

**ORDINANCE NO.22-2210**

**AN 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**, the City Council adopted Urgency Ordinance No. 22-2204U on March 15, 2022, establishing objective standards and regulations regarding second units, two-unit developments, and urban lot splits authorized by SB 9; and

**WHEREAS**, out of an abundance of caution, the City Council now wishes to adopt similar regulations through the regular ordinance process, and also wishes to make certain revisions to the previously adopted SB 9 regulations; and

**WHEREAS**, the Planning Commission considered this ordinance at the Planning Commission meeting held on April 12, 2022, and made a recommendation to the City Council.

**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. 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**SECTION 3.** Urgency Ordinance No. 22-2204U is hereby repealed in its entirety and all changes to the Carson Municipal Code made therein are hereby repealed.

**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***):

	<b>ZONES</b>		
	<b>RA</b>	<b>RS</b>	<b>RM</b>
<b>Permanent Residential Uses:</b>			
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

	ZONES		
	RA	RS	RM
<i>Second primary unit, subject to CMC 9128.81 through 9128.88.</i>		<i>L</i>	
<i>Two-unit development, subject to CMC 9128.81 through 9128.88.</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. 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).	L	L	L

**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~~ *with the exception of accessory dwelling units and junior accessory dwelling units, as discussed in CMC 9122.1, and second primary units and two-unit developments, as discussed in CMC 9128.81 through 9128.88.* (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,  $1.2 \times 18 = 21.6$  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.** 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.*

§ 9128.86 *Design Standards.*

§ 9128.87 *Rental Term.*

§ 9128.88 *Deed Restriction.*

**SECTION 10.** Sections 9128.81 through Section 9128.88 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 9128.88 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 9128.88.***
- 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 not be located on a parcel that is any of the following, as more particularly described and defined in Government Code Section 65913.4(a)(6)(B) through (a)(6)(K):***

1. *Prime farmland, farmland of statewide importance, or land zoned or designated for agricultural protection by an approved local ballot measure;*
  2. *Wetlands;*
  3. *Within a very high fire hazard severity zone as determined by the Department of Forestry and Fire Protection, unless the site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures;*
  4. *A hazardous waste site that has not been cleared for residential use;*
  5. *Within a delineated earthquake fault zone unless the development complies with all applicable state and local seismic protection building code standards;*
  6. *Within a special flood hazard area subject to inundation by a 100-year flood, unless:*
    - a. *The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the city; or*
    - b. *The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program;*
  7. *Within a regulatory floodway, unless the development has received a no-rise certification;*
  8. *Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan;*
  9. *Habitat for protected species; or*
  10. *Land under a conservation easement;*
- 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 9128.88, in which case Sections 9128.81 through 9128.88 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.**

- A. Sections 9128.81 through 9128.88 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 9128.88, 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.*

**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.**

**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 require that the second primary unit or two-unit development only be used and developed in accordance with the requirements in Sections 9128.81 through 9128.87. 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 11.** 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**):

<b>13. Second primary units and two-unit developments</b>	<b>See Section 9128.84.E.</b>
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**SECTION 12.** Section 9191.544 is hereby added to the Carson Municipal Code and shall read as follows (additions in **bold italics**):

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

**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 14.** 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 15.** 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 16.** 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 Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or a "qualified nonprofit corporation" as described in Revenue and Taxation Code Section 214.15.*

**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, unless the parcel is owned by a “community land trust,” as defined in Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or a “qualified nonprofit corporation” as described in Revenue and Taxation Code Section 214.15;*
- C. *Shall only have residential uses located on it on the date the urban lot split is approved;*
- D. *Shall not be located on a parcel that is any of the following, as more particularly described and defined in Government Code Section 65913.4(a)(6)(B) through (a)(6)(K):*

1. *Prime farmland, farmland of statewide importance, or land zoned or designated for agricultural protection by an approved local ballot measure;*
  2. *Wetlands;*
  3. *Within a very high fire hazard severity zone as determined by the Department of Forestry and Fire Protection, unless the site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures;*
  4. *A hazardous waste site that has not been cleared for residential use;*
  5. *Within a delineated earthquake fault zone unless the development complies with all applicable state and local seismic protection building code standards;*
  6. *Within a special flood hazard area subject to inundation by a 100-year flood, unless:*
    - a. *The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the city; or*
    - b. *The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program;*
  7. *Within a regulatory floodway, unless the development has received a no-rise certification;*
  8. *Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan;*
  9. *Habitat for protected species; or*
  10. *Land under a conservation easement;*
- 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 Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or a “qualified nonprofit corporation” as described in Revenue and Taxation Code Section 214.15.*
- 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 9128.88, 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 9128.88.***

#### **9210.8 *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 and 9210.7. 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 17. 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 18. Effective Date.** This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption.

**SECTION 19. 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Lula Davis-Holmes, Mayor

ATTEST:

\_\_\_\_\_  
Dr. Khaleah Bradshaw, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sunny K. Soltani, City Attorney