

ORDINANCE NO. 1335

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY EXTENDING FOR UP TO AN ADDITIONAL 22 MONTHS AND 15 DAYS RULES AND REGULATIONS FOR DEVELOPING TWO-UNIT RESIDENTIAL DEVELOPMENTS, AND FOR SUBDIVIDING SINGLE-FAMILY RESIDENTIAL PROPERTIES IN RESPONSE TO STATE SENATE BILL 9, DECLARING THE URGENCY THEREOF, AND MAKING A DETERMINATION THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on September 16, 2021 Governor Gavin Newsom signed new housing laws including Senate Bill 9 (SB 9), which requires ministerial processing and approval of proposed housing developments containing two dwelling units per lot and the subdivision of one lot into two parcels, within single-family zones; this bill became effective on January 1, 2022; and

WHEREAS, on October 6, 2021, the Planning Commission received a presentation on the new housing laws including SB 9 and on October 25, 2021, the City Council received a similar presentation; and

WHEREAS, following the presentation to the City Council on October 25, 2021, the City Council directed the Department of Environmental Services to prepare amendments to Title 9 of the Simi Valley Municipal Code to establish objective design standards and rules and regulations for developing two-unit residential and subdividing single-family residential properties in single-family zones as required by SB 9, in order to protect the character of the City's well established single-family neighborhoods; and

WHEREAS, the City studied and formulated permanent regulations for the implementation of SB 9 projects in the City, but was not able to complete that exercise prior to January 1, 2022, when SB 9 became effective. Without establishing appropriate regulations, SB 9 projects have the potential to impact the health, safety, and welfare of residents in the City, and particularly on the character of single-family residential neighborhoods, the rural quality of the community, vehicular and pedestrian safety, and on-street parking demand. Due to the potential lengthy process of developing regulations for lot splits and new units built on these lots, the City Council found there was an immediate need to establish objective zoning and subdivision standards for SB 9 projects; and

WHEREAS, on December 20, 2021 the City Council adopted Urgency Ordinance No. 1331 to revise portions of Title 9 in the Simi Valley Municipal Code, to establish objective design standards for developing two-unit residential developments and establish rules and regulations for subdividing single-family residential properties in response to SB 9 for a period of 45 days. The 45-day Urgency Ordinance No. 1331 expires on February 2, 2022, unless it is extended by the City Council in accordance with Government Code Section 65858; and

WHEREAS, on January 24, 2022, a report was issued pursuant to Government Code Section 65858(d) discussing the measures taken to alleviate the condition that led to the adoption of the interim ordinance, and steps taken to continue establishing objective design standards for developing two-unit residential developments and establish rules and regulations for subdividing single-family residential properties in response to SB 9; and

WHEREAS, the City Council has the power under Government Code Sections 65858, to extend the urgency ordinance a maximum of 22 months and 15 days to December 17, 2023, if it is an ordinance for the immediate preservation of the public peace, health or safety, contains a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the City Council; and

WHEREAS, the City finds it necessary for the City Council to extend this Urgency Ordinance to December 17, 2023, pursuant to the powers under Government Code Section 65858, to immediately address changes to State law in SB 9 (Chapter 162), that act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code. These Government Code Sections establish objective design standards and rules and regulations for ministerially approving the development of up to two residential units and the subdivision of single-family residential properties while addressing peace, health and safety issues related to the effective regulations for SB 9 requests, and ensuring continued neighborhood compatibility, and avoiding any statutory conflicts; and

WHEREAS, the proposed amendments to the Simi Valley Development Code will support the objectives and policies of the Housing Element of the City's General Plan; and

WHEREAS, this extended Urgency Ordinance is exempt from review under the California Environmental Quality Act (CEQA; California Public Resources Code Section 2100, et seq.) and CEQA regulations (Title 14, California Code of Regulations Section 15000, et seq.) pursuant to Government Code Sections 65852.21(j) and 66411.7(n) as ordinances intended to implement SB 9. In addition, the proposed amendments are exempt under CEQA Section 15061(b)(3) as the amendments are covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. The findings in the City Council Staff Reports dated January 24, 2022 and December 20, 2021, and the recitals set forth above are hereby adopted as findings.

SECTION 2. Definitions. For the purposes of this ordinance, certain words and phrases are defined as follows:

1. Senate Bill 9 (SB 9) means a State law passed by the California state senate and approved by the Governor on September 16, 2021. The

bill amends Government Code section 66452.6 and adds Government Code sections 65852.21 and 66411.7.

2. Senate Bill 9 (SB 9) Development Project means a development with no more than two residential units located on a single original lot in a single-family residential zone. The residential units may be located in a single building that contains two residential units (also known as a duplex) or in two detached buildings. For purposes of this ordinance, SB 9 Development Project shall have the same definition as Two-Unit Residential Development.
3. Urban lot split means a parcel map subdivision permitted pursuant to SB 9 that creates no more than two parcels of approximately equal lot area. For purposes of this ordinance, urban lot split has the same definition as Two-Unit Residential Tentative Parcel Map.

SECTION 3. Notwithstanding any other ordinance or provision of the Simi Valley Municipal Code, SB 9 development projects and urban lot splits are prohibited unless the project complies with the requirements outlined in this ordinance and the provisions in Exhibit A to this ordinance.

SECTION 4. Applicability. Notwithstanding any other provision of the City's Development Code, the provisions of this ordinance shall apply to SB 9 development projects and urban lot splits that are proposed pursuant to the regulations in SB 9. Except as expressly provided in SB 9 or in this interim ordinance, all other regulations of the underlying zone of a property developed pursuant to SB 9 shall apply, along with all other applicable regulations from the City's Development Code, so long as such regulations are not preempted by State law.

SECTION 5. Authority. Pursuant to Government Code Section 65858, the City Council may, to protect the public safety, health, and welfare, adopt, as an urgency measure, an interim ordinance that prohibits certain developments that may be in conflict with a contemplated zoning proposal that the City Council is considering, studying or intends to study within a reasonable period of time. The City Council finds and determines that there is a potential for an immediate threat to public health, safety, and welfare from SB 9 development projects that do not conform with certain objective standards established by the City because of the potential of SB 9 development projects to have a detrimental impact on single family residential neighborhoods in the City, as mentioned in the foregoing recitals, which are incorporated herein by reference. In addition, without appropriate standards and procedural regulations, there may be confusion about how SB 9 will be implemented and the scope of development that will be allowed. Therefore, under the authority of Government Code Section 65858, the City Council seeks to establish interim objective standards to protect the public health, safety, and welfare, while the City studies permanent standards for SB 9 development projects and urban lot splits.

SECTION 6. Effective Date. This Ordinance is adopted as an extended Urgency Ordinance for the immediate preservation of the public peace, health and safety pursuant

to Government Code Section 65858, and therefore become effective immediately, upon the expiration of Ordinance No. 1331, and upon its adoption by a minimum 4/5 vote of the City Council and shall continue in effect for a period of no longer than 22 months and 15 days, expiring on December 17, 2023. The extended Urgency Ordinance is will allow staff to prepare a permanent ordinance that will be presented noticed public hearing for final adoption.

SECTION 7. Uncodified. This Urgency Ordinance shall not be codified.

SECTION 8. Severability. The City Council declares that, should any section, subsection, subdivision, sentence, clause, phrase, or portion of this Urgency Ordinance for any reason be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance. The City Council hereby declares that it would have adopted this Urgency Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 9. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 10. This ordinance shall go into effect and be in full force and effect immediately, upon the expiration of Ordinance No. 1331, and after its passage.

PASSED and ADOPTED this 24th day of January 2022.

Attest:

DocuSigned by:
Lucy Blanco
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Lucy Blanco, City Clerk

DocuSigned by:
Keith L. Mashburn
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Keith L. Mashburn, Mayor of the City of Simi Valley, California

Approved as to Form:

DocuSigned by:
David L. Caceres
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David L. Caceres, City Attorney

Approved as to Content:

DocuSigned by:
Brian Paul Gabler
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Brian Paul Gabler, City Manager

DocuSigned by:
Stratis Perros
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Stratis Perros
Environmental Services Director

CERTIFICATION

I, City Clerk of the City of Simi Valley, California, do hereby certify that the foregoing is a full, true, and correct copy of Urgency Ordinance No. 1335 which was adopted by the City Council of the City of Simi Valley, California, at a regular meeting thereof held on the 24th day of January 2022 by the following vote of the City Council:

AYES: Council Members Luevanos, Judge, Cavanaugh, Mayor Pro Tem Litster and Mayor Mashburn

NAYS: None

ABSENT: None

ABSTAINED: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Simi Valley, California, dated January 26, 2022.

DocuSigned by:
Lucy Blanco
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Lucy Blanco, CMC
City Clerk

EXHIBIT A**Part 1**

Subject to the standards and regulations in this urgency ordinance, Urban Lot Splits and Two-Unit Residential Developments shall be an allowed use in the OS, RE, RVL, RL, RM, and RPD zones.

Part 2**Two-Unit Residential Development**

- A. **Purpose.** The intent and purpose of this Section is to provide development and objective standards for Two-Unit Residential Developments as required by State law (SB 9).
- B. **Applicability.** Pursuant to California Government Code Sections 66452.6, 65852.21 and 66411.7, as enacted by SB 9, the division of land and provisions for Two-Unit Residential Development in the OS, RE, RVL, RL, RM, and RPD zones, shall be subject to the standards set forth in this ordinance.
- C. **Authority.** Requests for a Two-Unit Residential Development that comply with the requirements of this section shall be approved by the Deputy Environmental Services Director/City Planner with a Supplemental Zoning Clearance.
- D. **Qualifying Two-Unit Residential Developments.** Qualifying Two-Unit Residential Developments are as defined in Government Code Section 65852.21. The reductions and exceptions in this section apply only to Two-Unit Residential Development in the OS, RE, RVL, RL, RM, and RPD zones, and any development on a lot or subdivided lot approved as an urban lot split.
- E. **Prohibited Development.** Two-Unit Residential Development as described in this section shall be prohibited in the following locations and circumstances, pursuant to state law and as further specified below:
1. Rental Units. Two-Unit Residential Development shall not require the demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - b. Housing that has been occupied by a tenant in the last three years.
 2. Prior Removal of Rental Units. Two Unit Residential Development shall not occur on a parcel on which an owner of residential real property has exercised the owner's right 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.

3. Demolition. No more than 25% of the exterior walls of the existing structure may be demolished unless the site has not been occupied by a tenant in the last 3 years.
 4. Substantial Redevelopment. Two-Unit Residential Development shall not include the substantial redevelopment of existing buildings, unless the replacement building conforms to current development standards in the zoning district, or the replacement of a nonconforming structure is reconstructed in the same location and with the same dimensions and floor area as the existing building in accordance with Simi Valley Municipal Code (SVMC) 9-72.040 (B)(1).
 5. High Fire Hazard Areas. Two-Unit Residential Development shall not be permitted within the Very High Fire Hazard Zones, unless proposed buildings are designed to meet the high fire construction standards adopted or enforced by the City, as determined by the Building Official, the Ventura County Fire District, or the State Fire Marshall, including, but not limited to, any requirement for fire sprinklers. No variance or modification to any Building or Fire Code requirements or high fire construction standards shall be permitted.
 6. Restricted Areas. Two-Unit Residential Development shall not be permitted within the Alquist-Priolo Earthquake Fault Zone, 100 year flood zone, or the Habitat Connectivity and Wildlife Corridor unless proper mitigations are approved by the Building Official, Environmental Services Director (Habitat Connectivity and Wildlife Corridor), Public Works Director (100 year flood zone), or related agencies.
 7. Historic Resources. Two-Unit Residential Development shall not be permitted on a lot with a designation as a historic property, or is a property included on the State Historic Resources Inventory, County Landmark or Structure of Merit on the Ventura County Historical Landmarks and Points of Interest or listed in the General Plan.
- F. Number of Residential Units Allowed.** The new units in a Two-Unit Residential Development may be permitted in the following configurations, provided that no more than two attached or detached residential units are in any one building on a lot. No more than four units shall be allowed on the original single-family lot. For the purpose of this section, "unit" means any dwelling unit, including, but not limited to, additional residential unit, primary residential unit, accessory dwelling unit (ADU), or junior accessory dwelling unit (JADU). The allowed configurations are as follows:
1. One new unit incorporated entirely within an existing residential unit.
 2. One new unit incorporated entirely within an existing accessory building, including garages.
 3. One new unit attached to, and increasing the size of, an existing residential unit or an existing accessory building.

4. One new unit detached from and located on the same lot as an existing unit. A unit that is attached to another detached accessory building, but not another residential unit, or is attached by a breezeway or porch, is considered detached.
5. Two newly constructed attached units (duplex) or two detached residential units on a vacant lot.
6. A Two-Unit Residential Development in any of the configurations described above may be added to a newly created lot concurrently with an approval for an urban lot split; however, the provisions the provisions allowing an urban lot split shall not be used to permit more than two units on a lot.
7. If the property has an ADU or JADU constructed prior to January 1, 2022, they may be located on a property with a proposed Two-Unit Residential Development; however, a lot split would be prohibited in that instance.

G. Accessory Dwelling Units. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) may be permitted concurrently or subsequently to a two-unit residential project. However, parcels subdivided as an urban lot split are not permitted to have an ADU or JADU in addition to the Two-Unit Residential Development. No more than four units are allowed on the original single-family parcel. ADUs and JADUs may only be added to Two-Unit Residential projects in the following configurations:

1. A property developed with one (1) single-family residence can add one (1) Two-Unit Residential Development unit plus an ADU and JADU to the property. Maximum of four (4) units.
2. A property developed with one (1) single-family residence, ADU and/or JADU can add one (1) SB 9 unit. Maximum of four (4) units.
3. A property developed with one (1) single-family residence can split the lot and add one (1) SB 9 unit to the lot with the residence. On the new lot they can construct two (2) new SB 9 units. No new ADU/JADU is allowed on either lot. Maximum of four (4) units between the two (2) lots.
4. A property developed with one (1) single-family residence, a detached ADU and/or JADU may split the lot using SB 9 if the detached ADU can be configured on the second lot. On the new lot, one (1) new SB 9 unit may be constructed. No new ADU or JADU is allowed on either lot. No new units may be constructed on the lot with the existing residence, ADU and/or JADU. Maximum of four (4) units between the two (2) lots.

H. Accessory Structures Allowed. Residential accessory buildings, such as garages that are not attached to the new residential unit may be permitted concurrently or subsequently to a Two-Unit Residential Development project, pursuant to SVMC Section 9-30.080 Setback and Separation Requirements. The maximum accessory building floor area shall apply to the original parcel, and not per residential unit. The cumulative square footage of all structures shall not cover more than 40% of any yard as defined in Section 9-80.020 of the SVMC. Structures shall include all residences, accessory buildings, sheds, gazebos, or other permitted structures.

- I. **Nonconforming Development.** OS, RE, RVL, RL, RM, and RPD zoned lots already developed with two or more existing residential units, shall not use the provisions of this section to add floor area or residential units, or make any other alterations to the buildings or site otherwise prohibited by this ordinance, unless the development complies with all of the standards of this ordinance.
- J. **Rental Terms.** Each unit may be rented separately, however rental terms shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.
- K. **Property Ownership.** Two-Unit Residential Development requires a property owner to occupy one unit as their primary residence for a minimum of three years.
- L. **Tree Removal.** If a property applies for subdivision under Two-Unit Residential Development regulations and contains a protected tree as defined in the Zoning Code, a tree report must be submitted and the regulations of Chapter 9-38 Tree Preservation, Cutting and Removal must be followed.
- M. **Outdoor Lighting.** All outdoor lighting shall comply with the objective standards in the City's outdoor lighting ordinance (SMVC Chapter 9-30.040).
- N. **Undergrounding of Utilities.** Existing onsite overhead utility lines shall be installed underground in compliance with SVMC Section 9-30.080.
- O. **Landscape Plans.** A complete landscaping and irrigation plan pursuant to the City's published design guidelines shall be submitted to and approved by the Environmental Services Division prior to the issuance of Zoning Clearance for a Two-Unit Residential Development. All landscape plans shall comply with the following front yard landscaping requirements in 9-33.030 (Landscape Requirements) and 9-33.040 (Maintenance Requirements).
- P. **Access to a Public Street.** Every main building shall face or have frontage upon a public street or permanent means of access to a public street, using at least one of the methods described below. Pedestrian pathways and driveways are to comply with the requirements below:
1. **Vehicular Access.** When an urban lot split is done under the provisions of this code, automobile parking is required. Vehicular access to a public street or alley shall be provided by a paved driveway that complies with the minimum width, slope, materials, and other standards consistent with Public Works Municipal Code Title 7, Chapter 1, Encroachments and Zoning Code Section 9-34 Parking and Loading Standards.
 2. **Landscape Buffer.** Driveways adjacent to onsite buildings must be separated from building walls by a planting area with a minimum inside width of three feet. The same buffer, or a fence or hedge, shall be provided where parking areas, turnarounds, or driveways abut an adjacent residential property.
 3. **Pedestrian Access.** When a lot is not split under the provisions of this code, pedestrian access to a public street or alley shall be provided with an exterior

pedestrian pathway from the primary entrances of each unit to the adjoining sidewalk, street, or alley. The pedestrian pathway shall be unobstructed, clear to the sky, and meet the following standards:

- a. Minimum Width: Pedestrian pathways serving one or two units: 3 feet wide.
- b. Maximum Length: Pedestrian pathways shall not be more than 200 feet in length.
- c. Slope: Running grade shall not exceed 5% and cross slope shall not exceed 1:50.
- d. Materials: Minimum 4-inch-thick concrete, or concrete or brick pavers placed hand tight or mortared, on compacted subgrade or aggregate base, or other techniques or materials providing equivalent service. Gravel, mulch, dirt, stepping stones, or other similar loose materials that do not create a continuous passage are prohibited.
- e. Lighting. Pedestrian pathways more than 100 feet in length, shall provide lighting at intervals not to exceed 50 feet.
- f. Addressing. All addresses for residential lots using a shared driveway, must be displayed, for emergency responders, at their closest point of access to a public street and must comply with SVMC Section 8-21.17.

Q. Parking. One off-street automobile parking space, which shall be covered in an enclosed garage, is required for each unit in a Two-Unit Residential Development, except as exempted below.

1. Replacement Parking Required. When an existing garage, carport, or other covered parking structure is converted or demolished in order to construct a new unit, at least one replacement parking space, which shall be covered, must be provided for each unit, unless the project is exempt from parking.
2. Tandem Parking. Tandem parking inside a garage is allowed.
3. Location. Required parking must be on the same lot as the residential unit served. All driveways must meet the minimum dimensions, location, and development standards consistent with the California Fire Code, and SVMC Section 9-34.090.B Design Requirements. Minimum driveway width to the rear property shall be 9 feet wide.
4. Parking not required. Parking is not required for a Two-Unit Residential Development when:
 - a. A property is located within ½ mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

- b. If there is a car share vehicle located within one block of the parcel.
- R. **Hillside Subdivision Requirements.** Lot splits proposed on properties that are located on slopes 20 percent or greater, are subject to the Chapter 9-32 - Hillside Performance Standards.
- S. **Tentative Parcel Map.** For all lots subdividing using this code section, an application for a Tentative Parcel Map shall be submitted in accordance with Chapter 9-61 Tentative Map Filing and Processing.
1. **Building Permit Required.** Two-Unit Residential Development shall comply with applicable state and local building codes and shall require approval of a building permit. The City shall ministerially approve or disapprove a complete building permit application for a Two-Unit Residential Development in compliance with state law and this section.
 2. **Basis for Denial.** A two-unit housing development may be denied if the Building Official finds that the proposed development project would have a specific, adverse impact 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.
 3. **Recorded Agreement.** Before obtaining a building permit for a Two-Unit Residential Development, the property owner shall execute an agreement in a form acceptable to the City Attorney, containing a reference to the deed under which the property was acquired by the present owner which outlines any limitations on rental terms of a Two-Unit Residential Development, any limitations with respect to owner occupancy that may be imposed in accordance with state law, and any limitations on further lot splits that may be imposed in accordance with state law.
- T. **Objective Development Standards.** Except as otherwise specified in this section, Two-Unit Residential Development shall comply with the objective development standards applicable to a principle or primary residential use on a lot for the housing type and base zone in which the lot is located, as follows:
1. **Exceptions:** The reductions and exceptions to the development standards normally applicable to residential development allowed in this section are for the express purpose of promoting the development and maintenance of more than one dwelling unit on the lot as required by State law (SB 9). If for any reason the development is not maintained on the lot in conformance with this ordinance, the lot shall be brought into compliance with all of the requirements for the residential development, or with the legal nonconforming condition of the lot prior to the development of the Two-Unit Residential Development, including, but not limited to, the requirements for open yard, setbacks, and covered parking.
 2. **Waivers and Variances not Allowed:** A two-unit residential project may not include a request for an exception to any objective standards by applying for a variance, modification, exception, waiver, or other discretionary approval for height, density, setbacks, open yard, land use, or similar design or development standard.

3. **Maximum Floor Area and Unit Size.** The maximum allowable floor area shall apply to the lot as a whole, and not per residential unit. Notwithstanding the foregoing requirement, the maximum unit size is as follows:
 - a. **One New Attached Unit.** A new unit that is attached to, and increasing the size of, an existing residential unit shall not exceed 50% of the living area of the existing residential unit, provided that each unit is a maximum of 800 square feet.
 - b. **One Converted Unit.** A new unit that is incorporated entirely within an existing residential unit, or within an existing accessory building, is not limited in size except that it shall not exceed the footprint of the existing structure, unless the new unit is under 800 square feet, then the existing residential unit can be increased to a maximum of 800 square feet.
 - c. **New Detached Units or New Duplex.** Any newly constructed unit that is detached from another unit and which may or may not be attached to a garage or other accessory building, or when two newly constructed attached units (duplex) are proposed, each unit shall not exceed the following maximum unit size:
 - (1) Lots up to 5,000 square feet: 800 square feet maximum.
 - (2) Lots 5,001 to 8,000 square feet: 1,000 square feet maximum.
 - (3) Lots 8,001 to 10,000 square feet or larger: 1,200 square feet maximum.
4. **Building Separation.** Unless attached to and made a part of the primary residential unit pursuant to Section 9-30.080, Setback and Separation Requirements and Exceptions, no detached primary residential unit shall be closer than 10 feet, if single story, and 20 feet, if two story, to any other primary residential unit located on a separate lot; and no detached accessory building shall be closer than 6 feet to any other main or accessory building on the same lot.
5. **Setbacks.** All structures in a Two-Unit Residential Development, including accessory buildings, shall comply with the setback standards for the base zone, as shown in SVMC Section 9-30.080.D, Table 3-2; with the following exceptions:
 - a. **Side Setback.** The side setback may be four feet for a one-story building, and portions of the residential unit, not exceeding 18 feet in height. Second stories, and portions of a building exceeding 18 feet, up to a maximum of 30 feet in height, shall have a setback of 10 feet.
 - b. **Conversion.** No additional setback is required to convert the existing, legally permitted, floor area of a main or accessory building to Two-Unit Residential Development. Improvements to existing nonconforming buildings, including conforming additions, are allowed pursuant to Chapter 9-72, Nonconforming Structures, Site Development, and Uses.

- c. Substantial Redevelopment. No additional setback is required when an existing main or accessory building is substantially redeveloped and converted to a Two-Unit Residential Development, provided that the new building is reconstructed in the same location and with the same dimensions and floor area as the existing building and complies with all other requirements of state law.
 - d. Flag Lots. Setbacks for flag lots shall be measured in accordance with SVMC Section, 9-30.080 (C)(5).
 - e. Architectural Features and Accessory Structures. Setbacks for architectural features and accessory structures shall comply with SVMC Section 9-30.080.D Table 3-2.
 - f. For all other setbacks refer to Municipal Code Chapter 9-24.
6. Architectural Review. All developments shall be subject to the following architectural design criteria, or any other adopted objective design standards in effect at the time a complete application is submitted, as applicable to either new construction or exterior alterations, which shall be reviewed ministerially by the Environmental Services Director.
- a. Garage Conversion. If a garage is converted to a new unit, the garage door opening shall be replaced with exterior wall coverings, or residential windows and doors, to match the existing residence.
 - b. Building Height. The construction of a new residential unit shall be limited in accordance with Section 9-30.060, Height Limits and Exceptions, and shall not exceed the following, whichever is greater:
 - (1) 18 feet and a maximum of one story when located closer than 10 feet to the side property line and 20 feet to the rear property line; or
 - (2) 30 feet and a maximum of 2 stories when located 10 feet from the side property line and 20 feet from the rear property line; or
 - c. Screening. All new utility equipment shall be installed in compliance with Section 9-30.030.A.2, Screening of Mechanical Equipment.
 - d. Fences and Walls. Refer to 9-30.050.

Part 3

Filing and Processing of a Two-Unit Residential Tentative Parcel Map

A. Eligibility. A lot in a single-family residential zone shall be eligible for an urban lot split if it meets the following:

1. The parcel was not previously split under the provisions of this ordinance or SB 9;

2. The parcel map subdivides an existing parcel to create no more than 2 new parcels in a single-family residential zone; and
3. The minimum lot size of the resulting lots must be 1,200 square feet. No parcel created by this process may be less than 40% of the original lot size.
4. Owner Occupancy. Owner must occupy one of the units as primary residence for a minimum of 3 years from approval of final map for the urban lot split.

B. Approval Process

1. The City shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review;
2. The City shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section;
3. The City shall not impose regulations that require dedications of rights-of-way or the construction of off-site improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split;
4. The City may require conditions when considering an application for a parcel map for an urban lot split;
 - a. Easements required for public services and facilities, and
 - b. Easements required for access to the public right of way for vehicles, pedestrians or public utilities.
5. The City shall require an applicant for an urban lot split to sign an affidavit stating that they intend to comply with the owner occupancy requirement stated in this urgency ordinance.