primary unit or two-unit development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed second primary unit or two-unit development would have a specific, adverse impact, as defined in subsection (d)(2) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.***
- E. At least seven days prior to making a determination on an application for a second primary unit or two-unit development, the Director shall mail a courtesy notice to the owner(s) of each property immediately adjacent to***

the property where the proposed development will be located informing the owner(s) of the submitted application.

9128.83 Requirements.

Proposed second primary units and two-unit developments:

- A. Shall be located in an RS zoning district;*
- B. Shall be located on a parcel that meets all the requirements of subsections (a)(6)(B) through (A)(6)(K), inclusive, of Government Code Section 65913.4;*
- C. Shall not require or allow the demolition or alteration of any of the following types of housing:*
 - 1. 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.*
 - 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.*
 - 3. Housing that has been occupied by a tenant in the last three years;*
- D. Shall not require or allow the demolition of more than 25 percent of the existing exterior structure walls on the parcel if the parcel has been occupied by a tenant in the last three years;*
- E. Shall not be located on 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;*
- F. Shall not be located within a historic district or on property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.*

9128.84 Development Standards.

A second primary unit, and both of the units in a two-unit development, shall comply with all of the following development standards:

- A. **Configuration.** *A second primary unit may be attached to or detached from the primary dwelling unit on the parcel, subject to subsections C and D of Section 9128.83.*
- B. **Size.** *A second primary unit, and both of the units in a two-unit development, shall be no larger than 800 square feet in floor area each.*
- C. **Height.** *A second primary unit, and both of the units in a two-unit development, shall be no taller than 16 feet in height from ground level and shall be one-story. The units shall not be located on the second story of a structure unless locating a unit on the second story is the only way to physically allow the construction of a second primary unit or two-unit development on a parcel, or to physically allow either the second primary unit or both units of a two-unit development to be at least 800 square feet in floor area. The units shall not be located on the third or any higher story of a structure.*
- D. **Setbacks.** *No setback beyond the existing setback shall be required for an existing permitted structure or for a unit constructed in the same location and to the same dimensions as an existing permitted structure. In all other circumstances, second primary units, and both units of a two-unit development, shall be set back at least 4 feet from the side and rear lot lines.*
- E. **Parking.**
1. *One new off-street parking space is required for a second primary unit and one new off-street parking space per unit is required for each unit of a two-unit development. Such parking spaces shall be in addition to all other existing parking spaces on the parcel.*
 2. *Notwithstanding subsection E.1, no parking spaces are required for a second primary unit or a two-unit development if either:*
 - a. *The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subsection (b) of Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3; or*
 - b. *There is a car share vehicle located within one block of the parcel.*
- F. **Separate Entrances.** *A second primary unit, and both of the units in a two-unit development, shall have a separate entrance.*

G. Wastewater.

- 1. *Prior to issuance of a building permit for a second primary unit or either unit of a two-unit development, a video of the sewer lines that will be connected to the unit(s), or another appropriate sewer capacity test, may be required to show there are no sewer line constraints, as determined by the city engineer. Any sewer line constraints shall be resolved to ensure adequate sewer capacity for all units on the parcel, as determined by the city engineer, prior to issuance of a building permit.***
- 2. *Prior to issuance of a building permit for a second primary unit or either unit of a two-unit development that will be connected to an onsite wastewater treatment system, the applicant shall provide documentation of a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last ten years. If the city engineer finds that the onsite wastewater treatment system is inadequate to serve the proposed units, the system shall be repaired, replaced, or otherwise modified to ensure adequate capacity for all units on the parcel, as determined by the city engineer, prior to issuance of a building permit.***

H. Utilities. *Second primary units, and both of the units in a two-unit development must each have their own direct utility connection to the utility service provider for water, electric, and gas service.*

I. Tree Replacement. *If the construction of a second primary unit or two-unit development will result in the removal of one or more trees with a trunk diameter of six (6) inches or greater either on private property or in the public right-of-way, then, as a condition of obtaining a certificate of occupancy, the owner shall plant one new 24-inch box tree for each tree removed. Trees planted in the public right-of-way shall be a species approved by the City's public works director.*

J. Additional Development Standards. *Second primary units, and each unit of a two-unit development, shall comply with all development standards that would be applicable to a primary dwelling unit on the same parcel, except where such standard conflict with the requirements of Sections 9128.81 through 9128.89, in which case Sections 9128.81 through 9128.89 shall govern.*

K. Limitation on Enforcement of Development Standards. *With the exceptions of the setback requirements in subsection D and the requirement to comply with all building codes, the city shall not enforce any development standard to the extent that it would have the effect of physically precluding the construction of a second primary unit or two-*

unit development on a parcel, or would physically preclude either the second primary unit or both units of a two-unit development from being at least 800 square feet in floor area.

9128.85 Total Number of Units; Removal of Junior Accessory Dwelling Units.

- A. Sections 9128.81 through 9128.89 do not authorize or require the approval of more than two primary dwelling units on a single parcel. For purposes of this subsection, “primary dwelling units” means dwelling units other than accessory dwelling units or junior accessory dwelling units.**
- B. Notwithstanding any other provision in Sections 9128.81 through 9128.89, the approval of second primary units and two-unit developments on a parcel that was created through an urban lot split shall be limited as described in Section 9210.7.**
- C. If a second primary unit is proposed to be built on a lot with an existing junior accessory dwelling unit, then the junior accessory dwelling unit must be demolished prior to issuance of a building permit for the second primary unit. This requirement shall result in the denial of the application for the second primary unit if demolition of the junior accessory dwelling unit will result in a violation of Section 9128.83, subsection C or D.**
- D. For a diagram of possible configurations of primary dwelling units, two-unit developments, second primary units, accessory dwelling units, and junior accessory dwelling units on a lot in the RS zone, including a lot created by an urban lot split, see Section 9128.89.**

9128.86 Design Standards.

- A. Second primary units, and each unit of a two-unit development, shall comply with all objective design standards that would be applicable to a primary dwelling unit on the same parcel.**
- B. The architectural design and detailing, roof material, exterior color, and finish materials of a second primary unit shall be the same as those of the primary dwelling unit. Both units of a two-unit development shall have identical roof material, exterior color, and finish materials.**

9128.87 Rental Term; Separate Conveyance.

- A. Second primary units and the units in a two-unit development shall not be rented for a term of less than thirty-one (31) consecutive days.**

- B. *A second primary unit may not be turned into a condominium or otherwise sold separately from the other primary unit on the parcel. The units in a two-unit development may not be turned into condominiums or otherwise sold separately from one another.*

9128.88 Deed Restriction; Affordable Rent Requirement.

As a condition of approval of, and prior to the issuance of a building permit for, a second primary unit or two-unit development, the property owner shall execute a deed restriction, in a form approved by the city attorney, which shall be recorded on the property and shall include the following requirements:

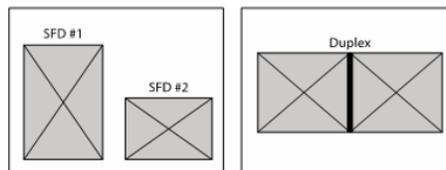
- A. *The second primary unit or two-unit development shall only be used and developed in accordance with the requirements in Sections 9128.81 through 9128.89, including but not limited to the development standards in Section 9128.84 and the limitations in Sections 9128.85 and 9128.87; and*
- B. *Second primary units, and both units of a two-unit development, if rented, shall only be rented at an affordable rent for very-low-income households, as defined in Health and Safety Code Section 50053, and shall only be rented to very-low-income households, as defined in Health and Safety Code Section 50105, for a minimum of 55 years.*

Violation of the deed restriction shall be considered a violation of this code and may be enforced in a manner that this code may be enforced.

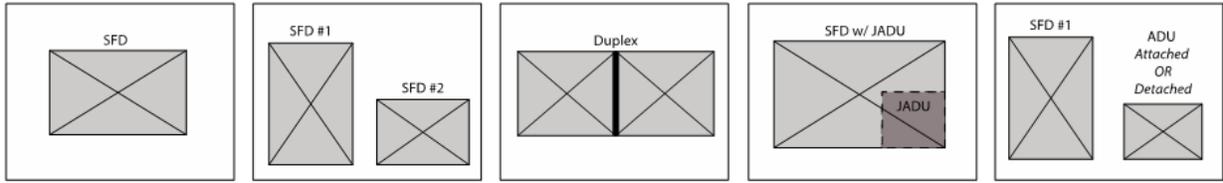
9128.89 Possible Configurations Of Units.

The following diagrams depict all of the possible permissible configurations of primary dwelling units, two-unit developments, second primary units, accessory dwelling units, and junior accessory dwelling units on a lot in the RS zone, including a lot created by an urban lot split. These diagrams are only intended to show what is possible and do not guarantee that a particular configuration will be permitted or approved in any specific case.

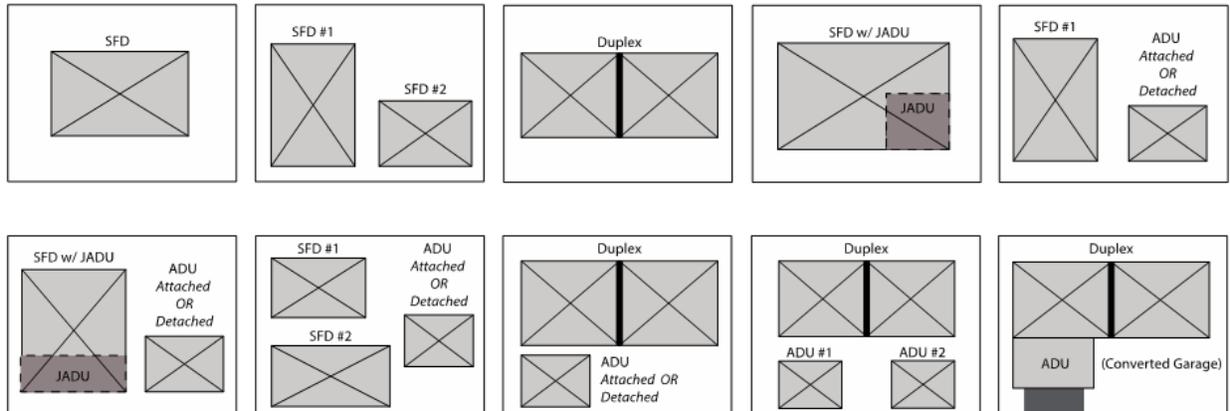
Vacant Lots Created Through an Urban Lot Split



Non-Vacant Lots Created Through an Urban Lot Split



Lots Not Created Through an Urban Lot Split



SECTION 12. A new subsection 13 is hereby added to Section A (Residential) of the Table in Section 9162.21, and shall read as follows (additions in ***bold italics***):

<p style="text-align: center;"><i>13. Second primary units and two-unit developments</i></p>	<p style="text-align: center;"><i>See Section 9128.84.E.</i></p>
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SECTION 13. Section 9191.011 is hereby added to the Carson Municipal Code and shall read as follows (additions in ***bold italics***):

Section 9191.011 Accessory Dwelling Unit.

Shall mean an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. An accessory dwelling unit includes (1) an efficiency unit, as defined in Health and Safety Code Section 17958.1, and (2) a manufactured home, as defined in Health and Safety Code Section 18007. This definition shall be interpreted to be consistent with the definition for “accessory dwelling unit” in Government Code Section 65852.2, as may be amended.

SECTION 14. Section 9191.012 is hereby added to the Carson Municipal Code and shall read as follows (additions in ***bold italics***):

Section 9191.012 Accessory Dwelling Unit, Junior.

Shall mean a residential dwelling unit that is no more than five hundred square feet in size and is contained within a single-family residence. This definition shall be interpreted as consistent with the definition for “junior accessory dwelling unit” in Government Code Section 65852.22, as may be amended.

SECTION 15. Section 9191.544 is hereby added to the Carson Municipal Code and shall read as follows (additions in *bold italics*):

Section 9191.544 Second Primary Unit.

Shall mean a second residential dwelling unit, other than an accessory dwelling unit or junior accessory dwelling unit, on a parcel with one and only one existing residential unit that is not an accessory dwelling unit or junior accessory dwelling unit.

SECTION 16. Section 9191.700 is hereby added to the Carson Municipal Code and shall read as follows (additions in *bold italics*):

Section 9191.700 Two-Unit Development.

Shall mean the simultaneous development of two new residential dwelling units on a parcel with no existing primary residential dwelling units.

SECTION 17. Section 9202.35 of the Carson Municipal Code is hereby repealed and replaced with the following (additions in *bold italics*):

9202.35 Urban Lot Split.

The division of a single parcel into two separate parcels in compliance with the provisions of Part 10 of Chapter 2 of Article IX of this Code.

SECTION 18. Section 9202.36 of the Carson Municipal Code is hereby repealed and replaced with the following (additions in *bold italics*):

9202.36 Zoning Ordinance.

The Carson Zoning Ordinance.

SECTION 19. Part 10 of Chapter 2 of Article IX is hereby added to the Carson Municipal Code and shall read as follows (additions in *bold italics*):

PART 10. URBAN LOT SPLITS

9210.1 Purpose.

The purpose of this Part is to establish procedures and standards for urban lot splits in accordance with the requirements of Government Code Section 66411.7.

9210.2 Permitted Applicants.

Only individual property owners may apply for an urban lot split. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or as a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

9210.3 Ministerial Review; Standard For Denial; Courtesy Notice.

- A. Notwithstanding any other provision of this code, an application for an urban lot split shall be considered ministerially, without discretionary review or a hearing, and shall be approved if it meets all of the requirements of this Part.*
- B. An application for an urban lot split shall be approved or denied by the Director.*
- C. The decision of the Director may be appealed in accordance with Section 9173.4.*
- D. Notwithstanding subsection A, the city may deny an application for an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed urban lot split would have a specific, adverse impact, as defined in subsection (d)(2) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.*
- E. At least seven days prior to making a determination on an application for an urban lot split, the Director shall mail a courtesy notice to the owner(s) of each property immediately adjacent to the property where the proposed lot split will be located informing the owner(s) of the submitted application.*

9210.4 Parcel Requirements.

The parcel that is proposed for subdivision through an urban lot split:

- A. Shall be located in an RS zoning district;*
- B. Shall have at least one residential dwelling unit located on it on the date that the urban lot split is approved;*

- C. *Shall only have residential uses located on it on the date the urban lot split is approved;***
- D. *Shall satisfy all the requirements of subsections (a)(6)(B) through (a)(6)(K), inclusive, of Government Code Section 65913.4;***
- E. *Shall not be located within a historic district or on property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance;***
- F. *Shall not have been created through a previous urban lot split; and***
- G. *Shall not be adjacent to a parcel that was previously subdivided through an urban lot split by the owner of the parcel on which the urban lot split is proposed or any person acting in concert with the owner.***

9210.5 *Additional Requirements.*

- A. *An urban lot split shall subdivide an existing parcel to create no more than two new parcels of approximately equal lot area, provided that:***
 - 1. *Neither resulting parcel shall be smaller than 40 percent of the lot area of the original parcel proposed for subdivision;***
 - 2. *Neither resulting parcel shall be smaller than 1,200 square feet; and***
 - 3. *Each resulting lot shall be at least 20 feet wide and shall have at least 20 feet of street frontage.***
- B. *An urban lot split shall not result in the creation of a parcel with more than two existing units, as defined in Section 9210.7.***
- C. *An urban lot split shall not require or allow the demolition or alteration of any of the following types of housing:***
 - 1. *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.***
 - 2. *Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.***

3. *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 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.*
 4. *Housing that has been occupied by a tenant in the last three years.*
- D.** *As a condition of approval for an urban lot split, the owner of the parcel being split shall sign an affidavit, in a form approved by the city attorney, stating that:*
1. *The proposed urban lot split will not violate the requirements of subsection C of this section;*
 2. *Neither the owner, nor any person acting in concert with the owner, has previously subdivided an adjacent parcel using an urban lot split; and*
 3. *The owner intends to occupy a residential dwelling unit on one of the parcels created by the urban lot split as their primary residence for a minimum of three years from the date of the approval of the urban lot split. This subsection D.3 shall not apply if the owner of the parcel is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.*
- E.** *As a condition of approval of an urban lot split, the owner shall dedicate all easements over the resulting parcels required for the provision of public services and facilities, as determined by the Director.*
- F.** *Each parcel resulting from an urban lot split shall have access to or adjoin the public right-of-way, and, if necessary, provide the other parcel with access to the right-of-way through an easement.*
- G.** *The city shall not require as a condition of approval of an urban lot split:*
1. *Dedications of rights-of-way or the construction of offsite improvements; or*
 2. *The correction of nonconforming zoning conditions existing on the parcel that will be divided.*

H. An urban lot split:

- 1. Shall conform with all the requirements of the Subdivision Map Act; and**
- 2. Shall conform with all the requirements applicable to lot split under this code, except for those requirements that conflict with the requirements of this Part, in which case the provisions of this Part shall control.**

9210.6 Limitations Applicable To New Parcels.

- A. Parcels created by an urban lot split shall only be used for residential uses, notwithstanding the fact that other uses may be permitted in the zoning district in which the parcels are located.**
- B. Residential units constructed on parcels created by an urban lot split shall not be rented for a term of less than thirty-one (31) consecutive days.**
- C. A parcel created through an urban lot split may not be further subdivided by a subsequent urban lot split.**
- D. Separate conveyance of the lots resulting from an urban lot split is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibilities between the owners of the two lots.**

9210.7 Limitation On Number Of Units.

Notwithstanding any other provision of this code, no more than two units are permitted on any parcel created by an urban lot split. For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit or units created pursuant to Sections 9128.81 through 9128.89, an accessory dwelling unit, or a junior accessory dwelling unit. For a diagram of possible configurations of units on a parcel created by an urban lot split, see Section 9128.89.

9210.8 Limitation On Development Of Vacant Parcel Created By Urban Lot Split.

Notwithstanding any other provision of this code, if an urban lot split results in the creation of a vacant parcel, the only permitted use of such parcel shall be a two-unit development.

9210.9 Deed Restriction.

As a condition of approval of an urban lot split, the owner of the parcel to be divided shall execute a deed restriction, in a form approved by the city attorney, which shall be recorded on each of the resulting parcels and shall limit the use of each parcel in accordance with the standards of this chapter, including but not limited to the requirements in Sections 9210.6 through 9210.8. Violation of the deed restriction shall be considered a violation of this code and may be enforced in a manner that this code may be enforced.

SECTION 20. Severability. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 21. Effective Date. Pursuant to Government Code Section 36937, this Urgency Ordinance shall take effective immediately upon approval of the same by a four-fifths (4/5) affirmative vote of the City Council.

SECTION 22. Certification. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this 15th day of March, 2022.

Lula Davis-Holmes, Mayor

ATTEST:

Dr. Khaleah Bradshaw, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney