

## Chapter 17.37

### URBAN LOT SPLITS

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17.37.010 Purpose and Intent. It is the purpose of this Chapter to provide procedures necessary for the implementation of section 66411.7 of the Government Code pertaining to Urban Lot Splits. To accomplish this purpose, the regulations outlined herein are determined to be necessary for the preservation of the public health, safety, and general welfare, and for the promotion of orderly growth and development. (Ord. 717 (part), 2022).

#### 17.37.020 Definitions.

A. Urban Lot Split. The subdivision of a parcel within a residential single-family zone into no more than two parcels pursuant to the authority set forth in section 66411.7 of the Government Code. (Ord. 717 (part), 2022).

#### 17.37.030 Filing, Processing, and Action.

A. Ministerial Review. An Urban Lot Split shall be ministerially approved, without discretionary review or hearing, if the proposed Urban Lot Split meets all provisions of this chapter and conforms to all applicable objective requirements of the Subdivision Map Act (Division 2) commencing with section 66410 of the Government Code.

B. Parcel Map. Applicants for Urban Lot Splits shall submit a Parcel Map application.

1. Applications shall include, at a minimum:

i. An affidavit from the applicant stating the applicant intends to occupy one of the housing units created through an Urban Lot Split as the applicant's principal residence for a minimum of three years from the date of the approval of the urban lot split. An affidavit shall not be required if the applicant is a community land trust or qualified nonprofit corporation under Sections 214.15 or 402.1 of the Revenue and Taxation Code.

ii. Parcel map applications shall be accompanied with all data and reports as set forth in Section 17.34.020 and the fees as set forth in the applicable Town fee schedules.

2. Parcel maps for Urban Lot Splits shall not be conditioned on dedication of right of way or construction of offsite improvements.

C. The Town shall act on a Parcel Map application for an Urban Lot Split within 50 days of receipt of a complete application. If the applicant requests a delay in writing, the 50-day

time period shall be tolled for the period of the delay. The Town has acted on the application if it:

1. Approves or denies a Parcel Map application for an Urban Lot Split; or
2. Informs the applicant in writing that changes to the proposed project are necessary to comply with this Chapter or other applicable laws and regulations.

D. Adverse Impact Upon Health and Safety. A proposed Urban Lot Split shall be denied 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 and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, 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. Limitations on Approval. A proposed Urban Lot Split shall not be eligible for approval pursuant to this Chapter if any of the following circumstances apply:

1. The proposed Urban Lot Split would require demolition or alteration of “protected housing.” Protected housing includes:
  - i. 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.
  - ii. Housing that is subject to rent control through valid local rent control provisions.
  - iii. A parcel on which the owner of residential real property has withdrawn accommodations from rent or lease pursuant to Section 7060 of the Government Code within 15 years preceding the development application (i.e., an exit of the rental housing business pursuant to the Ellis Act).
  - iv. Housing that has been occupied by a tenant in the last 3 years.
2. The parcel to be subdivided is located within a historic district, is included on the State Historic Resources Inventory, or is within a site that is legally designated or listed as a Town or county landmark or historic property or district.
3. The parcel to be subdivided satisfies the requirements of subsections (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4 of the California Government Code.
4. The parcel to be subdivided has been established through prior exercise of an Urban Lot Split pursuant to this Chapter.
5. Neither the owner of the parcel to be subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban

Lot Split pursuant to this Chapter. “Acting in concert” means the owner, or a person acting as an agent or representative of the owner, knowingly participated with another person in joint activity or parallel action toward a common goal of subdividing the adjacent parcel. (Ord. 717 (part), 2022).

17.37.040 Development Standards. The following objective development standards shall apply to Urban Lot Splits. In addition to these standards, all provisions of the California Building Code, the objective requirements of the Subdivision Map Act and this chapter regarding parcel maps shall apply to Urban Lot Splits.

A. General Standards.

1. Urban Lot Splits shall be permitted in all single-family residential zones, as provided for in Chapter 18 of the Municipal Code.
2. Uses created through an Urban Lot Split shall be limited to residential uses.
3. Short Term Rentals Prohibited. The rental of any unit created through an Urban Lot Split shall be for a term of longer than thirty (30) days.

B. Objective Development Standards.

1. Both newly created parcels must have a minimum lot size of 1,200 SF.
2. Neither of the resulting parcels can be smaller than 40 percent of the lot area of the original parcel.
3. The resulting parcels must both have access to or adjoins the public right-of-way, sufficient to allow development on the parcel to comply with all applicable property access requirements under the California Fire Code section 503 (Fire Apparatus Access Roads) and California Code Regulations Title 14, section 1273.00 et seq., and
4. The resulting parcel shall have a minimum of a four-foot side and rear yard setbacks.
5. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the Urban Lot Split or alleging any other liability or damages based upon, caused by, or related to the approval of the Urban Lot Split.

C. Exceptions to Development Standards.

Notwithstanding subsection B of this section, all development standards shall be subject to the following:

1. Any standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet, shall not be imposed.
2. No setback shall be imposed for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.
3. Correction of any legal nonconforming zoning condition shall not be required as a condition of approval of an Urban Lot Split. (Ord. 717 (part), 2022).