

Article 3: Supplemental Development Regulations

Division 13: Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones

(“Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones” added 3-11-2022 by O-21439 N.S.; effective 4-10-2022.)

[Editors Note: Amendments as adopted by O-21439 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

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§143.1301 Purpose of the Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones

These regulations are intended to implement California Senate Bill 9 (2021-2022) and California Government Code Sections 65852.21, 66411.7 and 66452.6 by allowing the construction of *multiple dwelling units* in single-family zones and/or an urban *lot split*, as specified in this Division. These regulations specify when and how *multiple dwelling unit development* may be constructed in a base zone that permits *single dwelling unit development*, but not *multiple dwelling unit development*. These regulations also specify when and how a single *premise* may be split into two *premises* that can be developed and conveyed separately when located within a base zone that permits *single dwelling unit development*, but not *multiple dwelling unit development*.

(“Purpose of the Multi-Dwelling Unit and Urban Lot Split Regulations for Single Family Zones” added 3-11-2022 by O-21439 N.S.; effective 4-10-2022.)

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§143.1303 Application of Multi-Dwelling Unit and Urban Lot Split Regulations in Single Dwelling Unit Zones

- (a) This Division applies to *premises* located within a RS, RE, RX, RT and Planned District Zones that permits *single dwelling unit development*, but not *multiple dwelling unit development*, except as prohibited in Section 143.1303(b).
- (b) This Division is not applicable in the following circumstances:
 - (1) When the *premises* is located within any of the following:
 - (A) Prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction;
 - (B) *Wetlands*;
 - (C) The Very High Fire Hazard Severity Zone, unless the *development* complies with Chapter 7A of the California Building Code, which mitigates wildfire exposure risk through materials and construction methods;
 - (D) A hazardous waste site that is listed pursuant to California Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the California Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses;
 - (E) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the California State Geologist, unless the *development* complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the Development Services Department;

- (F) *Special Flood Hazard Areas*, unless:
 - (i) The *premises* has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or
 - (ii) The *premises* meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
 - (G) A regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the *development* has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an *applicant* is able to satisfy all applicable federal qualifying criteria in order to provide that the *premises* satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, an application shall not be denied on the basis that the *applicant* did not comply with any additional City permit requirement, standard, or action that is applicable to that *premises*;
 - (H) The *MHPA* of the *MSCP Subarea Plan*;
 - (I) *Environmentally Sensitive Lands* conserved by dedication in fee title, covenant of easement, or conservation easement; or
 - (J) A *historical district* that is a *designated historical resource*, or on a *premises* that contains a *designated historical resource*.
- (2) If the *development* requires demolition or alteration of any of the following:
- (A) A *dwelling unit* that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of *moderate income*, *low income*, or *very low income*.

- (B) A *dwelling unit* that has been occupied by a tenant in the last three years.
- (3) If the *premises* contains *SRO hotel rooms* or other *dwelling units* that were withdrawn from rent or lease in accordance with California Government Code Sections 7060 through 7060.7 during the 15-year period preceding the application.
- (4) If the *development* requires the demolition of more than 25 percent of the existing exterior structural walls of a *dwelling unit*, unless the *premises* has not been occupied by a tenant in the last three years prior to application submittal.

(“Application of Multi-Dwelling Unit and Urban Lot Split Regulations in Single Dwelling Unit Zones” added 3-11-2022 by O-21439 N.S.; effective 4-10-2022.)

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§143.1305 Utilizing the Provisions of this Division

- (a) An *applicant* seeking to utilize the provisions of this Division may use the *multiple dwelling unit* provisions of Section 143.1310, the urban *lot split* provisions of Section 143.1315, or a combination of both in compliance with the applicable regulations.
- (b) An application to utilize the provisions of this Division may be denied if the City makes a written *finding* based upon a preponderance of the evidence that the *development* would have a specific, adverse impact upon public health and safety or the physical environment and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A specific, adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was *deemed complete*. The following shall not constitute a specific, adverse impact upon the public health or safety:
 - (1) Inconsistency with a zoning ordinance or *land use plan* designation.
 - (2) The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code.

- (c) This Division may be utilized in conjunction with *Accessory Dwelling Unit development* consistent with the following regulations:
 - (1) An *applicant* utilizing only the *multiple dwelling unit* provisions of Section 143.1310 and not the urban *lot split* provisions of Section 143.1315 may construct two attached or detached *Accessory Dwelling Units* in addition to the two *dwelling units* permitted in accordance with Section 143.1310.
 - (A) The *Accessory Dwelling Units* shall comply with the regulations in Section 141.0302, except that no more than two *Accessory Dwelling Units* shall be permitted on the *premises*.
 - (B) Under no circumstances shall the total number of *dwelling units* on the *lot*, inclusive of *Accessory Dwelling Units*, exceed four.
 - (2) An *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* shall not be permitted on a *premises* that proposes to utilize or has utilized both the *multiple dwelling unit* provisions of Section 143.1310 and the urban *lot split* provisions of Section 143.1315.
 - (A) If an *Accessory Dwelling Unit* or *Junior Accessory Dwelling Unit* exists on a *premises* that proposes to utilize the provisions of both Section 143.1310 and 143.1315, the *Accessory Dwelling Unit* must be removed or converted to one of the *multiple dwelling units* permitted under Section 143.1310.
 - (B) Under no circumstances shall the total number of *dwelling units* across the two *lots* resulting from Section 143.1315 exceed four.

(“Utilizing the Provisions of this Division” added 3-11-2022 by O-21439 N.S.; effective 4-10-2022.)

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§143.1307 Rental of Dwelling Units Constructed in Accordance with this Division

A *dwelling unit* constructed in accordance with this Division shall not be rented for fewer than 31 days.

(“*Rental of Dwelling Units Constructed in Accordance with this Division*” added 3-11-2022 by O-21439 N.S.; effective 4-10-2022.)

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§143.1310 Construction of Multiple Dwelling Units in a Single Dwelling Unit Zone

Up to two *dwelling units* may be permitted on a *premises* within a RS, RE, RX, RT and Planned District Zones that permits *single dwelling unit development*, but not *multiple dwelling unit development*, in accordance with the following regulations:

- (a) The *development* regulations of the base zone in which the *premises* is located shall apply, except as specified in this section.
 - (1) *Density* Regulations. The maximum permitted *density* shall be two *dwelling units* per *lot*. The *dwelling units* may be attached to or detached from one another, provided that the *structure(s)* meet California Building Code safety standards and are constructed sufficiently to allow separate conveyance.
 - (2) *Setback* Regulations
 - (A) No *setback* is required for an existing *structure* that is converted to a *dwelling unit*. In addition, a *dwelling unit* that is constructed in the same location and within the same *building envelope* as an existing *structure* may continue to observe the same *setbacks* as the *structure* it replaced.
 - (B) Except as provided in Section 143.1310(a)(2), *dwelling units* must comply with the front yard and *street side yard setbacks* of the base zone. Interior side *yard* and rear *yard setbacks* for *dwelling units* shall be provided as follows:
 - (i) *One-story dwelling units* with a *structure height* of 16 feet or less may have zero *setbacks* in the interior side *yards* and rear *yards*.

- (ii) *One-story dwelling units* with a *structure height* that exceeds 16 feet and *multi-story dwelling units* may have zero *setbacks* in the interior side yards and rear yards, unless the side or rear *property line* abuts another *premises* that is residentially zoned or developed with exclusively residential uses, in which case a 4-foot *setback* shall apply.
- (3) Parking Regulations
 - (A) Within a *transit priority area*, no *off-street parking spaces* are required.
 - (B) Outside of a *transit priority area*, *off-street parking spaces* shall be provided as follows:
 - (i) One *off-street parking space* per *dwelling unit* shall be required for the construction of the third and fourth *dwelling units*. *Off-street parking spaces* are not required for the first two *dwelling units*.
 - (ii) Within the Beach Impact Area of the Parking Impact Overlay Zone, one *off-street parking space* shall be required per *dwelling unit* unless the *applicant* can demonstrate to the satisfaction of the City Manager that there is access to a car share or other shared vehicle within one block of the *premises*.
- (4) Landscape Regulations
 - (A) Two trees shall be provided on the *premises* for every 5,000 square feet of *lot* area, with a minimum of one tree per *premises*. This regulation can be met by existing trees on the *premises*. If planting of a new tree is required to comply with this section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.
 - (B) If *development* would result in more than two *dwelling units* within the two *premises* permitted by this Division, then compliance with the street tree regulations pursuant to Section 142.0409 is required.

- (5) Supplemental Regulations within Areas of Future Sea Level Rise
- (A) Within the Coastal Overlay Zone, the following regulations apply to *dwelling units* constructed outside of *Special Flood Hazard Areas* and within an area of future sea level rise (within a 75-year horizon) as determined by the City Manager based on the most current sea level rise vulnerability maps:
- (i) The *dwelling units* shall comply with the regulations in Section 143.0146(c) and if applicable, Section 143.0146(g). The *base flood elevation* utilized, and the applicability of Section 143.0146(g), shall be based on the *FIRM Zone* of the *Special Flood Hazard Area* in closest proximity to the *premises* on which the *dwelling unit* is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply.
 - (ii) Hard shoreline armoring shall not be constructed to protect *dwelling units* from the effects of sea level rise.
 - (iii) The *record owner* of the *dwelling unit* shall, in a form that is approved by the City, acknowledge the following: (1) that the *dwelling unit* is located in an area of future sea level rise that may become hazardous in the future; (2) that sea level rise could render it difficult or impossible to provide services to the *premises*; (3) that the boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land; (4) that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; and (5) that the *dwelling unit* may be required to be removed or relocated and the site restored if it becomes unsafe; and further the *record owner* shall waive any rights under Coastal Act Section 30235 and related *Local Coastal Program* policies to any hard shoreline armoring to protect the *dwelling unit*.
 - (iv) The *record owner* of the *dwelling unit* shall provide notice to all occupants, upon occupancy, of the *dwelling unit* of the provisions in Section 143.1310(a)(5)(A)(iii).

- (6) Development Impact Fees for *development* constructed in accordance with this Division shall comply with Section 142.0640(b).

- (b) Notwithstanding Section 143.1310(a), a second *dwelling unit* with a maximum *gross floor area* of 800 square feet shall be permitted on a *premises* with an existing or proposed *dwelling unit*, regardless of non-compliance with one or more *development* regulations. The *development* shall comply with the *floor area ratio* of the underlying base zone unless the *development* incorporates an existing *structure* that exceeds the allowable *floor area ratio* or is under the allowable *floor area ratio* by less than 800 square feet, in which case a second *dwelling unit* that does not exceed 800 square feet shall be permitted.

(“Construction of Multiple Dwelling Units in a Single Dwelling Unit Zone” added 3-11-2022 by O-21439 N.S.; effective 4-10-2022.)

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§143.1315 Urban Lot Splits in a Single Dwelling Unit Zone

An urban *lot split* is a *lot split* that divides an existing single *premises* into no more than two separately conveyable *premises* in a zone that allows *single dwelling unit development*, but not *multiple dwelling unit development*, and may be permitted, subject to the following regulations:

- (a) An urban *lot split* shall be permitted in accordance with a Process One *parcel map* and shall comply with Chapter 14, Article 4, Division 2, except that dedications of *public rights-of-way* or the construction of offsite improvements for the parcels being created and the correction of nonconforming *development* regulations of the base zones are not required.
- (b) The expiration of the subdivision shall be in accordance with Government Code Section 66452.6.
- (c) The urban *lot split* provisions of this section may not be used if any of the following apply:
 - (1) The *lot* was established through a prior urban *lot split* in accordance with this section. A *lot* may only be split once in accordance with this section. *Lots* created pursuant to this section are ineligible for any further subdivision.

- (2) The *record owner* or any person acting in concert with the *record owner* has previously subdivided an adjacent *lot* using an urban *lot* split in accordance with this section.
- (d) Only residential uses are permitted on a *lot* that was created by the urban *lot* split provisions of this section.
- (e) Prior to the recordation of the *parcel map*, the *record owner* shall sign an affidavit acknowledging the *record owner* intends to reside in one of the *dwelling units* as their primary residence for a minimum of three years from the date of the approval of the urban *lot* split. The affidavit shall be in a form that is approved by the City and recorded in the Office of the County Recorder. This requirement shall not apply to a *record owner* that is a community land trust, as defined in California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or is a qualified nonprofit corporation as described in California Revenue and Taxation Code Section 214.15.
- (f) The *development* regulations of the base zone in which the *lot* is located shall apply, except as specified in Section 143.1310(a) and this section.
 - (1) The minimum *lot* area and minimum *lot* dimensions regulations of the base zone shall not apply and are replaced with the following regulations:
 - (A) The two *lots* shall be approximately equal in size, provided that one *lot* shall not be smaller than 40 percent of the *lot* area of the original *lot*.
 - (B) The two *lots* shall each be no smaller than 1,200 square feet.
 - (C) If the *lot* contains existing *structures* that will remain as part of the *development*, the *lot* shall be split in a manner that complies with or comes as close as possible to compliance with the *floor area ratio* of the underlying base zone, consistent with Section 143.1315(f)(1)(A) and (B).
 - (2) A *lot* should be subdivided in a manner that complies with the *street frontage* and driveway width requirements of the base zone wherever feasible. *Development* that does not comply with the *street frontage* and driveway width requirements of the base zone shall record an access easement on the *lot* to the satisfaction of the City Engineer.

- (g) Notwithstanding Section 143.1315(f), an urban *lot* split and construction of a second *dwelling unit* with a maximum *gross floor area* of 800 square feet shall be permitted on each of the *lots* created by an urban *lot* split, regardless of non-compliance with one or more *development* regulations, subject to the following:
- (1) The *development* shall comply with the *floor area ratio* of the underlying base zone unless the *development* incorporates an existing *structure* that exceeds the allowable *floor area ratio* or is under the allowable *floor area ratio* by less than 800 square feet, in which case a second *dwelling unit* that does not exceed 800 square feet shall be permitted.
 - (2) The *development* shall comply with the *lot* size requirements in Section 143.1315(f)(1).

(“*Urban Lot Splits in a Single Dwelling Unit Zone*” added 3-11-2022 by O-21439 N.S.; effective 4-10-2022.)

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