

ORDINANCE NO. _____(CM)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE ADDING A NEW CHAPTER 13 (URBAN LOT SPLITS) TO TITLE 13 (SUBDIVISIONS AND MAPS) OF THE WATSONVILLE MUNICIPAL CODE TO IMPLEMENT SENATE BILL 9 (SB 9) THE CALIFORNIA HOUSING OPPORTUNITY AND MORE EFFICIENCY (HOME) ACT

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WHEREAS, on September 6, 2022, the Planning Commission of the City of Watsonville adopted Resolution No. 14-22 (PC), recommending that the City Council amend Title 13 – Subdivisions and Maps, creating a new Chapter 13 (Urban Lot Splits) to implement Senate Bill (“SB”) 9 – The California Home Act; and

WHEREAS, the City Council has reviewed the Ordinance, held a public hearing thereon, and found the request to be consistent with Senate Bill (SB) 9 legislation known as “The California Home Act”.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. ENACTMENT

Title 13 (Subdivision and Maps) of the Watsonville Municipal Code is hereby amended by adding a new Chapter 13 (Urban Lot Splits) to read in words and figures as follows:

CHAPTER 13 URBAN LOT SPLITS

Sec. 13-13.01 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, as defined in Section 13-13.02 herein. 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. Except where such provisions directly conflict with section 66411.7 of the Government Code, the provisions of this Chapter shall apply.

Sec. 13-13.02 Eligibility.

A parcel map shall be required for all Urban Lot Splits, defined as the subdivision of a parcel into two parcels pursuant to section 66411.7 of the Government Code. An application for an Urban Lot Split shall be approved by the Community Development Director if the application meets all of the following requirements:

(a) The proposed Urban Lot Split will create no more than two new parcels, and each of the newly created parcels meets the following requirements:

- (1) Is at least 1,200 square feet in size;
- (2) Is at least 40 percent of the lot area of the original parcel;

(3) Has access to or adjoins the public right-of-way, sufficient to allow development on the parcel to comply with any property access requirements under the California Fire Code section 503 and Title 14, California Code Regulations section 1273.00 et seq., when applicable to the parcel; and

(4) The parcel to be subdivided is located within the R-1 zoning district.

(b) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of section 65913.4 of the Government Code.

(c) The proposed Urban Lot Split would not require 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 or parcels 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; and/or

(4) Housing that has been occupied by a tenant in the last three years based on the date of the application for an Urban Lot Split.

(d) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in section 5020.1 of the Public

Resources Code, or within a site that is designated or listed as a City landmark or City heritage resource.

(e) The parcel has not been established through prior exercise of an Urban Lot Split provided for in section 66411.7 of the Government Code or this section.

(f) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban Lot Split as provided for in this chapter.

(g) The proposed new parcels are intended for exclusively residential use longer than 30 days. No short-term rentals allowed.

(h) The Urban Lot Split will not result in a structure being split over the two parcels.

(i) The owner of the parcel to be subdivided signs an affidavit under penalty of perjury declaring all of the following to be true:

(1) The housing units proposed to be demolished or altered have not been occupied by a tenant at any time within three years of the date of the application for an urban lot split.

(2) The owner of the parcel intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the Urban Lot Split. Owner-occupancy is not required if the owner is a community land trust or qualified nonprofit corporation under sections 214.15 or 402.1 of the Revenue and Taxation Code.

(3) The owner has not previously subdivided an adjacent parcel using an Urban Lot Split.

(4) The owner has not previously acted in concert with any person to subdivide an adjacent parcel using an Urban Lot Split. "Acted in concert" means that 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.

Sec. 13-13.03 Objective Standards.

All Urban Lot Splits under this Chapter shall also comply with the standards in this section, unless the applicant can demonstrate that this would have the effect of physically precluding the construction of two units on either of the resulting parcels, or would necessarily result in a unit size of less than 800 square feet for any unit on the resulting parcels:

(a) New parcel lines that abut a street shall maintain right angles to streets or radial to the centerline of curved streets, or be parallel to existing parcel lines.

(b) Minimum lot frontage required shall be 30-feet wide for an Urban Lot Split. For flag lots, a minimum access width of 10-feet is required to a public right-of-way, unless the fire code necessitates a greater width, the fire code shall prevail.

(c) A minimum of one off-street parking space shall be provided on each parcel within the front and/or rear yard setbacks, except no parking shall be required where the parcel meets one or both of the following instances:

(1) The parcel is located within one-half 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.

(2) There is a car share vehicle located within one block of the parcel.

(d) No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure. Verification of size and location of the existing and proposed structure requires pre- and post-construction surveys by a California licensed land surveyor.

(e) The parcel map satisfies the objective requirements of the Subdivision Map Act and this Chapter regarding parcel maps.

(f) All proposed Urban Lot Splits shall require each parcel to have separate utilities for water, sewer, and electrical. If a parcel has a primary residence and a detached Accessory Dwelling Unit, the Urban Lot Split shall require separation of utilities for the ADU and primary residence.

(g) On site Public Improvements. All parcels of an Urban Lot Split shall repair, replace, and/or construct a sidewalk curb and gutter meeting accessibility requirements and the City of Watsonville Public Improvement Standards.

(h) An urban lot split is limited to two residential units on each newly created parcel. The minimum size for each unit shall be 800 square feet.

Sec. 13-13.04 Filing, processing, and action.

(a) An application for an Urban Lot Split must be made through submittal of a City application and requisite fees. At a minimum, an application package shall include:

(1) Copies of deeds for all properties included in the request.

(2) A plat map drawn to scale by a licensed land surveyor or registered civil engineer depicting all of the following:

(i) Existing and proposed lot lines.

(ii) Location of easements required for the provision of public services and facilities to each of the proposed parcels. Separate utilities are required.

(iii) Location of any easements necessary for each parcel to have access to the public right-of-way.

(b) The City shall act on an application for an Urban Lot Split within fifty days from the date the City receives a completed application. If the applicant requests a delay in writing, the fifty-day time period shall be tolled for the period of the delay. The City has acted on the application if it:

(1) Approves or denies the application for the Urban Lot Split; or

(2) Informs the applicant in writing that changes to the proposed project are necessary to comply with this Chapter.

(c) The Community Development Director shall deny the Urban Lot Split if either of the following is found:

(1) The Urban Lot Split fails to meet or perform one or more objective requirements imposed by the Subdivision Map Act or by this chapter. Any such requirement or condition shall be specified;

(2) The building official makes a written finding, based upon a preponderance of the evidence, that the proposed subdivision 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.

(d) The Community Development Director shall not reject an application solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(e) The Community Development Director shall condition approval on the dedication of any easements deemed necessary for the provision of public services to the proposed parcels and any easements deemed necessary for access to the public right-of-way.

(f) The Community Development Director shall not require the correction of nonconforming zoning conditions.

(g) The Community Development Director shall not require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of approval of a parcel map for an Urban Lot Split. Offsite improvements include traffic controls, street, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities. The Community Development Director can request for onsite improvements such as sidewalks with curb and gutters.

Sec. 13-13.05 Use and Development Requirements.

(a) It shall be unlawful to rent, offer to rent or lease, or to advertise for rent or lease, any dwelling unit or portion thereof constructed on a lot created under this Chapter for a term that is thirty days or less.

(b) It shall be unlawful to use any dwelling unit constructed on a lot created under this Chapter for any use other than a residential use.

(c) New dwelling units constructed under this Chapter shall not exceed that shown in Table 1.

**Table 1
Maximum Dwelling Unit Size**

Lot Size (SF)	Maximum Unit Living Area (SF)
Lots less than 5,000 SF	800 SF (maximum (2) bedrooms)
Lots less than 10,000 SF	1,000 SF (maximum (3) bedrooms)
Lots greater than 12,000 SF	1,200 SF (maximum (3) bedrooms)

(d) Development of new dwelling units on any lot created under this Chapter shall be subject to the requirements of Chapter 14-54 herein, and shall also comply with all applicable objective zoning requirements applicable to the subject parcels and any objective requirements in the City’s design guidelines. The standards described in this paragraph shall apply to all Urban Lot Splits except where such standard directly conflicts with a provision of this Chapter, or whether the applicant demonstrates that such zoning district standard or design standard would have the effect of physically precluding the construction of two units on either of the resulting parcels or would necessarily result in a unit size of less than 800 square feet.”

SECTION 2. RECITALS

The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them part of this Ordinance.

SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The City Councils finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2) and

15060(c)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a “project,” as defined in Section 15378 of the CEQA Guidelines.

SECTION 4. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 5. PUBLICATION.

This ordinance shall be published in the Watsonville Register-Pajaronian and/or Santa Cruz Sentinel in compliance with the provisions of the Charter of the City of Watsonville.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in force and take effect thirty (30) days after its final adoption.
